

# agenda

## Ordinary Meeting of Council

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

**ON** **TUESDAY 16 MAY 2016**

**COMMENCING AT** **7.00pm**

**GARRY HUNT**  
Chief Executive Officer  
12 May 2017

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by 9.00am on **Monday 15 May 2017**

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

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## PROCEDURES FOR PUBLIC QUESTION TIME

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

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

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. 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 and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - accept or reject any question and his/her decision is final
  - nominate a member of the Council 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 Council meeting.
- 9 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Council meeting, that does not relate to a matter affecting the City
  - or
  - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five 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 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and 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 a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

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

### **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 were adopted at the Council meeting held on 19 November 2013:

- 1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.
- 2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. 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 than such time where there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not relate to a matter affecting the City, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Council meeting 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 minutes of the Council meeting.

## CODE OF CONDUCT

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

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

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

Elected Members, Committee Members and employees must:

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

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

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### **LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information170516.pdf](#)

# CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 16 May 2017** commencing at **7.00pm**.

GARRY HUNT  
Chief Executive Officer  
12 May 2017

Joondalup  
Western Australia

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## VISION

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

## PRIMARY VALUES

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

## DISTINGUISHING VALUES

### **Bold**

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

### **Ambitious**

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

### **Innovative**

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

### **Enterprising**

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

### **Prosperous**

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

### **Compassionate**

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

## AGENDA

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

### DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

#### Disclosures of Financial Interest/Proximity Interest

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

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns property proximate to Lot 971 (52) Creaney Drive, Kingsley.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	A client of Cr Taylor is located in Winton Road.

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	One of the submissions received during consultation relates to a property located in close proximity to a property owned by the Director Planning and Community Development.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is aware of this issue and campaigned to keep the reserve.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr McLean is a member of a church in Winton Road.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ078-05/17 – Minutes of Special Meeting of Electors held on Monday 24 April 2017.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is the joint owner of property in Housing Opportunity Area 1 located west of Davallia Road.

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ079-05/17 – Ocean Reef Marina - Project Status.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is Chairman of the Joondalup Community Coast Care Forum Inc., that made a submission.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ079-05/17 – Ocean Reef Marina - Project Status.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor is a member of the Ocean Reef Sea Sports Club.

## PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 18 April 2017:

**Mrs S Waterhouse, Kingsley:**

*Re: Shepherds Bush Reserve – Toddler Bike Track and BMX Bike Track.*

*Q1 Given the lack of consultation with local residents are you aware or how are you aware of the negative impact that the Kingsley Shepherds Bush toddler bike track and the installation of the new BMX bike track are having and will continue to have on the local residents?*

*A1 Since the City's notification letter regarding the upgrade of the Shepherds Bush BMX and Pump Track dated 10 February 2017, the City has received only two negative responses.*

*Q2 Can you please provide evidence of consultation about the proposed installation of public toilets on this reserve?*

*A2 There is currently no proposal to install public toilets on this reserve.*

## PUBLIC STATEMENT TIME

## APOLOGIES AND LEAVE OF ABSENCE

### Leave of Absence previously approved

Cr John Logan	22 April to 28 May 2017 inclusive;
Cr Nige Jones	4 May to 13 May 2017 inclusive;
Cr John Chester	19 May to 30 May 2017 inclusive;
Cr Sophie Dwyer	1 July to 17 July 2017 inclusive;
Cr Sophie Dwyer	23 September to 8 October 2017 inclusive.

## CONFIRMATION OF MINUTES

### MINUTES OF COUNCIL MEETING HELD 18 APRIL 2017

## RECOMMENDATION

**That the Minutes of the Council Meeting held on 18 April 2017 be confirmed as a true and correct record.**

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

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

CJ082-05/16 - Confidential - Employment Contract - Director Infrastructure Services.

**PETITIONS**

**REPORTS****CJ066-05/17      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– MARCH 2017**

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development			
<b>FILE NUMBER</b>	07032, 101515			
<b>ATTACHMENT</b>	Attachment 1	Monthly Development Determined – March 2017	Applications	
	Attachment 2	Monthly Subdivision Processed – March 2017	Applications	
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').			

**PURPOSE**

For Council to note the number and nature of applications considered under delegated authority during March 2017.

**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 March 2017 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during March 2017 (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 March 2017 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	5	5
Strata subdivision applications	7	8
<b>TOTAL</b>	<b>12</b>	<b>13</b>

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

### Development applications

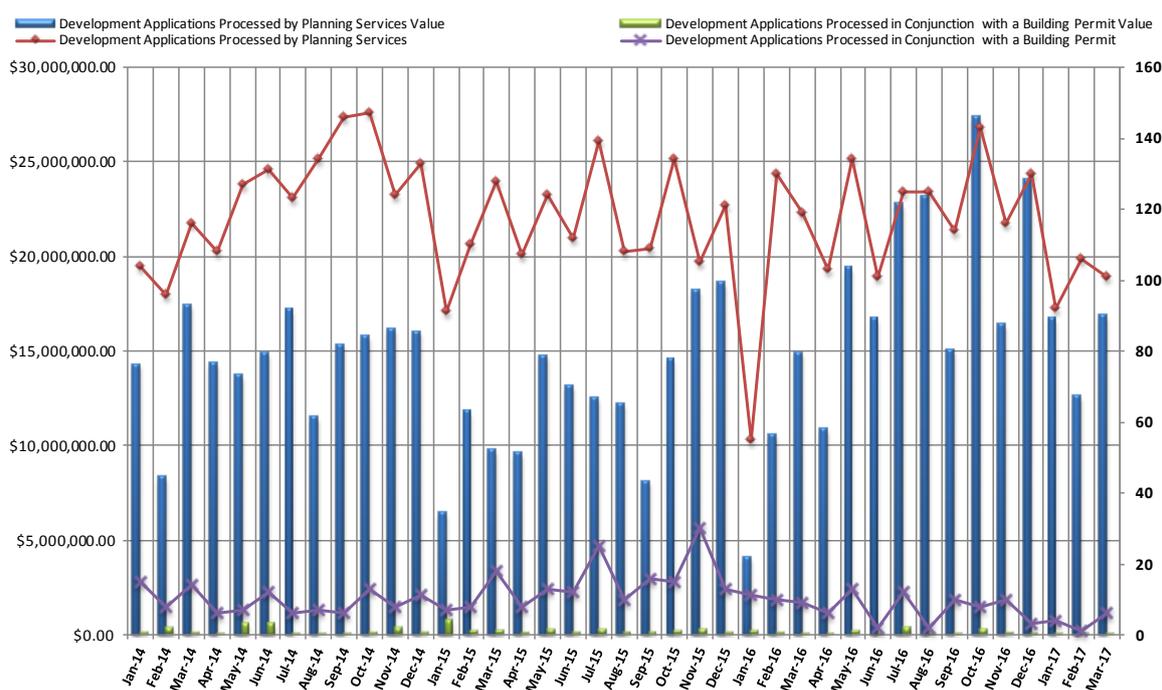
The number of development applications determined under delegated authority during March 2017 is shown in the table below:

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	101	\$ 16,837,654
Development applications processed by Building Services	6	\$ 50,337
<b>TOTAL</b>	<b>107</b>	<b>\$ 16,887,991</b>

Of the 107 development applications, 11 were for new dwelling developments in housing opportunity areas, proposing a total of 14 additional dwellings.

The total number and value of development applications determined between January 2014 and March 2017 is illustrated in the graph below:

Development Applications  
Issued and Value January 2014 to March 2017



The number of development applications received during March was 134. (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 March was 235. Of these, 34 were pending further information from applicants and eight were being advertised for public comment.

In addition to the above, 251 building permits were issued during the month of March with an estimated construction value of \$24,979,423.

### **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 Chief Executive Officer 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 107 development applications were determined for the month of March with a total amount of \$62,058 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 Report CJ066-05/17 during March 2017;**
- 2 Subdivision applications described in Attachment 2 to Report CJ066-05/17 during March 2017.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf170509.pdf](#)

## **CJ067-05/17      PROVISION OF A SKATE PARK AT PERCY DOYLE RESERVE**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	59155, 101515
<b>ATTACHMENT</b>	Attachment 1      Existing skate parks and BMX tracks
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to receive information about the viability of constructing a skate park at Percy Doyle Reserve, Duncraig and to consider the development of a BMX and Skate Facility Strategy to inform future development of BMX and skate facilities in the City of Joondalup.

### **EXECUTIVE SUMMARY**

At its meeting held on 16 August 2016 (C46-08/16 refers), Council resolved to request the Chief Executive Officer to provide a report on the provision of a skate park within the Percy Doyle Reserve in order to provide a recreational facility for youth of the district.

Percy Doyle Reserve is the largest active reserve in the City of Joondalup with over 40 sporting clubs and groups using the facilities. There are existing challenges with parking and electrical capacity at this site making it difficult to add further infrastructure such as CCTV and lighting.

In line with the City's Strategic Position Statement on Community Facilities, a significant facility like a new skate park should be developed in accordance with a masterplan. The masterplan process for Percy Doyle is currently on hold until 2030-31.

Carine Skate Park in the City of Stirling is 2.4 kilometres away from Percy Doyle Reserve and is earmarked for an upgrade by the City of Stirling. Many young people from the City of Joondalup already use this facility and the City co-hosts and sponsors skate and BMX competitions at this skate park on a regular basis.

The City should take a strategic view on the future location of skate and BMX facilities and, to this end, the City of Joondalup is currently considering the development of a BMX and Skate Facility Strategy to strategically plan for the rationalisation of existing facilities and the possible future development of new facilities in line with community need.

In light of the above, it is recommended that Council does not progress the planning and development of a skate facility at Percy Doyle Reserve at this point in time, but instead considers Percy Doyle as a potential site for a future facility as part of the development of a BMX and Skate Facility Strategy for the City of Joondalup.

## **BACKGROUND**

At its meeting held on 16 August 2016 (CJ46-08/16 refers), Council resolved to request the Chief Executive Officer to provide a report on the provision of a skate park within the Percy Doyle Reserve in order to provide a recreational facility for youth of the district.

## **DETAILS**

Percy Doyle Reserve is the largest active sporting park in the City of Joondalup. It is a regional park, servicing both the local area and surrounding suburbs. It is bound by Warwick Road, Marmion Avenue and Chessell Drive, Duncraig and covers an area of 17.08 hectares.

The park has four active sporting grounds, a wide range of sporting infrastructure and 10 buildings (including Duncraig Library and Duncraig Leisure Centre) that currently service both the local community and approximately 40 sporting clubs and community groups. The facilities and sports grounds were developed on an ad-hoc basis to meet the specific needs of individual sporting clubs and groups over a number of years.

Percy Doyle Reserve is currently a heavily utilised sporting facility with existing challenges for users. There is currently not enough parking at the facility, particularly at weekends. A new facility such as a skate park would exacerbate these issues.

The site is also currently at the maximum of its electrical usage capacity. This would make it very difficult to include infrastructure such as CCTV or lighting with any new development.

### ***Planning for future development of Percy Doyle***

The Percy Doyle Reserve Masterplan project commenced in February 2009 following the endorsement of the City's revised *Master Planning Process*. Since then, stage one of the project (planning and initiation) and two (site and needs analysis) have been completed. Preliminary concept plans were also developed as part of stage three (concept design). The project was presented to the Elected Members in April 2014 seeking feedback on the future direction of the project.

While a preferred concept plan was identified, it was acknowledged that the Percy Doyle Reserve Masterplan was not a high priority project for the City of Joondalup with other significant projects being undertaken such as the Performing Arts and Cultural Facility and the Ocean Reef Marina. As a result, the Percy Doyle Reserve Masterplan project has been delayed to 2030-31 and the existing buildings at the site are being refurbished as needed over the coming years to prolong their usable life.

The construction of a new skate park at Percy Doyle outside of a masterplan process or in the absence of a masterplan may prove challenging when trying to determine the best location for other new facilities in the future or in the implementation of a future masterplan.

### ***Existing BMX and skate infrastructure***

Percy Doyle Reserve is in close proximity to Carine Skate Park (approximately 2.4 kilometres to the north-west) and falls within its catchment area. This skate park was opened in August 2002 and was a joint venture between the Cities of Stirling and Joondalup, with the City of Joondalup contributing \$75,000 towards the design and construction of the facility.

In 2012 the City of Stirling launched its *Skate and BMX Facility Strategy* after public demand for more facilities catering towards BMX, skate and scooter riders. This plan outlines the City of Stirling's commitment to provide more facilities of high quality within its boundaries. This includes the potential upgrade of Carine Skate Park to cater for people who are new to skate park sports.

The potential redevelopment of Carine Skate Park would increase its size and accessibility to new users and will be of greater benefit to the many young people living in the southern part of the City of Joondalup who access the facility.

While no firm date has been identified for the update of Carine Skate Park, the City of Stirling has confirmed it as an important aspect of its *Skate and BMX Facility Strategy*.

The City of Joondalup currently manages two skate parks; Mirror Park Skate Park in Ocean Reef which opened in 2013 and Kinross Skate Park in McNaughton Park, Kinross which opened in 2001. Both are located in the northern suburbs of the City (Attachment 1 refers).

The City of Joondalup also had some semi-permanent ramps behind Craigie Leisure Centre but these have been decommissioned due to age and poor condition.

There are currently nine BMX tracks in the City of Joondalup (Attachment 1 refers). The BMX track in Galston Park is less than 200 metres to the east of Percy Doyle Reserve. The facility at Shepherd's Bush Reserve is currently being redeveloped and maintenance work was recently done to two others. The other facilities are showing signs of erosion and will need to be upgraded in the future.

Skateboarding is rapidly growing in popularity to the extent that it has now been included in the 2020 Tokyo Olympic Games. Competitors will be able to compete in two different disciplines, street and park, and will be judged on trick difficulty, consistency, overall routine and originality. BMX riding is also an Olympic sport in its racing form, and continues to be a very popular sport for children, young people and adults.

Given this growth in demand and popularity, there will be increasing pressure on local governments to provide skate and/or BMX infrastructure.

Rather than take an ad-hoc approach to the refurbishment of the City's existing facilities and development of new skate and BMX facilities and associated infrastructure, it is considered that the City of Joondalup should take a strategic view on the future location of these facilities. To this end, the City is currently considering the development of a BMX and Skate Facility Strategy to strategically plan for the rationalisation of existing facilities and the possible future development of new facilities in line with community need.

### **Issues and options considered**

Council is being asked to consider whether to progress the planning and development of a skate park at Percy Doyle Reserve.

In considering the nature and location of any skate park facility, there are a number of factors to take into account. These include but should not be limited to the following factors:

- Demographics and community need.
- Whether to develop the skate park as a stand-alone facility or as part of a hub for young people. Modern views on how to develop skate parks and where to put them are changing. The notion of a stand-alone facility is no longer preferred.

- Whether there is space to accommodate skate, scooter and BMX users and whether the site could accommodate future expansion of the facility, if necessary.
- Proximity to residential or other sensitive uses.
- Proximity to and availability of services.
- How well the site is shaded by natural vegetation.
- Current uses of the site and other users of the site.
- Whether the site is earmarked for other purposes in the future.
- Whether the site is easily accessible, including proximity to rail stations and other public transport.
- Whether there is good natural surveillance of the site and whether the site is or is close to a hotspot for anti-social behaviour.
- Whether there are public toilets and existing lighting on the site.
- Proximity to other skate parks.

In considering these criteria as a basis for determining how appropriate it would be to locate a skate park at Percy Doyle, it is clear that there are other locations in the City of Joondalup that would possibly be suitable for development of a skate and/or BMX facility.

Given the significant cost of constructing these types of facilities and given no work or consultation has occurred to determine where there may be as great or greater need for a skate facility elsewhere in the City of Joondalup, it is considered prudent not to move forward with a proposal to progress a new skate park at any specific site at this time, but instead to develop a BMX and Skate Facility Strategy in the first instance. It is proposed that the City of Joondalup engage an external consultant to develop such a strategy.

A BMX and Skate Facility Strategy would aim to develop:

- an understanding of current and anticipated participation trends in skateboarding, BMX and other wheeled sports in the City of Joondalup
- an audit of the current facilities within the City of Joondalup with respect to their condition and amenity
- a steering group made of relevant internal and external stakeholders
- community involvement through consultation
- a method for the selection of potential sites and determining facility provision options
- a strategy that prioritises key projects, identifying potential local, district and regional facilities.

It is considered that the development of a strategy will help determine the future direction of the provision and management of new and existing BMX and skate facilities as well as identify community need. It is envisaged that this strategy would be for the next 10 years.

If approved, the chosen consultant would work alongside relevant City officers and internal and external stakeholders in developing a strategy.

In considering this information, Council can either:

- progress with a project to design and construct a skate park at Percy Doyle Reserve or
- not progress with a project to design and construct a skate park at Percy Doyle Reserve at this time and instead develop a BMX and Facility Strategy to inform future development of BMX and skate facilities in the City of Joondalup.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** Not applicable.

**Risk management considerations**

There are a number of risks associated with the immediate progression of a project to develop a skate park facility at Percy Doyle Reserve, these are as follows:

- Developing a new skate park ahead of finalisation of the masterplan process or in the absence of a masterplan may prove challenging when trying to determine the best location for other new facilities in the future or in the implementation of a future masterplan.
- Any new facilities constructed at Percy Doyle Reserve would impact on existing users, sporting groups and clubs already based at the facility.
- There may be inadequate power for CCTV or lighting for the facility.
- Developing a new skate facility ahead of development of a BMX and Skate Facility Strategy may mean that valuable City resources are not allocated in the right manner or right location.

**Financial / budget implications**

The cost of construction of the Mirror Park Skate Park in Ocean Reef exceeded \$690,000 for a stand-alone skate facility.

The cost of engaging an external consultant to assist the City with development of a BMX and Skate Facility Strategy would cost approximately \$55,000. If approval were given to proceed with development of the strategy, this would need to be included into the 2017-18 Budget.

There is an opportunity to apply to the Community Sporting and Recreation Facilities Fund (CSRFF) offered by the Department for Sport and Recreation (DSR) for up to \$25,000 towards the development of a strategy in the small grants category. DSR, however, has advised that very few grants are awarded under this category.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

## **Sustainability implications**

### Environmental

There are no anticipated environmental implications at this stage.

### Social

Social sustainability is enhanced through the development of resilience and empowerment in young people, their families and members of the community. The development of a BMX and Skate Facility Strategy would assist the City in maintaining existing facilities to a high standard and plan for future facilities that meet the growing needs of the community.

### Economic

Not applicable.

## **Consultation**

No consultation has taken place about the development of a skate park at Percy Doyle Reserve.

If approval was given for the development of a BMX and Skate Facility Strategy then a comprehensive consultation process would be undertaken with existing users, community members, internal and external stakeholders and community organisations.

## **COMMENT**

Percy Doyle Reserve is a facility that is already at peak usage with areas such as parking and electrical capacity under pressure. The addition of a facility such as a skate park would only compound these issues and in the absence of a final masterplan for the site, which takes into account a skate facility or hub for young people, a facility would affect the potential for upgrade and development of other facilities at Percy Doyle in the future.

As there is a skate park nearby in Carine which is earmarked for upgrades at some stage in the future, the development of skate park at Percy Doyle at this time is not recommended.

Instead, given the age of the Kinross Skate Park and the current usage of some of the City's BMX tracks, the development of a BMX and Skate Facility Strategy will help the City rationalise its current assets and strategically plan the potential future development of any new facilities.

## **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1** NOTES the information provided in Report CJ067-05/17 about the construction of a skate park at Percy Doyle Reserve, Duncraig;
- 2** AGREES not to proceed with the planning and development of a skate facility at Percy Doyle Reserve at this time;
- 3** REQUESTS the Chief Executive Officer to initiate the development of a BMX and Skate Facility Strategy for the City of Joondalup;
- 4** CONSIDERS Percy Doyle Reserve as a potential site for a future facility as part of the development of a BMX and Skate Facility Strategy for the City of Joondalup;
- 5** NOTES that an amount of \$55,000 for consultancy to enable the development the BMX and Skate Facility Strategy has been listed for consideration in the draft 2017-18 Budget.

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf170509.pdf](#)*

**Disclosures of Financial Interest/Proximity Interest**

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns property proximate to Lot 971 (52) Creaney Drive, Kingsley.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	A client of Cr Taylor is located in Winton Road.

<b>Name/Position</b>	<b>Ms Dale Page, Director Planning and Community Development.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	One of the submissions received during consultation relates to a property located in close proximity to a property owned by the Director Planning and Community Development.

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is aware of this issue and campaigned to keep the reserve.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ068-05/17 – Draft <i>Local Planning Scheme No. 3</i> – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr McLean is a member of a church in Winton Road.

## **CJ068-05/17      DRAFT LOCAL PLANNING SCHEME NO. 3 - CONSIDERATION                      FOLLOWING                      PUBLIC CONSULTATION**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	83628, 101515	
<b>ATTACHMENT</b>	Attachment 1	Draft <i>Local Planning Scheme No. 3</i> (as advertised)
	Attachment 2	Overall draft <i>Local Planning Scheme No. 3</i> zoning map (as advertised)
	Attachment 3	Schedule of submissions
	Attachment 4	Schedule of modifications
	Attachment 5	Planning Framework
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.	

### **PURPOSE**

For Council to consider draft *Local Planning Scheme No. 3* (LPS3) following public consultation.

### **EXECUTIVE SUMMARY**

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3 for a period of 90 days.

Draft LPS3 was advertised between 17 November 2016 and 14 February 2017. A total of 60 submissions were received, consisting of 10 submissions from service authorities and 50 submissions from the general public.

A number of submissions received from the public raised concerns about changing the zoning of a specific site in Kingsley, currently zoned 'Civic and Cultural' under *District Planning Scheme No. 2* (DPS2), to 'Private Clubs, Institutions and Place of Worship'. There were also a number of submissions concerning the use of Beldon Park. Other submissions requested changes to the proposed zones or additional land uses for specific sites.

A number of modifications are proposed to LPS3 responding to submissions received. Corrections have also been made to some zones or residential densities to remove anomalies, provisions have been included for the Whitford, Sorrento and Joondalup activity centres and minor formatting and grammatical changes have been made to ensure consistency through the document.

The modifications are not considered significant enough to require LPS3 to be readvertised before forwarding to the Western Australian Planning Commission (WAPC) for endorsement. It is recommended that Council supports draft *Local Planning Scheme No. 3* subject to the modifications outlined in Attachment 4.

## BACKGROUND

Local planning schemes are made under Part 5 of the *Planning and Development Act 2005*, which sets out the general objectives of schemes, the matters which may be addressed in schemes and the requirements for the review of schemes. The relevant components of the planning framework and how they relate to each other are set out in Attachment 5.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) govern the way in which local planning schemes are prepared, consolidated and amended. The LPS Regulations comprise of the regulations, model provisions, deemed provisions and legends used in the scheme. The model provisions provide a template for new local planning schemes but allow for some local variation provided it is comprehensively justified to the WAPC. The model provisions are required to be incorporated into schemes as they are reviewed. The deemed provisions provide a range of standardised processes and provisions that apply automatically to all local planning schemes. The deemed provisions cannot be altered, however, supplementary provisions can be added.

Prior to the development of a new scheme, the local government is required under the LPS Regulations to develop a local planning strategy. Following a number of modifications, additions, public consultation, and the inclusion of the recommendations from the *Local Housing Strategy* (LHS) and *Local Commercial Strategy* (LCS), the City of Joondalup's *Local Planning Strategy* (LPS) was adopted by Council at its meeting held on 15 July 2014 (CJ111-07/14 refers) and has been submitted to the WAPC for its endorsement.

The *Planning and Development Act 2005* and the LPS Regulations require local governments to carry out a review of their local planning schemes in the fifth year after the scheme was gazetted and the local government must, no later than six months after this date, prepare a report of the review and provide it to the WAPC. The City of Joondalup's *District Planning Scheme No. 2* (DPS2) was gazetted on 28 November 2000. As the scheme is now 15 years old and the LPS Regulations stipulate a new format for local planning schemes, a new local planning scheme has been prepared. The Department of Planning has advised that the City is therefore not required to prepare the report of review.

Prior to seeking consent to advertise a new local planning scheme, the local government is required under the LPS Regulations to resolve to prepare a new scheme and publish a notice of this resolution. At its meeting held on 23 November 2015 (CJ184-11/15 refers), Council resolved that:

*“Pursuant to section 72 of the Planning and Development Act 2005 and Regulation 19(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to prepare Local Planning Scheme No. 3 for the entire area within the City of Joondalup as shown on the Scheme Area Map depicted in Attachment 1 and NOTES that the resolution will be advertised in accordance with Regulation 20 of the Planning and Development (Local Planning Schemes) Regulations 2015.”*

Adjoining local governments and public authorities were provided with a copy of this notice and given 21 days to provide any recommendations in respect of the resolution. At the conclusion of the submission period 10 submissions in respect of the resolution had been received. The submissions mainly related to the public authorities' interest in reviewing LPS3 once it was drafted and made available for public comment.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3 for a period of 90 days and submit draft LPS3 to the WAPC to advise if any modifications are required prior to advertising. As part of the resolution Council resolved to request the WAPC include Lot 36 (95) and Lot 28 (67) Woodvale Drive, Woodvale, in a future omnibus amendment to the Metropolitan Region Scheme to rezone these lots from 'Rural' to 'Urban'.

The City received consent to advertise draft LPS3, subject to modifications on 7 October 2016. The modifications required were primarily related to further aligning the draft scheme more closely with the model provisions outlined in the LPS Regulations. These modifications were undertaken and advertising was subsequently carried out between 17 November 2016 and 14 February 2017.

## **DETAILS**

### Outcomes of Advertising

A total of 60 submissions were received, consisting of 10 submissions from service authorities and 50 submissions from the general public. Many of the submissions received from the general public were focussed on single issues with several focussed on similar issues.

The main issues raised as a result of public consultation are discussed below and a detailed summary of submissions along with the City's response to each submission is included as Attachment 3.

The main changes to LPS3 as a result of public consultation are discussed below along with the other minor changes proposed. A full schedule of modifications is included as Attachment 4.

### Private Clubs, Institutions and Places of Worship zone

The WAPC requested the removal of the density code from the 'Private Clubs, Institutions and Places of Worship' zone prior to the scheme being advertised. However the WAPC did not request any changes to the land use permissibility of residential land uses in that zone. Draft LPS3 was therefore advertised with the land uses 'Grouped Dwelling', 'Multiple Dwelling' and 'Retirement Village' as 'D' (discretionary) land uses.

A number of submissions received highlighted support for residential land uses within the 'Private Clubs, Institutions and Places of Worship' zone, with requests for the inclusion of 'Single House' and 'Aged or Dependent Persons' Dwelling' as 'D' land uses.

It is recommended that 'Aged or Dependent Persons' Dwelling' be modified to a 'D' land use within Table 3 Zoning Table as this is consistent with the land use permissibility of 'Grouped Dwelling', 'Multiple Dwelling', 'Nursing Home and 'Residential Building' which are all 'D' uses in the 'Private Clubs, Institutions and Places of Worship' zone. 'Aged or Dependent Persons' Dwelling' is considered a similar land use in regard to built form, bulk and scale and is therefore considered appropriate in this zone.

As residential land uses are retained in this zone, it is appropriate to include a density code on the scheme map to control the residential development within this zone. It is recommended that the 'R20' density code be applied to the 'Private Clubs, Institutions and Places of Worship' zone with the exception of those sites located within a Housing Opportunity Area, in which case, the surrounding dual density code should be applied. This density coding is consistent with the approach currently implemented under DPS2.

Lot 971(52) Creaney Drive, Kingsley

Ten submissions were received objecting to the change of zone for Lot 971 Creaney Drive, Kingsley from 'Civic and Cultural' to 'Private Clubs, Institutions and Places of Worship'. The objections primarily focussed on:

- the perception that the site is currently set aside as public open space (park)
- a view that the proposed zoning is inconsistent with the purpose for which the land was originally set aside
- the type of development which the proposed zoning could accommodate
- a concern that the site could be sold to developers
- a view that the method of consultation was inappropriate.

*Perception that the site is currently public open space/park*

Land that is intended for conservation or public open space is usually ceded to the Crown by the developer as part of the subdivision process. These 'parks' within the City of Joondalup are currently reserved as 'Parks and Recreation' under DPS2 and proposed to be reserved 'Public Open Space' under LPS3.

Lot 971 is currently zoned 'Civic and Cultural' under DPS2 and is owned in freehold by the City of Joondalup. Land the City owns in freehold is usually not reserved under the scheme for conservation or for public open space. Instead it is usually zoned for a purpose that gives the City more flexibility to develop or sell the land to meet community demand for certain facilities or uses.

Nowadays it is unusual to reserve freehold land for such purposes and given that Lot 971 is a valuable piece of land and forms an important part of the City's asset base, it may be short-sighted for the City to do so. It is important to note that given the City owns the land and makes planning decisions in relation to it, the Council has ultimate control whatever the land is used for.

*Proposal is inconsistent with purpose for which the land was originally set aside*

Lot 971 has been zoned 'Civic and Cultural' since DPS2 was gazetted in 2000, and allows for a number of land uses including; 'Child Care Centre', 'Cinema', 'Educational Establishment', 'Kindergarten', 'Medical Centre', 'Restaurant' and 'Take Away Food Outlet.'

The 'Civic and Cultural' zone no longer exists under the model provisions and therefore an appropriate alternative must be assigned to the site, along with all other land parcels zoned 'Civic and Cultural' under DPS2.

The closest equivalent and most appropriate zone under LPS3 is the 'Private Clubs, Institutions and Places of Worship' zone.

The objectives of the 'Private Clubs, Institutions and Places of Worship' zone are as follows:

- To provide sites for privately owned and operated recreation, institutions and places of worship.
- To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.
- To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.

*Type of development that may be permitted on the site*

As mentioned above, the 'Civic and Cultural' zone no longer exists under the model provisions of the new LPS Regulations. As such the 'Civic and Cultural' zone will need be replaced with two new zones, as follows:

- All Civic and Cultural sites owned in freehold by the City are now proposed to be zoned 'Private Clubs, Institutions and Places of Worship'.
- All other Civic and Cultural sites managed (but not owned) by the City are now proposed to be zoned 'Civic and Community Reserve'.

The 'Private Clubs, Institutions and Places of Worship' zone allows for a range of land uses to be considered including, but not limited to, 'Child Care Centre', 'Consulting Rooms', 'Grouped Dwelling', 'Hospital', 'Medical Centre' and 'Multiple Dwelling'.

The permissible land uses under the 'Private Clubs, Institutions and Places of Worship' zone are generally consistent with those permissible under the current 'Civic and Cultural' zoning of the site and therefore demonstrates that the 'Private Clubs, Institutions and Places of Worship' zone is an equivalent and appropriate alternative zoning.

The benefit of zoning the land 'Private Clubs, Institutions and Places of Worship', is that land use permissibility for this zone is clearly set out in the zoning table in the scheme. Land uses are either Permitted ('P') uses, Discretionary ('D') uses or Not Permitted ('X') uses.

It has been suggested that a more appropriate alternative to preserve the existing vegetation on the site, would be to zone Lot 971 'Civic and Community' reserve instead of 'Private Clubs, Institutions and Places of Worship'.

A 'Civic and Community' reserve under LPS3 does not have any land use permissibility attached to it. Instead, if any use or development of the reserve were to be contemplated, then the Council would need to consider whether such use or development aligned with the objectives of the 'Civic and Community' reserve which are as follows:

- To provide for a range of community facilities which are compatible with surrounding development.
- To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.

It can be seen from the above, that even if the Council decided to zone Lot 971 'Civic and Community' reserve instead of 'Private Clubs, Institutions and Places of Worship', this would still enable development of the site.

Assessing a development proposal against the above objectives for a reserve for 'Civic and Community' would require a more subjective interpretation of whether the proposal met the objectives than a proposal in a zone where land use permissibility is clearly set out in the Scheme.

*Site to be sold to private developers*

Lot 971 is owned by the City in freehold. This site is considered to be a strategic City asset and the City may not want to allocate a zoning to the land that sterilises its use in the future and reduces its value.

The need to allocate a different zoning to the site has arisen due to the fact that the current zoning no longer exists under the model provisions of the LPS Regulations on which all new local planning schemes are based.

The 'Private Clubs, Institutions and Places of Worship' zone has been selected as it is considered to be the closest equivalent zone and therefore most appropriate in order to continue use of the site for its intended purpose.

Changing the proposed zoning to prevent the land from being sold to a developer in the future is not a valid planning consideration. The City owns the land and the land would not be able to be sold without an appropriate business case, associated consultation and decision by Council.

#### *Method of consultation undertaken*

The method of consultation is considered appropriate, and was undertaken in accordance with the LPS Regulations by way of:

- written notification to landowners that may be affected by a proposed change in zoning (excluding those already notified as part of Scheme Amendment No. 73 to implement the *Local Housing Strategy*)
- notice placed in the *Joondalup Community Newspaper*
- a notice and documents placed on the City's website
- a notice displayed and documents available at the City's Administration Centre
- documents available at the office of the Western Australian Planning Commission
- written notification to the adjoining local governments and relevant government agencies.

The total number of submissions received throughout the consultation period for LPS3, coupled with the number of submissions received concerning this particular site, would indicate that adequate consultation was undertaken.

#### Beldon Park, Beldon

There were a number of submissions from residents concerning the use of Beldon Park. However, draft LPS3 does not propose to change the use of the park, just the description of the park. The reserve name has changed from 'Parks and Recreation' reserve under DPS2 to 'Public Open Space' reserve under LPS3 as per the requirements of the LPS Regulations.

#### Family Day Care

Currently under DPS2 a 'Family Day Care' is included in the definition of a 'Home Business Category 1' and does not require development approval. Under LPS3, the definitions relating to home businesses are being updated to align with the LPS Regulations and a 'Family Day Care' is no longer captured within a home business definition and therefore cannot be exempted from planning approval through the definition itself.

It is still appropriate to exempt family day care from requiring planning approval under LPS3. In order to facilitate this it is necessary to include the land use 'Family Day Care' within the Table 3 Zoning Table with appropriate land use permissibility and to also explicitly state under Schedule A, clause 61 (2) that the land use 'Family Day Care' is exempt from planning approval.

The land use 'Family Day Care' is proposed to be a 'P' or permitted use within the 'Residential', 'Special Residential', 'Mixed Use' and 'Commercial' zones.

#### Activity Centres – Whitford and Sorrento

In accordance with *State Planning Policy 4.2 – Activity Centres for Perth and Peel* a number of activity centres have been identified throughout the City of Joondalup. Since LPS3 was first drafted, the Whitford Activity Centre structure plan has come into effect. In addition, the draft *Sorrento Activity Centre Plan* is considered to be a seriously entertained document. For these activity centres development is guided by development provisions including land use permissibly, built form, car park and building height. Some of the development provisions are contained within the activity plans and also reinforced through scheme provisions.

The provisions for the Whitford Activity Centre are already included in DPS2. It is proposed that the relevant provisions for the Sorrento Activity Centre, once this activity plan has been finalised, will also be included in the scheme.

It has also been identified that for the Whitford Activity Centre, the land uses 'Family Day Care', 'Nursing Home' and 'Retirement Village' do not appear in the zoning table for the activity centre (Table 3a Whitford Activity Centre Table). The land uses are typically permitted within the 'Residential', 'Commercial' and 'Mixed Use' zones throughout the City of Joondalup and have a similar impact to other uses currently permitted within the Whitford Activity Centre such as 'Aged or Dependent Persons' Dwelling' or 'Retirement Village'. These uses are considered appropriate for inclusion within an activity centre as the uses will contribute to the land use diversity and activation of the area.

#### Site specific zoning changes

A number of submissions requested changes to the proposed zone or residential density for specific lots. A number of the requests highlighted minor inadvertent oversights such as a base residential coding of R20 being applied where a dual coding of R20/40 applies. A list of these changes is outlined in Attachment 4. These changes will not impact on the intent of the amendment and are appropriate to support.

Other changes requested are addressed below:

##### *Lot 60 (71) Kinross Drive, Kinross (Lot 60)*

Lot 60 is currently zoned 'Residential' and 'Civic and Cultural' with a density coding of R40 and R20 respectively under DPS2 and is developed and operated as a nursing home providing aged and dementia care.

Draft LPS3 was advertised proposing the site be zoned 'Residential' with a density code of R40.

A submission was received requesting that the site be rezoned to 'Private clubs, Institutions and Places of Worship' with a density coding of R60 under LPS3. The request was made on the basis that the owners would like to ensure flexibility for land uses that may be considered for the future development of the site.

The requested zoning was not advertised to the community and at this point in time the City has not received a development application or entered into preliminary discussions with the owner regarding development of the site which would require the requested zone to be applied. Although in principle there may be merit to the requested zoning, it would be more appropriate to pursue this as a separate scheme amendment, which would also allow public consultation of the request to be undertaken.

Should Council deem this modification appropriate as part of its consideration of draft LPS3 instead of a later, separate amendment, it should be noted that this will require the scheme to be readvertised.

*Lot 23 (77) Gibson Avenue, Padbury*

Lot 23 is currently zoned 'Residential' with a restricted use of 'Aged Persons' Dwellings' and is currently vacant. Draft LPS3 was advertised proposing to carry this same zoning across.

A submission was received requesting that the restriction on uses for the site be expanded to incorporate 'Nursing Home' in addition to 'Aged Persons' Dwellings'.

The function and purpose of a 'Nursing Home' land use has some similarities with 'Aged Persons' Dwellings' and therefore there may be merit in considering this land use for Lot 23. It is noted however, that a 'Nursing Home' land use may allow for development of the site in a different form and therefore, it would be more appropriate to pursue this as a separate scheme amendment, which would also allow public consultation of the request be undertaken.

Should Council deem this modification appropriate as part of its consideration of draft LPS3, instead of a later, separate amendment it should be noted that this will require the scheme to be readvertised.

Typographical errors, formatting and minor modifications

A number of minor modifications are proposed to the scheme to amend typographical errors and formatting to ensure consistency throughout the document. These changes are not considered to materially change the intent of the provisions and do not require the scheme to be readvertised.

**Issues and options considered**

Council has the option to either:

- support draft *Local Planning Scheme No. 3* without modification
- support draft *Local Planning Scheme No. 3* with modification
- or
- not to support draft *Local Planning Scheme No. 3*.

Council also has the option to propose alternate zonings and provisions; however this would require readvertising of the scheme. It should be noted that readvertising of the scheme would delay the progression of the scheme by approximately three to four months and further costs would be incurred for the advertising which includes placing notices in the newspaper and writing to landowners affected by the changes.

**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.

<b>Objective</b>	Quality built outcomes.
<b>Key theme</b>	Economic Prosperity, Vibrancy and Growth.
<b>Objectives</b>	Activity Centre development. Destination City.
<b>Policy</b>	The draft LPS3 requires the development of new local planning policies to guide planning and development in the City and to implement the development requirements.
<b>Strategy</b>	<i>City of Joondalup Local Planning Strategy.</i>

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

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

The LPS Regulations require a resolution of the local government to prepare a new scheme. Should the local government resolve to prepare a new scheme, the local government must publish a notice advising of the resolution in a local newspaper. The local government must provide a copy of the notice to adjoining local governments and public authorities and request any recommendations in respect of the resolution within 21 days.

On completion of the preparation of a local planning scheme, the local government must resolve to proceed to advertise the draft local planning scheme with or without modification or not proceed to advertise the draft local planning scheme. Should the local government resolve to proceed to advertise the draft local planning scheme, the WAPC is required to consider the scheme within 90 days of receiving the documents and advise if any modifications are required prior to advertising. If the WAPC is satisfied that the scheme is suitable to be advertised, the local government must prepare a notice advising the purpose of the draft scheme and where and when the draft scheme may be inspected.

The local government must advertise the scheme for a minimum of 90 days. Upon closure of the advertising period, the local government is required to consider all submissions received and to resolve to either support the scheme, with or without modification, or not support the scheme. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can direct the local government to readvertise the scheme if any modifications are considered significant. The Minister can either grant final approval to the scheme, with or without modifications, or refuse the scheme.

*Local Planning Strategy*

The LPS Regulations require a local government to prepare a local planning strategy for each local planning scheme within its district. The local planning strategy is a key component of the preparation of a new local planning scheme.

The local planning strategy must:

- set out the long-term planning directions for the local government
- apply any relevant State or regional planning policy
- provide the rationale for the zoning of land under the local planning scheme.

The City's *Local Planning Strategy* was adopted by Council at its meeting held on 15 July 2014 (CJ111-07/14 refers) and was submitted to the WAPC for its endorsement on 2 September 2014. Feedback has been received from the Department of Planning on the *Local Planning Strategy* requesting a number of changes to the document primarily to bring it up to date with current legislation and information. These changes have been undertaken and the *Local Planning Strategy* has been resubmitted to the Department of Planning.

### **Risk management considerations**

The *Planning and Development Act 2005* states that the scheme should be consolidated to incorporate all amendments to that date in the fifth year after the scheme was gazetted. The scheme is not required to be consolidated if the local government instead resolves to prepare a new scheme. If Council had resolved not to prepare a new scheme the Minister may have directed the local government to prepare a consolidated or new scheme.

The LPS Regulations also require that a local government review its local planning scheme in the fifth year after approval or approval must be sought from the WAPC to initiate any scheme amendment. If Council resolves not to support the draft scheme there is the risk that no other amendments currently initiated will be supported or the Minister may still require the local government to prepare a new scheme.

Without the new scheme there is the risk that the City would be unable to make any further amendments to the existing scheme and that development may be impacted due to the lack of certainty for developers.

It should also be noted that the Minister, in considering the draft local planning scheme may require the local government to advertise any modifications that are proposed if it is considered that the modifications are significant. The Minister may also require the local government to modify the draft local scheme before endorsing the scheme.

### **Financial / budget implications**

The preparation of the LPS3 is being undertaken in-house. The costs associated with advertising draft LPS3 were \$1,069.

### **Regional significance**

Although the scheme only applies to the City of Joondalup itself, the City forms part of the broader metropolitan region, in particular the north-west sub-region. Facilitating the provision of additional housing for a growing population, facilitating the provision of additional jobs and promoting the Joondalup City Centre to a Primary Centre has regional significance, particularly for the north-west sub-region.

### **Sustainability implications**

The draft LPS3 includes sustainability provisions in the draft aims of the scheme, specifically:

- to promote and encourage land use and design that incorporates environmental sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and retention/planting of local native vegetation.

The remainder of the sustainability provisions itself are now located in the deemed provisions of the LPS Regulations. The deemed provisions require that in determining a development application the local government must consider a number of matters including:

- the compatibility of the development with its setting
- the amenity of the locality including the:
  - environmental impacts of the development
  - character of the locality
  - social impacts of the development
- the likely effect of the development on the natural environment
- the suitability of the land for development
- the potential loss of any community service or benefit other than economic competition
- the impact of the development on the community as a whole.

It is considered that sustainability provisions have been included in the draft LPS3 to the extent possible within the constraints of the LPS Regulations.

### **Consultation**

Draft LPS3 was advertised for public comment in accordance with the LPS Regulations, for a period of 90 days, closing on 14 February 2017, by way of:

- written notification to landowners that may be affected by a proposed change in zoning however this does not include those already notified as part of Scheme Amendment No. 73 (implementation of the Local Housing Strategy)
- notice placed in the *Joondalup Community Newspaper*
- a notice and documents placed on the City's website
- a notice displayed and documents available at the City's Administration Centre
- documents available at the office of the Western Australian Planning Commission
- written notification to the adjoining local governments and relevant government agencies
- emails to the community engagement network.

A total of 60 submissions were received, consisting of 10 submissions from service authorities and 50 submissions from the general public. A summary of submissions is included as Attachment 3.

### **COMMENT**

Draft LPS3 has been prepared in accordance with the recommendations of the City's *Local Planning Strategy* which includes the recommendations of the adopted *Local Housing Strategy* and *Local Commercial Strategy*. The proposed zones, density codes and land use permissibilities are in accordance with these documents.

A number of modifications are recommended as detailed in Attachment 4. The modifications primarily address formatting and typographical errors, incorporate updates that have occurred since LPS3 was originally drafted and undertake necessary corrections highlighted during public consultation to ensure draft LPS3 functions as intended.

A number of submissions received during public consultation requesting rezoning of specific sites have been considered and discussed above. Where these requests may have some merit, it is recommended that they be considered as separate scheme amendments or as part of a future review of the *Local Planning Strategy* as public consultation on these matters would need to be undertaken, which would slow the progress of draft LPS3.

It is recommended that Council supports draft *Local Planning Scheme No. 3*, subject to the modifications outlined in Attachment 4.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1** pursuant to Part 5 of the *Planning and Development Act 2005* and regulation 25(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to **SUPPORT** draft *Local Planning Scheme No. 3* as depicted in Attachments 1 and 2 to Report CJ068-05/17 and subject to the modifications outlined in Attachment 4 to Report CJ068-05/17;
- 2** pursuant to Regulation 28 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, **FORWARDS** draft *Local Planning Scheme No. 3* and Council's decision to the Western Australian Planning Commission for consideration;
- 3** **NOTES** the submissions received and advises the submitters of Council's decision.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf170509.pdf](#)

**CJ069-05/17 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal during the period 28 March to 11 April 2017
<b>AUTHORITY / DISCRETION</b>	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 28 March to 11 April 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 28 March to 11 April 2017, as detailed in Attachment 1 to Report CJ069-05/17.*

**BACKGROUND**

For the period 28 March to 11 April 2017, four documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Lease Agreement.	1
Amendment 77 to <i>District Planning Scheme No. 2</i> .	1
Amendment 79 to <i>District Planning Scheme No. 2</i> .	1
Section 70A Notification.	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 28 March to 11 April 2017, as detailed in Attachment 1 to Report CJ069-05/17.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf170509.pdf](#)*

**CJ070-05/17 MINUTES OF EXTERNAL COMMITTEES**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 101515
<b>ATTACHMENT</b>	Attachment 1 Minutes of Mindarie Regional Council – 6 April 2017
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

The following minutes are provided:

Minutes of the Mindarie Regional Council meeting held on 6 April 2017.

**DETAILS**

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

**Mindarie Regional Council meeting – 6 April 2017**

A meeting of the Mindarie Regional Council was held on 6 April 2017.

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

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

9.3 Land Use and Feasibility Study for the Post Closure of the Tamala Park Waste Management Facility – TPG Stage 1 Findings and Recommendations

It was resolved by the Mindarie Regional Council as follows:

*“That the Council:*

1. Advise TPG:

- (a) *that it supports the recommendation not to proceed to Stage 2 of the Land Use and Feasibility Study for the Post Closure of the Tamala Park Waste Management Facility Site (the Study) at Lot 9005 on Deposit Plan 76936 – 1700 Marmion Avenue Tamala Park until after the following issues are resolved or finalised:*
- (i) *Bush Forever Boundary Rationalisation;*
  - (ii) *Review the Heritage Mapping of the Department Aboriginal Affairs (mapping Sites 17497 and 3407); and*
  - (iii) *Undertake a Site Specific Risk Assessment Investigation to provide a clearer picture of the gas and ground water movement in and around the Landfill Site; and*
  - (iv) *Undertake a Geotechnical Report to identify underground karst formations; and*
- (b) *that it will make contact with them once the issues referred in (1) above are resolved with the intention of completing Stage 2 of the Study as per the Tender.*
2. *Advise the MRC's member councils:*
- (a) *the decision made in 1. above;*
  - (b) *that the MRC will address any further comments received on the stage 1 report from the member councils; and*
  - (c) *that the MRC will progress the issues referred in 1. above in a timely manner and provide updated reports on the progress made on the issues.*
3. *Present a copy of the stage 1 report to the Department of Planning seeking feedback on the possibility of implementing the short term uses identified in the report, that can be accommodated on the site that are consistent with the Metropolitan Region Scheme zoning and reservation of "Parks and Recreation" and "Public Purpose – Special Use".*

#### 9.4 Review of the MRC's Strategic Community Plan 2018 – 2037

It was resolved by the Mindarie Regional Council as follows:

*"That the Council:*

- 1. *Adopt the Strategic Community Plan 2018 - 2037 and the Corporate Business Plan 2018 – 2021, as contained in Appendices 6 and 7.  
(Absolute Majority Required)*
- 2. *Give Local Public Notice, in accordance with s.19D of the Local Government (Administration) Regulations 1996, advising that the Strategic Community Plan and Corporate Business plan detailed in 1. above have been adopted by the Council and that the Plans are available on the website and at the Administration Office of the Mindarie Regional Council.*
- 3. *Adopt the following supporting plans to the Strategic Community and Corporate Business Plans referred to in 1. above:*

- *Financial Plan 2018 – 2037;*
- *Asset Management Plan 2018 – 2037; and*
- *Workforce Plan 2018 – 2021*
- *as contained in Appendices 8, 9 and 10.”*

### **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 Mindarie Regional Council meeting held on 6 April 2017 forming Attachment 1 to Report CJ070-05/17.**

*To access this attachment on electronic document, click here: [External Minutes170509.pdf](#)*

## **CJ071-05/17 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY 2017 TO 31 MARCH 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENT</b>	Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 January – 31 March 2017 Attachment 2 Capital Works Quarterly Report for the period 1 January – 31 March 2017
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to receive the *Corporate Business Plan* Quarterly Progress Report for the period 1 January to 31 March 2017 and the *Capital Works* Quarterly report for the period 1 January to 31 March 2017.

### **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 (2016-2017).

The *Corporate Business Plan* Quarterly Progress Report for the period 1 January to 31 March 2017 provides information on the progress of 2016-17 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ071-05/17.

A *Capital Works* Quarterly Report, which details all projects within the *Capital Works Program*, is provided as Attachment 2 to Report CJ071-05/17.

*It is therefore recommended that Council RECEIVES the:*

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 January – 31 March 2017 which is shown as Attachment 1 to Report CJ071-05/17;*
- 2 *Capital Works Quarterly Report for the period 1 January – 31 March 2017 which is shown as Attachment 2 to Report CJ071-05/17.*

## 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 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.

<b>Objective</b>	Corporate capacity.
<b>Strategic initiative</b>	Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
<b>Policy</b>	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 <i>Annual Budget</i> .

### **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 *2016-2017 Annual Budget*.

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

The key themes are as follows:

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

### **Consultation**

Not applicable.

### **COMMENT**

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

A detailed report on the 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 *2016-2017 Capital Works Program*.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council RECEIVES the:

- 1 ***Corporate Business Plan*** Quarterly Progress Report for the period 1 January – 31 March 2017, which is shown as Attachment 1 to Report CJ071-05/17;
- 2 ***Capital Works*** Quarterly Report for the period 1 January – 31 March 2017, which is shown as Attachment 2 to Report CJ071-05/17.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf170509.pdf](#)*

## **CJ072-05/17 LIST OF PAYMENTS DURING THE MONTH OF MARCH 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of March 2017 Attachment 2 Chief Executive Officer's Delegated trust Payment List for the month of March 2017 Attachment 3 Municipal and Trust Fund Vouchers for the month of March 2017
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of March 2017.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of March 2017 totalling \$21,495,041.04.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for March 2017 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ072-05/17, totalling \$21,495,041.04.*

### **BACKGROUND**

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

### **DETAILS**

The table below summarises the payments drawn on the funds during the month of March 2017. 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 104678 - 104846 & EF061655 – EF062375 Net of cancelled payments.	\$15,628,134.10
	Vouchers 1886A – 1890A & 1892A -1899A & 1900A – 1707A & 1909A – 1917A	\$5,820,186.94
Trust Account	Trust Cheques & EFT Payments 207109 - 207125 & TEF001080 – TEF001157 Net of cancelled payments.	\$46,720.00
<b>Total</b>		\$21,495,041.04

### 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 March 2017 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ072-05/17, totalling \$21,495,041.04.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf170509.pdf](#)*

## **CJ073-05/17 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882,101515
<b>ATTACHMENT</b>	Attachment 1 Financial Activity Statement for the period ended 31 March 2017
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 March 2017.

### **EXECUTIVE SUMMARY**

At its meeting held on 21 February 2017 (CJ019-02/17 refers), Council adopted the Mid Year Budget Review for the 2016-17 financial year. The figures in this report are compared to the Revised Budget.

The March 2017 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$10,070,448 for the period when compared to the revised budget.

**It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 March 2017 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 \$6,646,243 higher than budget, made up of higher operating revenue \$1,340,182 and lower operating expenditure of \$5,306,062.

Operating revenue is higher than budget on Profit on Asset Disposals \$836,250, Fees and Charges \$229,297, Contributions, Reimbursements and Donations \$140,522, Other Revenue \$85,669, Interest Earnings \$40,381 and Grants and Subsidies \$15,877 offset by lower than budgeted revenue from Rates \$7,815.

Operating Expenditure is lower than budget on Materials and Contracts \$4,998,325, Employee Costs \$680,389, Utilities \$216,370, Loss on Asset Disposals \$72,437 and Interest Expenses \$413 offset by higher than budget expenditure for Insurance Expenses \$13,980 and Depreciation \$647,892.

The Capital Deficit is \$3,707,572 lower than budget. This is due to lower than budgeted expenditure on Capital Works \$4,018,870, Capital Projects \$741,254, Vehicle and Plant Replacements \$82,092 and higher than budgeted Capital Contribution revenue \$224,243 offset by lower than budgeted revenue for Capital Grants and Subsidies \$1,275,554 and lower Equity Distribution from Tamala Park Regional Council \$83,333.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2017 forming Attachment 1 to Report CJ073-05/17.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 March 2017 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**

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	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 revised budget or has been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 March 2017 forming Attachment 1 to Report CJ073-05/17.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf170509.pdf](#)*

**CJ074-05/17 TENDER 003/17 REPLACEMENT OF LIFTS FOR THE CITY OF JOONDALUP ADMINISTRATION BUILDING**

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<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106361, 101515
<b>ATTACHMENT</b>	Attachment 1 Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to accept the tender submitted by The Trustee for McMorrow Grimes Family Trust trading as Octagon BKG Lifts for the replacement of lifts for the City of Joondalup Administration Building.

**EXECUTIVE SUMMARY**

Tenders were advertised on 18 February 2017 through statewide public notice for the replacement of lifts for the City of Joondalup Administration Building. Tenders closed on 21 March 2017. A submission was received from each of the following:

- The Trustee for McMorrow Grimes Family Trust trading as Octagon BKG Lifts.
- Schindler Lifts Australia Pty Ltd.

The submission from The Trustee for McMorrow Grimes Family Trust trading as Octagon BKG Lifts represents best value to the City. It demonstrated a thorough understanding and appreciation of the City's requirements. It has in the recent past successfully completed similar projects for various organisations including state and local governments. Numerous examples of works were provided and these included Karratha Health Campus, University of Western Australia, the Cities of Perth and Joondalup. Octagon BKG Lifts is well established with industry experience and proven capacity to complete the works for the City.

*It is recommended that Council ACCEPTS the tender submitted by The Trustee for McMorrow Grimes Family Trust trading as Octagon BKG Lifts for the replacement of lifts for the City of Joondalup Administration Building as specified in Tender 003/17 for the fixed lump sum of \$387,200 with delivery and installation between 1 July 2017 and 30 June 2018 (24 weeks delivery period from placement of order and 10 weeks for installation of each lift).*

## **BACKGROUND**

The City has a requirement for the replacement of lifts for the City of Joondalup Administration Building at Boas Avenue, Joondalup. The lifts are in very poor condition and as a result of extended breakdowns the Administration Building has effectively had only one functioning lift available for the last couple of months.

The work shall include, but not be limited to:

- design, manufacture, supply, transportation to the point of installation, erection and installation, commissioning and testing, handing over in working order the completed installation
- maintaining maximum passenger service to the public and staff during the upgrade and refurbishment period
- the lifts shall be sequentially upgraded and refurbished on the basis of one lift at one time to maintain maximum service possible.

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 replacement of lifts for the City of Joondalup Administration Building was advertised through statewide public notice on 18 February 2017. The tender period was for four weeks and tenders closed on 21 March 2017.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for McMorrow Grimes Family Trust trading as Octagon BKG Lifts.
- Schindler Lifts Australia Pty Ltd.

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

### **Evaluation Panel**

The evaluation panel comprised four members:

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

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

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 60%.

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

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Demonstrated experience in completing similar projects	35%
2	Demonstrated understanding of the required tasks	35%
3	Capacity	25%
4	Social and economic effects on the local community	5%

### **Compliance Assessment**

The submission from The Trustee for McMorro Grimes Family Trust trading as Octagon BKG Lifts was assessed as compliant.

Schindler Lifts Australia Pty Ltd submitted an alternative offer that proposed amendments to the conditions of contract (security and retention, liability, damages, variations, re-imbursments and the like) without being accompanied by a conforming offer. This submission was assessed as non-compliant and was not considered further.

### **Qualitative Assessment**

Octagon BKG Lifts scored 67.4% in the qualitative assessment. It has in the recent past successfully completed similar projects for various organisations including state and local governments. Numerous examples of works were provided and these included works in progress for Karratha Health Campus (two x 2,100kg passenger lifts and two x 3,500kg passenger/goods lifts) and works completed for the University of Western Australia (various car load capacity from 630kg to 3,000kg passenger lifts). It has, in 2015, completed 39 other similar projects including the City of Perth's state library car park (three x Kleemann Atlas Gigas lifts) and the City of Joondalup (four x Kleemann Atlas Gigas R lifts). It demonstrated a thorough understanding and appreciation of the City's requirements. Octagon BKG Lifts is well established with industry experience and proven capacity to complete the works for the City.

Given the minimum acceptable qualitative score of 60%, Octagon BKG Lifts qualified for stage two of the assessment.

### **Price Assessment**

The panel carried out a comparison of the lump sum prices offered by the shortlisted tenderer and other tenderer in order to assess value for money to the City.

<b>Tenderer</b>	<b>Fixed Lump Sum</b>
Octagon BKG Lifts	\$387,200
Schindler Lifts Australia Pty Ltd (non-conforming offer)	\$405,400

### **Evaluation Summary**

<b>Tenderer</b>	<b>Fixed Lump Sum</b>	<b>Weighted Percentage Score</b>
Octagon BKG Lifts	\$387,200	67.4%

Based on the evaluation result the panel concluded that the tender from Octagon BKG Lifts provides best value to the City and is therefore recommended.

### **Issues and options considered**

The City has a requirement for the replacement of lifts for the City of Joondalup Administration Building. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

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

#### **Legislation**

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

#### **Strategic Community Plan**

##### **Key theme**

Community Wellbeing.

##### **Objective**

Quality facilities.

##### **Strategic initiative**

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

##### **Policy**

*Asset Management Policy.*

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be high. The lifts are in very poor condition and as a result of extended breakdowns the Administration Building has effectively had only one functioning lift available for the last couple of months. The building would be inaccessible to persons with mobility issues if both lifts were placed out of order due to age and parts no longer available for repairs.

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

**Financial / budget implications**

<b>Account no.</b>	MPP2034.
<b>Budget Item</b>	Replacement of lifts for the City Administration Building.
<b>Budget amount</b>	\$ 400,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 387,200
<b>Balance</b>	\$ 12,800
<b>Annual operating cost</b>	\$ 12,000 per annum estimated maintenance (contract) cost.
<b>Capital replacement</b>	20 years.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The replacement lifts will improve access for all staff and members of the public.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by The Trustee for McMorro Grimes Family Trust trading as Octagon BKG Lifts represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by The Trustee for McMorro Grimes Family Trust trading as Octagon BKG Lifts for the replacement of lifts for the City of Joondalup Administration Building as specified in Tender 003/17 for the fixed lump sum of \$387,200 with delivery and installation between 1 July 2017 and 30 June 2018 (24 weeks delivery period from placement of order and 10 weeks for installation of each lift).**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf170509.pdf](#)*

## **CJ075-05/17 TENDER 005/17 MAINTENANCE AND SUPPLY OF ORNAMENTAL STREET LIGHTS**

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<b>WARD</b>	North, North Central and South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106408, 101515
<b>ATTACHMENT</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by Surun Services Pty Ltd for the maintenance and supply of ornamental street lights.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 25 February 2017 through statewide public notice for the maintenance and supply of ornamental street lights. Tenders closed on 16 March 2017. A submission was received from each of the following:

- Surun Services Pty Ltd.
- Wanneroo Electrics Unit Trust.
- Otto Olivier Pty Ltd trading as Airco.
- Paro Australia Pty Ltd.

The submission from Surun Services Pty Ltd represents best value to the City. The company has extensive experience providing similar services to state and local governments including the Cities of Perth and Mandurah. It has in the past successfully completed pathway lighting in Warrigal Park for the City and is the current contractor for maintenance and supply of ornamental street lights for specific locations within the City of Joondalup. It demonstrated a thorough understanding and appreciation of the City's requirements. Surun Services Pty Ltd has significant industry experience and proven capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Surun Services Pty Ltd for the maintenance and supply of ornamental street lights as specified in Tender 005/17 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

### **BACKGROUND**

The City has a requirement for the maintenance and cleaning and at times, the supply and installation of ornamental street lights and pathway lighting in:

- Joondalup City Centre (1,692 poles)
- Beaumaris Beach Estate, Iluka (632 poles)
- Harbour Rise Estate, Hillarys (346 poles)
- A section of Ocean Reef Road, Ocean Reef (22 poles).

The City had a single contract for maintenance and supply of ornamental street lights with EOS Electrical which expired on 31 December 2016. Tenders were called on 12 October 2016 for the maintenance and supply of ornamental street lights. The City on 28 November 2016 declined all tenders received on the basis that the offers received did not represent value to the City and authorised the recall of the tender. The services are being provided by quotation (by Surun Services Pty Ltd) until a new contract is in place.

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

## **DETAILS**

The tender for the maintenance and supply of ornamental street lights was advertised through statewide public notice on 25 February 2017. The tender period was for two weeks and tenders closed on 16 March 2017.

### **Tender Submissions**

A submission was received from each of the following:

- Surun Services Pty Ltd.
- Wanneroo Electrics Unit Trust.
- Otto Olivier Pty Ltd trading as Airco.
- Paro Australia Pty Ltd.

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

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

### **Evaluation Panel**

The evaluation panel comprised three members:

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

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

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 60%.

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

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

### Compliance Assessment

The following offers received were assessed as fully compliant:

- Surun Services Pty Ltd.
- Otto Olivier Pty Ltd trading as Airco.
- Paro Australia Pty Ltd.

Wanneroo Electrics Unit Trust was assessed as partially compliant. The tenderer did not confirm its agreement to comply with the conditions of Contract or warrant unconditional compliance with the Specification. The offer was included for further assessment on the basis that clarifications could be sought from Wanneroo Electrics Unit Trust, if shortlisted for consideration.

### Qualitative Assessment

Paro Australia Pty Ltd scored 30.3% and was ranked fourth in the qualitative assessment. The company did not provide sufficient information demonstrating its capacity to provide the services. Its safety statistics, afterhours contacts for emergency requirements, the number of full-time employees and the ability to provide additional personnel were not addressed. It demonstrated limited understanding of the City's requirements. Three examples of works were provided and these were for Theiss, the City of Rockingham and Horizon Power. Dates of when these works were undertaken were not supplied. It stated the company is newly formed and that previous services provided were under contracts of different companies. It did not fully demonstrate experience in providing similar services.

Airco scored 33.6% and was ranked third in the qualitative assessment. The company did not demonstrate sufficient understanding of the City's requirements. Its response was generic referencing roof access/inspection (mainly for air-conditioning or building services) and little relating to traffic management for public areas or road reserves lighting. It did not fully demonstrate capacity and experience providing similar services. Only two examples of works were provided and these were electrical services for the Cities of South Perth and Subiaco. It submitted insufficient information on the scope of works or similarities of services undertaken for its clients to the City's requirements. Referee contacts from only one organisation were supplied when a minimum of three was required.

Wanneroo Electrics Unit Trust scored 58.4% and was ranked second in the qualitative assessment. It demonstrated its understanding of the required tasks. It has been providing electrical services to various organisations including local governments for many years. It demonstrated capacity and experience providing similar services. Examples of works included the Cities of Wanneroo and Joondalup (excluding street lighting). Other examples of works were provided and these were mainly for private organisations. However, limited information was submitted on the scope of works or similarities of services carried out for its clients to the City's requirements.

Surun Services Pty Ltd scored 84.8% and was ranked first in the qualitative assessment. The company has extensive experience providing similar services to state and local governments including the Cities of Perth and Mandurah. It has in the past successfully completed pathway lighting in Warrigal Park for the City and is the current contractor for maintenance and supply of ornamental street lights to specific locations within the City. It demonstrated a thorough understanding and appreciation of the City's requirements. Surun Services Pty Ltd has significant industry experience and proven capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 60%, Surun Services Pty Ltd qualified for stage two of the assessment.

### Price Assessment

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

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained.

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

Tenderer	Year 1	Year 2	Year 3	Total
Surun Services Pty Ltd	\$150,121	\$153,123	\$156,186	<b>\$459,430</b>
Wanneroo Electrics Unit Trust	\$214,670	\$218,963	\$223,343	<b>\$656,976</b>
Airco	\$460,090	\$469,291	\$478,677	<b>\$1,408,058</b>
Paro Australia Pty Ltd	\$2,233,100	\$2,277,762	\$2,323,317	<b>\$6,834,179</b>

During 2015-16, the City incurred \$427,645 for maintenance and supply of ornamental street lights.

### Evaluation Summary

Tenderer	Price Ranking	Total Estimated Contract Price	Qualitative Ranking	Weighted Percentage Score
Surun Services Pty Ltd	-	\$459,430	1	84.8%
Wanneroo Electrics Unit Trust	* N/A	\$656,976	2	58.4%
Airco	* N/A	\$1,408,058	3	33.6%
Paro Australia Pty Ltd	* N/A	\$6,834,179	4	30.3%

\* Failed to meet the acceptable score.

Based on the evaluation result the panel concluded that the tender from Surun Services Pty Ltd provides best value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement for the maintenance and cleaning and at times, the supply and installation of ornamental street lights and pathway lighting at four locations within the City. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as ornamental street lighting maintenance in the Joondalup City Centre and other specific areas will not be undertaken leading to unsafe assets and conditions for roads and path users.

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

### Financial / budget implications

<b>Account no.</b>	622 R3135/7 3359 000.
<b>Budget Item</b>	Maintenance and supply of ornamental street lights.
<b>Budget amount</b>	\$420,678
<b>Amount spent to date</b>	\$272,888
<b>Committed</b>	\$ 16,444
<b>Proposed cost</b>	\$ 12,510
<b>Balance</b>	\$118,836

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Surun Services Pty Ltd represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Surun Services Pty Ltd for the maintenance and supply of ornamental street lights as specified in Tender 005/17 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf170509.pdf](#)*

## **CJ076-05/17 TENDER 009/17 BULK GREEN WASTE COLLECTION SERVICES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106434, 101515
<b>ATTACHMENT</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by The Trustee for The Tony Stampalia Trust trading as Incredible Bulk for bulk green waste collection services.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 25 February 2017 through statewide public notice for bulk green waste collection services for a period of three years with an optional extension of two, one year terms. Tenders closed on 15 March 2017. A submission was received from each of the following:

- All Earth Pty Ltd trading as All Earth Waste Collection Services.
- The Trustee for The Tony Stampalia Trust trading as Incredible Bulk.
- Cleanaway Pty Ltd trading as Cleanaway.
- West Tip Waste Control Pty Ltd.
- Western Maze Pty Ltd trading as WA Recycling Service.

The submission from The Trustee for The Tony Stampalia Trust trading as Incredible Bulk represents best value to the City. Incredible Bulk demonstrated a sound understanding of the requirements and the capacity to provide the service. It offered pricing for both options and nominated Community Greenwaste Recycling at Neerabup as the Contractor Nominated Facility. It has undertaken similar bulk green verge collections services to local governments including the Towns of Cambridge and Bassendean, Shire of Peppermint Grove and the City of Swan. The City also has the opportunity to purchase Enviro Mulch to AS4454 standard and Hardwood mulch which is disease free and has a higher standard than AS4454.

*It is recommended that Council ACCEPTS the tender submitted by The Trustee for The Tony Stampalia Trust trading as Incredible Bulk for bulk green waste collection services (Price Option B) as specified in Tender 009/17 for a period of three years with an option for a further two years for requirements as specified in Tender 009/17 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 bulk green waste collection services.

The City had a single contract for the bulk green and hard waste collection services with the City of Wanneroo which expired on 31 May 2016. The City of Wanneroo agreed to continue to provide green waste collection services only until 31 May 2017.

Tender 009/17 was advertised with the following two price options:

- Option A - Bulk green waste collection – collection/delivery only.
- Option B - Bulk green waste collection – including processing/recovery.

Collection will continue as presently, which is according to a published collection schedule by suburb to provide one green waste collection to each residential property in a financial year.

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

## **DETAILS**

Tenders were advertised on 25 February 2017 through statewide public notice for bulk green waste collection services for a period of three years with an optional extension of two, one year terms. The tender period was for two weeks and tenders closed on 15 March 2017.

### **Tender Submissions**

A submission was received from each of the following:

- All Earth Pty Ltd trading as All Earth Waste Collection Services.
- The Trustee for The Tony Stampalia Trust trading as Incredible Bulk.
- Cleanaway Pty Ltd trading as Cleanaway.
- West Tip Waste Control Pty Ltd.
- Western Maze Pty Ltd trading as WA Recycling Service.

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

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

### **Evaluation Panel**

The evaluation panel comprised five members:

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

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

## Compliance Assessment

All submissions received were assessed as compliant and remained for further consideration.

## Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 60%.

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

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

## Qualitative Assessment

All Earth Waste Collection Services scored 50.6% and was ranked fifth in the qualitative assessment. The company demonstrated an understanding of the requirements. It submitted a price for Option A (collection/delivery only). It demonstrated experience providing green and bulk verge collection services to a number of local governments including the Cities of Wanneroo, Swan, Stirling and Joondalup and the Towns of East Fremantle and Victoria Park. With the exception of the contract with the City of Armadale, all other contracts are of low value and on an ad-hoc basis. The company has the capacity to provide the services but did not provide information on its number of employees, organisation structure and safety records. Equipment proposed for this contract is more than ten years old except two skid steer bobcats.

WA Recycling Service scored 52.2% and was ranked fourth in the qualitative assessment. The company demonstrated experience in providing kerbside collection services to a number of local governments including the Cities of Kwinana, Armadale, Fremantle, Nedlands, Gosnells (ad-hoc) and Stirling (ad-hoc), the Shires of Serpentine-Jarrahdale and Kalamunda and the Town of Mosman Park. Start and end dates were supplied for all the contracts, with none being current. It demonstrated an understanding of the requirements and submitted a price for Option A (collection/delivery only). The company has the capacity to provide the services but did not provide its organisation structure and safety records. The company's current fleet of rear loading compactors is older than five years.

Incredible Bulk scored 60.8% and was ranked third in the qualitative assessment. The company demonstrated a sound understanding of the City's requirements. It submitted pricing for both options and nominated Community Greenwaste Recycling at Neerabup as the Contractor Nominated Facility. The company has sufficient capacity to provide the services and demonstrated experience in undertaking green waste and bulk verge collection services to local governments including the Towns of Cambridge and Bassendean, Shire of Peppermint Grove and the City of Swan (hire of machines and drivers based on requirement).

West Tip Waste Control Pty Ltd scored 61.6% and was ranked second in the qualitative assessment. The company demonstrated experience in waste collection and processing for the Cities of Perth (bulk waste services including mixed green waste collection and delivery), Subiaco (green waste collection and delivery and street sweeping) and Nedlands (bulk waste collection services and disposal services), the Shire of Kalamunda (transportation of waste to approved waste disposal sites), Western Metropolitan Regional Council (transportation of residual waste to landfill) and John Holland (waste management services). It demonstrated a sound understanding of the requirements. It submitted pricing for both options and proposed to use its resources recovery facility C-Wise at Malaga as the Contractor Nominated Facility. In addition to the tender price options, it proposed two more price options based on the age (old/new) of vehicles. West Tip Waste Control Pty Ltd is an established company with the capacity to provide the services to the City.

Cleanaway Pty Ltd scored 72.8% and was ranked first in the qualitative assessment. Cleanaway demonstrated a thorough understanding of the requirements. It submitted pricing for both options and proposed to use Community Green Waste at Neerabup as the Contractor Nominated Facility. Cleanaway demonstrated substantial experience providing similar green waste collection services to the Cities of Albany and Nedlands and the Town of Mosman Park. It is also the City's current contractor for bulk hard waste, domestic rubbish and recycling collection services. It demonstrated its capacity to provide the services.

Based on the minimum acceptable score (60%), Cleanaway Pty Ltd, West Tip Waste Control and Incredible Bulk qualified for Stage 2 (price) assessment.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

To provide a comparison of the rates offered by each tenderer, an estimation of the collection volumes for green waste and Mindarie Regional Council (MRC) gate fees (for Option A) were used in the assessment. This provides a value of the tender based on the assumption that the historical pattern of usage is maintained. The following table provides a summary of the comparison of the estimated expenditure of each tenderer for two different price options. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

The rates are fixed for the first year of the Contract, but are subject to a price variation in years two and three and also years four and five if the additional option were exercised, to a maximum of the CPI for the preceding year. For estimation purposes, a 2.25% CPI increase was applied to the rates in year two and a 2.5% CPI increase in year three.

Tenderer	Total Estimated Contract Price for Initial Three Years	
	Option A - collection/delivery*	Option B - including processing/recovery
Cleanaway	\$2,778,999	\$2,744,465
West Tip Waste Control (Old Vehicles)	\$2,236,438	\$2,626,455
West Tip Waste Control (New Vehicles)	\$2,596,226	\$2,986,243
Incredible Bulk	\$2,288,247	\$2,160,169

\* The assessed cost is inclusive of MRC gate fees payable by the City which is estimated to be \$538,237 for green waste.

As at end of March 2017 for this financial year (2016-17), the City incurred \$809,748 for the collection and \$223,636 for the disposal of bulk green waste services. It is expected that the City will incur in the order of \$2,160,169 over the three year contract period and \$3,712,322 over five years should the City exercise the extension option.

### Evaluation Summary

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

Tenderer	Options	Estimated Contract Price	Price Ranking	Qualitative Ranking	Weighted Percentage Score	
Cleanaway	Option A - collection/delivery only	\$2,778,999	7	1	72.8%	
	Option B - including processing /recovery	\$2,744,465	6			
West Tip Waste Control	Option A - collection/delivery only	Old vehicles	\$2,236,438	2	2	61.6%
		New vehicles	\$2,596,226	4		
	Option B - including processing /recovery	Old vehicles	\$2,626,455	5		
		New vehicles	\$2,986,243	8		
Incredible Bulk	Option A - collection/delivery only	\$2,288,247	3	3	60.8%	
	Option B - including processing /recovery	\$2,160,169	1			

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of The Trustee for The Tony Stampalia Trust trading as Incredible Bulk (Option B) and is therefore recommended.

### Issues and options considered

The City has a requirement for a contractor to receive approximately 4,500 tonnes of green waste offsite per annum. The City currently does not have an appropriate waste disposal facility to process these wastes and requires an external Contractor to receive and dispose these wastes.

Two price options were considered for the tender. Option B (Collection, delivery and processing at the Contractors Nominated facility) is the preferred option. Option A (Collection and delivery to the City's Nominated facility) uses Mindarie Regional Council's third party contractor for the processing of green waste. The risk associated with this option is that no accurate tonnage would be provided as the nominated Contractor facility does not have a weighbridge. The impact to the City would be twofold. Firstly, the payment to the Contractor is on a tonnage basis and secondly, the collection of Bulk Green Waste is used in the calculation for our reporting on tonnage diversion. In accordance with the City's Waste Management Plan the target is 65% diversion from landfill by 2020. Without accurate records we cannot be certain of the tonnage collected and therefore reported.

## Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** The Natural Environment.

**Objective** Environmental resilience.

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

**Policy** *Waste Management Plan 2016-2021.*

### Risk Management Considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to provide an integral service to its residents for a period of time.

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

### Financial/budget implications

#### 2017-18 financial year impact

<b>Budget Item</b>	Bulk green waste collection fees.
<b>Proposed Budget amount</b>	\$ 981,000 (collection/delivery) + \$ 164,000 (processing). \$ 1,145,000 Total
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 701,718
<b>Balance</b>	\$ 443,282

#### Future financial year impact

**20 Year Strategic Financial Plan impact** The adopted *20 Year Strategic Financial Plan (2016)* assumed \$1.3 million costs per year for the collection and processing of bulk green waste, the \$1.3 million is based on the 2016-17 budget. The revised costs as a result of the tender and change of service are \$700,000 and will therefore reduce the costs by \$600,000 per year.

The total impact over 20 years of the \$600,000 saving is \$21.9 million.

All amounts quoted in this report are exclusive of GST.

**Regional Significance:**

Not applicable.

**Sustainability Implications:**Environmental

The proposed new contract will maintain the reduction in the amount of waste going to landfill and support the City's *Waste Management Plan 2016-2021* target of 65% waste diversion from landfill by 2020.

Economic

The change to the contract to include an option to purchase mulch for use by the City is in line with Project 11 in the City's *Waste Management Plan* to develop options for improving the value of green waste. Not only does the City benefit from improving the value of green waste but also has the opportunity to purchase high quality mulch for use by Parks Maintenance and Operations.

**Consultation:**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by The Trustee for The Tony Stampalia Trust trading as Incredible Bulk represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by The Trustee for The Tony Stampalia Trust trading as Incredible Bulk for bulk green waste collection services (Price Option B) as specified in Tender 009/17 for a period of three years with an option for a further two years for requirements as specified in Tender 009/17 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf170509.pdf](#)*

**CJ077-05/17      FENCED DOG EXERCISE PARKS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07169, 101515
<b>ATTACHMENT</b>	Attachment 1      Dog Exercise Park North Beach Attachment 2      Dog Exercise Park Kingsway, Madeley
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider the potential establishment of a dedicated dog exercise park within the City of Joondalup.

**EXECUTIVE SUMMARY**

At its meeting held on 13 December 2016 (C79-12/16 refers), Council resolved that the Chief Executive Officer prepare a report on the potential establishment of a dedicated dog exercise park within the City of Joondalup.

Dog exercise parks are growing in popularity as a means to provide a safe distinct exercise area for dogs and eliminate the potential conflict with other park users such as sporting groups. It is an opportunity to improve the socialisation of dogs, reducing the potential for dog attacks and improving individual and group community relationships.

*It is therefore recommended that Council:*

- 1      *NOTES the human, dog control and social benefits of dedicated dog exercise parks;*
- 2      *NOTES that the establishment of dedicated dog exercise parks have been listed in the Five Year Capital Works Program in 2018-19 and 2021-22.*

**BACKGROUND**

At its meeting held on 13 December 2016 (C79-12/16 refers), Council resolved as follows:

*“That Council REQUESTS the Chief Executive Officer to prepare a report on the potential establishment of a dedicated dog exercise park within the City of Joondalup.”*

The reason provided for the proposal was:

*“The City of Joondalup does not have a dedicated dog exercise park, despite the popularity of such parks in other local councils both within WA and in the eastern states.*

*Dedicated dog exercise parks allow dogs to be let off the leash and run around with other dogs freely in their own enclosed play area. They have the freedom to run, play and socialize with other dogs.*

*It is essential for dogs to be able to exercise – it improves not only their physical health but their mental wellbeing. Symptoms such as excessive barking are often caused by stress, which can be due to long periods of enclosure at home and a lack of exercise.*

*But many owners (particularly the elderly and those with disabilities, or those with very fast, athletic dogs) often do not feel comfortable letting their dogs off their leashes for fear they will run away. An enclosed, dedicated area where dogs can be allowed to run freely without the ability to escape would alleviate this problem for them. Given that it would be recognised as a dog play area, there would be a high percentage of “dog lovers” using the park, so the risk of an encounter between someone who is afraid of dogs and a dog that is running around off its leash would be reduced.*

*This would also serve to reduce the incidence of such encounters in other parks and public areas within the City, since there would be fewer dogs running around off their leashes in the other parks and public areas.”*

The City of Joondalup permits dogs to be exercised off leash on the majority of parks and reserves with a few exceptions.

The following reserves are where dogs are prohibited at all times:

- Neil Hawkins Park, Joondalup.
- Central Node Foreshore Reserve, Hillarys.
- Mawson Park, Hillarys.
- MacDonald Reserve, Padbury.
- Heathridge Park, Heathridge.
- Blue Lake Park, Joondalup.
- Percy Doyle Reserve, Duncraig.
- Central Park, Joondalup being.
- Tom Simpson Park, Mullaloo.
- Foreshore Reserve 47831 within the City of Joondalup other than the Hillarys Animal Exercise Area.
- Foreshore Reserve 42219 west of the coastal dual use path.
- Craigie Open Space, Craigie.

The following reserves are where dogs must be kept on leash at all times:

- Warwick Open Space, Warwick.
- Lilburne Park Conservation Area, Duncraig.
- Hepburn Conservation Area, Padbury.
- Shepherds Bush Park, Kingsley.
- On the coastal dual use path that extends through Foreshore Reserve 47831.
- Windermere Park, Joondalup.

Where dogs are allowed to be exercised off leash in park and reserve areas they are required, under the provisions of the *Dog Act 1976*, to remain under effective control. This means within reasonable proximity to their owner and able to respond to commands such as recall. This requirement is designed to prevent unwanted interactions with other park users and other dog owners such as dog attacks. It also provides the opportunity for owners to train their dogs to improve obedience and socialise their dog.

## DETAILS

There are a number of fenced dog exercise areas that have been installed in the Perth metropolitan area, these are as follows:

- City of Stirling at Inglewood Oval, Mount Lawley and Charles Riley Reserve, North Beach.
- City of Swan at Coolamon Park, Ellenbrook.
- City of Cockburn at Yara Vista Park, Jandakot.
- City of Kwinana at Peace Park, Parmelia.
- City of Wanneroo – Kingsway, Madeley.

Common to all these parks are double (inner and outer) gate access to ensure dogs do not escape by a gate being left open or when dogs and owners are entering or exiting the park, water sources, seating and shaded areas, grassed and sand areas. Except for Charles Riley Reserve and Coolamon Park the above parks have agility or dog exercise apparatus.

In addition to dog exercise areas that are local government owned and operated, Whiteman Park in Whiteman has a fenced dog exercise area that is owned by the WA Planning Commission and operated by the Department of Planning. This facility has been in place for many years and provides an expansive exercise area with agility and exercise equipment, drink sources, shaded seating and a separate small dog (under 10kgs) exercise area.

For context, pictures of Charles Riley Reserve and Kingsway dog exercise parks have been provided in Attachments 1 and 2 respectively.

A seminar regarding dog friendly parks, hosted by Parks and Leisure Australia, was held in December 2016 which provided information regarding a number of fenced dog exercise parks that have been constructed by local governments and also a case study undertaken by Curtin University comparing park usage between a park with a fenced dog exercise area and one without.

Of particular interest was the case study that compared the use of Coolamon Park in Ellenbrook that has a fenced dog exercise area with that of Ridgewood Park in Ridgewood which is a recreational park with a lake, shaded areas, barbeque facilities and a fenced children's play area. The study found that the dog park users stayed for considerably longer periods, 40% for over an hour compared to 60% of park users for less than 10 minutes. Activity was more passive with time spent sitting, conversing with other dog owners and the frequency of attendance was significantly higher with 80% of dog park users attending daily or two to three times a week. This would support the notion that the potential provision of a fenced dog exercise area within the City of Joondalup would increase the usage of the open space and provide increased opportunity for social interactions within the community.

Presentations were provided by the City of Stirling and City of Cockburn in regard to what had been learnt from the provision of fenced dog exercise areas. The two fenced dog exercise parks discussed were Inglewood Oval in Mount Lawley and Yarra Vista Park in Jandakot.

Inglewood Oval was designed to provide choice for dog owners while not restricting the use of other space. The area used is close to high use sporting facilities but is space that was not suitable for sporting activity and as such would not detract from available open space and would improve the use of dead space. The facility was completed in 2012-13 at a cost of \$150,000. A survey of users of the facility was conducted in 2014 and found that users appreciated the safety provided by an enclosed area, the ability to exercise dogs off leash, the community atmosphere and opportunity for both dog and dog owner socialisation. The survey also indicated that the area could be improved by providing a separate area for small dogs, more shade and seating and increasing the size of the area.

Yara Vista Park was completed in 2015 and uses areas of open space that have limited or no active sport benefit, activating potential underutilised or dead space. This dog park provides two separate fenced dog exercise areas, one for small dogs and one for larger dogs. The area is very popular and additional capital works are planned for 2016-17 to provide additional seating, drink fountains in each exercise area and additional agility equipment such as bollards, tunnels and hurdles.

In considering all the fenced dog exercise parks investigated the following facilities are common to all:

- Prominent locations that are readily accessible.
- Limited impact to residents (no direct contact to residential properties).
- No impact on active sporting areas.
- Available car parking on site.
- Attached to areas used for recreation purposes but utilising underutilised or dead areas.
- Double gate access/egress points.
- Seating and shaded areas.
- Water sources.
- Grass and sand areas to enhance the dog experience.

The parks varied in size with from 1,000m<sup>2</sup> to over 25,000m<sup>2</sup> at Whiteman Park. The majority of local government parks were around 3,000m<sup>2</sup>.

### **Issues and options considered**

#### *Option 1 – To not provide a fenced dog exercise park*

The City of Joondalup permits dogs to be exercised at the majority of its parks and reserves and does have a designated dog beach and it could be argued that additional facilities may be advantaging one community group at the expense of other open space users. Providing there is consultation and substantive planning of a fenced dog exercise area there would be minimal if any impact to open space users. This option is not supported.

#### *Option 2 – To provide a fenced dog exercise area*

Provision of one fenced dog exercise area would be of benefit to the community but would attract a large volume of users to the area such as occurs with the dog beach, creating a potentially unsafe environment due to the number of users of the area. This option is not supported.

*Option 3 – A series of fenced dog exercise areas over a five to 10 year or longer period*

The City of Stirling and Cockburn, due to the success of their current fenced dog exercise parks are considering increasing the number of fenced dog exercise facilities to decrease the wear and tear on current facilities. They also see a considerable social and mental health benefit to the community by the provision of these facilities inclusive of a positive improvement in dog behaviour due to increased dog socialisation.

A preliminary assessment has been made of parks in the City using the criteria that has been commonly used in developing parks in other Cities and seven potential locations have been identified.

Before recommendations on specific sites can be made there needs to be further investigation into site costs, including availability of utilities, and assessment of the impact on other park users.

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

<b>Legislation</b>	The <i>Dog Act 1976</i> enables local government to set aside areas as places where dogs may be exercised on or off leash under the provisions of Section 31.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.
<b>Policy</b>	Not applicable.

Areas considered for provision of a fenced dog exercise park are parks and reserves where dogs are already permitted to be exercised off leash under the provisions of Section 31 of the *Dog Act 1976*.

A set of rules and etiquette has been developed by other local governments in regard to how the park may be used and the responsibilities of dog owners. These are based around responsible dog ownership and are to a degree enforceable using dog control provisions provided in the *Dog Act 1976* and *Dog Regulations 2013*.

**Risk management considerations**

Dog attacks do occur in parks due to dogs being unrestrained however this makes up 21% of reported dog attacks. Generally where owners are present there is a degree of self regulation that prevents dog behaviour escalating into an attack scenario. This supports the notion that provision of exercise areas as a general dog control activity does have a positive effect on the ability of responsible dog owners to demonstrate effective control of their pets.

Provision of a fenced dog exercise park is not considered to be the panacea to effective dog control. It will increase the level of interaction between dogs and owners. It is likely that there will be dog related incidents such as dog attacks, dominance behaviour and inattentive dog owners.

Anecdotal evidence from other local governments suggests that there may be issues with dog training groups wanting to take over the park for training purposes, to the disadvantage of regular users. These groups are restricted at these parks by signage that is enforced by rangers.

### **Financial / budget implications**

There is no provision for a dog exercise park in the current *2016-17 Budget* or in the *Five Year Capital Works Program*. The fenced dog exercise parks provided by other local governments cost in the vicinity of \$150,000 dependent on the level of facilities but without agility equipment.

If provision of a fenced dog exercise park is considered desirable, it is suggested that it be listed for consideration in the *Five Year Capital Works Program*.

### **Regional significance**

Fenced dog parks are attracting visitors from all over the metropolitan area in addition to local resident dog owners. Many of these individuals will drive to the location to take advantage of the dog exercise facility. Provision of fenced dog exercise parks in the City of Joondalup will have a regional significance in attracting people to the City.

### **Sustainability implications**

#### Environmental

There would be an increase in the amount of dog faeces being disposed of, localised to the exercise park due to increased usage.

#### Social

A fenced dog exercise park would reduce the conflicts between organised sports participants and dog owners. Dogs would be exercised and more effectively socialised, reducing conflict in the community. Dedicated dog parks provide opportunities for dog owners to congregate and interact.

#### Economic

These types of facilities will require ongoing maintenance similar to other City facilities and may be subject to improvements dependent of usage and ongoing requirements, such as damage repairs, additional shade, seating, lights or agility/exercise equipment.

### **Consultation**

There has been some consultation with other local governments known to have similar facilities. Information was also gained from a staff member attending a recent Dog Friendly Parks Seminar. If provision of fenced dog exercise areas is to be progressed a more in-depth analysis of other parks would be required as well as a community consultation program to assess suitability of any identified locations.

**COMMENT**

It is quite evident that where supplied, fenced dog exercise areas are well utilised and provide the opportunity to activate open space that may not be suitable for sporting or other purposes. It provides an opportunity for community interaction and improved social contact that has health and mental benefits to individuals. Dogs are able to be socialised in a more controlled and safe environment that will decrease the likelihood of dog attacks or aggressive behaviour.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1**     **NOTES** the human, dog control and social benefits of dedicated dog exercise parks;
- 2**     **NOTES** that the establishment of dedicated dog exercise parks have been listed in the *Five Year Capital Works Program* in 2018-19 and 2021-22.

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf170509.pdf](#)*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ078-05/17 – Minutes of Special Meeting of Electors held on Monday 24 April 2017.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is the joint owner of property in Housing Opportunity Area 1 located west of Davallia Road.

## CJ078-05/17      MINUTES OF SPECIAL MEETING OF ELECTORS HELD ON MONDAY 24 APRIL 2017

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	756029, 101515
<b>ATTACHMENTS</b>	Attachment 1      Minutes of Special Meeting of Electors held on Monday, 24 April 2017
<b>AUTHORITY / DISCRETION</b>	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 Special Meeting of Electors held on Monday, 24 April 2017 and give consideration to the motion carried at the Special Meeting of Electors.

**EXECUTIVE SUMMARY**

As requested by electors of the City of Joondalup, a Special Meeting of Electors was held on Monday, 24 April 2017 in accordance with the provisions of the *Local Government Act 1995*.

The *Local Government Act 1995* requires all decisions made at an electors meeting to be referred to Council for consideration:

*It is therefore recommended that Council:*

- 1      *NOTES the minutes of the Special Meeting of Electors held on Monday, 24 April 2017 forming Attachment 1 to Report CJ078-05/17;*
- 2      *in relation to Motion No. 1 carried at the Special Meeting of Electors DOES NOT SUPPORT initiating an amendment to District Planning Scheme No. 2 to reduce the density coding of properties in Housing Opportunity Area 1, bounded by the Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North, from R20/R40 and R20/R60 to R20/R30;*

- 3 *in relation to Motion No. 1 carried at the Special Meeting of Electors DOES NOT SUPPORT the development of a new Local Planning Policy which restricts the development of multiple dwellings in Housing Opportunity Area 1;*
- 4 *REQUESTS the initiation of an amendment to District Planning Scheme No. 2 to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes and to require all higher density development in Housing Opportunity Areas to meet the requirements of the City of Joondalup Residential Development Local Planning Policy;*
- 5 *REQUESTS the Chief Executive Officer to continue liaison with the Department of Planning to explore and advocate for the ability to vary certain provisions of the R-Codes, via refinements to the City of Joondalup Residential Development Local Planning Policy, to further address matters such as:*
  - 5.1 *tree retention and verge trees;*
  - 5.2 *on-site landscaping;*
  - 5.3 *adequate visitor parking;*
  - 5.4 *streetscape appearance;*
  - 5.5 *built form of multiple dwellings.*

## **BACKGROUND**

A Special Electors' Meeting was convened in accordance with the provisions of Section 5.28 of the *Local Government Act 1995*.

The purpose of the meeting was to discuss the following matter:

*“To request the City of Joondalup to initiate a review of its Local Housing Strategy (LHS) and an associated amendment to District Planning Scheme No. 2 to change the density coding of lots within Housing Opportunity Area 1, that are currently coded R20/R60, to a density coding of no higher than R20/R30.”*

The meeting was attended by approximately 139 persons, 136 of whom were electors registered to vote during the meeting. The minutes of that meeting form Attachment 1 to Report CJ078-05/17.

## **DETAILS**

### **Issues and options considered**

Decisions made at an Electors' Meeting are the recommendations of those present, on the matters discussed and considered at the meeting and are not binding on Council. The *Local Government Act 1995* requires all decisions made at an Electors' Meeting be referred to Council for consideration.

The motion carried at the Special Meeting of Electors is set out below, together with officer's comments:

**MOTION 1**

**MOVED Mr D Bessen, Duncraig, SECONDED Mrs N Mehra, Duncraig that Council:**

- 1** urgently works with the Western Australian Planning Commission and the Department of Planning to amend the R Coding to R20/R30 in Housing Opportunity Area 1, bounded by Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North;
- 2** immediately puts together Local Planning Policies or Urban Design Policies in Housing Opportunity Area 1 and in doing so, restrict the building of inappropriate dwellings, in particular apartment blocks.

**Officer's Comment****Background to the density increase in Housing Opportunity Area 1 (HOA1)**

Accommodation needs and the way that housing is planned and provided for in the metropolitan area are changing. Not only is more accommodation needed for a growing population, but a diversity of housing is also needed to cater for a variety of household structures and changing housing needs and preferences.

The State Government has developed a strategy aimed at the development of dwellings and the creation of employment for the population of Perth and Peel out to 2031. This strategy sets dwelling targets for all local governments in the metropolitan area. For local governments which do not have many or any greenfield sites left, the dwellings need to be accommodated as infill development.

In order to demonstrate how the City was going to achieve its dwelling targets, the City was required by the State Government to prepare a *Local Housing Strategy* (LHS).

Early in the development of the LHS the City decided it did not want to take an ad hoc approach to densification and allow it to occur everywhere. Instead criteria were used to identify the most appropriate locations for densification, specifically areas within walkable catchments of train stations, key public transport corridors and centres. Ten areas were identified where increased residential densities are most appropriate at this time. These areas are called Housing Opportunity Areas (HOAs).

The City's initial intent for HOA1 was for the majority of land to be coded R20/30, with some higher coded lots at R20/R40 around the Warwick Train Station and Warwick Shopping Centre and a limited number of lots at R20/R60 along portions of Beach Road.

This intent was advertised to all 1,759 residents and owners of HOA1 via letters, brochures and surveys with reply paid envelopes. The City also invited all residents to two public information sessions where staff were on hand to answer any questions the residents had. The City also created a dedicated web page on the City's website and a dedicated telephone line to enable enquiries to be answered promptly. Numerous notices and newspaper articles also appeared in the local newspapers.

A total of 407 survey responses were received from residents and owners in HOA1.

In relation to the proposed boundaries of HOA1, 73% of respondents agreed to be included in the HOA, 24% did not want to be included and 3% did not state a preference.

In relation to the density proposed at that time, 62% of respondents felt the density was appropriate, 10% felt it was too low, 7% felt it was too high and 21% did not state a preference.

As part of the submissions received, the City received 45 'standard wording' submissions of objection to properties in the Carine Glades Estate being included in HOA1.

These objection letters received were not clustered in a way where it was readily possible to consider amending the HOA boundary to exclude those properties, even if it were appropriate from a planning point of view to do so.

As a result of the generally high level of community support for the draft LHS, Council adopted the LHS at its meeting held on 15 February 2011 (CJ006-02/11 refers) and it was forwarded to the Department of Planning and the Western Australian Planning Commission (WAPC) for endorsement.

The Department of Planning did not support the draft LHS as adopted by Council because it felt the LHS did not respond strongly enough to the State's strategic planning documents.

In relation to HOA1 the Department of Planning specifically requested that the City expand the area of HOA1 to include properties on the eastern side of the Mitchell Freeway that are within the 800 metres of the Warwick Train Station and to increase the density code generally to R20/40 and introduce more R20/60 adjacent to the Warwick Train Station and Warwick Shopping Centre.

The draft LHS was amended in line with the advice of the Department of Planning and the revised document was advertised in February 2013.

Letters were sent to 914 land owners across the whole of the City of Joondalup who were not initially included in a HOA, but were then proposed to be. Notices were also placed in the local newspapers and on the City's website. The City did not write to every owner already in a HOA seeking feedback on the increase in density within the HOA because this increase had been specified by the Department of Planning and the City did not have room to move on this issue.

A total of 30 submissions were received from across the City of Joondalup. Of these, 19 submissions supported the amended LHS, nine did not support the changes, one submission was neutral, and one requested that the boundary of one HOA be further expanded. As a result of the submissions received, Council adopted the revised draft LHS at its meeting held on 16 April 2013 (CJ044-04/13 refers).

The revised LHS was again forwarded to the WAPC and was subsequently endorsed in November 2013.

### **Implementation of the LHS**

Following endorsement of the final LHS by the Department of Planning and the WAPC, the City needed to implement the recommendations of the LHS via the *District Planning Scheme* and a *Local Planning Policy*.

To this end, Scheme Amendment No. 73 was initiated and the City's *Residential Development Local Planning Policy* was developed.

The City does not have the legal ability to prevent the development of multiple dwellings (apartments) under an R40 or R60 density coding as this would contradict the provisions of State Planning Policy 3.1 – *Residential Design Codes of Western Australia* (R-Codes). This State Planning Policy controls all residential development in Western Australia.

### *Scheme Amendment No. 73*

The City always recognised the need to try and control, as best it could, the potential impact that the increased density would have on existing residents. Therefore, the City attempted to include a provision in Scheme Amendment No. 73 to restrict multiple dwellings to sites larger than 2,000m<sup>2</sup>. Effectively this would mean that normal residential lots would need to be amalgamated to enable multiple dwellings to be developed and the City believes that the quality of multiple dwelling developments on larger sites would be better and the impacts would be easier to manage.

In addition, to give more weight to the provisions of the City's *Residential Development Local Planning Policy*, the City also included a provision in Scheme Amendment No. 73 to require all higher density development in the HOAs to meet the requirements of the City's policy.

The WAPC did not support these provisions and resolved that they be removed from Scheme Amendment No. 73. Instead the final Scheme Amendment No. 73 only included a provision relating to minimum lot frontages. This provision requires a minimum frontage of 10 metres for single and grouped dwellings, and 20 metres for multiple dwellings in order to develop at the higher density code.

### *Residential Development Local Planning Policy*

Development at the higher density allocated to properties in HOAs is not an automatic right. Property owners are restricted to developing at the basic R20 coding if they intend only to adhere to the basic provisions of the State Government's R-Codes in the design of developments. If property owners want to develop at the higher density code, they need to adhere to the additional provisions contained in the *Residential Development Local Planning Policy*.

Unfortunately there is limited ability for any local planning policy to go beyond the scope of the R-Codes, without the approval of the WAPC. Therefore, the provisions of the City's *Residential Development Local Planning Policy* deal with matters that could impact on the amenity of existing residents like building design, car parking and streetscape appearance, to the greatest extent possible.

This may seem like an inadequate response to the existing residents in HOA1 as it is clear that the residents are hoping the City can introduce new policy provisions that can prevent the development of multiple dwellings and/or set in place stringent controls for all new development in the HOAs.

Given the number of conversations already had with the Department of Planning about the content of both Scheme Amendment No. 73 and the City's *Residential Development Local Planning Policy*, it is clear to the City that stricter policy provisions that would satisfy the residents of HOA1 will simply not be possible.

### **Requests as per the Motion passed by residents of HOA1**

From emails received from residents; from a meeting held with residents on Tuesday 18 April 2017; and from the motion presented and information provided by electors at the Special Electors Meeting, it is clear that the changes the community would like to make are to reduce the density of HOA1 to R20/R30 and to develop a local planning policy that would prevent the development of multiple dwellings in HOA1.

As mentioned in the above section dealing with the City's *Residential Development Local Planning Policy*, the City does not have the ability to develop a local planning policy that can prevent the development of multiple dwellings and/or set in place stringent controls for all new development in the HOAs.

In relation to the request to rezone properties to reduce the density coding, the boundaries of the HOAs and the density within them were based on agreed criteria with a solid urban planning basis. The identification of the HOAs was part of a carefully considered strategic planning process across the whole City and informed both the City's LHS and the City's *Local Planning Strategy* (LPS), which is the overarching strategic planning framework for the City of Joondalup.

At this stage it is not considered appropriate, in the interests of orderly and proper planning, to change boundaries of HOAs or the density within them without undertaking a thorough review of the LHS and going through the process of having a new strategy approved.

Making ad hoc planning decisions outside of carefully considered and endorsed planning frameworks could set an undesirable precedent for similar requests and planning decisions elsewhere in the City of Joondalup and is unlikely to be supported by the Department of Planning and the WAPC.

Even if Council considered it appropriate to initiate a scheme amendment to reduce the density coding of HOA1 in the absence of changes to the LHS, such a scheme amendment would be a lengthy and complex process as follows:

- Council would need to formally initiate the new scheme amendment.
- The scheme amendment would need to be referred to the Environmental Protection Authority for consideration.
- Public consultation would need to be undertaken.
- All submissions would need to be considered by Council and Council would need to make a decision whether or not to proceed with the scheme amendment.
- The scheme amendment would then need to be submitted to the WAPC for consideration and the Minister for Planning's determination.

The above process is unlikely to take less than 12 months and during this time, the City would not be able to prevent development from occurring.

Given the earlier advice from the Department of Planning to increase densities in HOA1 as part of the LHS process, it is considered that there would be little or no support at the State planning level to reduce density.

In relation to preventing the development of multiple dwellings, the State Government's position on multiple dwellings within the vicinity of railway stations and higher order activity centres is further highlighted in *Planning Bulletin 113/2015*, released in July 2015.

This bulletin outlines that in some R40 coded areas a scheme amendment may be proposed restricting the number of multiple dwellings that can be constructed on a site to be the same as the number of grouped dwellings. However, this requirement could only be considered in areas that are located outside 800 metres of a higher order activity centres, or railway stations on a high frequency rail route.

HOA1 is located within 800 metres of Warwick Transit Station, a high frequency rail and bus route and therefore does not meet the bulletin's criteria needed to support a restriction on the development of multiple dwellings.

Given the previous lack of support for controls the City initially tried to impose via Scheme Amendment No. 73 to restrict the development of multiple dwellings and the advice set out in *Planning Bulletin 113/2015*, it is considered that there would be little or no support at the State Government level to prevent the development of multiple dwellings in any of the HOAs.

It is important to also note that reducing the density code to R30 will not prohibit the development of multiple dwellings. Although the development requirements at R30 would result in multiple dwelling developments at a reduced scale and intensity, this will not necessarily resolve matters relating to design, potential impact on neighbouring properties and delivering quality streetscapes.

### **Other solutions suggested by residents**

There were two other comments made by electors at the Special Electors Meeting, namely:

- 1 Development of an urban design policy or design guidelines to control development in HOA1.
- 2 Establishment of a Design Advisory Committee to assess proposals.

#### *Development of an urban design policy / design guidelines*

In relation to the development of an urban design policy or design guidelines, it should be noted that design guidelines have no statutory effect unless they are adopted by Council as a *Local Planning Policy*. If they are formally adopted as policy, then such a policy would again have limited ability go beyond the scope of the R-Codes, without the approval of the WAPC and would essentially only be able to go as far as the City's existing *Residential Development Local Planning Policy* can in controlling new development in HOAs.

It has been suggested that there are other local governments who have policies that apply to specific areas or nodes and have what appear to be stringent design controls that apply to these areas of the City of Joondalup only. A query has been raised whether such an approach could be taken to designate Carine Glades as a Special Control Area under the City's planning scheme and to have special provisions that aim to protect the existing character of this area.

Special Control Areas designated within a local planning scheme are intended to control particular aspects or characteristics of an area that are not covered within a zone or reserve. Typically this would cover areas such as heritage, landscape protection, bushfire protection or water catchments. The WAPC and the Minister would be required to determine whether the special control area requirements are appropriate.

The characteristics of the Carine Glades Estate generally coincide with the Residential zone in both the current and proposed new schemes and therefore support for the designation of Carine Glades as a Special Control Area is highly unlikely.

### Establishment of a Design Advisory Committee

In relation to the establishment of a Design Advisory Committee, the City already has a Design Reference Panel in place to provide advice to developers and the City's officers on design quality of buildings. This panel does not assess proposals against the requirements of the City's planning scheme or policies and it does not have any decision-making ability. It provides independent architectural and landscape design advice only. Accordingly a number of the concerns relating to privacy, parking and building setbacks could not be addressed through the Design Reference Panel as these are prescribed development standards as opposed to design considerations.

The City could consider expanding the Terms of Reference for this panel to include consideration of all multiple dwelling developments in HOAs; however this is likely to come at a cost to the City and its ratepayers as the panel members are paid to attend panel meetings. It would also significantly slow the planning approval process and given the State Government's consideration of an initiative for certification of planning proposals by private practitioners, any additional level of assessment that slows down the current planning approval processes should be avoided.

### **Possible alternate solutions**

As mentioned previously, it is unlikely the Department of Planning and WAPC would agree to a reduction of density or any scheme or local planning policy provision that seeks to prevent the development of multiple dwellings in HOA1.

Therefore, the most appropriate way forward would be to try and better manage the potential impact of multiple dwellings.

A number of options are available to pursue as possible solutions as set out below:

### Scheme amendment to introduce multiple dwelling provisions

Council could initiate an amendment to the Scheme to include the provisions the City initially proposed in Scheme Amendment 73 or other provisions that would enable the City to better control the impact of multiple dwellings on existing residents and streetscapes.

The previous provisions included a proposal to restrict multiple dwellings to sites of a minimum area of 2,000m<sup>2</sup>, although the proposed minimum land area could be increased if considered appropriate to assist in addressing the issue. It is considered that restricting the development of multiple dwellings to larger sites would allow their potential impact to be better managed.

In addition, the current scheme provision requiring a minimum lot frontage of 20 metres for multiple dwellings could potentially be increased to encourage lot amalgamation which in turn would result in development of multiple dwellings on larger lots and have a similar effect to setting a minimum lot size.

The provision allowing developments to only achieve the higher density code in HOAs if the requirements of the City's *Residential Development Local Planning Policy* are met could also be revisited which would provide greater statutory weight to the policy provisions.

Although these provisions were not initially supported by the WAPC and the Minister, there may be a different view on the inclusion of these provisions if the community advocated and indicated strong support for these directly with the WAPC and the new Minister for Planning.

Notwithstanding the above, the likelihood of State support to reverse their position on this matter so soon after the gazettal of Scheme Amendment No. 73 is considered to be low.

#### *Amendments to the Residential Development Local Planning Policy*

The *Residential Development Local Planning Policy*, in conjunction with the R-Codes, provides the basis for control of the design and built form of developments. The requirements contained within the *Residential Development Local Planning Policy* are limited insofar as they are required to be consistent with the objectives and provisions of the R-Codes.

A report on the implementation of the *Residential Development Local Planning Policy* was presented to Council at its meeting held on 13 December 2016 (CJ205-12/16 refers). This report outlined that while the implementation of the policy has been largely successful in delivering the necessary outcomes, there is need to further review the policy in conjunction with amendments to the R-Codes that were advertised in mid 2016. A review of the policy is currently being undertaken and is exploring the implementation and refinement of requirements to further address matters such as:

- tree retention and verge trees
- on-site landscaping
- adequate visitor parking
- streetscape appearance.

These provisions would be subject to support from the WAPC, and further discussions are currently scheduled with the Department of Planning as part of the policy review.

Further modifications, in addition to the above, could be investigated to manage the built form of multiple dwellings. Currently, the policy includes provisions relating to height, street setbacks, appearance, visitor parking, boundary walls and street fencing. Any further modifications to other provisions would be subject to WAPC approval.

#### *Development of a Form-Based Code Local Planning Policy*

Form-Based Codes (FBCs) are a development regulation tool that focus more on the overall built form outcome of a neighbourhood rather than traditional regulation tools that typically prescribe development standards for specific land uses (like a single house, grouped dwelling or multiple dwelling).

FBCs concentrate on visual/diagrammatic representation of policy requirements rather than detailing a prescriptive list of standards and a series of diagrammatic representations usually culminate in establishing an overall development envelope. In doing so, FBCs are viewed as providing a more predictable built form outcome, irrespective of the land use contained within that envelope.

FBCs generally have more impact and benefit when applied at a broader scale, to a more diversely zoned area or in mixed use neighbourhoods. Given the scale of HOA1 and the relatively similar development characteristics of single houses, grouped dwellings and multiple dwellings, a FBC for this area may only be marginally more beneficial than the provisions of the City's *Residential Development Local Planning Policy*.

As is the case with design guidelines, any form-based code would need to be implemented as a local planning policy in order to give the code any level of statutory affect. Therefore any form based code would require the approval from the WAPC as it would be varying a number of R-Code provisions.

It is also noted that such an approach is likely to come at possibly a significant cost and would take a significant amount of time to prepare, by which time the State Government's Design WA suite of documents, as outlined in more detail below, may be in place and will become the guiding framework for multiple dwellings.

### Implementation of Design WA

Design WA is a State Government initiative intended to elevate the importance of design in all developments from concept through to delivery. On 19 October 2016 the State Government released four documents for public comment, including a new *Apartment Design Policy* that is intended to replace the current multiple dwellings provisions within the R-Codes.

This policy significantly increases the number of development provisions that would apply to multiple dwellings developments and seeks 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.

Once introduced, the State Government's *Apartment Design Policy* will replace existing development standards for multiple dwellings currently set out in the R-Codes and local government policies.

At its meeting held on 21 February 2017 (CJ005-02/17 refers), Council endorsed the City's submission on Design WA. This submission raised a number of significant concerns with the proposed *Apartment Design Policy*, including:

- increases to building height for multiple dwellings in R40 areas
- permitting the ground floor to have nil side setbacks
- no limit to the amount of overshadowing that could occur to an adjoining lot
- reduction in minimum resident car parking requirements.

In view of the issues identified in the submission, the City is not currently applying the provisions of the *Apartment Design Policy* and is continuing to undertake assessment of multiple dwelling applications against the R-Codes and the City's *Residential Development Local Planning Policy*.

### **Other issues raised by electors**

#### LHS versus the Leafy City initiative

There was an opinion expressed by electors that the LHS contradicts the aims of the City's Leafy City initiative due to the loss of trees as a result of increased density in HOAs. This is not entirely correct.

Trees on private property and occasionally on the verge are unavoidably being lost as a result of new development in HOAs. This is not ideal; however there is no way to enable the increased density that is required to meet the City's dwelling targets without the loss of some trees.

Even if the density code was reduced to R30, this would change the form and scale of development occurring on lots but it would not necessarily mean an increase in open space on the lots. The 'deemed to comply' requirements of the R-Codes for the provision of open space in a single/grouped housing development on an R30 coded lot and a multiple dwelling development on an R60 coded lot are the same at 45%.

The City always works with developers to try and get them to retain trees on site where reasonably possible. The City has also attempted to address the issue of canopy cover in HOAs by including a requirement in the *Residential Development Local Planning Policy* for new development in HOAs to have one new tree planted on the verge for every 10 metres of frontage. This requirement is reinforced via conditions of development approval.

This aligns well with the City's Leafy City initiative which aims to reduce the heat island effect by the planting of trees on the verge.

#### Safety during construction

Concern has been expressed about the safety of pedestrians and motorists as a result of construction activity and it has been queried what the City's role is in managing site safety and whether construction management plans and traffic management plans should be required for all new development in HOAs.

All development applications approved by the City in HOAs have been assessed against the requirements of the R-Codes and have been considered to meet requirements relating to vehicle sightlines and pedestrian access.

The R-Codes do not however include provisions for the control of pedestrian access during construction of a development and the City is unable to place a condition on a development approval in regard to site construction safety.

To date, development approvals for the grouped and multiple dwelling developments in HOA1 have not included a planning condition requiring a construction management plan/traffic management plan as these are normally only required for very large (usually commercial) developments or for development on lots with constrained parking/access for delivery of materials, such as developments on higher order, busy roads or which are only accessible via a laneway.

In circumstances where the City determines a construction management plan is required, the purpose of the plan is to control overall impacts of construction on the road network and to ensure protection of amenity rather than safety during construction, which is not specifically provided for in planning legislation, but is provided within the *Occupational Safety and Health Act 1984* (the OSH Act).

The builder/developer must comply with the OSH Act, which requires that care be taken at work by employers, employees and self employed persons to ensure that members of the public are not exposed to hazards, including during construction work.

WorkSafe WA is the responsible government body for regulating safety in accordance with the OSH Act and if residents and/or City officers believe there are risks to members of the public as a result of construction activity complaints are able to be made to WorkSafe WA.

#### **Conclusion**

The residents' concerns about the impact of multiple dwellings in HOA1 are acknowledged. However, given the proximity of the HOA to a train station, two centres and public transport corridors, higher density in this HOA is appropriate.

It is not in the interests of orderly and proper planning to initiate an amendment to the City's planning scheme to reduce the density coding of the area or to try and prevent the development of multiple dwellings and the likelihood of successfully having such an amendment endorsed by the WAPC and the Minister for Planning is low.

Instead, it would be more appropriate to consider mechanisms to try and better control the impacts of multiple dwelling developments on existing residents. To this end, it is recommended that the Council initiates an amendment to the scheme to:

- include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes; and
- allowing developments to only achieve the higher density code in HOAs if the requirements of the City's *Residential Development Local Planning Policy* are met.

In addition, as part of its review of the *Residential Development Local Planning Policy*, it is recommended that the City continues its liaison with the Department of Planning to explore and advocate for the ability to vary certain provisions of the R-Codes, via refinements to the policy, to further address matters such as:

- tree retention and verge trees
- on-site landscaping
- adequate visitor parking
- streetscape appearance
- built form of multiple dwellings.

These provisions would be subject to support from the WAPC.

#### Officer's Recommendation

*That Council:*

- 1 *DOES NOT SUPPORT initiating an amendment to District Planning Scheme No. 2 to reduce the density coding of properties in Housing Opportunity Area 1, bounded by the Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North, from R20/R40 and R20/R60 to R20/R30;*
- 2 *DOES NOT SUPPORT the development of a new Local Planning Policy which restricts the development of multiple dwellings in Housing Opportunity Area 1;*
- 3 *REQUESTS the initiation of an amendment to District Planning Scheme No. 2 to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes and to require all higher density development in Housing Opportunity Areas to meet the requirements of the City of Joondalup Residential Development Local Planning Policy;*
- 4 *REQUESTS the Chief Executive Officer to continue liaison with the Department of Planning to explore and advocate for the ability to vary certain provisions of the R-Codes, via refinements to the City of Joondalup Residential Development Local Planning Policy, to further address matters such as:*
  - 4.1 *tree retention and verge trees;*
  - 4.2 *on-site landscaping;*
  - 4.3 *adequate visitor parking;*
  - 4.4 *streetscape appearance;*
  - 4.5 *built form of multiple dwellings.*

**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 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 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 that Council Meeting.

**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**

Failure to consider the decision made at the Special Meeting of Electors will result in the City breaching Section 5.33 of the *Local Government Act 1995*.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

## COMMENT

The minutes of the Special Meeting of Electors are submitted to Council for information with the motions passed needing to be considered by Council.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **NOTES** the minutes of the Special Meeting of Electors held on Monday, 24 April 2017 forming Attachment 1 to Report CJ078-05/17;
- 2 in relation to Motion No. 1 carried at the Special Meeting of Electors **DOES NOT SUPPORT** initiating an amendment to *District Planning Scheme No. 2* to reduce the density coding of properties in Housing Opportunity Area 1, bounded by the Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North, from R20/R40 and R20/R60 to R20/R30;
- 3 in relation to Motion No. 1 carried at the Special Meeting of Electors **DOES NOT SUPPORT** the development of a new *Local Planning Policy* which restricts the development of multiple dwellings in Housing Opportunity Area 1;
- 4 **REQUESTS** the initiation of an amendment to *District Planning Scheme No. 2* to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes and to require all higher density development in Housing Opportunity Areas to meet the requirements of the *City of Joondalup Residential Development Local Planning Policy*;
- 5 **REQUESTS** the Chief Executive Officer to continue liaison with the Department of Planning to explore and advocate for the ability to vary certain provisions of the R-Codes, via refinements to the *City of Joondalup Residential Development Local Planning Policy*, to further address matters such as:
  - 5.1 tree retention and verge trees;
  - 5.2 on-site landscaping;
  - 5.3 adequate visitor parking;
  - 5.4 streetscape appearance;
  - 5.5 built form of multiple dwellings.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf170509.pdf](#)

**REPORT – MAJOR PROJECTS COMMITTEE – 8 MAY 2017****Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ079-05/17 – Ocean Reef Marina - Project Status.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is Chairman of the Joondalup Community Coast Care Forum Inc., that made a submission.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ079-05/17 – Ocean Reef Marina - Project Status.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor is a member of the Ocean Reef Sea Sports Club.

**CJ079-05/17 OCEAN REEF MARINA - PROJECT STATUS**

<b>WARD</b>	North Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	04171, 101515
<b>ATTACHMENTS</b>	Attachment 1 Ocean Reef Marina Indicative Approvals Timeline Attachment 2 Public Environmental Review – Response to submissions schedule Attachment 3 Summary of draft preliminary Ocean Reef Marina Structure Plan submissions Attachment 4 <i>Ocean Reef Marina Communications Strategy</i> Execution Report
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to note the progress on the Ocean Reef Marina project and to request the Chief Executive Officer to prepare and submit responses to submissions on the draft preliminary *Ocean Reef Marina Structure Plan* received during the public advertising period.

**EXECUTIVE SUMMARY**

To progress the approval of the Ocean Reef Marina project, the following activities and tasks were undertaken since the previous project status report was considered by the Major Projects Committee at its meeting held on 13 March 2017:

- 1 Metropolitan Region Scheme (MRS) Amendment submissions and responses.
- 2 Review of the draft Negotiated Planning Outcome for Bush Forever (NPO) submissions.
- 3 Review of the Public Environmental Review (PER) document and appendices.
- 4 Preparation of draft responses to comments received on the draft preliminary *Ocean Reef Marina Structure Plan* (Ocean Reef Marina SP).
- 5 Completion of the *Ocean Reef Marina Communications Strategy*.
- 6 Engagement with the State Government regarding proponentcy.

Details of the above are provided in this report.

As far as possible the project is progressing in accordance with the Ocean Reef Marina Indicative Approvals Timeline as at February 2017 (Attachment 1 refers).

Environmental consultants Strategen have prepared a program (Attachment 2 refers) for the preparation and submission of responses to the comments received on the PER document and appendices which aligns with the above timeline.

*It is therefore recommended that Council:*

- 1 *NOTES the Ocean Reef Marina Project Status Report;*
- 2 *REQUESTS the Chief Executive Officer to respond to submissions received by the City on the draft preliminary Ocean Reef Structure Plan following consultation with consultants Taylor Burrell Barnett and Strategen.*

## **BACKGROUND**

### **1 Metropolitan Region Scheme Amendment 1270/41**

The City lodged the Ocean Reef Marina MRS Amendment request with the Western Australian Planning Commission (WAPC) in April 2014 and the MRS Amendment 1270/41 was initiated by the WAPC in June 2014.

The MRS Amendment Report, prepared by the Department of Planning (DoP) was advertised for public comment from 22 November 2016 to 24 February 2017 (as approved by the Minister for Planning).

### **2 Draft Negotiated Planning Outcome for Bush Forever**

The MRS Amendment 1270/41 Report states the following:

*“The draft NPO requires a conservation area management plan to be developed for the land acquired for the conservation estate and a rehabilitation strategy prepared for the sites subject to rehabilitation which includes monitoring and reporting actions. Additional management strategies and actions to address potential impacts on the environment and provide long-term conservation outcomes for the surrounding Bush Forever site may also be required of the NPO.*

*The WAPC requires that the NPO be agreed to by the DoP, Department of Parks and Wildlife (DPaW) and the Office of the Environment Protection Authority (OEPA), prior to a final decision being made on the amendment. A legal agreement between the State of WA and the City of Joondalup is to be entered into, to ensure the obligations and agreements contained in the NPO are implemented.”*

It should be noted that funding for the land acquisition and rehabilitation portions of the NPO will be the responsibility of the ultimate proponent for the project.

The DoP, DPaW and OEPA formally provided in-principle support for the draft NPO and it was agreed that the draft NPO would be made available for public review concurrently with the MRS Amendment report and PER documents.

While there is no formal process for seeking submissions on the NPO, it was agreed that the City invite and receive comments / submissions from the public during the concurrent advertising of the MRS Amendment and the PER (22 November 2016 to 24 February 2017). The information contained within the NPO is particularly pertinent to the MRS Amendment and it was considered appropriate that all possible information on the planning process be made available at the same time.

### **3 Public Environmental Review**

Occurring in parallel with the MRS Amendment, the marine based components of the Ocean Reef Marina project are being assessed by the Environmental Protection Authority (EPA) under the *Environmental Protection Act 1986* via a PER – the highest level of assessment.

Following completion of the required investigations / studies and various amendments to the documents, the PER document and appendices were approved for release for public review in October 2016. The PER documents were advertised for public comment from 22 November 2016 to 24 February 2017, concurrently with the MRS Amendment 1270/41.

### **4 Ocean Reef Marina Structure Plan**

It was considered desirable that the draft preliminary Ocean Reef Marina SP be released for the public to view and provide informal comments concurrently with the PER, MRS Amendment 1270/41 and the draft NPO. Much of the information contained within the plan is particularly relevant to the MRS Amendment and NPO and it was considered appropriate that as much information as possible be available on the planning process.

Once finalised and formally submitted to Council for consideration, the Ocean Reef Marina SP will be formally advertised for public comment as required under *Planning and Development (Local Planning Schemes) Regulations 2015 – Structure Plan Framework*. However this can only occur following finalisation of the MRS Amendment process as noted by the Major Projects Committee at its meeting held on 28 November 2016.

### **5 Ocean Reef Marina Communications Strategy**

Following notification of the commencement date for public advertising, the City implemented the *Ocean Reef Marina Communications Strategy*. The strategy was endorsed by Council at its meeting held on 19 April 2016 (CJ065-04/16 refers) and modified as requested by Council at its Special Meeting held on 29 August 2016 (JSC02-08/16 refers).

## **6 State Government Proponency**

Following a review of the concept plan and feasibility by LandCorp, in September 2016 the former State Government announced that it would assume the lead role for the project and a detailed business case and Cabinet Submission was prepared for consideration.

The City worked closely with LandCorp during the above process.

As part of the campaigning for the State Election held on 11 March 2017, both major political parties made a financial commitment to the Ocean Reef Marina Development (State Labor Party - \$40 million; State Liberal Party - \$105 million).

### **DETAILS**

#### **1 Metropolitan Region Scheme Amendment 1270/41**

MRS Amendment 1270/41 was formally advertised for public submissions on 22 November 2016. The amendment report was available to the community via the DoP website. The City's website provided detailed information on the submission process with links directly to the document.

The DoP advised the City (23 March 2017) that the submissions were currently being summarised. The full submissions will not be provided to the City; however in accordance with standard practice, a summary of the submissions will be provided for consideration/comment (if appropriate).

A total of 94 submissions were received as follows:

- Support: 39
- Objection: 33
- Comment: 22

The DoP also received 14 requests for hearings where people can present their submissions to the WAPC. The City has requested a public hearing.

#### **2 Draft Negotiated Planning Outcome for Bush Forever**

As at the public advertising closing date of 24 February 2017, the City had received four submissions that were classified as submissions for the NPO.

In addition to the NPO submissions received by the City, three submissions received for the PER include commentary regarding the NPO and have therefore been recorded as NPO submissions.

None of the submissions supported the clearing of vegetation within Bush Forever Site 325 to enable the development of the Ocean Reef Marina.

All NPO submissions have been provided to the DoP, DPAW and OEPA for review and consideration. In consultation with the City, any additional information and / or actions arising from the submissions will be determined by the above agencies. A determination will also be made on the appropriate responses (as required) to the submissions.

The draft NPO, together with a legal agreement between the State of Western Australia and the City of Joondalup, will be finalised for approval by the relevant authorities.

It should be noted, that the important requirements of the legal agreement are the transference of the NPO responsibilities and obligations to the ultimate proponent and the responsibilities and obligations of all parties, including the City, in ensuring the NPO is implemented.

### **3 Public Environmental Review**

A total of 59 submissions were received by the closing date of 24 February 2017 and on 1 March 2017 the OEPA provided copies of these submissions to the City.

- Support: 27
- Objection: 22
- Comment: 10

On 29 March 2017 the City received a summary of the submissions and an outline of the responses required.

Environmental consultants Strategen are coordinating the preparation of the responses and the program for responses is provided in Attachment 2.

### **4 Draft preliminary Ocean Reef Marina Structure Plan**

A total of 21 submissions were received on the draft preliminary Ocean Reef Marina SP. This figure includes PER submissions that contained specific comment on the plan and were therefore counted as Ocean Reef Marina SP submissions. A summary of the submissions is contained in Attachment 3.

Where considered appropriate, suitable responses will be prepared in consultation with town planning consultants, Taylor Burrell Barnett and environmental consultants, Strategen. Where the consultants recommend amendments to the contents of the Ocean Reef Marina SP, arising from submissions, these will be considered in consultation with the appropriate entities.

Formal consideration by Council of the final Ocean Reef Marina SP can only occur following finalisation of the MRS Amendment process and the amendment of the City's district boundary. The Ocean Reef Marina SP will be formally advertised for public comment as required under the *Planning and Development (Local Planning Schemes) Regulations 2015 – Structure Plan Framework*.

### **5 Ocean Reef Marina Communications Strategy**

The *Ocean Reef Marina Communications Strategy* was implemented following notification from the DoP of the public advertising dates for the MRS Amendment.

The strategy consisted of various marketing tools including:

- City-wide mail-out providing the Ocean Reef Marina brochure and a covering letter regarding the public advertising process.
- posters / postcards
- social media

- print media
- direct electronic communication
- community forums.

Attachment 4 provides the *Ocean Reef Marina Communications Strategy Execution Report*.

## 6 State Government Proponency

Following the election of a Mark McGowan led State Labor Government on 11 March 2017, LandCorp advised the City that briefings had been provided to the new Minister for Planning, Honourable Rita Saffioti, MLA. The Minister has requested a Cabinet Submission, based on the LandCorp prepared Business Case for the development, which will be considered in due course.

The City continues to liaise with LandCorp on this issue and provides information as requested.

It is anticipated that the Memorandum of Understanding (MOU) endorsed by Council at its meeting held on 20 September 2016 (CJ151-09/16 refers), or an amended MOU and / or other appropriate formal agreement/s will be executed by the City and the State Government following consideration of the Cabinet Submission.

### Issues and options considered

Not applicable.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

The City is governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

Other applicable legislation includes:

- *Planning and Development Act 2005.*
- *Environmental Protection Act 1986.*
- *Environmental Protection, Biodiversity and Conservation Act 1999 (Cwlth).*

The approvals for the development are influenced by State Planning and Development Control policies:

- 1.8 *Canal Estates and Artificial Water Developments.*
- 2.6 *State Coastal Planning Policy.*
- 2.8 *Bushland Policy for the Perth Metropolitan Region.*
- 3.7 *Planning in Bushfire Prone Areas.*

### Strategic Community Plan

#### Key theme

Economic Prosperity, Vibrancy and Growth.

#### Objective

Destination City.

- Strategic initiative**
- Facilitate the establishment of major tourism infrastructure.
  - Encourage diverse accommodation options.

**Policy** Not applicable.

### **Risk management considerations**

The City has amassed a substantial amount of information on all aspects of the project over a number of years. This information together with that compiled for the PER and draft NPO ensured that the City was well positioned to respond to the requirements of the relevant approvals processes, including providing adequate responses to submissions on the PER and MRS Amendment.

Throughout the PER preparation phase, the City engaged with the decision-making agencies regarding the investigations undertaken, the outcomes and the agency requirements with regard to the contents of the PER. This engagement continued throughout the public advertising period to ensure that the City was aware of potential queries that could arise out of the submissions made by these agencies. Therefore the City is well placed to provide detailed and adequate responses in the shortest timeframe possible.

The Ocean Reef Marina Risk Management Assessment is continuously updated taking cognisance of the environmental and planning approval requirements.

It is also anticipated that the detailed and comprehensive business case, prepared by LandCorp with assistance from the City, will enable further risk management considerations to be identified, mitigated and / or managed.

### **Financial / budget implications**

#### Current financial year impact

<b>Account no.</b>	C1001.
<b>Budget Item</b>	Ocean Reef Marina.
<b>Budget amount</b>	\$ 882,313
<b>Amount spent to date</b>	\$ 518,243
<b>Balance</b>	\$ 364,070

Note: The 2016-17 approved budget includes income of \$500,000 (State Government financial contribution).

#### Total Project Expenditure (as at 18 April 2017)

2007-08	\$ 133,241
2008-09	\$ 968,284
2009-10	\$ 266,604
2010-11	\$ 325,046
2011-12	\$ 388,552
2012-13	\$ 376,393
2013-14	\$ 838,371
2014-15	\$1,314,917
2015-16	\$1,163,151
2016-17	\$ 518,243
LESS Grants Received	<u>\$ (785,500)</u>
Total City Expenditure	\$5,507,302

<b>Annual operating cost</b>	The relevant business case/s, as far as possible, will include anticipated on-going operating costs.
<b>Estimated annual income</b>	The relevant business case/s, as far as possible, will include estimated annual income.
<b>Capital replacement</b>	Detailed analysis will be required at the appropriate stage of the project.
<b>20 Year Strategic Financial Plan impact</b>	The City's <i>20 Year Strategic Financial Plan 2015-16 to 2034-35</i> includes \$2,070,000 which represents capital expenditure for the 2015-16 and 2016-17 financial years. Further analysis of the impact on the <i>20 Year Strategic Financial Plan</i> will be undertaken at the appropriate stage of the project.
<b>Impact year</b>	2016-17.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

The Ocean Reef Marina development will become a significant tourist / visitor destination and a key focal point within the northern Perth corridor.

### **Sustainability implications**

Progression of the Ocean Reef Marina planning process required a number of studies / reports addressing key issues pertaining to sustainability (such as social and economic impact and environmental sustainability). Various management plans were required to be prepared as part of the MRS amendment, PER and structure plan processes and it is highly likely that further management plans will be required as conditions of any environmental and planning approval.

### **Consultation**

Extensive on-going consultation with key stakeholders, State Government departments and agencies has been undertaken to ensure the relevant approvals processes proceed in accordance with expectations and agreed timelines.

While not a statutory requirement, the City invited comments on the draft NPO and draft preliminary Ocean Reef Marina SP during the public advertising of the MRS Amendment and PER. The comments on the draft NPO will be considered during the finalisation of the NPO in collaboration with DoP, DPaW and OEPA.

Where appropriate, the City will respond to comments received in the draft preliminary Ocean Reef Marina SP.

As previously indicated, formal consultation on the final Ocean Reef Marina SP will be undertaken in accordance with statutory requirements at the appropriate time.

### **COMMENT**

Not applicable.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ079-05/17 (as detailed below) was resolved by the Major Projects Committee at its meeting held on 8 May 2017.

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

## **RECOMMENDATION**

**That Council:**

- 1 NOTES the Ocean Reef Marina Project Status Report;**
- 2 REQUESTS the Chief Executive Officer to respond to submissions received by the City on the draft preliminary *Ocean Reef Marina Structure Plan* following consultation with Taylor Burrell Barnett and Strategen.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13agn170516.pdf](#)*

**REPORTS OF THE CHIEF EXECUTIVE OFFICER****CJ080-05/17      REQUEST FOR ANNUAL LEAVE - CHIEF EXECUTIVE OFFICER**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	98394, 101515, 98394B
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to give consideration to the request for annual leave submitted by the Chief Executive Officer (CEO).

**EXECUTIVE SUMMARY**

The CEO has requested annual leave for the period 12 July to 16 July 2017 inclusive. The annual leave is within the CEO's entitlement under his contract of employment and he has sufficient accrued annual leave.

*It is recommended that Council APPROVES the request from the Chief Executive Officer for annual leave for the period 12 July to 16 July 2017 inclusive.*

**BACKGROUND**

The CEO commenced his employment on 31 January 2005. In accordance with his current employment contract the CEO is entitled to 25 days leave per annum.

**DETAILS**

The CEO has requested annual leave from duties for the period 12 July to 16 July 2017 inclusive. The CEO has delegated authority to appoint an Acting CEO for periods where he is absent from work while on leave, where such periods are for less than 35 days.

**Issues and options considered**

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

The annual leave for the CEO is to be taken at a mutually convenient time subject to the operational requirements of the Council. It is recommended that Council approve the annual leave request.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Maintain a highly skilled and effective workforce.

**Policy** Not applicable.

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

Provision for the annual leave is included in the draft Budget for 2016-17.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City and are within his entitlements.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council APPROVES the request from the Chief Executive Officer for annual leave for the period 12 July to 16 July 2017 inclusive.**

**CJ081-05/16      PROPOSAL FOR LEVYING DIFFERENTIAL RATES  
FOR THE 2017-18 FINANCIAL YEAR**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105684, 101515
<b>ATTACHMENT</b>	Attachment 1      Objects of and reasons for proposed differential rates for the 2017-18 financial year
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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This item was not available at the time of preparing the agenda and will be circulated prior to the Council meeting as a late report.

**CJ082-05/16      CONFIDENTIAL - EMPLOYMENT CONTRACT -  
DIRECTOR INFRASTRUCTURE SERVICES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	86609, 101515
<b>ATTACHMENT</b>	Attachment 1      Curriculum Vitae – Nico Claassen Attachment 2      List of significant achievements  <i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

*a matter affecting an employee or employees.*

A full report is provided to Elected Members under separate cover. The report is not for publication.

**URGENT BUSINESS**

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

**CLOSURE**



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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.*



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

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

**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](mailto: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**

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

**STATEMENT**

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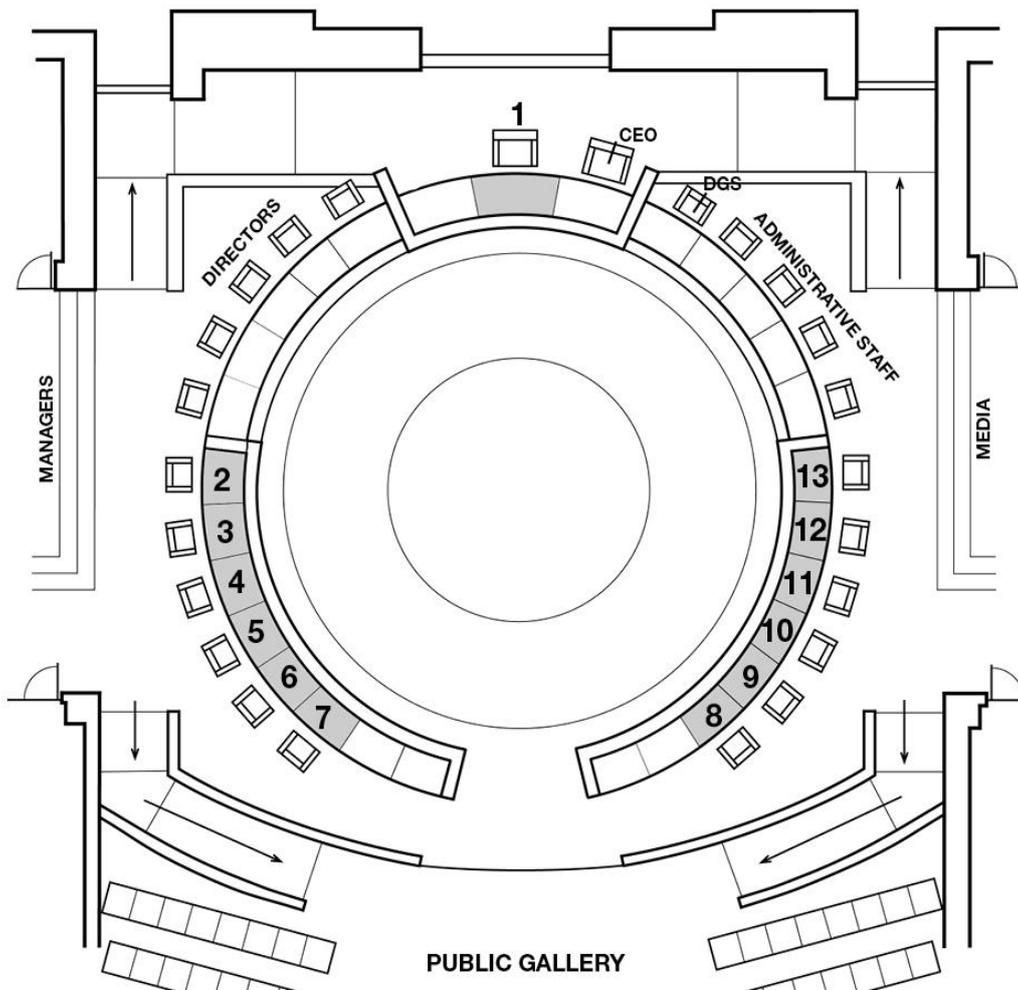
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**Please note that:**

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

## Council Chambers – 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)