

minutes

MEETING HELD ON **TUESDAY 20 NOVEMBER 2018**

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CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY 20 NOVEMBER 2018.**

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

ANNOUNCEMENT OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North Central Ward	<i>absent from 8.43pm to 8.45pm</i>
CR NIGE JONES	North Central Ward	
CR CHRISTOPHER MAY	Central Ward	
CR RUSSELL POLIWKA	Central Ward – <i>Deputy Mayor</i>	<i>absent from 7.35pm to 7.41pm</i> <i>absent from 8.49pm to 8.51pm</i>
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	
CR JOHN CHESTER	South-East Ward	<i>absent from 8.28pm to 8.31pm</i>
CR JOHN LOGAN	South-East Ward	<i>absent from 7.33pm to 7.36pm</i>
CR RUSS FISHWICK, JP	South Ward	
CR SOPHIE DWYER	South Ward	<i>absent from 7.38pm to 7.40pm</i>

Officers:

MR GARRY HUNT	Chief Executive Officer	<i>absent from 8.27pm to 8.28pm</i> <i>absent from 8.52pm to 8.58pm</i>
MR MIKE TIDY	Director Corporate Services	
MR JAMIE PARRY	Director Governance and Strategy	
MS DALE PAGE	Director Planning and Community Development	
MR NICO CLAASSEN	Director Infrastructure Services	
MR BRAD SILLENCE	Manager Governance	<i>absent from 8.53pm to 8.54pm</i>
MR CHRIS LEIGH	Manager Planning Services	<i>to 8.35pm</i>
MR STUART McLEA	Media and Communications Officer	
MR JOHN BYRNE	Governance Coordinator	
MS JODIE DUTTON	Business Performance Analyst	<i>to 8.52pm</i>
MRS LESLEY TAYLOR	Governance Officer	
MRS WENDY COWLEY	Governance Officer	

There were 185 members of the public and one member of the press in attendance.

DECLARATIONS OF INTEREST

Disclosures of Financial / Proximity Interest

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

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ209-11/18 - Joondalup City Centre Development – Project Status.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Poliwka owns a property adjacent to two lots.

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No./Subject	CJ211-11/18 - Chief Executive Officer – Variation to Expiry of Contract of Employment.
Nature of interest	Financial Interest.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Disclosures of interest affecting impartiality

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

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ189-11/18 - Retrospective Development Application for Seating Addition to the Little H Café (Restaurant) at Lot 702 (24/34) Marri Road, Duncraig.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Several tenants of Duncraig Shopping Centre displayed promotional material on Cr Dwyer's behalf during the 2015 election.

Name/Position	Cr Christine Hamilton-Prime.
Item No./Subject	CJ205-11/18 - Sports Development Program Round One 2018-19.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Hamilton-Prime is the Vice-Patron of Sorrento Surf Life Saving Club and the President of the Whitford Football Club is known to Cr Hamilton-Prime.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ205-11/18 - Sports Development Program Round One 2018-19.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick is a member of the Sorrento Bowling Club.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ207-11/18 - Draft Multiple Dwellings within portion of Housing Opportunity Area 1 Local Planning Policy – Western Australian Planning Commission Decision.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Many residents in the subject area are known to Cr Fishwick.

Name/Position	Mr Mike Tidy – Director Corporate Services.
Item No./Subject	CJ211-11/18 - Chief Executive Officer – Variation to Expiry of Contract of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 16 October 2018:

Mr M Dickie, Duncraig:

Re: C92-10/18 – Notice of Motion – Cr Mike Norman – Update of the City's Investment Policy to support greater percentage of divestment.

Q1 In view of the latest United Nation's Intergovernmental Panel on Climate Change report "SR1.5 – Global Warming of 1.5 degrees centigrade" and the federal government's response, will Council confirm it has endorsed the Western Australian Local Government's pledge to divest from funding fossil fuels, inform residents what progress it has made in greenhouse gas accounting under the global covenant of Mayors' for Climate and Energy and increase the targets set out in its current climate change strategy?

*A1 Following a Notice of Motion presented at the Council meeting held on 16 October 2018 (C92-10-18 refers) the City will prepare a report to Council examining whether the City's *Investment Policy* be amended to place a greater percentage of invested funds in institutions that have all (or a great majority) of their portfolio in fossil fuel free investments. It should be noted that as of the 31 August 2018, the City currently invests around 25% of its investment portfolio with financial institutions that do not fund fossil fuel projects.*

The City is a member of the Global Covenant of Mayors for Climate and Energy and has achieved full compliance of the program demonstrating a commitment to promoting and supporting action to combat climate change and move to a low emission, resilient society. The City was the first fully compliant local government in Western Australia.

The City's *Climate Change Strategy* commits to the reduction of net greenhouse gas emissions by 5% per capita below 2012-13 emissions by 2018-19. Over the life of the *Climate Change Strategy* the City has reduced its total corporate emissions by 23%.

The City reports on its emissions progress annually via the City's *Annual Report* which is in line with the reporting requirements of the *Global Covenant of Mayors for Climate and Energy Program*.

The City's *Climate Change Strategy* will undergo a major review in 2019-20 and will consider the findings of the most recent and relevant reports including the research developed by the IPCC and Western Australian Local Government Association.

Q2 *Will Council consider two measures which will encourage both monitoring and actions to reduce local greenhouse gas emissions:*

- (a) *republish its informative "Think Green" pamphlet first published in 2012;*
- (b) *sign up to the Under 2 Memorandum of Understanding by which signatory parties commit themselves to undertake their own unique set of plans and actions to reach mid-term goals by 2030 and the target to limit global warming to less than 2 degrees centigrade by 2020?*

A2 Response to 2(a).

The Think Green Energy brochures were developed to coincide with a series of workshops that the City held in 2012, the information contained in these brochures is now outdated. The City implements an Environmental Education Program which provides a number of opportunities to the community to gain information on energy and climate change related topics. This information is provided through a series of workshops and the City's website which includes downloadable resources such as the City's DIY Energy Audit.

Response to 2(b).

The *Under 2 Memorandum of Understanding* (MoU) aims to encourage National (Federal) and subnational (State) governments to commit to reducing emissions. By signing the agreement each government commits to limiting emissions to 80-95% below 1990 levels, or to below 2 annual metric tons per capita, by 2050 – the level of emission reduction necessary to limit global warming to under 2°C by the end of this century. The Federal Government and the State Government (WA) are not signatories of the Under 2 MoU.

The City is a signatory to the WALGA Climate Change Declaration and is a participant of the Global Covenant of Mayors for Climate and Energy Program. Through these initiatives the City has declared that measures will be put in place to reduce greenhouse gas emissions and ambitious reduction targets have been established. Furthermore, since establishing the corporate emissions reduction target as part of the City's *Climate Change Strategy*, greenhouse gas emissions have decreased by 23 per cent.

The following questions were submitted prior to the Council meeting on 20 November 2018:

Mr M Moore, Edgewater:

Re: Development Approvals in Housing Opportunity Areas up to end of September.

Q1 In the R20/R30 HOA how many development approvals (DAs) have been multiple dwellings and how many have been grouped dwellings and how many have been single dwellings?

Q2 In the R20/R40 zones how many development approvals (DAs) have been multiple dwellings and how many have been grouped dwellings and how many have been single dwellings?

Q3 In the R20/R40 zones how many multiple dwelling (Das) were approved with discretions and how many grouped dwelling (Das) were approved with discretions?

Q4 In the R20/R60 zones how many development approvals have been multiple dwellings and how many have been grouped dwellings and how many have been single dwellings?

Q5 In the R20/R60 zones how many multiple dwelling (DAs) were approved with discretions and how many grouped dwelling (DAs) were approved with discretions?

Answers to Questions 1, 2 and 4

Each month a report is provided to the Council on the development applications that have been determined under delegated authority. The information in the attachments to this report includes the type of development, the address and the decision made. The information sought can be obtained by reviewing the minutes of the Council meetings from February 2016 through to September 2018 at the following link:

<https://www.joondalup.wa.gov.au/kb/resident/council-meetings-agendas-and-minutes>

The same link can be used to obtain information about applications that have been determined by the Council.

Information on applications that have been determined by the Joint Development Assessment Panel can be found at:

<https://www.planning.wa.gov.au/Metro-North-West-JDAP.asp#agendas>

Answers to Questions 3 and 5

Answering these questions would require a City officer to review the file(s) for each of the multiple dwelling and grouped dwelling applications approved across all Housing Opportunity Areas since 1 February 2016 (around 280 reports). This would take significant officer time and would divert City resources from dealing with other important issues and other customers.

Therefore, this information will not be provided in response to this request as per s5.95(1)(b) of the *Local Government Act 1995*, which states that a person's right to inspect information does not extend to inspection of information which, in the CEO's opinion, would divert a substantial and unreasonable portion of the local government's resources away from its other functions.

It is also noted that the term "discretion" is sometimes misinterpreted as representing non-compliance or non-conformance, and this is not the case.

The R-Codes is a performance-based document, because it would not be appropriate for one set of strict rules to apply to all land. As a performance-based document, the R-Codes contain high level objectives and associated design principles, and professional discretion or judgement needs to be exercised to determine whether a proposal meets these design principles (and therefore the objectives). If not, the proposal is considered non-compliant.

The "deemed-to-comply" standards in the R-Codes are merely suggestions how the design principles (and therefore the objectives) can be achieved. Where the deemed-to-comply standards are not met, this does not necessarily mean the proposal does not meet the objective.

Approval of a proposal using the design principles is not a "variation" or a relaxation of any kind. Part 3 of the R-Codes explanatory guidelines states: "While the deemed-to-comply provisions do allow for a straightforward pathway to approval, the use of the design principles rather than the deemed-to-comply provisions should not be viewed as non-compliance, but rather an alternative design outcome."

Ms N Dangar, Beldon:

Re: Sustainable Home - Renovation and Design Seminar.

Q1 What were the specific intended environmental change outcomes when the City granted "Ecoburbia" to provide the workshop on Sustainable Housing on 8 November 2018?

A1 The intent of the Sustainable Home Renovation and Design Seminar, presented by Ecoburbia, was to improve attendees knowledge of sustainable house design and provide practical tips for consideration in the design of new homes and for retrofitting existing homes. Topics covered included solar passive house design, orientation, insulation, thermal mass, window treatments, use of shading, rainwater, bores and greywater systems.

Q2 What did the City pay "Ecoburbia" for the benefit of this workshop to our community?

A2 The fee for the Sustainable Home - Renovation and Design Seminar, paid to Ecoburbia was \$1,200.

Q3 What is the total amount the City has previously paid for these types of workshops?

A3 The City spends approximately \$3,500-\$4,000 per year for the workshops.

The City undertakes an annual review of the Think Green *Environmental Education Program* and also surveys attendees following events. Post event surveys have shown that on average 96% of attendees are highly satisfied with the initiatives delivered as part of the program.

Q4 *Was any consideration given to the fact that employment was granted to this business based in Fremantle, outside Joondalup, when there are many unemployed people who are ratepayers here in Joondalup and could have provided a far more realistic workshop on saving water and power?*

A4 Through the Think Green *Environmental Education Program* the City engages various consultants and presenters to assist in the delivery of the annual program. A number of the presenters that are engaged are locally based, however as the City seeks to provide diversity in the types of workshops that are provided, presenters from outside of the City are also engaged when local presenters are not available or when cost is prohibitive. The appointment of consultants and presenters is in accordance with the City's Purchasing Protocols.

Ms B Lee, Kallaroo:

Re: *Traffic Volume and Improved Road System.*

Q1 *Is it wise to increase the population to as much as six more families on a block in an area where the infrastructure is meant to hold one or two families, and if so, what is being done to improve the road system to cater for the increase?*

A1 The City has been working to address concerns raised by members of the community about the potential impact that higher density development may have on existing neighbourhoods identified as Housing Opportunity Areas in the City's *Local Housing Strategy*.

Consultants have been appointed to prepare a design-led planning framework to better manage the impact of development in the Housing Opportunity Areas. As part of this process, traffic consultants will undertake a traffic and road capacity analysis of the Housing Opportunity Areas and provide recommendations to the City that will inform both the planning framework and any upgrades that may be required to the transport network in future.

Mr N Prince, Kallaroo:

Re: *R40 / R60 Building Codes – Housing Opportunity Area 5 – Kallaroo.*

Q1 *Given the overwhelming local objection to the R60 plans by developers in the North Shore enclave of Housing Opportunity Area 5, why will Council not place a hold on consideration of these submissions pending the outcome of the current independent review?*

A1 There is no existing or proposed residential code of R60 within the North Shore part of Housing Opportunity Area 5.

Notwithstanding, in the case of subdivision, the Western Australian Planning Commission is the decision-making authority. The City is provided an opportunity to review and provide a recommendation on subdivision proposals, as are other agencies such as the Water Corporation and Western Power, however, the City has no ability to pause or stop a subdivision proposal from being determined.

It is not legally possible to pause or stop the determination of a development application that is made in accordance with the designated residential density coding.

Q2 *Why has Council limited the terms of reference of the independent review to exactly the same Housing Opportunity Area R Code development plan that was formulated 10 years ago under very different demographics instead of exploring more innovative ways to achieve the population infill requirement?*

A2 While the objective of the work the planning consultants are undertaking is not to redo the entire *Local Housing Strategy*, if the consultants are of a view, following early public consultation and their own research and analysis, that changes to boundaries of Housing Opportunity Areas (HOAs) or changes to densities of certain lots or streets or parts of HOAs should occur, then this would be taken into consideration.

Mr R Repke, Kallaroo:

Re: *CJ191-11/18 – Proposed Unlisted Use (Helicopter Parking) at Joondalup Resort – Lot 535 (45) Country Club Boulevard, Connolly.*

Q1 *Would it not make sense to park helicopters in the evening at Jandakot, where there is space and emergency equipment?*

A1 Council is required to assess and make a determination on the application as submitted by the applicant.

The applicant has advised that a number of helicopters are currently stored at Jandakot airport, however parking a helicopter at Joondalup Resort would reduce the time and cost associated with travel to and from Hillary's Boat Harbour where scenic tours are undertaken.

Re: *Local Law to protect trees on private and public land.*

Q2 *Would it not be a good save guard for our green canopy from being destroyed by developers, if we would have (as I have asked for many times) a local law protecting trees on private and public land?*

A2 The City currently has limited ability to protect trees on private land; however, the City is investigating the potential for greater control over tree retention through its new planning framework for infill development. Following finalisation of this framework and approval of the content by the State Government, the City will also review its policy relating to other residential development to include stronger provisions (if approved by the State Government) relating to tree retention.

Under the City's *Local Government and Public Property Local Law 2014* it is an offence for any person to remove a tree on local government property without approval from the City. Local governments do not have the ability to create local laws protecting trees on private property.

Re: *Housing Opportunity Areas.*

Q3 *When will the City put clear and strict guidelines controlling developments onto the agenda to make sure that a development fits in with the surrounding homes?*

- A3 The City has appointed planning consultants to prepare a planning framework with a view to better managing development within the Housing Opportunity Areas (HOA). Following completion of the community engagement process and analysis of each HOA, the consultants will prepare a design-led local planning policy and a new scheme amendment, which will be presented to Council for consideration and community consultation in 2019.
- Q4 *How can the State just overrule the housing opportunity plan suggested by our City which was, and is good?*
- A4 The City cannot answer this question as it is a matter for the Western Australian Planning Commission.
- Q5 *Was the increase of R Codes as ordered by the State approved by Parliament, if not why not?*
- A5 No. Under the *Planning and Development Act 2005*, the Minister makes the final decision in relation to amendments to a planning scheme.

Mr M Dickie, Duncraig:

Re: *C92-10/18 – Notice of Motion – Cr Mike Norman – Update of the City’s Investment Policy to support greater percentage of divestment.*

Q1 *The IPCC report SR1.5: ‘Global Warming of 1.5°C’ states that human activity has already caused about one degree Celsius of global warming and suggests that the pledges made as part of the Paris Agreement will not limit global warming to 1.5 degrees, so is Council confident that its present policies will contribute to rectifying this position?*

A1 Limiting greenhouse gas emissions is the responsibility of all levels of government, industry and the community. The City’s *Climate Change Strategy* commits to the reduction of net greenhouse gas emissions by 5% per capita below 2012-13 emissions by 2018-19. Over the life of the *Climate Change Strategy* the City has reduced its total corporate emissions by 23%. The City’s *Climate Change Strategy* will undergo a major review in 2019-20 and will consider the findings of the most recent and relevant reports including the research developed by the IPCC and other research bodies.

Q2 *Since the City is a signatory to the WALGA Local Government Climate Change Declaration, can you set out the undertakings that Council has made under this declaration?*

A2 In accordance with the WALGA Local Government Climate Change Declaration the City has developed a *Climate Change Strategy* that details climate change actions across all local government functions, sets an emissions reduction target and is implementing actions to achieve that target.

Climate change mitigation and adaptation activities undertaken by the City are outlined in the City’s *Climate Change Strategy 2014-2019*. These activities include undertaking environmental building audits, improving the energy efficiency of City buildings, installing photovoltaic systems on City buildings, offsetting vehicle fleet emissions, community education and planning for future coastal impacts.

- Q3 *In view of the fact that the City is also a signatory to the Global Covenant of Mayors for Climate and Energy, could you please direct me to the results of the greenhouse gas accounting which the City agreed to provide under this covenant?*
- A3 The City reports on its emissions progress annually via the City's *Annual Report* which is in line with the reporting requirements of the *Global Covenant of Mayors for Climate and Energy Program*. The City's *Annual Report* is publicly available on the City's website.
- Q4 *The City's current Climate Change Strategy has a greenhouse gas emissions target of five percent below 2012 levels for the current year. How does this relate to 2000 levels which is the internationally agreed baseline allowing true comparisons?*
- A4 The *Climate Change Strategy 2014-2019* identifies 2012 levels as the baseline for assessing the effectiveness of the strategy in reducing emissions. The City currently calculates its emissions as part of the Planet Footprint Program and under this program does not have emissions data dating back to 2000. Comparisons to emission inventories under the previous Cities for Climate Protection Program, are not directly comparable due to differing methodologies.
- Q5 *Since 2010, the last year under the Cities for Climate Protection Program, the City targeted a 20% reduction on 2000 levels but fell short by four percent. What measures has Council adopted to improve this performance?*
- A5 In the City's *Greenhouse Action Plan 2017-2010* (developed as part of the Cities for Climate Protection Program) the City set a corporate emissions reduction target of 20% on 1996 levels by 2010. While the City did not achieve a 20% reduction in this timeframe a 16% reduction in emissions is a significant achievement. The City's current measures to further reduce its greenhouse gas emissions are outlined within the *Climate Change Strategy 2014-2019*.

The following questions were submitted verbally at the Council meeting:

Mr O Kotur, Craigie:

- Re: *CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.*
- Q1 *Was it Optus or the City's planning department that first suggested the site of Camberwarra Park?*
- A1 The Director Planning and Community Development advised that some time ago Optus approached the City having made several attempts to identify suitable sites, with limited success. Optus asked the City which sites it would consider as the City was required to sign an application form to that effect. This site was one such site under consideration, but the application was only signed on the basis to enable the application to be submitted, to test community sentiment and for the applicant to lodge a proposal. It did not indicate support or otherwise of the proposal.
- Q2 *When did the City decide that the site in question was appropriate for the application and did City officers visit the site or take the opportunity to consult with any of the families that would be directly affected?*

A2 Mayor Jacob commented it is not the responsibility of the City to progress a proponents proposal, nor to build community support or otherwise; that is the responsibility of those putting forward the proposal. From an Elected Member perspective, the officers of the City work within the policy framework which is set largely by other tiers of government, both state and federal, the policy framework of this City and the policy framework of legislation. Officers do so in a professional manner, but it is not the City's role beyond that.

The Director Planning and Community Development stated City staff were well aware of all the sites that were canvassed. There was no need to specifically visit this site. No consultation was undertaken on this as no application had yet been submitted. The purpose of the application was to allow for consultation.

Ms N Woodley-Smith, Kallaroo:

Re: Housing Opportunity Area No. 5.

Q1 *Will Council please advise how many public statements were received regarding the dwelling proposed in Cromer Grove, Kallaroo and detailing how many were for and how many were against the proposal?*

Q2 *When the City assesses waste management plans for multiple dwellings in order for Council's approval, what policies and other criteria are they assessed against?*

A1&2 Mayor Jacob advised these questions would be taken on notice.

Mr R Edwards, Craigie:

Re: CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.

Q1 *If this tower has been determined not to have unreasonable visual impact on the local residents, can you please inform us what is considered to be visually unacceptable?*

A1 The Director Planning and Community Development advised what is considered to be visually unacceptable will have a lot to do with the context, the way a home is orientated, the topography of the site and whether there is vegetation or other structures. This is the reason the City needs to rely on a visual impact assessment from an experienced landscape architect who specialises in this field. The architect takes those aspects into account and makes a judgement on that basis.

Q2 *Do you not think it is a conflict of interest to have the applicant wanting to install the tower write the only visual impact assessment report and the visual impact assessment report is then peer reviewed by the City of Joondalup who recommended the sites in the first instance?*

A2 The Director Planning and Community Development commented the visual impact assessment was required by the State Administrative Tribunal as a result of mediation, not the City of Joondalup. The applicant was required to engage a consultant to undertake the assessment. The City was then required to undertake a peer review of the assessment and engaged an independent consultant to perform that task. It was not the role of the applicant to peer review the assessment.

Mrs R Kotur, Craigie:

Re: CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.

Q1 What is the difference between the August proposal and this proposal that has made the City's planning department change its opinion and recommend that the proposal be accepted by Councillors?

A1 The Director Planning and Community Development advised there were key issues that were different about the current proposal. One was the reduction in the height of the monopole, with the applicant changing the design of the pole to make it lower. Secondly the applicant provided the additional information that was requested through the State Administrative Tribunal process through the visual impact assessment. Those were the two issues that led to the change in the recommendation.

Q2 How reliable is the information from Optus on mobile phone coverage for the 1,400 households that were identified in the Craigie and part of Padbury areas when those households will be in close proximity to the telecommunication tower?

A2 Mayor Jacob stated the report makes the point that there was not the extent of information provided by the applicant that the City had envisaged, supporting the applicant's position that extra coverage was needed at this point in time.

Mr M Dickie, Duncraig:

Re: C92-10/18 – Notice of Motion – Cr Mike Norman – Update of the City's Investment Policy to support greater percentage of divestment.

Q1 I refer to Item M4 in the overarching objectives of the City's Climate Change Strategy which states "to support and encourage the community to reduce their greenhouse gas emissions". What is the City doing to achieve this objective?

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

Q2 Referring to the responses to my previous question in relation to the "Think Green" series of brochures first published in 2012, the brochures included information on passive solar design, winter warming, summer cooling, wind energy, solar energy, energy efficient lighting, summer shading and water heating. This is the same information I give to my clients. Since carbon emissions and energy use are current concerns, in what way is this information outdated?

A2 The Director Governance and Strategy advised the information referred to in the "Think Green" brochures had been superceded and was now outdated. As well, the City will look at placing additional information on its website that relates to those particular subjects as a result of the revised climate change strategy.

Mrs A Edwards, Craigie:

Re: CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.

Q1 In relation to Camberwarra Park, is the City aware of any other telecommunication towers that have been placed in close proximity to a children's playground?

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

Mrs K Hodson, Craigie:

Re: CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.

Q1 In relation to identifying the site at Camberwarra Park for the telecommunications tower, were any environmental reports regarding the surrounding trees undertaken or consideration given to wildlife and the mental health impacts of children using the playground?

A1 Mayor Jacob commented the policy as it stood for consideration of telecommunication infrastructure expressly stated that consideration of health and safety matters was not something Council could take into consideration when making a determination. It is a valid concern, but not something that can be considered by various instruments.

Dr T Green, Padbury:

Re: Housing Opportunity Areas.

Q1 It has been previously stated Council were open to rezoning housing opportunity areas if it was recommended by the consultants. Why then have the survey and workshops only focussed on improving what is currently within housing opportunity areas and not on questioning the whole premise upon which they are located, or more importantly, where they are not?

A1 Mayor Jacob advised Council remained open to reconsidering rezoning within housing opportunity areas, but equally the City was required to meet the infill targets that the State Government had mandated upon it. The City will be looking for opportunities to balance those two issues.

Mrs Y Aoun, Craigie:

Re: CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.

Q1 As part of the global community, why are none of the international standards and norms for the placement of telecommunication masts and ground stations not being adhered to?

A1 Mayor Jacob indicated the City only has delegated powers in these matters, but the policies that govern the City from other tiers of government, both state and federal are being adhered to when the City assesses such proposals.

C93-11/18 EXTENSION OF PUBLIC QUESTION TIME - [01122, 02154]

MOVED Mayor Jacob, SECONDED Cr May that Public Question Time be extended for a period of 10 minutes.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Dwyer, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Mrs B Hewitt, Edgewater:

Re: Proposed Amendment to Local Planning Scheme No. 3 – Lot 1 (16) Sunlander Drive, Currambine.

Q1 When did the paper work commence for the proposed amendment being discussed this evening and was it undertaken during the period when District Planning Scheme No. 2 was still law, or was the City jumping the gun preparing it before Local Planning Scheme No. 3 was gazetted?

A1 The Director Planning and Community Development advised the applicant for the scheme amendment approached the City and explained their intent. The City advised the applicant that at that stage no amendment would be considered to District Planning Scheme No. 2 pending gazettal of Local Planning Scheme No. 3.

Once *Local Planning Scheme No. 3* was gazetted, the City was able to proceed with the amendment. The City can accept an amendment proposal at any time, unlike a development application that has a statutory time period for it to be dealt with. The City can receive a request at any time, but when the application was received, the City advised the applicant that it was not prepared to proceed with the amendment pending the gazettal of the scheme.

Q2 I live opposite Hilltop Park in Edgewater and over the course of winter the City has taken out trees and replaced with saplings, weeded, fertilised and drilled holes in the park and with the winter rain it has become green and lush. Since the rain has stopped, the reticulation has not been working. Can the City give an indication when the reticulation will be repaired?

A2 Mayor Jacob advised this question would be taken on notice.

Ms Z Tipper, Hillarys:

Re: CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.

Q1 I am concerned about an earlier comment made by Mayor Jacob that Councillors are not concerned with the health impacts of telecommunication infrastructure such as the tower in Camberwarra Park. Who is to be concerned then?

- A1 Mayor Jacob commented his earlier statement was not that the City is not concerned. His statement was that the policy instruments which govern how the City considers this matter expressly state that consideration of health and safety matters around telecommunication facilities is not something that Council has any legal basis to consider. The City only has a narrow frame of reference for what it can formally consider. The Mayor stated he understood there are community concerns that should be responded to, but Council is not the body to consider those concerns.
- Q2 *In the absence of any medical literature on health and safety issues and no evidence currently on the safety of those residents who reside in close proximity to telecommunication towers, has Council undertaken any research of its own and are they prepared to share that information with the public?*
- A2 Mayor Jacob advised no, that was not a valid area for Council to consider, but is a valid area of concern for the community. The policy instruments which govern how the City considers this matter expressly state that consideration of health and safety matters around telecommunication facilities is not something that Council has any legal basis to consider. The City only has a narrow frame of reference for what it can formally consider.

Ms J Quan, Edgewater:

- Re: *CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.*
- Q1 *According to Austower.com.au there are six telecommunication towers in Craigie, two in Ocean Reef, one in Merriwa and none in Connolly. Why has the City of Joondalup recommended to place a telecommunication tower in Craigie thinking it is essential and necessary?*
- A1 Mayor Jacob stated this was not a question for the City to answer and should be directed to Optus. The City of Joondalup did not seek expressions of interest for companies to construct a telecommunication tower. Optus approached the City at an officer level around a tower within a certain region. It is at the discretion of the proponent to put forward a proposal.
- Q2 *According to State Planning Policy 5.2 – Telecommunication Infrastructure it is recommended there ought to be a certain distance between one telecommunication facility and another in order to avoid signal blockages and other technical issues. Matters regarding vegetation should also be taken into consideration. I would like to seek comment from the City of Joondalup?*
- A2 Mayor Jacob sought clarification around the question but no response was forthcoming and therefore no comment was made.

PUBLIC STATEMENT TIME

The following statements were submitted verbally at the Council meeting:

Mrs N Woodley-Smith, Kallaroo:

Re: Housing Opportunity Area 5.

Mrs Woodley-Smith spoke in relation to Housing Opportunity Area 5, urging Elected Members to listen to residents' concerns, advising that the people who want the best outcome for Housing Opportunity Areas are the residents as their lives are shaped by the amenity of the area and who have strong bonds to the place they call home.

Mrs Woodley-Smith stated a petition had been submitted to Council containing signatures from over 90% of residents within the areas selected and a majority of those residents live along the boundaries. Mrs Woodley-Smith stated the petition sought to stop further developments taking place until after the community consultation had been completed.

Mrs Woodley-Smith stated the consultants are knowledgeable and good listeners however expressed concern that the outcomes discussed will not be the same as those Council will be presented with.

Mr O Kotur, Craigie:

Re: CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.

Mr Kotur spoke against the proposed telecommunication infrastructure imploring Council to look at the reality of the situation in which residents are being asked to sacrifice their active park for a telecommunication tower.

Mr Kotur advised that the lack of transparency surrounding the tower was worrying, noting that the independent peer review undertaken did not assess the project, the need for the tower, the location of the tower or the technology being used.

Cr Logan left the Chamber at 7.33pm.

Mr P O'Donnell, Mullaloo:

Re: CJ205-11/18 - Sports Development Program Round One 2018-19.

Mr O'Donnell, Whitford Junior Football Club President, spoke in favour of the clubs application for funding as part of the Sports Development Program Round One 2018-19. Mr O'Donnell advised that the club would like to extend its current application from \$5,000 to \$10,000 to incorporate the two most inclusive elements that formed part of the grant application.

Mr O'Donnell provided a brief background of the club advising that the Whitford Junior Football Club is a children's club and is one of the oldest clubs in the district having started up in 1975. Mr O'Donnell stated that the aim of the club is to encourage as many children as possible to play football and to get outside in the open air, exercise and have fun.

Cr Poliwka left the Chamber at 7.35pm.

Mr E O'Connell, Wembley:

Re: CJ189-11/18 – Retrospective Development Application for Seating Addition to the Little H Café (Restaurant) at Lot 702 (24/34) Marri Road, Duncraig.

Mr O'Connell spoke in favour of the development application at Little H Café, Duncraig, advising that he was speaking on behalf of Dynamic Planning Developments who are the applicant for the proposal. Mr O'Connell advised that the proposal seeks approval to accommodate an additional eight seats within the dining area of the café, noting that as part of the proposal an additional two car bays will be located within the verge directly across from the café as is required by the City. Mr O'Connell stated that City Planners and Engineers have reviewed and assessed the verge parking bays and considered them to be safe and practical.

Mr O'Connell advised that a detailed traffic assessment was undertaken over the entire site and that the assessment concluded that extent of parking on the site was sufficient and that the proposal will not result in insufficient parking.

Cr Logan entered the Chamber at 7.36pm.

Cr Dwyer left the Chamber at 7.38pm.

Mrs B Hewitt, Edgewater, Secretary of the Edgewater Community Residents Association:

Re: Housing Opportunity Areas.

Mrs Hewitt spoke in relation to Housing Opportunity Areas stating that the arguments of the community regarding HOA's have not diminished over time; with every newly bulldozed home the validity increases. Mrs Hewitt noted that the community is not prepared to go unheard and are in attendance at tonight's meeting as a unified and committed group of people representing the individuals, communities and organisations that make up the City of Joondalup.

Mrs Hewitt advised the direction the community wants to take is not poor quality, high density housing at the expense of the community but to have quality infill that improves the amenity of its suburbs by having good designs with minimal impact on existing streetscapes, trees and verges and retains trees and green space.

Mrs Hewitt urged Council to hear the concerns of the community and act on them, requesting Council to advise City staff through the Chief Executive Officer the direction the community wants to take.

Cr Dwyer entered the Chamber at 7.40pm.

Mrs A Clarke, Connolly:

Re: CJ191-11/18 – Proposed Unlisted Use (Helicopter Parking) at Joondalup Resort – Lot 535 (45) Country Club Boulevard, Connolly.

Mrs Clarke spoke against the proposed helicopter parking at Joondalup Resort and requested that Council not approve the retrospective application. Mrs Clarke raised her concerns in regard to noise during take-off and landing, the affect the helicopters will have on local wildlife, safety risks and the lack of safety measures proposed.

Cr Poliwka entered the Chamber at 7.41pm.

Mrs S Makoare, Greenwood:

Re: Kingsley Peace Precinct.

Mrs Makoare spoke on behalf of herself and Mrs Cooper in regard to the Kingsley Peace Precinct located at Kingsley Oval and wished to thank Council for completing the peace precinct in time for the 100th year anniversary of Armistice Day.

Mrs Makoare noted that the peace precinct is still known as Lot 971 and suggested that it could possibly be named Brian Cooper Park on behalf of the late Mr Brian Cooper. Mrs Makoare stated that Mr Cooper would have been pleased that the peace precinct was completed and available to all residents in time for 11 November 2018.

Mr R Edwards, Craigie:

Re: CJ190-11/18 - Reconsideration of Proposed Telecommunication Infrastructure from State Administrative Tribunal – Lot 11609 (91) Camberwarra Drive, Craigie.

Mr Edwards spoke against the proposed telecommunication infrastructure at Lot 11609 Camberwarra Drive, Craigie, stating that if the City was to approve the tower it would be setting a precedent that the City of Joondalup is open to accepting telecommunication companies building these towers anywhere in the City.

Mr Edwards advised that if the tower goes up it will negatively affect not only the social fabric of the park but each and every single person who lives, plays or goes to school around Camberwarra Park.

Mr Edwards asked for Councillors and residents to stand united as members of the City of Joondalup and vote no to the proposal.

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence previously approved**

Mayor Albert Jacob, JP

18 January to 25 January 2019 inclusive.

**C94-11/18 REQUESTS FOR LEAVE OF ABSENCE – CR RUSSELL POLIWKA,
CR SOPHIE DWYER AND CR CHRISTINE HAMILTON-PRIME -
[107073]**

Cr Poliwka requested Leave of Absence from Council duties covering the period 26 November to 30 November 2018 inclusive.

Cr Dwyer requested Leave of Absence from Council duties covering the period 3 December to 7 December 2018 inclusive.

Cr Hamilton-Prime requested Leave of Absence from Council duties covering the period 20 December 2018 to 1 January 2019 inclusive.

MOVED Cr Hollywood, SECONDED Cr McLean that Council approves the requests for leave of absence from Council duties covering the following dates:

- | | | |
|----------|------------------------------------|--|
| 1 | Cr Russell Poliwka | 26 November to 30 November 2018 inclusive; |
| 2 | Cr Sophie Dwyer | 3 December to 7 December 2018 inclusive; |
| 3 | Cr Christine Hamilton-Prime | 20 December 2018 to 1 January 2019 inclusive. |

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

CONFIRMATION OF MINUTES

C95-11/18 MINUTES OF COUNCIL MEETING HELD 16 OCTOBER 2018

MOVED Cr May, SECONDED Cr Jones that the Minutes of the Council Meeting held on 16 October 2018 be CONFIRMED as a true and correct record.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Kaleidoscope Success

Mayor Jacob congratulated those involved in the phenomenal success of this year's Kaleidoscope Festival.

Mayor Jacob highlighted about 117,000 people visited the Joondalup City Centre from 1 November to 4 November for Perth's largest light and illumination festival.

Mayor Jacob indicated this included many visitors from across the Perth metropolitan area, regional WA, interstate and even overseas.

Mayor Jacob stated events such as Kaleidoscope shine a light on Joondalup as a Destination City and over the past three years this FREE family-friendly event has played a key role in driving positive economic outcomes for the local business economy, creating vibrancy in the City Centre and providing outstanding entertainment for residents and visitors alike.

Two Awards for the City

Mayor Jacob advised the City of Joondalup has been recognised by the State Government for the innovative work it has undertaken at Shepherds Bush Park and Robertson Road Cycleway in Kingsley.

Mayor Jacob indicated the Department of Transport's 2018 Your Move Local Government Awards were presented in October with the City project highly commended in the Innovate category.

Mayor Jacob highlighted Your Move is a community-based behaviour change program that supports local governments, schools, workplaces and individual participants in reducing car use by promoting alternative modes of travel such as walking, bike riding and public transport.

Mayor Jacob advised of a further success with the City also receiving a GOLD Department of Fire and Emergency Services' 2018 Volunteer Employer Recognition Award.

Mayor Jacob stated the award was presented to the City for the valuable role it plays in the delivery of emergency services in WA by ensuring volunteers/employees are released from their duties to respond to emergency situations. In many cases, employees are given time off work to attend important training to enhance their skills as volunteers.

Mayor Jacob indicated the City was nominated for this award by Wanneroo-Joondalup State Emergency Services Member Ramanun Luchmum – one of the City's hard-working Parks Attendants.

Tri Cities Blood Challenge

Mayor Jacob announced the City of Joondalup has retained its Tri Cities Blood Challenge in the community and staff categories.

Mayor Jacob highlighted the Tri Cities Blood Challenge is an annual competition between Joondalup and the Cities of Stirling and Wanneroo to see which City produces the highest number of registered blood donations in a three-month period.

Mayor Jacob was pleased Joondalup residents made 1,793 donations between 1 July and 30 September – the equivalent of 5,379 lives saved – to finish ahead of Stirling on 1,403 and Wanneroo on 1,355 donations respectively. City of Joondalup staff donated blood 71 times within the same period to win the staff challenge.

Mayor Jacob stated anyone who contributed to the cause – whether they live in Joondalup, Stirling or Wanneroo – were to be congratulated for their generosity of spirit.

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

- 1 CJ211-11/18 – Confidential - Chief Executive Officer – Variation to Expiry of Contract of Employment.

C96-11/18 MOTION TO CHANGE ORDER OF BUSINESS – [02154, 08122]

MOVED Mayor Jacob, **SECONDED** Cr Hollywood that Council, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of:

- 1 **CJ211-11/18 – Confidential – Chief Executive Officer – Variation to Expiry of Contract of Employment,**

to be discussed after “Motions of which previous notice has been given”.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

PETITIONS**C97-11/18 REQUESTING REFUSAL OF APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPLICATION FOR SEATING ADDITION TO LITTLE H CAFÉ (RESTAURANT) AT LOT 702 (24/34) MARRI ROAD, DUNCRAIG – [106277, 05386]**

A 28 signature petition has been received from residents of the City of Joondalup requesting the refusal of the application for retrospective development application for seating addition to the Little H Café (restaurant) at Lot 702 (24/34) Marri Road, Duncraig.

C98-11/18 PETITION REQUESTING COUNCIL UNDERTAKES THE PROTECTION OF MATURE TREES IN THE MOST ACTIVELY USED PARTS OF CAMBERWARRA PARK, CRAIGIE – [05386, 16294]

Cr May tabled a 150 signature petition on behalf of residents of the City of Joondalup requesting that Council undertakes the protection of all the mature trees in the most actively used parts of Camberwarra Park namely the areas around the tennis courts and children’s play area and barbeque area. These trees will likely undergo significant pruning to maintain the required 25 metre setback if the Optus telecommunication infrastructure goes ahead. These trees provide shade, habitat and amenity to residents and fauna alike.

MOVED Cr May, **SECONDED** Cr Poliwka that the following petition be **RECEIVED, REFERRED** to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1 **Petition in relation to a request for the refusal of the application for the Retrospective Development Application for Seating Addition to Little H Café (Restaurant) at Lot 702 (24/34) Marri Road, Duncraig;**

- 2 Petition in relation to a request to undertake the protection of all the mature trees in the most actively used parts of Camberwarra Park namely the areas around the tennis courts and children's play area and barbeque area.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

REPORTS**CJ188-11/18 DEVELOPMENT AND SUBDIVISION APPLICATIONS
– SEPTEMBER 2018**

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

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during September 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 September 2018 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during September 2018 (Attachment 2 refers).

BACKGROUND

Clause 82 of Schedule 2 (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 21 August 2018 (CJ133-08/18 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 September 2018 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	4	12
Strata subdivision applications	8	12
TOTAL	12	24

Of the 12 subdivision referrals, nine were to subdivide in housing opportunity areas, with the potential for 21 additional lots.

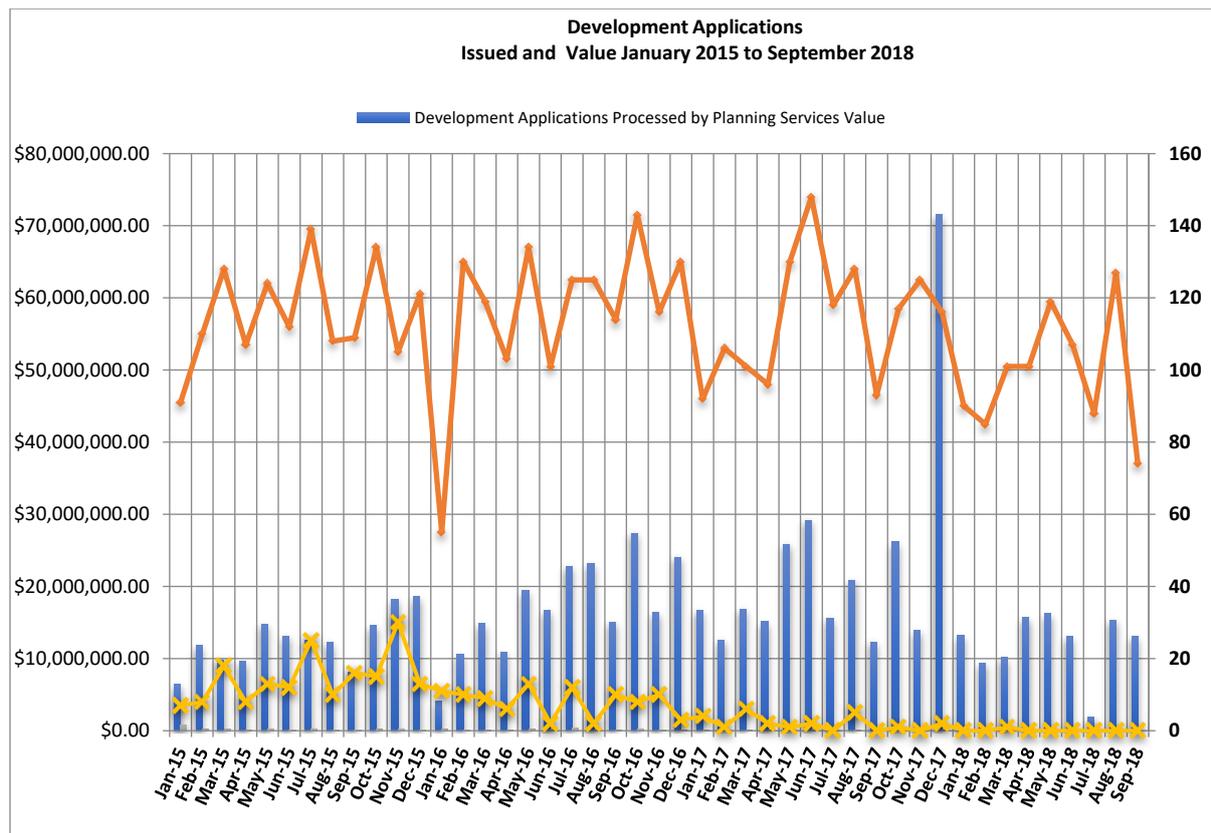
Development applications

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

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	74	\$13,087,956
Development applications processed by Building Services	0	0
TOTAL	74	\$13,087,956

Of the 74 development applications, five were for new dwelling developments in housing opportunity areas, proposing a total of six additional dwellings.

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



The number of development applications received during September was 123. (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 September was 282. Of these, 45 were pending further information from applicants and 18 were being advertised for public comment.

In addition to the above, 202 building permits were issued during the month of September with an estimated construction value of \$22,333,837.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation

*City of Joondalup Local Planning Scheme No. 3 (LPS3).
Planning and Development (Local Planning Schemes)
Regulations 2015 (Regulations).*

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.

Clause 82 of Schedule 2 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 clause 82 of Schedule 2 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 74 development applications were determined for the month of September with a total amount of \$30,570 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 LPS3 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.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 development applications described in Attachment 1 to Report CJ188-11/18 during September 2018;**
- 2 subdivision applications described in Attachment 2 to Report CJ188-11/18 during September 2018.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf181113.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ189-11/18 - Retrospective Development Application for Seating Addition to the Little H Café (Restaurant) at Lot 702 (24/34) Marri Road, Duncraig.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Several tenants of Duncraig Shopping Centre displayed promotional material on Cr Dwyer's behalf during the 2015 election.

CJ189-11/18 RETROSPECTIVE DEVELOPMENT APPLICATION FOR SEATING ADDITION TO THE LITTLE H CAFÉ (RESTAURANT) AT LOT 702 (24/34) MARRI ROAD, DUNCRAIG

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106277, 101515
ATTACHMENT	Attachment 1 Location Plan Attachment 2 Development Plans Attachment 3 Traffic Impact Statement Report
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine a retrospective development application for outdoor restaurant seating at Lot 702 (24/34) Marri Road, Duncraig.

EXECUTIVE SUMMARY

A development application was received on 27 October 2017 for the retrospective approval of outdoor seating for the approved 'Little H' Café. At its meeting held on 26 June 2018 (CJ087-06/18 refers), Council resolved to refer the proposal back to the Chief Executive Officer to allow the applicant to submit additional information relating to the additional seating and associated car parking.

Following the Council resolution, a site plan and Traffic Impact Statement (TIS) in support of the additional seating area and car parking shortfall were received by the City on 5 October 2018.

The information has been reviewed and the proposal has been assessed against the requirements of *Local Planning Scheme No. 3 (LPS3)*, and the City's relevant local planning policies including the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*.

Outdoor seating for hospitality uses is typically provided as 'alfresco dining' in the road reserve and, when provided in this way, it does not attract any additional parking requirements. In this case, however, the additional outdoor seating area proposed is provided on-site and therefore technically requires additional parking to be provided in accordance with the City's policy.

The site currently has an approved six car parking bay shortfall. This car parking shortfall will increase to eight bays for the site should this application be approved. To address the additional two bay shortfall, the applicant has proposed the incorporation of two verge bays parallel to the street in Cassinia Road.

The relatively small increase in potential patron numbers and the additional verge bays are not expected to adversely impact surrounding residents and it is therefore recommended that Council approves the proposed development, subject to conditions.

BACKGROUND

Suburb/Location	Lot 703 (34) Marri Road, Duncraig.
Applicant	Dynamic Planning and Developments.
Owner	JHF Holdings Pty Ltd.
Zoning	LPS Commercial.
	MRS Urban.
Site area	1,583m ² .
Structure plan	Not applicable.

The City approved a change of use from 'Shop' to 'Restaurant' at the subject site on 19 July 2016. The determination approved an indoor seating area of 40m² or a maximum of 32 dining seats which, at the time of approval, were located internally. The determination also approved a six bay parking shortfall across the site. Subsequent to this approval, the operator increased the seating area to include the outdoor area in front of the tenancy, without approval from the City. As such the applicant is seeking retrospective approval for the use of the outdoor seating area, which has been utilised since at least 1 March 2017.

The proposal considered by Council at its meeting held on 26 June 2018 (CJ087-06/18 refers) included 29 outdoor seats and a reduced number (19) of indoor seats - a total of 48 seats overall. The size of the seating area has not altered from the proposal presented to Council on 26 June 2018 (CJ087-06/18 refers), however the total number of seats proposed has reduced by eight from 48 to 40. The development plans are included as Attachment 2.

DETAILS

Car Parking

The parking requirements were previously considered against the provisions of DPS2, and the required number of bays has not altered with the gazettal of LPS3 and the *Commercial, Mixed Use and Service Zone Local Planning Policy*.

The provision of 40 patrons across the indoor and outdoor eating areas, equates to an additional eight persons from the previous approval. This results in an increase of the existing on-site parking shortfall of six bays to a shortfall of eight bays as a result of the additional seating area.

Although the additional two bays cannot be accommodated on-site, the applicant proposes to include two verge bays along Cassinia Road, which would effectively compensate for the additional shortfall and would assist in providing additional, formalised parking for the subject site.

In order to properly consider the impact of the additional shortfall of car bays, the applicant was requested to provide a TIS (Attachment 3 refers). The TIS identifies that the increase in patrons will not have an adverse impact on the immediate area as there is generally a minimum of one commercial parking bay always available on site and the additional two verge bays will assist in providing additional car parking for the restaurant (café) use. The verge car parking bays would be located so as to have minimal impact on traffic and pedestrian safety within the area.

The inclusion of the two verge bays results in the removal of two street trees. The two trees were planted in accordance with the landscaping plan upon completion of the mixed-use building in February 2017 and, as such, are relatively small trees that can be readily relocated or replaced. There is sufficient space within the adjacent verge areas to accommodate the trees. As such it is recommended that the trees be removed and replaced within the adjacent verge areas at the cost of the landowner.

In light of the above, it is considered that the maximum of 40 patrons within the proposed area of 60.34m² will not, in practical terms, increase the shortfall of parking previously granted for the site.

Alfresco Activities Policy

The additional outdoor seating proposed serves a similar function to alfresco seating, which is typically accommodated within the road reserve (that is outside a property boundary). The City's *Alfresco Activities Policy* does not require additional parking to be provided for alfresco seating provided in road reserves. Accordingly, if the outdoor seating the subject of this application was proposed in the road reserve and assessed under the City's *Alfresco Activities Policy*, no additional parking would be required and the existing parking shortfall for the site (that is six bays) would remain unchanged. It is however noted, that seating within the road reserve in this instance, would be limited by required setbacks to the street and footpath and would be separated from the café tenancy by the footpath.

A total of 40 seats within the premises between the indoor and outdoor areas is considered appropriate, particularly given that there is minimal area for alfresco seating within the adjacent road reserve. The total provision of 40 seats for the restaurant use will provide the operator flexibility to provide alfresco-type dining in their outdoor area when weather permits, while also providing scope to cater for the equivalent number of patrons in inclement weather. Further, additional on-site car parking requirements can be compensated for by the inclusion of bays within the Cassinia Road verge as outlined above.

Issues and options considered

Council is required to determine whether the application for retrospective approval for additional restaurant seating is appropriate and meets the relevant requirements of LPS3.

Council may determine an application for development approval by:

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

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3 (LPS3).
Planning and Development (Local Planning Schemes)
Regulations 2015 (the Regulations).
Council Policy - Commercial, Mixed Use and Service
Commercial Zone Local Planning Policy.*

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Quality built outcomes.

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

Policy Not applicable.

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.*

Council Policy – Commercial, Mixed Use and Service Commercial Zone Local Planning Policy

The *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* provides assessment criteria for 'Commercial' developments within the City.

The objectives of the policy are:

- *to provide development standards for commercial buildings that assist in facilitating appropriate built form and functional commercial centres*
- *to facilitate the development or redevelopment of commercial centres that respond to the local context*
- *to ensure the design and siting of commercial development provides a high standard of amenity, no blank facades visible from the street and activation of external areas*
- *to encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas*
- *to create vibrant mixed use commercial centres that are the focal point for the community by locating housing, employment and retail activities together*
- *to establish a framework for the assessment of applications for development within these zones.*

Risk management considerations

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

It is noted that the application statutory timeframe has been exceeded and the applicant may consider the application to be deemed refused at any point up to Council Determination and therefore the applicant may appeal this deemed refusal in accordance with the *State Administrative Tribunal Act 2004*.

Financial / budget implications

The applicant has paid fees of \$885 (excluding GST) in accordance with the *Schedule of Fees and Charges*, for assessment of the retrospective application.

Regional significance

Not applicable.

Sustainability implications

It is considered that there are no sustainability implications as a result of the additional seating.

Consultation

The original proposal was advertised for a period of 14 days (concluding on 21 February 2018) and was advertised to 10 affected property owners and occupiers. A total of 55 submissions was received during the consultation period comprising 53 submissions of support, one objection and one submission which did not specify a position. During the course of the application, the City also received an additional submission in objection to the proposal. As the proposal has reduced the total number of seats from that presented to Council in June 2018, further advertising was not considered necessary.

The objections to the proposal were in relation to the limited parking available at the subject site and the impact of this on the adjacent shopping centre and verge areas, and the impact that parking on the verge has on sightlines. Although the revised proposal still results in a further on-site parking shortfall, the revised proposal now includes the addition of two car bays in the Cassinia Road verge which effectively compensates for the increase in shortfall. The two car bays in the Cassinia Road will need to be designed and located to the specifications of the City, which will ensure appropriate sightlines are maintained.

COMMENT

Outdoor seating for a restaurant use is typically provided as 'alfresco dining' within the road reserve adjacent to the restaurant and when provided in this way does not attract any additional parking requirements. In the case of the additional outdoor seating area proposed for the Little H Café, although provided external to the building, the seating is provided on-site and therefore technically requires additional parking to be provided in accordance with the City's policy.

As outlined above, it is considered that an area of 60.34m² and a maximum of 40 seats across the indoor and outdoor seating area will not have an adverse impact on the amenity of the locality and will have minimal impact on the parking demand in the area, particularly with the implementation of the two verge bays on Cassinia Road. The provision of the two verge bays effectively offsets the increase in the on-site parking shortfall created by the increase in seating numbers from the original approval.

The application is therefore recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S 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 26 October 2017 submitted by Dynamic Planning and Developments, on behalf of the owners JHF Holdings Pty Ltd, for Change of Use (retrospective outdoor seating) at Lot 702 (24/34) Marri Road, Duncraig, subject to the following conditions:

- 1 A maximum area of 60.34m² and combined total of 40 dining seats is permitted within the internal and external floor space;
- 2 Two on-street car parking bays shall be provided at the landowner's cost within the Cassinia Road verge to the specifications and satisfaction of the City;
- 3 The two street trees located within the verge area of Cassinia Road are to be relocated and/or replaced. The landowner shall pay for the removal costs and amenity value (as determined by the City) for the abovementioned trees within 60 days from the date of this approval. All remaining street trees shall be maintained and protected to the satisfaction of the City;
- 4 Two replacement trees shall be provided within the verge at the landowner's cost to the specifications and satisfaction of the City.

MOVED Cr Dwyer, SECONDED Cr Fishwick that Council:

- 1 **APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval dated 26 October 2017 submitted by Dynamic Planning and Developments, on behalf of the owners JHF Holdings Pty Ltd, for Change of Use (retrospective outdoor seating) at Lot 702 (24/34) Marri Road, Duncraig, subject to the following conditions:**
 - 1.1 **A maximum area of 60.34m² and combined total of 40 dining seats is permitted within the internal and external floor space;**
 - 1.2 **Two on-street car parking bays shall be provided at the landowner's cost within the Cassinia Road verge to the specifications and satisfaction of the City;**
 - 1.3 **The two street trees located within the verge area of Cassinia Road are to be relocated and/or replaced. The landowner shall pay for the removal costs and amenity value (as determined by the City) for the abovementioned trees within 60 days of the date of this approval. All remaining street trees shall be maintained and protected to the satisfaction of the City;**

- 1.4 Two replacement streets shall be provided within the verge at the landowner's cost to the specifications and satisfaction of the City;
- 2 REQUESTS the landowner of the site to engage with the owners of all other properties that comprise the Marri Road Local Centre to develop a joint parking management plan for the overall site that enables parking issues to be appropriately managed to protect the interests of all owners whilst supporting the vibrancy of the overall centre.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf181113.pdf](#)

CJ190-11/18 RECONSIDERATION OF PROPOSED TELECOMMUNICATION INFRASTRUCTURE FROM STATE ADMINISTRATIVE TRIBUNAL – LOT 11609 (91) CAMBERWARRA DRIVE, CRAIGIE

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	16294, 101515
ATTACHMENT	Attachment 1 Location plan. Attachment 2 Original development plans and photomontages. Attachment 3 Western Australian Planning Commission <i>State Planning Policy No. 5.2 – Telecommunications Infrastructure.</i> Attachment 4 City of Joondalup <i>Telecommunications Infrastructure Local Planning Policy.</i> Attachment 5 Environmental Electromagnetic Energy report. Attachment 6 Telecommunication coverage maps.
AUTHORITY / DISCRETION	Administrative – Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to reconsider a development application for proposed telecommunication infrastructure at Lot 11609 (91) Camberwarra Drive, Craigie (Camberwarra Park) following an invitation from the State Administrative Tribunal (SAT).

EXECUTIVE SUMMARY

An application for development approval to install telecommunication infrastructure in the northern portion of Camberwarra Park was refused by Council at its meeting held on 15 May 2018 (CJ069-05/18 refers).

Subsequent to Council's decision, the applicant lodged an application with the State Administrative Tribunal (SAT) for review of Council's decision. Through the SAT process, the proposal has been revised and further information provided.

SAT has invited Council to reconsider its previous decision in light of the revised proposal and additional information provided.

It is recommended that Council reconsiders its earlier decision and approves the revised proposal, subject to conditions.

BACKGROUND

Suburb/Location	Lot 11608 (91) Camberwarra Drive, Craigie (Camberwarra Park).
Applicant	Planning Solutions.
Owner	Crown Land – City of Joondalup Management Order.
Zoning	LPS Local Reserve (Public Open Space).
	MRS Urban.
Site area	4,504.94m ² (22,765m ² total park area).
Structure plan	Not applicable.

An application for development approval was lodged with the City to locate telecommunications infrastructure in Camberwarra Park, Craigie. The proposed infrastructure 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*.

Camberwarra Park is a neighbourhood park located in the south-western portion of Craigie. The park is primarily provided for passive recreation with stands of mature, remnant vegetation retained among expansive areas of turf. A drainage sump is located in south-western corner of the park. Active recreation space is provided in the northern-most portion of the park in the form of tennis courts with floodlights, an ablution block, a playground, a barbecue and shaded seating area.

The City has a management order over Camberwarra Park 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 park is surrounded predominantly by residential properties which have either backyards or side boundaries directly adjoining the park. A number of these residential properties have been designed to provide an outlook onto the park.

The original application included the following:

- A galvanised monopole telecommunications tower and antenna headframe to a maximum height of 31.75 metres, replacing the north-western tennis court floodlight.
- Three antennas fixed to the upper part of the tower.
- A ground equipment shelter.
- Associated cabling and ancillary equipment.

The original development plans and perspectives are provided as Attachment 2.

The application was advertised for public consultation between 26 February 2018 and 19 March 2018 to property owners and occupiers within a 400 metre radius of the site.

A total of 49 submissions were received, consisting of 44 objections, four submissions of no objection and one petition. The petition included 145 signatures, where 135 signatories objected to the proposal and nine either supported the proposal or had no opinion.

The City undertook an assessment of the proposal against the applicable planning framework and based on the information provided by the applicant at that time, recommended the proposal be refused. It is noted that as part of the City's initial assessment limited information was made available by the applicant in respect to demonstrating a thorough and accurate analysis of potential visual amenity impacts.

Council considered the application at its meeting held on 15 May 2018 (CJ069-05/18 refers) and made the following decision:

"The 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."*

Following Council's decision, an application for review was made to the State Administrative Tribunal (SAT). Through the SAT process, the applicant revised the proposal and also provided additional information to allow the City to undertake a more fulsome assessment of the application.

In light of the revisions to the proposal and the additional information provided, the SAT has invited Council to reconsider its earlier decision.

DETAILS

Revised proposal

Through the SAT process, the applicant has revised the proposal and provided further information consisting of:

- reduction in the height of the monopole telecommunications tower to 22 metres with a three metre high headframe (25 metre overall height) - a 6.75 metre reduction from the original proposal
- three antennas fixed to the upper part of the tower, but still remaining within the overall height of 25 metres
- a ground equipment shelter
- associated cabling and ancillary equipment
- a Visual Impact Assessment (VIA).

Consideration of revised proposal

Siting

The proposed works are located next to the existing tennis courts and toilet block in the northern-most part of Camberwarra Park. Site access is proposed to be provided via the existing car parking area off Camberwarra Drive.

The monopole is intended to replace the north-western tennis court floodlight. The intent behind replacing an existing floodlight is to not increase the number of vertical infrastructure items within the park. As outlined above, the current management order would require modification to enable a lease to be entered into for the portion of the site. The City would seek to include, among other things, detail on the costings for the power consumption of the existing floodlight that is intended to be attached to the monopole.

Investigations were undertaken to relocate the monopole, replacing the south-western tennis court floodlight and thereby providing an increased setback from the monopole to adjoining residential properties. However, the applicant has advised that a minimum 25 metre setback to vegetation is required to provide the required level of service for the telecommunications infrastructure. There is a mature tree located within proximity to the south-western floodlight that would likely require significant pruning to maintain the required 25 metre setback. The extent of pruning likely required may also make the monopole even more visible as the mature tree does provide some screening when the monopole is viewed from a number of locations within the park.

This same issue exists for both the north-eastern and south-eastern floodlights and it is therefore considered that, of all the floodlights, the north-western floodlight is the most suitable.

It is however noted that the location identified by the applicant is not ideal and, as part of the City's original report, concerns were highlighted about the potential visual amenity impacts of the monopole in what was considered to be the most active part of the park.

The original application included a number of photomontages to demonstrate the potential visual impact of the monopole (Attachment 2 refers), however the information was insufficient to enable the City to undertake thorough consideration of potential visual amenity impacts.

Through mediation as part of the SAT process, the applicant prepared a Visual Impact Assessment (VIA) to more adequately analyse and demonstrate the potential visual impact of the monopole. Discussions held, and information prepared for the purposes of mediation are confidential and therefore cannot be included in this report; however, some discussion as to the findings of the VIA are outlined below.

Visual Impact Assessment

The Visual Impact Assessment (VIA) was prepared having regard to a number of documents prepared by the Department of Planning, Lands and Heritage and the Western Australian Planning Commission, including *Visual Landscape Planning in Western Australia* (2007), *Guidelines for Location Siting and Design of Telecommunication Infrastructure* (2004) and clause 5 of *State Planning Policy 5.2 – Telecommunications Infrastructure*.

The broad methodology for undertaking the VIA included:

- describing the existing visual character of the site and surrounds and determining visual objectives
- describing the proposed development
- describing and evaluating potential visual impacts
- assessing the capacity of the landscape to accommodate change
- identifying measures to reduce impacts.

The VIA concluded that:

- the development proposal has been sited to minimise its potential visual impacts
- the proposed location of the development complies with the policy and best practices for siting and design as it is sited to minimise impacts given the context of the urban landscape
- the development will have a small impact in determined locations, however the character of the landscape has the ability to accommodate the change
- the small impact may be reduced if some measures are undertaken to diminish its visibility are adopted. In an intimate scale where the antenna is not perceptible in a static view, a coloured pole (grey charcoal) would disguise its perception among the existing trees. At a local level, the alternate 25 metre overall mast would decrease significantly its perception in several locations.

In recognition of the importance of the findings of the assessment to inform decision-making, along with the need for impartial consideration of potential visual amenity impacts, following receipt of the VIA prepared on the applicant's behalf, the City engaged an external expert to undertake an independent peer review of the VIA.

The independent peer review found that:

- the report is mostly a well-considered document which generally meets state policy standards for a visual impact assessment of a telecommunications development
- a clear approach and methodology is set out within an assessment of the impacts, conclusions and mitigation advice set out
- some minor ambiguities and questions are raised, but do not have any substantive bearing on the overall quality of the report and ultimate conclusions reached

- agreement with the general conclusions of the report that the siting of the monopole in the nominated location would have a nominal visual impact when considered in terms of local context and how the pole is viewed in the local landscape
- the measures proposed to reduce any potential impacts are practical and typical for a development such as this, and when combined with the recommendation to use the alternative 25 metre pole, will assist to further mitigate the development's visual impacts.

Based on the further information provided by the applicant, coupled with the findings of the independent peer review, it has been demonstrated that, in the context of the applicable framework used to consider visual amenity impact, the potential visual amenity impact is not unreasonable.

Assessment of revised proposal

The revised proposal, along with the additional information, has been assessed against the relevant planning framework, being the City of Joondalup *Telecommunications Infrastructure Local Planning Policy* (TILPP), *State Planning Policy 5.2: Telecommunications Infrastructure* (SPP 5.2) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

City of Joondalup Telecommunications Infrastructure Local Planning 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 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 considered to comply with the code of practice.

In part, the code of practice requires carriers to employ 'best practice', which includes constructing facilities substantially similar to the carrier's facilities as using the best available design, planning and location practices to minimise the potential degradation of the environment and visual amenity associated with the facility.

The applicant has investigated a number of alternative sites external to the subject site, as well as other locations within the subject site, and has determined that the selected location will provide the level of service required, while minimising the impact on the environment by avoiding the need to clear existing vegetation and demonstrating that the impact on visual amenity is not unreasonable.

Further, 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 monopole is proposed to be located near the highest point of the park. The surrounding topography generally slopes up further north beyond the park and then falls south to a low point toward the southern end of the park before flattening out.

The general visibility of the proposal from surrounding development and within the park itself has been considered through the preparation of a VIA. The assessment takes into account the siting, height and type of the proposed monopole, along with the location and density of surrounding vegetation. As set out earlier in the report, the findings of the VIA, as agreed as part of an independent peer review, conclude that the general visibility and potential visual amenity impacts are not unreasonable.

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

In selecting the site, the applicant has identified a lack of adequate mobile network coverage (both now and into the future) for the immediate area, being south-western Craigie and north-eastern Padbury. The applicant 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).

It was hoped that more specific detail in relation to coverage needs would be provided to assist the City in better understanding the need for the infrastructure and therefore the merits of the proposal, however this was not made available.

The coverage maps supplied as part of the original application (Attachment 6 refers) spatially demonstrate the increase in coverage the proposed infrastructure will have. The applicant has identified a lack of adequate mobile network coverage as the need for the infrastructure, however no detail is provided around what 'adequate' means, other than advising that there is "*substantial increased demand for wireless data download coverage and capacity by users of tablets and smartphones*".

Further, the applicant has not advised whether the lack of adequate mobile network coverage for the area is limited to the specific carrier only, or a broader lack of adequate coverage across all carriers. In applying both SPP 5.2 and the City's *Local Planning Policy*, it is unclear as to whether it is the responsibility of a decision-maker to facilitate 'adequate' coverage for individual telecommunication carriers, or to facilitate 'adequate' network coverage more generally.

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

The submissions received as part of public consultation undertaken for the original proposal are addressed in the 'Consultation' section of this report. Comments from the City have been updated to reflect the revised proposal and additional information provided.

State Planning Policy 5.2: Telecommunications Infrastructure

Clause 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 five, 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 monopole is located within Camberwarra Park and will be visible from numerous locations within the park. For the purposes of SPP 5.2, Camberwarra Park is considered a 'recreation site'.

As outlined earlier in the report, the findings of the VIA (agreed by an independent peer review), conclude that the visibility and potential visual amenity impacts of the revised proposal from within the park are not unreasonable.

- 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 proposed siting of the monopole 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.

Notwithstanding, the findings of the VIA (agreed by an independent peer review) conclude that the visibility and potential visual amenity impacts of the revised proposal as viewed from surrounding streetscapes are not unreasonable.

- 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 are intended to replace existing infrastructure and therefore will not have a significant environmental or cultural heritage impact.

As outlined earlier in the report, the findings of the VIA (agreed by an independent peer review) conclude that the potential impact on visual landscape values is not unreasonable.

In relation to social values, it is noted that the monopole is proposed to be located in the most active portion of the park between the tennis courts and the playground. From the submissions received, it is clear that nearby residents and park users are most concerned about the visual impact and health matters associated with the proposed infrastructure.

Submissions on health and safety grounds cannot be considered as part of the planning application and it has been demonstrated that, in the context of the applicable assessment framework, the visual impact is not unreasonable.

While submissions on health and safety cannot be considered and the visual impact has been demonstrated as not being unreasonable, park goers may still attach a negative perception to the existence of the monopole. As a result, park goers could be discouraged from using the park, thereby compromising the social values associated with the park. Under the City's *Local Planning Scheme No. 3 (LPS3)*, the objectives of a Public Open Space Local Reserve (like Camberwarra Park) are to provide for a range of active and passive recreation uses. It is considered reasonable that these objectives are relevant social values for the purpose of SPP 5.2.

In order to address the potential negative perception in part, there is scope to investigate the feasibility of providing further mitigation measures. Although not actually required as a matter of planning merit, the additional mitigation measures could provide greater screening or further obscure the view of the monopole from within or around the park and therefore reduce some of the negative perception of the pole's existence.

- 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 to reduce the profile and visual impact of the tower. It is also noted that the proposal intends to replace an existing floodlight with the monopole.

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, although this visual impact has been demonstrated to be not unreasonable.

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 likely effect of the height, bulk, scale, orientation and appearance of the monopole has been assessed through the preparation of a VIA and independent peer review.

The findings of the VIA (agreed as part of an independent peer review), conclude that the visibility and potential visual amenity impacts of the revised proposal from within the park are not unreasonable.

The monopole is proposed to replace an existing floodlight associated with the tennis courts and, whilst not consistent with the height of the existing floodlights, the intent behind this approach is to not further increase the number of vertical infrastructure elements in the park and therefore maintain a degree of compatibility with the current setting.

- *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 revisions undertaken to the proposal, coupled with the additional information, have demonstrated that the potential visual amenity impact of the monopole is not unreasonable.

However, as outlined earlier in the report, despite the proposal meeting the technical requirements of the planning framework, the community perceptions attached to the monopole may still have a negative social impact.

- *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 has been invited by the State Administrative Tribunal to reconsider its decision of 15 May 2018 (CJ069-05/18 refers) in light of the revisions proposed and additional information provided.

In considering this invitation, Council has the discretion to:

- reconsider its previous decision and approve the application without conditions
- reconsider its previous decision and approve the application with conditions
or
- reconsider its previous decision and reaffirm its earlier decision to refuse to grant approval for the application.

The anticipated outcomes of the options available to Council are set out below:

- In the event Council elects to approve the application without conditions, it is anticipated that the applicant will withdraw its application to SAT.
- In the event Council elects to approve the application with conditions, it is anticipated that the applicant will review the conditions imposed and, if agreeable, will withdraw its application to SAT. If the applicant is aggrieved by any of the conditions imposed, the application could proceed to further mediation on the specific conditions that are of concern for the applicant.
- In the event Council reaffirm its previous decision to refuse the proposal, it is anticipated that the application will proceed to a full hearing and be determined by SAT.

A Directions Hearing at the State Administrative Tribunal has been scheduled for 30 November 2018 following Council's reconsideration of the proposal.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3. Planning and Development (Local Planning Schemes) Regulations 2015. Telecommunications Act 1997.*

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 *City of Joondalup Telecommunications Infrastructure Local Planning Policy. State Planning Policy 5.2 – Telecommunications Infrastructure.*

City of Joondalup Local Planning Scheme No. 3

Clause 14(3) – Table 1 Reserve objectives

Public Open Space

- *To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.*
- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.*

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 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 (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 applicant has exercised their right of review in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005* against Council's decision made at its meeting held on 15 May 2018 (CJ069-05/18 refers).

In the event the application is approved, the following risks are identified:

- Although not able to be substantiated on planning grounds, there could be negative connotations associated with the monopole in the community which could impact on the perceived useability of the park.
- If the application is approved by the SAT, there is a risk that the conditions SAT imposes on the approval may not be as appropriate (in the City's view) than if Council was to impose a set of conditions.

In the event the application is not approved, the following risks are identified:

- It may be more difficult for the City to achieve one of the key strategic initiatives of the City's *Strategic Community Plan 2012 – 2022* which is to active seek opportunities for improving local communication network infrastructure.
- In the event the application proceeds further through the SAT process, there is a risk that the City will incur further expenses associated with the application.

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 be paid by the applicant in accordance with the City's *Telecommunications Infrastructure Local Planning Policy*.

The City has incurred expenses to date associated with the SAT review. The City will continue to incur expenses associated with this application while an application before SAT exists. An accurate figure of additional expenses cannot be provided as the amount of additional involvement by the City's legal representatives is dependent on the Council outcome and the applicant's decision on how to proceed thereafter.

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 was 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. Of the respondents to this petition, 135 objected to the proposed works, while nine were of support or of no opinion.

The revised proposal was not advertised for public comment as the additional information was unable to be provided for public review given the confidential nature of SAT mediation. Notwithstanding, it is considered that the comments received as part of the initial proposal are equally applicable to the revised proposal.

Concerns raised in the submissions are summarised below. The City's response to each concern, in light of the revised proposed and further information is also provided.

- *Visual Impact*

As part of the original application, the City raised concern with the potential visual impact of the tower, based on the photomontages and information provided as part of the application.

Since Council's decision at its meeting held on 15 May 2018 (CJ069-05/18 refers), the applicant has revised the proposal to reduce the overall height of the infrastructure and has also prepared a VIA.

In recognition of the importance of the findings of the VIA to inform decision-making, along with the need for impartial consideration of potential visual amenity impacts, following receipt of the VIA prepared on the applicant's behalf, the City engaged an external expert to undertake an independent peer review.

Based on the further information provided by the applicant, coupled with the findings of the independent peer review, it was demonstrated that, in the context of the applicable framework used to consider visual amenity impacts, the potential visual amenity impact is not unreasonable.

- *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 spatially demonstrates the increased coverage for the locality (Attachment 6 refers).

It was hoped that more specific detail in relation to coverage needs would be provided to assist the City in better understanding the need for the infrastructure and therefore the merits of the proposal, however this was not made available.

It is unclear what the applicant considers to be 'adequate' coverage and whether the adequacy of coverage is specific to the carrier or the network more broadly. In applying both SPP 5.2 and the City's TILPP, it is also unclear as to whether it is the responsibility of a decision-maker to facilitate 'adequate' coverage for individual telecommunication carriers, or to facilitate 'adequate' network coverage more generally.

- *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.

COMMENT

Telecommunication infrastructure is becoming more frequently viewed as 'essential infrastructure' not unlike the need to provide infrastructure for water, sewer and power. In planning for telecommunication infrastructure, *State Planning Policy 5.2 – Telecommunications Infrastructure* states that the benefit of improved telecommunication services should be balanced with the visual impact on the surrounding area.

The City had concerns with the original proposal, in part, because the applicant had not adequately or technically demonstrated the potential visual amenity impact the proposal would have on the park itself as well as on the surrounding locality.

Since Council's original decision at its meeting held on 15 May 2018 (CJ069-05/18 refers), the applicant has amended the proposal to reduce the overall height and has undertaken a more detailed analysis of potential visual amenity impacts by preparing a VIA. The City has had the VIA peer reviewed and the findings of the assessment, as well as the peer review, conclude that the potential visual amenity impact is not unreasonable.

The applicant has stated that there is a need for the infrastructure in this location to provide adequate coverage for both now and into the future. While the coverage maps demonstrate an improved span of coverage as a result of the proposed infrastructure, it is still unclear as to what the applicant considers to be 'adequate' and whether the coverage is applicable to the specific carrier or to network coverage more broadly.

Concerns raised as part of public consultation are acknowledged, however these have largely been addressed in a technical sense through the provision of further information. In some instances the concerns are not able to be considered in the decision-making process. It is noted, that while not a relevant planning matter, the perception of siting a telecommunication monopole in this location may have an impact on park goers. There is an opportunity to address this, in part, through investigating the feasibility of incorporating further mitigation measures to provide providing a shade structure over the playground to obscure the view of the monopole from within the playground.

In order to address the potential negative perception in part, additional mitigation measures could be pursued in order to provide greater screening or further obscure the visibility of the monopole as viewed from within or around the park.

In consideration of the revised proposal and the new information provided against the relevant planning framework, along with the submissions received, there are no reasonable grounds on which to refuse the application.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 RECONSIDERS its decision dated 15 May 2018 (CJ069-05/18 refers) as invited by the State Administrative Tribunal pursuant to Section 31 of the *State Administrative Tribunal Act 2004*;
- 2 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 May 2017 submitted by Planning Solutions, for proposed Telecommunications Infrastructure at Lot 11608 (91) Camberwarra Drive, Craigie (Camberwarra Park), subject to the following conditions:
 - 2.1 This approval relates to the telecommunications infrastructure and associated works only, as indicated on the approved plans. It does not relate to any other development on the lot;
 - 2.2 All development shall be contained within the property boundaries;
 - 2.3 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
 - 2.4 The telecommunications monopole shall not exceed an overall height of 25 metres as measured from the base of the monopole;

- 2.5 The applicant shall make good any damage to the existing vegetation within Camberwarra Park and shall ensure that any damage to a City-owned or managed asset is remediated, to the specification and satisfaction of the City and at the cost of the applicant;
- 2.6 A schedule of colours and materials shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
- 2.7 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;
- 2.8 A *Construction Management Plan* being submitted to and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - 2.8.1 All forward works for the site;
 - 2.8.2 The delivery of materials and equipment to the site;
 - 2.8.3 The storage of materials and equipment on the site;
 - 2.8.4 The parking arrangements for the contractors and subcontractors;
 - 2.8.5 The management of sand and dust during the construction process;
 - 2.8.6 Retention of natural vegetation and the proposed manner in which this will be managed;
 - 2.8.7 Impact on the use of the tennis courts during construction;
 - 2.8.8 Other matters likely to impact on the surrounding properties;
 - 2.8.9 The works are to be established and thereafter maintained to the specifications and satisfaction of the City;
- 3 REQUESTS that the Chief Executive Officer investigate the feasibility of providing additional mitigation measures to further decrease the visual impact of the monopole and, if found to be feasible, the applicant shall contribute to the measures to be undertaken, to the satisfaction of the City;
- 4 ADVISES the lead petitioner of its decision.

MOVED Mayor Jacob, SECONDED Cr May that Council:

- 1 RECONSIDERS its decision dated 15 May 2018 (CJ069-05/18 refers) as invited by the State Administrative Tribunal pursuant to Section 31 of the *State Administrative Tribunal Act 2004*;**
- 2 Reconfirms its earlier position on the matter and 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 Telecommunications Infrastructure at Lot 11608 (91) Camberwarra Drive, Craigie (Camberwarra Park), for the following reasons:**
 - 2.1 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;**
 - 2.2 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;**
 - 2.3 The development does not meet aim (c) of the *City of Joondalup Local Planning Scheme No. 3*, 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;**
 - 2.4 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;**
- 3 REQUESTS the Chief Executive Officer to engage with WALGA to raise the challenges currently being faced by local governments in dealing with development applications for new telecommunications infrastructure lodged by a number of different providers, and to seek WALGA's assistance to engage with the telecommunications industry to identify a more coordinated approach in identifying suitable locations for these facilities;**
- 4 ADVISES the lead petitioner of its decision.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Reason required for departure from Officer's recommendation

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because the need for a new tower in this location has not been clearly demonstrated and that submissions received, which are required to be considered under the City's *Telecommunications Infrastructure Local Planning Policy (LLP)*, are overwhelmingly opposed to this proposal.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf181113.pdf](#)

CJ191-11/18 PROPOSED UNLISTED USE (HELICOPTER PARKING) AT JOONDALUP RESORT - LOT 535 (45) COUNTRY CLUB BOULEVARD CONNOLLY

WARD	North-Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	17076, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Acoustic report Attachment 3 Applicant's report
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine a retrospective development application for an 'unlisted use' (helicopter parking) at the Joondalup Resort - Lot 535 (45) Country Club Boulevard, Connolly.

EXECUTIVE SUMMARY

An application has been received for retrospective approval of the parking/storage of a helicopter on the existing Joondalup Resort tennis courts at Lot 535 (45) Country Club Boulevard, Connolly. The proposal is considered an 'unlisted use' in accordance with the City's *Local Planning Scheme No. 3* (LPS3) and, as such, there are no specific development standards applicable to the proposed use. Given the land use is an 'unlisted use' and given the proposal increases the existing car parking shortfall on site, the application is required to be determined by Council.

The application was advertised to 426 landowners/occupiers within a 500 metre radius of the development site for a period of 14 days. A total of 55 submissions were received – 36 objections, 17 submissions of support and two submissions stating 'no objection' to the proposal.

It is considered that the impact of the parking/storage of the helicopter is minimal, taking into account the acoustic report provided by the applicant and the frequency and operation of the business on the site.

As a result, it is recommended that Council approves the application.

BACKGROUND

Suburb/Location	Lot 535 (45) Country Club Boulevard, Connolly.
Applicant	Wayne Carroll.
Owner	Joondalup Hotel Investments Pty Ltd.
Zoning	LPS Private Community Purposes. MRS Urban.
Site area	4.8239ha.
Structure plan	Not applicable.

Lot 534 (45) Country Club Boulevard, Connolly (subject site) is bound by the Joondalup Golf Course and the Joondalup Country Club on all boundaries. The closest residential properties are located approximately 250 metres from the tennis courts where the helicopter is proposed to be stored.

The subject site is zoned Urban under the *Metropolitan Region Scheme (MRS) and Private Community Purposes* under LPS3.

The parking/storage of a helicopter does not fall within the definition of any of the land uses listed in Table 3 – Zoning Table of LPS3, and therefore the proposal is an ‘unlisted use’. In accordance with clause 18(4) of LPS3, an ‘unlisted use’ may be approved by Council, subject to meeting the objectives of the specific zone.

‘Rotorvation Helicopters’ have been parking the helicopter at the site since December 2017 without planning approval. Upon receiving an enquiry from a nearby resident, the City contacted the landowner on 30 April 2018 and requested a retrospective development application be submitted.

DETAILS

The application proposes the following:

- Storage of one helicopter on the existing Joondalup Resort tennis courts; being a single engine helicopter with a small noise footprint.
- A maximum of five trips per week between the hours of 9.00am to 7.00pm.
- A maximum of two pilots attending the site at any given time (for a short hand-over period for a change in pilots).
- No customers will attend the site, as passengers will enter and exit the aircraft from Hillary’s Boat Harbour.
- The helicopter will, in most circumstances, fly west towards Marmion Avenue (over the golf course), then south/south-west directly to Hillary’s Boat Harbour, subject to weather conditions.
- No signage or additional structures are proposed.

The aircrafts proposed are a R44 (one pilot and three passengers helicopter) or a R66 (one pilot and four passengers). Both are small single engine helicopters with a small noise footprint, specifically designed for scenic joy flights. Only one helicopter will be stored on site at any one time, while the other will be located at the Jandakot Airport along with another five helicopters that Rotorvation Helicopters operate elsewhere. The development application is not able to limit or control flight routes and noise while travelling, as these are subject to separate legislation/approvals.

Further information regarding Rotorvation Helicopters and their operations are included within the applicant's report in Attachment 3.

The proposal generally complies with the majority of the most relevant standards and requirements of the City's LPS3 and *Private Community Purposes Local Planning Policy*, with further detail included below on the following matters:

Land use

The proposed parking and storage of a helicopter is considered an 'unlisted use' under the City's LPS3. As a result, the proposal is required to meet the applicable objectives of the *Private Community Purposes Zone*.

In accordance with clause 16 – Zones under LPS3, the objectives for the *Private Community Purposes Zone* are as follows:

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

Officer Comment

The proposal facilitates a local tourism business within the City of Joondalup, which operates from the Hillary's Boat Harbour. The parking of the vehicle does not impact on the activities and operation of the existing Joondalup Resort.

The development site is located centrally within the Joondalup Resort and Golf Course, with the nearest residential properties located more than 250 metres away. The site is also surrounded by dense vegetation which assists in reducing the noise and visual impact of the helicopter from surrounding development and thereby maintaining the amenity of the surrounding area.

As a result, it is considered that the proposal is consistent with the applicable objectives of the *Private Community Purposes Zone* under LPS3.

Parking

As the proposal is considered an 'unlisted use' under LPS3, there is no specific parking standard for the use. As a result, Council has the ability to impose a car parking standard which it deems acceptable.

Due to the recreational nature and operation of the business, it is recommended that the car parking standard for a 'Recreation – Private' land use be applied for this proposal. The car parking standard for 'Recreation – Private' use is one car parking bay per four persons accommodated. The only customers that will enter and exit the aircraft from the subject site will be hotel guests staying at Joondalup Resort. All other passengers will board the aircraft from Hillary's Boat Harbour. Therefore, the only additional persons attending the site will be a maximum of two pilots at any one time, resulting in the need for an additional one (0.5) car parking bay on site.

Officer Comment

At its meeting held on 14 December 2010 (CJ207-12/10 refers), Council resolved to support a 129 (29.8%) car parking shortfall at the Joondalup Resort site. A total of 303 bays are available on site, with a total of 432 currently required. As a result of the helicopter storage, the car parking shortfall will increase by a further parking bay to 130 bays (30%).

It is considered that the operation/activities proposed by the applicant are minimal in respect to the car parking demand on site. It is noted that any functions or events during the evening at the Joondalup Resort, when parking would be in highest demand, are unlikely to coincide with the operation of the helicopter, as the use of the helicopter will finish no later than 7.00pm. The parking of a vehicle will occur closest to the tennis courts, which are located on the opposite side of the car parking area to the Joondalup Resort, meaning these bays are less likely to be used by patrons attending the resort and therefore conflict in respect to parking will be minimised.

As a result, the increase of the existing car parking shortfall onsite is minor in nature and will not impact the operations of the Joondalup Resort. Therefore, it is recommended that the proposed car parking shortfall be supported.

Noise

The helicopter is proposed to operate a maximum of five trips (take-off and landing) per week between the hours of 9.00am to 7.00pm.

Aviation noise is exempt from the requirements of the *Environmental (Noise) Protection Regulations 1997* (Noise Regulations). Although the Noise Regulations do not apply, the acoustic report provided by the applicant (Attachment 2 refers) uses the assigned (allowable) noise levels under the Noise Regulations as a basis for determining the amenity impact of the helicopter noise on surrounding residential properties.

At take-off, the noise from the helicopter will last approximately three minutes and 20 seconds, and a further 20 seconds when landing. During Monday to Saturday, the noise generated by the helicopter during this time will generally comply with the assigned noise levels, with the exemption of a 15 second interval at take-off and 20 seconds when landing (where the aircraft is closest to the ground). However, on Sunday or a public holiday, the assigned noise level would be breached for this entire take-off and landing period.

Officer Comment

Although there will be a breach of the assigned noise level generated by the helicopter, this will not be for an extended period of time and will occur for a maximum of five take off and landings per week only. Putting the noise levels of the helicopter into perspective, the noise generated would be equivalent to a light commercial 4WD at a distance of 10 metres.

Based on a worst-case-scenario, where a trip is taken on a Sunday, a public holiday and three weekdays; the total amount of time where the noise from the helicopter exceeds the assigned noise levels would be 15 minutes and 45 seconds spread out over an entire week. It is also noted that during winter months, and those days where weather conditions are not appropriate, it is likely that the number of trips per week would be considerably less.

To further assist with noise levels, should the application be approved by Council, it is recommended that conditions of planning approval are included which limit the following:

- a) The hours of operation and frequency of trips to avoid any additional impact on surrounding landowners.
- b) The type of helicopter permitted to that of a small single engine aircraft (maximum of one pilot and four passengers) to ensure a larger (and likely louder) helicopter is not used in the future.

As a result of the above, the noise generated by the helicopter is considered acceptable taking into account the number of trips per week, the short periods of noise experienced during take-off and landing, and the fact that the aviation noise is exempt under the Noise Regulations.

Issues and options considered

Council is required to determine the appropriateness of the 'unlisted use' and the proposed car parking shortfall onsite. Council may determine an application for development approval by:

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

Legislation / Strategic Community Plan / policy implications

Legislation

*City of Joondalup Local Planning Scheme No. 3 (LPS3).
Planning and Development (Local Planning Schemes)
Regulations 2015.*

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Private Community Purposes Zone Local Planning Policy.

City of Joondalup Local Planning Scheme No. 3 (LPS3)

Clause 16(2) – Table 2 Zone Objectives of LPS3

Private Community Purposes

- *To provide sites for privately owned and operated recreation, institutions and places of worship.*
- *To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.*

- *To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.*

Clause 18(4) of LPS3

The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table:

- a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government;*
- b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.*

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.*

Private Community Purposes Local Planning Policy

The policy sets provisions for non-residential development within the Private Community Purposes Zone in the City of Joondalup.

The objectives of this policy are:

- *To create good quality built form and functional development that contributes towards a sense of place and community.*
- *To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.*
- *To ensure that the standard of development is in keeping with surrounding development and does not negatively affect the amenity of the locality.*
- *To establish a framework for the assessment of applications for development within this zone.*

It is noted that the proposal complies with the applicable requirements of the policy, excluding the car parking standard.

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$147.00 (excluding GST) in accordance with the *Schedule of Fees and Charges*, for assessment of the application.

Regional significance

Not applicable.

Sustainability implications

As the application is for the parking of a helicopter, an *Environmentally Sustainable Design Checklist* is not considered necessary in this instance.

Consultation

The application was advertised for a period of 14 days, from 19 September 2018 to 3 October 2018. Consultation was undertaken in the following manner:

- a letter outlining the details of the development proposal was sent to all 426 landowners and occupiers within a 500 metres radius of the development site
- a notice was placed on the City's website.

A total of 55 submissions were received, being 17 letters of support, 36 letters of objection and two letters of neither support nor objection. Based on the 426 letters sent to landowners and occupiers, this represents an overall response rate of 12.9%.

The issues raised by submitters are briefly summarised below, with the City's response to each concern raised:

- *Noise impact.*

Aviation noise is exempt under the *Environmental (Noise) Protection Regulations 1997*. An acoustic report has been provided by the applicant to consider the possible amenity impact of noise on surrounding properties. It is considered that a number of factors included in the application appropriately mitigate possible amenity impacts of noise, including:

- the location of the take-off and landing site being a minimum of 250 metres from residential properties
- the size of helicopter to be stored on-site
- the frequency of operation.

- *Privacy impact.*

There are no development standards which relevant to the impact on privacy associated with a helicopter.

- *Safety impact.*

Safe operation and maintenance of a helicopter is not a valid planning consideration and is covered under separate legislation/approvals.

- *Environmental impact of helicopter.*

The parking of the helicopter is proposed on the existing Joondalup Resort tennis courts. No vegetation is proposed to be removed as part of the application. Environmental impacts associated with the helicopter, once airborne, are managed under separate legislation/approvals.

- *Parking shortfall shouldn't be supported.*

An increased car parking shortfall of one bay is not considered to impact the operation of the Joondalup Resort, or the amenity of any surrounding residential development.

- *Land use not appropriate.*

The proposed operation and function of the business is considered to meet the relevant objectives of the *Private Community Purposes Zone* under LPS3.

- *Frequency of trips may increase in the future.*

The applicant has advised that a maximum of five trips will occur each week. During winter months, and those days where weather conditions are not appropriate, it is likely that the number of trips will be considerably less. Should the application be approved by Council it is recommended that a condition of planning approval is included which limits the hours of operation and frequency of trips to avoid any additional impact on surrounding landowners. If approved, the applicant is obliged to comply with the condition of approval and if they are found to be in breach, the City is able to initiate compliance action.

COMMENT

As outlined above, it is considered that the proposed 'unlisted use' meets the relevant objectives and requirements of the City's LPS3 and *Local Planning Policy*. It is recommended that the application is approved, subject to conditions to limit the operation of the business to minimise impact on surrounding landowners/occupiers.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Taylor, SECONDED Cr McLean that Council:

- 1 APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 15 June 2018 submitted by Wayne Carroll, for 'Unlisted Use (Helicopter Parking)' at Lot 535 (45) Country Club Boulevard, Connolly subject to the following conditions:**
 - 1.1 This approval relates to the parking/storage of one helicopter as depicted on the approved plans only. This does not relate to any other development on the lot;**
 - 1.2 No more than five trips (take-off and landing) shall occur per week, with the operation of the helicopter to occur between the hours of 9.00am to 7.00pm only;**
 - 1.3 A maximum of two pilots are permitted to attend the site for the purposes of flying the helicopter at any one time. No customers associated with the use of the helicopter are permitted to attend the premises at any time, unless they are hotel guests staying at the Joondalup Resort;**
 - 1.4 The helicopter shall only be parked in the designated area as depicted on the approved plans;**

- 1.5 **The type of helicopter permitted to park onsite is restricted to a R44, R66 or equivalent vehicle (maximum of one pilot, four passengers);**
- 1.6 **No on-street or verge parking is permitted; all parking is to be made available and maintained within the parking bays onsite;**

2 ADVISES submitters of its decision.

The Motion was Put and

CARRIED (11/2)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Logan, McLean, Norman, Poliwka and Taylor.

Against the Motion: Crs Jones and May.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf181113.pdf](#)

**CJ192-11/18 PROPOSED AMENDMENT TO LOCAL PLANNING
SCHEME NO. 3 - LOT 1 (16) SUNLANDER DRIVE,
CURRAMBINE**

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	107704, 50510, 101515
ATTACHMENT	Attachment 1 Location plan. Attachment 2 Scheme amendment map. Attachment 3 Applicant's scheme amendment report.
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

This Item was dealt with later in the meeting, after CJ210-11/18, page 194 refers.

CJ193-11/18 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents executed by affixing the Common Seal during the period 1 October 2018 to 29 October 2018
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 1 October to 29 October 2018.

EXECUTIVE SUMMARY

The City enters into various agreement by affixing the 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 1 October 2018 to 29 October 2018, as detailed in Attachment 1 to Report CJ193-11/18.

BACKGROUND

For the period 1 October 2018 to 29 October 2018, nine documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	4
Grant of Easement	1
Restrictive Covenant	1
Deed of Variation	2
Withdrawal of Caveat	1

DETAILS**Issues and options considered**

Not applicable.

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

Local Government Act 1995.

Strategic Community Plan**Key theme**

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

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

Policy

Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Current financial year impact

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.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 1 October 2018 to 29 October 2018, as detailed in Attachment 1 to Report CJ193-11/18.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf181113.pdf](#)

CJ194-11/18 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	00033, 101515
ATTACHMENT	Attachment 1 Minutes of WALGA North Metropolitan Zone meeting held on 30 August 2018 Attachment 2 Minutes of Mindarie Regional Council Meeting held on 5 July 2018 Attachment 3 Minutes of Mindarie Regional Council Meeting held on 6 September 2018 <i>(Please note: These minutes are only available electronically)</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of WALGA North Metropolitan Zone meeting held on 30 August 2018.
- Minutes of Mindarie Regional Council Meeting held on 5 July 2018.
- Minutes of Mindarie Regional Council Meeting held on 6 September 2018.

DETAILS

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

WALGA North Metropolitan Zone Meeting – 30 August 2018

A meeting of the North Metropolitan Zone was held on 30 August 2018.

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

1.1 Status Report

A Status Report outlining the actions taken on the Zone's resolutions was enclosed as an attachment to the Agenda.

5.2 Stop Puppy Farming – Local Government Consultation

The following alternative resolution was proposed regarding Stop Puppy Farming – Local Government Consultation at item 5.2 of the State Council Agenda.

That WALGA:

- 1 Confirms any amendments to relevant legislation regulating puppy farming must focus on the welfare of dogs and not transfer any responsibility for enforcement, regulation or associated costs to Local Government;
- 2 Supports a State Government led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders; and
- 3 Supports a centralised dog registration system that is developed, operated and maintained by State Government.

CARRIED

5.10 2018 WALGA Annual General Meeting

The following alternative resolution was proposed for recommendation 2 regarding 2018 WALGA Annual General Meeting at item 5.10 of the State Council agenda.

- 2 Items 4.2, 4.3 and 4.4 be forwarded to the relevant State Council Policy Teams for action subject to consideration being given to protecting endangered vegetation species in relation to item 4.2 “Roadside Vegetation: Regulatory Amendments”.

CARRIED

That the North Metropolitan Zone supports all remaining items within the September 2018 State Council agenda ‘en-bloc’.

CARRIED

Mindarie Regional Council Meeting – 5 July 2018

A meeting of the Mindarie Regional Council was held on 5 July 2018.

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

11.3 BUDGET APPROVAL – FINANCIAL YEAR 2018/19

That Council:

- (i) adopt the Budget for the Mindarie Regional Council for 2018/19 financial year;
- (ii) endorse the on-going strategy of deferred payment of operational surpluses, as approved by Council at its August 2005 meeting, for the 2005/06 financial year and future years to meet its on-going capital requirements;
- (iii) approve the Capital Budget Program of \$5,445,436 for 2018/19 as follows:

New capital expenditures

• Buildings	-
• Office furniture and equipment	72,300
• Computer equipment	105,500
• Plant and equipment and vehicles	2,594,000
• Infrastructure	1,145,340
	<u>3,917,140</u>

Carried forward capital expenditures

• Cardboard compactors	50,000
• New telephone system	15,000
• Repl. Toyota Forklift	28,000
• Repl. Komatsu Loaders (x2)	580,000
• Repl. Excavator	200,000
• Repl. Skid steer loader	90,000
• Repl. 30T Dump truck	360,000
• Kitchen, ablution upgrade tipface	20,000
• Weighbridge RRF	20,000
• Weighbridge TP	20,000
• Recycling centre renovations	145,296
	<u>1,528,436</u>

Total Capital expenditure 5,445,436

- (v) approve that \$395,588 will be transferred from the Operating Surplus to the Site Rehabilitation Reserve;
- (vi) approve that \$3,917,140 be transferred from the Reserve for Capital Expenditure to Operating Surplus to fund capital expenditures;
- (vii) approve that any funds required for carbon abatement projects be transferred from the Carbon Abatement Reserve to the Operating Surplus;
- (viii) approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the respective reserves.

CARRIED UNANIMOUSLY

11.4 EXTERNAL AUDIT COMMITTEE MEMBER APPOINTMENT

AUDIT COMMITTEE RECOMMENDATION:

- 1 That Council appoint Phillip Draber as the MRC external audit committee member, subject to his acceptance of the appointment, for the period from 5 July 2018 to 19 October 2019, the date of the next Local Government Elections.
- 2 That Council endorse that Phillip Draber be considered as a candidate for the role of MRC external audit committee member for the period from 20 October 2019 to 30 June 2020.

CARRIED 11/0

17 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

That the Council:

- 1 ENDORSES the Chief Executive Officer Employment Contract commencing 5 July 2018.
- 2 APPROVES in accordance with the Salaries and Allowance Tribunal Band 3 for Regional Council CEO's, the total reward package be set at \$242,006.

- 3 APPROVES the Chairman to execute the signing of the Chief Executive Officer Employment Contract.

The Chairperson requested that in accordance with clause 7.9 of the *Mindarie Regional Council Standing Orders Local Law 2010* and s5.23(2) of the *Local Government Act 1995*, Council proceed to meet “behind closed doors” to allow the Council to consider item 17.1 as it is a matter of a confidential nature.

Note: The Acting Chief Executive Officer has not released Report 17.1 for Public information as it relates to matters that affect the CEO Employment contract.

RESOLVED

To close the meeting to the public.

CARRIED 10/1

To reopen the doors to the public.

CARRIED 11/0

The Chair announced that the Councillors had met behind closed doors and resolved to hold over item 17.1 CEO Contract of Employment to the next Council meeting.

Mindarie Regional Council Meeting – 6 September 2018

A meeting of the Mindarie Regional Council was held on 6 September 2018.

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

9.4 BUDGET APPROVAL FOR ODOUR INVESTIGATION

That Council:

Approves the funding of the \$30,000 required to undertake the Kinross Odour Survey through the mid-year budget review process.

CARRIED UNANIMOUSLY

14.1 TAMALA PARK CARDBOARD BALER

That the Council:

1 Award the tender for the supply and install of a cardboard baler at Tamala Park (Tender Number 13/138) to MILTEK WASTE SOLUTIONS PTY LTD at a fixed price detailed within the report.

2 Advise the unsuccessful tenderers of the decision to award the tender to MILTEK WASTE SOLUTIONS PTY LTD.

CARRIED UNANIMOUSLY

14.2 BUDGET APPROVAL FOR COMINGLED RECYCLABLES SUMMER WASTE AUDIT

That the Council:

Approve the funding of \$145,000 required to undertake the comingled recyclables summer waste audit through the mid-year budget review process.

CARRIED UNANIMOUSLY

14.3 CEO CONTRACT OF EMPLOYMENT

That the Council:

- 1 ENDORSES the Chief Executive Officer Employment commencing 6 September 2018.
- 2 APPROVES in accordance with the Salaries and Allowance Tribunal Band 3 for Regional Council CEO's, the total reward package be set at \$252,212.
- 3 APPROVES the Chairman to execute the signing of the Chief Executive Officer Employment Contract.

CARRIED UNANIMOUSLY

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the minutes of the:

- 1 WALGA North Metropolitan Zone meeting held on 30 August 2018 forming Attachment 1 to Report CJ194-11/18;**
- 2 Mindarie Regional Council Minutes from the meeting held on 5 July 2018 forming Attachment 2 to Report CJ194-11/18;**
- 3 Mindarie Regional Council Minutes from the meeting held on 6 September 2018 forming Attachment 3 to Report CJ194-11/18.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

To access this attachment on electronic document, click here: [ExternalMinutes181113.pdf](#)

CJ195-11/18 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2018

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20560, 101515
ATTACHMENT	Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 July 2018 to 30 September 2018 Attachment 2 Capital Works Program Quarterly Report for the period 1 July 2018 to 30 September 2018
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2018 to 30 September 2018 and the *Capital Works Quarterly Report* for the period 1 July 2018 to 30 September 2018.

EXECUTIVE SUMMARY

The City's *Corporate Business Plan 2018-19–2022-23* 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 (2018-19).

The *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2018 to 30 September 2018 provides information on the progress of 2018-19 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ195-11/18.

A *Capital Works Quarterly Report*, which details all projects within the *Capital Works Program*, is provided as Attachment 2 to Report CJ195-11/18.

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 July 2018 to 30 September 2018 which is shown as Attachment 1 to Report CJ195-11/18;*
- 2 *Capital Works Quarterly Report for the period 1 July 2018 to 30 September 2018 which is shown as Attachment 2 to Report CJ195-11/18.*

BACKGROUND

The City's *Corporate Business Plan 2018-19 – 2022-23* demonstrates how the objectives of the City's *Strategic Community Plan* are translated into a five year delivery program.

The *Corporate Business Plan 2018-19 – 2022-23* was endorsed by Council at its meeting held on 21 August 2018 (CJ138-08/18 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 2018-19 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 2018-19 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 grey shaded sections of Attachment 1 to Report CJ195-11/18. "*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 2018-19 projects and programs in the *Corporate Business Plan* were included in the 2018-19 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 2018-19 – 2022-23* was endorsed by Council at its meeting held on 21 August 2018 (CJ138-08/18 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 the projects and programs in the *2018-19 Capital Works Program*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, **SECONDED** Cr Jones that Council **RECEIVES** the:

- 1** *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2018 to 30 September 2018, which is shown as Attachment 1 to Report CJ195-11/18;
- 2** *Capital Works Quarterly Report* for the period 1 July 2018 to 30 September 2018, which is shown as Attachment 2 to Report CJ195-11/18.

The Motion was Put and **CARRIED (13/0)** by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf181113.pdf](#)

CJ196-11/18 CUSTOMER SATISFACTION MONITOR 2017-18

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	69609, 101515
ATTACHMENTS	Attachment 1 Customer Satisfaction Monitor 2017-18 Improvement Actions. Attachment 2 2017-18 Benchmarking Data
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to receive the detailed results of the 2017-18 Customer Satisfaction Monitor.

EXECUTIVE SUMMARY

The Customer Satisfaction Monitor is conducted annually to measure the level of overall satisfaction with the City, and its performance in delivering specific services and facilities.

The results for the 2017-18 Customer Satisfaction Monitor continue to reflect high levels of overall community satisfaction with the City and with services delivered to the community. The 2017-18 Monitor shows an overall satisfaction rating for the City of Joondalup of 84.7%. This is a slight increase compared to the 2016-17 result of 83.8%. Customer Satisfaction with services provided by the City in 2017-18 was 89.1% compared to 88.3% in 2016-17.

The 2017-18 results indicate a slight increase in the level of customer satisfaction with value for money from rates with a rating of 64.2% in 2017-18 compared to 62.6% in 2016-17.

At an individual service level, areas of strong satisfaction levels were recorded for sport and recreation (96.7%), weekly rubbish collection (95%), parks and public open spaces (94.2%), libraries (93.7%), festivals (92.6%), graffiti removal (92.4%) and street appearance (91.3%).

A number of other service areas have maintained high levels of community satisfaction including:

- fortnightly recycling (89.3%)
- ranger services (85.4%)
- management and control of traffic on local roads (84.1%).

The separate survey conducted in relation to planning and building services indicates a significant increase in overall satisfaction levels for Building Services in 2017-18 (89.8%) compared to 2016-17 (82.3%). Overall customer satisfaction ratings for Planning Services also increased significantly in 2017-18 (89.4%) compared to 2016-17 (78.6%).

82.8% of respondents to the 2017-18 Monitor agreed that the City has a good understanding of community needs compared to 76% in 2016-17.

In 2014-15 the City introduced some new questions to the Customer Satisfaction Monitor namely:

- satisfaction with Joondalup as a place to live
- satisfaction with the Joondalup CBD.

In 2017-18 both questions attracted high satisfaction ratings with residents rating satisfaction with Joondalup as a place to live at 95.3% compared to 97.4% in 2016-17. Satisfaction ratings with the Joondalup CBD were 95.3% in 2017-18 compared to 97.4% in 2016-17.

BACKGROUND

Customer Satisfaction Monitors have been conducted on an annual basis since 2000. The most recent survey was conducted by an independent market research company, Research Solutions.

The broad objective of the study is to determine resident perceptions of the facilities and services provided by the City of Joondalup. Specifically, the study measures:

- overall satisfaction with the City of Joondalup
- satisfaction with:
 - Services provided by the City of Joondalup
 - Value for money provided by rates
 - City facilities (libraries, sports and recreation centres, parks and public open spaces)
 - City services (festivals and events, graffiti removal, ranger services, rubbish collections, street appearance, management and control of traffic)
 - Informing the community of local issues
 - Satisfaction with the CBD
 - Satisfaction with Joondalup as a place to live
 - Key issues of concern and suggestions for improvement.

This latest community research was undertaken in May and June 2018 and involved random sampling and telephone interviewing of 600 respondents from within the City. The sample was cross-checked to ensure that it significantly matched the demographic profile and population spread of Joondalup in terms of age, gender and location to obtain a representative sample.

The sampling size for the overall *Customer Satisfaction Monitor* produces a sampling precision of +/- 4% at the 95% confidence interval – that is, there is a 95% certainty that the results obtained will be within +/- 4% if a census was conducted of all households within the City of Joondalup. This percentage is in accordance with the level specified by the Auditor General.

A separate survey was also conducted of 141 building clients and 131 planning clients over the last 12 months. This separate survey of specific applicants was first introduced in 2008-09. Previously this area was included as part of the annual *Customer Satisfaction Monitor* however the methodology was altered due to minimal numbers of people surveyed having had contact with planning or building services. The smaller sampling size for the separate survey of planning and building applicants produces a sampling precision of +/- 6% at the 95% confidence interval.

DETAILS

Satisfaction levels were recorded from those respondents who felt familiar enough with the service or facility to be able to comment. Respondents expressing dissatisfaction were asked to provide suggestions for improvement.

The overall satisfaction rating in 2017-18 was 84.7% compared to the 2016-17 rating of 83.8%. The 2017-18 Survey results indicate that general satisfaction with all services provided by the City in 2017-18 was 89.1% compared to 88.3% in 2016-17.

Respondents were prompted with a list of 10 services provided by the City and asked how satisfied they were with the City's performance. To maintain comparability across monitors, the questionnaire used was based on the version used in previous years; however, the 2017-18 survey excluded the question on satisfaction with consulting with the community on local issues and the questions related to satisfaction with parking in the City Centre; parking adjacent to schools; parking adjacent to railway stations; and parking in residential areas.

A separate survey of planning and building applicants was conducted to measure specific levels of satisfaction with planning and building services. This survey was aimed at determining the satisfaction of those residents that had directly used the planning and building services over the previous 12 months.

The 2017-18 satisfaction levels related to building services increased significantly in 2017-18 (89.8%) from the 2016-17 ratings (82.3%). Satisfaction levels related to planning services also significantly increased in 2017-18 (89.4%) from the 2016-17 ratings (78.6%).

64.2% of respondents were satisfied with value for money from rates compared to 62.6% in 2016-17.

At an individual service level, areas of strong satisfaction were:

- Sport and recreation (96.7%)
- Weekly rubbish collection (95%)
- Parks and public open spaces (94.2%)
- Libraries (93.7%)
- Festivals (92.6%)
- Graffiti removal (92.4%)
- Street appearance (91.3%).

Whilst the 2017-18 Monitor shows slight decreases in levels of satisfaction for some City services (libraries, graffiti removal, weekly rubbish collection, parks and public open space, management and control of traffic on local roads), the decreases are minor and statistically insignificant coupled with the fact that the satisfaction ratings for these services remain very high.

The 2017-18 Monitor indicates similar satisfaction ratings for *informing the City about local issues*. The Satisfaction rating in 2017-18 was 75.9% compared to 74.6% in 2016-17.

The following table provides comparisons of satisfaction ratings with Customer Satisfaction Monitors undertaken in the previous seven years:

Service	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Overall Satisfaction	84.1%	87.5%	89.1%	87.8%	89%	85.8%	83.8%	84.7%
Satisfaction with Services Provided	92%	92.7%	94.1%	92.7%	92.4%	88.8%	88.3%	89.1%
Value for Money from Rates	66%	66.8%	72.7%	70.7%	72%	63.7%	62.6%	64.2%
Libraries	95.1%	97.2%	95.6%	95.6%	93.9%	95.2%	96.6%	93.7%
Festivals, Events and Cultural Activities	93.1%	89.8%	90.5%	88.9%	89.3%	86.6%	90.6%	92.6%
Sport and Recreation	95.6%	94.2%	94.5%	92.2%	95%	91.9%	93.6%	96.7%
Mobile Security Patrols	66.7%	71.1%	71.0%	69.3%	69.2%	N/A	N/A	N/A
Graffiti Removal	92.1%	89.8%	92.5%	90.0%	94.4%	90.9%	94.8%	92.4%
Ranger Services	78.3%	85.0%	82.0%	82.0%	83%	80.9%	81%	85.4%
Weekly Rubbish Collection	98.5%	97.4%	97.4%	97.0%	95.2%	95.7%	96.3%	95%
Fortnightly Recycling	89.9%	91.4%	91.8%	89.8%	90.6%	88.6%	87.2%	89.3%
Parks and Public Open Space	90.8%	93.0%	93.2%	92.4%	94.9%	91.1%	94.8%	94.2%
Street Appearance	83.4%	88.0%	91.1%	88.3%	91.2%	88.1%	89.3%	91.3%
Planning	95.2%	84.1%	72.0%	91.3%	70.1%	71.5%	78.6%	89.4%
Building	94.7%	84.1%	79.0%	90.5%	85.7%	76.6%	82.3%	89.8%
Management and Control of Traffic on Local Roads	73.5%	81.8%	83.0%	78.5%	82%	81.6%	84.5%	84.1%
Parking City Centre	45.5%	55.0%	55.0%	54.3%	62.5%	56.3%	55.8%	N/A
Parking Residential Areas	76.8%	83.9%	86.1%	81.1%	82.2%	84.1%	79.7%	N/A
Parking Adjacent to Schools	N/A	42.7%	61.6%	55.4%	58.1%	60.2%	51.9%	N/A
Parking Adjacent to Railway Stations	N/A	N/A	44.9%	38.7%	49.7%	51.5%	62.7%	N/A
The City Consults with the Community about Local Issues	67.4%	71.3%	73.9%	63.4%	70.4%	58.2%	65.2%	N/A
The City Informs the Community about Local Issues	72.9%	76.0%	77.5%	70.7%	74.9%	64.2%	74.6%	75.9%
Understand Community Needs	68.8%	74.5%	82.2%	78.2%	81%	76.9%	76%	82.8%

The 2017-18 Monitor indicated increased satisfaction ratings in *community confidence that the City is planning for the future* from the previous year. In 2017-18, 80.7% of respondents had confidence that the City has plans in place for the future compared to 78% in 2016/17.

In 2014-15 the City introduced questions to the *Customer Satisfaction Monitor* related to:

- satisfaction with Joondalup as a place to live
- satisfaction with the Joondalup CBD.

In 2017-18 both questions attracted high satisfaction ratings with residents rating satisfaction with Joondalup as a place to live at 95.3% compared to 97.4% in 2016-17 and satisfaction with the Joondalup CBD at 86% in 2017-18 compared to 85% in 2016-17.

The 2017-18 Monitor also included questions related to awareness of, and attendance at, specific festivals and events in 2018, namely:

- The Joondalup Festival
- Music in the Park
- Little Feet Festival
- Valentine Concert
- Sunday Serenades Concert Series.

Overall awareness and attendance at the specific events is shown below:

Event	2017/18 Awareness	2017/18 Attendance (of those aware)	2017-18 Attendance of the general population
Joondalup Festival	88.8%	33.2%	29.5%
Music in the Park	70.3%	18.2%	12.8%
Little Feet Festival	52.3%	13.4%	7%
Valentine Concert	40.2%	23.2%	9.3%
Sunday Serenades Concert Series	26.7%	14.4%	3.8%

The major differences from the 2016-17 Monitor are;

- The 2017-18 awareness of the Joondalup Festival has increased by 5% (88.8% in 2017-18 and 83.7% in 2016-17).
- The 2017-18 attendance (of those aware) at the Joondalup Festival has increased by 12% (33.2% in 2017-18 and 21% in 2016-17).
- The 2017-18 awareness of Music in the Park has decreased by 5% (70.3% in 2017-18 and 75.4% in 2016-17).
- The 2017-18 awareness of Little Feet Festival has increased by 3% (52.3% in and 48.8% in 2016-17).
- The 2017-18 attendance (of those aware) at the Valentine Concert has increased by 17% (23.2% in 2017-18 and 6% in 2016-17).

The *2017-18 Customer Satisfaction Monitor* did not include questions related to satisfaction with parking in residential areas, areas adjacent to train stations, areas adjacent to schools, and the City Centre. Instead the survey included questions on:

- Awareness of City Centre parking facilities;
- Use of City Centre Parking facilities.

This is the first time that this question has been asked and the results for the nominated car parks are shown below:

Car Park	2017/18 Awareness - % of population	2017/18 Usage (of those aware)	2017-18 Usage as a % of the population
Central Walk Car Park	58.8%	59.2%	34.8%
Reid Promenade Multi Storey	49.2%	61%	30%
McLarty Avenue 1	45%	46%	22.2%
McLarty Avenue 2	45%	53.3%	24%
Davidson Terrace	26.2%	37.6%	9.8%

19% of respondents were not aware of any of the nominated car parks.

Issues and options considered

The City will use the results from the 2017-18 Satisfaction Monitor to improve service delivery in all areas, with focus on those service areas that have recorded decreases in satisfaction ratings. The Improvement Plan is shown as Attachment 1.

Benchmarking information across three key areas: satisfaction with the city as a place to live, city governance, and value for money for rates is shown in Attachment 2.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Active democracy.

Strategic initiative Fully integrate community consultation practices into City activities.

Policy *Community Consultation and Engagement Policy.*

Risk management considerations

Monitoring levels of customer satisfaction with services provided by the City is essential to assist in the delivery of effective and efficient services to the community.

Financial/budget implications

Account no.	531 A5301 3265 0000
Budget Item	Customer Satisfaction Monitor
Budget amount	\$ 35,000
Amount spent to date	\$ 35,000
Balance	\$ 0

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Customer satisfaction is a measure of an organisation's sensitivity to customer needs and from an organisational perspective, is essential for long-term success and sustainability.

Consultation

The 2017-18 Customer Satisfaction Monitor was conducted by surveying 600 residents of the City of Joondalup, and the Planning and Building survey was conducted by surveying 131 residents who had made contact with the City regarding a planning matter and 141 residents who had made contact with the City regarding a building matter in the last 12 months.

COMMENT

The *2017-18 Customer Satisfaction Monitor* results show that overall satisfaction ratings remain high and, in the main, residents are satisfied with the services provided by the City of Joondalup.

While the satisfaction rating for informing the community about local issues is similar to last year's results, the City puts significant effort into consultation and communication activities and the issue was the subject of a Strategic Community Reference Group meeting held on 27 March 2017 which included subject experts from the Community Newspaper Group, Bam Creative and IAP2. The group provided a number of suggestions including reducing government jargon for the purposes of communication and consultation, increased face to face opportunities for engagement, and surveying the community on their preferred methods of communication from the City.

These suggestions have been, or are in the process of being implemented and include the following:

- Use of 'plain English' language in all communication and consultation activities.
- Trial of face-to-face engagement activities for the Whitfords Nodes Wellbeing Hub.
- Revised marketing and communication program for the bulk waste program.
- Survey to be undertaken in 2018-19 on community preferences for the City communicating with, and informing the community on, local issues.
- Assessment of online engagement platforms such as 'Bang the Table'.
- Opportunities to involve younger people in communication and consultation activities.
- Communication plans to be developed for all significant projects.
- Regular presentations to Strategy Sessions on proposed consultation/engagement efforts.
- Promotion of consultation/engagement efforts through:
 - targeted social media campaigns
 - Hero image on the website alerting the public of consultation/engagement exercises.
- Development of a project site on the website providing details on:
 - current and long-term capital projects the City is planning
 - Information on project timeframes, access to drawings, locations, and consultations to be undertaken.

The City will put significant emphasis on implementing improvement strategies to enhance overall customer satisfaction as well as service delivery across all City services.

A number of improvements to services are planned for 2018-19 with some improvements already underway. These are detailed in Attachment 1.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council RECEIVES the 2017-18 Customer Satisfaction Monitor results and proposed improvement actions forming Attachment 1 to Report CJ196-11/18.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8agn181113.pdf](#)

CJ197-11/18 ANNUAL REPORT 2017-18

WARD	All
RESPONSIBLE A/DIRECTOR	Mr Mark McCrory Governance and Strategy
FILE NUMBER	38745, 101515
ATTACHMENT	Attachment 1 2017-18 Annual Report
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the *2017-18 Annual Report*.

EXECUTIVE SUMMARY

In accordance with section 5.53 of the *Local Government Act 1995* the *2017-18 Annual Report* has been prepared, summarising the previous year's achievements and challenges and the outlook for the year ahead, as well as including specific statutory requirements. The *Annual Report* also demonstrates performance against the City's *Strategic Community Plan: Joondalup 2022*.

An external audit has been completed of *City's Financial Statements* for the 2017-18 financial year and these statements are the subject of a separate report to Council.

The *2017-18 Annual Report* forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the *Annual Report* is accepted. At its meeting held on 16 October 2018 (CJ172-10/18 refers), Council resolved to hold the Annual General Meeting of Electors on 4 December 2018.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY ACCEPTS the Annual Report of the City of Joondalup for the financial year 2017-18, forming Attachment 1 to Report CJ197-11/18 and subject to the insertion of the audited 2017-18 Financial Statements once adopted by Council.

BACKGROUND

The *Local Government Act 1995* requires every local government to prepare an Annual Report. The *Annual Report* informs the community and key stakeholders about the achievements and challenges from the previous financial year and provides information on the future outlook.

The audited accounts for the financial year will need to be incorporated into the report following the annual external audit. This year's Annual Report includes the full Financial Statements rather than the Concise Financial Report as in previous years.

It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Annual General Meeting of Electors.

DETAILS

The *2017-18 Annual Report* has been prepared addressing the performance against the six key themes of the City's *Strategic Community Plan: Joondalup 2022*:

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

As in previous years, the *2017-18 Annual Report* includes a range of *Global Reporting Initiative (GRI) Standard Disclosures* to report against the City's environmental, economic and social performance. The *Standard Disclosures* are in line with the *GRI Sustainability Standard 2016*.

The Annual Report also includes measurements against the *Strategic Performance Indicators* developed within each key theme of *Joondalup 2022*. Measurements are provided against those targets which can be reported.

Reports against statutory requirements are also included in the *Annual Report*.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government Act 1995.</i> <i>Local Government (Administration) Regulations 1996.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Corporate Capacity.
Strategic initiative	Demonstrate accountability through robust reporting that is relevant and easily accessible to the community.
Policy	Not applicable.

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the annual report:

5.53 Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - a. *a report from the mayor or president;*
 - b. *a report from the Chief Executive Officer;*
 - c. *deleted;*
 - d. *deleted;*
 - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
 - f. *the financial report for the financial year;*
 - g. *such information as may be prescribed in relation to the payments made to employees;*
 - h. *the auditor's report for the financial year;*
 - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
 - hb. *details of entries made under section 5.121 during the financial year in the register of complaints, including –*
 - (i) *the number of complaints recorded in the register of complaints;*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require;*
 - i. *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the *Annual Report*:

5.54 Acceptance of annual reports

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

**absolute majority required*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the *Annual Report*:

5.55 Notice of annual reports

The Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the annual report for the previous financial year and then any other general business.

Risk management considerations

Not adopting the *2017-18 Annual Report* will result in non-compliance with the requirements of the *Local Government Act 1995*.

Financial / budget implications

Not applicable.

Regional significance

The *2017-18 Annual Report* sets out the performance of the City which has significance for the development and growth of the region.

Sustainability implications

The programs and projects in the *2017-18 Annual Report* are aligned to the key themes in *Joondalup 2022* which have been developed to ensure the sustainability of the City.

The City has included *Global Reporting Initiative (GRI) Standard Disclosures* in the Annual Report in line with the *2016 GRI Sustainability Standard*. This is a best practice sustainability reporting framework for organisations to report on their economic, environmental and social performance.

Consultation

There is no legislative requirement to consult with the community on the preparation of the *Annual Report*. The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

COMMENT

In addition to the requirements of the *Local Government Act 1995*, the *Annual Report* is seen as a key reporting mechanism of the *Integrated Planning and Reporting (IPR) Framework* as set out by the Department of Local Government, Sport and Cultural Industries. In accordance with the *IPR Framework*, local governments are expected to outline progress towards achieving the objectives of the *Strategic Community Plan* (10-year plan) and the major projects and priorities of the *Corporate Business Plan* over the medium term (five-year period).

The *Annual Report* is also seen as an essential tool to inform the community and key stakeholders about the City's achievements, challenges and future plans, promote greater community awareness of the City's programs and services, and illustrate the City's commitment to accountable and transparent government.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr McLean, SECONDED Cr Hollywood that Council BY AN ABSOLUTE MAJORITY ACCEPTS the *Annual Report* of the City of Joondalup for the 2017-18 financial year, forming Attachment 1 to Report CJ197-11/18 and subject to the insertion of the audited *2017-18 Financial Statements* once adopted by Council.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9agn181120.pdf](#)

CJ198-11/18 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2018

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

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2018 totalling \$20,666,496.68.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for September 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 CJ198-11/18, totalling \$20,666,496.68.

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 September 2018. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ198-11/18.

The vouchers for the month are appended as Attachment 3 to Report CJ198-11/18.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 107206 - 107316 & EF073145 - EF073662 Net of cancelled payments.	\$15,163,868.67
	Vouchers	\$5,488,896.40
Trust Account	Trust Cheques & EFT Payments 207316 - 207318 & TEF001595 - TEF001609 Net of cancelled payments.	\$13,731.61
Total		\$20,666,496.68

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 *2018-19 Annual Budget* as adopted by Council at its meeting held on 26 June 2018 (CJ114-06/18 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for September 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 CJ198-11/18, totalling \$20,666,496.68.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf181113.pdf](#)

CJ199-11/18 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2018

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

PURPOSE

For Council to note the Financial Activity Statement for the period ended 30 September 2018.

EXECUTIVE SUMMARY

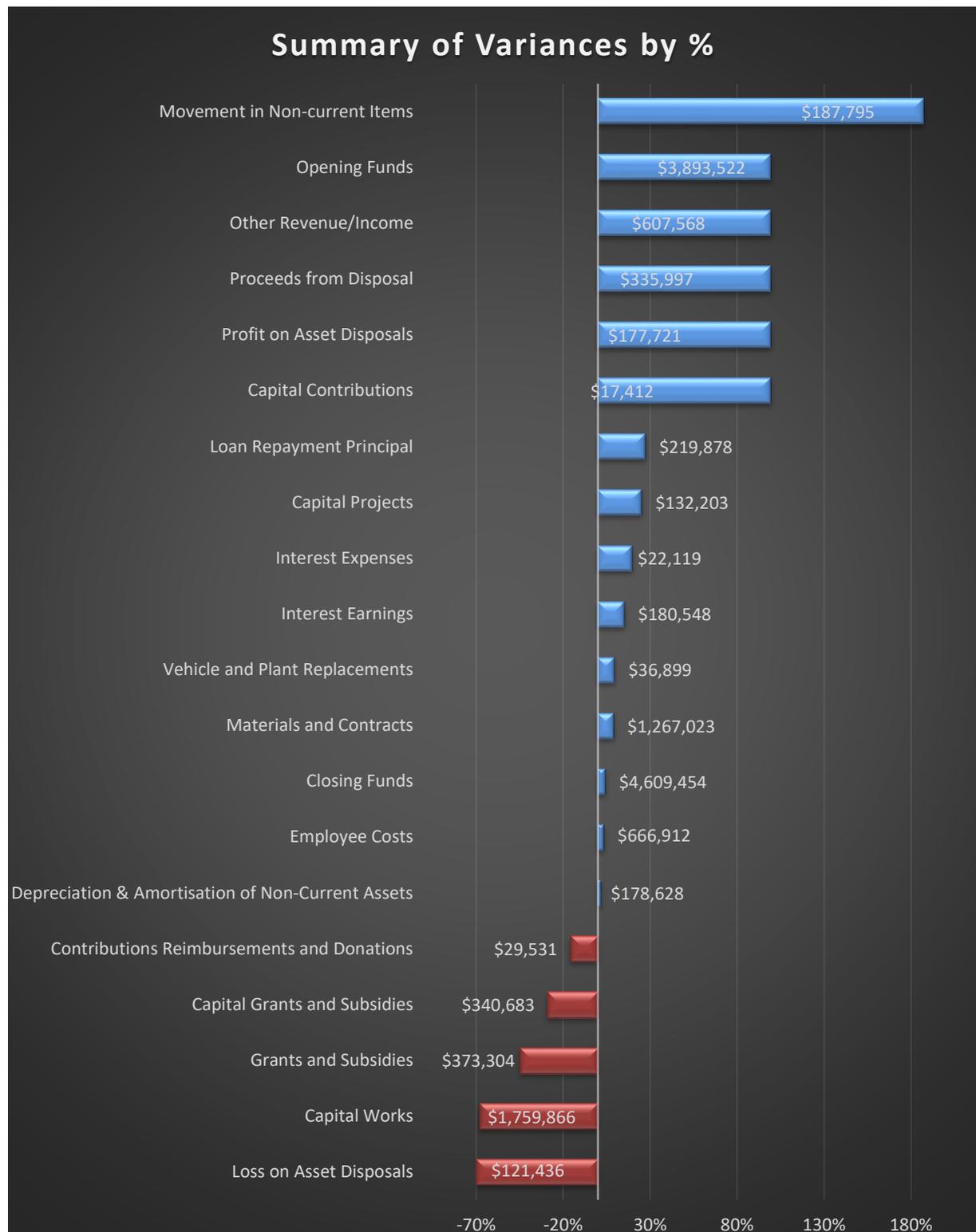
At its meeting held on 26 June 2018 (CJ114-06/18 refers), Council adopted the Annual Budget for the 2018-19 financial year. The figures in this report are compared to the revised budget.

The September 2018 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$4,609,454 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 30 September 2018 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of 2017-18 annual financial statements.

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 to Report CJ199-11/18 identify and provide commentary on the individual key material revenue and expenditure variances to date.

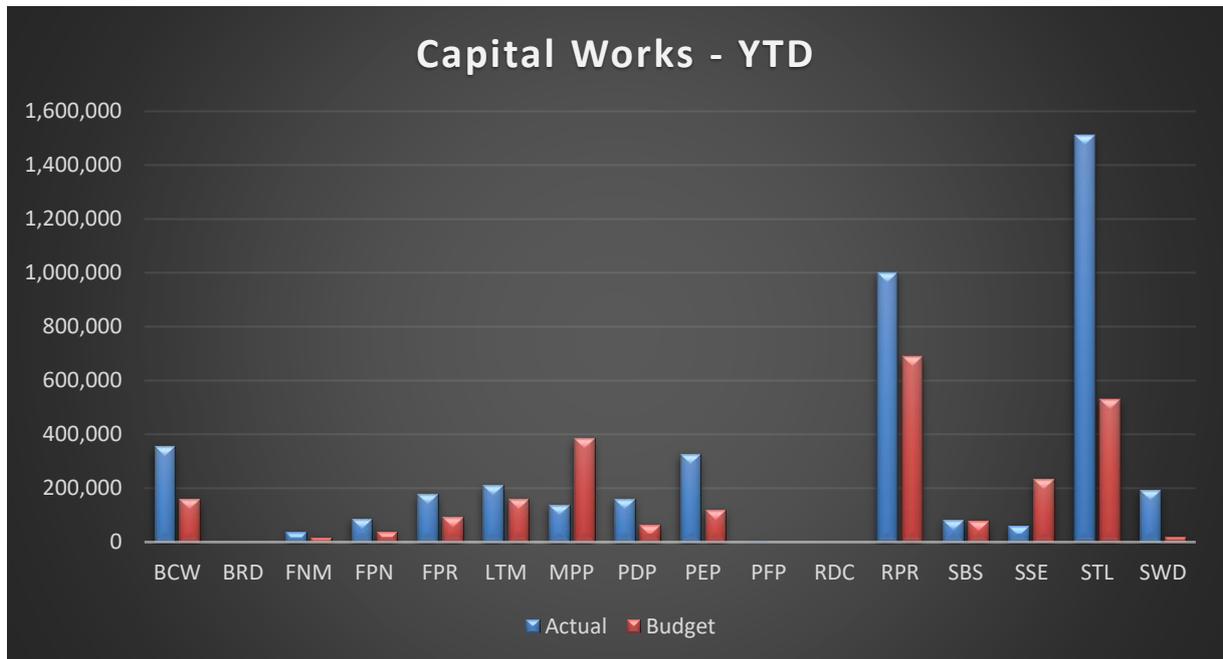
The key elements of the variance are summarised below:



The significant variances for September were:

Capital Works

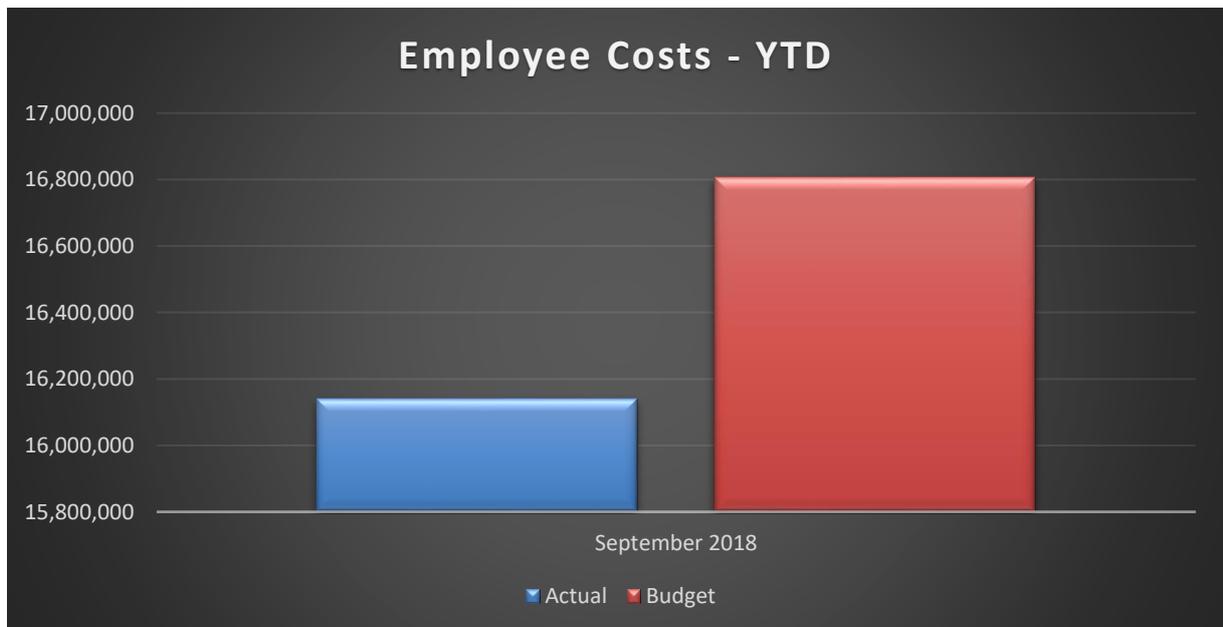
(\$1,759,866)



Capital Works expenditure is (\$1,759,866) above budget due to projects carried forward from the previous financial year and projects progressing ahead of budget phasing. This includes unfavourable timing variances for Street Lighting Program (\$983,530) and Road Preservation / Resurfacing Program (\$311,372).

Employee Costs

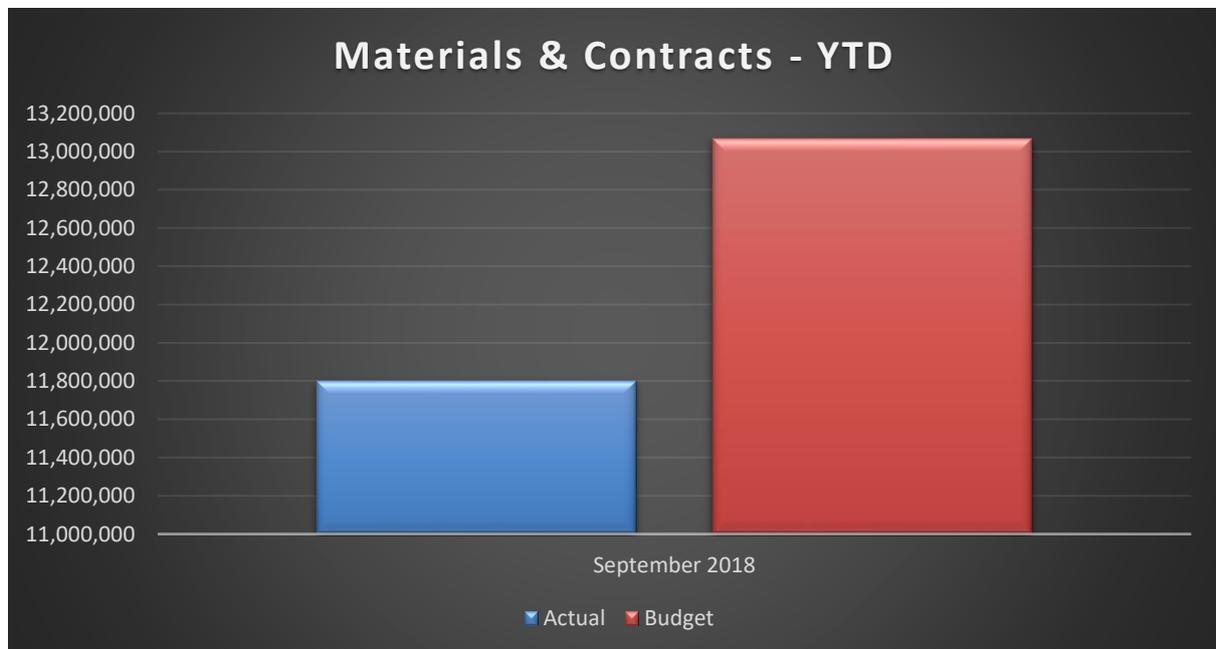
\$666,912



Employee Costs expenditure is \$666,912 below budget. This is spread across a number of different areas including Salaries and Wages for Parks \$221,015, Director Planning and Community Development \$86,104 and Planning Approvals \$71,532 mainly due to vacant positions.

Materials & Contracts

\$1,267,023



Materials and Contracts expenditure is \$1,267,023 below budget. This is spread across a number of different areas including favourable timing variances for External Service Expenses \$802,954, Public Relations, Advertising & Promotions \$180,592 and Furniture, Equipment and Artworks \$176,116.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2018 forming Attachment 1 to Report CJ199-11/18.

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 30 September 2018 is appended as Attachment 1 to Report CJ199-11/18.

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

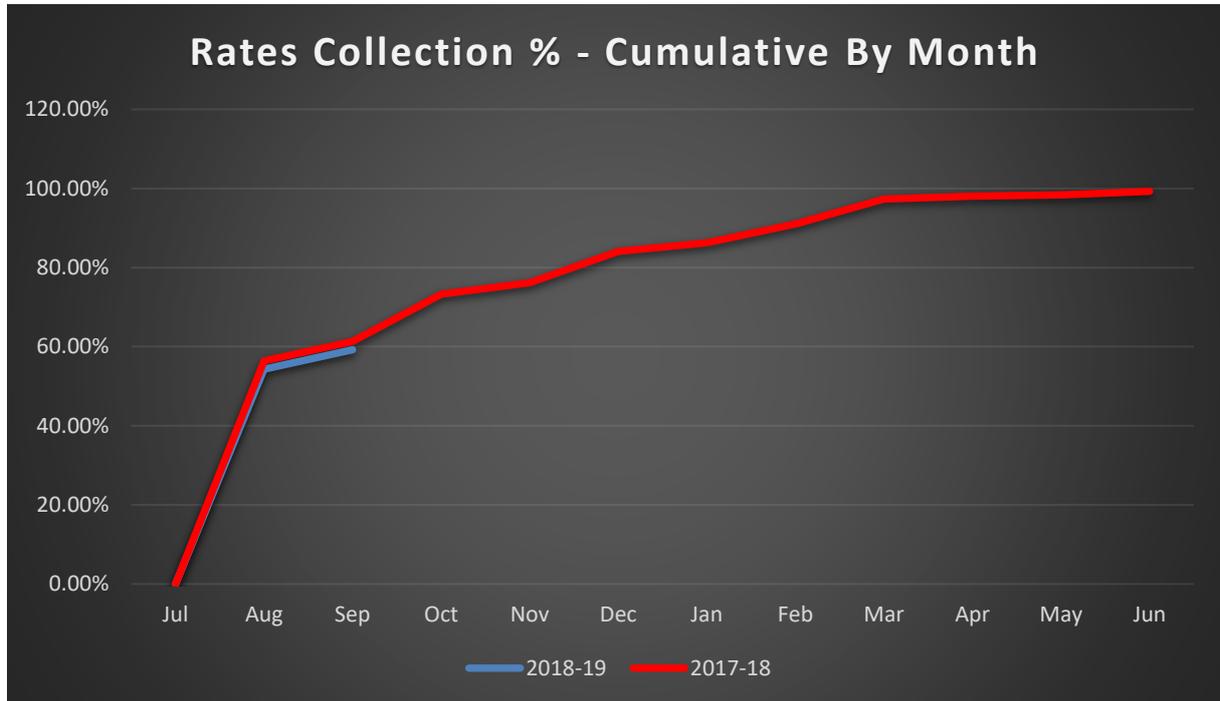
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

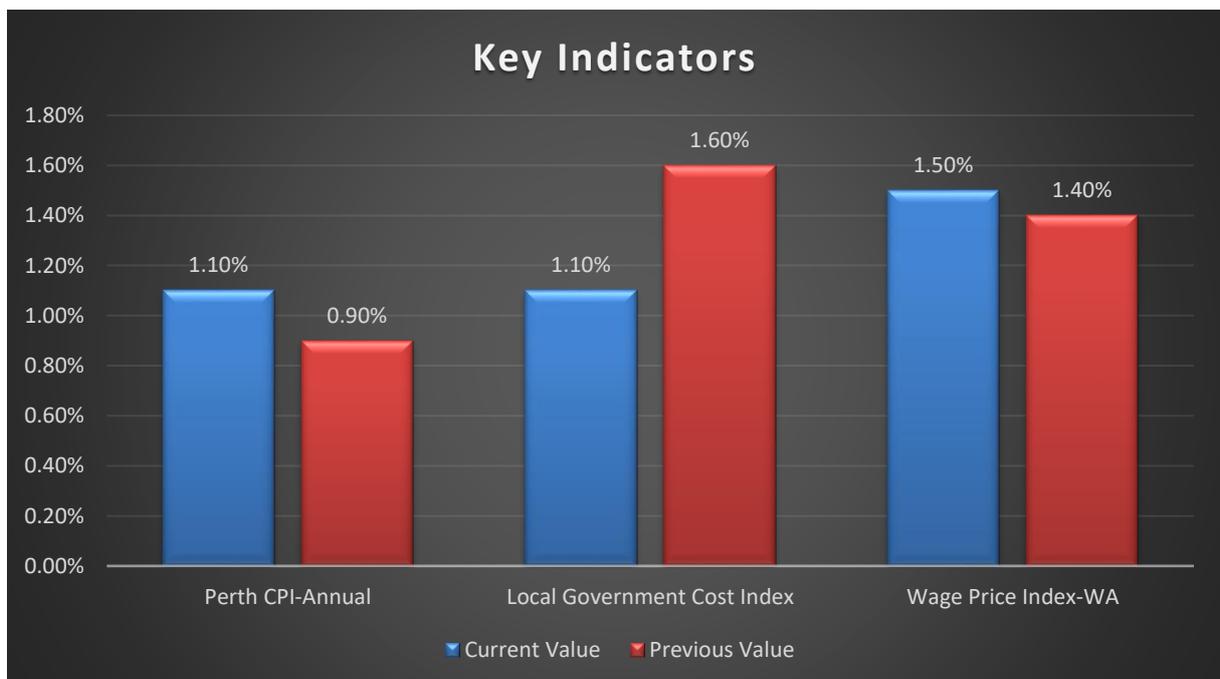
KEY INDICATORS

Rates Collection



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

Economic Indicators



The Local Government Cost Index has aligned with CPI, indicating that cost pressures in the local government industry are easing compared to the general economy. Wage inflation remains above CPI, although significantly lower than in the past, and has risen slightly anticipating possible wage growth pressure in the short term.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2018-19 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the *Financial Activity Statement* for the period ended 30 September 2018 forming Attachment 1 to Report CJ199-11/18.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf181113.pdf](#)

CJ200-11/18 AMENDMENT TO THE SCHEDULE OF FEES AND CHARGES

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	107008, 101515
ATTACHMENT	Attachment 1 Amendment to 2018-19 Schedule of Fees and Charges
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to approve the amended *Fees and Charges 2018-2019*.

EXECUTIVE SUMMARY

At its meeting held on 26 June 2018 (CJ114-06/18 refers), Council adopted the *Annual Budget* for the 2018-19 financial year. This included the *Schedule of Fees and Charges for 2018-19*.

The adopted *Schedule of Fees and Charges* included an 'Opt out' fee for a 240 litre red lidded general waste bin in lieu of a 140 litre red lidded general waste bin within the three bin system. The basis of this charge was per bin pro rata, as listed on page 18 *Schedule of Fees and Charges for 2018-19*.

The "opt out" fee is actually an establishment fee payable at time of submission of the "opt out" form, therefore there should be no provision for a pro rata payment.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY ADOPTS the amended schedule of Fees and Charges 2018-19 as detailed in Attachment 1 to Report CJ200-11/18;*
- 2 *ADVERTISES the change of Fees and Charges detailed in Part 1 above to take effect from 1 December 2018.*

BACKGROUND

As part of annual budget process, Council adopts a schedule of fees and charges that apply for the budget year. When Council adopted the 2018-19 Annual Budget document, this included a *Schedule of Fees and Charges 2018-19*, containing approximately one thousand items listed.

DETAILS

In reviewing the adopted *Schedule of Fees and Charges 2018-19*, the fee being charged as the 'Opt out' fee for a 240 litre red lidded general waste bin in-lieu of a 140 litre red lidded general waste bin has been approved as a pro rata basis of charge. This is an establishment fee and should not be charged on a pro rata basis.

Existing Schedule of Fees and Charges

Description	Basis of charge	GST Y/N	Statutory Fee "S"	Fee excluding GST	GST	Gross fee including GST
Rated residential properties service fees – refuse collection						
'Opt out' fee for a 240 litre red lidded general waste bin in lieu of a 140 litre red lidded general waste bin	Per Bin – pro rata	Y		\$77.27	\$7.73	\$85.00

Proposed Amended Schedule of Fees and Charges

Description	Basis of charge	GST Y/N	Statutory Fee "S"	Fee excluding GST	GST	Gross fee including GST
Rated residential properties service fees – refuse collection						
'Opt out' establishment fee for a 240 litre red lidded general waste bin in lieu of a 140 litre red lidded general waste bin	Per Bin	Y		\$77.27	\$7.73	\$85.00

In accordance with the provisions of section 6.19 of the *Local Government Act 1995* (the Act), the City is required to advertise its intention to apply the amended fees and charges and the City is required to give local public notice before introducing the fees or charges.

Issues and options considered

Option 1

Leave the *Schedule of Fees and Charges 2018-19* unchanged for 2018-19.

This would create additional charging issues with residents not being able to make payment at time of "opt out". In addition, this does not reflect the nature of the fee as establishment of a different service.

This option is not recommended.

Option 2

Amend the *Schedule of Fees and Charges 2018-19* when the 2018-19 mid-year Budget Review is presented to Council for consideration, expected to be in February 2019.

As previously noted, this would create additional charging issues with residents not being able to make payment at time of "opting out" in December 2018 and would not reflect the establishment of the service.

This option is not recommended.

Option 3

Amend the *Schedule of Fees and Charges 2018-19* with effect from 1 December 2018 to reflect the intent of the "opt out" fee to be a one-off establishment fee.

This option is recommended.

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

Local Government Act 1995.
Local Government (Financial Management) Regulations 1996.

Strategic Community Plan**Key theme**

Financial sustainability.

Objective

Effective management.

Strategic initiative

Not applicable.

Policy

Not applicable.

Risk management considerations

Users referring to the published *Schedule of Fees and Charges 2018-19* may be relying on incorrect information when considering waste services.

Financial / budget implications

This change to the schedule of fees and charges is not expected to have any budget implications.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The intent of the fee charged is to be a one-off establishment fee to opt out of the 140 litre red lid general waste bin for the larger 240 litre bin.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Mayor Jacob, SECONDED Cr Hollywood that Council:

- 1 BY AN ABSOLUTE MAJORITY ADOPTS the amended *Schedule of Fees and Charges 2018-19* as detailed in Attachment 1 to Report CJ200-11/18;**
- 2 ADVERTISES the change of Fees and Charges detailed in Part 1 above to take effect from 1 December 2018.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf181113.pdf](#)

CJ201-11/18 TENDER 019/18 PROVISION OF PRELIMINARY WORKS PRIOR TO ROAD RESURFACING

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	107474, 101515
ATTACHMENT	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Axiis Contracting Pty Ltd for the provision of preliminary works prior to road resurfacing.

EXECUTIVE SUMMARY

Tenders were advertised on 5 September 2018 through statewide public notice for the provision of preliminary works prior to road resurfacing for a period of three years. Tenders closed on 20 September 2018. A submission was received from each of the following:

- Asphaltech Pty Ltd.
- Axiis Contracting Pty Ltd.
- Dowsing Group Pty Ltd.
- JEK Pty Ltd t/as HAS Earthmoving.
- Sparta Enterprises t/as Stirling Paving Pty Ltd.

The submission from Axiis Contracting Pty Ltd represents best value to the City. The company demonstrated extensive experience providing similar current services for over nine local governments including the Town of Bassendean, Cities of South Perth, Melville, Stirling, Kwinana, Rockingham and Shires of Manjimup and Mundaring. The company demonstrated an understanding of the required tasks and has adequate capacity to carry out the works for the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Axiis Contracting Pty Ltd for the provision of preliminary works prior to road resurfacing as specified in Tender 019/18 for a period of three years at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement for the provision of preliminary works prior to road resurfacing which may include but not be limited to the removal and disposal of kerbing, kerb backfilling (sand and gravel), removal and disposal of pram ramps and cutting, removal and disposal of brick paved or asphalt crossover sections.

The City currently has a single contract for the provision of preliminary works prior to road resurfacing with Dowsing Group, which will expire on 2 December 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 preliminary works prior to road resurfacing was advertised through state wide public notice on 5 September 2018. The tender period was for two weeks and tenders closed on 20 September 2018.

Tender Submissions

A submission was received from each of the following:

- Asphaltech Pty Ltd.
- Axiis Contracting Pty Ltd.
- Dowsing Group Pty Ltd.
- JEK Pty Ltd t/as HAS Earthmoving.
- Sparta Enterprises t/as Stirling Paving Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ201-11/18.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ201-11/18.

A submission from West Coast Profilers Civil was received after the closing time and was not accepted for evaluation.

Evaluation Panel

The evaluation panel comprised four members:

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

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

Compliance Assessment

All offers received were fully compliant and were considered for further evaluation.

Qualitative Assessment

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

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

Qualitative Criteria		Weighting
1	Capacity	45%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

Stirling Paving scored 58.7% and was ranked fifth in the qualitative assessment. The company demonstrated its capacity in providing resources to perform the works. It demonstrated experience providing similar services as a previous contractor for the City, however it addressed the criteria by including written references from referees and did not provide period and dates of the contracts. Stirling Paving demonstrated a thorough understanding of required tasks in accordance with the requirements of the tender.

HAS Earthmoving scored 63.7% and was ranked fourth in the qualitative assessment. The company demonstrated reasonable experience in providing similar services for the Cities of Armadale, Swan and Town of Cambridge, however dates were not specified. It demonstrated its capacity in allocating resources, including contingencies necessary to fulfil the works. The company demonstrated some understanding of required tasks and proposed a general methodology, however, it did not state how it would approach specific tasks associated with the works.

Axiis Contracting Pty Ltd scored 72.4% and was ranked third in the qualitative assessment. The company demonstrated a thorough understanding of the tasks by providing a methodology that addressed all tender requirements. It demonstrated considerable experience providing similar works to the Cities of Melville, Kwinana, South Perth, Stirling, Rockingham, Town of Bassendean and Shire of Manjimup. The company demonstrated considerable capacity in its ability to undertake the contract works.

Dowsing Group Pty Ltd scored 76.1% and was ranked second in the qualitative assessment. It is the City's current contractor for the provision of preliminary works prior to road resurfacing. It demonstrated a thorough understanding of the required tasks and has the capacity necessary to carry out the works. It demonstrated extensive experience providing similar service to the Cities of Wanneroo, Belmont, South Perth, Bayswater, Kalamunda, Shires of Murray and Mundaring.

Asphaltech Pty Ltd scored 77.4% and was ranked first in the qualitative assessment. It demonstrated extensive experience providing similar services for the Shire of Mundaring, Cities of Kalamunda, Stirling, Melville, South Perth and the Town of Victoria Park. It demonstrated its capacity by providing the details of resources required to carry out the tender works. The company demonstrated a high level of understanding of the required tasks for successful kerb removal and backfilling and the removal of concrete pram ramps and crossovers.

Based on the minimum acceptable score (60%), all tenderers except Stirling Paving qualified for stage two (price) assessment.

Price Assessment

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

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

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

Tenderer	Year 1	Year 2	Year 3	Total
Asphaltech Pty Ltd	\$768,729	\$784,103	\$799,786	\$2,352,618
Dowsing Group Pty Ltd	\$685,251	\$698,956	\$712,935	\$2,097,143
Axiis Contracting Pty Ltd	\$475,196	\$484,699	\$494,393	\$1,454,288
HAS Earthmoving	\$731,361	\$745,988	\$760,908	\$2,238,257

During the last financial year 2017-18 the City incurred \$1,012,042 for the provision of preliminary works prior to road resurfacing.

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
Asphaltech Pty Ltd	\$2,352,618	4	77.4%	1
Dowsing Group Pty Ltd	\$2,097,143	2	76.1%	2
Axiis Contracting Pty Ltd	\$1,454,288	1	72.4%	3
HAS Earthmoving	\$2,238,257	3	63.7%	4

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

The considerable difference in price compared to the other bidders can be attributed to a competitive market situation resulting in the substantial lowering of proposed rates. The Panel noted that the incumbent contractor Dowsing Group lowered its existing rates by 1.2% to 5% across its proposed schedule of items for this tender.

Issues and options considered

The City has a requirement for the provision of preliminary works prior to road resurfacing at various locations within the City. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated Spaces.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as this service is essential for the City to complete its capital works road preservation and resurfacing program, and the City does not have capacity internally to provide this.

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

Financial / budget implications

Account no.	Various RPR Capital Works accounts.
Budget Item	Preliminary works prior to road resurfacing.
Estimated Budget amount	\$ 831,480
Amount spent to date	\$ 237,476
Proposed cost	\$ 277,198
Balance	\$ 316,806

The balance does not represent a saving at this time. The actual expenditure incurred will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

This contract will ensure the City is able to upgrade and maintain the road network in a safe and usable state for the community.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council ACCEPTS the tender submitted by Axiis Contracting Pty Ltd for the provision of preliminary works prior to road resurfacing for a period of three years for requirements as specified in Tender 019/18 at the submitted schedule of rates with annual price variations subject to the percentage change in the *Perth Consumer Price Index (All Groups)*.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf181113.pdf](#)

CJ202-11/18 TENDER 025/18 CITY CENTRE LIGHTING UPGRADE STAGE 3

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	107565, 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 3.

EXECUTIVE SUMMARY

Tenders were advertised on 8 September 2018 through statewide public notice for the *City Centre Lighting Upgrade Stage 3*. Tenders closed on 26 September 2018. A submission was received from each of the following:

- Diamond Underground Services Pty Ltd.
- The Trustee for the Maher Family Trust t/as DJM Electrical Services.
- The Trustee for the Paul Martens Trust (Interlec).
- Nites (WA) Pty Ltd (Nites Electrical).
- Stiles Electrical & Communication Services Pty Ltd.
- Tempo Australia Limited.

The submission from Stiles Electrical and Communication Services Pty Ltd represents best value to the City. Stiles Electrical and Communication Services Ltd demonstrated extensive experience completing similar street lighting projects for Swan River Pedestrian Bridge Alliance, Leighton Contracting, Broad Construction and Downer Infrastructure. It is also the current contractor for the ongoing City Centre Lighting Upgrade Stage 2 project. Stiles Electrical demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

It is therefore recommended that Council ACCEPTS the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 3 as specified in Tender 025/18 for the fixed lump sum of \$3,004,917 (GST exclusive) with works to be completed by 31 August 2019.

BACKGROUND

The City has 1,428 light poles in the City Centre; 500 of those are high light poles over 10 metres and 928 poles are between four and eight metres in height. The light poles were first installed in 1988.

The City intends to replace the existing street lighting and poles in the City Centre in phases. In Stage 1, 132 light poles were replaced along Joondalup Drive by Interlec (WA) Pty Ltd. Stage 2 of the project (for supply and installation of 27 double outreach and 177 single outreach light poles) is currently being undertaken by Stiles Electrical and Communication Services Pty Ltd and is scheduled to be completed by 30 November 2018. Stage 3 requirement is to undertake the City Centre lighting upgrade (for 213 light poles) with the preferred City pole and luminaire.

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

DETAILS

Tenders were advertised on 8 September 2018 through statewide public notice for the City Centre Lighting Upgrade Stage 3. The tender period was for two weeks and tenders closed on 26 September 2018.

Tender Submissions

A submission was received from each of the following:

- Diamond Underground Services Pty Ltd.
- The Trustee for the Maher Family Trust t/as DJM Electrical Services.
- The Trustee for the Paul Martens Trust (Interlec).
- Nites (WA) Pty Ltd (Nites Electrical).
- Stiles Electrical & Communication Services Pty Ltd.
- Tempo Australia Limited.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1 to Report CJ202-11/18.

Evaluation Panel

The evaluation panel comprised four members:

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

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

Compliance Assessment

The following offers were assessed as compliant:

- Diamond Underground Services Pty Ltd.
- DJM Electrical Services.
- Nites Electrical.
- Stiles Electrical & Communication Services Pty Ltd.
- Tempo Australia Limited

The offer from The Trustee for the Paul Martens Trust (Interlec) was assessed as non-compliant. The submission was subject to a number of commercial terms that either were in addition to or different from the City's conditions of contract. These included undertaking the work in accordance with AS2125 or AS4000 contract conditions and *Construction Contracts Act 2004* as opposed to the City's contract conditions, alternative payment terms, an alternative force majeure definition and entitlement to an extension of time for a list of events and causes.

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 were as follows:

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

Nites Electrical scored 32.9% and was ranked fifth in the qualitative assessment. It did not demonstrate sufficient understanding of the City's requirements. The company demonstrated some experience in completing similar street lighting projects for various local governments and Main Roads WA (MRWA). The company's response to capacity did not address its number of employees, after-hours contacts for emergency requirements, its ability to source additional personnel and resources and the safety record of the company.

Tempo Australia Limited scored 33.1% and was ranked fourth in the qualitative assessment. The company did not demonstrate sufficient experience completing similar street lighting projects. It is currently providing electrical maintenance services to the Cities of Cockburn and Vincent. The company did not demonstrate sufficient understanding with a brief methodology that did not address the specific requirements of the City's project. It has the capacity to complete the works for the City but did not address its ability to source additional resources.

DJM Electrical Services scored 36% and was ranked third in the qualitative assessment. It did not demonstrate sufficient understanding of the City requirements. It provided a site-specific methodology without any project program. The company did not demonstrate sufficient experience completing projects of a similar scale. Periods and dates were not supplied for any submitted projects. Its response to capacity did not provide information on its organisation structure, number of employees, support team, after-hours contacts for emergency requirements, its ability to provide additional resources, periods and dates of contracts and safety.

Diamond Underground Services Pty Ltd scored 51.2% and was ranked second in the qualitative assessment. The company demonstrated experience completing street lighting projects for Main Roads Improvement Alliance, Gateway Alliance and various private companies. The company demonstrated some understanding of the City's requirements, however it did not address removal and replacement of switchboards to facilitate new lighting circuits in its methodology. The company has the capacity to complete the works for the City.

Stiles Electrical and Communication Services Pty Ltd scored 73.7% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience completing similar projects for local governments and private organisations including the cities of Wanneroo, Subiaco, Stirling and Joondalup and Swan River Pedestrian Bridge Alliance, Leighton Contracting, Broad Construction and Downer Infrastructure. Stiles Electrical and Communication Services Pty Ltd is a well-established company with adequate resources and personnel to complete the works for the City.

Based on the minimum acceptable score (60%), only Stiles Electrical and Communication Services Pty Ltd qualified for stage 2 (price) assessment.

Price Assessment

The lump sum price offered by Stiles Electrical and Communication Services is as follows.

Tenderer	Lump Sum Price Offered
Stiles Electrical and Communication Services	\$3,004,917

Evaluation Summary

Tenderer	Price Ranking	Total Lump Sum Contract Price	Qualitative Ranking	Weighted Percentage Score
Stiles Electrical and Communication Services	1	\$3,004,917	1	73.7%

Based on the evaluation result the panel concluded that the tender by Stiles Electrical and Communication Services Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

Works are required to complete the City Centre Lighting Upgrade Stage 3. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme	Community Wellbeing.
Objective	Quality facilities.
Strategic initiative	Support a long-term approach to significant facility upgrades and improvements.
Policy	Not applicable.

Risk management considerations

Should the project not proceed, the risk to the City will be high. If the replacement program is not implemented, the City Centre lighting network may suffer significant failure.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established company with considerable industry experience and has the capacity to complete the works for the City within the required timeframe.

Financial/budget implications

Project number	STL2003.
Cost code	CW003651.
Budget Item	Joondalup City Centre Lighting Upgrade (Stage 3).
Budget amount	\$ 3,796,379 (Adopted budget \$500,000 + \$2,621,379 unspent reserve brought forward from 17/18 + \$675,000 new grant for Safer Streets).
Committed	\$ 0
Amount spent to date	\$ 37,668
Proposed cost	\$ 3,004,917
Contingency	\$ 247,484
Balance	\$ 506,310

The balance does not represent a saving at this time. As there is potential for variations, the extent of which is currently not known, it is likely that funds may be required for works over and above those covered under the lump sum price. Any balance remaining in completion of this stage will be rolled over to the future stages of this multi-stage project.

All amounts quoted in this report are exclusive of GST.

Regional Significance

In *Joondalup 2022*, the City has set out its aspirations for “Economic Prosperity, Vibrancy and Growth” and its ambitions to be a “Destination City” and to receive Primary Centre status. A modern, efficient and high standard City Centre street lighting network is key to achieving these outcomes.

Sustainability implications

The introduction of new lighting infrastructure for the City Centre, and in particular LED technology, will significantly reduce maintenance, electricity usage and greenhouse gas emissions. This is aligned with the objectives of the City's *Climate Change Strategy 2014-2019* and in particular Mitigation Objective 1 "To reduce the City's greenhouse gas emissions through effective energy management and improved energy efficiency".

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council ACCEPTS the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre Lighting Upgrade Stage 3 as specified in Tender 025/18 for the fixed lump sum of \$3,004,917 (GST exclusive) with works to be completed by 31 August 2019.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf181113.pdf](#)

CJ203-11/18 TENDER 030/18 DRILLING, DEVELOPMENT AND TESTING OF BORES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	107595, 101515
ATTACHMENT	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by M D and D M Water Boring Contractors for the provision of drilling, development and testing of bores.

EXECUTIVE SUMMARY

Tenders were advertised on 1 September 2018 through statewide public notice for the provision of drilling, development and testing of bores. Tenders closed on 18 September 2018. A submission was received from each of the following:

- M D and D M Water Boring Contractors.
- The Trustee for The Clamon Family Trust trading as Aqua Attack.
- Allpine Nominees Pty Ltd trading as Drilling Contractors of Australia.
- The Boreman Australia Pty Ltd.

The submission from M D and D M Water Boring Contractors represents value to the City. It demonstrated a sound understanding of the City's requirements. It demonstrated substantial experience as a subcontractor completing drilling, development and testing of bores for the City. It is well established with significant industry experience and proven capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by M D and D M Water Boring Contractors for the provision of drilling, development and testing of bores as specified in Tender 030/18 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for a contractor to provide drilling, construction, developing and test pumping of new bores at various locations within the City of Joondalup. Drilling shall be by cable tool and / or mud rotary methods. Due to the geographical formations within the City, the preferred method of drilling is the cable tool method, although mud rotary drilling may be considered (where deemed appropriate) at the discretion of the Superintendent.

The City has a single contract in place with Ardmay Pty Ltd trading as RBM Drilling which expired on 18 October 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 drilling, development and testing of bores was advertised through statewide public notice on 1 September 2018. The tender period was for two weeks and tenders closed on 18 September 2018.

Tender Submissions

A submission was received from each of the following:

- M D and D M Water Boring Contractors.
- The Trustee for The Clamon Family Trust trading as Aqua Attack.
- Allpine Nominees Pty Ltd trading as Drilling Contractors of Australia.
- The Boreman Australia Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ203-11/18.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ203-11/18.

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

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

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

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

Compliance Assessment

All offers received were fully compliant and were considered for further evaluation.

Qualitative Assessment

The Boreman Australia Pty Ltd scored 33% and was ranked fourth in the qualitative assessment. The company demonstrated experience completing residential and commercial bore installations for various organisations in WA. However, examples of works did not include governments projects or drilling using the cable tool method, which is the City's preferred method. It submitted insufficient information demonstrating its understanding of the required tasks or the capacity required to provide the services to the City. Specialised equipment that will be used, afterhours contacts and the ability to provide additional personnel were not addressed.

Drilling Contractors of Australia scored 34.6% and was ranked third in the qualitative assessment. The company has carried out drilling and development of bores using mud rotary method for various organisations including the City of Cockburn and the Department of Water. Examples of works included drilling using only rotary method. It did not fully demonstrate the capacity required to undertake the works for the City. Afterhours contacts for emergency requirements, the ability to provide additional personnel, specialised equipment that will be used and safety statistics were not addressed. It did not submit a response to demonstrate its understanding of the City's requirements.

Aqua Attack scored 49.3% and was ranked second in the qualitative assessment. It has in the last two years completed over 30 commercial bores for various organisations in WA including local governments. Examples of works included various bore projects carried out for the Cities of Belmont, Wanneroo and Joondalup. It did not fully demonstrate its understanding of the required tasks or the capacity required to provide the services to the City. The ability to provide additional personnel, afterhours contacts for emergency requirements and safety statistics were not addressed. Details of specialised equipment were supplied though, it did not include cable tool equipment.

M D and D M Water Boring Contractors scored 62.2% and was ranked first in the qualitative assessment. It demonstrated a sound understanding of the City's requirements. It has in the past completed groundwater drilling, surface bores and monitoring bores for the Department of Water and the City as a subcontractor of the City's incumbent contractor. It is well established with significant industry experience and proven capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 60%, M D and D M Water Boring Contractors qualified for stage two of the assessment.

Price Assessment

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

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates offered by the tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of the tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur and actual costs will be paid on the actual usage in future.

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

Tenderer	Year 1	Year 2	Year 3	Total
M D and D M Water Boring Contractors	\$281,703	\$287,337	\$293,084	\$862,124
Current Contract	\$273,236	\$278,701	\$284,275	\$836,211

The proposed schedule of rates provided by M D and D M Water Boring Contractors is 3% higher than the City's existing rates.

During 2017-18, the City incurred \$273,236 for drilling, development and testing of bores. In the current year, the City has incurred \$42,667 in the four months to date.

Evaluation Summary

Tenderer	Total Estimated Contract Price	Qualitative Ranking	Weighted Percentage Score
M D and D M Water Boring Contractors	\$862,124	1	62.2%

Based on the evaluation result the panel concluded that the tender from M D and D M Water Boring Contractors provides value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for a contractor to provide drilling, construction, developing and test pumping of new bores at various locations within the City of Joondalup. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme The Natural Environment.

Objective Environmental resilience.

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

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City relies on bores for its water supply to parks, open spaces and streetscapes.

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

Financial / budget implications

Account no.	Various accounts.
Budget Item	Drilling, development and testing of bores.
Estimated Budget amount	\$220,000
Amount spent to date	\$ 42,667
Proposed cost	\$164,327
Balance	\$ 13,006

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Water bores are an integral component in the efficient management of the City's water resources. The City has 300 existing bores at various locations throughout its irrigated parks and public open spaces. Bores to be drilled under this contract include replacement of existing bores which are nearing the end of their effective operational life and new bores approved by the Department of Water.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by M D and D M Water Boring Contractors represents value to the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council ACCEPTS the tender submitted by M D and D M Water Boring Contractors for the provision of drilling, development and testing of bores as specified in Tender 030/18 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf181113.pdf](#)

CJ204-11/18 TENDER 032/18 PROCESSING OF GARDEN ORGANIC WASTE

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	107602, 101515
ATTACHMENT	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Suez Recycling & Recovery Pty Ltd t/as Suez Recycling & Recovery for the processing of garden organic waste.

EXECUTIVE SUMMARY

Tenders were advertised on 1 September 2018 through statewide public notice for the processing of garden organic waste for a period of three years plus two one year optional extensions. Tenders closed on 26 September 2018. A submission was received from each of the following:

- JD Organics Pty Ltd t/as GO Organics WA.
- Suez Recycling & Recovery Pty Ltd t/as Suez Recycling & Recovery.

The offer from Suez Recycling & Recovery represents best value to the City. The company demonstrated an understanding of the City's requirements which also addressed the options to buy back compost product certified to AS4454 Standard and process green waste arising from City parks. It also demonstrated the capacity to process garden organic waste and demonstrated extensive experience providing similar services to local governments including the Town of Cambridge, Cities of Nedlands, Rockingham and Stirling.

It is therefore recommended that Council ACCEPTS the tender submitted by Suez Recycling & Recovery Pty Ltd t/as Suez Recycling & Recovery for the processing of garden organic waste as specified in Tender 032/18 for a period of three years plus two one year optional extensions at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement for the processing of Garden Organic Waste arising primarily from the third 240 litre lime green lidded bin which will form part of the City's Three Bin System. The anticipated number of households participating could be to up to 59,181 premises. Tender 032/18 also included two optional items:

- Processing of green waste arising from the City's Operation Team; originating from City Parks. The estimated minimum processing of this Option one was 2,400 tonnes per year.
- Provide a price for a buy back option for compost product for use within the City (such as certified to AS4454 Standard).

The City does not currently have a contract for the processing of garden organic waste.

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

DETAILS

The tender for the processing of garden organic waste was advertised through statewide public notice on 1 September 2018. The tender period was for three weeks and tenders closed on 26 September 2018.

Tender Submissions

Two submissions were received from:

- JD Organics Pty Ltd t/as GO Organics WA
- Suez Recycling & Recovery Pty Ltd t/as Suez Recycling & Recovery.

The schedule of items as listed in the tender is provided in Attachment 1 to Report CJ204-11/18.

A summary of tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ204-11/18.

Evaluation Panel

The evaluation panel comprised five members:

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Suez Recycling & Recovery Pty Ltd t/as Suez Recycling & Recovery.

The following offer received was assessed as partially compliant:

- JD Organics Pty Ltd t/as GO Organics WA.

The offer did not address the use of a weighbridge at its receival or processing sites in accordance with the tender. Clarification was sought from the tenderer who stated it is currently proceeding with the procurement and installation of a weighbridge at its receival site in Landsdale.

The submission was included for the purpose of carrying out a cost assessment comparison.

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 55%.

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

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

GO Organics WA scored 54.6% and was ranked second in the qualitative assessment. The company demonstrated its capacity to perform the services as part of the Brunnings WA business, employing over 16 full time staff across its administration and warehouse facilities. It nominated a receival site in Landsdale and a nominated processing site in Boonaning with appropriate personnel and equipment, however the use of a weighbridge was not specified as it is currently proceeding with the procurement and installation of a weighbridge at its receival site.

It demonstrated reasonable experience providing similar services to the Shire of Mundaring, Cities of Stirling and Vincent, although these are under a sub-contracting arrangement. The company demonstrated some understanding of required tasks including an offer for processed compost as a buyback option, however it stated that garden waste deliveries having contamination rates between 2 - 5% would incur an additional 25% price premium and between 5 – 10% would incur an additional 66.6% price premium to process. The City has no method of independently determining the level of contamination it expects from green waste collections and cannot guarantee delivery of garden organic waste below the levels of contamination as stated by GO Organics WA.

Suez Recycling & Recovery scored 71.2% and was ranked first in the qualitative assessment. The company demonstrated considerable local government experience providing similar services for the Town of Cambridge, Cities of Nedlands, Rockingham and Stirling, however referee contacts were not stated. With over 334 employees across its WA operations, it demonstrated the capacity to provide personnel and equipment at its nominated receival site in Landsdale and nominated processing site in North Bannister, including use of a weighbridge. The company demonstrated a thorough understanding of all required tasks as specified in the tender by providing contingencies in the event a nominated site is unavailable and including an offer for processed compost as a buyback option.

Based on the minimum acceptable score (55%), Suez Recycling & Recovery qualified for stage two price assessment.

Price Assessment

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

To provide a comparison of the rates offered by the tenderer, the annual estimated quantity (tonnes) deliveries of garden organic waste, greens originating from City parks and estimated use of compost as a buy back option was provided and used in the calculation.

The following tables provide a summary of the comparison of the estimated expenditure of the tenderer who qualified for stage two. Any future mix of requirements will be based on demand and subject to change in accordance with future City growth.

The rates are fixed for the first year of the contract but are subject to price variations to a maximum of CPI in subsequent years. Notional CPI rates of 2% in 2019-20 and 2.25% in 2020-21 consistent with the City's *Draft 20 Year Strategic Financial Plan 2017-18 to 2036-37* were used for the purpose of cost estimation in this analysis.

Price Assessment Summary

Tenderer	Year 1	Year 2	Year 3	Total
Suez Recycling & Recovery	\$369,158	\$1,050,986	\$1,072,006	\$2,492,150

The City is expected to incur in the order \$2,492,150 over the three year contract period and \$4,700,910 over five years should the City exercise the extension options.

Evaluation Summary

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

Tenderer	Price Ranking	Estimated Contract Price	Qualitative Ranking	Weighted % Score
		Total		
Suez Recycling & Recovery	1	\$2,492,150	1	71.2%

Based on the evaluation result the panel concluded that the tender from Suez Recycling & Recovery provided value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the processing of garden organic waste arising primarily from the third 240 litre lime green lidded bin which will form part of the City's *Three Bin Project* endorsed by Council at its meeting held on 20 March 2018 (CJ047-03/18 refers). The anticipated number of households participating could be to up to 59,181 premises. The City does not have the internal resources to provide the required goods and services and requires an appropriate external supplier to undertake the supply.

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 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

Should the contract not proceed, the risk to the City will be high. It is essential that the City has a contract in place with a nominated facility to process garden organic waste arising from the City's *Three Bin Project*. The City will not be able to achieve the 65% diversion from landfill target by 2020 if the current two bin system for household collection is retained. Introduction of the three-bin system will increase diversion of waste from landfill and therefore reduce the financial impact from an increased Mindarie Regional Council (MRC) gate fee and landfill levy.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established company with considerable industry experience and proven capacity to process garden organic waste and provide a compost buyback option for use by the City.

Financial / budget implications

Current financial year impact

Account no.	625 A6205 3379 0000.
Budget Item	Processing of Domestic Greens Waste.
Estimated Budget amount	\$ 146,880
Amount spent to date	\$ 0
Proposed cost	\$ 369,158
Balance (shortfall)	(\$222,278)

The Better Bins business case had estimated a conservative volume of green waste processed, but it is now expected that the amount of processed green waste in the third green bin will be higher than estimated in the Better Bins business case and the budget for 2018-19. The higher volumes for green processing will result in higher costs than anticipated for green waste but this is expected to be more than offset by the reduced MRC processing costs.

It costs significantly more per tonne for clean green waste processing at MRC compared to the costs for green waste processing in this proposed contract.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Environmental

Implementation of the three bin system will increase the diversion from landfill and reduce the environmental impacts by reducing the volume of material disposed to landfill and therefore reducing the production of methane and greenhouse gases.

Consultation

The City will continue its community engagement campaign to inform, educate and promote the new service prior, during and post the rollout. The proposed timeframe will allow adequate time for the City to develop the community engagement plan.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Suez Recycling & Recovery.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, **SECONDED** Cr Jones that Council **ACCEPTS** the tender submitted by Suez Recycling & Recovery Pty Ltd t/as Suez Recycling & Recovery for the processing of garden organic waste as specified in Tender 032/18 for a period of three years plus two one-year optional extensions at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf181113.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ205-11/18 - Sports Development Program Round One 2018-19.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick is a member of the Sorrento Bowling Club.

Name/Position	Cr Christine Hamilton-Prime.
Item No./Subject	CJ205-11/18 - Sports Development Program Round One 2018-19.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Hamilton-Prime is the Vice-Patron of Sorrento Surf Life Saving Club and the President of the Whitford Football Club is known to Cr Hamilton-Prime.

Chief Executive Officer left the Chamber at 8.27pm and returned at 8.28pm.

CJ205-11/18 SPORTS DEVELOPMENT PROGRAM ROUND ONE 2018-19

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

PURPOSE

For Council to consider funding applications for the City's Sports Development Program (SDP) round one 2018-19.

EXECUTIVE SUMMARY

The Sports Development Program 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.

Two rounds of applications are offered each financial year. Round one opens in August and includes small grants (up to \$10,000) and large grants (\$10,001 to \$20,000). Round two opens in February and includes small grants only. Total funds available for 2018-19 is \$115,000, with \$10,000 reserved for round two.

The City received 17 applications from local sport and recreation clubs for the SDP round one 2018-19: six large grant applications and 11 small grant applications.

A panel convened to assess the applications and has recommended that five of the six large grant applications be funded. The 11 small grant applications are all under \$10,000 and have been considered by the Chief Executive Officer.

Club	Project Title	Requested	Recommended	Rank
Sorrento Surf Life Saving Club	Member Retention and Development	\$17,082	\$17,082	1
Whitford Junior Football Club	Girls Development Training Program	\$14,400	\$5,000	2
Northern Beaches Cycling Club	Dieback Study/Concept Plan	\$19,305	\$19,305	3
Sorrento Tennis Club	Permanent Shade Shelters	\$12,800	\$12,800	4
Joondalup Bowling Club	Toilet Block and Kiosk	\$20,000	\$20,000	5
Sorrento Bowling Club	Automated Sprinkler System	\$11,106	\$0	6
TOTAL		\$94,693	\$74,187	

Should the grant applications be approved as recommended the balance of grant funding will be available for round two in February 2019.

It is therefore recommended that Council:

- 1 *APPROVES a grant of \$17,082 to the Sorrento Surf Life Saving Club for their Member Retention and Development Program, subject to the club entering into a formal funding agreement with the City;*
- 2 *APPROVES a grant of \$5,000 to the Whitford Junior Football Club for their Girls Development Training Program, subject to the club entering into a formal funding agreement with the City;*
- 3 *APPROVES a grant of \$19,305 to the Northern Beaches Cycling Club for their Dieback Study/Concept Plan project, subject to the club entering into a formal funding agreement with the City;*
- 4 *APPROVES a grant of \$12,800 to the Sorrento Tennis Club for their Permanent Shade Shelters project, subject to the club:*
 - 4.1 *entering into a formal funding agreement with the City;*
 - 4.2 *gaining approval from the City through a Club Funded Facility Upgrade to implement the project;*
- 5 *APPROVES a grant of \$20,000 to the Joondalup Bowling Club for their Toilet Block and Kiosk project, subject to the club:*
 - 5.1 *entering into a formal funding agreement with the City;*
 - 5.2 *gaining approval from the City through a Club Funded Facility Upgrade to implement the project;*

- 6 *AGREES that in the event of the City supporting the Joondalup Bowling Club's Community Sport and Recreation Facility Fund application for the construction of a Toilet Block and Kiosk, that the \$20,000 approved through the Sports Development Program will be identified as part of the City's one third contribution towards the project;*
- 7 *DOES NOT APPROVE a grant of \$11,106 to the Sorrento Bowling Club for their Automated Sprinkler System project.*

BACKGROUND

The Sports Development Program 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 be:

- 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.

DETAILS

The City received 17 applications from local sport and recreation clubs for the SDP round one 2018-19: six large grant applications and 11 small grant applications. Small grant applications which are valued under \$10,000 will be considered by the Chief Executive Officer.

Large grant applications

Sorrento Surf Life Saving Club – Member Retention and Development

The Sorrento Surf Life Saving Club submitted an application that sought support for a Member Retention and Development Program which the club intends to run from November 2018 to April 2019. The proposed project will include the purchase of eight paddleboards and surf skis for club use, combined with an ongoing coaching component to assist members to utilise the new equipment.

Sorrento Surf Life Saving Club has 1,760 members (670 junior) and operates at Sorrento Beach, Sorrento. The City makes an annual contribution of \$60,000 to the club to assist in the delivery of life preserving services to the community.

The key outcomes of the Member Retention and Development Program includes the following:

- Increase in surf life saving participation rates across all age groups.
- Increased participation of athletes at Surf Life Saving WA carnivals.

The costs of the program are itemised in the table below:

Program Items	Amount Requested	Amount Recommended
3 x SLSA Paddleboards	\$6,197	\$6,197
1 x SLSA Double Paddleboard	\$1,886	\$1,886
4 x SLSA Approved Fenn Ski	\$9,000	\$9,000
Total	\$17,082	\$17,082

The Sorrento Surf Life Saving Club were deemed eligible for a grant by the panel under the criteria. The club currently has no outstanding grants with the City.

The Sorrento Surf Life Saving Club application was assessed by the panel. The *Member Retention and Development Program* was ranked first out of the six applications. The panel recommended funding as the club has the capacity to deliver the project and is providing significant contribution to the program through volunteer coaching.

The Whitford Junior Football Club – Girls Development Training Program

The Whitford Junior Football Club submitted an application that sought support for a *Girls Development Training Program* which the club intends to run from April 2019 to September 2019. The proposed project will include the engagement of an external coach to identify and develop a high performance pathway for female athletes, skill development of athletes and support for club coaches.

Whitford Junior Football Club has 878 members (all junior) and operates at MacDonald Reserve, Padbury.

The key outcomes of the Girls Development Training Program includes the following:

- Coach education session for all female grade club coaches.
- Club coaches implementing bespoke coaching manual for the 2019 season.
- Identification and skill development of high performance talent.

The costs of the program are itemised in the table below:

Program Items	Amount Requested	Amount Recommended
Chad Morrison Fitness - WJFC Girls	\$14,400	\$5,000
Total	\$14,400	\$5,000

The Whitford Junior Club were deemed eligible for a grant by the panel under the criteria. The club currently has no outstanding grants with the City.

The Whitford Junior Football Club application was assessed by the panel. The Girls Development Training Program was ranked second out of the six applications. The panel recommended funding as the club has shown strong growth in female participation.

Chad Morrison Fitness is a business owned and operated by the specialist coach providing the Girls Development Training Program. The panel determined that the \$14,400 requested for Chad Morrison Fitness is paying a specialist coach and is not eligible under section 3.4 of the SDP Application Guidelines.

“3.4 Project Limitations

The City will not fund the payment of coaches, officials or specialists except where it is considered outside of their normal organisation responsibilities. The maximum total amount available in a financial year per organisation for the payment of individuals for these services is \$5,000 (excluding GST).”

Should the Whitford Junior Football Club’s application be approved for \$5,000 it will be administered by the City as a small grant in line with the SDP Guidelines. With a small grant there is one upfront payment of the full grant amount (large grants up to \$20,000 receive 50% of funds pre-project, 25% of funds mid-project and 25% of funds post-project).

Northern Beaches Cycling Club – Dieback Study/Concept Plan

The Northern Beaches Cycling Club submitted an application that sought support for a Dieback Study/Concept Plan project which the club intends to run from December 2018 to January 2019. The proposed project is stages four and five of a larger project to construct a Joondalup Mountain Bike Park within Yellagonga Regional Park. Stages four and five involve a study to assess the Yellagonga Regional Park for dieback and to develop a concept plan for the mountain bike park. The proposed location for the mountain bike park has been identified by Westcycle in its Perth and Peel Mountain Bike Master Plan.

Northern Beaches Cycling Club has 150 members (15 junior) and operates on various trails, paths and roads within the City of Joondalup and the greater Perth region.

The key outcomes of the Dieback Study/Concept Plan project include the following:

- Completion of the dieback study to identify appropriate area for a mountain bike park.
- Development of a concept plan for a mountain bike park in the Yellagonga Regional Park.

The costs of the program are itemised in the table below:

Program Items	Amount Requested	Amount Recommended
Dieback study	\$3,905	\$3,905
Concept plan	\$15,400	\$15,400
Total	\$19,305	\$19,305

Northern Beaches Cycling Club were deemed eligible for a grant by the panel under the criteria. The club currently has no outstanding grants with the City.

Northern Beaches Cycling Club application was assessed by the panel. The Dieback Study/Concept Plan project was ranked third out of the six applications. The panel recommended funding as the project has the potential for widespread community benefit.

Sorrento Tennis Club – Permanent Shade Shelters

The Sorrento Tennis Club submitted an application that sought support for a Permanent Shade Shelter project which the club intends to run from November 2018 to April 2019. The proposed project will include the installation of four Colourbond shade shelters adjacent to courts 1, 5, 13 and 16.

Sorrento Tennis Club has 250 members (150 junior) and operates at Percy Doyle Reserve, Duncraig.

The key outcomes of the Permanent Shade Shelter project include the following:

- Increase in shade available to tennis players.
- Reduced risk of sunburn, dehydration and other heat related illness to tennis players.

The costs of the program are itemised in the table below:

Program Items	Amount Requested	Amount Recommended
Supply and install shade shelter x 4	\$12,800	\$12,800
Total	\$12,800	\$12,800

The Sorrento Tennis Club were deemed eligible for a grant by the panel under the criteria. The club currently has one ongoing Sports Development Program grants with the City from 2017-18. This is expected to be completed by January 2018. The funding from the current round will not be provided to the club until the outstanding grant has been successfully acquitted.

Due to the upgrades to City infrastructure required for this project, this grant is subject to approval of a Club Funded Facility Upgrade application, to be completed by the club.

The Sorrento Tennis Club application was assessed by the panel. The Permanent Shade Shelter project was ranked fourth out of the six applications. The panel recommended funding as the project will have long-lasting impact for the club.

Joondalup Bowling Club – Toilet Block and Kiosk

The Joondalup Bowling Club submitted an application that sought support for a Toilet Block and Kiosk project which the club intends to run from August 2019 to October 2019. The proposed project will include the installation of a toilet block and small kiosk located to the south west corner of the facility, adjacent to the bowling greens. The club has estimated the total cost of construction at \$79,035.

Joondalup Bowling Club has 191 members (one junior) and operates at Iluka District Open Space, Iluka. The City provides the Joondalup Bowling Club with an annual contribution to assist in the maintenance of the bowling greens. The contribution for 2018-19 is \$21,393.

The key outcomes of the Toilet Block and Kiosk project include the following:

- Increase in accessibility of toilet facilities for elderly members and school groups.
- Increased capacity for the club to expand their school programs.

The grant funding requested by the club is itemised in the table below:

Program Items	Amount Requested	Amount Recommended
Installation of toilet block/kiosk	\$15,449	\$10,622
Plumbing/sewerage line installation	\$6,829	\$6,829
Electric works	\$2,509	\$2,509
Total	\$24,787	\$20,000

The Joondalup Bowling Club were deemed eligible for a grant by the panel under the criteria. The club currently has no outstanding grants with the City.

Due to the upgrades to City infrastructure required for this project, this grant is subject to approval of a Club Funded Facility Upgrade application, to be completed by the club.

The Joondalup Bowling Club application was assessed by the panel. The Toilet Block and Kiosk project was ranked fifth out of the six applications. The panel recommended funding as the infrastructure would have a long-lasting benefit to the club, however has capped the application at the maximum amount of \$20,000. The remaining project costs will be funded by the club.

It should be noted that the Joondalup Bowling Club within their SDP application advised that the funds being sought through the SDP would be used to offset the club's contribution to a future Community Sport and Recreation Facility Fund (CSRFF) application for the same project. A CSRFF application would normally require one third funding contributions from the applicant club, the City and the State Government through the Department of Local Government, Sport and Cultural Industries.

The City has also received a CSRFF expression of interest from the Joondalup Bowling Club for this project, which the City is currently considering. It is expected a report will be presented to Council in early 2019 to consider the CSRFF application and request from the Joondalup Bowling Club for this project.

The City does not support a CSRFF applicant using alternative City funding streams to cover the club's financial contribution to a CSRFF application. It is therefore recommended that should the City support this SDP application that the City's total contribution towards the CSRFF project (inclusive of this SDP grant) not exceed one third of the total project cost.

Sorrento Bowling Club – Automated Sprinkler System

The Sorrento Bowling Club submitted an application that sought support to install an automated sprinkler to 'A' green which the club intends to install in December 2018. The proposed project will provide a reticulation system to 'A' green to improve watering practices while reducing water usage and increasing asset sustainability.

The Sorrento Bowling Club has 671 members (one junior) and participates in the Inter-club Pennants league. The club operates from Percy Doyle Reserve, Duncraig. The City provides the Sorrento Bowling Club with an annual contribution to assist in the maintenance of the bowling greens. The contribution for 2018-19 is \$32,090.

The key outcomes of the Automated Sprinkler System project include the following:

- Increased performance and availability of the club's playing surfaces.
- Increase in volunteer and staff safety by alleviating trip hazards and manual handling.

The costs of the program are itemised in the table below:

Program Items	Amount Requested	Amount Recommended
Automated sprinkler supply and installation	\$3,106	\$0
Master valves	\$6,000	\$0
Documentation and application approvals	\$2,000	\$0
Total	\$12,000	\$0

The Sorrento Bowling Club were deemed eligible for a grant by the panel under the criteria. The club currently has two ongoing Sports Development Program grants with the City from 2017-18. These are expected to be completed by November 2018.

The Sorrento Bowling Club application was assessed by the panel. The Automated Sprinkler System project was ranked sixth out of the six applications. The panel recommended to not fund the Automated Sprinkler System project as the funds for the current round were fully expended on higher ranked applications.

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

Account no.	1.443.A4409.3299.4023 (\$115,000).
Budget Item	Community Funding Program.
Budget amount	\$ 115,000
Small grant proposed cost	\$ 25,878
Large grant proposed cost	\$ 74,187
Balance	\$ 14,935

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

An email containing the guidelines and application pack was sent to all local sport and recreation clubs. The program was promoted in the July and August Clubs *in-focus* electronic newsletter. A reminder email was sent to all local sport and recreation clubs two weeks prior to the round closing date of 31 August 2018.

COMMENT

The SDP budget amount of \$115,000 is split into \$80,000 for large grants and \$35,000 for small grants. Large grants are offered in round one only, with the remaining funds to be utilised for small grants in round two.

Should the grant applications be approved as recommended, the balance of grant funding will be available for round two in February 2019. Round two allows for small grant applications only.

All successful SDP applications will be required to complete and submit a project completion report (grant acquittal) at the end of their project. Large grant recipients receive their grants in three separate payments, being 50% on signing of the grant agreement, 25% on 50% project completion and the balance of the grant on the recipient of a final project completion report.

VOTING REQUIREMENTS

Simple Majority.

Cr Chester left the Chamber at 8.28pm and returned at 8.31pm.

OFFICER'S RECOMMENDATION

That Council:

- 1 APPROVES a grant of \$17,082 to the Sorrento Surf Life Saving Club for their Member Retention and Development Program, subject to the club entering into a formal funding agreement with the City;
- 2 APPROVES a grant of \$5,000 to the Whitford Junior Football Club for their Girls Development Training Program, subject to the club entering into a formal funding agreement with the City;
- 3 APPROVES a grant of \$19,305 to the Northern Beaches Cycling Club for their Dieback Study/Concept Plan project, subject to the club entering into a formal funding agreement with the City;
- 4 APPROVES a grant of \$12,800 to the Sorrento Tennis Club for their Permanent Shade Shelters project, subject to the club:
 - 4.1 entering into a formal funding agreement with the City;
 - 4.2 gaining approval from the City through a Club Funded Facility Upgrade to implement the project;
- 5 APPROVES a grant of \$20,000 to the Joondalup Bowling Club for their Toilet Block and Kiosk project, subject to the club:
 - 5.1 entering into a formal funding agreement with the City;
 - 5.2 gaining approval from the City through a Club Funded Facility Upgrade to implement the project;
- 6 AGREES that in the event of the City supporting the Joondalup Bowling Club's *Community Sport and Recreation Facility Fund* application for the construction of a Toilet Block and Kiosk, and if it is successful, that the \$20,000 approved through the Sports Development Program will be identified as part of the City's one third contribution towards the project;
- 7 DOES NOT APPROVE a grant of \$11,106 to the Sorrento Bowling Club for their Automated Sprinkler System project.

MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council:

- 1 APPROVES a grant of \$17,082 to the Sorrento Surf Life Saving Club for their Member Retention and Development Program, subject to the club entering into a formal funding agreement with the City;
- 2 APPROVES a grant of \$10,000 to the Whitford Junior Football Club for their Girls Development Training Program, subject to the club entering into a formal funding agreement with the City;

- 3 APPROVES a grant of \$19,305 to the Northern Beaches Cycling Club for their Dieback Study/Concept Plan project, subject to the club entering into a formal funding agreement with the City;
- 4 APPROVES a grant of \$12,800 to the Sorrento Tennis Club for their Permanent Shade Shelters project, subject to the club:
 - 4.1 entering into a formal funding agreement with the City;
 - 4.2 gaining approval from the City through a Club Funded Facility Upgrade to implement the project;
- 5 APPROVES a grant of \$20,000 to the Joondalup Bowling Club for their Toilet Block and Kiosk project, subject to the club:
 - 5.1 entering into a formal funding agreement with the City;
 - 5.2 gaining approval from the City through a Club Funded Facility Upgrade to implement the project;
- 6 AGREES that in the event of the City supporting the Joondalup Bowling Club's *Community Sport and Recreation Facility Fund* application for the construction of a Toilet Block and Kiosk, and if it is successful, that the \$20,000 approved through the Sports Development Program will be identified as part of the City's one third contribution towards the project;
- 7 DOES NOT APPROVE a grant of \$11,106 to the Sorrento Bowling Club for their Automated Sprinkler System project.

The Motion was Put and**LOST (2/11)****In favour of the Motion:** Crs Norman and Hamilton-Prime.**Against the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hollywood, Jones, Logan, May, McLean, Poliwka and Taylor.**MOVED Mayor Jacob, SECONDED Cr Fishwick that Council:**

- 1 **APPROVES a grant of \$17,082 to the Sorrento Surf Life Saving Club for their Member Retention and Development Program, subject to the club entering into a formal funding agreement with the City;**
- 2 **APPROVES a grant of \$5,000 to the Whitford Junior Football Club for their Girls Development Training Program, subject to the club entering into a formal funding agreement with the City;**
- 3 **APPROVES a grant of \$19,305 to the Northern Beaches Cycling Club for their Dieback Study/Concept Plan project, subject to the club entering into a formal funding agreement with the City;**
- 4 **APPROVES a grant of \$12,800 to the Sorrento Tennis Club for their Permanent Shade Shelters project, subject to the club:**
 - 4.1 **entering into a formal funding agreement with the City;**
 - 4.2 **gaining approval from the City through a Club Funded Facility Upgrade to implement the project;**

- 5 **APPROVES** a grant of \$20,000 to the Joondalup Bowling Club for their Toilet Block and Kiosk project, subject to the club:
- 5.1 entering into a formal funding agreement with the City;
 - 5.2 gaining approval from the City through a Club Funded Facility Upgrade to implement the project;
- 6 **AGREES** that in the event of the City supporting the Joondalup Bowling Club's *Community Sport and Recreation Facility Fund* application for the construction of a Toilet Block and Kiosk, and if it is successful, that the \$20,000 approved through the Sports Development Program will be identified as part of the City's one third contribution towards the project;
- 7 **DOES NOT APPROVE** a grant of \$11,106 to the Sorrento Bowling Club for their Automated Sprinkler System project.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Manager Planning Services left the Chamber at 8.35pm.

CJ206-11/18 INSTALLATION OF TOILET FACILITY AT SHEPHERDS BUSH PARK, KINGSLEY – COMMUNITY ENGAGEMENT

WARD	South-East
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	00770, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to approve the commencement of a community engagement process to determine the level of community support for installing a public toilet facility within Shepherds Bush Park, Kingsley.

EXECUTIVE SUMMARY

At its meeting held on 18 September 2018 (C85-09/18 refers), Council requested the Chief Executive Officer prepare a report on the feasibility of installing a low cost, low maintenance toilet facility at Shepherds Bush Park, Kingsley.

The request was underpinned by preliminary investigations undertaken by the City to monitor park utilisation levels following the completion of works to install a bike skills track, play space and picnicking equipment, BMX Pump and Jump track and parking and traffic improvements over the past two years.

The comparative utilisation data compiled by the City has revealed that a sufficient demand currently exists to consider the installation of a toilet facility at Shepherds Bush Park, subject to consultation with the community. As a District Recreation Park, its classification under the *City's Parks and Public Open Spaces Classification Framework* (PPOSCF) also supports consideration of a toilet facility at this location as an optional asset.

The City continues to receive community requests to consider installing a toilet facility at the park due to its popularity for long-stay uses such as picnicking, BBQs and birthday parties, which is made attractive by the unique and diverse community infrastructure recently installed at this location.

The costs associated with installing a modest toilet facility at Shepherds Bush Park, including a universal access toilet option, septic tank installation, connecting path network, auto-locking door system and power connection, is estimated to be between \$80,000 and \$120,000, depending on the final design option pursued.

If Council supports proceeding with a community engagement process, consultation materials would seek to obtain the views of local residents and park users on the general level of support for a toilet facility within the park.

It is therefore recommended that Council:

- 1 *NOTES that recent investigations undertaken by the City into the utilisation of Shepherds Bush Park have identified that a sufficient demand exists to consider the installation of a toilet facility within the park;*
- 2 *NOTES that preliminary cost estimates to install a toilet facility at Shepherds Bush Park range from \$80,000 to \$120,000 depending on the design option that is pursued;*
- 3 *APPROVES the commencement of a community engagement process to seek feedback from local residents and park users on the proposed installation of a public toilet facility within Shepherds Bush Park;*
- 4 *APPROVES the community engagement period to extend beyond the 11 December 2018 Council meeting by no longer than 10 days, in accordance with the City's Community Engagement Policy.*

BACKGROUND

At its meeting held on 18 September 2018 (C85-09/18 refers), a Notice of Motion was raised and subsequently resolved by Council as follows:

"That Council requests the Chief Executive Officer to prepare a report on the feasibility of installing a low cost, low maintenance toilet facility at Shepherds Bush Park, Kingsley."

The Notice of Motion was raised as a result of the increased popularity of Shepherds Bush Park following the installation of a bike skills track, play space, picnicking equipment and BMX Pump and Jump track by the City throughout the 2016-17 and 2017-18 financial periods.

The unique infrastructure installed at this location was initiated as part of a broader project to upgrade the adjacent Robertson Road Cycleway in partnership with the Department of Transport (WA), providing a traffic-free cycling link between the Mitchell Freeway and Lake Goollelal. As a result of this project, an opportunity arose for the City to seek further State and Federal Government funding to install a bike skills track within Shepherds Bush Park that complemented the "Safe Active Streets" message promoted by the Department of Transport, by providing a play-based educational resource for children to develop positive road safety habits.

To ensure effective alignment with planned renewal projects within the Reserve, the City also installed a new play space and picnicking equipment at Shepherds Bush Park to complement the proposed bike skills track. This infrastructure went on to receive the "Play Space of the Year (under \$500,000) Award" at the *Parks and Leisure Australia WA Awards* in 2017 and has proven to be a highly popular asset within the community.

In mid-2017, the City undertook further works to upgrade the existing BMX track located within Shepherds Bush Park into a pump and jump trail, providing increased physical recreational opportunities for beginner, intermediate and advanced riders. This project also received grant funding from Lotterywest.

As a result of the new recreational infrastructure and subsequent increased patronage to the park, the City installed off-street parking bays and realigned the connecting path network along Barridale Drive in late 2017 to provide safer interaction between cars, cyclists and park attendees. This resulted in the construction of 23 new parking bays, including one ACROD bay, road resurfacing works, kerb installation, stormwater drainage works and tree planting.

Consideration is now being given to the potential installation of a modest toilet facility to service park attendees due to the nearest public toilet being located approximately 700 metres south in Barridale Park, Kingsley.

DETAILS

Park Classification

The City has developed an internal advisory document, the PPOSCF, which is a key tool used in the planning and provision of park asset infrastructure. The objective of the framework is to inform decision-making processes that are based on strategic and sustainable planning principles.

By appropriately classifying parks and public open spaces, the City is able to determine where assets should be allocated according to the function, size, geography and catchment of an area. This ensures the community has access to quality park infrastructure that reflects their needs now and into the future. It also enables assets to be managed into the long-term, taking into account the costs associated with renewing and maintaining park infrastructure to a high standard.

In the case of Shepherds Bush Park, the recently installed infrastructure has prompted the need to consider reclassifying the site from a Local to a District Recreation Park. This level of classification supports the consideration of toilet facilities as an optional asset, subject to community consultation. Factors considered in classifying a park include:

- features that encourage medium-to-short-stay usage for recreational activities
- features that attract residents from within the suburb and surrounding suburbs.

These factors are considered consistent with the current popularity and large catchment area of Shepherds Bush Park, as well as its strategic location adjacent the highly utilised Robertson Road Cycleway.

Utilisation Review

Following the completion of off-street parking works in late 2017, the City undertook a comparative review of utilisation levels at Shepherds Bush Park and another recently developed park that contains toilet facilities (namely, Delamere Park in Currambine), over two weekends in March 2018.

The review sought to compare:

- park attendance numbers at various times throughout the day
- the variety of attendee demographics
- parking utilisation
- activities undertaken at each site
- normal weekend versus long weekend usage.

The results revealed that Shepherds Bush Park is on average three to four times more popular than Delamere Park with regard to overall park attendance numbers, regardless of the time of day in which the review was conducted. Weekend versus long weekend usage also indicated higher levels of utilisation at Shepherds Bush Park, which caters for larger numbers of older children due to the presence of the BMX Pump and Jump trail.

Parking utilisation levels were consistent across each location, with a greater tendency for attendees at Shepherds Bush Park to cycle to the site compared to Delamere Park, given its overall higher attendance numbers and similar parking demands.

Both parks also demonstrated a consistent level of picnicking activity and family gatherings, indicating a tendency for long-stay usage at each site.

The results of the comparative utilisation review supports the view that a sufficient demand exists to consider the installation of a toilet facility at Shepherds Bush Park, with over 200 attendees identified within the park between the most popular hours of 10.00am to 3.00pm on weekend periods. When compared to Delamere Park, which currently contains a toilet facility, average attendance numbers over the same period were less than 100.

Issues and options considered

Based on the information provided in this report, Council can either:

- support a community engagement process to seek feedback from local residents and park users on the proposed installation of a public toilet facility within Shepherds Bush Park.
- or
- not support a community engagement process.

Option one is the recommended option.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

Strategic initiative Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

Policy *Community Engagement Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

The costs associated with undertaking a community engagement process are estimated to be approximately \$1,500 for printing, postage and sign production and installation.

To install a modest toilet facility at Shepherds Bush Park, including universal access toilet options, septic tank installation, connecting path network, auto-locking door system and power connection, preliminary cost estimates indicate potential expenditure between \$80,000 and \$120,000 depending on the final design option pursued.

There are currently no budgeted funds within the forward *Capital Works Program* or *20 Year Strategic Financial Plan* for the installation of a toilet facility at Shepherds Bush Park.

Regional significance

The unique features and infrastructure contained within Shepherds Bush Park have proven to consistently attract visitors from beyond the local suburban catchment area, providing a high quality asset for both local and regional users.

As a destination park with strong cycling connectivity and picnicking infrastructure, the site currently encourages long-stay usage.

Sustainability implications

Environmental

The proposed toilet location in Shepherds Bush Park is adjacent to the Shepherds Bush Conservation Reserve, a high value conservation bushland area within the City of Joondalup. The installation of septic tanks and leach drains associated with the toilet construction would be contained within the park and are unlikely to have any environmental impact on the conservation reserve.

The construction of the toilet facility would also seek to reduce the tendency for young persons and children to utilise the bushland reserve area for ablution purposes due to the lack of a dedicated toilet facility within the park, as occurs frequently at present.

Social

The lack of a dedicated toilet facility within Shepherds Bush Park adversely affects young children and older persons who are required to walk 1.4 kilometres to Barridale Park in the south and back in order to utilise an ablution facility, which is considered to be a significant distance for less able persons to manage.

The bike skills track installed within the park is also targeted towards young children who require a nearby and accessible toilet option, given the long-stay use that is encouraged at the site.

Consultation

Should Council support the City conducting a community engagement process, it is suggested that feedback is sought through the following mechanisms:

- Letters/emails sent directly to residents within a 350 metre radius of Shepherds Bush Park, Friends of Shepherds Bush Park and Kingsley and Greenwood Residents Association, encouraging feedback through an online survey or hardcopy survey upon request.
- On-site signage, encouraging users of the park to provide feedback on the proposal.

- Notification to local Parliamentarians of the proposal.
- Email notification to members of the City's Community Engagement Network.
- Promotion of the proposal via social media and the City's website.

Consultation materials are likely to include a basic survey and *Frequently Asked Questions* document.

In order to inform the upcoming annual budgeting and forward works planning process for 2019-20, it is suggested that the community engagement process is undertaken as soon as possible, with suggested dates occurring from 22 November 2018 to 19 December 2018. The dates ensure that sufficient time is provided for community members to provide comment prior to and during the early school holiday period.

To achieve this, Council approval is required to extend the community engagement period past the last Council meeting date on 11 December 2018, by a maximum of 10 days.

COMMENT

Since the installation of unique recreational infrastructure within Shepherds Bush Park, the City has continued to receive requests from the community to install a toilet facility within the park.

Conducting a community engagement process will provide the City with the opportunity to assess the level of support within the community to proceed with the installation of a toilet facility and to consider any issues raised through the feedback received.

VOTING REQUIREMENTS

Simple Majority.

Cr Taylor left the Chamber at 8.43pm and returned at 8.45pm.

MOVED Cr Logan, SECONDED Cr Chester that Council:

- 1 **NOTES** that recent investigations undertaken by the City into the utilisation of Shepherds Bush Park have identified that a sufficient demand exists to consider the installation of a toilet facility within the park;
- 2 **NOTES** that preliminary cost estimates to install a toilet facility at Shepherds Bush Park range from \$80,000 to \$120,000 depending on the design option that is pursued;
- 3 **APPROVES** the commencement of a community engagement process to seek feedback from local residents and park users on the proposed installation of a public toilet facility within Shepherds Bush Park;

- 4 APPROVES the community engagement period to extend beyond the 11 December 2018 Council meeting by no longer than 10 days, in accordance with the City's *Community Engagement Policy*.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

REPORT – POLICY COMMITTEE – 1 OCTOBER 2018**Disclosure of interest affecting impartiality**

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ207-11/18 - Draft Multiple Dwellings within portion of Housing Opportunity Area 1 Local Planning Policy – Western Australian Planning Commission Decision.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Many residents in the subject area are known to Cr Fishwick.

**CJ207-11/18 DRAFT MULTIPLE DWELLINGS WITHIN PORTION
OF HOUSING OPPORTUNITY AREA 1 LOCAL
PLANNING POLICY - WESTERN AUSTRALIAN
PLANNING COMMISSION DECISION**

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106682, 101515
ATTACHMENTS	Attachment 1 <i>Draft Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

To inform Council of the Western Australian Planning Commission's decision in regard to the draft *Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy*.

EXECUTIVE SUMMARY

At its meeting held on 16 May 2017 (CJ078-05/17 refers), Council considered the minutes of a Special Electors Meeting and resolved to support the development of a local planning policy which restricts the development of multiple dwellings in Housing Opportunity Area 1 (HOA1).

Subsequently, at its meeting held on 27 June 2017 (CJ110-06/17 refers), Council resolved to advertise a draft policy that restricts the type of multiple dwellings that can be developed in portion of HOA1, by requiring development to meet the deemed-to-comply provisions of Part five of the *Residential Design Codes (R-Codes)* and the relevant sections of the City's *Residential Development Local Planning Policy*, as well as restricting building height to a maximum of two storeys.

The draft policy required the approval of the Western Australian Planning Commission (WAPC) in accordance with clause 7.3.2 of the R-Codes. The WAPC has now advised that it does not support the draft policy and therefore the policy should not proceed. It is recommended that Council notes the WAPC decision.

BACKGROUND

Special Electors Meeting

As requested by electors of the City of Joondalup, a Special Meeting of Electors was held on Monday 24 April 2017 in accordance with the provisions of the *Local Government Act 1995*. The purpose of the meeting was to discuss the following matter:

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

The following motion was carried at the Special Electors Meeting:

Motion 1

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

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

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

“That Council:

- 1 NOTES the minutes of the Special Meeting of Electors held on Monday, 24 April 2017 forming Attachment 1 to Report CJ078-05/17;*
- 2 in relation to Motion No. 1 carried at the Special Meeting of Electors SUPPORTS initiating an amendment to District Planning Scheme No. 2 to reduce the density coding of properties in Housing Opportunity Area 1, bounded by the Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North, from R20/R40 and R20/R60 to R20/R30;...”*
- 3 in relation to Motion No. 1 carried at the Special Meeting of Electors SUPPORTS the development of a new Local Planning Policy which restricts the development of multiple dwellings in Housing Opportunity Area 1;...”*

Subsequently, at its meeting held on 27 June 2017 (CJ110-06/17), Council resolved to advertise a draft policy that restricts the type of multiple dwellings that can be developed in portion of HOA1, by requiring development to meet the deemed-to-comply provisions of Part five of the R-Codes and the relevant sections of the City's *Residential Development Local Planning Policy*, as well as restricting building height to a maximum of two storeys.

The draft policy requires the approval of the WAPC in accordance with clause 7.3.2 of the R-Codes.

DETAILS

The WAPC has advised that its Statutory Planning Committee, at its meeting held on 31 July 2018, resolved to not support the draft *Multiple Dwelling within Portion of Housing Opportunity Area 1 Local Planning Policy* for the following reasons:

- 1 Clause 7.3.2 of *State Planning Policy 3.1 - Residential Design Codes* is not an appropriate mechanism in which to restrict the development of multiple dwellings on 'Residential' zoned land.
- 2 The draft policy is inconsistent with the criteria outlined in *Planning Bulletin 113/2015 'Multiple Dwellings in R40 coded areas and variations to R-Code multiple dwelling development standards'* which supports multiple dwelling development within 800 metres of train stations.
- 3 The draft policy will undermine the recommendations of the strategic planning framework including the City of Joondalup's *Local Housing Strategy* which seeks to increase density and housing diversity, such as multiple dwellings, within proximity to train stations, high frequency bus routes and activity centres.

Issues and options considered

The draft policy effectively sought to replace all the deemed-to-comply provisions that would normally be applicable to multiple dwellings developed at the R40 and R60 density codes. In addition, multiple dwelling developments would have been required to meet all deemed-to-comply provisions of the R-Codes, thereby removing any discretion normally available under the R-Codes. Therefore, the approval of the WAPC was required to implement that policy.

The WAPC has now advised that it does not support the draft policy, and consequently the policy should not progress.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Scheme) Regulations 2015.*
District Planning Scheme No. 2.
State Planning Policy 3.1: Residential Design Codes.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy Not applicable.

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

Part two, clause 3(3) of the Regulations sets out that local planning policies must be based on sound town planning principles and may address either strategic or operational conditions in relation to matters to which the policy applies.

In addition, Part two, clause 3(5) of the Regulations states that any determination under the scheme must have regard to each relevant local planning policy to the extent that the policy is consistent with the scheme. This implies that if a local planning policy is inconsistent with the scheme, the policy will not carry any weight when making a determination on a planning application.

Residential Design Codes

Clause 7.3.1 of the R-Codes permits local planning policies to amend or replace specified deemed-to-comply provisions of the R-Codes. Notwithstanding clause 7.3.1, clause 7.3.2 allows a local government, with the approval of the WAPC, to amend any other deemed-to-comply provision of the R-Codes by means of a local planning policy.

Risk management considerations

The WAPC has advised that the draft policy is not an appropriate mechanism to address the issues associated with multiple dwellings within HOAs. It is noted that the City, in accordance with Council's resolution at its meeting held on 21 November 2017 (CJ177-11/17 refers), is pursuing the development of a design-led planning policy and planning scheme amendment to better manage the impact of infill development in all HOAs.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The WAPC did not support the draft policy, and the policy consequently should not progress. Consultation will therefore not be undertaken.

COMMENT

The WAPC did not support the draft policy as it is inconsistent with the intent and objectives of the R-Codes and the local planning framework, does not ensure the R-Codes is properly implemented and is contrary to orderly and proper planning.

It is noted that, subsequent to the drafting of the policy, Council has made a number of decisions in regard to addressing the issues raised by a number of community members in regard to development within the HOAs. Importantly, the City has engaged planning consultants to undertake community consultation and formulate a design-led planning policy and planning scheme provisions to better manage the impact of infill development within the City's Housing Opportunity Areas.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 October 2018.

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

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES:

- 1** the Western Australian Planning Commission's decision not to support the draft *Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy*;
- 2** that, in view of the Western Australian Planning Commission's decision, the draft *Multiple Dwellings within Portion of Housing Opportunity Area 1 Local Planning Policy* should not proceed.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf181113.pdf](#)

REPORTS – MAJOR PROJECTS AND FINANCE COMMITTEE – 12 NOVEMBER 2018**CJ208-11/18 CHICHESTER PARK, WOODVALE - PROPOSED REDEVELOPMENT**

WARD	Central
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	00428, 101515, 03179
ATTACHMENT	Attachment 1 Chichester Park aerial map Attachment 2 Existing clubroom floorplan Attachment 3 Proposed site concept plan Attachment 4 Proposed facility floorplan Attachment 5 Proposed facility elevations Attachment 6 Proposed facility perspectives Attachment 7 Arboricultural assessment Attachment 8 Traffic and parking assessment Attachment 9 Southern playing field drainage issues Attachment 10 Estimated project capital costs
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the concept plans and estimated capital costs for the proposed redevelopment at Chichester Park, Woodvale and endorse progression of the project.

EXECUTIVE SUMMARY

Chichester Park located on Trappers Drive, Woodvale is classified as a district park and includes two active sport playing fields (north and south), a clubroom, floodlighting, car parking, disc golf course and a playground. As a district park, the ovals and infrastructure service the local area and several surrounding suburbs. Currently, five sporting clubs hire the ovals and the clubroom. The clubroom was constructed in 1992 and consists of a small meeting room, kitchen, toilets, change rooms and user group storage.

Due to the existing clubroom facility's functionality, size, layout and location issues, it was proposed that a new community sporting facility is developed and the existing car parking provisions and drainage issues on the southern playing field are investigated as part of the project.

At its meeting held on 18 April 2017 (CJ063-04/17 refers), Council considered the project and requested community consultation be undertaken to determine the level of support for the redevelopment of Chichester Park. In July / August 2017, the City undertook community consultation on the proposed project. Given the support from the community (over 90% of respondents supported the redevelopment), at its meeting held on 10 October 2017 (CJ169-10/17 refers), Council requested the development of concept plans for the Chichester Park redevelopment project.

A facility floor plan, site concept plan, elevations and perspectives have been developed for the project. The facility floor plan includes four change rooms, umpire room, first aid room, toilets, kitchen, 129m² meeting room, associated storage and a covered veranda area.

The site concept plan has been developed with the view of replacing the existing building and maintaining the park infrastructure in its current location. It includes a picnic / BBQ area, underground drainage and additional car parking provisions.

The total estimated capital cost for the recommended project works is \$4,159,170. Currently listed for the project in the *City's Five Year Capital Works Program* is \$3,000,000 with \$100,000 for the detailed designs (2018-19); and \$2,900,000 (\$650,000 from possible grant funding) for the construction works (2019-20 / 2020-21). It is important to note that the original project budget was \$4,000,000 however \$1,000,000 was reallocated to the refurbishment of the Warwick Sports Centre (Warwick Bowling Clubrooms and Greenwood Tennis Clubrooms) by Council through the 2017 budget workshops.

As the proposed plans include provisions to address the drainage issues of the southern playing field and additional car parking as requested by Council, it is reasonable to expect that the total project cost would exceed the original estimated budget. As the estimated capital cost exceeds the existing budget allocation, a further \$1,159,170 would be required to undertake the recommended works for the project.

It is recommended that the Chichester Park redevelopment project progress to a second round of community consultation. The second round of consultation would be undertaken in early 2019 and would seek comment on the concept plans and proposed additional car parking. The feedback and results of the consultation will then be collated and presented to Council in mid 2019.

It is therefore recommended that Council:

- 1 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Program for the Chichester Park redevelopment project:*
 - 1.1 *\$100,000 (municipal funds) in 2018-19 for detailed design of the project;*
 - 1.2 *\$2,900,000 (\$2,250,000 reserve funds; \$650,000 grant funding) in 2019-20 / 2020-21 for construction of the project;*
- 2 *APPROVES the proposed Chichester Park redevelopment project including demolition, site works and services, construction of a new community sporting facility, new BBQ / picnic area, temporary facilities, underground drainage, artwork, and construction of additional parallel parking (a / b / c) as detailed in this report at a project cost estimate of \$4,159,170;*

- 3 *REQUESTS that a further \$1,159,170 (\$715,440 reserve funds; \$443,730 grant funding) be listed for consideration in the 2021-22 Capital Works Program for the Chichester Park redevelopment project subject to a successful Community Sporting and Recreation Facilities Fund grant application of \$1,093,790;*
- 4 *REQUESTS the Chief Executive Officer to arrange further community consultation on the proposed Chichester Park redevelopment project to be conducted in early 2019.*

BACKGROUND

Suburb/Location	Chichester Park (south oval) 109 Trappers Drive Woodvale WA 6026.
Applicant	City of Joondalup.
Owner	Crown Land – City of Joondalup Management Order.
Zoning	DPS Parks and Recreation. MRS Urban.
Site area	81,666.4m ² .
Structure plan	Not applicable.

Chichester Park located on Trappers Drive, Woodvale (Attachment 1 refers) is approximately 8.2 hectares (southern playing field) and is classified as a district park within the City's existing *Parks and Public Open Spaces Classification Framework*. The park includes two active sport playing fields (north and south), a clubroom, floodlighting, disc golf course, car parking and a playground.

The clubroom (Attachment 2 refers) was constructed in 1992 and consists of a small meeting room, kitchen, toilets, change rooms and user group storage. In 2008-09 the facility was refurbished with a new kitchen, change rooms, painting and user group storage. In 2017 the Kingsley Soccer Club extended the undercover spectator viewing area on the western side of the building as part of a club funded facility upgrade application.

The current size, location and layout of the existing clubroom facility is considered poor and it is not well utilised due to the following issues:

- Meeting room is small (32m²) and used mainly for storage so is not suitable for community group use or casual hire arrangements. The existing sporting clubs that use the park need to hire alternative facilities to hold club functions / events.
- Limited available storage for the current and potential user groups.
- Kitchen facilities are small, inadequate and in poor condition.
- Clubroom currently has limited change rooms to service multiple senior size playing fields.
- Clubroom is currently located on a lower point of the site in comparison to the car park which causes issues with rain water run-off 'pooling' in areas around the facility. It also makes access difficult due to the site level differences.
- Change rooms are not on the same level as the oval and players have to use stairs to access the pitches.

The northern playing field is used by the adjacent school (North Woodvale Primary School) as part of a "shared use" agreement with the City. The southern playing field is one of the most heavily utilised sporting grounds in the City with parking issues at peak usage times. It is used predominately for soccer with the ability to hold three soccer pitches. There are drainage issues on the southern playing field during winter which impacts sporting club usage of the area. Also, irrigation filtration could be improved on the southern playing field to address the high iron issues.

The playground was upgraded in 2009 and an upgrade of the sports floodlighting on the southern playing field was completed in July 2016.

There are no annual hire groups of the existing clubroom facility due to the size, location and layout issues. The meeting room is one of the City's least utilised rooms (9.31% utilisation rate in 2016). The southern playing field is one of the City's most highly utilised active reserves (83% utilisation rate in winter 2017). There are five sporting clubs with over 1,770 registered members that currently use Chichester Park:

- Kingsley Soccer Club.
- Woodvale FC (soccer).
- WA Christian Football Association (soccer).
- Kingsley Woodvale Junior Cricket Club.
- Kingsley Woodvale Cricket Club.

The City first identified the need to redevelop Chichester Park in 2010 and allocated funds within the *20 Year Strategic Financial Plan (SFP)* for the project. At its meeting held on 15 July 2014 (CJ116-07/14 refers), Council considered the 2014 active reserve and community facility review report and a list of redevelopment projects with a recommended priority order which was agreed to be used in the development of the City's future *Five Year Capital Works Program* and SFP. The Chichester Park project was listed as the next redevelopment project to be undertaken due to the heavy utilisation of the southern playing field and as a district park, it should have an appropriate level of infrastructure to support user group needs.

At its meeting held on 18 April 2017 (CJ063-04/17 refers), Council agreed to commence the project and requested community consultation be undertaken to determine the level of support for the redevelopment of Chichester Park.

In July / August 2017, community consultation was undertaken with over 90% of respondents supporting the redevelopment. At its meeting held on 10 October 2017 (CJ169-10/17 refers), Council requested the development of concept plans for the Chichester Park redevelopment project with the inclusion of the following:

- Redevelopment of the existing clubroom into a new community sporting facility.
- Investigation of car parking provisions.
- Investigation of drainage issues on the southern playing field.

Previously there was \$4,000,000 allocated in the *Capital Works Program* for the redevelopment project. This was amended by Council through the 2017 budget workshops as an outcome of its meeting held on 18 April 2017. At this meeting the budget for the Chichester Park redevelopment project was requested to be reduced to \$3,000,000 (CJ063-04/17 refers) and the proposed refurbishment works of the Warwick Sports Centre (Greenwood Tennis Clubrooms and the Warwick Bowling Clubrooms) be listed for consideration at the next budget workshop (Item 3 refers, Finance Committee meeting held on 4 April 2017).

DETAILS

Currently, there are a number of issues with the existing building and site including the clubroom facility's functionality, size, layout and location; drainage issues on the southern playing field; and feedback through the community consultation about inadequate car parking provisions. A facility concept plan and site concept plan have been developed addressing these issues.

Site concept plan

The site concept plan (Attachment 3 refers) has been developed with the view of demolishing the existing facility and maintaining the park infrastructure in its current location. This option addresses the current challenges with the site and facility, includes underground drainage to address the flooding issues on the southern playing field and potential additional car parking provisions.

One of the main challenges with the site is the contour / level changes with an approximate six metre difference between Trappers Drive and the playing surface. This level change creates issues with access from the existing car park and compliance with access and inclusion requirements. To address this, a vehicle ramp and separate pedestrian pathways have been proposed to link the existing car park to the proposed new community sporting facility and park playing surface.

As the existing clubroom facility would be demolished to allow for the new proposed community sporting facility to be constructed, temporary facilities would be provided so that the sporting clubs that use the southern playing field have access to toilets, change rooms, a kiosk and storage during works. Due to the site level changes, location of services (water / power) and the size / access required for delivery of the temporary facilities, it is proposed they are located at the southern end of the playing field in the cleared area as indicated as reference seven on the site concept plan (Attachment 3 refers). The cleared area to the north and east of the playing field are not suitable for the temporary facilities to be located due to level changes and the inability to connect to existing services (water / power).

The site concept plan includes a proposed new BBQ / picnic area / drink fountain near the new community sporting facility for sporting clubs and the general community to access as indicated as reference two on the site concept plan (Attachment 3 refers). It is not proposed to include a playground in this area as space is limited and there is an existing playground at the site in the natural park area located north of the playing field.

There is an existing disc golf course at the site (18 holes) as indicated as reference six on the site concept plan (Attachment 3 refers). It is anticipated that the proposed works will not impact the course except for one hole which would be unavailable during construction as it is located in the area designated for the temporary facilities.

Facility concept plan

As part of the project, a facility concept plan, elevations and perspectives have been developed for a new community sporting facility (Attachments 4, 5 and 6 refers). Colours and finishes of the building will be determined during detailed design stage however will consider the local area and nearby residents.

It is proposed that the existing clubroom will be demolished, and a new facility be constructed as indicated as reference one on the site concept plan (Attachment 3 refers). To address the site contour / level changes the proposed new community sporting facility has been designed over two levels with change rooms and sports storage located on the ground level (playing surface) and meeting room / kitchen on the upper level with views over the playing surface.

Key elements of the proposed facility design include the following:

- Meeting room (129 m²) with undercover spectator viewing area overlooking the playing surface.
- Four change rooms, umpire's change room and first aid room.
- Internal toilets and external park toilet (includes automatic timed door lock system).
- Kitchen and dedicated kitchen storage area.
- Equipment storage, furniture store and closed circuit television (CCTV) room.

All facility element sizes and fit-out are based on the City's standard level of provision for this type of development similar to those included in the Bramston Park Community Sporting Facility and Penistone Park Community Sporting Facility. Four change rooms have been proposed as part of the development due to the number of playing fields accommodated on the southern oval (three) and the growing demand on City facilities to accommodate increasing female sports participation. In addition, the facility is proposed to include environmentally sustainable design features such as waterless urinals; photovoltaic (solar) panels; energy efficient light fittings and reduced flow water fixtures.

Vegetation

As part of the proposed site works, an arboricultural assessment was undertaken. The objectives were to determine the health and structural condition and structural root / tree protection zones of the existing trees in the area around the proposed new community sporting facility.

The arboricultural report (Attachment 7 refers) recommended four trees be removed due to existing health and structural condition as indicated on the site concept plan (Attachment 3 refers). The proposed new facility was designed to ensure minimal impact to the existing vegetation and has factored in the structural root / tree protection zones. Given the challenges with the site level changes and access / inclusion requirements for paths and ramps, some root pruning may be required and any excavation within the tree protection zones should be undertaken by hand.

In preparation of the potential loss of the four identified trees, the City has planted 16 new trees (12 *Eucalyptus gomphocephala* and four *Corymbia calophylla*) at Chichester Park during the 2018 winter tree planting program.

The arboricultural report also assessed the fenced Banksia Woodlands area to the north of the existing clubroom facility. It was determined that the proposed works would be unlikely to have an impact on this area. The City has also liaised with the Federal Government Department of Environment and Energy (DEE) regarding this vegetation due to the potential likelihood that it may meet the criteria to be afforded protection as the Banksia Woodlands Threatened Ecological Community (TEC) listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Following communication with the DEE, a self-assessment in accordance with the *EPBC Act* was undertaken to determine whether the surrounding vegetation would be subject to significant impact. The results of the self-assessment indicated that the project is unlikely to have a significant impact on the health and viability of the vegetation and therefore a flora survey is not required to assess for the presence of the Banksia Woodlands TEC. Feedback was requested from the DEE on the self-assessment and the City is awaiting a response.

Other environmental considerations such as the management of pathogens is recommended as part of project as three species of *Phytophthora* (plant pathogen) have been recorded as causing decline to the vegetation at Chichester Park. Soil disturbance has the potential to increase the spread of pathogen infestation and the implementation of tree protection and structural root zones where possible is proposed to protect the vegetation. Chichester Park will be treated as part of the City's pathogen treatment program in spring 2018 to assist with the preservation of vegetation currently in decline.

Parking

There is currently traffic and parking congestion at the southern playing field particularly in the peak winter sporting season when the oval is heavily utilised for soccer (Tuesdays / Thursdays 5.00pm to 8.00pm, Saturday 8.00am to 1.00pm and Sunday 8.00am to 5.00pm). Weekend usage is particularly heavy with games fixtured on both Saturdays and Sundays.

The redevelopment is not anticipated to create more traffic / parking in peak periods as the number of teams using the oval cannot increase (at capacity). The proposed new facility is designed to provide larger and improved facilities for the clubs to utilise while at the park and attract users to the facility during off peak periods (week day daytime use).

As part of the community consultation undertaken in July / August 2017, some local residents raised concerns with traffic and parking issues at the park. Parking on residential verges and visibility issues / driving safety concerns were raised particularly for some of the streets around the southern playing field such as Nadine Place and Standish Way.

As part of the project, a traffic and parking assessment was undertaken. The objectives were to:

- undertake a parking survey and analysis of the park during peak periods
- develop additional parking options to accommodate peak period demand
- analyse and assess traffic generated by the existing car park.

The southern playing field is currently serviced by a car park consisting of 58 bays as indicated as reference three on the site concept plan (Attachment 3 refers) and some formal off street parallel parking along Trappers Drive (24 bays). To address the site level changes and comply with access and inclusion requirements, a vehicle ramp and separate pedestrian pathways have been proposed to link the existing car park to the proposed new community sporting facility and park playing surface. This vehicle ramp will result in the loss of approximately nine bays from the existing car park.

The traffic and parking assessment report (Attachment 8 refers) analysed the existing traffic conditions to determine if improvements are required to the road network. The analysis focused on the intersection of Trappers Drive and the existing car park access. The report concluded that based on the peak demand for entry into the existing car park, the car park capacity and traffic counts undertaken in May 2018, analysis of the intersection indicated no road capacity problems are expected.

Crash data indicated that there has been one crash in the vicinity in the last five years which also suggests there are no congestion issues impacting the intersection. It is however noted that there is anecdotal evidence that suggests some minor queuing develops during busy periods. It is possible that this is caused by the narrow entrance to the existing car park or poor circulation due to the single entrance / exit. These factors could be addressed by widening the existing entrance and developing a separate exit to effectively create a one-way system through the car park.

The parking survey undertaken indicated that there were two main factors contributing to the traffic and parking issues at Chichester Park. One is the shortage of formal parking areas at certain times of the peak usage period. The second is the desire to park as close as possible to the training / game pitch. As the field accommodates three playing pitches, some people prefer to park as close to the allocated pitch as possible using local streets such as Landor Gardens and Standish Way in particular.

The report developed additional parking options to accommodate peak period demand which was divided into car park options and off street parallel parking options.

Additional car park options

The report proposed three potential additional car park options that could be developed to assist with parking and traffic issues during peak periods as indicated in reference four (4.1; 4.2; 4.3) on the site concept plan (Attachment 3 refers). Option 4.1 proposes 33 bays and is accessed off Trappers Drive to the north of the existing car park. Option 4.2 proposes 31 bays and is accessed off Landor Gardens. Option 4.3 proposes 22 bays and is accessed off Standish Way.

Option 4.3 is considered the most suitable if an additional car park was developed at the site as it would provide a formal parking area on the south eastern side of the playing field and address those people who park as close as possible to the training / game pitch. Car park option 4.1 is considered too far from the playing field and would not address the parking on the south eastern side. Car park option 4.2 also would not address the parking on the south eastern side of the site.

Additional off street parallel parking options

The report proposed three potential additional off street parallel parking options that could be developed to assist with parking and traffic issues during peak periods as indicated as reference five (5a; 5b; 5c) on the site concept plan (Attachment 3 refers). Option 5a proposes 19 bays and is located along Trappers Drive to the south of the existing car park. Option 5b proposes eight bays and is located along Landor Gardens. Option 5c proposes 12 bays and is located along Standish Way.

Recommended additional parking

It is recommended that the additional off street parallel parking (all three proposed areas – 5a; 5b; 5c) that would provide an additional 61 bays at the site, be included in the project. These proposed additional parking areas have been included in the estimated capital costs for the project.

At this stage, it is not recommended to develop any additional car parks however, they could be considered in the future if the recommended additional parking does not alleviate issues as expected or parking requirements at the site changes in the future.

Drainage

Currently, there are drainage issues on the southern playing field causing flooding during winter which impacts sporting club usage of the area as indicated as reference eight on the site concept plan (Attachment 3 refers). It was requested by Council that the concept plans for the project investigate this drainage issue.

As part of the project a flooding assessment was undertaken during winter 2018 (Attachment 9 refers). To address the drainage issues at the site it is recommended that underground water drainage be installed in the winter flood zone. Two underground drainage size options were explored - 150m³ and 240m³. The 240m³ option has been included in the proposed works as this would make a significant improvement to the drainage at the site, likely control the flooding and ensure minimal impact on the playing surface.

It is also possible that the underground drainage works may reduce the amount of overflow / moisture entering the vegetation to the south of the playing field (there are a number of plant pathogen occurrences in this area).

Estimated capital costs

An external Quantity Surveyor (QS) has provided the following capital cost estimate for the project (Attachment 10 refers). The additional car park (4.3) that was included in the capital cost estimate is not recommended to be constructed at this stage, so the cost has been removed from the summary table.

Component	Estimated cost
Facility – building and fit-out	\$ 2,543,120
External services to facility (stormwater, sewer, water, gas, electrical)	\$ 293,250
Power upgrade to site	\$ 50,000
Temporary toilets, change rooms, kiosk and storage (during construction)	\$ 104,000
Site preparation and clearing	\$ 170,000
CCTV system	\$ 60,000
Photovoltaic panels	\$ 40,000
Underground drainage (to address flooding of playing surface)	\$ 185,000
Paths, stairs and ramps	\$ 243,350
Landscaping	\$ 313,960
Picnic shelter, setting, BBQ and drink fountain	\$ 42,260
Additional parallel parking (A / B / C) 39 bays	\$ 83,230
Public artwork	\$ 31,000
Total	\$ 4,159,170

All capital cost estimates include preliminaries, design contingencies, building contingencies, cost escalation to June 2021, professional fees and approval fees. The cost of the facility (excluding these components) equates to approximately \$2,250 per square metre which is expected for this type of building and similar to previous projects such as the new community sporting facilities developed at Penistone Park, Greenwood and Bramston Park, Burns Beach.

The City's *Public Art Policy* states that the State Government's 'Percent for Art Scheme' will be utilised for all refurbishment of City-owned properties or new developments where the overall project costs are over \$1 million. This scheme uses an allocation of up to one percent of the estimated total cost of the building project. Based on this, one percent of the estimated total cost of the building has been included in the project for artwork.

A review of the project components has been undertaken to determine if anything proposed could be removed to reduce the estimated capital cost. The majority of components are related to the development of the new community sporting facility so would be difficult to remove without impacting this building (such as external services; site preparation, temporary facilities, CCTV, photovoltaic panels, paths, stairs and ramps, landscaping). The underground drainage is considered an important project component as it will address the flooding issues on the southern playing field during winter which impacts sporting club usage of the area. The recommended parallel parking has been included to address the traffic and parking issues at the site.

Issues and options considered

It is considered that Council has two options, to either agree or not to agree to progress the project.

As the estimated capital cost exceeds the existing budget allocation, a further \$1,159,170 would be required to undertake all works for the project. If the project is to proceed, there are a number of options to fund the budget shortfall outlined in the following table.

Funding option	Details	Advantages	Disadvantages
Allocate additional funds – Loan	Allocate an additional \$1,159,170 of loan funds for the project.	Cost of funding is spread over several years and avoids the need to raise additional income in one year (such as rates revenue).	A \$1,159,170 loan over a five year period will result in interest costs (which worsen the operating deficit).
Allocate additional funds – Reserves	Allocate an additional \$1,159,170 of reserve funds for the project.	Financial projections (within the adopted <i>20 Year Strategic Financial Plan</i>) indicate additional reserve funds could be allocated to the project without impacting on other planned uses of the reserve or on the projected key ratios.	The use of reserve funds reduces the earnings that the City makes on cash reserves and reduce the funds available for other projects.

Funding option	Details	Advantages	Disadvantages
Allocate additional funds – Municipal	Allocate an additional \$1,159,170 of municipal funds for the project.	Cost of additional amount required for the project is allocated from City funds.	The use of municipal funds has an impact on the cash required to balance the budget for the year and the amount to be raised from rate revenue. If all other assumptions in the year remained the same, the additional \$1,159,170 required could equate to a 1.2% rate increase.

If Council agrees to progress the project, the City will undertake further community consultation on the proposal in early 2019. A report will then be presented to Council providing the results of the consultation in mid-2019 and seek direction on progressing the project.

If Council chooses not to progress the project, Chichester Park user groups will continue to operate at the existing clubroom facility with the size, location, functionality and layout issues.

Legislation / Strategic Community Plan / policy implications

Legislation

Not applicable.

Strategic Community Plan

Key theme

Community Wellbeing.

Objective

Quality facilities.

Strategic initiative

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

Policy

Requests for New or Capital Upgrades to Existing Community Buildings Policy.
Public Art Policy.
Asset Management Policy.

Risk management considerations

If the project does not progress, the sporting clubs that use Chichester Park will continue to operate within the existing limited facility. Based on the classification of the park (district park), heavy utilisation of the southern playing field and inadequate existing facilities, a redevelopment is required to better service the sporting clubs and local wider community's needs. Furthermore, the clubroom will be nearing 30 years old at the time of the proposed redevelopment therefore it is considered appropriate to upgrade it.

Any capital project brings risks in relation to contingencies and over runs against original design. The capital cost estimate is based on concept designs and may differ once further detailed designs are undertaken for the project.

Financial / budget implications

The total estimated capital cost for the recommended project works is \$4,159,170. Currently listed for the project in the City's *Five Year Capital Works Program* is \$3,000,000. \$100,000 for the detailed designs (2018-19) and \$2,900,000 (\$650,000 from possible grant funding) for the construction works (2019-20 / 2020-21). It is important to note that the original project budget was \$4,000,000 however \$1,000,000 was reallocated to the refurbishment of the Warwick Sports Centre (Warwick Bowling Clubrooms and Greenwood Tennis Clubrooms) by Council through the 2017 budget workshops.

As the proposed plans include provisions to address the drainage issues of the southern playing field and additional car parking as requested by Council, it is reasonable to expect that the total project cost would exceed the original estimated budget. As the estimated capital cost exceeds the existing budget allocation, a further \$1,159,170 would be required to undertake the recommended works for the project.

It has been identified that this project would be suitable for consideration as part of the Department of Local Government, Sport and Cultural Industries (DLGSCI) Community Sporting and Recreation Facilities Fund (CSRFF) program. The CSRFF program considers a contribution of up to one third for eligible components of a project that demonstrate an increase in sport participation as a result of the development, in this case up to \$1,093,790.

Future financial year impact

Current annual operating cost The annual operating cost for Chichester Park clubroom is approximately \$34,000 per annum. This is based on an operating income of \$5,000, operating expenses of \$30,000 and depreciation of \$9,000.

Estimated capital costs and funding The total capital cost for the project is estimated at \$4 million at today's costs and with escalation is estimated at \$4.2 million. Potential grant funding (CSRFF) has been estimated at \$1.1 million, so the net funding cost to the City would be \$3.1 million (however the City would be responsible for the full ongoing capital replacement cost of \$4.2 million).

The Adopted *Strategic Financial Plan* (SFP) includes an escalated project budget of \$3.1 million – consisting of \$650,000 (grant funding) and a net cost to the City of \$2.45 million (Strategic Asset Management Reserve funds).

The net funding cost of the proposed project to the City of \$3.1 million is \$650,000 more than the \$2.45 million currently allocated in the SFP. It is possible for the Strategic Asset Management Reserve to fund this additional cost.

Estimated annual operating cost (including depreciation) The proposed redevelopment works would cost approximately \$72,000 in depreciation per year, which is \$63,000 more than the existing depreciation costs.

It is estimated that the new community sporting facility may cost between \$60,000 to \$80,000 per year (\$70,000 assumed) in operating cash expenses with the final cost dependent on factors such as usage and final specification. The assumed cost of \$70,000 is \$40,000 more than the existing clubroom facility.

Estimated annual operating income The income for the new community sporting facility is estimated at approximately \$8,000 per year. This is an increase of \$3,000 per year on the operating income of the existing clubroom facility (\$5,000).

Operating deficit The estimated annual operating cost for the new community sporting facility is approximately \$134,000 per annum. This is based on an operating income of \$8,000, operating expenses of \$70,000 and depreciation of \$72,000. This is \$100,000 more than the annual operating cost for the existing clubroom facility and impacts the City's ability to address the operating deficit which in 2018-19 is forecast to be over \$6 million.

The SFP already includes some of the financial impacts of the proposed redevelopment (depreciation \$53,000 and operating expense increase of \$10,000). The anticipated additional annual operating cost of \$100,000 is \$37,000 more than what is already included in the SFP.

The SFP is updated on an annual basis and the next update (2019) will include the updated projections for this project, including the estimated write-off.

Write-off cost The existing building has a written down value of approximately \$400,000. When demolished the written down value would result in a one-off write-off cost to the operating results which has not been included in the SFP.

Capital replacement It is estimated that the City would need to provide \$72,000 per year for capital replacement, equal to the annual depreciation expense.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Environmental

All facility redevelopment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget. In addition, the site concept plans have been developed with the aim of minimising the impact on important flora and fauna at Chichester Park. Four trees have been recommended for removal due to existing health and structural condition however, in preparation of the potential loss of these identified trees, the City has planted 16 new trees during the 2018 winter tree planting program.

Social

The project has included consultation with existing user groups and the local wider community to ensure that the proposed redevelopment represents the communities' diverse needs. It is expected that if the redevelopment works occur, the project will lead to higher utilisation rates of the facility. Furthermore, the proposed development at the site considers access and inclusion principles and aims to enhance the amenity of the public space. One of the main challenges with the site is the contour / level changes which creates issues with access from the existing car park and compliance with access and inclusion requirements.

To address this, a vehicle ramp and separate pedestrian pathways have been proposed to link the existing car park to the proposed new community sporting facility and park playing surface.

Economic

One of the main principles of the City's *masterplan framework* is the development of 'shared' and 'multi-purpose' facilities to avoid duplication, and to reduce the ongoing maintenance and future capital expenditure requirements.

Consultation

Results of the initial community consultation for this project were considered by Council at its meeting held on 10 October 2017 (CJ169-10/17 refers). The planned second round of consultation will provide more detailed information for the community to provide feedback on.

COMMENT

The City has undertaken a number of community sporting facility developments over the last 10 years such as those at:

- Seacrest Park, Sorrento
- Forrest Park, Padbury
- Bramston Park, Burns Beach
- Penistone Park, Greenwood.

The City identified Chichester Park as the next redevelopment project to be undertaken due to the existing clubroom facility functionality, size, layout and location issues and several challenges that have been identified in relation to the site.

The park is one of eight district level parks within the City and its infrastructure supports five sporting clubs with over 1,770 registered members. The works proposed at Chichester Park, is the final community sporting facility development currently planned to be undertaken by the City in the next 10 years.

Based on the total cost estimate for the recommended project works as detailed in this report, a further \$1,159,170 would be required. As the original project budget was reduced and the proposed plans include provisions to address the drainage issues of the southern playing field and additional car parking as requested by Council, it is reasonable to expect that the total project cost would exceed the existing budget allocation.

To offset the need for additional funds for the project, a review of the City's current *Capital Works Program* was undertaken to determine the possibility of delaying the commencement of projects scheduled in the near future, or a reduction in the scope. As Council has only recently adopted the current SFP (August 2018), it was determined that no amendments to the plan be proposed. The SFP is reviewed annually and the next review will reflect any changes made to the *Capital Works Program*.

If the project is supported to progress, it is recommended that reserve funds are used for the project shortfall as financial projections indicate that they could be allocated to the project without impacting on other planned uses of the reserve or on the projected key ratios.

It is recommended that the Chichester Park redevelopment project progress to a second round of community consultation. The second round of consultation would be undertaken in early 2019 and would seek comment on the concept plans and proposed additional car parking. The feedback and results of the consultation will then be collated and presented to Council in mid 2019.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 12 November 2018.

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

MOVED Mayor Jacob, SECONDED Cr Jones that Council:

- 1 NOTES the following amounts are currently listed within the City's *Five Year Capital Works Program* for the Chichester Park redevelopment project:
 - 1.1 \$100,000 (municipal funds) in 2018-19 for detailed design of the project;**
 - 1.2 \$2,900,000 (\$2,250,000 reserve funds, \$650,000 grant funding) in 2019-20 / 2020-21 for construction of the project;****
- 2 APPROVES the proposed Chichester Park redevelopment project including demolition, site works and services, construction of a new community sporting facility, new BBQ / picnic area, temporary facilities, underground drainage, artwork and construction of additional parallel parking (a / b / c) as detailed in Report CJ208-11/18 at a project cost estimate of \$4,159,170;**
- 3 REQUESTS that a further \$1,159,170 (\$715,440 reserve funds; \$443,730 grant funding) be listed for consideration in the 2021-22 *Capital Works Program* for the Chichester Park redevelopment project subject to a successful Community Sporting and Recreation Facilities Fund grant application of \$1,093,790;**
- 4 REQUESTS the Chief Executive Officer to arrange further community consultation on the proposed Chichester Park redevelopment project to be conducted in early 2019.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ192-11/18, page 203 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18agn181120.pdf](#)

Disclosure of Proximity Interest

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ209-11/18 - Joondalup City Centre Development – Project Status.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Poliwka owns a property adjacent to two lots.

Cr Poliwka left the Chamber at 8.49pm.

CJ209-11/18 JOONDALUP CITY CENTRE DEVELOPMENT - PROJECT STATUS

WARD	North
RESPONSIBLE DIRECTOR	Mr Garry Hunt Chief Executive Officer
FILE NUMBER	103036, 101515
ATTACHMENT	Nil
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the progress on the Joondalup City Centre Development and the correspondence received from Devwest Group Pty Ltd (Devwest) regarding the proposed residential development on Lot C of the Boas Place Concept Plan.

EXECUTIVE SUMMARY

Following Council's decision at its meeting held on 21 August 2018 (CJ151-08/18 refers), regarding the proposal received from Devwest for a residential development on Lot C of the *Boas Place Concept Plan*, Devwest was requested to provide the following additional information:

- The information required to execute a Heads of Agreement and prepare a Sale and Development Agreement.
- The information required to enable the City to prepare a business plan in order to meet its obligations under the *Local Government Act 1995*.

Devwest was also requested to assist the City to resolve the following outstanding matters:

- Contribution to the public realm by Devwest.
- Agreement regarding the proposed alfresco licence if required for the residential development.

- Construction of Boas Square.
- Alignment of the proposed residential development with the City's planning requirements.
- Confirmation and agreement of the proposed site dimension.

At its meeting held on 21 August 2018 (CJ151-08/18 refers), Council also agreed that if the above information was not received, negotiations with Devwest should not progress.

In correspondence received by the City on 28 September 2018, the requested information and commentary regarding the outstanding matters was not provided by Devwest.

At its meeting held on 21 August 2018 (CJ151-08/18 refers), Council decided negotiations with Devwest for the sale of Lot C of the Boas Place Concept Plan would not be progressed.

Order of Magnitude Business Case

Consultants NS Advisory Pty Ltd are progressing the preparation of the Order of Magnitude Business Case (OMBC) for Boas Place and it is anticipated the draft OMBC will be provided to the City for review in December 2018.

It is therefore recommended that Council NOTES:

- 1 *the Joondalup City Centre Project Status Report;*
- 2 *in accordance with Council's decision of 21 August 2018 (CJ151-08/18 refers), negotiations with Devwest Group Pty Ltd for the sale and development of Lot C of the Boas Place Concept Plan will not be progressed;*
- 3 *a strategy for progressing the Joondalup City Centre Development will be prepared for consideration by Council based on the outcome and recommendations contained within the Order of Magnitude Business Case currently being prepared consultants NS Advisory Pty Ltd.*

BACKGROUND

Through a Memorandum of Understanding (MOU), which expired in September 2017, the City has been working with Devwest since late 2014 to progress the Boas Place development to construction stage.

Since 2014 a number of preliminary proposals for the development of Boas Place have been received from Devwest. These included:

- hotel development on Lot C
- aged care and independent living units on Lot F
- residential / mixed use development on Lot E
- multi-family or build-to rent development on Lot D
- residential development on Lot C.

The City's proposed land sale price of \$1,540,000 for the development of a hotel on Lot C of the Boas Place Concept Plan was accepted by Devwest subject to agreement on the following matters:

- Public realm contribution.
- Alfresco licence.
- Construction of Boas Square.
- Alignment of the proposed hotel design with the City's planning requirements.

At its meeting held on 15 May 2018 (CJ084-05/18 refers), Council considered a number of options for progressing with Devwest and determined that negotiations for the sale of Lot C for a hotel development as proposed by Devwest should continue subject to the satisfactory resolution of the above matters.

The following matters were also identified as requiring clarification prior to the preparation of a legally binding agreement with Devwest:

- How the development will address and integrate with the existing buildings and infrastructure.
- Hotel vehicular access and egress as well as information on car parking provision.
- The proposed Special Purpose Vehicle (SPV) to be formed by Devwest to facilitate the project. As the SPV has not yet been formed, the City is unable to instigate discussions regarding the guarantees required to mitigate the risk of non-delivery of the development. Prior to entering into any agreement with the SPV, the City will need to be confident that it has the solvency, financial capacity, skills, experience and ability to deliver the project.

Devwest provided no further information regarding the developments on Lots F, D and E. However, in April 2018 Devwest indicated that it wished to purchase Lot F based on the same square metre rate as Lot C.

At its meeting held on 15 May 2018 (CJ084-05/18 refers), Council resolved that it:

- 1 *NOTES the Joondalup City Centre Development Project Status Report;*
- 2 *NOTES that Devwest Group Pty Ltd has agreed to the sworn valuation of \$1,540,000 as the sale price for Lot C of the Boas Place Concept Plan and has proposed to purchase Lot F of the Boas Place Concept Plan based on the same square metre rate as Lot C;*
- 3 *ACCEPTS the sworn valuation of \$1,540,000 as the sale price for Lot C of the Boas Place Concept Plan for the development of a hotel as proposed by Devwest Group Pty Ltd and outlined in Attachment 3 to Report CJ084-05/18;*
- 4 *REQUESTS the Chief Executive Officer to continue negotiation with Devwest Group Pty Ltd for the sale of Lot C of the Boas Place Concept Plan for the development of a hotel as proposed by Devwest Group Pty Ltd and outlined in Attachment 3 to Report CJ084-05/18 for a purchase price of \$1,540,000 subject to the satisfactory resolution of the following matters:*
 - 4.1 *contribution to the public realm by Devwest Group Pty Ltd guided by a percentage contribution related to proportion of the overall development site;*
 - 4.2 *clarification and agreement regarding the proposed alfresco licence;*

- 4.3 *construction of Boas Square;*
- 4.4 *alignment of the proposed hotel design with the City's planning requirements;*
- 4.5 *the conclusion of the site dimensions and area;*
- 5 *REQUESTS the Chief Executive Officer to establish agreement on the matters as outlined in Part 4, by 2 July 2018;*
- 6 *DOES NOT ACCEPT, at this time, the proposal by Devwest Group Pty Ltd to purchase Lot F of the Boas Place Concept Plan at the same per square metre rate as Lot C of the Boas Place Concept Plan.*

Devwest were advised of above decisions via correspondence dated 25 May 2018. The City subsequently met with representatives from Devwest who advised that due to the agreed sale price, a hotel development on Lot C was not viable and that a primarily residential development was now proposed.

To enable Council to make an informed decision on the sale of Lot C for a residential development, Devwest was requested to provide further information on what is proposed for the development. While additional information was provided, it was not considered sufficient to enable the necessary agreements to be progressed.

At its meeting held on 21 August 2018 (CJ151-08/18 refers), Council considered the following two options relating to the City's negotiations with Devwest:

- 1 Continue to negotiate with Devwest for the sale of Lot C for a primarily residential development.
- 2 Advise Devwest that further consideration of the sale of Lot C for a residential development can only proceed if the necessary detailed information was provided. Should that information not be provided, discontinue negotiations with Devwest and await the finalisation of the Order of Magnitude Business Case.

On the recommendation of the Major Projects and Finance Committee, Council agreed to proceed with Option 2.

Order of Magnitude Business Case

To harness potential interest, Council, at its meeting held on 20 March 2018 (CJ053-03/18 refers) requested the Chief Executive Officer to investigate alternative strategies through an Order of Magnitude Business Case (OMBC).

The City's previous methodology to attract potential developers for Boas Place was based on a market-led approach; that is letting the market inform the City of what it would like to develop on the site.

The main purpose of developing an OMBC is to provide Council with the appropriate information to enable an informed decision on the future of the site and the impact on the City's financial position. The OMBC will also enable the City to provide potential developers/interested parties with sufficient information on the benefits of joining with the City to develop Boas Place.

DETAILS

At its meeting held on 21 August 2018 (CJ151-08/18 refers), it was agreed that Council:

- 1 *NOTES the Joondalup City Centre Development Project Status Report;*
- 2 *REQUESTS the Chief Executive Officer to advise Devwest Group Pty Ltd that the sale of Lot C of the Boas Place concept plan for a residential development cannot be affected until:*
 - 2.1 *The following matters are resolved:*
 - 2.1.1 *contribution to the public realm by Devwest Group Pty Ltd guided by a percentage contribution related to the proportion of the overall development site;*
 - 2.1.2 *clarification and agreement regarding the proposed alfresco licence if required for the residential development;*
 - 2.1.3 *construction of Boas Square;*
 - 2.1.4 *alignment of the proposed residential development with the City's planning requirements;*
 - 2.1.5 *confirmation and agreement on the proposed site dimensions;*
 - 2.2 *The following is provided:*
 - 2.2.1 *the information required to execute a Heads of Agreement and prepare a Sale and Development Agreement;*
 - 2.2.1 *the information required to enable the City to prepare a business plan in order to meet its obligations under the Local Government Act 1995;*
- 3 *DOES NOT progress negotiations for the sale of Lot C, Boas Place to Devwest Group Pty Ltd for a residential development if the matters outlined in Part 2.1 above are unable to resolved or that Devwest Group Pty Ltd is unable to provide the information as outlined in Part 2.2 above.*

Devwest was advised of the above decisions via correspondence dated 22 August 2018. In response (correspondence received on 28 September 2018) Devwest indicated that it had not anticipated contributing to the public realm costs if market value of the land was to be paid.

No further details or information on the proposed residential development were provided. However, Devwest did indicate an ongoing interest in developing a Holiday Inn Hotel on Lot C if the conditions of sale were agreeable. Further Devwest maintains that Boas Place is an exciting development and would be pleased to continue involvement in the project.

Order of Magnitude Business Case

Following an Expression of Interest process, the City engaged NS Advisory Pty Ltd to prepare an Order of Magnitude Business Case (OMBC) for Boas Place.

The main purpose of developing an OMBC for Boas Place is to provide Council with the appropriate information to enable an informed decision on the future of the site and the impact on the City's financial position. The OMBC will also enable the City to provide potential developers / interested parties with sufficient information on the benefits of joining with the City to develop Boas Place.

In September 2018 NS Advisory Pty Ltd updated the City on the works completed to date which included:

- background analysis
- precinct review
- potential market disruptors
- precinct attractors
- potential uses
- challenges and opportunities
- environmental constraints and opportunities.

Based on the outcomes and recommendations arising from the analyses being undertaken and the final Order of Magnitude Business Case, a strategy for progressing the Joondalup City Centre Development will be presented to a future meeting of the Major Projects and Finance Committee for consideration.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation

- The structure through which the City will facilitate any agreement with its development partner will comply with the City's obligations under the *Local Government Act 1995*.
- The development of the site (Lot 507 (90) Boas Avenue, Lot 496 (70) Davidson Terrace and part Lot 497 (102) Boas Avenue, Joondalup) is subject to the provisions of *Local Planning Scheme No. 3*.

Strategic Community Plan

Key theme

Quality Urban Development.

Objective

City Centre development.

Strategic initiative

Pursue the development of commercial office buildings within the Joondalup City Centre.

Policy

The development of the site is subject to the provision of the relevant City of Joondalup planning policies.

The project may also require the preparation of a Local Planning Policy.

Risk management considerations

The following risks to the project by continuing the current relationship with Devwest have been identified:

- The proposed residential development, as advised by Devwest, differs significantly from Council's recommendation to progress negotiations with Devwest for a hotel development on Lot C, Boas Place.
- To date none of the proposals received from Devwest have included the necessary detail to provide a level of certainty that the proposed developments will meet the City's planning requirements as well as the objectives and vision for Boas Place.
- The lack of detail prevents the preparation of a Heads of Agreement and Sale and Development Agreement both requirements to enable the sale of Lot C to proceed.
- The OMBC may identify alternatives and other options that may provide a better outcome for the City; proceeding with negotiations with Devwest at this time present a risk that other options/opportunities may be missed.

The City will continue to engage with Jackson McDonald to identify, mitigate and manage the risks associated with respect to not progressing its dealings with Devwest.

A comprehensive risk assessment will be included as part of the Order of Magnitude Business Case to inform the progression of the development of Boas Place.

Financial / budget implications

Current financial year impact

Account no.	220-C1041.
Budget Item	Joondalup City Centre Development – 220-2.
Budget amount	\$ 466,671
Amount spent to date	\$ 59,864
Balance	\$ 406,807

The approved 2018-2019 project budget makes provision for legal advice, other consultancy, subdivision costs and marketing/promotion as well as staff costs.

The project acknowledges that a business plan process will be undertaken in accordance with the City's obligations under the *Local Government Act 1995*.

Future financial year impact

Annual operating cost Estimated annual income	The proposed OMBC will provide the City with estimated annual operating costs and income as well as potential one-off outlays. It will also enable a more accurate assessment of the merits of any proposals received.
Capital replacement	

20 Year Strategic Financial Plan impact	The adopted <i>20 Year Strategic Financial Plan</i> includes \$1,048,000 relating to proceeds from land transactions.
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Completion of an OMBC will enable these figures to be more accurately reported.

All amounts quoted in this report are exclusive of GST.

Regional significance

An integrated mixed-used development across Lot 507 (90) Boas Avenue, Lot 496 (70) Davidson Terrace and part Lot 497 (102) Boas Avenue will enhance the vitality and vibrancy of the City Centre by increasing the number of people attracted to it for work, retail, leisure, entertainment and commercial purposes. This will provide the impetus for the City Centre to grow and become the preferred location for investment in high-order public and private employment generating infrastructure – key performance indicators identified by the State Government for the classification of a “primary centre” articulated in *Directions 2031 and Beyond* (Western Australian Planning Commission, 2010).

The development of the OMBC will enable a more accurate assessment of the impact of investment into the City Centre both in terms of employment generation as well as social and economic returns to the region.

Sustainability implications

Not applicable.

Consultation

Throughout the life of the project, extensive and ongoing consultation has occurred with the City’s legal advisor on matters relating to the MOU, the City’s dealings with Devwest and other agreements. Advice and opinion has also been sought from other suitably qualified experts as required.

The City will be required to undertake community consultation in relation to the sale of the Boas Place lots in accordance with the requirements of the LGA and the *Local Government (Functions and General) Regulations 1996*.

COMMENT

It is considered that the City and Devwest have acted in good faith during the negotiations to agree the terms for the sale of Lot C of the Boas Place Concept Plan. The City has repeatedly articulated to Devwest the need for sufficiently detailed information to enable informed decisions to be made on the future of Boas Place.

The Order of Magnitude Business Case will enable an informed decision to be made on the most appropriate implementation strategy to progress the Joondalup City Centre Development.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 12 November 2018.

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

MOVED Cr Hollywood, SECONDED Cr McLean that Council NOTES:

- 1 the Joondalup City Centre Project Status Report;**
- 2 in accordance with Council's decision of 21 August 2018 (CJ151-08/18 refers), negotiations with Devwest Group Pty Ltd for the sale and development of Lot C of the Boas Place Concept Plan will not be progressed;**
- 3 a strategy for progressing the Joondalup City Centre Development will be prepared for consideration by Council based on the outcome and recommendations contained within the Order of Magnitude Business Case currently being prepared consultants NS Advisory Pty Ltd.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman and Taylor.

REPORT – SPECIAL AUDIT AND RISK COMMITTEE – 13 NOVEMBER 2018**CJ210-11/18 2017-18 ANNUAL FINANCIAL REPORT**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	107214, 101515
ATTACHMENT	Attachment 1 <i>2017-18 Annual Financial Report</i> Attachment 2 <i>Auditor's Report 2017-18</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider and accept the *2017-18 Annual Financial Report* and Auditor's Report.

EXECUTIVE SUMMARY

In accordance with Section 6.4 of the *Local Government Act 1995*, the *2017-18 Annual Financial Report* has been prepared and, together with the City's accounts, has been submitted to the Office of the Auditor General of Western Australia (OAG) to conduct the annual audit.

The OAG, through its designated representative Moore Stephens, has completed its audit, in accordance with the terms of their engagement and the requirements of Part seven Division three of the *Local Government Act 1995*, and has submitted its Audit Report. The Annual Financial Report will form part of the City's *2017-18 Annual Report*.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying Auditors Report for the financial year 2017-18, forming Attachments 1 and 2 to Report CJ210-11/18.

BACKGROUND

Section 6.4 of the *Local Government Act 1995* requires local governments to prepare an annual financial report and to submit both the report and its accounts to its auditor by 30 September each year. The City of Joondalup has met those requirements and the City's auditor has completed its audit of the accounts and the *2017-18 Annual Financial Report*.

The *2017-18 Annual Financial Report* is included as Attachment 1 to Report CJ210-11/18.

DETAILS

Issues and options considered

The preparation of an Annual Financial Report and the submission of the report and the City's accounts to the auditors for audit are statutory requirements of the *Local Government Act 1995*.

The Annual Financial Report needs to be accepted by Council in order to enable the holding of an Annual General Meeting of Electors, at which the City's Annual Report containing the Annual Financial Report will be considered. The Annual Financial Report is also required to be submitted to the Department of Local Government, Sport and Cultural Industries (DLGSC).

Outcome of the Audit

The audit has been completed with no issues of significance raised and the audit report is unqualified (Attachment 2 refers).

The audit report includes mention of two statutory ratios for the City, namely the Operating Surplus ratio and the Asset Sustainability Ratio. The audit report notes that the City's ratio measurements in these two cases does not meet the minimum standards assigned to these ratios by DLGSCI (in the *Local Government Operational Guideline No.18 – Financial Ratios* (the Guideline)).

The Guideline requires that an Operating Surplus ratio meet at least a Basic Standard of 0.01. The Operating Surplus ratio is calculated as follows:

Operating Revenue minus Operating Expenses

Own Source Operating Revenue

The City's Operating Surplus ratio for 2017-18 is (0.02), which has improved considerably from the prior year's ratio of (0.05) but still does not meet the Basic Standard set in the Guideline. A significant contributor to operating expenses at the City is depreciation which, while not an outlay of cash, does have a significant impact on the Operating Surplus ratio. If cash revenues and cash costs alone are considered, the City generated a significant cash operating surplus in the year ended 30 June 2018. In addition, the City has taken, and is taking, various cost reduction and revenue generation measures to overcome and reverse the operating deficit in the short term, as outlined in the recently adopted *20 Year Strategic Financial Plan*.

The Guideline also requires that the Asset Sustainability ratio meet a Standard of at least 0.90. The Asset Sustainability ratio is calculated as follows:

Capital Renewal and Replacement Expenditure

Depreciation

The City's Asset Sustainability ratio for 2017-18 is 0.67, slightly higher than the prior year's ratio of 0.65. The City has infrastructure of a relatively young age. While assets are depreciated on a straight-line basis reflecting consumption evenly over the expected life of those assets, the age of these assets means that the City would not need to expend an amount equivalent to depreciation in renewal and replacement of these assets.

This is, therefore, reflected in the City's ratio; however, the Standard set in the Guideline does not accommodate such circumstances.

End of Financial Year Position

The City has finished the financial year with a Rate Setting Statement surplus higher than estimated. An anticipated end of year surplus at 30 June 2018 \$534,903 was used as the opening balance in the 2018-19 Annual Budget. The final end of year Rate Setting Statement surplus for 2017-18 is \$4,428,425, being \$3,893,522 more than estimated.

When comparing the actual end of year results to the estimate shown in the 2018-19 Budget, in summary terms the \$3,893,522 variance comprises:

Description	Sub Total	Total
Increased Operating Cash Surplus	\$ 6,488,130	
Increased Capital Revenue	\$ 341,701	
Reduced Capital Expenditure	\$ 3,355,839	\$ 10,185,670
Less: Reduced Net Funding Requirements		(\$ 6,292,148)
Net Variance		\$ 3,893,522

There are a number of offsets between revenue, expenditure and funding requirements of which the major ones are as follows:

- Increased operating and capital revenue, including advance receipt of part of the 2018-19 Federal Assistance and Local Roads Grants and decreased capital expenditure for works and plant, the bulk representing carry forwards of \$4,452,752 which are offset by a transfer to the Capital Works Carried Forward Reserve.
- A number of operating and capital reserve funded projects that did not advance as far as anticipated or for which there was no reserve funded expenditure, resulting in lower expenditure offset by a lower drawn on reserves.
- Profit and loss on asset sales have been impacted by property disposal transactions through Tamala Park land sales, offset by equity transactions.

After allowing for these and other minor offsets the adjusted variance in surplus when compared to the estimated end of year position shown in the 2018-19 Budget is made up of:

Description	Sub Total	Total
Increased Operating Cash Surplus	\$ 4,102,557	
Reduced Capital Revenue	(\$ 1,566,318)	
Reduced Capital Expenditure	\$ 1,368,933	\$ 3,905,172
Reduced Net Funding Requirements		(\$ 11,650)
Net Variance		\$ 3,893,522

The drivers for the net increased surplus of \$3,893,522 are spread across both operating and capital. The principal components of these are as follows:

Operating Revenue and Expenditure		
Increased Operating Revenue		\$ 959,669
Reduced Operating Expenditure		
- Employee Costs	\$ 2,398,132	
- Materials and Contracts	\$ 824,678	\$ 3,222,810
Various other operating and non-cash adjustments		(\$ 79,922)
		\$ 4,102,557

Capital Revenue and Expenditure		
Reduced Capital Revenue		
- Capital grants and contributions	(\$ 1,618,652)	
- Equity distribution - Tamala Park Regional Council	\$ 52,334	(\$ 1,566,318)
Reduced Capital Expenditure		
- Capital Works	\$ 1,078,381	
- Other capital projects and fleet replacements	\$ 290,552	\$ 1,368,933

The reduction in employee costs is partly driven by a writeback of Workers' Compensation provisions of \$1,915,121 in respect of past claim years 2013-14 and 2015-16 that have been closed by the City's insurance provider Local Government Insurance Services, as a result of the City's better-than-expected claims history for those years.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government (Financial Management) Regulation 51(2) states:

"A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report."

Section 5.53 of the *Local Government Act 1995* states:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - (f) *the financial report for the financial year;*

Section 5.54 of the *Local Government Act 1995* states:

5.54 Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 6.4 of the *Local Government Act 1995* states:

6.4 Financial Report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
- (a) be prepared and presented in the manner and form prescribed; and*
 - (b) contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –*
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) the annual financial report of the local government for the preceding financial year.*

Strategic Community Plan

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

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Account no.	Not applicable.
Budget Item	Closing surplus.
Budget amount	\$ 534,903
Amount spent to date	\$ 4,428,425
Proposed cost	Not applicable.
Balance	\$ 3,893,522

Future financial year impact

Annual operating cost	Not applicable.
Estimated annual income	Not applicable.
Capital replacement	Not applicable.
20 Year Strategic Financial Plan impact	Subject to application of closing surplus.
Impact year	Not applicable.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

There is no legislative requirement to consult on the preparation of the Annual Financial Report, but the *Local Government Act 1995* requires a General Meeting of Electors to be held and the City's Annual Report, incorporating the Annual Financial Report, to be made available publicly.

COMMENT

The Annual Financial Report will be made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at Libraries, Leisure Centres and Customer Service Centres.

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2017-18.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Audit and Risk Committee at its special meeting held on 13 November 2018.

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

Subsequent to the Special Audit and Risk Committee meeting held on 13 November 2018 the City has received the final versions of the *Annual Financial Report* and *Auditors Report* from the Office of the Auditor General. In view of this Attachment 1 and 2 to Report CJ210-11/18 are the final versions for Council's consideration and adoption.

Cr Poliwka entered the Chamber at 8.51pm.

MOVED Cr Hamilton-Prime, SECONDED Cr May that Council BY AN ABSOLUTE MAJORITY, ACCEPTS the *Annual Financial Report* of the City of Joondalup and the accompanying *Auditors Report* for the financial year 2017-18, forming Attachments 1 and 2 to Report CJ210-11/18.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Chief Executive Officer and Business Performance Analyst left the Chamber at 8.52pm.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19agn181120.pdf](#)

CJ192-11/18 PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 - LOT 1 (16) SUNLANDER DRIVE, CURRAMBINE

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	107704, 50510, 101515
ATTACHMENT	Attachment 1 Location plan. Attachment 2 Scheme amendment map. Attachment 3 Applicant's scheme amendment report.
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider an application to initiate an amendment to *Local Planning Scheme No. 3* to rezone a portion of Lot 1 (16) Sunlander Drive, Currambine, from 'Residential' to 'Commercial' and 'Mixed Use'.

EXECUTIVE SUMMARY

The City has received an application to initiate an amendment to *Local Planning Scheme No. 3* (LPS3) on behalf of the owners of Lot 1 (16) Sunlander Drive, Currambine. The site is zoned 'Residential' under LPS3, has a density coding of R80 and is currently vacant. Development approval has previously been issued (and since expired) for a retirement village on the site.

The scheme amendment proposes to rezone a portion of the subject site from 'Residential' to 'Commercial' and 'Mixed Use' which would, in effect, create a new neighbourhood centre. The applicant has indicated that the 'Commercial' zoned portion of the site will be developed with a supermarket and several supporting specialty stores and the 'Mixed Use' portion will be developed with aged care accommodation and a range of supporting uses such as a hairdresser, café and Allied Health Care Services.

The scheme amendment is considered to be a 'complex' amendment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) as the proposed centre is not contemplated by the City's *Local Planning Strategy* or *Local Commercial Strategy* (LCS). If the scheme amendment is ultimately supported, the LCS will need to be amended to incorporate this new neighbourhood centre with an indicative maximum retail floorspace threshold of 3,200m².

A *Retail Sustainability Assessment* (RSA) was undertaken by the applicant to assess the economic impact of the new centre. The RSA indicated that there is a need for a supermarket at that location and that, while the development would have a short-term impact on surrounding centres, it would not affect their long-term viability.

Likewise, the traffic report has been submitted to demonstrate that the land uses envisaged by the scheme amendment would have no greater impact on trip generation than what could be developed under the existing zoning and density.

The proposed zoning will allow for a small commercial centre to be developed on the site to service the needs of the existing and future residents in the area. It is recommended that Council initiate the proposed amendment to LPS3 for the purposes of public advertising for a period of 60 days.

BACKGROUND

Suburb/Location	Lot 1 (16) Sunlander Drive, Currambine.
Applicant	Taylor Burrell Barnett.
Owner	Southern Cross Care WA Inc.
Zoning	DPS Residential.
	MRS Urban.
Site area	62,741m ²
Structure plan	Not applicable.

Lot 1 (16) Sunlander Drive is zoned 'Residential' under LPS3 and has a residential density code of R80. The site has significant exposure to major roads, being bounded by Burns Beach Road to the north and Connolly Drive to the west. To the east the site is bounded by Sunlander Drive and to the south by Currambine Boulevard (Attachment 1 refers).

The surrounding area is predominantly 'Residential' zoned land with a residential density code of R80 and mostly developed with single dwellings except for two large multiple dwelling developments adjoining the Currambine train station. The two sites immediately abutting Lot 1, on the corner of Burns Beach Road and Sunlander Drive, are zoned 'Service Commercial' and 'Mixed Use' and have been developed with a service station and medical centre.

At its meeting held on 19 February 2008 (CJ025-02/08 refers), Council granted development approval for a retirement village on the site consisting of 231 dwellings, a community facility, respite day care centre, maintenance building and electricity substation. However, the development was not progressed, and the approval has since lapsed. The site is currently vacant.

DETAILS

An application has been received from Taylor Burrell Barnett on behalf of Southern Cross Care WA Inc. to initiate an amendment to LPS3 to rezone the western portion of Lot 1 (16) Sunlander Drive, Currambine from 'Residential' to 'Commercial' and 'Mixed Use' (Attachment 2 refers). Approximately 1.2377 hectares is proposed to be rezoned 'Commercial' and 8,229m² rezoned 'Mixed Use'.

The proposed 'Commercial' zone is sited at the intersection of Connolly Drive and Currambine Boulevard and will allow the development of a full line supermarket of approximately 3,200m², as well as several specialty retail stores.

The 'Mixed Use' portion is sited on the corner of Burns Beach Road and Connolly Drive and will facilitate the development of predominantly aged care accommodation with supporting uses on the ground floor such as shop, café, hairdresser and Allied Health Care Services.

The applicant has provided the following justification in support of the proposed scheme amendment:

- *The land is highly accessible, given its frontage to the two main district distributor arteries of Burns Beach Road and Connolly Drive, and Currambine Station.*
- *The Retail Sustainability Assessment prepared concludes:*
 - *that there is a clear need and demand for the development of a supermarket on the subject land, which can only be facilitated through the requested LPS3 amendment;*
 - *whilst there will be some impact on the surrounding centres, these will be minimal and will not threaten the ongoing viability of any existing or planned facilities;*
 - *any impacted facilities would still be able to achieve sustainable sales volumes and to continue to trade, after recovering relatively quickly from their respective impacts;*
 - *the proposed supermarket would represent a significant economic and social benefit for the local community;*
 - *that development of the proposed supermarket would not result in any loss of service to the local community;*
- *The Transport Report concludes:*
 - *that the overall level of vehicle trips forecast to be generated as a result of this rezoning request would have no material impact when directly comparing the forecast volume of traffic that would be generated by residential land uses that are permissible under the current zoning;*
 - *that there would not be any material impact upon the adjoining intersections;*
- *The proposed development of the subject land for Mixed Use, Commercial and Retail purposed is an appropriate land use given the land is currently vacant and ready for a comprehensive composite development based on it being highly accessible via vehicle and within the walkable catchment of the Currambine Station and within an existing fully developed residential catchment.*

Retail Sustainability Assessment

The subject land is not contemplated as a 'centre' under the City's LCS and therefore the applicant has engaged MacroPlan Dimasi to assess the economic impact of the proposed commercial development on other centres, in the event that a portion of the subject site is zoned 'Commercial'.

The RSA defined the primary trade area as the land bounded by Moore Drive to the south, Marmion Avenue to the west, Blue Mountain Drive to the east and Selkirk Drive and Edinburgh Avenue to the north.

The RSA includes analysis on the trade area, the surrounding competition, and the economic impact that would occur as a result of developing a supermarket on the subject site. The RSA found that there would be some impact on the surrounding centres, however this would be minimal and would not threaten the ongoing viability of any existing or planned facilities.

The RSA states that with the addition of 3,200m² of shop retail floorspace in the new centre, the impact on trading at Kinross Central will be 9.4% and at Currambine Central, the impact would be 9.0%.

The RSA states that the location of the proposed supermarket is ideal to serve the defined trade area residents for their food and grocery needs, reflecting its convenient accessibility via Connolly Drive.

Review of the Retail Sustainability Assessment

The City engaged the consultants RPS to undertake an independent peer review of the RSA prepared by MacroPlan Dimasi. The review supported the findings that there is a need for a small neighbourhood centre which includes a full line supermarket at the proposed location. The proposed centre will have a negative short-term impact on Kinross Central; however, as this centre has been trading well, it will not undermine its viability in the medium and long term. Although the review found that the RSA may have underestimated the trading impact on Kinross Central, the negative impact could be justified as it will not undermine the sustainability of the retail hierarchy in the long term.

The review of the RSA identified that the trade area could be expanded to include the southern portion of Currambine and the northern portion of Connolly, however MacroPlan Dimasi stated that as Currambine Central has strong trading patterns it is conservative not to include this area.

The RSA and proposed scheme amendment both state that the commercial development will consist of a supermarket of approximately 3,200m², as well as several specialty retail stores, however the maximum retail floorspace of these specialty stores is not specified. The RSA has been undertaken based on a maximum shop retail floorspace of 3,200m², which identified that this retail floorspace addition would have a 9.4% impact on trading at Kinross and a 9.0% impact on Currambine Central. Generally, any impact over 10% is regarded as being unacceptable. Therefore, at 3,200m², the proposal is approaching the threshold as to what is considered to be an acceptable impact on Kinross Central. If the actual total retail floorspace was increased to 3,500m², for example, it is possible that this would push the impact on Kinross Central to over 10% and at 3,600m² the impact on Currambine Central may be pushed to over 10%.

Therefore, based on the RSA, the indicative maximum retail floorspace should be restricted to 3,200m², as any greater floorspace may have an unacceptable impact on the nearby centres.

Transport Report

A transport report was provided as part of the scheme amendment application.

The report (provided as Appendix C to the scheme amendment report) states that the overall level of vehicle trips forecast to be generated as a result of the rezoning would not have a significant impact when compared to the traffic that could be generated by the residential land uses that could be developed on the site under the current density code. There would also be no significant impact on the adjoining intersections.

The transport report compared the AM and PM peak hour traffic generation under the full development of the site with residential dwellings at 'Residential R80' and the development of retail and aged persons accommodation as proposed by the scheme amendment. There was substantially less traffic for the AM peak hour and no change to traffic for the PM peak hour.

The transport report also states that there will not be any material impact upon the adjoining intersections as the forecast volume of traffic for the intersections would not likely exceed the design levels considered for this area. In addition, retail land uses would attract linked or pass by trips rather than generating entirely new traffic trips.

However, it should be noted, that a more detailed traffic assessment will be required as part of a future application for development approval which outlines the traffic and vehicle movements associated with the development and impact on the adjoining intersections. This should include full analysis on how the intersections will perform in 2031 and a distribution breakdown in vehicle numbers.

Suitability of proposed zoning

The proposed rezoning of a portion of the subject site to 'Commercial' will create a new neighbourhood centre comprising a supermarket and potentially several specialty retail shops. The proposed 'Mixed Use' zone will allow the development of a mixed use aged care facility with retail and Allied Health Care on the ground floor and aged care above.

The proposed zonings are considered potentially suitable for the subject site as it will allow an opportunity for facilities and services to be provided for the local community. The subject site is easily accessible as it has frontage to two district distributor roads Burns Beach Road and Connolly Drive, and is located within 350 metres of the Currambine Train Station.

The impact on adjoining properties is minimised as the subject site is large, with the proposed amendment area taking up a third of the overall site, with the rest of the site retaining the 'Residential' zoning. In addition, there are no immediate existing residential properties abutting the scheme amendment area, although it is noted that residential properties on Currambine Boulevard are located opposite the proposed 'Commercial' zoned land

Issues and options considered

The options available to Council in considering the scheme amendment are to:

- proceed to advertise the amendment to the local planning scheme without modification
- proceed to advertise the amendment to the local planning scheme with modifications or
- not proceed to advertise the amendment to the local planning scheme.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative The community is able to effectively age-in-place through a diverse mix of facilities and appropriate urban landscapes.

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Activity Centre development.

Strategic initiative Support the development of fresh and exciting de-centralised areas of activity.

Policy Not applicable.

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

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

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

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

Upon closure of the advertising period, Council is required to consider all submissions received and to either support the amendment, with or without modifications, or not support the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Local Planning Scheme No. 3

It is proposed to rezone portion of the subject site to 'Commercial' and 'Mixed Use'. The following extract of Table two of LPS3 set out the objectives of the 'Commercial' and 'Mixed Use' zones.

Table 2 Zone objectives

Commercial	<ul style="list-style-type: none"> • To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or improve the existing streetscape. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
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Mixed Use Zone	<ul style="list-style-type: none"> • To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. • To allow for the development of a mix of varied but compatible land uses which do not generate nuisance detrimental to the amenity of the district or to the health, welfare and safety of its residents. • To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas.
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State Planning Policy 4.2 Activity Centres for Perth and Peel

State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP 4.2) specifies the broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. It is mainly concerned with the distribution, function, broad land use and urban design criteria of activity centres.

Clause 6.5 states that a RSA assesses the potential economic impact and related effects of a significant retail expansion on the network of activity centres in an area.

Local Commercial Strategy

The LCS provides the framework for decision making for commercial centres with respect to development of new structure plans, amendments to existing structure plans and future rezoning and development applications. It states that a RSA should be prepared for proposals which seek to exceed the maximum indicative shop retail floorspace for any activity centre. As the LCS does not identify the subject site as an activity centre, an RSA is required to assess the need for the new centre and the economic impact of the new centre on existing centres.

If the scheme amendment is supported, the LCS would need to be amended to incorporate this new neighbourhood centre along with the proposed indicative retail floorspace threshold of 3,200 m² as supported by the RSA.

Local Housing Strategy

The *Local Housing Strategy* (LHS) provides the rationale to cater for population growth for future housing needs within the City of Joondalup and meet residential infill targets. It identifies the subject site as a 'future development site for housing' and estimated that it could be developed with 231 dwellings.

The proposed rezoning affects approximately one third of the site, with the balance remaining 'Residential' with density coding of R80. The proposal therefore still allows for the majority of the site to be development for residential purposes and it is also noted that the proposed zonings also allow for residential development. As such, it is considered that the proposed scheme amendment does not prevent the site from achieving the dwelling estimate included in the LHS.

Risk management considerations

Not applicable.

Financial / budget implications

The applicant has paid fees of \$8,796.28, (including GST) to cover all costs associated with the assessment of the scheme amendment. The fees do not include the cost of advertising signs, as the applicant is required to cover these costs separately.

Regional significance

Not applicable.

Sustainability implications

Environmental

The 'Commercial' and 'Mixed Use' zones would facilitate additional land uses in an established area, which could make use of existing infrastructure such as sewer, roads and public transport, thereby reducing the need for additional services to be provided.

The site is currently vacant and cleared and will therefore not require the clearing of any remnant vegetation.

Social

The proposed zones would facilitate a mix of development including commercial services and various housing or accommodation types in the locality and create a community hub for existing and new residents.

Economic

The addition of the 'Commercial' and 'Mixed Use' zones would enable the site to be developed for a range of land uses resulting in opportunities for employment as well as provide services for existing and future residents who would contribute to the local economy.

The RSA prepared as part of the scheme amendment submission demonstrates that the proposed centre will have an acceptable impact on surrounding centres.

Consultation

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

- letters to adjoining and nearby landowners
- letters to Kinross Central and Currambine Central shopping centres
- a notice placed in the *Joondalup Community* newspaper
- a notice placed on the City's website
- documents displayed at the City's Administration building
- letters to relevant service authorities
- signs on the site
- a notice placed on the City's social media platforms.

COMMENT

The purpose of a scheme amendment is to determine the suitability of the site for the change in zoning. The proposed 'Commercial' and 'Mixed Use' zones are considered potentially suitable as they will allow a small commercial centre to be developed on the site which will service the needs of the local community.

The inclusion of the proposed indicative retail floorspace threshold of 3,200m² in the LCS would provide certainty to the surrounding residential community and nearby retail centres on the maximum size of retail development that can occur on the site.

It is therefore recommended that Council initiates the proposed amendment to LPS3 for the purpose of public advertising.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

1 Pursuant to section 75 of the *Planning and Development Act 2005* and Regulation 37(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to proceed to advertise Scheme Amendment No. 1 to the *City of Joondalup Local Planning Scheme No. 3* to:

1.1 rezone portion of Lot 1 (16) Sunlander Drive, Currambine from 'Residential' to 'Commercial' and 'Mixed Use', as depicted in Attachment 2 to Report CJ192-11/18,

for the purpose of public advertising for a period of 60 days;

2 Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* NOTES that Scheme Amendment No. 1 is a complex amendment as the proposal is not contemplated by the City's *Local Planning Strategy* or the *Local Commercial Strategy*;

3 SUBMITS Scheme Amendment No. 1 to the Western Australian Planning Commission to advise if any modifications are required to the documents prior to advertising.

Manager Governance left the Chamber at 8.53pm and returned at 8.54pm.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf181113.pdf](#)

C99-11/18

**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -
[02154, 08122]**

MOVED Mayor Jacob, **SECONDED** Cr Jones that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

CJ188-11/18, CJ193-11/18, CJ194-11/18, CJ195-11/18, CJ196-11/18, CJ198-11/18, CJ199-11/18, CJ201-11/18, CJ202-11/18, CJ203-11/18, CJ204-11/18, CJ207-11/18 and CJ208-11/18.

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REPORT OF THE CHIEF EXECUTIVE OFFICER**Disclosure of Financial Interest**

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No./Subject	CJ211-11/18 - Chief Executive Officer – Variation to Expiry of Contract of Employment.
Nature of interest	Financial Interest.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Disclosure of interest affecting impartiality

Name/Position	Mr Mike Tidy – Director Corporate Services.
Item No./Subject	CJ211-11/18 - Chief Executive Officer – Variation to Expiry of Contract of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

**CJ211-11/18 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER –
VARIATION TO EXPIRY OF CONTRACT OF
EMPLOYMENT**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	74574
ATTACHMENTS	Attachment 1 Contract Variation - Contract of Employment as CEO of City of Joondalup
	<i>(Please Note: The Report and Attachment is confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

a matter affecting an employee or employees.

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

MOVED Mayor Jacob, SECONDED Cr Hollywood that Council:

- 1 **NOTES** that the City's existing contract with the Chief Executive Officer (Contract), which commenced 21 December 2016 for a term of three years and is due to expire on 20 December 2019, may be varied by the written agreement of the parties, pursuant to clause 18.5 of the Contract and Section 5.39(4) of the *Local Government Act 1995*;
- 2 **BY AN ABSOLUTE MAJORITY AUTHORISES** a variation to the term of the existing contract, as set out in the Contract Variation forming Attachment 1 to Report CJ211-11/18, so that the contract will expire 31 July 2020;
- 3 **AUTHORISES** the Mayor and Director Corporate Services to execute the Contract Variation on behalf of the City pursuant to section 9.49B of the *Local Government Act 1995*.

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman and Taylor.

Against the Motion: Cr Poliwka.

In accordance with the Clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, Mayor Jacob read aloud the motions in relation to:

- 1 CJ211-11/18 – Confidential – Chief Executive Officer – Variation to Expiry of Contract of Employment.

C100-11/18

MOTION TO RESUME ORDER OF BUSINESS – [02154, 08122]

MOVED Mayor Jacob, SECONDED Cr McLean that Council RESUMES the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.

The Procedural Motion was Put and

CARRIED (13/0)

In favour of the Procedural Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Norman, Poliwka and Taylor.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

Chief Executive Officer entered the Chamber at 8.58pm.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 8.59pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR KERRY HOLLYWOOD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR CHRISTOPHER MAY
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR JOHN LOGAN
CR RUSS FISHWICK, JP
CR SOPHIE DWYER