

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON TUESDAY 13 FEBRUARY 2018

COMMENCING AT 6.30pm

GARRY HUNT
Chief Executive Officer
9 February 2018

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 close of business on **Monday 12 February 2018**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.

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

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.

- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final
 - nominate an Elected Member and/or City employee to respond to the question or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Briefing Session.
- 9 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing Session that is not relevant to a matter listed on the agenda
 - or
 - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any responses will be summarised and included in the agenda of the next Briefing Session.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.

- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

- 1 Members of the public are invited to make statements at Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a matter contained on the agenda.

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

PROCEDURES FOR DEPUTATIONS

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

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

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

TABLE OF CONTENTS

| ITEM NO. | TITLE | WARD | PAGE NO. |
|----------|---|---------------|------------|
| | OPEN AND WELCOME | | ix |
| | DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY | | ix |
| | DEPUTATIONS | | x |
| | PUBLIC QUESTION TIME | | x |
| | PUBLIC STATEMENT TIME | | xix |
| | APOLOGIES AND LEAVE OF ABSENCE | | xxi |
| | REPORTS | | 1 |
| 1 | DEVELOPMENT AND SUBDIVISION APPLICATIONS - NOVEMBER AND DECEMBER 2017 | All | 1 |
| 2 | THIRD PARTY APPEAL RIGHTS IN PLANNING | All | 6 |
| 3 | PROPOSED DEVELOPMENT APPLICATION FOR 14 MULTIPLE DWELLINGS AT LOTS 392 AND 393 (33 AND 35) MACEDON PLACE, CRAIGIE – SECTION 31 RECONSIDERATION UNDER THE STATE ADMINISTRATION TRIBUNAL ACT 2004 | Central | 14 |
| 4 | UPDATE ON SCHEME AMENDMENT NO. 86 TO DISTRICT PLANNING SCHEME NO. 2 | North-Central | 31 |
| 5 | PROPOSED AMENDMENT TO THE ILUKA STRUCTURE PLAN AND TWO PROPOSED LOCAL DEVELOPMENT PLANS – RECONSIDERATION FOLLOWING CHANGES MADE | North | 36 |
| 6 | DEVELOPMENT APPLICATION FOR RETROSPECTIVE APPROVAL OF SHORT STAY ACCOMMODATION AT LOT 12 (23) WHILEY ROAD, MARMION | South | 48 |
| 7 | MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 12 DECEMBER 2017 | All | 58 |
| 8 | MINUTES OF EXTERNAL COMMITTEES | All | 67 |
| 9 | EXECUTION OF DOCUMENTS | All | 81 |
| 10 | CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2017 | All | 83 |

| ITEM NO. | TITLE | WARD | PAGE NO. |
|----------|---|------------|------------|
| 11 | IMPLEMENTING A LIGHTWEIGHT SINGLE-USE PLASTIC BAG BAN IN WESTERN AUSTRALIA DISCUSSION PAPER | All | 87 |
| 12 | LOCAL GOVERNMENT ACT 1995 REVIEW SUBMISSION | All | 93 |
| 13 | LIST OF PAYMENTS DURING THE MONTH OF NOVEMBER 2017 | All | 97 |
| 14 | LIST OF PAYMENTS DURING THE MONTH OF DECEMBER 2017 | All | 100 |
| 15 | FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2017 | All | 103 |
| 16 | FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2017 | All | 106 |
| 17 | TENDER 024/17 PROVISION OF TREE MAINTENANCE SERVICES | All | 109 |
| 18 | TENDER 030/17 CITY CENTRE LIGHTING UPGRADE STAGE 2 | North | 116 |
| 19 | TENDER 035/17 PROVISION OF PLANT HIRE | All | 122 |
| 20 | CONFIDENTIAL - TENDER 032/17 DOMESTIC RUBBISH AND RECYCLING COLLECTION SERVICES | All | 128 |
| 21 | REQUEST FOR ADDITIONAL SUBSIDIES AND WAIVERS OF FEES FOR ANNUAL HIRE GROUPS | All | 129 |
| 22 | MID-YEAR REVIEW OF THE ANNUAL BUDGET FOR THE 2017-18 FINANCIAL YEAR | All | 137 |
| 23 | PETITION TO INSTALL A FENCE SURROUNDING THE MAIN PLAYGROUND, GRANADILLA PARK, DUNCRAIG | South | 142 |
| 24 | WHITFORDS NODES PARK HEALTH AND WELLBEING HUB - RESULTS OF COMMUNITY CONSULTATION | South-West | 147 |
| 25 | CONFIDENTIAL - RESOURCE RECOVERY FACILITY – DEED OF GUARANTEE (PROPOSAL TO AMEND) | All | 157 |
| | REPORTS – POLICY COMMITTEE - 5 FEBRUARY 2018 | | 158 |
| 26 | CASH-IN-LIEU OF CAR PARKING LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING | All | 158 |
| 27 | POLICY MANUAL REVIEW | All | 164 |
| 28 | BEACH MANAGEMENT PLAN FINALISATION | All | 170 |

| ITEM NO. | TITLE | WARD | PAGE NO. |
|----------|---|---------------|------------|
| 29 | CITY OF JOONDALUP ARTIST RESIDENCY PROGRAM 2018-19 | All | 177 |
| 30 | TWENTY YEAR RETROSPECTIVE EXHIBITION OF THE COMMUNITY INVITATION ART AWARD WINNERS | All | 184 |
| | REPORT OF THE CHIEF EXECUTIVE OFFICER | | 191 |
| 31 | OCEAN REEF MARINA - MEMORANDUM OF UNDERSTANDING | North-Central | 191 |
| 32 | PROPOSAL FOR A KINGSLEY COMMEMORATIVE PEACE PRECINCT | South -East | 197 |
| | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | | 202 |
| | NOTICE OF MOTION NO. 1 - MAYOR ALBERT JACOB - ADDITIONAL ANIMAL BEACH IN THE NORTHERN CORRIDOR | | 202 |
| | NOTICE OF MOTION NO. 2 – CR SOPHIE DWYER - TRAFFIC MANAGEMENT SUPPORT FOR CHRISTMAS LIGHT DISPLAYS | | 203 |
| | NOTICE OF MOTION NO. 3 – CR NIGE JONES – STRATEGIC APPROACH TO THE NEEDS OF SOCCER CLUBS WITHIN THE CITY OF JOONDALUP | | 204 |
| | REPORTS REQUESTED BY ELECTED MEMBERS | | 205 |
| | CLOSURE | | 205 |

LATE ITEMS / ADDITIONAL INFORMATION

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

[*Additional Information180213.pdf*](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 13 February 2018** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

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

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 | Ms Dale Page - Director Planning and Community Development. |
| Item No./Subject | Item 4 - Update on Scheme Amendment No. 86 to District Planning Scheme No. 2. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Ms Page serves as Director on the Board of the West Australian Land Authority (LandCorp). |

| | |
|---------------------------|--|
| Name/Position | Ms Dale Page - Director Planning and Community Development. |
| Item No./Subject | Item 20 - Confidential - Tender 032/17 Domestic Rubbish and Recycling Collection Services. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | An employee of Suez Recycling and Recovery Pty Ltd is known to Ms Page. |

| | |
|---------------------------|---|
| Name/Position | Ms Dale Page - Director Planning and Community Development. |
| Item No./Subject | Item 31 – Ocean Reef Marina – Memorandum of Understanding. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Ms Page serves as Director on the Board of the West Australian Land Authority (LandCorp). |

DEPUTATIONS

PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 5 December 2017:

Ms J Quan, Edgewater:

Re: Item 20 – Establishment of an Edgewater Quarry Community Reference Group.

Q1 What membership places will be invited for the Edgewater Quarry Community Reference Group?

A1 The establishment of the Edgewater Quarry Community Reference Group is yet to be determined by Council, however the City is recommending representation of six ratepayers or residents from the suburb of Edgewater. There is the potential for additional representation through the community or special interest group membership section as detailed in the Terms of Reference shown as Attachment 3 to the report.

Q2 Why do we need five ratepayers or residents from other City suburbs while only six ratepayers or residents from Edgewater will be nominated?

A2 Notwithstanding the suburb of Edgewater should be well represented, the City considers that due to the regional significance of the Edgewater Quarry site, it should also have adequate Citywide representation.

Re: Housing Opportunity Area 1.

Q3 What was the major concern or issue in Housing Opportunity Area 1?

A3 The main issue raised by the community is the impact of higher density development, in particular, multiple dwellings, on existing residents in terms of design and scale, integration with existing housing stock and streetscape, and traffic and parking.

Q4 Is there any difference in the concerns of impact of R20/40 and higher R-Code between Edgewater and the northern part of Woodvale (Housing Opportunity Area 8) and Housing Opportunity 1 in Duncraig?

A4 The main areas of concern from the community regarding development are similar between Housing Opportunity Areas 1 and 8.

Q5 What made Housing Opportunity Area 1 in Duncraig so special that they can reduce the density code from R20/40 and R20/60 to R20/40 and restrict all multi-dwelling application?

A5 The Minister for Planning is yet to consider proposed Scheme Amendment No. 88 relating to the proposed down coding of a portion of Housing Opportunity Area 1.

Council is yet to consider the minutes of the Special Electors Meeting that was held on 13 November 2017 relating to the request to down code Housing Opportunity Area 8 and therefore it is not possible to speculate on the outcome of that consideration.

Ms A Park, Iluka:

Re: Item 3 – Proposed Amendment to the Iluka Structure Plan and two Proposed Local Development Plans – Consideration following public consultation.

Q1 Why has the applicant systematically removed the requirements to address impacts of overshadowing and privacy in the current LSP and stated any future development proposals will be assessed in accordance with the R-Codes only?

A1 Privacy requirements were first introduced into the Residential Design Codes (R-Codes) in October 2002, subsequent to the commencement of the Iluka Structure Plan. The requirements of the R-Codes now contain provisions to address overshadowing and privacy for surrounding landowners / occupiers therefore provisions in the structure plan are not necessary.

Q2 In the ‘key themes and issues’ section, why is there no reference or reporting on the very important, if not the most important issue for many residents, the negative impact on property values that high density living, increased population, potential increase in the suburbs rental ratio, overcrowding and noise pollution brings? This appears to have been completely overlooked in this report, yet addressed as a matter of course in other items on the agenda.

A2 The Planning and Development (Local Planning Schemes) Regulations 2015 do not include financial implications on surrounding landowners / occupiers as a valid planning consideration and therefore a planning application cannot be assessed based on any change in the value of property. In addition, the existing R60 density code is not proposed to change.

Q3 How does the report by Riley Consulting, arrive at the conclusion that, “...it is anticipated that the traffic forecasts for Santos Vista, Calis Avenue, Mykonos View, O’Mara Boulevard and Burns Beach Road will not be affected” and the development “...will in fact reduce the previous traffic forecasts for the surrounding road network”?

What numbers were forecast in the previous study to arrive at this highly improbable result? Would the parties involved please provide more information to explain this anomaly?

A3 Based on the traffic technical note provided by the applicant, the anticipated development will result in 1,875 vehicle movements per day (vmpd), whereas the original traffic report prepared for the structure plan (2002) estimated 4,200 vmpd from the commercial floor space of the local centre. This is due to the estimated dwelling yield and reduction in the overall size of the commercial floor space.

The proposal will therefore result in a 2,325 vmpd reduction in the anticipated traffic movements from the local centre.

Q4 Although not formally recognised as “visitor bays”, the City is still encouraging residents and visitors to “park within the adjacent road reserve”. What provisions / modifications are in place to stop the hundreds of new residents, visitors, and shoppers to the development, refraining from using the on-street visitor parking in front of existing residents houses on Santos Vista, Calis Ave, and O’Mara Blvd, as well as other nearby streets, placing increased pressure on the already limited on-street parking bays around the development sites?

- A4 Car parking to cater for any proposed development is required to be provided on-site for non-residential land uses at the rate of one per 20m² net lettable area, as well as for residential uses in accordance with the *Residential Design Codes*. The proposed development will not be reliant on on-street parking bays.

On-street car parking embayments are encouraged, however bays located within a road reserve are publicly available and cannot be designated to any specific landowner / occupier. The existing on-street bays, and any future bays located within the road reserve, are available to all users.

Mr J Summers, Iluka:

Re: *Item 3 – Proposed Amendment to the Iluka Structure Plan and two Proposed Local Development Plans – Consideration following public consultation.*

- Q1 *By changing the zoning from ‘Centre’ to ‘Commercial’, are we correct in assuming that there will be no need for potential developers to submit a further Structure Plan and that the bulk and scale of the development will be controlled through the development provisions under the LDPs only, which can be approved by ‘The City’ alone, effectively circumnavigating the approval and input of any other authority, such as the WAPC?*

- A1 The proposed modifications to the *Iluka Structure Plan* will not require the further submission of a structure plan for the development of the local centre.

However, the proposed Local Development Plans provide this additional level of detail are considered to be the most appropriate, current planning framework to guide development as outlined by the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Western Australian Planning Commission’s (WAPC) *Structure Plan Framework*.

Local Development Plans are determined by Council, however do also require the approval of the WAPC for some aspects which seek to vary parts of *State Planning Policy 3.1: Residential Design Codes (R-Codes)*.

- Q2 *If so, in your respected opinion, do you view this as appropriate, or as a blatant attempt by the applicant, to not be held accountable at WAPC level and do you see this as being in the best interest of Iluka residents going forward?*

- A2 The approach to utilise Local Development Plans to guide development is consistent with the current State planning framework being the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Structure Plan Framework*.

It is also noted that a number of the proposed development provisions included in the proposed Local Development Plans need to be approved by the Western Australian Planning Commission (WAPC) in accordance with *State Planning Policy 3.1: Residential Design Codes*. Therefore, the WAPC still has a level of review in respect to those provisions within the proposed Local Development Plans.

- Q3 *The Agenda Briefing document states, “The applicant has demonstrated through cross-sections of the site and the adjacent residential properties to the east that the additional fourth storey element will not have any greater impact on views than that of a three-storey building”. As we can categorically say this is false, on what criteria and distance from the ‘site’ was this assessed?*

A3 The cross-section of the site provided by the applicant demonstrates that due to the general slope of the land downwards from east to west and the proposed location/s of the potential fourth storey element, the fourth storey element will not be visible from those properties fronting west along Santos Vista (Attachment 8 of the Council report refers).

Q4 *If a homeowner can demonstrate the following Agenda Briefing statement is false, “Additional height can only be achieved by demonstrating that the R-Codes can be satisfied, including maintenance of views of significance.....ensuring that built form above three storeys does not impact existing residents to the north and east of the sites”, that is can demonstrate a fourth storey would indeed have a severe negative impact on a property’s views, and on that properties valuation, what channels are available to those residents to have their individual situation assessed, and what provisions are in place to have the development modified, or to compensate those residents if their views are not maintained?*

A4 Adoption of the amendments proposed to the Iluka Structure Plan or Local Development Plans does not result in any greater height being permitted than already allowable under the current structure plan.

A further approval process, via a development application which will include public consultation, will need to be undertaken before a proposal for the site is granted approval.

The proposed provision included within the *Iluka Structure Plan* requires the applicant to demonstrate compliance with the structure plan and *Residential Design Codes* in regard to a proposed fourth storey element. The determining authority will consider, through a development application, the impact of any future development on the surrounding landowners / occupiers (in respect to impacts on amenity), including comments from adjoining owners.

Should the comments received during advertising be accepted, then the proposed development may need to be modified to ensure that it will not impact on surrounding landowners / occupiers. Otherwise, if the determining authority is not satisfied that this provision of the proposed LSP has been met, then the development application may not be supported.

There are no avenues available to individual landowners/occupiers to seek compensation through the development application process should (in their opinion) a proposal not comply with the provisions of the Iluka Structure Plan and / or Local Development Plan/s.

Q5 *In reference to the statement, “...the two LDPs which allows for a fourth storey on the **corner** of each site adjacent to the O’Mara Boulevard and Burns Beach Road intersection”, is the shaded area on the LDP a true reflection at this stage, and if not, what percentage of the total lot is the applicant proposing the fourth storey **corner** be that is 10% footprint, 25% footprint, or more?*

A5 The area shaded on the proposed Local Development Plans represents the extent of location where a potential fourth storey element can be considered.

Mr R Repke, Kallaroo:

Re: *Item 4 – Initiation of Scheme Amendment No. 90 to District Planning Scheme No. 2 – Recoding from R20/60 and R20/40 to R20/30.*

Q1 *Should the City not either individually or in cooperation with the Cities of Wanneroo and Stirling and possibly via the Western Australian Local Government Association approach the Minister to lobby for a redraft of housing opportunity areas and clarification, including plot ratios and design specifications, focusing much clearer on design, quality, CBDs and major shopping centres and train stations?*

A1 The City has engaged with the Department of Planning, Lands and Heritage in regard to issues associated with Housing Opportunity Areas and there now appears to be a greater appetite for local governments to develop and implement strategies that are specifically tailored to individual local government needs. The City has also engaged with the City of Stirling and the City of Wanneroo on issues associated with infill development.

At its meeting held on 21 November 2017, Council resolved to request a number of actions to address the potential development issues within Housing Opportunity Areas. These actions include the preparation of a design-led planning policy for multiple dwellings, assessment of a greater number of multiple dwelling proposals by the Joondalup Design Reference Panel, the initiation of an amendment to the City's planning scheme to include provisions to better control the impact of multiple dwellings, as well as a consultation policy to provide greater certainty and transparency for planning proposals.

Re: *Item 19 – Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley and Kingsley park, Lot 15031 (72) Kingsley Drive, Kingsley – Alternative Location Plan.*

Q2 *Is this going to be a place to contemplate military action, or can people of all walks of life be there and think of whatever is on their mind even if the action taken by Australian forces have hurt them or their country?*

A2 The proponent's vision for the location is set out in Attachment 2 to the report, however, there would be nothing to prevent any person enjoying quiet contemplation on any subject.

Q3 *Why has the RSL not given a letter to the City supporting the project?*

A3 Council supported a Notice of Motion at its meeting held on 17 May 2016 (C24-05/16 refers) that requested the Chief Executive Officer to prepare a report on the establishment of a "peace and reflection precinct" on Lot 971 (52) Creaney Drive Kingsley. As part of the reason for the motion it was stated:

"It is acknowledged by the proponents that any project must not impinge on The Returned and Services League events and activities in the City of Joondalup. Rather, the site would provide a simple yet unique opportunity for local people to reflect on matters close to the heart."

Q4 *Why have the local veterans not filed a petition with the City in support of the project?*

A4 The City accepted the proposal as presented and a petition from local veterans was not included.

Q5 *Is this project the best way to support that Lot 971 will not be developed by the City?*

A5 Lot 971 is a community purpose site and therefore can be developed as such. The Kingsley Commemorative Peace Precinct is a proposal that was submitted to the City that requires Council's determination.

The following questions were submitted verbally at the Briefing Session:

Mr T Hoskin, Heathridge:

Re: Item 17 - Prince Regent Park, Heathridge - Community Sporting Facility.

Q1 *Can the City of Joondalup please state whether it believes this redevelopment is in line with the local parks classification and provide a complete detailed explanation?*

A1 Mayor Jacob stated that Council has yet to make a decision on this proposal. This will occur at the Council meeting to be held on 12 December 2017 and dependant on Council's determination, it will articulate the reasons for its decision at that time.

Q2 *Please provide exact numbers of how many players are going to be at the grounds on both Saturdays and Sundays and the exact amount of time the park will be utilised by the players?*

A2 The Acting Director Corporate Services advised the City understands the level of utilisation of the park will not significantly change from its current utilisation levels if the development proceeds.

Miss V Rickets, Heathridge:

Re: Item 17 - Prince Regent Park, Heathridge - Community Sporting Facility.

Q1 *As NPL soccer is not included in the current proposal, please explain why the three previous parks were not shortlisted in the new proposal?*

A1 Mayor Jacob stated he did not believe consideration of the three previous parks related specifically to this agenda item. Prince Regent Park is being considered in isolation and not in an historical context.

Q2 *According to the community consultation results, 27% of the 331 submissions were from non-residents of the City of Joondalup. Why do over a quarter of respondents who will not experience any negative effects of the proposal, nor pay any rates to the City of Joondalup get such a large say when it directly affects rate paying locals?*

A2 Mayor Jacob commented it was not for the City of Joondalup to determine which submissions should be considered. The City has outlined in its report a breakdown of where submissions have come from in a very open and transparent way.

Ms B Hewitt, Edgewater:

Re: Item 3 - Proposed Amendment to the Iluka Structure Plan and Two Proposed Local Development Plans - Consideration Following Public Consultation.

Q1 *When will Council and the City of Joondalup deal with the real and effective issues relating to infill development across the City?*

- A1 Mayor Jacob advised the City would be seeking a meeting with the Minister along with a number of local parliamentarians and has requested the Chief Executive Officer to investigate holding a forum with residents' associations and interested residents early in the new year to discuss this item in a less formal manner where discussion would not be constrained by the *City of Joondalup Meeting Procedures Local Law 2013*.

Ms J Quan, Edgewater:

Re: Item 4 - Initiation of Scheme Amendment No. 90 to District Planning Scheme No. 2 - Recoding from R20/60 and R20/40 to R20/30.

Q1 *I refer to the explanation guide to R-Codes for R20 to R60 contained in the consultation package in 2014 that is available on the City's website. There is only slight mention of multiple dwellings being required to satisfy specific design criteria. There is no mention of plot ratio. Is there elsewhere in the consultation pack that makes mention that multiple dwellings will be allowed in R40 and above and will be ruled by plot ratio?*

A1 Mayor Jacob commented that decisions relating to plot ratio and multiple dwellings were made by the State Government or the WAPC and some of those happened around the same time the City was consulting with the community about the proposed HOA's.

The Director Planning and Community Development elaborated at the time the information packages were distributed to every resident in the City of Joondalup the State Government had not yet released the multiple unit housing code. At that stage multiple dwellings were difficult to develop in the lower density zones and needed to be developed at minimum lot sizes; it was not plot ratio that governed such developments. It was only afterwards that the State Government developed the multi-unit housing code and that is why the information was not in the consultation packages.

Q2 *I seek further clarification of the response given by the Director Planning and Community Development.*

A2 The Director Planning and Community Development provided further clarification that the consultation package that was previously distributed to residents would not have contained the information about multiple dwellings because the information did not exist at that stage. The subsequent versions of the R-Codes that are on the City's website and on relevant State Government websites will have the plot ratio requirements for multiple dwellings in those zones and it will not have a minimum site area for multiple dwellings in those zones.

Ms L Dawson, Heathridge:

Re: Item 17 - Prince Regent Park, Heathridge - Community Sporting Facility.

Q1 *With respect to the recently completed public consultation in relation to Prince Regent Park, what percentage of the 165 Joondalup United Football Club respondents reside in Heathridge?*

A1 The Acting Director Corporate Services commented the club may have more of an indication rather than the City, as this is not data readily held by the City.

Q2 *With respect to the existing cricket pitch and facilities at Prince Regent Park, what type of cricket pitch is included in the current proposed infrastructure cost – will it be a grass pitch or existing synthetic pitch?*

- A2 The Acting Director Corporate Services stated it will be in accordance with the City's standard specification for a synthetic pitch. There are only three or four turf wickets within the City and any other upgrades or installations of cricket facilities are generally synthetic.

Mrs N Mera, Duncraig:

Re: Item 4 - Initiation of Scheme Amendment No. 90 to District Planning Scheme No. 2 - Recoding from R20/60 and R20/40 to R20/30.

- Q1 *It appears that in some housing opportunity areas only one or two development proposals have been received, while in Duncraig they are running rampant. Can Council consider a maximum quota for each area as an interim measure in an attempt to cease developments in Duncraig which currently seem to be on an unstoppable and uncontrollable train?*

- A1 Mayor Jacob advised he was unaware of any lawful mechanism whereby Council could consider that.

The Director Planning and Community Development advised there was no legal ability for the City to cease accepting or considering applications and as previously outlined in Council reports over the past few months, the City has a view and has confirmed this via legal advice from planning lawyers that the City cannot place a hold on receiving or determining development applications; whether it be to deal with a quota or just generally.

Mr B Stockley, Iluka:

Re: Item 3 - Proposed Amendment to the Iluka Structure Plan and Two Proposed Local Development Plans - Consideration Following Public Consultation.

- Q1 *What are the specific and actual differences between a centre and commercial zoning which is what is being asked to change?*

- A1 The Director Planning and Community Development commented that in terms of the current zoning of the site, the centre zone does not have any land use permissibility attached to it. For other zones, there is a list of uses that can either be permitted, discretionary or not permitted. Historically when something was zoned 'centre' then the structure plan itself would contain the list of uses that could be contemplated in that zone. The WAPC has preferred that land use be dealt with in the scheme. The difference between what the applicant is asking for versus the centre zone is they are linking it to an existing zone that already has land use permissibility in the scheme rather than taking the land uses and dropping them into the structure plan.

- Q2 *Based on that, in the current Iluka Structure Plan (I believe it is section 1, part 1) there are objectives in the structure plan of what should be built there. If it is a commercial development which is what they require, does that mean that these objectives are no longer applicable and it is only commercial land use?*

- A2 The Director Planning and Community Development commented it became technical because it is quite a clinical layout of land use permissibility – the objectives are quite separate. There are overarching objectives in the structure plan and for certain parts in different structure plans there are objectives that deal with specific items. The land use permissibility is aside from that and the developer will still need to meet the objectives.

To clarify, historically there was a preference from the City's perspective of having land uses in the structure plan because a commercial land use has a lot of land uses that could be contemplated under it and if that land use list was tailored into a structure plan, a more conservative and discerning outlook could be taken about which land uses occur on a site. Recently the WAPC has required the City to put land uses into the scheme rather than in a structure plan. There are two ways this can be achieved; firstly the City could create a specific land use table and insert it into the scheme for that site in Iluka and that would require a scheme amendment, which is a lengthy process. Alternatively, it could be linked to an existing zone that already has land use permissibility in the scheme so it does allow for more consideration of additional land uses but would not detract from the need to meet the objectives of the structure plan.

Dr T Green, Padbury:

Re: Item 16 - 2017 Active Reserve and Community Facility Review.

Q1 How much does the City spend per annum on electricity for floodlight sporting parks or alternatively can an estimate be provided on electricity use based on installed wattage and the booked hours of night time use?

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

Q2 Given the City's operating deficit for the next financial year and the demand on sporting facilities, how does the City plan to incorporate participation rates into its Strategic Plans for active reserves and community sporting facilities?

A2 Mayor Jacob advised this would be considered moving forward and made reference to the introduction of LED lighting, noting the report states the technology is not available as yet. This will make a significant difference in terms of the overall power consumption.

Mr R Depadova, Iluka

Re: Item 3 - Proposed Amendment to the Iluka Structure Plan and Two Proposed Local Development Plans - Consideration Following Public Consultation.

Q1 How can planning officers say that the proposed development will not additionally impact on surrounding residential properties, when 80% of the residents object to the development?

A1 Mayor Jacob advised that Council will take in to consideration all public submissions deputations, questions and statements.

Mr G Wilkinson, Iluka:

Re: Item 3 - Proposed Amendment to the Iluka Structure Plan and Two Proposed Local Development Plans - Consideration Following Public Consultation.

Q1 In your review of people's submissions, will Council consider the small number of people who are greatly affected by the development over the larger number who are less affected and further away from the development? As a minority, do we have a greater say in what is done.

A1 Mayor Jacob stated that Council is required to consider all items within the context of its statutory responsibilities and does not seek to pre-empt or judge anything. Mayor Jacob noted the item will be determined by Council at its meeting to be held on 12 December 2017.

Mayor Jacob noted that those who are most directly affected will often have the most representation in comments on any proposal and this has been the case with this item.

Mrs C Smith, Iluka:

Re: Item 3 - Proposed Amendment to the Iluka Structure Plan and Two Proposed Local Development Plans - Consideration Following Public Consultation.

Q1 *How would such a huge monstrosity benefit the community of Iluka other than to create more traffic congestion and higher density problems?*

A1 It is the responsibility of Council to consider these matters in line with the statutory responsibilities as outlined within the *Planning and Development Act 2005*. While amenity is a consideration, there is a range of other considerations that will be taken in account prior to a decision being made on Tuesday 12 December 2017. In addition public submissions, deputations, public questions and statements will all form part of the ultimate decision that Council will make.

Ms N Dangar, Beldon:

Q1 *Are you a Lord Mayor?*

A1 Mayor Jacob responded no.

Q2 *I notice that certain Elected Members have had their lights on to ask a question, but they are not acknowledged. Is there a reason for that?*

A2 Mayor Jacob responded he was not aware of any Elected Member being overlooked for an acknowledgement, but was certain it would be brought to his attention if that was the case.

PUBLIC STATEMENT TIME

The following statements were made at the Briefing Session held on 5 December 2017:

Mr D Bickford, Gwelup:

Re: Item 15 - Request for Additional Subsidies and Waiver of Fees for Tennis Clubs.

Mr Bickford spoke as President of Greenwood Tennis Club. Mr Bickford noted Greenwood Tennis Club has always had difficulties in meeting the City's guidelines for tennis court hire in particular for their juniors, given its proximity to the boundaries of the Cities of Stirling and Wanneroo.

Mr R Duckham, Perth:

Re: Item 3 - Proposed Amendment to the Iluka Structure Plan and Two Proposed Local Development Plans - Consideration Following Public Consultation.

Mr Duckham spoke on behalf of the landowner. Mr Duckham stated the proposed site has been vacant for a long time and the landowner is looking at the prospect of a local centre for the local community. The desire is to get the right mix of shops to serve local community and manage traffic well particularly on site.

Mr L Chantry, Perth:

Re: Item 2 - Proposed Unlisted Use (Telecommunications Infrastructure) at HBF Arena LOT 103 (25) Kennedy Drive, Joondalup.

Mr Chantry spoke on behalf of Planning Solutions and acts for Optus. Mr Chantry stated the proposed infrastructure is critical to address the significant and growing deficiency in mobile telephone wireless broadband data coverage capacity in the Joondalup West area and HBF Arena. The location will not adversely affect the use of the amenities of the arena or the area but improve mobile and data services for visitors to and users of the Arena as well as surrounding residents, businesses and college staff and students. The location was specifically chosen in association with Venues West to address a blackspot in that immediate vicinity.

Ms N Mehra, Duncraig:

Re: Item 4 - Initiation of Scheme Amendment No. 90 to District Planning Scheme No. 2 - Recoding from R20/60 and R20/40 to R20/30.

Ms Mehra spoke in support of progressing Amendments No. 88 and No. 90 to ensure those parts of Duncraig and HOA 1 were less affected by the potential for multi-unit development. Ms Mehra asked that Council hasten the process to bypass the red tape and to look outside the square for ways to move things along.

Mr P Lancaster, Heathridge:

Re: Item 17 - Prince Regent Park, Heathridge - Community Sporting Facility.

Mr Lancaster spoke on behalf of the Committee of the Heathridge Residents Association (HRA). Mr Lancaster stated the HRA has facilitated debate among residents, City of Joondalup and Joondalup United Football Club. The HRA has performed an independent review of the proposal and the HRA does not support all components of the redevelopment project. The aim of the association is to work constructively with all parties to reach the best outcomes for the residents of Heathridge. Mr Lancaster urged Elected Members to meet with the HRA prior to voting to progress the Prince Regent Park redevelopment.

Dr T Green, Padbury:

Re: Item 4 - Initiation of Scheme Amendment No. 90 to District Planning Scheme No. 2 - Recoding from R20/60 and R20/40 to R20/30.

Dr Green pleaded with Council to ensure they understand the difference between quality which R-Codes provide and equity which is what residents expect. Dr Green asked that Council act quickly to ensure the rules around density and block amalgamation in all HOA's is revisited.

Mr T Hoskin, Heathridge:

Re: Item 17 - Prince Regent Park, Heathridge - Community Sporting Facility.

Mr Hoskin stated that Heathridge residents realise Prince Regent Park is not being proposed as an NPL stadium. The residents concern is that sport will be played there every Saturday, Sunday and each weekday evening and this will not allow the local residents time to enjoy their local park.

Mrs L Dawson, Heathridge:

Re: Item 17 - Prince Regent Park, Heathridge - Community Sporting Facility.

Mrs Dawson asked that Council reconsider moving this proposal forward. Mrs Dawson stated that residents of Heathridge have said they do not want this development, with 78% opposing this facility. Ms Dawson urged Council to engage with local residents to understand why they believe Heathridge does not need another community centre.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

| | |
|----------------------|---|
| Cr Russ Fishwick, JP | 25 January to 18 February 2018 inclusive; |
| Cr Sophie Dwyer | 21 February to 31 March 2018 inclusive; |
| Cr Mike Norman | 22 February to 3 March 2018 inclusive; |
| Cr Mike Norman | 6 April to 13 April 2018 inclusive. |

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – NOVEMBER AND DECEMBER 2017

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 07032, 101515 |
| ATTACHMENT | Attachment 1 Monthly Development Applications Determined – November and December 2017 Attachment 2 Monthly Subdivision Applications Processed – November and December 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 November and December 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 November and December 2017 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during November and December 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 27 June 2017 (CJ091-06/17 refers) Council considered and adopted the most recent Town Planning Delegations.

DETAILS

Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during November and December 2017 is shown in the table below:

| Type of subdivision referral | Number of referrals | Potential additional new lots |
|---------------------------------|---------------------|-------------------------------|
| Subdivision applications | 14 | 15 |
| Strata subdivision applications | 24 | 34 |
| TOTAL | 38 | 49 |

Of the 38 subdivision referrals 27 were to subdivide in housing opportunity areas, with the potential for 37 additional lots.

Development applications

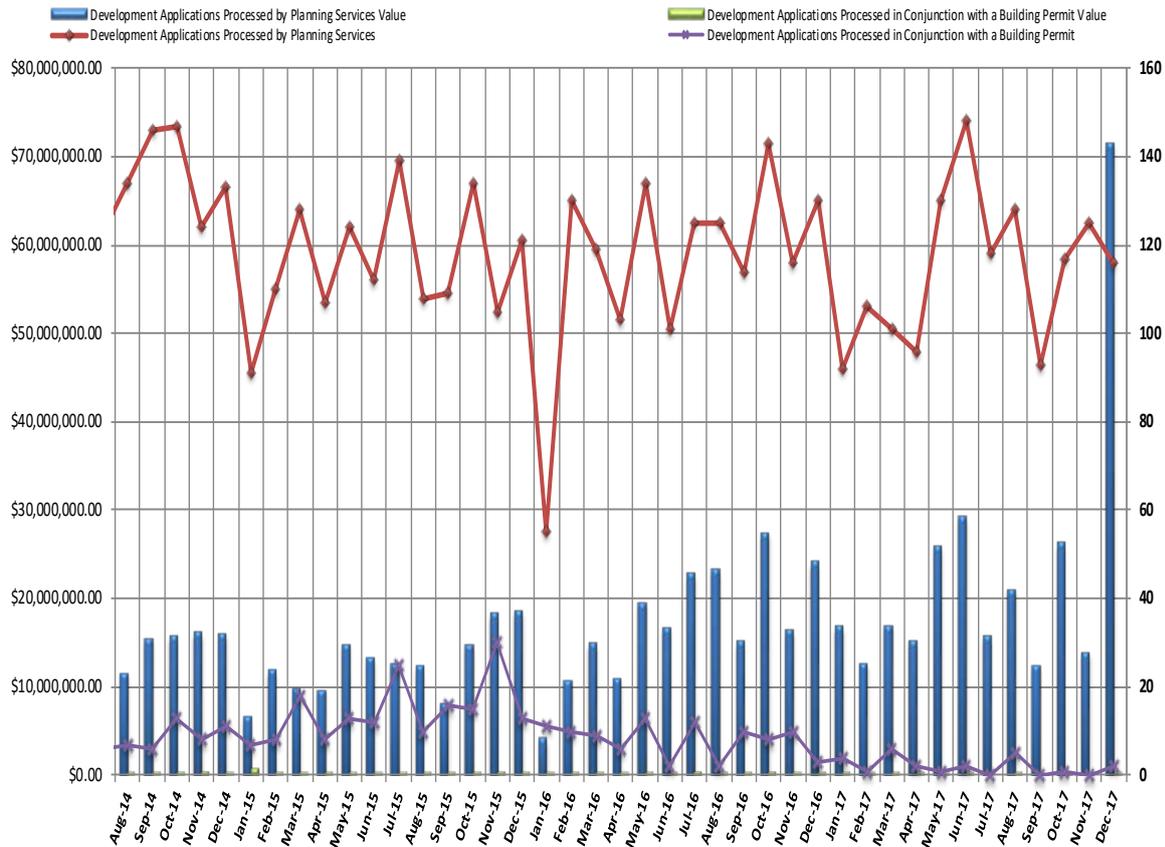
The number of development applications determined under delegated authority during November and December 2017 is shown in the table below:

| Type of development application | Number | Value (\$) |
|---|------------|----------------------|
| Development applications processed by Planning Services | 241 | \$ 85,399,882 |
| Development applications processed by Building Services | 2 | 6,990 |
| TOTAL | 243 | \$ 85,406,872 |

Of the 243 development applications, 54 were for new dwelling developments in housing opportunity areas, proposing a total of 43 additional dwellings.

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

Development Applications
 Issued and Value August 2014 to December 2017



The number of development applications received during November and December was 256. (This figure does not include any development applications to be processed by Building Approvals as part of the building permit approval process).

The number of development applications current at the end of December was 207. Of these, 47 were pending further information from applicants and 6 were being advertised for public comment.

In addition to the above, 545 building permits were issued during the months of November and December with an estimated construction value of \$53,699,954.

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 243 development applications were determined for the months of November and December with a total amount of \$108,125 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable

Sustainability implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to this Report during November and December 2017;**
- 2 subdivision applications described in Attachment 2 to this Report during November and December 2017.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf180213.pdf](#)

ITEM 2 THIRD PARTY APPEAL RIGHTS IN PLANNING

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 00033, 101515 |
| ATTACHMENT | Attachment 1 WALGA Paper: Outcomes of Consultation |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider the Western Australian Local Government Association (WALGA) paper dealing with the outcomes of consultation on third party appeal rights in planning and provide feedback to WALGA on a preferred model for third party appeal rights in planning in Western Australia.

EXECUTIVE SUMMARY

An appeal against a planning decision by a person who is not the applicant for that proposal is known as a third party appeal. Third party appeal rights in planning currently do not exist in Western Australia.

In 2017, the Western Australian Local Government Association (WALGA) released a discussion paper on third party appeal rights in planning. The discussion paper provided background on WALGA's current policy position and set out the arguments both for and against third party appeals in planning.

WALGA sought feedback on the discussion paper and, at its meeting held on 18 July 2017, Council resolved to advise WALGA that it supports third party appeals for all planning decisions made by all decision-making bodies and any conditions (or lack thereof) imposed on the approval (CJ114-07/17 refers).

WALGA has recently provided feedback to the City on the outcomes of consultation, advising that submissions received on the discussion paper were closely divided between support for some form of third party appeals and opposition to their introduction. Among the submissions in favour of third party appeals, the level of support varied from limiting its application to specific circumstances, such as Development Assessment Panel (DAP) decisions, to broad appeal rights similar to the Victorian system. WALGA has also advised that the range of options and ideas presented were varied and there was no clear consensus on the form and/or scope any such rights should take.

WALGA then held two workshops on 1 November 2017 to consider and review these options and to determine a preferred model for third party appeals. A webinar was also held on 9 November 2017. The workshops had 40 attendees (35 officers and five Elected Members) representing 25 local governments.

Based on the outcomes of the workshops, WALGA is requesting that members consider the following as the preferred model for third party appeals rights in planning in WA and to advise support or otherwise of this model:

Support the introduction of third party appeal rights for decisions made by Development Assessment Panels.

BACKGROUND

Currently, applications for review of planning decisions (appeals) can only be lodged with the State Administrative Tribunal (SAT) by the landowner/applicant for a development application which has been refused or where the landowner/applicant does not agree with a specific condition of development approval.

The decision-making body has an ability to defend its position on the matter through the review process.

Third parties, such as neighbours or other interested parties do not have appeal rights, though there are currently four ways in which a third party can participate in the SAT review process:

- being called as a witness by the respondent
- making a submission under section 242 of the *Planning and Development Act 2005*
- intervening under section 37(3) of the *State Administrative Tribunal Act 2004*, whereby the third party acquires rights and responsibilities as a party under the Act
- possible participation in SAT mediation.

Although there is some scope for the SAT to allow a third party on a matter as outlined above, this is not common practice and actual third party participation tends to be limited.

To date, the State Government, WALGA and local governments have consistently not supported third party appeal rights in planning.

The State Government's objective has been to simplify and streamline the planning approvals process, creating clarity and certainty for development and has taken the position that third party appeal rights would be contrary to this objective. The State Government has also taken the position that extensive consultation and engagement processes are undertaken to develop strategic and policy provisions and that these processes provide sufficient opportunity for meaningful discussion with the community on the implications of specific planning provisions or policies.

However, Western Australia has seen various legislative planning changes in recent years, which:

- have introduced additional planning authorities for specific locations or types of applications, which have eroded the role of local government
- provide authority for persons other than local government to initiate strategic planning processes such as structure planning and activity centre planning for specific areas
- introduce deemed to comply provisions within schemes and as set by the State through the Residential Design Codes.

Given these substantial changes and concern by certain local governments and some community members about the creation of the Development Assessment Panel (DAP) system, earlier this year, WALGA considered it timely to initiate a conversation on third party appeal rights and released a discussion paper on the issue. The discussion paper provided background on WALGA's current policy position and set out the arguments both for and against third party appeals in planning.

WALGA sought feedback from local government on the discussion paper and specifically a response to the following questions:

- 1 Would you be in favour of the introduction of some form of third party appeal rights in Western Australia? Why or Why not?
- 2 Do you feel your Council is likely to support some form of third party appeal rights?
- 3 Any other comments relating to third party appeal rights.

The Council considered a report on this matter at its meeting on 18 July 2017 (CJ114-07/17 refers). The report to Council recommended, inter alia, that Council advises WALGA that limited third party appeal rights should only be considered for requests for review by local government against Development Assessment Panel decisions.

Council did not resolve as per the officer's recommendation and instead resolved that Council:

- “1 *ADVISES WALGA that it supports the introduction into the State Administrative Tribunal of Third Party Appeal Rights for affected neighbours, community groups, or a Local Government in the case of a Local Government, Development Assessment Panel or Western Australian Planning Commission decision on development approvals and/or the conditions or absence of conditions of an approval;*
- 2 *ADVISES WALGA that prior to pursuing the introduction of third party appeal rights further consultation and review with relevant stakeholders be undertaken.”*

DETAILS

WALGA has advised that submissions received on the discussion paper were closely divided between support for some form of third party appeals and opposition to their introduction.

Among the submissions in favour of third party appeals, the level of support varied from limiting its application to specific circumstances, such as Development Assessment Panel (DAP) decisions, to broad appeal rights similar to the Victorian system.

WALGA has also advised that the range of options and ideas presented were varied and there was no clear consensus on the form and/or scope any such rights should take.

WALGA collated the feedback received into four options which broadly capture the range of responses in support of third party appeals:

- 1 Support for third party appeals for DAP decisions.
- 2 Support for third party appeals for decisions where discretion has been exercised under the R-Codes, the Local Planning Scheme and Local Planning Policies.
- 3 Support for third party appeals for all planning decisions made by all decision-making bodies.
- 4 Support for third party appeals for all planning decisions made by all decision-making bodies and any conditions (or lack thereof) imposed on the approval.

Two workshops to consider and review these options and to determine a preferred model for third party appeals were held by WALGA on 1 November 2017. A webinar was also held on 9 November 2017. The workshops had 40 attendees (35 officers and five Elected Members) representing 25 local governments.

WALGA has advised that during the workshops there was a general consensus on the benefits that the introduction of third party appeal rights would provide. These include the following:

- Greater accountability of decision-makers, including Local Government, DAPs and the State.
- Greater transparency in the planning decision-making process.
- Improved consultation by applicants.
- Increased community confidence in the planning system and planning decisions.
- More equity between applicants and appellants.

There was also general agreement on areas of concern should some form of third party appeals be introduced. These include the following matters:

- Increased costs, in terms of both staff resources and financial requirements.
- More time required for a development to receive planning approval in order to allow for third party appeals.
- Introduction of third party appeal rights would be counter to current efforts to streamline the planning process.
- Introduction of third party appeals rights would create uncertainty for the development industry.
- Removal of decision-making power from Local Government.
- Raised community expectations which may not be met in practice.
- Creates an adversarial/litigious environment around planning decisions.
- Introduction of third party appeals does not address most of the underlying concerns regarding the current planning system.

It was also clear from the workshops that any system of third party appeals would need to be carefully constructed and provide clear guidance on several issues, including the following:

- When and how a third party can lodge an appeal, and the types of appeals that would be supported.
- Ensuring appeals are only lodged on proper planning grounds and not for vexatious or competitive purposes.
- Whether 'deemed-to-comply' decisions would be appealable.
- Whether third party appellants should be provided some form of 'legal aid' to assist in lodging appeals to keep the process from being cost prohibitive.

A complete list of comments for each option, as well as possible modifications and suggested 'fifth options' is included at Attachment 1.

Based on the outcomes of discussion and voting on preferred models by all workshop participants, a preferred model was identified and WALGA is now requesting that members consider the following as the preferred model for third party appeals rights in planning in WA and to advise support or otherwise of this model:

Support the introduction of third party appeal rights for decisions made by Development Assessment Panels.

Issues and options considered

Council has previously resolved to advise WALGA that: "...it supports the introduction into the State Administrative Tribunal of Third Party Appeal Rights for affected neighbours, community groups, or a Local Government in the case of a Local Government, Development Assessment Panel or Western Australian Planning Commission decision on development approvals and/or the conditions or absence of conditions of an approval".

WALGA has already taken these views into account, along with all other submissions received in response to its earlier discussions paper, and is now specifically seeking the City's views on whether the City supports, as a preferred position, the introduction of third party appeal rights for decisions made by DAPs.

The Council has the option of limiting any feedback to a response directly to the above question raised by WALGA, or it can expand its response to confirm its support for third party appeals against DAP decisions and reiterate its earlier position outlined above.

The DAP as decision-maker

Currently, in the DAP approval process, only the applicant has ability to appeal a decision made by the DAP and the DAP can defend its decision through an appeal process. Local government currently has no ability to appeal a DAP decision.

Some local governments have significant concerns about the operation of the DAPs in their areas because the DAPs have made decisions contrary to the recommendations in the Responsible Authority Report or condition have been imposed by the DAPs that were not supported by the local government, and there is no recourse available to the local government to challenge these decisions.

Third party appeal rights would afford local government the opportunity to challenge a DAP decision which is contrary to the recommendation in the Responsible Authority Report or a condition imposed by the DAP that is not supported by the local government. Arguably this would increase local government's influence over planning decisions on major applications within their areas and the community may feel that they are better represented through the DAP process.

In the case of the City of Joondalup, this is less of an issue than what is it for other local governments. Experience has shown that it is uncommon for the North West Joint Development Assessment Panel to make decisions or even impose conditions that the local government does not support.

Notwithstanding this, it may be useful for the City to have third party appeal rights against DAP decisions in the event they are ever needed in the future and it is recommended that WALGA be advised that the City supports the introduction of third party appeal rights for decisions made by DAPs.

The City of Joondalup as decision-maker

Under the existing planning system appeal rights are available to an applicant aggrieved by the decision-maker's decision not to exercise discretion (resulting in refusal of the application) or a condition imposed on a development approval. Neighbours or the community are involved in the planning process through consultation on areas of discretion that could potentially affect them.

The City receives between 1,400 and 1,500 development applications per year and it is estimated that most of these applications (around 95%) require a discretionary determination. Not all the applications that create concern with neighbours are complex or significant developments. Often it is the smaller and seemingly insignificant proposals that result in discontent.

Arguably therefore, having third party appeal rights apply to all types of development could create the potential for large numbers of planning applications, including those where only minor areas of discretion are sought, falling within the realms of third party rights of appeal.

Opening all these applications up to third party appeal rights will potentially result in a significant impact on City resources.

Preparing for an appeal is a complex and resource intensive process. In most instances, the parties are required to attend mediation. For a single mediation session attended only by officers, the cost to the City is estimated to be around \$1,000. Sometimes there needs to be several mediation sessions before an in-principle agreement or outcome is reached. Most often, the outcome of mediation is a request by the SAT for the City to reconsider its earlier decision in light of additional information or amendments agreed to by the applicant. This reconsideration process itself absorbs time and staff resources.

If the matter cannot be resolved through mediation, the SAT needs to make a determination via a formal hearing process. Such hearings require often significant preparation by the City's officers, including research, gathering of evidence and development of documents required to defend the City's position. The hearing themselves can sometimes be drawn out, sometimes taking a number of days.

The cost for a hearing on a relatively uncomplicated matter, where the City requires the assistance of a planning consultant, usually ranges between \$15,000 to \$20,000. If legal representation is also required, this could cost the City an additional \$30,000. Cost for a significant matter (such as the Whitford Activity Centre) could cost the City in the region of \$80,000 to \$100,000.

If appeal rights were to be extended to third parties, while arguably there could be some benefits for those who have the appeal right, it will almost certainly become a significant administrative and financial burden for the City.

As per current appeals lodged by applicants, staff will need time to prepare for and attend third party appeals. This will have an impact on efficiency and timeliness of other development assessments and decisions. While limitations could be placed on the type and scope of third party appeals, it is likely that any system which allows such appeals will result in extra workload and cost for the City and will create inefficiency, uncertainty and extra cost for landowners, applicants and developers seeking development approval.

The WAPC as decision-maker

The WAPC is the decision-maker for structure plans, activity centre plans and applications for subdivision and/or amalgamation of land. In relation to scheme amendments the WAPC considers a recommendation from the City and then decides its own recommendation to the Minister for Transport; Planning; Lands, who is the ultimate decision-maker on scheme amendments.

Currently, only the applicant has the ability to appeal a decision made by the WAPC and the WAPC can defend its decision through an appeal process. Local Government currently has no ability to appeal a WAPC decision, unless the Local Government is the applicant or proponent of a structure plan, activity centre plan or an application for the subdivision and/or amalgamation of land. Third parties to such applications currently have very limited ability to participate in an appeal.

The issues associated with third party appeals in relation to WAPC decisions are similar to those outlined in the section above dealing with decisions made by the City. The volume of applications processed by the WAPC is significant and likely to be well in excess of the number dealt with by the City each year.

Having third party appeal rights apply to all these applications processed and determined by the WAPC will potentially result in a significant impact on WAPC resources, which will have an impact on the efficiency of the Department of Planning, Lands and Heritage (DPLH) and the WAPC and will impact on the timeliness of other development assessments and decisions. Given it already takes a significant amount of time for the DPLH to process applications (particularly structure plans, activity centre plans and scheme amendments), this will further exacerbate the situation, which will be contrary to the State Government's current planning reform agenda and will be strongly resisted by the development industry.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development Act 2005.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Active democracy.

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

Policy Not applicable.

Risk management considerations

As outlined in this report, the introduction of broad-based third party appeal rights would likely become a significant administrative and financial burden for the City and require the reallocation of resources to deal with appeals with the likely implication that assessment timeframes for other applications and projects would increase. Third party appeals would also create uncertainty for applicants.

Financial / budget implications

Depending on the form of third party appeals, there may be a significant cost to the City in defending decisions in SAT, with the cost for a hearing on a relatively uncomplicated matter utilising the assistance of a planning consultant ranging between \$15,000 to \$20,000. If legal representation is also required, this could cost the City an additional \$30,000. Cost for a significant matter could cost the City in the region of \$80,000 to \$100,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is recognised that planning processes and development considerations have increased in scope and complexity over recent years. Almost all changes to planning systems and processes (including defending SAT appeals) have resulted in additional resource, time and cost impositions for Local Governments.

WALGA is seeking comment from the City specifically on whether the City supports, as a preferred model for third party appeals rights, the introduction of third party appeal rights for decisions made by DAPs.

Council has the option of limiting any feedback to confirming its support for third party appeals against DAP decisions or it can reiterate its earlier position that it prefers the introduction of broad third party appeal rights for decisions made by all decision-making bodies.

WALGA has already taken the Council's earlier comments into account, along with comments received from a number of other Local Governments and comments received at a workshop on the issue. The outcomes of the consultation process have led WALGA to formulate a view that third party appeal rights for DAP decisions is local government's preferred model for third party appeals.

It is therefore recommended that the Council advises it supports the introduction of third party appeal rights for DAP decisions as WALGA and local government's preferred position on the issue.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the request from WALGA for members to consider the following as the preferred model for third party appeals rights in planning in WA and to advise support or otherwise of this model:**

“Support the introduction of third party appeal rights for decisions made by Development Assessment Panels”;

- 2 ADVISES WALGA that it supports the introduction of third party appeal rights for decisions made by Development Assessment Panels.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf180213.pdf](#)

ITEM 3 PROPOSED DEVELOPMENT APPLICATION FOR 14 MULTIPLE DWELLINGS AT LOTS 392 AND 393 (33 AND 35) MACEDON PLACE, CRAIGIE – SECTION 31 RECONSIDERATION UNDER THE STATE ADMINISTRATION TRIBUNAL ACT 2004

| | |
|-------------------------------|---|
| WARD | Central |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 06417, 101515 |
| ATTACHMENT | Attachment 1 Location plan. Attachment 2 Amended development plans. Attachment 3 Landscaping plan. Attachment 4 Building perspectives. Attachment 5 Site photographs Attachment 6 Environmentally Sustainable Design Checklist. |
| 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 reconsider a development application for 14 multiple dwellings located at Lots 392 and 393 (33 and 35) Macedon Place, Craigie following a directive from the State Administrative Tribunal (SAT).

EXECUTIVE SUMMARY

An application for development approval has been received for 14 multiple dwellings at Lot 392 and 393 (33 and 35) Macedon Place, Craigie. The proposal includes amalgamating the two sites and developing eight two bedroom dwellings and six single bedroom dwellings, accessed by a single three metre wide crossover from Macedon Place. The application is required to be determined by Council as the proposal includes more than 10 dwellings.

Council previously considered the proposal at its meeting held on 19 September 2017 (CJ144-09/17 refers), and resolved to refer the proposal back to the Chief Executive Officer to allow the applicant to address the areas of discretion sought and concerns raised during consultation.

The applicant subsequently lodged an appeal through the State Administrative Tribunal (SAT) due the application being considered a deemed refusal, as the application was not determined within the statutory timeframe of 90 days.

Through the SAT mediation process, the applicant has provided an amended proposal, which generally complies with the City's *District Planning Scheme No. 2 (DPS2)*, *Residential Design Codes (R-Codes)* and *Residential Development Local Planning Policy (RDLPP)*, however a

number of minor discretions are still sought in relation to plot ratio, street setback, lot boundary setbacks and retaining walls. The SAT has directed Council to reconsider the proposal in light of the modifications undertaken.

It is considered that the amended proposal provided by the applicant lessens the extent of discretions sought to reduce the impact on the streetscape and surrounding landowners. As a result, it is recommended that Council approves the application, subject to conditions.

BACKGROUND

| | |
|------------------------|---|
| Suburb/Location | Lot 392 and 393 (33 and 35) Macedon Place, Craigie. |
| Applicant | Claudio Bornia. |
| Owner | Amanda Tadros, Amanda and Gino Di Franco. |
| Zoning | DPS2 Residential, R20/R40. |
| | MRS Urban. |
| Site area | 1,381m ² (combined). |
| Structure plan | Not applicable. |

The subject site includes two freehold lots, which are currently occupied by two separate single houses. The subject site is bounded by existing single storey dwellings to the north and south, Macedon Place to the east, and Marmion Avenue to the west (Attachment 1 refers).

The subject site is zoned 'Residential' under DPS2 and is located in Housing Opportunity Area 5, with a dual coding of R20/R40.

At its meeting held on 19 September 2017 (CJ144-09/17 refers) Council considered the original proposal and resolved the following:

That the item pertaining to the Proposed 14 Multiple Dwellings at Lot 392 and 393 (33 and 35) Macedon Place, Craigie BE REFERRED BACK to the Chief Executive Officer to allow the applicant to address the areas of discretion sought and concerns raised during consultation as detailed in Report CJ144-09/17."

Subsequent to this resolution, the applicant lodged an appeal with the SAT as the application was considered a deemed refusal in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, as it was not determined within the statutory timeframe (90 days).

The City (and its planning consultant) have engaged in mediation with the applicant through SAT to discuss the areas of concern and potential modifications to the original design. In addition, a representative from the Joondalup Design Reference Panel (JDRP) has reviewed the amended proposal and is supportive of the modifications to the building design. This process has achieved the intent of Council's resolution of 19 September 2017.

The applicant provided the City with an amended proposal on 12 December 2017, which the City is required to reconsider in accordance with section 31(1) of the *State Administrative Tribunal Act 2004 (WA)* by 20 February 2018.

DETAILS

The amended proposal consists of the following:

- A combined site area of 1,381m².
- Eight two bedroom and six single bedroom dwellings (14 dwellings total).
- A single vehicle access point from Macedon Place along the southern boundary of the site.
- A total of 17 car parking bays on-site, with 14 bays allocated to residents and three bays allocated to visitors.
- An additional four visitor car bays in the verge.
- A rendered building finish, with a concealed roof and 'Colorbond' pitched roof elements.
- Front fencing along the Macedon Place boundary.
- A screened bin store and security gate adjacent to the car parking entry.
- Associated site works and retaining walls.
- A communal open space located on the upper floor mezzanine between both buildings.

The amended development plans, landscaping plan and building perspectives are included in Attachments 2, 3 and 4 respectively.

The key modifications incorporated as part of the amended proposal are briefly summarised below as follows:

- Inclusion of an additional on-street visitor parking bay in the Macedon Place road reserve to ensure compliance with the City's *Residential Development Local Planning Policy*.
- Reconfiguration of the dwellings on-site while still maintaining 14 dwellings in total.
- Inclusion of a communal open space located centrally within the site on the upper floor.
- Provision of better pedestrian connectivity within the site with the inclusion of a more succinct and direct pedestrian path linking all units, car parking bays and the street.
- Inclusion of four additional shade trees in the on-site car parking area.
- Provision of additional privacy screening to the upper floor units to ensure compliance with the visual privacy provisions of the R-Codes.
- Relocation of bike racks to better service visitors and residents.
- Additional landscaping on-site with the inclusion of larger garden beds.
- Inclusion of a 2.4 metre high brick fence to the rear boundary (adjacent to Marmion Avenue) as per the recommendations of the acoustic report.

The amended proposal is generally compliant with the deemed-to-comply requirements of the R-Codes, the requirements and local housing objectives of the RDLPP and relevant provisions of the DPS2, however there are still some areas of minor discretion proposed by the applicant, which are outlined below:

Plot ratio

The application proposes a plot ratio of 0.626 in lieu of the deemed-to-comply plot ratio of 0.6. The additional plot ratio sought equates to an additional 36m² of plot ratio area across the whole site.

The original application presented to Council proposed a plot ratio of 0.638, and therefore the applicant has reduced the overall plot ratio area by approximately 18m². In accordance with the R-Codes, consideration against the relevant design principle is required to determine the appropriateness of any discretion. The design principle for clause 6.1.1 states the following:

“Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.”

In consideration of the above, the development complies with the deemed-to-comply requirements and design principles for open space, overshadowing, building height, street setbacks and lot boundary setbacks to ensure that the overall bulk and scale of the building is sympathetic to the streetscape and surrounding landowners.

It is noted that a number of discretions previously sought in relation to lot boundary setbacks have been reduced by the applicant as part of the amended proposal, therefore the impact on adjoining landowners has been reduced further.

It is also noted that the built form is consistent with the local planning framework, as the development generally meets the provisions and objectives of the City’s RDLPP due to the following:

- Includes an improved streetscape outcome compared to the current development on the subject site. Images of the subject site and the existing streetscape are included in Attachment 5.
- The development is of a high quality in relation to its design and layout.
- Provides a safe, consolidated and functional access arrangement in and out of the site.
- Has regard to crime prevention by providing active surveillance of the street and pedestrian/vehicle approach to the development.
- Provides an alternative housing type/product at a higher density compared to that existing within the immediate area.

It is also important to note that the applicant could make very minor changes internal to the development to reduce the plot ratio by 18m² and thereby comply with the deemed-to-comply requirements, without changing the external face of the building in any way.

In view of the above and in light of the very minor nature of the discretion sought, it is considered that the proposed plot ratio is appropriate as the additional plot ratio area does not impact any adjoining landowners and is considered to meet the relevant design principle of the R-Codes.

Street setbacks

In accordance with the City’s RDLPP the average primary street setback required for the development is four metres, with a two metre minimum setback to the street boundary permitted. The proposed average primary street is compliant with the City’s RDLPP, however a small portion of the development is set back a minimum of 1.9 metres from the Macedon Place street boundary, in lieu of two metres.

In accordance with the R-Codes, consideration against the relevant design principles is required to determine the appropriateness of any discretion. Design principle P3 of clause 6.1.3 states the following:

“Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:

- *contribute to the desired streetscape;*
- *provide articulation of the building on the primary and secondary streets;*
- *allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;*
- *are appropriate to its location, respecting the adjoining development and existing streetscape; and*

- *facilitate the provision of weather protection where appropriate.”*

The proposed street setback to the Macedon Place street boundary is considered to meet the relevant design principles due to the following:

- The proposed setbacks and design of the development adds visual interest to the street, with additional articulation and a better streetscape outcome.
- The proposed development compensates for the minor encroachment into the primary street setback area as the average setback of four metres is achieved.
- The discretion sought is minor in nature (only 10 centimetres) and for only 7.4 metres of the 36.2 metre frontage. The rest of the development complies with the two metres minimum street setback.
- The discretion relates to the upper floor unit 9 balcony which is located centrally within the site, and therefore is not adjacent to any adjoining landowner.
- The façade of the ground floor units are setback between four to 4.4 metres from the street boundary. This assists in articulating the building as viewed from Macedon Place and also ensures that the setback does not impact on the provision of landscaping and courtyards for the ground floor units facing the street.
- The balcony setback provides for weather protection to the courtyards of units 1, 2 and 3.

As outlined above, the proposed 1.9 metre minimum street setback is appropriate as it is considered to meet the relevant design principles of the R-Codes.

Lot boundary setbacks and boundary walls

In accordance with clause 6.1.4 of the R-Codes, in areas coded between R40 and R60 development is required to comply with the minimum lot boundary setback requirements as set out in Tables 2a and 2b of the R-Codes.

In accordance with the R-Codes, consideration against the relevant design principles is required to determine the appropriateness of any discretion. Design principle P4.1 of clause 6.1.4 states the following:

“Buildings set back from boundaries or adjacent buildings so as to:

- *ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;*
- *moderate the visual impact of building bulk on a neighbouring property;*
- *ensure access to daylight and direct sun for adjoining properties; and*
- *assist with the protection of privacy between adjoining properties.”*

The discretion sought in respect to lot boundary setbacks is summarised in the table below, along with officer comment in relation to conformance with the design principles:

| Wall | Deemed-to-comply setback | Proposed setback | Discretion sought | Previous discretion sought | Officer Comment |
|-------------------------------------|--------------------------|------------------|-------------------|----------------------------|--|
| Northern (side) lot boundary | | | | | |
| Upper floor – Unit 10 wall | 1.9m | 1.5m | 0.4m | 1m | The proposed wall includes a number of minor openings to break up the bulk of the wall. The proposed variation sought is minor in nature (only 40 centimetres) and has been reduced from that previously proposed (1 metre). The discretion sought has no impact on privacy or overshadowing due to its location adjacent to the neighbour's carport and driveway. |
| Upper floor – Unit 10 balcony | 2.1m | 2m | 0.1m | 1m | The balcony is set back from the wall of Unit 10 to articulate the building. No privacy issues are associated with this setback due to brick screening being provided. The proposed setback variation is minor in nature (only 10 centimetres) and has been reduced from that previously proposed (1metres). As the wall is located adjacent to the northern boundary of the subject site, no overshadowing of the adjoining property results. |
| Western (rear) lot boundary | | | | | |
| Upper floor –entire wall | 6m | 1.5m | 4.5m | 0.1m | The western boundary is adjacent to the Marmion Avenue road reserve, which is heavily vegetated and is between 0.8 metres – 1.5 metres above the finish ground level of the subject site. Therefore, there is no impact on any adjoining landowner or the streetscape. |

| Wall | Deemed-to-comply setback | Proposed setback | Discretion sought | Previous discretion sought | Officer Comment |
|------|--------------------------|------------------|-------------------|----------------------------|---|
| | | | | | The wall has been articulated through the positioning of balconies, major openings, differing colours, materials, textures and roof design. |

In addition to the above lot boundary wall setbacks, the applicant has sought discretion in relation to the length and number of lot boundary (parapet) walls, as outlined below:

| Wall | Deemed-to-comply requirement (length) | Proposed length | Discretion sought | Previous discretion sought | Officer Comment |
|-------------------------------------|---------------------------------------|-----------------|-----------------------------|---------------------------------|--|
| Northern (side) lot boundary | | | | | |
| Store 1, 2, 3 and 7 | 9m | 11.45m | 2.45m | No discretion previously sought | The lot boundary wall is split up over three sections spread over a distance of 24 metres, with the largest being 5.6 metres in length. The heights are compliant with the deemed-to-comply requirements. There is no impact on privacy or overshadowing due to its location on the northern boundary of the subject site. The majority of the boundary wall is located adjacent to the carport and driveway of the neighbouring property. As a result, the impact is mitigated due to the positioning of the lot boundary wall. |
| Western (rear) lot boundary | | | | | |
| Store 5 and 6 | N/A | 5.5metres | Adjacent to street boundary | Adjacent to street boundary | Generally boundary walls are only permitted to lot boundaries, not boundaries which are adjacent to a road reserve/street. However, due to the topography of the land, height of the wall, the large verge width, the existing vegetation and overall context of Marmion Avenue, the proposed lot boundary wall is considered acceptable. |

| Northern, western & southern lot boundaries | | | | | |
|---|------------------------|----------------------|-------------------------------|------------------------------|--|
| All ground floor stores | One boundary wall only | Three boundary walls | Two additional boundary walls | One additional boundary wall | The two additional boundary walls are not considered to impact any adjoining landowner. It is noted that all boundary walls comply with the deemed-to-comply heights and only the northern boundary wall does not comply with the permitted length. As the impact of the walls is spread over three boundaries, one of which being the Marmion Avenue road reserve, it is considered that the impact of the walls is dispersed to lessen any impact on one particular property or landowner. No privacy or overshadowing concerns are associated with these walls. |

In view of the above, it is considered that the proposed lot boundary setbacks and lot boundary walls are appropriate as they do not impact (in reality) on the adjoining landowners and are considered to meet the relevant design principles of the R-Codes.

Retaining Walls

The proposal includes retaining walls to the southern, western and northern lot boundaries to generally match the same level as the street and reduce impacts on adjoining properties.

As part of the amended proposal, the applicant has altered the finish floor level of the development by 0.343 metres to reduce the amount of retaining required to the rear of the property.

The site falls approximately two metres from back (west) to front (east), therefore the site has been excavated at the rear of the property to develop a site that integrates with the level of the street. As a result, excavation/retaining within one metre of the southern, western and northern lot boundaries is proposed at a maximum height of 1.2 metres; which will mean the retaining walls will maintain the existing level of the adjoining land.

In accordance with the R-Codes, consideration against the relevant design principles is required to determine the appropriateness of any discretion. The design principle for clause 6.3.7 states the following:

“Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1.”

It is considered that the height of the retaining walls within one metre of the lot boundaries is appropriate due to the following:

- The proposed retaining walls cut into the site and therefore will not be visible from the adjoining properties.
- The levels of the adjoining land will not be affected by the development.
- The location of the retaining wall along the lot boundaries will ensure the land can be effectively used for the benefit of residents by increasing the size and useable area of open space on-site.
- The excavation of the site ensures the development complies with the permitted building heights under the R-Codes, which reduces the impact of the development on adjoining landowners.

It is noted that the retaining walls to the Macedon Place street boundary have been raised as a result of reducing the height of the retaining wall to the rear boundary (terraced, with one metre of fill), however the height and amount of retaining/fill within the front setback area is compliant with the deemed-to-comply requirements of the R-Codes and the City's RDLPP.

In view of the above, it is considered that the proposed retaining walls along the lot boundaries are appropriate and are considered to meet the relevant design principles of the R-Codes.

Transport Noise

In accordance with the Western Australian Planning Commissions (WAPC) *State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning* (SPP5.4), the development is required to meet the provisions of SPP5.4 in respect to transport noise mitigation as the subject site is located within the vicinity of a regional road reserve (Marmion Avenue).

The applicant has provided an acoustic report from a qualified acoustic engineer to determine the potential impact on transport noise on the future residents of the development and what mitigation methods can be used to reduce the transport noise experienced.

The acoustic report includes a list of recommendations with the most significant being the provision of a 2.4 metres high boundary fence along the western boundary adjoining Marmion Avenue to mitigate noise to those outdoor living areas adjacent to this boundary. This wall will not impact other adjoining landowners and will be screened from view from the Marmion Avenue carriageway by the existing vegetation located in the road reserve.

The acoustic report also recommends, in accordance with clause 5.7 of SPP 5.4, that a condition of approval is included to notify prospective purchasers of the potential for transport noise impacts.

As a result, a condition of approval is recommended which notifies prospective purchasers through a section 70A notification on title to alert them of the potential impacts of transport noise. The applicants will also be advised of their obligation to meet the recommendations of the acoustic report to ensure compliance with SPP 5.4.

Issues and options considered

Council is required to determine whether the proposed development is appropriate and meets the relevant requirements of the City's DPS2, RDLPP and the R-Codes.

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 *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 *Residential Development Local Planning Policy. Residential Design Codes of Western Australia.*

DPS2

Clause 3.4 of DPS2 sets out the objectives for development within the ‘Residential’ zone:

- (a) *maintain the predominantly single residential character and amenity of established residential areas;*
- (b) *provide the opportunity for grouped and multiple dwellings in selected locations so that there is a choice in the type of housing available within the City; and*
- (c) *provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.*

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

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

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

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

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

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

Residential Development Local Planning Policy (RDLPP)

The policy sets provisions for the design of residential development within the City.

The objectives include the following:

- *An improved streetscape outcome, which is attractive and enhances and complements the visual character, bulk and scale of the surrounding built form.*
- *High quality built development outcomes in relation to building design and site layout.*
- *Residential subdivision and development with safe, functional and attractive access arrangements in and out of sites, which contribute to the overall aesthetics of developments.*
- *New development that is designed having regard to the issue of crime prevention and surveillance of the street and housing entrances.*
- *Varying density development, inclusive of development within dual density coded areas that are integrated into the surrounding built environment.*

Residential Design Codes of Western Australia (R-Codes)

The R-Codes set out provisions for the control of residential development throughout Western Australia.

The objectives of the policy are:

- *To provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives.*
- *To encourage design consideration of the social, environmental and economic opportunities possible from new housing and an appropriate response to local amenity and place.*
- *To encourage design which considers and respects heritage and local culture.*
- *To facilitate residential development which offers future residents the opportunities for better living choices and affordability.*

Risk management considerations

As this proposal is currently being considered by SAT, should Council resolve to approve the application the applicants have the ability to withdraw from proceedings should they be satisfied with the decision made by Council. However, if the applicants are not satisfied with the decision they may request that the matter be determined by SAT through a formal hearing. In this case, the decision by Council would be set aside and SAT would determine the application on its merits 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 \$4,527 in accordance with the Schedule of Fees and Charges, for assessment of the application.

The City has engaged the services of a planning consultant to assist with this SAT appeal. The total cost of this engagement cannot be confirmed until the appeal process has concluded. However, if the matter cannot be resolved through mediation, the SAT needs to make a determination via a formal hearing process. The cost for a hearing on a relatively uncomplicated matter, where the City requires the assistance of a planning consultant, usually ranges between \$15,000 to \$20,000. If legal representation is also required, this could cost the City an additional \$30,000.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent applicable to the development (Attachment 6 refers). The checklist indicates a number of sustainable measures incorporated in the design as outlined below:

- Northerly orientated development, with passive shading of glass, sufficient thermal mass, insulation and draught sealing, floor plan zoning based on water and heating needs and advanced glazing solutions.
- Incorporating low energy and water efficient technologies, with natural and/or fan forced ventilation.
- Use of low-VOC products.

Consultation

The original application was advertised for a period of 14 days, commencing on 2 August 2017 and concluding on 16 August 2017. A letter outlining the areas of discretion was sent to the landowners and occupiers that were adjoining and directly opposite the subject site.

A total of three responses were received, being three objections to the proposal.

The concerns raised in the submissions related to matters as follows:

- The proposed plans indicate too many intended dwellings on the property.
- Parking and traffic congestion along the street.
- The development will impact the street and adjoining properties.
- The reduced landscaping will impact the streetscape.
- Overshadowing of adjoining properties.

The modified proposal has not been readvertised as the amendments reduce the impact of the development on adjoining properties and the streetscape.

The following summarises the response of the updated proposal to the concerns raised in the submissions:

- *The proposed plans indicate too many intended dwellings on the property.*

In accordance with the R-Codes, the size of any multiple dwelling developments (under Part 6 of the R-Codes) is not dictated by the number of dwellings proposed, rather the size of the development is controlled by the plot ratio area.

Although the applicant has proposed a plot ratio area which exceeds the deemed-to-comply requirements of the R-Codes, the development is considered to meet the relevant design principles, as the impact of an additional 18m² of plot ratio area is minimal and the bulk and scale of the development as viewed from the street and adjoining landowners is appropriate.

- *Parking and traffic congestion along the street.*

The applicant has modified the proposal to ensure the total number of car parking bays provided on-site and within the adjacent verge meets the requirements of the R-Codes and the City's RDLPP.

- *The development will impact the street and adjoining properties.*

As discussed in the Detail section of this report, the development meets the relevant deemed-to-comply and design principles under the R-Codes, as well as the City's RDLPP in respect to built form, setbacks, overshadowing, visual privacy, building height, etc. Therefore, the development is not considered to have a detrimental impact on the streetscape or adjoining properties.

- *The reduced landscaping will impact the streetscape.*

The applicant has modified the proposal to ensure that the number of shade trees complies with the R-Codes, and has included additional landscaping internally within the site.

In accordance with the City's RDLPP, all sites within a HOA which are developed at the higher density are required to provide street trees within the adjacent verge. This has been recommended as a condition of approval and conceptual shown on the development plans/landscaping plan.

- *Overshadowing impact on adjoining properties.*

The proposed development meets the deemed-to-comply requirements of clause 6.4.2 (solar access for adjoining sites) of the R-Codes.

COMMENT

As outlined above, it is considered that the overall design of the amended proposal and the areas of discretion sought are appropriate for the locality and meets the objectives and intent of the City's RDLPP and the R-Codes.

The extent of discretions sought have been reduced through the amended proposal and the overall design of the development is an improvement to the original design.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 APPROVES under clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015 of Schedule 2* the application for development approval, dated 30 May 2017 submitted by Claudio Bornia, on behalf of the owners, Amanda Tadros, Amanda Di Franco and Gino Di Franco, for proposed MULTIPLE DWELLING (14 multiple dwellings) at Lot 392 and 393 (33 and 35) Macedon Place, Craigie, subject to the following conditions:
 - 1.1 this approval relates to the 14 multiple dwellings and associated works only, as indicated on the approved plans. It does not relate to any other development on the lot;
 - 1.2 the lots included within the application site shall be amalgamated prior to commencement of development;
 - 1.3 all stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
 - 1.4 a notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be lodged with the Registrar of Titles for endorsement on the certificate of title, prior to the commencement of development. The notification is to state as follows:

“This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise.”;
 - 1.5 the external surface of the development, including roofing, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surfaces shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;
 - 1.6 all development shall be contained within the property boundaries;
 - 1.7 a full schedule of colours and materials for all exterior parts to the building is to be submitted and approved prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
 - 1.8 a Refuse Management Plan indicating the method of rubbish collection is to be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied;
 - 1.9 a Construction Management Plan being submitted and approved prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - 1.9.1 all forward works for the site;
 - 1.9.2 the delivery of materials and equipment to the site;
 - 1.9.3 the storage of materials and equipment on the site;

- 1.9.4 the parking arrangements for the contractors and subcontractors;
- 1.9.5 the management of dust during the construction process;
- 1.9.6 other matters likely to impact on the surrounding properties;

and works shall be undertaken in accordance with the approved Construction Management Plan;

- 1.10 any bicycle parking facilities provided should be designed in accordance with the *Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993)*. If the development is to include bicycle parking, details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of construction;
- 1.11 lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of construction;
- 1.12 landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 1.13 prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street(s) to the satisfaction of the City;
- 1.14 any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site, prior to the occupation of the building(s) to the satisfaction of the City;
- 1.15 boundary walls and retaining walls shall be of a clean finish and made good to the satisfaction of the City;
- 1.16 four visitor car parking bays shall be provided within the verge to the specifications and satisfaction of the City. This shall be provided in addition to the car parking provisions required under clause 5.3.3 – *Parking of the Residential Design Codes*;
- 1.17 a total of three visitor car parking bays shall be provided on-site as depicted on the approved plans, and shall be formally set-aside and adequately marked for “visitors only”;
- 1.18 the verge adjacent to the lot(s) shall be landscaped to the specifications and satisfaction of the City, and shall include one street tree for every 10 metres of frontage where a lot abuts a primary or secondary street;
- 1.19 screening shall be erected as depicted on the approved plans. Screening shall be a minimum height of 1.6 metres above the approved finished floor level, and comply with the definition of screening under the Residential Design Codes. All screening shall be at least 75 percent obscure, permanently fixed, made of durable material, and restrict view in the direction of overlooking into any adjoining property. All screening shall be installed to the satisfaction of the City prior to occupation of the development;

- 1.20 the driveway and crossover are to be designed and constructed to the satisfaction of the City prior to occupation of the dwelling;
 - 1.21 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;
 - 1.22 the infill to the front fence, as indicated on the approved plans, shall be visually permeable (as defined in the Residential Design Codes);
- 2 NOTIFIES the State Administrative Tribunal of it's decision.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf180213.pdf](#)

ITEM 4 UPDATE ON SCHEME AMENDMENT NO. 86 TO DISTRICT PLANNING SCHEME NO. 2

| | |
|-------------------------------|---|
| WARD | North-Central |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 106124, 101515 |
| ATTACHMENT | Attachment 1 Location plan Attachment 2 Scheme amendment map |
| AUTHORITY / DISCRETION | Legislative - includes the adoption of local laws, planning schemes and policies. |

PURPOSE

To provide Council with an update on the progress of Scheme Amendment No. 86 and seek Council's direction on the advice received from the Environmental Protection Authority regarding the scheme amendment.

EXECUTIVE SUMMARY

As part of the progression of the Ocean Reef Marina project, at its meeting held on 16 August 2016 (CJ116-08/16 refers) Council resolved to initiate Scheme Amendment No. 86 for the purposes of public consultation. The intent of the amendment is to align the *District Planning Scheme No. 2* (DPS2) boundary with the boundary proposed under the Metropolitan Region Scheme (MRS) amendment 1270/41 currently being progressed for Ocean Reef Marina.

The new area that is to be included within the scheme boundary and that is proposed to be zoned 'Urban' under the MRS, is proposed to be zoned 'Urban Development' under DPS2.

Prior to public consultation commencing, the amendment was required to be referred to the Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) for advice regarding whether modifications or assessment were required.

The EPA advised that advertising of Scheme Amendment No. 86 cannot occur at this stage as it is likely that, as a result of the MRS amendment currently being assessed by the WAPC and the assessment of the accompanying Public Environmental Review (PER) by the EPA, the amendment will need to be revised to include provisions within the planning scheme to manage the environmental aspects of the development. This effectively means that the initiation of the scheme amendment was premature, which was outlined as a risk in the August 2016 report to Council.

Given the above and the probability that there is little prospect of this amendment being advertised and finalised prior to the commencement of the City's new planning scheme, *Local Planning Scheme No. 3* (LPS3), it is recommended that the most appropriate approach would be to request the referral of Scheme Amendment No. 86 to the EPA be withdrawn. Following the commencement of LPS3 and when the outcomes of the PER and MRS amendment are known, a new amendment can be initiated.

BACKGROUND

| | |
|------------------------|--|
| Suburb/Location | Ocean Reef. |
| Applicant | City of Joondalup. |
| Owner | Crown Land. |
| Zoning | DPS Not applicable. |
| | MRS 'Waterways' and 'Parks and Recreation' reservation. |
| Site area | 44.46ha. |
| Structure plan | Not applicable. |

At its meeting held on 16 August 2016 (CJ116-08/16 refers), Council resolved to initiate Scheme Amendment No. 86 to DPS2 as follows:

- “1 *pursuant to section 75 of the Planning and Development Act 2005 and Regulation 35 (1) of Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to proceed to advertise Scheme Amendment No. 86 to City of Joondalup District Planning Scheme No. 2 to modify the scheme boundary and zone a portion of the area ‘Urban Development’, in accordance with the map included at Attachment 2 to Report CJ116-08/16;*
- 2 *pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 RESOLVES that Scheme Amendment No. 86 is a complex amendment as it is not yet included in the Metropolitan Region Scheme or any local planning strategy adopted by the Western Australian Planning Commission;*
- 3 *NOTES that Scheme Amendment No. 86 is to be submitted to the Western Australian Planning Commission under Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, to advise of any modifications prior to advertising, and the Environmental Planning Authority, under section 81 of the Planning and Development Act 2005, to determine whether an environmental review is required under the Environmental Protection Act 1986;*
- 4 *NOTES that subject to referral and response from the Western Australian Planning Commission and the Environmental Protection Authority, and any actions required by those parties, Scheme Amendment No. 86 will be advertised for 42 days.”*

The amendment proposes to align the scheme boundary to reflect the proposed MRS Amendment 1270/41 – Ocean Reef Marina Development. The MRS amendment along with the Ocean Reef Marina Negotiated Planning Outcome is currently being reviewed and assessed by the Department of Planning, Lands and Heritage (DPLH, formerly the Department of Planning), the Office of the Environmental Protection Authority, and the Department of Parks and Wildlife.

To support the MRS amendment, a number of environmental assessments have been undertaken including coastal vulnerability and bushfire attack level assessments. The MRS amendment has also been referred to the EPA as part of the amendment process.

Separate to this, an amendment to the local government boundary of the City of Joondalup is necessary to accommodate the development of the Ocean Reef Marina. This is being progressed through a separate process (CJ117-08/16 refers).

Scheme Amendment No. 86 was forwarded to the WAPC and the EPA. The referral to the WAPC was required to seek confirmation that the amendment was correctly classified as a complex amendment and whether any modifications were required to the amendment before consultation could be undertaken. The referral to the EPA was required to determine whether an environmental review is required under the *Environmental Protection Act 1986*.

DETAILS

In response to the referral, the WAPC indicated that Scheme Amendment No. 86 was suitable for public consultation but recommended that it be advertised at the same time as the MRS amendment, and be modified to align with the MRS amendment. The MRS has already been advertised, and therefore concurrent advertising is not possible.

The EPA indicated that, as the PER submitted with the MRS amendment has not been finalised, Scheme Amendment No. 86 is not in its final form and is therefore unable to be assessed.

This means, in order to progress Scheme Amendment No. 86 to the public consultation stage, the City will need to provide the required information to the EPA (which can only be provided following the completion of the PER), or withdraw the referral until such time the PER and MRS amendment are finalised.

Once the outcomes of the PER and MRS amendment are known, the City will be in a position to provide a detailed scheme amendment that includes the relevant planning scheme provisions addressing the management of the environmental aspects of the development.

Issues and options considered

The issue to be considered by Council is how to respond to the advice from the EPA.

The options available to Council in responding to the EPA are:

- request that the referral of Scheme Amendment No. 86 be withdrawn
or
- request the EPA make a decision on Scheme Amendment No. 86 based on the information currently available.

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

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Destination City.

Strategic initiative Facilitate the establishment of major tourism infrastructure.

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. When the Metropolitan Region Scheme (MRS) is amended, the local planning scheme must also be amended to ensure it is consistent with the MRS.

Under the Regulations, scheme amendments are required to be referred to the WAPC and the EPA prior to advertising. The WAPC must examine the documents and advise the City if any modifications are required prior to advertising being undertaken.

Similarly, the EPA is required to determine whether or not a formal review is necessary prior to advertising. The EPA has advised that there is insufficient information included in Scheme Amendment No. 86 to allow for a review at this time.

Until confirmation is received from the EPA that Scheme Amendment No. 86 is suitable, the next stage in the amendment process is unable to be progressed.

The Regulations do not provide guidance for situations where the EPA is unable to formally review an application. However, until the PER assessment is finalised, it is not possible to advise how Scheme Amendment No. 86 may need to be modified to incorporate provisions into the planning scheme to manage the environmental aspects of the development.

Verbal advice received from the DPLH indicated that should Scheme Amendment No. 86 be held pending the outcome of the PER, the amendment will be held in abeyance until it is deemed suitable for advertising. Notwithstanding, it is likely that LPS3 will be in operation prior to this, and a new scheme amendment will be required in any event.

Risk management considerations

If the City does not respond to the EPA or if it requests the amendment be assessed in its current form, it is very likely that the outcome will not be favourable as the information for the EPA to make an informed decision on the amendment is not yet available.

Given the timing of Scheme Amendment No. 86 and the potential for modifications to be required so it aligns with the MRS amendment, it is highly likely that the City's LPS3 will be operational before the amendment is finalised. If this occurs a new scheme amendment will need to be initiated under the new planning scheme.

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 includes letters to service authorities, placing a notice in the local newspaper and on the City's website. The total cost of advertising is estimated to be \$640. A notice will also be placed in the *Government Gazette* in the event that the scheme amendment is approved.

Regional significance

The initiation of the scheme amendment is key in the progression of the Ocean Reef Marina project.

It is anticipated that the development of the Ocean Reef Marina will become a significant tourist destination and a key focal point within the northern Perth corridor.

Sustainability implications

Progression of the project will facilitate a number of studies and reports that address key issues pertaining to sustainability such as economic feasibility and environmental sustainability. A number of studies have also been undertaken to support the MRS amendment which is required to be reviewed by the EPA.

Consultation

Any public consultation on a scheme amendment is required to be undertaken in accordance with the Regulations.

COMMENT

As the outcomes of the PER and MRS amendment are not yet known, it is not possible to provide the required information to the EPA, including potential provisions to be included in the planning scheme to address the environmental aspects of the proposal. In addition, given the progress of LPS3, it is highly unlikely that Scheme Amendment No. 86 has any prospect of being finalised in time to incorporate into LPS3.

It is recommended that the most appropriate approach is to request that referral of Scheme Amendment No. 86 to the EPA be withdrawn. Once LPS3 is in operation and the outcomes of the PER and MRS amendment are known, a new scheme amendment can be initiated which can include the relevant provisions to address the management of the environmental aspects of the Ocean Reef Marina Development.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES the advice provided by the Western Australian Planning Commission and the Environmental Protection Authority regarding Scheme Amendment No. 86;**
- 2 **AGREES to request the referral of Scheme Amendment No. 86 to the Environmental Protection Authority be withdrawn;**
- 3 **NOTES that once *Local Planning Scheme No. 3* is in operation and the outcomes of the *Metropolitan Region Scheme Amendment 1270/41* and associated *Public Environmental Review* are known, a new scheme amendment can be initiated which incorporates any relevant provisions to address the environmental aspects of the Ocean Reef Marina development.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf180213.pdf](#)

ITEM 5 PROPOSED AMENDMENT TO THE ILUKA STRUCTURE PLAN AND TWO PROPOSED LOCAL DEVELOPMENT PLANS – RECONSIDERATION FOLLOWING CHANGES MADE

| | | |
|-------------------------------|---|---|
| WARD | North | |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development | |
| FILE NUMBER | 48934, 1015151 | |
| ATTACHMENT | Attachment 1 | Location plan |
| | Attachment 2 | Proposed Amendment No. 4 to LSP No. 26 (available electronically only) |
| | Attachment 3 | Proposed Local Development Plans |
| | Attachment 4 | LSP – Summary of submissions |
| | Attachment 5 | LDP – Summary of submissions |
| | Attachment 6 | LSP – Schedule of modifications |
| | Attachment 7 | LDP – Schedule of modifications |
| | Attachment 8 | Building height cross section |
| | Attachment 9 | Indicative perspective drawings |
| 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

This report should be read in conjunction with a previous report to Council in December 2017 (CJ144-12/17 refers) regarding a proposed amendment to the *Iluka Structure Plan* and two proposed local development plans following public consultation.

The purpose of this report is to outline the proposed modifications made to the proposal by the applicant in response to Council's resolution in December 2017.

EXECUTIVE SUMMARY

The subject site comprises two large, vacant land parcels at the western end of O'Mara Boulevard.

The subject site is covered by the existing *Iluka Structure Plan* (LSP), which has been in place since 2002. Under the existing LSP the subject site is identified as a neighbourhood centre and is zoned 'Centre'. The existing LSP currently allows for retail floorspace provision of 3,300m² on the subject site and allows for an R60 residential density coding and building heights of three storeys.

In 2017, a proposed amendment to the existing LSP and two proposed Local Development Plans (LDPs) were submitted for the subject site.

Following community consultation on the proposal in October and November 2017, Council considered the proposal at its meeting held on 12 December 2017 (CJ192-12/17 refers) and resolved to refer the documents back to the Chief Executive Officer to allow the applicant to reconsider the building height and land use permissibility of the proposal the subject of the December Council report.

As a result, the applicant has proposed that:

- the permitted building height be reduced to three storeys (as per the current LSP)
- an additional provision be included in the LSP to guide the use of discretion when assessing/determining whether a discretionary (“D”) land use in the ‘Commercial’ zone in the City’s planning scheme is appropriate for the Iluka site.

As part of the documentation that was originally submitted by the applicant, artist’s impressions were provided. These artist’s impressions were indicative only and approval of the proposed LSP amendments and proposed LDPs does not constitute approval or even in-principle approval for the type of development shown in the artist’s impressions. The artist’s impressions have not been updated to show a reduction in height.

A further approval process, via a development application which will include public consultation, will need to be undertaken before any concept or design proposal for the site is granted approval.

A number of additional modifications are recommended to the LSP amendment and LDPs, as a result of the City’s assessment of the proposal and the submissions received, to improve the wording and ensure the documents provide an appropriate framework against which to assess development applications.

It is recommended that Council supports the proposed LSP amendment and LDPs, subject to modifications, and forwards its recommendation to the Western Australian Planning Commission (WAPC) for determination.

BACKGROUND

| | |
|------------------------|---|
| Suburb/Location | Lot 9039 (98 and 99) O’Mara Boulevard, Iluka. |
| Applicant | Roberts Day. |
| Owner | Davidson Pty Ltd & Roman Catholic Archbishop. |
| Zoning | DPS Urban Development. |
| | MRS Urban. |
| | LSP Centre. |
| Site area | 2.004 hectares. |
| Structure plan | <i>Iluka Structure Plan No. 26.</i> |

The Iluka Local Structure Plan (LSP) came into effect in August 2002. The LSP zones the subject site ‘Centre’ and requires a further structure plan to provide detailed planning for the establishment of a local centre within the LSP area.

The subject site is currently undeveloped and is bounded by Burns Beach Road to the west, Fernando Parkway to the south, Calis Avenue and Santos Vista to the east and Mykonos View to the north. The two land parcels are intersected by O’Mara Boulevard which runs east to west and connects with Burns Beach Road (Attachment 1 refers).

At its meeting held on 12 December 2017 (CJ192-12/17 refers), Council considered the proposed LSP amendment and LDPs and resolved as follows:

“That Council RESOLVES to refer Amendment No. 4 to Iluka Structure Plan No. 26 and the proposed local development plans included as Attachment 3 to Report CJ192-12/17 back to the Chief Executive Officer to allow the applicant to reconsider the additional height and the extent of land use permissibility sought in the proposal.”

This report should be read in conjunction with the previous report to Council (CJ144-12/17 refers) which covers the detail of the proposed LSP amendment and LDPs. The purpose of this report is to outline the proposed modifications made to the proposal by the applicant subsequent to Council's resolution.

DETAILS

In response to Council's December 2017 resolution (CJ192-12/17 refers), the applicant proposes the following additional modifications to the LSP and LDPs.

Local Centre Objectives

The applicant has proposed an amended set of objectives related to the 'Commercial' zone to assist in guiding discretion in respect to any development within the local centre, as follows:

- a) *To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.*
- b) *To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- c) *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*
- d) *To ensure any commercial uses are reflective of the local scale of the centre, primarily serving the needs of the local community.*

Officer comment

The above objectives are proposed to replace the existing objectives in the current Iluka LSP. Although the intent of the objectives is generally supported, it is recommended that only proposed objective c) and d) above are included, with the retention of existing objectives 2, 4 and 5 as currently included in clause 6.2 of the Iluka LSP.

The existing objectives 2, 4 and 5 are still relevant to the local centre and have not been covered by the proposed objectives provided by the applicant. These existing objectives relate to safe access/pedestrian priority, active street frontages and encouraging high quality built form. Therefore, it is recommended that the amended objectives under clause 6.1 of the Iluka LSP read as follows:

“The objectives for the local centre include those contained within the City of Joondalup’s Local Planning Scheme No. 3 for the ‘Commercial’ Zone, and the following objectives:

- *To provide efficient and safe access arrangements with pedestrian/cycle priority;*
- *To promote buildings with active street frontages, which properly address the street and public spaces;*
- *To encourage high standards of built form and streetscape;*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality; and,*
- *To ensure any commercial uses are reflective of the local scale of the centre, primarily serving the needs of the local community.*

The inclusion/retention of objectives will assist the determining authority consider any areas of discretion that may be sought as part of any development application for the local centre.

Building height

Local Structure Plan (LSP)

The proposed LSP amendment originally submitted by the applicant included a provision, which stated:

“A maximum building height restriction of three storeys shall apply for all development within the Commercial Zone, unless it can be demonstrated that additional height will comply with the Design Principles of the R-Codes at cl. 6.1.2 and not have an undue impact on the surrounding community.”

Following Council’s resolution at its meeting on 12 December 2017 (CJ192-12/17 refers), the applicant has subsequently reconsidered the wording of the proposed LSP amendment and now seeks to restrict building height to a maximum of three storeys, consistent with the restrictions of the existing LSP.

Officer comment

As reference to a fourth storey element is now proposed to be removed, the three storey height limit in the current LSP, and in the proposed LSP amendment, provides a clear intent about the built form that is considered suitable for the site, and any development application lodged in future will be assessed against this height limit.

It is important to note, however, that this does not preclude the future lodgement or approval of a development application for a building with height greater than three storeys.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), structure plans are a ‘due regard’ document only and no longer have the same statutory status as a Local Planning Scheme. As such, the fact that the existing LSP and the proposed LSP amendment both contain a height limit of three storeys, does not automatically exclude greater height from being approved on the site if such a proposal has merit.

However, if any greater height is proposed through a development application in future, the application would be assessed against the three storey height limit and the onus would be on the applicant to demonstrate that any additional height meets the objectives of the LSP and would not have undue negative impact on the neighbours or surrounding area.

The change in the height limit proposed by the applicant, subsequent to the December 2017 Council meeting, is supported by the City and a recommendation has been included in the Schedule of Modifications for the LSP amendment (Attachment 6) as follows:

“A maximum building height restriction of three storeys shall apply for all development within the Commercial Zone”

Local Development Plans (LDPs)

The proposed LDPs originally submitted by the applicant included a provision, which stated:

“Three storeys shall be permitted in all areas subject of this LDP.”

Additional height, in the form of a fourth storey, particularly where marked on the plan, away from existing dwellings, may be permitted where it can be demonstrated that it complies with the Design Principles at cl. 6.1.2 and it will not have undue negative impact on the surrounding community.

Due to topographic changes across the LDP area, flexibility of up to 2 metres, with regard to the deemed Natural Ground Level (NGL), may be permitted where it can be demonstrated that it complies with the Design Principles at cl. 6.1.2”

The above provision was also complemented by a shaded area on the LDP diagram to indicate the location of the possible fourth storey element.

Following Council’s resolution at its meeting on 12 December 2017 (CJ192-12/17 refers), the applicants have subsequently proposed to restrict building height to three storeys.

Following concerns raised by City officers as outlined in the December Council report, the applicants have also removed reference to an ability to measure building height from up to two metres above natural ground level. This means that building height will now be measured as per the Residential Design Codes, being from the natural ground level of the site. This is in line with the position the City consistently takes on how to measure height of buildings.

Officer comment

The amended LDPs propose to retain the status quo with respect to the maximum building height outlined in the existing LSP and proposed LSP amendment; which is supported, as outlined above.

Removal of reference to an ability to measure building height from up to two metres above natural ground level, means that building height will be measured as per the Residential Design Codes, which is supported by the City, as mentioned above.

It is also considered that further clarity is required regarding the maximum height in metres that a development could achieve (not just storeys). The maximum building height considered appropriate for a three storey development is 10.5 metres from natural ground level. This maximum building height has been calculated on the basis of providing a ground floor height of 4.5 metres for commercial land uses, with any storey above being three metres high. This is generally consistent with the building height provisions for mixed use development under the City’s *Whitford Activity Centre Structure Plan* and the draft *Joondalup Activity Centre Plan*. This method assists in quantifying the overall height of a three storey development to provide a level of certainty and consistency.

Therefore, a recommendation has been included in the Schedule of Modifications for the LDPs (Attachment 7) as follows:

“Three storeys shall be permitted in all areas subject of this LDP. For the purposes of this LDP, the maximum permitted building height for any three storey development shall not exceed 10.5 metres from natural ground level to the satisfaction of the City.”

Land use permissibility

The subject site is zoned ‘Centre’ under the current LSP. In accordance with the City’s planning scheme, a structure plan is needed for land zoned ‘Centre’ and, historically, land use permissibility has been able to be captured within the structure plan itself.

However, more recently, the Department of Planning, Lands and Heritage (DPLH) and the Western Australian Planning Commission (WAPC) have required that land use permissibility be contained in the planning scheme itself. There are two ways this can occur for the subject site:

- 1 a land use permissibility table specifically for the Iluka LSP area can be included in the planning scheme
- 2 a different zoning can be allocated to the structure plan area that already has land use permissibility attached to that zoning under the zoning table in the planning scheme.

It was originally intended that the second option (outlined above) be pursued by changing the zoning of the subject site from 'Centre' to 'Commercial' as the 'Commercial' zone would allow for the land uses envisaged by the applicant to be developed on the site and there is already land use permissibility for the 'Commercial' zone included in the City's planning scheme.

However, there was a concern expressed by the community and the Council that not all the uses that could be contemplated in the 'Commercial' zone would be appropriate for the subject site and therefore the Council requested the applicant to reconsider this aspect of the proposal.

The applicant has not opted for the first option outlined above as this would necessitate an amendment to the City's planning scheme, which is a lengthy and complicated process. Instead, in attempting to address the concerns raised by the community and Council in relation to land uses that could be developed on the subject site, the applicant has proposed an additional provision to the LSP to provide guidance on the suitability of certain discretionary ("D") land uses within the structure plan area, as outlined below:

"Notwithstanding the Commercial classification of land, the following uses are considered incompatible with the local centre and the amenity of the surrounding community, are not considered appropriate, and are therefore not supported in this centre:

- i. *Restricted Premises*
- ii. *Night Club*
- iii. *Vehicle Sales/Hire Premises*
- iv. *Veterinary Hospital"*

Officer comment

The proposed 'Commercial' zoning of the site allows for a range of residential and non-residential land uses consistent with a typical mixed-use development. The permissibility of land uses will be the same as in the 'Commercial' zone under the City's planning scheme (DPS2).

The applicant has sought advice from the Department of Planning, Lands and Heritage (DPLH) regarding the ability of the LSP to restrict certain land uses. Due to the WAPC's *Structure Plan Framework* and the relevant provisions of the Regulations, land use permissibility cannot be modified through a structure plan, that is, it is not possible to modify a land use from a "P" (permitted) or "D" (discretionary) use to an "X" (not permitted) use.

Although the land use permissibility cannot be altered through an LSP, DPLH has advised that a provision can be included within the LSP to provide some guidance as to the suitability of discretionary ("D") uses. As a result, the applicant has highlighted a number of discretionary land uses, as outlined above, which may not be considered appropriate in the context of this particular local centre.

It is noted that guidance on the suitability of permitted (“P”) uses under DPS2 cannot be achieved through this process as there is no discretion available to the determining authority when considering permitted land uses that comply with the standards/requirements of DPS2. The only way to change or restrict the permissibility of land uses which are permitted (“P”) under the planning scheme is either to amend the planning scheme, or change the zoning of the subject site.

The intent of the provision is supported, however it is considered that the wording of the proposed provision should be modified to avoid any misinterpretation that the LSP is purporting to prohibit the identified land uses, rather than providing guidance as to the suitability of the land use.

In addition to those proposed by the applicant, the City also considered that the land uses of 'Liquor Store - Large' (as included in draft *Local Planning Scheme No. 3*) and 'Tavern' may also be considered inappropriate in the context of the local centre. Therefore, it is considered appropriate that the proposed provision under the LSP read as follows:

“Notwithstanding the land use permissibility under the City’s Local Planning Scheme, the following uses are considered incompatible with the local centre and the amenity afforded to the surrounding community as they are unlikely to meet the relevant objectives of clause 6.1 and therefore are inappropriate within the local centre:

- i. Liquor Store – Large;*
- ii. Night Club;*
- iii. Restricted Premises;*
- iv. Tavern;*
- v. Vehicle Sales/Hire Premises; and*
- vi. Veterinary Hospital.”*

Although the proposed modification does not have the same statutory weight as if the land uses were included in the planning scheme, this does provide the ability to assess these land uses in greater detail and provides an objective based approach for the consideration of a development application for the local centre.

Other proposed modifications

In addition to the modifications outlined above, other proposed modifications are recommended to the LSP amendment and the LDPs as outlined in the report to the Council meeting held on 12 December 2017 (CJ192-12/17 refers), and as included in the proposed Schedules of Modifications for the LSP amendment and the LDPs (Attachments 6 and 7).

Issues and options considered

Proposed Local Structure Plan amendment

Under the Regulations, the options available to Council in considering the submissions received from the community and the subsequent modifications proposed to the LSP amendment include:

- requesting further information from a person who prepared the structure plan
or
- advertising any modifications proposed.

If Council is of the view that neither of the above is necessary, then a report is required to be forwarded to the WAPC in accordance with Schedule 2, Part 4 Clause 20 of the Regulations. The report must include the following:

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

Proposed Local Development Plans

Under the Regulations, the options now available to Council regarding the two LDPs include the following:

- Approve the LDPs.
- Require the person who prepared the LDPs to:
 - modify the LDPs in the manner specified by the local government
 - resubmit the modified LDPs to local government for approval.
- Refuse to approve the LDPs.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

State Planning Policy 3.1: Residential Design Codes.
State Planning Policy 3.7: Planning in Bushfire Prone Areas.

Planning and Development (Local Planning Schemes) Regulations 2015

Structure plans (LSP)

Under the Regulations, structure 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 a structure plan to ten years, commencing on the day the WAPC approves the plan.

In accordance with Schedule 2, Part 4, Clause 19(1) (d), the local government may advertise any modifications proposed to the structure plan to address issues raised in submissions. However, in accordance with Clause 3 any modifications to a structure plan may not be advertised on more than one occasion without the approval of the WAPC.

In accordance with Schedule 2, Part 4, Clause 20, 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 structure plan should be approved by the WAPC.

It is noted that the WAPC accepted an extension of time until 23 February 2018 for the City to provide its recommendation on the proposed LSP amendment.

Upon receiving the local government's report, the WAPC must determine the structure plan in accordance with Schedule 2, Part 4, Clause 22 and must do so within 120 days or another time agreed to by the person who prepared the structure plan.

Local development plan/s (LDPs)

Unlike structure plans, LDPs are to be determined by the local government in accordance with Schedule 2, Part 6, Clause 52(1) of the Regulations, and must do so within 60 days from the last day of public consultation.

It is noted that the applicant agreed to an extension of time for the determination of the proposed LDPs until 23 February 2018.

The local government has the ability to approve, require modifications or refuse the LDPs taking into account the submissions received during advertising.

State Planning Policy 3.1: Residential Design Codes

In accordance with Clause 7.3.2 of the 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 LDP 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.

It is noted that the draft LDPs propose to amend certain provisions of the R-Codes that only the WAPC can approve. During the public consultation period, the City requested that the WAPC consider the proposed amendments, which require their approval. However, the City was advised that the amended provisions would be considered by WAPC in conjunction with the proposed LSP amendment. As a result, following Council's consideration, the LDPs must be referred to the WAPC to make a determination on those amended provisions.

In the event that the WAPC does not approve the amended provisions, the LDPs would effectively not be approved. If this was to occur, the applicant would be required to modify the LDPs which would then be referred back to Council for consideration.

State Planning Policy 3.7: Planning in Bushfire Prone Areas

Clause 6.2 of SPP 3.7 requires that strategic planning proposals within a bushfire prone area provide a Bushfire Management Plan to identify any risks and include measures to address these risks. A Bushfire Management Plan has been prepared by the applicant which supports the LDPs and meets the requirements of SPP 3.7.

District Planning Scheme No. 2

Clause 3.7.1 of DPS2 states that the 'Commercial' zone is intended to accommodate existing or proposed shopping and business centres. The objectives of the 'Commercial' zone are to:

- a) make provision for existing or proposed retail and commercial areas that are not covered by a structure plan
- b) provide for wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.

Risk management considerations

Should Council defer a decision on the proposed LSP amendment, then the application may be determined by the WAPC without Council's input.

As Council is only providing its recommendation to the WAPC on the proposed LSP amendment, the applicant does not have the ability to appeal Council's recommendation.

The applicant has a right of appeal through the *State Administrative Tribunal Act 2005* should Council:

- not determine the LDPs by 23 February 2018 (date agreed by applicant)
- approve the LDPs subject to conditions/modifications the applicant does not support
- refuse the LDPs.

Financial / budget implications

The applicant has paid fees of \$10,197.59 (including GST) for assessment of the proposed LSP amendment and proposed LDPs. In addition, the applicant is responsible for all costs associated with advertising of the proposed LSP amendment and proposed LDPs.

Regional significance

Not applicable.

Sustainability implications

Environmental

The subject site is currently vacant and does not have any remnant vegetation, however, the City's environmentally sustainable design checklist will be applicable to any major development on the subject site.

Areas of amenity in close proximity to the site include the natural bushland, the coast/beach and public open space areas surrounding the subject site, which will be enjoyed by future visitors and residents.

Social

The proposed LSP amendment recognises the importance of a diversity in housing type/product as it supports the lifestyles of those who live, or wish to live, in apartment style housing within the suburb of Iluka.

The local centre will act as a meeting place and central node for existing and future residents and visitors to Iluka and will help create a sense of place to further build upon the local community.

Economic

The local centre will assist in providing convenient facilities, services and employment opportunities for local residents and attraction for visitors.

A technical note updating the retail sustainability considerations associated with the site has been provided as part of the proposed LSP amendment and adequately demonstrates that the proposed size and location of the local centre is appropriate in the context of the available catchment and impact on existing commercial centres.

Consultation

The proposed LSP amendment and proposed LDPs were advertised for public comment for a period of 28 days, closing on 8 November 2017, as follows:

- A total of 983 letters were sent to landowners and/or occupiers within the *Iluka Structure Plan* area, including the Iluka Community and Home Owners Association, as well as relevant government agencies.
- Two on-site advertising signs.
- A notice placed in the *Joondalup Weekender* newspaper.
- A notice and documents placed on the City's website.
- A notice placed on the City's social media accounts.

A total of 126 valid submissions were received, consisting of two submissions from government authorities, one submission from the Department of Planning, Lands and Heritage and the remaining submissions being provided by the general public.

Of the 126 valid submissions received, 96 (75.4%) submitters oppose the draft LDPs, while 14 (11.1%) submitters support the proposal, eight (6.3%) submitters were unsure and nine (7.1%) submitters provided no response.

Similar results were received regarding the proposed LSP amendment, with 101 (80.2%) submitters opposed to the proposed LSP amendment, 12 (9.5%) submitters supported the proposal, four (3.2%) submitters were unsure and nine (7.1%) submitters did not respond.

In accordance with the requirements of the Regulations, a schedule of submissions has been developed which summarises the comments received into key themes as well as the number of responses to each theme (Attachments 4 and 5 refer).

COMMENT

The proposed LSP amendment and proposed LDPs assist in clarifying the intent and vision for the local centre within the Iluka Structure Plan area, while also providing appropriate development standards and provisions which will guide future development of the subject site.

The provisions of the proposed LSP amendment and proposed LDPs retain the key principles of the current LSP and do not result in any additional impact on the surrounding residential properties.

It is recommended that Council supports the proposed LSP amendment and approves the two proposed LDPs subject to the modifications outlined in Attachment 6 and 7, including those additional modifications which have been proposed to address Council's resolution at its meeting held on 12 December 2017.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 Pursuant to clause 20 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:
 - 1.1 SUPPORT Amendment No. 4 to Iluka Structure Plan No. 26 included as Attachment 2 to this Report, subject to the modifications specified in Attachment 6 to this Report;
 - 1.2 FORWARDS the Council Report, schedule of submissions included in Attachment 4 to this Report and schedule of recommended modifications specified in Attachment 6 to this Report to the Western Australian Planning Commission for consideration and determination;
- 2 Pursuant to Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REQUIRES the applicant to modify the proposed local development plans included as Attachment 3 to this Report, as outlined within the schedule of modifications included as Attachment 7 to this Report;
- 3 Pursuant to Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the local development plans included as Attachment 3 to this Report subject to:
 - 3.1 The local development plans being modified in accordance with the schedule of modifications included in Attachment 7 as outlined in Part 2 above;
 - 3.2 The proposed amendments/replacement of the deemed-to-comply requirements of clauses 6.1.1 (building size), 6.1.5 (open space) and 6.4.3 (dwelling size) of the Residential Design Codes being approved by the Western Australian Planning Commission in accordance with clause 7.3.2 of *State Planning Policy 3.1: Residential Design Codes*;
 - 3.3 Amendment No. 4 to the Iluka Structure Plan No. 26 being approved by the Western Australian Planning Commission;
- 4 NOTES the submissions received and ADVISES the submitters of Council's recommendations to the Western Australian Planning Commission and Council's determination of the local development plans.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf180213.pdf](#)

ITEM 6 DEVELOPMENT APPLICATION FOR RETROSPECTIVE APPROVAL OF SHORT STAY ACCOMMODATION AT LOT 12 (23) WHILEY ROAD, MARMION

| | |
|-------------------------------|---|
| WARD | South Ward |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 46086, 101515 |
| ATTACHMENT | Attachment 1 Location plan. Attachment 2 Development plans. Attachment 3 Management plan. |
| 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 retrospective approval for 'short stay accommodation' (change of use from single house) at Lot 12 (23) Whiley Road, Marmion.

EXECUTIVE SUMMARY

A development application has been received for the retrospective approval of a change of use from 'single house' to 'short stay accommodation.' The short stay accommodation is currently operating from a two storey dwelling at Lot 12 (23) Whiley Road, Marmion (subject site).

Under the current Town Planning Delegations, applications for 'short stay accommodation' abutting the 'Residential' zone are required to be determined by Council.

The subject site is zoned 'Mixed Use' under the City's *District Planning Scheme No. 2* (DPS2) and is subject to the provisions of the City's *Sheppard Way Structure Plan* (LSP).

Under DPS2, short stay accommodation is a discretionary ('D') land use in the Mixed Use zone and therefore capable of approval under the Scheme.

The LSP includes a list of permissible and discretionary uses contemplated specifically for the structure plan area. All other uses not included are not permitted ('X'). Currently, short stay accommodation is not a use expressly permissible or discretionary under the LSP and therefore is not permitted under the LSP.

Therefore, a conflict exists between the land use permissibility under DPS2 and the relevant structure plan.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), structure plans are a 'due regard' document only and no longer have the same statutory status as a Local Planning Scheme. It is also an established planning principle that, to the extent of any conflict, provisions of a lower order document (such as a local structure plan) cannot override provisions of a higher order document (such as a local planning scheme).

As such, the fact that the LSP does not permit 'short stay accommodation' (among other land uses) does not automatically exclude short stay accommodation from being approved on the site. Rather, the short stay accommodation proposal needs to be considered against the provisions and objectives of the Mixed Use zone set out in DPS2, the objectives of the LSP and requirements of the City's *Short Stay Accommodation Local Planning Policy*.

The application was advertised for a period of 14 days. One objection was received during this advertising period relating to the retrospective nature of the application and lack of car parking.

The application is considered to meet the objectives and requirements of DPS2 and the *Sheppard Way Structure Plan* and complies with all requirements of the City's *Short Stay Accommodation Local Planning Policy*.

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

BACKGROUND

| | |
|------------------------|---|
| Suburb/Location | Lot 12 (23) Whiley Road, Marmion. |
| Applicant | Rowe Group. |
| Owner | Mr Gareth John Barrett & Mrs Oana Ancuta Barrett. |
| Zoning | DPS: Mixed Use. |
| | MRS: Urban. |
| Site area | 221m ² . |
| Structure plan | <i>Sheppard Way Structure Plan</i> . |

The subject site is located within the *Sheppard Way Structure Plan* area. The structure plan came into effect over 10 years ago, in October 2007.

The subject site contains an existing two storey single house and is bound by Whiley Road to the east, a dry-cleaning business to the west, and residential properties that are also zoned 'Mixed Use' to the north and south.

The applicant has advised that the landowner commenced operating the short stay accommodation in July 2017 for trial purposes. An application has now been lodged due to the landowner becoming aware that planning approval is required for a change of use from a 'single house' to 'short stay accommodation.' It is noted that no written complaints have been received by the City regarding the operation of the short stay accommodation prior to the application being lodged.

DETAILS

The application is for the short stay accommodation currently being operated from an established two storey single dwelling. The dwelling, which includes four bedrooms and three bathrooms, is used as one short stay tenancy catering for a maximum of ten guests.

Land use permissibility

District Planning Scheme No. 2

Short stay accommodation is a discretionary ('D') use in the 'Mixed Use' zone under DPS2.

DPS2 states that the 'Mixed Use' zone is intended to accommodate a mixture of residential development with small businesses in a primarily residential scale environment, with objectives being to:

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

The short stay accommodation land use is consistent with the intent and objectives of the 'Mixed Use' as it:

- retains the residential scale of the locality as the use will continue to operate from a two storey dwelling
- provides a diversity in the land use mix within the *Sheppard Way Local Structure Plan* and surrounding residential area
- adjoins the Commercial zone of the *Sheppard Way Local Structure Plan* which provides a range of local services to cater for guests
- provides a transition in land use scale and intensity between the Residential zone and the Commercial zone contained in the *Sheppard Way Local Structure Plan*.

Sheppard Way Local Structure Plan (LSP)

The LSP lists a number of permitted ('P') and discretionary ('D') land uses, however as 'short stay accommodation' is not included in this list, it is considered to be not permitted ('X') under the LSP.

With the introduction of the Regulations, adopted structure plans are no longer considered part of a planning scheme and therefore do not carry the same statutory status as a Local Planning Scheme. Specifically, in regard to structure plans, the Regulations state:

“A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.”

In addition, the WAPC's '*Structure Plan Framework*' provides guidance on the meaning of due regard, explaining that a structure plan no longer has the 'force and effect' of a Local Planning Scheme and that decision-makers are to give consideration to the objectives, intent, and information contained in a structure plan, but are not bound by it.

This means that, while the LSP may provide some guidance on land use permissibility, the provisions of DPS2 prevail. 'Short stay accommodation' is a discretionary ('D') use in the 'Mixed Use' zone under DPS2, and is therefore able to be considered in the LSP area.

It is appropriate, and required, that due regard is given to the LSP provisions. The LSP does not provide any detailed information as to why the specified land uses are permitted (or otherwise) however permitted land uses include 'bank', 'hairdresser', 'medical centre' and 'office'.

It is considered that the approval of 'short stay accommodation' within the structure plan area is consistent with the objectives of the LSP (as outlined under the Legislation section of this report) for the following reasons:

- The scale of the proposal is less than that of permitted and discretionary land uses and will therefore have less impact on surrounding residents than land uses permissible under the LSP.
- The architectural form of the dwelling is retained, as is the high standard of building design and landscaping.
- The amenity of the adjacent lots and surrounding is unlikely to detrimentally affected.
- The residential nature of the area is maintained, and the land use is compatible with the zoning of the site.
- Car parking is provided in accordance with DPS2.
- No written complaints have been received relating to the use of the site since the commencement of the short stay accommodation.
- While one objection was received during the advertising period, it was not specifically objecting to the short stay accommodation use.

Car parking

In accordance with DPS2, two car parking bays are required for the short stay accommodation. Two car parking bays are readily available to guests under the existing carport of the dwelling and parking therefore complies with the relevant planning requirements of DPS2. If approved, a condition of approval should reinforce the car parking provision required under DPS2, to ensure these bays are maintained on site.

Short Stay Accommodation Policy

Management plan

As required by the City's *Short Stay Accommodation Policy*, a management plan has been provided by the applicant (Attachment 3 refers) and is considered to adequately address the following:

- control of noise
- complaint management procedure
- ongoing maintenance of the premises
- security of guests, visitors and residents
- control of anti-social behavior
- management of car parking
- check-in and check-out procedure (see below)
- house rules
- guest register requirements.

Check-in / Check-out procedures

The applicant advises that check-in times are between 2.00pm and 7.30pm and check-out times are between 7.00am to midday every day. These hours are considered appropriate as they are consistent with the opening hours of the Marmion Shopping Centre located in close proximity to the subject site. It is noted that the shopping centre is open from 7.00am to 8.00pm all days. The applicant has advised that check-in would not ordinarily take more than 30 minutes.

Time limited approval

The *Short Stay Accommodation Policy* states that where short stay accommodation abuts the 'Residential' zone, any approval granted will not be more than 12 months. In this instance, imposing a time limit on the approval is not considered necessary, based on the following:

- The use has been operating for more than 12 months and no written complaints have been received by the City prior to consultation on the current application.
- The use does not result in an increase demand on car parking than ordinarily required for a single house.
- The property is well-maintained and contributes to the streetscape.
- The ongoing maintenance of the dwelling will be undertaken by the Property Manager as detailed in the management plan dated November 2017.
- The management plan will assist in mitigating any impact on the surrounding residents.
- The use does not result in negative impacts on the surrounding properties.

Considering the above, the 'short stay accommodation' land use is considered to be consistent with the objectives and intent of the LSP, the relevant provisions under DPS2 and the intent of the *Short Stay Accommodation Policy*, and is therefore an appropriate land use within the structure plan area.

Issues and options considered

Council is required to determine whether the application for retrospective approval of a change of use is appropriate and meets the relevant requirements of the *Sheppard Way Structure Plan*, DPS2 and the *Short Stay Accommodation Local Planning Policy*.

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*

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Quality built outcomes.

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

Policy *Short Stay Accommodation Local Planning Policy.*

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

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

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

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

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

Sheppard Way Structure Plan

Clause 1.5.1 of the LSP sets out the objectives for development within the LSP area:

- (a) *Encourage a diversity of dwelling types at a maximum density of R40;*
- (b) *To encourage a high standard of building design and landscape;*
- (c) *To provide for efficient vehicular and pedestrian access and onsite carparking;*
- (d) *Encourage a strong sense of architectural identity at the corner site on the junction of Sheppard Way and Whiley Road;*
- (e) *Ensure that development on the site has regard for the amenity of adjacent lots and surrounding areas; and*
- (f) *Ensure proposed mixed use residential and commercial on Lot 7 and 8 integrates with and addresses the existing shopping centre (refer Figure 1).*

District Planning Scheme No. 2

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

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

Short Stay Accommodation Policy

The aim of Short Stay Accommodation Policy is as follows:

This policy aims to protect the residential amenity of permanent term residents and minimise the negative impacts that may be caused by the transient nature of the occupation, such as:

- *excessive noise and/or anti-social behaviour;*
- *potential increased demand for car parking;*
- *sense of loss of security; and*
- *poor property appearance and maintenance.*

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 \$885 (excluding GST) in accordance with the Schedule of Fees and Charges, for assessment of the application.

Regional significance

Not applicable.

Sustainability implications

As the development is for a change of use only, that involves no modifications to the existing dwelling, the City's Environmentally Sustainable Design Checklist was not required to be completed by the applicant.

Consultation

The application was advertised to eight property owners and occupiers adjoining and directly opposite the subject site, for a period of 14 days concluding on 24 November 2017. One letter objecting to the proposal was received.

The issues raised during public consultation are included below, along with the City's response to each concern:

- The retrospective nature of the application and lack of consultation of the 'short stay accommodation' use prior to the construction of the dwelling.

The original development application on the subject site was for a new two storey house only, and did not include the 'short stay accommodation' use at that time. As the City was not made aware of the intended use prior to the construction of the dwelling, it was not possible to advertise the 'short stay accommodation' use. The applicant has now submitted an application for retrospective consideration of the use.

- Lack of on-site carparking.

The application complies with the car parking requirements of DPS2, and no complaints have been received regarding car parking issues associated with the use. It is therefore considered that the two on-site car bays are adequate.

COMMENT

As outlined above, it is considered that the retrospective change of use to 'short stay accommodation' is appropriate and meets the objectives of the City's *District Planning Scheme No. 2*, the intent of the *Sheppard Way Structure Plan*, the relevant provisions of the Regulations, and complies with the *Short Stay Accommodation Local Planning Policy*.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 11 September 2017 submitted by Rowe Group, for Short Stay Accommodation (change of use from single house) at Lot 12 (23) Whiley Road, Marmion, subject to the following conditions:

- 1 This approval is for Short Stay Accommodation as defined under the City of Joondalup District Planning Scheme No. 2;**
- 2 A maximum of 10 guests shall be accommodated on the premises at any given time;**
- 3 A maximum of two (2) vehicles for guests of the short stay accommodation are permitted on the premises at any given time;**
- 4 All guest vehicles shall park within the property boundaries of the subject site. No guest parking is permitted on the verge;**
- 5 The guests of the short stay accommodation shall check-in between 2.00pm and 7.30pm and check-out between 7.00am and midday Monday to Sunday;**
- 6 The proposed short stay accommodation shall operate in accordance with the approved Management Plan dated November 2017, as amended and approved by the City. Any amendments to the Management Plan shall be submitted to, and approved by the City, prior to implementing the amended Management Plan;**

- 7 A guest register shall be maintained to the satisfaction of the City and be available for inspection on demand by an authorised City Officer. The register shall:**
- 7.1 Show the name and address of every person staying within the accommodation and the unit occupied;**
 - 7.2 Be signed by the guest;**
 - 7.3 Include the date and time of arrival and departure.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf180213.pdf](#)

ITEM 7 MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 12 DECEMBER 2017

| | |
|------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 106371, 101515 |
| ATTACHMENT | Attachment 1 Minutes of the Annual General Meeting of Electors held on 12 December 2017 |
| AUTHORITY /DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to note the Minutes of the Annual General Meeting of Electors held on 12 December 2017 and to give consideration to the motions carried at that meeting.

EXECUTIVE SUMMARY

The Annual General Meeting of Electors of the City of Joondalup was held on 12 December 2017 in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable.

BACKGROUND

The City's Annual General Meeting of Electors was held on 12 December 2017 in accordance with section 5.27 of the Act. The meeting was attended by 27 members of the public, with a total of eight motions carried at the meeting.

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

DETAILS

Issues and options considered

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

MOTION NO. 1

MOVED Ms N Dangar, SECONDED Ms R Millett requests that the Chief Executive Officer regulated payments be included in all forensic audits and all unnecessary costs be identified, with a report to be provided by the next Ordinary Meeting of Council.

Officer's Response

Forensic (financial) audits can cover a wide range of investigative work, but generally refers to an examination of financial affairs in order to gather evidence relevant to potential prosecutions relating to fraudulent activity.

The City's *Internal Audit Program* includes the insights from data analytics of procurement and finance activities, which is a recommendation from a fraud and misconduct risk assessment. These reviews are designed to direct internal audit activities to those areas of operational risk.

Officer's recommendation

That Council DOES NOT SUPPORT a forensic (financial) audit of the Chief Executive Officer's Delegated Municipal Payment Lists or the Chief Executive Officer's Delegated Trust Payment Lists.

MOTION NO. 2

MOVED Mrs R Millett, SECONDED Ms J Quan that the electors of the City of Joondalup move a no confidence motion in the administration of the City of Joondalup in relation to Item CJ206-12/17 – Prince Regent Park, Heathridge – Community Sporting Facility scheduled for consideration at this evenings Council Meeting due to the following reasons:

- (a) Scant attention to the petition submitted by local residents against the proposed redevelopment at Prince Regent Park, Heathridge;**
- (b) The online survey was restricted to one person per household and did not allow open consultation with all ratepayers;**
- (c) The online questionnaire was blatantly biased, with questions skewed in order to provide a contrived and predetermined outcome;**
- (d) The bulk of the questions asked in the survey were predominantly not about the proposed project;**
- (e) The officer's analysis of the survey results attached did not prioritise the feedback of the local residents of Heathridge when this is a local park;**
- (f) The analysis gave great priority to the Joondalup United Football Club members;**
- (g) Survey results were markedly different to presentation of Beldon Park, namely it failed to show the number of responses of non-residents of the City of Joondalup, compared to residents of the City of Joondalup.**

Officer's comment

In relation to the reasons provided for the 'no confidence' motion, the following comments are provided:

- (a) Scant attention to the petition submitted by local residents against the proposed redevelopment at Prince Regent Park, Heathridge;*

City's Response: A number of petitions were received by the City and the report considered these petitions along with all other submissions received during the consultation process.

- (b) *The online survey was restricted to one person per household and did not allow open consultation with all ratepayers.*

City's Response: Consultation was conducted in accordance with the City's *Community Consultation and Engagement Policy and Protocol*. The restriction of one comment per household or club / group was implemented to effectively monitor the validity of responses. The City has adopted this approach as it cannot confidently verify demographic information for all residents within each household. That is, the City can only validate responses based on rateable property addresses and is unable to verify how many residents live at a certain address.

- (c) *The online questionnaire was blatantly biased, with questions skewed in order to provide a contrived and predetermined outcome.*

City's Response: The Prince Regent Park questionnaire was developed in accordance with the City's *Community Consultation and Engagement Policy and Protocol*. This type of questionnaire has been used for a number of other consultations that the City has undertaken for facilities of this type.

- (d) *The bulk of the questions asked in the survey were predominantly not about the proposed project.*

City's Response: The questions in the survey asked respondents about their level of support for the proposed works at Prince Regent Park, namely the new community sporting facility, floodlighting upgrade, car park extension and relocation of the existing cricket infrastructure. A new BBQ and drink fountain were also included in the survey to gauge the community's level of support for these items being installed at Prince Regent Park.

- (e) *The officer's analysis of the survey results attached did not prioritise the feedback of the local residents of Heathridge when this is a local park.*

City's Response: The City does not prioritise feedback or give weighting to feedback provided by one group or suburb over another. The Prince Regent Park report provided all results of the consultation undertaken and it is the role of the Elected Members to determine how to progress with the project based on these results.

- (f) *The analysis gave great priority to the Joondalup United Football Club members.*

City's Response: The Prince Regent Park report detailed all results of the consultation undertaken which included the responses of the key stakeholders (Joondalup United Football Club, Ocean Ridge junior and senior cricket clubs, Pirates Softball Club and Bee on Top Bootcamp) as they currently hire the park on a regular basis.

- (g) *Survey results were markedly different to presentation of Beldon Park, namely it failed to show the number of responses of non-residents of the City of Joondalup, compared to residents of the City of Joondalup.*

City's Response: The Prince Regent Park report detailed all responses of the consultation undertaken including the number of responses from City of Joondalup residents and non-City of Joondalup residents.

Officer's recommendation

That Council:

- 1 NOTES that community consultation for the Prince Regent Park Community Sporting Facility project was undertaken in accordance with the City's *Community Consultation and Engagement Policy and Protocol*;
- 2 DOES NOT SUPPORT a no confidence motion in the the administration of the City of Joondalup in relation to Item CJ206-12/17 – Prince Regent Park, Heathridge – Community Sporting Facility.

MOTION NO. 3

MOVED Ms B Hewitt, SECONDED Ms N Dangar requests that Council instructs the Chief Executive Officer to ensure the Planning Director continue with all public consultations throughout the summer period, particularly those involving amendments relating to down zoning of housing opportunity areas as per the City's own *Community Consultation and Engagement Policy* which states "Consultations are not to be conducted during the summer break (between the last Ordinary Meeting of Council in December to the first Ordinary Meeting of Council in February), unless otherwise stipulated by Council. Consultations to meet statutory planning requirements may be conducted during the summer break, as they are approved by the Chief Executive Officer."

Officer's comment

At its meeting held on 12 December 2017 (CJ193-12/17 refers), Council considered Amendment No. 90 to *District Planning Scheme No. 2* to recode portion of Housing Opportunity Area 1 from R20/40 and R20/60 to R20/30. Council resolved to proceed to advertise Amendment No. 90 at the same time as Amendment No. 88.

A motion was also put at the Council meeting to proceed with public consultation on the scheme amendments as soon as possible, even if commencement occurs before the first ordinary meeting of Council in February 2018. The motion was lost.

A Special Meeting of Council was subsequently held on 23 January 2018 to reconsider the decision of 12 December 2017 not to commence advertising of Amendments 88 and 90 as soon as possible. The motion was lost, and therefore consultation will not occur prior to the first Council meeting to be held on 20 February 2018.

Council has therefore effectively considered Motion No. 3 at the Ordinary Meeting of Council held on 12 December 2017 and also at the Special Meeting of Council held on 23 January 2018.

Officer's recommendation

That Council NOTES that the matter of consultation over the summer break on scheme amendments relating to the down coding of Housing Opportunity Areas, specifically Amendments No. 88 and No. 90, was considered by Council at its meeting held on 12 December 2017 and was NOT SUPPORTED, and was also considered at a Special Meeting of Council held on 23 January 2018 and was NOT SUPPORTED.

MOTION NO. 4

MOVED Mr D Poynton, SECONDED Ms B Hewitt requests that the City of Joondalup give due consideration to providing even greater expenditure and more resources on feral and domestic animal control in natural areas of the City of Joondalup to minimise fauna loss and thereby showing its support for both a Commonwealth and State priority.

Officer's comment

The City is aware of the impact of feral animals on the City's bio-diversity values and has been active in the control of feral cats, foxes and rabbits in the reserves it manages. The City has a robust process in place to develop its annual budget and any additional funds for feral animal control will be considered by the City as part of this process during the development of its 2018-19 budget.

Officer's recommendation

That Council NOTES the City has a robust process in place to develop its annual budget and any additional funds for feral animal control will be considered by the City as part of this process during the development of its 2018-19 budget.

MOTION NO. 5

MOVED Ms S Thompson, SECONDED Ms R Millett that the City of Joondalup reviews how it communicates and consults with residents and that the City communicates clearly the outcome of the consultation review process once completed.

Officer's Comment

The City's communication and consultation processes were discussed at a Strategic Community Reference Group (SCRG) meeting held on 27 March 2017. The full notes of the meeting are provided in Attachment 2 of Council Report CJ199-12/17 which is available on the City's website. Based on the SCRGs discussions and the City's continuous improvement program, the City is exploring options to improve current engagement and communication practices.

In addition, Council at its meeting held on 21 November 2017 (CJ177-11/17) resolved to request the preparation of a Planning Consultation Policy to provide greater certainty and transparency regarding consultation undertaken for planning proposals.

Officer's recommendation

That Council NOTES that a review of the City's communication and consultation process will be undertaken in accordance with the normal continuous improvement program, and that a Planning Consultation Policy is to be prepared in accordance with Council's resolution at its meeting held on 21 November 2017.

MOTION NO. 6

MOVED Dr T Green, SECONDED Ms B Hewitt that the City identifies a legal means to prevent amalgamation of residential lots in all housing opportunity areas unless all neighbours to the proposed developments give consent to proceed.

Officer's comment

The Western Australian Planning Commission (WAPC) is the determining authority for applications to amalgamate lots and therefore, while the City can make a recommendation to the WAPC on a proposal, the City does not have the legal ability to prevent the amalgamation of lots from occurring. Notwithstanding, there may be benefits to the amalgamation of lots in Housing Opportunity Areas, such as the reduction in number of vehicle crossovers along a street. At its meeting on 21 November 2017, Council resolved to request the preparation of a design-led local planning policy to better manage the impacts of infill development in the City's Housing Opportunity Areas (CJ177-11/17). Amalgamation of lots will be considered in the preparation of this policy.

Officer's recommendation

That Council DOES NOT SUPPORT the identification of a legal means to prevent amalgamation of residential lots in all housing opportunity areas unless all neighbours to the proposed developments give consent to proceed as the City is not the determining authority for amalgamation proposals, however the issue will be considered in the preparation of the policy around development in Housing Opportunity Areas.

MOTION NO. 7

MOVED Mr J Prince SECONDED Ms J Quan that the City of Joondalup excludes the Joondalup Performing Arts and Cultural Facility from future Strategic Financial Plans.

Officer's comment

The content of the City's *20 Year Strategic Financial Plan* is determined by Council and there is an established process for its regular review. It is expected that the next review will take place during the course of 2018.

Officer's recommendation

That Council NOTES that the *20 Year Strategic Financial Plan* will be reviewed during the course of 2018 and the inclusion/exclusion of the Joondalup Performing Arts and Cultural Facility will be considered at that time.

MOTION NO. 8

MOVED Mr A Shorter, SECONDED Mr M Moore that the City of Joondalup have a zero percentage rate rise for residents in the next financial year.

Officer's comment

Any rate increases are determined by Council as part of its deliberations and subsequent adoption of the Annual Budget. It is expected that the 2018-19 Budget will be adopted in June 2018.

Officer's recommendation

That Council NOTES that any rate increase for the 2018-19 financial year will be determined by Council as part of its deliberations and subsequent adoption of the Annual Budget for 2018-19 which is expected to take place in June 2018.

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

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

Decisions made at Electors' Meetings

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

Strategic Community Plan**Key theme**

Governance and Leadership.

Objective

Active democracy.

Strategic initiative

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

Policy

Not applicable.

Risk management considerations

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

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

COMMENT

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

The motions carried at the Annual General Meeting of Electors held on 12 December 2017 are presented to Council in accordance with the requirements of the legislation.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the Minutes of the Annual General Meeting of Electors held on 12 December 2017 forming Attachment 1 to this Report;
- 2 in relation to Motion No. 1 carried at the Annual General Meeting of Electors, **DOES NOT SUPPORT** a forensic (financial) audit of the Chief Executive Officer's Delegated Municipal Payment Lists or the Chief Executive Officer's Delegated Trust Payment Lists;
- 3 in relation to Motion No. 2 carried at the Annual General Meeting of Electors:
 - 3.1 **NOTES** that community consultation for the Prince Regent Park Community Sporting Facility project was undertaken in accordance with the City's *Community Consultation and Engagement Policy and Protocol*;
 - 3.2 **DOES NOT SUPPORT** a no confidence motion in the the administration of the City of Joondalup in relation to Item CJ206-12/17 – Prince Regent Park, Heathridge – Community Sporting Facility;
- 4 in relation to Motion No. 3 carried at the Annual General Meeting of Electors, **NOTES** that the matter of consultation over the summer break on scheme amendments relating to the down coding of Housing Opportunity Areas, specifically Amendments No. 88 and No. 90, was considered by Council at its meeting held on 12 December 2017 and was **NOT SUPPORTED** and was also considered at a Special meeting of Council held on 23 January 2018 and was **NOT SUPPORTED**;
- 5 in relation to Motion No. 4 carried at the Annual General Meeting of Electors, **NOTES** the City has a robust process in place to develop its annual budget and any additional funds for feral animal control will be considered by the City as part of this process during the development of its 2018-19 budget;

- 6 in relation to Motion No. 5 carried at the Annual General Meeting of Electors, NOTES that a review of the City's communication and consultation process will be undertaken in accordance with the normal continuous improvement program, and that a Planning Consultation Policy is to be prepared in accordance with Council's resolution at its meeting held on 21 November 2017;
- 7 in relation to Motion No. 6 carried at the Annual General Meeting of Electors, DOES NOT SUPPORT the identification of a legal means to prevent amalgamation of residential lots in all housing opportunity areas unless all neighbours to the proposed developments give consent to proceed as the City is not the determining authority for amalgamation proposals however the issue will be considered in the preparation of the policy around development in Housing Opportunity Areas;
- 8 in relation to Motion No. 7 carried at the Annual General Meeting of Electors, NOTES that the *20 Year Strategic Financial Plan* will be reviewed during the course of 2018 and the inclusion/exclusion of the Joondalup Performing Arts and Cultural Facility will be considered at that time;
- 9 in relation to Motion No. 8 carried at the Annual General Meeting of Electors, NOTES that any rate increase for the 2018-19 financial year will be determined by Council as part of its deliberations and subsequent adoption of the Annual Budget for 2018-19 which is expected to take place in June 2018.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf180213.pdf](#)

ITEM 8 MINUTES OF EXTERNAL COMMITTEES

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 00033, 101515 |
| ATTACHMENT | Attachment 1 Minutes of WALGA North Metropolitan Zone meeting held on 30 November 2017 Attachment 2 Summary Minutes of the WALGA State Council meeting held on 6 December 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 30 November 2017.
- Summary Minutes of WALGA State Council meeting held on 6 December 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 – 30 November 2017

A meeting of the North Metropolitan Zone was held on 30 November 2017.

At the time of this meeting Cr Nige Jones, Cr Christopher May and Cr Mike Norman were Council's representatives on the North Metropolitan Zone.

Cr Russ Fishwick, JP 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 and Deputy Chair of the North Metropolitan Zone

It was resolved by the North Metropolitan Zone as follows:

“That Mayor Tracey Roberts, City of Wanneroo, be elected as Chairperson of the North Metropolitan Zone for the term of two years, November 2017 to November 2019.

That Cr Frank Cvitan JP, City of Wanneroo be elected as Deputy Chairperson of the North Metropolitan Zone for the term of two years, November 2017 to November 2019.”

1.2 Elections of State Council Representatives and Deputy State Council Representatives to the North Metropolitan Zone

It was resolved by the North Metropolitan Zone as follows:

“That:

| | |
|-----------------------------|--------------------------|
| <i>Cr Russ Fishwick, JP</i> | <i>City of Joondalup</i> |
| <i>Mayor Tracey Roberts</i> | <i>City of Wanneroo</i> |
| <i>Cr Giovanni Italiano</i> | <i>City of Stirling</i> |

be elected as State Council representatives of the North Metropolitan Zone to the State Council for the term of two years, December 2017 to December 2019.

That:

| | |
|---------------------------|--------------------------|
| <i>Cr Frank Cvitan JP</i> | <i>City of Wanneroo</i> |
| <i>Cr Nige Jones</i> | <i>City of Joondalup</i> |
| <i>Cr Suzanne Migdale</i> | <i>City of Stirling</i> |

be elected as deputy State Council representatives of the North Metropolitan Zone to the State Council for the term of two years, December 2017 to December 2019.”

7 State Council Agenda – Matters for Decision

State Council Agenda Item 5.1 – Local Government Act 1995 Review

Cr Norman informed the Zone that in relation to some of the recommendations to the WALGA State Council, the City of Joondalup will provide feedback during the normal process by the due date of 8 February 2018.

9.1 Presentation – Policing Major Events Legislation – Briefing with WA Police

It was resolved by the North Metropolitan Zone as follows:

“That the North Metropolitan Zone invite the WA Police to attend and present at the meeting to be held on 1 March 2018 at the City of Stirling.”

WALGA State Council meeting – 6 December 2017

A meeting of the WALGA State Council was held on 6 December 2017.

At the time of this meeting Cr Nige Jones was Council’s deputy representative at the WALGA State Council meeting.

Cr Russ Fishwick, JP 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 WALGA State Council meeting:

5.1 Local Government Act 1995 Review

It was resolved by the WALGA State Council as follows:

- “1 That State Council endorse the following general principles as being fundamental to its response to the review of the Local Government Act:
- (a) Uphold the General Competence Principle currently embodied in the Local Government Act;
 - (b) Provide for a flexible, principles-based legislative framework;
 - (c) Promote a size and scale compliance regime;
- 2 That State Council endorse the retention of current WALGA Policy positions as listed:
- (a) Method of Election of Mayor / President: Section 2.11

| | |
|---------------------------|--|
| <i>Position Statement</i> | <i>Local governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</i> |
|---------------------------|--|
 - (b) Notification of Affected Owners: Section 3.51

| | |
|---------------------------|--|
| <i>Position Statement</i> | <i>Section 3.51 of the Local Government At 1995 concerning “Affected owners to be notified of certain proposals” should be amended to achieve the following effects:</i> |
| 1 | <i>to limit definition of “person having an interest” to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation);</i> |
| 2 | <i>to specify that only significant, defined categories of proposed road works require local public notice under Section 3.51(3)(a).</i> |
 - (c) Regional Local Governments: Part 3, Division 4

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|---------------------------|---|
| <i>Position Statement</i> | <i>The compliance obligations of regional local governments should be reviewed.</i> |
|---------------------------|---|
 - (d) Council Controlled Organisations: Part 3, Division 4

| | |
|---------------------------|---|
| <i>Position Statement</i> | <i>The Local Government Act 1995 should be amended to enable local governments to establish Council Controlled Organisations (CCO).</i> |
|---------------------------|---|
 - (e) Tender Threshold: Local Government (Functions and General) Regulation 11(1)

- Position Statement* *WALGA supports an increase in the tender threshold to align with the State Government tender threshold (\$250,000).*
- (f) *Regional Subsidiaries*
- Position Statement* *That WALGA advocate for legislative and regulatory amendments to enable regional subsidiaries to:*
- Borrow in their own right;*
 - Enter into land transactions;*
 - Undertake commercial activities.*
- (g) *Conduct of Postal Elections: Sections 4.20 and 4.61*
- Position Statement* *The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.*
- (h) *Voluntary Voting: Section 4.65*
- Position Statement* *Voting in local government elections should remain voluntary.*
- (i) *Electors' General Meeting: Section 5.27*
- Position Statement* *Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.*
- (j) *Local Government (Rules of Conduct) Regulations 2007*
- Position Statement* *WALGA supports:*
- 1 Official conduct legislation to govern the behaviour of Elected Members;*
 - 2 An efficient and effective independent Standards panel process;*
 - 3 An ability for the Standards Panel to dismiss vexatious and frivolous complaints;*
 - 4 Confidentiality for all parties being a key component of the entire process.*
- (k) *Imposition of Fees and Charges: Section 6.16*
- Position Statement* *That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for local government services.*

(l) *Rating Exemptions – Rate Equivalency Payments*

Position Statement *Legislation should be amended so rate equivalency payments made by LandCorp and other government trading entities are made to the relevant local governments instead of the State Government.*

(m) *Rating Restrictions – State Agreement Acts*

Position Statement *Resource projects covered by State Agreement Acts should be liable for local government rates.*

(n) *Poll Provisions*

Position Statement *Schedule 2.1 of the Local Government Act 1995 should be amended so that the electors of a local government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.*

(o) *Stand Down Provision*

Position Statement *WALGA supports, in-principle, a proposal for an individual Elected Member to be ‘stood down’ from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council’s reputation, subject to further policy development work being undertaken.*

Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the sector:

- 1 That The established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions;*
- 2 That activities associated with the term ‘disruptive behaviour’, presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.*

(p) *Method of Voting – Schedule 4.1*

Position Statement *Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.*

3 *The State Council:*

(a) *Amend current WALGA Policy position 'Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)' by adding Item 3:*

1 *Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;*

2 *Either:*

(a) *amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or*

(b) *establish a compensatory fund for local governments, similar to the pension discount provisions, if the State Government believes charitable organisations remain exempt from payment of local government rates;*

3 *Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.*

(b) *Amend current WALGA Policy position 'Elected Member Training' to read:*

That WALGA:

1 *Supports and encourages all Elected Members to carry out the Elected Member Skillset, as a minimum that comprises:*

- i Understanding local government;*
- ii Serving on Council;*
- iii Understanding financial reports and budgets;*
- iv Conflicts of Interest;*
- v Meeting procedures and debating;*

2 *Requests the State Government through the Minister for Local Government to provide funding assistance to local governments to enable all Elected Members to receive training;*

3 *Supports local governments being required to establish an Elected Member Training Policy to encourage training and include budgetary provision of funding for Elected Members;*

4 *Supports local government election candidates being required to attend a Candidates information session, either in person or on-line, as an eligibility criteria for nomination as an Elected Member;*

4 *That State Council adopt as WALGA Policy positions the following items as listed:*

(a) *Local and Statewide Public Notice: Sections 1.7 and 1.8*

That Sections 1.7 and 1.8 of the Local Government Act be amended to remove the statutory requirements for statewide and local public notice to be placed in a newspaper circulating statewide or locally, to be replaced with the requirement for a local government to place public notices on their website.

(b) Leave of Absence when Contesting State or Federal Election

Amend the Act to require an Elected Member to take leave of absence when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

(a) that an Elected Member remove themselves from any decision making role and not attend Council or Committee meetings;

(b) that an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

(c) Control of Certain Unvested Facilities: Section 3.53

That Section 3.53 be repealed and that responsibility for facilities located on Crown land return to the State as the appropriate land manager.

(d) Dispositions of Property: Local Government (Functions and General) Regulation 30(3)

That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

(e) On-Line Voting

That WALGA continue to investigate online voting and other opportunities to increase voter turnout

(f) Special Electors' Meeting: Section 5.28

That Section 5.28(1)(a) be amended:

(a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer;

(b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

(g) Senior Employees: Section 5.37(2)

That Section 5.37(2) of the Local Government Act be deleted.

(h) Annual Review of Certain Employees Performance: Section 5.38

That Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review.

(i) Gifts and Contributions to Travel: Sections 5.82 and 5.83

That the Local Government Act 1995 and Regulations be amended so that:

- There be one section for declaring gifts. Delete declarations for travel.*
- No requirement to declare gifts received in a genuinely personal capacity, as gifts only to be declared in respect to an Elected Member or CEO carrying out their role.*
- Gift provisions only for Elected Members and CEO's.*
- Other staff fall under Codes of Conduct from the CEO to the staff.*
- Gifts only to be declared if above \$500.00.*
- There will not be any category of notifiable gifts or prohibited gifts.*
- Exemptions for ALGA, WALGA and LG Professionals (already achieved).*
- Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts, so Elected Members who are standing for State or Federal parliament will only need to comply with the State or Federal electoral act and not declare it as a local government gift.*

(j) Vexatious and Frivolous Complainants: New Provision

That a statutory provision be developed, permitting a local government to declare a member of the public a vexatious or frivolous complainant.

(k) Revoking or Changing Decisions: Regulation 10

That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

(l) Minutes, contents of: Regulation 11

That Regulation 11 be amended to require that information presented in a Council or Committee agenda also be included in the minutes to that meeting.

(m) Repayment of Advance Annual Payments: New Regulation

That regulations be drafted as a matter of priority in relation to Section 5.102AB of the Local Government Act.

(n) Power to Borrow: Section 6.20

That Section 6.20(2) of the Local Government Act, requiring one month's public notice of the intent to borrow, be deleted.

(o) Basis of Rates: Section 6.28

That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value and explore other alternatives including simplifying and providing consistency in the rating of mining activities.

(p) *Differential General Rates: Section 6.33*

That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

(q) *Service of Rates Notice: Section 6.41*

That Section 6.41 be amended to:

(a) *Permit the rates notice to be issued electronically;*

(b) *Introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc) without requirement to issue individual instalment notices.*

(r) *Rates or Service Charges Recoverable in Court: Section 6.56*

That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a local government in pursuing recovery of unpaid rates and service charges be recoverable and not be limited by reference to the 'cost of proceedings'.

(s) *Exemption from AASB 124: Regulation 4*

That Regulation 4 of the Local Government (Financial Management) Regulations be amended to provide an exemption from the application of AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

(t) *Onus of Proof in Vehicle Offences may be Shifted: Section 9.13(6)*

That Section 9.13 of the Local Government Act be amended by introducing the definition of 'responsible person' to enable local governments to administer and apply effective provisions associated with vehicle related offences.

(u) *Schedule 2.1 – Proposal to the Advisory Board, Number of Electors clause 2(1)(d)*

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

(v) *Schedule 2.2 – Proposal to amend names, wards and representation, Number of Electors clause 3(1)*

That Schedule 2.2 clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

4 *That State Council note additional proposals as listed for future consideration following Sector consultation:*

(a) *New Proposal – Differentiating between local governments / tiered compliance*

- *Insert a new provision to differentiate between local governments based on capacity. This will reduce the compliance burden on smaller local governments with limited capacity and provide additional opportunities for local governments with capacity.*
- *Tiered application of legal framework and support a review of this approach.*

(b) *New Proposal – Regional Capitals Recognition*

The Regional Capitals Alliance would welcome legislative change to enable regional capitals to be designated within the Act under Section 2.4 (District to be designated city, town or shire) and also that the Regional Capitals Alliance WA (RCAWA) be established as a recognised statutory body not dissimilar to the establishment of a regional local government currently provided for in the Act under Division 4 Section 3.61.

(c) *New Proposal Section 2.21 – Disqualification because of Convictions*

Add a disqualification criteria which disqualifies a person from being an Elected Member if they have been convicted of an offence against the Planning and Development Act, or the Building Act, in the preceding five years.

A planning or building system conviction is potentially more serious than a Local Government Act conviction because of local government's prominent role in planning and building control and the significant personal benefits which can be illegally gained through these systems.

(d) *New Proposal – Local Laws*

- *Procedure for making local laws – Local governments' local laws generally affect those persons within its district. The requirement to give statewide notice under subsection (3) should be reviewed and consideration being given to local governments only being required to advertise the proposed local law by way of local public notice;*
- *Eliminate the requirement to consult on local laws when a model is used;*
- *Periodic review of local laws – consideration might be given to review of this section and whether it could be deleted. Local governments through administering local laws will determine when it is necessary to amend or revoke a local law in terms of meeting its needs for its inhabitants of its district. Other State legislation is not bound by such periodic reviews, albeit recognising such matters in subsidiary legislation are not as complex as matters prescribed in statute.*

(e) *New Proposal – Closure of Bridges for Repairs*

Allow a bridge to be closed for urgent repairs and maintenance without notice, even if it will have significant adverse effects on users. The closure of a bridge will often have significant adverse effects on users. However, bridges may need to be closed for urgent repairs if there is a sign of weakness and, currently, the Act does not provide capacity to take this action without giving local public notice if the closure will be greater than four weeks.

(f) *New Proposal Section 6.14 – Power to Invest*

Allow local governments with capacity to invest in accordance with the Trustees Act in the manner that existed prior to the Global Financial Crisis. The Global Financial Crisis was a once in a generation experience (1987 and 1929 were the two previous financial crashes of extreme magnitude). Legislation should not be based on a worst case scenario, but on a routine and general operating environment. Prior to the Global Financial Crisis, the previous legislation was adequately controlling local government investments.

(g) *New Proposal – Financial Management Provisions*

Conduct a complete review of the financial management provisions under Part 6 of the Local Government Act and associated Regulations.

(h) *New Proposal – Standards Panel*

Review of Standards Panel Legislative content and practices.

(i) *New Proposal – Local Government Election Provisions*

Review of Local Government election provisions under Part 4 of the Local Government Act and associated Regulations with a focus on lessons learnt in the conduct of the 2017 elections including currently non-legislated matters such as candidate conduct and campaigning behaviours.

(j) *New Proposal – CEO Employment*

Investigate and develop a policy on an approach whereby local government be encouraged to seek third party assistance in the recruitment, performance management and, if necessary dismissal of a CEO, with any necessary legislation.

(k) *New Proposal – Section 3.58 and 3.59: Disposal of Property and Commercial Enterprises*

That WALGA include in the Local Government Act 1995 review submission, the review of section 3.58 Disposing of Property and section 3.59 Commercial Enterprises to be redrafted to reflect current commercial and contractual practices in Western Australia.

(l) *New Proposal – Simple – Absolute Majority Decisions*

That WALGA support a review of those decisions requiring simple / absolute majority.

- 5 *That WALGA staff write to the zones advising the basis of explaining the feedback on the composite recommendations.”*

5.2 Submission to Economic Regulation Authority – Western Power Access Arrangements

It was resolved by the WALGA State Council as follows:

“That WALGA’s submission to the Economic Regulation Authority on Western Power’s Proposed Access Arrangement for the period 2017 to 2022 be endorsed, with the following amendments:

- (a) *Western Power’s Proposed Access Arrangement for the period 2017 to 2022 includes and develops an ability for peer-to-peer trading of electrical power;*
- (b) *A recommendation that Western Power discount the cost of street light removal and streetlight upgrades by the recognised depreciation of the asset.*
- (c) *WALGA advocate to the WA Government for a new policy requiring that all new street lighting installations, including replacement luminaires on existing installations and all new street lighting in subdivisions, connected to the Western Power network, utilise LED technology.”*

5.3 Public Health Act 2016

It was resolved by the WALGA State Council as follows:

“That State Council endorse WALGA’s submission to the Department of Health’s First Interim State Public Health Pan be endorsed.”

5.4 Outcome of Consultation – Short-Term Rental Accommodation and the Sharing Economy Discussion Paper

It was resolved by the WALGA State Council as follows:

“That:

- 1 *WALGA request the Minister for Planning to establish, through the Department of Planning, Lands and Heritage, a Technical Working Group, with a goal to reviewing the planning framework in relation to short-term rental accommodation, that gives consideration to:*
 - (a) *A review of Planning Bulletin 99 – Holiday Home Guidelines, with a particular emphasis on expanding the scope of Planning Bulletin 99 beyond ‘holiday Homes’, to reflect changes in the accommodation market;*
 - (b) *A review of ‘Land Use’ definitions with the Planning framework that relate to short-term accommodation;*
 - (c) *Establishing a ‘preferred’ approach for the management of ‘home-sharing’ within the planning framework;*
- 2 *WALGA, in collaboration with member local governments, develop a model Short-Term Accommodation Local Law for those local governments who wish to regulate short-term accommodation providers.”*

6.1 Consultation – Third Party Appeal Rights in Planning

It was resolved by the WALGA State Council as follows:

“That State Council note the consultation being undertaken with members on Third party Appeal Rights in Planning.”

6.2 National Disability Insurance Scheme (NDIS) and support to Local Government

It was resolved by the WALGA State Council as follows:

“That State Council notes the Association is continuing to support the sector and is awaiting State Government decision on the permanent National Disability Insurance Scheme administration model to progress work for the sector.”

6.4 2017-18 State Budget

It was resolved by the WALGA State Council as follows:

“That State Council note the key outcomes for local governments in the 2017-18 Budget.”

6.5 Productivity Commission Inquiry into Horizontal Fiscal Equalisation

It was resolved by the WALGA State Council as follows:

“That State Council note the release of the Inquiry into Horizontal Fiscal Equalisation (HFE) draft report.”

6.6 Review of Climate Change Policy

It was resolved by the WALGA State Council as follows:

“That State Council note the release of the WALGA Climate Change Policy Statement Review: Discussion paper on 6 November 2017, for comment by 15 December 2017.”

6.8 Household Hazardous Waste Program

It was resolved by the WALGA State Council as follows:

“That State Council note the development of the next phase of the Household Hazardous Waste Program.”

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 30 November 2017 forming Attachment 1 to this Report;**
- 2 WALGA State Council meeting held on 6 December 2017 forming Attachment 2 to this Report.**

To access this attachment on electronic document, click here: [Externalminutes180213.pdf](#)

ITEM 9 EXECUTION OF DOCUMENTS

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 15876, 101515 |
| ATTACHMENT | Attachment 1 Documents executed by affixing the Common Seal during the period 28 November to 12 December 2017 |
| AUTHORITY / DISCRETION | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). |

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 28 November to 12 December 2017 (Attachment 1 refers).

EXECUTIVE SUMMARY

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

It is therefore recommended that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 28 November to 12 December 2017, as detailed in Attachment 1 to Report.

BACKGROUND

For the period 28 November to 12 December 2017, six documents were executed by affixing the Common Seal. A summary is provided below:

| Type | Number |
|--------------------------|--------|
| Withdrawal of Caveat | 4 |
| Section 70A Notification | 2 |

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to Council for information (Attachment 1 refers).

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 28 November to 12 December 2017, as detailed in Attachment 1 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf180213.pdf](#)

ITEM 10 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2017

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 20560, 101515 |
| ATTACHMENTS | Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 October 2017 to 31 December 2017 Attachment 2 Capital Works Program Quarterly Report for the period 1 October 2017 to 31 December 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 receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 October to 31 December 2017 and the *Capital Works Quarterly Report* for the period 1 October to 31 December 2017.

EXECUTIVE SUMMARY

The City's *Corporate Business Plan 2017-18–2021-22* is the City's five year delivery program which is aligned to the strategic direction and priorities set within the 10 year *Strategic Community Plan: Joondalup 2022*.

The *Corporate Business Plan* contains the major projects and priorities which the City proposes to deliver over the five year period and also specific milestones for projects and priorities in the first year (2017-18).

The *Corporate Business Plan Quarterly Progress Report* for the period 1 October to 31 December 2017 provides information on the progress of 2017-18 projects and programs against these quarterly milestones and is shown as Attachment 1 to this Report.

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

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 October to 31 December 2017 which is shown as Attachment 1 to this Report;*
- 2 *Capital Works Quarterly Report for the period 1 October to 31 December 2017 which is shown as Attachment 2 to this Report.*

BACKGROUND

The City's *Corporate Business Plan 2017-18–2021-22* demonstrates how the objectives of the City's *Strategic Community Plan* are translated into a five year delivery program.

At its meeting held on 15 August 2017 (CJ132-08/17 refers), Council endorsed the *Corporate Business Plan*. The plan contains the major projects and priorities for the five year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2017-18 financial year.

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

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

DETAILS

Issues and options considered

The *Corporate Business Plan Quarterly Progress Report* provides information on progress against the milestones for the 2017-18 projects and programs within the *Corporate Business Plan*.

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

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

Legislation / Strategic Community Plan / policy implications

Legislation

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

"This Act is intended to result in:

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

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Corporate capacity.

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

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

Risk management considerations

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

Financial / budget implications

All 2017-18 projects and programs in the *Corporate Business Plan* were included in the 2017-18 Annual Budget.

Regional significance

Not applicable.

Sustainability implications

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

The key themes are:

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

Consultation

Not applicable.

COMMENT

The *Corporate Business Plan 2017-18–2020-21* was endorsed by Council at its meeting held on 15 August 2017 (CJ132-08/17 refers). A detailed report on progress of the Capital Works Program has been included with the *Corporate Business Plan Quarterly Progress Report*. This Report provides an overview of progress against all of the projects and programs in the *2017-18 Capital Works Program*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report* for the period 1 October to 31 December 2017, which is shown as Attachment 1 to this Report;**
- 2 *Capital Works Quarterly Report* for the period 1 October to 31 December 2017, which is shown as Attachment 2 to this Report.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf180213.pdf](#)

ITEM 11 IMPLEMENTING A LIGHTWEIGHT SINGLE-USE PLASTIC BAG BAN IN WESTERN AUSTRALIA DISCUSSION PAPER

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 34958, 101515 |
| ATTACHMENTS | Attachment 1 Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper. Attachment 2 Draft City of Joondalup submission to the Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper. |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to endorse the City of Joondalup's draft submission to the Department of Water and Environmental Regulation's *Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper*.

EXECUTIVE SUMMARY

On 12 September 2017 the State Government announced a proposed statewide ban of lightweight, single-use plastic shopping bags from 1 July 2018. In December 2017 the Department of Water and Environmental Regulation (DWER) released a discussion paper on *Implementing a lightweight single-use plastic bag ban in Western Australia* (Attachment 1 refers) detailing the proposed ban and seeking feedback.

At its meeting held on 21 March 2017 (C19-03/17 refers), Council resolved that the Chief Executive Officer prepare a report on the opportunity to prepare a *Plastic Bag Reduction Local Law* under the provisions of the *Local Government Act 1995*. Investigations into a potential City of Joondalup local law banning plastic bags have been ongoing; however, the announcement of a statewide ban under the *Environmental Protection Act 1986* has negated the need for a local law to be introduced on this matter.

Instead a draft submission to the *Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper* that supports the State Government intention to implement a statewide ban has been prepared. The draft submission has been provided as Attachment 2 for Council's consideration and endorsement. The submission period closes on 9 March 2018.

BACKGROUND

In October 2016 the Western Australian Local Government Association's (WALGA) Municipal Advisory Council wrote to local governments seeking comment in terms of their interest in a plastic bag ban (local or statewide) and the extent to which local governments consider plastic bag pollution to be a concern. As part of this request, WALGA prepared a discussion paper around the issue. In response former Mayor Pickard advised the following:

“A statewide plastic bag ban would be an effective mechanism for the whole of society to control plastic from entering sensitive environments due to the transportable nature of plastics. It would also be inequitable to impose a plastic bag ban on a business operating in one local government area when the same business in another local government area could continue to issue plastic bags to customers. The development of legislation to support this ban could be undertaken by the State Government, with support from local government where required.”

As Mayor of the City, I will be submitting a Notice of Motion to Council seeking formal endorsement of a City-wide plastic bag ban. As stated above, a statewide plastic bag ban would be a more effective mechanism for the whole of society to control plastic pollution.”

At its meeting held on 21 March 2017 (C19-03/17 refers), former Mayor Pickard presented a notice of motion around this matter and Council subsequently resolved that the Chief Executive Officer prepare a report on the opportunity to prepare a Plastic Bag Reduction Local Law under the provisions of the *Local Government Act 1995*.

In investigating the potential for the City to develop a *Plastic Bag Reduction Local Law* a number of steps were undertaken including liaising with WALGA and other local governments through the Plastic Bag Working Group.

At its 5 July 2017 State Council meeting WALGA resolved to:

- 1 advocate for the State Government to introduce a statewide ban of single use plastic bags
- 2 ensure any statewide ban is supported by community education, environmental alternatives and an equitable transition period
- 3 refer the matter of biodegradable products to the Municipal Waste Advisory Council for investigation and determination
- 4 note that while a statewide approach is preferred, some local governments are progressing local laws and WALGA has a role supporting these local governments to ensure consistency of approach.

Some local governments, such as the City of Fremantle and Town of East Fremantle had in the absence of a statewide approach, commenced the development of local laws banning the selling of plastic bags within their jurisdictions. While there was some merit to this approach there were limitations in regards to enforcement of the local laws and consistency and fairness across local government boundaries.

In July 2017 supermarkets Coles, Woolworths and IGA announced that they would remove all lightweight single-use shopping bags including biodegradable, degradable and compostable bags from their supermarkets throughout Australia by July 2018.

On 12 September 2017 the State Government announced a proposed statewide ban of lightweight, single-use plastic shopping bags from July 2018. In support of this announcement the Department of Water and Environmental Regulation (DWER) in December 2017 released a discussion paper on *Implementing a lightweight single-use plastic bag ban in Western Australia*.

The announcement of a statewide ban under the *Environmental Protection Act 1986* has negated the need for the City of Joondalup to investigate a local law being introduced on this matter.

DETAILS

The *Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper* seeks feedback on how the State Government can reduce the impact of lightweight single-use plastic bags. It focuses on the State Government's preferred option which is to implement a statewide ban and is seeking views on the impact of the preferred approach. Following the public consultation period, DWER will analyse submissions and make recommendations to the Minister for Environment. The public consultation period closes on 9 March 2018.

The *Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper* provides information on:

- the impacts of plastic bags on the environment
- community support for a plastic bag ban including results from a survey of Western Australian households conducted in November 2017
- examples of other plastic bag bans in Australia and overseas
- details of the proposed plastic bag ban in Western Australia
- how plastic bag suppliers, retailers and consumers can prepare for the ban.

Community support for plastic bags

As detailed in the discussion paper, a survey of Western Australian households conducted in November 2017 found that:

- Ninety five per cent of respondents were concerned about the impacts of plastics on waterways, oceans, wildlife and landfill sites
- Seventy seven per cent used alternatives to lightweight single-use plastic bags at least some of the time
- Eighty four per cent supported a ban on lightweight single-use plastic bags
- Eighty five per cent supported extending that ban to include biodegradable and compostable lightweight bags.

Details of the proposed plastic bag ban

The proposed ban includes the following matters:

- Lightweight single-use plastic bags with handles provided by retailers that have a thickness of 35 microns or less.
- Consideration is being given to including biodegradable, degradable and compostable bags in the ban.
- All retailers defined as any person or business that sells goods in trade or commerce. It will be an offence for a retailer to provide or sell a banned bag. A retailer will be allowed to sell or supply an alternative to a banned bag.
- The ban does not include heavier weight single-use plastic bags (more than 35 microns), bin liners, dog waste bags, nappy bags and barrier or produce bags.
- The ban will take effect from 1 July 2018.

- The ban will be enforced through the regulations made under the *Environmental Protection Act 1986*. The penalties imposed will be consistent with existing offences under the *Environmental Protection Regulations 1987*. DWER will administer the new regulations and will be responsible for enforcing the ban provisions.

Draft submission to the Discussion Paper

A draft City of Joondalup submission to the *Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper* has been prepared. The draft submission supports the implementation of a statewide ban of lightweight single-use plastic bags, commencing 1 July 2018 and welcomes the consultation being undertaken by DWER with consumers, retailers and plastic bag suppliers.

The City's draft submission recognises:

- The significant impact that plastic bags can have on wildlife and the terrestrial and marine environments.
- The positive community support within the City of Joondalup and across Western Australia for a lightweight single-use plastic bag ban.
- That a statewide ban is the preferred approach of the majority of local governments in Western Australia as evidenced by the consultation undertaken by the Western Australian Local Government Association with the local government sector.

The City's submission supports a statewide ban of lightweight single-use plastic bags as the preferred option for reducing the impact of plastic bags for the following reasons:

- The introduction of a statewide ban will provide a consistent approach to reduce single use plastic bag waste within Western Australia.
- A statewide ban is likely to be more effective than individual local governments banning the use of single use plastic bags through mechanisms such as local laws. A statewide ban is likely to achieve a greater reduction of plastic bags entering the waste stream.
- A statewide ban is likely to be more effective than the other options identified within the Discussion Paper (status quo, plastic bag levy, voluntary agreements and community education) and will achieve a greater reduction of plastic bags entering the waste stream.
- The *Environmental Protection Act 1986* and *Environmental Protection Regulations 1987* is more appropriate legislation for implementation and enforcement of the ban than the *Local Government Act 1995*.

It should be noted that while the City's submission supports a statewide ban as the primary measure for reducing single use plastic bags within the waste stream, the City has advised the Department of Water and Environmental regulation that this approach should be coupled with secondary measures such as community education. The provision of community education initiatives should complement the ban to ensure suppliers, businesses and consumers are aware of the reasons behind the ban and options available as alternatives to plastic bags.

The discussion paper includes specific questions for local governments, consumers, retailers and suppliers, as well as a number of general questions. Responses to relevant questions have been provided within the City's draft submission (Attachment 2 refers).

Issues and options considered

Council may choose to either:

- endorse the City's draft submission on the *Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper* without any amendments

- endorse the City's draft submission on the *Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper* with amendments or
- not endorse the City's draft submission.

Legislation / Strategic Community Plan / policy implications

Legislation *Environmental Protection Act 1986.*
Environmental Protection Regulations 1987.

Strategic Community Plan

Key theme The Natural Environment.

Objective Environmental resilience.

Strategic initiative Identify and respond to environmental risks and vulnerabilities.

Policy Not applicable.

Risk management considerations

The proposed lightweight single-use plastic bag ban will be implemented and enforced by the Department of Water and Environmental Regulation.

It should also be noted that in other states where a ban has been introduced, lightweight plastic bags have been substituted in the waste stream by heavier gauge plastic bags. If this trend was to occur in Western Australia it is possible that this may have an impact on the weight (tonnage) of waste going to landfill which would lead to increased costs of waste disposal for the local government sector.

Financial / budget implications

Not applicable.

Regional significance

The introduction of a plastic bag ban by the State Government would apply to all local government areas in Western Australia.

Sustainability implications

There is considerable evidence demonstrating that lightweight single use plastic bags are having a significant negative impact on wildlife and on the terrestrial and marine environments. In 2017 Western Australians used approximately 360 million lightweight plastic bags and an estimated five million bags are littered in Western Australia each year. The proposed plastic bag ban will see a significant reduction in the amount of plastic bags entering the waste stream or ending up in the environment as litter.

Consultation

The City has participated in the consultation process implemented by both WALGA and DWER on the issue of plastic bag waste including attendance at stakeholder consultation forums.

No direct consultation has been undertaken by the City with the community on this issue; however members of the community have raised concerns about this issue with the City. The community is also free to comment on the discussion paper directly.

COMMENT

The extent of plastic bag pollution occurring both on land and marine environments has become a serious problem and is recognised at an international level as a major threat to marine and terrestrial environments. There is also a large body of evidence regarding of the impact that plastic bags are having on wildlife.

A statewide ban of lightweight single-use plastic bags is considered to be the most effective way to reduce the impact of plastic bags on the environment and to provide consistency to retailers, consumers and plastic bag suppliers across Western Australia.

The implementation of a statewide ban will negate the need for the development and implementation of local laws to ban plastic bags and demonstrates leadership by the State Government in taking a holistic approach to addressing this issue.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** there is no longer a need to develop a local law to ban plastic bags within the City of Joondalup following the State Government's announcement to introduce a statewide ban on the sale and use of lightweight single-use plastic bags throughout the State by retailers;
- 2 **ENDORSES** the City's draft submission on the *Implementing a lightweight single-use plastic bag ban in Western Australia: Discussion Paper* as detailed in Attachment 2 to this Report and submits it to the Department of Water and Environmental Regulation.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf180213.pdf](#)

ITEM 12 LOCAL GOVERNMENT ACT 1995 REVIEW SUBMISSION

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 103278, 101515 |
| ATTACHMENT | Attachment 1 DLGSC Discussion Paper Attachment 2 City of Joondalup draft submission |
| AUTHORITY / DISCRETION | Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |

PURPOSE

For Council to endorse the City's submission to the Department of Local Government, Sport and Cultural Industries (DLGSC) in response to its *Local Government Act 1995* (the Act) discussion paper.

EXECUTIVE SUMMARY

The Minister for Local Government; Heritage; Culture and the Arts, announced in late 2017 a review of the *Local Government Act 1995* and associated Regulations. The review is to be undertaken in two stages; Phase 1 – Modernising local government; and Phase 2 – Services for the community. To facilitate that review, the DLGSC prepared a discussion paper structured around Phase 1 of the review of the Act (Attachment 1 refers).

The City's draft response to the discussion paper is predominantly based on its comprehensive submissions to previous reviews of the industry; previously endorsed positions; and its recent response to the WALGA discussion paper on the *Local Government Act 1995* review.

It is therefore recommended that Council ENDORSES the City of Joondalup submission, provided as Attachment 2, in response to the Department of Local Government; Sport and Cultural Industries' invitation to comment on its discussion paper on the review of the Local Government Act 1995.

BACKGROUND

In late 2017 the Minister for Local Government; Heritage; Culture and the Arts announced a review of the *Local Government Act 1995* and associated Regulations was to be undertaken. The review is to be undertaken in two stages; Phase 1 – Modernising local government; and Phase 2 – Services for the community.

Phase 1 will focus on modernising local government in the following key areas:

- Making information available online.
- Meeting public expectations for accountability.

- Meeting public expectations of ethics, standards and performance.
- Building capacity by reducing red tape.

Phase 2 will focus on services for the community in the following key areas:

- Increasing participation in local government elections.
- Increasing community participation.
- Introducing an adaptive regulatory framework.
- Improving financial management.
- Building capacity by reducing red tape.
- Other matters raised during the Phase 1 consultation.

Following the announcement of the review, the Western Australian Local Government Association (WALGA) prepared its own discussion paper and invited member local governments to provide comment to inform its own submission. The City provided a response to WALGA's discussion paper on the review, which was endorsed by Council at its meeting held on 10 October 2017 (Item CJ 161-10/17 refers).

DETAILS

The discussion paper released by DLGSC is structured around Phase 1 of the review and focusses on the following matters as listed in the discussion paper:

- Relationships between and administration (Part 1).
- Training (Part 2).
- The behaviours of elected members (Part 3).
- Local government administration (Part 4).
- Supporting local government in challenging times (Part 5).
- Making it easier to move between state and local government employment (Part 6).
- Gifts (Part 7).
- Access to information (Part 8).
- Available information (Part 9).
- Reducing red tape (Part 10).
- Regional subsidiaries (Part 11).

In addressing these issues, the DLGSC discussion paper did not offer definitive options or identify specific change outcomes, but sought opinions in relation to a series of open ended questions. The City's response aims to be succinct in addressing each of the questions raised in the discussion paper and uses previously defined positions as the basis for its response.

While the draft response focuses on the above matters, it also addresses 'other matters for consideration' that were not specifically listed, but have been developed over many years in response to a vast array of discussion papers and feedback requests.

Topics addressed in this part of the City's response are broadly categorised as follows:

- Constitution of local government.
- Functions of local governments.
- Elections and other polls.
- Administration.
- Financial management.

Issues and options considered

Council may choose to:

- endorse the draft City of Joondalup submission on the DLGSC discussion paper on the *Local Government Act 1995* review, as presented;
or
- endorse the draft City of Joondalup submission on the DLGSC discussion paper on the *Local Government Act 1995* review, with amendments.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995* and associated Regulations.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Participate in State and Federal policy development processes affecting local government.

Policy Not applicable.

Risk management considerations

Providing a response to the DLGSC discussion paper enables the City to contribute to the review and potential amendments to the *Local Government Act 1995* and therefore, the future purpose and role of local government.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City's submission is, in the main, based on the City's comprehensive submissions to the Metropolitan Local Government Review Panel of December 2011; May 2012; April 2013; previously endorsed positions to a range of discussion papers and industry feedback requests; and its submission to WALGA on its discussion paper of the review of the *Local Government Act 1995*.

COMMENT

The City recognises that this response to the discussion paper is but one element of the consultation to be undertaken and will consider further discussion papers and information distributed by the Minister of the Department on issues that have been identified over the last eight years including advocacy positions agreed by the sector. This will include a request for local governments to submit additional items for consideration in the Act review process as well as providing more definitive positions once they become clearer.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ENDORSES the City of Joondalup submission, provided as Attachment 2, in response to the Department of Local Government; Sport and Cultural Industries' invitation to comment on its discussion paper on the review of the *Local Government Act 1995*.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf180213.pdf](#)

ITEM 13 LIST OF PAYMENTS DURING THE MONTH OF NOVEMBER 2017

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

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2017 totalling \$13,113,245.03

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for November 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 this Report, totalling \$13,113,245.03.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of November 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 105874 - 106046 & EF067019 – EF067638 Net of cancelled payments. Vouchers 2087A – 2099A & 2104A – 2115A | \$8,200,992.08 \$4,891,287.96 |
| Trust Account | Trust Cheques & EFT Payments 207237 – 207244 & TEF001377 – TEF001397 Net of cancelled payments. | \$20,964.99 |
| Total | | \$13,113,245.03 |

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 *2017-18 Annual Budget* as adopted by Council at its meeting held on 27 June 2017 (CJ084-06/17 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for November 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 this Report, totalling \$13,113,245.03.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf180213.pdf](#)

ITEM 14 LIST OF PAYMENTS DURING THE MONTH OF DECEMBER 2017

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

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2017 totalling \$20,457,405.74

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for December 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 this Report, totalling \$20,457,405.74.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of December 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 106047 - 106177 & EF067639 – EF068152 Net of cancelled payments. | \$15,077,255.89 |
| | Vouchers 2117A – 2126A & 2131A -2134A | \$5,351,904.85 |
| Trust Account | Trust Cheques & EFT Payments 207245 - 207250 & TEF001398 -TEF001440 Net of cancelled payments. | \$28,245.00 |
| Total | | \$20,457,405.74 |

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 *2017-18 Annual Budget* as adopted by Council at its meeting held on 27 June 2017 (CJ084-06/17 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for December 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 this Report, totalling \$20,457,405.74.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf180213.pdf](#)

ITEM 15 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2017

| | |
|------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 07882,101515 |
| ATTACHMENT | Attachment 1 Financial Activity Statement for the period ended 30 November 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 November 2017.

EXECUTIVE SUMMARY

At its meeting held on 27 June 2017 (CJ084-06/17 refers), Council adopted the Annual Budget for the 2017-18 financial year. The figures in this report are compared to the adopted budget.

The November 2017 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$6,540,136 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 30 November 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 \$1,207,690 higher than budget, made up of higher operating revenue \$19,836 and lower operating expenditure of \$1,187,854.

Operating revenue is higher than budget on Interest Earnings \$448,698, Fees and Charges \$209,792, Profit on Asset Disposals \$207,337, Contributions, Reimbursements and Donations \$137,182 and Other Revenue \$77,626 offset by lower than budget revenue from Grants and Subsidies \$1,029,863 and Rates \$30,935.

Operating Expenditure is lower than budget on Materials and Contracts \$2,373,053, Loss on Asset Disposals \$246,743, Utilities \$217,202, Insurance Expenses \$168,383 and Interest Expenses \$30,569 offset by higher than budget expenditure from Depreciation \$1,333,122, and Employee Costs \$514,976.

The Capital Deficit is \$6,050,192 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$2,606,445, Capital Works \$705,917, Vehicle and Plant Replacements \$470,292, and Loan Repayment Principal \$33,485 and higher than budgeted Capital Grants and Subsidies \$2,077,510, Capital Contributions \$104,209 and Other Equity Movements \$52,334.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2017 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 30 November 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 2017-18 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 November 2017 forming Attachment 1 to this Report.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf180213.pdf](#)

ITEM 16 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2017

| | |
|------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 07882,101515 |
| ATTACHMENT | Attachment 1 Financial Activity Statement for the period ended 31 December 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 31 December 2017.

EXECUTIVE SUMMARY

At its meeting held on 27 June 2017 (CJ084-06/17 refers), Council adopted the Annual Budget for the 2017-18 financial year. The figures in this report are compared to the adopted budget.

The December 2017 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$8,237,273 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 December 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 \$2,356,134 higher than budget, made up of higher operating revenue \$162,348 and lower operating expenditure of \$2,193,786.

Operating revenue is higher than budget on Interest Earnings \$570,222, Profit on Asset Disposals \$232,486, Fees and Charges \$169,578, Contributions, Reimbursements and Donations \$88,034 and Other Revenue \$87,219 offset by lower than budget revenue from Grants and Subsidies \$984,454 and Rates \$736.

Operating Expenditure is lower than budget on Materials and Contracts \$3,938,826, Loss on Asset Disposals \$289,877, Utilities \$214,803 and Insurance Expenses \$168,974 offset by higher than budget expenditure from Depreciation \$2,333,620, Employee Costs \$49,820 and Interest Expenses \$35,254.

The Capital Deficit is \$6,266,820 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$2,512,006, Capital Works \$992,375, Vehicle and Plant Replacements \$461,252 and Loan Repayment Principal \$67,468 and higher than budgeted Capital Grants and Subsidies \$2,077,510, Capital Contributions \$104,209 and Other Equity Movements \$52,334 offset by lower than budgeted Equity Distribution from Tamala Park Regional Council \$334.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2017 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 31 December 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 2017-18 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 December 2017 forming Attachment 1 to this Report.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf180213.pdf](#)

ITEM 17 TENDER 024/17 PROVISION OF TREE MAINTENANCE SERVICES

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 106774, 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 tenders submitted by The Trustee for Tree Amigos Tree Surgeons Trust trading as Tree Amigos Tree Surgeons for the provision of tree maintenance services (general pruning) and Arbor West Pty Ltd trading as Classic Tree Services for tree maintenance services (pruning near powerlines).

EXECUTIVE SUMMARY

Tenders were advertised on Wednesday, 8 November 2017 through statewide public notice for the provision of tree maintenance services (two separable portions). Tenders closed at 2.00p.m. Thursday, 23 November 2017. A submission was received from each of the following:

- The Trustee for the Jansen Gray Family Trust trading as Geoff's Tree Service Pty Ltd.
- Arbor West Pty Ltd trading as Classic Tree Services.
- The Trustee for Tree Amigos Tree Surgeons Trust T/as Tree Amigos Tree Surgeons.
- The Trustee for G C Dickie Family Trust trading as Dickies Tree Service.
- MPK Tree Management Pty Ltd (MPK Tree Services).
- Black Duck Scaffolding Pty Ltd (Premier Tree Services WA).

The submission from Tree Amigos Tree Surgeons represents best value to the City for general pruning. The company has been undertaking tree maintenance services for WA local governments for many years. Examples of similar previous work include the Cities of Melville, Nedlands and Vincent and past services for the City. It demonstrated a sound understanding of the required tasks with sufficient industry experience and capacity required to carry out the services for the City.

The submission from Classic Tree Services represents best value to the City for pruning near powerlines. The company demonstrated a thorough understanding of the required tasks. It has experience providing similar services to, the Cities of Belmont, Stirling, South Perth, Perth and the Town of Cambridge. It is the City's incumbent contractor for tree maintenance services near powerlines. Classic Tree Services is well established with industry experience and proven capacity to provide the services to the City.

It is therefore recommended that Council:

- 1 *ACCEPTS the tender submitted by The Trustee for Tree Amigos Tree Surgeons Trust trading as Tree Amigos Tree Surgeons for the provision of tree maintenance services (general pruning), for a period of three years for requirements as specified in tender 024/17 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups);*
- 2 *ACCEPTS the tender submitted by Arbor West Pty Ltd trading as Classic Tree Services for the provision of tree maintenance services (pruning near powerlines) for a period of three years for requirements as specified in tender 024/17 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).*

BACKGROUND

The City has a requirement for arboriculture works associated with trees and shrubs including those near powerlines. The City has the option to consider engaging a single contractor or two contractors to provide tree maintenance for general pruning and pruning near powerlines.

Tender 024/17 was advertised as two separable portions:

- Separable portion 1: tree maintenance services general pruning.
- Separable portion 2: tree maintenance services near powerlines.

Tenderers could submit an offer to undertake one or both portions of the work.

The City currently has two contracts in place for general pruning with Geoff's Tree Services and powerline pruning with Classic Tree Services, which will expire on 28 February 2018.

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 tree maintenance services was advertised through a statewide public notice on 8 November 2017. The tender period was for three weeks and tenders closed on 23 November 2017.

Tender Submissions

A submission was received from each of the following:

- The Trustee for the Jansen Gray Family Trust trading as Geoff's Tree Service Pty Ltd.
- Arbor West Pty Ltd trading as Classic Tree Services.
- The Trustee for Tree Amigos Tree Surgeons Trust T/as Tree Amigos Tree Surgeons.
- The Trustee for G C Dickie Family Trust trading as Dickies Tree Service.
- MPK Tree Management Pty Ltd (MPK Tree Services).
- Black Duck Scaffolding Pty Ltd (Premier Tree Services WA).

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

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

Evaluation Panel

The evaluation panel comprised three members:

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

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

Compliance Assessment

All offers received were fully compliant and were considered for further evaluation.

Qualitative Assessment

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

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

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

Premier Tree Services WA scored 25.2% and was ranked sixth in the qualitative assessment. The company demonstrated some capacity to provide the services, however the response did not fully address the ability to provide additional personnel. It did not demonstrate adequate experience providing similar services. The response referred to prior experience of staff in other employment, but did not provide evidence of current or past contracts of the company.

The company also did not provide sufficient information to demonstrate its understanding of the City's requirements. The response did not provide a specific methodology to undertake the work other than providing a copy of the company's arborist operations manual.

MPK Tree Services scored 50.3% and was ranked fifth in the qualitative assessment. It demonstrated the capacity to provide the services, although the total number of staff and ability to provide additional personnel were not clearly stated. The company demonstrated experience providing similar services to the Shires of Mundaring (2013 to 2018) and Kalamunda (2013 to 2016). It demonstrated an understanding of the requirements.

Dickies Tree Service scored 64.5% and was ranked fourth in the qualitative assessment. The company demonstrated an understanding of the City's requirements. It has the capacity to provide the resources, however, the response did not fully address after-hours contacts and the ability to provide additional resources. It demonstrated recent experience providing similar services to the Cities of Melville, Stirling and Vincent.

Tree Amigos Tree Surgeons scored 65.5% and was ranked third in the qualitative assessment. The company demonstrated the capacity to meet the City's requirements. It has previous experience providing similar services to the Cities of Melville, Nedlands, and Vincent and has in the past provided similar services for the City from 2009 to 2012. It also demonstrated a sound understanding of required tasks.

Classic Tree Services scored 72.9% and was ranked second in the qualitative assessment. The company demonstrated a thorough understanding of required tasks and the capacity in terms of personnel and equipment to meet the City's requirements. It has previous experience providing similar tree maintenance services to the Town of Cambridge and the Cities of Belmont, Stirling, South Perth and Perth. It is the City's current contractor for tree maintenance near powerlines.

Geoff's Tree Service Pty Ltd scored 80.1% and was ranked first in the qualitative assessment. The company demonstrated extensive experience providing similar tree maintenance services to the Town of Bassendean and the Cities of Wanneroo and Bayswater. It is also the City's incumbent supplier for tree maintenance services for general pruning. The company has the capacity to provide the services. It also demonstrated a thorough understanding of required tasks addressing all aspects of the requirements.

Based on the minimum acceptable score of 60%, Geoff's Tree Service Pty Ltd, Classic Tree Services, Tree Amigos Tree Surgeons and Dickies Tree Service qualified to progress to the stage two (price) assessment.

Price Assessment

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

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

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

| Tenderer | Year 1 | Year 2 | Year 3 | Total |
|--|-----------|-----------|-----------|--------------------|
| Tree maintenance services – general pruning | | | | |
| Geoff's Tree Service Pty Ltd | \$448,296 | \$457,262 | \$466,407 | \$1,371,965 |
| Classic Tree Services* | \$612,974 | \$625,233 | \$637,738 | \$1,875,946 |
| Tree Amigos Tree Surgeons | \$396,723 | \$404,657 | \$412,750 | \$1,214,130 |
| Dickies Tree Service | \$530,520 | \$541,130 | \$551,953 | \$1,623,603 |
| Tree maintenance services – near powerlines | | | | |
| Geoff's Tree Service Pty Ltd | \$193,064 | \$196,925 | \$200,864 | \$590,853 |
| Classic Tree Services | \$146,253 | \$149,178 | \$152,162 | \$447,593 |
| Tree Amigos Tree Surgeons | \$181,235 | \$184,859 | \$188,556 | \$554,650 |
| Dickies Tree Service | \$675,140 | \$688,643 | \$702,416 | \$2,066,198 |

*The estimates above for Classic Tree Services do not include proposed rates for 2 items of tree removal including stump grinding and 1 item of stump grinding.

During the last financial year 2016-17, the City incurred \$755,387 for the provision of tree maintenance services and is expected to incur in the order of \$1,661,723 over the three year contract period.

Evaluation Summary

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

| Tenderer | Estimated Total Contract Price | | Price Rank | | Evaluation Score | Qualitative Rank |
|------------------------------|--------------------------------|-------------------|-----------------|-------------------|------------------|------------------|
| | General Pruning | Powerline Pruning | General Pruning | Powerline Pruning | | |
| Geoff's Tree Service Pty Ltd | \$1,371,965 | \$590,853 | 2 | 3 | 80.1% | 1 |
| Classic Tree Services | \$1,875,946 | \$447,593 | 4 | 1 | 72.9% | 2 |
| Tree Amigos Tree Surgeons | \$1,214,130 | \$554,650 | 1 | 2 | 65.5% | 3 |
| Dickies Tree Service | \$1,623,603 | \$2,066,198 | 3 | 4 | 64.5% | 4 |

Based on the evaluation result the panel concluded that the tenders from Tree Amigos Tree Surgeons and Classic Tree Services provide best value to the City and are therefore recommended for the provision of tree maintenance services (general pruning) and tree maintenance services (pruning near powerlines), respectively.

Issues and options considered

The City has a requirement for general arboriculture works associated with trees and shrubs within the City including those near powerlines. The City does not have the internal resources to supply the required services for the volume of work required and as such requires an appropriate external service provider, or providers.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality Open Spaces.

Strategic initiative

Adopt consistent principals in the management and provision of community infrastructure.

Policy

To have urban and green spaces which are attractive, well utilised and enrich the lives of the community.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City does not have the internal resources to undertake large scale pruning across the City. The City requires this pruning to reduce the risk of property damage from verge trees and also to meet Western Power guidelines regarding pruning of trees around power lines.

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

Financial / budget implications

Current financial year impact

| | |
|--|------------------------------|
| Account no. | Various maintenance accounts |
| Budget Item | Tree maintenance services. |
| Budget amount | \$ 607,837 |
| Amount spent to date | \$ 283,850 |
| Proposed cost (current contract to 28 February 2018) | \$ 40,550 |
| Proposed cost (new contract 1 March 2018 to 30 June 2018) | \$ 180,992 |
| Balance | \$ 102,445 |

The balance does not represent a saving at this time. The projected expenditure on these services is subject to change and may be impacted by unforeseen events such as storm damage.

All amounts quoted in this report are exclusive of GST.

Regional Significance

Not applicable.

Sustainability implications

The provision of tree maintenance services enhances the appearance of the City's streetscape trees and shrubs. It also provides an important tool in reducing the risk of damage to property and persons by diseased or damaged trees.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offers representing best value to the City are those submitted by Tree Amigos Tree Surgeons and Classic Tree Services.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** **ACCEPTS** the tender submitted by The Trustee for Tree Amigos Tree Surgeons Trust trading as Tree Amigos Tree Surgeons for the provision of tree maintenance services (general pruning), for a period of three years for requirements as specified in tender 024/17 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups);

- 2** **ACCEPTS** the tender submitted by Arbor West Pty Ltd trading as Classic Tree Services for the provision of tree maintenance services (pruning near powerlines) for a period of three years for requirements as specified in tender 024/17 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf180213.pdf](#)

**ITEM 18 TENDER 030/17 CITY CENTRE LIGHTING UPGRADE
STAGE 2**

| | |
|-------------------------------|---|
| WARD | North |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 106875, 101515 |
| ATTACHMENT | Attachment 1 Summary of Tender Submissions |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to accept the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 2.

EXECUTIVE SUMMARY

Tenders were advertised on 1 November 2017 through statewide public notice for the City Centre lighting upgrade Stage 2. Tenders closed on 21 November 2017. A submission was received from each of the following:

- Complete Cabling and Construction.
- Stiles Electrical and Communication Services Pty Ltd.
- Hender Lee Electrical and Instrumentation Contractors Pty Ltd.
- DJM Electrical Services.
- The Garcia Family Trust t/as Advance Excavations.

The submission from Stiles Electrical and Communication Services Pty Ltd represents best value to the City. The company demonstrated extensive experience in completing similar street lighting projects including design, supply and installation of Multipole light poles for Elizabeth Quay project for Leighton Contracting; procurement, supply and installation of mini variant of Multipole for Kings Square Subdivision project for Broad Construction and installation of a range of Multipole poles for Perth City Link project for Downer Infrastructure. It demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

It is therefore recommended that Council ACCEPTS the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 2 as specified in Tender 030/17 for the fixed lump sum of \$2,945,287 (GST Exclusive) with works to be completed by 30 November 2018.

BACKGROUND

The City has 1,428 light poles in the City Centre; 500 of those are high light poles over 10 metres and 928 poles are between four and eight metres in height. The light poles were first installed in 1988.

The City intends to replace the existing street lighting and poles in the City Centre in phases. In Stage One, 132 light poles were replaced along Joondalup Drive by Interlec (WA) Pty Ltd. Stage 2 requirement is to undertake the City Centre lighting upgrade (for 27 double outreach and 177 single outreach light poles) with the preferred City pole and luminaire.

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

DETAILS

Tenders were advertised on 1 November 2017 through statewide public notice for the City Centre lighting upgrade Stage 2. The tender period was for three weeks and tenders closed on 21 November 2017.

Tender Submissions

A submission was received from each of the following:

- Complete Cabling and Construction.
- Stiles Electrical and Communication Services Pty Ltd.
- Hender Lee Electrical and Instrumentation Contractors Pty Ltd.
- DJM Electrical Services.
- The Garcia Family Trust t/as Advance Excavations.

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

Evaluation Panel

The evaluation panel comprised four members:

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

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

Compliance Assessment

The following offers were assessed as compliant:

- Complete Cabling and Construction.
- Stiles Electrical and Communication Services Pty Ltd.
- The Garcia Family Trust t/as Advance Excavations.
- DJM Electrical Services.

The offer from Hender Lee Electrical and Instrumentation Contractors Pty Ltd was assessed as non-compliant. The submission did not agree to the limit of liquidated damages clause and did not submit a price for alternative pole foundation options.

Qualitative Assessment

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

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

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

Advance Excavations scored 33.6% and was ranked fourth in the qualitative assessment. The company did not demonstrate sufficient understanding or experience to carry out this requirement. Out of its submitted three project examples, only Broome Town Centre overhead to underground conversion and streetlighting project is of a similar scale. The company's response to capacity did not address its ability to source additional personnel and resources or safety record.

DJM Electrical Services scored 40.4% and was ranked third in the qualitative assessment. It demonstrated an understanding of the City requirements. The company did not demonstrate sufficient experience completing similar projects and capacity to undertake the work. The submission did not provide information on its organisation structure, support team, after-hours contacts for emergency requirements, its ability to provide additional resources, periods and dates of contracts and safety.

Complete Cabling and Construction scored 51.3% and was ranked second in the qualitative assessment. The company did not demonstrate adequate experience completing similar street lighting projects. Five projects out of the seven supplied example projects were not similar in scope to this requirement. The company demonstrated some understanding of the City's requirements and has the capacity to complete the works for the City.

Stiles Electrical and Communication Services Pty Ltd scored 77.7% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience completing similar projects for local governments and private organisations including the design, supply and installation of Multipole poles for Elizabeth Quay Project, procurement, supply and installation of mini variant of Multipole poles for Kings Square Subdivision Project for Broad Construction and installation of Multipole poles for Perth City Link (Stage 2 and 3) Project for Downer Infrastructure. Stiles Electrical and Communication Services Pty Ltd is a well-established company with adequate resources and personnel to complete the works for the City.

Based on the minimum acceptable score (60%), only Stiles Electrical and Communication Services Pty Ltd qualified for stage 2 (price) assessment.

Price Assessment

The lump sum price offered by Stiles Electrical and Communication Services is as follows.

| Tenderer | Lump Sum Price Offered |
|--|------------------------|
| Stiles Electrical and Communication Services | \$2,945,287 |

Evaluation Summary

| Tenderer | Price Ranking | Total Lump Sum Contract Price | Qualitative Ranking | Weighted Percentage Score |
|--|---------------|-------------------------------|---------------------|---------------------------|
| Stiles Electrical and Communication Services | 1 | \$2,945,287 | 1 | 77.7% |

Based on the evaluation result the panel concluded that the tender by Stiles Electrical and Communication Services Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

Works are required to complete the City Centre lighting upgrade Stage 2. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

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 project not proceed, the risk to the City will be high. If the replacement program is not implemented, the City Centre lighting network may suffer significant failure.

It is considered that the contract will represent a low risk to the City as the recommended Tenderer is a well-established company with considerable industry experience and has the capacity to complete the works for the City within the required timeframe.

Financial/budget implications

| | |
|-----------------------------|--|
| Project number | STL2003 |
| Cost code | CW002435 |
| Budget Item | Joondalup City Centre Lighting Upgrade (Stage 2) |
| Budget amount | \$ 3,771,038 |
| Committed | \$ 8,324 |
| Amount spent to date | \$ 94,780 |
| Proposed cost | \$ 2,945,287 |
| Contingency | \$ 0 |
| Balance | \$ 722,647 |

The balance does not represent a saving at this time. As there is potential for variations, the extent of which is currently not known, it is likely that funds will be required for works over and above those covered under the lump sum price. Any balance will be rolled over to the future stages of this multi-stage project.

All amounts quoted in this report are exclusive of GST.

Regional Significance

In *Joondalup 2022*, the City has set out its aspirations for “Economic Prosperity, Vibrancy and Growth” and its ambitions to be a “Destination City” and to receive Primary Centre status. A modern, efficient and high standard City Centre street lighting network is key to achieving these outcomes.

Sustainability implications

The introduction of new lighting infrastructure for the City Centre, and in particular LED technology, will significantly reduce maintenance, electricity usage and greenhouse gas emissions. This is aligned with the objectives of the City’s *Climate Change Strategy 2014-2019* and in particular Mitigation Objective 1 “To reduce the City’s greenhouse gas emissions through effective energy management and improved energy efficiency”.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 2 as specified in Tender 030/17 for the fixed lump sum of \$2,945,287 (GST Exclusive) with works to be completed by 30 November 2018.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf180213.pdf](#)

ITEM 19 TENDER 035/17 PROVISION OF PLANT HIRE

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 106975, 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 Redline Civil Australia Pty Ltd (Remote Civils Australia Pty Ltd) for the provision of plant hire.

EXECUTIVE SUMMARY

Tenders were advertised on 8 November 2017 through statewide public notice for the provision of plant hire. Tenders closed on 23 November 2017. A submission was received from each of the following:

- Redline Civil Australia Pty Ltd. (Remote Civils Australia Pty Ltd).
- Oldridge Investments Pty Ltd. trading as Dalco Earthmoving.
- The Trustee for Certa Civil Works Unit Trust (Certa Civil Works).
- The Trustee for Platinum Plant & Equipment Unit Trust (Platinum Plant & Equipment Hire).
- Coates Hire Operations Pty Limited trading as Coates Hire.
- Kee Hire Pty Ltd.

The submission from Redline Civil Australia Pty Ltd (Remote Civils Australia Pty Ltd) represents best value to the City. The company has been undertaking civil site works for private and public sector including local governments for a number of years. Examples of works included plant and machinery wet hire for the Cities of Mandurah and Fremantle. It demonstrated a sound understanding of the required tasks. Remote Civils Australia Pty Ltd has sufficient industry experience and capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Redline Civil Australia Pty Ltd (Remote Civils Australia Pty Ltd) for the provision of plant hire as specified in Tender 035/17 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 a suitably qualified and experienced contractor for the provision of plant and equipment hire with operators. The contractor shall be responsible for:

- supply, delivery and mobilisation of plant and equipment to the City nominated work site
- provision of operators that hold the required valid competency certificate, are licensed / qualified and have the appropriate knowledge and skill sets to operate specialised plant, equipment, machinery, trucks and such like in a safe and legal manner
- registration and licensing of all plant with the appropriate authority
- plant and equipment to be fitted with all necessary and relevant safety equipment, which shall include but not be limited to reversing alarm, rollover protection system (ROPS) and as a minimum one (1) amber beacon
- running costs (inclusive of fuel), maintenance and repair of all plant and equipment provided
- personnel and plant operators provided to the nominated work site, have possession of a construction induction card (White Card) or a construction awareness training card (Blue Card).

The City has a single contract in place with Oldridge Investments Pty Ltd. trading as Dalco Earthmoving which will expire on 28 February 2018.

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 plant hire was advertised through statewide public notice on 8 November 2017. The tender period was for two weeks and tenders closed on 23 November 2017.

Tender Submissions

A submission was received from each of the following:

- Redline Civil Australia Pty Ltd. (Remote Civils Australia Pty Ltd).
- Oldridge Investments Pty Ltd. trading as Dalco Earthmoving.
- The Trustee for Certa Civil Works Unit Trust (Certa Civil Works).
- The trustee for Platinum Plant & Equipment Unit Trust (Platinum Plant & Equipment Hire).
- Coates Hire Operations Pty Limited trading as Coates Hire.
- Kee Hire Pty Ltd.

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

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

Evaluation Panel

The evaluation panel comprised 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 submissions in accordance with the City's evaluation process in a fair and equitable manner.

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 55%.

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

| Qualitative Criteria | | Weighting |
|-----------------------------|---|------------------|
| 1 | Capacity | 45% |
| 2 | Demonstrated experience in providing similar services | 25% |
| 3 | Demonstrated understanding of the required tasks | 25% |
| 4 | Social and economic effects on the local community | 5% |

Compliance Assessment

The following offers received were assessed as fully compliant:

- Remote Civils Australia Pty Ltd.
- Dalco Earthmoving.
- Certa Civil Works.

The following offers received were assessed as non-compliant:

- Platinum Plant & Equipment Hire.
- Coates Hire.
- Kee Hire Pty Ltd.

Platinum Plant & Equipment Hire and Coates Hire proposed to provide all plant and equipment on a dry hire basis only which did not meet the specified requirements for wet hire.

The tender states the contractor must provide all plant and equipment with operators and the contractor shall be responsible for running costs (inclusive of fuel).

Kee Hire Pty Ltd did not submit any rates.

These submissions were assessed as non-compliant and were not considered further.

Qualitative Assessment

Certa Civil Works scored 46.7% and was ranked third in the qualitative assessment. It demonstrated some understanding of the required tasks. It has experience providing plant and labour hire for various local governments including the Cities of Wanneroo, Stirling, Rockingham and Nedlands. Period and dates of these contracts were not supplied. Certa Civil Works did not fully demonstrate capacity required to provide the services. It submitted insufficient information on its structure of business and did not address the number of full-time employees, the response time needed for non-programmed requests, the ability to provide additional personnel, afterhours contacts for emergency requirements or safety statistics.

Dalco Earthmoving scored 49.6% and was ranked second in the qualitative assessment. The company did not sufficiently address the criterion demonstrating experience providing similar services other than providing three referees, of which two are from the City of Joondalup. However, it has in the past successfully completed similar services for the City and is the incumbent supplier for plant hire. It did not fully demonstrate the capacity required to provide the services. It submitted insufficient information in its response, in particular, on brief history, afterhours contacts, the ability to provide additional personnel and the response time needed for non-programmed requests. It did not sufficiently address the criterion demonstrating understanding of the required tasks, however, as the City's incumbent contractor for plant hire it is aware of the City's requirements.

Remote Civils Australia Pty Ltd scored 59.4% and was ranked first in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has been undertaking civil site works for private and public sector including local governments for a number of years. Examples of works were provided and these were for plant and machinery wet hire for the City of Mandurah and hire of plant and road construction machinery for the City of Fremantle. Other examples included construction of concrete footpaths and crossovers for the City of Gosnells. Remote Civils Australia Pty Ltd has sufficient industry experience and the capacity required to provide the service to the City.

Given the minimum acceptable qualitative score of 55%, Remote Civils Australia Pty Ltd 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 rates offered by the tenderer have been applied to actual historical usage data of all scheduled items. 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.

| Tenderer | Year 1 | Year 2 | Year 3 | Total |
|--|---------------|---------------|---------------|--------------|
| Remote Civils Australia Pty Ltd | \$534,967 | \$545,666 | \$556,580 | \$1,637,213 |
| Existing Rate (currently paid by the City) | \$568,194 | \$579,558 | \$591,149 | \$1,738,901 |

The schedule of rates provided by Remote Civils Australia Pty Ltd shows that proposed costs are less by 6%, or \$101,688 over three years, when compared to the current contract (rates effective from 7 September 2017).

During 2016-17, the City incurred \$550,318 for plant hire.

Evaluation Summary

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

| Tenderer | Qualitative Weighted Score | Total Estimated Contract Price |
|---------------------------------|----------------------------|--------------------------------|
| Remote Civils Australia Pty Ltd | 59.4% | \$1,637,213 |

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

Issues and options considered

The City has a requirement for the provision of plant and equipment hire with operators. 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 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 the contract not proceed, the risk to the City will be high as the City requires plant and equipment with operators for daily works undertaken by Operation Services.

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

Financial / budget implications

| | |
|---|-------------------------------|
| Account no. | Various maintenance accounts. |
| Budget Item | Plant hire. |
| Estimated Budget amount | \$560,000. |
| Amount spent to date | \$256,373 |
| Projected current contract cost to 28-Feb-18 | \$42,729 |
| Proposed cost | \$178,322 |
| Balance | \$ 82,576 |

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Redline Civil Australia Pty Ltd. (Remote Civils Australia Pty Ltd.) represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Redline Civil Australia Pty Ltd. (Remote Civils Australia Pty Ltd.) for the provision of plant hire as specified in Tender 035/17 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 18 refers

To access this attachment on electronic document, click here: [Attach18brf180213.pdf](#)

**ITEM 20 CONFIDENTIAL: TENDER 032/17 DOMESTIC
RUBBISH AND RECYCLING COLLECTION
SERVICES**

| | |
|---------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 106890, 101515 |
| ATTACHMENT | Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions <i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only).</i> |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

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

A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

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

ITEM 21 REQUEST FOR ADDITIONAL SUBSIDIES AND WAIVERS OF FEES FOR ANNUAL HIRE GROUPS

| | |
|---------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 101271, 101515 |
| ATTACHMENT | Nil |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider applying additional subsidies and waiver fees for the hire of City facilities by annual user groups in 2018.

EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a Property Management Framework which provides the City with a guide to managing all property under the City's ownership, care and control. It contains specific requirements for the classifying of property and its usage.

As part of the framework, Council also reviewed various supporting policies to assist it in managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* allows for various levels of subsidisation of the hire fees for certain community groups. The policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration for requests over \$5000.

The City has recently completed the bookings for use of its facilities for the 2018 annual booking period. Consequently, the following groups have been assessed as eligible for a subsidy and are seeking an additional subsidy of hire fees:

- Lions Club of Whitford (Inc)
- Youth Futures

The following groups have been assessed as ineligible for a subsidy and are seeking a waiver of hire fees:

- Dominic Yam Fitness 50 Club
- Grace Church Padbury

It is therefore recommended that Council:

- 1 *AGREES to extend the 100% subsidised use for the Lions Club of Whitford (Inc) for the use of Gibson Park Community Centre and other City facilities in 2018 to a maximum 25 hours average per week and current value of \$21,798;*
- 2 *AGREES to extend the 100% subsidised use for Youth Futures for the use of Heathridge Community Centre in 2018 to a maximum 32.5 hours average per week and value of \$29,542;*
- 3 *NOTES that Dominic Yam Fitness 50 Club does not meet the eligibility for a subsidy under the Facility Hire Subsidy Policy;*
- 3 *DOES NOT AGREE to the request to waive 100% of the fees for Dominic Yam Fitness50 Club for the use of Fleur Freame Pavilion in 2018;*
- 4 *NOTES that Grace Church Padbury does not meet the eligibility for a subsidy under the Facility Hire Subsidy Policy;*
- 5 *DOES NOT AGREE to the request to waive 100% of the fees for Grace Church Padbury for the use of Padbury Community Hall in 2018;*
- 6 *NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made in each following year / season.*

BACKGROUND

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Property Management Framework* which is intended to provide a consistent and concise methodology to property management. Also at that meeting, Council adopted the *Facility Hire Subsidy Policy* which provides direction relating to subsidised use of City facilities, that is to:

- provide guidance on determining the extent of subsidy to be offered to groups hiring City-managed facilities;
- ensure facility hire subsidies are applied in a consistent, transparent and equitable manner.

The policy applies to all local not for profit community groups and groups from educational institutions hiring City-managed facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre, Craigie. The policy applies to organised groups only and does not apply to individuals.

The policy allocates a level of subsidy to user groups. The City will subsidise the cost of facility hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members / participants reside within the City of Joondalup. These groups are categorised within the policy based on the nature of the group: groups that provide recreational, sporting activities and / or targeted services exclusively for people aged 55 years of age and over.

Notwithstanding the above, the City reserves the right that if a group is booking a facility at a subsidised rate and it is not being utilised it may charge that group for the unutilised booking of that facility at the full community rate.

The process the City follows when booking facilities for regular hire groups is via two ways, being:

- annual users
- seasonal users

Annual users are those groups who hire a City facility for a calendar year, whereas seasonal users are groups that book either for a winter or summer season (which are regarded as traditional sport seasons).

In regard to dealing with requests for additional subsidies over and above what is permitted within the policy, the policy states:

“A group may apply for an additional subsidy under special circumstances. Applications must be made in a written submission to the Chief Executive Officer. The Chief Executive Officer will determine such requests where the value of the additional subsidy is below \$5,000. Requests for additional subsidies above \$5,000 will be addressed by the Chief Executive Officer and referred to Council for determination.

Additional subsidises will be provided for the following:

- *Any group who has provided recent, significant cash or in-kind contribution(s) towards the total value of the construction of a hire facility.*
- *Any group who is experiencing significant financial difficulties.*
- *Any other group who can provide reasonable justification for receiving an additional subsidy.*

Submissions for additional subsidies will be assessed on a case-by-case basis and will apply for one year / season. A new application must be made each following year / season.”

DETAILS

The City has recently completed the booking process for use of its facilities during the 2018 annual booking period. Consequently, some groups have sought further subsidisation or waiver of fees in accordance with the policy.

Lions Club of Whitford (Inc)

| Facility hired | Classification within the policy | Current extent of subsidy | Hours booked per week | Hours exceeding subsidy per week |
|--------------------------------|---|--|-----------------------|----------------------------------|
| Gibson Park Community Facility | Community Service and Charitable Groups | 100% up to a maximum of 10 hours per week. | 15 | 5 |

The Lions Club of Whitford (Inc) is one of three Lions clubs that hire the Gibson Park Community Facility, Padbury. The Gibson Park Community Facility was built with the primary purpose to accommodate the Lions clubs that operate within the City of Joondalup and also to provide an additional facility accessible to the community. The other Lions clubs at this facility (Duncraig and Kingsley/Woodvale) operate within the allocated subsidised hours of the policy.

The group has booked 779 hours for 2018, averaging 15 hours per week, to enable it to conduct regular meetings and undertake the necessary work to prepare for its charitable fundraising events. It is noted that the group has reduced its usage from 2017 which was 1,015 hours (or 21.25 hours average per week).

It is understood that the group undertakes various activities from within its allocated storerooms. Some storerooms and all the toilet facilities can only be accessed internally, and as such the group is required to book the hall space to gain access to these areas without disturbing other user groups.

The group has requested the City provide an additional subsidy for all of its 2018 bookings made within a City of Joondalup facility. It is noted that the group is likely to make additional bookings beyond the current 15 hours per week for new projects throughout the year at various City facilities. In 2017, Council approved the request for an additional subsidy for the group up to 30 hours per week. It is therefore recommended that Council agrees to the request for an additional subsidy of hire fees for the Lions Club of Whitford (Inc) up to 25 hours average per week.

| Total booking cost | Current | | Requested | | Recommended | |
|--------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | Subsidy value | Group payment | Subsidy value | Group payment | Subsidy value | Group payment |
| \$21,798 | \$14,560 | \$7,238 | \$21,798 | \$0 | \$21,798 | \$0 |

Youth Futures

| Facility hired | Classification within the policy | Current extent of the subsidy | Hours booked per week | Hours exceeding subsidy per week |
|-----------------------------|---|--|-----------------------|----------------------------------|
| Heathridge Community Centre | Community Service and Charitable Groups | 100% up to a maximum of 10 hours per week. | 55 | 45 |

Youth Futures is a not for profit organisation that provides services to the City of Joondalup and surrounding suburbs. Youth Futures specifically targets young people experiencing homelessness by providing various educational and support programs.

The group has booked various areas of the Heathridge Community Centre totalling 2,844 hours for 2018, averaging 55 hours per week. The group has increased its usage from 2017 to support its growing operations.

The group has requested an additional subsidy of 50% of hire fees in addition to the existing 10 hours received under the policy. This has been requested to enable the group to provide quality services and programs to young people in the City of Joondalup and surrounding suburbs. It is therefore recommended that Council agrees to the request for an additional subsidy of hire fees for the Youth Futures up to 32.5 hours average per week.

| Total booking cost | Current | | Requested | | Recommended | |
|--------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | Subsidy value | Group payment | Subsidy value | Group payment | Subsidy value | Group payment |
| \$49,547 | \$9,537 | \$40,010 | \$29,542 | \$20,005 | \$29,542 | \$20,005 |

Dominic Yam Fitness 50 Club

| Facility hired | Classification within the policy | Current extent of subsidy | Hours booked per week | Hours exceeding subsidy per week |
|-----------------------|----------------------------------|---------------------------|-----------------------|----------------------------------|
| Fleur Freame Pavilion | Ineligible | NA | 3 | NA |

Mr Dominic Yam hires the Fleur Freame Pavilion, Padbury, to run group fitness classes targeted at seniors living in the City of Joondalup. Mr Yam's Fitness 50 Club is not eligible for a subsidy as the policy applies to groups only and not individuals.

Mr Yam has advised the City that he charges an attendance fee for his classes to cover the costs to run his classes. These costs include any hire fees charged by the City as well as other expenses such as registration with Fitness Australia, public liability insurance, first aid qualifications, music copyright cover, travel expenses to and from Fleur Freame Pavilion and professional development expenses.

The City has assessed Mr Yam's operations and has charged a commercial hire fee for his bookings of Fleur Freame Pavilion. In 2017 the City waived the commercial hire fees applicable to Mr Yam's bookings and applied a community hire fee. For his 2018 bookings, Mr Yam has requested a 100% waiver of hire fees so that he can provide affordable fitness classes to the senior community. Mr Yam has noted that should Council determine not to support his request for a 100% waiver of fees, that Council consider reclassifying his booking from a commercial to a community rate.

As Mr Yam does not meet the criteria for a subsidy within the *Facility Hire Subsidy Policy*, it is recommended that Council does not agree to the request for 100% waiver of hire fees for Dominic Yam Fitness 50 Club booking during 2018.

| Total booking cost | Current | | Requested | | Recommended | |
|--------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | Subsidy value | Group payment | Subsidy value | Group payment | Subsidy value | Group payment |
| \$8,919 | \$0 | \$8,919 | \$8,919 | \$0 | \$0 | \$8,919 |

Grace Church Padbury

| Facility hired | Classification within the policy | Current extent of subsidy | Hours booked per week | Hours exceeding subsidy per week |
|------------------------|----------------------------------|---------------------------|-----------------------|----------------------------------|
| Padbury Community Hall | Ineligible | NA | 6 | NA |

Grace Church Padbury has been based in the City of Joondalup since 2007 and has operated from Padbury Hall since 2014. The group hires the Padbury Community Hall, Padbury for six hours per week on a Sunday.

Grace Church Padbury is not eligible for a subsidy as it does not meet the criteria of having at least 50% of its participants as residents of the City of Joondalup. The church has approximately 120 active participants, of whom 51 (42%) reside within the City of Joondalup. This proportion of City of Joondalup residents has increased by 10% from 2017.

The group has requested special consideration for a waiver of fees for its hire of Padbury Community Hall during 2018 as the group is experiencing significant financial difficulty. The group has provided evidence to the City demonstrating a lack of immediate cash, although upon reviewing the group's income and expense statement for 2016-17 it has been determined that the group has the capacity to pay hire fees. The group has also advised that it has a lump sum amount in savings, although this comprises of donations which can only be used to acquire a building in the future.

In 2017, Grace Church Padbury sought a waiver of fees of 100% and Council agreed to waive 50% of the hire fees applicable to the group's booking to support the group during a financially difficult time. As the group has now been assessed to have the capacity to pay hire fees, it is recommended that Council does not agree to the request for a waiver of fees for the Grace Church Padbury booking during 2018.

| Total current booking cost | Current | | Requested | | Recommended | |
|----------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | Subsidy value | Group payment | Subsidy value | Group payment | Subsidy value | Group payment |
| \$10,267 | \$0 | \$10,267 | \$10,267 | \$0 | \$0 | \$10,267 |

Issues and options considered

Council may agree or not agree to each of the requests for additional subsidies and waiver of fees on a case by case basis.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 6.12 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme

Financial Sustainability.

Objective

Financial diversity.

Strategic initiative

Identify opportunities for new income streams that are financially sound and equitable.

Policy

Facility Hire Subsidy Policy.

Risk management considerations

The following risks may arise pending the consideration of the additional requests for subsidised use of City facilities:

- The user groups may not have the financial capacity to meet the costs proposed by the City for the additional use above the group's allocated subsidy.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Making exceptions for groups may set a precedent and cause complications when determining subsidies for other groups.

Financial / budget implications

The cost to the City across all levels of subsidised use of City managed community facilities is approximately \$1.18 million.

If the City approves the additional subsidies and waivers of fees requested by these groups, the City will lose approximately \$46,429 in income for 2018 annual facility bookings.

The City currently has a \$6.7 million per annum operating deficit with it paying significant amounts in grants and contributions, while also waiving and subsidising a large amount of City fees for use of reserves and facilities. Continuing to approve fee waivers and additional subsidy requests for groups that do not meet the criteria of the policy will not assist the City in managing its ongoing operating deficit.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The *Property Management Framework* aims to support the equitable, efficient and effective management of City-owned and managed properties. The framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate. The framework also aims to protect and enhance the City's property assets for the benefit of the community and for future generations.

Consultation

Not applicable.

COMMENT

The intent of the *Facility Hire Subsidy Policy* is to achieve more equitable and greater use of City facilities. It is important that the classification of groups within the policy for levels of subsidisation remains consistent. However, if a group requires further consideration relating to fees, Council has the option to waive those fees.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 AGREES to extend the 100% subsidised use for the Lions Club of Whitford (Inc) for the use of Gibson Park Community Centre and other City facilities in 2018 to a maximum 25 hours average per week and current value of \$21,798;**
- 2 AGREES to extend the 100% subsidised use for Youth Futures for the use of Heathridge Community Centre in 2018 to a maximum 32.5 hours average per week and value of \$29,542;**

- 3 **NOTES that Dominic Yam Fitness 50 Club does not meet the eligibility for a subsidy under the *Facility Hire Subsidy Policy*;**
- 4 **DOES NOT AGREE to the request to waive 100% of the fees for Dominic Yam Fitness 50 Club for the use of Fleur Freame Pavilion in 2018;**
- 5 **NOTES that Grace Church Padbury does not meet the eligibility for a subsidy under the *Facility Hire Subsidy Policy*;**
- 6 **DOES NOT AGREE to the request to waive 100% of the fees for Grace Church Padbury for the use of Padbury Community Hall in 2018;**
- 7 **NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year/season and a new application must be made in each following year / season.**

ITEM 22 MID-YEAR REVIEW OF THE ANNUAL BUDGET FOR THE 2017-18 FINANCIAL YEAR

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 106245, 101515 |
| ATTACHMENTS | Attachment 1 Mid Year Budget Statement and Notes for the 2017-18 Financial Year |
| 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

The purpose of this report is for Council to consider and adopt the Mid Year review of the Annual Budget for the 2017-18 financial year.

EXECUTIVE SUMMARY

The review of the 2017-18 annual budget has been completed. A number of variations to existing budget allocations have been identified and included in the revised budget. The projected overall budget surplus at 30 June 2018, after taking into account these variations, is \$67,689 compared to the original budget with an overall surplus of \$0. The major areas of variance are:

- **Surplus Carried Forward** from 2016-17 was \$356,586 less than budget. After taking non-cash adjustments into consideration, this surplus comprised higher operating surplus \$3,724,510, higher capital revenue \$281,788 and reduced capital expenditure \$3,458,800 offset by reduced net funding requirements \$7,821,684.
- **Operations**, after adjusting for non-cash movements, show a surplus expected to be \$595,150 less than budget. This arises mainly from lower grants and subsidies \$1,900,293, fees and charges \$262,981 and rates \$59,880 as well as higher expenditure on materials and contracts \$226,670 partly offset by higher interest earnings \$747,813, other revenue \$131,991 and contributions, reimbursements and donations \$216,245 as well as lower expenditure on employee costs \$336,496, utilities \$202,375, insurance expenses \$174,588 and interest costs \$45,166.
- **Capital revenue** is \$1,049,308 higher than budget, comprising higher grants and subsidies \$1,059,432, capital contributions \$104,209 and equity movements \$52,334 offset by lower equity distribution \$166,667.
- **Capital expenditure** is \$1,373,348 lower than budget (Notes 18 to 21 - Attachment 1 refers). Expenditure is lower on capital projects \$3,363,135 offset by higher expenditure on capital works \$1,772,247, motor vehicle replacements \$137,641 and loan repayments \$79,899.

- **Reserves transfers** net drawdown has decreased by \$1,428,652 (Notes 25 to 26 – Attachment 1 refers). This comprises reduced transfers from reserves \$1,259,442 mainly arising from reduced transfers out of the Joondalup Performing Arts and Cultural Facility reserve \$3,738,905, Strategic Asset Management reserve \$1,726,606 as well as increased transfers from Carry Forward reserves \$3,901,615. These are partly offset by increased transfers to reserves \$169,210 mainly comprising additional transfers to the Waste Management reserve \$215,571 and Carry Forward reserve \$430,000 as well as reduced transfers to the Parking Facility reserve \$317,020 and Tamala Park Reserve \$166,667.
- **Transfers from Trust** is \$106,498 higher than budget of which \$100,000 is in respect of the Burns Beach Dual Use Path not in the original budget, and \$6,498 for additional Public Open Space funds due to higher opening trust balance than estimated.

It is recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY APPROVES the Mid Year Review of the Budget for the 2017-18 Financial Year as at Attachment 1 to the Report;*
- 2 *in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 PROVIDES a copy of the 2017-18 annual budget review and determination to the Department of Local Government, Sport and Cultural Industries.*

BACKGROUND

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* provides that the City is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

DETAILS

Issues and options considered

The budget review has comprised:

- a review of the adopted budget (as amended) and an assessment of actual results to date against that budget
- an assessment and projection of likely results over the remainder of the financial year against the adopted budget
- consideration of any issues not provided for in the adopted budget (as amended) that may need to be addressed.

The review of the adopted budget (as amended) has taken into account what has transpired in the first half of the year, the likely operating environment over the remaining part of the year under prevailing economic conditions and the most likely impact on the City's financial position.

The focus in this review has been on ensuring that there is sufficient operating capacity to deliver the services and budget programs as set out in the adopted 2017-18 Budget and to accommodate events and issues that have arisen since budget adoption.

The most significant variations between the adopted budget and the revised budget are as follows:

Capital Works

The increase in capital works of \$1,772,247 arises primarily due to unbudgeted projects for which grant funding has been approved and the timing of a number of projects that were expected to have either been completed or to have reached a certain stage of progress in the previous financial year and for which funds were carried forward into 2017-18. The major contributors to this include the:

- Penistone Park Facility Redevelopment - \$646,662
- Marmion Avenue – Edinburgh Avenue Pedestrian Crossing Improvements - \$233,010
- Hepburn Avenue Road Shoulders - \$228,000
- Joondalup City Centre Lighting \$259,398
- Percy Doyle-Soccer Clubrooms Refurbishment \$190,500
- Chesapeake Way On-Street Parking \$188,853

Capital Projects

The decrease in capital projects of \$3,363,135 primarily arises from the Joondalup Performing Arts and Cultural Facility \$3,738,905 due to the Council decision not to initiate the design development phase of this project at this time. This is partly offset by unbudgeted project Yellagonga Wetlands – Smart Monitoring and Management \$342,662 for which grant funding has been approved.

At its meeting held in June 2017 Council meeting (CJ100-06/17 refers) Council resolved to list installation of a drinking fountain with dog bowl at Geneff Park, Sorrento in the Mid Year Budget Review 2017-18. The current capital works program in 2017-18 cannot accommodate inclusion of this additional project within existing capacity. It will be included for consideration as part of the *Five Year Capital Works Program* review 2018-19.

Legislation / Strategic Community Plan / policy implications

Legislation

Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, requires the local government to carry out a review of its annual budget for that year.

“33A Review of budget

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must –*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*

- (2) *Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- * Absolute majority required*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

Strategic Community Plan

| | |
|-----------------------------|--|
| Key theme | Financial Sustainability. |
| Objective | Effective management. |
| Strategic initiative | Manage assets and liabilities through a planned, long-term approach. |
| 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 decision of Council.

Financial / budget implications

The anticipated budget surplus is \$67,689. Additional financial details are provided in Attachment 1.

The Rate Setting Statement in Attachment 1 includes year to date actuals to the end of December 2017. While the year to date surplus appears significant, the majority of this is driven by favourable timing differences for operating expenditure and proceeds from disposals and lower than budgeted expenditure on capital projects.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Budget parameters are structured on financial viability and sustainability principles.

Consultation

Extensive internal consultation with the executive and all business units has been undertaken and a mid-year budget review workshop conducted with Elected Members to prepare the revised budget.

COMMENT

Council is required to consider the budget review submitted to it (regulation 33A of the *Local Government (Financial Management) Regulations 1996*) and make a determination in relation to the outcomes and recommendations.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **BY AN ABSOLUTE MAJORITY APPROVES** the Mid Year Review of the Budget for the 2017-18 Financial Year as at Attachment 1 to the Report;
- 2 **In accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996* PROVIDES** a copy of the 2017-18 annual budget review and determination to the Department of Local Government, Sport and Cultural Industries.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf180213.pdf](#)

ITEM 23 PETITION TO INSTALL A FENCE SURROUNDING THE MAIN PLAYGROUND, GRANADILLA PARK, DUNCRAIG

| | |
|---------------------------------|---|
| WARD | South |
| RESPONSIBLE DIRECTOR | Mr Nico Claassen Infrastructure Services |
| FILE NUMBER | 01646, 101515 |
| ATTACHMENT | Attachment 1 Location Granadilla Park |
| 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 fence surrounding the main playground area and, if possible, the barbecue and eating facilities at Granadilla Park, Duncraig.

EXECUTIVE SUMMARY

A Petition of Electors was received by Council at its meeting held on 18 April 2017 (C23-04/17 refers). The petition requested that Council consider the installation of a fence surrounding the main playground area and, if possible, the barbecue and eating facilities at Granadilla Park, Duncraig due to perceived conflict between park users and dogs.

Granadilla Park, Duncraig is located within the South Ward and consists of approximately 3.6 hectares of irrigated parkland with considerable natural shade provided by existing well-established trees. The park is a short stay, local recreation park for residents from surrounding streets and from within the suburb.

The City has play equipment on approximately 230 parks, the majority of which are also being used by dog owners to exercise dogs. At Granadilla Park, dogs are permitted to be exercised off leash but they are required, under the provisions of the *Dog Act 1976*, to be under effective control as it is important that the space can be used by all members of the community.

The City installs fencing around a play space at childcare facilities or for safety reasons such as a playspace located directly adjacent to a car park, or where there is a retaining wall level change of greater than one metre in height on the edge of the playspace to meet its insurance obligations. As the playspace at Granadilla Park is neither adjacent to parking areas nor adjacent to a level change fencing the area would not be considered.

It is therefore recommended that Council:

- 1 *DOES NOT SUPPORT the installation of a fence surrounding the main playspace, barbeque and eating facilities at Granadilla Park, Duncraig;*

- 2 *NOTES that the existing signage at Granadilla Park, Duncraig will be amended to include the City Rangers contact number;*
- 3 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

A Petition of Electors, containing 123 eligible signatures, was received by Council at its meeting held on 18 April 2017 (C23-04/17 refers). The petition requested that Council consider the installation of a fence surrounding the main playground area and, if possible, the barbecue and eating facilities at Granadilla Park, Duncraig. The wording on the petition was as follows:

"We the residents of the City of Joondalup request a fence is installed surrounding the main playground area and if possible the BBQ and eating facilities at Granadilla Park.

Granadilla Park is frequented by many locals in the Duncraig area. Lots of young children use the playground facilities and families the immediate grassed area for picnics. The park is also a fabulous area for dog owners to exercise their pets.

Unfortunately, the "No Dogs in Playground Area" signage that was erected 4 years ago has had little effect on many dog owners controlling their pets. Dogs have been observed frequently upsetting small children due to climbing on and under play equipment, taking picnickers food and destroying children's toys. It is common for children to have accidentally walked in dog poo in the immediate grassed area as well. Families have also witnessed dogs mating in the sand area and more frequently dogs rough and tumbling amongst young children.

A fence would enable families to frequent the park and have their children enjoy the playground facilities without experiencing the previously mentioned issues. This inclusion would also enable dog owners to exercise their pets in the remaining vast space without interfering with young children enjoying the equipment. Due the size of the park the fence will not restrict other visitors use, for example exercise classes, sporting games, kite flying etc".

DETAILS

Granadilla Park, Duncraig is located within the South Ward (Attachment 1 refers) and consists of approximately 3.6 hectares of irrigated parkland with considerable natural shade provided by existing well-established trees. The park is linear in shape (average width is approximately 100 metres) with an east-west orientation, bounded by Granadilla Street, Nicholli Street, Langholm Place, Cumnock Place and Poynter Avenue. Granadilla Park is one of 134 local recreation parks containing a playspace and where dogs can be exercised off leash.

The City installs fencing around a play space at childcare facilities or for safety reasons such as a playspace located directly adjacent to a car park, or where there is a retaining wall level change of greater than one metre in height on the edge of the playspace to meet its insurance obligations.

There are currently five playspaces which are either fully or partially fenced located at:

- Warrandyte Park - fenced due to close proximity to a car park.
- Seacrest Park - fenced due to close proximity to a car park.
- Heathridge Park - fenced due to close proximity to a car park.
- St James McCusker Park - three quarter fenced due to height of retaining wall.
- Neil Hawkins Park - half fenced due to height of retaining wall.

As the playspace at Granadilla Park is neither adjacent to parking areas nor adjacent to a level change fencing the area would not be considered.

The City of Joondalup permits dogs to be exercised off leash on the majority of parks and reserves with a few exceptions. Where dogs are allowed to be exercised off leash they are required, under the provisions of the *Dog Act 1976*, to remain under effective control. A dog is not considered under effective control if they:

- chase or disturb wildlife, other dogs or people
- act in a threatening or aggressive manner
- attack or injure another animal or person
- are a considerable distance from their owner(s) preventing response to verbal commands.

This requirement is designed to prevent unwanted interactions with other park users, among other things, as it is important that parks and reserves can be used by all members of the community. There is currently signage in the playspace at Granadilla Park requesting “no dogs inside children’s play area”. Since 1 July 2015 the City has received only four requests relating to wandering (unsupervised/lost) dogs in Granadilla Park.

The City receives an average of 700 dog-related complaints in parks per year, and it is acknowledged that the lack of control of some dogs by their owners in the City’s parks needs to be addressed. However, fencing of the playspace to limit dog movements will not resolve the underlying issue of better management of dogs by dog owners.

Issues and options considered

Option 1 - Fence the playspace at Granadilla Park to prevent dogs from entering the area

A fence may reduce the perceived conflict between uses of the playspace and uncontrolled dogs.

Option 2 - Not fence the playspace at Granadilla Park and investigate measures to advance better dog management in parks

This is the recommended option.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

There is no budget allocation in the current *Five Year Capital Works Program* for the installation of fencing at Granadilla Park, Duncraig. The estimated cost to install a fence around the playspace at Granadilla Park is \$40,000.

Fencing of a playspace outside the criteria detailed above may also set a precedent leading to further requests to provide fencing around other playspaces. This would increase the number of City assets in parks requiring installation, maintenance and replacement. The cost for installing fencing to all the City's playspaces would be approximately \$7 million.

Future financial year impact

| | |
|--|--|
| Annual operating cost | Granadilla Park playspace fencing: \$200. |
| Estimated annual income | Not applicable. |
| Capital replacement | Granadilla Park playspace fencing: \$40,000. |
| 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 | 2038-39. |

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Fencing the play area may set a precedent for other playspaces in the City of Joondalup.

Fencing the play area will not resolve the underlying issue of better management of dogs by dog owners. Currently unless otherwise prohibited, the majority of the City's park are dogs off leash. Consideration may be given to restricting dog movements in parks where there are playspaces or barbeques to dog on leash only which is similar to the majority of local government authorities in the metropolitan area.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 DOES NOT SUPPORT the installation of a fence surrounding the main playspace, barbeque and eating facilities at Granadilla Park, Duncraig;**
- 2 NOTES that the existing signage at Granadilla Park, Duncraig will be amended to include the City Rangers contact number;**
- 3 ADVISES the lead petitioner of its decision.**

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf180213.pdf](#)

Respondents were asked to indicate their overall level of support for a Health and Wellbeing Hub on a five-point scale from strongly support to strongly oppose. The majority of respondents (87%) indicated that they either supported or strongly supported the proposal, with 66% of respondents indicating strong support. Less than 10% of respondents indicated that they were either opposed or strongly opposed.

Respondents were also asked to indicate their level of support for the various elements of the proposed Health and Wellbeing Hub. All elements of the proposal were strongly supported with over 70% of respondents indicating that they either supported or strongly supported each element. The most popular elements of the proposal included: the installation of drinking fountains inclusive of bottle refill stations; the installation of new picnic shelters and park furniture; the construction of a stairway and upgraded lookout; the consolidation of current play equipment into a new regional play space; and the upgrade of the existing path network around the park's grassed areas.

It is therefore recommended that Council:

- 1 *NOTES the Community Engagement outcomes to develop a Health and Wellbeing Hub at Whitfords Nodes Park, Hillarys as detailed in Attachment 2 to this Report;*
- 2 *SUPPORTS the development of Whitfords Nodes Park, Hillarys as a Health and Wellbeing Hub at an estimated cost of \$1.62 million;*
- 3 *REQUESTS the Chief Executive Officer to investigate options and make an application on behalf of the City for grant funding totalling \$810,000 for the development of Whitfords Nodes Park, Hillarys as a Health and Wellbeing Hub.*

BACKGROUND

Whitfords Nodes Park, Hillarys is a heavily utilised regional park that is located directly to the north of Hillarys Boat Harbour and can be accessed via Whitfords Avenue. This park services a catchment within and beyond the City's borders, hosting large triathlon events and is used regularly by a variety of fitness groups as well as the general public exercising on a daily basis.

At its meeting held on 28 June 2016 (CJ095-06/16 refers), Council supported the construction of a stairway on the northern dune system at Whitfords Nodes Park to serve as access to the lookout as well as a fitness amenity (such as Jacobs ladder on the border of Kings Park), subject to a major proportion of the cost of the stairway being funded by external sources.

This decision led to strong support for the stairway project from local residents and the wider community, as well as the business community and media. Initial discussions with HBF and Community Newspapers indicated a wide support for the development of the stairway, as well as potential sponsorship opportunities. It was felt that the construction of the stairway could assist in fostering active and healthy lifestyle opportunities for the local community, as well as recognising the vital role recreational activities play in building and engaging communities, and enhancing community spirit.

At its meeting held on 16 August 2016 (C44-08/16 refers) Council requested that the Chief Executive Officer prepare a report investigating the development of Whitfords Nodes Park, Hillarys as a Health and Wellbeing Hub.

Elected Members further considered the matter and supported progressing the concept for community engagement.

Community engagement was undertaken by the City to determine the overall level of community support for a proposed Health and Wellbeing Hub at Whitfords Nodes Park, Hillarys and was executed in accordance with the approved *Community Engagement Plan* (Attachment 1 refers). The engagement period commenced on 20 November 2017 and closed on Attachment 1 Community Engagement Plan 11 December 2017.

DETAILS

Community Engagement Process

A community engagement process was undertaken by the City in accordance with the approved *Community Engagement Plan* (Attachment 1 refers), commencing on 20 November 2017 and closing on 11 December 2017. This involved the City engaging directly with a total of 3,159 stakeholders as follows:

- Local residents, businesses and ratepayers within 500 metres of Whitfords Nodes (1,266).
- Whitfords Nodes Park User Groups (6).
- Local Community Groups (2).
- Government Stakeholders (14).
- Community Engagement Network (1,871).

A personalised information package was sent to each ratepayer and stakeholders (excluding the Community Engagement Network members) explaining the purpose of the consultation and advising them of the consultation period. Each package included the following:

- A covering letter including directions to the online survey form on the City's website and advise that hardcopy survey forms would be available upon request.
- Frequently asked questions containing information on the purpose of the consultation and the works being considered as part of the project.

Members of the City's online Community Engagement Network were sent emails directing them to the City's website to view the frequently asked questions document and concept map and were invited to complete the online survey form.

Additionally, the City advertised the community engagement to capture general public feedback during the engagement period via the following channels:

- The City's website.
- Newspaper advertising and media releases (The Joondalup Voice).
- Social media posts (Facebook and Twitter).

Finally, the City held on-site listening posts at Whitfords Nodes Park on 2 December and 6 December 2017 to capture park users feedback. On-site signage was erected at Whitfords Nodes Park, Hillarys providing an overview of the proposed works, the draft concept plan and directions to the online survey form located on the City's Website. City officers were available to discuss the project with interested community members, answer questions, provide hard-copy survey forms and direct users to the online survey form on the City's website.

Response Rate

The City collected a total of 458 valid responses throughout the 21 day advertised engagement period. Responses that were considered valid included all those which contained contact details enabling identification and were submitted within the advertised engagement period.

Where multiple survey forms were received from the same respondent (for the same property) these were combined into one response.

96 of the 1,266 local residents, businesses and / or ratepayers within 500 metres of Whitfords Nodes Park provided a response, indicating a response rate of 7.6% for these stakeholders. For Community Engagement Network members, 199 responses were received, indicating a response rate of 10.6% for these stakeholders.

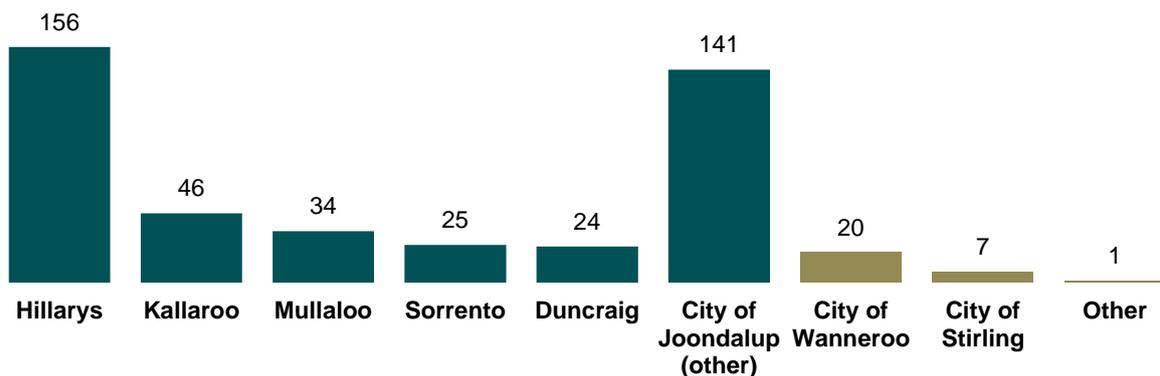
Responses were also received from four of the Whitfords Nodes Park user groups and local community groups (Park Run, Tri Events, Harbour Rise Association (Inc) and Joondalup Community Coast Care Forum).

In total, approximately two-thirds of responses came from stakeholders who had been engaged directly by the City, indicating an overall response rate of 14.5%. 162 responses were received from community members who were not directly engaged by the City.

Demographics

Respondent address

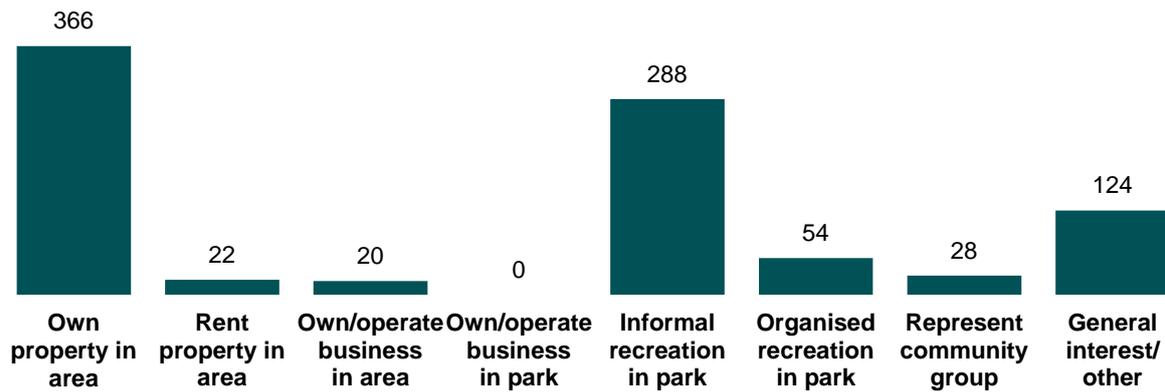
Of the 458 valid responses collected, the majority of respondents (426) were residents of the City of Joondalup. Over one third of respondents were residents of the suburb of Hillarys and 129 were from the nearby suburbs of Kallaroo, Mullaloo, Sorrento and Duncraig.



Graph 1: Responses received by suburb

Respondent relationship to Whitfords Nodes Park

Respondents were asked to identify what relationship they had to Whitfords Nodes Park. The majority of respondents (366) identified that they owned property and paid rates in the area. Over 60% (282) identified that they used the park for informal recreation, such as dog walking, picnics and children's play equipment, and 54 identified that they used the park for organised recreation, such as boot camp, fitness classes and triathlon.



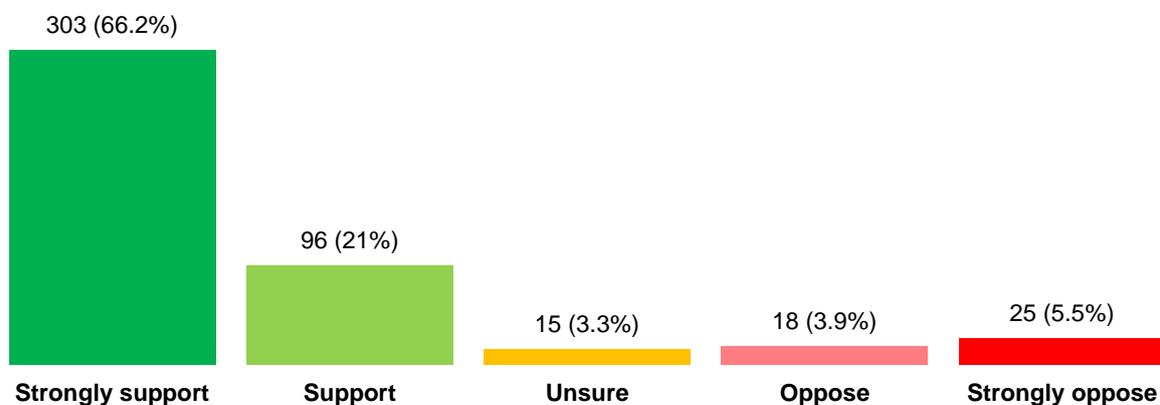
Graph 2: Respondent relationship to Whitfords Nodes Park

NB: Numbers may not add up to total, as respondents can represent more than 1 respondent type

Survey Outcomes

Support for the Overall Proposal

Respondents were asked to indicate their level of support for a Health and Wellbeing Hub at Whitfords Nodes Park on a five-point scale from strongly support to strongly oppose. The majority of respondents (87.1%) indicated that they either strongly supported (66.2%) or supported (21.0%) the proposal. Less than 10% of respondents indicated that they were either opposed or strongly opposed.



Graph 3: Level of support for a Health and Wellbeing Hub

Respondents were also afforded the opportunity to provide open-ended comments on the proposal. A total of 269 comments were provided and the verbatim comments have been randomised and are provided at Appendix 13 of the Community Engagement Outcomes Report (Attachment 2 refers).

Support for Individual Elements

Respondents were asked to provide their level of support for a number of individual elements that when consolidated make up the proposal for the Whitfords Nodes Park Health and Wellbeing Hub. Over 70% of respondents indicated that they either strongly supported or supported each element. The most popular elements of the proposal included the following:

- The construction of a stairway and upgraded lookout.
- The consolidation of current play equipment into a new regional play space.

- The installation of drinking fountains inclusive of bottle refill stations.
- The installation of new picnic shelters and park furniture.
- The upgrade of the existing path network around the park's grassed areas.

Respondents who did not support the individual elements were asked to provide reason/s to explain their opposition. A total of 116 comments were provided and randomised verbatim comments are provided at Appendix 14 of the Community Engagement Outcomes Report (Attachment 2 refers).

The full outcomes of the community engagement are provided at Attachment 2 to this Report.

Issues and options considered

Option One – support the development of Whitfords Nodes Park as a Health and Wellbeing Hub.

Option Two – do not support the proposal to develop Whitfords Nodes Park as a Health and Wellbeing Hub.

Option One is the preferred option based on the overwhelming positive outcomes of the Community Engagement process.

Legislation / Strategic Community Plan / policy implications

Legislation *Metropolitan Regional Scheme.
Amendment 1082/33 Bush Forever and related Lands.*

Strategic Community Plan

Key theme The Natural Environment.

Objective Accessible environments.

Strategic initiative

- Promote significant local natural areas.
- Build an effective interface between humans and the natural environment.

Policy *Sustainability Policy.*

This proposal does not form part of the *Coastal Foreshore Management Plan 2014-2024*.

Risk management considerations

Failure to secure grant funding will jeopardise the construction of the stairway at Whitfords Nodes Park. The staircase is a significant component of the development of this park as a Health and Wellbeing Hub.

Additionally, failure to secure grant funding for the remainder of the unfunded projects and the subsequent inability to develop Whitfords Nodes Park as a Health and Wellbeing Hub could potentially portray the City in a negative light.

Financial / budget implications

The cost estimate and current budget allocations for the development of Whitfords Nodes Park as a Health and Wellbeing Hub is provided below.

| Type of Works | Cost Estimate | Five Year Capital Works Program | No Funding Allocation |
|---|--------------------|---------------------------------|-----------------------|
| Stairway and lookout | \$485,000 | \$220,000 | \$265,000 |
| LED lighting to car park | \$65,000 | \$65,000 | |
| Fixed outdoor fitness equipment circuit | \$50,000 | \$50,000 | |
| Regional playspace | \$350,000 | \$350,000 | |
| Running tracks around dunes | \$125,000 | \$125,000 | |
| Hard landscaping (footpaths) | \$160,000 | | \$160,000 |
| Furniture (shelters, drinking fountains, bbq's) | \$253,000 | | \$253,000 |
| Park entry signage | \$30,000 | | \$30,000 |
| Informative, directional signage | \$12,000 | | \$12,000 |
| Vendor bays | \$20,000 | | \$20,000 |
| Landscaping | \$70,000 | | \$70,000 |
| TOTAL | \$1,620,000 | \$810,000 | \$810,000 |

Of the \$810,000 in the *Five Year Capital Works Program* \$535,000 is currently approved in the 2017-18 *Capital Works Program* to fund the following:

- Stairway (subject to grant funding of \$200,000).
- LED lighting to car park.
- Fixed outdoor fitness equipment.

\$475,000 is listed for consideration in the 2018-19 *Capital Works Program* to fund the following elements:

- Regional play space.
- Running tracks through the dunes (asphalt upgrade).

Unfunded elements totalling \$810,000 which are reliant on funding from external source/s are as follows:

- Stairway (\$200,000 grant funding).
- Lookout upgrade.
- Hard landscaping (footpaths).
- Furniture (shelters, drinking fountains and BBQ's).
- Park entry signage.
- Informative directional signage.
- Vendor bays.
- Landscaping.

Future financial year impact

Annual operating cost

Annual operating cost depending on number and scale of event bookings.

| | |
|--|---|
| Estimated annual income | Dependent on event bookings. |
| Capital replacement | <ul style="list-style-type: none"> • Entry statement: 20 Years • Stairway: 20 years • New picnic shelters & tables: 10 Years • Play space with shade sails: 10 years • Dune track asphalt: 30 years • Footpaths: 20 years • Fitness equipment: 10 years • New signage: 10 years • New painted markers: 5 years • Water fountains: 10 years • Irrigation: 30 years • Fencing: 20 years |
| 20 Year Strategic Financial Plan impact | <p>Coastal assets deteriorate at a faster rate than inland assets, therefore replacement will occur within 20 years of the following assets:</p> <ul style="list-style-type: none"> • New picnic shelters & tables replacement every 10 years, current replacement cost of \$245,000. • Play space replacement every 10 years, current replacement cost of \$350,000. • Fitness equipment replacement every 10 years, current replacement cost of \$50,000. • New signage replacement every 10 years, current replacement cost of \$12,000. • New painted markers replacement every 5 years, current replacement cost of \$2,000. • Water fountains replacement every 10 years, current replacement cost of \$8,000. <p>The capital cost for replacement of park assets is partially included in the <i>20 Year Strategic Financial Plan</i>.</p> |
| Impact years | Varies from 2023-24 to 2048-49. |

All amounts quoted in this report are exclusive of GST.

Regional significance

Located north of Hillarys Boat Harbour, Whitfords Nodes Park is a regional park with a strong fitness and recreational function. Apart from hosting large triathlon events, it is regularly used by fitness groups as well as the general public exercising on a daily basis. As a beach access park it provides for a large catchment of suburbs within the City of Joondalup as well as other local government areas.

Sustainability implications

Environmental

Whitfords Nodes Park is highly utilised for recreational purposes with the pathway through the dunes being used for large triathlon events, fitness groups as well as the general public exercising on a daily basis. These uses have the unintended consequence of causing erosion and loss of vegetation to the surrounding dune system. The formalisation of recreational areas at the location will assist in protecting the dunes and its vegetation from disturbance from park users.

The Western Australian Planning Commission approval for the construction of the stairway has been obtained. The selected contractor will apply for a clearing permit prior to construction.

During the construction of the project it is possible that erosion of the dunes and disturbance of vegetation may occur. In order to minimise disturbance erosion control measures will be put in place. Revegetation of the dunes will also be conducted to ensure the condition of the environment is maintained.

Social

The Health and Wellbeing Hub proposal has been designed to enhance the amenity and usability of the park and to meet the diverse needs of the residents of the City of Joondalup as well as visitors from across the metropolitan areas. The space is already popular (although somewhat underutilised) for family activities, fitness usage and large-scale events. Enhancing recreational opportunities for users by rationalising the placement of park infrastructure to create a large turf area will enable park visitors to use the space for a variety of activities concurrently.

The proposed development will draw users to the park which will activate the space, increasing surveillance and decreasing anti-social behaviour. The new infrastructure will be designed to limit anti-social behaviour by keeping clear sightlines and passive surveillance opportunities.

Economic

Perth has a limited number of beach access parks which have the potential to accommodate large events. The proposed development of Whitfords Nodes Park will improve the amenity of the public space and is anticipated to attract increased visitors and user groups to the area. The large consolidated turf area will provide a viable space to continue to host current annual events such as triathlons and the potential to attract new events which will contribute to the economic growth of the City.

Consultation

The results of the community engagement for the development of Whitfords Nodes Park as a Health and Wellbeing Hub have been summarised in the details section of this Report and the full outcomes of the community engagement process are provided (Attachment 2 refers).

COMMENT

Whitfords Nodes Park has the potential to become a destination space with the development of the space as a Health and Wellbeing Hub. Based on the results of the community engagement the proposal is well supported by the community.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the Community Engagement outcomes to develop a Health and Wellbeing Hub at Whitfords Nodes Park, Hillarys as detailed in Attachment 2 to this Report;**
- 2 SUPPORTS the development of Whitfords Nodes Park, Hillarys as a Health and Wellbeing Hub at an estimated cost of \$1.62 million;**
- 3 REQUESTS the Chief Executive Officer to investigate options and make an application on behalf of the City for grant funding totalling \$810,000 for the development of Whitfords Nodes Park, Hillarys as a Health and Wellbeing Hub.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf180213.pdf](#)

**ITEM 25 CONFIDENTIAL - RESOURCE RECOVERY FACILITY
– DEED OF GUARANTEE (PROPOSAL TO AMEND)**

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Nico Claassen Infrastructure Services |
| FILE NUMBER | 03149, 101515 |
| ATTACHMENT | Nil |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

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

A matter if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.

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

REPORTS – POLICY COMMITTEE – 5 FEBRUARY 2018

ITEM 26 CASH-IN-LIEU OF CAR PARKING LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 72020, 101515 |
| ATTACHMENTS | Attachment 1 Draft <i>Cash-in-lieu of Car Parking Local Planning Policy</i> - as advertised Attachment 2 Draft <i>Cash-in-lieu of Car Parking Local Planning Policy</i> - modified post advertising |
| AUTHORITY / DISCRETION | Legislative - includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to consider the draft *Cash-in-Lieu of Car Parking Local Planning Policy*, following advertising, for the purpose of final adoption.

EXECUTIVE SUMMARY

At its meeting held on 10 October 2017 (CJ171-10/17 refers), Council considered the draft *Cash-in-Lieu of Car Parking Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 9 November 2017 to 29 November 2017. Five submissions were received, all being objections to the policy generally and not supportive of allowing developers to provide less than the required number of car parking bays on site and the policy not being specific enough.

As the provisions of the City's *District Planning Scheme No. 2* (DPS2) and draft *Local Planning Scheme No. 3* (LPS3) are the mechanism to allow cash-in-lieu of car parking to be considered, the updates proposed to the existing policy do not negate the need to provide parking. Rather, the modifications clarify the circumstances in which cash-in-lieu may be considered by way of new definitions, align the policy with the provisions of draft LPS3, including the application for non-residential developments only and providing clarification on how the cash-in-lieu sum will be calculated.

It is recommended that Council endorses the draft *Cash-in-Lieu of Car Parking Local Planning Policy*, with modifications.

BACKGROUND

The City's *Cash-in-Lieu of Car Parking Policy* has been in operation since 1999 and has been reviewed on a number of occasions including most recently in 2012 (CJ160-08/12 refers) as part of a review of the City's Policy Manual. The car parking fees applied per bay were last reviewed in 2009.

Clause 4.11 of DPS2 allows Council to consider accepting a cash payment in-lieu of car parking bays provided onsite. Cash-in-lieu of car parking provides a potential alternative to the development of onsite car parking should there be a shortfall in the provision of bays outlined under Table 2 – Car Parking Standards of DPS2. Clause 4.11 does not replace the developer's responsibility to provide onsite parking, but rather serves as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed. However, in accordance with Clause 4.11, there must be an adequate provision or a reasonable expectation that in the immediate future, there will be adequate provision for public car parking in the proximity of the proposed development.

The payment of cash-in-lieu is applied in accordance with the City's current *Cash-in-Lieu of Car Parking Policy* and DPS2. Cash-in-lieu is only accepted where the terms outlined in the policy and DPS2 can be met.

Where the cash-in-lieu is unable to be spent on appropriate public parking within the vicinity of the proposed development, Council would need to consider whether it is appropriate to accept cash-in-lieu or if the car parking shortfall is acceptable without the provision of cash-in-lieu to provide for additional off-site parking.

At its meeting held on 10 October 2017 (CJ171-10/17 refers), Council resolved to proceed with the draft *Cash-in-Lieu of Car Parking Local Planning Policy* for the purpose of advertising.

DETAILS

The policy has been updated to include definitions to clarify new terms, ensure consistency with the provisions of LPS3 and provide clarification as to how the cash-in-lieu sum will be calculated. The updates as outlined below were advertised for public comment.

Definitions

To provide certainty to developers and the community in regard to how the funds will be spent and where that infrastructure may be provided, it is appropriate to include definitions for the terms 'transport infrastructure' and 'vicinity'.

The draft policy defines 'transport infrastructure' as follows:

“the works and undertakings described below for the purpose of providing public transport infrastructure, walking and cycling infrastructure, parking infrastructure and demand management:

- (a) public transport stops, shelters and station, signs, public transport lanes, vehicles track and catenary, priority signals and associated works / designs;*
- (b) paths, signs, bikes, end of trip facilities (showers and lockers), pedestrian and cycling crossings and any associated works and designs;*
- (c) on and off street parking bays, parking machines, parking signs, shelters and any associated works / design and technologies.”*

Currently, under DPS2, funds acquired by the City through cash-in-lieu payments for car parking can only be used to provide public car parks in the locality of the development that generated the need for the car parking.

As the availability of land for the development of public car parking is limited and the shift to other modes of transport (for example, cycling or public transport) is occurring, the opportunity to upgrade existing facilities and accommodate public transport options is increasing. It is accepted that cash-in-lieu may be used for transport infrastructure such as shelters, paths, signs, bicycle lanes, end of trip facilities and pedestrian crossings. This is consistent with the definition of transport infrastructure provided in draft LPS3. Such improvements must be provided in the vicinity of the development that generates the parking demand.

To provide clarification as to what ‘vicinity’ means in the context of cash-in-lieu, a definition has been included in the policy. The draft policy defines ‘vicinity’ as follows:

“The area within sufficient proximity to the site of the proposed development for which parking bays or transport infrastructure may be provided to address the parking demand.”

Based on the proposed definition the infrastructure or upgrades need to be provided within sufficient proximity to the development that generates the parking demand and to be of benefit to those accessing the development.

Parking bay valuation

Currently the fee per bay is calculated based on an area of 30m² (the area of a standard bay plus manoeuvring and landscaping area) plus a fixed fee based on whether the land is service industrial, commercial or beachfront commercial. It is proposed that the fee per bay will be based on the same minimum area plus a land valuation of that specific site. This makes the fee relative to the site specifically rather than a flat rate. It is considered this will provide a more accurate and appropriate valuation for an individual site.

Deletion of provisions for Royce Court

The provisions applicable to the lots that abut Royce Court, Lot 65 Winton Road, Joondalup have been deleted from the policy. The City’s *Cash-in-Lieu of Car Parking Policy* applies throughout the City, with the exception of the Joondalup Activity Centre (of which Royce Court is located within).

A separate cash-in-lieu of car parking policy will be prepared for the Joondalup Activity Centre. As part of this separate policy, the special concessions available to lots abutting Royce Court included in the current policy will be considered whether it is appropriate to retain them in the future policy.

Minor formatting modifications

Minor modifications are proposed to improve the formatting and consistency of the policy with the City’s suite of local planning policies. These modifications are minor and do not materially change the intent of the policy.

Proposed amendments following consultation

In anticipation of LPS3 being endorsed, there is a need for the policy to be consistent with the scheme provisions. This requires a minor wording change to the policy to clarify that the application of cash-in-lieu of car parking will only apply to non-residential development, as noted in Attachment 2. This change does not materially change the intent of the policy.

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

Policy *Cash-in-Lieu of Car Parking Policy.*

Risk management considerations

As Council has the ability to accept cash-in-lieu of the provision of car parking, the dollar amount accepted must reflect the cost to the City of providing that car parking. There is a risk that the City would not be able to fund the provision of car parking should the amount accepted not reflect the costs involved. There is also the risk that if the scope of works which can be provided through the funds received for cash-in-lieu are not clearly outlined then the City would be unable to upgrade existing public parking areas or provide improved facilities to support other modes of transport.

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

Cash-in-lieu of car parking enables public car parking and transport infrastructure to be provided in appropriate locations and assist in reducing the amount of private land that is utilised for car parking which could be used for other development.

Consultation

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* from 9 November 2017, closing on 29 November 2017, by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website.

Five submissions of objection were received during the public consultation period. The submitters stated they opposed the policy as a whole as they believe it allows the developer to over develop a site which will result in parking issues. Concern was also raised that the policy was not specific enough and should not relate to residential development.

COMMENT

Three key themes were identified throughout the five submissions received, being as follows:

- Opposition to the intent of the policy in its entirety.

Submissions were received objecting to the draft policy on the basis that the submitters believe that developers should, without exception, be required to provide all the applicable parking on site to ensure the development does not result in parking problems in the area.

There are existing provisions of DPS2 that allow for cash-in-lieu to be considered and the existing policy that supports these provisions has generally been operating without any problems. Draft LPS3 also includes provisions for cash-in-lieu and it is therefore appropriate to adopt a policy to support the scheme in this regard. The policy is needed to provide guidance to landowners and developers on how cash-in-lieu is to be calculated should it be appropriate to apply. The application of cash-in-lieu can also be beneficial where a locality may benefit from a coordinated approach to the provision of infrastructure such as car parking. Where appropriate, it allows for shared facilities to be provided to holistically address a need rather than it being addressed on an ad-hoc basis.

It is also noted that a cash-in-lieu payment cannot automatically be applied to a development and if such a payment is considered, it needs to be demonstrated there is a reasonable expectation that a cash-in-lieu payment can be utilised to provide car parking or transport infrastructure in the vicinity of the site.

- Application of the policy to residential development.

Comment was made in the submissions objecting to the application of the policy to residential development. It was not the intent of the draft policy to allow car parking for residential development not to be provided, but allow, in very specific situations, the coordinated provision of car parking in some residential areas that would enable the minimisation of parking impacts on the community. Notwithstanding, in anticipation of the new provisions likely to be applied to LPS3, the policy has been modified to clarify that cash-in-lieu of car parking will only be applied to non-residential developments. Car parking required for residential development will be assessed and considered in accordance with the *Residential Design Codes (R-Codes)* and the City's *Residential Development Local Planning Policy*.

- Belief that references in the policy are too vague.

Comment was also made about the draft policy being too vague, particularly the terms 'sufficient proximity' and 'vicinity'. However, given that the policy is to be read in conjunction with the provisions of LPS3, it is considered that adequate guidance is provided. The definition of the term 'vicinity' is considered to be appropriate in the context of the policy and it is not proposed that there be a specific definition for 'sufficient proximity' as this will be determined on a case by case basis depending on the type of development proposed and context in which it is proposed for example local centre, neighbourhood centre. What is appropriate in one locality may not be appropriate in another and therefore specific parameters are not appropriate.

Conclusion

It is considered that the minor formatting changes, the inclusion of definitions and updates to the parking bay valuation provides sufficient clarity and will ensure the policy is consistent with the provisions of draft LPS3 and cash-in-lieu can be considered and applied where appropriate in lieu of the provision of onsite car parking bays for non-residential developments.

The modifications recommended following public consultation are considered minor and do not require the policy to be re-advertised.

It is therefore recommended that Council proceed with the draft *Cash-in-Lieu of Car Parking 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 LPS3 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 5 February 2018.

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

RECOMMENDATION

That Council:

- 1 In accordance with subclauses 4(3)(b)(ii) and 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the modified *Cash-In-Lieu of Car Parking Local Planning Policy*, as included in Attachment 2 to this Report;**
- 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 22 refers

To access this attachment on electronic document, click here: [Attach22brf180213.pdf](#)

ITEM 27 POLICY MANUAL REVIEW

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 26176, 101515 |
| ATTACHMENTS | <p>Attachment 1 Table of Policies including recommended action and comments</p> <p>Attachment 2 <i>Dedicated Car Parking for Seniors and Parents with Prams Policy</i></p> <p>Attachment 3 <i>Payment of Rates and Charges Policy</i></p> <p>Attachment 4 <i>Recovery of Costs Awarded to the City Policy</i></p> <p>Attachment 5 <i>Revised Development Proposals before the State Administrative Tribunal Policy</i></p> <p>Attachment 6 <i>Revised Naming of Public Facilities Policy</i></p> <p>Attachment 7 <i>Revised Parking Schemes Policy</i></p> <p>Attachment 8 <i>Revised Payments to Employees in Addition to a Contract or Award Policy</i></p> <p>Attachment 9 <i>Revised Sustainability Policy</i></p> <p>Attachment 10 <i>Revised Vandalism to Vegetation on City Land Policy</i></p> |
| AUTHORITY / DISCRETION | Legislative – includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to adopt the revised policies as a result of the Policy Manual review process.

EXECUTIVE SUMMARY

In accordance with good governance practices, regular reviews of the City's policies are required to ensure their continued relevance and applicability. A major review of the City's Policy Manual has not been conducted since 2012 and as such, it was considered timely that a thorough review process be pursued. The Policy Manual review has resulted in the identification of various minor and major amendments to existing City and Council policies.

This report focuses on the City's current policies that, following the review, are recommended for amendment, namely:

- *Development Proposals before the State Administrative Tribunal Policy.*
- *Naming of Public Facilities Policy.*
- *Parking Schemes Policy.*
- *Payments to Employees in Addition to a Contract or Award Policy.*
- *Sustainability Policy.*
- *Vandalism to Vegetation on City Land Policy.*

Policies that have been identified for major review and / or require advertising will be presented to the Policy Committee and Council individually at a later date.

It is therefore recommended that:

- 1 *Council ADOPTS the following amended policies:*
 - 1.1 *Development Proposals before the State Administrative Tribunal Policy provided as Attachment 5 to this Report;*
 - 1.2 *Naming of Public Facilities Policy provided as Attachment 6 to this Report;*
 - 1.3 *Parking Schemes Policy provided as Attachment 7 to this Report;*
 - 1.4 *Sustainability Policy provided as Attachment 9 to this Report;*
 - 1.5 *Dedicated Car Parking for Seniors and Parents with Prams Policy provided as Attachment 2 to this Report, with the inclusion of the words “non-residential” before the words “privately owned” throughout the Policy;*
- 2 *The following policies are REFERRED BACK to the Chief Executive Officer for further clarity around aspects of the policies:*
 - 2.1 *Payments to Employees in Addition to a Contract or Award Policy provided as Attachment 8 to this Report;*
 - 2.2 *Vandalism to Vegetation City Land Policy provided as Attachment 10 to this Report.”*

BACKGROUND

The City has recently undertaken a comprehensive review of the City of Joondalup Policy Manual. A complete review of the manual was last carried out in 2012 (CJ032-03/12 refers) while ongoing reviews are undertaken on an as needed basis.

The City’s Policy Manual categorises policies into City and Council. City policies are those developed for administrative and operational purposes with an internal focus, while Council policies are those that set governing principles and guide the direction of the organisation to align with community values and aspirations.

All policies that have been identified for review and amendment will be brought before the Policy Committee for deliberation and subsequent consideration by Council.

DETAILS

The intent of this report is for Council to consider a number of policies which require minor amendment into one consolidated report. The review assessed the policies against the following broad areas:

- Consistency – with regard to language, style, format and policy template.
- Relevance – new plans and strategies that may supersede previously endorsed positions within existing policies.
- Duplication — identified sections of policies that duplicate other policies, City plans and strategies, local laws, and/or State legislation.
- Outdated content – identified references to outdated legislation, policies or plans.

In addressing these areas, the City has identified a number of City and Council policies (including local planning policies) that are recommended for minor amendments (language, style, formatting, legislation and the like) or no change as presented in Attachment 1.

A number of policies were identified as requiring no changes. The review indicated that current legislative requirements remained relevant and no formatting, language or style changes were suggested. The policies within this category have been listed below and have been provided as Attachments 2 – 4:

- *Dedicated Car Parking for Seniors and Parents with Prams Policy.*
- *Payment of Rates and Charges Policy.*
- *Recovery of Costs Awarded to the City Policy.*

The policies recommended for minor amendment reflect legislative and / or minor language or formatting changes. The policies within this category have been listed below and are provided as Attachments 5 – 10:

- *Development Proposals before the State Administrative Tribunal Policy.*
- *Naming of Public Facilities Policy.*
- *Parking Schemes Policy.*
- *Payments to Employees in Addition to a Contract or Award Policy.*
- *Sustainability Policy.*
- *Vandalism to Vegetation on City Land Policy.*

Issues and options considered

Council may either:

- note or adopt each proposed policy as shown at Attachment 2–10
- suggest further modifications to each proposed policy
or
- retain each proposed policy in its current format.

Option 1 is the recommended option.

Legislation / Strategic Community Plan / policy implications

Legislation

This report refers to various City and Council policies, some of which relate to State and Federal legislation. Details of the relevant legislation are outlined on each individual policy in the 'Related Documentation' section.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

- Corporate capacity.
- Strong leadership.

Strategic initiative

- Continuously strive to improve performance and service delivery across all corporate functions.
- Advocate and influence political direction to achieve local and regional development.

Policy

This report relates directly to a number of existing policies within the City of Joondalup Policy Manual. See Attachments 2 – 10 for the specific policy names.

Risk management considerations

In order to maintain transparency and to 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

Not applicable.

Regional significance

Not applicable.

Sustainability implications

A number of Council and City policies have been developed to provide policy direction for the sustainable management of the City's activities and services. It is important to ensure that these policies remain relevant and consistent with best practice through regular review processes.

Consultation

No consultation was undertaken with the community given the nature of the amendments being minor and related to language, style and formatting. All policies which are the subject of this report have been reviewed by City officers to ensure they remain relevant to operational requirements.

COMMENT

The review of the Policy Manual is a comprehensive ongoing process, which addresses issues in terms of consistency, relevance and outdated material of all policies. The policies shown at Attachments 2 – 4 are not recommended for amendment. Minor amendments are proposed for the policies shown at Attachments 5 – 10 and are recommended for adoption 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 5 February 2018.

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

“That Council ADOPTS the following amended policies:

- 1 *Development Proposals before the State Administrative Tribunal Policy provided as Attachment 5 to this Report;*
- 2 *Naming of Public Facilities Policy provided as Attachment 6 to this Report;*
- 3 *Parking Schemes Policy provided as Attachment 7 to this Report;*

- 4 *Payments to Employees in Addition to a Contract or Award Policy provided as Attachment 8 to this Report;*
- 5 *Sustainability Policy provided as Attachment 9 to this Report;*
- 6 *Vandalism to Vegetation City Land Policy provided as Attachment 10 to this Report.”*

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

“That:

- 1 *Council ADOPTS the following amended policies:*
 - 1.1 *Development Proposals before the State Administrative Tribunal Policy provided as Attachment 5 to this Report;*
 - 1.2 *Naming of Public Facilities Policy provided as Attachment 6 to this Report;*
 - 1.3 *Parking Schemes Policy provided as Attachment 7 to this Report;*
 - 1.4 *Sustainability Policy provided as Attachment 9 to this Report;*
 - 1.5 *Dedicated Car Parking for Seniors and Parents with Prams Policy provided as Attachment 2 to this Report, with the inclusion of the words “non-residential” before the words “privately owned” throughout the Policy;*
- 2 *The following policies are REFERRED BACK to the Chief Executive Officer for further clarity around aspects of the policies:*
 - 2.1 *Payments to Employees in Addition to a Contract or Award Policy provided as Attachment 8 to this Report;*
 - 2.2 *Vandalism to Vegetation City Land Policy provided as Attachment 10 to this Report.”*

RECOMMENDATION

That:

- 1 Council ADOPTS the following amended policies:**
 - 1.1 *Development Proposals before the State Administrative Tribunal Policy provided as Attachment 5 to this Report;***
 - 1.2 *Naming of Public Facilities Policy provided as Attachment 6 to this Report;***
 - 1.3 *Parking Schemes Policy provided as Attachment 7 to this Report;***
 - 1.4 *Sustainability Policy provided as Attachment 9 to this Report;***
 - 1.5 *Dedicated Car Parking for Seniors and Parents with Prams Policy provided as Attachment 2 to this Report, with the inclusion of the words “non-residential” before the words “privately owned” throughout the Policy;***

- 2** The following policies be REFERRED BACK to the Chief Executive Officer for further clarity around aspects of the policies:
- 2.1** *Payments to Employees in Addition to a Contract or Award Policy* provided as Attachment 8 to this Report;
 - 2.2** *Vandalism to Vegetation City Land Policy* provided as Attachment 10 to this Report.

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf180213.pdf](#)

ITEM 28 BEACH MANAGEMENT PLAN FINALISATION

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 100932, 101515 |
| ATTACHMENT | Attachment 1 <i>Beach Management Plan</i> Progress Report Attachment 2 <i>Current Beach Management Plan</i> Attachment 3 <i>Proposed Beach Management Activities 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 receive the final progress report against the *Beach Management Plan* and adopt the *Beach Management Activities Policy*.

EXECUTIVE SUMMARY

In September 2010, Council endorsed a *Beach Management Plan* in response to several coastal-related petitions received by the City in 2009 (CJ158-09/10 refers). Since its inception, three status reports have been requested by and provided to Council on the following matters:

- Review of the 2010-2011 summer implementation measures (CJ108-06/11 refers).
- Winter review of kitesurfing implementation measures (CJ219-11/11 refers).
- Status on the implementation of the *Beach Management Plan* (CJ207-10/12 refers).

Since the introduction of the *Beach Management Plan*, many of its current initiatives such as the permanent establishment of dedicated summer beach patrols, beach activity restrictions, incident reporting systems and major infrastructure improvements have been embedded into operational business-as-usual services delivered by the City.

Attachment 1 highlights progress achieved over the life of the *Beach Management Plan*. Most of the actions in the plan are completed or embedded within City operations, therefore it is recommended that the *Beach Management Plan* is finalised. To support the ongoing consideration of beach activity requests, it is proposed that policy statements within the plan pertaining to the management of recreational beach activities be converted into a *Beach Management Activities Policy* (Attachment 3 refers).

It is recommended that Council finalise the *Beach Management Plan* (Attachment 2 refers) and adopt the proposed *Beach Management Activities Policy* to manage ongoing beach activities as per Attachment 3 of this Report.

BACKGROUND

In 2009, the City received community petitions requesting that kitesurfing activities be banned at North Mullaloo Beach and the City consider extending the current Hillarys Dog Beach further north. The *Beach Management Plan* was developed in response to these petitions.

The purpose of the plan was to provide a management framework for the use, enjoyment, maintenance, protection, preservation and appropriate development of the lands covered by the *Beach Management Plan* within available resources. The plan is guided by the following principles:

- 1 To maintain the natural integrity of the City's coastline.
- 2 To facilitate high quality experiences for visitors to coastal locations within the City through the provision of quality infrastructure and services.
- 3 To enable a safe environment for beach users to undertake a variety of coastal activities.
- 4 To support activity diversity and growth with the Joondalup coastal region.

Divided into three key focus areas (infrastructure, management and development), the *Beach Management Plan* identified issues and corresponding statements to articulate the City's position on how these issues should be resolved or managed. These statements provided guidance to decision-making processes on the provision of coastal services and infrastructure.

A variety of initiatives were undertaken to operationalise the issue statements which have been reported to Council through the City's *Corporate Business Plan Quarterly Progress Reports* from 2010 – 2017. In addition to the general reporting requirements, three reports have also been presented to Council to provide information about the success of implementation measures for newly established beach activity restrictions as follows:

- Review of the 2010-2011 summer implementation measures (CJ108-06/11 refers).
- Winter review of kitesurfing implementation measures (CJ219-11/11 refers).
- Status on the implementation of the *Beach Management Plan* (CJ207-10/12 refers).

Council has also received reports in relation to the *Beach Management Plan* on the following:

- *Animals Amendment Local Law 2016* – Adoption (CJ208-12/16 refers), which removed the ability for horses to be exercised at Hillarys Beach.

Note: On August 2017, the Hon Martin Pritchard moved a motion in the Legislative Council to disallow the City's Animals Amendment Local Law 2016. The Legislative Council considered the motion and subsequently disallowed the local law amendment in November 2017. As a result, the horse beach area has now been re-instated. Signage and car park line marking have been updated accordingly.

- Petitions in relation to Animal Exercise Areas on the Foreshore (CJ137-08/17 refers), which closed the final petitions relating to the *Beach Management Plan* in relation to animal exercise areas.

Details on all initiatives undertaken since the adoption of the *Beach Management Plan* in 2010 are provided at Attachment 1 to this Report.

DETAILS

Major Achievements

Major achievements against the three key focus areas within the *Beach Management Plan* include, but are not limited to the following:

Key Focus Area 1: Infrastructure

- Coastal shared path upgrades in Sorrento, Hillarys, Mullaloo and Burns Beach-Iluka.
- Development and implementation of a *Coastal Foreshore Fencing Renewal Program* through the *Five Year Capital Works Program*.
- Development of a new way-finding signage guide.
- Commencement of roll-out of new Australian Standard safety signage.
- Car parking improvements at Tom Simpson Park, Sacred Heart College and the construction of the Marmion Foreshore Parking Facility.
- Connection of the Sorrento Surf Lifesaving Club and Animal Beach Toilets to deep sewerage.
- Sorrento Beach enclosure and associated parking improvements completed in 2016.

Key Focus Area 2: Management

- Establishment of kitesurfing restrictions at Mullaloo, Kallaroo and Sorrento Beaches.
- Closure of the Hillarys Horse Beach in January 2017 and finalisation of petitions for extended dog beaches in Hillarys and Burns Beach.

Note: On August 2017, the Hon Martin Pritchard moved a motion in the Legislative Council to disallow the City's Animals Amendment Local Law 2016. The Legislative Council considered the motion and subsequently disallowed the local law amendment in November 2017. As a result, the horse beach area has now been re-instated. Signage and car park line marking have been updated accordingly.

- Roll-out of new compliance and information signage along the coastline to demarcate permitted beach activity locations.
- Permanent establishment of Beach Ranger positions to provide a dedicated, daily coastal enforcement regime over the summer period for all new *Beach Management Plan* activity changes.
- Establishment of a "Coastal Incident Reporting Hotline" to enable requests and incidences to be effectively captured and reported.
- Delivery of a significant awareness campaign over the 2010-11 summer period to communicate the new beach use changes across the City's coastline. This included the distribution of beach activity flyers, posters and website materials.

Key Focus Area 3: Commercial Development

- Endorsement of Rock (WA) Pty Ltd (trading as White Salt) as the preferred respondent for the development of a café / kiosk at Pinnaroo Point, Hillarys.
- Endorsement of a modified concept design proposed by White Salt with land lease negotiations underway and environmental investigations undertaken.

Compliance Statistics

Following the adoption of the *Beach Management Plan* in 2010, an Incident Reporting Hotline was established to receive requests and manage data relating to new beach activity restrictions. Overall compliance with beach activity guidelines is illustrated by the following statistics:

| Beach Activity – Reported Incidences | 2010 -11 | 2011 -12 | 2012 -13 | 2013 -14 | 2014 -15 | 2015 -16 | 2016 -17 | Total |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------|
| Horse being exercised outside designated hours | 0 | 8 | 3 | 2 | 4 | 4 | 2 | 23 |
| Dog being exercised outside designated area | 147 | 163 | 149 | 63 | 78 | 116 | 51 | 767 |
| Kitesurfing incident inside designated area | 1 | 1 | 3 | 1 | 1 | 2 | 1 | 10 |
| Kitesurfing incident outside designated area | 8 | 4 | 2 | 1 | 1 | 1 | 0 | 17 |

| Beach Activity – Infringements Issued | 2010 -11 | 2011 -12 | 2012 -13 | 2013 -14 | 2014 -15 | 2015 -16 | 2016 -17 | Total |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--------------|
| Animals | 46 | 126 | 73 | 42 | 36 | 62 | 31 | 416 |
| Kitesurfing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parking | 252 | 130 | 97 | 47 | 53 | 250 | 499 | 1,328 |

The City noted increasing levels of beach activity compliance between 2010-11 and 2016-17, except for parking infringements which saw a marked increase in 2015-16 and 2016-17. This increase coincided with the amalgamation of the City's Rangers and City Watch function, which resulted in increased ranger patrols in coastal areas. The number of infringements issued by rangers for coastal parking is expected to remain consistent now that the service has matured.

Increased beach patrols have also enabled higher levels of community awareness and improved enforcement of permitted and restricted beach activities. Daily monitoring of City facilities with portable reporting devices has also improved the proactive identification and efficiency of operational maintenance issues.

Kitesurfing

Since the *Beach Management Plan's* implementation and the subsequent introduction of kitesurfing exclusion zones at Mullaloo, Kallaroo and Sorrento Beaches, the City has received fewer complaints and reported incidences in relation to this activity. Furthermore, no infringements have been issued for non-compliant kitesurfing activities since the introduction of the restrictions. While cautions were initially applied in the first few years of implementation, improved education and awareness of the activity has resulted in reduced incidents and conflict with other beach users.

Dog Beach Requests

Since the inception of the *Beach Management Plan*, the City received several enquiries requesting an additional dog beach or extension of the existing dog beach. This has also been a regular discussion on the City's social media platforms campaigning for more beach space within the City to exercise dogs.

To date, the City has referred all members of the public to its website for information on permissible dog exercise areas and has indicated that the matter was considered in the development of the City's *Beach Management Plan* in 2010.

In February 2016, the City received two petitions requesting the consideration of:

- an additional dog beach within Burns Beach, containing 178 signatures (C03-02/16 refers);
- an amendment to the *Beach Management Plan* to reduce congestion at the existing dog beach, containing 110 signatures (C04-02/16 refers). This petition requested that consideration be given to extending the existing dog beach north to the Kallaroo / Mullaloo foreshore boundary from 6.00am to 10.00am.

At its meeting on 15 August 2017, Council resolved to:

“Decline the petitioners’ requests for a section of the Burns Beach foreshore to be designated as an animal exercise area and for the Hillarys Dog Beach to be extended to the north to the Kallaroo / Mullaloo boundary between the restricted hours of 6.00am to 10.00am in an effort to reduce congestion in terms of parking and area use because it is considered that dogs and their owners are well catered for and there is no requirement at this time to extend the existing dog beach or provide an additional dog beach (CJ137-08/17 refers).”

The *Beach Management Plan* has no further outstanding petitions following this resolution.

Emerging Beach Activities

Since 2010, several requests to support emerging beach activities have been received by the City, from which the *Beach Management Plan* has provided the context for their consideration by the City and Council. They include the following:

- Fly-boarding.
- Para-motoring.
- Para-gliding.
- Para-sailing.
- Surfing school.
- Jet-ski hire.
- Helicopter tours.
- Beach lockers.

Of the above requests, para-motoring, para-sailing and a surfing school have all received support from the City as permitted beach activities in accordance with the guiding principles of the *Beach Management Plan*. The plan has provided a useful tool for broadly assessing the appropriateness of coastal activity requests and is often cited by proposed coastal operators in their initial enquiry and application processes.

However, once a decision to support an activity is made, integrating these decisions into the *Beach Management Plan* on an ongoing basis is problematic. As such, the development of a *Beach Management Activities Policy* is considered the most effective mechanism for considering and assessing beach activity proposals on an ongoing basis.

Issues and options considered

Following a progress review against the *Beach Management Plan*, many of the identifiable actions have either been completed, form part of ongoing capitals works programming or have been incorporated into the delivery of issue-specific plans (such as the *Bike Plan*, *Walkability Plan*, *Asset Management Plan* and the like). Response to petitions relating to recreational beach activities within the *Beach Management Plan* have also been finalised, in addition to an established enforcement and reporting regime.

Information about the activity restrictions and permissions along the City’s coastline information is updated regularly on the “Beach Activities and Uses” page of the City’s website. In addition, information or links to planned capital works, coastal development and approval processes that formed the bulk of the remaining matters addressed within the *Beach Management Plan* will be further developed on the City’s website.

To support the ongoing consideration of beach activity requests, it is recommended that Council adopt a *Beach Management Activities Policy* (Attachment 3 refers) for the management of recreational beach activities such as kitesurfing, jet and water skiing, animal beach exercising and para-motoring, and other activities that are likely to emerge in the future.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government and Public Property Local Law 2014.
Western Australian Marine Act 1982.
Environmental Protection Act 1986.
Biodiversity Conservation Act 2016.*

Strategic Community Plan

Key theme

- The Natural Environment.
- Economic Prosperity, Vibrancy and Growth.

Objective

- Accessible environments.
- Destination City.

Strategic initiative Build an effective interface between humans and the natural environment.

Policy Not applicable.

Risk management considerations

Considering the significant interest received by the City during the development of the *Beach Management Plan*, it is important that ongoing issues identified in this plan continue to be effectively managed over the long term to ensure community expectations are met. If the City fails to manage these issues, it risks criticism from the community on the effectiveness of its beach management practices.

Financial / budget implications

Most of the costs associated with the delivery of the *Beach Management Plan* relate to capital expenditure outlined in the City's *Capital Works Program*. Relevant capital items include coastal fencing projects, path network infrastructure improvements, car parking upgrades and building refurbishments. These are delivered in alignment with existing planned activities.

Operational expenditure linked to the plan relates mainly to the ongoing cost of Beach Ranger positions, which is approximately \$87,000 per annum, inclusive of salaries and vehicle operating costs.

Regional significance

Based on the City's coastal location, the implementation of beach management strategies impact upon regional visitors to the area and should therefore seek to accommodate and consider both regional and local needs.

Sustainability implications

The purpose of the *Beach Management Plan* is to provide for the sustainable use and management of the City's coastline.

Consultation

Not applicable.

COMMENT

The *Beach Management Plan* was originally developed as an umbrella framework to draw together and compare planned coastal management activities to identify potential gaps and conflicts in policy and process. This exercise has resulted in the successful implementation of enforcement, reporting and communication initiatives that have either resolved or significantly reduced conflicts previously present along the City's coastline. These initiatives have been incorporated into the City's normal operational regime.

Other aspects of the plan relating to infrastructure, development activity and general management considerations are now duplicated across the City's planning framework and capital works programming. As such, the *Beach Management Plan* is no longer the planning catalyst used to support and drive these projects and it is recommended that it be finalised and the *Beach Management Activities Policy* is adopted to manage ongoing and emerging beach activities.

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 5 February 2018.

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

RECOMMENDATION

That Council:

- 1 **NOTES** the progress achieved against the *Beach Management Plan* in the *Beach Management Plan Progress Report*, as detailed in Attachment 1 of this Report;
- 2 **AGREES** to finalise the *Beach Management Plan*, as detailed in Attachment 2 of this Report;
- 3 **ADOPTS** the proposed *Beach Management Activities Policy*, as detailed in Attachment 3 of this Report.

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf180213.pdf](#)

ITEM 29 CITY OF JOONDALUP ARTIST RESIDENCY PROGRAM 2018-19

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 103932 |
| ATTACHMENTS | Attachment 1 Expressions of Interest from shortlisted artists Attachment 2 Proposals from shortlisted artists <i>(Please Note: The Attachments are confidential and will appear in the official Minute Book only).</i> |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to appoint the recommended artist to undertake a residency in the City of Joondalup in 2018-2019.

EXECUTIVE SUMMARY

Each year the City of Joondalup invests \$15,000 in the Artist in Residence program. The full program is implemented in a cycle over a period of three years as follows:

- In Year 1 (2017-18), the City initiates a \$15,000 commission for a Western Australian artist for the art collection. Western Australian artist, Nien Schwarz is currently working on her \$15,000 commission to be capitalised early in 2018.
- In Year 2 (2018-19), the City hosts a national or international artist in residence in the City to the value of \$15,000. Discussion of this stage is the purpose of this report.
- In Year 3 (2019-20), the City initiates a \$15,000 commission from the hosted national or international artist for the art collection.

From May to June 2017, a call-out for Expressions of Interest (EOI) was advertised nationally and internationally. Twenty-two artists responded with an EOI comprising of 20 examples of their artworks, a Curriculum Vitae (CV), an artist statement, a biography and a statement outlining their interest in the City's program. A shortlist of four artists were invited to submit a full proposal that detailed their aims for the residency and commission if successful.

It is therefore recommended that Council APPOINTS artist Helen Pynor from Sydney, Australia, to complete the City of Joondalup artist residency, to liaise with the community and conduct research for a commissioned artwork that documents the landmarks and people who represent the City of Joondalup, with a contract value not to exceed \$15,000, in the 2018-19 financial year.

BACKGROUND

At its meeting held on 28 June 2016 (CJ100-06/16 refers), Council approved alternating between commissioning an artwork from a high-profile Western Australian artist one year and offering a national or international artist a residency, followed by a commission, over the next two years (as per Option 2 detailed within Report CJ100-06/16), and agreed to list \$15,000 annually to fund the program.

The aim of the program is that artists will document and capture the iconic landmarks and people who represent the City of Joondalup, either through the social environment (people, community and history), the urban environment or natural environment including flora and fauna.

The inaugural City of Joondalup residency was awarded to New York artist, Brandon Ballengée. Brandon is an environmental activist who uses art and science to engage and educate communities about ecological issues. His area of expertise includes finding novel ways to explore the natural world. Brandon invited the community to participate in artist talks and a 'Bug-Fest' that showcased the local ecosystem in a creative way. As an outcome of the program, Ballengée designed the Emperor Gum Moth, a sculptural 'Love Motel for Insects' that was fabricated and installed on Grand Boulevard, Joondalup in 2015.

DETAILS

Residencies are an effective way for the City to contract an artist to create an original artwork as well as engage the community in discussions of shared values and a sense of place. Residencies offer artists the opportunity to develop their practise and access new audiences. A successful residency should be of mutual benefit to both artist and host.

Issues and options considered

Twenty-two professional artists responded to the call-out for an EOI which was advertised on the National Association of Visual Arts (NAVA) website from May to June 2017. From the EOI's received, 10 were national artists and 12 were international artists.

EOI's were received from:

- Mike Bianco, Perth, WA.
- David Bowen, Minnesota, USA.
- Damien Butler, Sydney, NSW.
- Ash Coates, Melbourne, VIC.
- Aly de Groot, Darwin, NT.
- Cydney Eva, Vancouver, Canada.
- Tessa Farmer, London, UK.
- Terike Haapoja, Finland / New York.
- Heather Hesterman, Melbourne, VIC.
- Annelies Jahn, Sydney, NSW.
- Ella Jane, Melbourne, VIC.
- Kelly King, Sydney, NSW.
- Zora Kreuzer, Berlin, Germany.
- Joan Linder, New York, USA.
- Annee Miron, Seddon, VIC.
- Samantha Penn, London, UK.
- Helen Pynor, Sydney, NSW.
- Robbie Rowlands, Melbourne, VIC.
- Alan Stanners, Glasgow, Scotland.

- James Voller, Melbourne, VIC.
- Amy Youngs, Ohio, USA.
- Pinar Yoldas, Michigan, USA.

Each EOI was evaluated on the following selection criteria:

- The suitability of the artist to the aims of the residency.
- Potential for meaningful community engagement.
- Potential links to the collection, including the capacity of the City to appropriately commission, house, display, conserve and manage an artwork by that artist.
- The artists' professional standing; only professional artists were considered.
- The value of the artist's work in relation to the *City of Joondalup Art Collection* and aims of the residency.
- Long-term investment potential.
- Availability of the artist to complete the residency within the 2018-19 financial year.

From the 22 artists who submitted an EOI, four were shortlisted and invited to submit a more detailed proposal. Two of these were national and two were international.

Shortlisted artists:

- Amy Youngs, Ohio, USA.
- Joan Linder, New York, USA.
- Aly de Groot, Darwin, NT.
- Helen Pynor, Sydney, NSW.

Amy Youngs

Amy Youngs creates biological art, interactive sculptures and digital media works that explore interdependencies between technology, plants and animals. She has created installations that amplify the sounds and movements of living worms, indoor ecosystems that grow edible plants, a multi-channel interactive video sculpture for a science museum, and community-based participatory video, social media and public web-cam projects.

Joan Linder

Joan Linder is a highly skilled illustration artist, living and practising in New York, USA, and is currently employed as an Associate Professor at Buffalo University, New York. She works in the traditional medium of quill-pen and ink, as a reaction against mass produced, electronic imagery that is so prevalent in modern life and to allow viewers to experience and understand the value of the artist's hand in mark-making. Her drawings are ambitious in scale and varied in subject matter. Linder is interested in exploring the potential for new developments in her artistic practice, inspired by the urban and natural environments in Joondalup.

Aly de Groot

Aly de Groot is an Australian artist, based in Darwin, who is focussed on contemporary weaving, ghost-nets and marine ecology. One of the merits of de Groot's proposal was her willingness to be innovative, and to engage with other organisations and community members. Her recent solo exhibition '*Underwater Basket Weaving*' was a site-specific exhibition that involved transforming a walk-through underwater aquarium into an impromptu gallery space that housed her "strange and whimsical sea creatures" woven from marine debris.

Helen Pynor

Helen Pynor is primarily interested with the nature of human and non-human bodies, and the boundary between life and non-life. Previous projects have explored the 'living-dead' status of supermarket chickens, reports of near-death experiences, the philosophical and experiential implications of organ transplantation, the flying fox communities in Sydney, and the medicinal remedies of Dharawal people (the Indigenous inhabitants of what is now southern Sydney and the Illawarra). Her research methods have included residencies in Australian and international scientific and clinical institutions, as well as collaborations with community members whose embodied experiences connect with the themes of her work. For previous projects, she has drawn on local history archives to access primary source materials.

The proposals provided by the shortlisted artists were evaluated on the following selection criteria:

- Passport validity, visa eligibility and eligibility for working with children certification.
- The cost of travel, stipend and accommodation requirements of the artist represent value for money for the City.
- Time of year that the artist is available is relevant to the City's cultural program.
- The suitability of the artist's proposal to the City's overall cultural program.
- The suitability of the community engagement aims provided by the artist.
- The nature of the skills and expertise that the artist will bring to the community.
- Requirements of the artist for accessing resources and networks.
- The aims of the residency in relation to the aspirations of the City to be innovative, bold, and global.
- No copyright or legal implications exist and the artist is free to enter contractual agreements with the City.
- No other logistical implications are foreseen.

The preferred candidate is Helen Pynor from Sydney, Australia.

For the City of Joondalup Artist in Residence program, Pynor is proposing to undertake a period of research to identify interesting communities within the City of Joondalup with which she may engage. These may include (but are not limited to) the local hospital community, scientific community, custodians of local archives and collections, biological communities of local flora or fauna, and local Joondalup residents.

Pynor's proposal meets many of the aims of the Artist in Residence program. It offers an innovative approach to community engagement through her intended collaboration with other organisations such as Edith Cowan University and the Joondalup Health Campus to facilitate audience encounters with biomedical research and biological life. The artist also intends to engage local arts groups as well as liaise with other arts organisations such as Disability Arts Disadvantage Arts, Australia (DADAA), the Perth International Arts Festival, SymbioticA at the University of Western Australia. She possesses a range of practical skills that will be of interest to these groups and her methodologies showcase the surprising possibilities to be found at the intersection of art and science.

The exact outcome of the commissioned artwork that Pynor will produce is not explicit at this point. In line with best practice, it should be accepted that when an original artwork is commissioned, the artist's immersion in the process of research and development drives the outcome. The artist is experienced with developing meaningful exchanges with communities and her track record is testimony to her capacity to satisfy the aims of the residency and the commission in a sophisticated and professional manner.

The recommendation to select Pynor is made with careful consideration to ensure the selection complements and adds value to existing projects within the Cultural Development program. There are examples in her portfolio that indicate the suitability of her works for the City's art collection. They are poetic, highlighting the fragility of the human condition in a way that is unsettling yet beautiful. This recommendation is based on Pynor's status as a highly regarded artist within Australia, whose works have been acquired by significant collections such as Artbank (Australian Federal Government Contemporary Art Collecting Agency), the Wellcome Collection, London, and the Royal Bank of Scotland, among others.

The artist expects to stay in the City of Joondalup for up to 12 weeks. She is currently available at any time in the 2018-19 financial year, the dates will be determined once the artist is engaged.

In summary, the recommended artist represents excellent artistic merit and value for money and her proposal is feasible in relation to administrative processes, contractual agreements, timing, and community engagement aims.

A summary of Helen Pynor's proposal is provided in Attachment 2.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Cultural development.

Strategic initiative Invest in publicly accessible visual art that will present a culturally-enriched environment.

Policy *Visual Arts Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

In seeking an artist resident, there are variables which may impact on the value of the City's investment. \$15,000 for the artist's residency includes airfares, accommodation and a daily allowance.

Regional significance

The City's art collection, including its public art, archives and memorabilia, plays an important part in shaping and developing a sense of community.

The ongoing provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

Sustainability implications

Environmental

Art strengthens the public realm by creating points of interest, animating spaces and providing beauty, character and colour to places.

Social

Art provides a catalyst for public discussion about current social, economic and environmental issues.

Economic

Art is a driver for cultural tourism.

Consultation

Not applicable.

COMMENT

All four shortlisted artists offer a diverse selection of high quality contemporary artists whose work will be a valuable cultural asset for the City and whose practice will be of interest to the local community.

The residency will allow the selected artist to engage meaningfully with the community and to begin to research on a significant commissioned artwork. The residency will be carried out in the 2018-19 financial year under a contractual agreement, to the value of \$15,000. The related commission of an artwork will be a tangible reflection of the shared values and cultural assets of the City of Joondalup and will be acquired by the City for its art collection in the 2019-20 financial year, under a different contractual agreement, to the value of \$15,000.

It is the selection of the artist for the residency that is the purpose of this report, however the understanding should be that the same artist will be invited to create an original artwork for the art collection, in response to research undertaken during the residency.

Helen Pynor from Sydney, Australia, is the preferred artist due to the strength of her proposal and the links that this proposal has to the City of Joondalup's aims and objectives for the community, as well as the value of the resulting commission.

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 5 February 2018.

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

RECOMMENDATION

That Council APPOINTS Artist Helen Pynor from Sydney, Australia, to complete the City of Joondalup artist residency, to liaise with the community and conduct research for a commissioned artwork that documents the landmarks and people who represent the City of Joondalup, with a contract value not to exceed \$15,000, in the 2018-19 financial year.

ITEM 30 TWENTY YEAR RETROSPECTIVE EXHIBITION OF THE COMMUNITY INVITATION ART AWARD WINNERS

| | |
|---------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mike Tidy Corporate Services |
| FILE NUMBER | 107111, 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 recommended changes to the annual acquisitive Community Invitation Art Award (CIAA) in 2018 (only) to celebrate 20 years of investment in the Visual Arts by the City of Joondalup.

EXECUTIVE SUMMARY

This report presents options for the recognition of the CIAA and The City's Art Collection for 2018 in line with the City's *Visual Arts Policy* and the City's *Strategic Community Plan*.

The City of Joondalup's CIAA is an annual acquisitive professional contemporary art award that brings together a diverse selection of Western Australian artists through a competitive Expression of Interest (EOI) process and provides members of the public with access to a high standard of contemporary artworks. It started in 1998 and is approaching its 20 year anniversary in 2018. To date, it has been held at the Lakeside Joondalup Shopping City.

The acquired artworks have formed the cornerstone of the City's art collection. The list of artists included in the collection is an impressive syndicate of promising and mid-career Western Australian artists evidencing the City of Joondalup's commitment to the promotion of high calibre contemporary art.

In acknowledgment of the significance of this cultural asset and as a celebrative and educative opportunity, a one-off 2018 retrospective exhibition is proposed in-lieu of the usual CIAA exhibition format.

Additional information

At the Policy Committee meeting held in October 2017, it resolved as follows:

“That Item 2 – Twenty Year Retrospective Exhibition of the Community Invitation Art Award BE REFERRED BACK to the Chief Executive Officer in order to seek further advice on costs and appropriate venues that could accommodate the exhibit; in addition to the possibility of the exhibition and the Community Invitation Art Award being held in tandem.”

The report contains additional information addressing the queries raised by the committee relating to costs, venues and timing of a possible retrospective exhibition.

Given that the processes for the 2018 CIAA have already commenced, it is not possible to host a retrospective exhibition in-lieu of the annual CIAA as proposed in October 2017. Due to indicative costings of venue and additional staffing costs, it is suggested that a retrospective exhibition not be progressed.

It is therefore recommended that Council AGREES not to proceed with a 20 year retrospective exhibition of the Community Invitation Art Award winners.

BACKGROUND

The City of Joondalup has held an annual acquisitive professional contemporary art award for Western Australian artists since 1998. Initially named the ‘Invitation Art Award’ (IAA), in 2012 Council renamed it to ‘Community Invitation Art Award’ (CIAA). Both the IAA and the CIAA involve a competitive process through EOI and an external selection panel that nominates the exhibiting artists.

In 2013 Council resolved to make the following changes to the IAA. It was renamed the CIAA and the award for the first prize was reduced from \$15,000 to \$7,000, however the overall prize pool remained at \$15,000 as follows:

- | | |
|--|---------|
| • The Overall Winner (acquisitive) | \$7,000 |
| • The Overall Runner Up Award (non-acquisitive) | \$2,000 |
| • The Award for Excellence (non-acquisitive) | \$2,000 |
| • The Celebrating Joondalup Award (voluntary category) | \$2,000 |
| • The People’s Choice Award (all artworks eligible) | \$2,000 |

Furthermore, from 30 artists exhibiting one artwork each the format changed whereby 15 artists are invited to submit three artworks each. In addition, artists were paid a \$500 fee towards the costs of production of the multiple works.

Council also resolved that to be eligible applicants must be either City of Joondalup residents or members of a Joondalup community art group or association.

The IAA and CIAA judging has been held each year at Lakeside Joondalup Shopping City. Over the years the City has acquired artworks from the CIAA and IAA to add to its art collection. Considerations for these additional acquisitions vary and are dependent upon the selection available from year to year.

DETAILS

To celebrate the 20th anniversary of the City’s art collection and award, it is proposed the City of Joondalup produces a retrospective exhibition that showcases investment by the City in a high end cultural asset.

When viewed as a group of artworks, it reveals years of competition and investment has led to a coherent collection. The archival referenced set becomes less about the idea of a single competition and more about the journey the City has taken with an elite group of visual arts professionals. The exhibition and catalogue would speak to and develop the unique cultural narratives from the past 20 years.

The 20 winners of the award are attached (Attachment 1 refers) along with the 14 artworks that the City of Joondalup has acquired via the exhibition.

From the pool of 34 artworks acquired over the past 20 years, a curatorial selection could be made for a one-off exhibition. It is proposed that the exhibition could be installed in a suitable space that allows for best practice in lighting, ambience and viewing over a period of time.

In addition to the exhibition, the City could invite curators, judges, selection panellists, artists and past prize winners to contribute to the exhibition catalogue by writing their reflections on their experiences and associations with the award and its place in Western Australia's history. A full colour catalogue with foreword and essay will accompany the exhibition.

The City of Joondalup retrospective exhibition has the potential to tour regional galleries in Western Australia and it is proposed that the City seeks assistance from 'Art on the Move' to expand the reach of this exhibition across the state.

'Art on the Move' is Western Australia's only organisation dedicated to touring contemporary visual art exhibitions across the regions, interstate and beyond. It tours quality contemporary art with appropriate learning and development opportunities that speak to and develop the unique cultural narratives of communities whatever the cultural practice, age, ability and engagement with culture. Regional galleries across Western Australia would host the exhibition. Locations could include Port Hedland Courthouse Gallery, Bunbury Regional Art Galleries, Goldfields Arts Centre, Geraldton Regional Art Gallery, Katanning Gallery and Vancouver Arts Centre. The catalogue produced by the City of Joondalup for the 2018 CIAA would become an educative tool showcasing the significant investment made by the City in Western Australia's cultural portfolio.

By touring the City's collection with appropriate learning and development opportunities, the educative potential of the combined show could include student arts activities, teaching resources and art theory for higher study.

Issues and options considered

Option 1

In 2018, the City could move forward in the usual format to host the annual CIAA acquisitive exhibition in the Lakeside Joondalup Shopping City with no changes. Previously there was no charge to exhibit in the shopping centre. In 2017 the City was advised by the management at Lakeside Joondalup Shopping City that a charge would apply for hosting the exhibition. From 2018, the City has been quoted \$10,560 per annum to rent space at Lakeside for a three week period in October.

Option 2

In 2018, the City could host a curated retrospective exhibition as outlined in this Report. As the City already owns the artworks there would be no EOI marketing costs, no selection panel fees, no judges fees and the \$500 artist fee (to assist in the production of three artworks) would not apply. Although the production costs associated with the catalogue will increase, there would be no \$15,000 prize total offered in 2018. As a result, this option can be delivered under budget.

Best practice in the arts sector is a quiet, well lit, neutral space in which works can be viewed in a way that is not affected by hustle and bustle. Rather than measuring the success of the exhibition by the amount of foot traffic passing, it is preferred to facilitate engagements with the City's program, rather than encounters. A better suited venue for this one-off exhibition would resolve the issues raised above and enhance the overall experience of the exhibition for both artists and audience.

The City has investigated other venues within the City's boundaries. These include the following:

- Libraries.
- Surf Clubs and Recreation Centres.
- Fleur Freame Pavilion.
- Whitford Shopping Centre.
- Hillarys Boat Harbour.
- AQWA.
- Joondalup Resort - Lakeside Ballroom.
- City of Joondalup Reception Centre.

As the exhibition would impact on the core activities of the above venues, many of these options were not considered viable. Several sites were not considered secure. The Lakeside Ballroom at the Joondalup Resort and the City's Reception Centre are well-maintained spaces, suited to an exhibition and are outside budget.

The Joondalup Art Gallery (JAG) provides a secure environment for artworks and it is central to the civic area and the local arts community. The City holds a Memorandum of Understanding (MOU) with the Joondalup Community Arts Association (JCAA) outlining the City's commitment to activating the gallery for up to 10 weeks of the year. An exhibition of the quality described in this Report would allow for professional development opportunities to the JAG membership and may help to facilitate the inclusion of JAG onto the gallery exhibition circuit.

Although the space is small and dedicated to community driven arts, the exhibition area may include the rear workshop space for a period of up to one month. The cost to hire JAG for one month is approximately \$800 and it is designed to display artworks. The City would blanket book space during this time and the exhibition would be administered and supervised by gallery attendants as it has been at Lakeside for a minimum of one month.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Cultural development.

Strategic initiative

- Invest in publicly accessible visual art that will present a culturally-enriched environment.
- Promote local opportunities for arts developments.
- Actively engage events promoters to host iconic, cultural and sporting events within the City.

Policy

- *Visual Arts Policy.*
- *Strategic Community Plan - Joondalup 2022.*

Risk management considerations

Financial risks

The available venue for consideration in this Report is under budget. There are no financial risks.

Physical risks

Hosting exhibitions carries a small degree of risk that is often well mitigated within a professional museum or gallery environment.

Financial / budget implications

| | |
|-----------------------------|---|
| Account no. | 4006 |
| Budget Item | CIAA Operating Costs. |
| Budget amount | \$ 60,635 |
| Amount spent to date | \$ 10,000 (2017-18) |
| Balance | \$ 50,635 |
| Proposed cost | \$ 32,270 (2018-19) – Joondalup Art Gallery as venue. |

| | |
|-----------------------------|--|
| Account No. | C1020 |
| Budget Item | Community Invitation Art Award Acquisition-Capital Costs. |
| Budget Amount | \$ 7,000 |
| Amount spent to date | \$ 0 (2017-18) |
| Proposed cost | \$ 0 (2018-19) |
| | No acquisition will be made as the City already owns the work. |

Regional significance

The CIAA attracts entries from professional artists from across the state and is therefore considered to be a regional event hosted by the City. The on-going provision of an accessible and high-calibre art event is integral to the cultural development and vibrancy of the City of Joondalup and for the development of visual arts within the industry of local government. Such an exhibition will allow the City to showcase its collection not only to its residents, but also to the region, particularly if it tours.

Sustainability implications

Environmental

Art strengthens the public realm by creating points of interest, animating spaces and providing beauty, character and colour to place.

Social

The relevance of the City's cultural position increases the value of the City's cultural resources.

Economic

Art is a driver for cultural tourism.

Consultation

Not applicable.

COMMENT

A retrospective event in-lieu of the usual exhibition in 2018 would invite artists and curators from the past 20 years to contribute to a catalogue of works from the City's collection. After display at an agreed venue, this exhibition could potentially tour the state of Western Australia as part of 'Art on The Move', an educative initiative. By changing the venue, the one-off status of the 20 year anniversary event would allow the City to deliver something unique.

In-lieu of a suitable gallery space, the use of the shopping centre for display of the work lessens the impact of the collection. It is recommended to change the venue of the 2018 exhibition from the Lakeside Joondalup Shopping City to the Joondalup Art Gallery.

ADDITIONAL INFORMATION

The above report was presented to the meeting of the Policy Committee held on 2 October 2017 which contained the following recommendation:

"That Council AGREES to host the 2018 Community Invitation Art Award as a retrospective exhibition of the past 20 years of art award winners to be held at the Joondalup Art Gallery."

Following consideration by the committee at that meeting it was resolved as a procedural motion as follows:

"That Item 2 – Twenty Year Retrospective Exhibition of the Community Invitation Art Award BE REFERRED BACK to the Chief Executive Officer in order to seek further advice on costs and appropriate venues that could accommodate the exhibit; in addition to the possibility of the exhibition and the Community Invitation Art Award being held in tandem."

Venues

The initial report presented to the Policy Committee canvassed several options and commented that a majority of those sites were not suitable for such an exhibition. Those that may be suitable are as follows:

- Joondalup Art Gallery – is located within Central Walk, Joondalup and is managed by the Joondalup Community Art Association, with the City of Joondalup meeting all outgoings for the site. The space is small and dedicated to community driven arts. The exhibition area may include the rear workshop space for a period of up to one month. The cost to hire JAG for one month is approximately \$800 and it is designed to display artworks. This site would not be suitable for the annual CIAA and a retrospective exhibition at the same time.
- Lakeside Joondalup Shopping City – is the current location for the City's scheduled art exhibitions. The City is currently charged \$9,680 per exhibition and the site would not be suitable to house both exhibitions at the same time. Therefore, if a retrospective exhibition was to proceed and the shopping centre was the preferred location, then alternate dates would have to be secured and the City would again be charged appropriately. It should be noted that exhibition space available within the centre is challenging to acquire and not best suited to the needs of a contemporary art exhibition.
- Joondalup Resort Ballroom and Joondalup Reception Centre - are both well-maintained spaces suited to an exhibition. The costs for both these spaces for a three-week period would be \$44,100 and \$25,200 respectively. Both spaces would be suitable to co-host the exhibitions however they are unavailable in October.

- Joondalup Library – could be utilised as a display space and could be timed to coincide with a supporting event within the City. No direct costs would be borne by the City, however would be required to hire assorted items of equipment to stage the exhibition.

Please note: the above costs are only the direct costs, the City would still incur supporting costs such as equipment, lighting, gallery attendants and security at a cost of approximately \$26,000.

Timing

The administrative cycle of planning for the annual 2018 CIAA has already commenced, with expressions of interests due to be advertised for interested artists. The final selection of artists invited to exhibit occurs in May, which leaves each artist sufficient time to prepare the required level of artworks by October. It is therefore no longer possible to host the retrospective exhibition in-lieu of the annual CIAA. Therefore if the retrospective exhibition is to proceed it would have to occur at another time of the year.

Costs

The costs per venue are detailed above.

In addition to direct venue costs, the City would have to occur additional infrastructure costs to host the exhibition, plus additional staff costs during the event. These costs are estimated at \$26,000.

To host two different art exhibitions in the same year would be beyond the existing staffing volumes. It would be necessary to engage additional staff at approximately \$21,668.

Comment

The intent of proposing to host a retrospective art exhibition of 20 years of the City CIAA and IAA was to celebrate the journey the award has undertaken since its inception. This was to occur without additional costs to the City.

Given that there are challenges in co-hosting the two exhibitions, the costs associated in conducting an additional exhibition to the annual CIAA and that the process has already commenced for the 2018 CIAA, it is therefore recommended that the proposed 20 year retrospective exhibition of the Community Invitation Art Award winners not be progressed.

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 5 February 2018.

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

RECOMMENDATION

That Council AGREES not to proceed with a 20 year retrospective exhibition of the Community Invitation Art Award winners.

REPORT OF THE CHIEF EXECUTIVE OFFICER

ITEM 31 OCEAN REEF MARINA - MEMORANDUM OF UNDERSTANDING

| | |
|-------------------------------|---|
| WARD | North-Central |
| RESPONSIBLE DIRECTOR | Mr Garry Hunt Office of the CEO |
| FILE NUMBER | 04171B, 101515 |
| ATTACHMENT | Attachment 1 Memorandum of Understanding – Ocean Reef Marina Development |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to endorse the execution of the Memorandum of Understanding – Ocean Reef Marina Development (MOU) between the City and LandCorp.

EXECUTIVE SUMMARY

In September 2017, Premier Mark McGowan together with Hon Rita Saffioti (Minister for Transport; Planning; Lands) announced a funding commitment of \$120 million to fund the Ocean Reef Marina development.

LandCorp, working with the City, will lead the development and it is anticipated that construction will commence in 2020. The 2017-2018 State Budget includes an amount of approximately \$35 million over 2017-2018 to 2020-2021 for the development of works associated with the new Ocean Reef Marina, which will fund the detailed design, procurement and other planning requirements.¹

Prepared collaboratively by the City and LandCorp, the MOU sets out the roles of parties and outlines how they will work together to implement the Ocean Reef Marina development as approved by the State Government (Attachment 1 refers).

Intended outcomes of the MOU include establishing a strong working relationship between the City and LandCorp which will facilitate a joint commitment to the finalisation of the statutory approvals, detailed design, construction and implementation of the project vision in a collaborative and timely manner.

The MOU acknowledges that further agreements between the City and LandCorp may be required as the project progresses. However, it is considered that the MOU is fit for purpose at this stage of the project.

¹ 2017-2018 Budget, Economic and Fiscal Outlook, Budget Paper No. 3, pg 211 and Table 20)

It is therefore recommended that Council:

- 1 *ENDORSES the Memorandum of Understanding – Ocean Reef Marina Development between the City of Joondalup and Western Australian Land Authority (trading as LandCorp) provided as Attachment 1 to this Report;*
- 2 *AUTHORISES the signing of the Memorandum of Understanding – Ocean Reef Marina Development by the Chief Executive Officer.*

BACKGROUND

The City has been custodian of the Ocean Reef Marina project for many years and has invested significant resources in the project.

However, the City has always been quite clear that its role in the project was only to undertake the preparatory or planning work and then, in association with the State Government, determine how the project can best be progressed to construction stage. Throughout the life of the project the City has maintained that it does not have the capacity and resources to build the Ocean Reef Marina project on its own and that it would need the State Government or a public/private partnership to develop the facility.

The above philosophy was articulated in the project philosophy and parameters endorsed by Council at its meeting held on 5 May 2009 (Item JSC5-05/09 refers).

At its meeting held on 15 September 2015, Council agreed to request the State Government to assume the role of proponent of the Ocean Reef Marina project (Item CJ176-10/15 refers). The City would continue to be actively involved in the decision making process with the State Government, working collaboratively with all stakeholders to produce an approved, financially viable, and publicly supported project that is delivered in accordance with community expectations.

Following this request, LandCorp was directed to prepare a detailed Ocean Reef Marina Business Case for consideration by the State Government. The City assisted LandCorp by providing a substantial amount of project documentation.

A further Business Case was prepared following the election of the McGowan led State Government in March 2017. The Business Case was subsequently reviewed and considered resulting in the announcement by Premier McGowan and Hon Rita Saffioti (Minister for Transport; Planning; Lands) that the State Government, through LandCorp, would implement the project. Funding allocations for the project were included in the 2017-2018 State Budget.

DETAILS

Following the State Government's announcement of the funding commitment, the City engaged with LandCorp on the preparation of an MOU that sets out the roles of both the City and LandCorp and how they will work collaboratively to implement the Ocean Reef Marina development as approved by the State Government.

The MOU (Attachment 1 refers) is considered a precursor to future binding agreements which will be developed in due course.

The MOU covers such matters as:

- progressing the statutory approvals
- the development of a Marina Management Agreement (in collaboration with the Department of Transport)

- management of the land-based assets
- the City's potential contribution to the cost of the community infrastructure (to be the subject of a future agreement)
- stakeholder and community engagement
- the City's landholdings at the Ocean Reef Marina site
- land assembly and seabed license requirements
- transfer to the City of the \$500,000 provisioned in the 2016-2017 State Government budget for the Metropolitan Region Scheme (MRS) Amendment and Public Environmental Review (PER) works completed by the City
- transfer of proponency from the City to LandCorp
- engagement and payments to project consultants
- acknowledgement of the requirement for additional agreements between the City and LandCorp (as required).

In addition, the MOU outlines the proposed governance structure (Attachment 2 to the MOU). The City is represented at all levels of the structure and, through the MOU, will continue to take an active role in the project.

It is proposed that the MOU will continue until the project is complete, unless superseded by other agreements or agreed otherwise.

The MOU does not constitute any relationship of joint venture, fiduciary relationship or partnership between the parties. The MOU is not contractually or legally binding and does not impose any legal liability on either party.

Issues and options considered

Council may decide not to endorse the MOU; the implications being that the relationship between the City and LandCorp would not be formalised and the roles and responsibilities of parties in progressing the development would not be articulated. It is considered that this could cause a delay in progressing the project, particularly the finalisation of the PER and MRS Amendment processes. In all likelihood it would also result in a less than favourable working relationship between the City and LandCorp.

Should Council decide to endorse the MOU it will assist the City and LandCorp to maintain the momentum the project has gained over the past year or so. It will also allow negotiations on any required more formal, legally binding agreements to commence without jeopardising the normal day to day project progress, the roles and responsibilities for which are covered in the MOU. The parties currently enjoy a collaborative and fruitful working relationship and executing the MOU will assist in maintaining this situation.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Other applicable legislation includes:

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

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

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

Strategic Community Plan

| | |
|-----------------------------|---|
| Key theme | Economic Prosperity, Vibrancy and Growth |
| Objective | Destination City |
| Strategic initiative | <ul style="list-style-type: none"> • Facilitate the establishment of major tourism infrastructure. • Encourage diverse accommodation options. |
| Policy | Not applicable. |

Risk management considerations

Early engagement with the State Government / LandCorp on the City's on-going role and responsibilities as the project progresses was previously identified as a risk management consideration. The execution of the MOU now ensures that the City's interests in the project are acknowledged. Further it allows the City to negotiate with the State Government on matters such as land tenure, on-going management responsibilities of a constructed marina and the City's contribution (if any) to the construction of community infrastructure. It is considered very important that these matters are resolved as soon as possible. The MOU identifies the need for further agreement on these matters.

Financial / budget implications

| | |
|-----------------------------|--------------------|
| Account no. | C1001 |
| Budget Item | Ocean Reef Marina. |
| Budget amount | \$ 163,785 |
| Amount spent to date | \$ 143,920 |
| Balance | \$ 19,865 |

Total Project Expenditure (as at 23 January 2018)

| | |
|-------------------------------|---------------------|
| 2007-08 | \$ 133,241 |
| 2008-09 | \$ 968,284 |
| 2009-10 | \$ 266,604 |
| 2010-11 | \$ 325,046 |
| 2011-12 | \$ 388,552 |
| 2012-13 | \$ 376,393 |
| 2013-14 | \$ 838,371 |
| 2014-15 | \$1,314,917 |
| 2015-16 | \$1,163,151 |
| 2016-17 | \$ 575,906 |
| 2017-18* | \$ 143,920 |
| LESS Grants Received | \$ (785,500) |
| LESS Future Grant** | <u>\$ (500,000)</u> |
| Total City Expenditure | \$ 5,296,151 |

- * LandCorp has finalised the engagement of the Ocean Reef Marina Project Team and is now responsible for expenditure incurred in progressing the project. It is anticipated that the City's future 2017-2018 expenditure will be for staff costs only.
- ** The MOU indicates that the City will receive \$500,000 (allocated in the 2016-2017 State Budget) for MRS Amendment and PER works already completed by the City.

| | |
|--|---|
| Annual operating cost | The relevant business case/s, as far as possible, will include anticipated on-going operating costs. |
| Estimated annual income | The relevant business case/s, as far as possible, will include estimated annual income. |
| Capital replacement | Detailed analysis will be required at the appropriate stage of the project. |
| 20 Year Strategic Financial Plan impact | The City's <i>20 Year Strategic Financial Plan 2015-16 to 2034-35</i> includes \$2,070,000 which represents capital expenditure for the 2015-16, 2016-17 and 2017-18 financial years. Further analysis of the impact on the <i>20 Year Strategic Financial Plan</i> will be undertaken at the appropriate stage of the project. |
| Impact year | N/A |

All amounts quoted in this report are exclusive of GST.

Regional significance

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

Sustainability implications

Progression of the Ocean Reef Marina planning process required a number of studies / reports addressing key issues pertaining to sustainability (such as social and economic impact and environmental sustainability). Various management plans were required to be prepared as part of the MRS amendment, Negotiated Planning Outcome for Bush Forever Site 325, PER and structure plan processes and it is highly likely that further management plans will be required as conditions of any environmental and planning approvals.

Consultation

The City has engaged with LandCorp extensively over the past two years ensuring that the Ocean Reef Marina project will be developed in accordance with the City's and community expectations. The MOU reflects the desire of both parties to progress the project collaboratively.

It is identified in the MOU that further stakeholder and community consultation/engagement will be required and the City and LandCorp will collaboratively manage this engagement.

COMMENT

It is considered that the MOU (Attachment 1) is fit for purpose and will enable the City to continue to play an active and strategic role as the Ocean Reef Marina development becomes a reality. The MOU also identifies that further formal, legally binding agreements may be required to ensure the City's interests are acknowledged and protected.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 ENDORSES the Memorandum of Understanding – Ocean Reef Marina Development between the City of Joondalup and Western Australian Land Authority (trading as LandCorp) as detailed in Attachment 1 to this Report;**
- 2 AUTHORISES the signing of the Memorandum of Understanding – Ocean Reef Marina Development by the Chief Executive Officer.**

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25brf180213.pdf](#)

ITEM 32 PROPOSAL FOR A KINGSLEY COMMEMORATIVE PEACE PRECINCT

| | |
|-------------------------------|---|
| WARD | South-East |
| RESPONSIBLE DIRECTOR | Mr Garry Hunt Office of the CEO |
| FILE NUMBER | 11367, 00126, 107193, 101515 |
| ATTACHMENTS | Attachment 1 Location Plan – Lot 971 (52) Creaney Drive, Kingsley Attachment 2 Location Plan – Rev. John Smithies Park, Kingsley |
| 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 reconsider a proposal for a commemorative peace precinct in Kingsley.

EXECUTIVE SUMMARY

The City received a proposal from a Kingsley resident requesting that part of Lot 971 (52) Creaney Drive, Kingsley (Lot 971) be used as a commemorative peace precinct. Lot 971 is a 10,000m² community purpose site adjacent to Kingsley Park - Attachment 1 refers. The peace precinct would be an area for quiet reflection and include a number of commemorative plinths and three flagpoles.

The proponent's original proposal was considered by Council at its meeting held on 18 April 2017 (CJ050-04/17 refers) and it was resolved that negotiations were to be conducted with the proponent on the City's two design options and installing a number of small plinths within Lot 971.

A review of the proposed plinth and flagpole locations were reconsidered by the proponent and an alternative proposal submitted for Council's consideration at its meeting held on 12 December 2017 (CJ208-12/17 refers). Council considered the matter and resolved to refer the matter back to the CEO to allow further discussions with the proponent on the proposed location of the plinths.

Following Council's resolution of 12 December 2017, a site meeting was held on 18 December 2017 in the general location of Rev. John Smithies Park, Lot 10973 (26) Lakeway Drive, Kingsley (Lot 10973) at which the Mayor, the two South-East ward councillors and the proponent attended. Lot 10973 is a location south of the heritage property, Luisini Winery. On examining this location, the proponent concluded it was a more suitable site for a commemorative peace precinct than Lot 971. A location plan is provided as Attachment 2.

This preferred location for a commemorative peace precinct will require investigations not only as it is in a Bush Forever site being Yellagonga Regional Reserve but it is also proposed to be on land that is not owned or managed by the City for an appropriate purpose.

Since the above site meeting, the proponent of the original proposal has passed away and the City recognises that without a sponsor, the project may lose its momentum. The City does not have any funds available for the development of a commemorative peace precinct, however, preliminary advice received is that government grants may be available upon application. The City will investigate this and if it considers the proposal qualifies, will make the necessary grant application.

It is recommended that based on the above information, investigations commence into the potential of a commemorative peace precinct being developed in the general location of Lot 10973. Accurate overall site dimensions need to be established which will depend on the proposed design of the precinct and this information may be required for the grant application.

It is proposed that an update on the investigations will be submitted to Council at its meeting to be held on 18 April 2018.

It is therefore recommended that Council:

- 1 *AGREES that due to there being an alternative preferred location for a commemorative peace precinct in Kingsley, consideration to use part of Lot 971 (52) Creaney Drive, Kingsley and Kingsley Park, Lot 15031 (72) Kingsley Drive, Kingsley is no longer necessary;*
- 2 *SUPPORTS the commencement of investigations into the potential for a commemorative peace precinct to be included in the vicinity of Rev. John Smithies Park, Lot 10973 (26) Lakeway Drive, Kingsley;*
- 3 *NOTES that a report on the progress of those investigations will be submitted to Council at its meeting held on 18 April 2018;*
- 4 *NOTES that the City does not have budget funds available for the installation of a commemorative peace precinct and SUPPORTS the Chief Executive Officer applying for any relevant grants.*

BACKGROUND

Lot 971 (52) Creaney Drive, Kingsley

Lot 971 is a community purpose site of 10,000m² owned by the City in freehold. The site is zoned “Civic and Cultural” under *District Planning Scheme No. 2*. Lot 971 is unimproved except for a 600m² car park adjacent to Kingsley Tavern. Lot 971 has Kingsley Park on its southern boundary (Attachment 1 refers).

At its meeting held on 17 May 2016 (C24-05/16 refers), Council considered a Notice of Motion and resolved that a report would be prepared on the following:

“That Council REQUESTS the Chief Executive Officer to prepare a report on the establishment of a “peace and reflection precinct” on Lot 971 (52) Creaney Drive Kingsley.”

The request for a commemorative peace precinct was considered by Council at its meeting held on 18 April 2017 (CJ050-04/17 refers) at which time the City presented two alternative precinct design options for the proponent’s consideration.

Council considered the report and requested that the CEO negotiate with the proponent to install a small number of plinths on Lot 971 in addition to considering the City’s suggested two options.

A report was prepared for Council's meeting of 12 December 2017 (CJ208-12/17 refers). Part of the report's recommendation was that the location for two of the proposed five commemorative plinths shown in the middle of Lot 971 was not supported. The concern being these two plinth locations could impact on the future development of an important community purpose asset.

At its meeting held on 12 December 2017, Council resolved that the matter be referred back to the CEO to allow further discussion with the proponent on the location of the suggested plinths.

Subsequent to Council's resolution of 12 December 2017, discussions took place between the Mayor and proponent culminating with a site meeting at Lot 10973 with the two South-East ward councillors also in attendance.

Rev. John Smithies Park, Lot 10973 (26) Lakeway Drive, Kingsley

The above site is part of a broader area referred to as Rev. John Smithies Park. Lot 10973 is the only site within the overall Rev. John Smithies Park that is not owned in freehold by the Western Australia Planning Commission (WAPC). Lot 10973 is Crown land managed by the City for drainage purposes. The site is not use for drainage purposes and presents as a park.

At the site meeting at the above location, the proponent agreed that a commemorative peace precinct by Lake Joondalup was now his preference rather than Lot 971 and Kingsley Park as detailed in his original proposal.

DETAILS

The original project aim was described by the proponent as being:

"To provide the residents of Kingsley and surrounding suburbs with a place of tranquillity and quiet contemplation within a beautifully preserved natural bushland setting."

Investigations into the potential for a commemorative peace precinct to a location adjacent to Lake Joondalup within Yellagonga Regional Reserve does not detract from the proposal's original aim and had the agreement of the proponent.

Issues and options considered

Examining the area west of the Luisini Winery site and including Lot 10973 will need to take account of the following matters.

The WAPC has been acquiring land within Yellagonga Regional Reserve in accordance with the *Yellagonga Regional Park Management Plan 2003-2013* – this document is currently under review. This acquisition is to enable the eventual transfer of the WAPC's freehold land to the Crown (State of Western Australia) to allow the creation of an 'A' Class Nature Reserve / Conservation Park. Most of Rev. John Smithies Park is currently owned by the WAPC in freehold. The intent is for most of the land within Yellagonga Regional Reserve to be under the management of the Conservation and Parks Commission. The City does manage areas within Yellagonga Regional Reserve, such as Neil Hawkins Park.

Lot 10973 is also referred to as Rev. John Smithies Park and is Crown land. The Management Order's purpose is for "Drainage" and the site is not used or required for this purpose. The future tenure arrangements concerning Lot 10973 will therefore need to be examined in line with the review of the *Yellagonga Regional Management Plan 2003-2013*.

The level of the City's involvement to drive this project will now also need to be considered.

Legislation Depending on the final location of the proposed commemorative peace precinct and the existing land tenure situation, any planning approvals will need to be referred to the WAPC for comments/WAPC approval.

Strategic Community Plan

Key theme The Natural Environment.
Financial Sustainability.

Objective Accessible environments
Financial diversity.

Strategic initiative Build an effective interface between humans and the natural environment.
Support new projects that balance identified financial risks against effective management approaches.

Policy *Asset Management Policy.*
Sustainability Policy.

Risk management considerations

Concerning the alternative location of Rev. John Smithies Park for a commemorative peace precinct, the existing and proposed future land tenure arrangements may cause complications, however, these may not be insurmountable.

Financial / budget implications

There is no funding available for a commemorative peace precinct in the City's budget.

The City's future replacement and maintenance responsibility regarding a commemorative peace precinct needs to be considered.

Regional significance

The proposed commemorative peace precinct at the alternative location within Yellagonga Regional Reserve could attract interest from older residents within the City of Wanneroo as a place to pay their respects.

Sustainability implications

Lot 10973 is not designated "Bush Forever" as is the surrounding park area to Lot 10973. This exclusion may have been due to the site being considered a drainage site. The bushland protection and management practices detailed in the Bush Forever framework were possibly considered not applicable for a drainage site. Notwithstanding the foregoing, Lot 10973 is within an environmentally sensitive area which will need to be taken into account with any proposed land uses.

A peace precinct has the potential to promote social sustainability through organised commemorative events.

Consultation

The City's community engagement protocol will be followed as applicable. Public advertising may be necessary as part of the development application process.

COMMENT

The concept for a commemorative peace precinct was due to the proponent considering that older people in Kingsley, Woodvale and Greenwood sometimes had difficulty attending the ANZAC and Remembrance Day ceremonies at major venues. It was considered that a local more accessible memorial within a peace precinct would be an area for quiet contemplation and be advantageous to the community.

The location at Yellagonga Regional Reserve has the advantage of being in a quiet parkland location near Lake Joondalup as opposed to being near an active reserve, tavern, service station and professional centre when considering Lot 971.

Lot 10973 being the preferred site will need to be assessed as to its suitability. These investigations and the availability of grants to fund the project can now be progressed.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **AGREES** that due to there being an alternative preferred location for a commemorative peace precinct in Kingsley, consideration to use part of Lot 971 (52) Creaney Drive, Kingsley and Kingsley Park, Lot 15031 (72) Kingsley Drive, Kingsley is no longer necessary;
- 2 **SUPPORTS** the commencement of investigations into the potential for a commemorative peace precinct to be included in the vicinity of Rev. John Smithies Park, Lot 10973 (26) Lakeway Drive, Kingsley;
- 3 **NOTES** that a report on the progress of those investigations will be submitted to Council at its meeting held on 18 April 2018;
- 4 **NOTES** that the City does not have budget funds available for the installation of a commemorative peace precinct and **SUPPORTS** the Chief Executive Officer applying for any relevant grants.

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26brf180213.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO. 1 - MAYOR ALBERT JACOB - ADDITIONAL ANIMAL BEACH IN THE NORTHERN CORRIDOR

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Mayor Jacob has given notice of his intention to move the following Motion at the Council meeting to be held on 20 February 2018.

"That the Council requests the Chief Executive Officer to commence discussions with the City of Wanneroo and report back to Council on the possibility of the establishment of an additional animal beach for the northern corridor to be located at Catalina Beach south."

REASON FOR MOTION

The issue of an additional animal beach for the northern corridor has been discussed but unresolved for decades. With a growing population, the need for such a facility becomes increasingly acute. Such a facility needs to be suitable in terms of the coastal morphology of its location, located in proximity to users and as universally accessible as possible. Such a facility will also require the support of the surrounding community and, ideally, would not unduly impinge on existing users.

As the issue has been debated over several years at the City of Joondalup, it has become increasingly apparent that there is little opportunity to expand or create new facilities within Joondalup's 17 kilometres of coastline.

There is, however, the opportunity to explore the establishment of such a beach immediately north of Joondalup's local government boundary, half way between the suburbs of Burns Beach and Mindarie at the beach known as Catalina Beach south.

As the coastal portion of the Catalina housing estate is still in the process of being developed, and the future beach access to this site is yet to be constructed, any designation of an animal beach at this site is unlikely to impinge on existing users.

OFFICER'S RECOMMENDATION

A report can be prepared.

NOTICE OF MOTION NO. 2 – CR SOPHIE DWYER – TRAFFIC MANAGEMENT SUPPORT FOR CHRISTMAS LIGHT DISPLAYS

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Dwyer has given notice of her intention to move the following Motion at the Council meeting to be held on 20 February 2018:

“That Council REQUESTS the Chief Executive Officer to prepare a report on the possible options for the City providing traffic management support around residential Christmas light displays within the City of Joondalup.”

REASON FOR MOTION

Christmas light displays are popular within the City of Joondalup during December. There are hubs within our community where neighbouring houses develop spectacular lighting displays that draw visitors from outside of the immediate neighbourhood. Annual displays, word of mouth and advertising by media increases the numbers of visitors to these hubs.

For a variety of reasons many people use vehicles to visit the lighting displays. The traffic creates disruption within the immediate neighbourhood. Furthermore, the interaction between pedestrians and vehicles creates a risk that the City is recommended to assess and monitor. It is requested that the report details options for managing increased traffic associated with community Christmas light displays. To ensure the report covers all options for the Council to consider, it is requested that the report outlines any existing management strategy for increased traffic associated with Christmas light displays and the impact of prohibiting Christmas light displays within our community.

It should be noted that the informal groups may be classified as micro community groups and therefore may qualify for in-kind support from the City.

It is requested the report be prepared within sufficient time to allow for the implementation of any policy changes before December 2018. This is to ensure the community receives the benefit of any potential changes to the City of Joondalup policy this coming festive season.

OFFICER'S RECOMMENDATION

A report can be prepared.

NOTICE OF MOTION NO. 3 – CR NIGE JONES – STRATEGIC APPROACH TO THE NEEDS OF SOCCER CLUBS WITHIN THE CITY OF JOONDALUP

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Jones has given notice of his intention to move the following Motion at the Council meeting to be held on 20 February 2018:

“That Council REQUESTS the Chief Executive Officer to prepare a report for Council’s consideration in 2018 which, in recognition of the success and growth of soccer in the northern corridor, considers the needs of all soccer clubs within the City of Joondalup and determines the most strategic approach whereby these needs can be met into the future which should include, but is not limited to:

- 1 the identification, in consultation with the local community, of future locations which could possibly host senior National Premier League as well as the full range of training and junior facility needs;***
- 2 engaging with Football West around a suitable home for soccer within the northern corridor.”***

REASON FOR MOTION

With the growing success of soccer clubs in the northern corridor, the City of Joondalup needs to plan now for accommodating future National Premier League teams and even the chance of a second ‘A’ league team.

OFFICER'S RECOMMENDATION

A report can be prepared.

REPORTS REQUESTED BY ELECTED MEMBERS

CLOSURE



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

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

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

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

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

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

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

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

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

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

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

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



**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:

- **email** to council.questions@joondalup.wa.gov.au

Please note that:

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



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

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

STATEMENT

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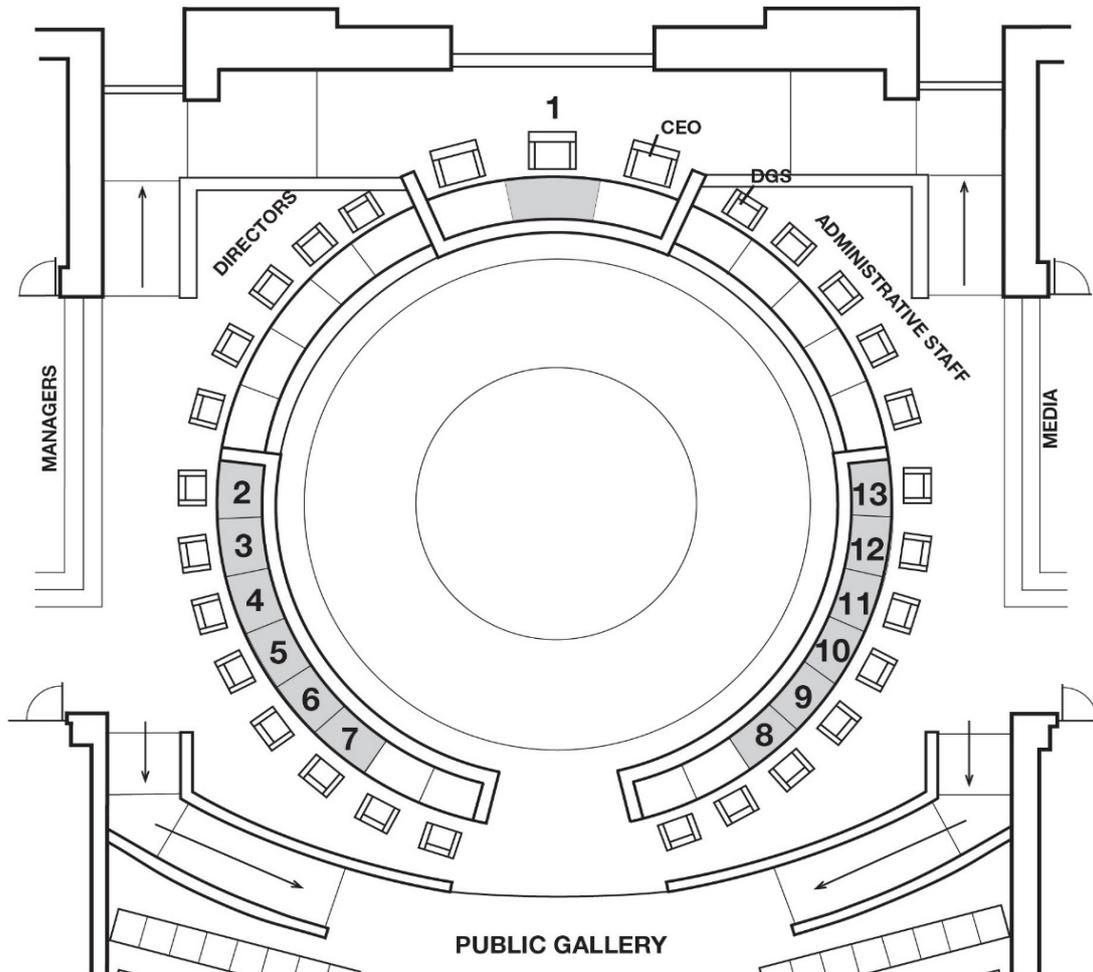
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Please submit this form at the meeting.

Please note that:

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

Council Chamber – Seating Diagram



Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/21)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/21)
- 3 Cr Tom McLean, JP (Term expires 10/19)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
- 5 Cr Nige Jones (Term expires 10/19)

Central Ward

- 6 Cr Christopher May (Term expires 10/21)
- 7 Cr Russell Poliwka (Term expires 10/19)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
- 9 Cr Mike Norman (Term expires 10/19)

South-East Ward

- 10 Cr John Chester (Term expires 10/21)
- 11 Cr John Logan (Term expires 10/19)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
- 13 Cr Sophie Dwyer (Term expires 10/19)