

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 27 JUNE 2017

COMMENCING AT 7.00pm

GARRY HUNT
Chief Executive Officer
23 June 2017

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 26 June 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

PO Box 21 Joondalup WA 6919

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 (5) 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 Information170627.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 27 June 2017** commencing at **7.00pm**.



GARRY HUNT PSM
Chief Executive Officer
170511

GARRY HUNT
Chief Executive Officer
23 June 2017

Joondalup
Western Australia

VISION

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

PRIMARY VALUES

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

DISTINGUISHING VALUES

Bold

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

Ambitious

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

Innovative

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

Enterprising

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

Prosperous

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

Compassionate

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

AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor 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.

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ089-06/17 - Draft <i>Local Planning Scheme No. 3</i> – Consideration Following Public Consultation.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Poliwka owns property in proximity.

Name/Position	Cr John Chester.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Chester is providing finance for his daughter to develop a hospital in the Joondalup Activity Centre.

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Poliwka owns interest in property in the area.

Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Taylor has a business client in the Joondalup Business Park.

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ095-06/17 - City of Joondalup Delegation to Jinan.
Nature of interest	Financial Interest.
Extent of Interest	Mayor Pickard will be part of a delegation to visit Jinan from 4 September to 10 September 2017.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ095-06/17 - City of Joondalup Delegation to Jinan.
Nature of interest	Financial Interest.
Extent of Interest	The Chief Executive Officer will be part of a delegation to visit Jinan from 4 September to 10 September 2017.

Name/Position	Cr John Chester.
Item No./Subject	CJ109-06/17 - Draft <i>McLarty Avenue Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Financial Interest.
Extent of Interest	Cr Chester has a financial interest in a project adjacent to the Draft <i>McLarty Avenue Local Planning Policy</i> .

Disclosures of interest affecting impartiality

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

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ086-06/17 - Initiation of Scheme Amendment No. 88 to <i>District Planning Scheme No. 2</i> – Recoding from R20/60 and R20/40 to R20/30.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick owns property in Housing Opportunity Area No. 1, but located outside the scheme amendment area.

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ088-06/17 - Proposed Educational Establishment Additions (Off-Street Car parking and Access Additions) at Whitford Catholic Primary School - Lot 2 (270) Camberwarra Drive, Craigie.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard's children attend Whitford Catholic Primary School.

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ088-06/17 - Proposed Educational Establishment Additions (Off-Street Car parking and Access Additions) at Whitford Catholic Primary School - Lot 2 (270) Camberwarra Drive, Craigie.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Dwyer is a member of Our Lady of the Mission Catholic Church.

Name/Position	Cr John Chester.
Item No./Subject	CJ089-06/17 - Draft <i>Local Planning Scheme No. 3</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester has campaigned to keep Lot 971 (52) Creaney Drive, Kingsley as bushland.

Name/Position	Cr John Logan.
Item No./Subject	CJ089-06/17 - Draft <i>Local Planning Scheme No. 3</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of the Kingsley and Greenwood Residents Association; a long-time proponent of Lot 971 (52) Creaney Drive, Kingsley remaining undeveloped property.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ089-06/17 - Draft <i>Local Planning Scheme No. 3</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean attends a church in Winton Road, Joondalup.

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Dwyer knows someone who may purchase or may have already purchased a property in the area.

Name/Position	Cr John Logan.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan's step-daughter owns a vacant block of land at 28a Kutcharo Crescent, Joondalup.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean attends a church in Winton Road, Joondalup.

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ108-06/17 - Draft <i>Home-Based Business Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard operates a registered home-based business.

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ108-06/17 - Draft <i>Home-Based Business Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Dwyer runs a home office.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	CJ108-06/17 - Draft <i>Home-Based Business Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Hollywood answers phones and uses computers for a small business.

Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ108-06/17 - Draft <i>Home-Based Business Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Taylor uses computer at home in office.

PUBLIC QUESTION TIME

PUBLIC STATEMENT TIME

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Sophie Dwyer	1 July to 17 July 2017 inclusive;
Cr Hamilton-Prime	14 July to 21 August 2017 inclusive;
Cr Sophie Dwyer	23 September to 8 October 2017 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 16 MAY 2017

RECOMMENDATION

That the Minutes of the Council Meeting held on 16 May 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

CJ111-06/17	Confidential – Mindarie Regional Council / Eastern Metropolitan Regional Council Waste to Energy Tender.
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PETITIONS

REPORTS**CJ083-06/17 PROPOSAL FOR LEVYING DIFFERENTIAL RATES
FOR THE 2017-18 FINANCIAL YEAR**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	105684, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the submissions in response to the City's advertised proposal for applying differential rates for the 2017-18 financial year.

EXECUTIVE SUMMARY

At its meeting held on 16 May 2017 (CJ081-05/17 refers) Council resolved to apply differential rates in the draft 2017-18 Budget; to advertise seeking public submissions in relation to the proposed differential rates and minimum payments; and requested that a report be presented to Council to consider any submissions received before the adoption of the draft 2017-18 Budget.

The advertising period for submissions closed on Monday 12 June 2017. No submissions were received.

It is therefore recommended that Council APPLIES differential rates for rating in the 2017-18 Financial Year in accordance with Section 6.33 of the Local Government Act 1995 and that the differential rates and minimum payments for the draft 2017-18 Budget be those as advertised.

BACKGROUND

The report considered by Council, at its meeting held on 16 May 2017 (CJ081-05/17 refers), set out the object and reasons for the proposed differential rates for the 2017-18 financial year.

Differential rating was introduced in 2008-09. The differential rates proposed and advertised represent an overall increase of 1.95% for 2017-18.

DETAILS

In accordance with the provisions of section 6.36 of the *Local Government Act 1995* (the Act), the City advertised its intention to apply differential rating in the 2017-18 financial year and the proposed differential rates.

The City placed advertisements in *The West Australian* on Saturday 20 May 2017 and in subsequent editions of the local newspapers on 23, 25 and 30 May and 1 June 2017, as well as on the City's public notice boards and website.

The period of advertising was for a minimum 21 days during which the City invited submissions in relation to the proposed differential rates. The closing day for public submissions was Monday 12 June 2017. No submissions were received.

Issues and options considered

The City is required under section 6.36 of the Act to consider any submissions received in relation to the proposed differential rates. No submissions were received.

Council may choose to either:

- amend any or all of the differential rate, cents in the dollar and/or minimum payments proposed and advertised in accordance with the provisions of sections 6.33 and 6.36 of the Act
or
- resolve to set the cents in the dollar and minimum payments for the draft 2017-18 Budget as advertised.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 6.33 of the *Local Government Act 1995* sets out the provisions in relation to differential rating and enables the City to apply separate rates in the dollar for different categories of property based on zoning, land use, whether they are improved or unimproved or any other characteristic or combination of characteristics prescribed.

Section 6.36 of the *Local Government Act 1995* requires that if the City intends to apply differential rating it must give local public notice of its intention to do so and invite submissions in relation to the proposed differential rates and minimum payments, within 21 days of the date of the notice. Before making a final resolution in relation to the setting of the rates in the dollar and the adoption of the budget the Council is required to consider any submissions received.

Strategic Community Plan

Key theme	Financial Sustainability.
Objective	Effective management.
Strategic initiative	Not applicable.
Policy	Not applicable.

Risk management considerations

There are no risk management issues for applying a differential rate provided the statutory provisions are complied with.

Financial / budget implications

The application of differential rating is apportioning the total rate revenue between different categories of property. There are no net budget implications from applying differential rating. The City could derive exactly the same total revenue by applying a general rate to all categories of property. If a general rate were applied residential rates would increase and commercial and industrial rates would decrease.

Regional significance

Not applicable.

Sustainability implications

Applying differential rating is important to ensure an equitable distribution of rates across all sectors of the community. Having a reasonable rate increase is considered prudent and in the best interests of the long-term financial sustainability of the City of Joondalup.

Consultation

The proposed differential rates have been advertised and submissions invited in accordance with the requirements of section 6.36 of the Act. The City placed advertisements in *The West Australian* on Saturday 20 May 2017 and in subsequent editions of the local newspapers on 23, 25 and 30 May and 1 June 2017, as well as on the City's public notice boards and website. No submissions were received.

COMMENT

At its meeting held on 16 May 2017 (CJ081-05/17 refers), Council considered and resolved to advertise the proposal to apply differential rates and invite submissions from the public on the proposal. No submissions were received. It is recommended that the differential rates and minimum payments advertised be applied in the draft 2017-18 Budget.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **APPLIES** differential rates for rating in the 2017-18 financial year in accordance with section 6.33 of the *Local Government Act 1995* and that the differential rates and minimum payments for the draft 2017-18 Budget be as follows:

	Cents in the \$	Minimum Payment
General Rate - GRV		\$
Residential Improved	5.3090	863
Residential Vacant	10.6180	883
Commercial Improved	6.5409	883
Commercial Vacant	10.6180	883
Industrial Improved	5.5731	883
Industrial Vacant	10.6180	883
General Rate - UV		
Residential	0.9831	863
Rural	0.9784	863

CJ084-06/17 DRAFT 2017-18 BUDGET

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	106245, 101515
ATTACHMENTS	<p>Attachment 1 City of Joondalup draft 2017-18 Budget Executive Report</p> <p>Attachment 1a Statement of Comprehensive Income by Nature or Type – (grey)</p> <p>Attachment 1b Statement of Comprehensive Income by Program – (grey)</p> <p>Attachment 2 Statement of Cash Flows - (grey)</p> <p>Attachment 3 Rate Setting Statement – (grey)</p> <p>Attachment 4 Rating Information Statement – (grey)</p> <p>Attachment 5 Notes to and forming Part of the Budget – (blue)</p> <p>Attachment 6 Capital Expenditure – (yellow)</p> <p>Attachment 7 Vehicle and Plant Replacement Program – (pink)</p> <p>Attachment 8 Schedule of Fees and Charges – (white)</p> <p>Attachment 9 Business Unit Services Matrix – (white)</p>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the draft 2017-18 Budget.

EXECUTIVE SUMMARY

The process of preparing the 2017-18 Budget commenced in late 2016. It has encompassed detailed budget analysis and preparation, executive review and Elected Member workshops.

The draft 2017-18 Budget has been developed within a strategic financial planning framework after due consideration of Council priorities and the resource allocation requirements of these priorities.

The City's *Strategic Community Plan, Joondalup 2022*, has been reviewed to ensure the City's 2017-18 Budget continues to deliver the vision of "A global City: bold, creative and prosperous". The City's *20 Year Strategic Financial Plan* guides the development of the 2017-18 Budget. The Budget is achievable and sustainable with challenging targets to contain operational expenditure growth.

It is recommended that Council, BY AN ABSOLUTE MAJORITY ADOPTS the annual budget for the City of Joondalup for the year ending 30 June 2018, incorporating the following:

- 1 Budget Statements.
- 2 Rates.
- 3 Emergency Services Levy.
- 4 Domestic Refuse Charges.
- 5 Private Swimming Pool Inspection Fees.
- 6 Early Payment Incentives
- 7 Payment Options
- 8 Late Payment Interest.
- 9 Emergency Services Levy Interest Charge.
- 10 Instalment and Payment Arrangement Administration Fees and Interest Charges.
- 11 Capital Works Program.
- 12 Transfers from Reserves.
- 13 Transfers to Reserves.
- 14 Reserve – Close Tamala Park Land Sales Reserve
- 15 Fees and Charges.
- 16 Material Variances for Reporting Purposes.

BACKGROUND

The 2017-18 budget process has been in progress since late 2016. The contents of the budget have been refined over this period after presentations, analysis and review by the Chief Executive Officer, executive and senior staff, followed by extensive workshops and consultation with Elected Members.

The draft 2017-18 Budget has been guided by a long-term financial planning framework aimed at securing the financial sustainability of the City. This requires continuing commitment and the draft 2017-18 Budget represents another step in that commitment.

DETAILS

Development of the draft 2017-18 Budget

The overall rate increase for 2017-18 is 1.95%. This will generate general rate revenue of \$96.9 million excluding Specified Area Rates. Rates are the City's largest single source of funds without which the City could not deliver many of its services or undertake planned works and projects. For the third consecutive year there will be no increase in refuse charges in 2017-18.

The City's *Strategic Community Plan, Joondalup 2022*, has been reviewed to ensure the City's 2017-18 Budget continues to deliver the vision of "A global City: bold, creative and prosperous". The City's *20 Year Strategic Financial Plan* guides the development of the 2017-18 Budget. The Budget is achievable and sustainable with challenging targets to contain operational expenditure growth.

The budget process has been conducted over many months and has involved extensive analytical and review stages as summarised below:

- assessment of financial capacity, sustainability, assets and reserves
- set budget parameters
- submission of operating and capital proposals
- initial assessment of proposals
 - operations
 - capital
 - community need
 - plans and strategies
 - implementation of new efficiencies
 - reference and alignment to the *Strategic Community Plan*
- ongoing review of service delivery and confirmation of service standards
- critical analysis of 2015-16 and progress in *2016-17 Annual Plan* performance'
- review proposals for capacity
 - rating and revenue
 - resources to implement and deploy
- determine potential reductions
- executive analysis
- *Strategic Financial Plan* alignment and review
- Elected Member workshops (six during February, March, April and May 2017)

The integrated planning framework is depicted below:



Operating Budget

The economic environment in the last few years has been defined by sustained low growth, low inflation and low interest rates and that situation is not expected to change significantly in the near term. This has framed the context for the City of Joondalup's 2017-18 Budget.

Challenges the City has had to address in framing the draft 2017-18 Budget include:

- the economic outlook remains uncertain:
 - the new State Government has indicated significant fiscal challenges that contribute to ongoing economic risk
 - obtaining grant funding remains challenging
 - cost shifting continues to be a concern
 - major projects still progressing including Ocean Reef Marina, Joondalup Performing Arts and Cultural Facility, Edgewater Quarry, Office Development
- community expectations on the City's capacity to continuously provide or contribute significantly to sporting and community infrastructure.

With this environment Federal and State grants and contributions are expected to remain very challenging as a source of funding opportunities.

The City has reviewed its fees and charges to ensure they reflect legislative requirements, current policies and are set at appropriate levels for the services provided. The City is mindful of the impacts of fee increases on the community and in most cases the increases are modest. Parking fees are proposed to be increased for 2017-18 varying from an increase of 10 cents per hour for outer City centre car parks to 30 cents per hour for the Reid Promenade Multi-Storey Car Park.

The operating budget provides the resources required to enable the City to provide the services, facilities and works that the community have identified in *Joondalup 2022* and reflected in the *20 Year Strategic Financial Plan*, the *Five Year Capital Works Program* and other City supporting plans. There is no surplus capacity to undertake or implement unbudgeted or unplanned works or services during 2017-18.

Expenditure Program

The 2017-18 expenditure program includes a number of significant projects and programs including:

- \$3.8 million to progress the Joondalup Performing Arts and Cultural Facility.
- \$2.5 million to progress the Penistone Park Facility Redevelopment.
- \$4.8 million for Street Lighting which includes \$3.8 million for the Joondalup City Centre Lighting project.
- \$2.1 million to undertaken various upgrade and refurbishment works at Percy Doyle reserve including:
 - Soccer Club Refurbishment.
 - Tennis Club Refurbishment.
 - Sorrento Bowling Clubrooms Extension.
 - Percy Doyle Utilities Upgrade.
 - Duncraig Leisure Centre Upgrade.
- \$2.5 million on maintenance and capital for natural areas, landscaping and conservation including fencing, paths and firebreaks and management of dedicated bushland areas, bushland in developed parks and foreshores.

- \$1.9 million for parks equipment, playground equipment, shelters, barbecues and parks irrigation refurbishments in accordance with landscape master plans or asset preservation plans.
- \$1.6 million to undertake streetscape enhancement and landscaping works including the *Leafy City program*.
- \$1.2 million to undertake refurbishment works at the Joondalup Administration building.
- \$14.6 million for various road construction, drainage and other infrastructure including:
 - Blackspot projects at Whitfords Avenue, Marmion Avenue and Ocean Reef Road.
 - Burns Beach Road and Joondalup Drive intersection upgrades.
 - Road preservation and resurfacing, local traffic treatments and blackspot projects, stormwater drainage, and other infrastructure.
 - New footpaths, shared use paths and slab path replacements.
 - Parking facilities.
- \$879,223 to advance the Joondalup CBD Development and other significant projects.
- \$600,000 for the Kaleidoscope event.

(Attachment 1 refers)

Reserve Transfers

The City has established various reserve accounts to which monies are set aside at the discretion of Council to fund future City requirements.

During the 2017-18 financial year the City will transfer \$9.8 million into various reserve accounts, of which \$1.4 million represents investment earnings, as well as \$1.4 million into the Parking Facility Reserve, \$5.4 million into the Joondalup Performing Arts and Cultural Facility Reserve, \$666,667 into the Tamala Park Land Sales Reserve, \$121,723 into the Waste Reserve and \$661,823 into the Strategic Asset Management Reserve. \$18.7 million will be drawn from reserves of which the major amounts are \$3.8 million for continuation of the Joondalup Performing Arts and Cultural Facility project and \$2 million for the Penistone Park Facility Redevelopment, \$3.8 million for Lighting in the Joondalup City Centre, \$3.1 million for various Building Works, \$1.1 million to fund the loan repayments for the Multi Storey Car Park and \$3.5 million for works in various stages of progress that will be carried forward from 2016-17. Details of reserves are described in the Notes to and Forming Part of the Budget (Attachment 5).

Loan Borrowings

The City is not proposing any new borrowings during the 2017-18 financial year.

Existing and new borrowings will require principal and interest repayments of \$3,004,841 and \$662,030 respectively. Loan principal outstanding is expected to decrease from \$17.5 million at 30 June 2017 to \$14.5 million at 30 June 2018.

Material Variances

The *Local Government (Financial Management) Regulations 1996* require that each year a local government is to adopt a materiality level for the purpose of reporting variances in the monthly Statement of Financial Activity. At its meeting held on 19 October 2010 (CJ179-10/10 refers), Council resolved that in future a materiality level be determined as part of budget adoption each year if it was not proposed to make any changes.

The current level of variance which is considered material for the purposes of reporting under regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* is \$50,000 or 5% of the appropriate base, whichever is the higher. It is not proposed to make any changes to that level.

Rate and Refuse Charges Increases

Every three years there is a general revaluation of all properties in the City of Joondalup for rating purposes and 2017-18 is a revaluation year. The revaluation is undertaken independently by the Office of the Valuer General. The City is mindful of the potential impact of valuation changes.

As has been the case for a number of years differential rating will be applied for 2017-18 ensuring that the City is able to equitably spread rate increases across the community. The differential rates proposed for residential, commercial and industrial property, both improved and unimproved, have been reviewed.

Differential rates have been proposed for residential improved, residential vacant, commercial improved, commercial vacant, industrial improved and industrial vacant. The proposed differential rates for residential, commercial and industrial vacant land are twice the lowest differential rate as in previous years.

The proposed differential rates provide for an overall rate increase of 1.95%. The proposed rate increase is less than the 4% projected in the City's *20 Year Strategic Financial Plan 2015-16 to 2034-35*. With a 1.95% overall rate increase and based on an average gross rental value of \$23,307 the average residential improved rates levy (excluding refuse charge) within the City will be \$1,249.

There is no increase proposed for the City's domestic refuse charge which will remain at \$346. The refuse charge has not increased since 2014-15.

Emergency Services Levy Increases

The Emergency Services Levy (ESL) is a State Government charge levied on all properties in Western Australia and is calculated based on the GRV subject to both a minimum and a maximum levy. There are several ESL categories but properties in the City of Joondalup all fall within Category 1. The City is required to collect the levy on behalf of, and remit it to, the State Government. The ESL appears as a separate line item on the City of Joondalup Rate Notice but it is included in the total due for payment.

The State Government has announced the levy cents in the dollar and the minimum and maximum levy for 2017-18. The overall total increase in levy revenue, from across the State, expected in 2017-18 is 4.1%.

The minimum levy of \$75.00 and the maximum levy of \$395.00 represent increases of 5.6% and 5.3% respectively.

The ESL cents in the dollar is increasing for 2017-18 despite the GRV revaluation. This means that those properties where there is an increase in GRV for 2017-18, but the GRV is between \$5,657 (below which the minimum applies) and \$29,791 (above which the maximum will apply), may experience increases greater than those above. The average residential GRV for 2016-17 was \$22,870 and for 2017-18 is \$23,307. Based on these averages the resulting increase in ESL would be 6.6%.

Issues and options considered

The process for the development of the draft 2017-18 Budget has involved:

- the identification of long term directions for financial management of income and expenditure following a rigorous analysis and consideration of Council's current financial position
- the establishment of financial parameters for the 2017-18 financial year including consideration of rating income, grants, fees and charges and other income, and likely demands on expenditure.

The City has, for a number of years, offered a variety of options for the payment of rates including those required under legislation. The City offers direct debit arrangements, individualised instalment arrangements and AdvancePay that enables ratepayers to commence paying the following year's rates in advance in weekly, fortnightly or monthly payments.

Since 2016-17 the City also offers an eRates service enabling ratepayers to register and receive their rates notice by email.

Legislation / Strategic Community Plan / policy implications

Legislation The accompanying draft 2017-18 Budget has been prepared in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

When setting the Annual Budget the City is exposed to financial risk over the long term if insufficient regard is given to both revenue and expenditure implications beyond the budget period. Alignment of the *20 Year Strategic Financial Plan* during the budget process has helped to mitigate the long-term risks.

Financial / budget implications

These are detailed in the budget papers.

All amounts quoted in this report are exclusive of GST, unless otherwise stated.

Regional significance

Not applicable.

Sustainability implications

The Council has, as a key financial objective, the long-term financial sustainability of the City of Joondalup in order to strengthen its capacity to achieve its key objectives as set out in the *Strategic Community Plan*.

Consultation

The City of Joondalup's 2017-18 Budget has been prepared against the backdrop of significant on-going review and assessment of the City's strategic direction and financial position by the executive and Elected Members. Six budget workshops were undertaken in the preparation of the 2017-18 Budget.

The proposed differential rates for the 2017-18 year have been advertised for public comment for 21 days. The outcome of the public advertising of differential rates is contained in a separate report in this agenda.

COMMENT

The City of Joondalup's 2017-18 Budget continues to be influenced by the prevailing economic environment with growth and inflation at very low levels and record low interest rates. Opportunities for funding from Federal and State programs remain constrained and have had an impact on City services. The City continues to maximise those grant opportunities when they present.

The overall rate increase for 2017-18 is 1.95%. This will generate general rate revenue of \$96.9 million excluding Specified Area Rates. Rates are the City's largest single source of funds without which the City could not deliver many of its services or undertake planned works and projects. For the third consecutive year there will be no increase in refuse charges in 2017-18.

The 2017-18 Budget delivers an overall rate increase of 1.95% together with, for the third consecutive year, no increase in refuse charges. This reflects the prudence and financial responsibility demanded by the economic conditions. It maintains alignment to the City's *Strategic Community Plan, Joondalup 2022*, to ensure the City is delivering on the vision of "A global City: bold, creative and prosperous" and has been guided by the City's *20 Year Strategic Financial Plan*. It is achievable and sustainable.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY:

1 ADOPTS the annual budget for the City of Joondalup for the year ending 30 June 2018 as per Attachments 1 – 9 to Report to Report CJ084-06/17 comprising the following:

1.1 Executive Report (Attachment 1 refers – grey);

- 1.2 Statement of Comprehensive Income by Nature or Type (Attachment 1a refers – grey);
- 1.3 Statement of Comprehensive Income by Program (Attachment 1b refers – grey);
- 1.4 Statement of Cash Flows (Attachment 2 refers – grey);
- 1.5 Rate Setting Statement (Attachment 3 refers – grey);
- 1.6 Rating Information Statement (Attachment 4 refers – grey);
- 1.7 Notes to and Forming Part of the Budget (Attachment 5 refers – blue);
- 1.8 Capital Expenditure (Attachment 6 refers – yellow);
- 1.9 Vehicle and Plant Replacement Program (Attachment 7 refers – pink);
- 1.10 Schedule of Fees and Charges (Attachment 8 refers – white);
- 1.11 Business Unit Services Matrix (Attachment 9 refers – white);

2 Rates:

- 2.1 In accordance with the provision of sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995* IMPOSES Differential Rates and Minimum Payments for the 2017-18 financial year in accordance with the following tables:

2.1.1 Gross Rental Valued Properties:

On each Residential, Commercial and Industrial Lot or other piece of rateable land as follows:

Category of Property	Gross Rental Value Rates (Cents in the dollar)	Minimum Payment (\$)
Residential Improved	5.3090	863
Residential Vacant	10.6180	883
Commercial Improved	6.5409	883
Commercial Vacant	10.6180	883
Industrial Improved	5.5731	883
Industrial Vacant	10.6180	883

2.1.2 Unimproved Valued Properties:

On each Residential and Rural Lot or other piece of rateable land as follows:

Category of Property	Unimproved Value Rates (Cents in the dollar)	Minimum Payment (\$)
Residential	0.9831	863
Rural	0.9784	863

- 2.2 In accordance with the provisions of section 6.32 and section 6.37 of the *Local Government Act 1995* IMPOSES Specified Area Rates for the 2017-18 financial year in accordance with the following tables:

Specified Area	Gross Rental Value Rates (Cents in the dollar)	Purpose
Harbour Rise (described in 2.2.1)	0.73408	Maintaining enhanced landscaping which will be applied during 2017-18.
Iluka (described in 2.2.2)	0.52861	Maintaining enhanced landscaping which will be applied during 2017-18.
Burns Beach (described in 2.2.3)	0.32575	Maintaining enhanced landscaping which will be applied during 2017-18.

2.2.1 Harbour Rise Specified area comprises the area bounded by:

Going along Whitfords Avenue from the corner of Seychelles Lane and following the shared boundaries of Whitfords Avenue with Lot 29 Martinique Mews, Lots 470-478, 413-414, Lot 397, Lots 331-333, crossing Barbados Turn and continuing north with shared boundaries of Curacao Lane and Lots 337-334, 378, 377, 403, 402, 376-367, and Lot 28 Angove Drive;

North-east along the boundary of Lot 28 Angove Drive, across Mallorca Avenue and following the boundaries of Lot 251 and 250 where they meet Angove Drive;

Following the shared boundaries of Ewing Drive with Lots 250, 249, 409, 410, 247, 245-240, 411 and to strata Lots 1 and 2 (Lot 408) and then across Ewing Drive along the boundary that strata Lot 1 (Lot 201) Ewing Drive shares with Lot 650 Ewing Drive, and along the rear boundaries of strata Lot 1 (Lot 201) Ewing Drive and Lots 200-198 Marbella Drive;

Along the boundary that Lot 198 Marbella Drive shares with Lot 171 and 172 Waterford Drive, across Marbella Drive and continuing along the rear boundaries of strata Lots 1 and 2 (Lot 197) to strata Lots 1 and 2 (Lot 190) Algarve Way, along the boundary that Lot 184 Tobago Rise shares with Lot 181 Waterford Drive, across Tobago Rise and then along the boundary between Lot 1 Tobago Rise and Lots 182 and 183 Waterford Drive, continuing along the rear boundaries of Lots 75-66 The Corniche and Lots 142-149 The Corniche. Along the rear boundary of Lot 150 The Corniche until the boundary between Lot 204 and Lot 166 Lukin Road is reached. Along the boundary between Lots 204 and 166 Lukin Road, along the front boundaries of Lots 166-164 Lukin Road. Along the boundary of Lot 164 Lukin Road that is shared with Hepburn Avenue and continuing along Hepburn Avenue along the south-eastern boundaries of Leeward Park;

Continuing along the shared boundaries of Hepburn Avenue with Lot 170 Amalfi Drive, Lots 492-503 Seychelles Lane and Lot 29 Martinique Mews;

2.2.2 Iluka Specified Rate area comprises the area bounded by Shenton Avenue, Marmion Avenue and Burns Beach Road;

2.2.3 Burns Beach Specified Rate area comprises the area bounded by:

Starting from the north western corner of Marmion Avenue and Burns Beach Road, westwards along the northern boundary of Burns Beach Road to Lot 263 Whitehaven Avenue, northwards along the western boundaries of Lot 263 through to Lot 251 Whitehaven Avenue, north-westward and westward along the southern boundaries of Lot 108 to Lot 121 Beachside Drive, northwards along the western boundary of Lot 121 Beachside Drive to Beachside Drive, westwards along the boundary of Lot 11537 (Reserve 48489 7L) Third Avenue, northwards along the eastern boundary of Lot 11537 (Reserve 484897L) to where it meets the southern boundary of Lot 3000 (1551)Marmion Avenue (Burns Beach Foreshore Reserve), eastwards along the southern boundary of Lot 3000 (1551) Marmion Avenue(Burns Beach Foreshore Reserve) to the western boundary of Marmion Avenue, then southwards along western boundary of Marmion Ave to the starting point at the north western corner of Marmion Avenue and Burns Beach Road;

2.3 NOTES that no Specified Area Rate is imposed for the 2017-18 financial year on the Woodvale Waters Specified Rate area;

3 Emergency Services Levy

In accordance with the provisions of sections 36B and 36L of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES the 2017-18 Emergency Services Levy Rates and Minimum and Maximum Payments on Residential, Vacant Land, Commercial, Industrial and Miscellaneous Lots as follows:

ESL Category 1	ESL Rate (Cents in dollar)	Minimum and Maximum Payments ESL CHARGES BY PROPERTY USE			
		Residential and Vacant Land		Commercial, Industrial and Miscellaneous	
		Minimum	Maximum	Minimum	Maximum
2017-18	1.3259	\$75	\$395	\$75	\$225,000

4 Domestic Refuse Charges

In accordance with the provisions of section 67, Division 3, Part 6 of the *Waste Avoidance and Resource Recovery Act 2007*, IMPOSES the following domestic refuse charges for the 2017-18 financial year:

a	Per existing unit serviced	\$346
b	Each Additional Service	\$346
c	New Refuse Service – Establishment and delivery of bin	\$ 70

5 Private Swimming Pool Inspection Fees:

In accordance with the *Building Act 2011* and regulation 53 of the *Building Regulations 2012*, IMPOSES for the 2017-18 financial year, a Private Swimming Pool Inspection fee of \$36.43 for each property where a private swimming pool is located;

6 Early Payment Incentives:

6.1 In accordance with the provisions of section 6.46 of the *Local Government Act 1995*, OFFERS early payment incentives for the payment of rates and charges being full payment of all current and arrears of rates including specified area rates, emergency services levy, domestic refuse charge and private swimming pool inspection fees within 28 days of the issue date on the annual rate notice, for eligibility to enter the early incentive prize draw;

6.2 The Major Prize will comprise a Mitsubishi Outlander PHEV 2.0L AWD;

6.3 The Chief Executive Officer is AUTHORISED to finalise the additional Naming Rights Prize Package Sponsors and Other Prize Sponsors to be determined in accordance with past practice;

7 Payment Options:

7.1 In accordance with the provisions of section 6.45 of the *Local Government Act 1995*, OFFERS the following payment options for the payment of rates, specified area rates (where applicable), emergency services levy, domestic refuse charge and private swimming pool inspection fees:

7.1.1 One Instalment:

7.1.1.1 Payment in full (including all arrears) within 28 days of the issue date of the annual rate notice to be eligible to enter the rates incentive scheme for prizes:

7.1.1.2 Payment in full within 35 days of the issue date of the annual rate notice and no entitlement to enter the rates incentive scheme for prizes;

7.1.2 Two Instalments:

7.1.2.1 The first instalment of 50% of the total current rates, specified area rates (where applicable), emergency services levy, domestic refuse charge, private swimming pool inspection fees and instalment charge, plus the total outstanding arrears payable within 35 days of the issue date of the annual rate notice;

7.1.2.2 The second instalment of 50% of the total current rates, specified area rates (where applicable), emergency services levy, domestic refuse charge, private swimming pool inspection fees and instalment charge, payable 63 days after the due date of the first instalment;

7.1.3 Four Instalments:

7.1.3.1 The first instalment of 25% of the total current rates, specified area rates (where applicable), emergency services levy, domestic refuse charge, private swimming pool inspection fees and instalment charge, plus the total outstanding arrears payable within 35 days of the issue date of the annual rate notice;

7.1.3.2 The second, third and fourth instalments, each of 25% of the total current rates, specified area rates (where applicable), emergency services levy, domestic refuse charge, private swimming pool inspection fees and instalment charge, payable as follows:

- the second instalment 63 days after due date of the first instalment;
- the third instalment 63 days after the due date of the second instalment;
- the fourth instalment 63 days after due date of the third instalment;

7.2 The City offers AdvancePay as a further alternative option for the payment of rates whereby, following the payment of the 2017-18 rates and charges, ratepayers can, if they wish, commence paying the 2018-19 rates in advance in weekly, fortnightly or monthly payments, by direct debit, with no fees or interest charges for any payments received by the City prior to the due date in August 2018;

8 Late Payment Interest:

In accordance with the provisions of sections 6.13 and 6.51 of the *Local Government Act 1995*, IMPOSES interest on all current and arrears of rates, specified area rates (where applicable), current and arrears of domestic refuse charges, current and arrears of private swimming pool inspection fees at a rate of 11% per annum, calculated on a simple interest basis on arrears amounts which remain unpaid and current amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of the instalment as the case may be and continues until the instalment is paid in full. Excluded are deferred rates, instalment current amounts not yet due under the two or four payment instalment option, registered pensioner portions and current government pensioner rebate amounts. Interest is calculated daily on the outstanding balance and is debited to the account monthly in arrears;

9 Emergency Services Levy Interest Charge:

In accordance with the provisions of section 36S of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES interest on all current and arrears amounts of emergency services levy at the rate of 11% per annum, calculated on a simple interest basis on amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of an instalment and continues until the arrears is fully paid. Excluded are instalment current amounts not yet due under the two or four payment instalment option, registered pensioner portions and current government pensioner rebate amounts. Interest is calculated daily on the outstanding balance and is debited to the account monthly in arrears;

10 Instalment and Payment Arrangement Administration Fees and Interest Charges:

10.1 In accordance with the provisions of section 6.45 of the *Local Government Act 1995*, for the 2017-18 financial year, IMPOSES the following administration fees and interest charges for payment of rates (including specified area rates), domestic refuse charge and private swimming pool inspection fees:

10.1.1 Two Instalment Option:

An administration fee of \$12 for instalment two, together with an interest charge of 5.5% per annum, calculated on a simple interest basis on 50% of the total current general rate and specified area rate (where applicable) calculated from the due date of the first instalment for 63 days until the due date of the second and final instalment;

10.1.2 Four Instalment Option:

An administration fee of \$12 for each of the second, third and fourth instalments, together with an interest charge of 5.5% per annum, calculated on a simple interest basis on:

- 75% of the total current general rate and specified area rate (where applicable) calculated from the due date of the first instalment for 63 days until the due date of the second instalment;
- 50% of the total current general rate and specified area rate (where applicable) calculated from the due date of the second instalment to the due date of the third instalment;
- 25% of the total current general rate and specified area rate (where applicable) calculated from the due date of the third instalment to the due date of the fourth instalment;

10.1.3 Special Payment Arrangements:

Special weekly, fortnightly, monthly or bi-monthly payment arrangements can be made with the City for those ratepayers who may be unable to pay in full or according to the instalment

plans offered. An administration fee of \$34 if paid by Direct Debit (bank account only) or \$52 for non direct debit is charged on each special payment arrangement and penalty interest of 11% per annum, from and including the thirty sixth day from the issue of the rates notice, is applied to the outstanding balance until the account is paid in full;

- 10.2 In accordance with the provisions of section 6.49 of the *Local Government Act 1995*, **AUTHORISES** the Chief Executive Officer to enter into special payment arrangements with ratepayers for the payment of general rates, specified area rates (where applicable), emergency services levy, domestic refuse charges and private swimming pool inspection fees during the 2017-18 financial year;
- 11 **ADOPTS** the *Five Year Capital Works Program* with the 2017-18 program incorporated into the 2017-18 Budget as set out in the budget papers in Attachment 6 to Report CJ084-06/17 (yellow attachment);
- 12 **AUTHORISES** as part of the 2017-18 Budget the following transfers from Reserves:

Reserve	Amount	Purpose
Capital Works Carried Forward	\$3,471,182	2016-17 uncompleted works to be undertaken in 2017-18.
Joondalup Performing Arts and Cultural Facility	\$3,788,905	To fund the continuation of this project.
Parking Facility	\$1,141,015	To provide for parking machine upgrades in the City Centre and principal and interest repayments on the Multi Storey Car Park loan.
Public Art	\$91,892	For a public art project.
Specified Area Rating – Woodvale Waters	\$21,813	To maintain enhanced landscaping in 2017-18.
Strategic Asset Management	\$10,021,006	To fund City Centre Lighting, Penistone Park Facility redevelopment, Joondalup Administration building redevelopment, various Percy Doyle facility refurbishments, Joondalup City Centre Office development and Warrandyte Park floodlighting.
Vehicle, Plant and Equipment	\$173,500	To contribute to Vehicle and Plant replacement program in 2017-18.

- 13 **AUTHORISES** as part of the 2017-18 Budget the following transfers to Reserves:

Reserve	Amount	Purpose
Waste Management	\$121,723	Surplus arising from waste management operations.
Tamala Park Land Sales	\$666,667	Equity distribution from Tamala Park Regional Council.
Joondalup Performing Arts and Cultural Facility	\$5,430,200	Proceeds of land sales to fund future works undertaken on this project.
Strategic Asset Management	\$661,823	Provision for future projects.
Parking Facility	\$1,430,403	Surplus paid parking funds to provide for the repayment of the loan for parking and other future Joondalup City Centre works and services.
Non-Current Long Service Leave	\$100,000	Increase in cover for future long service leave liabilities.
Specified Area Rating Iluka	\$2,903	Being surplus arising from levy of specified area rates and application to enhanced landscaping.
Specified Area Rating Harbour Rise	\$1,927	Being surplus arising from levy of specified area rates and application to enhanced landscaping.
All reserves	\$1,415,384	Interest earned on the investment of reserve funds.

- 14 **RESOLVES** to close the Tamala Park Land Sales Reserve and to transfer the entire balance in the reserve into the Joondalup Performing Arts and Cultural Facility Reserve and that all future Tamala Park land sales proceeds be placed in the Joondalup Performing Arts and Cultural Facility Reserve;
- 15 **ADOPTS** as part of the 2017-18 Budget, the Fees and Charges, as set out in Attachment 8 to Report CJ084-06/17 (white attachment) to the Budget, with those fees and charges being applicable from Monday, 3 July 2017 unless indicated otherwise in Attachment 8 to Report CJ084-06/17 (white attachment) to the Budget;
- 16 **ADOPTS** for the financial year ended 30 June 2018 a variance amount of \$50,000 or 5% of the appropriate base, whichever is the higher, to be a material variance for the purposes of reporting under regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn170627.pdf](#)

CJ085-06/17 DEVELOPMENT AND SUBDIVISION APPLICATIONS – APRIL 2017

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

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during April 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 April 2017 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during April 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 April 2017 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	2	1
Strata subdivision applications	10	16
TOTAL	12	17

Of the 12 subdivision referrals, nine were to subdivide in housing opportunity areas, with the potential for 15 additional lots.

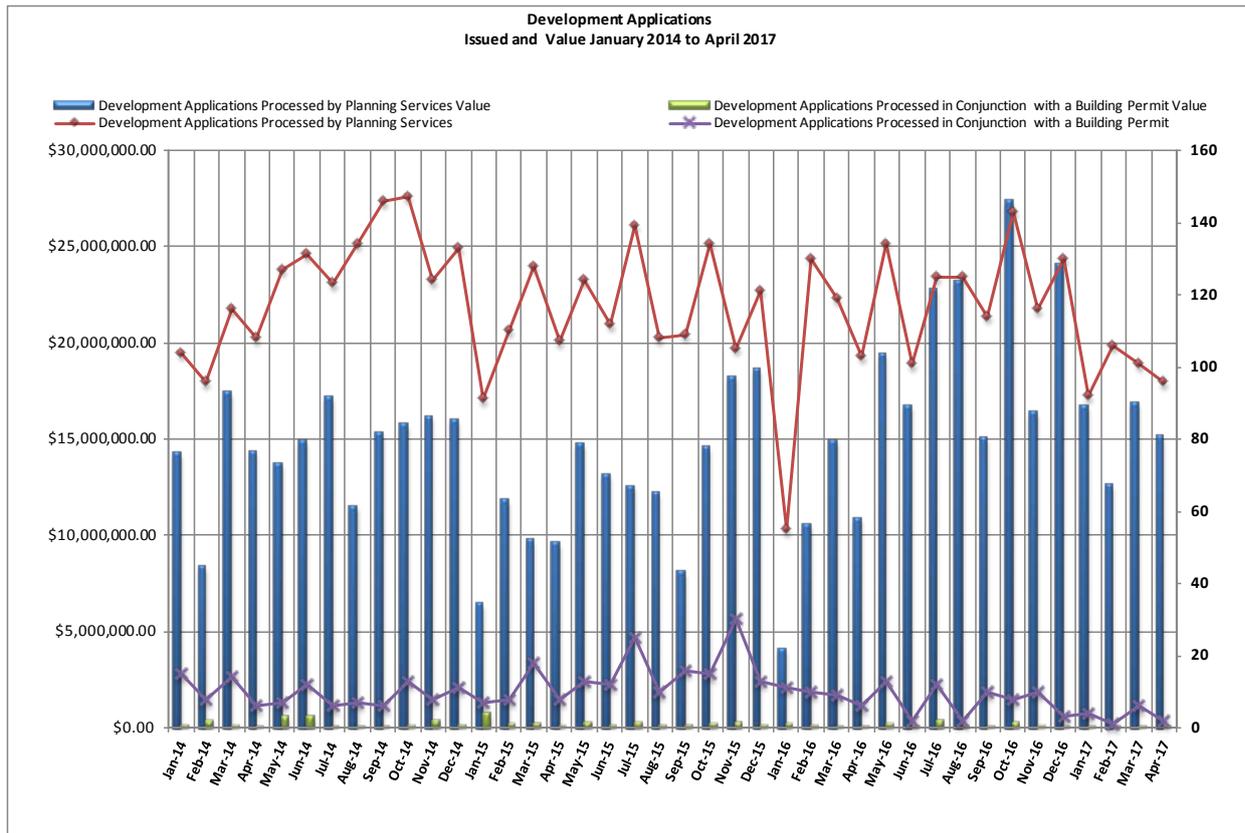
Development applications

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

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	96	\$ 15,144,058
Development applications processed by Building Services	2	\$ 12,800
TOTAL	98	\$ 15,156,858

Of the 98 development applications, five were for new dwelling developments in housing opportunity areas, proposing a total of 13 additional dwellings.

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



The number of development applications received during April was 119. (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 April was 247. Of these, 39 were pending further information from applicants and 13 were being advertised for public comment.

In addition to the above, 178 building permits were issued during the month of April with an estimated construction value of \$35,637,585.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

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

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

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

Risk management considerations

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

Financial / budget implications

A total of 98 development applications were determined for the month of April with a total amount of \$52,369 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 CJ085-06/17 during April 2017;**
- 2 Subdivision applications described in Attachment 2 to Report CJ085-06/17 during April 2017.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf170613.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ086-06/17 - Initiation of Scheme Amendment No. 88 to <i>District Planning Scheme No. 2</i> – Recoding from R20/60 and R20/40 to R20/30.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick owns property in Housing Opportunity Area No. 1, but located outside the scheme amendment area.

**CJ086-06/17 INITIATION OF SCHEME AMENDMENT NO. 88 TO
DISTRICT PLANNING SCHEME NO. 2 – RECODING
FROM R20/60 AND R20/40 TO R20/30**

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106679, 101515
ATTACHMENTS	Attachment 1 Location Plan Attachment 2 Scheme amendment maps
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider initiating an amendment to *District Planning Scheme No. 2* (DPS2) to amend the residential density code of a portion of Housing Opportunity Area 1 (HOA1) from R20/40 and R20/60 to R20/30.

EXECUTIVE SUMMARY

At its meeting held on 16 May 2017 (CJ078-05/17 refers), Council considered the minutes of a Special Electors Meeting and resolved to support the initiation of an amendment to DPS2 to reduce the residential density coding of certain properties within HOA1 from R20/40 and R20/60 to R20/30.

This report provides the necessary mechanism to initiate the proposed scheme amendment as required by the decision above.

BACKGROUND

Suburb/Location	Properties within HOA1 bounded by the Mitchell Freeway, Davallia Road, Beach Road and Warwick Road, Duncraig.
Applicant	City of Joondalup.
Owner	Various
Zoning	DPS 'Residential', 'Public Use', 'Public Open Space'. MRS 'Urban'.
Site area	Various.
Structure plan	Not applicable.

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, rather than take an ad hoc approach to densification and allow it to occur everywhere, criteria were used to identify the most appropriate locations for densification. These areas were 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.

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.

The increased coding throughout HOA1 to R20/R40 and R20/R60 adopted by Council in April 2013 and endorsed by the WAPC in November 2013, was implemented via Amendment No. 73 to DPS2, gazetted on 28 January 2016.

Special Electors Meeting

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 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 following motion was carried at the Special Electors Meeting:

“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.”*

The *Local Government Act 1995* requires all decisions made at an electors meeting to be referred to Council for consideration. At its meeting held on 16 May 2017 (CJ078-05/17 refers), Council resolved, in part, as follows:

- “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 SUPPORTS 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;...*”

DETAILS

Council resolved to support the initiation of an amendment to DPS2 to recode a portion of HOA1 from R20/40 and R20/60 to R20/30 as outlined above. In accordance with the *Planning and Development (Local Planning Schemes Regulations 2015* (the Regulations), the proposed amendment would be considered a ‘complex amendment’. Further detail on the procedures relating to complex amendments is provided in the ‘Legislation’ section of this report.

The proposed scheme amendment is depicted at Attachment 2.

The City has sought legal advice as to when it would be appropriate to give weight to the provisions of the amendment when assessing development applications. The advice received indicates the City should only make decisions in line with the amendment once the Western Australian Planning Commission (WAPC) has provided an indication it is prepared to support the amendment.

In accordance with the Regulations, complex amendments are required to be referred to the WAPC for advice as to whether any modifications to the documents are required prior to advertising. If the WAPC were to support the amendment to be advertised, it should be noted that this support is provided in relation to advancing the amendment to public consultation only, rather than an acknowledgement of support for the content of the amendment.

Accordingly, it would not be appropriate to give weight to the amendment at this stage. It would only be appropriate to give weight to the amendment following public consultation, further consideration and final adoption by Council and, most importantly, following advice from the WAPC that it was prepared to support the amendment.

Issues and options considered

Given the earlier advice from the Department of Planning to increase densities in HOA1 as part of the LHS process, and given that the proposed amendment is therefore not consistent with the LHS, it is considered that there would be little or no support at the State planning level to reduce the density code of this area.

Notwithstanding this, the options available to Council in considering the scheme amendment are:

- to proceed to advertise the amendment to the local planning scheme with or without modifications, and refer the proposal to the WAPC for advice as to whether any modifications to the documents are required before advertising
or
- not to proceed to advertise the amendment to the local planning scheme.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Not applicable.

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* (the Regulations) enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the proposed scheme amendment is not consistent with the City's *Local Housing Strategy*, it is classed as a complex amendment under the Regulations. Complex amendments are required to be referred to the WAPC for advice as to whether any modifications to the documents are required prior to advertising.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is necessary. Should the EPA decide that an environmental review is not required, and notify the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 60 days, provided the WAPC has approved advertising as outlined above.

Upon closure of the advertising period, Council is required to consider all submissions received and to either adopt the amendment, with or without modifications, or refuse to adopt the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Risk management considerations

Draft *Local Planning Scheme No. 3* (LPS3) is to be considered by Council at its meeting to be held on 27 June 2017, and if supported, will be forwarded to the WAPC for consideration of final approval. The WAPC has 120 days to make a recommendation to the Minister for Planning.

There is a risk that should this amendment to DPS2 be initiated now, given the statutory processes to be undertaken, it is possible that draft LPS3 will have progressed beyond a point where there is the ability to capture this subject amendment within draft LPS3. If this was to occur, a new amendment would then need to be initiated following the finalisation of LPS3 to request the reduction in the residential coding in a portion of HOA1.

Financial / budget implications

The City, as the proponent is required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the scheme amendment which could include letters to all owners, and placing a notice in the local newspaper and on the City's website. The total cost of advertising is estimated to be \$2,700. A notice will also be placed in the *Government Gazette* in the event that the scheme amendment is approved.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Should the WAPC permit the proposed scheme amendment to be advertised, it is required to be advertised for public comment for 60 days. It is proposed that advertising will be by way of:

- letters to all landowners within the scheme amendment area (approximately 580)
- a notice placed in the Joondalup Community newspaper
- a notice and documents placed on the City's website
- documents available to view at the City's Administration building
- letters to relevant service authorities
- a notice placed through the City's social media platforms.

COMMENT

The amendment prepared for Council's consideration has been prepared in accordance with Council's resolution at its meeting held on 16 May 2017 (CJ078-05/17 refers) and consistent with the motion carried at the Special Electors Meeting held on 24 April 2017.

Should Council initiate the amendment it should be noted that the City has received advice that it would only be appropriate to give weight to the provisions of the amendment after the WAPC has provided an indication that it is prepared to support the amendment.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 Pursuant to regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES that Scheme Amendment No. 88 is a complex amendment as the proposal is not consistent with the *City of Joondalup Local Housing Strategy*;**
- 2 Pursuant to section 75 of the *Planning and Development Act 2005* and regulation 37 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to proceed to advertise Scheme Amendment No. 88 to the *City of Joondalup District Planning Scheme No. 2* to:
 - 2.1 amend the Residential Density Code Map to recode a portion of Housing Opportunity Area 1 from R20/40 and R20/60 to R20/30, as depicted at Attachment 2 to Report CJ086-06/17,****for the purpose of public advertising for a period of 60 days;****
- 3 SUBMITS Scheme Amendment No. 88 to the Western Australian Planning Commission to advise if any modifications are required to the documents prior to advertising.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf170613.pdf](#)

CJ087-06/17 GREYwater RE-USE REBATE PROGRAM FOR THE CITY OF JOONDALUP

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	76584, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a report on the implementation of a rebate program, to encourage the installation of greywater reuse systems within the City of Joondalup.

EXECUTIVE SUMMARY

At its meeting held on 28 June 2016 (CJ84-06/16 refers), Council requested the Chief Executive Officer to prepare a report on implementing and determining a rebate for residents who wish to install an approved greywater reuse system.

A key project was contained within the *City Water Plan 2016 – 2021*, identifying a greywater rebate program, to encourage the installation of greywater reuse systems within the City of Joondalup. A timeline was provided for implementation of the program during the 2017-18 financial year.

It is recommended that Council agrees that a rebate program be implemented for the installation of greywater reuse systems, for an amount equal to the fees stipulated within the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

BACKGROUND

At its meeting held on 28 June 2016 (CJ84-06/16 refers), Council requested the Chief Executive Officer to prepare a report on implementing and determining a rebate for residents who wish to install an approved greywater reuse system.

Greywater is the wastewater generated from household bathrooms, laundries and kitchens, excluding toilet wastewater. Greywater can be reused for the irrigation of domestic gardens. Even though most households will not produce enough greywater to supply the entire garden's needs, reusing greywater is a valuable contribution to water conservation, particularly in the context of our drying climate.

The *Code of Practice for the Reuse of Greywater in Western Australia* (the Code) outlines acceptable greywater reuse practices to ensure the conservation of ground and surface water supplies and the protection of health standards. The installation and operation of all greywater reuse systems must comply with the Code. The installation of a single residential greywater system requires local government approval.

A project to increase the number of greywater reuse systems being installed within the City of Joondalup, by providing a rebate, was endorsed by Council as part of the *City Water Plan 2016 – 2021* (CJ210-12/16 refers).

DETAILS

The *City Water Plan 2016 – 2021* aims to provide a holistic and long-term strategic plan, to improve water conservation and water quality management within the City of Joondalup. Key projects contained within the *City Water Plan 2016 – 2021*, include programs that encourage community participation. A greywater rebate program was identified to be implemented during the 2017-18 financial year.

Although greywater does not include toilet waste, it does contain pathogenic micro organisms, oils, fats, detergents, soaps, nutrients, salts, particles of hair, food and lint.

Local governments are responsible for assessing applications to install greywater reuse systems on single residential lots. Assessment includes ensuring that the greywater reuse system proposed is a type that is approved by the Western Australia Department of Health.

Greywater systems will typically provide two methods of irrigation. A greywater reuse system that captures laundry, bathroom and kitchen waste water and utilises a subsurface disposal method, may cost a minimum of \$4,000 to install. A greywater system that utilises a surface irrigation method would require treatment to a much higher standard and cost a minimum of \$10,000. Greywater reuse systems require ongoing maintenance which can increase the costs associated with greywater reuse.

Administration of a rebate program

A greywater reuse rebate program would be managed as part of the existing approval process for greywater reuse systems. This would include:

- confirmation that the application form is completed correctly
- that the system proposed is approved for use in Western Australia
- calculation of effluent disposal areas
- checks for appropriate setback requirements
- issuing formal approval for the installation of a greywater reuse system, subject to compliance with the Code
- inspection of the greywater reuse system following installation
- provision of a rebate.

Once an application to install a greywater reuse system has been approved, the applicant would be notified and issued with a formal approval. Approval documentation would include information on the proposed rebate for the installation of a greywater reuse system.

There is an onus of responsibility under the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*, for the installer to contact the City once a greywater reuse system has been installed. An inspection is required to be undertaken and a permit to use the greywater reuse system issued.

A condition of the rebate program would be that the greywater reuse system must be installed and inspected, prior to a rebate being provided.

Rebate amount

The amount of a rebate should encourage the installation of greywater reuse systems for the purpose of reducing water use, in consideration of the cost effectiveness for water saving measures implemented and encouraged by the City.

The *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*, stipulates a fee of \$236.00, for an application to construct and permit to use a greywater reuse system.

The provision of a rebate that is equal to the amount of the statutory fees, associated with the installation of a greywater reuse system, would not have a significant impact on the City's existing budget and could encourage a greywater reuse system to be installed.

The proposed rebate for the amount of the associated fees is consistent with a rebate program implemented by the City of Fremantle. There are no other known rebate programs, for greywater reuse systems, provided by local governments within Western Australia.

Promotion of a greywater reuse program

Once implemented, the City's website will be updated to include information on the availability of a rebate for the installation of greywater reuse systems. Articles will also be placed on the City's social media pages.

The City will write to the manufacturers for greywater reuse systems that are approved for use in Western Australia, making them aware of the rebate program that could be used in their own marketing opportunities.

Reporting on the uptake of a greywater reuse rebate program

The positive impact of a greywater reuse rebate program can be measured by the number of greywater reuse systems that are installed within the City. Information on the number of rebates issued will be reported as part of the annual reporting requirements of the *City Water Plan 2016 – 2021*.

Issues and options considered

Council may choose to either:

- agree that a rebate program be implemented for greywater reuse systems, for an amount equal to the statutory fee, currently \$236.00
- agree that a rebate program be implemented for greywater reuse systems, for a different amount
- or
- request that a greywater rebate program not be implemented.

Option 1 is recommended.

The City has not approved any applications for greywater reuse systems in the last five years. Providing a rebate that is equal to the fees associated with the installation of a greywater reuse system, would have a negligible impact on the existing budget.

Option 2, to provide a rebate for an amount greater than the application fee is not recommended, as there are alternate water saving measures that could be implemented that are significantly more cost effective. A greywater reuse system has the potential for annual water savings of 11 kilolitres, per household. The Federal Government, Water Efficiency Labelling and Standards Scheme indicate that annual water savings of 14.5 kilolitres can be achieved by installing a water efficient shower head, at a cost of approximately \$100.00.

Should Option 3 be endorsed by Council, it would be anticipated that there would be little change to the number of greywater reuse systems currently being installed.

Legislation / Strategic Community Plan / policy implications

- | | |
|--------------------|---|
| Legislation | <ul style="list-style-type: none"> • <i>Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974.</i> • <i>Code of Practice for the Reuse of Greywater in Western Australia.</i> |
|--------------------|---|

Strategic Community Plan

Key theme	The Natural Environment.
Objective	Community involvement.
Strategic initiative	Facilitate active involvement from the community in preserving and enhancing the natural environment.
Policy	Not applicable.

Risk management considerations

It is not anticipated that many applications for greywater reuse systems would be received.

Financial / budget implications

There have been no approved greywater reuse systems installed in the City of Joondalup within the past five years. A rebate equal to the amount of the statutory fees, associated with the installation of a greywater reuse system, would not have a significant impact to the City's existing or future budgets.

The costs associated with the administration of a rebate program would be included within existing operational budgets.

Regional significance

Not applicable.

Sustainability implications

The City recognises the importance of the sustainable use of water within its operations and facilities, and the need to promote water conservation and water efficiency within the community. Increases in average temperatures and population growth are placing higher demands on water resources.

The City of Joondalup is committed to sustainable water management through the *City Water Plan 2016 – 2021*. Initiatives to reduce water use are important to ensure long-term availability of water resources.

Consultation

The *City Water Plan 2016 – 2021* was available for public comment between 24 October 2016 and 14 November 2016. No submissions were received from the community on the greywater rebate project or any other component of the *City Water Plan 2016 – 2021*.

COMMENT

Connection of all domestic wastewater to the reticulated sewerage system is the most appropriate method to dispose of wastewater, to reduce the risks to public health. Where it is intended to reuse household greywater, the risk to health can be mitigated by installing a greywater reuse system that is approved by the Western Australia Department of Health and installed in accordance with the Code.

While greywater reuse systems are likely to provide an overall reduction of water use, this method is not cost effective in comparison to other water saving options.

The maintenance requirements for greywater reuse systems and the restrictions imposed by the Code for irrigation or infiltration areas, may deter most residents. It would not be expected that there would be a significant uptake of a rebate for greywater reuse systems.

A rebate equal to the amount of the statutory fees, associated with the installation of a greywater reuse system, would not have any negative impact to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council AGREES that a rebate program be implemented for the installation of greywater reuse systems, for an amount equal to the fees stipulated within the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

Disclosures of interest affecting impartiality

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ088-06/17 - Proposed Educational Establishment Additions (Off-Street Carparking and Access Additions) at Whitford Catholic Primary School - Lot 2 (270) Camberwarra Drive, Craigie.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard's children attend Whitford Catholic Primary School.

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ088-06/17 - Proposed Educational Establishment Additions (Off-Street Carparking and Access Additions) at Whitford Catholic Primary School - Lot 2 (270) Camberwarra Drive, Craigie.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Dwyer is a member of Our Lady of the Mission Catholic Church.

CJ088-06/17 PROPOSED EDUCATIONAL ESTABLISHMENT ADDITIONS (OFF-STREET CAR PARKING AND ACCESS ADDITIONS) AT WHITFORD CATHOLIC PRIMARY SCHOOL - LOT 2 (270) CAMBERWARRA DRIVE, CRAIGIE

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	16283, 04017
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine a development application for off-street car parking and access additions at the Whitford Catholic Primary School located at Lot 2 (270) Camberwarra Drive, Craigie.

EXECUTIVE SUMMARY

The proposed development includes:

- new staff car park and modifications to existing on-site parking bays resulting in an additional 34 on-site car parking bays
- modifications to vehicle access internal to the site, including designated pickup aisles, waiting areas, a queuing aisle and an overflow pickup area
- terraced retaining walls to the western and southern boundaries of the school site.

The proposed development complies with the City's *District Planning Scheme No. 2 (DPS2)* and relevant local planning policies, except for the setbacks of the retaining walls on the side (south) and rear (west) boundaries. DPS 2 requires non-residential buildings (including walls) to be set back three metres from side boundaries and six metres from the rear boundary.

The City officers have delegated authority to consider setbacks up to 1.5 metres less than the required setback (that is a 1.5 metre setback to the side boundary and a 4.5 metre setback to the rear boundary). The walls are proposed with a nil setback and therefore Council determination is required.

The application was advertised to surrounding landowners and occupiers for a period of 14 days. No responses were received during the advertising period.

It is considered that the terracing of the retaining walls, the incorporation of art work panels, recessing of the walls at various points, and the landscaping provided within the terraced retaining and across the site provides for an appropriate addition to the Whitford Catholic Primary School site. The overall design of the development is appropriate for the locality, assists in reducing street parking and traffic issues and does not adversely impact the visual amenity of the site and its surrounds.

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

BACKGROUND

Suburb/Location	Lot 2 (256) Camberwarra Drive, Craigie.
Applicant	Chaney Architecture.
Owner	The Roman Catholic Archbishop of WA.
Zoning	DPS2 Private Clubs / Recreation.
	MRS Urban.
Site area	32,412m ² .
Structure plan	Not applicable.

The subject site is bound by Camberwarra Drive to the east, Barradine Way and Mercyville Aged Care to the north, Marmion Avenue to the west and Albion Park to the south (Attachment 1 refers).

The site is zoned 'Urban' under the *Metropolitan Region Scheme (MRS)* and 'Private Clubs / Recreation' under DPS2.

In 2016, 14 on-street car bays were added to the Barradine Way verge to assist with ongoing parking and traffic issues including illegal verge parking within the area during school drop-off and pick-up times and church gatherings. It is evident that the car parking problem still remains with both the City and Whitford Catholic Primary School receiving numerous complaints regarding illegal car parking. As a result, Whitford Catholic Primary School has taken action to address the existing car parking problems through the submission of a development application that seeks to improve on-site vehicle and pedestrian access and provides additional car parking bays on-site.

DETAILS

The proposed development includes the following:

- An additional 34 on-site car parking bays resulting in a total of 149 bays on-site.
- Modifications to vehicle access internal to the site, including designated pickup aisles, waiting areas, a queuing aisle and an overflow pickup area.
- Alterations to existing disabled car parking bays to comply with the current Australian Standards.
- A new terraced retaining wall with a nil setback from the southern boundary adjoining Albion Park totalling a maximum height of 4.4 metres.
- A new terraced retaining wall with a nil setback from the western boundary totalling a maximum height of 3.11 metres.
- A 1.3 metre high structural crash barrier above the proposed retaining wall.
- Removal of approximately 30 existing on-site trees.
- The provision of 16 new shade trees.
- New planter beds incorporated into the terraced retaining walls.

The development plans are provided at Attachment 2.

The development complies with DPS2 and relevant local planning policies with the exception of the retaining wall boundary setbacks.

Retaining Walls

Due to the natural slope of the land (from north-east to south-west), the applicant has included a number of retaining walls to facilitate appropriate ground levels for the car parking area extension.

The highest section of retaining and fill is located to the southern boundary adjoining Albion Park being 3.05 metres to 4.4 metres from natural ground level. The terraced retaining walls are constructed out of limestone blocks, incorporate art work panels and recesses at various points and include a native planter bed within the terraced area of the retaining wall.

In accordance with Clause 4.7.1 of DPS2, the permitted setback for non-residential buildings (including retaining walls) is six metres from the rear boundary (west) and three metres from the side boundary (south). The applicant has proposed a nil setback to both of these boundaries.

Officer Comment:

The retaining walls adjoining Albion Park and Marmion Avenue have been terraced, incorporate art work and are recessed at various points to reduce the impact of building bulk to Albion Park and owners or occupiers surrounding the locality. The retaining walls allow for additional landscaping within the terraced areas adjacent to Albion Park and Marmion Avenue which assist in reducing the overall impact of the walls on the surrounding area.

The detail of the artwork to be incorporated within the wall will be subject to a separate approval from the City.

Landscaping

The application incorporates additional landscaping on site as part of the development. An indicative landscaping plan is provided at Attachment 2.

The site incorporates over 40% of existing and proposed landscaping integrated throughout the site and the total landscaping on site therefore complies with the minimum 8% requirement under DPS2 Clause 4.12.1. The proposal also incorporates shade trees within, and adjacent to, the on-site car parking area which complies with the one shade tree per four car bays prescribed by DPS2.

The proposed development results in the removal of approximately 30 existing on-site trees. It is difficult to retain these trees due to existing site constraints including site levels and limited development opportunity to locate the additional parking bays and vehicle access.

The site incorporates a total of 20 shade trees. Sixteen shade trees are proposed throughout the proposed car parking areas and queuing aisle and four existing shade trees are located adjacent Car Parking Area 1 and the proposed waiting areas. The shade trees comply with DPS2 Clause 4.12.3 which requires one tree for every four car parking bays.

Car Parking and Traffic

The application proposes the reconfiguration of the existing car parking area and vehicle access and includes designated pickup aisles, waiting areas, a queuing aisle, an overflow pick-up area and a new car park.

Under DPS2, the site is required to provide 206 car bays, inclusive of both the school (Educational Establishment) and church (Place of Worship) uses. The existing car parking provided on site is 115 car bays resulting in a pre-existing shortfall of 91 car bays. The proposed additions result in an additional 34 car bays, resulting in a total of 149 on-site car parking bays.

The proposed development will reduce the existing parking shortfall from 91 bays to 57 bays. This is expected to significantly improve the existing traffic and car parking issues evident during school drop off and pick up times and church gatherings.

As the development does not result in a reduction in car parking bays and does not propose additional classrooms or additions, no decision is required in relation to improvements to the parking shortfall.

Public Consultation

The application was advertised for a period of 14 days, commencing on 4 May 2017 and concluding on 18 May 2017.

No submissions were received during the public consultation period.

Issues and options considered

Council is required to determine the nil setback of the proposed retaining walls to the western and southern boundaries in lieu of three metres required for the side boundary (south) and six metres required for the rear boundary (west).

Council may determine an application for development approval by:

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

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Not applicable.

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

Clause 3.9 of DPS2 sets out the objective for development within the 'Private Clubs / Recreation' zone:

3.9 THE PRIVATE CLUBS/RECREATION ZONE

The objective of the Private Clubs / Recreation Zone is to accommodate uses such as private golf clubs, private educational, institutional and recreational activities.

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

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or, any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*

- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following:*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslide, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of:*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, maneuvering and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following:*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*

- (w) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (x) *the history of the site where the development is to be located;*
- (y) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (z) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$3,623 (excluding GST) in accordance with the Schedule of Fees and Charges, for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application was advertised for a period of 14 days, commencing on 4 May 2017 and concluding on 18 May 2017. Consultation was undertaken in the following manner:

- Letters outlining the nature of the proposal were sent to nine landowners and occupiers that are in close proximity to the subject site.

No submissions were received during the public consultation period.

COMMENT

As outlined above, it is considered that the overall design of the development, along with the areas of discretion sought, is appropriate for the locality, assists in reducing off-site parking and traffic issues and does not adversely impact the visual amenity of the site and its surrounds.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **APPROVES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 13 April 2017 submitted by Chaney Architecture, on behalf of the owner The Roman Catholic Archbishop of WA, for the proposed educational establishment additions (off-street car parking and access additions) to the Whitford Catholic Primary School at Lot 2 (270) Camberwarra Drive, Craigie, subject to the following conditions:
 - 1.1 This approval only relates to the additions comprising off-street carparking and access to the Whitford Catholic Primary School as indicated on the approved plans;
 - 1.2 A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - 1.2.1 all forward works for the site;
 - 1.2.2 the delivery of materials and equipment to the site;
 - 1.2.3 the storage of materials and equipment on the site;
 - 1.2.4 the parking arrangements for the contractors and subcontractors;
 - 1.2.5 the management of dust during the construction process;
 - 1.2.6 access to car parking and the centre for staff and customers;
 - 1.2.7 other matters likely to impact on the surrounding properties,and works shall be undertaken in accordance with the approved Construction Management Plan;
 - 1.3 A full schedule of colours and materials for all exterior parts to the development (including the retaining walls) shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
 - 1.4 The external surface of the development, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surfaces shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;

- 1.5 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;**
- 1.6 Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:**

 - 1.6.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
 - 1.6.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;**
 - 1.6.3 Provide a minimum of one shade tree per four car bays within new car parking areas;**
 - 1.6.4 Show spot levels and/or contours of the site;**
 - 1.6.5 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;**
 - 1.6.6 Be based on water sensitive urban design principles to the satisfaction of the City;**
 - 1.6.7 Be based on Designing out Crime principles to the satisfaction of the City;**
 - 1.6.8 Show all irrigation design details;**
- 1.7 Landscaping and reticulation shall be established in accordance with the approved landscaping plans and Australian Standards within 90 days from the completion of the development and thereafter maintained to the satisfaction of the City;**
- 1.8 Landscaping of a sufficient height and density to soften the impact of the retaining walls as viewed from Albion Park and Marmion Avenue shall be provided within the terraced area of the retaining walls for the length of the retaining wall. Landscaping shall be installed within 90 days from the completion of the retaining wall and thereafter maintained to the satisfaction of the City;**
- 1.9 The proposed artwork panel to the southern retaining wall adjoining Albion Park shall be developed at the cost of the applicant/owner;**
- 1.10 Details of the proposed artwork shall be submitted to the City for approval within 90 days from the date of this approval. The artwork approved by the City shall be installed within 90 days from the completion of the retaining wall and thereafter maintained to the satisfaction of the City;**
- 1.11 Any fence including the 'suitable vehicle barrier' above the retaining walls shall be visually permeable to the satisfaction of the City;**

- 1.12 All development shall be contained within the property boundaries;**
- 1.13 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf170613.pdf](#)

Disclosure of Proximity Interest

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ089-06/17 - Draft <i>Local Planning Scheme No. 3</i> – Consideration Following Public Consultation.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Poliwka owns property in proximity.

Disclosures of interest affecting impartiality

Name/Position	Cr John Chester.
Item No./Subject	CJ089-06/17 - Draft <i>Local Planning Scheme No. 3</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester has campaigned to keep Lot 971 (52) Creaney Drive, Kingsley as bushland.

Name/Position	Cr John Logan.
Item No./Subject	CJ089-06/17 - Draft <i>Local Planning Scheme No. 3</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of the Kingsley and Greenwood Residents Association; a long-time proponent of Lot 971 (52) Creaney Drive, Kingsley remaining undeveloped property.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ089-06/17 - Draft <i>Local Planning Scheme No. 3</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean attends a church in Winton Road, Joondalup.

CJ089-06/17 DRAFT LOCAL PLANNING SCHEME NO. 3 - CONSIDERATION FOLLOWING PUBLIC CONSULTATION

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	83628, 101515	
ATTACHMENTS	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
	Attachment 6	City of Joondalup community facilities sites

AUTHORITY / DISCRETION 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 to Report CJ089-06/17.

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 to Report CJ089-06/17.

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.

At its meeting held on 16 May 2017 (CJ068-05/17 refers), Council resolved to refer draft LPS3 back to the Chief Executive Officer to provide further information about the 10 parcels of land that are proposed to be rezoned from 'Civic and Cultural' to 'Private Clubs, Institutions and Places of Worship', relative to the proximity of other City community purpose assets.

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 to Report CJ089-06/17.

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 to Report CJ089-06/17.

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 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 permissibility, 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 to Report CJ089-06/17. 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.

Community facilities analysis

Further to Council's resolution to refer draft LPS3 back to the Chief Executive Officer at its meeting held on 16 May 2017 (CJ068-05/17 refers), a spatial analysis of the distribution of community facility sites throughout the City of Joondalup was undertaken. This was done to assist Council in its decision-making regarding 10 sites owned by the City in freehold and proposed to be rezoned from 'Civic and Cultural' to 'Private Clubs, Institutions and Places of Worship' under draft LPS3 (Attachment 6 refers).

The 10 sites have been plotted along with other City of Joondalup community infrastructure. Notional 500 metre and 1.5 kilometre catchments are depicted around each of the 10 sites to provide context as to the proximity between community infrastructure.

Seven of the 10 sites proposed to be rezoned to 'Private Clubs, Institutions and Places of Worship' are already developed for some form of community purpose as follows:

- 64 Delamere Avenue, Currambine – Currambine Community Centre
- 66 Constellation Drive, Ocean Reef - Beaumaris Community Centre
- 45 Emerald Way, Edgewater – Emerald Park Clubrooms
- 27 Koorana Way, Mullaloo – Mullaloo Community Kindergarten
- 2 Caley Road, Padbury – Padbury Hall / Child Health Centre / Community Kindergarten
- 5 Trappers Drive, Woodvale – Woodvale Library / Community Care Centre
- 11 Moolanda Boulevard, Kingsley – Silver Chain / Community Vision.

The three remaining sites that are undeveloped are 100 Treetop Avenue, Edgewater (part of Edgewater Quarry site), 127 Trappers Drive, Woodvale (adjoining North Woodvale Primary School and Chichester Park), and Lot 971 (52) Creaney Drive, Kingsley.

Following this further analysis, it is recommended that no modifications to the proposed zoning of these sites be undertaken as in all instances existing community facilities are located in close proximity to these sites.

It is further noted that the proposed 'Private Clubs, Institutions and Places of Worship' zone allows for a range of community purpose land uses to be developed under this zoning should the City, as the current landowner of these sites, choose to do so.

Issues and options considered

Council has the option to:

- 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.

Objective

Quality built outcomes.

Key theme

Economic Prosperity, Vibrancy and Growth.

Objectives

Activity Centre development.
Destination City.

Policy

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.

Strategy

City of Joondalup Local Planning Strategy.

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 to Report CJ089-06/17.

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.

Further analysis of the distribution of existing City community facility infrastructure and its proximity to 10 sites proposed to be zoned 'Private Clubs, Institutions and Places of Worship' has shown there are adequate community facilities in proximity to these sites and therefore no modification to the advertised zoning is proposed.

It is recommended that Council supports draft *Local Planning Scheme No. 3*, subject to the modifications outlined in Attachment 4 to Report CJ089-06/17.

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 CJ089-06/17 and subject to the modifications outlined in Attachment 4 to Report CJ089-06/17;
- 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 4 refers

To access this attachment on electronic document, click here: [Attach4brf170613.pdf](#)

Disclosures of Financial Interest

Name/Position	Cr John Chester.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Chester is providing finance for his daughter to develop a hospital in the Joondalup Activity Centre.

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Poliwka owns interest in property in the area.

Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Taylor has a business client in the Joondalup Business Park.

Disclosures of interest affecting impartiality

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Dwyer knows someone who may purchase or may have already purchased a property in the area.

Name/Position	Cr John Logan.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan's step-daughter owns a vacant block of land at 28a Kutcharo Crescent, Joondalup.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ090-06/17 - Draft <i>Joondalup Activity Centre Plan</i> – Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean attends a church in Winton Road, Joondalup.

It is recommended that Council supports the draft JACP, subject to the modifications outlined in Attachment 11, and forwards its recommendation to the Western Australian Planning Commission (WAPC).

BACKGROUND

The City has prepared the draft JACP in accordance with *State Planning Policy 4.2: Activity Centres* (SPP 4.2). The activity centre boundary is depicted in Attachment 1.

SPP 4.2, released by the WAPC in August 2010, identifies Joondalup as a Strategic Metropolitan Centre. SPP 4.2 requires an activity centre plan to be developed for Strategic Metropolitan Centres to guide future development and retail expansion.

In 2014 a team of consultants was appointed by the City to commence work on the JACP. The City subsequently consulted with key stakeholders and major landowners and prepared a draft masterplan setting out the intended vision for future development of the city centre through to 2050.

Following completion of the masterplan (Attachment 2 refers), the City and its consultants finalised the draft JACP and associated technical documentation to facilitate the continuing development and expansion of the city centre over the next 10 years. These documents include development controls or provisions for all land in the activity centre, with supporting economic and transport analysis. The JACP will assist in ensuring the 2050 vision is safeguarded and in part realised.

At its meeting held on 21 February 2017 (CJ004-02/17 refers), Council resolved to advertise the draft JACP in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for a period of 28 days.

Advertising of the draft JACP commenced on 27 February 2017 and concluded on 27 March 2017.

DETAILS

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

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

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

- Technical appendices:
- *Economic Development Plan.*
- Transport Impact Assessment.
- *Bushfire Management Plan.*

The draft JACP and associated appendices are provided as Attachments 4 to 9.

In accordance with the Regulations, following public advertising of the *Activity Centre Plan*, the local government must prepare and forward its recommendation to the WAPC. This recommendation is required to include a schedule of submissions considered, as well as any modifications proposed to the draft JACP.

A detailed summary of submissions identifying the issues raised has been prepared along with the City's response to each submission (Attachment 10 refers).

The key themes / issues / matters raised are discussed below in a General Comments section and then in sections dedicated to each precinct.

The City has recommended modifications to the draft JACP as a result of the submissions received. The full schedule of modifications is included as Attachment 11.

Should Council resolve to support the draft JACP, subsequent changes to the City's draft *Local Planning Scheme No. 3 (LPS3)* will be required to incorporate the land use permissibility table and key, overarching development provisions of the JACP, consistent with advice from the Department of Planning and in keeping with the approach undertaken for the *Whitford Activity Centre Plan*.

GENERAL COMMENTS

Subdivision Requirements

The Department of Planning (DoP) has raised a concern regarding a lack of subdivision controls. Although the document includes objectives and provisions that support the amalgamation of land, there are no specific provisions within Part One to control subdivision of non-residential land.

The City acknowledges the need to provide guidance within the draft JACP on future subdivision and, as such, it is recommended that a provision is included to clarify that subdivision is not supported except where the resultant lots are a minimum of 2,000m², the subdivision relates to a development already approved and under construction, the subdivision facilitates the creation of road reserves and super lots generally consistent with the relevant precinct plan or in instances where it can be demonstrated that the subdivision is consistent with the objectives of the JACP and relevant precinct requirements.

Building Heights

A number of submissions requested that the building height requirements under the General Provisions of the JACP and Figure 4: Building Heights Plan be modified to provide greater flexibility to minimum building heights throughout the JACP area. The requested modifications include the following:

- Allow for variations to the permitted building heights if the development is considered to meet the JACP objectives.
- Allow for variations to the minimum building height for podiums where the total height of the development exceeds the minimum height.
- Allow for no minimum building heights in relation to Lakeside Shopping Centre.

Minimum building height requirements were included in the draft JACP to ensure the scale of future development aligns with the desired future urban character of the activity centre and to recognise the objective of elevating the JAC to a Primary Centre.

In order to provide a degree of flexibility without compromising the built form envisioned, it is recommended that an additional provision is included as follows:

“Buildings shall comply with the minimum building height required under Figure 4: Building Heights Plan, however, parts of a building (including the podium) may be developed at a lesser height provided that the proposed development:

- *includes a tower structure which exceeds the minimum building height required under Figure 4 by at least the equivalent dimension to the reduction sought to those portions of the building below the minimum height; and is considered to meet the relevant objectives under the JACP; and is consistent with the existing/desired streetscape; or*
- *represents extensions/alterations to an existing approved building; and is considered to meet the relevant objectives under the JACP; and is consistent with the existing/desired streetscape to the satisfaction of the determining authority.”*

Car Parking Standards

Main Roads WA, the Department of Transport and the Public Transport, via a joint submission, have raised concerns that the draft JACP does not include a cap on the maximum number of car parking bays within the JACP area (maximum of 25,000 bays suggested).

It is considered that it may be too early in the maturation of the city centre to cap the number of parking bays provided. The draft Economic Development Plan included at Attachment 5 notes that one of the activity centre’s competitive advantages is ‘lower cost parking’ and one of the key strengths for commercial floorspace growth is ‘access to low-cost parking’.

While it is recognised that uncapped parking throughout the JACP area is not sustainable longer term, it is noted that access to parking is viewed as a competitive advantage and potential shorter term commercial floorspace attractor. It is important to allow the City centre to further mature under an interim arrangement prior to introducing a restrictive cap on parking that may discourage economic development if imposed too early.

As an alternative measure, the draft JACP incorporates a reduced parking ratio for non-residential land uses from a ratio of one bay per 50m² to one bay per 75m². The draft JACP also incorporates the ability to negotiate with some specified land owners about the amount of parking required for key land-uses and high-traffic generating sites within the JAC. This will assist in reducing the amount of car parking bays within the JAC.

The Department of Planning also stated a preference for a parking cap, but acknowledged that, in the absence of a cap, the parking ratios set out in the draft JACP were appropriate.

In view of the above, no modifications to the draft JACP are recommended in this regard.

Variations to Residential Design Codes

The DoP has advised that justification is required for any variation to deemed-to-comply requirements of the Residential Design Codes (R-Codes).

The draft JACP replaces the relevant deemed-to-comply provisions for vehicle access by restricting the number of crossovers permitted per lot to one only whereas the R-Codes are less limiting in this regard.

The provisions included in the draft JACP will assist in ensuring frontages are not dominated by crossovers / driveways and that pedestrian / cyclist movement is not interrupted by large numbers of vehicles intersecting the footpath at various points. This will improve the built form, streetscape and safety of pedestrians and motorists throughout the activity centre.

It is considered that the above provisions meet the intent of the relevant objectives and reflect the design principles under clause 5.3.5 and 6.3.5 of the R-Codes and the above justification will be provided to the DoP as requested.

Bushfire Management

The Department of Fire and Emergency Services (DFES) provided comment on the *Bushfire Management Plan* (BMP) for the draft JACP. The comments provided relate to the lack of detail provided within the BMP (Attachment 9 refers).

In response to these comments, the City (in consultation within its bushfire consultant) is of the opinion that the level of detail provided within the draft JACP and BMP reflects the strategic nature and overall scale of the activity centre area and identifies / manages bushfire risk appropriately. Due to the higher-order nature of the draft JACP, site specific details for each lot cannot be addressed as part of this document.

Being an existing centre, the majority of land adjoining existing bushfire prone vegetation within the activity centre has already been developed. Therefore location of buildings, access to water infrastructure and access / egress from lots has already been substantially established.

It is important to note that a detailed Bushfire Attack Level (BAL) Assessment will still be required at subdivision and / or development stage for land located within a bushfire prone area in order to address the State Government's *Bushfire Planning Framework*. It is considered that the BMP supporting the JACP provides the necessary strategic guidance to assist in planning for bushfire mitigation but that site specific assessment will provide more detailed guidance at development / subdivision stage. As a result, no modification to the BMP is recommended.

Additional Use Zones

Lend Lease, as part of their submission, raised a concern with the permissibility of a number of land uses which already exist on the Lakeside Shopping Centre site, including 'Garden Centre', 'Motor Vehicle Repairs' and 'Service Station'. These land uses are proposed to be prohibited ("X") uses within the City Centre precinct under the draft JACP.

Although these existing land uses / development would have non-conforming use rights and could continue to operate, they would not be able to be relocated / redeveloped elsewhere onsite and it may be desirable to relocate these uses as part of a broader redevelopment of the site to provide a better streetscape, in particular, along Joondalup Drive. It is considered that due to the size and scale of this site, these land uses could be accommodated

elsewhere on site without impacting the objectives of the precinct and the desired streetscape outcomes (unlike other smaller sites within the area).

As a result, it is recommended that these land uses are included under Table 1: Additional Use Zones as discretionary (“D”) uses for this site, with a condition only allowing existing uses to be relocated as part of a holistic redevelopment which provides a better built form and streetscape outcome. This will ensure these uses are confined to the Lakeside Shopping Centre site only, and cannot be established elsewhere in the City Centre precinct.

CITY CENTRE PRECINCT

Precinct Plan

LandCorp, as part of their submission for Lot 701 (380) Joondalup Drive, Joondalup (the basketball site on the corner of Joondalup Drive and Collier Pass) provided the following comments:

- Identification of the site as a ‘Landmark Site’ is inappropriate as it is on a significantly busy road, opposite the multi-storey car park for Lakeside Shopping Centre and is not in a highly pedestrianised area.
- Activated frontages to Wise Street and Clarke Crescent are unsuitable as they will likely be used to provide service access to the site.

Landmark Site

The site is considered an essential landmark site for the City Centre precinct as it is located in close proximity to the Joondalup Train Station, has direct frontage to (and is highly visible from) Joondalup Drive, is located centrally within the activity centre and has frontage to the proposed green link along Collier Pass which is a key east-west vehicle connection between Joondalup Drive and Grand Boulevard and a key pedestrian and bicycle link that connects the Mitchell Freeway to Lake Joondalup.

Frontage Activation

The City recognises the difficulties of developing a site with attractive facades to four street frontages. It is considered appropriate to remove the semi-active frontage from Clarke Crescent in order for the site to focus activation of frontages to those streets that are considered critical to aligning with the strategic vision for the City Centre precinct.

In further considering the frontages within the City Centre precinct, it has been determined that active frontages in lieu of semi-active frontages are more appropriate along Collier Pass. This will ensure development along Collier Pass will have a higher degree of glazing, incorporate street activation as part of the building and will require non-residential land uses on the ground floor. This is consistent with the intent of focusing active street frontages within close proximity to public transport nodes, landmark sites and main pedestrian thoroughfares.

Building Heights

In addition to comments on landmark elements and frontage activation, LandCorp provided the following comments on building heights:

- The required building heights are unlikely to be achieved in the short-term based on current market trends.
- If the site was subdivided this may result in a number of buildings, which may not meet the minimum seven storey height or landmark nature.

The draft JACP provides a guiding framework to shape built form and development for the next 10 years and ensures that development does not compromise the vision for the City Centre beyond this. The provisions of the JACP, including those relating to building height, consider longer term requirements relating to residential population, employment and built form beyond current market trends to ensure the objectives and desired future character of the activity centre can be realised.

As outlined in the General Comments section of this Report, a holistic approach to minimum building height is appropriate and a modification is therefore recommended to permit a degree of building height flexibility throughout the JACP area, which will in turn respond to LandCorp's submission.

Land Use Permissibility

Degree of Permissibility

A number of submissions noted the lack of permitted ("P") uses within the City Centre precinct stating that this could create uncertainty for landowners and potential tenants / businesses and could also result in increased application processing times and workloads for the City. Additionally, submissions stated that this could result in slower redevelopment by property owners.

The City has reviewed the submissions made in this regard and considers it appropriate to include a number of uses as permitted ("P") uses in the City Centre precinct as these uses align with the objectives of the precinct and are of a nature that would not require public consultation prior to approval.

The uses proposed to be modified from discretionary ("D") to permitted ("P") uses are as follows:

- Betting Agency.
- Holiday Accommodation.
- Hotel.
- Convenience Store.
- Exhibition Centre.
- Laundrette.

Warehouse / Storage, Bulky Goods Showrooms and Trade Supplies Land Uses

"Warehouse/Storage", "Bulky Goods Showrooms" and "Trade Supplies" land uses are prohibited ("X") uses in the City Centre precinct.

A number of submissions, including those lodged by Lend Lease and the Large Format Retail Association, raised concerns with this, specifically with regard to the impact this may have on existing businesses which are currently operating within the Winton Road area.

The key issues raised in the submissions are summarised below:

- Prohibiting these land-uses will create uncertainty for all existing “Bulky Goods Showrooms” and “Trade Supplies” businesses currently operating in the area.
- Existing businesses will be constrained when seeking to expand, reconfigure or relocate their premises by virtue of the new prohibition.
- Large format retailers typically need to be co-located with others, thereby promoting shared multi-purpose trips and greater customer numbers. Fragmentation of these uses west of Joondalup Drive will have a significant negative impact on the existing businesses.
- The Joondalup West precinct, situated north of Hodges Drive and south of Shenton Avenue, has no direct frontage or exposure to passing trade along Joondalup Drive. Large Format Retail businesses rely on passing traffic and access to the arterial road network – the loss of direct road exposure for this particular precinct could have significant negative impacts on the existing retailers in this area.
- A reduction in the amount of land capable of supporting large format retail business, combined with the encroachment of non-large format retail activities, will likely increase land values and leasing rates.

In respect to the concerns raised by submitters, the City provides the following response:

- All existing approved “Bulky Goods Showrooms” and “Trade Supplies” businesses currently operating within the City Centre precinct will be considered non-conforming uses and can continue to operate as approved without any restrictions. Changes, alterations, modifications or extensions to non-conforming uses will be considered via a development application having regard to the potential impact the development may have on achieving the overall objectives and intent for the City Centre precinct.
- The Joondalup West precinct will continue to accommodate “Bulky Goods Showrooms” and “Trade Supplies”. This precinct is directly adjacent to the City Centre precinct located on the west of Joondalup Drive and therefore still allows for co-location of such uses.
- Joondalup Drive is a key movement distributor which can facilitate high density, mixed-use development to form an intense inner-city corridor. Land-uses such as “Bulky Goods Showrooms” and “Trade Supplies” are generally unable to incorporate buildings / development with a built form conducive to the development outcomes envisioned for the City Centre precinct. The draft JACP includes provisions in the City Centre precinct which require mixed-use development, active street frontages, a high degree of glazing, awnings, encourage pedestrian movement, nil setbacks and a 20.5 metre minimum building height. If land uses such as “Warehouse / Storage”, “Bulky Goods Showrooms” and “Trade Supplies” were permitted in the City Centre precinct, there would also be potential increased and ongoing impacts on the residents of future mixed used developments in the area.
- The draft JACP provides for the Joondalup West and Quarry Park precincts to provide for and encourage new and existing large format retail businesses to operate within the City of Joondalup.

No modifications to land use permissibility for “Warehouse / Storage”, “Bulky Goods Showrooms” and “Trade Supplies” within the City Centre precinct are recommended.

HEALTH AND WELLNESS PRECINCT

Precinct Plan

The Housing Authority have requested reconsideration of the extent of active, semi-active and other frontage types as part of their submission for Lot 9000 McLarty Avenue and Lot 999 Piccadilly Circle, Joondalup by requesting the following modifications:

- The semi-active frontage requirement should be removed from the proposed public open space edge.
- Introduce passive frontage to McLarty Avenue north of Queensbury Road and generally through Lot 9000 and Lot 999.
- Extend the active frontage requirement to the opposite side of the proposed north-south road connection within Lot 9000 and Lot 999.
- Required a semi-active frontage to the western edge of the neighbourhood centre / community focal point.
- Acknowledge the intent for a landscaped interface to Joondalup Drive and its intersection with Grand Boulevard.
- Include a landmark site to the corner of McLarty Avenue and Shenton Avenue on Lot 1001 McLarty Avenue, Joondalup (North Metropolitan TAFE site).

Frontage Activation

The Housing Authority outlined in their submission that high intensity commercial activity should not be focused in the outer perimeter of the JACP (as would be anticipated through the requirement for non-residential ground floor land uses along active and semi-active frontages in the Health and Wellness precinct), as this could compromise the intensification and concentration of commercial activity in the City Centre precinct.

It is noted that the predominant development context within the central third of the Health and Wellness precinct, generally bound by Joondalup Drive and Grand Boulevard, is residential. As a result, some proposed semi-active frontages within Lot 9000 McLarty Avenue and Lot 999 Piccadilly Circle, Joondalup are considered unnecessary and are recommended to be modified accordingly.

Semi-active frontages are however considered desirable along McLarty Avenue and Grand Boulevard to maintain the established streetscape and retain more active connections between the City Centre precinct and the northern parts of the JACP area.

The Department of Training and Workforce Development (DTWD) also raised a concern regarding the development provisions related to semi-active frontages. This included the requirement for parking to be sleeved behind buildings and the requirement for a high degree of glazing and awnings, as these requirements are not considered to be compatible with training facilities.

It is noted that the DTWD land holding only includes one semi-active frontage, being the proposed north-south road (shown as Lawley Court on Figure 7 of the JACP), and therefore these development standards will only apply to future development fronting / adjoining this street. The remainder of the site will not need to be developed to these standards. It is considered that the draft JACP will not significantly impact the development potential of the North Metropolitan TAFE site off McLarty Avenue in this regard and the inclusion of a semi-active frontage along the eastern edge of the north-south road matches the requirements along the western edge of the north-south road and is considered appropriate.

Landmark Site

The City does not support the identification of a landmark site on the corner of Shenton Avenue and McLarty Avenue as the site is not located at a major intersection in the context of the broader JACP and is not considered necessary to assist with way finding. It is also noted that this was requested by the Housing Authority in relation to a site that is not currently in their ownership.

Building Heights

The Housing Authority and DTWD have raised a concern regarding the minimum building height required under Figure 4: Building Heights Plan in the Health and Wellness precinct.

As outlined previously, a modification is recommended to permit a degree of building height flexibility throughout the JACP area and this broader modification will address the Housing Authority's submission in this regard.

Building Setbacks

As a result of the requested modifications to active and semi-active frontages, changes to the building setback requirements under the Health and Wellness precinct were required which are briefly outlined below:

- Lots with active frontages will require a nil setback to 75% of building frontage, with a maximum of a three metre setback to the remaining portion (with some minor exceptions).
- A minimum of nil and maximum of a three metre setback is required to all other frontage types, excluding active frontages and frontages to Joondalup Drive and Shenton Avenue.
- Setbacks to Joondalup Drive and Shenton Avenue will be determined at the discretion of the determining authority taking into account the development context and ensuring a high quality streetscape.

The modifications update the provisions within the Health and Wellness precinct such that setback requirements as advertised are replaced and / or modified to differentiate between lots with active frontages (frontages to Joondalup Drive and Shenton Avenue), and those lots with all other frontage types (semi-active and undefined frontages).

Movement Network

The submission prepared by the Housing Authority highlighted the importance of the proposed north-south road (Lawley Court) located between Joondalup Drive and McLarty Avenue, providing an additional link between Shenton Avenue and Grand Boulevard.

The draft JACP identifies a possible additional north-south connection, however it is noted that the intersection of the proposed north-south road and Shenton Avenue is not identified in the draft JACP as an all-directional intersection and is anticipated to allow left in, left out movements when constructed. The transport impact assessment does not provide any guidance to enable support for an all-directional intersection at this location, and no modification is recommended in this regard.

Land Use Permissibility

The DTWD requested that an ‘Educational Establishment’ be a permitted (“P”) land use under the Health and Wellness precinct. Table 2: Land Use Permissibility under the draft JACP identifies this land use as a discretionary (“D”) use.

It is considered that some forms of ‘Educational Establishment’ can be accommodated within tenancies with a built form consistent with the high intensity, mixed-use environment envisioned for the precinct. However, some large scale educational establishments may not be conducive to the development outcomes and standards required under the Health and Wellness precinct. In some cases, this land-use may also create conflicts with other land-uses, such as multiple dwellings.

As a result, the City may need to exercise its discretion in considering ‘Educational Establishments’ within this precinct. It is therefore recommended that this land use remains a discretionary (“D”) use in the Health and Wellness precinct.

LEARNING AND INNOVATION PRECINCT

Movement Network

The submission prepared by the Department of Training and Workforce Development (DTWD) raised a concern regarding the proposed road connecting Teakle Court and Kendrew Crescent and its resultant impact on the development potential of Lot 9000 (35) Kendrew Crescent, Joondalup (North Metropolitan TAFE site).

The draft JACP identifies a possible additional north-south connection; however it is noted that the purpose of this connection is to allow for greater permeability and connectivity within this area as development intensifies. It is considered to be an important connection; however the exact location of the proposed road depicted on the precinct plan is indicative and can be relocated to suit optimal development outcomes if the intent of the connection can be maintained. Ultimately, the exact location and width of this connection can be refined further at development stage.

As the intent of this indicative connection is not necessarily to compel the construction of a dedicated public road, it is recommended that reference to the connection be amended from “New Road” to “New Road / Connection” to allow greater flexibility and refinement at development stage.

JOONDALUP EDGE PRECINCT

Building Heights

A submission prepared on behalf of landowners within the Joondalup Edge precinct raised concern with the minimum building height requirements and requested deletion of the standard as it may deter and preclude suitable but more modestly scaled development, particularly in the shorter term.

Land within the Joondalup Edge precinct is situated in a prime location for transit oriented development at a height that encourages and enhances the use of public transport. The minimum building height requirements reflect proximity to Edgewater Train Station and are consistent with the strategic vision and intended development outcomes for the JACP.

Some flexibility in relation to minimum building height is proposed through a broader modification to height standards throughout the entire JACP and will also apply to the Joondalup Edge precinct.

Land Use Permissibility

The submission prepared on behalf of landowners within the Joondalup Edge precinct noted that only two uses were permitted (“P”) uses within the precinct and requested a number of discretionary (“D”) and prohibited (“X”) uses be amended to permitted (“P”) uses.

In considering the requested land use modifications within the Joondalup Edge precinct, the City agrees that additional permitted uses would be appropriate within the precinct to provide additional certainty for landowners. However, a large portion of the precinct is identified as bushfire prone, and the risk of bushfires within this precinct and requirements of *State Planning Policy 3.7: Planning in bushfire Prone Areas* (SPP3.7) need to be acknowledged when considering appropriate land uses.

The following land uses are recommended to be modified to a permitted (“P”) use within the Joondalup Edge precinct:

- Shop.
- Restaurant.
- Convenience Store.
- Dry Cleaning Premises.
- Fast Food Outlet.
- Lunch Bar.
- Laundrette.

It is also considered that the permissibility of land uses within the Joondalup Edge precinct should not detract from the objective of prioritising significant and intensive land uses within the City Centre precinct (for example Hotel, Exhibition Centre). The City considers that such uses should remain as discretionary (“D”) uses in recognition of the above.

Movement Network

The submission prepared on behalf of landowners within the Joondalup Edge precinct requested the inclusion of additional text to clarify that all existing crossovers on Joondalup Drive are able to be maintained.

The development provision included in the draft JACP which limits additional crossovers to Joondalup Drive does not require removal of existing access points. For clarification, the request is supported and additional text is proposed as a modification to allow existing crossovers to remain.

JOONDALUP WEST PRECINCT

Land Use Permissibility

Place of Worship

A significant proportion of submissions received during advertising focused on the permissibility of ‘Place of Worship’ as a land use within the Winton Road area, which includes both the City Centre and Joondalup West precincts under the draft JACP.

At its meeting held on 21 February 2017 (CJ004-02/17 refers), in considering the draft JACP for the purposes of advertising, Council discussed the appropriateness of “churches” within the Winton Road area, and their impact on land availability for service industrial / commercial land uses and impact on Council revenue through rates exemptions.

All submissions received on the issue supported the retention of ‘Place of Worship’ as a discretionary (“D”) use within both the City Centre and Joondalup West precincts, consistent with the advertised version of the draft JACP.

It is considered that “Place of Worship” as a land use is appropriate and compatible within the City Centre and Joondalup West precincts and accordingly, no modifications are recommended.

Other land uses

LandCorp in their submission for Lot 9004 (350) Hodges Drive, Joondalup requested the following modifications to land use permissibility:

- “Educational Establishment” from a discretionary (“D”) use to a permitted (“P”) use.
- “Aged or Dependent Persons Dwelling”, “Exhibition Centre”, “Office” and “Serviced Apartment” from a prohibited (“X”) use to a discretionary (“D”) use in the Joondalup West Precinct.

Any modification to land use permissibility will apply to the entire precinct and must therefore be considered in this context.

While there may be merit for such uses for this site given its proximity to Edith Cowan University (ECU), Hodges Drive, Joondalup Drive and access to the Mitchell Freeway, it is considered that the requested land uses are generally not appropriate within the broader context of the Joondalup West precinct which is primarily focused on large-format retail / commercial development. Notwithstanding the above, given proximity to the City Centre, an Exhibition Centre is considered to be compatible and is therefore recommended to become a discretionary (“D”) use.

Should LandCorp wish to pursue development of the site for a specific purpose that is prohibited by the JACP Land Use Permissibility Table, there is potential for this to be explored via an amendment to the City’s Scheme to include additional uses which may be appropriate and specific to a site.

QUARRY PARK PRECINCT

Building Heights

The Quarry Park precinct proposes a minimum height of 13.5 metres and a maximum height of 20.5 metres east of Joondalup Drive (Edgewater Quarry) and a minimum height of 13.5 metres and maximum height of 45 metres west of Joondalup Drive.

East of Joondalup Drive

During consultation, concerns were raised from adjoining residential landowners that ‘high-rise’ development for the area is inappropriate. In the vicinity of Joondalup Drive, the natural ground levels of the quarry site are approximately eight metres lower than the levels of nearby residential properties to the north. This difference in levels could result in the upper three to four storeys of a 20.5 metre development at the quarry site being visible from, and in

close proximity to nearby residential dwellings and as such this interface requires further consideration. No modifications to building height are recommended, however further design consideration for this site via a local planning policy prior to development is recommended.

West of Joondalup Drive

A submission prepared on behalf of landowners within the Quarry Park precinct west of Joondalup Drive raised concern with the building height requirements and requested deletion of the minimum height standard as it may deter and preclude development of desirable land uses at a more modest scale, particularly in the shorter term. The submission also requested deletion of the maximum height limit so as to encourage redevelopment in the precinct when market conditions allow.

The minimum and maximum heights proposed within this area are set so as to provide a transition in built-form across the southern portion of the activity centre, increasing in height and intensity towards Edgewater train station. A degree of flexibility for minimum building height throughout the JACP is proposed through a modification as outlined previously in this report and will address the submission received in this regard.

Building Setbacks

Street Setbacks

The development provisions for “Quarry Park” propose nil setbacks along the Joondalup Drive and Eddystone Avenue frontage. One of the submissions queried the appropriateness given the nature of the Joondalup Road environment. It is noted that the large road reserve widths and vehicle speeds are not conducive to a pedestrian friendly environment.

It is considered that some flexibility for street setbacks is warranted for major arterial roads such as Joondalup Drive. As a result, it is recommended that the setback provision is modified to provide the determining authority with discretion as to the permitted setback to Joondalup Drive.

Side and Rear Setbacks

A number of submissions received raised concerns regarding the impact of development within the Edgewater Quarry on surrounding residential land.

The existing landform (quarry face) between residential properties and the proposed developable “Quarry Park Precinct” portion of the quarry site will in all likelihood dictate an appropriate separation between new and existing development; however, in order to provide greater certainty, the City has recommended that building setbacks and other requirements for the precinct east of Joondalup Drive be determined through preparation of a *Local Planning Policy* (LPP) to ensure an appropriate development outcome and that the amenity of existing residents is not adversely impacted.

Land Use Permissibility

Additional permitted land uses

The submission prepared on behalf of landowners within the Quarry Park precinct (west of Joondalup Drive) requested additional permitted (“P”) uses be incorporated into the Quarry Park precinct along with modifying a number of the prohibited (“X”) uses to discretionary “D” uses within the precinct.

In considering the requested land use modifications, the City agrees that additional permitted uses are appropriate within the precinct to provide greater certainty for landowners, noting that the permissibility of land uses within the Quarry Park precinct must also be balanced with the management of land use conflicts, the existing / desired development context, the environment, and the ensuring that the objectives of other precincts are not compromised.

In view of the above, the following land uses are recommended to be modified from discretionary (“D”) to permitted (“P”) uses:

- Consulting Rooms.
- Convenience Store.
- Lunch Bar.
- Restaurant / Cafe.

In addition to the above, it is also recommended that ‘Educational Establishment’ be modified from a prohibited (“X”) use to a discretionary (“D”) use.

Potential impact of land uses on existing residential land

The City also received submissions from a number of Edgewater residents raising concerns with a number of the land uses which could be considered at the Edgewater Quarry site.

The City has recommended an additional provision to be included in the JACP requiring the preparation and implementation of a *Local Planning Policy* (LPP) prior to development occurring on the quarry site east of Joondalup Drive. The LPP will guide the exercise of discretion in relation to discretionary (“D”) land uses on this site as well as other matters to ensure appropriate development occurs compatible with the development context.

Favourable submissions were received for the potential inclusion of a restaurant / cafe that could be used in conjunction with the open space as well as for limited commercial development.

Movement Network

A number of submissions raised concern about the traffic associated with the development of the Quarry Park precinct (east of Joondalup Drive) and specifically focused on a proposed east-west road connection through Edgewater Quarry as well as the impact of traffic on the local road network.

Proposed road connection (east-west) through Quarry Park

The draft JACP does not include any reference to an additional road connection through Edgewater Quarry, but does depict a proposed principal pedestrian path which will provide a direct link for pedestrians and cyclists. It is assumed that the depiction of this path has been incorrectly identified as a road.

No modifications are recommended in this regard as the intent of the draft JACP is consistent with the position outlined in the submissions received.

Traffic and access generated from development on Quarry Park

The traffic model prepared to support the draft JACP considered development of the entire activity centre, including the Quarry Park precinct and assessed the impact this would have on the existing road network. No road or intersection upgrades are detailed at this stage.

Access to future development on the Edgewater Quarry site is not proposed via existing local streets within Edgewater and any subsequent development proposal will be accompanied by an additional traffic impact assessment to demonstrate appropriate access and network capacity exists.

No modifications are recommended in this regard as existing traffic modelling undertaken along with additional traffic assessment as part of subsequent development proposals will adequately address access and traffic matters for the site.

Environmental

Submissions received raised concern that Edgewater Quarry will be developed which will result in the removal of native flora / fauna and in turn restrict the recreational enjoyment of the park by members of the community.

The draft JACP identifies development of Edgewater Quarry along the western edge of the site only to frame Joondalup Drive and encompasses only a small portion of the site. The majority of the site will be retained for community, recreational and conservation purposes as currently enjoyed by residents.

No modifications are recommended in this regard as the intent of the draft JACP is consistent with the position outlined in the submissions received.

Requirement for a Local Planning Policy (LPP)

As detailed above, the City has recommended an additional provision for the preparation of a *Local Planning Policy* (LPP) as a prerequisite to any development on the Edgewater quarry site (east of Joondalup Drive). The LPP will allow the City to provide more site specific controls over such matters such as building setbacks, access / parking locations, servicing areas, surveillance, integration with open space and guiding discretion in relation to discretionary (“D”) land uses in order to achieve compatibility between future development, the remainder of the site and surrounding properties.

LAKESIDE RESIDENTIAL PRECINCT

No submissions were received regarding the Lakeside Residential precinct during advertising. As a result, no significant modifications have been recommended to the provisions of the Lakeside Residential precinct under the JACP.

MODIFICATION TO DRAFT LOCAL PLANNING SCHEME NO. 3 (LPS3)

In order to give statutory effect to a number of key, overarching development provisions for the JACP, in particular residential density and land use permissibility, it is recommended that upon Council adoption of the draft JACP, the land use permissibility table and development provisions as outlined in Attachment 12 be provided to the Western Australian Planning Commission for inclusion in LPS3.

This approach is consistent with previous advice from the Department of Planning and is in keeping with the process undertaken for the *Whitford Activity Centre Plan*.

Issues and options considered

The options available to Council regarding the submissions received and subsequent modification to the draft JACP under the Regulations include the following:

- May request further information from a person who prepared the activity centre plan and/or
- May advertise any modifications proposed to the activity centre plan to address issues raised in submissions.

Should Council be of the opinion that neither of the above is necessary, it must forward its report to the WAPC in accordance with Schedule 2, Part 5 Clause 36 of the Regulations.

The report must include the following:

- (a) A list of the submissions considered by the local government.
- (b) Any comments by the local government in respect of those submissions.
- (c) A schedule of any proposed modifications to address issues raised in the submissions.
- (d) The local government's assessment of the proposal based on appropriate planning principles
- (e) A recommendation by the local government on whether the proposed activity centre plan should be approved by the WAPC, including a recommendation on any proposed modifications.

Legislation / Strategic Community Plan / policy implications

Legislation

- *Planning and Development Act 2005.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *District Planning Scheme No. 2.*
- *Draft Local Planning Scheme No. 3.*

Strategic Community Plan

Key theme

Economic Prosperity, Vibrancy and Growth.

Objective

Activity Centre development.

Strategic initiative

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

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.
City Centre development.

Strategic initiative

- Planning frameworks promote and support adaptive, mixed-use developments with active ground floor uses on appropriately zoned sites.
- Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.

- Promote and support bold and iconic private building developments within strategic City Centre land locations.
- Encourage ground level retail activities to support a growing and dynamic City Centre.
- Pursue the development of commercial office buildings within the Joondalup City Centre.

Policy

- *State Planning Policy 3.1: Residential Design Codes.*
- *State Planning Policy 3.7: Planning in Bushfire Prone Areas.*
- *State Planning Policy 4.2: Activity Centres for Perth and Peel.*

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

In accordance with Schedule 2, Part 5, Clause 35 (1) (d), the local government may advertise any modifications proposed to the activity centre plan to address issues raised in submissions. However, in accordance with Clause (3) any modifications to an activity centre plan may not be advertised on more than one occasion without the approval of the WAPC.

In accordance with Schedule 2, Part 5, Clause 36, the local government must prepare a report within 60 days of either the last day for making submissions or from a day agreed by the WAPC. The report is required to contain a list of submissions considered by the local government, any comments by the local government on those submissions, a schedule of any modifications required to address issues raised, an assessment of the proposal based on appropriate planning principles and a recommendation on whether the proposed activity centre plan should be approved by the WAPC.

District Planning Scheme No. 2

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

State Planning Policy 3.1: Residential Design Codes

In accordance with Clause 7.3.2 of the Residential Design Codes (R-Codes), the local government may, with the approval of the WAPC, amend any deemed-to-comply provision within the R-Codes by means of a local structure plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment is warranted due to the specific need related to the locality, is consistent with the objectives of the design principle of the

R-Codes, and can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.

State Planning Policy 3.7: Planning in Bushfire Prone Areas

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

In accordance with SPP 3.7, a *Bushfire Management Plan* supports the *Joondalup Activity Centre Plan* and is included as Attachment 9.

State Planning Policy 4.2: Activity Centres for Perth and Peel

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

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

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

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

Risk management considerations

Should Council request further information and / or decide to readvertise any proposed modification to the draft JACP (thereby delaying consideration), the City will continue to assess development under the current JCCDPM with due regard to the draft JCCSP as a seriously entertained document. The JCCDPM last had a major revision in 1995 and does not reflect the City's current aspirations for the city centre and could impact on the city centre being able to achieve the City's ultimate goal of being recognised as a Primary Centre.

Financial / budget implications

The draft JACP has been prepared by external consultants in accordance with endorsed budgets.

Regional significance

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

Sustainability implications

Environmental

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

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

Social

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

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

Economic

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

Consultation

The draft JACP was advertised for public comment for a period of 28 days, closing on 27 March 2017, by way of:

- A total of 4,403 letters were sent to landowners and / or occupiers within the activity centre plan area.
- A notice placed in the Joondalup Community newspaper for two consecutive weeks.
- A notice and documents placed on the City's website.
- A notice placed on the City's social media accounts.

A total of 211 submissions were received (161 being valid submissions), consisting of 10 submissions from authorities, one submission from the DoP and 200 submissions from the general public.

In accordance with the requirements of the Regulations, a schedule of submissions has been developed which summarises the comments received into key themes and the number of response to each theme recorded (Attachment 10 refers).

COMMENT

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

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

The recommended modifications to the draft JACP are considered appropriate taking into account the comments received during public consultation.

It is recommended that Council support the draft JACP subject to the modifications outlined in Attachment 11.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 Pursuant to clause 36 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:**
 - 1.1 SUPPORT the draft *Joondalup Activity Centre Plan*, subject to the modifications specified in Attachment 11 to Report CJ090-06/17;**
 - 1.2 FORWARDS the Council report, schedule of submissions included in Attachment 10 to Report CJ090-06/17 and schedule of recommended modifications specified in Attachment 11 to Report CJ090-06/17 to the Western Australian Planning Commission for consideration and determination;**
- 2 NOTES the submissions received and ADVISES the submitters of Council's recommendations to the Western Australian Planning Commission;**
- 3 Pursuant to clause 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, FORWARDS its recommendation to the Western Australian Planning Commission to include the land use permissibility table and development provisions specified in Attachment 12 to Report CJ090-06/17 into draft *Local Planning Scheme No. 3*.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf170613.pdf](#)

CJ091-06/17 2017 ANNUAL REVIEW OF DELEGATIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	07032
ATTACHMENTS	Attachment 1 Schedule of Amendments Attachment 2 Amended Register of Delegation of Authority
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to undertake a formal review of its delegations within the Register of Delegation of Authority.

EXECUTIVE SUMMARY

Sections 5.18 and 5.46 of the *Local Government Act 1995* (the Act) require that at least once every financial year, delegations are to be reviewed by the delegator. The Council last reviewed its delegations on 28 June 2016 (CJ091-06/16 refers).

A schedule of proposed amendments to the Register of Delegation of Authority is submitted as Attachment 1 to Report CJ091-06/17. The Register of Delegation of Authority incorporating the proposed amendments is submitted as Attachment 2 to Report CJ091-06/17.

It is therefore recommended that Council:

- 1 *ENDORSES the review of its delegations in accordance with sections 5.18 and 5.46 of the Local Government Act 1995;*
- 2 *in accordance with section 127 of the Building Act 2011 DELEGATES to the Building Surveyor (position number 00150) the authority to approve, grant or modify building demolition permit applications, building approval certificates, certificates of building compliance, construction compliance and design compliance in accordance with the conditions associated with a Level 2 Building Surveyor as detailed in Attachment 2 to Report CJ091-06/17;*
- 3 *BY AN ABSOLUTE MAJORITY and in accordance with sections 5.16 and 5.42 of the Local Government Act 1995, section 127 of the Building Act 2011, section 48 of the Bush Fires Act 1954, section 44 of the Cat Act 2011, section 10AA of the Dog Act 1976, section 118(2)(b) of the Food Act 2008, clause 82 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations and section 21 of*

the Public Health Act 2016 DELEGATES the local government functions as listed in the amended Register of Delegations of Authority forming Attachment 2 to Report CJ091-06/17.

BACKGROUND

In accordance with sections 5.16 and 5.42 of the Act, a local government can delegate certain functions to a committee of Council, or the Chief Executive Officer. A variety of other legislation also permits the delegations of functions to the Chief Executive Officer, as well as other officers.

Sections 5.18 and 5.46 of the Act require that at least once every financial year, delegations are to be reviewed by the delegator. The Council last reviewed its delegations on 28 June 2016 (CJ091-06/16 refers) and therefore, a formal review by Council is required.

At its meeting held on 24 June 2014 (CJ091-06/14 refers), Council undertook a comprehensive review of the Register of Delegation of Authority, incorporating the following measures:

- A revised layout for each instrument of delegation.
- Improvements to the wording and referencing of individual delegations.
- New and increased scope of individual delegations.

The 2017 review has focussed on assessing the suitability and relevance of delegations.

DETAILS

The 2017 annual review of the Register of Delegation of Authority was undertaken to determine:

- the appropriateness of the existing delegations and whether to amend or delete any delegations
- the need for any additional delegations.

A schedule of proposed amendments (Attachment 1 refers) lists those amendments that have been identified as requiring Council approval. The proposed amendments reflect:

- the inclusion of additional officers to improve workflow processes and service delivery
- establishing new timeframes for time limited delegations
- deletion of delegations that are no longer required.

It is proposed that a detailed review of the planning delegations will occur when the draft *Local Planning Scheme No. 3* is about to become operational. This will ensure delegations reflect new clause references and any modifications to provisions.

Issues and options considered

Council can either:

- accept the proposed amendments
- vary the proposed amendments
or
- reject the proposed amendments

and adopt the revised Register of Delegation of Authority accordingly.

Legislation / Strategic Community Plan / policy implications

Legislation	<ul style="list-style-type: none"> • Sections 5.16 – 5.18 and 5.42 – 5.46 of the <i>Local Government Act 1995</i>. • Section 127 of the <i>Building Act 2011</i>. • Section 48 of the <i>Bush Fires Act 1954</i>. • Section 44 of the <i>Cat Act 2011</i>. • Section 10AA of the <i>Dog Act 1976</i>. • Section 118(2)(b) of the <i>Food Act 2008</i>. • Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations</i>. • Section 21 of the <i>Public Health Act 2016</i>.
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Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic initiative	Continuously strive to improve performance and service delivery across all corporate functions.
Policy	Not applicable.

Risk management considerations

Council is required to review its delegations at least once every financial year. Failure to complete the review would result in non-compliance with its statutory responsibilities under the *Local Government Act 1995*. Council is also required to review its delegations made under clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations* every two years.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the City. The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community. The 2017 review has resulted in refining delegations to ensure the City's continued ability to maintain high standards of service delivery and approvals.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **ENDORSES** the review of its delegations in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*;
- 2 in accordance with section 127 of the *Building Act 2011* **DELEGATES** to the Building Surveyor (position number 00150) the authority to approve, grant or modify building demolition permit applications, building approval certificates, certificates of building compliance, construction compliance and design compliance in accordance with the conditions associated with a Level 2 Building Surveyor as detailed in Attachment 2 to Report CJ091-06/17;
- 3 **BY AN ABSOLUTE MAJORITY** and in accordance with sections 5.16 and 5.42 of the *Local Government Act 1995*, section 127 of the *Building Act 2011*, section 48 of the *Bush Fires Act 1954*, section 44 of the *Cat Act 2011*, section 10AA of the *Dog Act 1976*, section 118(2)(b) of the *Food Act 2008*, clause 82 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations* and section 21 of the *Public Health Act 2016* **DELEGATES** the local government functions as listed in the amended Register of Delegations of Authority forming Attachment 2 to Report CJ091-06/17.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf170613.pdf](#)

CJ092-06/17 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	00033, 03149, 101515
ATTACHMENTS	Attachment 1 Minutes of WALGA North Metropolitan Zone meeting held on 27 April 2017. Attachment 2 Minutes of the WALGA State Council meeting held on 5 May 2017. Attachment 3 Minutes of Mindarie Regional Council special meeting held on 18 May 2017.
	<i>(Please Note: These minutes are only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of WALGA North Metropolitan Zone meeting held on 27 April 2017.
- Minutes of WALGA State Council meeting held on 5 May 2017.
- Minutes of Mindarie Regional Council special meeting held on 18 May 2017.

DETAILS

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

WALGA North Metropolitan Zone meeting – 27 April 2017

A meeting of the North Metropolitan Zone was held on 27 April 2017.

At the time of this meeting Cr Philippa Taylor, Cr Russ Fishwick JP, Cr Russell Poliwka and Cr Christine Hamilton-Prime were Council's representatives on the North Metropolitan Zone.

Cr John Logan was an apology for this meeting.

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

1.1 Elections of Chair to the North Metropolitan Zone

“Cr David Boothman was elected as Chairperson of the North Metropolitan Zone from April 2017 to November 2017.”

“Cr Giovanni Italiano JP was elected as Deputy Chairperson of the North Metropolitan Zone from 27 April 2017 to 30 November 2017.”

1.2 Elections of State Council Representatives - North Metropolitan Zone

“Cr Giovanni Italiano JP was elected as State Council Representative of the North Metropolitan Zone to the State Council for the term of May 2017 to December 2017.”

STATE COUNCIL AGENDA – MATTERS FOR DECISION

7.1.4 Report on Key Activities, Planning and Community Development

The following resolution was proposed regarding the Changing Places Grants Program at item 7.1.4 of the State Council Agenda.

It was resolved by the North Metropolitan Zone as follows:

“That WALGA find a solution for all participating Local Governments in the Changing Places Grants Program whereby the successful grant applicant is not required to fund its own costs to become accredited as a Changing Places facility.”

9.1 WALGA State Council Regional Meetings

It was resolved by the North Metropolitan Zone as follows:

“That the North Metropolitan Zone advises that it sees merit in the metropolitan regional meeting proposal and would be interested in hosting a metropolitan regional meeting.”

WALGA State Council meeting – 5 May 2017

A meeting of the WALGA State Council was held on 5 May 2017.

At the time of this meeting Cr Russell Fishwick, JP was Council's representative at the WALGA State Council meeting.

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

5.1 Review of the Emergency Services Levy (05-24-02-0001 MP)

It was resolved by the WALGA State Council as follows:

“That the interim submission to the Economic Regulatory Authority (ERA) on the Review of the Emergency Services Levy (ESL) be amended to explicitly request the introduction of an alternative option to collect the Emergency Services Levy (ESL) and oppose its collection through Local Government rates as from the 2018/19 financial year.”

5.2 Interim submission to the Department of Planning on the Government Sewerage Policy (05-026-03-0041 CG)

It was resolved by the WALGA State Council as follows:

“That the interim submission to the Department of Planning regarding the draft Government Sewerage Policy be endorsed.”

5.3 Productivity Commission Study into Transitioning Regional Economies (05-001-03-0006 DM)

It was resolved by the WALGA State Council as follows:

“That the interim submission to the Productivity Commission study into Transitioning Regional Economies be endorsed.”

5.4 State Council Regional Meetings (01-004-02-0001 TB)

It was resolved by the WALGA State Council as follows:

“That:

- 1. State Council endorse holding one regional meeting in the Metropolitan area and one regional meeting in the Country per annum.*
- 2. WALGA staff liaise with the North Metropolitan Zone in respect to holding the September 2017 meeting.*
- 3. From 2018 onwards the May Regional State Council Meeting be held in the Metropolitan area and the September Regional Meeting be held in the Country.”*

Mindarie Regional Council Special Council meeting – 18 May 2017

A special meeting of the Mindarie Regional Council was held on 18 May 2017.

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

For the information of Council, the following matter of interest to the City of Joondalup was resolved at the special meeting of the Mindarie Regional Council:

7.1 Confidential – Energy from Waste Tender Consideration

It was resolved by the Mindarie Regional Council as follows:

“That Council:

- 1 *Notes the Tender Evaluation Panel’s report;*
- 2 *Endorses the Energy from Waste technology being proposed in the officer’s report;*
- 3 *Nominates Tenderer A as the first preferred bidder for the Energy from Waste Tender;*
- 4 *Nominates Tenderer B as the second preferred bidder for the Energy from Waste Tender;*
- 5 *Subject to consents to proceed being received from all of the MRC’s member Councils, gives approval for the Chief Executive Officer to progress commercial discussions with the preferred bidders identified in 3 and 4 above with a view to being able to recommend who, if anyone, should be awarded the Energy from Waste Tender;*
- 6 *Requests the Chief Executive Officer to present a further report to Council recommending who, if anyone, should be awarded the Energy from Waste Tender.*

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of the:

- 1 **WALGA North Metropolitan Zone meeting held on 27 April 2017 forming Attachment 1 to Report CJ092-06/17;**
- 2 **WALGA State Council meeting held on 5 May 2017 forming Attachment 2 to Report CJ092-06/17;**
- 3 **Mindarie Regional Council special meeting held on 18 May 2017 forming Attachment 3 to Report CJ092-06/17.**

To access this attachment on electronic document, click here: [External Minutes170613.pdf](#)

CJ093-06/17 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENTS	Attachment 1 Status of Petitions – 16 February 2016 to 18 April 2017
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the status of outstanding petitions.

BACKGROUND

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

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

DETAILS**Issues and options considered**

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 February 2016 to 18 April 2017, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

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

Policy Implications

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

Risk Management Considerations

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

Financial/Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council NOTES:**

- 1 the status of outstanding petitions submitted to Council during the period 16 February 2016 to 18 April 2017, forming Attachment 1 to Report CJ093-06/17;**
- 2 in relation to the petition requesting a section of Burns Beach be made available as an animal exercise area, a report is proposed to be presented to Council at its meeting to be held on 18 July 2017;**
- 3 in relation to the petition requesting a change to the City's *Beach Management Plan* to reduce congestion at Hillarys Dog Beach, a report is proposed to be presented to Council at its meeting to be held on 18 July 2017;**

- 4 in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, Council will consider the petition as part of its review of the City's *Signs Policy*;
- 5 a report in relation to the two petitions requesting that Council approves and endorses the *Sorrento Local Activity Structure Plan* for Lots 2, 148, 149 and 153 West Coast Drive, Lot 154 Raleigh Road and Lots 146 and 147 Padbury Circle and to fully support the redevelopment and transformation of Sorrento Plaza was presented to Council at its meeting held on 21 March 2017 (CJ022-03/17 refers);
- 6 that a report in relation to the petition requesting that Council gives consideration to establishing a nature play park in the Chichester Park area for the benefit of older children in Woodvale is proposed to be presented to Council at its meeting to be held on 18 July 2017;
- 7 that a report in relation to the petition requesting that Council provides a water fountain inclusive of a water bowl at the base for dogs at Geneff Park, Sorrento for the use of the local community who exercise their dogs daily and also for children who play at the park is proposed to be presented to Council at its meeting to be held on 27 June 2017;
- 8 that a report in relation to the petition opposing the proposal to develop Beldon Park for national premier league soccer competition was presented to Council at its meeting on 21 March 2017 (CJ034-03/17 refers);
- 9 in relation to the petition requesting that Council review the design of the approved subdivision at 10 Rochele Court, Woodvale:
 - 9.1 that the subdivision of the subject site has a legitimate approval issued by the Western Australian Planning Commission and therefore the City has no ability to modify the approved design;
 - 9.2 that the above information has been communicated to the lead petitioner;
- 10 in relation to the petition requesting that the width of the footpath in Strathyre Drive, Duncraig be reduced from 1.8 metres to 1.5 metres and be installed behind the existing kerb; this item was dealt with as part of Notice of Motion No. 1 – Cr Russ Fishwick – Installation of a Footpath Strathyre Drive, Duncraig (C17-03/17 refers);
- 11 in relation to the petition requesting that Council review the Structure Plan on the new rezoning in the area bounded by the Mitchell Freeway to the east, Beach Road to the south, Warwick Road to the north and Davallia Road to the west and amend it, limiting it to duplexes and triplexes only (R20/R25/R30) at its meeting held on 16 May 2017 (CJ078-15/17 refers), Council resolved in part, to request the initiation of a scheme amendment to recode the area bounded by the Mitchell Freeway, Beach Road, Warwick Road and Davallia Road from R20/40 and R20/60 to R20/30;

- 12 in relation to the petition requesting that Council install a fence surrounding the main playground area and if possible the BBQ and eating facilities at Granadilla Park, Duncraig, a report is proposed to be presented to Council at its meeting to be held on 21 November 2017.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf170613.pdf](#)

CJ094-06/17 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2017 ANNUAL GENERAL MEETING

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	00033, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to give consideration to nominating its voting delegates for the 2017 Annual General Meeting of the Western Australian Local Government Association (WALGA) to be held on Wednesday 2 August 2017.

EXECUTIVE SUMMARY

The Annual General Meeting of WALGA is traditionally held during the WA Local Government Convention. The majority of local governments in the state have representatives attending.

Crs Fishwick and Hamilton-Prime were nominated as the City's voting delegates in 2016, with Cr Philippa Taylor and Chief Executive Officer, Mr Garry Hunt as their proxy delegates (CJ085-06/16 refers).

BACKGROUND

The 2017 WALGA Annual General Meeting will be held on Wednesday 2 August 2017.

DETAILSVoting Delegates

In order to participate in voting on matters received at the Annual General Meeting, each member Council must register its voting delegates by 3 July 2017. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either elected members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

The current City of Joondalup members of the WALGA North Metropolitan Zone are as follows:

Members

Cr Philippa Taylor.
Cr Russ Fishwick, JP.
Cr Christine Hamilton-Prime.
Cr John Logan.

Deputies

Cr Sophie Dwyer (first alternative member).
Cr Nige Jones (second alternative member).
Cr Russell Poliwka (third alternative member).
Cr Mike Norman (fourth alternative member).

Crs Fishwick and Logan are the City's delegate and deputy delegate respectively, to the WALGA State Council.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation

Not applicable.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Strong leadership.

Strategic initiative

Advocate and influence political direction to achieve local and regional development.

Policy

Not applicable.

Risk management considerations

If the City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of the WALGA.

Financial / budget implications

Not applicable.

Regional significance

Matters considered at the 2017 WALGA Annual General Meeting relate to local government as an industry.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The North Metropolitan Zone Committee of WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

It is considered prudent to designate two voting delegates for the 2017 Annual General Meeting of WALGA to ensure the City is represented and is able to vote on matters affecting the City and the broader local government sector.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOMINATES:

- 1 two voting delegates for the 2017 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday 2 August 2017;**
- 2 two proxy voting delegates for the 2017 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday 2 August 2017 in the event that Council's appointed representatives are unable to attend.**

Disclosures of Financial Interest

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ095-06/17 - City of Joondalup Delegation to Jinan.
Nature of interest	Financial Interest.
Extent of Interest	Mayor Pickard will be part of a delegation to visit Jinan from 4 September to 10 September 2017.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ095-06/17 - City of Joondalup Delegation to Jinan.
Nature of interest	Financial Interest.
Extent of Interest	The Chief Executive Officer will be part of a delegation to visit Jinan from 4 September to 10 September 2017.

CJ095-06/17 CITY OF JOONDALUP DELEGATION TO JINAN

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	52469, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to endorse a delegation to visit Jinan to attend the 2017 Dialogue on Connectivity and Confucianism and the 2nd Annual Meeting of International Alliances of Cities with Spring Cultural Landscapes, as well as meeting with key Jinan government and business representatives in order to advance economic development opportunities and develop a new Jinan-Joondalup Sister City Relationship Plan and Economic Cooperation Agreement.

EXECUTIVE SUMMARY

The City of Joondalup has received an invitation from the Foreign Affairs Office of the Jinan Municipal People's Government inviting the City to attend the 2017 Dialogue on Connectivity and Confucianism and the 2nd Annual Meeting of International Alliance of Cities with Spring Cultural Landscapes in September, 2017. The Foreign Affairs Office has also invited the City, at this time, to negotiate a new Sister City Relationship Plan in order to advance key aspects of the relationship, namely:

- 1 Relationship Management.
- 2 Socio-Cultural Exchange.
- 3 Environmental Exchange.
- 4 Economic Exchange.

In addition to these activities, the delegation will meet with key Jinan government and industry representatives to discuss and advance economic opportunities.

It is proposed to send a delegation to Jinan in September 2017 led by the Mayor and that the Chief Executive Officer and Chief Executive Officer's representative(s), and a cultural advisor / interpreter also represent the City and participate in the delegation in accordance with normal protocols. The delegation is proposed for a period of six days with two days travel time included.

It is therefore recommended that Council APPROVES the City sending a delegation to Jinan from 4 to 10 September 2017 to attend the 2017 Dialogue on Connectivity and Confucianism and the 2nd Annual Meeting of International Alliances of Cities with Spring Cultural Landscapes, as well as meeting with key Jinan government and industry representatives to advance economic exchange opportunities and the negotiate a new Joondalup – Jinan Sister City Relationship Plan.

BACKGROUND

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

At its meeting held on 1 November 2005 (CJ224-11/05 refers), Council endorsed a long-term Relationship Plan to assist in guiding the growth and continuity of the Jinan-Joondalup Sister City Relationship. The plan highlighted four key focus areas for the relationship, namely:

- Relationship Management.
- Social-Cultural Exchange.
- Environmental Exchange.
- Economic Exchange.

The Sister City Relationship has included a number of inbound and outbound delegations. The most recent delegations include the following:

- An outbound delegation led by Mayor Pickard in August 2015 to celebrate the 10 Year Anniversary of the Sister City Relationship between the City of Joondalup and the Jinan Municipal People's Government, and to introduce the City's Investment Attraction Prospectus to key government and business stakeholders in Jinan. At this time, both Cities signed a new Memorandum of Understanding which included:
 - Official Exchanges.
 - Economic Trade and Cooperation.
 - Education and Cultural Cooperation.
 - Tourism Cooperation.

- An inbound delegation in May 2016 led by Mr Shi Wenjin, Deputy Director of the Jinan Municipal People's Congress and representatives from the Jinan Foreign Affairs Office, Urban and Rural Construction and Environmental Protection Office, and Jinan Urban Management Bureau. The delegation met with key City representatives to discuss major City projects and economic exchange opportunities and visited the Resource Recovery Facility in Neerabup.

DETAILS

The Jinan Municipal People's Government has invited the City to send a delegation to Jinan from 5 to 9 September 2017 to attend the 2017 Dialogue on Connectivity and Confucianism and the 2nd Annual Meeting of International Alliance of Cities with Spring Cultural Landscapes. The Jinan Foreign Affairs Office has also invited the City, at this time, to negotiate a new Sister City Relationship Plan in order to advance key aspects of the relationship including socio-cultural, environmental and economic exchanges.

The invitation from the Jinan Municipal People's Government will provide the City with the opportunity to showcase the City's new investment attraction video, which is currently being translated into Mandarin, to key Jinan government and business stakeholders. The visit will also be timely given the recent Council endorsement of the City's new *International Economic Development Activities Plan* (IEDAP) (CJ042-04/17 refers) as the IEDAP will inform the new Sister City Relationship Plan and Economic Cooperation Agreement.

It is proposed that Mayor Pickard leads the Delegation and that the Chief Executive Officer and Chief Executive Officer's representative/s also represent the City and participate in the delegation in accordance with normal protocols. It is also proposed that the City pay all costs including airfare, accommodation and incidentals associated with the delegation for the Mayor and Chief Executive Officer and the Chief Executive Officer's representative/s. It is further proposed that the City covers the travel and accommodation costs associated with a cultural advisor / interpreter to assist with logistics and provide assistance at key meetings and presentations with the Jinan Municipal People's Government.

In the past Elected Members have been invited to participate in the delegation, however, costs will also need to be met from the annual conference and training allowances provided to Elected Members.

It is further proposed that invitations are issued to the following organisations to participate in the delegation on the basis that these organisations have been involved in previous outbound delegations and/or play a critical role in the ongoing Sister City Relationship and the achievement of a number of core areas in the relationship plan:

- Edith Cowan University (ECU) - has recently appointed a Pro-Vice-Chancellor (China) and ECU's new Strategic Plan has a focus on internationalisation.
- North West Metropolitan TAFE – offers a range of Vocational and Educational Training (VET) courses and Higher Education courses that will be of interest to International students.
- Joondalup Health Campus – the health and medical sector has been identified as one of Joondalup's high value sectors in the IEDAP, based on capabilities in a wide range of areas including ehealth, cancer care, exercise science, mental health, health and wellness, nursing and midwifery.
- Lend Lease – opportunity to attract international investment to Joondalup and promote Lakeside Shopping City as a tourism destination

- Western Australian Tourism Council – is the peak body representing tourism businesses, industries and regions in Western Australia and represents over 1,300 private and public sector members across the tourism industry. The IEDAP promotes the need for coordinated tourism packages to be delivered to International markets.
- Amana Living (Aged Care provider) – from an international perspective aged care service providers in Australia are considered to be high quality, as a result there is demand from Asian markets in particular to learn from local operators in areas such as facility development, aged care and the training and education of professionals in this industry. Amana Living provide Aged Care facilities in Joondalup and has recently announced the formation of the Amana Living Training Institute (ALTI) which will deliver quality accredited and non-accredited training in clinical and non-clinical areas including palliative care, dementia care and the like.

All costs associated with participating stakeholders will be borne by the stakeholders or their respective organisations.

The delegation will provide the City with an opportunity to leverage the high value sectors nominated in the IEDAP namely:

- Education and training (international education and attraction of international students)
- Health and Medical – (aged care, nursing and midwifery, e-health, mental health, wellness and cancer care)
- Retail (retail experience in Joondalup is attractive to international visitors and students)
- Tourism (tourism operators working collaboratively to present attractive tourism packages).

The delegation will also, through the development of a new Sister City Relationship Plan and Economic Cooperation Agreement, discuss and progress future opportunities for the Sister City Relationship in line with the IEDAP.

Issues and options considered

Council may choose to either:

- support the delegation and approve the attendance and invitation of the delegates as outlined
- support the delegation and alter the composition of the City attendees and invitees from external agencies
or
- not support the delegation and advise the Jinan Municipal Government of its decision.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Foster strategic alliances to deliver key transformational projects and initiatives in partnership with key stakeholders.

Policy *Elected Members' Entitlements Policy.*

Risk management considerations

There are two key risks associated with this report as follows:

- Should Council decide not to support the proposed delegation there may be a negative impact on the goodwill that has been developed with the Jinan Municipal People's Government given that an invitation has been extended by the to the City to send a delegation to attend a significant event.
- Costs associated with the delegation may be viewed negatively by the community.

Financial / budget implications

\$20,000 has been proposed in the 2017-18 Budget for the Sister City Relationship. The costs associated with the proposed outbound delegation are anticipated to be approximately \$17,000. It should be noted that costs are estimates only at this stage.

2017-18 financial year impact

Account no.	532.A5302.3346.5003.
Budget Item	Jinan Sister City Relationship.
Budget amount	\$ 20,000
Amount spent to date	\$ 0
Proposed cost	\$ 14,000
Balance	\$ 6,000

Account no.	210.A210.3229.000.
Budget Item	Chief Executive Officer Conference and Travel.
Budget amount	\$ 30,000
Amount spent to date	\$ 0
Proposed cost	\$ 5,000
Balance	\$ 25,000

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The Sister City Relationship between the City of Joondalup and the Jinan Municipal People's Government has been developed with the intent of achieving positive social/cultural, economic, and environmental exchange opportunities.

Consultation

Not applicable.

COMMENT

The Jinan-Joondalup Sister City Relationship has been highly successful with a number of significant achievements including:

- The development of a long term Relationship Plan.
- The delivery of a three-month police training program with twenty officers from the Jinan Police Bureau receiving training at the WA Police Academy in Joondalup in criminal investigation, governance and security management.
- The delivery of a six-month public servant training program delivered in Joondalup for 18 senior officers from Jinan.
- A number of business initiatives including China-Link.
- The formation of a Sister School Relationship between Woodvale Senior High School and Jinan Number 9 School and discussions on the formation of a new Sister School Relationship with St Mark's Anglican School.
- West Coast Institute entered into a Sino-Australian Agreement of Co-operation with Jinan Vocational College for Hospitality and Tourism courses and has students enrolled in its Diploma of Hospitality and Tourism under an auspicing agreement. A West Coast Institute lecturer visits Jinan Vocational College each year to deliver specific components of the course. Students from Jinan Vocational College attend the West Coast Institute campus to enhance their studies.
- The development of the Sister City Garden Project – with the successful construction of the Joondalup Garden in Jinan and the incorporation of a Jinan Garden in Joondalup into the Performing Arts and Cultural Facility design.
- Performances by the Jinan Acrobatic Troupe at the Joondalup Festival in 2009.
- Performances by the Jinan Art School Acrobats at the Joondalup Festival in March 2015.
- Attendance at the International Springs Alliance in 2015 at which time Mayor Pickard addressed all delegates in attendance.
- A number of inbound and outbound delegations providing opportunities for delegates to further opportunities for cultural/social, economic, and environmental exchanges.

The proposed delegation to Jinan will provide the opportunity for the City of Joondalup and the Jinan Municipal People's Government to renegotiate the Joondalup-Jinan Relationship Plan which is due for review and to enter into an Economic Cooperation Agreement in alignment with the IEDAP.

The proposed delegation will also provide the City with a timely opportunity to distribute and promote the new Investment Attraction Video to key government and business stakeholders in Jinan and to promote the International Economic Development Activities Plan and the key priorities relevant to the Sister City Relationship including:

- Continue to enhance the Sister City Relationship with the City of Jinan by exploring mutually beneficial trade and investment opportunities;
- Explore opportunities for new formal relationships such as Economic Cooperation Agreements with cities in identified target markets;
- Promote the International Economic Development Activities Plan and key priority projects.

The inclusion of the external stakeholders in the delegation will provide opportunities to progress the key priorities and opportunities to drive economic growth in the IEDAP. The City has a key role as facilitator of such opportunities in terms of connecting key stakeholders in order to achieve the outcomes in the IEDAP as well as key business priorities for participating organisations.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ACCEPTS the invitation from the Jinan Municipal People's Government to send a delegation to Jinan to attend the 2017 Dialogue on Connectivity and Confucianism and the 2nd Annual Meeting of International Alliances of Cities with Spring Cultural Landscapes, as well as meeting with key Jinan government and industry representatives to advance economic exchange opportunities and the negotiation of a new Joondalup – Jinan Sister City Relationship Plan and Economic Cooperation Agreement;**
- 2 APPROVES the travel period from 4 September to 10 September 2017;**
- 3 ENDORSES a formal delegation comprising the Mayor to lead the Delegation and the Chief Executive Officer and his designated representative(s) to represent the City in the delegation;**
- 4 APPROVES the associated costs for airfares, accommodation, and incidental expenses for the Mayor, Chief Executive Officer, the Chief Executive Officer's designated representative(s), and a cultural advisor/interpreter estimated at \$17,000 (exclusive of GST) being charged to Budget Items Jinan Sister City Relationship and Chief Executive Officer Conference and Travel;**
- 5 ENDORSES the following stakeholders being invited to be a part of the official delegation:**
 - 5.1 Edith Cowan University;**
 - 5.2 North West Metropolitan TAFE;**
 - 5.3 Joondalup Health Campus;**
 - 5.4 Lend Lease;**
 - 5.5 Western Australian Tourism Council;**
 - 5.6 Amana Living;**

- 6** NOTES that all costs associated with stakeholder attendance will be borne by the stakeholders or their organisations;
- 7** APPROVES an invitation being extended to Elected Members wishing to participate in the formal delegation with all expenses being charged to individual Elected Member Conference and Travel Allowance Budgets in accordance with the *Elected Members' Entitlements Policy*.

CJ096-06/17 LIST OF PAYMENTS DURING THE MONTH OF APRIL 2017

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

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of April 2017 totalling \$16,725,940.42.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for April 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 CJ096-06/17, totalling \$16,725,940.42.

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 April 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 104847 - 104961 & EF062376 – EF063030 Net of cancelled payments. Vouchers 1919A – 1936A	\$11,724,580.32 \$4,971,175.46
Trust Account	Trust Cheques & EFT Payments 207126 - 207138 & TEF001158 – TEF001176 Net of cancelled payments.	\$30,184.64
Total		\$16,725,940.42

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 April 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 CJ096-06/17, totalling \$16,725,940.42.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf170613.pdf](#)

CJ097-06/17 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2017

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882,101515
ATTACHMENTS	Attachment 1 Financial Activity Statement for the period ended 30 April 2017
AUTHORITY/ DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the Financial Activity Statement for the period ended 30 April 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 April 2017 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$11,555,464 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 30 April 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 \$3,020,994 higher than budget, made up of higher operating revenue \$1,412,037 and lower operating expenditure of \$1,608,957.

Operating revenue is higher than budget on Profit on Asset Disposals \$930,610, Fees and Charges \$187,516, Contributions, Reimbursements and Donations \$142,001, Other Revenue \$84,817, Interest Earnings \$71,483 and Grants and Subsidies \$14,747 offset by lower than budgeted revenue from Rates \$19,137.

Operating Expenditure is lower than budget on Materials and Contracts \$1,811,459, Employee Costs \$939,845, Utilities \$253,217, Loss on Asset Disposals \$131,099 and Interest Expenses \$413 offset by higher than budget expenditure for Insurance Expenses \$25,895 and Depreciation \$1,501,180.

The Capital Deficit is \$6,358,737 lower than budget. This is due to lower than budgeted expenditure on Capital Works \$6,056,512, Capital Projects \$867,426, Vehicle and Plant Replacements \$12,645 and higher than budgeted Capital Contribution revenue \$70,399 offset by lower than budgeted revenue for Capital Grants and Subsidies \$564,913 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 30 April 2017 forming Attachment 1 to Report CJ097-06/17.

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 30 April 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

Key theme	Financial Sustainability.
Objective	Effective management.
Strategic initiative	Not applicable.
Policy	Not applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

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

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2016-17 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 30 April 2017 forming Attachment 1 to Report CJ097-06/17.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf170613.pdf](#)

CJ098-06/17 FUNDING OPPORTUNITIES TO HOST NATIONAL EVENTS - SPORTING OR CULTURAL EVENTS WITHIN THE CITY OF JOONDALUP

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	50591, 10574, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the information relating to existing funding streams that could assist groups / clubs approved to host national events.

EXECUTIVE SUMMARY

A report has been requested on the ability for existing funding grants to be utilised for organisations wanting to hold national events within the City of Joondalup, whether they be cultural or sporting groups.

There are a number of funding programs offered by the City that upon application allows community groups to apply for funding to assist it with an initiative that meets various criteria.

The City does receive some requests from clubs to assist it with funding as a result of it being a host to a national championship. These requests have either been considered as part of the *Community Funding Program* (CFP), if received within the time periods allocated for inviting applications, or in accordance with the City's *Corporate Sponsorship, Donations and Contributions Program*. The City has previously supported sporting competitions that hosted teams from around Australia, including the Australian Police Bowling Carnival and various National Masters games.

Given the number of funding opportunities offered by the City, there are opportunities to provide funding for groups desiring to host national championships, as long as the application meets the required criteria of those programs.

BACKGROUND

At the Briefing Session held on 14 March 2017, a report was requested on the ability for existing funding grants to be utilised for organisations wanting to hold national events within the City of Joondalup, whether they be cultural or sporting groups.

DETAILS

The City's well established CFP has an allocation of funds per category to allocate across applications every financial year. The CFP is grant-based and assists community groups and schools with projects, events and activities that develop and enhance the Joondalup community. These funds are advertised across the City via various mediums encouraging relevant community groups to engage with the City with the intent to submit a suitable application. The City will then work with the community group to assist it through the process.

The CFP is separated into various categories and are detailed as follows, with each having specific objectives and criteria:

CFP - Community Development Funding

Funding in the amount of \$28,200 is available in the *Community Development Fund* to be divided across two funding rounds each financial year. These grants aim to support not-for-profit community groups, organisations and schools with initiatives that bring positive benefits to any of the following groups:

- Youth.
- Seniors.
- Children.
- People with disabilities.
- People from culturally and linguistically diverse backgrounds.
- Volunteers.

The City focuses on certain priorities in regards to successful grant applications. Applicants are advised to consider the following objectives when completing their Community Development Funding applications:

- Promoting interactions between seniors and children or young people.
- Promoting active ageing for seniors.
- Reducing the isolation of people who are "at-risk" or marginalised.
- Promoting positive mental health outcomes.
- Promoting support for people who are homeless or at risk of homelessness.
- Promoting the development of community leadership.

CFP - Culture and the Arts Development Fund

The City's *Culture and Arts Development Funding Program* aims to assist community groups, schools and individuals conduct projects, events and activities which develop and enhance the Joondalup community.

The *Culture and Arts Development Fund* priorities are to support events, projects or programs which:

- encourage new partnerships and collaborations with other cultural and arts groups or individuals
- provide access to arts and cultural activity within the City to groups not previously engaged
- demonstrate sustainable and / or long-term artistic and cultural benefit for the City
- support community involvement in the City's existing cultural program.

A total pool of \$25,000 is divided across two funding rounds each financial year. The key objectives of the fund are:

- to extend and support the level of community participation in arts and cultural activities within the City
- to increase the number and variety of arts and cultural activities available within the City
- to positively contribute to the well-being of the artistic and cultural nature of the community
- to support the development of arts and cultural groups within the City
- to enhance the cultural fabric of the City.

Consideration will be given to funding the following:

- Small capital items.
- One-off projects, activities or events.
- Seed grants for projects, activities or events which can demonstrate independent viability after project acquittal.
- Projects undertaken wholly or partly in the City.

CFP - Environmental Development Community Funding

The City provides \$25,000 in funding each year as part of the *Environmental Development Community Funding Program*. Funding is provided over two funding rounds and is available to community groups and schools.

These grants aim to assist community groups and schools with projects, events and activities that increase awareness of environmental issues, promote positive environmental behaviour, and protect the City's natural areas.

CFP - Sports Development Program

The *Sports Development Program* provides financial assistance to local community sport and recreation clubs for projects, programs and events that benefit the development of sport and recreation and enhance its delivery to residents of the City of Joondalup. The current budget for this program sits at \$115,000.

The program provides grants of up to \$20,000 with large grants (\$10,001 - \$20,000) offered annually in August and small grants (\$10,000 and lower) offered twice a year in August and February.

Those sport and recreation clubs that are eligible must be:

- incorporated (under *Associations Incorporation Act 2015*)
- located within the City of Joondalup and / or servicing its residents
- affiliated with a state sport association or industry body who are recognised by the Department of Sport and Recreation
- represented with a club name that reflects the locale in which the club operates and in recognition of the level of funding and subsidies afforded to it by the City of Joondalup.

Projects

- Projects must meet at least one of each of the grant focus areas and funding objectives to be considered for funding.

Focus areas (must meet one)

- Participation.
- People development.
- Organisational development.
- Places and spaces.
- High performance.

Funding objectives (must meet one)

- Improve the knowledge, skills and or experience of club officials and volunteers.
- Attract new, retain existing or reward volunteers.
- Provide a safe environment for members, visitors, volunteers and the public.
- Assist to develop the knowledge, skills or experience of athletes
- Assist with the establishment or long term sustainability of clubs.

Outside the City's CFP, the City has additional funding opportunities available to community groups to assist with various initiatives they require funding for.

Arts Development Scheme Fund

The City's Arts Development Scheme is a fund designed to develop new audiences in the Joondalup area. It has an annual budget allocation of \$20,000.

The aim of the scheme is to bring professional performing arts companies and artists into the City of Joondalup, for performances and workshops. The scheme provides an opportunity for professional performing arts organisations in Western Australia to develop an audience base in the northern metropolitan area of Perth. Organisations, individuals and collectives can apply for up to \$10,000. Projects may be any performing arts initiative which engages the community and meets the funding criteria.

Examples include workshops, theatre performances, community cultural development and concerts. Typical activities that would be considered by the City include:

- touring performances or workshops at high schools or primary schools
- a series of performances or workshops at Leisure Centres or Libraries in the City of Joondalup
- performances in major venues in the area such as shopping centres, parks, community facilities
- performances as part of other City projects (for example Joondalup Festival, Little Feet Festival, NAIDOC week).

Corporate Sponsorship, Donations and Contributions Program

The City has a *Corporate Sponsorship, Donations and Contributions Program*. In supporting these outcomes and to advance the City's vision, the City's *Sponsorship, Contributions and Donations Program* aims to achieve the following objectives:

- Attracting, hosting or supporting a wide range of events, programs and activities that enhance the liveability of the City for the community and promote Joondalup as a destination for visitors to the region.
- Providing positive exposure for the City's brand and image locally and regionally.
- Providing support to local organisations/community groups / sporting clubs.
- Stimulating economic development and providing benefits to local businesses.
- Increasing visitors to the region.
- Creating long-term value to the City and its residents by building sustainable partnerships or relationships.
- Ensuring that all agreements entered into provide an adequate return on investment by overseeing and managing the sponsorship, contributions and donations program, process and outcomes.

The City has previously supported sporting competitions that hosted teams from around Australia, including the Australian Police Bowling Carnival and various National Masters games.

The City has recently evaluated an application from the Churches of Christ Sport and Recreation Association (CCSRA) who lease the Warwick Stadium from the City, who have been approved to host the under 16's national basketball championship. As a result of the evaluation, the City has agreed to sponsor the event to an amount of \$5,000. This funding was provided through the City's *Corporate Sponsorship, Donations and Contributions Program*.

The Department of Sport and Recreation (DSR) may support State Sporting Associations (SSA) to host national championships through its annual grant funding program or by providing administrative support and guidance. Traditionally, the SSA will make application to the National Sporting Association to host national championships, if approved the SSA will liaise with venue providers in order to host the fixturing of the matches. DSR will not provide funding direct to host clubs participating in the national championships; any funding to those clubs may come from the SSA.

Issues and options considered

Council can choose to either:

- note that the existing funding programs provide adequate opportunity for those groups / clubs desiring to host national championships within their chosen field / industry
or
- amend the existing Funding and / or Sponsorship Programs and create further criteria to clearly articulate that funding for national championship are eligible for funding (subject to certain criteria that is. endorsed by the SSA).

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Cultural development.

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

Policy *Community Funding Policy.*

Risk management considerations

There is a risk that if there is inadequate funding provided, or the criteria via grant funding or sponsorship inhibits that attraction of national events, the City would not be able to meet the objectives of its *Strategic Community Plan*.

Financial / budget implications

The current budget allocations for grant funding and sponsorship per financial year are approximately \$330,000.

Regional significance

The hosting of national community events could have some benefit for the region. Such benefits could be increased visitation to the area, economic benefit and recognition of the region.

Consultation

Not applicable.

COMMENT

With the range of funding avenues the City offers, there are opportunities for those groups desiring to host national events within the City to make application for either grant funding, or sponsorship. A well written *Sports Development Program* application could be eligible as it would meet the High Performance focus area and a few of the objectives (knowledge of club officials, knowledge of athletes, development / long-term sustainability of club). To ensure funding the emphasis would be on the club to make a suitable application.

Alternatively as recently demonstrated, an application can be funded through the City's *Corporate Sponsorship, Donations and Contributions Program*. This program would also consider national events that are of a non sporting element.

Based on the objectives and nature of the national event and if it aligns with the objectives and the criteria of a fund, and is within budget allocation, then either part or full funding would be approved.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **NOTES** that its existing funding programs offered provide adequate opportunity for those groups / clubs desiring to host national championships within their chosen field and / or industry.

CJ099-06/17 TENDER 011/17 - LIGHT VEHICLE LOGBOOK SERVICING AND REPAIRS

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	106481, 101515
ATTACHMENT	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Carcare Motor Company Pty Ltd (Carcare Joondalup) for the provision of light vehicle logbook servicing and repairs.

EXECUTIVE SUMMARY

Tenders were advertised on 5 April 2017 through statewide public notice for the provision of light vehicle logbook servicing and repairs. Tenders closed on 24 April 2017. A submission was received from Carcare Motor Company Pty Ltd (Carcare Joondalup).

The submission from Carcare Motor Company Pty Ltd (Carcare Joondalup) represents value to the City. The company has been providing similar services to various organisations for many years and is the City's current contractor for light vehicle logbook servicing and repairs.

It demonstrated a thorough understanding and appreciation of the City's requirements. Carcare Joondalup is a well established company with significant industry experience and proven capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Carcare Motor Company Pty Ltd (Carcare Joondalup) for the provision of light vehicle logbook servicing and repairs as specified in Tender 011/17 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 to engage an appropriately qualified and experienced contractor to undertake genuine manufacturer's vehicle logbook servicing and repairs identified during the service, to the City's fleet of light vehicles.

The City currently has a contract with Carcare Motor Company Pty Ltd (Carcare Joondalup) which expires on 30 June 2017. Carcare Joondalup has provided a high level of service throughout the term of its contract.

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

DETAILS

The tender for the provision of light vehicle logbook servicing and repairs was advertised through statewide public notice on 5 April 2017. The tender period was for two weeks and tenders closed on 24 April 2017.

Tender Submissions

A submission was received from Carcare Motor Company Pty Ltd (Carcare Joondalup).

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

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

Evaluation Panel

The evaluation panel comprised four members:

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

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

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 submission received were as follows:

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in providing similar services	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Compliance Assessment

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

Qualitative Assessment

Carcare Joondalup scored 88.2% in the qualitative assessment. The company has been providing similar services to various organisations including MCS Security, Disability Services Commission, Fleetcare, SG Fleet and Fleet Plus Pty Ltd for many years. It has in the past successfully completed similar services for the City and is the City's current contractor for light vehicle logbook servicing and repairs. It demonstrated a thorough understanding and appreciation of the City's requirements. Carcare Joondalup is a well established company with significant industry experience and proven capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 60%, Carcare Joondalup qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the rates offered by the tenderer and the existing rates (currently paid by the City) 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 tender, the tendered rate offered by the tenderer has been applied to scheduled servicing over the first year for each of the light vehicles in the fleet and actual historical usage data for labour and parts / materials. This provides a value of the 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.

The table below is the proposed cost of all scheduled items (including projected additional or new vehicles).

Tenderer	Year 1	Year 2	Year 3	Total
Carcare Joondalup	\$152,156	\$155,199	\$158,303	\$465,659

In order to assess value for money a comparison of the submitted rates and current contract rates has been applied to vehicles that are listed in both the current and proposed service schedules. The new schedule also includes new vehicles. In order to achieve a like for like comparison with the current contract, new vehicles have been excluded from the table below.

Tenderer	Year 1
Carcare Joondalup	\$141,629
Existing Rate (currently paid by the City)	\$140,936

The schedule of rates provided by Carcare Joondalup shows that proposed costs have risen by 0.5% based on current vehicles and services when compared to the current contract (most existing rates effective from 1 July 2014).

During 2015-16, the City incurred \$116,937 for light vehicle logbook servicing and repairs. In the current year, the City has incurred \$122,497 in the 11 months to date.

Evaluation Summary

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

Tenderer	Qualitative Weighted Score	Estimated Contract Price
Carcare Joondalup	88.2%	\$465,659

Based on the evaluation result the panel concluded that the tender from Carcare Joondalup provides value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the provision of genuine manufacturer's vehicle logbook servicing and repairs identified during the service, to the City's fleet of light vehicles. 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 log book servicing as per manufacturer's specification is required to ensure warranty compliance and safety for the City's fleet.

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

Financial / budget implications

Account no.	1.643.A6403.3348/3353.0000.
Budget Item	Fleet logbook servicing and repairs.
Budget amount	\$150,000 (Proposed budget 2017-18: \$160,000).
Amount spent to date	\$122,497
Estimated commitments	\$ 10,000
Proposed cost	\$ 0
Balance	\$ 17,503

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 Carcare Motor Company Pty Ltd (Carcare Joondalup) represents value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Carcare Motor Company Pty Ltd (Carcare Joondalup) for the provision of light vehicle logbook servicing and repairs as specified in Tender 011/17 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 10 refers

To access this attachment on electronic document, click here: [Attach10brf170613.pdf](#)

**CJ100-06/17 PETITION TO INSTALL WATER DRINKING
FOUNTAIN AT GENEFF PARK, SORRENTO**

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	28200, 101515
ATTACHMENTS	Attachment 1 Geneff Park Location Plan
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the petition requesting the installation of a drinking fountain with dog bowl at Geneff Park, Sorrento.

EXECUTIVE SUMMARY

A Petition of Electors was received by Council at its meeting held on 21 February 2017 (C06-02/17 refers). The petition requested that Council consider the installation of a drinking fountain suitable for adults, children and dogs at Geneff Park, Padbury Circle, Sorrento.

Geneff Park, Sorrento, is located within the South-West Ward and consists of approximately 2.06 hectares of irrigated parkland (Attachment 1 refers).

Existing infrastructure on Geneff Park (not including the kindergarten facility) includes:

- security lighting
- play space
- ping pong table
- two barbecues
- two picnic structures and settings
- five benches
- monument
- irrigation
- two bins
- signage (park name)
- path network.

The current *Parks and Public Open Spaces Classification Framework* (PPOSCF) and the revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets, classifies Geneff Park as a regional open

space and district recreation park respectively. Optional assets supported in this classification of park include drinking fountains.

It is therefore recommended that Council:

- 1 *SUPPORTS the installation of a drinking fountain with dog bowl at Geneff Park, Sorrento;*
- 2 *APPROVES the listing for consideration in the 2019-20 Capital Works Program, the installation of a drinking fountain with dog bowl and associated works at Geneff Park, Sorrento estimated at \$10,000;*
- 3 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

At its meeting held on 21 February 2017 (C06-02/17 refers), Council received a 162 signature petition from residents requesting Council give consideration to installing a drinking fountain suitable for adults, children and dogs at Geneff Park, Sorrento. The wording on the petition was as follows:

"We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council provide a water fountain inclusive of a water bowl at the base for dogs at Geneff Park, Sorrento for the use of the local community who exercise their dogs daily and also for children who play at the park".

DETAILS

The *Drinking Fountain Capital Works Program* is fully allocated for the financial years 2017-18 and 2018-19. The parks listed in these years are all high-priority sports parks.

A drinking fountain for Geneff Park can be accommodated in the *2019-20 Drinking Fountain Capital Works Program* (PEP2695) in line with current budgets.

Issues and options considered

Council may choose to either:

- not support the installation of a water drinking fountain with dog bowl
or
- Support the installation of a drinking fountain with dog bowl in the 2019-20 *Capital Works Program* (PEP2695) Drinking Fountain on Parks at an estimated cost of \$10,000.

Legislation / Strategic Community Plan / policy implications

Legislation	Not applicable.
Strategic Community Plan	Not applicable.
Key theme	Quality Urban Environment.
Objective	Quality open spaces.
Strategic initiative	Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.
Policy	Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

For inclusion in the *2019-20 Capital Works Program* (PEP2695) Drinking Fountain on Parks.

Future financial year impact

Capital cost	Indicative costs for the installation drinking fountain with dog bowl are estimated at \$10,000.
Annual operating cost	\$750 per annum (included in operational budgets).
Capital replacement	A drinking fountain's asset life is 20 years, with a current replacement cost of \$7,530.
20 Year Strategic Financial Plan impact	The capital cost for replacement of park assets is included in the <i>20 Year Strategic Financial Plan</i> .
Impact year	Recommended to be listed for consideration in the City's <i>Five Year Capital Works Program</i> for 2019-20.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

A drinking fountain for Geneff Park can be included in the 2019-20 *Drinking Fountain Capital Works Program* (PEP2695) in line with current budgets.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **SUPPORTS** the installation of a drinking fountain with dog bowl at Geneff Park, Sorrento;
- 2 **APPROVES** the listing for consideration in the *2019-20 Capital Works Program*, the installation of the above proposed infrastructure and associated works at Geneff Park, Sorrento estimated at \$10,000;
- 3 **ADVISES** the lead petitioner of Council's decision.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf170613.pdf](#)

REPORT – SPECIAL MAJOR PROJECTS COMMITTEE – 7 JUNE 2017

CJ101-06/17 JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY - BUSINESS CASE COMMUNITY CONSULTATION RESULTS AND PROJECT PROGRESSION OPTIONS

WARD	North
RESPONSIBLE DIRECTOR	Mr Garry Hunt Chief Executive Officer
FILE NUMBER	75577, 101515
ATTACHMENT	Attachment 1 Joondalup Performing Arts and Cultural Facility – Business Case – Consultation Analysis Report
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to note the outcomes of community consultation on the Joondalup Performing Arts and Cultural Facility (JPACF) Business Case and to consider the options in relation to the progression of the JPACF Project.

EXECUTIVE SUMMARY

At its special meeting held on 1 February 2017 (JSC01-02/17 refers) Council resolved in part to endorse the JPACF Business Case for the purpose of community consultation and noted a report would be provided to Council in June 2017 detailing the results of the community consultation process and to determine whether or not to proceed with the construction of the JPACF.

The community consultation process commenced on 16 February 2017 and ended on 30 March 2017 and was run in accordance with the endorsed communications plan and the City's *Community Engagement Protocol*.

A detailed analysis of the community consultation results is provided in Attachment 1 to Report CJ101-06/17.

The City collected 1,542 valid responses throughout the 42 day consultation period. Of the valid responses received 48.0% (740) indicated support for the proposed JPACF Business Case and project, while 41.9% (646) indicated opposition, 3.0% were unsure and 7.1% did not respond to the particular question. Of the total number of responses received 13.4% (238) were deemed invalid due to duplicate entries from the same household (215) or no contact details were provided (Table 8 in Attachment 1 refers).

From the valid responses 1,289 identified themselves as residents or ratepayers of the City. 40.4% (520) of the residents and ratepayers expressed their support while 49.4% (638) indicated opposition (Table 10 in Attachment 1 refers).

Of the remainder of the valid responses, 246 indicated that they reside outside of the City and were not residents or ratepayers, with a split of 87.4% (215) expressing support while 2.4% (6) recorded their opposition (Table 11 in Attachment 1 refers).

If Council decides to proceed with the project there are several options regarding project implementation and timing to be considered. Should Council decide to proceed, the recommended option is to progress with the Design Development phase as outlined in the project program included in the JPACF Business Case. Council also has the option not to proceed with the project.

It is therefore recommended that Council:

- 1 *NOTES the results of the community consultation on the Joondalup Performing Arts and Cultural Facility Business Case as detailed in Attachment 1 to Report CJ101-06/17;*
- 2 *REQUESTS the Chief Executive Officer to initiate the Design Development phase of the project as outlined in the project program in the Joondalup Performing Arts and Cultural Facility Business Case and as detailed in Report CJ101-06/17;*
- 3 *NOTES that the City will continue to investigate funding opportunities from the State Government and other external sources prior to a decision being made to progress to construction of the Joondalup Performing Arts and Cultural Facility;*
- 4 *NOTES that the City will engage the services of a Project Director to assist the City with implementation of the Design Development phase of the project;*
- 5 *NOTES that a review of the Business Case will be undertaken parallel to the Design Development phase of the project. A refined Business Case will be presented to Council at an appropriate stage of the Design Development phase to enable a decision to be made to progress to construction of the Joondalup Performing Arts and Cultural Facility;*
- 6 *NOTES that the Risk Management Plan will be reviewed and updated.*

BACKGROUND

At its special meeting held on 1 February 2017 (JSC01-02/17 refers), Council resolved that it:

- “1 *ENDORSES the refined Joondalup Performing Arts and Cultural Facility Business Case, dated January 2017 for the purpose of advertising for public comment, subject to formatting and grammatical changes being made to the business case prior to public comment;*
- 2 *REQUESTS the draft communications plan be modified as follows:*
 - 2.1 *the inclusion of two community forums;*
 - 2.2 *the community consultation brochure being modified to reflect:*

- 2.2.1 *the purpose of the facility;*
- 2.2.2 *a detailed schedule identifying:

 - 2.2.2.1 *costs per household;*
 - 2.2.2.2 *social return on investment;*
 - 2.2.2.3 *comparative subsidies;*
 - 2.2.2.4 *economic return on investment;*
 - 2.2.2.5 *benefit cost ratio;**
- 2.3 *the FAQ document including information concerning benefits of the proposal, cost per household, financial impact and how the City has financially planned for this project, including how business model efficiencies have been implemented as part of the preparation of this project;*
- 3 *NOTES that the public comment period will run for 42 days commencing on 16 February 2017 and closing on 30 March 2017;*
- 4 *NOTES that the Joondalup Performing Arts and Cultural Facility Business Case is predicated on the full utilisation of Tamala Park land sale proceeds;*
- 5 *REQUESTS the community consultation material being viewed by Mayor Troy Pickard and the Presiding Member of the Finance Committee, Cr Tom McLean prior to it being released to the public;*
- 6 *NOTES that a further report will be provided to Council in June 2017 detailing the results of the community consultation process to determine whether or not to proceed with the construction of the Joondalup Performing Arts and Cultural Facility.”*

At its meeting held on 13 March 2017 the Major Projects Committee (Committee) received a verbal update from the Chief Executive Officer on the progress of the JPACF community consultation process (Item 4 refers).

At its meeting held on 8 May 2017 the Committee noted a status report on the JPACF project (Item 3 refers). The report provided a sequential update on the community consultation process, presentations to stakeholders and community forums held. The Committee also noted that options to progress the project have been identified for investigation in the event that Council decides to proceed to the next phase of the project.

DETAILS

Community Consultation

The community consultation process was advertised for 42 days in accordance with the endorsed communications plan, commencing on 16 February 2017 via the following means:

- *Joondalup Times and Joondalup Weekender newspaper adverts.*
- *Online information.*
- *Social media.*
- *A mail-out of approximately 72,500 letters, with accompanying brochures was sent to all occupiers of City residential and commercial premises, ratepayers and key stakeholders.*

Presentations

The City presented details of the JPACF project and Business Case to representatives of the WA Liberal and Labor Parties, separately, on 6 February 2017.

The City provided three presentations on details of the JPACF project and Business Case to key stakeholders, schools and arts group representatives – on 13 February 2017 and one on 23 February 2017.

Community Forums

In accordance with Council's resolution, the City held two community forums on the JPACF Business Case:

- Thursday 23 March 2017, 6.00pm – 7.30pm
Warwick Hall, Warwick Grove, 12 Dorchester Ave, Warwick.
- Tuesday 28 March 2017, 6.00pm -7.30pm
Joondalup Reception Centre, 102 Boas Ave, Joondalup.

The forums were advertised on the City's website, in the *Joondalup Weekender*, on social media and on display screens in some City owned buildings. Twenty eight people were registered as attending the Warwick forum and 45 people were registered as attending the Joondalup forum.

The community consultation process was run in accordance with the endorsed communications plan and ended on 30 March 2017. For a comment form to be valid, contact details of the respondent needed to be provided and only one survey form was accepted per household/club/group or organisation. For community consultation processes of this nature the number of valid responses received, as quantified below, is satisfactory and considered representative of the total sample size.

The City collected 1,542 valid responses throughout the 42 day consultation period. 48% (740) of the valid responses indicated support for the proposed JPACF project and Business Case, while 41.9% (646) indicated opposition, 3% were unsure and 7.1% did not respond to the particular question (Table 8 in Attachment 1 refers).

A total of 238 (13.4%) responses were deemed invalid due to duplicate entries from the same household (215) or the omission of contact details. The survey form indicated that contact details must be provided to ensure the response was valid and that only one response per household was acceptable.

From the valid responses 1,289 identified themselves as residents or ratepayers of the City. 40.4% (520) of the residents and ratepayers expressed their support while 49.4% (638) indicated opposition (Table 10 in Attachment 1 refers).

The City received 246 responses from people who reside outside of the City and are not residents or ratepayers. Of these, 87.4% (215) were supportive of the project while 2.5% (6) indicated their opposition (Table 11 in Attachment 1 refers).

Also of note is that of the 626 respondents aged 49 years and under, 63.6% expressed support and 25.9% opposed. Of the 893 respondents aged 50+ years, 38.0% expressed support and 52.5% opposed. The respondents not captured in the results above either indicated they were unsure or they did not answer the question.

A detailed analysis of the community consultation results is provided in Attachment 1 to Report CJ101-06/17.

Project Progression Options

At its meeting held on 8 May 2017 (Item 3 refers) the Committee noted that options to progress the project had been identified for investigation in the event that Council decide to proceed to the next phase of the project.

In broad terms these investigations include research into:

- Development of delivery models including identification of a scope for the Project Director (PD).
- Facility management models including programming and fee structures.
- Risk management and mitigation.
- Project program and schedule review.
- Improve cost accuracy through the Design Development phase to enhance funding opportunities including sponsorships and capital grant funding.

Council has an option of proceeding with the next stage of the design process, being the Design Development phase, concurrent with the above.

The outcome of the Design Development phase will be a Design Development report which will better inform the Business Case and allow Council to more accurately assess the overall costs of the development, while also providing a greater level of detail in the design.

The option to progress to the Design Development phase does not commit Council to proceeding with the overall development.

As part of the Design Development phase the City proposes to engage a PD to represent the City's interests.

The role and responsibility of a PD is to value add to the project delivery, inclusive of the architectural design process. The PD role is to review and recommend a project procurement strategy to optimise value for money, reduce risks, provide for innovation, maintain budgets, control contract performance, and to provide strategic, independent, expert, transparent leadership and reporting for the project.

The various stages of the project are outlined in the Business Case and have been developed in consultation with the project architects and project architectural advisor. A PD engaged by the City would review and further inform the project program and make recommendations on appropriate project implementation and procurement options.

ARM Architecture recently provided the City with a reviewed scope of works and fee proposal for the Design Development phase. The scope includes ARM Architecture acting as lead consultant with all sub-consultants (approximately 20) being engaged by them. The sub-consultant team is the same as that involved in the schematic design phase.

The deliverables for the Design Development phase will be a Design Development report which will follow the same structure as the completed schematic design report, adding more detail to the sections as summarised below:

- Schedule of feedback received and design changes since the schematic design report.
- Schedule of issues yet to be resolved and action proposed to resolve them.
- Descriptions of each functional area/room will include materials and finishes, proposed furniture, and indicative 3D views.
- Design Development architectural drawings, including site plan, all floor plans, ceiling plans, elevations and building sections at 1:100, as well as key sections and details at a larger scale.
- Rendered views.
- Exterior and interior materials schedules (including samples board), planting schedule, fixtures and equipment schedule, furniture schedule.
- Design Development reports from all sub-consultants, including drawing sets where relevant.
- Room data sheets.

The Design Development report will include input from the following disciplines:

- Architecture.
- Theatre + AV design.
- Acoustic engineering.
- Quantity surveyor.
- Landscape architecture.
- Structural engineering.
- Civil engineering.
- Electrical engineering.
- Lift engineering.
- Mechanical engineering.
- Hydraulics / fire services.
- Fire engineering.
- Environmentally sustainable development.
- Transport.
- Façade engineering.
- Building certification.
- Specialist lighting.
- Geotechnical.
- Irrigation.
- Signage and way-finding.

The fee for architectural services for the Design Development phase (including sub-consultant fees) is estimated at \$1.7 million (excl. GST). The proposed fees are included in the proposed 2017-18 JPACF project budget and forms part of the overall JPACF capital cost of \$99.7 million (today's dollars) as outlined in the JPACF Business Case and the City's *20 Year Strategic Financial Plan*.

Part of the City's ongoing investigations into benchmark facilities includes the Cairns Regional Council's Performing Arts Centre which is currently under construction. This project is due for completion in late 2018. The Centre consists of a 940 seat main auditorium and a 400 seat secondary performance space. The total cost is \$76.5 million of which \$10 million is being funded by the Federal Government and \$15 million from the Queensland State Government. The remainder is being funded by the Cairns Regional Council. It should be noted that the JPACF differs from the Cairns Performing Arts Centre in that the JPACF is an 'Art Box' facility containing a dedicated art gallery, conferencing and exhibition spaces, community spaces, the Jinan Garden, and multi-storey car parking.

Issues and options considered

In considering the progress of the JPACF project Council can either progress one of the following:

- Note the results of the community consultation and defer the project pending further investigations and a successful attempt to secure external funding for the project. It should be noted that the recommended design and documentation phase will refine and improve the accuracy of the costs, as required by funding sources previously approached.
- Note the results of the community consultation and proceed with the Design Development stage as outlined in this report and the JPACF Business Case, before reconsidering whether to progress the project at an appropriate stage as recommended by a PD, which is the recommended option. As noted above, this phase will refine and improve the full cost implications of the project and with the appointment of a PD provide independent, expert management of the project. This option is considered the most cost effective for the City and is recommended.
- Note the results of the community consultation and proceed with the construction of the project. This option is not supported at this time.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.

Strategic Community Plan

Key theme

Community Wellbeing.

Objective

Cultural development.

Strategic initiative

Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.

Policy

Community Consultation and Engagement Policy.

Risk management considerations

A risk management plan outlining the risks apparent to the project has been prepared and is currently being reviewed. Risk management will be thoroughly investigated by the PD, prior to the project proceeding to construction. The financial risks and sensitivities are outlined in the JPACF Business Case.

Financial / budget implications

Current financial year impact

Account no.	1-210-C1002.
Budget Item	Joondalup Performing Arts and Cultural Facility
Budget amount	\$ 446,270
Amount spent to date	\$ 401,616
Balance	\$ 44,654

The budget allocated for 2016-17 is for the engagement of expert consultants and other costs associated with project management, site assessment, schematic design fees, Business Case preparation and community consultation.

2017-18 financial year impact

Account no.	1-210-C1002.
Budget Item	Joondalup Performing Arts and Cultural Facility
Proposed Budget amount	\$3,788,905

The proposed budget allocated for 2017-18 is for the engagement of external consultants and other costs associated with the design development, documentation and tendering phases of the project. These costs are incorporated into the City's *20 Year Strategic Financial Plan* and forms part of the estimated capital outlay of \$99.7 million (today's dollars).

Future financial year impact

The development of the JPACF will require a significant financial contribution towards the capital cost, ongoing costs and an annual subsidy for the facility's operations.

The capital cost of the facility is estimated to be \$99.7 million in today's dollars. As indicated in the JPACF Business Case, the City will continue to attempt to secure funding from State and Federal Governments as well as other external sources to assist with the capital cost of the facility.

The financial analysis undertaken to date for the JPACF indicates an annual operating subsidy of between \$800,000 and \$900,000 (excluding borrowing costs and depreciation). It should be noted that investigations have indicated that annual operating subsidies for comparable facilities in Australia can exceed \$1 million.

20 Year Strategic Financial Plan impact \$97.4 million.

Impact year 2017-18.

All amounts quoted in this report are exclusive of GST.

Regional significance

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

Sustainability implications

Sustainability implications have been considered during the Schematic Design phase and have been incorporated into the Business Case for the facility. The consideration of sustainability implications will continue throughout the Design Development phase.

Consultation

From the early stages of the project the City has continued to consult widely on the JPACF project.

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

- In the initial scoping and planning phases of the project a comprehensive survey of various schools, community groups and professional cultural and performing arts performers and artists was undertaken by the City.
- In the preparation of the 2012 Market Analysis and Feasibility Study, numerous performing arts managers, performing arts venues, arts producers, local cultural organisations and existing, school, convention, sporting and learning facility representatives were consulted.
- During the architectural design competition for the concept design, ratepayers, residents and the broader community were given the opportunity to view the four conceptual design submissions and vote and comment on their preferred design. The City received over 450 votes and numerous comments.
- On an ongoing basis the City has consulted with performing arts facility managers, the Department of Culture and the Arts and the Perth Theatre Trust. The City has also liaised with experts in the performing arts, conferencing, events, exhibitions and education sectors.
- From 2011 to 2015 the JPACF project was overseen by the former JPACF Steering Committee which included external members from the Joondalup Learning Precinct, specialist performing arts and cultural experts and members from community arts groups.
- The City has briefed Government and Opposition representatives at both State and Federal level highlighting the local, regional, social and economic benefit of this proposed facility, with the intention of obtaining financial support.
- Throughout the various phases of the project consultants specialising in facility operation and management, architecture and social, economic and financial analysis, have been engaged by the City.
- Community Consultation on the JPACF Business Case was undertaken over a 42 day period from 16 February 2017 to 30 March 2017. An outline of the consultation process is included in the Details sections above and discussed in the comments section below. Attachment 1 provides a comprehensive analysis of the results.

COMMENT

The JPACF will represent a significant milestone in the development of the City. Since the early 1990s the City has prepared numerous plans and studies, culminating in the current design and Business Case.

The construction of a performing arts and cultural facility within the Joondalup City Centre is critical to achieving the City's aspirations of establishing a thriving cultural scene within the City of Joondalup. It will also aid in encouraging greater activity within the City Centre to improve economic growth and investment.

The project will result in a significant financial commitment from the City and its ratepayers and the Business Case demonstrates that the project is affordable in terms of capital and ongoing costs. The project is now at a stage where a significant investment decision is required to further progress to Design Development. The completion of detailed design will enable the project to progress to documentation and tendering stage where final costings would be identified prior to a decision to proceed with the construction of the facility.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Major Projects Committee at its special meeting held on 7 June 2017.

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

RECOMMENDATION

That Council:

- 1 **NOTES the results of the community consultation on the Joondalup Performing Arts and Cultural Facility Business Case as detailed in Attachment 1 to Report CJ101-06/17;**
- 2 **REQUESTS the Chief Executive Officer to initiate the Design Development phase of the project as outlined in the project program in the Joondalup Performing Arts and Cultural Facility Business Case and as detailed in Report CJ101-06/17;**
- 3 **NOTES that the City will continue to investigate funding opportunities from the State Government and other external sources prior to a decision being made to progress to construction of the Joondalup Performing Arts and Cultural Facility;**
- 4 **NOTES that the City will engage the services of a Project Director to assist the City with implementation of the Design Development phase of the project;**
- 5 **NOTES that a review of the Business Case will be undertaken parallel to the Design Development phase of the project. A refined Business Case will be presented to Council at an appropriate stage of the Design Development phase to enable a decision to be made to progress to construction of the Joondalup Performing Arts and Cultural Facility;**
- 6 **NOTES that the *Risk Management Plan* will be reviewed and updated.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf170613.pdf](#)

REPORTS – FINANCE COMMITTEE – 12 JUNE 2017**CJ102-06/17 FACILITY REFURBISHMENT - FALKLAND PARK
TOILET/CHANGE ROOM FACILITY**

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	11042, 69317, 101515
ATTACHMENT	Attachment 1 Falkland Park, Kinross – aerial map Attachment 2 Falkland Park toilet/changeroom floor plan
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the refurbishment of the toilet/changeroom facility located at Falkland Park, Kinross.

EXECUTIVE SUMMARY

Falkland Park, Kinross (Attachment 1 refers) is an active sporting reserve primarily used by the Joondalup Kinross Junior Football Club (JKJFC) (winter) and Joondalup Kinross Cricket Club (JKCC) (summer). The park serves as the sporting oval for the adjacent Kinross College under a shared use agreement with the City. It is also used by a commercial fitness operator (personal trainer) and the Currambine Football (soccer) Club.

Infrastructure on the park includes a toilet/change room facility (Attachment 2 refers), playground, outdoor fitness equipment, three-on-three basketball pad, cricket centre wicket and training nets and floodlights (to Australian Standards).

JKJFC has previously expressed an interest in having the existing toilet/change room facility extended to include a bigger change room, storage and a kiosk. At its meeting held on 15 July 2014 (CJ116-07/14 refers), Council endorsed a report which reviewed the City's community facilities and active reserves and proposed that refurbishment works to the toilet/change room facility at Falkland Park be listed for 2023-24. This is not listed in the current *Five Year Capital Works Program* as it is beyond the time period for the program.

Earlier this year the JKJFC requested that the works at Falkland Park be brought forward to 2018-19 in line with the works at Windermere Park as their usage of Falkland Park is growing.

At its meeting held on 18 October 2016 (CJ176-10/16 refers), Council considered a report on the proposed refurbishment of the facilities at Windermere Park, Joondalup and Falkland Park, Kinross.

Council resolved that it:

- “1 NOTES that an amount of \$250,000 is listed in the Five Year Capital Works Program in 2018-19 for refurbishment works at Windermere Park Clubrooms;
- 2 NOTES that there are no funds listed with the current Five Year Capital Works Program for refurbishment works to the Falkland Park facility and REQUESTS a further report to the Finance Committee on the proposed scope and benefits of refurbishment works for the Falkland Park facility;
- 3 REQUESTS a further report detailing concept design options and estimated costings to undertake a refurbishment and potential expansion of the Windermere Park Clubrooms, following engagement with key stakeholders of the facility.”

At the meeting of the Finance Committee held on 7 December 2016, it was resolved that:

“Item 3 – Facility Refurbishment – Falkland Park Toilet/Change room Facility be referred back to the Chief Executive Officer to enable Ward Councillors to meet with the Joondalup Kinross Junior Football Club to discuss their aspirations for the facility and a further report be provided to a future meeting of the Finance Committee.”

The City consulted with JKJFC and JKCC to seek their feedback on the scope of work requirements and benefits for their club at a meeting held on 20 February 2017. The advice received from both clubs confirmed that their priority was to maximise the funding for the refurbishment of the Windermere Park Clubrooms and seek funding for Falkland Park in the later years. In consideration of the advice provided by the clubs, the City's extensive *Capital Works Program* and current allocation of reserves, it is proposed to not proceed with refurbishing the Falkland Park facility at this point in time.

It is therefore recommended that Council:

- 1 NOTES that there are no funds listed within the City's current Five Year Capital Works Program for refurbishment works to the Falkland Park toilet facility;
- 2 DOES NOT AGREE to bring forward the refurbishment project for the Falkland Park toilet facility at this point in time;
- 3 AGREES to review the priority of the refurbishment of the toilet facility at Falkland Park in the next Active Reserve and Community Facility review report.

BACKGROUND

Suburb/Location	Falkland Park, 17 Falkland Way, Kinross WA 6028.
Applicant	City of Joondalup.
Owner	Crown Land – City of Joondalup Management Order.
Zoning	DPS Parks and Recreation.
	MRS Urban.
Site area	50,038m ² .
Structure plan	Not applicable.

The JKJFC is one of the largest junior AFL clubs within the metropolitan area. The club has been based at Windermere Park since 1994 and leases the clubrooms on a seasonal basis with the JKCC. In addition to leasing the facility at Windermere Park, JKJFC fixtures training and games at other City venues, including Falkland Park, Kinross as its nominated secondary ground.

For the 2016 AFL season, JKJFC had 896 registered members ranging from its Auskick program to its Year 12 open team. The club does not have a senior AFL team, but has recently established a relationship with the ECU Jets who commenced operating from Windermere Park on Saturday afternoons in 2016. The ECU Jets are a new senior club in the West Australian Amateur Football League with one team and therefore were able to co-exist with JKJFC quite comfortably at Windermere Park for the 2016 season as they only had one fixtured game at the venue every second Saturday afternoon.

The City has Falkland Park tentatively listed in 2023-24 for a refurbishment of its current toilet/change room facility to include kiosk, storage and change rooms. JKJFC has requested this work be done sooner as their usage of the ground is growing and supporting elements within that facility would assist in them operating from that location.

At its meeting held on 18 October 2016 (CJ176-10/16 refers), Council considered a report on the proposed refurbishment of the facilities at Windermere Park, Joondalup and Falkland Park, Kinross and requested a further report on the scope and benefits of the proposed works at Falkland Park.

A further report was presented to the Finance Committee held on 7 December 2016, where the matter was referred back to the CEO to allow Ward Councillors to meet with representatives of both the JKJCC and JKCC. That meeting was held on 20 February 2017.

Following that meeting, the clubs wrote to the City on 1 April 2017, advising their priority was to maximise the funds available on the refurbishment of the Windermere Park Clubrooms, and seek funding for a facility refurbishment at the Falkland Park toilet/change room facility in the later years.

DETAILS

The City sought additional information from the JKJFC regarding the scope and benefits of refurbishment works at Falkland Park:

Scope

In addition to the proposed kiosk, storeroom and change room, the JKJFC also requested:

- separate change room (with shower and toilet) for match day umpires and officials to meet the requirement of the West Australian Football Commission
- patio or verandah area for spectators
- small clubroom area to manage their game day operations, particularly if they move some or all of their Auskick program to Falkland Park.

Benefits

The JKJFC indicated that with a large Auskick program, female football program, Starkick (disabled) program and Kindy Kick program, as well as their regular teams plus their alignment with the ECU Jets, it is in need of room to expand to take the pressure off the heavily utilised facilities at Windermere Park. To meet this current need it would like to have expanded facilities at Falkland Park. The JKJFC indicated it offers a fun, safe and friendly environment to participate in learning and playing AFL for people of all ages, genders, nationalities and abilities. An upgrade to the facilities at Falkland Park would assist the club in continuing to offer a range of programs to all existing and new members.

The JKJFC has indicated that player and umpire change rooms are a minimum requirement for hosting junior 'open' games (currently 'open' games are for 13 year olds and up, proposed to be changed to 12 years and up in 2017), and Falkland Park currently does not meet this requirement. The JKJFC anticipate it will need to schedule more games at Falkland Park from 2017 when the proposed change to the 'opens' category is implemented by the West Perth District Football Development Council.

Issues and options considered

The options available to Council are either:

- not agree to bring forward the Falkland Park refurbishment project, leave the project listed in 2023-24 and review its priority in the next Active Reserve and Community Facility review report
or
- agree to bring forward the planning stages of the Falkland Park refurbishment project including consultation with relevant stakeholders to identify additional works, concept design and cost estimates. Once this process is complete, prepare a report detailing scope of works and budget implications for further consideration.

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 *Requests for New or Capital Upgrades to Existing Community Buildings Policy.*

Risk management considerations

The following risks have been identified:

- The current facilities at Falkland Park do not meet the needs of the user groups, and therefore could cause issues with storing of equipment in inappropriate areas.
- Adequate City resources to plan and construct additional refurbishment works by 2018-19.
- If the refurbishment works for Falkland Park are brought forward and the scope of works is increased, the City may not be in the financial position to meet the additional costs in view of other priorities in the Capital Works Program.

Financial / budget implications

There are currently no funds listed in the City's current *Five Year Capital Works Program* for a refurbishment at Falkland Park.

Current financial year impact

Not applicable.

Future financial year impact

Annual operating cost	Any addition to the facilities at Falkland Park will result in an increase in annual operating costs especially if it includes a clubroom. For a comparison, Admiral Park has a small clubroom facility which cost \$40,750 in 2015-16 to operate.
Estimated annual income	It is unlikely that a clubroom venue at Falkland Park would attract any income for the City, as most use would be at 100% subsidised rate.
Capital replacement	The majority of the asset is expected to have a long life, up to 100 years. Some parts of the building (services, fixtures/fittings), may require renewal after 16 to 24 years.
20 Year Strategic Financial Plan impact	Funds are currently listed within the City's <i>20 Year Strategic Financial Plan</i> . This will be impacted if the funding amounts and / or the years listed are adjusted. The estimated net cash impact over the current adopted plan would need to be determined based on the estimated increase to the annual operating costs (once known) for a 20 year period.
Impact year	Funds are currently within the City's <i>20 Year Strategic Financial Plan</i> for 2023-24 for Falkland Park toilet / change rooms.

All amounts quoted in this report are exclusive of GST.

Regional significance

There would be minimal regional impact as JKJFC and other user groups at Falkland Park are locally based groups and attract a large majority of members from the immediate surrounds.

Sustainability implications

Environmental

All facility refurbishment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

Social

The projects would include consultation with the existing user groups to ensure that feedback received represents their needs. Furthermore, refurbishment works consider access and inclusion principles with the aim to enhance the amenity of the public space.

Economic

Not applicable.

Consultation

In accordance with Council's resolution at its meeting held on 18 October 2016 (CJ176-10/16 refers), the City consulted with the JKJFC regarding the scope and benefits of proposed refurbishment works at Falkland Park.

COMMENT

Facility standards documentation from the Western Australian Football Commission indicates that while change rooms for junior players and umpires are desirable, they are not compulsory and games can still be scheduled at venues that do not have these facilities. Therefore the current toilet/change room facility at Falkland Park is sufficient for junior football games.

The JKJFC has indicated it may need to move their Auskick program from Windermere Park to Falkland Park at some stage due to the growth of their various programs and on-going alignment with ECU Jets and a kiosk, clubroom and additional storage would be required to help administer the Auskick program from Falkland Park. However no specific timeline has been given for when this move is likely to occur.

It is noted that there are no funds listed in the City's current *Five Year Capital Works Program* for a refurbishment at Falkland Park and the umpires' change room, patio and small clubroom are items that have not previously been considered for Falkland Park and would add significantly to the cost of works at the venue.

The scope of works that is now being requested by the JKJFC is similar to the refurbishment that was undertaken at Admiral Park in 2014, which cost the City \$850,000. If the works at Falkland Park are brought forward Council would need to increase funding in the *Five Year Capital Works Program* and/or postpone or remove other projects.

The City currently has an expansive building construction works program and increasing the scope of projects or adding to the list of projects will increase the workload and generally will need to be addressed by increasing resources. Given the City's extensive capital works program and the current allocation of resources, it is proposed to not proceed with refurbishing the Falkland Park facility at this point in time.

The Active Reserve and Community Facility Review report and the recommendations made were based on a strategic approach for the future provision of community and sporting facilities and infrastructure works. However, the intention of the report was to act as a guide, noting that priorities may change between reviews.

The City will assess the refurbishment at Falkland Park in the next Active Reserve and Community Facility Review report (proposed to be conducted in 2017) and consider bringing forward the works at that time depending on its priority ranking against other possible projects.

ADDITIONAL INFORMATION

Following the decision of the Finance Committee at its meeting held on 7 December 2016, a meeting was held with representatives from both the JKCC and JKJFC, the Mayor, Ward Councillors and officers from the City on Monday 20 February 2017.

The outcome of the meeting was for both clubs to consider the priority of projects, being refurbishment of the Windermere Park Clubrooms and the refurbishment of the Falkland Park toilet/change room facilities.

Both clubs have since advised the City that their position is to maximise the funding on the agreed scope of works for the refurbishment of the Windermere Park Clubrooms and seek future consideration for funding for Falkland Park in later years.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Finance Committee at its meeting held on 12 June 2017.

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

RECOMMENDATION**That Council:**

- 1** NOTES that there are no funds listed within the City's current *Five Year Capital Works Program* for refurbishment works to the Falkland Park toilet facility;
- 2** DOES NOT AGREE to bring forward the refurbishment project for the Falkland Park toilet facility at this point in time;
- 3** AGREES to review the priority of the refurbishment of the toilet facility at Falkland Park in the next Active Reserve and Community Facility Review Report.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn170627.pdf](#)

CJ103-06/17 LEASE OF AIRSPACE AND DEVELOPMENT OVER SUMP SITES

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Chief Executive Officer
FILE NUMBER	42666, 78624, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to be informed on the nature of investigations required to explore the possibilities of leasing air space over sumps to enable various development opportunities and the possibility of private sector engagement.

EXECUTIVE SUMMARY

The City has been approached by developers enquiring about the opportunities for the development over sump sites owned or managed by the City. There are successful examples of developments over sump sites within the City. Therefore it is considered appropriate to further investigate these opportunities.

A previous report to the then Capital Works Committee provided confirmation that it is technically possible to cover up a sump while retaining the drainage function. Since the above report the City embarked on a review of sumps for consideration for improvement and beautification. Experience shows that each sump has various characteristics that influence the potential (from none to high potential) of the sump for improvement, beautification, conversion to car parking and residential or commercial development.

The City has embarked on a number of activities with respect to the assessment, auditing and options to convert or improve sumps across Joondalup.

In order to explore the potential of this initiative it is suggested that initial investigations would provide a basis to allow a pilot project to be launched to confirm the feasibility of the venture as well as guiding future projects of a similar nature.

These investigations will not only determine the possibility of leasing of air space from a legislative point of view but will also explore the spectrum of opportunities to develop above sumps and how the parties in the private sector might be involved. Due to the fact that interest came from various parties the most appropriate way of engaging the private sector would be for the City to request for Expressions of Interest (EOI) on the leasing of air space and development over sump sites.

In order to deliver a clear strategy towards exploring the possibility of leasing air space to accommodate development over operational sumps and in view of less complex leasing negotiations, initial investigations should focus on sump sites owned freehold by the City.

The experience gained as a result of a successful EOI process will form the basis of future opportunities on sump sites owned by the City as well as those vested with the City through management orders.

It is therefore recommended that Council:

- 1 *NOTES the content of this report on the nature of investigation the Chief Executive Officer will undertake to explore the possibilities of leasing air space over sumps to enable various development opportunities;*
- 2 *AUTHORISES the Chief Executive Officer to initiate and Expression of Interest process for the leasing of air space over sumps to enable various development opportunities;*
- 3 *REQUESTS the Chief Executive Officer to report to the Finance Committee on the progress with the above investigations and how the private sector may be engaged in a potential pilot project;*
- 4 *NOTES the Expression of Interest process is to be considered and progressed relative to the City's existing major project priorities.*

BACKGROUND

The status of sump sites in the City has been brought into focus due to the City being approached by interested parties enquiring about the opportunities for development on and above sump sites. The interest registered with the City proposes residential/commercial development on a leased "air space" basis on an engineered platform while the sump remains active. The proposals and interest shown has been considered at management and officer level since 2015 and several issues have been identified that will need further investigation with respect to the possibilities of leasing air space over sump sites as well as investigating various opportunities to develop over sump sites .

At its meeting held on 13 December 2016 (C80-12/16 refers) it was agreed that Council:

"REQUESTS a report from the Chief Executive Officer on leasing the air space over sumps to enable residential, and where appropriate commercial development, to be undertaken taking into consideration factors such as, but not limited to:

- 1 *the use of substructure support (such as concrete decking over the sump);*
- 2 *engaging with the private sector to undertake a pilot project."*

Since the above request for a report the proposals and enquiries received by the City consideration was given to previously identified issues to form part of further investigations.

Several of these key issues were identified when a report was presented in October 2014 to the then Capital Works Committee to consider the potential use of drainage sumps for the provision of car park facilities. At this meeting the Committee noted in part:

- “1 *the potential to convert existing drainage sumps into car parking facilities;*
- 2 *the conversion of sumps to car parking facilities has a large number of variables and requires detailed assessment on a case by case basis to determine project viability;”*

(Item 5 of the Minutes of the Capital Works Committee of 7 October 2014, refers).

The above report provided confirmation that it is technically possible to cover up a sump while retaining the drainage function. Two examples are noted, where drainage sumps were upgraded and converted into car parking resulting in an expansion of the number of car bays provided at the Currambine Train Station.

In addition to the above report the City has also embarked on a review of sumps for consideration for improvement and beautification. Experience shows that each sump has various characteristics that influence the potential (from none to high potential) of the sump for improvement, beautification, conversion to car parking and residential or commercial development.

DETAILS

Approaches from parties interested in developing over sump sites on City owned or managed land suggests that an investigation into the potential of these developments is warranted.

From a City's risk management perspective and in order to determine overall suitability and viability of a proposal for a specific sump site a proper validation of engineering, legislative, environmental and feasibility aspects need to be considered. Several main issues for further clarification will include engineering merit from a structural perspective, continued efficiency and environmental implications, maintenance implications, impact on the surrounding area/community, financial feasibility from a City's capital and operational costs point of view and various statutory compliance requirements regarding land tenure, planning approvals, industry and construction compliance and possibilities on leasing of air space.

The risk management considerations apparent to this exercise are discussed in further detail under the “Risk management considerations” section of this report.

There are 305 stormwater sumps in the City of Joondalup. The majority of these are in crown reserves for drainage however there are also 63 freehold lots which contain drainage facilities.

Recent feedback from the Department of Lands (DoL) has confirmed that the DoL has also been approached by parties with proposals on the leasing of air space above sumps to accommodate development over sumps. DoL has indicated that it has suggested to these parties to approach the relevant local government due to the fact that the majority of sump sites are subject to management orders with the relevant local government and some are owned freehold by the local government. The DoL confirmed that it will respond to detailed proposals forthcoming from local government, allowing issues related to the necessary approvals, land tenure/lease arrangements and all other requirements to be resolved with the parties who will be responsible for these ventures in the long term.

In order to explore the potential of this initiative it is suggested that initial investigations would provide a basis to allow for a pilot project to be launched confirming the feasibility of the venture as well as guiding future projects of similar nature.

The benefit of the above investigations identifying a suitable sump site will enable the initiation of a pilot project through an EOI process. The experience gained from a pilot project will serve as a basis for further opportunities on City owned sump sites as well as further exploration of opportunities on Crown owned sumps managed by the City.

Issues and options considered

Investigations will focus on the possibilities of leasing air space and the opportunities for development over sumps and the initial issues identified are listed below.

Possibilities of leasing air space over sumps

- ownership/tenure
- impact of management orders
- previous examples of air right leasing arrangements
- applicability of air rights leases, such as limited to functional sumps only
- complexity of Crown lease arrangements
- legislative restrictions/limitations
- impact of planning approvals processes, such as rezoning.

Opportunities for development over sumps

- Physical aspects of the site, such as locality, size, shape, access, geotechnical conditions and the like.
- Surrounding land uses and activities.
- Environmental impact on vegetation, fauna and views.
- Functionality with respect continued efficiency.
- Health and safety implications.
- Implications on determining the suitability of the site and the nature of the structure to accommodate a specific development.
- The specific kind of development suitable in view of its compatibility with its surroundings, such as residential, commercial, provision of parking or community purpose.
- Cost estimations with respect to impact on the City's budget and assessing costs against financial and community benefit.

Legislation / Strategic Community Plan / policy implications

Legislation

Storm water drainage is addressed in a number of State Legislation documents, including the *Local Government Act 1995*, *Health Act 1911*, *Town Planning and Development Act 1928* and *Environmental Protection Act 1986*.

It is expected that further legislation will become relevant as investigations progress.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

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

Policy Not applicable.

Risk management considerations

In addition to ensuring proper validation of engineering, legislative, environmental and feasibility aspects, the following issues relate specifically to drainage sumps when development possibilities are concerned:

- Conversion of an open sump to provide underground storage creates a more complex maintenance or cleaning operation.
- The changed status of the sump when natural light is eliminated may impact on its operation and environmental condition
- Severe contamination via a significant oil, fuel or chemical spill may in extreme circumstances damage the underground system and require replacement and decontamination of the site.
- Structural collapse should be considered during the design process.
- Severe storm events are likely to completely fill the underground storage, with surcharge accumulating within the car park.

Financial / budget implications

Initial expenditure will be operational as initial investigations will be coordinated internal with the support from external consultants where required.

Regional significance

The development of sump sites will potentially improve under-utilised land and improve the safety, maintenance and environmental considerations of the drainage site, as well as the general visual amenity of the whole area.

The functionality of the drainage site will still continue and be maintained as a drainage site for stormwater throughout development and thereafter.

Sustainability implications

Environmental

The opportunity exists to improve the visual appearance of an underutilised site through landscaping and vegetation without compromising the site's drainage function.

Social

Social amenity can be improved by the addition of well designed residential or commercial development that allows improved streetscape and function. Better utilisation of sump sites through development of this nature can improve the overall performance of community facilities, business or local attractions.

Economic

Economic improvements can be achieved with the addition of development in residential and commercial areas to improve the viability of an area through an increase in activity. Although a potential increase in maintenance costs might result it is believed that revenue from lease fees and additional rates could show a financial net benefit.

Consultation

The development of sumps may be feasible when considering all aspects highlighted for further investigation, but would require local community consultation on a case by case basis to assess support for a particular proposal.

Community consultation would be recommended for most sump development projects as a great number of them are located within existing residential and commercial development. Community consultation will be initiated in accordance with the City's *Community Engagement Protocol* and procedures.

COMMENT

The development of sumps for residential, commercial or other purposes might be feasible for some sites, but requires detailed investigation on a case by case basis to assess the various factors that influence a projects' overall viability and possible alternative options.

Key issues to consider are the engineering design, environmental status, planning environment, traffic access, site location and shape and overall community support for the project. Land value and space are important factors to consider within the context of the area in question.

Due to the fact that interest came from various parties the most appropriate way of engaging the private sector would be for the City to request for Expressions of Interest on the leasing of air space and development over sump sites.

In order to deliver a clear strategy towards exploring the possibility of leasing air space to accommodate development over operational sumps and in view of less complex leasing negotiations, initial investigations should focus on sump sites owned freehold by the City.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Finance Committee at its meeting held on 12 June 2017.

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

That Council:

- 1 *NOTES the content of this report on the nature of investigation the Chief Executive Officer will undertake to explore the possibilities of leasing air space over sumps to enable various development opportunities;*
- 2 *AUTHORISES the Chief Executive Officer to initiate and Expression of Interest process for the leasing of air space over sumps to enable various development opportunities;*
- 3 *REQUESTS the Chief Executive Officer to report to the Finance Committee on the progress with the above investigations and how the private sector may be engaged in a potential pilot project.*

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

That Council:

- 1 *NOTES the content of this report on the nature of investigation the Chief Executive Officer will undertake to explore the possibilities of leasing air space over sumps to enable various development opportunities;*
- 2 *AUTHORISES the Chief Executive Officer to initiate and Expression of Interest process for the leasing of air space over sumps to enable various development opportunities;*
- 3 *REQUESTS the Chief Executive Officer to report to the Finance Committee on the progress with the above investigations and how the private sector may be engaged in a potential pilot project;*
- 4 *NOTES the Expression of Interest process is to be considered and progressed relative to the City's existing major project priorities.*

RECOMMENDATION

That Council:

- 1 **NOTES the content of this report on the nature of investigation the Chief Executive Officer will undertake to explore the possibilities of leasing air space over sumps to enable various development opportunities;**
- 2 **AUTHORISES the Chief Executive Officer to initiate and Expression of Interest process for the leasing of air space over sumps to enable various development opportunities;**
- 3 **REQUESTS the Chief Executive Officer to report to the Finance Committee on the progress with the above investigations and how the private sector may be engaged in a potential pilot project;**
- 4 **NOTES the Expression of Interest process is to be considered and progressed relative to the City's existing major project priorities.**

REPORTS – POLICY COMMITTEE – 12 JUNE 2017

CJ104-06/17 REVIEW OF CIRCUS POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	101282, 101515
ATTACHMENTS	Attachment 1 Revised <i>Circus Policy</i> Attachment 2 Current <i>Circuses Policy</i>
AUTHORITY / DISCRETION	Executive – the substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to review the *Circuses Policy* and adopt the revised *Circus Policy* as part of the Policy Manual review process.

EXECUTIVE SUMMARY

As a result of a review of the Policy Manual, the *Circuses Policy* was identified as requiring amendments, namely:

- amend the objective to better reflect the purpose of the policy
- clarify unclear terms or phrases.

The current *Circuses Policy* (Attachment 2 refers) was adopted by Council at its meeting held on 15 May 2012 (CJ093-05/12 refers) to provide a statement in relation to the City's stance on circuses using live performing animals. The policy has remained unchanged since this time.

Research into other local government circus policies found that approximately 90% of other local governments with circus policies did not support circuses using live exotic animals and of these approximately 40% also did not support circuses or organisations with any live performing animals, including domesticated animals.

Further research was conducted into relevant industry standards and found that the City of Joondalup policy currently does not align with either the *Code of Practice for the Conduct of Circuses in Western Australia* or the RSPCA's *Performing Animals Policy*. The *Circus Policy* has been revised to clarify the stance of the City and provide consistency with other City policies. The revised wording also allows discretion in approving or denying access to City owned or controlled land for circuses using domesticated animals.

It is therefore recommended that Council ADOPTS the revised Circus Policy as detailed in Attachment 1 of Report CJ104-06/17 subject to clause 4 being amended to read as follows:

"Council considers circuses or organisations that use human acts and/or domestic animals that are kept in accordance with the RSPCA Policy - C02 Performing Animals, as appropriate forms of public entertainment."

BACKGROUND

At its meeting held on 26 April 2000 (CJ085-04/00 refers), the matter of circus policies was addressed. On that occasion, Council made a decision that it would not endorse any policy regarding circuses, "... due to the fact that Council has no wish to interfere with the right of residents in the City of Joondalup to attend performances if they so desire."

At its meeting held on 16 October 2007 (CJ207-10/07 refers), it was recommended that Council adopt a policy on circuses in the City given the ongoing demand for that type of entertainment.

At its meeting held on 15 April 2008 (CJ052-04/08 refers), Council adopted the *City Policy – Statement on Circuses*, which was amended to provide consistency with other policies and clarity to the content at the Council meeting held on 15 May 2012, when it became the *Circuses Policy* (CJ093-05/12 refers). The policy has remained unchanged since 2012.

DETAILS

Since the *Circuses Policy* was adopted, the City has continued to liaise with circuses and organisations that use live performing animals to ensure entertainment is appropriate on City owned or controlled land in accordance with the policy.

As no major changes have been identified in relation to the City's stance on live performing animals on City owned or controlled land, the policy has undergone a minor review to ensure consistency, relevance and currency with relevant legislation and best practice guidelines.

Local Government Comparison

An analysis of other local government circus policies was undertaken to inform the review of the City's *Circuses Policy*. Of the 30 local governments benchmarked in the Greater Perth Metropolitan area, eight local governments have a policy relating to the management of circuses. These policies are summarised in the table below:

Name of Local Government	Policy Name	Notes
Town of Bassendean	Circus Policy	Only circuses without exotic animals permitted.
City of Fremantle	Circuses on land owned or controlled by the City of Fremantle	Does not permit circuses where those circuses incorporate performing animals (includes exotic and domestic animals).
Shire of Kalamunda	Circuses on Council Reserves	Circuses involving animal acts will be assessed on a case-by-case basis. No clarity or definition provided for "animal act".

Name of Local Government	Policy Name	Notes
Town of Mosman Park	Circus Performances	Circuses using performing animal acts are prohibited on facilities owned or managed by the Town.
City of Nedlands	Prohibition of Circuses with Exotic or Caged Animals	Any circus that uses caged or exotic animals is prohibited.
City of Perth	Circuses and the use of performing animals	No wild or non-domestic animals permitted. Use of domestic animals with a good working relationship with humans is permitted.
City of Vincent	Prohibition of Circuses with Animals	Prohibits the use of performing and displayed animals in circuses on any City land.
City of Wanneroo	Circuses Policy	No wild animals are permitted. Circuses that use domesticated animals will be considered on an individual basis by the Chief Executive Officer on application to the City.

This benchmarking exercise indicates that seven out of the eight local governments that have circus policies prohibit circuses or organisations that involve exotic animals. Further, of the eight local governments that do have circus policies, three explicitly prohibit all circuses with any performing animals (including domestic animals). This research has informed recommended changes in the *Circuses Policy* as outlined below.

Relevant Code of Practice and Best Practice Guidelines

Research was also undertaken into existing guidelines from relevant industry bodies. The *Code of Practice for the Conduct of Circuses in Western Australia* allows for exotic animals to be involved in circus performances, however, provides strict guidelines for the care and treatment of specific exotic animals including suitability, safety, housing, behavioural training, medical, interaction and husbandry.

Conversely, the RSPCA's Policy *C02 Performing Animals* states that the RSPCA opposes the use of animals for any kind of entertainment where injury, pain, suffering or distress is likely to be caused. Specifically in relation to circuses, it provides that the requirements of circus life are not compatible with the physiological, social and behavioural needs of most animals and that the RSPCA is opposed to the use of animals in circuses unless scientific evidence indicates that the physiological, social and behavioural needs of the species can be adequately met during all aspects of circus life.

It should be noted that the current *Circuses Policy* does not align fully with either the *Code of Practice for the Conduct of Circuses in Western Australia* or the RSPCA Policy *C02 Performing Animals*.

Definitions

The definition of domestic animal has been taken from the *Code of Practice for the Conduct of Circuses in Western Australia*. The definition of exotic animal has been created from the previous statement of the policy and simplified to provide clarity in the application of the policy.

Statement

The statement has been simplified by moving the majority of the discussion about exotic animals to the definition section and adding that the policy applies to City owned or controlled land.

Details

The wording of the details section has been changed to:

“Council considers circuses or organisations that use human acts as a preferred alternative for public entertainment.”

Read in the context of the policy, it demonstrates that the City prefers circuses involving human acts to those involving animals. However, it allows discretion for the decision-maker to permit circuses involving domesticated animals if required.

Issues and options considered

Council has the option to either:

- adopt the revised *Circus Policy*, as shown at Attachment 1 to Report CJ104-06/17
- suggest further modifications to the revised *Circus Policy*
or
- retain the *Circus Policy* in its current format as shown at Attachment 2 to Report CJ104-06/17.

Option 1 is the recommended option.

Legislation / Strategic Community Plan / policy implications

Legislation

The *Code of Practice for the Conduct of Circuses in Western Australia* is referenced in the *Animal Welfare Act 2002*.

Strategic Community Plan

Key theme

Community Wellbeing.

Objective

Cultural development.

Strategic initiative

Actively engage event promoters to host iconic, cultural and sporting events within the City.

Policy

Circus Policy.

Risk management considerations

In order to remain transparent and facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City, as well as contemporary best practice approaches.

Financial / budget implications

The City currently hosts the occasional circus or organisation that uses live performing animals. If the City were to prohibit circuses or organisations using live performing animals there may be a financial impact through loss of income from these organisations.

Regional significance

The City of Wanneroo has a similar policy to the *Circus Policy* which indicates interest within the region. Further, whether the City of Joondalup hosts organisations or circuses with performing animals affects the broader region.

Sustainability implicationsSocial

Social sustainability enhances the lives of those within communities and the processes required to achieve social cohesion. Cultural events contribute to achievement of social sustainability.

Economic

The City currently hosts the occasional circus or organisation that uses live performing animals. There may be minor financial implications for the City and regional stakeholders if the City experienced a decline in circus events.

Consultation

Not applicable.

COMMENT

The *Circuses Policy* has provided guidance with regard to the approval of circuses on land owned or controlled by the City. The modifications to the policy will allow the City to continue to use discretion in decision-making in relation to circuses on City land, while also clarifying the stance of the City about both exotic and domestic performing animals. As such, it is considered appropriate that the proposed *Circus Policy* is adopted by Council.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 12 June 2017.

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

That Council ADOPTS the revised Circus Policy as detailed in Attachment 1 of this Report.

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

That Council ADOPTS the revised Circus Policy as detailed in Attachment 1 of this Report subject to clause 4 being amended to read as follows:

"Council considers circuses or organisations that use human acts and/or domestic animals that are kept in accordance with the RSPCA Policy - C02 Performing Animals, as appropriate forms of public entertainment."

RECOMMENDATION

That Council ADOPTS the revised *Circus Policy* as detailed in Attachment 1 of Report CJ104-06/17 subject to clause 4 being amended to read as follows:

"Council considers circuses or organisations that use human acts and/or domestic animals that are kept in accordance with the RSPCA Policy - C02 Performing Animals, as appropriate forms of public entertainment."

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15agn170627.pdf](#)

CJ105-06/17 AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK POLICY - REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance & Strategy
FILE NUMBER	89549, 101515
ATTACHMENTS	Attachment 1 <i>Australian Business Excellence Framework Policy</i> Attachment 2 <i>Current Australian Business Excellence Framework Policy</i>
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to approve the revised *Australian Business Excellence Framework Policy*.

EXECUTIVE SUMMARY

At its meeting held on 14 March 2006 (CJ032-03/06 refers), Council adopted the current *Australian Business Excellence Framework Policy* to provide a systematic process for continuous review and improvement of all aspects of leadership and management at the City. A copy of the current *Australian Business Excellence Framework Policy* is as shown as Attachment 2 to this Report.

No amendments have been made to the *Australian Business Excellence Framework Policy* since its adoption in 2006. The *Australian Business Excellence Framework* (ABEF) was updated in 2011 following a review by industry experts. The City's *Australian Business Excellence Framework Policy* needs to be updated to reflect these changes.

It is therefore recommended that Council APPROVES the revised Australian Business Excellence Framework Policy as shown in Attachment 1 to Report CJ105-06/17.

BACKGROUND

Council adopted the *Australian Business Excellence Framework* (ABEF) as its leadership and management framework in November 2005 (CJ251-11/15 refers) to provide a best practice mechanism to assess the City's management systems and identify and implement improvements. In 2006, Council adopted the *Australian Business Excellence Framework Policy* shown as Attachment 2 to this Report (CJ032-03/06 refers).

The Inquiry into the City of Joondalup was tabled in 2005 following the dismissal of the Council in 2003 and included a number of recommendations intended to restore good governance to the City. One of the recommendations was the appointment of a suitably qualified Chief Executive Officer and in January 2005 the current Chief Executive Officer, Mr Garry Hunt, was employed. Given his experience and utilisation of the framework at the City

of Perth he recommended Council adoption of the framework as a proven method for assessing the City's management and leadership systems and organisational performance.

The framework was first developed in 1987 and was one of the first four global excellence frameworks. It was initially developed in response to Commonwealth Government and general industry calls for Australian enterprises to be more efficient and competitive. The framework is reviewed and regularly updated by management and leadership professionals to reflect current and proven management thinking and practice.

The *ABEF* is an integrated leadership and management system that describes the elements essential to sustainable organisational performance. It is a framework which can be used to assess and improve any aspect of an organisation. The framework comprises the following:

- Principles which are required for organisational excellence and underpin the framework.
- Categories against which an organisation can review, question and analyse its leadership and management system. These include:
 - leadership
 - strategy and planning
 - information and knowledge
 - people
 - customer and stakeholder
 - process management, improvement and innovation
 - results and sustainable performance.
- Items which provide guidance to organisations on components to be addressed in order to achieve organisational excellence.
- A learning cycle which requires an organisation to demonstrate its *Approach, Deployment, Results* and *Improvement* for each Item.
- An assessment matrix against which an organisation's performance is assessed.

A number of leading Australian organisations use the framework to assess their management and leadership systems and inform strategic planning processes. Local governments currently utilising the framework include the City of Wollongong, Hobart City Council, Brisbane City Council and the Cities of Perth, Melville, Swan, Stirling, South Perth and Caloundra.

The *ABEF* is owned by the Australian Organisational Excellence Foundation and as a member, the City is able to take advantage of significant networking opportunities with other member organisations.

Since 2006, the City has successfully applied the framework to:

- assess organisational performance through a guided assessment
- provide training to City employees to enable them to undertake a self-assessment and gap analysis
- review the organisational structure
- promote excellence in leadership and management practices
- drive a systematic approach to continuous improvement through revision and improvement of processes and service reviews
- improve the delivery of services to the community
- inform strategic planning processes

- apply for the *ABEF* Strategy and Planning Category Award
- ISO 9001 Quality Management certification
- AS/NZS ISO 31000:2009 – Risk Management.

The City was recognised in the 2012 Business Excellence Awards for its best practice processes and systems in the Category of Strategy and Planning. The City continues to use the framework to guide its continuous improvement activities.

DETAILS

Revisions to the *ABEF* in 2011 have not resulted in changes to the overall intent or application of the framework. Changes are summarised as follows:

- Revised wording of some of the Principles to clarify direction, including the introduction of a new Principle – *Variation impacts predictability, profitability and performance*.
- Changes to two key Categories – *Customers and Stakeholders and Results and Sustainable Performance*.
- Changes to the assessment matrix and weightings.

The revised *Australian Business Excellence Framework Policy*, shown as Attachment 1 to this Report, reflects the updated framework. The revised policy also includes acknowledgement that the *ABEF* provides an umbrella under which other business initiatives can be implemented, such as ISO 9001 Quality Management and AS/NZS ISO 31000:2009 which the City has implemented since 2006 as part of its continuous improvement activities.

Endorsement of the revised policy, *Australian Business Excellence Framework Policy*, as shown in Attachment 1 of this Report, is recommended.

Issues and options considered

Council has the option to:

- revoke the *Australian Business Excellence Framework Policy* as shown in Attachment 2 to Report CJ105-06/17
- modify the *Australian Business Excellence Framework Policy* as shown in Attachment 1 to Report CJ105-06/17
or
- retain the *Australian Business Excellence Framework Policy* in its current format as shown in Attachment 2 to Report CJ105-06/17.

The option to modify the *Australian Business Excellence Framework Policy* as shown in Attachment 1 to Report CJ105-06/17 is recommended.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

Policy *Australian Business Excellence Framework Policy.*

Risk management considerations

The *ABEF* provides the City with a proven methodology for assessing the organisation against key principles and criteria in order to prioritise opportunities for improvement.

The principles and categories within the framework describe the essential characteristics of leadership and management systems to achieve sustainable and excellent performance. The framework also requires organisations to assess the risks its business activities pose to the community and how such risks are reduced.

The practice of continual review and improvement of all organisational functions ensures continued scrutiny of the City's operations against the framework and assists in working towards sustainable performance.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

The *ABEF* provides a vehicle for sustainable business improvement. The framework provides the methodology for a planned, systematic approach to assessing and identify improvements to the City's leadership and management systems and, therefore, sustainable organisational performance.

Consultation

Not applicable.

COMMENT

The City provides a broad range of services to its stakeholders and the community in line with its vision in *Joondalup 2022* and is committed to ensuring these services are of a consistently high standard. Alignment with the framework provides a leadership focus and practical methodology for continuous improvement across all management aspects of the

organisation with the aim of achieving excellence in service delivery and sustainable performance.

Use of the framework has contributed towards significant improvements as a result of assessments of its core functions and continued application will facilitate greater operational efficiencies and improved community and stakeholder relations. The City intends to submit a whole of organisation application to the Australian Organisational Excellence Awards to be held in Perth in October 2017.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 12 June 2017.

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

RECOMMENDATION

That Council APPROVES the revised *Australian Business Excellence Framework Policy* as shown in Attachment 1 to Report CJ105-06/17.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16agn170627.pdf](#)

CJ106-06/17 DRAFT MEDIUM-DENSITY SINGLE HOUSE DEVELOPMENT STANDARDS LOCAL PLANNING POLICY

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106380, 101515
ATTACHMENT	Attachment 1 Planning Bulletin 112/2016 (Medium-density single house development standards – Development Zones) Attachment 2 Draft <i>Medium-density Single House Development Standards Local Planning Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Medium-density Single House Development Standards Local Planning Policy* for the purposes of adoption.

EXECUTIVE SUMMARY

The medium-density single house development standards (R-MD Codes) are a relatively new set of standards released by the Western Australian Planning Commission (WAPC) that were developed to endeavour to better accommodate contemporary housing typologies on smaller lots.

The standards are, in effect, replacement deemed-to-comply standards of the Residential Design Codes (R-Codes) for single houses at the R25 to R60 density codes in development zones (like former school sites) or structure plan areas. They do not apply to areas such as the City's Housing Opportunity Areas.

The *MacNaughton Crescent Structure Plan* was approved by the WAPC on 1 May 2017, and approximately 65 single residential lots will be created when the site is subdivided. The *MacNaughton Crescent Structure Plan* references the use of the R-MD Codes for assessment of these single dwellings, subject to Council adopting the standards as a local planning policy.

It is recommended that Council adopts the draft *Medium-density Single House Development Standards Local Planning Policy*. In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, the WAPC has resolved that adoption of the R-MD Codes as a local planning policy does not require public consultation.

BACKGROUND

The R-MD Codes were developed by a working group of government, development and building industry stakeholders that identified appropriate standards to facilitate development on smaller single residential lots. The R-MD Codes were a response to an increase in ad-hoc variations to the deemed-to-comply standards of the R-Codes in a variety of local government planning documents including planning schemes, local development plans, structure plans and planning policies.

The WAPC issued *Planning Bulletin 112/2015* in 2015 and an updated *Planning Bulletin 112/2016* in 2016 that outlines acceptable variations to the deemed-to-comply standards of certain clauses of the R-Codes that would apply to single house development within the density range of R25 to R60.

The *Planning Bulletin* confines the application of the R-MD Codes to “development zones” or “structure plan areas”. Throughout the City of Joondalup, these are typically new Greenfield or infill housing developments like former school sites.

The R-MD Codes must be adopted as a local planning policy for the standards to apply, and the policy must stipulate to which structure plan areas the R-MD Codes apply. Alternatively, the structure plan must identify that the R-MD Code local planning policy applies.

Since the release of the *Planning Bulletin*, a number of local governments have adopted the R-MD Codes as a local planning policy in accordance with the Bulletin and consistent with the approach proposed in the City’s local planning policy.

DETAILS

The *Medium-density Single House Development Standards Local Planning Policy* incorporates the requirements as set out in WAPC *Planning Bulletin 112/2016* (Attachment 1 refers), which vary the R-Code provisions for medium density housing in respect of the following:

- Building and garage setbacks.
- Open space.
- Front fences.
- Outdoor living areas.
- Parking.
- Vehicular access.
- Visual privacy.
- Solar access.

The specific variations to the deemed-to-comply standards of the R-Codes are set out in Appendix 1 to the draft policy (Attachment 2 refers). All other R-Code requirements continue to apply.

The R-MD Codes will only apply to single house developments and only in areas defined by the local planning policy.

Initially, the policy would only apply to the *MacNaughton Crescent Structure Plan* area. However, it is noted that the draft policy allows for future structure plan areas to be included, where deemed appropriate.

Issues and options considered

Council has the option to either:

- adopt the draft *Medium-density Single House Development Standards Local Planning Policy*, with or without modifications
or
- not adopt the draft *Medium-density Single House Development Standards Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

- | | |
|--------------------|--|
| Legislation | <ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> • <i>State Planning Policy 3.1 - Residential Design Codes.</i> |
|--------------------|--|

Strategic Community Plan

- | | |
|-----------------------------|---|
| Key theme | Quality Urban Environment. |
| Objective | Quality built outcomes. |
| Strategic initiative | Buildings and landscaping is suitable for the immediate environment and reflect community values. |
| Policy | Not applicable. |

Risk management considerations

If the R-MD Codes are not adopted for the *MacNaughton Crescent Structure Plan* area, development applications will be required whenever discretion is sought under the R-Codes. This will unnecessarily complicate and delay the approval process for these dwellings as discretion will be required in most instances to enable the medium density single house development already contemplated by the structure plan.

Financial / budget implications

The costs associated with any notice of any final adoption of the policy will be approximately \$500.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Planning Bulletin 112/2016 outlines that in accordance with Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the WAPC has resolved that the adoption of the R-MD Codes as a local planning policy does not require public advertising for the purposes of consultation.

Upon adoption of a local planning policy to implement the R-MD Codes, the local government must notify the WAPC of the resolution. The WAPC will then confirm that the policy is in accordance with *Planning Bulletin 112/2016*.

COMMENT

The WAPC has now approved the *MacNaughton Crescent Structure Plan* and it is recommended that the draft *Medium-density Single House Development Standards Local Planning Policy* be adopted as contemplated within the structure plan.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 12 June 2017.

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

RECOMMENDATION

That Council in accordance with clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- 1 PREPARES and PROCEEDS with the draft *Medium-density Single House Development Standards Local Planning Policy*, as shown in Attachment 2 to Report CJ106-06/17;**
- 2 ADVISES the Western Australian Planning Commission that Council has adopted the *Medium-density Single House Development Standards Local Planning Policy*.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17agn170627.pdf](#)

CJ107-06/17 DRAFT CHILD CARE PREMISES LOCAL PLANNING POLICY

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	85510, 101515	
ATTACHMENT	Attachment 1	Draft <i>Child Care Premises Local Planning Policy</i>
	Attachment 2	Current <i>Child Care Centres Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to consider the draft *Child Care Premises Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), while other development requirements are contained within local planning policies. In relation to the City's draft new *Local Planning Scheme No. 3* (LPS3), it was proposed to Council at its meeting held on 16 February 2016 (CJ005-02/16 refers) that most development requirements be removed from LPS3 and contained within local planning policies.

The existing *Child Care Centres Policy* requires review as a result of the changes between DPS2 and LPS3. The current provisions contained within DPS2 and the existing policy has been reviewed and a revised local planning policy has been developed. The draft policy includes provisions from DPS2 for car parking and landscaping and relevant provisions from other policies such as the *Height of Non-Residential Buildings Local Planning Policy*. Provisions from the existing policy have also been retained such as car park design and access and noise attenuation.

It is recommended that Council supports the draft revised policy to allow it to be advertised for public comment for a period of 21 days.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), while other development requirements are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73* (CJ005-02/16 refers).

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over its own development provisions and will ultimately save time as any updates to the development provisions will only need to be approved by Council rather than via a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the site and development requirements of the scheme. There is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are found in one place rather than some in the scheme and some in local planning policies.

The existing *Child Care Centres Policy* requires review as a result of the name and definition change of the land use in LPS3 and the removal of the development provisions from DPS2, which will now be included in the policy. If the revised policy is not progressed in a timely manner, there is a risk that LPS could become operative and there would not be sufficient provisions to guide the development of child care premises within the City of Joondalup.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017. Draft LPS3 was considered by Council at its meeting held on 16 May 2017 (CJ068-05/17 refers) and referred back to the Chief Executive Officer for further consideration.

DETAILS

As with the existing policy, the draft policy applies to all child care premises within the City of Joondalup (Attachment 1 refers).

The land use name and definition has changed from 'child care centre' in DPS2 to 'child care premises' in draft LPS3. The definition change is a result of reference to updated legislation, however, there is no fundamental change to the meaning of the land use.

The provisions contained within the existing policy (Attachment 2 refers) and DPS2 have been reviewed and a revised local planning policy has been developed. It is noted that the majority of provisions have been working well and remain relevant. The main policy provisions including proposed changes are outlined below.

Location

The location requirements in the current policy have been retained. These include the preference to locate child care premises adjacent to non-residential land uses and on local distributor roads.

Building setbacks

The building setbacks for non-residential buildings are currently contained in DPS2 and apply to all child care premises regardless of the zone in which they are located. However, the current policy indicates that setbacks in the 'Residential' zone may be varied in order to more appropriately reflect the existing building setbacks in the immediate vicinity. The non-residential building setbacks are large, being a nine metre front setback, six metre rear setback and three metre side setback.

It is considered that these setbacks do not assist in creating buildings that are in keeping with the zone in which they are located. Therefore, it is proposed within the draft policy that building setbacks are in accordance with relevant zone in which they are located.

Within the 'Residential' zone, the building setbacks to child care premises are proposed to be assessed in accordance with the *Residential Design Codes* and the City's *Residential Development Local Planning Policy* (even though they are a non-residential land use). This will allow new child care premises and additions to existing child care premises to be set back in keeping with the existing residential environment and maintain the residential streetscape.

In other zones, the specific zone policy will guide the building setback requirements of child care premises in order to achieve consistent streetscapes in these areas.

Building height

The proposed building height included in the revised policy matches the requirements of the *Height on Non-Residential Buildings Local Planning Policy* for development in the 'Residential', 'Commercial R40', 'Mixed Use R40' and 'Private clubs, institutions and places of worship' zones, being a maximum height equivalent to two storeys. This height requirement is considered appropriate and equivalent to other development within these zones and will facilitate consistent streetscapes in these areas.

Car parking and access

The proposed car parking standard is the same as within DPS2 and the current policy which is based on the number of children plus one bay per employee.

The car park design and access requirements have been retained from the current policy, but have been reformatted in accordance with the tables in the other LPS3 policies. These requirements have also been streamlined and simplified to assist in the useability of the document.

Bicycle parking

As it is considered appropriate that bicycle parking is provided for staff, a bicycle parking standard has been introduced of one space per eight employees. The standard is based on the Austroads guidelines standard for consulting rooms as there were no standards specifically for child care premises.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. However, DPS2 requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street. There is no requirement for landscaping where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. A minimum size of 4m² for landscaped areas is proposed to be included to ensure a usable area of land is provided.

Hours of operation

The hours of operation for child care premises located in, or adjoining, the 'Residential' zone are proposed to be the same as in the current policy, being Monday to Friday 7.00am to 6.00pm, Saturday 8.00am to 1.00pm, with no operation on Sundays. There are no restrictions on the hours of operation for premises located in non-residential areas.

Issues and options considered

Council has the option to either:

- advertise the draft *Child Care Premises Local Planning Policy*, with or without modifications
or
- not support the advertising of the draft *Child Care Premises Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

- | | |
|--------------------|---|
| Legislation | <ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> • <i>Draft Local Planning Scheme No. 3.</i> |
|--------------------|---|

Strategic Community Plan

- | | |
|-----------------------------|---|
| Key theme | Quality Urban Environment. |
| Objective | Quality built outcomes. |
| Strategic initiative | Buildings and landscaping is suitable for the immediate environment and reflect community values. |
| Policy | <i>Child Care Centres Policy.</i> |

Risk management considerations

General development provisions and standards are not included in draft LPS3 and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The policy is considered to be a new policy and therefore should be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the policy is inconsistent with any State planning policy, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any State planning policy.

COMMENT

In accordance with the preparation and consideration of draft LSP3 by Council, it is recommended that the draft revised *Child Care Premises Local Planning Policy* be progressed to ensure that provisions are in place to guide the establishment of child care premises in a manner that will not have an adverse impact on the amenity of surrounding areas.

The main difference between the existing *Child Care Centres Policy* and the revised *Child Care Premises Local Planning Policy* is that the revised policy contains all the development provisions in the policy, rather than referencing development standards in the scheme. No major changes to the intent of the development provisions are proposed.

It is recommended that Council advertise the draft revised *Child Care Premises Local Planning Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 12 June 2017.

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

RECOMMENDATION

That Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft *Child Care Premises Local Planning Policy*, as shown in Attachment 1 to Report CJ107-06/17, for a period of 21 days.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18agn170627.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ108-06/17 – Draft <i>Home-Based Business Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard operates a registered home-based business.

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ108-06/17 – Draft <i>Home-Based Business Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Dwyer runs a home office.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	CJ108-06/17 – Draft <i>Home-Based Business Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Hollywood answers phones and uses computers for a small business.

Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ108-06/17 – Draft <i>Home-Based Business Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Taylor uses computer at home in office.

**CJ108-06/17 DRAFT HOME-BASED BUSINESS LOCAL
 PLANNING POLICY – CONSIDERATION
 FOLLOWING ADVERTISING**

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	13048, 101515
ATTACHMENTS:	Attachment 1 <i>Current Home Business Policy</i> Attachment 2 <i>Draft Home-based Business Local Planning Policy (tracked changes)</i> Attachment 3 <i>Draft Home-based Business Local Planning Policy (non-tracked version)</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Home-based Business Local Planning Policy* following advertising for the purposes of final adoption.

EXECUTIVE SUMMARY

At its meeting held on 18 April 2017 (CJ056-04/17 refers), Council considered the draft *Home-based Business Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 4 May to 25 May 2017 and no submissions were received. No further modifications to the draft policy are recommended following advertising and it is therefore recommended that Council endorses the *Home-based Business Local Planning Policy*.

BACKGROUND

DPS2 currently contains land use definitions for three scales of home-based business (that is Categories 1 - 3). The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) contain model definitions for a range of land uses including home-based business activities. Those definitions are home office, home occupation and home business, which differ in various aspects from those definitions currently in DPS2.

While it is generally expected that new local planning schemes will utilise the model land use definitions outlined in the LPS Regulations, during the initial drafting of LPS3, it was proposed to retain the current DPS2 definitions within LPS3 given that the existing home-based business definitions had been in place for a number of years, were well established and worked well.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. However, prior to the Western Australian Planning Commission (WAPC) granting approval to advertise draft LPS3, it required the home-based business definitions be changed to align with those within the LPS Regulations.

Therefore, the existing *Home Business Policy* requires review as a result of the new definitions that are included in draft LPS3. Draft LPS3 was considered by Council at its meeting held on 16 May 2017 (CJ068-05/17 refers) and referred back to the Chief Executive Officer for further consideration.

The draft *Home-based Business Local Planning Policy* was presented to Council at its meeting held on 18 April 2017 (CJ056-04/17 refers) for consent to advertise and subsequently released for public consultation in May 2017.

DETAILS

The new hierarchy of home-based business under LPS3 will be (from the lowest scale to the highest) as follows:

- Home Office.
- Home Occupation.
- Home Business.

Generally, a 'Home Business - category 1' as defined under DPS2 is equivalent to a 'Home Office' under the draft LPS3, a 'Home Business - category 2' is equivalent to a 'Home Occupation', and a 'Home Business - category 3' is equivalent to a 'Home Business'.

The following table compares the main attributes for each type of home-based business under the existing DPS2 and draft LPS3:

Definition	Existing DPS2	Draft LPS3
Category 1 (DPS2) Home office (LPS3).	<ul style="list-style-type: none"> • 30m² maximum area. • Includes family day care. • Can only involve members of household. • No sign permitted. • No customers permitted. 	<ul style="list-style-type: none"> • No maximum area stated. • Does not refer to family day care. • Can only involve members of household. • No sign permitted. • No customers permitted.
Category 2 (DPS2) Home occupation (LPS3).	<ul style="list-style-type: none"> • 30m² area, or larger if demonstrated to be appropriate. • Can employ one person not a member of household. • No retail sales, hire or display. • 0.2m² sign. • Can involve customers at premises. 	<ul style="list-style-type: none"> • 20m² maximum area. • Can only involve members of household. • No retail sales, hire or display but can sell by internet. • 0.2m² sign. • Can involve customers at premises.
Category 3 (DPS2) Home Business (LPS3).	<ul style="list-style-type: none"> • 50m² area or up to 100m² with community consultation. • Can employ two people not a member of household, or up to four people subject to community consultation. • No retail sales, hire or display. • 0.2m² sign, maximum two metres high. 	<ul style="list-style-type: none"> • 50m² maximum area. • Can employ two people not a member of household. • No retail sales, hire or display but can sell by internet. • Not stated. • Can involve customers at premises.

Definition	Existing DPS2	Draft LPS3
	<ul style="list-style-type: none"> • Can involve customers at premises. 	

It is likely that the largest impact in the change of definitions will be for Category 2 / Home Occupation proposals, as the area permitted to be utilised is reduced from 30m² (with the possibility of a larger area) and one external employee under DPS2, to a maximum of 20m² with no external employees under LPS3.

It is also noted for Category 3 / Home Business, the possibility of up to four external employees and up to an area of 100m² is removed under LPS3.

Family day care provides early childhood education and care services within the educator's own home, up to a maximum of seven children. DPS2 specifically recognises a family day care activity as a 'Home Business - Category 1' activity and is therefore exempt from the requirement for planning approval. The home-based business definitions in LPS3 do not specifically recognise a family day care activity.

Proposed amendments

The following amendments to the existing *Home Business Policy* (Attachment 1 refers) were made and these were advertised for public comment:

- Rename the policy '*Home-based Business Local Planning Policy*'.
- Replace the generic term 'home business' used in the existing policy to 'home-based business' in order to differentiate it from the LPS3 land use definition of 'Home Business'.
- Expand the policy objectives.
- Include the new home-based business definitions as contained in draft LPS3.
- Remove provisions from the policy that are already covered by the land use definitions.
- Limit the need for a management plan to those proposed Home Businesses that seek to have two external employees.

The revised draft policy is included as Attachment 2 (tracked change version) and Attachment 3 (non-tracked version).

Issues and options considered

Council has the option to:

- proceed with the policy, with or without modification
or
- not proceed with the policy.

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

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

Strategic Community Plan**Key theme**

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Home Business Policy.

Risk Management considerations

The land use definitions related to home-based businesses within LPS3 will no longer align with those within the existing *Home Business Policy*. If an amendment to the policy is not progressed to align with the new planning scheme, there is a risk that the new scheme may become operational creating uncertainty how the existing policy relates to the new planning scheme.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional Significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* from 4 May 2017, closing on 25 May 2017, by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website
- a post on the City's social media platforms.

No submissions were received during the public consultation period.

COMMENT

It is recommended that Council proceed with the revised *Home-based Business Local Planning Policy*. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after *Local Planning Scheme No. 3* has been approved by the Minister for Planning and published in the *Government Gazette*.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 12 June 2017.

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

RECOMMENDATION

That Council in accordance with subclauses 4(3)(b)(ii) and 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- 1 PROCEEDS with the *Home-based Business Local Planning Policy*, as included in Attachment 3 to Report CJ108-06/17;**
- 2 NOTES that the policy will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No. 3* comes into effect.**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19agn170627.pdf](#)

Disclosure of Financial Interest

Name/Position	Cr John Chester.
Item No./Subject	CJ109-06/17 – Draft <i>McLarty Avenue Local Planning Policy</i> – Consideration following advertising.
Nature of interest	Financial Interest.
Extent of Interest	Cr Chester has a financial interest in a project adjacent to the Draft <i>McLarty Avenue Local Planning Policy</i> .

CJ109-06/17 **DRAFT MCLARTY AVENUE LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING**

WARD:	North Central
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	106461, 39603, 55579
ATTACHMENTS:	Attachment 1 Draft <i>McLarty Avenue Local Planning Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies

PURPOSE

For Council to consider the draft *McLarty Avenue Local Planning Policy* following advertising for the purposes of final adoption.

EXECUTIVE SUMMARY

At its meeting held on 18 April 2017 (CJ056-04/17 refers), Council considered the draft *McLarty Avenue Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 4 May 2017 to 25 May 2017. Two submissions were received, one indicated general support for the policy, and the other objecting to the policy.

It is recommended that Council endorses the draft *McLarty Avenue Local Planning Policy*, with no modifications.

BACKGROUND

The City has prepared a Local Planning Policy (LPP) for Lot 9000 McLarty Avenue and Lot 999 Piccadilly Circle, Joondalup (the subject site). The draft LPP has been prepared in consultation with the Housing Authority, the owner of the subject site, to guide the development of the subject site as an inner city, residential and mixed use precinct.

The subject site is located to the north of the Joondalup City Centre, within *Precinct 2 – Health and Wellness* under the draft *Joondalup Activity Centre Plan (JACP)*. The site is bounded by Joondalup Drive to the west, Grand Boulevard to the north, McLarty Avenue to the east and Lot 1001 (63) McLarty Avenue (the existing North Metropolitan TAFE site) to the south.

The LPP has been drafted to ensure it is consistent with the relevant provisions applicable to the subject site under the draft JACP.

DETAILS

The hierarchy of the relevant planning framework for this site (if endorsed by Council) will be as follows:

- 1 *Local Planning Scheme No. 3 (LPS3)*.
- 2 *Joondalup Activity Centre Plan (JACP)*.
- 3 *Local Planning Policy (LPP)*.

All development applications submitted for the subject site will be assessed and determined taking into account the provisions and objectives of all three documents above, with LPS3 being a statutory document supported and supplemented by the JACP and LPP to which the City is required to give “due regard”.

Relationship with the draft Joondalup Activity Centre Plan (JACP)

Table 1 below compares the current provisions of the draft JACP (as advertised) with those provisions incorporated in the draft LPP:

TABLE 1 – PROVISION COMPARISON

Provision	Draft JACP	Draft LPP	Officer Comment
<u>Objectives</u>	<p><i>Precinct 2 – Health and Wellness</i> Objectives:</p> <p>a) Establish Shenton Avenue as the northern gateway to JAC and as a multi-modal east-west connection linking Joondalup Arena and Joondalup Health Campus.</p> <p>b) Encourage more intense development on both sides of Joondalup Drive and Grand Boulevard.</p> <p>c) Improve pedestrian connectivity between</p>	<p>Development that meets the standards and provision of this Policy will support the following four key objectives:</p> <ul style="list-style-type: none"> • A highly walkable, cyclist friendly environment with good access to public transport and local employment opportunities. • A highly urban built-environment that transitions to a higher scale from the established built form to the east. • A landscaped and activated public realm with access to breezes and natural light to promote liveability. • A range of housing types that provide for a diversity of 	<p>The proposed objectives under the draft LPP do not contradict the objectives for <i>Precinct 2 – Health and Wellness</i> under the draft JACP.</p> <p>It is considered the proposed objectives under the draft LPP further refine the broader precinct objectives and are more specific to the policy area, focusing on the development of the site.</p>

Provision	Draft JACP	Draft LPP	Officer Comment
	<p>Joondalup Arena and Joondalup Health Campus.</p> <p>d) Establish Kennedy Drive as an east-west connector for all transport modes.</p> <p>e) Establish a centrally located community focal point or neighbourhood centre to serve the residential community in the precinct.</p>	households.	
<u>Land Use</u>	Land use permissibility is included for the Precinct 2 – Health and Wellness under Table 2 of the draft JACP.	<p>‘Preferred uses’ are provided as a guide for each Precinct within the policy area as described in Diagram 2. Further permissible land uses are described in the <i>Joondalup Activity Centre Plan</i>, Table 2 Land Use Permissibility:</p> <p><u>Precinct 1:</u> Residential and aged care accommodation.</p> <p><u>Precinct 2:</u> Residential and short stay accommodation.</p> <p><u>Precinct 3:</u> Commercial uses including retail, restaurant, civic, community purpose and office at ground floor with residential above.</p> <p><u>Precinct 4:</u> Residential.</p> <p><u>Precinct 5:</u> Residential, short stay accommodation and educational establishment.</p>	<p>The preferred uses identified under the draft LPP do not contradict the land-use permissibility table under the draft JACP.</p> <p>The LPP seeks to provide further guidance as to where such uses would be preferable based on the vision for the policy area.</p> <p>The draft LPP clarifies that the ‘preferred uses’ listed for each precinct are provided as a guide, and further permissible land uses are described in the JACP.</p>

Provision	Draft JACP	Draft LPP	Officer Comment
<p><u>Building Height</u></p>	<p>Development within <i>Precinct 2 – Health and Wellness</i> is required to be a minimum of 13.5 metres and a maximum of 45 metres as per <i>Figure 4 – Building Heights Plan</i>.</p>	<p>Development height, scale and intensity will vary across the precinct. Indicative storey heights are reflected in Figure 4 Indicative Building Heights. Key consideration will also be given to:</p> <ul style="list-style-type: none"> • the creation of active, well design streetscapes. • building orientation for solar access and addressing the street. • space between taller buildings on the same site to ensure privacy between habitable rooms and access to cooling summer breezes/ • the provision of shade, shelter and amenity to active pedestrian frontages. <p>Roof structures and screening associated with utilities/service infrastructure may extend up to one metre above the maximum building height specified under the JACP.</p>	<p>The draft LPP provides guidance on where buildings of a certain height are considered appropriate based on the vision for the site.</p> <p>The <i>Indicative Building Heights Plan</i> (Figure 4 under the draft LPP) illustrates potential building heights in storeys, taking into account the context of the surrounding land, whilst still maintaining the intent of the 13.5 metres to 45 metres building height range specified under the draft JACP is achieved.</p> <p>The increase in building height by one metre meets the intent and provisions under the draft JACP. The definition of building height under the JACP states that building height is determined based on the distance from natural ground level to the roof ridge height of any building. As a result, a building can still be built to a roof height of 45 metres; however additional services and utilities can be located on the roof</p>

Provision	Draft JACP	Draft LPP	Officer Comment
			<p>of the building without varying the building height provision.</p> <p>The draft LPP therefore provides appropriate guidance as to what additional height is considered appropriate for minor incursions above the maximum building height.</p>
<p><u>Movement Network</u></p>	<p>Four-way intersection anticipated under JACP at the intersection of Joondalup Drive and Kennedy Drive.</p> <p>Upgrade required to the intersection of Shenton Avenue and Lawley Crescent.</p> <p>Number of additional inter-connected streets within subject site which link in with the existing road network.</p>	<p>Key road connections defined under the LPP as:</p> <p>a) Intersection access to Joondalup Drive (modification of the existing intersection required); and,</p> <p>b) Intersection access to the south of the policy area to connect with Shenton Avenue (modification to the existing intersection required).</p>	<p>The overall road network identified under the draft LPP is consistent with that shown under the Health and Wellness Precinct Plan (Figure 7) of the draft JACP.</p>
<p><u>Public Realm</u></p>	<p>Public Open Space (POS) site identified under the Health and Wellness Precinct Plan (Figure 7).</p>	<p>Public Realm Precincts are included within the draft LPP to identify the objectives and key considerations for each precinct.</p> <p>Public Open Space (POS) site is included on the western side of the policy area adjacent to Joondalup Drive.</p>	<p>The draft LPP provides further guidance on what is to be accommodated with the public areas of the policy area, and ensures that the POS site to the west of the policy area is consistent with that shown under the Health and Wellness Precinct Plan (Figure 7) of the draft JACP.</p>

All other provisions which are not mentioned or referenced in the draft LPP will be assessed as per the relevant provision under the Residential Design Codes (R-Codes), the City's scheme and/or the JACP.

The above table demonstrates that the draft *McLarty Avenue LPP* is consistent with the overarching draft JACP document.

The draft JACP was advertised for public consultation throughout March 2017 and a number of modifications to the draft JACP will be recommended for Council's consideration.

Importantly, the modifications recommended for the draft JACP do not affect the provisions contained within the draft *McLarty Avenue LPP*. Therefore, whether the draft JACP is adopted as advertised or in the recommended modified format, the draft *McLarty Avenue LPP* will remain consistent with the draft JACP.

Outcomes of consultation

The draft *McLarty Avenue LPP* was advertised for 21 days from 4 May 2017 to 25 May 2017.

Two submissions were received at the conclusion of advertising – one submission in support of the draft policy (Housing Authority) and one submission opposing some aspects of the draft policy (Department of Training and Workforce Development).

The two issues raised in the Department of Training and Workforce Development (DTWD) submission were as follows:

- Identification of a north-south link road intersecting with Shenton Avenue.
- A portion of policy area currently being the subject of potential land exchange negotiations.

The two issues are considered in further detail below:

Proposed north-south link road

DWTD is concerned that the proposed north-south link road intersecting with Shenton Avenue will result in significant traffic flow issues; could result in safety concerns for campus users; will create increased transport noise; and will be challenging to design due to the topography of the land.

Officer Comment

The proposed road connection depicted in the draft policy runs north-south through the policy area and through the adjoining land to the south (currently owned and operated by the DTWD – North Metropolitan TAFE) providing a connection between Shenton Avenue and Grand Boulevard.

The road connection is consistent with the proposed road network planning under the City's draft Joondalup Activity Centre Plan (JACP).

As part of the formulation of the draft JACP the City engaged a transport and traffic engineering consultant to undertake detailed movement network analysis of the JACP area. It was determined through the traffic impact assessment that the location of this road (and the connection with Shenton Avenue) was acceptable and would assist transport flow throughout the locality. It is also noted that during public consultation of the draft JACP, the DTWD did not provide comment on the location of this proposed road connection.

In light of the above, the proposed road connection (and intersection with Shenton Avenue) is consistent with the draft JACP, and associated traffic impact assessment, and is considered a required component of the movement network within the JACP area.

The future road design will ensure safety and topography is taken into account, in accordance with Australian Standards.

As a result, no modification is recommended to the road network under the draft *McLarty Avenue Local Planning Policy*.

Land exchange negotiations

The DTWD has advised that they and the Housing Authority are currently in negotiations about the exchange of land which is generally located within Precinct 5 of the draft policy. DTWD anticipates that Precinct 5 will be used for trade training purposes in the future and, as such, have requested the maximum building height to be shown as three storeys.

Officer Comment

The City is not a party to these negotiations and therefore has developed the draft policy on the advice given by the Housing Authority (current landowner).

Further, the draft McLarty Avenue LPP has been prepared consistent with the draft JACP, including building heights.

Should Council adopt the draft policy, and a variation to the indicative building height plan is proposed through a development application, Council has the discretion to vary the requirements of the policy if considered appropriate. It is also important to note that Figure 4 is 'indicative' and represents one possible development outcome for the site, but the actual mixture of building heights may vary at development stage.

In view of the above, no modification is recommended to the *McLarty Avenue Local Planning Policy* in this regard.

Modifications following consultation

No modifications to the draft LPP are recommended following public advertising, and therefore the provisions and requirements included in the draft LPP (Attachment 1 refers) are the same as that previously presented to Council at its meeting on 18 April 2017.

Issues and options considered

Council has the option to:

- proceed with the policy, with or without modification
or
- not proceed with the policy.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy Not applicable.

Risk Management considerations

Should significant modifications to the draft JACP be recommended by Council and/or imposed by the WAPC, this may result in the draft LPP needing to be modified to ensure it is consistent with the adopted version of the JACP.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional Significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* from 4 May 2017, closing on 25 May 2017, by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website.

Two submissions were received during the public consultation period. One was received from the landowner of the subject site (Housing Authority) who indicated support for the draft policy, and one from the adjoining landowner (Department of Training and Workforce Development) who has objected to aspects of the draft policy.

COMMENT

As detailed in Table 1 above, the provisions of the draft LPP are consistent with those of the draft JACP and only relate to land owned by the Housing Authority. The matters raised in the submission from the Department of Training and Workforce Development request modifications to the draft LPP that would result in the policy being inconsistent with the draft JACP and therefore are not supported.

It is recommended that the draft *McLarty Avenue Local Planning Policy* be adopted without modification.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 12 June 2017.

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

RECOMMENDATION

That Council in accordance with subclauses 4(3)(b)(ii) and 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- 1 PROCEEDS with the *McLarty Avenue Local Planning Policy*, as included in Attachment 1 to Report CJ109-06/17;**
- 2 NOTES that the policy will come into effect when published in the local newspaper;**
- 3 NOTES the submissions received and ADVISES the submitters of Council's decision.**

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20agn170627.pdf](#)

CJ110-06/17 DRAFT MULTIPLE DWELLINGS WITHIN PORTION OF HOUSING OPPORTUNITY AREA 1 LOCAL PLANNING POLICY

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106682, 101515
ATTACHMENT	Attachment 1 Draft <i>Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy</i> (Option 1) Attachment 2 Draft <i>Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy</i> (Option 2)
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 16 May 2017 (CJ078-05/17 refers), Council considered the minutes of a Special Electors Meeting and resolved to support the development of a local planning policy which restricts the development of multiple dwellings in Housing Opportunity Area 1 (HOA1).

Two options for this policy have been prepared for Council's consideration. Option One prohibits the development of multiple dwellings in the application area. Option Two restricts the type of multiple dwellings that can be developed in the application area, by requiring development to meet the deemed-to-comply provisions of Part 5 of the Residential Design Codes (R-Codes) and the relevant sections of the City's *Residential Development Local Planning Policy*, as well as restricting building height to a maximum of two storeys.

Council can decide which option is preferred and then advertise the draft policy for public comment for a period of 21 days.

BACKGROUND

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). The LHS was endorsed in November 2013.

A scheme amendment to implement the density code changes proposed by the LHS to *District Planning Scheme No. 2* (DPS2) was gazetted in February 2016. However, some of the initial provisions to assist in managing the transition to higher residential densities, such as restricting multiple dwellings to sites larger than 2,000m², were removed by the WAPC. Since that time, there have been a number of subdivision and development applications for lots within dual density coded areas.

The *Residential Development Local Planning Policy* was also developed to try and control (as best it could), the potential impact that increased density could have on existing areas.

Special Electors Meeting

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 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 following motion was carried at the Special Electors Meeting:

“Motion 1

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

- 3 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;*
- 4 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.”*

The *Local Government Act 1995* requires all decisions made at an electors meeting to be referred to Council for consideration. At its meeting held on 16 May 2017 (CJ078-05/17 refers), Council resolved, in part, as follows:

- “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 SUPPORTS 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 SUPPORTS the development of a new Local Planning Policy which restricts the development of multiple dwellings in Housing Opportunity Area 1;...”*

DETAILS

For the purposes of this report, HOA1 is interpreted to be the area bounded by the Mitchell Freeway, Warwick Road, Davallia Road and Beach Road, Duncraig, being the area outlined in point 2 of Council's resolution.

This area is referred to as the "application area" in this report and in the draft policies. In addition, Council's resolution refers to a local planning policy to 'restrict' multiple dwellings in HOA1, which is taken to mean prohibit the approval of multiple dwellings.

The R-Codes, supported by the City's *Residential Development Local Planning Policy*, provide development standards against which applications for multiple dwellings are assessed. DPS2 allows multiple dwellings to be approved within the 'Residential' zone.

Option One

This draft policy (Attachment 1 refers) prohibits the development of multiple dwellings by stating that development applications for multiple dwellings will not be approved within the application area.

The *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations) require that any determination under the Scheme (for example a development approval) must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

Advice has been received that such a policy, as outlined above, even if adopted by Council, could not be given any weight as it is inconsistent with DPS2 in that it would purport to prohibit multiple dwellings where DPS2 does not. Secondly, the advice indicates that there have been a number of State Administrative Tribunal decisions that affirm that a policy cannot prevail over scheme provisions with which it is inconsistent.

Given the issues outlined above, a second option is presented below.

Option Two

Multiple dwellings at the R40 and R60 density codes are assessed in accordance with Part 6 of the R-Codes which contain development provisions specifically for multiple dwellings. Part 5 of the R-Codes is used to assess all single and grouped dwelling applications, as well as multiple dwellings up to the R30 density code.

A principal difference between Part 5 and Part 6 of the R-Codes is that multiple dwellings assessed in accordance with Part 5 have a minimum dwelling site area (for example one dwelling per 350sqm of land at the R30 code). Multiple dwellings assessed in accordance with Part 6 do not have a minimum dwelling site area. Rather, the number of dwellings that can be developed on a lot is the result of other provisions such as plot ratio, building setbacks, car parking and landscaping.

The Option Two draft policy (Attachment 2 refers) would still allow the development of multiple dwellings within the application area, but would restrict any proposed development to meeting the deemed-to-comply provisions of Part 5 of the R-Codes and the appropriate sections of the *Residential Development Local Planning Policy*.

The approach included in Option Two would have the effect of requiring multiple dwellings to meet the same deemed-to-comply standards that single and grouped dwellings are required to meet, and in addition, not permit any discretion beyond those deemed-to-comply standards.

At the Special Electors Meeting and during subsequent deputations and statements, residents have advised that they are not opposed to redevelopment of grouped dwellings. A two-storey height limit would also apply.

As the draft policy seeks to amend the deemed-to-comply provisions of the R-Codes, the approval of the Western Australian Planning Commission (WAPC) would be required.

The City has received advice regarding the appropriate timing of when it would be suitable to give weight to the Option Two policy provisions when assessing development applications. The City has been advised that the appropriate time would be once the WAPC has provided an indication that they are prepared to support the amendments to the deemed-to-comply provisions of the R-Codes included in the policy.

Issues and options considered

Council has the option to:

- advertise Option One of the draft *Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy*, with or without modifications
- advertise Option Two of the draft *Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy*, with or without modifications
or
- not support the advertising of the draft *Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy* (either option).

Legislation / Strategic Community Plan / policy implications

- | | |
|--------------------|---|
| Legislation | <ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> • <i>District Planning Scheme No. 2.</i> • <i>State Planning Policy 3.1: Residential Design Codes.</i> |
|--------------------|---|

Strategic Community Plan

- | | |
|-----------------------------|---|
| Key theme | Quality Urban Environment. |
| Objective | Quality built outcomes. |
| Strategic initiative | Buildings and landscaping is suitable for the immediate environment and reflect community values. |
| Policy | Not applicable. |

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

Part 2, clause 3(3) of the Regulations sets out that local planning policies must be based on sound town planning principles and may address either strategic or operational conditions in relation to matters to which the policy applies.

In addition, Part 2, clause 3(5) of the Regulations states that any determination under the Scheme must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme. This implies that if a local planning policy is inconsistent with the Scheme, the policy will not carry any weight when making a determination on a planning application.

Residential Design Codes

Clause 7.3.1 of the R-Codes permits local planning policies to amend or replace specified deemed-to-comply provisions of the R-Codes. Notwithstanding clause 7.3.1, clause 7.3.2 allows a local government, with the approval of the WAPC, to amend any other deemed-to-comply provision of the R-Codes by means of a local planning policy.

Draft policy Option Two effectively would seek to replace all the deemed-to-comply provisions that would normally be applicable to multiple dwellings developed at the R40 and R60 density codes. In addition, multiple dwelling developments would be required to meet all deemed-to-comply provisions of the R-Codes, thereby removing any discretion normally available under the R-Codes. Therefore the approval of the WAPC will be required to implement that policy. It is considered that the likelihood of the WAPC approving the draft policy is low.

Risk management considerations

As outlined, legal advice has indicated that adopting a local planning policy that is inconsistent with the Scheme would lead to a situation where no weight could be given to the policy. If Option One were adopted, an applicant's request for review through the State Administrative Tribunal of a City or Council decision to refuse a multiple dwelling application on the basis of the policy is likely to succeed, and may also expose the City to potential claims for costs associated with a review.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* require a new policy to be advertised for public comment for a period of not less than 21 days. It is proposed that the draft policy would be advertised for 21 days as follows:

- Letters to all landowners within the subject area (approximately 580).
- A notice published in the local newspaper.
- A notice and documents placed on the City's website.
- A notice placed through the City's social media platforms.

In accordance with Part 2, clause 4(1)(b) of the Regulations, if, in the opinion of the City, the policy is inconsistent with any State Planning Policy, then notice of the proposed policy is to be given to the WAPC.

Both policy options are considered to be inconsistent with the R-Codes, as they either prohibit the development of multiple dwellings entirely or require all multiple dwellings to comply with the deemed to comply provisions. Therefore notice will need to be provided to the WAPC if either option is progressed.

In addition, the Option Two draft policy requires the approval of the WAPC given the extent of amendments to the deemed-to-comply provisions of the R-Codes, in accordance with clause 7.3.2 of the R-Codes.

COMMENT

Advice has been provided that, even if adopted, the Option One draft policy could not be given any weight when making a decision as it is inconsistent with DPS2. It is therefore considered that the Option Two draft policy is the preferred approach in order to progress implementation of Council's resolution. It is noted, however, that the approval of the WAPC is required for the policy given the extent of the amendments to the deemed-to-comply provisions of the R-Codes.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 12 June 2017.

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

RECOMMENDATION

That Council in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- 1 PREPARES and ADVERTISES the draft *Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy*, as shown in Attachment 2 to Report CJ110-06/17, for a period of 21 days;**
- 2 GIVES NOTICE of the draft policy to the Western Australian Planning Commission;**
- 3 SEEKS APPROVAL from the Western Australian Planning Commission for the draft policy in accordance with clause 7.3.2 of the *Residential Design Codes*.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21agn170627.pdf](#)

URGENT BUSINESS

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

CLOSURE



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

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

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

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

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

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



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

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

QUESTIONS

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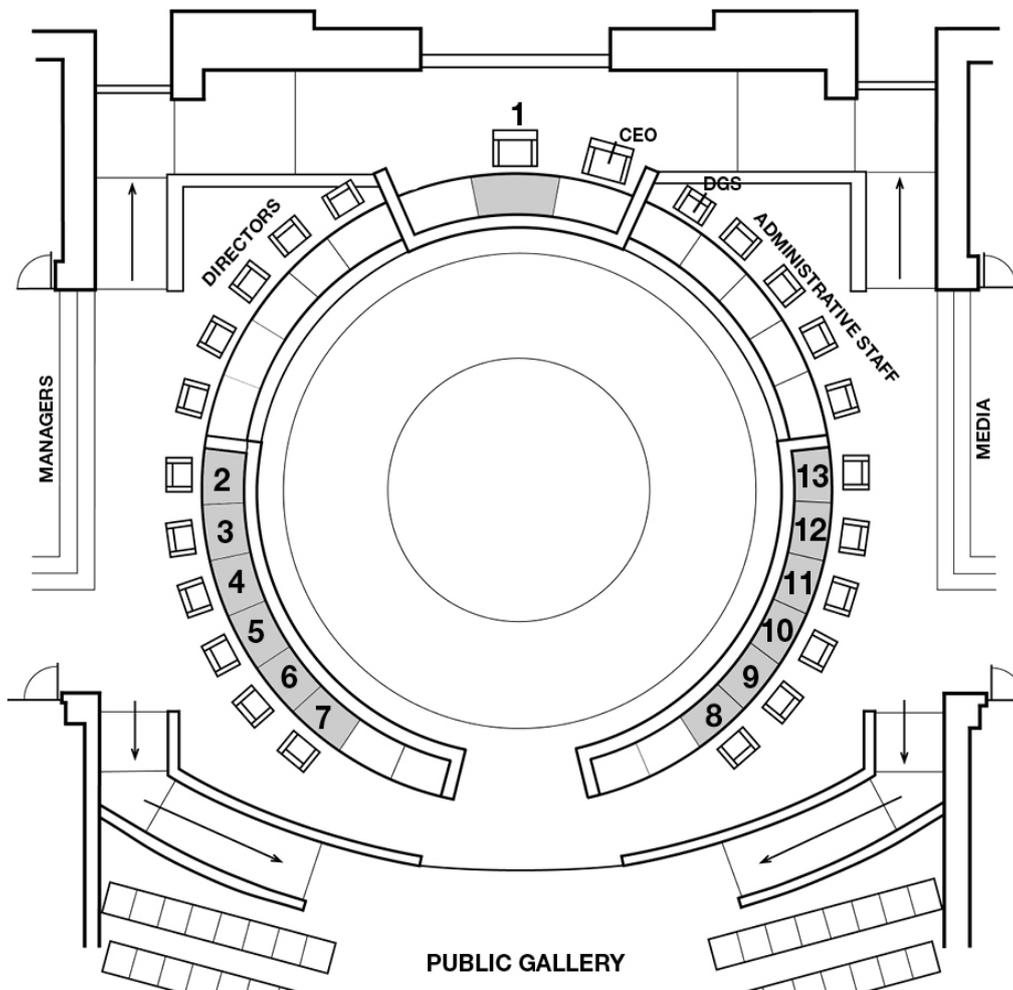
Please submit this form at the meeting or:

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

Please note that:

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

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)