

# agenda

## Ordinary Meeting of Council

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

**ON** TUESDAY 15 MAY 2018

**COMMENCING AT** 7.00pm



**GARRY HUNT PSM**  
Chief Executive Officer

190507  
11 May 2018

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

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by 9.00am on **Monday 14 May 2018**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

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

### Questions asked verbally

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

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

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

Written questions should be sent via email to [council.questions@joondalup.gov.au](mailto:council.questions@joondalup.gov.au)

### **DISCLAIMER**

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

### **PROCEDURES FOR PUBLIC STATEMENT TIME**

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

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

## CODE OF CONDUCT

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

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

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

Elected Members, Committee Members and employees must:

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

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

## Civic Centre Emergency Procedures

The City of Joondalup values the health and safety of all visitors to City of Joondalup facilities. The following emergency procedures are in place to help make evacuation of the City of Joondalup Civic Centre safe and easy.

### Alarms

The City of Joondalup emergency system has two alarm tones:

- Alert Tone (Beep... Beep... Beep)
- Evacuation Tone (Whoop...Whoop...Whoop)

### On hearing the Alert Tone (Beep... Beep... Beep):

- DO NOT EVACUATE ON THIS TONE.
- Remain where you are.
- All designated Fire Wardens will respond and assess the immediate area for danger.
- Always follow instructions from the designated Fire Wardens.

### On hearing the Evacuation Tone (Whoop...Whoop...Whoop):

- Evacuate the building immediately as directed by a Fire Warden or via the nearest safe exit.
- Do not use lifts.
- Remain calm and proceed to the designated Assembly Area (refer to site plan below).
- People with impaired mobility (those who cannot use the stairs unaided) should report to a Fire Warden who will arrange for their safe evacuation.
- Do not re-enter the building until authorised to do so by Emergency Services.



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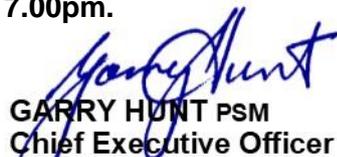
#### **LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information180515.pdf](#)

## CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 15 May 2018** commencing at **7.00pm**.



**GARRY HUNT PSM**  
Chief Executive Officer

180507

11 May 2018

Joondalup  
Western Australia

### VISION

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

### PRIMARY VALUES

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

### DISTINGUISHING VALUES

#### **Bold**

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

#### **Ambitious**

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

#### **Innovative**

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

#### **Enterprising**

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

#### **Prosperous**

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

#### **Compassionate**

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

## AGENDA

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

### DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

#### Disclosures of Financial Interest/Proximity Interest

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

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ072-05/18 – Local Housing Strategy – Update.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick is the joint owner of property located in the area affected by Amendment No. 90.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ073-05/18 – Burns Beach Masterplan – Update.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Hollywood resides in Burns Beach and lives opposite Third Park which is mentioned in the Burns Beach Masterplan.

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	CJ084-05/18 – Confidential – Joondalup City Centre Development – Project Status.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns property at 53 Davidson Terrace, across the road from Lots C and A.

#### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ081-05/18 – Tender 005/18 – Provision of Chemical Weed Control in Natural Areas.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The owner of one of the tenderers (Natural Area Holdings P/L) is known to Cr Chester.

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ081-05/18 – Tender 005/18 – Provision of Chemical Weed Control in Natural Areas.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The owner of Natural Area Consulting Management Services is known to Cr Norman.

## PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 17 April 2018.

**Mr S Field, Edgewater:**

*Re: Joondalup Activity Centre Plan.*

*Q1 The minutes of the Statutory Planning Community (SPC) meeting held on 13 March 2018 showed that the SPC passed a motion to require the City of Joondalup to modify the City of Joondalup Activity Centre Plan in accordance with the attached schedule of modifications before final approval is given and to further advise the City the Western Australian Planning Commission will only be prepared to give final approval to the Joondalup Activity Centre Plan once Local Planning Scheme No. 3 has been gazetted. Will the City provide a full list of modifications as required by the SPC on what actions are being taken to comply with SPC requirements?*

*A1 The list of modifications to the Joondalup Activity Centre Plan (JACP), as required by the Statutory Planning Committee (SPC) is available by accessing the [SPC agendas and minutes page](#) on the Department of Planning, Lands and Heritage website and by referring to the agenda document for the SPC meeting held on 13 March 2018. The report on the JACP forms pages 249-283 of the agenda and the modifications form Attachment 6 of the report (pages 282-283). The City is currently in the process of modifying the JACP to comply with all modifications requested by the SPC.*

**Mr M Moore, Edgewater:**

*Re: CJ177-11/17 – Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

*Q1 It has been five months since Council voted to take action to address issues in housing opportunity areas and to date very little appears to have been done. In February residents were told that the City was going to advertise for consultants to prepare a design led local planning policy on apartments. Has this been done and if so when?*

- A1 Since November 2017, the City has been focussing attention on progressing all the initiatives agreed to by the Council at the November 2017 Council meeting, while making sure that development applications in housing opportunity areas (HOAs) undergo rigorous assessment to protect the amenity of existing residents.

It is important to find a solution, through the consultancy work, that addresses the concerns of residents living in the HOAs and still meets the State Government's aims and objectives in relation to infill development. It is also important to make sure the scope of the consultancy has the support of the State Government to prevent delays or resistance down the track. Since November 2017, the City has been liaising with other local governments and the State Government to ensure any framework developed via this process is ultimately one that can be implemented and will be supported.

When this question was asked at the Council meeting on 17 April 2018, the Director Planning and Community Development could have responded to this question by saying "no". However, the Director elected to take the question on notice so a more informative response could be provided.

At that time, the draft Request for Tender (RFT) documents had been provided to the Department of Planning, Lands and Heritage for review and feedback. This feedback was needed before the tender was advertised. While the Director was aware that no feedback had been received at the stage the question was asked, she wanted to investigate whether an updated timeline had been provided for receipt of the feedback. Since that time, feedback has been received from the Department and factored into the RFT documentation. The tender was advertised on 5 May 2018.

## **PUBLIC STATEMENT TIME**

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Leave of Absence previously approved**

Cr Christine Hamilton-Prime	5 May to 15 May 2018 inclusive;
Cr Nige Jones	20 May to 25 May 2018 inclusive.

### **REQUESTS FOR LEAVE OF ABSENCE – CR MIKE NORMAN – [107073]**

Cr Mike Norman has requested Leave of Absence from Council duties covering the period 22 July to 4 August 2018 inclusive.

## **RECOMMENDATION**

**That Council APPROVES the request for Leave of Absence from Council duties for Cr Mike Norman covering the period 22 July to 4 August 2018 inclusive.**

**CONFIRMATION OF MINUTES****MINUTES OF COUNCIL MEETING HELD 17 APRIL 2018****RECOMMENDATION**

**That the Minutes of the Council Meeting held on 17 April 2018 be confirmed as a true and correct record.**

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION****IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

CJ084-05/18 - Confidential - Joondalup City Centre Development - Project Status.

**PETITIONS****PETITION REQUESTING THE WAIVER OF JUNIOR MEMBER COURT FEES FOR THE GREENWOOD TENNIS CLUB – [14151, 103232, 05386]**

An 82 signature petition has been received from residents of the City of Joondalup requesting the waiver of fees of \$9,754 for the Greenwood Tennis Club 2017-18 junior member court fees.

**PETITION REQUESTING THE WAIVER OF HALL HIRE FEES FOR FITNESS 50 CLUB LOCATED AT FLEUR FREAME PAVILION, PADBURY – [23039, 103651, 05386]**

An 85 signature petition has been received from residents of the City of Joondalup requesting the waiver of hall hire fees of \$10,000 for the Fitness 50 Club located at Fleur Freame Pavilion.

**RECOMMENDATION**

**That the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:**

- 1 petition in relation to the waiver of fees of \$9,754 for the Greenwood Tennis Club 2017-18 junior member court fees;**
- 2 petition in relation to the waiver of hall hire fees of \$10,000 for the Fitness 50 Club located at Fleur Freame Pavilion.**

**REPORTS****CJ068-05/18      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– MARCH 2018**

<b>WARD</b>	All		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	07032, 101515		
<b>ATTACHMENT</b>	Attachment 1	Monthly Development Applications Determined – March 2018	
	Attachment 2	Monthly Subdivision Applications Processed – March 2018	
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').		

**PURPOSE**

For Council to note the number and nature of applications considered under delegated authority during March 2018.

**EXECUTIVE SUMMARY**

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

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

This report identifies the development applications determined by the administration under delegated authority powers during March 2018 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during March 2018 (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 March 2018 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	11	55
Strata subdivision applications	13	18
<b>TOTAL</b>	<b>24</b>	<b>73</b>

*Of the 24 subdivision referrals 16 were to subdivide in housing opportunity areas, with the potential for 20 additional lots.*

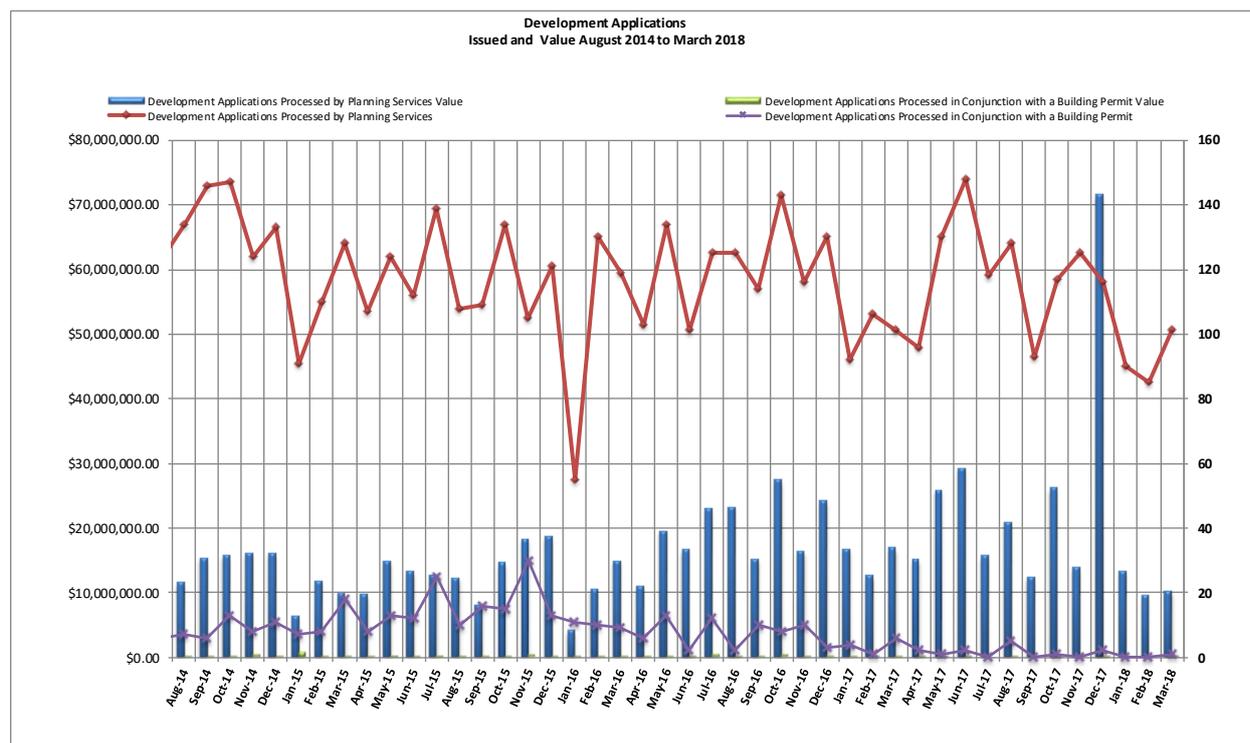
Development applications

The number of development applications determined under delegated authority during March 2018 is shown in the table below:

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	101	\$ 10,131,849
Development applications processed by Building Services	1	\$ 1,500
<b>TOTAL</b>	<b>102</b>	<b>\$ 10,133,349</b>

*Of the 102 development applications, 10 were for new dwelling developments in housing opportunity areas, proposing a total of 12 additional dwellings.*

The total number and value of development applications determined between July 2014 and March 2018 is illustrated in the graph below:



The number of development applications received during March was 116. (This figure does not include any development applications to be processed by Building Approvals as part of the building permit approval process).

The number of development applications current at the end of March was 201. Of these, 45 were pending further information from applicants and 11 were being advertised for public comment.

In addition to the above, 256 building permits were issued during the month of March with an estimated construction value of \$21,047,996.

### **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 102 development applications were determined for the month of March with a total amount of \$39,271 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 Development applications described in Attachment 1 to Report CJ068-05/18 during March 2018;**
- 2 Subdivision applications described in Attachment 2 to Report CJ068-05/18 during March 2018.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf180508.pdf](#)*



Having regard to the nature of the proposed facility and the issues raised by submitters it is considered that the proposal does not adequately meet the requirements of DPS2, SPP 5.2 and the City's *Telecommunications Infrastructure Local Planning Policy* due to the visual impact of the infrastructure upon the immediate locality.

It is recommended that Council refuses the proposed development.

## BACKGROUND

<b>Suburb/Location</b>	Lot 11608 (91) Camberwarra Drive (Camberwarra Park).
<b>Applicant</b>	Planning Solutions.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>DPS</b> Parks and Recreation Reserve.
	<b>MRS</b> Urban.
<b>Site area</b>	4,504.94m <sup>2</sup> (22,765m <sup>2</sup> total park area).
<b>Structure plan</b>	Not Applicable.

The subject site is bound by Camberwarra Drive to the east, residential properties and Mayhill Place to the north, Madana Park and residential properties to the west and residential properties to the south (Attachment 1 refers). Camberwarra Park currently includes tennis courts, play equipment, areas of turf which can be used for active recreation, mature trees, a toilet block and associated car parking. The southern portion of the park also includes a drainage sump.

## DETAILS

The proposed development consists of the following:

- A galvanised monopole telecommunications tower to a maximum height of 31.75 metres.
- Three antennas fixed to the upper part of the tower.
- A ground equipment shelter.
- Associated cabling and ancillary equipment.
- Relocation of existing tennis court lighting.

The development plans and perspectives are located at Attachment 2.

The proposed works are located adjacent to the existing tennis courts and toilet block. Site access is provided via the existing car parking area off Camberwarra Drive.

Camberwarra Park is managed by the City of Joondalup. The management order over the land is for the purposes of 'Parks and Recreation'. Currently, the City has no power to lease the subject site. The management order would require modification to enable the leasing of this portion of the site, should the proposal be approved.

The proposed facility is not exempt from the need to obtain planning approval as it is not considered 'low impact' under the Federal Government's *Telecommunications (Low Impact Facilities) Determination 1997*.

### City of Joondalup Telecommunications Infrastructure Local Planning Policy

67(g) and (y) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) detail that the Council should have due regard to local planning policies and submissions received in the determination of development applications.

Accordingly, the matters to be given due regard as outlined in the City's *Telecommunications Infrastructure Local Planning Policy* are considered below:

- *The provisions outlined in State Planning Policy 5.2: Telecommunications Infrastructure (SPP 5.2).*

The City has assessed the proposal against the provisions of *State Planning Policy 5.2: Telecommunications Infrastructure (SPP 5.2)* as outlined in the separate SPP 5.2 section of this report.

- *Compliance with the Telecommunications Code of Practice 1997.*

The *Telecommunications Code of Practice 1997* was recently repealed and replaced by the *Telecommunications Code of Practice 2018*.

The proposed infrastructure is not considered to comply with the code of practice as the development of the subject site in the manner proposed is considered to impact upon the visual amenity of the locality.

Notwithstanding the visual amenity impacts, it has been demonstrated through the provision of an Environmental EME report that community exposure to electromagnetic energy will comply with the relevant legislation, being 0.74% of the public exposure limit.

- *The topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding development.*

The applicant has provided indicative photomontages of the proposed infrastructure as viewed from the surrounding locality. Given the location of the subject site, being surrounded by residential areas and 23 metres from the nearest residential property, it is considered that the proposal does not adequately address this requirement. The infrastructure will be readily visible due to its height and its visual impact is not sufficiently mitigated by the partial screening provided by existing vegetation, as shown in the photomontages (Attachment 2 refers). While it is noted that there are existing tennis court lights in this portion of the park, they are not readily visible from outside the park as they are screened by existing vegetation. The tower is proposed to be located near the highest point of the park, thereby increasing its visibility to the surrounding locality.

The applicant has advised that the facility has been designed to its minimum height to achieve coverage objectives and the location was chosen so the existing vegetation would provide partial screening to the infrastructure.

- *The merits of the particular proposal, including the need for services to be located to optimise coverage.*

In selecting the site Optus identified a lack of adequate mobile network coverage in the immediate area of the subject site and has provided an indicative telecommunications service map for the local area, displaying existing coverage and the coverage provided by the proposed infrastructure (Attachment 6 refers).

- *Submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.*

The submissions received are discussed in the consultation section of this report.

State Planning Policy No. 5.2 – Telecommunications Infrastructure

67(c) of Schedule 2 of the Regulations details that the Council should have due regard to State planning policies in the determination of development applications. Accordingly, SPP 5.2 is considered below and outlines matters for consideration in determining development applications for telecommunications infrastructure.

Clause 6.3(a) of SPP 5.2 recommends consideration of the extent to which the proposal adheres to the policy measures, outlined in clause 5, relating to the minimisation of the visual impact of above ground infrastructure:

*Clause 5.1.1(ii) Telecommunications infrastructure should be designed to minimise visual impact and whenever possible:*

- a) *Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.*

The tower will be highly visible from the active spaces of Camberwarra Park, and will not be sufficiently screened from view by the existing vegetation. The submitted photomontages indicate that the tower will be dominant in appearance in comparison to the existing infrastructure in the park (Attachment 2 refers).

- b) *Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*

The siting of the tower within Camberwarra Park is such that it is located at the end of the Mayhill Place cul-de-sac and will therefore be readily visible from this streetscape.

- c) *Not be located on sites where environmental or cultural heritage, social and visual landscape values may be compromised.*

The works are proposed within an existing park and therefore will not have a significant environmental, cultural or social impact. However it is noted that the proposed tower will impact the visual landscape of the area, particularly as the siting of the tower within Camberwarra Park is such that it is located in the most active portion of the park between the tennis courts and the playground.

- d) *Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.*

The proposed galvanised finish of the tower is intended to be unobtrusive and sympathetic to the surrounding landscape. The panel antennas are proposed to be close-mounted and shrouded in order to reduce the profile and visual impact of the tower. Due to existing vegetation to be retained, the ground infrastructure will not be readily visible from outside the subject site, however, the tower will be visible due to its height and location.

As outlined above, the proposed location of the telecommunication tower is not considered to be consistent with the provisions of the Western Australian Planning Commission's *State Planning Policy No. 5.2 – Telecommunications Infrastructure* which states, where practical, telecommunication towers should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.

The proposed telecommunication facility is located directly adjacent to residential properties, approximately 23 metres from the nearest residential property. Further, the siting of the tower within Camberwarra Park is such that it is located in the most active portion of the park between tennis courts and a playground and is therefore located where it will have the most visual impact.

Clause 6.3(b) gives consideration to the necessity of the proposed development in providing optimised coverage. In selecting the site, Optus identified a lack of adequate mobile network coverage in the immediate area of the subject site, stating “*occasioned by substantial increased demand for wireless data download coverage and capacity by users of tablets and smartphones*” and provided an indicative coverage map (Attachment 6 refers).

The applicant advised that the location of the tower was necessary to achieve coverage objectives for the locality. The applicant also noted that there are multiple examples of such facilities that are currently on, or visible from, recreational areas, such as:

- Lot 503 Lloyd Drive, Warwick – MRS Reserve Parks and Recreation.
- Lot 15446 Iluka Coastal Foreshore Reserve (Whitfords Sea Rescue) MRS Reserve Parks and Recreation.
- Trig Point Park Shoran Court, Ocean Reef.
- Water Tower Park Moondarra Way Joondalup.
- Lot 11725 Whitfords Avenue, Hillarys.
- Percy Doyle Reserve Warwick Road, Duncraig.
- HBF Arena in Joondalup.

While it is acknowledged that towers do exist in these reserves, it is considered that in each instance they have been located with greater regard to the relevant locality's context and potential impact on amenity.

*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 addition to the matters discussed above, the following matters for consideration are relevant to the proposal:

- *Clause 67(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.*

The development is not considered compatible with the surrounding land uses and is considered to be visually obtrusive as viewed from surrounding residential properties and the public recreation reserve. The location of the tower is set back approximately 23 metres from residential properties and is proposed to be located at the highest point and most active part of the reserve. In addition, as shown in the applicant's photomontages (Attachment 2 refers), the proposed development will not be consistent with the height and appearance of the existing tennis court poles.

- *Clause 67(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.*

The proposed tower is considered to have an undue impact to the character of the locality due to its height and visibility.

- *Clause 67(r) the suitability of the land for the development taking into account the possible risk to human health or safety.*

The applicant has provided an EME report confirming that the proposed development will be compliant with relevant Federal legislation which relates to the minimisation of health risks in the installation of telecommunications infrastructure.

### **Issues and options considered**

Council must consider the proposed telecommunication facility in accordance with the City's local planning policy and state planning policy, and determine whether the proposed development is appropriate or not.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions  
or
- refuse to grant its approval of the application.

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

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Schemes) Regulations 2015. Telecommunications Act 1997.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	<i>City of Joondalup Telecommunications Infrastructure Local Planning Policy. State of Planning Policy No. 5.2 – Telecommunications Infrastructure.</i>

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

Clause 2.3.4 of DPS2 sets out the requirements for use, development and planning approval within a 'Public Use' Reserve:

- 2.3.4.1 *The local government may consider applications for Planning Approval for land within a Local Reserve but shall have due regard to the ultimate purpose intended for the Local Reserve and the matters set out in Clause 67 of the deemed provisions ("Matters to be Considered by the local government").*
- 2.3.4.2 *Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.*

- 2.3.4.3 *To the extent that it is reasonable to do so, the local government shall apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the local government shall for that purpose stipulate the zone most relevant for comparison.*
- 2.3.4.4 *Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned, and where the circumstances permit, the local government may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.*
- 2.3.4.5 *The local government shall, in the case of land reserved for the purposes of a public authority, consult with that authority before giving its approval.*

*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.*

### City of Joondalup Telecommunications Infrastructure Local Planning Policy (LPP)

The City's *Telecommunications Infrastructure Local Planning Policy* sets out assessment provisions for those telecommunications facilities deemed not to be 'low impact' under the *Telecommunications (Low-impact Facilities) Determination Act 1997*. In addition to provisions regarding the advertising of an application, the policy sets out the following criteria which Council is to have regard to when determining an application:

- The provisions outlined in *State Planning Policy 5.2: Telecommunications Infrastructure*.
- Compliance with the *Telecommunications Code of Practice 1997*.
- The topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding development.
- The merits of the particular proposal, including the need for services to be located to optimise coverage.
- Submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.

### State Planning Policy No. 5.2 – Telecommunications Infrastructure (SPP 5.2)

The Western Australian Planning Commission's *State Planning Policy No. 5.2 – Telecommunications Infrastructure* provides matters for consideration in determining development applications for telecommunication infrastructure. Clause 6.3(a) requires consideration of the extent to which the proposal adheres to the policy measures relating to the minimisation of the visual impact of above ground infrastructure. Clause 6.3(b) gives consideration to the necessity of the proposed development in providing optimised coverage.

### **Risk management considerations**

The proponent has the right of review against Council's decision, including 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 \$576 (excluding GST) for the assessment of the application. The cost of the consultation undertaken by the City is to be paid by the applicant in accordance with the City's *Telecommunications Infrastructure Local Planning Policy*.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The City recognises the importance of telecommunication facilities in supporting industry development. One of the key strategic initiatives of the City's *Strategic Community Plan 2012 – 2022* is to actively seek opportunities for improving local communication network infrastructure. The proposal will provide improved telecommunication services within the City of Joondalup.

## Consultation

In accordance with the City's *Telecommunications Infrastructure Policy*, the application was advertised to 639 property owners and occupiers within a 400-metre radius of the development site for a period of 21 days, concluding on 19 March 2018.

A total of 49 submissions were received, being four statements of no objection and 44 objections. A 145 signature petition was also received by Council at its meeting held on 20 March 2018 (C21-03/18 refers). Of the respondents to this petition, 135 objected to proposed works, while nine were of support or of no opinion.

Concerns raised in the submissions are summarised below, along with the City's response to each concern:

- *Visual Impact*

The applicant has provided photomontages of the proposed development as viewed from Camberwarra Park to the east, Mayhill Place to the North, Mandana Place to the west and from the southern end of the park (Attachment 2 refers). The photomontages demonstrate the visual impact of the proposed works.

The applicant provided further information in relation to the potential visual impact of the works, stating that the proposed structure will maintain the number of vertical elements in the reserve through the replacement of the existing light pole, the existing mature trees will provide screening from view from surrounding residences, with the mature trees screening approximately 20 metres of the monopole from residential viewpoints. The applicant also advised that due to side fencing provided to properties adjoining the park, no property looks directly at the proposed infrastructure at ground level.

While the above is noted, the height of the tower is considerably greater than the existing tennis court light poles and, due to its height, will be readily visible from outside the subject site as shown in the submitted photomontages.

In addition to height, the tower and supporting infrastructure are proposed to be located in the most active part of the park, between the tennis courts and the playground, thereby also having the greatest impact at ground level for users of the park.

- *Impact on property values*

The potential impact of a proposed development on property prices is not a valid land use planning consideration.

- *Necessity of the tower*

In selecting the site Optus identified a lack of adequate mobile network coverage in the immediate area of the subject site. The applicant also provided the details of other sites in the vicinity which had been considered as a part of the identification of the subject site and the reasons these sites were not utilised. The applicant provided additional coverage information which demonstrates the increased coverage for the locality (Attachment 6 refers).

- *Health matters relating to proximity to telecommunication facilities*

Concerns raised related to the perceived adverse long-term health risk associated with telecommunication facilities. Electromagnetic emissions (EME) are controlled and regulated by separate Federal Government legislation and EME is not considered to be a valid land use planning consideration.

It is a mandatory requirement for all telecommunication carriers to comply with the *Australian Safety Standards* set by the Australian Communication and Media Authority and the EME limits established by the Australian Radiation Protection and Nuclear Safety Agency. The EME report submitted with this application (Attachment 6 refers) indicates that the EME emission at ground level is 0.74% of the Australian Radiation Protection and Nuclear Safety Agency general public exposure limit, well within the mandatory standards.

- *Use of public parkland*

The applicant noted that while the infrastructure will be owned by a private company, it will provide a community benefit in providing increased telecommunications coverage for the surrounding area and provide for emergency services infrastructure. The applicant has advised that, after construction, no fencing will be provided to restrict access to the monopole. The ground infrastructure will be fenced.

It is noted that the proposed development is not consistent with the current management order for the subject site, which would require modification if the development is approved.

### **Comment**

As outlined above, it is considered that the development is not appropriate in the context of its location due to its visual impact and therefore does not meet the requirements of relevant legislation and policies.

The application is therefore recommended for refusal.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council:**

- 1 **REFUSES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* of the application for development approval, dated 24 May 2017 submitted by Planning Solutions, for proposed **UNLISTED USE (Telecommunications Infrastructure)** at Lot 11608 (91) Camberwarra Drive, Craigie (Camberwarra Park), for the following reasons:
  - 1.1 In accordance with Clause 67(g) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the development does not meet the provisions of the City's *Telecommunications Infrastructure Policy* as the tower is considered to have an undue visual impact upon the locality;

- 1.2 In accordance with Clause 67(m) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is incompatible with other land in the locality and adjoining properties as the height of the structure is considered to result in an undue negative visual impact to the amenity of the immediate locality and adjoining properties;
  - 1.3 The development does not meet objective (e) of clause 1.6 of the *City of Joondalup District Planning Scheme No. 2*, as the development is considered to result in an impact to the amenity of the immediate locality due to its height and siting within the reserve;
  - 1.4 In accordance with Clause 67(c) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not meet the provisions of *State Planning Policy 5.2*, as the infrastructure will be unduly visually obtrusive as viewed from within Camberwarra Park and immediately surrounding streets and properties;
- 2 ADVISES the lead petitioner of its decision.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf180508.pdf](#)

## **CJ070-05/18 PROPOSED UNLISTED USE (UPGRADE AND EXTENSION OF EXISTING TELECOMMUNICATION INFRASTRUCTURE) AT LOT 12465 (3L) AND LOT 12464 (7L) SHORAN COURT, OCEAN REEF**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	101533
<b>ATTACHMENT</b>	Attachment 1 Location Plan Attachment 2 Development plans and photomontages Attachment 3 Western Australian Planning Commission State Planning Policy No. 5.2 – Telecommunication Infrastructure Attachment 4 City of Joondalup Telecommunication Infrastructure Policy Attachment 5 Environmental Electromagnetic Energy report
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

### **PURPOSE**

For Council to determine an application for the proposed upgrade and extension of existing telecommunication infrastructure at Lot 12465 (3L) and Lot 12464 (7L) Shoran Court, Ocean Reef, which forms part of Trig Point Park.

### **EXECUTIVE SUMMARY**

An application for development approval has been received for the proposed upgrade and extension of an existing telecommunication infrastructure at Lot 12465 (3L) and Lot 12464 (7L) Shoran Court, Ocean Reef (subject site), which form part of Trig Point Park.

The proposed development has been assessed having due regard to the City's *District Planning Scheme No. 2 (DPS2)*, the Western Australian Planning Commission *State Planning Policy No. 5.2 – Telecommunications Infrastructure (SPP 5.2)* and the City's *Telecommunications Infrastructure Policy*.

The proposal was advertised for 21 days to surrounding landowners and occupiers within a 400 metre radius of the site. A total of 45 submissions were received. Five submissions did not object and 40 submissions objected to the proposal, based on issues regarding electromagnetic emissions (EME), visual impact, the necessity of the infrastructure and the potential effect on property values.

Having regard to the nature of the proposed extension to the facility and the issues raised by submitters, it is considered that the proposal meets the requirements of DPS2, SPP 5.2 and the City's *Telecommunications Infrastructure Policy*.

It is recommended that Council approves the proposed development, subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 12465 (3L) and Lot 12464 (7L) Shoran Court, Ocean Reef.
<b>Applicant</b>	Axicom.
<b>Owner</b>	Crown Land.
<b>Zoning</b>	<b>DPS2</b> Parks and Recreation (Lot 12456), Public Use (Lot 12464).
	<b>MRS</b> Urban.
<b>Site area</b>	97m <sup>2</sup> (Lot 12456), 16m <sup>2</sup> (Lot 12464).
<b>Structure plan</b>	Not applicable.

The subject site is located centrally within Trig Point Park. Trig Point Park is bound by Leeway Drive to the north, Marmion Avenue to the east, land zoned 'Residential' to the south and west, with Shoran Court to the south-west (Attachment 1 refers).

An existing 22.14 metre telecommunication tower and associated ground level infrastructure is currently located at the subject site.

## DETAILS

The development consists of the following:

- A 2.26 metre high extension to the existing 22.14 metre telecommunication tower, resulting in a total height of 24.4 metres.
- Relocation of the existing antennas and three additional panel antennas on the extension.
- Associated cabling and ancillary equipment.

The development plans and perspectives are located at Attachment 2.

The proposed facility is not exempt from the need to obtain planning approval as it is not considered 'low impact' under the Federal Government's *Telecommunications (Low Impact Facilities) Determination 1997*.

### City of Joondalup Telecommunications Facilities Policy

Clauses 67(g) and (y) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) detail that the Council should have due regard to local planning policies and submissions received in the determination of development applications. Accordingly, the City's *Telecommunications Infrastructure Policy* is considered below:

- *The provisions outlined in State Planning Policy 5.2: Telecommunications Infrastructure.*

The City has assessed the proposal against the provisions of *State Planning Policy 5.2: Telecommunications Infrastructure* (SPP 5.2), as outlined in the SPP 5.2 section of this report.

- *Compliance with the Telecommunications Code of Practice 1997.*

The *Telecommunications Code of Practice 1997* was recently repealed and replaced by the *Telecommunications Code of Practice 2018*.

The proposed infrastructure is considered to comply with the code of practice as the subject site has been selected to minimise its impact upon the locality while improving service delivery. Furthermore, it has been demonstrated through the provision of an Environmental EME report that community exposure to electromagnetic energy will comply with the relevant legislation.

- *The topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding development.*

The applicant has provided indicative photomontages of the proposed infrastructure as viewed from the surrounding locality (Attachment 2 refers). The subject site is surrounded by dense landscaping which assists in mitigating the visibility of the infrastructure. While the infrastructure will be visible due to its height, the additional 2.26m height is considered minor in nature as its visual impact is reduced by being located centrally within Trig Point Park, away from adjoining residential properties.

- *The merits of the particular proposal, including the need for services to be located to optimise coverage.*

In selecting the site Optus has identified areas where coverage and network quality can be improved in Ocean Reef through an upgrade of their existing facility. Further, as the application is for upgrades and extension to an existing facility, the location is already proven as a suitable site to optimise coverage.

- *Submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.*

The submissions received are discussed in the consultation section of this report.

#### State Planning Policy No. 5.2 – Telecommunications Infrastructure

Clause 67(c), of Schedule 2 of the Regulations details that Council should have due regard to State planning policies in the determination of development applications. Accordingly, SPP 5.2 is considered below and outlines matters for consideration in determining development applications for telecommunications infrastructure.

Clause 6.3(a), of SPP 5.2, recommends that consideration should be given to the extent to which the proposal adheres to the policy measures, outlined in Clause 5, relating the visual impact of above ground infrastructure:

*Clause 5.1.1(ii) Telecommunications infrastructure should be designed to minimise visual impact and whenever possible:*

- (a) *Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.*

The proposed upgrade and extension of the existing telecommunication infrastructure is located centrally within Trig Point Park and is considered a more suitable response to improve coverage within the area, than the establishment of an additional new structure within the area. Additionally, the subject site is surrounded by dense landscaping which assists in mitigating the visibility of the infrastructure.

- (b) *Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*

As the works the subject of this application only seek to upgrade and extend an existing facility, it is considered that there will be no further impact as viewed from the public and private realm.

- (c) *Not be located on sites where environmental or cultural heritage, social and visual landscape values may be compromised.*

As the works the subject of this application only seek to upgrade and extend an additional facility, it is considered that environmental, cultural, social or visual landscape values will not be further compromised.

- (d) *Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.*

The proposed galvanised finish of the extension is intended to be non-obtrusive and neutral in colour to blend in with the existing facilities, to reduce the profile and visual impact of the tower and reflects the finish of the existing telecommunication infrastructure.

Clause 6.3(b) gives consideration to the necessity of the proposed development in providing optimised coverage. In selecting the site Optus identified a lack of adequate mobile network coverage in the immediate area of the subject site.

*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 addition to the matters discussed above, the following matters for consideration are relevant to the proposal:

- *Clause 67(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.*

As shown in the applicant's photomontages (Attachment 2 refers), the proposed development represents a minor change to the existing development and will not result in any significant increase in impacts as a result of height, bulk, scale or appearance. As such, the proposed upgrade and extensions are considered to be compatible with the existing context.

- *Clause 67(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.*

It is considered that the amenity of the locality will not be significantly affected by the application as the proposal seeks to undertake only minor upgrades to an existing facility.

- *Clause 67(r) the suitability of the land for the development taking into account the possible risk to human health or safety.*

The applicant has provided a EME report confirming that the proposed development will be compliant with relevant federal legislation which relates to the minimisation of health risks in the installation of telecommunications infrastructure.

### **Issues and options considered**

Council must consider the proposed upgrades and extensions to the existing telecommunication facility in accordance with the City's local planning policy and state planning policy and determine whether the proposed development is appropriate or not.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions  
or
- refuse to grant its approval of the application.

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

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Schemes) Regulations 2015. Telecommunications Act 1997.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	<i>City of Joondalup Telecommunications Facilities Policy. State of Planning Policy No. 5.2 – Telecommunications Infrastructure.</i>

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

Clause 2.3.4 of DPS2 sets out the requirements for use, development and planning approval on Local Reserves:

- 2.3.4.1 The local government may consider applications for Planning Approval for land within a Local Reserve but shall have due regard to the ultimate purpose intended for the Local Reserve and the matters set out in Clause 67 of the deemed provisions ("Matters to be Considered by the local government").*

- 2.3.4.2 *Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.*
- 2.3.4.3 *To the extent that it is reasonable to do so, the local government shall apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the local government shall for that purpose stipulate the zone most relevant for comparison.*
- 2.3.4.4 *Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned, and where the circumstances permit, the local government may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.*
- 2.3.4.5 *The local government shall, in the case of land reserved for the purposes of a public authority, consult with that authority before giving its approval.*

*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.*

#### City of Joondalup Telecommunications Infrastructure Policy

The City's *Telecommunications Infrastructure Policy* sets out provisions for telecommunications facilities deemed not to be 'low impact' under the *Telecommunications (Low-impact Facilities) Determination Act 1997*. In addition to provisions regarding the advertising of an application, the policy sets out the follow criteria which Council is to have regard to when determining an application:

- The provisions outlined in *State Planning Policy 5.2: Telecommunications Infrastructure*.
- Compliance with the *Telecommunications Code of Practice 1997*.
- The topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding development.
- The merits of the particular proposal, including the need for services to be located to optimise coverage.
- Submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.

#### State Planning Policy No. 5.2 – Telecommunications Infrastructure

The Western Australian Planning Commission's *State Planning Policy No. 5.2 – Telecommunications Infrastructure* provides matters for consideration in determining development applications for telecommunications infrastructure. Clause 6.3(a) requires the consideration of the extent to which the proposal adheres to the policy measures relating to the minimisation of the visual impact of above ground infrastructure. Clause 6.3(b) gives consideration to the necessity of the proposed development in providing optimised coverage.

#### **Risk management considerations**

The proponent has the right of review against Council's decision, including 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 \$640 (excluding GST) for the assessment of the application. The cost of the consultation undertaken by the City is to be paid by the applicant in accordance with the City's *Telecommunications Infrastructure Policy*.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

The City recognises the importance of telecommunication facilities in supporting industry development. One of the key strategic initiatives of the City's *Strategic Community Plan 2012 – 2022* is to actively seek opportunities for improving local communication network infrastructure. The proposal will provide improved telecommunication services within the City of Joondalup.

## Consultation

The application was advertised to 573 land owners and occupiers within a 400 metre radius of the development site for a period of 21 days, concluding on 29 March 2018.

A total of 45 submissions were received. 40 submissions were objections from surrounding landowners and five submissions were non-objections to the proposal.

Concerns raised in the submissions are included below, along with the City's response to each concern:

- *Impact on property values*

The potential impact of a proposed development on property values is not a valid land use planning consideration.

- *Necessity of the tower*

The tower is existing and the application seeks to undertake minor upgrades and extensions only.

In selecting the site Optus identified areas where coverage and network quality can be improved in Ocean Reef. The upgrade and extension of the existing site is considered to be a more suitable solution for coverage improvement within the area than the establishment of an additional structure elsewhere within the area.

- *Visual Impact*

The works the subject of this application are confined to upgrades and a minor 2.26 metre extension. The applicant has provided photomontages of the proposed development as viewed the southern side of the site, at Shoran Court and from the western side, of Trig Point Park (Attachment 2 refers). The upgrade of the existing facility will have far less visual impact than the establishment of a new stand-alone facility within the immediate area. Therefore, it is considered that the upgrade of the existing mobile base station will not have a significant visual impact.

In order to further mitigate any visual impact, the applicant has confirmed that the extensions and upgrades will be painted in a non-obtrusive, neutral colour to match the existing facility.

- *Health matters relating to proximity to telecommunication facilities*

A concern was raised relating to the perceived adverse long-term health risk associated with telecommunication facilities. Electromagnetic emissions (EME) are controlled and regulated by separate Federal Government legislation and EME is not considered to be a valid land use planning consideration.

It is a mandatory requirement for all telecommunications carriers to comply with the *Australian Safety Standards* set by the Australian Communication and Media Authority and the EME limits established by the Australian Radiation Protection and Nuclear Safety Agency. The EME report submitted with this application (Attachment 5 refers) indicates a EME emission at ground level is 8.63% of the Australian Radiation Protection and Nuclear Safety Agency general public exposure limit, well within the mandatory standards.

- *Distance from residential properties.*

The telecommunication infrastructure is an existing facility and therefore its distance from residential properties is already established. Further, the EME report submitted with the application demonstrates that the maximum EME level calculated for the proposed facility is well within the public exposure limits.

- *Antisocial behaviour associated with Trig Point Park.*

The proposed upgrade and extension of the existing telecommunication infrastructure is not considered to greatly impact on antisocial behaviour within Trig Point Park. The carrier, Optus is only responsible for the ongoing maintenance of the telecommunication infrastructure.

## COMMENT

As outlined above, it is considered that the development is appropriate in the context of its location and meets the requirements of relevant legislation and policies.

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 24 November 2017 submitted by Axicom, for proposed UNLISTED USE (Telecommunications Infrastructure) at Lot 12465 (3L) and Lot 12464 (7L) Shoran Court, Ocean Reef (Trig Point Park), subject to the following conditions:**

- 1 This approval relates to the extension of the existing telecommunication infrastructure and associated works only, as indicated on the approved plans. It does not relate to any other development on the lot;**
- 2 All development shall be contained within the property boundaries;**
- 3 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;**
- 4 No mature vegetation shall be removed as part of the proposed development. The applicant shall make good any damage to vegetation or other infrastructure within Trig Point Park, to the specification and satisfaction of the City of Joondalup;**
- 5 The external surface of the development shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surfaces shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;**

- 6 The monopole and associated infrastructure shall be finished in colours that are unobtrusive and are consistent with that of the existing facilities, to the specifications and satisfaction of the City;**
- 7 The works are to be established and thereafter maintained to the specifications and satisfaction of the City.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf180508.pdf](#)*

**CJ071-05/18      DRAFT 2018-2021 ACCESS AND INCLUSION PLAN**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	71568, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Draft 2018-2021 Access and Inclusion Plan</i>
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and

**PURPOSE**

For Council to endorse the draft *2018-2021 Access and Inclusion Plan*.

**EXECUTIVE SUMMARY**

The *Disability Services Act 1993* (the Act) requires public authorities to ensure that their services, buildings and information are accessible to people with disability. Actions and strategies relating to access are required to be managed by an *Access and Inclusion Plan* (AIP).

The City's current AIP expires in June 2018 and a new AIP for the period 2018-2021 has been drafted.

Council endorsement of this plan is sought prior to submitting the plan to the Department of Communities - Disability Services. The outcomes and reporting requirements of the AIP are prescribed by the Act. The City is required to include the seven prescribed outcomes in its plan and has chosen an eighth additional outcome.

It is recommended that Council adopts the *2018-2021 Access and Inclusion Plan*.

**BACKGROUND**

The Act requires public authorities to ensure their services, buildings and information are accessible to people with disability. This is managed through an AIP.

The City recognises that diverse members of the community experience access and inclusion issues. These members include people with disabilities and their families and carers; people from diverse backgrounds and cultures; the elderly and people who experience other access and inclusion issues, such as parents with prams.

To include all aspects of the City's operations, the proposed AIP incorporates and expands upon the standard seven outcome requirements as determined by the Department of Communities - Disability Services. The City's AIP has an additional outcome that focuses on the area of community education. The outcome areas provide a framework for translating the principles and objectives of the Act into tangible and achievable results. The eight desired outcomes of the City's AIP are as follows:

- 1 People with disability have the same opportunities as other people to access the services of, and any events organised by the City.
- 2 People with disability have the same opportunities as other people to access the buildings and other facilities of the City.
- 3 People with disability receive information from the City in a format that will enable them to access the information as readily as other people are able to access it.
- 4 People with disability receive the same level and quality of service from the staff of the City of Joondalup as other people receive from the staff of the City.
- 5 People with disability have the same opportunities as other people to make complaints to the City.
- 6 People with disability have the same opportunities as other people to participate in public consultation by the City.
- 7 People with disability have the same opportunities as other people to be employed by the City.
- 8 Provide information, opportunities and encouragement to raise awareness in the community regarding disability, access and inclusion.

In accordance with requirements of the Act, the City's AIP will continue to be reviewed at least every five years.

It is a requirement that the AIP is presented to Council for approval, however it is considered best practice to have an operational Implementation Plan accompany the AIP as a separate internal working document for use by the City employees. An implementation plan that corresponds with the AIP has been developed to ensure the desired outcomes of the AIP are translated into practical and measurable actions. This will be an internal City document and will outline which business unit area will be responsible for each action.

## **DETAILS**

The City takes a holistic approach to increasing access and inclusion in the community, striving to create accessible and inclusive communities for people of all ages, abilities and backgrounds.

The City aims to have strategies across all eight outcome areas which address physical access to the natural and built environment including buildings, recreational facilities, parks and footpaths and beaches, as well as access to the City's services, events and information. The plan aims to foster a sense of belonging, helping people of all abilities and backgrounds engage and connect within our community.

Data from the Survey of Disability, Ageing and Carers 2015 (ABS) shows that 18.3% of Australians live with a disability and 16% have limitations or restrictions in core activities, schooling or employment.

The Survey of Disability, Ageing and Carers 2015 (ABS) could only provide sample data for the City of Joondalup. A national sample of 75,000 was taken and of these, only 138 were City residents. The 138-sample count was modelled to the Australian population of 23 million to arrive at an estimate of 22,400 City residents living with disability.

The 2016 Census (ABS) provides information on people with disability in the City of Joondalup who have a profound severity in their limitations or restrictions in performing core activities. Figures state 5,054 City residents have a profound limitation in performing core activities.

*\*Core Activities- communication, mobility or self-care, on four levels of severity:*

- *Profound limitation (people with the greatest need for help or who are unable to do an activity).*
- *Severe limitation (people who sometimes need help and/or have difficulty).*
- *Moderate limitation (people who need no help but have difficulty).*
- *Mild limitation (people who need no help and have no difficulty, but use aids or have limitations).*

The 2018-2021 AIP was informed by statistical and industry research, as well as consultation with residents and ratepayers, local community groups, key not-for-profit organisations and government agencies.

The outcome areas of the 2018-2021 AIP are consistent with those of the 2015-2017 AIP, as are the majority of the overarching strategies that support these.

The City provides a progress report to the Department of Communities - Disability Services annually on the progress of the AIP in a reporting format that is mandated by the Department.

Some of the main highlights achieved during the implementation of the 2015-2017 AIP include the following:

- DADAA Arts was engaged for the Kaleidoscope Festival to provide audio interpreted tours of the festival to people who are blind or have low vision; 30 of people participated in the audio tours of the Kaleidoscope Festival.
- The City's Youth Services team launched its Youth Truck, which is a purpose-built mobile youth centre that includes a wheelchair hoist and is fully accessible.
- An 18 month partnership with Inclusion WA led to the roll out of the Community Connect Sport and Recreation Program (CCSR). The program engaged 44 local sport and recreation clubs in mentoring and education to offer individuals from all backgrounds and abilities an opportunity to participate in local clubs.
- The installation of the first Changing Place Facility in the north metropolitan area. The facility opened at Sorrento foreshore in December 2017.
- Significant upgrades to Duncraig Library including the installation of a unisex accessible toilet, the refit of current male and female toilets to include ambulant facilities in both and the redesign of the customer service counter including the installation of a height adjustable accessible desk.
- The installation of universal accessible paths of travel to connect amenities and infrastructure in 12 parks. One of those parks also had an accessible BBQ, picnic setting and drinking fountain installed.
- Five City parks had new unisex accessible toilets installed.
- Major redevelopments of five community facilities and the new construction of one. Included in the works across the six projects were the installation of unisex accessible toilets, upgraded accessible parking, footpath connections to include a continuous accessible path of travel from the accessible parking into the building, ambulant facilities in male and female toilets, accessible showers and change facilities and accessible spectator's facilities.
- Way-finding signage which follows the printed accessibility guidelines and identify accessible facilities was installed along coastal walking-routes and in the Joondalup CBD.

- The Shepherds Bush walking trail was bituminised to provide a continuous accessible path of travel and signage indicating the accessible walking paths was installed.
- Upgrades to the administration centre, including resurfacing the front stairs, adding new handrails and appropriate stair nosing with distinct colour contrast, installation of two additional accessible parking bays, upgrades to the existing accessible parking bays and resurfacing and re-grading the access ramp from the lower car park to the main administration building.
- Upgrade to the stairs at entry points to Joondalup Library to bring them in line with current standards.
- The passenger lifts at Joondalup Library and the Civic Centre were replaced to provide reliable access to patrons with increased access requirements.
- Delivery of two sessions annually of Access and Inclusion training to staff that is specific to the work they do for the City.

### Issues and options considered

There is a legislative requirement by the *Disability Services Act 1993* to have an AIP that ensures its services, buildings and information are accessible to people with disability as well as undertake public consultation with people with a disability and other key stakeholders for a minimum period of three weeks. The City's current plan ends on 30 June 2018 and a new Council endorsed AIP is required to be operational on 1 July 2018.

Non-adherence to the relevant legislative requirements could result in action against the City by the Australian Human Rights Commission and individuals.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Disability Services Act 1993.*  
*Equal Opportunity Act 1994.*  
*Disability Discrimination Act 1992 (Cwlth).*  
*Carers Recognition Act 2004.*  
*Access to Premises Standards (2010).*

#### Strategic Community Plan

##### Key theme

Community Wellbeing.

##### Objective

Quality facilities, Community spirit and Community safety.

##### Strategic initiative

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

Understand the demographic context of local communities to support effective facility planning.

Build a community that works in partnership with government and non-government organisations to achieve real and long-lasting improvements in safety and wellbeing.

Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

Promote and support the needs of disadvantaged communities.

**Policy**

*Access and Equity Policy.*  
*Community Consultation and Engagement Policy.*

**Risk management considerations**

The City is reducing the risk of action against it in relation to access and inclusion issues by ensuring legislative requirements of the *Disability Services Act 1993* are met. The City has developed an AIP compliant with legislation that ensures its services, buildings and information are accessible to people with disability.

Risk has been mitigated further through delivery of an extensive community engagement undertaken to inform the draft 2018-2021 AIP based on community expectation and need. The whole community has had an opportunity to contribute to strategies in the draft AIP, with those most likely to be affected targeted with specific consultations, including people with disability, carers, business sector and other key stakeholders.

**Financial / budget implications**

Any new projects and / or activities that arise from the plan will be considered within the relevant annual business and budgetary planning processes undertaken by the City. This provides for decision-making on resource allocations to be made as part of the overall budget process on an annual basis.

External grant funding and partnership opportunities will be sought for programs and projects that align with actions in the 2018-2021 AIP.

**Regional significance**

It is acknowledged that a strong foundation of access and inclusion provided by the City supports people with disability and people with other barriers regionally when accessing a wide range of services. The City ensures professional industry networks are maintained to foster positive outcomes across local government borders.

**Sustainability implications**

In planning for better access, the City positions itself as a strong and progressive local government responsive to the changing needs of its local community, as well as national and state government legislative and policy requirements.

Aside from ethical considerations, everyone benefits from improved accessibility which enhances opportunities for all residents to access information, facilities, local businesses, employment, education, events and services, and to connect with the broader community.

Accessibility equates to usability and supports the efficiency and effectiveness of customer service delivery to the maximum number of current and future residents. A focus on increasing accessibility improves a city's 'liveability' and enables people to comfortably remain in, and contribute to, their local community throughout their life cycle irrespective of ability.

**Consultation**

Consultation for the 2018-2021 AIP was open from 23 October 2017 to 22 December 2017. The consultation was advertised through the following:

- The Community Newspaper.
- The City's website.

- City social media platforms.
- The Community Engagement Network.
- Local disability, multi-cultural and mental health organisations.
- City networking groups.
- Local schools and education support units.

Feedback could be provided to the City in a variety of ways, including electronic or hard copy surveys, via phone or attendance at one of three community workshops held throughout the consultation period.

Surveys were also promoted to City staff and a staff specific workshop was held.

In total 175 surveys were returned and 18 community members participated in community workshops. Feedback received through the consultation process has been analysed and incorporated into the development of new targets for the 2018-2021 AIP.

## COMMENT

The City continues to comply with the Disability Services Commission legislative requirements and the new 2018-2021 AIP provides an opportunity to document the continuation of programs and practices already being undertaken by the City, as well as undertake new initiatives to create accessible and inclusive communities for everyone.

Planning for the future is imperative since the number of people with access and inclusion requirements is predicted to significantly increase over the next 15 years. In the draft 2018-2021 AIP the City takes a holistic approach to increasing access and inclusion in the community, striving to create accessible and inclusive communities for people of all ages, abilities and backgrounds. The proposed plan will enable the City to address issues of access and inclusion in a strategic manner, in line with identified community priorities and a planned allocation of resources.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council:**

- 1 ENDORSES the draft *2018-2021 Access and Inclusion Plan* as detailed in Attachment 1 to Report CJ071-05/18;**
- 2 SUBMITS the *2018-2021 Access and Inclusion Plan* to the Disability Services Commission by 30 June 2018.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf180508.pdf](#)

**Disclosures of Financial Interest/Proximity Interest**

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ072-05/18 – Local Housing Strategy – Update.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick is the joint owner of property located in the area affected by Amendment No. 90.

**CJ072-05/18 LOCAL HOUSING STRATEGY – UPDATE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106679, 30622, 101515
<b>ATTACHMENT</b>	Attachment 1 Letter received from the Minister Transport; Planning; Lands
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to:

- Note information in relation to correspondence received from the Minister for Transport; Planning; Lands and a subsequent meeting held with the Minister.
- Determine whether *Local Planning Scheme No. 3* (LPS3) and the *Joondalup Activity Centre Plan* (JACP) should be progressed as a priority or whether these documents should be placed on hold pending the outcomes of draft Amendments No. 88 and 90 to the current planning scheme.
- Note the update on the progression of draft *Multiple Dwellings within HOA1 Local Planning Policy* and the work being done to progress a new strategy for managing the impacts of density in all the City's Housing Opportunity Areas.
- Address the petition received from residents in Housing Opportunity Area 8 (HOA8) at the Council meeting in April 2018 (C35-04/18 refers), requesting reinstatement of the density coding for HOA8, as per Council's decision of 15 February 2011.

**EXECUTIVE SUMMARY**

The Minister for Transport; Planning; Lands wrote to the Mayor of the City on 22 March 2018 and a meeting was held with the Minister and the Local Members for Joondalup and Kingsley on 5 April 2018 in relation to draft LPS3 and community concern regarding infill development in the City of Joondalup.

Draft LPS3 has been considered by the Western Australian Planning Commission (WAPC) and is currently before the Minister for a final decision. The Minister is also aware that Council has initiated Amendments No. 88 and 90 to its current planning scheme, which propose different residential densities to those in draft LPS3, and that these amendments will cease to have effect if they are not finalised before LPS3.

The Minister has therefore noted it is open to her to refuse LPS3 so that the City can finalise its position on Amendments No. 88 and 90 and undertake a review of the planning framework for infill development. The Minister is of a view that consideration of individual amendments relating to residential infill could be ad hoc without such a review.

The Minister has therefore requested the City to clarify whether it supports the development outcomes proposed by LPS3 or those proposed by Amendments No. 88 and 90.

In relation to the new strategy/approach for dealing with density in the HOAs, consultants are currently being engaged to assist the City with this complex body of work. The City's Request for Tender for consultants specifies that a community engagement expert should form an integral part of the consultant team. Once these consultants have been engaged by the City, extensive consultation with Residents and Ratepayers groups and with residents living in HOAs will be undertaken by the consultant team to inform the new strategy/approach.

In relation to the draft *Multiple Dwellings within HOA1 Local Planning Policy*, the City met with the Department of Planning, Lands and Heritage in early April to discuss this draft policy, among other matters, as detailed later in this report. The DPLH suggested the City should formally refer the document to the WAPC, so any feedback or decision on the draft policy could help the City to decide how best to progress the draft policy and to inform the consultant's development of new policy provisions for all HOAs. Recent feedback from the DPLH is that the draft policy will likely be formally considered by the WAPC towards the end of May. If this is the case, an update on progression of the draft policy could be included in the report to Council on the outcomes of consultation of draft Amendments No. 88 and 90 in June.

## **BACKGROUND**

### ***Scheme Amendment No. 73***

Following endorsement of the *Local Housing Strategy* (LHS) by the WAPC, the new dual density codes needed to be implemented via an amendment to the City's current planning scheme. This scheme amendment is known as Scheme Amendment No. 73.

Council initiated Scheme Amendment No. 73 for the purposes of public advertising at its meeting held on 10 December 2013 (CJ236-12/13 refers) and, following public consultation, the Council adopted Scheme Amendment No. 73 at its meeting held on 31 March 2015 (CJ032-03/15 refers). Scheme Amendment No. 73 was approved by the (then) Minister for Planning on 28 January 2016.

Following gazettal of Amendment No. 73, the densities proposed by the LHS became embedded in the current planning scheme and owners of properties in HOAs are now able to develop their properties in line with the new densities.

### ***Draft Local Planning Scheme No. 3 (LPS3)***

At the same time that Amendment No. 73 embedded the new density codes into the City's current planning scheme, the City was preparing its new *Local Planning Scheme No. 3* (LPS3).

The local planning scheme is the principal statutory tool which classifies land into zones and applies residential density codes, and outlines how land within those zones may be used and developed.

The *Planning and Development Act 2005* and associated Regulations require local governments to review their planning schemes in the fifth year after the planning scheme is gazetted. The City's current planning scheme was gazetted on 28 November 2000 and a review of the current planning scheme commenced in early 2009.

This process of scheme review and development of a new planning scheme has been slowed and interrupted by changes in State Government legislation and the need to finalise both the *Local Housing Strategy* and the *Local Commercial Strategy*. These documents informed the *Local Planning Strategy* which, in turn, informed draft LPS3.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council formally considered draft LPS3 and resolved to advertise the document for a period of 90 days. Following public consultation, minor modifications were made to the document and at its meeting held on 27 June 2017, the Council resolved to adopt LPS3 and to refer it to the WAPC for consideration (CJ089-06/17 refers).

The draft LPS3 that was adopted by Council in June 2017, perpetuated the density codes that were embedded in the existing planning scheme by Scheme Amendment No. 73.

#### ***Draft Scheme Amendments No. 88 and 90***

In May 2017 (CJ078-05/17 refers), when considering the minutes of the Special Electors Meeting held in April 2017, Council resolved that it supported initiating an amendment to the current planning scheme to reduce the density coding of properties in Housing Opportunity Area 1 (HOA1), bounded by the Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North, from R20/R40 and R20/R60 to R20/R30.

A draft scheme amendment was initiated at the Council meeting in June 2017 (CJ086-06/17 refers) – the same meeting at which Council resolved to adopt LPS3 (see above section).

This draft scheme amendment is known as Amendment No. 88.

The density code proposed under draft Amendment No. 88 is in direct conflict with the densities included in LPS3 for the relevant portion of HOA1 in Duncraig.

In September 2017, a second petition was formally received by Council, requesting down-coding of an additional portion of HOA1, west of Davallia Road. Council, at its meeting on 12 December 2017, resolved to initiate a second amendment (Amendment No. 90) to deal with the additional properties the subject of the second petition (CJ193-12/17 refers).

The density code proposed under draft Amendment No. 90 is also in direct conflict with the densities included in LPS3 for the relevant portion of HOA1 in Duncraig.

When draft Amendments No. 88 and 90 were initiated by the Council, the Council reports highlighted there was a risk in progressing these amendments, given the status of LPS3 and the possibility the amendments could cease to have effect upon gazettal of LPS3. However, given the City could not be certain about the timing of final adoption of LPS3, the community and the Council were reluctant to wait until the gazettal of LPS3 to consider initiating the draft amendments.

Draft Amendments No. 88 and 90 concluded public consultation on 23 April 2018 and, at this stage, it is anticipated a report on the consultation outcomes will be presented to Council at its meeting in June 2018.

***Draft Multiple Dwellings within HOA1 Local Planning Policy and the City's proposed new strategic approach to managing the impacts of density in the HOAs***

In May 2017 (CJ078-05/17 refers), when Council considered the minutes of the April 2017 Special Electors Meeting and resolved to support the initiation of an amendment to the planning scheme to reduce density coding in portion of HOA1 (see above section), Council also resolved that it supported the development of a new Local Planning Policy, to restrict the development of multiple dwellings in that same portion of HOA1.

This draft local planning policy was endorsed by the Council, for the purposes of advertising at its meeting held on 27 June 2017 Council meeting (CJ110-06/17 refers).

It was initially the City's intent to advertise the draft policy with draft Amendment No. 88 (including referral to the Western Australian Planning Commission) to enable one information package to be distributed to residents (with FAQs) so as to minimise confusion.

However, a second petition was then received from residents in a different part of HOA1, also seeking to reduce the density coding of their properties. The advertising of Amendment No. 88 was placed on hold, pending a Council decision on how to address the request in the second petition. When Amendment No. 88 was placed on hold to accommodate the second petition, so was advertising of the draft policy.

At its meeting held on 12 December 2017, Council resolved to initiate a second amendment (Amendment No. 90) to deal with the additional properties the subject of the second petition (CJ193-12/17 refers).

In line with Council's decision made at the 12 December 2017 meeting (which was reinforced at a Special Council Meeting held on 23 January 2018 - JSC01-01/18 refers) community consultation on the draft amendments began on 22 February 2018.

The draft *Multiple Dwellings within HOA1 Local Planning Policy* was not advertised at the same time as the amendments because:

- by the time a decision was made by Council in December 2017 to initiate Amendment No. 90 in response to the second petition, Council had also (at its meeting held on 21 November 2017) decided to develop a new *Local Planning Policy* to deal with all HOAs (CJ177-11/17 refers)
- in mid-January, the City had informal discussions with officers from the Department of Planning, Lands and Heritage on the draft *Multiple Dwellings within HOA1 Local Planning Policy* and these officers raised some concerns about the draft policy.

In recognition of community concerns about density in HOA1 and other HOAs in the City, at its meeting held on 21 November 2017, Council agreed to pursue a more strategic approach to implementing and managing density across all the HOAs (CJ177-11/17 refers).

***Joondalup Activity Centre Plan (JACP)***

The current planning framework for the Joondalup City Centre has been in place since 1995 and is the operative planning framework that has most recent formal endorsement from the WAPC for the city centre. It is outdated and is a disincentive to physical and economic development in the city centre.

In May 2010 (CJ073-05/10 refers), Council adopted a new structure plan for the city centre, but this document was overtaken by the release of the State Government's Activity Centres Policy in August 2010, which required that an Activity Centre Structure Plan be prepared for the Joondalup Strategic Metropolitan Centre.

The draft *Joondalup Activity Centre Plan* (JACP) was subsequently developed and, at its meeting in February 2017 (CJ004-02/17 refers), Council resolved to advertise the draft JACP for a period of 28 days. Following public consultation, at its meeting in June 2017 (CJ090-06/17 refers), the Council considered submissions received on the draft JACP and resolved to support the JACP and forward it to the WAPC for consideration and endorsement.

On 13 March 2018, the WAPC considered the draft JACP and endorsed the document, noting that the JACP will not come into effect until LPS3 is finalised and gazetted, given that the land use permissibility of the JACP is enshrined in draft LPS3. These documents are therefore inextricably linked and the City cannot implement its new plan for the city centre until LPS3 is gazetted.

The JACP provides an up-to-date planning framework to achieve the desired future economic and social development that will reinforce the Joondalup City Centre as the pre-eminent Strategic Metropolitan Centre of the north-west sub-region.

The JACP is also considered a more appropriate framework to support the City's objective of being the CBD of the North as outlined in its Strategic Community Plan, *Joondalup 2022*.

## **DETAILS**

### **The letter from the Minister for Transport; Planning; Lands**

The Minister for Transport; Planning; Lands wrote to the Mayor on 22 March 2018 and a meeting was held with the Minister and the Local Members for Joondalup and Kingsley on 5 April 2018 in relation to draft LPS3 and community concern regarding infill development in the City of Joondalup.

Following this meeting, the Minister advised that a subsequent letter would be provided to the City in due course. At the time of writing this report, the follow-up letter had not yet been received.

In her letter, the Minister reconfirmed the State Government's commitment to the delivery of infill development to manage the extent of growth on the outer suburbs of Perth and confirmed the new infill dwelling target for the City, as contained in the North West Sub-Regional Planning Framework, which forms part of the final version of the State Government's strategy for the future development of the Perth metropolitan area, *Perth and Peel @ 3.5 Million*.

The State Government's commitment to infill development is noted. The 2010 infill target for Joondalup out to 2031 was 12,700. The confirmed new target out to 2050 is 20,670 infill dwellings. This new target equates (roughly) to the provision of 646 new dwellings per year from now out to 2050, in lieu of the previous infill target which equated to an average of 605 new dwellings per year out to 2031. Since the gazettal of Amendment No. 73, approvals have been granted for 432 additional dwellings, which equates to around 216 dwellings per year. These approvals have not all yet translated into actual dwellings (and many may never) and the current figures possibly also reflect early heightened activity resulting from pent up demand, which may taper off in due course.

The Minister also advised that the current State Government places priority on locating infill development in areas such as those with access to good public transport, METRONET station precincts and major activity centres; however, local governments are responsible and have authority for establishing more detailed strategies, in consultation with their communities, which identify the specific location of infill development.

The State Government's criteria relating to the identification of suitable areas for infill development is noted. The approach the City took with its LHS, in identifying areas best suited for density, aligns with the above comments made by the Minister. When the City first started developing its draft LHS, it was not considered appropriate for density to be permitted broadly or everywhere in the City given the negative impacts such an approach had on the residents, tree canopy and the streetscapes of the City of Stirling. Instead, a strategic approach was favoured for density to occur in identified, appropriate areas. A set of locational criteria was identified, based on State Government policy, and these criteria were used to identify ten areas around train stations, activity centres and on high frequency transport routes, where increased residential densities were considered appropriate.

In her letter the Minister advised there appears to be significant community discontent with the current approach to infill development and that this seems, in part, to be a result of a lack of genuine community consultation.

It is acknowledged that the community could have been better consulted and informed about the changes in proposed density and the exact implications of these changes. However, the City and the Council found themselves in a difficult position given:

- the untested implications of the introduction of the State Government's Multi-Unit Housing Code
- the Department of Planning's response to the initial draft LHS
- the City was an early adopter of State Government policy direction without the tools, support or direction that were needed.

In her letter, the Minister suggests that the City undertakes more consultation with residents on their expectations and aspirations around infill development and conducts a strategic review of the City's infill planning, culminating in presentation of proposals for State Government consideration.

The City is currently doing exactly that. In November 2017, Council declined to progress more ad hoc scheme amendments. Council also agreed to pursue a more strategic approach to implementing and managing density across all its HOAs and the City is currently in the process of procuring consultants to assist the City in engaging with the residents in HOAs and developing new scheme and policy provisions to better manage built form outcomes and other density impacts in HOAs. The Council also agreed to the development of a new planning consultation policy and to expand the terms of reference of the City's Design Reference Panel to ensure all applications for multiple dwellings and larger grouped dwelling developments are reviewed by this independent panel of experts.

In relation to the progression of LPS3 and draft Amendments No. 88 and 90, the Minister's letter noted/advised the following:

- The WAPC recently forwarded draft LPS3 to the Minister for her decision.
- Draft LPS3 proposes the same density codes for HOAs as those in the current planning scheme.
- However, the Council has initiated Amendments No. 88 and 90, which propose different densities to those in draft LPS3.

- The Minister is concerned that the City is advertising amendments to the current planning scheme at the same time LPS3 is with her for consideration.

Confusion has been created by:

- the decision to approve LPS3 and initiate draft Amendment No. 88 at the same Council meeting, which reflect different positions on density and infill development
- the subsequent decisions not to initiate an amendment for HOA8 in Edgewater but to initiate draft Amendment No. 90 for properties for part of HOA1 in Duncraig, made at the same Council meeting
- the November 2017 decision to take a strategic approach to implementing and managing density across all HOAs via a new scheme amendment and local planning policy.

The Minister has therefore advised it is unclear whether the City supports the development outcomes facilitated by LPS3 or the alternative development outcomes proposed by draft Amendments No. 88 and 90 and has urged the City to clarify its position on the progression of Local Planning Scheme No. 3 (LPS3) and, by association, the *Joondalup Activity Centre Plan* (JACP) versus its position on planning for infill development.

The Minister has advised it is open for her to refuse LPS3 (which would stall the JACP) to allow the City to finalise consultation and a decision on Amendments No. 88 and 90 and to progress the strategic review of HOAs.

The Minister is of a view that consideration of individual amendments relating to residential infill could be ad hoc without such a review.

It is not clear to the Minister what the Council's position on density is, given the different decisions in this regard.

LPS3 is currently with the Minister for a decision, however, the Minister is aware she may need to make decisions on two amendments to the existing planning scheme, which conflict with LPS3. If LPS3 is approved by the Minister, prior to completion of draft Amendments No. 88 and 90, these amendments will cease to have effect.

The Minister is therefore considering an option whereby she refuses LPS3 to allow the Council to finalise a decision on draft Amendments No. 88 and 90 and to allow the City to progress its new strategy/approach to managing the impacts of density in the HOAs.

The City strongly suggests refusal, or even delay to LPS3, is not necessary and is an undesirable option, for the following reasons:

- 1 LPS3 is a critically important, strategic document for the City that has been in development for many years and deals with much more than density codes in HOAs.

The initial draft LPS3 was overtaken by the new *Planning and Development (Local Planning Schemes) Regulations 2015* and needed to be re-written, which was a significant setback in this important process.

The City cannot afford any further delays to finalisation of the LPS3, not only because of the importance of this strategic document, but also because the recent WAPC decision to approve the JACP is linked to finalisation of draft LPS3. The JACP is also a critically important document that is needed to respond to the State Government employment targets for the City of Joondalup and to drive built form excellence, activation, economic development and job creation in the Joondalup Activity Centre.

- 2 Council agreed to initiate draft Amendments No. 88 and 90 to test community sentiment about current densities in part of HOA1. Council has since declined to initiate a similar amendment for HOA8 in Edgewater. There is no certainty about the position the Council and/or the WAPC will ultimately take on these amendments and therefore the Minister should be advised that these amendments should not be given priority over the progression of LPS3.
- 3 When draft Amendments No. 88 and 90 were initiated by the Council, it was highlighted in numerous Council reports that there was a risk in progressing these amendments, given the status of LPS3 and the possibility the amendments could cease to have effect upon gazettal of LPS3. Despite this, the community and the Council were reluctant to wait until the gazettal of LPS3 to progress the draft amendments. As a result, this has put finalisation of two of the most important strategic planning documents for the City of Joondalup at risk.

The City does not believe that LPS3 needs to be refused or held in abeyance to protect Amendments No. 88 and 90 from falling over. Should gazettal of LPS3 cause the draft amendments to cease to have effect, and if Council is still of a mind to progress with the intent of the draft amendments, the City can initiate a new amendment to LPS3 and the State Government can be formally requested to make all attempts to progress the new amendment to LPS3 as quickly as possible.

- 4 Additional petitions have and may continue to be received, requesting decreases in density. The City has no control over the timing of requests for ad hoc amendments in pockets of HOAs across the City. If Council is of a mind to continue to initiate scheme amendments to the current scheme to address community concern, LPS3 (and by extension, the JACP) will be held in abeyance for (potentially) a long time on the basis of amendments which may or may not receive approval from the WAPC and the Minister.
- 5 The outcome of the new strategy/approach to dealing with density in the HOAs may not require changes in actual density codes and is anticipated to focus more on other scheme and policy provisions to restrict multiple dwellings to certain areas or types of streets/lots and to provide a design led approach to better manage the impacts of density. The consultant work and community consultation may still take some time if it is to be done properly and it would be undesirable if LPS3 was refused or delayed, pending the yet to be determined outcomes of this process.
- 6 Refusing or delaying LPS3 will have no positive impact on the community, including those seeking a reduction in density. The density codes are already in place under the current planning scheme. By refusing or delaying LPS3, this will not change the existing density codes in HOAs. All that will happen, is the City will be bereft of, not only one, but two critically important strategic documents.

**Progression of LPS3, draft Amendments No. 88 and 90 and the new strategy/approach to dealing with density in the HOAs should not need to be mutually exclusive.**

LPS3 and the associated JACP are critically important and long-awaited strategic documents for the City. These important documents should not be held up, pending decisions on Amendments No. 88 and 90 or development of the new strategy/approach.

In context, LPS3 applies to all lots in the City of Joondalup, which is approximately 56,000 lots. The JACP applies to all 960 lots in the Joondalup Activity Centre. Draft Amendments No. 88 and 90 apply to 752 lots. While it is acknowledged that these amendments are important to some community members within the amendment areas, risking refusal of an extremely important strategic document (LPS3) and the delay of another that is critically important to the economic development of the City Centre (JACP), for amendments that affect only approximately 1.3% of lots within the City of Joondalup, is not considered to be consistent with the broader strategic objectives of the City.

The Council has decided to progress a new strategy for the HOAs and City staff are trying to focus attention on this important piece of work and make sure that development applications in HOAs undergo rigorous assessment to protect the amenity of existing residents. The new scheme provisions that will be developed as part of the new strategy will be introduced via an amendment to LPS3, once gazetted.

Amendments No. 88 and 90 should follow due process and be given due consideration. If there is an inclination to approve them and LPS3 is gazetted before they are, the intent of Amendments No. 88 and 90 could also be progressed as a new amendment to LPS3 (hopefully with an expedited process and timeframe).

***Draft Multiple Dwellings within HOA1 Local Planning Policy and the City's proposed new strategic approach to managing the impacts of density in the HOAs***

The City is currently in the process of procuring consultants to assist it in engaging with the residents in HOAs and developing new scheme and policy provisions to better manage built form outcomes and other density impacts in HOAs. The Request for Tender (RFT) for the consultants outlines that the early involvement and engagement of the community will be pivotal in developing a suitable planning framework for the HOAs. Therefore, the City requires that the consultant team should be overseen by, or include the integral participation of a team member with a skill set that specialises in community engagement.

Given the importance of assistance and support from the State Government in progressing a new policy position and the strategy outlined above, and to prevent delays or resistance down the track, it was important for the City to receive feedback from the Department of Planning, Lands and Heritage (DPLH) on the consultant RFT as well as feedback on the following:

- How the City should deal with the fact it will end up with two policies that will need to be considered by the WAPC – an existing draft policy for part of an HOA, and a proposed new policy for the balance of that HOA and for all other HOAs in the City.
- The content of the draft *Multiple Dwellings within HOA1 Local Planning Policy* and likelihood of formal support from the WAPC.
- Timing of finalisation and release of the State Government's *Apartment Design Guide (Design WA)*, which will replace R-Code provisions for multiple dwellings. Timing of release of this document will potentially influence the content of the City's policy and the City is eager to understand which provisions of the *Apartment Design Guide* the State Government will allow the City to vary, and which it will not. The DPLH has previously advised it will likely allow variation to some provisions and not to others. The City needs to have more certainty around this issue, so that the new scheme and policy provisions will have the best chance of success through DPLH and the WAPC.
- The scheme and policy provisions the DPLH is likely to accept, based on recent scheme and policy provisions that other local governments have adopted.

A meeting with relevant staff from DPLH was held on Tuesday 3 April 2018. In relation to the above points, the following were the key points from the conversation:

- State Government's commitment to density/infill has been reaffirmed in the housing targets set for the City in the final version of the *Perth and Peel @ 3.5 Million* document, which was recently released by the State Government.
- The *Apartment Design Guide* is anticipated to be released later this year and this will be the document upon which the City should base any policy provisions.
- Local government will be able to vary certain provisions of the *Apartment Design Guide* but there is no certainty at this stage which provisions the City will be able to vary with new policy provisions.
- Earlier concerns about the draft *Multiple Dwellings within HOA1 Local Planning Policy* were reiterated. Notwithstanding this, the DPLH suggested the City should formally refer the document to the WAPC now, so any feedback or decision on the draft policy could help the City to decide how best to progress the draft policy and to inform the consultant's development of new policy provisions for all HOAs.

The DPLH recently provided the City with feedback on the draft consultant RFT and this feedback has been incorporated into the final RFT document.

The DPLH also recently advised that the draft *Multiple Dwellings within HOA1 Local Planning Policy* will likely be formally considered by the WAPC towards the end of May. If this is the case, an update on progression of the draft *Multiple Dwellings within HOA1 Local Planning Policy* could be included in the report to Council on the outcomes of consultation of draft Amendments No. 88 and 90 in June.

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

#### **Legislation**

*Planning and Development Act 2005.*  
*Planning and Development (Local Planning Schemes) Regulations 2015.*  
*State Planning Policy 3.1: Residential Design Codes.*

#### **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.*

### **Risk Management Considerations**

LPS3 is an important, strategic document for the City that has been in development for many years and deals with much more than density codes in HOAs. The JACP is also a critically important document that is needed to respond to the State Government employment targets for the City of Joondalup and to drive built form excellence, activation, economic development and job creation in the Joondalup Activity Centre.

If the Council does not advise the Minister that LPS3 (and the associated JACP) are a priority for the City, the Minister may refuse LPS3 to allow Amendments No. 88 and 90 to run their course and to allow the City to prepare its new scheme amendment and policy for HOAs. As mentioned earlier, these three courses of action do not need to be mutually exclusive.

If the Minister decides to approve LPS3 ahead of finalisation of Amendment No. 88 and 90, these amendments to the current scheme will fall away. This has been outlined as a risk in all relevant Council reports on the matter since the initiation of draft Amendment No. 88 in June 2017. If this occurs and if the Council is still of a mind to progress the intent of the amendments, this can be done as a new amendment to LPS3. This will cause delays for the residents who are seeking a solution in the quickest timeframe possible, but the Council could formally request, as part of a formal resolution on the matter, that the processes for the new amendment are expedited and that, at the very least, State Government should consider waiving any consultation on a new amendment – accepting that the consultation outcomes on draft Amendments No. 88 and 90 would adequately serve that purpose.

The residents are concerned that delays to the process increase the risk of large multiple dwelling developments occurring in Duncraig. This concern is acknowledged; however, in the two years since the new density codes were gazetted in early 2016, there has only been an uptake of 2.8% across the whole of HOA1 (including the area east of the freeway in Warwick). For multiple dwellings, the uptake has only been 0.6% of lots. So, while the risk exists, the extent of the risk and the scale of the impact may not be as significant as most people think.

### **Financial / Budget Implications**

LPS3 and the JACP deal with much more than density codes in HOAs. These documents will address zoning anomalies and issues for other properties outside HOAs, the owners of which have been waiting patiently for years for this to occur. The documents will also provide certainty to business owners and investors in the city centre.

The longer these documents take to be finalised, the greater the possible negative financial implications for the City and all its residents, not only those who reside in a portion of HOA1.

### **Regional Significance**

Although LPS3 only applies to the City of Joondalup itself, the City forms part of the broader metropolitan region, in particular the north-west sub-region. Both LPS3 and the JACP will facilitate the provision of additional housing for a growing population, facilitate the provision of additional jobs and promote the Joondalup City Centre as the centre of the north. This has regional significance, particularly for the north-west sub-region.

It is also noted that the Joondalup City Centre is recognised as one of the highest order activity centres (Strategic Metropolitan Centre) in the hierarchy set out in the State Government's overarching planning policy for activity centres. The implementation of a planning framework (the JACP) that more accurately reflects the intent and expectations of the centre as contemplated by the State's policy, in turn also provides greater guidance and certainty for future planning and development of other centres throughout the region.

Draft Amendments No. 88 and 90 apply to two pockets within HOA1 in Duncraig.

### **CONSULTATION**

Consultation on draft Amendments No. 88 and 90 closed on 23 April 2018. The results of this consultation are currently being collated and analysed and a report on these amendments will likely be presented to the June Council meeting.

In relation to the new strategy/approach for dealing with density in the HOAs, consultants are currently being engaged to assist the City with this complex body of work. The City's Request for Tender for consultants specifies that a community engagement expert should form an integral part of the consultant team. Once these consultants have been engaged by the City, extensive consultation with Residents and Ratepayers groups and with residents living in HOAs will be undertaken by the consultant team to inform the new strategy/approach.

## COMMENT

The Minister for Transport; Planning; Lands has written to the Mayor of the City, highlighting the community's concerns with the current approach to infill development. The Minister has also outlined her own concerns about the different positions the Council appears to be taking on the issue of infill development in LPS3 and draft Amendments No. 88 and 90. This puts her in a difficult position, given she is the ultimate decision maker on both these two contradictory sets of documents.

The Minister has therefore sought clarification and guidance from the Mayor in relation to the City's position on infill development as reflected in LPS3, versus the position reflected in draft Amendments No. 88 and 90. The Minister has also advised it is open to her to refuse LPS3 to allow decisions to be made on draft Amendments No. 88 and 90 and to allow the City to finalise its strategic review of infill planning.

Draft Amendments No. 88 and 90 are yet to be considered by the Council. Council may or may not decide to progress with the amendments. If Council decides to progress with the amendments, the WAPC may or may not support the amendments and the Minister may or may not approve them. This process will still take many months.

City staff are trying to focus attention on progressing development of the new strategy/approach as a priority. This will be a complex body of work and will involve significant community engagement, which will mean that this process will also take many months to complete. It is unlikely this body of work will be finalised before the end of the year.

If the Minister refuses LPS3 to allow the above amendments and the new strategy to be progressed, the JACP will also not be able to be implemented. Both these documents are critically important, strategic documents that have been in development for many years and deal with much more than density codes in HOA1. These important documents should not be held up, pending decisions on Amendments No. 88 and 90 or development of the new strategy/approach.

It is the City's firm view that progression of LPS3, draft Amendments No. 88 and 90 and the new strategy/approach to dealing with density in the HOAs should not need to be mutually exclusive.

The Council should advise the Minister the following:

- LPS3 should be considered by the Minister and finalised as soon as possible.
- Draft amendments No. 88 and 90 should follow due process and be given due consideration. If there is a Council and WAPC inclination to progress them and LPS3 is gazetted before they are, the intent of the amendments will be progressed as a new amendment to LPS3, and the WAPC will be requested to expedite the process and prioritise consideration of these amendments.
- The City remains committed to the implementation of State Government policy and the infill targets for Joondalup.

- Therefore, no new ad hoc scheme amendments for HOAs or parts of HOAs will be initiated by the Council as the Council has decided to pursue a more strategic approach to implementing and managing density across all its HOAs (CJ117-11/17 refers).
- The City is currently in the process of procuring consultants to assist the City in engaging with the residents in HOAs and developing new scheme and policy provisions to better manage built form outcomes and other density impacts in HOAs. City staff are prioritising this important piece of work while making sure that development applications in HOAs undergo rigorous assessment to protect the amenity of existing residents. The new Scheme provisions that will be developed as part of the new strategy will be introduced via an amendment to LPS3.
- To successfully progress the new strategy above and to find a solution that meets both State Government objectives and the expectations of the local community, support and assistance from the Minister, the Local Members and the Department of Planning, Lands and Heritage, will be essential.

## **VOTING REQUIREMENTS**

Simply Majority.

## **RECOMMENDATION**

**That Council:**

- 1 NOTES the letter received by the Mayor of the City of Joondalup from the Minister Transport; Planning; Lands on 22 March 2018 and that a meeting was held with the Minister and the Local Members for Joondalup and Kingsley on 5 April 2018 in relation to draft Local Planning Scheme No. 3 (LPS3) and community concern regarding infill development in the City of Joondalup;**
- 2 NOTES that the Minister has sought clarification and guidance in relation to the Council's position on infill development as reflected in LPS3, versus the position reflected in draft Amendments No. 88 and 90;**
- 3 NOTES that the Minister has advised it is open to her to refuse LPS3 to allow decisions to be made on draft Amendments No. 88 and 90 and to allow the City to finalise its strategic review of infill planning;**
- 4 ADVISES the Minister that:**
  - 4.1 LPS3 and the Joondalup Activity Centre Plan (which cannot become operational until LPS3 is gazetted) are priorities for the City and the Minister is therefore requested to finalise consideration of LPS3 as soon as possible;**
  - 4.2 The City is of the view that progression of LPS3, draft Amendments No. 88 and 90 and the new strategy/approach to dealing with density in the HOAs should not need to be mutually exclusive;**
  - 4.3 Draft amendments No. 88 and 90 should follow due process and be given due consideration. If there is a Council and WAPC inclination to progress these amendments and LPS3 is gazetted before they are, the intent of the amendments will be progressed as a new amendment to LPS3, and the WAPC will be requested to expedite the process and prioritise consideration of these amendments;**

- 4.4 **The City remains committed to the implementation of State Government policy and the infill targets for Joondalup;**
- 4.5 **No new ad hoc scheme amendments for HOAs or parts of HOAs will be initiated by the Council as the Council has decided to pursue a more strategic approach to implementing and managing density across all its HOAs (CJ117-11/17 refers);**
- 4.6 **The City is currently in the process of procuring consultants to assist the City in engaging with the residents in HOAs and developing new scheme and policy provisions to better manage built form outcomes and other density impacts in HOAs. City staff are prioritising this important piece of work whilst making sure that development applications in HOAs undergo rigorous assessment to protect the amenity of existing residents. The new Scheme provisions that will be developed as part of the new strategy will be introduced via an amendment to LPS3;**
- 4.7 **To successfully progress the new strategy mentioned in Part 4.6 above and to find a solution that meets both State Government objectives and the expectations of the local community, support and assistance from the Minister, the Local Members and the Department of Planning, Lands and Heritage, will be essential;**
- 5 **In view of Part 4.5 above, AGREES not to initiate a new scheme amendment to *District Planning Scheme No. 2* in response to the petition received from residents in Housing Opportunity Area 8 at the Council meeting in April 2018 (C35-04/18 refers), requesting reinstatement of the density coding for HOA8, as per Council's decision of 15 February 2011;**
- 6 **ADVISES the lead petitioner of its decision.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf180508.pdf](#)

**Disclosures of Financial Interest/Proximity Interest**

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ073-05/18 – Burns Beach Masterplan – Update.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Hollywood resides in Burns Beach and lives opposite Third Park which is mentioned in the Burns Beach Masterplan.

**CJ073-05/18      BURNS BEACH MASTERPLAN - UPDATE**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	101571, 101515
<b>ATTACHMENT</b>	Attachment 1      Burns Beach Masterplan
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to be updated on the actions taken against the recommendations of the Burns Beach Masterplan, since its adoption by Council at its meeting held on 18 October 2016 (CJ158-10/16 refers).

**EXECUTIVE SUMMARY**

At its meeting held on 15 March 2016, Council endorsed the draft Burns Beach Masterplan and associated indicative concept design for the Burns Beach Coastal Node for the purposes of advertising for a period of 60 days (CJ031-03/16 refers).

The documents were advertised between 20 June 2016 and 19 August 2016. Council considered all submissions received on the draft masterplan and, at its meeting in October 2016, Council adopted the masterplan and requested the Chief Executive Officer to present a report back to Council a year after adoption, to outline the progress made against the recommendations of the masterplan.

The actions taken against the recommendations of the Burns Beach Masterplan, since its adoption by Council in October 2016, are outlined in this report.

**BACKGROUND**

At its meeting held on 28 August 2007 (C54-08/07 refers), Council requested a report on:

*“The Master Plan Project for Burns Beach focussing on the future enhancement of the provision of facilities within the foreshore catchment area including, but not limited to, the establishment of a surf club, redevelopment of Jack Kikeros Hall, provision of a restaurant, cafe facility, parking, groyne refurbishment, enhancement of Burns Beach foreshore park, a safe swimming beach and a snorkelling trail.”*

As a precursor to the preparation of the masterplan, at its meeting held on 17 April 2012 (CJ046-04/12 refers), the Council endorsed a project vision and philosophy for the project as follows:

*“Philosophy/Project Vision*

*Through the development and implementation of the Burns Beach Master Plan:*

- *Create a high amenity, coastal destination with sustainably managed community facilities and small scale commercial activities for residents and visitors;*
- *Guide the future development of Burns Beach in an integrated, sustainable and holistic manner;*
- *Complement and cooperate with the Burns Beach Foreshore Plan and Beach Management Plan;*
- *Provide and/or enhance recreational, leisure, service, commercial and retail facilities within identified activity nodes; and*
- *Promote the community use of natural areas whilst promoting the enhancement, preservation and conservation of valuable natural resources.”*

A draft masterplan and a preferred indicative concept design for the possible future upgrade and development of the coastal node in Burns Beach were presented to the Council at its meeting held on 23 June 2015 (CJ087-06/15 refers).

At the meeting, some residents expressed concern about the preferred concept design, specifically the perceived impact the proposed car park on the north-eastern edge of the park may have on nearby residents. As a result, the Council resolved to refer the matter back to the Chief Executive Officer to allow for additional work to be undertaken on the design and, in particular, the relocation of the car park.

The resultant work undertaken produced a further three concept design options, bringing the total number of options explored to seven. All seven options, as well as explanatory text highlighting the benefits and challenges of each option were presented to Council at its meeting held on 15 March 2016 (CJ031-03/16 refers), where Council resolved to endorse the draft masterplan and a preferred indicative concept design for the coastal node, for the purposes of advertising for a period of 60 days.

The consultation results indicated general support for the draft Burns Beach Masterplan, though there were some comments and concerns raised about what people specifically liked and disliked about the recommendations and other content of the draft masterplan. Minor modifications were made to the draft masterplan document in response to issues raised and, at its meeting held on 18 October 2016 (CJ158-10/16 refers), the Council resolved to adopt the masterplan, noting that:

- implementation of the indicative concept design for the Burns Beach Coastal Node is not a project that has yet been formally endorsed by Council
- there is currently no funding available for implementation of the concept design in the City of Joondalup’s 20 Year Strategic Financial Plan or the City’s Five-Year Capital Works Budget

- the recommendations of the masterplan will be implemented by the City operationally as part of its normal business
- the City will play an influencing or advocacy role (as appropriate) with landowners and State Government agencies to implement recommendations and to address issues raised.

The Council also requested the Chief Executive Officer to present a report back to Council a year after adoption of the final Burns Beach Masterplan, to outline the progress made against the recommendations of the masterplan.

## DETAILS

The masterplan document outlines key issues and recommends a suite of actions intended to address the issues raised. Not all the concerns or issues are able to be resolved via the masterplan or by the City in isolation. In the case of these issues, the City needs to negotiate and play an influencing or advocacy role (as appropriate) with the developer of the Burns Beach Estate and with relevant State Government agencies to see these issues addressed.

The recommendations of the masterplan and actions taken against them to date are outlined below:

### RECOMMENDATION 1

- That the City seeks community input on the indicative Burns Beach Coastal Node concept design contained in Section 3.4 of the master plan.*
- That in doing so, the community is made aware that:*
  - *Detailed design and implementation of the indicative Coastal Node concept design is not a project that has yet been endorsed by Council.*
  - *There is no current provision for funds for detailed design or implementation of the indicative Coastal Node concept design in the City's 20 Year Strategic Financial Plan or the City's 5 Year Capital Works Budget and therefore the timing of any detailed planning or works to implement the concept design is currently unknown.*

### Progress to date:

At its meeting held on 15 March 2016, Council endorsed the draft Burns Beach Master Plan and associated indicative concept design for the Burns Beach Coastal Node, for the purposes of advertising for a period of 60 days (CJ031-03/16 refers).

The documents were advertised between 20 June 2016 and 19 August 2016. The consultation documents and the follow-up report to Council in October 2016 identified the following:

- There is no current provision for funding of the project in the 20 Year Strategic Financial Plan or the 5 Year Capital Works Budget.
- The concept (and therefore the costs) may change slightly as part of negotiations with a preferred proponent for the signature cafe/restaurant site.
- Costs may change with detailed design of the components and geotechnical studies.
- Some of the costs may be borne by the developer of the signature cafe/restaurant and by the existing cafe owner.

- In future, if and when funding becomes available for implementation of the indicative Coastal Node concept design, the project would need to be delivered in a number of stages and over multiple financial years.

Since endorsement of the Burns Beach Masterplan and associated indicative concept design for the Burns Beach Coastal Node, no decisions have been taken by the Council to implement the concept design in full or in part, other than:

- inclusion of an amount of \$250,000 into the proposed capital works programme for 2019-20 for construction of additional parking between the caravan park and the dual use path,
- the City has commenced a process to identify a design for a new food and beverage facility in the coastal node. As part of this project, the location for the facility, as identified in the indicative concept plan for the coastal node, has been reviewed with a view to enhancing the functionality of the development. This may necessitate some modifications to the indicative concept plan, which will continue to be explored through the facility design process. This progress of this project will be reported to Council at the appropriate time.

## **RECOMMENDATION 2**

- a. That the City liaises with the developer of the Burns Beach Estate to determine the timing of the development of new beach access points as outlined in the Burns Beach Foreshore Management Plan.*
- b. That a review of the Burns Beach Foreshore Management Plan be conducted to determine the appropriate number and location of beach access paths.*
- c. That the City liaises with the Department of Lands and the lessee of the Burns Beach Caravan Park to determine responsibility for and timing of development of a formal pathway on the southern edge of the caravan park.*
- d. That the City requests the State Government to continue to engage the City regarding the development of a dual use path, linking Burns Beach to Mindarie.*

### **Progress to date:**

In relation to Recommendations 2a and 2b above, the landscape design consultant engaged by the developer of the Burns Beach Estate has progressed the detailed design of a limestone path and boardwalk associated with Stage 5A of the Burns Beach Estate development. This design received technical approval from the City and construction of this pathway has been completed. The timeframe for the remainder of Stage 5, currently called Stage 5B, has not been confirmed.

As per the Burns Beach Foreshore Management Plan, prepared by Cardno BSD Pty Ltd, on behalf of the Burns Beach Property Trust, in March 2006, a further four beach access path connections are proposed. These connections will be designed and developed in conjunction with the sub-division of further stages as determined by the developer of the Burns Beach Estate. There is no confirmed time frame for these future works, as timing will be subject to economic conditions.

In relation to Recommendation 2c, the Department of Planning, Lands and Heritage has advised that the new lease between the State and the lessee of the caravan park does not address the construction of any pathway to the south of the caravan park.

Given construction of a pathway to the south of the caravan park is likely to cost around \$40,000 (excluding bushland fencing along the southern edge of the footpath and clearing costs) and that the pathway may have limited benefit to the residents of the caravan, formal discussions have not yet been held with the Department or caravan park owner to determine whether either party would be prepared to fund or partially fund construction of the pathway.

The Iluka Residents Association has requested the installation of a new path through the foreshore reserve, linking the area near Pattaya Park and the future Iluka commercial node with the dual use path that runs along the beach. However, this reserve is a “Bush Forever” site and is identified as a designated conservation area in the City’s *Coastal Foreshore Management Plan 2014-2024*. The area also contains vegetation that is of a “very good” to “excellent” condition. As such, the installation of a dual use access path is not supported in the location favoured by the Iluka Residents Association.

Although the Association does not favour a path in the location described by the Burns Beach Masterplan, this may be an alternative option to consider in the future.

In relation to Recommendation 2d, the Council, at its meeting held 18 October 2016 (CJ160-10/16 refers), noted the State Government’s commitment to provide \$2 million in funding for the construction of a Coastal Dual Use Pathway from Burns Beach to Mindarie. Since that time, the City has worked closely with the City of Wanneroo in scoping the project and has discussed tenure arrangements with the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission (WAPC).

A Memorandum of Understanding has been signed off by the WAPC and the Cities of Wanneroo and Joondalup and a contribution of \$2 million has been received by the City of Joondalup from the WAPC. Any additional funding will be shared by the Cities up to a maximum of \$500,000 each.

The City is currently liaising with Peet Limited to agree timing and completion of the portion of the dual use path that falls within the Burns Beach Estate and the Tamala Park Regional Council has agreed that the developers of the Catalina Estate will design and construct the section of path within the Catalina Estate, though timing of this construction is still to be confirmed.

The environmental and heritage approval processes have commenced, the proposed route has been finalised and detailed design of the dual use path is progressing. Construction of the pathway is planned to commence in the second half of 2018/19.

### **RECOMMENDATION 3**

- a. *That the City work with the developer of the Burns Beach Estate to include the provision of ablutions into any new cafe/restaurant/kiosk development to occur in Beachside Park in the future. In the interim, the City should work with the developer to install signage in Beachside Park, directing users to the ablutions in the Burns Beach Coastal Node to the south.*

#### **Progress to date:**

When planning and architectural consultants, acting for Peet Limited, initially approached the City to discuss possible future plans for the development of a café/restaurant at Beachside Park, the City requested the applicants to consider the inclusion of ablutions into any proposed new café/restaurant.

A development application has since been lodged with the City for a proposed café/restaurant at Beachside Park. The plans for this proposal include toilets for patrons of the café, which are also accessible externally during operating hours of the proposed café. This development application was recently advertised for a period of 21 days, and a report on the application will be presented to Council for consideration at an upcoming meeting.

#### **RECOMMENDATION 4**

- a. *That the City continues to actively engage with the Department of Education to communicate the importance of development of the school for the benefit of the community and to encourage the development of the site in the near future.*
- b. *As part of determining a preferred proponent and development outcome for the Jack Kikeros Hall site, the City will outline its requirements, with any prospective developer and the Department of Lands, about the inclusion of some form of new external ablution facility as part of the new development.*

#### **Progress to date:**

In relation to Recommendation 4a, the site has been transferred to the Department of Education and, in September 2017, it was announced that \$7 million of the \$15.6 million required for a new primary school in Burns Beach is listed in the State Government's forward estimates for 2020-21.

In relation to Recommendation 4b, the City has included provisions for a publicly accessible toilet/changeroom facility in the design brief for the new food and beverage facility proposed to be constructed in the coastal node.

#### **RECOMMENDATION 5**

- a. *That the City attempts to ensure that the potential for a daily convenience offering is maintained at the Local Shop site on the corner of Grand Ocean Entrance and Whitehaven Avenue through structure plan provisions and permissibility of uses. The City continues to actively engage with the developer of the Burns Beach Estate and any potential purchasers of the lot to encourage high quality development of the lot for commercial purposes.*
- b. *That the City continues to engage with the Satterley Property Group to encourage and facilitate an appropriate and high-quality development outcome for the commercial node in Iluka as soon as possible.*

#### **Progress to date:**

In relation to recommendation 5a, since endorsement of the final *Burns Beach Masterplan*, the City's planning staff have had a number of discussions with the developer of the Burns Beach Estate about possible future development of the Local Shop site. These conversations have centred around the desire and need for the site to be developed in line with the current structure plan and the form this development may take.

To date however, no development application has been received for the site.

In relation to Recommendation 5b, since endorsement of the final *Burns Beach Masterplan*, the City's planning staff had numerous discussions with the developer of the Iluka Estate, the developer's consultants and prospective purchasers of the land about the possible future development of the commercial node.

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.

The applicants subsequently made changes to the documents and, in December 2017, the Council resolved to support the amended documents (CJ144-12/17 refers). The documents are currently with the Department of Planning; Lands and Heritage and the Western Australian Planning Commission for consideration.

Before any development can occur on this land, a development application will still need to be lodged and approved. The City has not yet received any development application for the site.

### **RECOMMENDATION 6**

- a. *That the City actively engages with Main Roads WA to seek an assessment of the performance of the Burns Beach Road/Marmion Avenue and Grand Ocean Entrance/Marmion intersections and to pursue measures to alleviate congestion at these intersections.*
- b. *That the City engages with Main Roads WA to investigate safe pedestrian access across Marmion Avenue, north of Burns Beach Road.*
- c. *That the City engages with the developer of the Burns Beach Estate and Main Roads WA with a view to providing appropriate signage or line markings around Grand Ocean Park (circular park) on Grand Ocean Entrance to ensure that road users are aware that the park is not a roundabout and should not operate as such.*
- d. *That the City actively engages and lobbies the Public Transport Authority to provide a extended bus service to the Burns Beach area in line with the Burns Beach Structure Plan as soon as possible, or an interim service whereby the existing service deviates through the estate.*

### **Progress to date:**

In relation to Recommendation 6a, the intersections of Burns Beach Road/ Marmion Avenue and Grand Ocean Entrance/ Marmion Avenue have been monitored by both the City and Main Roads WA using both road traffic and video surveys to assess current traffic and pedestrian volumes. Current indications are that the intersection is performing to an acceptable level of service, since the opening of the Mitchell Freeway extension, and that vehicle volumes have dropped by approximately 50%. No improvements are therefore needed to these intersections at this time, but the City will continue to monitor performance.

In relation to Recommendation 6b, the City engaged with Main Roads WA in September 2017 to discuss the feasibility of the project and to identify the most suitable location for installing a proposed signalised pedestrian crossing. Main Roads WA then investigated an appropriate location, based on their current and future year traffic models and are now looking into other options to improve pedestrian crossing facilities. No construction date or funding mechanism has been agreed, but Main Roads WA is eager to work with the City to facilitate a safe crossing.

In relation to Recommendation 6C, line marking works around Grand Ocean Park were completed in October 2017. The newly installed centerline and road reflective pavement markings should raise driver awareness for two-way traffic flow and address the relevant safety issues.

In relation to Recommendation 6d, the City met with the Public Transport Authority to advocate for an extended bus service for Burns Beach. The Public Transport Authority subsequently agreed to deviate of one of the Kinross bus routes through Burns Beach. This bus service is now in place.

### **RECOMMENDATION 7**

- a. *That the City engages the developer of the Burns Beach Estate to investigate the adequacy of the parking adjoining Beachside Park and in the vicinity of the park and to assess the merits of redesigning and reconfiguring the verges so as to achieve a higher on-street parking park yield in this location.*

#### **Progress to date:**

As part of the development application that has been submitted for a new café/restaurant at Beachside Park, construction of an extra 30 on-street car bays along Beachside Drive and Grand Ocean Entrance are proposed. These changes to the current parking configuration on Beachside Drive and the proposed new bays in the road reserve along part of Grand Ocean Entrance will address Recommendation 7, if approved by Council.

### **RECOMMENDATION 8**

- a. *That the State Government be requested to engage with the City in the process of development of a Regional Open Space Management Plan for the proposed Tamala Conservation Park, and for the plan to address issues including:*
- *The location, funding, maintenance and management of a dual use path connecting the Burns Beach foreshore to the Mindarie foreshore; and*
  - *The location and management of any walk trails through the area.*
- b. *That the City also facilitates a meeting with the developer of the Burns Beach Estate, Western Australian Planning Commission and Department of Parks and Wildlife to agree on responsibilities and timing of provision of appropriate interface treatments (eg: dual use path, fencing, perimeter paths, fire breaks, planting, etc) to mitigate 'edge effects' such as weed invasion, unauthorised vehicle access, uncontrolled pedestrian access, intrusion by domestic animals, and litter.*

#### **Progress to date:**

The actions taken in relation to Recommendation 8a have been outlined earlier in this report.

In relation to Recommendation 8b, the City of Joondalup has sought clarification from various State Government Departments (the former Department of Parks and Wildlife, Department of Environment and Regulation, and Department of Planning, Lands and Heritage) regarding the status of the Tamala Conservation Park Management Plan and its recommendations (resulting from the Establishment Plan). In summary, the Department of Parks and Wildlife has advised it is not in a position to progress the Tamala Conservation Park Management Plan or any aspects of the project until all of the land parcels which make up the proposed Tamala Conservation Park are formally transferred to the Conservation Commission of Western Australia.

**RECOMMENDATION 9**

- a. *Detailed design of any facilities in the Burns Beach Coastal Node should factor in and take into consideration the outcomes of the coastal vulnerability study and any strategies that the City puts in place to manage coastal hazard risk.*

**Progress to date:**

Coastal Hazard Areas were identified for the Burns Beach Coastal Node as part of the Joondalup Coastal Hazard Assessment 2016. Mapping of the coastal hazard areas is available on the City's website.

The City is due to commence a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the length of its coastline including the Burns Beach Coastal Node. Any significant developments within the node may need to have an individual CHRMAP developed in accordance with the City's *Coastal Local Planning Policy*.

A CHRMAP was completed for the proposed Burns Beach Cafe/Restaurant proposal in June 2016. Significant changes to the proposed development may require an update to the CHRMAP.

**RECOMMENDATION 10**

- a. *That the City does not pursue the development of a formal swimming beach and associated parking and facilities in the northern section of the Burns Beach Estate.*
- b. *That the City does not pursue the development of a Surf Club within Burns Beach.*
- c. *That the City explores the potential for the location of a footprint for a storage facility and surveillance tower within the Burns Beach Coastal Node.*

**Progress to date:**

There are no actions associated with or needed for Recommendations 10a and 10b.

In relation to Recommendation 10c, if and when the Council ever decides to progress with detailed design and implementation of the Burns Beach Coastal Node, the potential for location of a footprint for a sea rescue storage facility and surveillance tower will be explored and included, if desirable and if required.

**Issues and options considered**

This item is for noting only.

In future, as part of a decision on the outcomes of the design process for a new café/restaurant within the Coastal Node, Council may also need to consider changes to the indicative concept design for the Burns Beach Coastal Node, if these are appropriate and required to accommodate the design of the proposed facility. Details of a new location for the facility were noted by the Finance and Major Projects Committee in a proposed development area plan, at its meeting held on 12 March 2018 (Attachment 2 to Item 8 refers).

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Buildings and landscaping are suitable for the immediate environment and reflect community values.

### **Risk management considerations**

There are no risks directly associated with the subject of this report as it is for noting only.

In relation to any report dealing with the Burns Beach Masterplan or associated indicative concept design for the Burns Beach Coastal Node, there is a risk that community expectations will be generated that the concept design will be implemented by the City or otherwise achieved in the near future.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

Given the size and level of interest in the Burns Beach Coastal Node, any sizeable future developments in this area will be of significant local and regional importance. The types of development envisaged in an indicative coastal node concept design would meet the needs of the local community and attract people living outside the region, including tourists.

### **Sustainability implications**

There are no sustainability implications directly associated with this report as it is for noting only.

## **CONSULTATION**

Although extensive community consultation was undertaken in relation to the draft Burns Beach Masterplan ahead of its adoption in October 2016, there was no consultation undertaken in relation to this specific report.

## **COMMENT**

Since October 2016, much progress has occurred in relation to actions undertaken against the recommendations of the endorsed Burns Beach Masterplan, most notably:

- Funding has been secured for the dual use path between Burns Beach and Mindarie, the route has been finalised, detailed design is progressing and construction is planned to commence in the second half of 2018-19.
- A development application for a new café/restaurant at Beachside Park has been received. This proposal includes ablutions for public use.
- As part of the above-mentioned development application, there is a proposal to provide 30 extra parking bays in the vicinity of Beachside Park.
- The City has called for Expressions of Interest for an architectural design competition for a proposed new café/restaurant in the Burns Beach Coastal Node.

- A Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) has been completed for the above-mentioned proposed Burns Beach café/restaurant (may be subject to change).
- State Government funding has been committed for the construction of a new Primary School in Burns Beach.
- The Council has endorsed amendments to the Iluka Structure Plan and has approved two Local Development Plans for the commercial node in Iluka.
- Main Roads WA has agreed to install a signalised pedestrian to enable safe crossing of Marmion Avenue.
- Line marking works, to reduce drive confusion and increase safety around Grand Ocean Park, were completed in October 2017.
- The Public Transport Authority agreed to and implemented a new bus route through Burns Beach.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council NOTES the progress and actions taken against the recommendations of the Burns Beach Masterplan.**

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf180508.pdf](#)

**CJ074-05/18 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal during the period 5 April to 24 April 2018.
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 5 April 2018 to 24 April 2018.

**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 5 April 2018 to 24 April 2018, as detailed in Attachment 1 to Report CJ074-05/18.*

**BACKGROUND**

For the period 5 April 2018 to 24 April 2018, five documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Licence	1
Section 70A Notification	4

**DETAILS****Issues and options considered**

Not applicable.

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

**Legislation** *Local Government Act 1995.*

**Strategic Community Plan**

<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Corporate capacity.
<b>Strategic initiative</b>	Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
<b>Policy</b>	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 5 April 2018 to 24 April 2018, as detailed in Attachment 1 to Report CJ074-05/18.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf180508.pdf](#)

## **CJ075-05/18      SELECTION OF NOMINEES - EDGEWATER QUARRY COMMUNITY REFERENCE GROUP (EQCRG)**

<b>WARD</b>	North-Central Ward	
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Chief Executive Officer	
<b>FILE NUMBER</b>	37544, 101515	
<b>ALT FILE NUMBER</b>	Attachment 1	EQCRG Terms of Reference
	Attachment 2	Confidential - Nomination Information – Edgewater Suburb
	Attachment 3	Confidential - Nomination Information – Other City Suburbs
	Attachment 4	Confidential - Nomination Information – Community/ Special Interest Groups
	Attachment 5	Confidential - All Nomination Forms
	Attachment 6	Assessment Table
	<i>(Please Note: Attachments 2 – 5 are confidential and will appear in the official Minute Book only. Attachment 5 is only available electronically for Elected Members).</i>	
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

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### **PURPOSE**

For Council to consider the nominations to appoint the members of the Edgewater Quarry Community Reference Group (EQCRG).

### **EXECUTIVE SUMMARY**

At its meeting held on 12 December 2017 (CJ209-12/17 refers) Council approved the establishment of the EQCRG and the associated Terms of Reference - Attachment 1 refers. Council also approved the Mayor and the Elected Members for the North-Central Ward being members of the EQCRG and supported calling for Expressions of Interest for up to 20 members from the community.

The opportunity to nominate for community membership of the EQCRG was advertised for thirty days. Besides the inclusion of age and gender being detailed on the nomination form, parameters were also included in the Terms of Reference due to the City's aim for the EQCRG to have diverse demographic representation.

At the close of advertising, the City had received 119 nomination forms, 108 were assessed as being valid as there were 11 duplications. Attachment 2 through to Attachment 4 are the valid nominees divided into the categories as detailed under “3.2 Community Members” in the Terms of Reference for the EQCRG. All nomination forms are shown as Attachment 5. Each nominee has been given an identifying number to assist with the assessment process. Attachment 6 is an Assessment Table to assist Elected Members during the selection process of the EQCRG.

Council is now requested to review the valid nomination forms and subsequently appoint the community membership of the EQCRG.

*It is therefore recommended that Council:*

- 1 *APPOINTS six members from the suburb of Edgewater who have nominated for the Edgewater Quarry Community Reference Group as detailed on Attachment 2 to Report CJ075-05/18;*
- 2 *APPOINTS five members from City suburbs other than Edgewater who have nominated for the Edgewater Quarry Community Reference Group as detailed on Attachment 3 to Report CJ075-05/18;*
- 3 *APPOINTS nine members representing the community or special interest groups who have nominated for the Edgewater Quarry Community Reference Group as detailed on Attachment 4 to Report CJ075-05/18;*
- 4 *ADVISES all applicants of the outcome of the selection process.*

## **BACKGROUND**

At its meeting held on 12 December 2017 (CJ209-12/17 refers) Council’s resolved as follows:

- “1 *APPROVES the establishment of the Edgewater Quarry Community Reference Group;*
- 2 *APPROVES His Worship the Mayor and both North Central Ward Councillors being members of the Edgewater Quarry Community Reference Group;*
- 3 *APPROVES His Worship the Mayor being the Presiding Member of the Edgewater Quarry Community Reference Group;*
- 4 *APPROVES up to 20 members from the community for the Edgewater Quarry Community Reference Group;*
- 5 *ENDORSES the Terms of Reference for the Edgewater Quarry Community Reference Group shown as Attachment 3 to Report CJ209-12/17;*
- 6 *SUPPORTS calling for Expressions of Interest for a 30-day period using the Nomination Form and Terms of Reference shown as Attachments 2 and 3 to Report CJ209-12/17;*
- 7 *APPROVES the Frequently Asked Questions related to the establishment of the Edgewater Quarry Community Reference Group shown as Attachment 4 to Report CJ209-12/17;*

- 8 *subsequent to the 30-day Expression of Interest advertising period and assessment of the nomination forms received, REQUESTS the Chief Executive Officer to prepare a report on the proposed community selection of the Edgewater Quarry Community Reference Group.”*

Information concerning nominating for membership of the EQCRG was advertised through *The West Australian* and local community newspaper, the City’s website, social media, the Edgewater Residents Association Newsletter, in City libraries, customer service centres, leisure centres, 20 community halls and other networks. The advertising period was from 22 February 2018 to 23 March 2018.

In the Terms of Reference, it was indicated that to encourage diverse representation from both the community and stakeholders, community membership would be as follows:

- A maximum of six ratepayers or residents from the suburb of Edgewater.
- Five ratepayers or residents from other City suburbs.

To achieve wide-ranging community participation, nine remaining places of the EQCRG are for nominated representatives from community or special interest groups. For example:

- groups that have an interest in recreation pursuits that they consider are suitable for the Edgewater Quarry site including adventure, accessible and nature-based play areas
- residents’ associations
- regional representation.

The nomination form also requested nominees’ age and gender with the same aim of supporting demographic representation within the EQCRG during the assessment of the nomination forms.

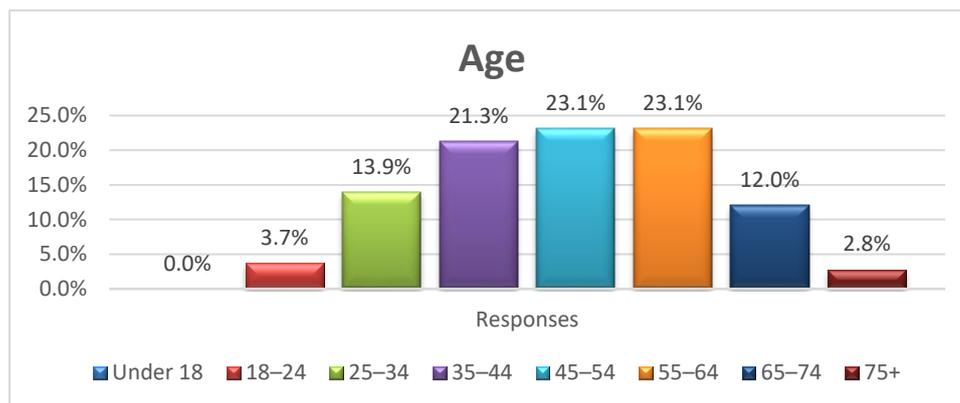
## **DETAILS**

The City received 119 nomination forms with 108 being considered valid. The details shown on Attachment 5 is a direct transfer of the information contained in the nomination forms received.

The following is a summary of responses:

- 108 valid nominations - 11 nomination forms were duplicates
- Response from males: 74.1%
- Response from females: 25.9%
- Graph 1 below indicates responses by Age
- 41 responses from the suburb of Edgewater
- 59 responses from City suburbs outside of Edgewater
- 83 responses from residents that provided information on their interest in Community/Special Interest/Regional Groups but includes Edgewater residents that also provided information in the Community section of the nomination form. (Regional nominees being considered being those people living outside of the City of Joondalup)
- 19 nomination forms without answers to qualitative questions on the nomination form.

Graph 1: Responses by Age:



### Issues and options considered

The completed nomination forms are provided as Attachment 5 to this report. It is requested that Council assess the information provided in the nomination forms and select the community membership of the EQCRG.

Council may also wish to consider having less than twenty community members, or not accepting any of the nominations and re-commencing the expression of interest process.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Local Government Act 1995.*

#### Strategic Community Plan

#### Key theme

Governance and Leadership.

#### Objective

Active democracy.

#### Strategic initiative

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

Adapt to community preferences for engagement formats.

#### Policy

*Community Consultation and Engagement Policy.*

### Risk management considerations

Nominees that are unsuccessful with may feel disenchanting, however, the structure of the EQCRG should still provide them with an opportunity to express their opinions.

### Financial / budget implications

There is an allocation of \$60,000 in the *2017-18 Budget* that can be utilised towards the related costs of establishing a community reference group. Any further necessary expenditure for the proposed initial two-year term of the EQCRG can be considered as part of the City's future budget review process.

### Regional significance

The community benefit and opportunity associated with the potential for Edgewater Quarry is considered to have regional significance.

## **Sustainability implications**

The feedback received via the EQCRG will be a valuable form of community and stakeholder collaboration that assists to progress the masterplan for the site and inform a concept plan for community consultation. The EQCRG will consider matters related to environmental, economic and social sustainability.

## **Consultation**

The proposed Edgewater Quarry Community Reference Group will serve as a mechanism for community engagement in conjunction with the City's approved *Community Consultation and Engagement Policy* and *Community Engagement Protocol*.

## **COMMENT**

The establishment of an EQCRG creates an option for the community to assist in the progression of the master planning of this site to a concept design stage. The site has the potential to be a highly valued City and community asset. Positivity within the selected group membership, together with broad demographic representation should be the initiation platform of the EQCRG to ensure that the future of the site meets the City's and the community's aspirations.

Concerning achieving broad representation within the EQCRG, it should be noted that data was collected concerning gender and age although these categories were not part of the selection criteria outlined in the Terms of Reference. To ensure that the EQCRG is demographically represented when selecting the community membership, it is considered that this data should be taken into account.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1 APPOINTS six members from the suburb of Edgewater who have nominated for the Edgewater Quarry Community Reference Group as detailed on Attachment 2 to Report CJ075-05/18;**
- 2 APPOINTS five members from City suburbs other than Edgewater who have nominated for the Edgewater Quarry Community Reference Group as detailed on Attachment 3 to Report CJ075-05/18;**
- 3 APPOINTS nine members representing the community or special interest groups who have nominated for the Edgewater Quarry Community Reference Group as detailed on Attachment 4 to Report CJ075-05/18;**
- 4 ADVISES all applicants of the outcome of the selection process.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf180508.pdf](#)*

## **CJ076-05/18      REVISED CITY OF JOONDALUP CODE OF CONDUCT**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	09358, 101515
<b>ATTACHMENT</b>	Attachment 1      Revised <i>City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members</i> (marked up).
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to adopt a revised *City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members*.

### **EXECUTIVE SUMMARY**

Section 5.103 of the *Local Government Act 1995* requires every local government to prepare or adopt a code of conduct to be observed by elected members, committee members and employees. The *Local Government (Rules of Conduct) Regulations 2007* also sets out the conduct rules that apply to elected members while performing their statutory role.

The Act provides a disciplinary framework for breach of the *Local Government (Rules of Conduct) Regulations 2007* by elected members which can range from training to suspension, whereas internal processes are established for breaches of the code of conduct by employees. Council at its meeting held on 10 December 2013 (CJ252-12/13 refers) adopted the current *City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members* (Code of Conduct).

On 1 July 2015 changes were made to then *Corruption and Crime Commission Act 2003* which installed a revised investigatory framework for minor and serious misconduct breaches by public officers (including local government employees and elected members).

More substantially, in March 2016 the *City of Perth Act 2016* received Royal Assent which amended the gift and contributions to travel provisions within the *Local Government Act 1995*. A range of other associated amendments were also made to the *Local Government (Administration) Regulations 1996* and the *Local Government (Rules of Conduct) Regulations 2007* around the transitional arrangements for the acceptance of gifts and contributions to travel from 1 July 2015.

In view of these changes, certain aspects of the City's Code of Conduct require amendment as well as some other improvements identified since the Code of Conduct's adoption.

*It is therefore recommended that Council ADOPTS the revised City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members as detailed in Attachment 1 to Report CJ076-05/18.*

## **BACKGROUND**

Section 5.103 of the *Local Government Act 1995* requires every local government to prepare or adopt a code of conduct to be observed by elected members, committee members and employees. In fulfilling this legislative requirement, the City's existing Code of Conduct was adopted by Council at its meeting held on 10 December 2013 (CJ252-12/13 refers) and provides guidance to elected members, committee members and employees in relation to:

- the duties and responsibilities that apply to each of those persons
- the minimum standard of conduct that the City expects from elected members, committee members and employees.

On 1 July 2015 changes were made to the then *Corruption and Crime Commission Act 2003* (now titled the *Corruption, Crime and Misconduct Act 2003*) which implemented a revised investigatory framework for minor and serious misconduct breaches by public officers (including local government employees and elected members). Minor misconduct is now investigated by the Public Sector Commission, with the Corruption and Crime Commission maintaining the investigatory process for serious misconduct by public officers. Both minor misconduct and serious misconduct are defined in the *Corruption, Crime and Misconduct Act 2003*.

In October 2015 the Corruption and Crime Commission submitted a report to Parliament on an investigation into the acceptance and disclosure of gifts and travel contributions by the Lord Mayor of the City of Perth and subsequent investigations were also conducted by the then Department of Local Government and Communities. As a result, the *City of Perth Act 2016* recently received Royal Assent which contains a range of amendments to the gift and contributions to travel provisions within the *Local Government Act 1995* (the Act).

As of 4 March 2016, the Act now requires relevant persons (being elected members and designated employees) who accept a gift worth more than \$200 to disclose the gift, in writing, to the Chief Executive Officer (CEO) within 10 days of receipt. This replaces the disclosure requirements contained in an elected member's or designated employee's annual return. All contributions to travel over \$200 must also be disclosed, as do multiple gifts or contributions from the same donor where the total aggregate value is over \$200 within a year (12 month period).

The disclosure for a gift must include:

- a description of the gift
- the name and address of the person who made the gift
- the date on which the gift was received
- the estimated value of the gift at the time it was made
- the nature of the relationship between the relevant person and the person who made the gift.

For contributions to travel, the disclosure must include:

- a description of the contribution
- the name and address of the person who made the contribution

- the date on which the contribution was received
- the estimated value of the contribution at the time it was made
- the nature of the relationship between the relevant person and the person who made the contribution
- a description of the travel
- the date of travel.

A new section within the Act requires the CEO to keep a register of gifts and contributions to travel over \$200 and the register is to be made available for public inspection and also published on the City's website (section 5.89A of the Act).

## DETAILS

In view of the above, amendments are required to the City's Code of Conduct to reflect the recent legislative changes. Further to other minor operational improvements, the main changes to the Code of Conduct include the following items:

- Clarify the meaning of the City's primary values as listed within the City's *20 Year Strategic Community Plan* (Joondalup 2022).
- Include a point under the "Conflicts of Interest" sub-section around the established internal practice of an employee's need to disclose conflicts of interest where the employee forms part of a tender evaluation panel.
- Provide better clarity around employees refraining from public comments that could cast doubt in them performing their role impartially or the positive image of the City.
- Provide clarity on the types of employees that are required to seek approval of private work outside of their employment with the City (being full-time and part-time employees), as well as seeking the Manager Human Resources approval, rather than the CEO.
- Amend the title of "Declaration of Gifts and Benefits" section to read "Gifts from persons having dealings with the City" to provide clarity around the different gift disclosure requirements. This section has been amended in the following ways:
  - A general re-structure of the section to provide better flow of information to improve understanding around the complexity of accepting gifts in the local government environment.
  - Due to the legalistic definition of 'gift', insert information around the two key elements of the definition, being:
    - 1 the disposition of property, or the conferral of any other financial benefit
    - 2 the absence of 'consideration', or anything less than 'fully adequate' consideration (in terms of money or money's worth) passing from the recipient to the donor.
  - Remove some of the exceptions around what constitutes a gift as these exceptions only apply to 'notifiable gifts' and 'prohibited gifts' provisions under the *Local Government (Rules of Conduct) Regulations 2007* and the *Local Government (Administration) Regulations 1996*. Generally speaking the only exception that applies to all gift requirements is gifts from 'relatives' as defined by the Act.

- Remove text describing examples of gifts as they could potentially be misleading (due to the complexity of the 'gift' definition) or be subject to legislative change. Each instance needs to be assessed on a case by case basis in view of the elements as to what constitutes a gift.
- Delete the reference that gifts provided under sponsorship, or other commercial arrangements with the City, are not considered gifts.

The allocation of tickets and acts of hospitality as a result of agreements entered into by the City (and therefore whether they are considered a gift) is dependent on a range of circumstances and contextual matters which cannot be addressed uniformly by a standardised position. Although the tickets and benefits may be received as a result of a sponsorship arrangement, the legal tests around their allocation and use, and whether they are considered a gift, must apply.

In terms of the Code of Conduct and the risk the general standardised position stated may be contrary to the stipulated legislative provisions around gifts as well as inappropriately contractualising out of a local government's statutory obligations to declare gifts, it is recommended the reference in the Code of Conduct be removed.

Notwithstanding there will be at times where an elected member and/or employee are required to attend a function or an event of the sponsored organisation where the purpose, or at least the primary purpose, of attendance is not for the entertainment of the individual elected member or employee, but to enable the City to fulfill its role, and exercise its rights and benefits as a sponsor.

Depending upon the circumstances, they may include the opening night or a series of events where the sponsors are formally acknowledged, particularly where a speech or address is given on behalf of the City. They may also include a function or event of the sponsored organisation where awards or prizes are given on behalf of the City. Functions and events of this type would generally be specific and limited.

However all instances need to be assessed on their merits and advice should be obtained by employees and elected members.

- Include information around the exceptions relating to a 'notifiable gift' and 'prohibited gift', that were previously included in the general 'gift' definition. Some changes to the exemptions have occurred due to updates to the legislation.
- Clarify the value of acts of hospitality offered to employees, that require the approval of the CEO or a Director before being accepted (being a notifiable gift value between \$50 and \$300).
- Suggest a practice of making personal records of the details of gifts received that are not formally recorded as notifiable gifts, in case two or more gifts are received from the same person in a six month period that may put the aggregate value of all gifts over the specified thresholds for both notifiable gifts and prohibited gifts.

- Highlight that elected members and designated employees (being employee with delegated authority) also have other disclosure responsibilities under the Act for any notifiable gift received between the value of \$200 and \$300 (section 5.82 of the Act requires any gift valued over \$200 to be disclosed which is additional to the notifiable gift disclosure requirements).
- To improve transparency encourage elected members and employees to record the required details of gifts that may be declined by them.
- The inclusion of a new section titled “Declaration of other Gifts and Contributions the Travel: Elected Members and Designated Employees”. This section reflects the new disclosure requirements around gifts and contributions to travel that fall outside of the notifiable and prohibited gift provisions, and that were the subject of the previous annual return process.
- Under “Reporting breaches of the Code” include information the Chief Executive Officer, in appropriate cases, may refer a breach of the Code of Conduct relating to values or behaviour by an Elected Member to an independent mediator. Such referrals do not include breaches of law which have their own investigatory regime and process.
- Delete the section around “Disclosure of election campaign contributions” as this relates specifically to election candidates, during an election period as defined by the *Local Government (Elections) Regulations 1997*.
- Under “Reporting breaches of the Code” include a reference that the Chief Executive Office may engage the services of a mediator for breaches of the Code by an Elected Member (that falls outside the reporting and disciplinary regime in current legislation).
- A new section titled “Other Statutory Reporting Mechanisms” that contains the amended minor and serious misconduct provisions and new reporting regime under the *Corruption, Crime and Misconduct Act 2003* (previously titled the *Corruption and Crime Commission Act 2003*). Further clarity has been included around the provisions of the *Public Interests Disclosure Act 2003*.

For ease of reference the above changes, as well as some other minor improvements, are marked up in the version of the Code of Conduct attached (see Attachment 1).

### **Issues and options considered**

Council can either

- adopt the revised Code of Conduct as presented
- adopt the revised Code of Conduct with further amendments
- or
- retain the existing Code of Conduct.

Retaining the existing Code of Conduct would not be in line with the new provisions that have come into effect. The new Code of Conduct as presented also improves conduct provisions at the City and its understanding.

## Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<p><i>Local Government Act 1995.</i>  <i>Local Government (Rules of Conduct) Regulations 2007.</i>            Part 9 of the <i>Local Government (Administration) Regulations 1996.</i>  <i>City of Joondalup Meeting Procedures Local Law 2013.</i></p>
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### Strategic Community Plan

<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Corporate capacity.
<b>Strategic initiative</b>	Maintain a highly skilled and effective workforce.
<b>Policy</b>	Not applicable.

The Code also needs to be read in conjunction with the City's *Governance Framework* which sets out how good governance is practised at the City.

### Risk management considerations

All Western Australian local governments are required to adopt a code of conduct to be observed by elected members, committee members and employees, and failure to do so would put the City in breach of its legislative obligations.

Establishing a conduct framework that guides behaviours and ethical and accountable decision-making also lessens the likelihood for misconduct, fraudulent and corrupt behaviour as conduct expectations are clearly articulated and documented.

### Financial/budget implications

There are no financial implications associated with the adoption of a new Code.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

Not applicable.

## COMMENT

Since the changes to the *Local Government Act 1995* in terms of gifts and contributions to travel, there has been a renewed focus around gift provisions in codes of conduct adopted by local governments generally.

In its 2015 Investigation Report into the acquisition and use of hospitality resources by Healthway, the Public Sector Commission found a number of issues in how Healthway were managing and allocating benefits, including tickets and hospitality entitlements under sponsorship agreements with third parties. The allocation of benefits at the City is by no means comparable in terms of the extent and breadth at Healthway. However it is good practice to consider those matters raised in that investigation, and apply any suggestions for improvement to the City's operations.

One of the challenges facing the local government industry is how a local government's code of conduct relates to the conduct of elected members and how breaches of the code are treated and investigated. Elected members are required to declare that they will abide by the *Local Government (Rules of Conduct) Regulations 2007* while performing in their role. This declaration of Office does not require an Elected Member to abide by a local government's code of conduct, however the Act requires that an Elected Member must observe the local government's Code. Employees are subject to the provisions of the Code of Conduct upon their acceptance of employment and while they remain employed by the City. This therefore is reflected in the Code of Conduct.

The *Local Government (Rules of Conduct) Regulations 2007* and the Act provide the disciplinary framework for conduct matters relating to elected members, rather than a local government's code of conduct. Breaches of the *Local Government (Rules of Conduct) Regulations 2007* need to be investigated in accordance with the disciplinary framework and process as set out in the Act, and a local government's code of conduct cannot override these requirements. A breach of a local government's code of conduct by elected members, committee members or employees should follow due process and in accordance with the management protocols, procedures or practices adopted by the City and any applicable law.

At its meeting held on 16 February 2016 (CJ013-02/16 refers) Council endorsed a submission to the then Department of Local Government and Communities on the review of *Local Government (Rules of Conduct) Regulations 2007* and minor breach disciplinary framework that applies to elected members. It is not known at this stage when changes (if any) to the existing provisions may come into effect, and will more than likely be the subject of further consultation with the local government sector.

Furthermore, at its meeting held on 21 February 2018 (Item CJ012-02/18 refers) Council endorsed its submission to the Department of Local Government, Sport and Cultural Industries in response to its invitation to comment on the discussion paper on the *Local Government Act 1995* review. The submission also included the City's views around conduct as well as gifts provisions stipulated in legislation. Again it is not known at this stage what the Minister's or the Department's view is in retaining or changing the current provisions and further phases of the consultation process are planned before any changes to the Act or other legislation is considered.

Notwithstanding, it is considered good governance for the City's existing Code of Conduct to be amended outside of any possible changes to reflect the new legislative parameters in which elected members, committee members and employees now operate, as well as to inform the broader community around the established conduct arrangements at the City.

## **VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

**That Council ADOPTS the revised *City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members* as detailed in Attachment 1 to Report CJ076-05/18.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf180508.pdf](#)*

## **CJ077-05/18      CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY 2018 TO 31 MARCH 2018**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENTS</b>	Attachment 1      Corporate Business Plan Quarterly Progress Report for the period 1 January 2018 to 31 March 2018 Attachment 2      Capital Works Program Quarterly Report for the period 1 January 2018 to 31 March 2018
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 January 2018 to 31 March 2018 and the *Capital Works Quarterly Report* for the period 1 January 2018 to 31 March 2018.

### **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 January 2018 to 31 March 2018 provides information on the progress of 2017-18 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ077-05/18.

A *Capital Works Quarterly Report*, which details all projects within the Capital Works Program, is provided as Attachment 2 to Report CJ077-05/18.

*It is therefore recommended that Council RECEIVES the:*

- 1      *Corporate Business Plan Quarterly Progress Report for the period 1 January 2018 to 31 March 2018 which is shown as Attachment 1 to Report CJ077-05/18;*
- 2      *Capital Works Quarterly Report for the period 1 January 2018 to 31 March 2018 which is shown as Attachment 2 to Report CJ077-05/18.*

## 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.

The *Corporate Business Plan* was endorsed by Council at its meeting held on 15 August 2017 (CJ132-08/17 refers). 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 January 2018 to 31 March 2018, which is shown as Attachment 1 to Report CJ077-05/18;
- 2 ***Capital Works Quarterly Report*** for the period 1 January 2018 to 31 March 2018, which is shown as Attachment 2 to Report CJ077-05/18.

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf180508.pdf](#)

## **CJ078-05/18 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2018**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of March 2018 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of March 2018 Attachment 3 Municipal and Trust Fund Vouchers for the month of March 2018
	<i>(Please Note: Attachments 1 – 3 are only available electronically).</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of March 2018.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of March 2018 totalling \$18,994,472.71.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for March 2018 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ078-05/18, totalling \$18,994,472.71.*

### **BACKGROUND**

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

### **DETAILS**

The table below summarises the payments drawn on the funds during the month of March 2018. Lists detailing the payments made are appended as Attachments 1 and 2.

The vouchers for the month are appended as Attachment 3.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 106357 – 106489 & EF069341 – EF070065 Net of cancelled payments.	\$13,532,131.63
	Vouchers 2184A – 2192A & 2194A – 2203A & 2208A – 2214A	\$5,448,823.48
Trust Account	Trust Cheques & EFT Payments 207279 - 207285 & TEF001476 – TEF001491 Net of cancelled payments.	\$13,517.60
<b>Total</b>		<b>\$18,994,472.71</b>

### 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 March 2018 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ078-05/18, totalling \$18,994,472.71.**

To access this attachment on electronic document, click here: [ListofPaymentsbrf180508.pdf](#)

## **CJ079-05/18 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2018**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882,101515
<b>ATTACHMENT</b>	Attachment 1 Financial Activity Statement Attachment 2 Investment Summary Attachment 3 Supporting Commentary
<b>AUTHORITY/ DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 March 2018.

### **EXECUTIVE SUMMARY**

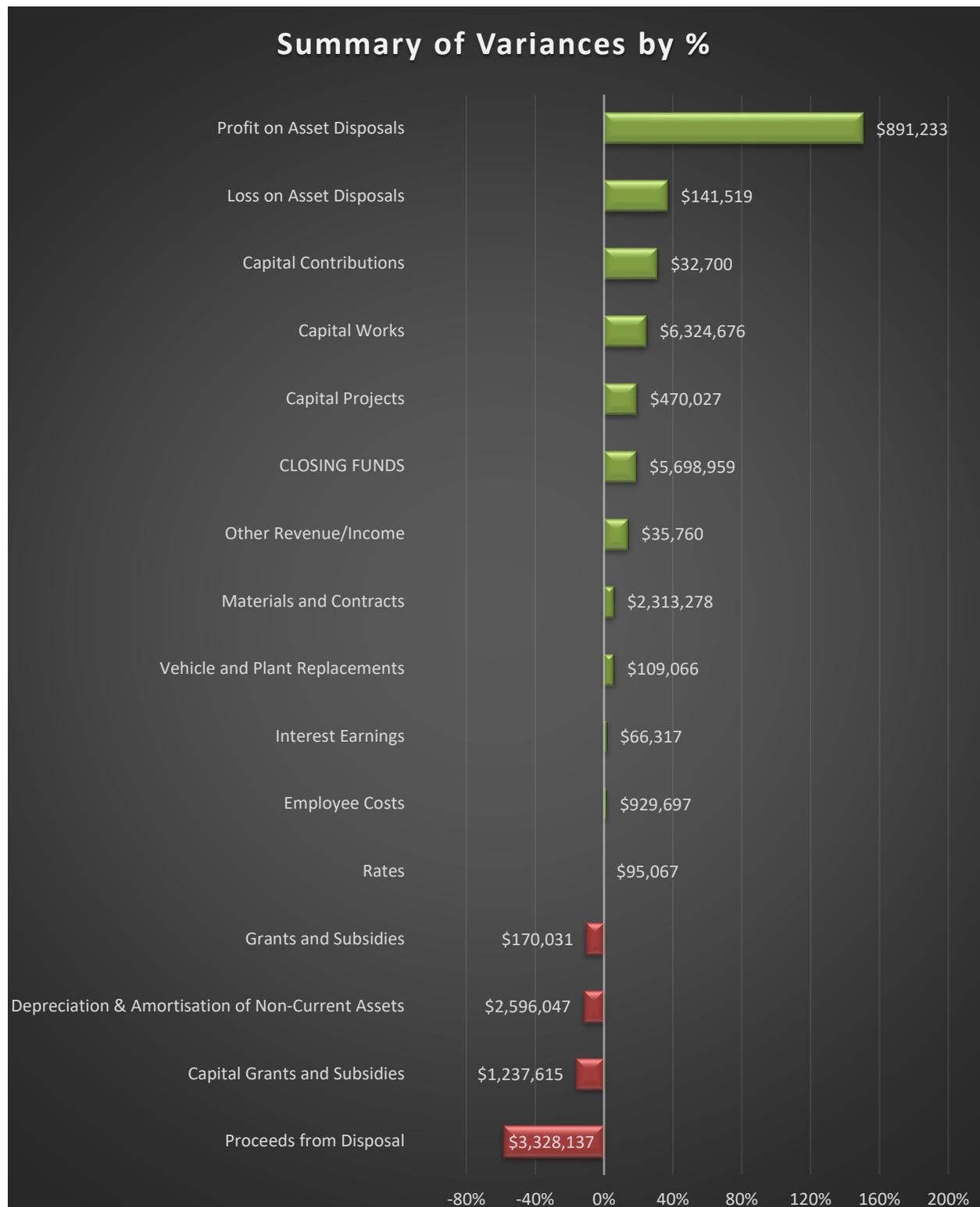
At its meeting held on 27 June 2017 (CJ084-06/17 refers), Council adopted the Annual Budget for the 2017-18 financial year. Council subsequently revised the budget at its meeting held on 20 February 2018 (CJ022-02/18 refers). The figures in this report are compared to the revised budget.

The March 2018 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$5,698,959 for the period when compared to the revised budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 March 2018 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.

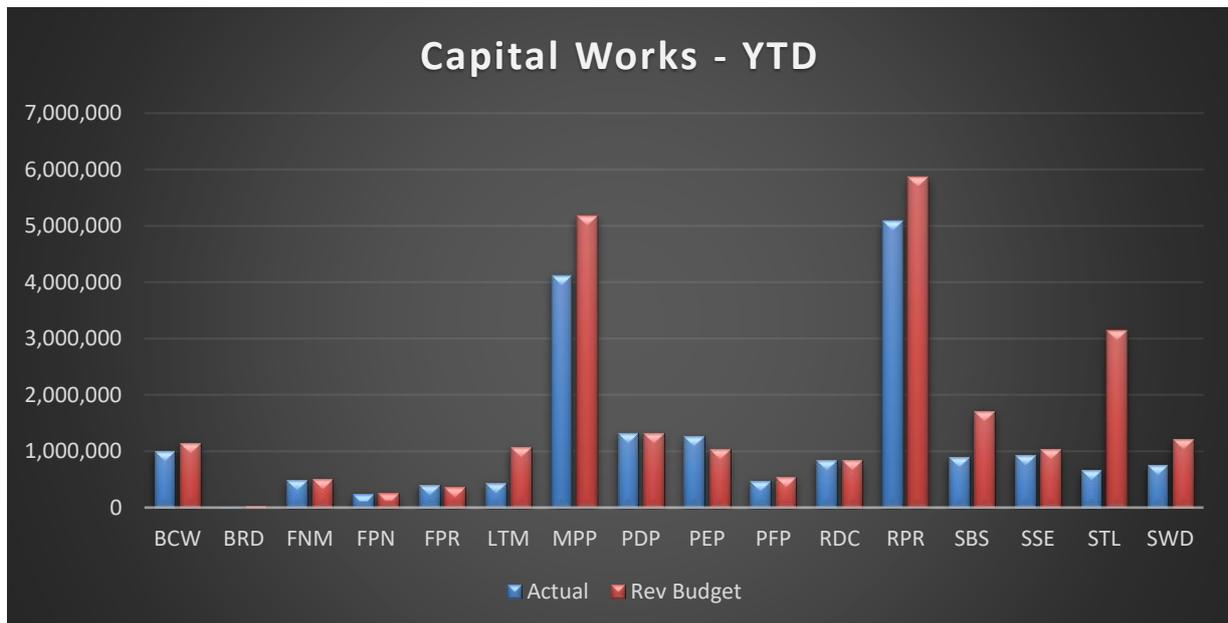
The key elements of the variance are summarised below:



The significant variances for March were:

### Capital Works

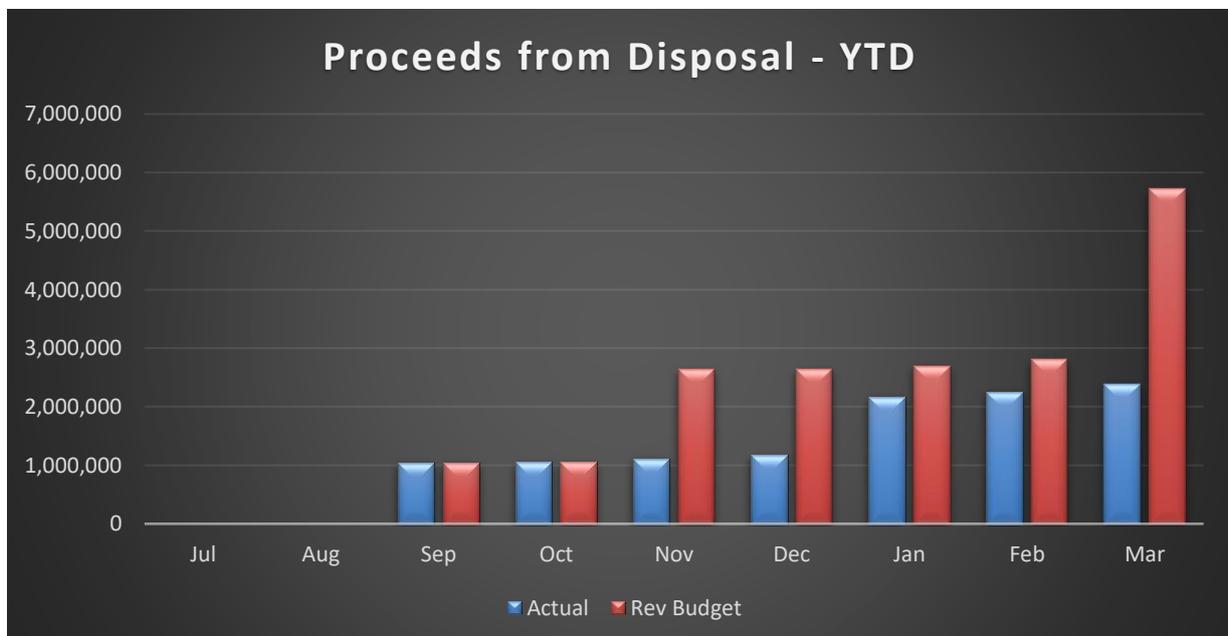
**\$6,324,676**



Capital Works expenditure is \$6,324,676 below budget. This includes favourable timing variances for Street Lighting Program \$2,481,665, Major Projects Program \$1,066,776, and Blackspot Projects Program \$811,027.

### Proceeds from Disposal

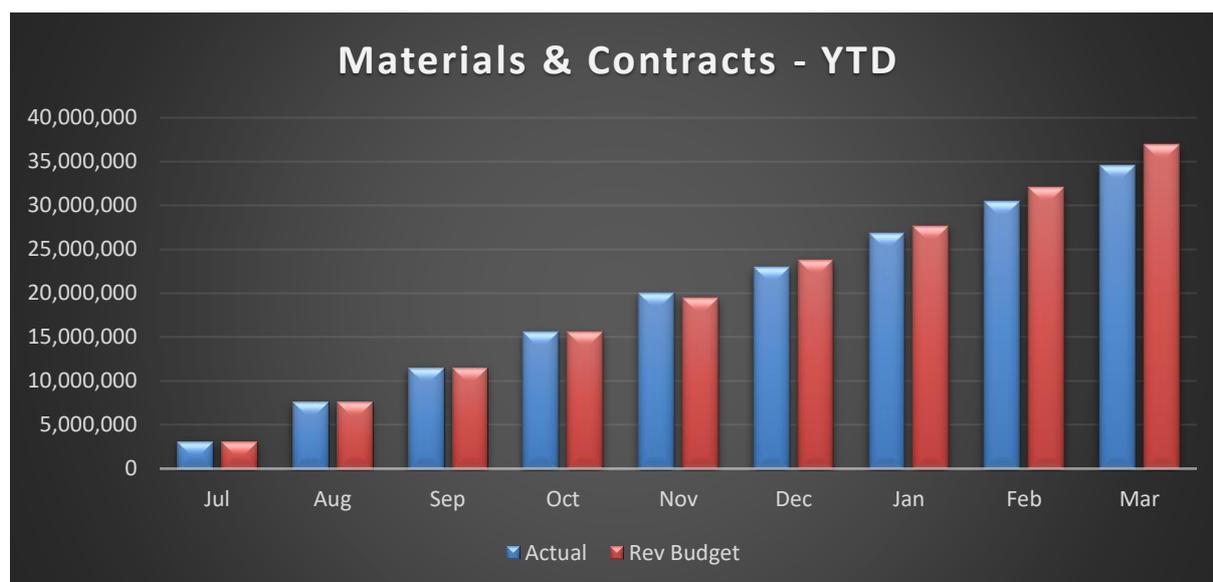
**(\$3,328,137)**



Proceeds from Disposal revenue is \$3,328,137 below budget due to the timing of disposal of surplus land holdings (\$3,422,777). Remaining land identified for sale in the current year is expected to be disposed by 30 June 2018.

### Materials and Contracts

**\$2,313,278**



Materials and Contracts expenditure is \$2,313,278 below budget. This is spread across a number of different areas including favourable timing variances for Professional Fees and Costs \$527,937, Administration \$418,943 and Furniture, Equipment and Artworks \$334,921.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2018 forming Attachment 1 to Report CJ079-05/18.*

## BACKGROUND

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

## DETAILS

### Issues and options considered

The Financial Activity Statement for the period ended 31 March 2018 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

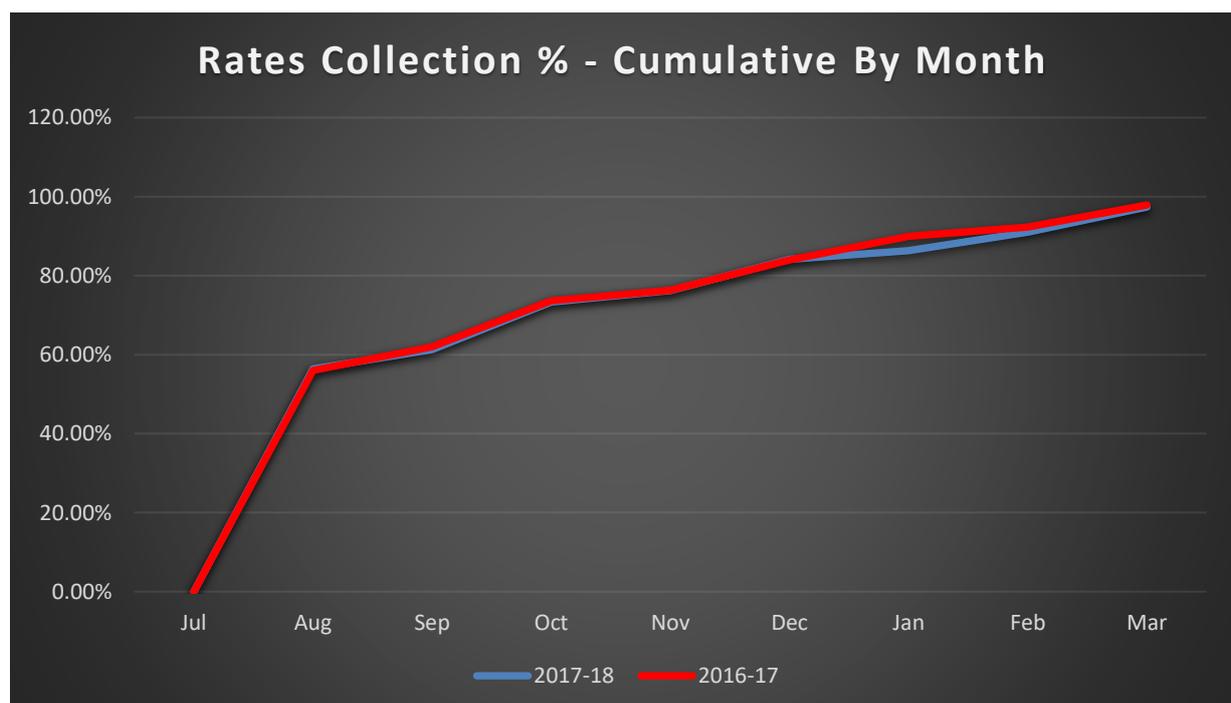
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

### 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*.

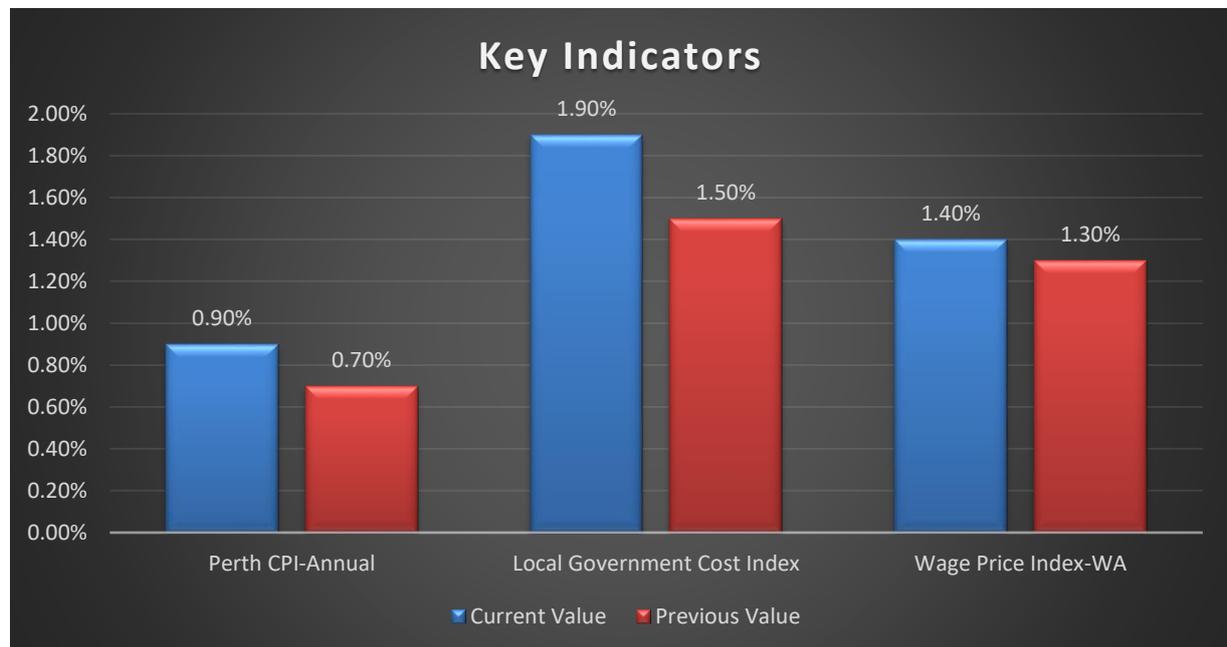
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) continues on par with the prior year at the end of March. This trend is expected to continue to the end of the financial year.

### **Economic Indicators**



The Local Government Cost Index remains well above CPI, indicating that cost pressures in the local government industry remain higher than the general economy. Wage inflation remains above CPI, although significantly lower than in the past.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2017-18 revised budget or has been authorised in advance by Council where applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 March 2018 forming Attachment 1 to Report CJ079-05/18.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf180508.pdf](#)

**CJ080-05/18      SPORTS DEVELOPMENT PROGRAM ROUND TWO  
2017-18**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	58536, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider funding applications for the City's Sports Development Program (SDP) Round Two 2017-18.

**EXECUTIVE SUMMARY**

The SDP aims to provide financial assistance to local community sport and recreation organisations for projects, programs and events that benefit the development of sport and recreation and enhance its delivery to residents of the City of Joondalup.

At its meeting held on 15 March 2016 (CJ046-03/16 refers), Council resolved to amalgamate the sport and recreation category of the Community Funding Program with the previous SDP. This is the second year of the new SDP, with the program operating for large grants (above \$10,000) and small grants (below \$10,000).

The City received seven applications from local sport and recreation clubs for the SDP Round Two 2017-18, one large grant application and six small grant applications. The one large grant was received from the Sorrento Surf Life Saving Club for an amount of \$18,500 to install acoustic tiles to the ceiling of its clubrooms. The six small grant applications are all under \$10,000 and have been considered by the Chief Executive Officer.

*It is therefore recommended that Council APPROVES a grant of \$18,500 to the Sorrento Surf Life Saving Club for their Deadening the Echo Program, subject to the club entering into a formal funding agreement with the City of Joondalup.*

**BACKGROUND**

At its meeting held on 15 March 2016 (CJ046-03/16 refers), Council resolved to amalgamate the sport and recreation category of the Community Funding Program with the SDP to create the new SDP.

At its meeting held on 21 November 2017 (CJ185-11/17 refers), Council resolved to approve the opening of the SDP Round Two to both large and small grant applications for 2017-18.

The SDP aims to provide financial assistance to local community sport and recreation organisations for projects, programs and events that benefit the development of sport and recreation and enhance its delivery to residents of the City of Joondalup. Eligible clubs must meet the following criteria:

- Incorporated (*Associations Incorporation Act 2015*).
- Located within the City of Joondalup and / or servicing its residents.
- Affiliated with a state sporting association or industry body who are recognised by the Department of Local Government, Sport and Cultural Industries.
- Represented with an organisation name that reflects the locale in which the organisation operates and in recognition of the level of funding and subsidies afforded to it by the City of Joondalup.

## **DETAILS**

The City received seven applications from local sport and recreation clubs for the SDP Round Two 2017-18: one large grant application and six small grant applications. Small grant applications which are valued under \$10,000 have been considered by the Chief Executive Officer.

### Assessment

An assessment panel comprised of City Officers was convened to assess the applications. Panel members assessed each application individually and then convened to agree upon and rank applications. The panel has recommended the following grant applications be funded as per the below table.

The panel assessed all applicants as eligible to receive funding. Each application was then assessed against the:

- eligibility guidelines
- focus areas and funding priorities
- information provided within the application
- the benefit to the community
- the capacity of the organisation to manage the funding and deliver the program.

### **Large grant application**

#### Sorrento Surf Life Saving Club

The Sorrento Surf Life Saving Club submitted an application that sought support for the Deadening the Echo Program which the club intends to run from July 2018 to September 2018. The proposed project is to install acoustic tiles to the ceiling of the clubrooms within the Sorrento Surf Life Saving club's leased premises to reduce the noise reverberation.

Sorrento Surf Life Saving Club has 1,774 members (1,118 senior and 656 junior). The club operates from Sorrento Beach, Sorrento.

The key outcomes of the Deadening the Echo Program include the following:

- Reduction of noise reverberation for club members, volunteers and staff.
- Increase the use of the community hall and clubrooms by members and the public.

The cost of the program is outlined in the table below:

<b>Program Items</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Installation of acoustic tiles	\$18,500	\$18,500
<b>Total</b>	<b>\$18,500</b>	<b>\$18,500</b>

The panel deemed the application eligible as it met the program's Focus Area "Places and Spaces" and the Funding Objective to "provide a safe environment for members, visitors, volunteers and the public". The Sorrento Surf Life Saving Club currently has no outstanding grants with the City.

The panel has determined a grant of \$18,500 be recommended for the Sorrento Surf Life Saving Club.

Previous funding:

2013-14	\$2,360	Training course for former Board of Directors (Community Funding Program)
2014-15	\$1,885	Coach Accreditation (old Sports Development Program)
2016-17	\$7,015	Up-skill coaches with Mullaloo Surf Life Saving Club (Sports Development Program)
2017-18	\$8,158	Management Development (Sports Development Program)

### **Issues and options considered**

The Council may consider each application on its individual merits and approve or not approve as desired.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative**

- Support and encourage opportunities for local volunteering.
- Promote the sustainable management of local organisations and community groups.
- Support and facilitate the development of community leaders.

**Policy** The Sports Development Program is conducted in line with the *Community Funding Policy*.

### **Risk management considerations**

Due to the transient nature of sporting club committees, it is possible that a club may find it difficult to maintain and provide reasonable information to complete an acquittal to the standard required in the funding agreement.

This risk is managed by the City being proactive in maintaining contact with sporting clubs who have grant acquittals due to ensure they are completed on time and with the relevant evidence and information.

### **Financial / budget implications**

#### Current financial year impact

<b>Account no.</b>	1.443.A4409.3299.4023 (\$115,000).
<b>Budget Item</b>	Sponsorship.
<b>Budget amount</b>	\$115,000
<b>Round One expenditure</b>	\$ 46,655
<b>Amount committed to date (small grant applications)</b>	\$ 18,702 (subject to approval).
<b>Large grant proposed cost</b>	\$ 18,500
<b>Balance</b>	\$ 31,143

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The SDP provides for a positive effect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to sport, leisure and recreational services.

### **Consultation**

The Sport Development Program was promoted in the December and January Clubs in-focus e-newsletter. Additionally, emails were sent to all local sport and recreation clubs in January providing notice of the round open date and February as a reminder to submit applications before the closing date.

### **COMMENT**

The Sorrento Surf Life Saving Club will need to seek approval from the City before any works are carried out as detailed in the lease under clause 3.21. The lease expires December 2023 with two further options of five years.

Along with the Mullaloo Surf Life Saving Club and the Whitfords Sea Rescue, the City makes an annual contribution of \$60,000 (inc GST) to the Sorrento Surf Life Saving Club to assist them to perform life preserving services. This agreement is in place until June 2020.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council APPROVES a grant of \$18,500 to the Sorrento Surf Life Saving Club for their Deadening the Echo Program, subject to the club entering into a formal funding agreement with the City of Joondalup.**

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ081-05/18 – Tender 005/18 – Provision of Chemical Weed Control in Natural Areas.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The owner of one of the tenderers (Natural Area Holdings P/L) is known to Cr Chester.

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ081-05/18 – Tender 005/18 – Provision of Chemical Weed Control in Natural Areas.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The owner of Natural Area Consulting Management Services is known to Cr Norman.

## CJ081-05/18      TENDER 005/18 PROVISION OF CHEMICAL WEED CONTROL IN NATURAL AREAS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	107163, 101515
<b>ATTACHMENT</b>	Attachment 1      Schedule of Items Attachment 2      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to accept the tender submitted by Martins Environmental Services Pty Ltd for the provision of chemical weed control in natural areas in Zone 1 (North) and Zone 2 (South) combined.

**EXECUTIVE SUMMARY**

Tenders were advertised on Wednesday, 7 March 2018 through statewide public notice for the provision of chemical weed control in natural areas. Tenders closed at 2.00 p.m. Thursday, 22 March 2018. A submission was received from each of the following:

- Horizon West Landscape and Irrigation Pty Ltd.
- Martins Environmental Services Pty Ltd.
- Natural Area Holdings Pty Ltd trading as Natural Area Consulting Management Services.

The submission from Martins Environmental Services represents best value to the City for provision of chemical weed control in natural areas in Zone 1 (North) and Zone 2 (South) combined. The company demonstrated an understanding of chemical weeding tasks in natural areas. It has experience providing similar services to the Cities of Cockburn, Armadale, Mandurah, and Gosnells. Martins Environmental Services is well established with industry experience and proven capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Martins Environmental Services Pty Ltd for the provision of chemical weed control in natural areas in Zone 1 (North) and Zone 2 (South) combined, for a period of three years for requirements as specified in Tender 005/18 at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for the provision of chemical weed control in natural areas within the City. The City has approximately 500 hectares of natural areas which require pro-active maintenance and careful management.

The City has the option to consider engaging one or more contractors to provide chemical weed control in natural areas in Zone 1 (North), or Zone 2 (South), or one contractor to provide chemical weed control in natural areas in Zone 1 (North) and Zone 2 (South) combined.

Tender 005/18 was advertised for the following two geographical zones:

- Zone 1 – North – reserves north of Whitfords Avenue.
- Zone 2 – South – reserves south of Whitfords Avenue.

Tenderers could submit an offer for any of the two zones or for both zones.

The City currently has one contract in place for chemical weed control in natural areas with Natural Areas Holdings Pty Ltd trading as Natural Area Consulting Management Services in Zone 1 (North) and Zone 2 (South) combined, which will expire on 30 June 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 chemical weed control in natural areas was advertised through a statewide public notice on 7 March 2018. The tender period was for two weeks and tenders closed on 22 March 2018.

### **Tender Submissions**

A submission was received from each of the following:

- Horizon West Landscape and Irrigation Pty Ltd.
- Martins Environmental Services Pty Ltd.

- Natural Area Holdings Pty Ltd trading as Natural Area Consulting Management Services.

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:

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Capacity	40%
2	Demonstrated understanding of the required tasks	30%
3	Demonstrated experience in providing similar services	25%
4	Social and economic effects on the local community	5%

Horizon West Landscape and Irrigation scored 38.4% and was ranked third in the qualitative assessment. The company provided evidence of previous experience, but this was not specific to weed control or the use of chemicals in natural areas. The company's list of equipment did not include equipment relevant to chemical weed control services. It demonstrated a limited understanding of the City's requirements and did not state the number of vehicles allocated to the contract.

Martins Environmental Services scored 66.9% and was ranked second in the qualitative assessment. The company demonstrated the capacity to meet the City's requirements. It demonstrated previous experience providing similar services to the Cities of Mandurah, Armadale, Cockburn and Gosnells. The company demonstrated an understanding of the City's requirements and proposed a sufficient number of vehicles to undertake the work.

Natural Area Consulting scored 75.6% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding of the requirements by providing a detailed methodology and nominated an appropriate number of vehicles to meet the City's requirements. It demonstrated extensive experience providing similar services to the Cities of Stirling and Melville and various locations with the Department of Biodiversity, Conservations and Attractions. It is also the City's current contractor for chemical weed control services in the North and South zones. It demonstrated its capacity to provide specific equipment, resources and chemical experience necessary to meet City requirements.

Based on the minimum acceptable score of 60%, Martins Environmental Services and Natural Area Consulting 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.

To provide a comparison of the rates offered by each tenderer, the average quantities for the most commonly used items over a three year period were identified and used in the calculation. The following table provides a summary of the comparison of the estimated expenditure of each tenderer. Any future mix of requirements will be based on demand and is subject to change in accordance with the operational needs of the City.

The rates offered by the tenderers 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
<b>Chemical Weed Control in Natural Areas - Zone 1 only</b>				
Natural Area Consulting	\$88,094	\$89,856	\$91,653	<b>\$269,602</b>
Martins Environmental Services	\$86,215	\$87,939	\$89,698	<b>\$263,852</b>
<b>Chemical Weed Control in Natural Areas - Zone 2 only</b>				
Natural Area Consulting	\$70,505	\$71,915	\$73,354	<b>\$215,774</b>
Martins Environmental Services	\$69,040	\$70,421	\$71,829	<b>\$211,290</b>
<b>Chemical Weed Control in Natural Areas – Zone 1 and Zone 2 combined</b>				
Natural Area Consulting	\$158,599	\$161,771	\$165,006	<b>\$485,376</b>
Martins Environmental Services	\$155,255	\$158,360	\$161,527	<b>\$475,142</b>

During the last financial year 2016-17, the City incurred \$271,864 for the provision of chemical and weed control in natural areas in Zones 1 (North) and Zone 2 (South) combined and is expected to incur in the order of \$475,142 over the three year contract period subject to environmental conditions and fire management.

## 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
<b>Chemical Weed Control in Natural Areas - Zone 1 only</b>				
Natural Area Consulting	\$269,602	2	75.6%	1
Martins Environmental Services	\$263,852	1	66.9%	2
<b>Chemical Weed Control in Natural Areas - Zone 2 only</b>				
Natural Area Consulting	\$215,774	2	75.6%	1
Martins Environmental Services	\$211,290	1	66.9%	2
<b>Chemical Weed Control in Natural Areas – Zone 1 and Zone 2 combined</b>				
Natural Area Consulting	\$485,376	2	75.6%	1
Martins Environmental Services	\$475,142	1	66.9%	2

Based on the evaluation result the panel concluded that the tender from Martins Environmental Services Pty Ltd provides best value to the City and is therefore recommended for the provision of chemical and weed control in natural areas in Zone 1 (North) and Zone 2 (South) combined.

A reference check has been undertaken with positive feedback and no issues of concern.

### Issues and options considered

The City has a requirement for provision of chemical and weed control in natural areas. The City does not have the internal resources to supply the services for the volume of work 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

The Natural Environment.

##### Objective

Environmental resilience.

##### Strategic initiative

Identify and respond to environmental risks and vulnerabilities.

**Policy** Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City does not have the resources to achieve the level of service required to meet weed control in natural areas. Delay in appointing a contractor will have considerable impact on the chemical and weed control program that may lead to an increase in weeds and the likelihood of wildfires, hence compromising biodiversity in the City's natural areas.

It is considered that the contract will represent a low risk to the City as the recommended tenderer has proven industry experience and the capacity required to provide the services to the City.

The City will further apply a contract management regime to minimise risk to the City including regular sampling of the herbicide mix to determine compliance with specifications.

### **Financial / budget implications**

#### Current financial year impact

<b>Account no.</b>	Various maintenance accounts.
<b>Budget Item</b>	Chemical and weed control in natural areas.
<b>Budget amount</b>	\$ 194,613
<b>Amount spent to date</b>	\$ 163,087
<b>Proposed cost</b>	\$ 0
<b>Balance</b>	\$ 31,526

The balance does not represent a saving at this time. The proposed expenditure against the current contract for these services is difficult to project as it is impacted by unforeseen events such as early onset of rain and seeding.

The contract commences on 1 July 2018 so no costs are expected in the current financial year. The 2018-19 budget has not yet been approved but an amount of \$249,330 is proposed to be spent on chemical weed control in natural areas in 2018-19, which is sufficient to meet anticipated costs under this contract.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that submitted by Martins Environmental Services Pty Ltd.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Martins Environmental Services Pty Ltd for the provision of chemical and weed control in natural areas in Zone 1 (North) and Zone 2 (South) combined for a period of three years for requirements as specified in Tender 005/18 at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf180508.pdf](#)*

## **CJ082-05/18      DRAFT COASTAL INFRASTRUCTURE ADAPTATION PLAN**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	104477, 101515
<b>ATTACHMENTS</b>	Attachment 1      Draft Coastal Infrastructure Adaptation Plan
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to endorse the City of Joondalup's draft *Coastal Infrastructure Adaptation Plan*.

### **EXECUTIVE SUMMARY**

The City's coastline is highly valued by the City and its community for its natural assets, recreational opportunities and as a tourism attraction. There are significant infrastructure assets along the coast including roads, public lighting, drainage infrastructure, car parks, dual use paths, playgrounds, park infrastructure and buildings that are either owned or managed by the City. The City's coastline also contains community owned buildings and areas of existing and planned residential development.

Increasing erosion, inundation and sea level rise have the potential to impact on these natural and built assets and may alter the way these areas can be accessed and enjoyed in the future.

The City is addressing coastal vulnerability and coastal risk through the Coastal Adaptation Planning and Implementation Project. A key component of this project is the development of a draft *Coastal Infrastructure Adaptation Plan* to inform the planning and development of future City infrastructure and assets.

The development of the draft *Coastal Infrastructure Adaptation Plan 2018 - 2026* builds on previous work the City has completed as part of the Coastal Adaptation Planning and Implementation Project including identification of coastal hazard areas, engagement with affected property owners, development of a *Local Coastal Planning Policy* and establishment of a coastal monitoring program.

A key recommendation of the draft *Coastal Infrastructure Adaptation Plan 2018 – 2026* is the development of a *Coastal Hazard Risk Management Adaptation Plan* (CHRMAP) to identify on ground adaptation options for adapting vulnerable areas.

The draft *Coastal Infrastructure Adaptation Plan 2018 - 2026* has been prepared for Council endorsement and is provided as Attachment 1 to Report CJ082-05/18.

## **BACKGROUND**

The City's *Climate Change Strategy 2014 – 2019* identified the Coastal Adaptation Planning and Implementation Project which aims to develop an approach that will guide the City's future actions and decisions when responding to climate change risk in the coastal zone.

The project is informed by *State Planning Policy 2.6: State Coastal Planning Policy* (SPP 2.6) which provides guidance for land use and development decision-making within the coastal zone. The policy also outlines how vulnerability to coastal processes within the planning timeframe (100 yrs) is to be calculated.

The City's Coastal Adaptation Planning and Implementation Project has so far included the following components: identification of coastal hazard areas, engagement with affected property owners, development of a *Local Coastal Planning Policy* and establishment of a coastal monitoring program. These components are summarised in more detail below.

### Identification of Coastal Hazard Areas

The Joondalup Coastal Hazard Assessment was completed by consultants MP Rogers and Associates in 2016. Through the Coastal Hazard Assessment, coastal hazard areas and vulnerable infrastructure have been identified for the 100 year planning timeframe in accordance with SPP 2.6 guidelines.

The coastal hazard areas were calculated using the methodology prescribed in Schedule One of SPP 2.6 and takes into account the width needed to allow for coastal processes including severe storm erosion, future long-term changes to the shoreline position, climate change induced sea level rise and storm surge inundation.

### Communication and Engagement Campaign

In July 2016 the City commenced a communication and education campaign to inform all affected property owners, affected lessees, relevant stakeholders and the general community about the identified coastal hazard areas and the implications of SPP 2.6 for affected property owners.

This engagement included direct letter, frequently asked questions, coastal hazard mapping, a panel workshop, leaflets, information on the City's website, as well as through its media and social media networks.

### Local Coastal Planning Policy

A *Local Coastal Planning Policy* has been developed to take into account coastal hazard risks in managing subdivision and development along the coastal. The policy applies to all lots located within the areas identified as being at risk within the planning timeframe and will provide guidance on the application of SPP 2.6, in particular the requirements for notifications on the certificate of titles and coastal hazard risk management and adaptation planning.

### Coastal Monitoring Program

The City's Coastal Monitoring Program was established in 2015-16 to monitor shoreline movements over time. The Coastal Monitoring Program includes: photo monitoring at identified sites (every six months), shoreline mapping from aerial photography (annually), beach profile surveys (every two years) and analysis and report (every two years). An initial baseline data set and report was completed during 2015-16 and will be used as a comparative tool for ongoing monitoring activities. The next coastal monitoring analysis report will be provided in late 2017-18.

To guide the City's overall strategic response to coastal vulnerability the development of a *Coastal Infrastructure Adaptation Plan* was identified as part of the Coastal Adaptation Planning and Implementation Project.

## DETAILS

### Draft Coastal Infrastructure Adaptation Plan

The purpose of the draft *Coastal Infrastructure Adaptation Plan 2018 - 2023* (Attachment 1 refers) is to ensure the City is adequately prepared to adapt to current and future coastal hazards and risk to City infrastructure and assets is minimised. The objectives of the draft plan are to:

- improve understanding of the potential impacts of current and future coastal hazards
- identify risk to the City's infrastructure and assets as a result of current and future coastal hazards
- identify and implement projects to minimise risk to the City's infrastructure and assets from current and future coastal hazards
- identify a long term approach that will guide the City's future adaptation responses in the coastal zone.

The draft plan identifies the following four key focus areas:

- Coastal Infrastructure.
- Improving Knowledge.
- Response and Preparedness.
- Coastal Adaptation Planning.

The objectives for each of these focus areas are outlined in the table below:

Key Focus Area	Focus Area Objectives
Coastal Infrastructure	Maintain existing coastal infrastructure to ensure accessibility and safety of City infrastructure and City beaches for public use.  The City's coastal protection infrastructure continues to provide appropriate shoreline protection.
Improving Knowledge	Knowledge and understanding of coastal processes and future coastal impacts is improved.  Knowledge and understanding of best-practice coastal adaptation planning is improved through partnerships and collaboration.
Response and Preparedness	Coastal hazards are identified for any City projects or activities within the coastal zone.  Significant erosion or hazard events along the City's coastline are responded to in a timely manner.
Adaptation Planning	The City's coastline is prepared and able to adapt to future long-term coastal impacts.  The community is engaged in the City's coastal adaptation planning.

The draft plan makes 14 management recommendations across the four key focus areas. A key recommendation includes the development of an overall CHRMAP for the City's coastline that will identify adaptation options that can be taken now and into the future to adapt vulnerable areas.

### Coastal Hazard Risk Management Adaptation Plan

The City's next step is to develop a CHRMAP which will identify appropriate adaptation responses for vulnerable areas along the City's entire coastline. The objectives of developing the CHRMAP are to ensure:

- risk to the City's existing and future infrastructure and assets are minimised and appropriate adaptation responses are identified
- the community and relevant stakeholders are engaged in the City's coastal infrastructure adaptation planning.

The development of the CHRMAP will include five stages as described in the table below. It is anticipated that Stage 1 and Stage 2 will be completed in 2017-18 and Stages 3, 4 and 5 will be completed during 2018-19. The CHRMAP will be developed in accordance with the Department of Planning, Land and Heritage's *Coastal Hazard Risk Management Adaptation Planning Guidelines*.

Stage	Description
Stage 1	Project Establishment The project establishment stage will involve project planning and development of engagement materials.
Stage 2	Coastal Values Survey A coastal values survey will be undertaken to gain an understanding of how the local community and users of the coastline use and value the coastal foreshore area. This will inform the identification of adaptation options in Stage 3.
Stage 3	Development of Adaptation Options Qualified coastal engineering consultants will be appointed to identify coastal hazards, undertake a risk assessment and identify potential adaptation options to mitigate potential future impacts. Potential adaptation options will be identified for the short term and long-term as well as recommending trigger points and adaptation pathways. The identification of adaptation options will take into account the outcomes of the coastal values survey.
Stage 4	Community Engagement on Adaptation Options Adaptation options and adaptation pathways identified during the coastal hazard risk management adaptation planning phase will be presented to the community for feedback and input and will include engagement at a local level.
Stage 5	Drafting of the <i>Coastal Hazard Risk Management Adaptation Plan</i> A <i>draft Coastal Hazard Risk Management Adaptation Plan</i> will be prepared detailing the outcomes of Stages 2, 3 and 4 and providing an action plan for the City to prepare and adapt the coast for future coastal hazards.

The development of an overall CHRMAP is a different approach to what was originally envisaged. The original intent was to develop site specific coastal infrastructure adaptation plans for vulnerable nodes along the City's coast, with one being developed each year. This intent was communicated to affected property owners, stakeholders and the community as part of the community engagement campaign that occurred in July and August 2016.

In July 2017 the City obtained an independent peer review of its coastal adaptation planning documents and approach. This peer review was undertaken by engineering consultants MP Rogers and Associates, the Local Government Insurance Scheme and Research Solutions. The outcome of the peer review was to recommend that one overall CHRMAP should be developed rather than individual site specific plans which would take multiple years to develop (one plan developed each year for the next five years). The overall CHRMAP was recommended due to the following:

- As sediment and wave modelling needs to occur at a sediment cell level, development of site specific plans would lead to repeated modelling work.
- Adaptation actions taken at one location on the coast can have impacts further along the coast therefore it is better to consider the impact of adaptations options at a larger scale.
- Community engagement could be conducted simultaneously for the entire coastline rather than over multiple years, reducing the chance of engagement fatigue.
- Developing one overall plan would mean that all vulnerable areas would have adaptation actions identified in 2018-19 rather than some areas having to wait a number of years before adaptation actions could be identified.
- It would result in reduced costs over the life of the project.

### Issues and options considered

Council may choose to either:

- endorse the draft *Coastal Infrastructure Adaptation Plan* without any amendments
- endorse the draft *Coastal Infrastructure Adaptation Plan* with amendments  
or
- not endorse the plan.

### Legislation/Strategic Community Plan/Policy Implications

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key Theme</b>	The Natural Environment.
<b>Objective</b>	Environmental resilience.
<b>Strategic Initiative</b>	Identify and respond to environmental risks and vulnerabilities.
<b>Policy</b>	<i>State Planning Policy 2.6 – State Coastal Planning Policy.</i> <i>Local Coastal Planning Policy.</i>

### Risk Management Considerations:

Coastal erosion and future sea level rise poses significant risk to the City's coastal foreshore areas, coastal infrastructure and dunal areas. The development of a *Coastal Infrastructure Adaptation Plan* and a *Coastal Hazard Risk Management Adaptation Plan* will ensure the City has the necessary plans in place to monitor and adapt to the risks as they arise.

**Financial/Budget Implications:**

The implementation of the *Coastal Infrastructure Adaptation Plan* will have financial implications for the City. Projects identified as existing within the plan are approved within existing service levels and have budgets allocated within existing Operating or Capital Works Budgets. Funds to implement new projects within the plan will be subject to the City's annual budget approval process.

Budget to develop the CHRMAP has been included in the draft 2018-19 budget and will include \$62,000 in consultancy costs and \$15,000 in operational costs for community engagement. This is in comparison to the development of five site specific adaptation plans which would have amounted to approximately \$200,000 to \$250,000 in consultancy costs and \$50,000 in engagement costs over the five years.

External funding opportunities will be sought as they arise.

**Regional Significance**

The Western Australian Local Government Association (WALGA) has been undertaking considerable work relating to a coastal vulnerability policy to support and advocate for coastal local governments. The City will continue to engage with WALGA and remain cognisant of WALGA's work in this area.

All coastal Western Australian local governments are required to implement SPP 2.6 and address risk from coastal hazards. The City will remain cognisant of what other local governments are doing in this area. However the City is well placed, given the extensive work it has already completed, to become a leader on coastal vulnerability.

**Sustainability Implications**

Coastal vulnerability has the potential to have significant economic, environmental and social impacts. City assets such as park infrastructure, road infrastructure and City buildings are likely to become vulnerable. Adapting or protecting these assets will have a significant economic impact on the City of Joondalup.

Coastal erosion is also likely to impact on the City's dunal areas and coastal vegetation, of which a large extent is recognised as Bush Forever, resulting in a loss of biodiversity for the City of Joondalup.

The City's coastline is highly valued by the community for its aesthetic, recreational and tourism attributes. Coastal erosion may, over time, limit the ability of the community to access and enjoy these areas. The potential loss of coastal foreshore is likely to generate significant interest from the community and some private properties are likely to be subject to coastal hazards over the 100 year planning timeframe.

**Consultation**

The City engaged with the community in July and August 2016 on coastal vulnerability, coastal hazard areas and SPP 2.6. This engagement included direct letter, frequently asked questions, coastal hazard mapping, a panel workshop, leaflets, information on the City's website as well as through its media and social media networks.

The City will also undertake extensive engagement with the community as part of the development of the CHRMAP, including a coastal values survey to determine how the community values and uses the coast, followed by local information sessions and a feedback survey on the potential adaptation options.

Given the technical nature of this plan, engagement already conducted and the extensive engagement that will occur during the development of the CHRMAP, no further community consultation is required.

## **COMMENT**

The draft *Coastal Infrastructure Adaptation Plan* provides a strategic approach to ensure that the City is prepared for future climate change impacts along its valuable coastline. The draft *Coastal Infrastructure Adaptation Plan* builds on the work already undertaken by the City including the Joondalup Coastal Hazard Assessment, Coastal Monitoring Program and engagement with the community. The key recommendation for the development of a CHRMAP will ensure that the community is further engaged in identifying future adaptation actions for vulnerable areas.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ENDORSES the draft *Coastal Infrastructure Adaptation Plan* as detailed in Attachment 1 to Report CJ082-05/18.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf180508.pdf](#)*

## **CJ083-05/18      PETITION REQUESTING REINSTATEMENT OF VERGE BULK WASTE COLLECTION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	01427, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider the petition requesting that Council bring back the scheduled bulk hard waste collection service.

### **EXECUTIVE SUMMARY**

At its meeting held on 15 March 2016 (CJ042-03/16 refers), Council considered the options for bulk waste collection services including the opportunity to modify the delivery of the existing scheduled bulk hard waste service to introduce an on request service. The proposed changes to the service were recommended to reduce the amount of waste the City sends to landfill; assist the City in achieving the 65% diversion target set by the State Government to be achieved by 2020; and to reduce the cost to deliver the service.

At that meeting Council resolved, in part to the:

- “5      *introduction of an ‘on request’ service for bulk hard waste in lieu of the schedule service already supplied by the City, to be paid for by rate payers either as part of the annual refuse charge or a fee for service;*
- 6      *introduction of one service per year per household for each of the following bulk hard waste streams:*
- 6.1      *general household bulk waste to a maximum of three cubic metres;*
  - 6.2      *one mattress item;*
  - 6.3      *one white goods item.”*

The City implemented this new on request bulk hard waste service in October 2016.

A Petition of 493 Electors was received by Council at its meeting held on 18 July 2017 (C49-07/17 refers). The petition requested that Council consider the reinstatement of the scheduled bulk hard waste verge collection service.

Implementing this request will have a negative impact on the waste diversion rate and visual amenity of the City's streetscapes, however, there may be opportunities for the City to improve the current on request bulk hard waste service based on feedback received from the community since its introduction in October 2016.

*It is therefore recommended that Council:*

- 1 *DOES NOT SUPPORT the reinstatement of the scheduled bulk hard waste collection service;*
- 2 *APPROVES the introduction of the following bulk hard waste stream services per financial year per refuse charge:*
  - 2.1 *one three cubic metre skip bin for bulk hard waste;*
  - 2.2 *one collection of up to six mattresses;*
  - 2.3 *one collection of up to four white good items;*
- 3 *APPROVES the provision of one additional three cubic metre bulk hard waste skip bin at a charge to residents based on the City's contracted rate for collection and processing as detailed in the City's Schedule of Fees and Charges;*
- 4 *ADVISES the lead petitioner of Council's decision.*

## **BACKGROUND**

The Western Australian Waste Strategy '*Creating the Right Environment*' calls for best practice and continual improvement in managing municipal solid waste. The strategy sets targets of diverting 50% of municipal solid waste from landfill by 2015 and 65% by 2020.

In 2014, the City conducted a waste service review, which identified the City collected more bulk hard waste per household than any other local government in Australia and more than double the Western Australia average. This led to the incorporation of a specific project in the City's *Waste Management Plan 2016-2021* to deal with the future of the bulk verge collection services.

In 2014-15 and 2015-16 (the final full year of the scheduled bulk hard waste collection service) the City collected 10,347 and 8,765 tonnes of bulk hard waste respectively. This equates to 11.5% and 10% of the City's total domestic waste stream. In these years, the City was successful in diverting 100% of the bulk green waste collection from landfill but only between 2% and 4% of bulk hard waste was diverted with the remaining going straight to landfill.

An opportunity was identified to generate both cost savings for ratepayers and to reduce the amount of waste that is sent to landfill by changing the way the City delivers the bulk hard waste service. This change has assisted the City with its move towards achieving the 65% diversion target set by State Government.

The *Better Practice Vergeside Collection Guidelines* produced by WALGA in 2014 identifies better practice recovery solutions for bulk hard waste collections to maximise diversion from landfill which are as follows:

- Clearly separating green and hard waste collections.
- Reducing the amount of material placed on the verge by providing good information on how residents can reduce and reuse the material usually put out for collection.

- Reducing the number of hard waste collections per year (recommended one collection per year).
- Reducing the volume of hard waste allowed on verge (recommended two cubic metre limit).
- Providing clear information to residents prior to collection so that types and volumes of material allowed are understood.
- Reducing time periods that residents are allowed to put waste on the verge (to ensure that material is collected no more than one week after informational material is distributed).
- Enforcement of material type, set out timing and volume limits.

The advantages of an on request service for bulk hard waste as identified in the *Better Practice Vergeside Collection Guidelines* are as follows:

- The collection date is chosen by the resident at a time convenient for them.
- The booking of the service gives the local government an opportunity at the point of contact to suggest alternative uses for the material.
- The booking of the service gives the local government an opportunity at the point of contact to provide clear information on types of material that will be collected.
- Provides the opportunity to enhance the local amenity and meet health and safety requirements by ensuring that material can only be set out on the verge close to the collection date (the night before collection is recommended).

At its meeting held on 15 March 2016 (CJ042-03/16 refers), Council considered the options for bulk waste collection services including the opportunity to modify the delivery of the existing bulk hard waste service to introduce an on request service. The proposed changes to the service were recommended to reduce the amount of waste the City sends to landfill, reduce the cost of delivering the service and better align with the *Better Practice Vergeside Collection Guidelines*.

At that meeting Council resolved, in part to the:

- “5 *introduction of an ‘on request’ service for bulk hard waste in lieu of the schedule service already supplied by the City, to be paid for by rate payers either as part of the annual refuse charge or a fee for service;*
- 6 *introduction of one service per year per household for each of the following bulk hard waste streams:*
- 6.1 *general household bulk waste to a maximum of three cubic metres;*
  - 6.2 *one mattress item;*
  - 6.3 *one white goods item.”*

The City implemented this new on request bulk hard waste service in October 2016.

## **DETAILS**

At its meeting held on 18 July 2017 (C49-07/17 refers), Council received a 493 signature petition from residents of the City of Joondalup requesting Council give consideration to the reinstatement of the scheduled bulk hard waste verge collection service. The wording on the petition was as follows:

*"We, the undersigned all being electors of the City of Joondalup, do respectfully request that the Council:*

*Bring back the verge bulk waste collection."*

The City's on request bulk hard waste collection service is delivered by Cleanaway under a three year contract (until 6 October 2019 with two one year extensions available) and consists of the following:

- One three cubic metre skip bin per financial year per refuse charge.
- One collection of one white good item per financial year per refuse charge.
- One collection of one mattress per financial year per refuse charge.

In 2016-17 the City collected 2,805 tonnes of bulk hard waste and achieved a diversion rate of approximately 48% at a cost of \$1.02 million. Under the previous scheduled bulk hard waste service, the City, in most years, collected in excess of 10,000 tonnes per year and only achieved a diversion rate of between 2% and 4%. The cost to provide the scheduled service in 2015-16 was \$2.6 million. Since the introduction of the on request bulk hard waste service, the bulk hard waste collected annually per household has reduced from 273kg to approximately 51kg.

A comparison of the previous scheduled bulk hard waste service and the revised on request bulk hard waste service has been undertaken and a summary is provided below:

	<b>Scheduled Bulk Hard Waste Service</b>	<b>On Request Bulk Hard Waste Service</b>
Availability	One scheduled service per financial year.	<ul style="list-style-type: none"> <li>• One three cubic metre skip bin per financial year.</li> <li>• One collection of one white good item per financial year.</li> <li>• One collection of one mattress per financial year.</li> </ul>
Amount of material	Limited to three cubic metres.	Limited to three cubic metres.
Diversion from landfill	Approximately 2% diverted.	Approximately 55% diverted (2017-18).
Visual amenity	<ul style="list-style-type: none"> <li>• Untidy.</li> <li>• Stayed on street up to three weeks.</li> <li>• Impacted on by vandalism.</li> </ul>	Improved visual amenity.
Convenience	Scheduled service once per year at a date set by the City.	On request service at a time convenient to the resident.
Ease of use	Bulk hard waste placed on verge.	Harder for some residents to place material in skip bin.
Acceptable material	<ul style="list-style-type: none"> <li>• Household furniture.</li> <li>• Floor coverings.</li> <li>• Bed frames/headboards.</li> <li>• Oversized cardboard packaging.</li> <li>• Old bicycles/exercise equipment.</li> <li>• General junk/bulky household items.</li> <li>• BBQ's/outdoor furniture.</li> <li>• Hot water systems.</li> </ul>	<ul style="list-style-type: none"> <li>• Household furniture.</li> <li>• Floor coverings.</li> <li>• Bed frames/headboards.</li> <li>• Oversized cardboard packaging.</li> <li>• Old bicycles/exercise equipment.</li> <li>• General junk/bulky household items.</li> </ul>

	<b>Scheduled Bulk Hard Waste Service</b>	<b>On Request Bulk Hard Waste Service</b>
		<ul style="list-style-type: none"> <li>• BBQ's/outdoor furniture.</li> <li>• Hot water systems.</li> </ul>
Enforcement	Difficult to enforce maximum volumes and materials presented.	Enforcement easier as materials containerised.
Other	Increased opportunity for illegal dumping. <ul style="list-style-type: none"> <li>• Impacted on vehicle/pedestrian sight lines.</li> <li>• Damaged irrigation when collecting materials.</li> </ul>	Reduced opportunities for illegal dumping. <ul style="list-style-type: none"> <li>• Reduced impact of vehicle/pedestrian sight lines.</li> <li>• Reduced impact on irrigation systems.</li> </ul>

To further inform the City's on request bulk hard waste service, an assessment was undertaken to compare the City's bulk hard waste service with the service provided by other local councils. A summary is provided in the table below.

<b>Local Government</b>	<b>Bulk hard waste 'on-request' service</b>	<b>Additional bulk hard waste services</b>
City of Stirling	<ul style="list-style-type: none"> <li>• One 'on request skip bin (three cubic metres) per household per year.</li> <li>• Extra skip bins available for a fee.</li> </ul>	<ul style="list-style-type: none"> <li>• One on request waste collection, up to six items.</li> <li>• One on request mattress/base collection, up to six items.</li> <li>• One on request white goods collection, up to four items.</li> </ul>
City of Belmont	Four 'on request skip bins (three cubic metres) per household per year.	<ul style="list-style-type: none"> <li>• Choice of green waste or hard waste skips.</li> <li>• Can swap on request skip bin for tip vouchers.</li> <li>• Drop off days for mattresses and white goods.</li> </ul>
City of Bayswater	Three 'on request skip bins (three cubic metres) per household per year.	<ul style="list-style-type: none"> <li>• Skips can be swapped for tip vouchers.</li> <li>• On request collection of one white good per year.</li> <li>• No dedicated mattress collection.</li> </ul>
City of Kalamunda	Three 'on request skip bins (three cubic metres) per household per year.  Additional skip for properties over two thousand metres and two additional skips for properties over five thousand metres.	<ul style="list-style-type: none"> <li>• Choice of green waste or hard waste skip bins.</li> <li>• Drop off centre for green waste.</li> <li>• Drop off centres for mattresses or white goods at the tip.</li> <li>• Collection of mattresses or white goods at a fee (maximum two items).</li> </ul>

### Issues and options considered

As no reasons for returning to the previous scheduled bulk hard waste collection service were provided by the petitioners, the City has reviewed queries, requests and issues raised by residents since the implementation of the on request bulk hard waste service and the main themes are listed below:

- Request for more than one skip bin collection per financial year.
- Request for more than one mattress per collection per financial year.
- Include the bed base as part of the mattress collection.
- Request for additional white goods items per collection per financial year.
- Concern that it is difficult for some residents (for example, the elderly) to place items into the skip bin.

The above themes were reviewed in relation to the current service and consideration has been given for minor amendments to improve the City's bulk hard waste provision as summarised in the table below:

Request	Current On Request Service (per financial year per refuse charge)	Proposed On Request Service (per financial year per refuse charge)
Request for more than one skip bin collection per financial year.	Residents can request one three cubic metre skip bin.  Residents can request an additional skip bin from the City's contractor at the contractors commercial rate of approximately \$270. Acceptable material for this bin is however different from the City's bulk hard waste skip bin and residents can include items normally excluded such as building rubble.	Maintain the provision of one three cubic metre skip bin.  Provision of one additional bulk hard waste skip bin at a charge to residents based on the City's contracted rate for collection and processing as detailed in the City's Schedule of Fees and Charges. The current cost to the City is approximately \$80 - \$90 per skip bin. This includes a collection cost per skip bin and processing cost based on the weight of the material processed.  This will provide residents the opportunity to access a second bin at a reduced rate to them at no additional cost to the City.
Request for more than one mattress per collection per financial year.	Residents can request one mattress collection.  Additional items can be collected by the City's collection contractor but this is a commercial arrangement between the City's contractor and residents and payment needs to be made prior to pick up. The current rate is \$34.98 per item.	Provision of up to six mattresses per one collection at no additional cost to the resident.  This will address concerns raised by residents and better aligns the City's service provision with other local governments. This may mean an initial minor increase in cost to the City, however, will balance out over time as residents will not necessarily replace their mattresses earlier than required.

<b>Request</b>	<b>Current On Request Service (per financial year per refuse charge)</b>	<b>Proposed On Request Service (per financial year per refuse charge)</b>
Include bed base as part of the mattress collection.	Bed bases are not included as part of the mattress collection service, rather they are processed as part of the bulk hard waste collected via the skip bin.	No change proposed.
Request for additional white good items per collection per financial year.	Residents can request the collection of one white good item.  Additional items can be collected by the City's contractor but this is via a commercial arrangement between the City's contractor and residents and payment needs to be made prior to pick up. The current rate is \$19.64 per item.	Provision of up to four white good items per one collection per financial year at no additional cost to the resident.  This will address concerns raised by residents and better aligns the City's service provision with other local governments. This may mean an initial minor increase in cost to the City, however, will balance out over time as residents will not necessarily replace their white goods earlier than required.
Concern that it is difficult for some residents (for example the elderly) to place items in the skip bin.	Residents are advised to ask family/friends or neighbours to assist in lifting the items into the skip bin.  With the previous scheduled service, residents were still required to put their bulk hard waste on the verge for collection.	No change proposed.  The City investigated the use of skips with drop down doors or sides. The introduction of a skip with a drop down door would greatly reduce efficiencies in the collection system and increase costs considerably. It is also a major health and safety concern requiring residents to open and close heavy drop down doors. This was therefore not considered viable.  The City also considered other options to provide assistance to load bulk hard waste items from the verge into the skip bin. The option to use volunteers was not considered appropriate due to health and safety concerns for volunteers. The option to use an external contractor was deemed not feasible due to the additional cost involved in providing this additional service to residents.  Residents will therefore continue to be advised to ask family/friends or neighbours to assist in lifting the items into the skip bin. The City will, however, continue to explore avenues to provide assistance for those residents in genuine need.

Based on the above the following three options were identified:

Option 1 - support the request to return to the old style suburban scheduled bulk hard waste collection

This option would substantially increase the costs to the City and residents. More importantly, it will have a negative impact on the waste diversion rate and visual amenity of the City's streetscapes and be contradictory to the City's strategic objectives contained within the *Waste Management Plan 2016-2021*.

Option 2 - not support the request to return to the old style suburban scheduled bulk hard waste collection and maintain the current on request bulk hard waste collection services without modification

This option is the cheapest option; however, it does not address some of the issues identified above with the current on request service.

Option 3 - not support the request to return to the old style suburban scheduled bulk hard waste collection but modify the on request bulk hard waste service to address some of the issues identified

Although this option is slightly more expensive than the current service provision it will address some of the issues identified following concerns raised by residents. This is the preferred option.

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

**Legislation** *The Waste Avoidance and Resource Recovery Act 2007.*

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.  
The Natural Environment.

**Objective** Effective management.  
Environmental resilience.

**Strategic initiative** Seek out efficiencies and regional collaborations to reduce service delivery costs.

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

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

### **Risk management considerations**

A range of risks exist when considering current and future bulk verge collection services provided by the City. The City needs to ensure that it puts in place arrangements for managing its domestic waste as a whole over the long term in order to:

- maintain good services to residents
- ensure that services are financially sustainable
- achieve landfill diversion targets.

**Financial / budget implications**Current financial year impact

<b>Account no.</b>	625 Waste Management Services.
<b>Budget Item</b>	3373 Collection Bulk Hard Waste. 3378 Processing Bulk Hard Waste.
<b>Budget amount</b>	3373 \$ 1,058,108 3378 \$ 686,211
<b>Amount spent to date</b>	3373 \$ 733,831 3378 \$ 387,819
<b>Proposed cost</b>	No increase.
<b>Balance</b>	3373 \$ 324,277 3378 \$ 298,392

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Waste reduction, reuse and recycling results in reduced landfill, reduced energy and a reduction in raw material consumption. Changes to the bulk hard waste collection service has assisted in increasing the City's diversion of waste from landfill.

**Engagement**

An information and education program has been rolled out across the City with the aim to inform and educate residents about the on request bulk hard waste service and the positive impact this has had since implementation.

Any further changes to this service will require effective communication to ensure residents are aware of the service available to them. The City would achieve this by updating the City's website and undertake a further community engagement campaign to inform, educate and promote the new service provisions.

**COMMENT**

Waste service changes generally require significant investment, community engagement and community behaviour change and need to stay in place for a number of years to be effective. Changes need to be based on technical analysis and sound decision-making.

The introduction of the on request bulk hard waste service has enabled the City to increase its diversion from landfill to just under 60% in 2016-17. This change has also reduced the cost by approximately \$1.8 million for 2016-17.

A return to the former scheduled bulk hard waste service will increase operational costs. For example, using the tonnages collected in 2015-16 (the last full year of the scheduled collection services) estimated at 10,300 tonnes and applying the current tipping fee of \$180 per tonne, the additional cost to the City for a scheduled service would be \$2.3 million.

Furthermore, the current bulk hard waste service is aligned to the City's strategic objectives contained within the *Waste Management Plan 2016-2021* which seeks to address waste diversion targets, mostly affected by bulk hard waste. This plan was developed through an extensive community engagement process and takes a long term view in achieving sustainable waste management practices. Significant deviations from this plan, such as reverting back to previous service delivery modules for bulk hard waste, would be inconsistent with the City's strategic aims and objectives.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1 DOES NOT SUPPORT the reinstatement of the scheduled bulk hard waste collection service;**
- 2 APPROVES the introduction of the following bulk hard waste stream services per financial year per refuse charge:**
  - 2.1 one three cubic metre skip bin for bulk hard waste;**
  - 2.2 one collection of up to six mattresses;**
  - 2.3 one collection of up to four white good items;**
- 3 APPROVES the provision of one additional three cubic metre bulk hard waste skip bin at a charge to residents based on the City's contracted rate for collection and processing as detailed in the City's Schedule of Fees and Charges;**
- 4 ADVISES the lead petitioner of Council's decision.**



**URGENT BUSINESS**

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

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

**CLOSURE**



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

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

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

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

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

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



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

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

**QUESTIONS**

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Please submit this form at the meeting or:

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

**Please note that:**

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



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

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

**STATEMENT**

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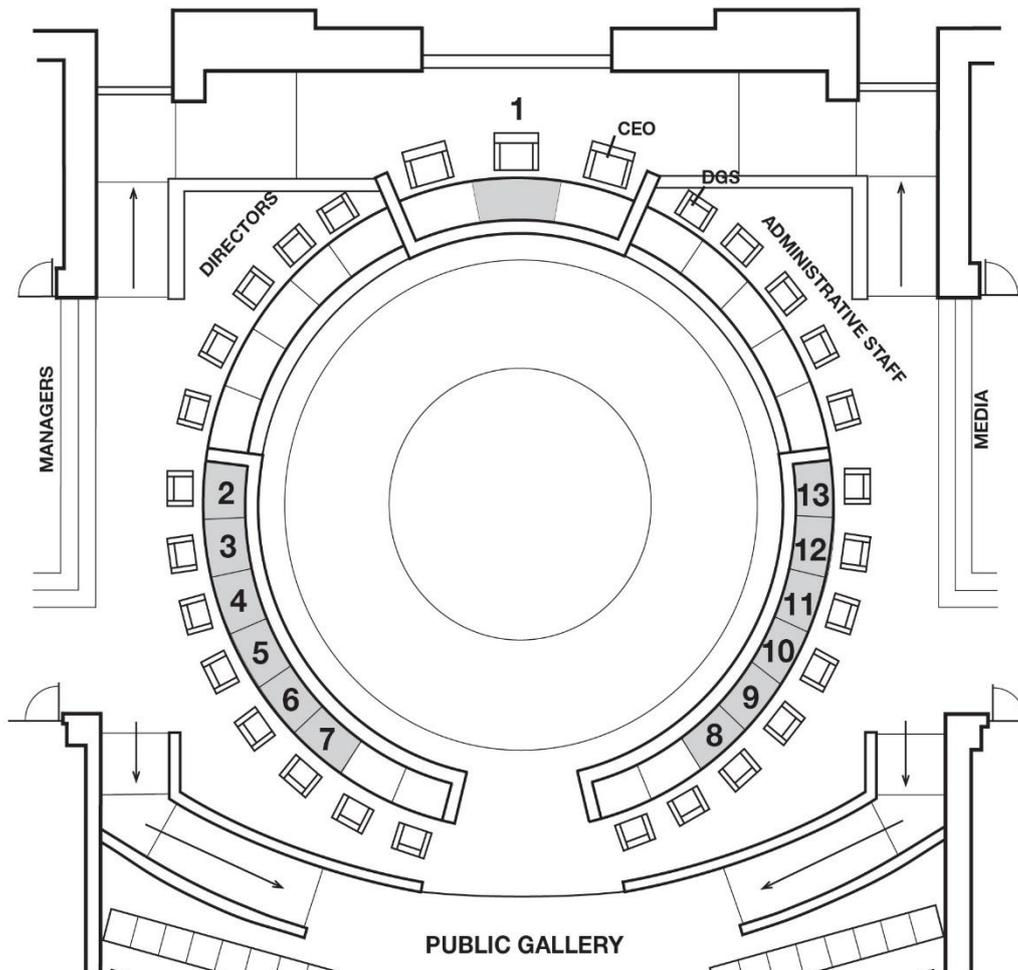
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Please submit this form at the meeting.

**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)