

agenda

Briefing Session

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

ON TUESDAY 10 MARCH 2020

COMMENCING AT 6.30pm

GARRY HUNT
Chief Executive Officer
6 March 2020

joondalup.wa.gov.au

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on Monday, 9 March 2020

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

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

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

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

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

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.

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

Written questions should be sent via email to council.questions@joondalup.wa.gov.au

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

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

PROCEDURES FOR DEPUTATIONS

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

To request an opportunity to make a Deputation Complete the [Deputation Request Form](#).

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

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

CIVIC CENTRE EMERGENCY PROCEDURES

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

Alarms

The City of Joondalup emergency system has two alarm tones:

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

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

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

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

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



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LATE ITEMS / ADDITIONAL INFORMATION

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

[*Additional Information200310.pdf*](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 10 March 2020** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

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

DEPUTATIONS

PUBLIC QUESTION TIME

The following summarised questions were submitted to the Briefing Session held on 11 February 2020:

Ms M O’Byrne, Kinross:

Re: Item 8 – Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.

Q1 Can motions 1 to 15 put by electors at the Annual General Meeting of Electors meeting held on 10 December 2019 be voted on individually at the Council meeting to be held on 18 February 2020 instead of being voted on as a whole by an enbloc motion?

A1 The Chief Executive Officer advised the City of Joondalup Meeting Procedures Local Law 2013 provided for an Elected Member to ask the Presiding Member to take each recommendation individually, that is then up to the meeting of Council.

Q2 When was the last time that a motion from an electors’ meeting succeeded in effecting a change of direction of Council rather than just being noted?

A2 The Deputy Mayor advised this question would be taken on notice.

The following question was taken on notice at the Briefing Session held on 11 February 2020:

Ms M O’Byrne, Kinross:

Re: Item 8 – Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.

Q2 *When was the last time an elector’s motion from the Electors Annual General Meeting succeeded in changing council’s direction rather than being noted?*

A2 There have been several occurrences where a motion at an Electors Annual General Meeting succeeded in changing Council’s direction, as well initiating positive outcomes for the community, some examples are shown below:

2018 AGM of Electors Motions

MOTION NO. 2

MOVED Ms J Quan, SECONDED Ms M O’Byrne that we the electors of the City of Joondalup REQUEST that Council with regard to the bulk hard waste collection:

- 1 improves the hard waste collection to eliminate the health and safety risks for residents;**
- 2 compares the cost and effect of the current green waste and hard waste system to the City of Swan’s ‘on call’ verge collection system.**

In relation to Motion No. 2 carried at the 2018 Annual General Meeting of Electors:

Council NOTES:

- improvements have been made to the City’s hard waste collection to further eliminate health and safety risks;
- a comparison of the hard waste service between the City of Joondalup and the City of Swan indicates the City of Joondalup hard waste service is cheaper and more effective.

MOTION NO. 3

MOVED Mr M Dickie, SECONDED Mr M Moore that Council NOTES that despite all current climate measures and policies, Australian cities are getting hotter and resolves to use all means in its power to seek and implement much stronger measures at individual, community, State, Federal and planetary levels to leave to our children an environment that is not massively hotter and more stressed than the one that we inherited.

In relation to Motion No. 3 carried at the 2018 Annual General Meeting of Electors:

That Council:

- SUPPORTS other spheres of government and the broader community implementing strategies to address climate change, NOTING the City has developed a Climate Change Strategy as a way to mitigate and adapt to climate change at a local level.

2017 AGM of Electors Motions

MOTION NO. 5

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

In relation to Motion No. 5 carried at the 2017 Annual General Meeting of Electors:

Council:

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

2016 AGM of Electors Motions

MOTION NO. 3

MOVED Mr M Lee, SECONDED Mr A Howie that a working group is formed between the City of Joondalup Administration, Football Clubs within the City of Joondalup and Football West to develop a strategy for the future of football in the City of Joondalup. The terms of reference of the working group should be set down after a period of consultation with the identified parties and discussed at the Council Meeting to be held on 11 April 2017. The outcome of the working group is to:

- 1 foster collaboration between Football Clubs and the City of Joondalup;**
- 2 develop a strategy to enable the growth of clubs and football within the City of Joondalup;**
- 3 identify funding needs and avenues for future clubs.**

In relation to Motion No. 3 carried at the 2016 Annual General Meeting of Electors:

Council:

- NOTES that a report will be presented to a future Council meeting to give consideration to designating Percy Doyle Reserve as an NPL stadium site for use by Sorrento Football club as its home ground and by other City of Joondalup clubs for NPL matches, including potential scope of project, cost estimates and timing, to be prepared in consultation with Football West, Sorrento Football Club, Joondalup United Football Club and ECU Joondalup Football Club.

2014 AGM of Electors Motions

MOTION NO. 3

MOVED Mr M Sideris, SECONDED Mr K Zakrevsky, as the Memorandum of Understanding between the State Government and the City of Joondalup is no longer current, we the ratepayers request that a new Memorandum of Understanding be signed between both the State Government and the City of Joondalup within the next three to six months.

In relation to Motion No. 3 carried at the 2014 Annual General Meeting of Electors:

Council:

- NOTES it is anticipated the renewed and expanded Ocean Reef Marina Memorandum of Understanding with the State Government will be executed within the next six months.

PUBLIC STATEMENT TIME

The following summarised statements were made at the Briefing Session held on 11 February 2020:

Mrs L Olsson, Sorrento:

Re: Item 17 – Petition in relation to playspace installation at Lacepede Park, Sorrento.

Mrs Olsson commented there was a need for a playground in the local area and spoke in support of the installation of a playspace at Lacepede Park, Sorrento, stating many young families in the neighbourhood and surrounds would be appreciative of this amenity.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr John Logan	12 to 15 March 2020 inclusive;
Cr John Logan	26 April to 3 May 2020 inclusive;
Cr Christine Hamilton-Prime	1 May to 8 June 2020 inclusive.

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – JANUARY 2020

WARD	All			
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development			
FILE NUMBER	07032, 101515			
ATTACHMENT	Attachment 1	Monthly	Development	Applications
			Determined – January 2020	
	Attachment 2	Monthly	Subdivision	Applications
			Processed – January 2020	
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 January 2020.

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 annually, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during January 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during January 2020 (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 25 June 2019 (CJ078-06/19 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 January 2020 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	17	22
Strata subdivision applications	7	5
TOTAL	24	27

Of the 24 subdivision referrals, 11 were to subdivide in housing opportunity areas, with the potential for 15 additional lots.

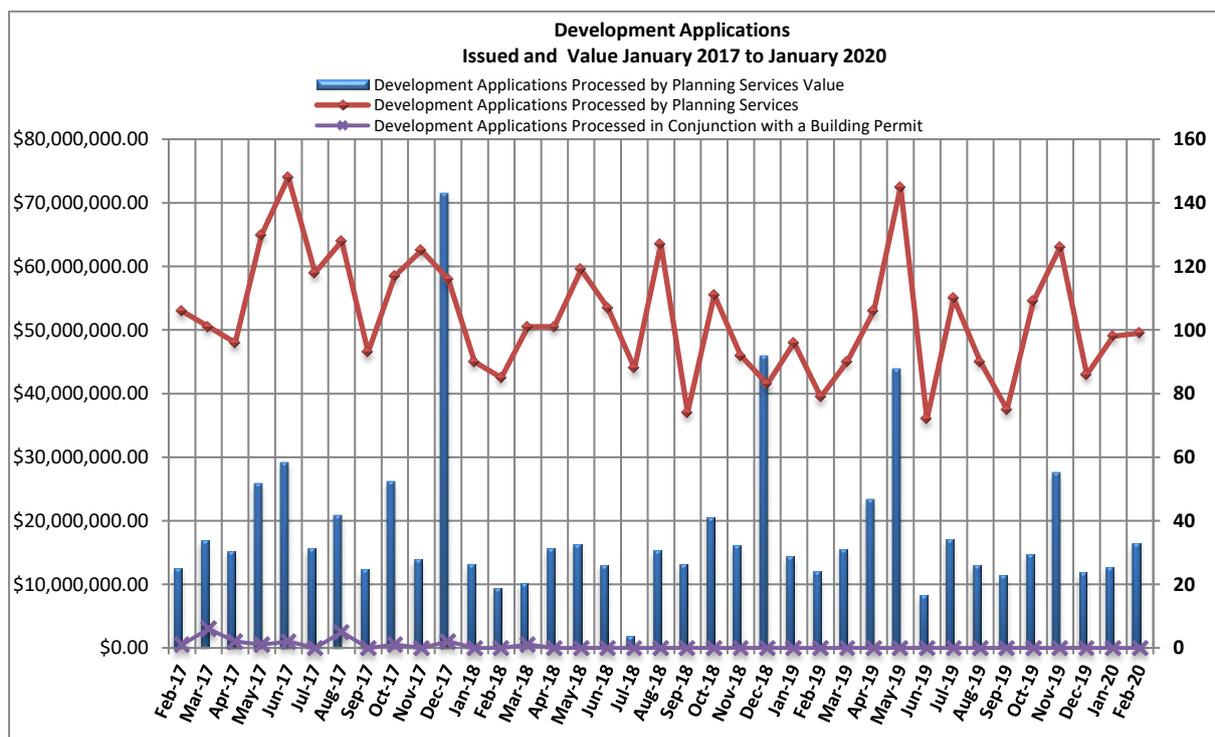
Development applications

The number of development applications determined under delegated authority during January 2020 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	98	\$12,679,245
TOTAL	98	\$12,679,245

Of the 98 development applications, 18 were for new dwelling developments in housing opportunity areas, proposing a total of 21 additional dwellings.

The total number and value of development applications determined between October 2016 and January 2020 is illustrated in the graph below:



The number of development applications received during January 2020 was 94.

The number of development applications current at the end of January was 199. Of these, 27 were pending further information from applicants and 9 were being advertised for public comment.

In addition to the above, 187 building permits were issued during the month of January with an estimated construction value of \$21,751,823.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that may 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 98 development applications were determined for the month of January with a total amount of \$54,002.27 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.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to this Report during January 2020;**
- 2 subdivision applications described in Attachment 2 to this Report during January 2020.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf200310.pdf](#)

ITEM 2 PROPOSED CHILD CARE PREMISES (CHANGE OF USE FROM SINGLE HOUSE) AT LOT 47 (23) CURRAMBINE BOULEVARD, CURRAMBINE

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	10805, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Revised development plans Attachment 3 Acoustic Report Attachment 4 Bushfire Management Plan Attachment 5 Traffic Impact Report and additional justification Attachment 6 Summary of DFES comments
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine a development application for a change of use from 'Single House' to 'Child Care Premises' at Lot 47 (23) Currambine Boulevard, Currambine.

EXECUTIVE SUMMARY

An application for development approval has been received for a change of use from a 'Single House' to 'Child Care Premises' at Lot 47 (23) Currambine Boulevard, Currambine.

The application was initially considered by Council at its meeting held on 19 September 2019 (CJ116-09/19 refers), where it was resolved to refer the proposal back to the Chief Executive Officer to allow the applicant to consider the issues raised by City's officers in the report and specifically to seek advice on traffic and parking matters.

Following Council's decision, a Traffic Impact Report from Flyt Consulting was provided in December 2019 (Attachment 5 refers) with revised plans received in February 2020 (Attachment 2 refers). The revised plans alter the car parking layout and make minor changes to the internal layout, but do not substantially alter the proposal. City officers have had ongoing discussions with the applicant since Council's consideration of the application in September 2019 and have also met with the applicant, as well as the applicant's planning consultant and traffic consultant, on site.

The application is required to be determined by Council as the proposal includes a parking shortfall greater than 10% of that required. In this instance, an on-site parking shortfall of 57% is proposed (three bays provided on-site in lieu of the seven bays required).

The revised information has been considered and assessed against the City's *Child Care Premises Local Planning Policy*. It is considered that the proposed development will adversely impact the amenity of the surrounding locality, due to the location of the proposed use amongst residential properties, lack of on-site parking and traffic. The development also does not satisfy the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*.

It is therefore recommended that the application be refused.

BACKGROUND

Suburb/Location	Lot 47 (23) Currambine Boulevard, Currambine.
Applicant	Natasha O'Neil.
Owner	Natasha O'Neil.
Zoning	LPS Residential, R80.
	MRS Urban.
Site area	340m ² .
Structure plan	Not applicable.

The subject site is bound by Currambine Boulevard to the south, Mistral Meander to the north, residential development to the east and a nine-metre wide pedestrian accessway to the west. The site is located approximately 320 metres to the west of the Currambine Train Station. A location plan is provided as Attachment 1.

The subject site contains a single house, constructed in 1996. The site is also located in a bushfire prone area due to the vegetation to the north of the site, with a bushfire attack level (BAL) of 19, being a moderate bushfire risk.

A 6.27 hectare vacant site is located to the north of the subject site. At its meeting held on 10 December 2019 (CJ164-12/19 refers), Council resolved to proceed with an amendment to *Local Planning Scheme No.3 (LPS3)* to rezone a portion of this parcel of land from 'Residential' to 'Commercial and 'Mixed Use'. The area of this amendment is located on the western portion of the lot and not located within the immediate vicinity of the subject site.

At its meeting held on 17 September 2019 (CJ116-09/19 refers), Council considered the subject application and resolved the following:

"Item CJ116-09/19 – Proposed Child Care Premises (change of use from 'Single House') at Lot 47 (23) Currambine Boulevard, Currambine BE REFERRED BACK to the Chief Executive Officer to allow the applicant / owner to consider the issues and concerns raised in Report CJ116-09/19 and specifically to seek advice on traffic and parking matters."

Since the Council meeting, City officers have met on site with the applicant and her traffic consultant and planning consultant to identify what areas of the proposal need to be addressed. Following this meeting, a Traffic Impact Report was submitted in December 2019, which provided justification for the parking configuration, impact of parking on the surrounding area, on street parking on Currambine Boulevard and a turning template for an emergency vehicle along Mistral Meander. A revised layout including modified parking and additional comments in support of the proposal from residents in the area was also provided.

DETAILS

The proposed development comprises the following:

- Change of land use to 'Child Care Premises' (from 'Single House').
- Capacity for 20 children.
- Two full time staff members and one casual staff member for lunch cover.
- Operating hours Monday to Friday between 7.00am – 6.00pm.
- Three on-site car parking bays with informal parking on the driveway (accessed from Mistral Meander) and two parking bays constructed in the Currambine Boulevard verge, in front of the site.
- Minor façade and internal modifications to the existing single house.
- Wall sign facing Currambine Boulevard.

The development plans are provided as Attachment 2.

Land use and land use permissibility

The land use 'Child Care Premises' is a discretionary ("D") use under LPS3 in the 'Residential' zone.

The relevant objective of the 'Residential' zone under *City of Joondalup Local Planning Scheme No. 3* (LPS3) is to provide for a range of non-residential uses, which are compatible with and complementary to residential development.

The City's *Child Care Premises Local Planning Policy* (Child Care LPP) sets out further locational requirements. It states that, where possible, it is preferred to locate child care premises next to non-residential uses such as shopping centres, medical centres/consulting rooms, school sites and community purpose buildings to minimise the impact such centres will have on the amenity of residential areas. The Child Care LPP also states that child care premises should also be located on local distributor roads, given they are reasonably high traffic-generators.

The proposed child care premises is located within a predominately residential area and is immediately adjacent to residential properties. While there is a proposal underway for portion of the adjoining site to the north to be rezoned to allow for some commercial purposes, this has not progressed to a stage that it can be considered a 'seriously entertained planning proposal'. The area the subject of the rezoning is also not located opposite the site, which is zoned 'Residential'. Other commercial uses exist in the vicinity of the subject site, however, these are not located in close enough proximity to be co-located with the proposed child care premises. Therefore, the site's context is considered to be residential in nature.

Currambine Boulevard and Mistral Meander are both access roads. It is noted that although Currambine Boulevard is identified as an access road, the linkages with the overall road network and design means it functions in a similar way to a distributor road. Notwithstanding, car parking and traffic associated with the proposed child care premises will predominantly be on Mistral Meander, which is considered to have a likely adverse impact on the surrounding area as discussed further below.

It is considered that the proposed location of the child care premises is contrary to the location requirements of the Child Care LPP and, given the close vicinity to residential properties, will likely have an adverse impact on the amenity of the surrounding residential area.

Parking and Traffic

The proposed child care premises has capacity for up to 20 children and three staff members, being two full time staff and one casual staff member for lunch cover. The Child Care LPP requires seven car bays to be provided on site to manage the parking demand associated with the proposed children and staff numbers. In accordance with the Child Care LPP, vehicle access should be from district distributor roads, and only in exceptional circumstances should access roads be considered. The Child Care LPP also requires that the car parking layout should allow for vehicles to leave a site in forward gear.

The proposal includes three on-site parking bays (accessed from Mistral Meander) and four parking bays on the verge, being two bays on Mistral Meander behind the on-site parking bays (on the crossover) and two bays in the Currambine Boulevard verge in front of the property. The detail provided on the development plans has not demonstrated that the minimum parking bay width required by the Australian Standards can be achieved for the car bay abutting a solid wall (proposed car bay three), and the crossover does not allow sufficient access to the ACROD parking bay.

The applicant has stated that the small number of children and alternative methods of drop off and pick up including walking, cycling and public transport will reduce demand, therefore on-street parking to manage the shortfall from the policy requirements is suitable. Further to this, a traffic impact report (Attachment 5 refers) was provided which contends that the car parking would be sufficient given:

- *The requirement for five drop off/pick up bays is based on up to 25 children. This site will only accommodate 20 children which is a 20% reduction from 25. A 20% reduction from five bays is four bays.*
- *The forecast traffic generation for the busiest hour is eight trips to the site (with seven trips from the site). For children aged three to five, pick ups and drop offs will be relatively quick at around five minutes. Pick ups and drop offs for children two and under will take longer, up to 15 minutes.*
- *Taking the conservative assumption that all vehicles dropping off or picking up will be parked for 15 minutes, and with two bays occupied by staff, four visitor bays would allow for 16 trips to and from the child care centre each hour (four bays x four cars per hour given 15 minute turnover). This is twice the forecast generation for the busiest hour with eight trips to the site and seven trips from.*

Mistral Meander and the surrounding streets are subject to significant on-street car parking demand associated with the nearby Currambine Train Station. Given the parking and traffic already experienced in the area by commuters accessing Currambine Train Station, the parking shortfall and reliance on verge parking for the proposed child care premises will compound existing parking issues and cause potential safety issues for parents and children. It is also considered that the proposed car parking layout, including the shortfall of on-site parking and parking being proposed on Mistral Meander will have an adverse impact on the surrounding residential area.

The applicant has stated that the two on-street parking bays on Currambine Boulevard are appropriate given existing on street bays and the bays being safe, meeting relevant requirements.

The proposed Currambine Boulevard verge bays are not supported by the City as they are considered to be an unsafe outcome for the following reasons:

- The location of the verge bays is on the T-intersection with Doncaster Square. This would potentially create conflict between the road users needing to parallel park into the proposed bays at the head of the intersection creating an unsafe vehicle environment. Due to the nature of the land use being a child care premises, there is added risk as it is likely that children will be exiting/entering cars using the proposed verge bays.
- Currambine Boulevard narrows from two lanes separated with a central median to a single carriageway (without median). The transition between these two road forms occurs at the T-intersection with Doncaster Square in front of the subject site. This is considered to be a poor location for the introduction of verge parking bays or other modifications.
- The on-street parking to the west has been implemented in a systematic and structured manner for the properties which are only provided with the singular street frontage (the subject site has frontage to both Currambine Boulevard and Mistral Meander). Implementing street bays for a single property in this location would be an ad-hoc solution and have a negative impact on the overall streetscape of Currambine Boulevard.

It is therefore considered that the parking arrangement and anticipated traffic impact of the proposed child care premises is contrary to the Child Care LPP, being unsafe and having a potential adverse impact on the locality.

Noise

As required by the Child Care LPP, an acoustic assessment was submitted as part of the application (Attachment 3 refers). The acoustic assessment demonstrated that the development could meet the requirements of the *Environmental Protection (Noise) Regulations 1997* under the following parameters:

- While in operation, all windows and doors are to be kept closed, except when being used for ingress or egress.
- Each outdoor play session to be no longer than 1.5 hours in duration.
- No more than 10 children to be allowed to participate in any outdoor play session.
- The behaviour and style of play of children should be monitored to prevent particularly loud activity, for example loud banging or crashing of objects, and shouting or yelling.
- The quietest possible plant and equipment is to be used. As doors and windows of the centre are required to be kept closed, evaporative air conditioning should not be considered an option.
- Signage to be displayed in the parking bays asking for parents to consider neighbours when dropping off or picking up children.

It is not uncommon for child care premises to operate in this manner in residential areas to minimise noise impacts. In addition to the above, further measures could be taken to minimise the noise impact, including the management of children and toys in the outdoor areas.

Bushfire Management

The site is located in a Bushfire Prone Area due to the vegetation to the north of the site and is therefore required to meet the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and associated Guidelines for Planning in Bushfire Prone Areas.

A Bushfire Attack Level (BAL) assessment was undertaken which identifies the site as BAL 19, which is considered to be a moderate bushfire risk. A child care premises land use is considered to be a vulnerable land use and therefore a Bushfire Management Plan (BMP) is required to be endorsed by the local government and the Department of Fire and Emergency Services (DFES). The BMP is provided as Attachment 4.

The BMP was referred to DFES for comment. A summary of the feedback from DFES and officer comment is provided in Attachment 6.

The outstanding item from DFES comments relates to the Mistral Meander carriageway not providing a minimum turning area of 17.5 metres to allow emergency vehicles to manoeuvre. The applicant has provided justification that the area is trafficable as demonstrated by cars which park along the northern verge of Mistral Meander and turning templates included within the traffic technical note (Attachment 5 refers). While noting the area is informally used for parking, and therefore potentially trafficable even if not paved, the fact that this area is used for parking of vehicles would prevent the use of this area for turning of emergency vehicles. It is therefore insufficient for a turning area in an emergency situation.

It is therefore considered that the development does not meet the relevant requirements as stipulated by *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and the associated guidelines. Mistral Meander, being the primary access for the child care premises does not meet the technical requirements for vehicle turning and, in the event of an emergency, service vehicles will likely attend by Mistral Meander due to the location of the likely bushfire threat. Given this situation and because the BMP has not been provided by an accredited bushfire practitioner to justify any potential impact, the proposed vulnerable land use is not considered appropriate.

Compliance with building and environmental health legislation

Through the assessment a number of potential issues were raised with the development being able to satisfy the *National Construction Code, Building Code of Australia 2019* and *Food Act 2008*, including:

- fire separation
- standards for laundry and kitchen facilities
- food handling activities
- fire exits.

While noting that such issues cannot be included as reasons for refusal of a planning application as they are dealt with under separate legislation, the modifications required to address these requirements could alter the proposal to such an extent that it fundamentally changes the planning application or potentially makes the development unviable.

Signage

The proposal includes a wall sign on the Currambine Boulevard elevation. The proposed sign size is 2.25m². Under the City's *Signs Local Planning Policy* wall signs in the 'Residential' zone should be limited to 1.2m² when associated with a non-residential building. It is noted that the sign could be modified to comply with City's policy.

Issues and options considered

Council is required to determine whether the proposed change of use from 'Single House' to 'Child Care Premises' at Lot 47 (23) Currambine Boulevard, Currambine is appropriate.

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 (Regulations).*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *Child Care Premises Local Planning Policy.
Signs Local Planning Policy.
State Planning Policy 3.7 – Planning in Bushfire Prone Areas
(SPP3.7).*

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

Clause 16 (2) of LPS3 sets out the objectives for development within the 'Residential' zone:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscape throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complimentary to residential development.*

Planning and Development (Local Planning Schemes) Regulations 2015 (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;*
- (zc) *include any advice of a Design Review Panel.*

Child Care Premises Local Planning Policy (Child Care LPP)

This policy provides assessment criteria for 'Child Care Premises' developments.

The objectives of the policy are:

- *to provide development standards for the location, siting and design of child care premises*
- *to ensure that child care premises do not have an adverse impact on the amenity of surrounding area, particularly residential areas.*

The statement within the policy also sets out:

“In considering applications for child care premises, the location, siting and design of the child care premises will be taken into consideration with the aim of ensuring that the development is compatible with, and avoids adverse impacts on, the amenity of adjoining and surrounding areas.”

Signs Local Planning Policy

The policy provides assessment criteria for advertising signage within the City.

The objectives of the policy are:

- *to provide guidance on the design and placement of signs located within the City of Joondalup*

- *to protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs*
- *to encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup*
- *to facilitate a reasonable degree of signage to support business activities within the City of Joondalup*
- *to establish a framework for the assessment of applications for development within these zones.*

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 was prepared by the Western Australian Planning Commission and gazetted on 7 December 2015. SPP3.7 outlines how development and / or land uses should address bushfire risk in Western Australia, and it applies to all land which has been designated as a bushfire prone area. In accordance with Clause 6.2 (a), development applications within a designated bushfire prone area that have a Bushfire Attack Level (BAL) rating above BAL-LOW are to comply with the relevant provisions of SPP3.7.

In accordance with Clause 6.5, a BAL Assessment has been prepared by an accredited BAL Assessor for the proposal. This BAL assessment identifies a BAL rating of BAL- 19, which is considered to be a moderate risk.

A 'Child Care Premises' is identified as a vulnerable land use as it incorporates persons who may be less able to respond in a bushfire emergency (children). In accordance with Clause 6.6, an application should not be supported unless it is accompanied by a *Bushfire Management Plan* (BMP). SPP3.7 does not specify that the BMP must be prepared by an accredited person and, as such, it has been prepared by the applicant.

The BMP, including BAL, is included in Attachment 4.

Should the application be approved, a condition imposing a notification on the title is recommended. Any subsequent building permit will be required to meet the relevant Australian Standards for construction of buildings in bushfire prone areas.

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*.

Financial / budget implications

The applicant has paid fees of \$295 (excluding GST) for assessment of the application, in accordance with the City's Schedule of Fees and Charges.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application was advertised by way of a sign on site, information on the City's website and letters to 19 property owners and occupiers adjoining and along Currambine Boulevard and Doncaster Square, for a period of 14 days, concluding on 5 July 2019. A total of three responses were received, being two objections and one that supported the proposal.

In addition to this consultation the applicant provided comments from 14 residents of Currambine Boulevard and surrounding streets in support of the proposal, identifying the need for the facility. Five of these comments were provided as part of the additional information submitted by the applicant following the Council meeting dated 19 September 2019.

The issues raised during public consultation are included below, along with a summary of the applicant and City's comments.

Issues raised in submissions	Summary of Applicant response	Officer comments
<p>The development does not have enough parking on the property. Mistral Meander is used by people who use the train station and verge bays are generally full. This will result in people parking illegally in front of other people's driveways.</p>	<p>The development provides seven car bays exclusively for use by the child care premises. Drop off is spread out and there will be use of different methods of transport. It is unlikely that more than two parents will be doing drop off at any one time.</p>	<p>Drop off and pick up times cannot be managed to ensure there is no conflict between other parents and commuters. This may result in cars parking on the street which will detract from the amenity of the surrounding residential sites and decrease safety for road users and parents dropping off and collecting children.</p> <p>It is also noted that parking in verge areas, such as that proposed on Currambine Boulevard, is not able to be set aside for the exclusive use of a particular property so it is possible that these bays will also be occupied by people using the train.</p>
<p>Currambine Boulevard is a busy street as it gives access to the train station. It is busy in the morning and afternoon peak hours, as well as school times.</p>	<p>The child care premises will install parking bays on Currambine Boulevard. There will be no difference in the function of the road currently and the function of the road with an additional car embayment (around 15 bays already line the street).</p>	<p>While two car bays are proposed to be provided along Currambine Boulevard it is likely that most patrons will use Mistral Meander rather than Currambine Boulevard.</p>

Issues raised in submissions	Summary of Applicant response	Officer comments
<p>The intersection of Currambine Boulevard and Doncaster Square caters for the majority of vehicles from the development to the south as it is generally the only way to the major road network.</p>	<p>The development will have no material impact on this statement of fact.</p>	<p>As discussed above, it is considered that the traffic from the child care premises would create greater conflict with commuters parking in the vicinity to access Currambine Train Station.</p> <p>It is also noted that the City has concerns with the proposed verge bays located on Currambine Boulevard due to their conflict with the Doncaster Square intersection.</p>
<p>Parents deciding to drop off and pick up along Doncaster Square will have to navigate Currambine Boulevard which is busy.</p>	<p>It is unlikely parents will park at Doncaster Square. Notwithstanding this, children would always be escorted to and from the child care premises by their parents/guardians. It is anticipated that some physically active parents will walk to the child care service (many parents walk their children to school) and will be required to safely cross the road with their children.</p>	<p>It is anticipated that most users of the child care premises would use Mistral Meander rather than Currambine Boulevard.</p>
<p>Child care drop off and pick up will not be limited to simple drop off and pick up as a lot more is involved.</p>	<p>Through my experience I can advise that drop off and pick up is a quick, simple process where a child is signed in/out of care (normally on an Ipad) and takes their backpack/bag into, or out of, the centre.</p>	<p>Whilst length of pick up and drop off may be limited through use of technology and operating practice this does not eliminate potential conflict with others undertaking pick up or drop off or those parked on Mistral Meander. As outlined above, the car parking provided, and configuration is not considered appropriate.</p>

Further consultation on the revised proposal and additional supporting documentation was not undertaken as it was not deemed to materially depart from the previous proposal.

COMMENT

The proposed 'Child Care Premises' does not meet the car parking and traffic requirements of the *Child Care Premises Local Planning Policy* nor the objectives of the policy as it will likely have an adverse impact on the amenity of the surrounding residential area. As a result, the proposal does not meet the objectives of the 'Residential' zone due to its incompatibility with surrounding residential development.

For these reasons, along with the others outlined in the report, the application is recommended for refusal.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council REFUSES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 25 March 2019 submitted by Natasha O'Neil, the applicant and owner, for a proposed change of use from single house to child care premises at Lot 47 (23) Currambine Boulevard, Currambine, for the following reasons:

- 1 in accordance with clause 67(j) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with the objectives of the 'Residential' zone under *Local Planning Scheme No. 3* and the *Child Care Premises Local Planning Policy* as:
 - 1.1 the non-residential use is not compatible with and complementary to the existing residential development and will have an adverse impact on the amenity of the surrounding residential development due to traffic and car parking;
- 2 in accordance with clause 67(g) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not comply with the provisions of the *City's Child Care Premises Local Planning Policy* as the proposed development is not considered to provide:
 - 2.1 safe and functional access to on-site car parking areas;
- 3 in accordance with clause 67(m) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with its setting and relationship to other development/land within the locality as:
 - 3.1 the insufficient provision of on-site car parking will result in an undue negative impact on the amenity of the immediate locality and adjoining properties;
- 4 in accordance with clause 67(t) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development is likely to impact the traffic flow and safety of the road system as:

- 4.1** verge parking on Currambine Boulevard provides for an unsafe traffic flow due to the location of the bays in relation to the surrounding road network, including being located opposite the Doncaster Square intersection;
 - 4.2** verge parking on Mistral Meander provides for an unsafe road system for pedestrians and surrounding traffic;
- 5** in accordance with clause 67(q) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is not considered to meet *State Planning Policy 3.7 Planning in Bushfire Prone Areas* as:
 - 5.1** Mistral Meander is not constructed to the standards required under the *Guidelines for Planning in Bushfire Prone Areas* to support the intensification of the land use.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf200310.pdf](#)

ITEM 3 PROPOSED REVOCATION OF THE COOK AVENUE STRUCTURE PLAN, HILLARYS

WARD	South-West
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	26549, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Cook Avenue Structure Plan
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider advertising a proposal to revoke the *Cook Avenue Structure Plan*.

EXECUTIVE SUMMARY

The *Cook Avenue Structure Plan* was adopted by the Joint Commissioners at a meeting held on 8 June 2004 (CJ125-06/04 refers) and by the Western Australian Planning Commission on 1 October 2004. The purpose of the structure plan was to facilitate the future subdivision, zoning and residential building form within the "C-Air" estate, a then 95 lot infill subdivision on a former undeveloped primary school site.

The structure plan specifies that land use permissibility is the same as that of the 'Residential' zone under the (now former) *District Planning Scheme No. 2* (DPS2) and specifies certain additional development provisions to those of *Residential Design Codes* (R-Codes). The estate has been fully developed for some time.

As part of the approval of *Local Planning Scheme No. 3* (LPS3), the Western Australian Planning Commission (WAPC) advised the City that a separate review of the City's existing structure plan areas should be undertaken to assess whether existing structure plans are still relevant and required.

The *Cook Avenue Structure Plan* area is zoned 'Urban Development' under LPS3 and it is considered that there are no development provisions within the structure plan area that need to be retained and incorporated into LPS3. As the site is fully developed, it is considered that the structure plan is no longer required to guide development of the area.

In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (the LPS Regulations), an amendment to LPS3 to incorporate the zonings outlined in the *Cook Avenue Structure Plan* into LPS3 will automatically revoke the structure plan. This type of scheme amendment is classified as a 'basic' amendment and there is no provision to advertise this form of amendment.

Although the formal planning process to revoke the structure plan does not require public consultation, it is recommended that Council agree to seek feedback on the proposal from the landowners within the structure plan area, prior to Council's further consideration of initiating a basic amendment to LPS3 to rezone the land within the *Cook Avenue Structure Plan* area to facilitate the revocation of the structure plan.

BACKGROUND

Suburb/Location	Hillarys, including Phoenix Street, Fenian Pass, Orient Circuit, Exeter Street, Wilandra Place, New England Drive, Ferndene Mews and Cook Avenue.
Owner	Various.
Zoning	LPS Urban Development.
	MRS Urban.
Site area	4 hectares.
Structure plan	<i>Cook Avenue (C-Air Housing Development) Structure Plan.</i>

The *Cook Avenue Structure Plan* applies to the land bounded by Cook Avenue to the north, Ferndene Mews to the east, Willandra Drive to the south and New England Drive to the west (Attachment 1 refers).

The site had been earmarked for a primary school, however, was subsequently deemed surplus to the Department of Education's requirements. The site was sold, and the *Cook Avenue Structure Plan* was adopted by the Joint Commissioners at its meeting held on 8 June 2004 (CJ125-06/04 refers) and by the WAPC on 1 October 2004. The purpose of the structure plan was to facilitate the future subdivision, zoning and residential building form within the "C-Air" estate, a 95 lot infill subdivision. The rezoning of the site from 'Public Use – Primary School' to 'Urban Development' was finalised in December 2004.

At its meeting held on 27 February 2007 (CJ024-02/07 refers), Council adopted amendments to several structure plans, including the *Cook Avenue Structure Plan*, to align the wording with the requirements of the City's DPS2 and the R-Codes.

The estate has now been fully developed for residential and open space purposes.

As part of the approval of LPS3, the WAPC advised that a separate review of the City's existing structure plan areas should be undertaken to assess the current status of each plan. This would determine if a structure plan covers an area:

- where development is still occurring and the structure plan is still relevant and needs to be retained
- where development is complete or nearing completion, the structure plan can be revoked via an amendment to LPS3 to rezone the area. This may include introducing relevant development provisions from the structure plan into the scheme.

It is important that the above assessments be undertaken as all structure plans that were in place prior to the introduction of the LPS Regulations in October 2015 will be automatically revoked in October 2025 unless their period of approval is formally extended.

DETAILS

It is proposed that the *Cook Avenue Structure Plan* be revoked as the estate has now been fully developed for some time. Under the LPS Regulations, an amendment to the planning scheme to incorporate the zonings indicated in the structure plan will also revoke the structure plan. This means that the approval of an amendment to LPS3 to rezone the structure plan area from 'Urban Development' to those outlined in the structure plan, for example, 'Residential' and 'Public Open Space', will automatically revoke the structure plan. Such a scheme amendment is classified as 'basic' under the LPS Regulations. There is no provision to advertise this class of amendment.

However, prior to initiating the amendment to rezone the land within the structure area, it is considered appropriate to advertise the proposal to revoke the structure plan to the landowners within the structure plan area and seek feedback, prior to Council's further consideration.

Issues and options considered

Current need for the Cook Avenue Structure Plan

The structure plan is divided into three precincts being 'perimeter dwelling precinct', 'internal dwelling precinct' and 'grouped dwelling precinct' (Attachment 2 refers).

Perimeter Dwelling Precinct (R25)

The perimeter dwelling precinct consists of the those lots fronting Cook Avenue, Ferndene Mews, Willandra Place and New England Way. The following table outlines the structure plan provisions and the current equivalent R-Code or *Residential Development Local Planning Policy* (RDLPP) provisions:

Development requirement	Structure Plan requirement	R-Code/RDLPP requirement	Comment
Tower Elements	Encouraged on corner lots Roof ridge 11 metres. Dimension max 4 metres x 4 metres.	R-Codes heights apply Wall height 6 metres. Roof ridge 9 metres.	No tower elements constructed.
Front setback	3 metres.	6 metres average.	Dwellings constructed – setbacks established.
Rear setback	Nil permitted.	Based on length and height of wall.	Dwellings constructed – setbacks established.
Setback of garages to rear laneway	Nil permitted.	Nil provided 6 metres manoeuvring width.	Same requirement.
Setback of garages to front boundary	4.5 metres.	4.5 metres and setback 0.5 metres behind dwelling alignment.	Same requirement.
Car bays	Two covered car bays required.	Two car bays required.	Car bays provided.
Boundary walls	Permitted to one boundary provided it does not overshadow the adjoining lots outdoor living area by more than 50%.	Maximum height 3.5 metres, average height 3 metres, maximum length greater of 9 metres or one third of lot boundary to one boundary only.	Boundary walls constructed.
Retaining walls	Maximum 2 metres.	Maximum 0.5 metres.	Area subdivided. Retaining walls constructed.

Development requirement	Structure Plan requirement	R-Code/RDLPP requirement	Comment
Orientation	Dwellings on corners must address each street frontage. Buildings shall have active frontage, no blank facades.	The primary street elevation of the dwelling to address the street and include the main entry to the dwelling. At least one balcony, veranda or major opening from a habitable room of the dwelling faces the pedestrian and vehicular approach to the dwelling.	Dwellings constructed.
Pitched roofs	No less than 26 degrees and no greater than 35 degrees.	Not specified.	Dwellings constructed – roof pitch established.
Utility areas	Screened from view from streets and public open spaces.	Clothes drying area screened from view from primary and secondary street.	Dwellings constructed – utility areas provided.
Building height	Wall height 7 metres. Roof ridge 9.5 metres. Dwellings fronting Willandra and New England Drive. Wall height 4 metres. Roof ridge 6.5 metres.	Wall height 6 metres. Roof ridge 9 metres.	Dwellings constructed - building heights established.
Open space	40%.	50%.	Dwellings constructed – open space provided.

Internal Dwelling Precinct (R40)

The internal dwelling precinct consists of lots internal to the site. The following table outlines the structure plan provisions and the current equivalent R-Code or RDLPP provisions:

Development requirement	Structure Plan requirement	R-Code/RDLPP requirement	Comment
Tower Elements.	Encouraged on corner lots.	Current R-Codes heights would apply.	No tower elements constructed.

Development requirement	Structure Plan requirement	R-Code/RDLPP requirement	Comment
Front setback.	3 metres	4 metres average.	Dwellings constructed –setbacks established.
Rear setback.	Nil permitted.	Based on length and height of wall.	Dwellings constructed –setbacks established.
Side setback/Boundary walls.	Nil to both boundaries provide it does not overshadow the adjoining lots outdoor living area by more than 50%.	Based on length and height of wall. Maximum height 3.5 metres, average height 3 metres, for two thirds of lot boundary to one boundary only.	Dwellings constructed –setbacks established.
Setback of garages to rear laneway.	Nil permitted.	Nil provided 6 metres manoeuvring width.	Same requirement.
Setback of garages to front boundary.	4.5 metres.	4.5 metres and setback 0.5 metres behind dwelling alignment.	Same requirement.
Lots fronting public open space.	Setback 2 metres.	No requirement.	Dwellings constructed – setbacks established.
Car bays.	Two car bays required. One must be covered. Must be access from rear lanes (where provided).	Two car bays required.	Car bays provided.
Boundary walls.	Permitted to one boundary provide it does not overshadow the adjoining lots outdoor living area by more than 50%.	Maximum height 3.5 metres, average height 3 metres, maximum length greater of 9 metres or one third of lot boundary to one boundary one.	Boundary walls constructed.
Retaining walls.	Maximum 2 metres.	Maximum 0.5 metres.	Area subdivided. Retaining walls constructed.
Orientation.	Dwellings on corners must address each street frontage. Buildings shall have active frontage, no blank facades.	The primary street elevation of the dwelling to address the street and include the main entry to the dwelling.	Dwellings constructed

Development requirement	Structure Plan requirement	R-Code/RDLPP requirement	Comment
		At least one balcony, veranda or major opening from a habitable room of the dwelling faces the pedestrian and vehicular approach to the dwelling.	
Pitched roofs.	No less than 26 degrees and no greater than 35 degrees.	Not specified.	Dwellings constructed – roof pitch established.
Utility areas.	Screened from view from streets and public open spaces.	Clothes drying area screened from view from primary and secondary street.	Dwellings constructed – utility areas provided.
Building height.	Wall height 7 metres. Roof ridge 9.5 metres. Dwellings fronting Willandra and New England Drive. Wall height 4 metres. Roof ridge 6.5 metres.	Wall height 6 metres. Roof ridge 9 metres.	Dwellings constructed - building heights established.
Open space.	40%	50%	Dwellings constructed – open space provided.

Grouped Dwelling Precinct (R40)

The grouped dwelling precinct applies to five lots in the bottom right corner of the estate between the public open space and Ferndene Mews. The following table outlines the structure plan provisions and the current equivalent R-Code or RDLPP provisions:

Development requirement	Structure Plan requirement	R-Code/RDLPP requirement	Comment
Front setback.	6 metres.	4 metres average.	Dwellings constructed – setbacks established.
Setback to Public Open space.	Setback 3 metres.	Based on length and height of wall	Dwellings constructed – setbacks established.
Setback to Public Access way.	1.5 metres.	Based on length and height of wall.	Dwellings constructed – setbacks established.

Development requirement	Structure Plan requirement	R-Code/RDLPP requirement	Comment
Car bays.	Two car bays required. One must be covered.	Two car bays required.	Car bays provided.
Active frontages.	Buildings shall have active frontage, no blank facades to street or public open space.	The street elevation of the dwelling to address the street with clearly definable entry points visible and accessed from the street. At least one major opening from a habitable room of the dwelling faces the approach to the dwelling.	Dwellings constructed.
Retaining walls.	Maximum 2 metres.	Maximum 0.5 metres.	Area subdivided. Retaining walls constructed.
Pitched roofs.	No less than 26 degrees and no greater than 35 degrees.	Not specified	Dwellings constructed – roof pitch established.
Utility areas.	Screened from view from streets and public open spaces.	Clothes drying area screened from view from primary and secondary street.	Dwellings constructed – utility areas provided.
Building height.	Wall height 9 metres. Roof ridge 11 metres.	Wall height 6 metres. Roof ridge 9 metres.	Dwellings constructed - building heights established.
Open space.	A minimum 16 sqm balcony provided for each dwelling.	50%.	Dwellings constructed – open space provided.

While the structure plan contains many provisions (as detailed above), all dwellings within the estate have been constructed, therefore the setbacks, boundary walls, building height, retaining walls, open space, and so on have already been established. It is not considered necessary to include any of the development provisions from the structure plan into the scheme. If a property is proposed to be extended or demolished and a new dwelling constructed, it is considered appropriate that the new development be assessed against the R-Codes which includes both the deemed-to-comply and the design principle standards, therefore development can be assessed on its merits and in the context of the surrounding area.

Zoning

The land within the structure plan area is zoned 'Urban Development' under LPS3. If the proposed revocation of the structure is supported, it is proposed to rezone this land to 'Residential R25', 'Residential R40', 'Public Open Space' and 'Local Road' in accordance with the structure plan map (Attachment 2 refers). As noted previously, the rezoning of the land will automatically revoke the structure plan.

Land use permissibility

The structure plan states that land use permissibility is to be in accordance with the 'Residential' zone under the former DPS2. If a scheme amendment is supported and the structure plan revoked, land use permissibility will be in accordance with the 'Residential' zone of LPS3 which is similar to that of the previous planning scheme.

Options

The options available to Council in considering revoking the *Cook Avenue Structure Plan* are to:

- resolve to advertise the proposal to revoke the structure plan to the existing landowners within the structure plan area
or
- resolve not to advertise the proposal to revoke the structure plan to the existing landowners within the structure plan area.

Council can also proceed with an amendment to LPS to rezone the land within the structure plan area without first advertising the proposal to revoke the structure plan, however this is not recommended.

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development (Local Planning Schemes) Regulations 2015.*
Local Planning Scheme No. 3.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

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

Policy Not applicable.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 28 of the deemed provisions of the LPS Regulations states that structure plans have effect for 10 years from their date of approval. This includes structure plans that were approved before the LPS Regulations came into effect, which are taken to have been approved on commencement day of the LPS Regulations and are therefore valid until 19 October 2025.

The WAPC may extend the period of approval of a structure plan, revoke a structure plan or amend the planning scheme that covers a structure plan area which automatically revokes the structure plan.

The LPS Regulations state that an amendment to a scheme map that is consistent with an approved structure plan is a 'basic' amendment if the scheme includes the zones outlined in the structure plan.

Structure Plan Framework

The Structure Plan Framework outlines the manner and form in which a structure plan and activity centre plan is to be prepared under the LPS Regulations. Clause 16 of the framework outlines that the WAPC may revoke its approval of a structure plan under the deemed provisions of the LPS Regulations and provides for common circumstances in which this would occur, including where the zoning of the land is covered within the scheme and following finalisation of the subdivision of the land.

Local Planning Scheme No. 3

The objectives of the 'Residential' zone in LPS3 are:

Zone name	Objectives
Residential	<ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

The objectives of the 'Public Open Space' and 'Local Road' reserves in LPS3 are:

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> 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.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

Risk management considerations

Not applicable.

Financial / budget implications

The City will be required to cover the costs associated with any advertising of the proposal to revoke the structure plan. Approximately 95 letters would be sent to landowners with the structure plan area with a direct cost of approximately \$110.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

There are no provisions within the LPS Regulations or Structure Plan Framework which require consultation to be undertaken prior to a structure plan being revoked. However, it is considered appropriate that the landowners within the structure plan area be informed in writing of the proposal to revoke the structure plan and obtain any feedback which can be reported back to Council, prior to an amendment to rezone the land within the structure plan area being considered by Council.

COMMENT

The area encompassed by the *Cook Avenue Structure Plan* has been fully developed. The provisions of the R-Codes and the City's *Residential Development Local Planning Policy* are considered sufficient to ensure that any further development or redevelopment has an appropriate built form outcome.

While there is no requirement to advertise a proposal to revoke a structure plan, it is considered appropriate to advertise the proposal to the landowners within the structure plan area and seek any feedback, prior to Council's further consideration of an amendment to rezone the land within the structure plan area.

It is therefore recommended that Council advertises the proposed revocation of the *Cook Avenue Structure Plan* to the landowners within the structure plan area for a period of 14 days.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADVERTISES the proposal to revoke the *Cook Avenue Structure Plan* to the landowners within the structure plan area, for a period of 14 days.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf200310.pdf](#)

ITEM 4 MIDGE MANAGEMENT STRATEGY PARTNERSHIP AGREEMENT

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	03171, 101515
ATTACHMENT	Attachment 1 Midge Management Strategy Partnership Agreement 2020 – 2025 Attachment 2 Midge Management Strategy Action Plan 2020 – 2025
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

To seek Council's endorsement of a new five-year *Midge Management Strategy Partnership Agreement 2020-2025* between the City of Joondalup, the City of Wanneroo and the Department of Biodiversity, Conservation and Attractions.

EXECUTIVE SUMMARY

The City has had a formal agreement with the City of Wanneroo and the Department of Biodiversity, Conservation and Attractions (DBCA) for managing midge within the wetlands of the Yellagonga Regional Park, since 1999.

The current *Midge Management Strategy Partnership Agreement 2015-2020* is due to expire on 30 June 2020. A new partnership agreement is necessary to ensure ongoing issues associated with midge management are addressed.

A new *Midge Management Strategy Partnership Agreement 2020-2025* (the Midge Agreement) is proposed and maintains the existing objectives for the control and management of nuisance midge, as well as similar roles for each partner agency.

Key changes to the Midge Agreement include a reduction in the maximum number of treatments proposed for Lake Joondalup, from four to two. This considers that Lake Joondalup has only been treated on one occasion since 2014 and not received more than two treatments in any season since 2004. It also considers recent studies undertaken by the Department of Water and Environmental Regulation on the presence of macroinvertebrates within the wetlands.

The use of the hormone growth regulator S-Methoprene as an alternate product for the control of midge at Lake Goollelal will continue under the new agreement, with its potential use also included at Lake Joondalup, subject to the approval of the Australian Pesticides and Veterinary Medicines Authority.

The Midge Agreement complements the *Yellagonga Integrated Catchment Management Plan 2015-2019* (YICMP).

It is recommended that Council gives approval to formalise a new Midge Agreement for 2020-2025, subject to a similar commitment from the City of Wanneroo and the DBCA.

It is also recommended that Council notes that an amount of up to a maximum of \$46,750, will be listed for consideration in the City's budget each year for the next five years, to fund the Midge Agreement, subject to appropriate funding from the City of Wanneroo and the DBCA.

BACKGROUND

The Yellagonga Regional Park contains a wetland system that includes Lake Goollelal, Walluburnup Swamp, Beenyup Swamp and Lake Joondalup. The water quality of these wetlands is affected by the surrounding catchment area which, in turn, may impact the prevalence of midge.

A formal agreement between the City of Joondalup, the City of Wanneroo and the DBCA (formally the Department of Parks and Wildlife and the Department of Environment and Conservation) has been in place since 1999.

The original agreement was established as residents living in the vicinity of Lake Joondalup were experiencing severe midge issues. Lake Goollelal was included in the agreement in 2010, though an informal arrangement for this lake had existed since 2007.

The current *Midge Management Strategy Partnership Agreement 2015-2020* is due to expire on 30 June 2020.

Midge swarming becomes a nuisance to residents living near these wetlands during the summer months. Dense populations of midge can be representative of poor water quality within the wetland, however, evidence suggests that water temperature and water levels of the lakes are strong influencing factors.

Midge do not present a public health risk.

Actions that have been undertaken as part of the current *Midge Management Strategy Partnership Agreement 2015-20* included:

Midge Activity	Actions
Midge Larvae Monitoring	Midge larvae monitoring was a significant resource allocation associated with partnership activities. Midge larvae monitoring typically occurred between July and January of each year. Midge larvae monitoring involved up to weekly sampling of Lake Goollelal and Lake Joondalup. Identification of the species of midge was carried out after each sampling event.
Water Monitoring	Information was collected on each midge larvae sampling occasion and included temperature, pH, conductivity and water levels.
Nuisance reduction (Treatment)	Lake Goollelal received one treatment of Gray Bate (Temephos) during 2016. A partial treatment of hotspot areas was undertaken using the hormone growth regulator S-Methoprene, in 2018 and 2019.

Midge Activity	Actions
	Lake Joondalup received a partial treatment of Gray Bate during 2016.
Research	<p>The use of S-Methoprene at Lake Goollelal was undertaken as a trial to examine its effectiveness and is ongoing.</p> <p>ECU was engaged to conduct an adult midge emergence survey, using emergence traps.</p> <p>The Department of Water and Environmental Regulation currently undertake an invertebrate study at Lake Goollelal. This information can provide a comparison following the use of S-Methoprene.</p> <p>Results from the YICMP surface and groundwater quality monitoring, funded by both the City of Joondalup and City of Wanneroo, forms part of the dataset for midge research projects. A desktop review and analysis of midge and water quality data ranging from 2003-2014 was undertaken.</p>
Public Education	<p>A nuisance midge fact sheet was maintained on the City's website and made available for hard copy distribution.</p> <p>The City received 119 calls from residents regarding midge management.</p> <p>Information on managing midge was provided via media releases.</p> <p>A community forum was held for residents and included presentations regarding managing midge.</p>

DETAILS

A new Midge Agreement (Attachment 1 refers) has been prepared, that maintains the objectives and scope of previous midge agreements. The Midge Agreement will operate from the date of signing, until the 30 June 2025.

The Midge Agreement also includes a *Midge Management Strategy Action Plan 2020-2025* (the Action Plan) that provides a breakdown of midge related activities (Attachment 2 refers). These include:

- midge larvae monitoring
- water monitoring
- nuisance reduction
- research
- public education.

The main objective of the Midge Agreement is to encourage an effective and sustainable partnership for the purposes of managing nuisance midge within wetlands of the Yellagonga Regional Park, achieved through improving cooperation, communication and collaboration between Local and State government.

The Midge Agreement provides for a Midge Steering Group to discuss and make recommendations on any issues associated with midge management. The Midge Steering Group consists of the Principal Environmental Health Officer of the City of Joondalup, the Coordinator Health Services of the City of Wanneroo and the Manager of the Regional Parks Unit of the DBCA.

Existing cost sharing arrangements are proposed under the Midge Agreement. The City of Joondalup and City of Wanneroo will each contribute 25% of the total budget and the DBCA will contribute 50% of the total budget.

Key components of the Midge Agreement are as follows:

Midge Larvae Monitoring

A midge larvae monitoring program provides quantitative data that can help predict potential adult midge nuisance. The midge larvae monitoring program involves the routine sampling of several sites within the wetlands, recording the number of midge larvae present and the subsequent identification of the species of midge using a microscope.

This data assists in determining when a treatment would be most effective, reducing the overall need for treatment.

Information obtained from larvae monitoring provides historical data that can also be used to identify trends and improvements.

Water Monitoring

Water monitoring involves a sampling program to provide information on the physical and chemical characteristics of the water and to determine the nutrient status and habitat factors influencing the midge population.

Measured characteristics include temperature, pH, conductivity and water levels during each sampling occasion. Sampling of surface water for nutrient analysis will consider water sampling being undertaken in association with the YICMP, to ensure there is no duplication of data.

Nuisance Reduction

The only effective method to provide short term relief from adult midge swarms for residents, is the treatment of the wetlands. Treatment options are limited and include the application of the chemical Temephos (Gray Bate) or the hormone growth regulator S-Methoprene.

Treatment is a last resort to control midge populations as such action may have a negative impact on the environment. Non-target invertebrates can be affected by a treatment. The granular form of Gray Bate also contributes to the nutrient load of the wetland.

As S-Methoprene is currently only registered in Western Australia for use against mosquitoes, the DBCA have obtained a Minor Use Permit from the Australian Pesticides and Veterinary Medicines Authority, to allow the treatment of Lake Goollelal with S-Methoprene.

The DBCA are currently preparing a renewal application for the use of S-Methoprene for the purpose of treating midge larvae at Lake Goollelal. It is intended that the new Minor Use Permit will also provide the option of using S-Methoprene at Lake Joondalup.

Treatment of any wetland would only occur where the Cities of Joondalup and Wanneroo and the DBCA all agree. The criteria for treatment include a threshold limit of 2,000-5,000 midge larvae per square metre being reached, a negative impact of adult midge to residents and an assessment of adult midge swarms by officers of each partner agency, to verify the prevalence of the midge nuisance. All three criteria would need to be met prior to a treatment being undertaken.

Only a portion of a lake would be treated to allow the natural recovery of any non-target species that could potentially be affected.

Lake Joondalup is limited to a maximum of two treatments per year and Lake Goollelal is limited to one treatment per year (using S-Methoprene). This represents an overall reduction in the maximum number of treatments permitted.

The maximum number of treatments is determined by the DBCA and takes into consideration the differing nature of the wetlands, the effect of repetitive use of chemical treatment on non-target invertebrates, the potential for unintended impacts upon other sections of the Yellagonga wetlands due to the flow of water to Lake Joondalup via Walluburnup Swamp and Beenyup Swamp, and the impact of drying at the lakes.

The reduction in the number of treatments at Lake Joondalup from four to two, is consistent with existing trends. Lake Joondalup was only required to be partially treated (targeting small hot-spot areas) on one occasion during the current midge management strategy partnership agreement (November 2016) and has not received more than two treatments in a single year since 2004.

A recent study undertaken on behalf of the Department of Water and Environmental Regulation (March 2019) identified concern with a reduction in the number of macroinvertebrates present within Lake Joondalup.

The maximum number of treatments for Lake Goollelal considers the use of S-Methoprene which can have a continual effect in the water for up to 30 days.

The Midge Agreement provides flexibility for partial applications to be carried out on separate occasions, providing targeted treatment to areas of the lake. This approach may provide improved environmental outcomes and be effective for preventing adult midge nuisance.

Research Projects

The Midge Agreement allows for the provision of funding for research projects to gain a better understanding of the factors contributing to seasonal midge plagues. It allows investigation into alternate intervention strategies to reduce the reliance on chemical treatment and improving the understanding of the nutrient contributors in the catchment.

Research will include a project examining adult midge emergence from Lake Goollelal, that may also provide data on the effectiveness of S-Methoprene.

A project will also be undertaken to explore the accuracy of midge larvae monitoring and provide an insight on the effectiveness of the current midge larvae sampling methods.

Midge related research activities are aligned with the YICMP. Scope is also provided for the Midge Agreement to provide support to projects associated with the YICMP where there are midge related synergies.

Public Information and Education

Each partner agency will be responsible for responding to resident concerns regarding midge. This includes information on how to reduce the impact of adult midge and individual measures that can be taken to reduce a resident's own impact on water quality. The information provided will be based on fact sheets and guidance notes communicated between the partner agencies to ensure consistency of information.

The Midge Agreement provides the funding required for production of information packages for local residents.

The Midge Agreement formally recognises the need for representation at the Yellagonga Regional Park Community Advisory Committee Meetings to provide updates of current midge related activities. Updates will be provided by the DBCA and include details on the current midge larvae sampling, an indication of current midge larvae numbers and any current investigations or research projects associated with midge.

Issues and options considered

Council may choose to either:

- approve the Midge Agreement and Action Plan and note that an amount up to a maximum of \$46,750, will be listed for consideration in the City's budget each year for the next five years
- not endorse the Midge Agreement and Action Plan but provide recommendations regarding proposed changes
or
- not endorse the Midge Agreement and Action Plan.

Option 1 is recommended, as it will ensure that the impact of adult midge swarms to our residents are reduced. Should Council decide not to enter into a new partnership agreement, issues associated with nuisance midge for residents would likely go unresolved.

Any proposed changes to the Midge Agreement would require approval of the City of Wanneroo and the DBCA.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme The Natural Environment.

Objective Environmental resilience.

Strategic initiative Identify and respond to environmental risks and vulnerabilities.

Policy Not applicable.

Risk management considerations

A community expectation exists that the City will act to address issues associated with nuisance midge within all wetlands of the Yellagonga Regional Park. If no action is taken, the City could expect a negative reaction from the community.

The application of a treatment can affect non-target invertebrates. The number of treatments is limited and determined by the DBCA. Only a proportion of the lake would be treated to allow the natural recovery of any non-target species.

In its granular form, the chemical Gray Bate can contribute to the nutrient load of the wetland system. The Midge Agreement, through research projects, has a focus on reducing the overall nutrient load by identifying the major nutrient contributors.

The use of S-Methoprene, as well as targeted partial treatments if required, will likely have a lesser impact on the natural environment.

Financial / budget implications

The City of Joondalup will need to make an annual contribution to a maximum of \$46,750 for the duration of the Midge Agreement. This is a decrease of \$14,750 per year from the previous agreement. This reflects the reduced number of maximum treatments and cost reductions in the application method of treatment products being used.

The total funding amount is based on a maximum number of treatments being undertaken. It is likely that this level of funding for treatments will not be required. This considers that Lake Goollelal has required one full treatment and two partial treatments (targeting small hot-spot areas), and Lake Joondalup has received only one partial treatment, in the last six years.

The allocation of funds is indicated in the Action Plan. The City of Joondalup contribution would be distributed as follows for each component:

Funding Allocation	
Component	Potential Cost to City
Treatment (Gray Bate/S-Methoprene)	\$29,500
Aerial Application	\$7,000
Research	\$7,500
Monitoring Equipment	\$1,500
Public Education	\$1,250
TOTAL	\$46,750

Staffing costs associated with undertaking midge larvae monitoring, assisting with treatment activities, responding to customer enquiries and investigating adult midge nuisance are reflected within operational budgets.

Regional significance

Residents near the wetland system of the Yellagonga Regional Park are affected by the prevalence of adult midge swarms, particularly those located near Lake Joondalup and Lake Goollelal.

Sustainability implications

The reliance of treatments to control midge, is the only effective method to provide short term relief to adult midge swarms for residents, however, is not environmentally sustainable. Undertaking research, providing education and assisting with improving water quality, are all important for long term environmental, social and economic sustainability.

Consultation

The Midge Agreement and Action Plan have been prepared in consultation with officers of the City of Wanneroo and the DBCA. The City of Wanneroo will be seeking similar endorsement by the Wanneroo Council.

No public consultation was undertaken as the Midge Agreement is a partnership that provides a resource commitment between three agencies, for the management of midge within the wetlands of the Yellagonga Regional Park.

COMMENT

The partnership agreement is particularly important to ensure that the impact of adult midge swarms to our residents is reduced.

The City has implemented significant projects with the aim of improving the health of the Yellagonga catchment area, including many projects and activities associated with the YICMP. These projects and activities will continue to be implemented leading up to the development of a new Yellagonga Integrated Catchment Management Plan. The Midge Agreement will complement these projects and activities.

The inclusion of S-Methoprene as a treatment option and targeted application methods may provide an improved environmental outcome.

The continuation of the City as a partner agency to the Midge Agreement recognises our role in the shared responsibility for the management of wetlands within the Yellagonga Regional Park and the impact of midge to residents.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **APPROVES** the new *Midge Management Strategy Partnership Agreement 2020-2025* as detailed in Attachment 1 to this Report, subject to a commitment from the City of Wanneroo and the Department of Biodiversity, Conservation and Attractions to participate and provide funding for an equivalent term;
- 2 **NOTES** that an amount, up to a maximum of \$46,750, will be listed for consideration each year for the next five years to fund the *Midge Management Strategy Partnership Agreement 2020-2025*, subject to appropriate funding from the City of Wanneroo and the Department of Biodiversity, Conservation and Attractions.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf200310.pdf](#)

ITEM 5 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents sealed by affixing the Common Seal during the period 18 February 2020 to 26 February 2020
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 18 February 2020 to 26 February 2020.

EXECUTIVE SUMMARY

The City enters into various agreements 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 the Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 18 February 2020 to 26 February 2020, as detailed in Attachment 1 to this Report.

BACKGROUND

For the period 18 February 2020 to 26 February 2020, five documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Deed of Renewal of Lease	1
Section 70A Notification	4

DETAILS

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Demonstrate accountability through robust reporting.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future 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.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 18 February 2020 to 26 February 2020, as detailed in Attachment 1 to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf200310.pdf](#)

ITEM 6 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 18 February 2020
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the status of outstanding petitions.

BACKGROUND

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

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

DETAILS

Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 18 February 2020, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

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

Policy Implications

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

Risk Management Considerations

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

Financial/Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES:

- 1 the status of outstanding petitions submitted to Council during the period 16 August 2016 to 18 February 2020, forming Attachment 1 to this Report;**
- 2 in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, *Local Planning Scheme No. 3* was gazetted on 23 October 2018. A review of the *Signs Policy* is continuing, and the petition will be considered as part of that review;**
- 3 in relation to the petition requesting that Council to introduce the following to drive growth and success in the Performing Arts and Cultural sector, thereby making opportunities available to our families and businesses:**

- 3.1 establish a formal subcommittee of Council to manage and deliver all performing arts and cultural growth / events in the City with 80% of members drawn from this City's community;
 - 3.2 establish safe, secure and accessible equipment storage for groups along with a dedicated, City supplied, equipment library to supply (free of charge) key equipment;
 - 3.3 the City of Joondalup to have a professional Performing Arts and Cultural team that will:
 - 3.3.1 act as the production and support for all suburbs with activities being centralised;
 - 3.3.2 support all groups with fundraising applications, professional PR and memberships;
 - 3.3.3 facilitate access to all current facilities in the City of Joondalup such as school theatres, churches, parks or empty business units for all groups and activities;
 - 3.3.4 raise cross-cultural understanding and accessibility for families / disadvantaged groups;
 - 3.4 source a Performing Arts and Cultural Facility that is fully funded by grants and donations,

a report will be prepared following consideration of a refined business case for the Joondalup Performing Arts and Cultural Facility project;
- 4 in relation to the petition requesting a skate park facility be built at Chichester Park, Woodvale, the draft BMX, Skate and Youth Outdoor Recreation Strategy is continuing to be progressed and it is anticipated that a report will be presented to Council at a later date;
- 5 in relation to the petition requesting the installation of a BMX dirt track at Kallaroo Park, the draft BMX, Skate and Youth Outdoor Recreation Strategy is continuing to be progressed and it is anticipated that a report will be presented to Council at a later date;
- 6 in relation to the petition requesting investigation of the installation of a small, family based play space within Lacepede Park, Sorrento and make provision for the installation within the City's forward works program, a report was presented to Council at its meeting held on 18 February 2020 (CJ017-02/20 refers). The lead petitioner has been advised of Council's decision;
- 7 in relation to the petition requesting that Council:
 - 7.1 revise and phase out the use of glyphosate in public places considering the mounting evidence of its toxicity to workers, public health and environment;
 - 7.2 conduct and repeat alternative non-chemical weed control trials especially in areas where children and pets are exposed;

- 7.3** immediately introduce marker dye in herbicide so public can avoid the recently sprayed areas,

it is anticipated that a report will be presented to Council in May 2020;

- 8** in relation to the petition requesting the playground at Beldon Park, Beldon remains where it is and that the Management Orders are changed in order to erect shade cloth over the existing playground, feedback has been sought from the Department of Education and a report will be presented to a future Council meeting following receipt of the feedback from the Department of Education;
- 9** in relation to the petition requesting that Council reinstate the Braden Park Playspace Renewal Project in the 2019-20 schedule of the City's *Five Year Capital Works Program* and take account of community feedback in the planning and design of the playspace, it is anticipated that a report will be presented to Council in April 2020;
- 10** in relation to the petition requesting that:
- 10.1** provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;
- 10.2** Council resolutely lobby the State Government's Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed,
- a report will be presented to Council at its meeting to be held on 17 March 2020;
- 11** in relation to the petition requesting that Council investigate lighting options for Mirror Park Skate Park Ocean Reef to allow residents and their families to fully utilise this facility in the evening in a safe and secure manner. Consideration to include:
- 11.1** push button timers for lights like those at Wanneroo Skate Park to conserve energy;
- 11.2** times of operation, including maximum time limits and consideration of local residents;
- 11.3** a solar powered USB and proximity charging station like the one installed at Tom Simpson Park,
- the City is currently reviewing the request and a report will be presented to a future Council meeting;
- 12** in relation to the petition requesting that all possible steps to prevent the proposed installation of Optus small cell radio-communication facilities in Iluka, including those on Romano Crescent:
- 12.1** the City can confirm that a formal Withdrawal Notice has been received from Optus confirming they will not proceed with the deployment of works in this location;
- 12.2** the lead petitioner will be notified of this outcome;

- 13** in relation to the petition requesting that Council reconsider and rescind their decision to spend \$2.15 million on a Chinese Garden for Jinan, to be located in Central Park and instead, redeploy the funds for community gardens across the City of Joondalup and for the benefit of all residents and ratepayers, it is anticipated that a report will be presented to Council in April / May 2020.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf200310.pdf](#)

ITEM 7 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENT	Attachment1 Chief Executive Officer's Delegated Municipal Payment List for the month of January 2020 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of January 2020 Attachment 3 Municipal and Trust Fund Vouchers for the month of January 2020
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 January 2020.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2020, totalling \$13,326,610.49.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2020 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$13,326,610.49.

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 January 2020. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

The vouchers for the month are appended as Attachment 3 to this Report.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 109467 - 109580 & EF083040 – EF083592 Net of cancelled payments.	\$7,912,859.11
	Vouchers 2711A - 2720A & 2722A - 2724A & 2727A - 2735A & 2742A	\$5,395,224.83
Trust Account	Trust Cheques & EFT Payments 207434 - 207439 & TEF001759 - TEF001764 Net of cancelled payments.	\$18,526.55
	Total	\$13,326,610.49

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 *2019-20 Annual Budget* as adopted by Council at its meeting held on 25 June 2019 (CJ073-06/19 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for January 2020 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$13,326,610.49.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf200310.pdf](#)

ITEM 8 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	07882,101515
ATTACHMENTS	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 31 January 2020.

EXECUTIVE SUMMARY

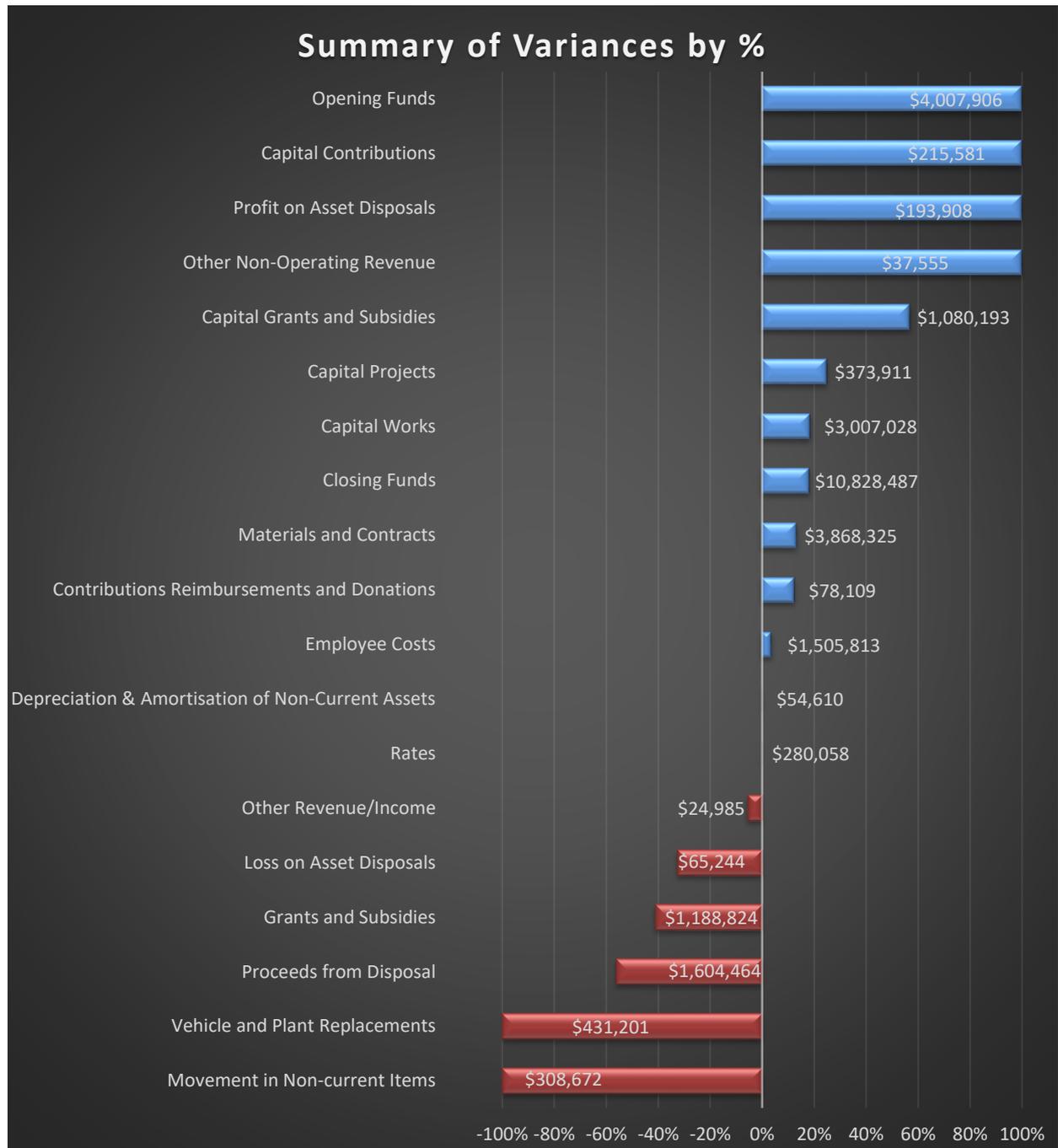
At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the *2019-20 Annual Budget*. The figures in this report are compared to the adopted budget (please note the reporting date is prior to the adoption of the Mid Year Review).

The January 2020 Financial Activity Statement Report shows an overall favourable variance of \$10,828,487 from operations and capital after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 January 2020 and results from a number of factors identified in the report.

There are a number of factors influencing the favourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in January. The notes in Attachment 3 to this Report identify and provide commentary on the individual key material revenue and expenditure variances to date.

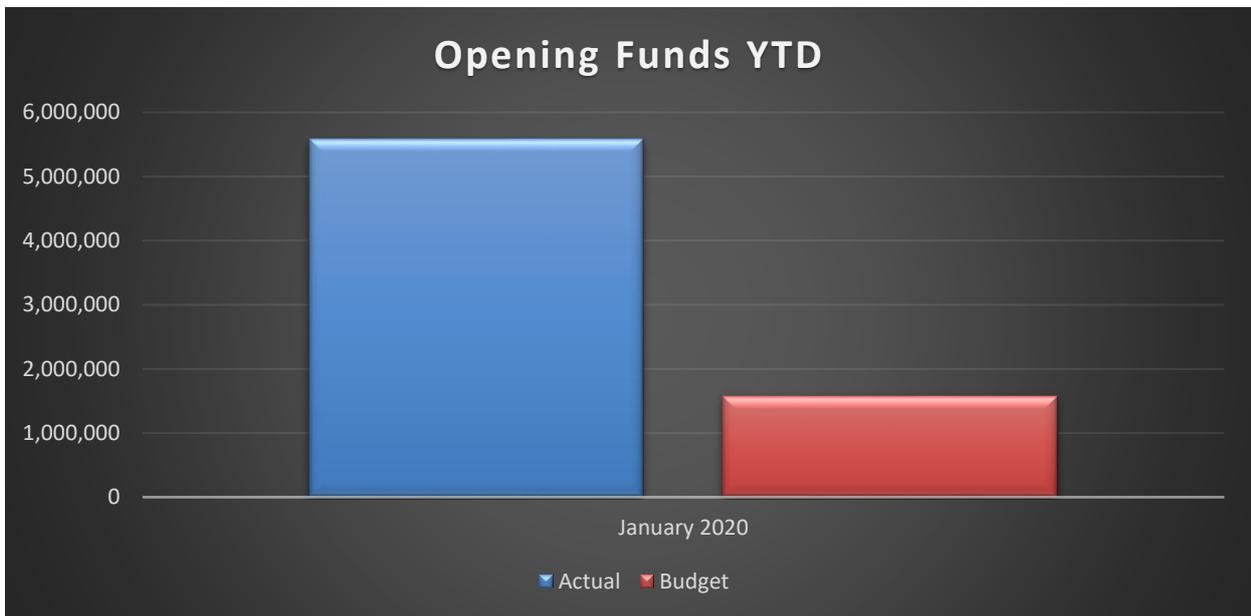
The key elements of the variance are summarised below:



The significant variances for January were:

Opening Funds

\$4,007,906



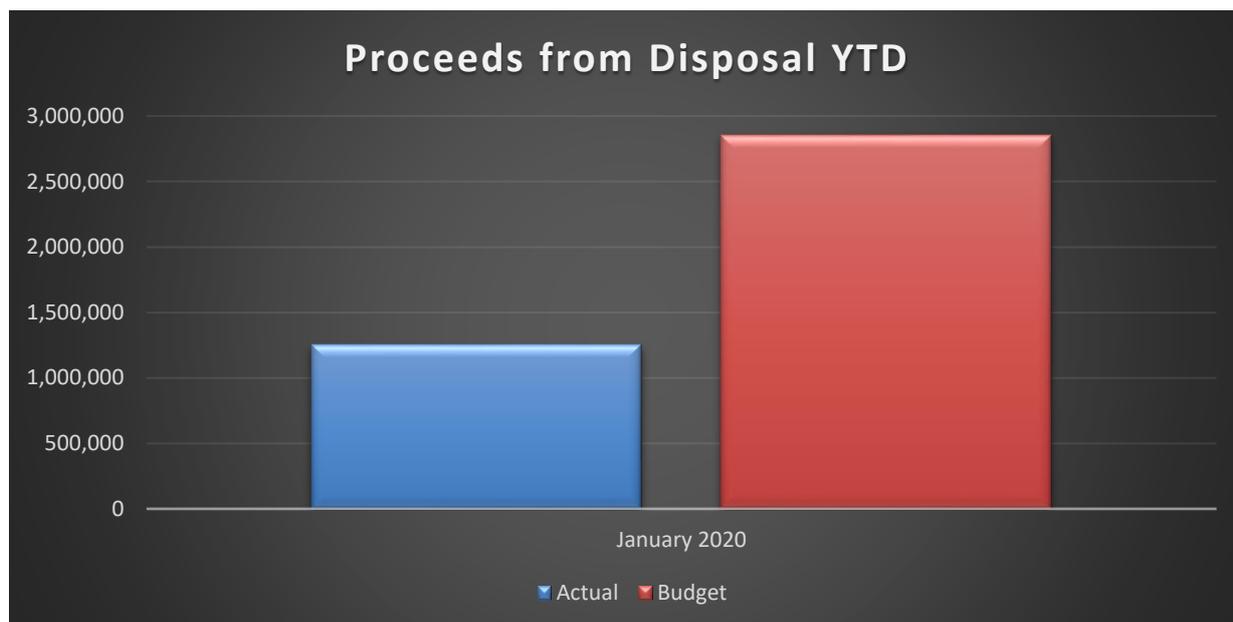
Opening Funds for July 2019 is \$4,007,906 above budget. This is due to variations in actual results for 2018-19 compared to budget estimate.

Materials and Contracts

\$3,868,325



Materials and Contracts expenditure is \$3,868,325 below budget. This is spread across a number of different areas including External Service Expenses \$1,866,551, Furniture, Equipment and Artworks \$383,825, Administration \$457,911, Contributions and Donations \$367,612 and Professional Fees and Costs \$330,836.

Proceeds from Disposal**(\$1,604,464)**

Proceeds from Disposal is (\$1,604,464) below budget. This unfavourable timing variance arose mainly in respect of Lot 803 (15) Burlos Court, Joondalup (\$1,634,000) with offers received not resulting in its sale.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2020 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS**Issues and options considered**

The Financial Activity Statement for the period ended 31 January 2020 is appended as Attachment 1 to this Report.

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

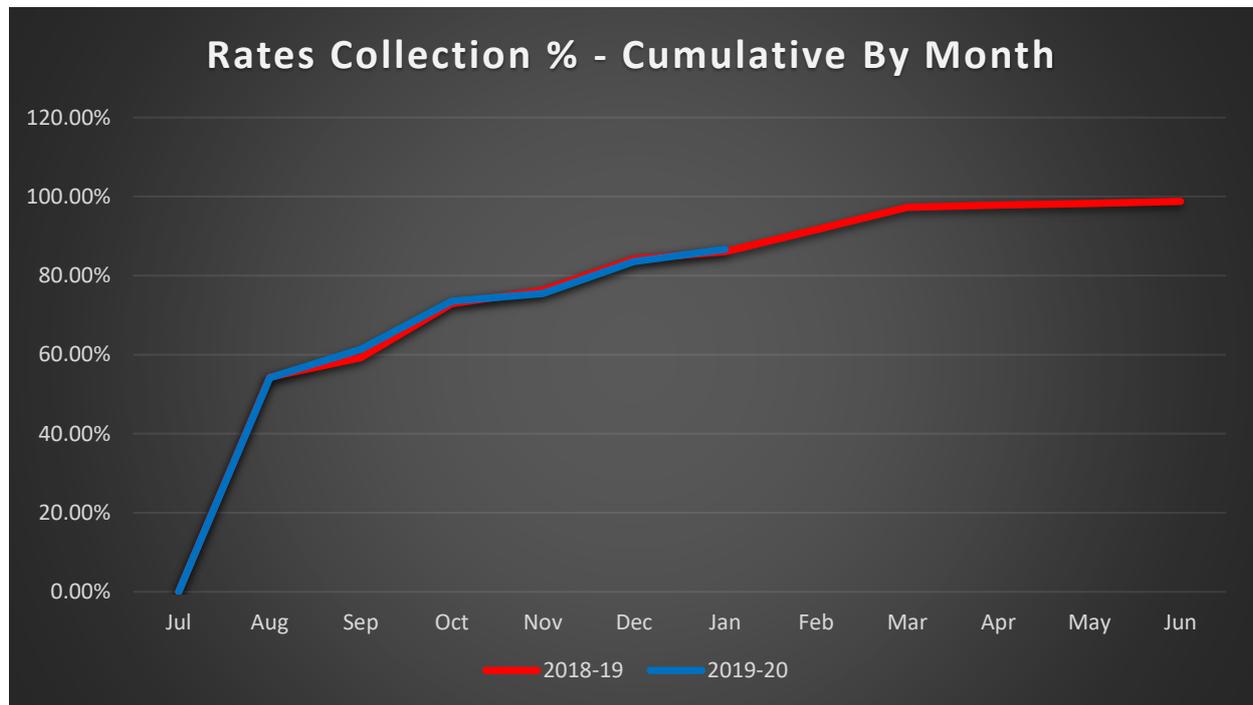
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

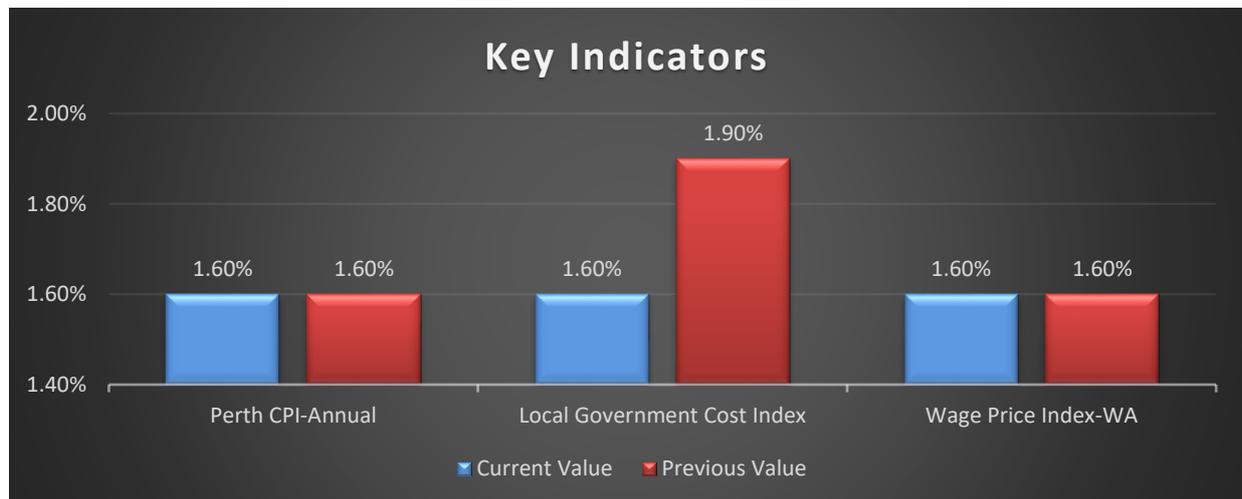
KEY INDICATORS

Rates Collection



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

Economic Indicators



Wage inflation data for September demonstrates the WA wage price index has risen to be currently on par with CPI, but continues to lag the national wage price index which is 2.2% for the same period. The Local Government Cost Index is lower mainly driven by reduced electricity and street lighting costs.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2019-20 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 January 2020 forming Attachment 1 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf200310.pdf](#)

ITEM 9 REQUEST FOR WAIVER OF HIRE FEES FOR GREENWOOD TENNIS CLUB (JUNIORS)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	101271, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider an application for a waiver of fees for the hire of Warwick Open Space tennis courts by Greenwood Tennis Club (Juniors) in 2020.

EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework* which provides the City with a guide to managing all property under the City's ownership, care and control. It contains specific requirements for the classifying of property and its usage.

As part of the framework, Council also reviewed various supporting policies to assist it in managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* allows for various levels of subsidisation of the hire fees for certain community groups. The policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration for requests over \$5,000.

The City has recently completed the bookings for use of its venues for the 2020 annual booking period. Consequently, Greenwood Tennis Club (Juniors) have been assessed as ineligible for a subsidy and are seeking a waiver of hire fees.

It is therefore recommended that Council:

- 1 *DOES NOT AGREE to the request to waive the hire fees for the Greenwood Tennis Club (Juniors) for the use of Warwick Open Space tennis courts in 2020;*
- 2 *NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.*

BACKGROUND

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Property Management Framework* which is intended to provide a consistent and concise methodology to property management. Also at that meeting, Council adopted the *Facility Hire Subsidy Policy* which provides direction relating to subsidised use of City venues, that is to:

- provide guidance on determining the extent of subsidy to be offered to groups hiring City-managed facilities
- ensure facility hire subsidies are applied in a consistent, transparent and equitable manner.

The policy applies to all local not-for-profit community groups and groups from educational institutions hiring City venues on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre, Craigie. The policy applies to organised groups only and does not apply to individuals.

The policy allocates a level of subsidy to user groups. The City will subsidise the cost of venue hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members / participants reside within the City of Joondalup. These groups are categorised within the policy based on the nature of the group - groups that provide recreational, sporting activities and / or targeted services exclusively for people aged 55 years and over.

Notwithstanding the above, the City reserves the right that if a group is booking a facility at a subsidised rate and it is not being utilised it may charge that group for the unutilised booking of that venue at the full community rate.

In regard to dealing with requests for additional subsidies over and above what is permitted within the policy, the policy states:

“A group may apply for an additional subsidy under special circumstances. Applications must be made in a written submission to the Chief Executive Officer. The Chief Executive Officer will determine such requests where the value of the additional subsidy is below \$5,000. Requests for additional subsidies above \$5,000 will be addressed by the Chief Executive Officer and referred to Council for determination.

Additional subsidies will be provided for the following:

- *Any group who has provided recent, significant cash or in-kind contribution(s) towards the total value of the construction of a hire facility.*
- *Any group who is experiencing significant financial difficulties.*
- *Any other group who can provide reasonable justification for receiving an additional subsidy.*

Submissions for additional subsidies will be assessed on a case-by-case basis and will apply for one year / season. A new application must be made each following year / season.”

DETAILS

The City has recently completed the bookings for use of its venues for the 2020 annual booking period. For the club's 2020 booking, it has stated that only 16% (nine out of 56) of junior members are City of Joondalup residents. Therefore, the club is considered ineligible for a subsidy of hire fees for its 2020 bookings. The club has written to the City requesting a 100% waiver of fees be provided to reduce court hire fees for the 2020 year.

Greenwood Tennis Club (Juniors)

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Warwick Open Space tennis courts.	Junior recreational or sporting group.	Not eligible.	76	76

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. The club books the Warwick Open Space tennis courts and has a lease on the tennis clubroom section of the Warwick Sports Centre.

The junior section of the club has 56 members and books the courts on a 12 monthly basis. The club has previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy for bookings. During the 2015-16 booking period, the club reported that it no longer met the requirement of having at least 50% of junior members being residents of the City of Joondalup and as such, the club was not eligible for a subsidy for its 2015-16 bookings. Over the past four years Council has agreed to waive varying amounts for the club's annual hire fees.

Reference	Year	Eligibility for subsidy	Subsidy percentage requested	Subsidy percentage approved	Notes
CJ041-03/16	2015-16	Not eligible	100%	75%	Council also resolved to provide a waiver of: <ul style="list-style-type: none"> • 50% in 2016-17. • 25% in 2017-18. • No waiver in 2018-19.
CJ122-07/17	2016-17	Not eligible	100%	100%	Up to 177 hours per week.
CJ204-12/17	2017-18	Not eligible	100%	0%	
CJ123-07/18	2017-18	Not eligible	100%	50%	Consideration of petition to Council on 17 July 2018 to review its decision at its meeting held on 12 December 2017. Council resolved to provide the club a 50% waiver for its 2017-18 bookings.
CJ178-10/18	2018-19	Not eligible	75%	50%	The club's request for a 75% waiver of hire fees was not supported, and instead the club's alternative preference of a 50% waiver of hire fees was supported.

It is noted that this club is based in the south-eastern corner of the City, with very few clubs servicing the area to the east and south of the club's location. Therefore, it can be expected that the club will attract participants from the neighbouring local governments. Similarly, the club is surrounded to the west by the Sorrento Tennis Club and to the north by the Kingsley Tennis Club, both of which compete for members from the Greenwood Tennis Club's catchment area within the City of Joondalup. In addition, the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose activity is conducted on a park. It should also be noted that the Greenwood Tennis Club has reviewed and reduced its booked hours each year since 2016-17.

As the club does not meet the eligibility as listed in the *Facility Hire Subsidy Policy*, it is not recommended that Council approve the request from the Greenwood Tennis Club (juniors) to waive 100% of the club's hire fees for its 2020 bookings.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$7,519.80	\$0	\$7,519.80	\$7,519.80	\$0	\$0	\$7,519.80

Issues and options considered

Council may agree or not agree to each of the requests for additional subsidies and waiver of fees on a case-by-case basis.

Legislation / Strategic Community Plan / policy implications

Legislation Section 6.12 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Financial diversity.

Strategic initiative Identify opportunities for new income streams that are financially sound and equitable.

Policy *Facility Hire Subsidy Policy*.

Risk management considerations

The following risks may arise pending the consideration of the additional requests for subsidised use of City facilities:

- The user groups may not have the financial capacity to meet the costs proposed by the City for the additional use above the group's allocated subsidy.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Making exceptions for groups may set a precedent and cause complications when determine subsidies for other groups.

Financial / budget implications

The cost to the City across all levels of subsidised use of City managed community facilities is approximately \$1.3 million.

If Council approves the additional subsidies and waivers of fees requested by Greenwood Tennis Club, the City will forgo \$7,519.80 in income for 2020 annual venue bookings. In 2019, Council approved approximately \$112,047 of additional subsidies and waivers of fees for venue bookings. A summary of those 2019 additional subsidies and waivers of fees in excess of \$5,000 has been provided below:

Group	Request type	Amount approved
Whitford Senior Citizens Club	Additional subsidy	\$38,667
Youth Futures	Additional subsidy	\$38,450
Lions Club of Whitford (Inc)	Additional subsidy	\$10,407
University of the Third Age (U3A) Inc – Joondalup Region	Waiver of hire fees	\$9,682
Grace Church Padbury	Waiver of hire fees	\$8,885
Farmers Markets (WA) Pty Ltd	Waiver of hire fees	\$5,956

In 2020 to date, Council has approved approximately \$36,629 of additional subsidies and waivers of fees for venue bookings. A summary of those 2020 additional subsidies and waivers of fees in excess of \$5,000 has been provided below:

Group	Request type	Amount approved
Whitford Senior Citizens Club	Additional subsidy	\$24,616
University of the Third Age (U3A) Inc – Joondalup Region	Waiver of hire fees	\$6,071
Kingsley Seniors Group	Waiver of hire fees	\$5,942

The City has recently been challenged with an operating deficit with it paying significant amounts in grants and contributions, while also waiving and subsidising a large amount for City fees for use of its reserves and facilities. Continuing to approve fee waivers and additional subsidy requests for groups that do not meet the criteria of the policy will not assist the City in managing its ongoing operating deficit.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The *Property Management Framework* aims to support the equitable, efficient and effective management of City-owned and managed properties. The framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate. The framework also aims to protect and enhance the City's property assets for the benefit of the community and for future generations.

Consultation

Not applicable.

COMMENT

The intent of the *Facility Hire Subsidy Policy* is to achieve more equitable and greater use of City facilities. It is important that the classification of groups within the policy for levels of subsidisation remains consistent. However, if a group requires further consideration relating to fees, Council has the option to waiver those fees.

It should be noted that the *Property Management Framework* and the *Facility Hire Subsidy Policy* are currently under review. This review is expected to be completed by mid-2020.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 DOES NOT AGREE to the request to waive the hire fees for the Greenwood Tennis Club (Juniors) for the use of Warwick Open Space tennis courts in 2020;**
- 2 NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.**

ITEM 10 REQUEST FOR TENDER 039/19 - PROVISION OF WORKS TO SUPPLY LANDSCAPING AND IRRIGATION WORKS TO JOONDALUP DRIVE WESTERN VERGE

WARD	North
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	108390, 101515
ATTACHMENT	Attachment 1 Summary of 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 Environmental Industries Pty Ltd for the provision of works to supply landscaping and irrigation works to Joondalup Drive western verge.

EXECUTIVE SUMMARY

Tenders were advertised on 30 November 2019 through a state-wide public notice for the provision of works to supply landscaping and irrigation works to Joondalup Drive western verge. Tenders closed on 19 December 2019. A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- The Trustee for Horizon West Trust trading as Horizon West Landscape Constructions.

The submission from Environmental Industries Pty Ltd represents best value to the City. It provided a detailed submission which outlined the qualifications and relative experience of key personnel and demonstrated extensive experience providing landscape and irrigation services to other local government agencies including the City. The company's methodology, use of sub-contractors, and timelines for construction have all been clarified and meet the City's requirements.

It is therefore recommended that Council ACCEPTS the tender submitted by Environmental Industries Pty Ltd for the provision of works to supply landscaping and irrigation works to Joondalup Drive western verge as specified in Tender 039/19 for the total fixed lump sum of \$374,116.30 (GST exclusive).

BACKGROUND

The City has a requirement for the supply and installation of landscaping and irrigation to Joondalup Drive western verge as part of the City's *Centre Streetscape Renewal Program*. The services include, but are not limited to:

- determination of existing overhead and underground site facilities and services locations
- preparation of Roadworks Traffic Manager endorsed *Traffic Management Plan* using the City's issued *Traffic Management Plan* diagrams and submission of a *Notification of Roadworks to Main Roads WA*
- set out of works to include all above and below ground services, and hard and soft landscape works
- eradication of all existing grass and weeds throughout the soft landscape areas
- excavation and filling of areas to lines, grades and levels
- supply and installation of concrete paths, dual use paths, crossovers, handrails and pedestrian ramps, and construction of a reconstituted block wall
- installation of landscaping and irrigation
- completion of 'As Constructed' drawings.

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 works to supply landscaping and irrigation to Joondalup Drive western verge was advertised through state-wide public notice on 30 November 2019. The tender period was for two weeks and tenders closed on 19 December 2019.

Tender Submissions

A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- The Trustee for Horizon West Trust trading as Horizon West Landscape Constructions.

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

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

The qualitative weighting method of 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 standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. The predetermined minimum acceptable qualitative score for this tender was set at 50%.

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

Qualitative Criteria		Weighting
1	Demonstrated experience in completing similar projects	50%
2	Capacity	25%
3	Demonstrated understanding of the required tasks	20%
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

Horizon West Landscape Constructions scored 64.6% and was ranked second in the qualitative assessment. The company demonstrated considerable experience in construction works similar to the City's scope of works and provided examples of five projects it had undertaken for local government and commercial entities. It did not state whether all projects were recent. The company is well-established and nominated key personnel for the contract with appropriate experience and qualifications. The company has achieved accreditation to *Australian Standards for Environmental and Occupational Management Systems* however documents supporting its safety and quality management systems were not provided. The company demonstrated a good understanding of the required tasks and addressed most elements of the construction program.

Environment Industries Pty Ltd scored 67.4% and was ranked first in the qualitative assessment. It demonstrated extensive experience completing similarly scoped projects and identified four recent projects which it had conducted for local government. The company provided considerable information to demonstrate the capabilities of key personnel nominated for the contract. The company has obtained accreditation for Australian Standards relating to Quality, Environment and Occupational Health and safety management systems. It demonstrated reasonable understanding of the required tasks by providing a methodology covering the main aspects of the construction program. Clarification was required regarding the use of sub-contractors, management plans and staff availability and the panel is now satisfied that the company understands and can comply with the City's requirements.

Given the minimum acceptable qualitative score of 50%, Environmental Industries Pty Ltd and Horizon West Landscape Constructions qualified for stage two of the assessment.

Price Assessment

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

Tenderer	Contract Price
Environmental Industries Pty Ltd	\$374,116
Horizon West Landscape Constructions	\$444,784

Evaluation Summary

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

Tenderer	Price Ranking	Total Contract Price	Qualitative Ranking	Weighted Percentage Score
Environmental Industries Pty Ltd	1	\$374,116	1	67.4%
Horizon West Landscape Constructions	2	\$444,784	2	64.6%

Based on the evaluation result the panel concluded that the offer from Environmental Industries Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

Landscaping and associated works are required to Joondalup Drive western verge to complete the *City's Centre Streetscape Renewal Program*. The City does not have the internal resources to complete the project and as such, requires an 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 clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Landscaping is suitable for the immediate environment and reflects community values.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be low. The project forms part of the *City's Centre Streetscape Renewal Program* but is not a high priority as it does not contribute to public safety.

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

Financial / budget implications

Account no.	SSE2056.
Budget Item	City Centre Streetscape Renewal Program.
Budget amount	\$ 509,460
Amount spent to date	\$ 39,555
Committed	\$ 1,500
Proposed cost	\$ 374,116
Balance	\$ 94,289

The balance does not represent any savings at this time as the budget amount covers other activities within the program which are separate to this contract.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Consultation

The City will notify all local businesses surrounding Joondalup Drive that may be impacted by the works.

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 Environmental Industries Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Environmental Industries Pty Ltd for the provision of works to supply landscaping and irrigation works to Joondalup Drive western verge as specified in Tender 039/19 for the fixed lump sum of \$374,116.30 (GST exclusive) for completion of the works by 1 September 2020.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf200310.pdf](#)

ITEM 11 PROVISION OF AUTOMATED EXTERNAL DEFIBRILLATORS AT CITY VENUES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	103651, 101515
ATTACHMENT	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the provision of automated external defibrillators (AEDs) at City venues.

EXECUTIVE SUMMARY

At its meeting held on 19 March 2019 (C14-03/19 refers), Council requested a report to “*examine the costs and benefits of the City installing defibrillators in City managed district and regional community centres and to undertake a review of current facility hire terms under which the hire party is responsible for the maintenance of any installed defibrillator.*”

At its meeting held on 19 November 2019 (CJ157-11/19 refers), a report was presented to and considered to which Council resolved that it:

- “1 *NOTES the findings of the report on the provision of automatic external defibrillators in community facilities;*

- 2 *SUPPORTS the targeted roll out of Automated External Defibrillator units throughout the City of Joondalup;*

- 3 *REQUESTS the Chief Executive Officer, in consultation with St. John Ambulance Western Australia Limited, prepare a report to be submitted to Council by March 2020, detailing a targeted approach to the provision of automatic external defibrillators with specific consideration of areas within the City in which there is significant levels of public and organised activity, namely:*
 - 3.1 *Chichester Park, Woodvale;*
 - 3.2 *Heathridge Park, Heathridge;*
 - 3.3 *Iluka District Open Space, Iluka;*
 - 3.4 *Kingsley Park, Kingsley;*
 - 3.5 *MacDonald Park, Padbury;*
 - 3.6 *Percy Doyle Reserve, Duncraig;*
 - 3.7 *Penistone Park, Greenwood;*
 - 3.8 *Seacrest Park, Sorrento;*
 - 3.9 *Warwick Open Space, Warwick.”*

There are currently 115 AEDs registered with St John within the City of Joondalup. Of these 115 AEDs, only 25 are publicly available 24 hours a day, seven days a week. While this number is growing (up from 84 total and 18 publicly available in August 2019) there are still opportunities for the City to increase the provision of publicly accessible AEDs onto its facilities.

The City has consulted with St John Ambulance WA in the preparation of this report and prepared a proposed roll out of AEDs. The consideration included an analysis of existing AED provision, incidences of reported cardiac arrest and areas of public activation and activity.

The City is therefore proposing the roll out of 27 AEDs at 21 community facilities and six coastal toilet locations throughout the City of Joondalup.

As the City does not currently have any funds allocated for the purchase and install of AED units within the City, it is proposed to undertake a staged approach to their roll out. Stage one is proposed to take place in 2020-21 and will include 15 facilities at a cost of \$38,070, stage two is proposed to take place in 2021-22 and will include 12 facilities at a cost of \$30,456.

Should Council support this project, it would also be required to list these funds for consideration within the 2020-21 and 2021-22 budgets.

It is therefore recommended that Council:

- 1 *APPROVES the staged approach for the roll out of 27 automated external defibrillators on City facilities as detailed in this Report, at a cost of \$38,070 (15 units) in 2020-21 and \$30,456 (12 units) in 2021-22;*
- 2 *LIST FOR CONSIDERATION \$38,070 in the 2020-21 budget and \$30,456 in the 2021-22 budget for the roll out of 27 automated external defibrillators;*
- 3 *NOTES that further funds will be required in future years for the replacement of automated external defibrillators and their consumables.*

BACKGROUND

At its meeting held on 19 March 2019 (C14-03/19 refers), Council requested a report to “*examine the costs and benefits of the City installing defibrillators in City managed district and regional community centres and to undertake a review of current facility hire terms under which the hire party is responsible for the maintenance of any installed defibrillator.*”

A report was considered by Council its meeting held on 19 November 2019 (CJ157-11/19 refers), which explored the following options for the provision of AEDs across the City of Joondalup:

- Option one - continue to facilitate the provision of AEDs by user groups, and support this through existing processes.
- Option two - a mass coverage approach of installing and maintaining AEDs in all City managed community facilities.
- Option three - a targeted approach of AED provision across the entire City in consultation / partnership with St John Ambulance Western Australia Limited (St John).

Council subsequently resolved that it:

- “1 *NOTES the findings of the report on the provision of automatic external defibrillators in community facilities;*
- 2 *SUPPORTS the targeted roll out of Automated External Defibrillator units throughout the City of Joondalup;*
- 3 *REQUESTS the Chief Executive Officer, in consultation with St John Ambulance Western Australia Limited, prepare a report to be submitted to Council by March 2020, detailing a targeted approach to the provision of automatic external defibrillators with specific consideration of areas within the City in which there is significant levels of public and organised activity, namely:*
 - 3.1 *Chichester Park, Woodvale;*
 - 3.2 *Heathridge Park, Heathridge;*
 - 3.3 *Iluka District Open Space, Iluka;*
 - 3.4 *Kingsley Park, Kingsley;*
 - 3.5 *MacDonald Park, Padbury;*
 - 3.6 *Percy Doyle Reserve, Duncraig;*
 - 3.7 *Penistone Park, Greenwood;*
 - 3.8 *Seacrest Park, Sorrento;*
 - 3.9 *Warwick Open Space, Warwick.”*

DETAILS

An AED is a portable battery-operated electronic device that when connected to a patient automatically diagnoses the potentially life-threatening cardiac arrhythmias of ventricular fibrillation and ventricular tachycardia and can treat them through defibrillation. Defibrillation is the application of electrical therapy which stops the arrhythmia, allowing the heart to re-establish an effective rhythm.

AEDs are designed to be simple to use, and the use of AEDs is taught in many first aid, first responder and basic life support level classes.

AEDs generally have a lifespan of eight to 10 years at which time they are replaced. However, the AED units are comprised of several consumable items including pads which are attached to the patient and the battery providing the power. Pads and batteries are generally required to be replaced after four years. Newer model AEDs do have functionality to assist in this replacement schedule including Wi-Fi connectivity and audio and visual warnings, however all owners of AED units should have a regular inspection schedule in place to ensure the unit is always available and ready for use.

Current provision of AEDs in City managed facilities

To meet the City's strategic objective of providing quality facilities, the City provides specific equipment items in its facilities for users. These items include chairs, tables and ovens, and do not include supplementary items such as small appliances (such as toasters and microwaves), first aid supplies (such as first aid kits) or sport equipment. Users of City managed facilities are required to provide their own supplementary items as required.

The City's *Terms and Conditions of Hire* require the approved hirer to be responsible for the safety and security of all persons invited into the facility in line with their activity. This includes hirers providing their own first aid equipment for use during their booking. The City is aware of many user groups who already maintain their own first aid equipment and many already own an AED.

Currently, the City manages requests from users wishing to install their own AED in a City managed facility through the Club Funded Facility Upgrade (CFFU) process. Through this, users can obtain permission from the City to install an AED at a City managed facility, and the user is responsible for all maintenance and costs that arise (including replacement of pads and batteries).

The City does currently have AEDs located at several City managed facilities, including Craigue and Duncraig Leisure Centres, Heathridge and Currambine Community Centres, the Joondalup Administration Building, the Works Operation Centre and the Joondalup Library. These units are provided at these facilities as they are (or have previously been) staffed by City officers who can provide assistance in an emergency.

Provision of AEDs elsewhere within the City of Joondalup

Although the City has not installed AEDs in all City managed facilities, there are many already located within the City of Joondalup which can be accessed by the public. It is noted that many community groups own a portable AED as part of their first aid kits, and St John and Lotterywest offer a grant program to assist groups in the purchase of a portable or fixed AED.

According to St John there are 115 publicly accessible AEDs registered in the City of Joondalup (up from 84 reported in August 2019). In addition to these, the City believes that a significant number of sporting clubs and community groups have procured their own units, therefore increasing the number available (albeit not publicly).

It should be noted that of the 115 AEDs already available throughout Joondalup, only 25 are publicly accessible 24 hours a day. Most AEDs are located within an office or building that has limited opening hours, therefore reducing the availability of these units in an emergency. Both Mullaloo and Sorrento Surf Life Saving Clubs along with many other community groups and service providers as well as a small number of private residences in partnership with St John and Lotterywest have recently installed an externally mounted, publicly accessible AED.

In its report, *Rapid Literature Review on Public Access to Defibrillation*, NSW Health explores cost effective AED placement. The report shows there is enough evidence to support placement in high public traffic areas such as airports and railway stations, or areas where access to emergency services is highly restricted. The *2018 St John Ambulance WA OHCA Annual Report* also identifies that the majority (74.3%) of cardiac incidences take place in a private setting (at home) rather than a public setting and that based on current evidence, a mass coverage approach is not the most cost-effective way to supply AEDs. Instead, the report suggests undertaking a targeted approach to consider area, access and cardiac event frequency.

St John manages the WA Community First Responder (CFR) program which aims to connect AEDs to cardiac arrest victims prior to an ambulance arriving. As part of the program, St John maintains the 'First Responder' app which includes a map of all publicly accessible AEDs that have been registered in Western Australia and contact details for the AED owner. This information is used by '000' Communication Officers to advise callers of the closest AED during an emergency so that critical assistance can be provided prior to the arrival of an ambulance. The app can also be downloaded to any smartphone, so anyone can access AED location information at any time.

Issues and options considered

The City has consulted with St John Ambulance WA in the preparation of this report and prepared a proposed roll out of AEDs throughout the City of Joondalup. The consideration included an analysis of existing AED provision, incidences of reported cardiac arrest and areas of high levels of public activation and activity. Through this process the City identified that a number of the community facilities identified by Council at its meeting held on 19 November 2019 (CJ157-11/19 refers) for specific consideration have recently had an AED installed by user groups through the Lotterywest grant program (including Fleur Freame Pavillion (MacDonald Park), Percy Doyle Football and Tee-ball Clubrooms, and Chichester Park Clubrooms).

The City is therefore proposing the roll out of AEDs at 21 community facilities throughout the City of Joondalup, including:

- Heathridge Park Clubrooms, Heathridge
- Iluka Sports Complex, Iluka
- Kingsley Memorial Clubrooms, Kingsley
- Penistone Park Community Sporting Facility, Greenwood
- Seacrest Park Community Sporting Facility, Sorrento
- Warwick Bowling Club, Warwick
- MacNaughton Park Clubrooms, Kinross
- Currambine Community Centre, Currambine
- Admiral Park Community Sporting Facility, Heathridge
- Forrest Park Community Sporting Facility, Padbury
- Gibson Park Community Facility, Padbury
- Mildenhall, Duncraig
- Beaumaris Community Centre, Ocean Reef
- Connolly Community Centre, Connolly
- Rob Baddock Community Hall, Kallaroo
- Flinders Park Community Hall, Hillarys
- Whitford Senior Citizens Centre, Hillarys
- Sorrento Community Hall, Sorrento
- Calectasia Hall, Greenwood
- Warwick Hall, Warwick
- Ellersdale Park Clubrooms, Warwick.

As well as the 21 community facilities listed above; the City is also proposing to roll out AEDs to several significant coastal path toilet blocks throughout the City of Joondalup. While these areas do not specifically service a large residential area the way a community facility does, they are in areas that experience high levels of public attraction and often with high levels of physical activity and exertion, both factors in an increased incidence of cardiac arrest.

The City is therefore proposing to also roll out six AEDs at coastal toilet locations throughout the City of Joondalup, including:

- Burns Beach Park toilets
- Iluka Beach Park toilets
- Ocean Reef Beach Park (boat harbour) toilets
- Hillarys Foreshore Reserve (Whitford Dog Beach) toilets
- Hillarys Beach Park (Whitford Nodes) toilets
- Marmion Foreshore Reserve (adjacent to Marmion Aquatic and Angling Club) toilets.

It should be noted that the City is not proposing to place AEDs within the patrol areas of the Mullaloo or Sorrento Surf Life Saving Clubs. Both clubs already operate AEDs within their patrols and have public 24/7 available AEDs on their clubrooms. The Surf Life Saving WA “Surfcom” communications network also provides a direct link between emergency services (including St Johns) and volunteer and professional lifeguards on patrol.

Should the City purchase AEDs, it would be responsible for their installation on these venues. It is estimated it would cost approximately \$100 per unit to install.

As the City does not currently have any funds allocated for the purchase and install of AED units, it is proposed to undertake a staged approach to their roll out. Stage one is proposed to take place in 2020-21 and will include 15 facilities, including:

- Heathridge Park Clubrooms, Heathridge
- Iluka Sports Complex, Iluka
- Kingsley Memorial Clubrooms, Kingsley
- Penistone Park Community Sporting Facility, Greenwood
- Seacrest Park Community Sporting Facility, Sorrento
- Warwick Bowling Club, Warwick
- MacNaughton Park Clubrooms, Kinross
- Currambine Community Centre, Currambine
- Admiral Park Community Sporting Facility, Heathridge
- Forrest Park Community Sporting Facility, Padbury
- Gibson Park Community Facility, Padbury
- Mildenhall, Duncraig
- Connolly Community Centre, Connolly
- Rob Baddock Community Hall, Kallaroo
- Warwick Hall, Warwick.

Stage two is proposed to occur in 2021-22 and will include 12 facilities, including:

- Beaumaris Community Centre, Ocean Reef
- Flinders Park Community Hall, Hillarys
- Whitford Senior Citizens Centre, Hillarys
- Ellersdale Park Clubrooms, Warwick
- Sorrento Community Hall, Sorrento
- Calectasia Hall, Greenwood
- Burns Beach Park toilets
- Iluka Beach Park toilets
- Ocean Reef Beach Park (boat harbour) toilets
- Hillarys Foreshore Reserve (Whitford Dog Beach) toilets
- Hillarys Beach Park (Whitford Nodes) toilets
- Marmion Foreshore Reserve (adjacent to Marmion Aquatic and Angling Club) toilets.

In total the City is proposing to purchase and install 27 AEDs over two years in partnership with St John Ambulance WA and their Community First Responder program at a cost of \$68,526.

It is also proposed that the City would continue to promote the Lotterywest grant scheme for user groups to purchase their own defibrillators, though this would result in non-targeted coverage across the City. As the ongoing maintenance costs for the AEDs through this scheme are the responsibility of the user groups, this may act as a deterrent to groups looking to purchase a unit.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities and Community safety.

Strategic initiative

- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.
- Build a healthy community that is aware of and responsive to current public health risks.

Policy Not applicable.

Risk management considerations

The primary risk consideration in relation to the provision of AEDs is ensuring that should they be deployed, they are deployed in a way that maximises their effectiveness and availability.

Should the City make AEDs publicly available (whether available to the public at large, or just community facility users) these units are required to be maintained. While mostly self-contained, all AED units do require regular inspection to ensure they are not only working as expected but are also available for use as needed. This would require regular inspections to test the AED units and ensure there has been no vandalism or theft of the units.

These risks can reasonably be managed through a regular inspection program. Should the units be registered with the St John Community First Responder Program, St John provides a series of services to assist with AED use and ongoing management, which includes an annual inspection of the unit by trained professionals. St John can also provide training to City staff who may undertake inspections during routine community facility visits. Should the City provide AEDs throughout Joondalup, it would be envisioned that the City would work with St John to schedule bi-annual inspections, one being undertaken by each party.

Should the City make any AED units publicly accessible by mounting on the outside of community facilities it does also increase the risk of vandalism and theft of the units. Given the significant replacement cost of the units, this could be a significant ongoing cost to the City.

It should be noted that two club-owned externally mounted AEDs at the Chichester Park Clubrooms and Timberlane Park Hall have been subject to vandalism and theft in 2019. It could be expected that should the provision of publicly available and externally mounted AEDs increase, the level of vandalism and theft of these units may also increase.

Financial / budget implications

The initial and ongoing costs of each AED unit is summarised below:

Item	Amount	Replacement frequency
AED unit (including housing and signage)	\$2,438	8 years
Installation	\$100	Not applicable
Replacement pads and battery pack	\$430	4 years

The City is proposing to undertake the provision of AEDs under a staged approach.

Stage One

The proposed cost of stage one is:

Item	Amount
Purchase of 15 AED units	\$36,570
Installation of 15 AED units	\$1,500
Total	\$38,070

Stage Two

The proposed cost of stage two is:

Item	Amount
Purchase of 12 AED units	\$29,256
Installation of 12 AED units	\$1,200
Total	\$30,456

An effective replacement program is estimated to cost \$77,436 over the subsequent eight years after purchase, this includes the replacement of consumable batteries and pads in each unit as well as the replacement of the AED unit after eight years.

Based on the proposed two stage approach (15 units in 2020-21 and 12 units in 2021-22), the City would expect to incur the following costs to replace consumables and AED units.

Year	Item	Amount
2024-25	Replacement pads and battery packs for 15 units	\$6,450
2025-26	Replacement pads and battery packs for 12 units	\$5,160
2028-29	Replace 15 AED units	\$36,570
2029-30	Replace 12 AED units	\$29,256

The above costs for replacement pads, batteries and AED units are based on today's prices and do not include inflation or other changes in pricing.

Where a unit has been used in an emergency as directed by St John, they will cover the cost of the replacement pads, battery re-charge or replacement of the AED unit as necessary.

There are no grant programs available to the City to fund the provision of AEDs. Local community groups and clubs are however eligible to receive grants to purchase AEDs. Lotterywest in partnership with St John operate the St John Heart Grant which provides 1,000 AED units at a heavily subsidised rate of \$200 should the unit be registered with the CFR program and externally mounted.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Social

The use of an AED during a cardiac incident has been shown to improve the outcomes of that incident. Data from St John states that for every minute someone is in cardiac shock, their chance of survival reduces by 10 to 12%.

The City recommends that any AED installed at a City venue be registered with the St John Community First Responder Program and be installed in a location able to be accessed at any time. This will ensure the effective use and availability of the AED in an emergency is maximised.

Consultation

The City has consulted with St John Ambulance WA in relation to their support of the provision of AEDs in general as well as their Community First Responder Program. St John Ambulance have provided detailed information regarding existing AED coverage within the City and provided input regarding locations for future AEDs.

The City has also consulted with other local governments who have undertaken similar AED projects. The feedback from these local governments is that the units have been widely welcomed by the community and community groups and have not generally (other than isolated incidents) been subject to vandalism, theft or graffiti, despite their prominent and public positioning.

COMMENT

Should the City increase the provision of AEDs throughout the City of Joondalup, all units will be registered on the CFR program and being externally publicly accessible. By doing this the City would place any AED units provided on the external facade of the relevant building in a secure locked cabinet, therefore making it available to the public as directed by relevant authorities. This ensures the AED units are available for use by the public in an emergency in consultation with '000' Communication Officers who will provide the pin code for that lock box, allowing access when needed.

By registering the units with the CFR program, the City receives the following benefits:

- AED unit is listed on publicly available CFR app as well as with '000' Communication Officers.
- St John provide free training sessions for both AED users as well as City officers in how to inspect and test the unit.
- St John undertake an annual inspection of the AED unit providing a report back to the City.
- If used in an emergency, St John will replace the AED unit, pads and battery as required.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 APPROVES the staged approach for the roll out of 27 automated external defibrillators on City facilities as detailed in this Report, at a cost of \$38,070 (15 units) in 2020-21 and \$30,456 (12 units) in 2021-22;**
- 2 LIST FOR CONSIDERATION \$38,070 in the 2020-21 budget and \$30,456 in the 2021-22 budget for the roll out of 27 automated external defibrillators;**
- 3 NOTES that further funds will be required in future years for the replacement of automated external defibrillators and their consumables.**

ITEM 12 WRITE OFF OF MONIES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	04881, 101515
ATTACHMENT	Attachment 1 Statement of Balance of RT & RC Holdings Pty Ltd Attachment 2 Liquidator's Final Circular to Creditors
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 authorise the amount of \$50,858.54 owed by RT & RC Holdings Pty Ltd to be written off as a bad debt in accordance with section 6.12 (1)(c) of the *Local Government Act 1995*.

EXECUTIVE SUMMARY

This report presents the details of the amount owed to the City by RT & RC Holdings Pty Ltd and actions taken by the City for recovery of the same and the circumstances requiring write off of this amount in the accounts of the City. Council has delegated to the Chief Executive Officer the authority to write off debts up to individual amounts of \$20,000. The amount owed by RT & RC Holdings Pty Ltd exceeds this delegated limit.

It is therefore recommended that Council, in accordance with section 6.12(1)(c) of the Local Government Act 1995, APPROVES the write-off of \$50,858.54 being the balance due from RT & RC Holdings Pty Ltd now determined to be unrecoverable.

BACKGROUND

RT & RC Holdings Pty Ltd was the lessee for Joondalup Reception Centre (Lot 497 (102) Boas Avenue, Joondalup) from 1 November 2006. Following expiry of the long-term lease on 31 October 2015, the arrangement moved to a month-to-month lease of the premises while the City considered options for a longer term arrangement at the Joondalup Reception Centre. As the terms and conditions of the month-to-month lease agreement were not met during this time, including non-payment of monthly lease charges, a notice of termination was served by the City in July 2016. The outstanding balance represents the lease charges and related outgoings for the period 1 December 2015 to 31 August 2016.

DETAILS

All attempts made by City officers to negotiate a settlement of the debt of \$59,858.54 with the lessee failed. The debt being in default, the City proceeded to enforce a bank guarantee of \$9,000 that was held as part of the original lease agreement. On 16 November 2016, the remainder of the debt of \$50,858.54 was handed over to the debt collection agency, Dun and Bradstreet, to proceed with recovery. As the agency's standard collection process did not yield any positive results, Dun and Bradstreet recommended initiating legal proceedings for recovery.

The City authorised Dun and Bradstreet on 31 May 2017 to engage Milton Graham Lawyers (MGL) to proceed with legal action to recover the debt. Following lodgement of a summons, on 5 January 2018 the Magistrates Court (Perth) of Western Australia granted the City judgement against the defendant, RT & RC Holdings Pty Ltd, for the outstanding amount as well as court and legal costs with interest. MGL subsequently issued a letter of demand to RT & RC Holdings Pty Ltd. No response was received from the defendant to this letter of demand or the subsequent Creditor's Statutory Demand served by the lawyers in February 2018.

The City was advised that the best option to truly determine the capacity of RT & RC Holdings Pty Ltd to pay any of the outstanding amounts would be to apply for a winding up order so that an independent liquidator could investigate the company's affairs and determine actual capacity to pay. The City therefore instructed MGL, now rebranded as CLI Lawyers, to proceed with an application to the court for a winding up order. The application was successful and Cor Cordis was appointed as the liquidator to carry out the winding up proceedings. The liquidator submitted the final report on 14 May 2019 stating the completion of the winding up proceedings and that no dividends were available to any class of creditors (Refer Attachment 2). The liquidator also submitted an application to ASIC for deregistration of RT & RC Holdings Pty Ltd and the company was deregistered on 18 August 2019. Advice to this effect was received from CLI Lawyers after some delay, in January 2020.

Issues and options considered

Write off the outstanding amount

The City has exhausted all reasonable and legal measures available for debt recovery and it is considered that no further action is feasible.

This option is recommended.

Do not write off the outstanding amount

Under current accounting standards, the amount of this debt will need to be fully impaired owing to the very limited likelihood of recovery, following the actions that have been taken. The feasibility of any further actions is questionable and would likely result in additional costs being incurred with little reasonable prospect of success, even if other actions were available. However, even if further actions were to be explored, this can be done without retaining the debt on the City's books.

This option is NOT recommended.

Legislation / Strategic Community Plan / policy implications

Legislation Section 6.12 (1)(c) of the *Local Government Act 1995* states:

Subject to subsection (2) and any other written law, a local government may write off any amount of money, which is owed to the local government.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Manage liabilities and assets through a planned, long-term approach.

Policy Not applicable.

Risk management considerations

The City has minimised the risk of non-recovery by following debt recovery processes as prescribed in legislation and, through this process, determined that the outstanding amount is not recoverable.

Financial / budget implications

A provision for doubtful debts is included in the financial statements for the year ended 30 June 2019 that is sufficient to absorb the \$50,858.54 write-off with no impact on the current year's operating results.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City has exhausted all reasonable means available for the recovery of debt due from RT & RC Holdings Pty Ltd and it is considered appropriate that the unpaid amount be written off as it is not considered to be recoverable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, in accordance with section 6.12(1)(c) of the *Local Government Act 1995*, APPROVES the write-off of \$50,858.54 being the balance due from RT & RC Holdings Pty Ltd now determined to be unrecoverable.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf200310.pdf](#)

ITEM 13 PETITION IN RELATION TO INSTALLATION OF TRAFFIC CONTROLS AT THE INTERSECTION OF WALTER PADBURY BOULEVARD AND HEPBURN AVENUE, PADBURY

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	10105, 101515
ATTACHMENT	Attachment 1 Location plan
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the petition requesting the installation of traffic lights at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury.

EXECUTIVE SUMMARY

At its meeting held on 19 November 2019 (C145-11/19 refers), Council received a 32 signature petition from residents of the City of Joondalup seeking support for the installation of traffic signals at Hepburn Avenue and Walter Padbury Boulevard, Padbury.

The City has previously investigated the installation of traffic signals at this location. Following advice received from Main Roads WA (MRWA) the City commissioned a Major Road Network Review (MRNR) to inform the future network requirements and prioritise improvements to specific sections or intersections of the City's major arterial roads. This review included the development of a traffic model utilising growth factors to project the traffic volumes and road performance for 2021, 2026 and 2031. Hepburn Avenue, as a key east/west arterial road was included in this review.

The outcome of the review of Hepburn Avenue concluded that the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury was performing and will continue to perform for the modelling period (up to 2031) at an acceptable level of service (LoS) and that modifications are therefore not required.

It is therefore recommended that Council:

- 1 *NOTES that the findings of the Major Road Network Review do not support the installation of traffic lights at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury;*

- 2 *SUPPORTS retaining the existing T-Junction treatment at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury;*
- 3 *NOTES that the traffic model underpinning the Major Road Network Review will be reviewed and updated to reflect any changes in traffic volume and or travel behaviours which may result in future modifications to the layout and/or treatment of the Hepburn Avenue and Walter Padbury Boulevard intersection;*
- 4 *ADVISES the lead petitioner of its decision.*

BACKGROUND

At its meeting held on 19 November 2019 (C145-11/19 refers), Council received a 32 signature petition from residents of the City of Joondalup requesting the following:

- “1 *Provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;*
- 2 *Council resolutely lobby the State Government’s Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed.”*

The City has previously investigated the intersection of Hepburn Avenue and Walter Padbury Boulevard for the installation of traffic signals following the opening of St Stephens School Early Learning Centre in 2011 and the potential impact on traffic for the local area.

Throughout 2013 and 2014 the City liaised with MRWA to seek an agreement in principle for the installation of traffic signal controls at this location. In October 2014, MRWA advised that traffic signals at this intersection were not supported for a number of reasons including the low volume of traffic on the side road, the intersections relatively low crash rates/ranking and increasing traffic congestion on Hepburn Avenue. MRWA recommended that the City consider developing its own strategic road network plans.

Following advice from MRWA the City commissioned the Major Road Network Review (MRNR) which commenced in October 2015 and was completed in June 2019. Within the MRNR is the city-wide mesoscopic transport model covering the City of Joondalup boundary which provides an insight into existing and expected traffic patterns on a city-wide level. Hepburn Avenue was one of the 11 road corridors that was assessed in further detail at the microsimulation level. By modelling the road corridor, the impacts of individual intersection improvements on the overall movement of vehicles along the road corridor can be understood. The findings of the MRNR were intended to be a strategic plan for the implementation of intersection upgrades across the City’s road network.

DETAILS

Through the MRNR, the Hepburn Avenue corridor was assessed in 2017 at a more detailed microsimulation level for the weekday morning and afternoon peak hours to determine future intersection upgrades that maybe required. The peak hours were determined to be 8.00am – 9.00am and 5.00pm – 6.00pm respectively, as determined by traffic video surveys conducted in March 2017. This data formed the demands for the base year model.

Future year demands were based on MRWA's strategic transport model ROM24, which is based on land use data and is used to project travel demand patterns in Perth and covers the entire Perth metropolitan region from Yanchep to Mandurah. These projected travel demand patterns provided the base data for the years 2021, 2026 and 2031 used in the Hepburn Avenue microsimulation model.

The outputs of the model include level of service (LoS) for the AM and PM peaks for the base year and future years. The LoS is a qualitative stratification of the performance measure or measures representing quality of service. There are six levels of service, designated A to F, with LoS A representing the best operating condition and service quality from the user's perspective and LoS F the worst. In the case of the intersections along the Hepburn Avenue corridor, the LoS measure is the average delay per vehicle.

MRNR findings

The modelling indicated the LoS for the intersection of Hepburn Avenue and Walter Padbury Boulevard was within acceptable levels for both the morning and afternoon peaks for the assessed year (2017) and future years up to 2031. The review did not recommend any modifications to this intersection, however, when taking a holistic view of the Hepburn Avenue corridor, recommended improvements to the Hepburn Avenue and Lilburne Road intersection. This intersection, whilst currently performing within an acceptable LoS, will require a future upgrade to a roundabout to maintain performance levels. The timing of the upgrade will be in line with the expected LoS deterioration and prioritised alongside other major intersection upgrades required by the City.

An extract of the traffic survey data used in the model development is provided below which demonstrates the vehicle demands for side roads on Hepburn Avenue between Marmion Avenue and the Mitchell Freeway. The intersections with the signalised and the roundabout controls service a higher vehicle demand than those with the give way control. Of the two give way control intersections, Lilburne Road has a higher vehicle demand in comparison to Walter Padbury Boulevard in the modelled periods.

Table 1: Extract traffic survey data Thursday 9 March 2017

Hepburn Avenue intersection with	Current Intersection Control	AM Peak 8.00am – 9.00am		PM Peak 5.00pm – 6.00pm	
		Access (veh)	Egress (veh)	Access (veh)	Egress (veh)
Gibson Avenue	Signalised	438	770	513	322
Lilburne Road	Give Way	361	320	246	223
Walter Padbury Boulevard	Give Way	161	225	193	138
Glengarry Drive	Roundabout	410	429	282	361

Crash analysis

To ensure there are no significant issues with the design layout of the Hepburn Avenue and Walter Padbury Boulevard intersection, a crash analysis was undertaken of the most recent five-year crash history being the period January 2014 to December 2018. The results of the analysis revealed that there were two reported crashes at this location. A comparison with other intersections on Hepburn Avenue was undertaken and is provided below.

Table 2: Examples of crash ranking and five-year crash numbers for Hepburn Avenue intersections

Hepburn Avenue intersection with	Intersection Ranking	*Casualty Crash Numbers (2014-2018)	Total Crash Numbers (2014-2018)	Current Intersection Control
Gibson Avenue	28	20	43	Signalised
Glengarry Drive	46	9	30	Roundabout
Kingsley Drive	49	3	30	Signalised
Cockman Road	59	5	24	Give Way
Moolanda Boulevard	79	5	16	Give Way
Allenswood Rd	86	3	15	Give Way
Lilburne Road	95	1	12	Give Way
Seacrest Drive	108	2	9	Give Way
Goollelal Drive	109	4	9	Give Way
Waraker Drive	121	5	8	Give Way
Barridale Drive	123	2	8	Give Way
Orbell Road	141	3	6	Give Way
Karuah Way	144	3	6	Give Way
Walter Padbury Boulevard	Not ranked	1	2	Give Way
Brookmount Ramble	Not ranked	1	1	Give Way

*Casualty crashes refer to injury related crashes involving medical treatment.

Intersection ranking figures shown in the second column of Table 2 above are the ranking for the associated intersections/locations within the City of Joondalup that meet the MRWA minimum recorded crash criteria for Black Spot funding eligibility. The minimum crash criteria for the Australian Government Black Spot Program is three casualty crashes over five years and the State Black Spot criteria is five crashes over five years. The intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury does not meet these requirements and thus is not ranked.

Issues and options considered

Options One – Pursue the installation of traffic signals at the intersection

It is an option for the City to write to MRWA again to reconsider their position regarding supporting the installation of traffic signals at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury.

However, MRWA is unlikely to change their position as there has not been any notable changes to the traffic volumes, crash data and traffic congestion at the intersection since 2014.

Options Two - Modify the intersection to a dual-lane roundabout

It is an option for the City to upgrade the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury to a dual-lane roundabout.

Although there will be an improved level of service for drivers to access/egress Walter Padbury Boulevard with a dual-lane roundabout, the modelling through the MRNR indicates that the future demand on the Lilburne Road intersection is greater than that for the Walter Padbury Boulevard intersection, and therefore, the Lilburne Road intersection would have a higher priority for a dual-lane roundabout treatment. The proximity of Walter Padbury Boulevard to the adjacent intersections, Lilburne Road and Glengarry Drive does not lend itself well to three dual-lane roundabouts.

Option Three – Retain the existing T-junction intersection and continue to monitor

The modelling through the MRNR verified that the intersection of Hepburn Avenue and Walter Padbury Boulevard is and will be operating at a satisfactory level of service as a T-junction intersection at current and future years' predicted demands.

Crash analysis undertaken by the City further demonstrated that an upgrade to this intersection is not a priority when compared to other intersections along the Hepburn Avenue corridor.

The existing road reserve and intersection layout has been designed for a T-junction treatment as part of the original structure planning for the area. As an outcome of the subdivision process, appropriate road reserve widths and verge area clearances to surrounding properties have been provided.

The City will continue to monitor the intersection of Hepburn Avenue and Walter Padbury Boulevard for any changes to the traffic volumes and travel behaviours and update the traffic model which may result in future modifications to the intersection.

Legislation / Strategic Community Plan / Policy implications

Legislation *Road Traffic Code 2000.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated transport planning.

Strategic initiative Understand issues arising from the interaction between current transport modes.

Policy Not applicable.

Risk management considerations

The City commissioned the MRNR to provide a strategic plan for intersection upgrades across the City's road network. This was to ensure that the City allocates available funding for road upgrades to road sections or intersection with either serious road safety issues or significant capacity issues. The risk to the City with not following the prioritisation recommended will be an ad hoc approach to intersection treatments which do not provide the most beneficial outcome for the associated costs. In the case of the intersection of Hepburn Avenue and Walter Padbury Boulevard, the MRNR findings and the most recent five-year crash data confirmed the intersection is operating within acceptable limits.

Financial / budget implicationsOptions One – Pursue the installation of traffic signals at the intersection

Municipal funding, anticipated to be approximately \$350,000 based on estimates of similar type treatments, will be required to install traffic signals at the intersection as Black Spot funding for treatment is not available due to low crash rate.

Options Two - Modify the intersection to a dual-lane roundabout

Significant municipal funding, anticipated to be in between of \$1 million and \$1.5 million based on estimates of similar type treatments, will be required to modify the existing intersection to a dual-lane roundabout treatment as Black Spot funding for treatment is not available due to low crash rate.

Option Three – Retain the existing T-junction intersection and continue to monitor

No additional funding is required, the City will continue to monitor the intersection.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No consultation has been undertaken with residents.

COMMENT

The City receives many requests to provide traffic management measures on local roads. The requests are assessed by objective data and prioritised based on a number of factors including traffic volumes, crash history and strategic alignment. The City has invested a significant amount of time into the development of the MRNR. Its findings have already assisted the City in grant funding applications for the 2020-21 funding round to address intersections requiring capacity improvements for current demand and future proofing. While detailed intersection analysis is required for each submission, the findings of the MRNR provides a prioritised schedule of upgrades for the City to program into its budgeting process.

The intersection of Hepburn Avenue and Walter Padbury Boulevard was determined to be performing within acceptable limits and does not require modifications. As the comparative crash analysis data reveals, there are other intersections along Hepburn Avenue that require attention and further assessment from a road safety perspective. Several of these intersections were previously identified and modifications have been made. It is expected that the recorded crash numbers for these intersections will reduce in future years.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** NOTES that the findings of the Major Road Network Review do not support the installation of traffic lights at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury;
- 2** SUPPORTS retaining the existing T-Junction treatment at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury;
- 3** NOTES that the traffic model underpinning the Major Road Network Review will be reviewed and updated to reflect any changes in traffic volume and or travel behaviours which may result in future modifications to the layout and/or treatment of the Hepburn Avenue and Walter Padbury Boulevard intersection;
- 4** ADVISES the lead petitioner of its decision.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf200310.pdf](#)

REPORT – POLICY COMMITTEE – 24 FEBRUARY 2020

ITEM 14 DRAFT PLANNING CONSULTATION LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	108216, 101515
ATTACHMENTS	Attachment 1 Draft <i>Planning Consultation Local Planning Policy</i> - as advertised Attachment 2 Community Engagement Outcomes Report Attachment 3 Draft <i>Planning Consultation Local Planning Policy</i> - proposed modifications (tracked) Attachment 4 <i>Draft Planning Consultation Local Planning Policy</i> - proposed modifications (clean) Attachment 5 Updated Local Planning Policies Attachment 6 Proposed Fees and Charges
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Planning Consultation Local Planning Policy* following public advertising.

EXECUTIVE SUMMARY

At its meeting held on 21 November 2017 (CJ177-11/17 refers), Council committed to preparing a new planning framework for infill development. Council also resolved to request the preparation of a *Planning Consultation Policy* to provide greater certainty and transparency regarding consultation on planning proposals.

The draft *Planning Consultation Local Planning Policy* (the draft LPP):

- elaborates and clarifies the various provisions relating to consultation contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* and the State Government's *Residential Design Codes*
- reflects current consultation practices being undertaken by the City
- proposes consultation that goes above and beyond the requirements of the afore-mentioned planning legislation

- retains some flexibility around planning consultation. Given the varying scale and context of planning proposals, it is not possible or appropriate to mandate a standard method of consultation in all instances for all applications.

At its meeting held on 20 August 2019 (CJ110-08/19 refers), Council resolved to proceed to advertise the draft LPP (Attachment 1 refers) for a period of 21 days. Advertising concluded on 21 November 2019, with 142 submissions received.

A wide range of comments, suggestions and objections was received on various parts of the draft LPP and in general. These comments are all outlined in the *Community Consultation Outcomes Report* at Attachment 2 to this Report.

Following analysis of the submissions, a series of modifications are proposed to the policy, as outlined in this report, which are generally aimed at increasing visibility of consultation on planning proposals. It is therefore recommended that Council supports final adoption of the draft LPP, with modifications.

BACKGROUND

At its meeting held on 21 November 2018 (CJ177-11/17 refers), Council as part of consideration of a report on addressing issues in Housing Opportunity Areas resolved, in part, the following:

“...2 Requests the preparation of a Planning Consultation Policy to provide greater certainty and transparency regarding consultation for planning proposals;...”

The requirement for consultation on planning proposals is principally governed by the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) and *State Planning Policy 7.3 – Residential Design Codes* (the R-Codes). The R-Codes collectively now includes both Volume 1 (relating to single and grouped dwellings) and Volume 2 (relating to multiple dwellings - previously known as Design WA).

These documents outline minimum, and sometimes maximum consultation periods as well as the various methods which can be used for consultation.

For many types of planning proposals/applications, the LPS Regulations do not specifically stipulate how the planning proposal must be advertised. Rather, the LPS Regulations:

- outline that the City should give notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the City, are likely to be affected by the granting of development approval
- provide a range of methods and options that can be employed to do so, only requiring that one (or more) of the methods be used.

In relation to consultation on planning proposals, the R-Codes Volume 1 outlines the following:

- Where a proposal meets deemed-to-comply requirements of the R-Codes, it will not require advertising to adjoining owners and occupiers.
- Where a proposal requires assessment against one or more design principles of the R-Codes, and this may have a possible impact on the amenity of adjoining owners and occupiers, then there may be grounds to advertise the proposal to these owners and occupiers.

- Where the decision-maker needs to judge the merits of a proposal and the merits of the proposal are a matter of technical opinion; and the decision-maker is satisfied it will not adversely impact the adjoining residential property or the street, it is not necessary to seek comment from adjoining owners and occupiers about the proposal, except where specifically required by the scheme or a relevant local planning policy.
- Where a matter is advertised for comment the notification should direct adjoining owners and occupiers to focus their comments to the particular design principle(s) that the proposal is addressing.
- The decision-maker, upon receipt of any comment(s) from adjoining owners and occupiers, is required to consider and balance comment(s) with its technical opinion when it exercises its judgement to determine the proposal.

DETAILS

Purpose of planning consultation

As outlined in the LPS Regulations and the R-Codes (above), the primary purpose of planning consultation is to engage with owners and occupiers in the vicinity of a development site or planning proposal who may potentially be affected by a development or strategic planning proposal, if approved.

The purpose of planning consultation is not to simply notify residents or the broader community of a planning proposal, but to seek feedback from those consulted on how a planning proposal may affect them. It is noted, however, that consultation does serve a function of raising a general awareness of development activity in an area.

Submissions received from a planning consultation play an important role in informing decision-making; however, it is one component of a range of matters that need to be taken into account by the decision-maker. Other factors include the relevant planning legislation or frameworks and the professional judgement of the assessor as to whether the proposal meets the objectives of the frameworks and thereby is considered to have planning merit.

Further, for a submission to have weight and contribute to the decision-making process, it needs to be based on planning merit that is relevant to the specific planning proposal. Consultation on planning proposals is not a 'numbers game', whereby the number of submissions received, or the majority vote of a consultation determines the outcome. In some cases, proposals are refused even when no submissions are received and, in other cases, proposals are approved if they meet the requirements of the planning framework and have planning merit, even if there are many objections to the proposal.

Context of draft *Planning Consultation Local Planning Policy*

Planning legislation and state planning policies have requirements and guidance as to how and when consultation should be undertaken. These requirements and principals must be given a high level of regard when undertaking consultation on planning proposals.

The draft LPP as advertised retains some flexibility around planning consultation. Given the varying scale and context of planning proposals, it is not possible or appropriate to mandate a standard method of consultation for all applications. For example, the level of consultation required on a setback of a patio from the lot boundary versus a large multiple dwelling will be different.

There appears to some misunderstanding within some submissions received that if a development proposal is not placed on the City's website then no consultation is or will be undertaken. This is an incorrect assumption. Consultation often occurs via letters to adjoining and nearby neighbours on applications where minor discretion is being sought, for example, for a building setback to a boundary where the potential impact of the development is confined to the immediately adjoining residents. This form of consultation does not change under the draft policy.

It is important to note that the draft LPP is largely based on the City's current consultation practices for planning proposals and would not result in any reduction in the number of applications where consultation would occur.

The draft LPP as advertised contains the following:

- Objectives.
- Provisions, including:
 - criteria that will be considered when determining the extent of written consultation (such as letters to affected and nearby owners)
 - an appendix containing the duration and methods of consultation for specific types of planning proposals
 - ensuring the availability of appropriate supporting and technical material
 - how consultation over the Christmas and Easter periods will be managed
 - an 'opt-in' option, to receive further updates from the City on the proposal, for example, dates of forthcoming Council meetings and the final decision
 - cost associated with consultation - to be borne by the applicant in accordance with updated fees to be included in the City's *Schedule of Fees and Charges*.

It should be noted that, given the varying scale and context of planning proposals, the draft LPP continues to allow a degree of judgement to be applied to consultation processes, as it is not possible for a 'one size fits all' approach to accommodate all planning proposals. As such, arbitrary limits on the extent of consultation (for example, a set radius) are not included in the draft policy. Rather, a set of criteria has been included to assist in establishing the extent of consultation, given the potential impact a specific proposal may have, being:

- the requirements of the R-Codes in relation to consultation requirements
- the scale and scope of the planning proposal
- the location and proximity to the property in question
- the potential impact of the planning proposal on local amenity, such as vehicle movements, streetscapes and landscaping, among others.

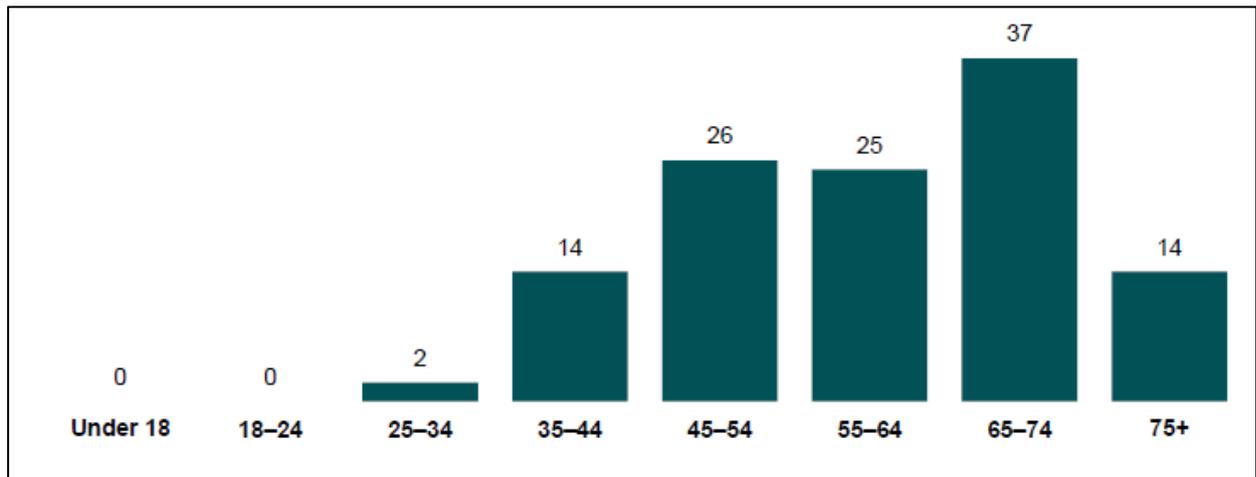
The only exception to the above is for proposed telecommunication towers, where a 400-metre radius is already specified in the City's *Telecommunications Local Planning Policy*.

Submissions

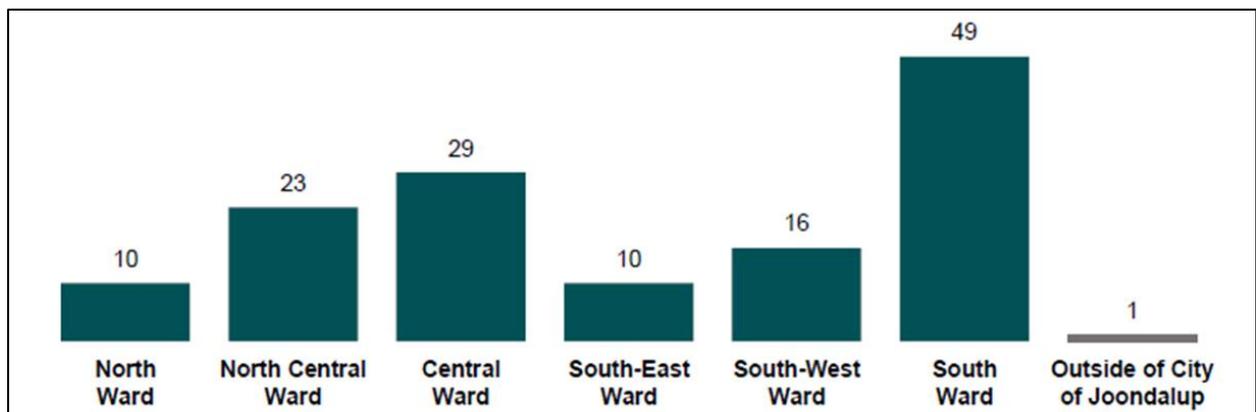
142 valid submissions were received, representing a response rate of 3% of those stakeholders directly contacted (3,231). Valid submissions are those which contain contact details, enable identification and which were submitted during the advertising period. Where multiple submissions were made, these were considered a single response.

It is noted that a number of individual submissions contained identical or repeated statements, similar phrasing and/or similar paragraphing. This suggests these may have been originally written by the same person or persons or developed using a proforma submission. Notwithstanding this, these have been treated as individual submissions where different, individual contact details have been provided.

The age and ward profiles of submitters are shown in the following tables.



Age profile



Ward profile

The full *Community Engagement Outcomes Report* is included as Attachment 2 to this Report.

Many submitters took the opportunity to state their objection to infill development in general and/or state that the policy is attempting to reduce the level of consultation; however, did not provide specific comment on the provisions contained within the draft LPP.

Some general themes from the submissions include:

- objections to infill development in general - not specifically the content of the draft LPP
- greater transparency is needed
- all planning proposals should be advertised on the website - applications for new grouped dwellings (less than five) should continue to be placed on the City's website
- all proposals requiring any form of discretion should be advertised
- all residents adjoining a proposed development should be provided with a letter and copy of plans as part of consultation
- all stakeholders must be provided with information as to how objections have been addressed or why they have not been acted on
- the community has the right to be consulted and should always be able to provide feedback
- the City should always take community feedback into account and should always respond to feedback received.

The key themes of the submissions received, that pertain specifically to the different sections of the draft LPP are discussed below.

Definitions

Comment was received requesting that information or definitions of 'D' (discretionary), 'A' (must be advertised) and 'P' (permitted) be included in the draft LPP.

It is considered appropriate that these definitions be included.

Statement

Comment was received requesting that the policy statement be expanded to include a requirement that all development applications and determinations and/or all building applications and permits issued be reported on the City's website on a monthly basis.

Currently, this information is available as follows:

- A report is included in each Ordinary Council meeting agenda outlining the planning applications determined under delegated authority and the City's recommendations to the Western Australian Planning Commission on subdivision applications for the preceding month.
- A list of the planning and building applications determined in the last month is available on the City's website as part of the online application system (known as ICON). A search on a specific property will provide any applications determined for that property.

It is acknowledged that the above information may not be considered by the community as being readily accessible. The City is therefore already separately investigating improvements to how planning and building data is collated and how these development metrics are reported in a more meaningful and easier to understand way.

It is, however, not considered necessary for this to be included as a statement within the policy as this is more procedural in nature.

5.1.1 Stakeholders

Identification of stakeholders

Comment was made that the identification of stakeholders is insufficient and should include measures such as a radius around a development site for notification letters, or diagrams outlining specific properties to be consulted (for example, adjoining and diagonally and opposite).

Applying a mandatory radius may create comfort for some people, given there would be more certainty about who would get a letter and who would not. However, this does not mean it is an appropriate or effective method of consultation and it may also pose some risk and challenges.

For example, the impact of a minor addition or a new house, or one or two new dwellings on a site, is different to the impact of a larger multiple dwelling (apartment) development. Using the same radius for notification letters for these developments would not be appropriate. Employing different radii for different types of proposals would become very confusing and would not achieve the aim of creating more certainty in relation to who would be consulted directly on a planning application, and who would not.

Further, employing a mandatory radius to determine who to write to is very prescriptive and would not necessarily ensure that all properties potentially affected by a planning proposal would be directly contacted. Conversely, a radius would also inevitably include properties where there would be no direct impact on that property.

As shown in the example below, a defined radius around the property crosses a major road. The properties located on the southern side of the major road and those located further away in separate cul-de-sacs would not be impacted by the development of the highlighted property and the degree to which any submission from those properties could be given would be limited considering the lack of any direct impact.



It is therefore recommended that the draft LPP not be amended to require the application of a radius around a development site for the purposes of sending out consultation letters. Instead it is recommended that the City continues to apply common sense to make sure those people likely to be directly affected by a proposal receive a letter inviting them to comment, noting that anyone else interested in the proposal can still lodge a submission if they see a sign on site (if one is required), see the plans on the website or hear about the proposal from another party.

In relation to the use of diagrams to outline which properties will be contacted directly, there may not be merit in doing so, as demonstrated in the following examples:

This diagram shows who could be affected by and, therefore, who should potentially receive a letter for an application proposing a new dwelling, or more than one dwelling, that could impact on neighbours and the streetscape:



However, the diagram below shows who could justifiably be impacted by an application for an extension to the rear of an existing dwelling, perhaps for a new family room and alfresco area. Such a proposal could realistically only affect the side and rear neighbours and it may not be necessary or appropriate to write to the people across the road.



As outlined in the diagram below, for a proposal where a new garage or part of a dwelling is proposed with a wall on one side boundary, this would realistically only affect the neighbour on that side, so it brings into question the need to write to all surrounding neighbours.



The last example (below) is of minor development at the back of a dwelling, such as a shed in one back corner. The location of this development may impact only two or three neighbours, so it does not make sense to write to people across the road seeking their views on the proposal.



It is unclear why some submitters have a view that the wider community should have input into proposals that would only affect specific neighbours, given that routinely writing to a defined number of properties would not assist in informing the outcome of that planning proposal given the location of the objection.

As outlined above, there are potentially many development proposals or scenarios, which would have different levels of impact based on the nature and scale of the proposal. Unless the City adopted a position where it wrote to all neighbours around a site for every development proposed, the inclusion of different diagrams for different scenarios in the draft LPP would potentially be complicated and confusing.

It is therefore recommended that a diagram(s) is not included in the draft LPP and, instead, the City continues to write to those people who the City considers would be legitimately impacted by a proposal, noting that larger proposals that could negatively impact a broader catchment around a site, will be advertised more broadly in any case.

There may be times when a resident questions why they were not directly consulted on a proposal. Therefore, when placing a consultation on the City's website, there may be benefit in providing some general information as to which properties have been directly notified of a planning proposal given the potential impact on those properties. This change in approach is procedural in nature and, as such, no amendment to the draft LPP is required in this regard.

Notification of resident / ratepayer groups and Community Engagement Network

Comment was made that resident and ratepayer groups and the City's Community Engagement Network should be notified on all occasions where a consultation is posted on the City's website. This request is not supported.

The primary purpose of the Community Engagement Network is to provide an opportunity for community involvement in the City's projects and associated decision-making processes. It is not intended for highly localised consultations given, in these circumstances, the City would identify and consult directly with those affected.

It is also respectfully suggested that as part of their role, it would seem prudent for resident and ratepayer groups to regularly monitor the City's website for relevant consultations and the City should not write to these groups whenever a small-scale planning proposal is received.

Currently, if the City considers that a proposal is of a scale that could affect a large portion of residents in a neighbourhood or area, and/or if there would be benefit from dissemination of information to residents, then the City will write to the relevant resident and ratepayer group. However, it is not considered necessary to write to them about typical, smaller scale development applications that would only affect a handful of people the City would write directly to anyway.

It is therefore recommended that the draft LPP not be amended to require resident and ratepayer groups and the City's Community Engagement Network to be notified whenever a consultation is posted on the City's website.

Inclusion of owners and occupiers

Comment was made requesting clarification that stakeholders include owners and occupiers. This is currently the case and intended to be continued under the draft LPP. The draft LPP can be updated to clarify that notification letters are sent to both owners and occupiers of residential properties.

5.1.2 Methodology

Advertising discretion

Comment was received that all applications where any discretion is to be considered should be advertised widely.

In accordance with the LPS Regulations, the purpose of consultation is to notify owners and occupiers in the vicinity of a development site who, in the opinion of the local government, are likely to be affected by the granting of development approval. It is sometimes misconstrued that if discretion is being sought, this equates to the proposal not complying with the 'rules' and that fact in and of itself constitutes the basis for objection.

The fact that discretion is being contemplated should not be the issue or the basis of objection. Rather, it is the possible impact a proposal could have on an adjoining property or streetscape that should be the issue or the basis of any objection.

It is the case that in some instances, the exercise of discretion may not actually have a potential impact on any property. For example, a small portion of a front fence that exceeds the standard height of 1.8 metres above natural ground level, due to the slope of the land in that particular location, is unlikely to be discernible as a discretion and therefore would be unlikely to have an impact on any adjoining properties. Advertising of the proposal would be difficult to justify given the lack of potential impact.

There are also potentially significant cost implications associated with advertising every application that involves some level of discretion. Approximately 30% of all development applications determined are the subject of consultation at an average consultation cost to the City of \$163 per application (excluding corporate overheads) or approximately \$52,000 per annum.

Around 95% of all development applications involve some form of discretion. The high proportion of applications received requiring discretion arises from the fact that if no discretion was being sought, it is likely the proposal would not require a planning application at all.

The City receives, on average, over 1,200 development applications per year. If all applications that involve discretion were to be advertised, based on the average cost of consultation per application, the cost to the City would rise to approximately \$182,000 (excluding corporate overheads).

The draft LPP proposes to include additional charges to recover costs on larger consultations. While the City could attempt to recover consultation costs on all applications, the resources needed to recoup smaller costs (for example, the cost of letters/postage for less than 100 letters) would not lead to full cost recovery of the consultation costs.

Given the above, it is not considered justifiable to consult on every planning proposal simply because discretion is to be assessed.

Availability of information

A range of comments were received regarding how development plans and information is made available during the consultation period. For example, it was suggested that for every consultation, all plans be provided on the website and/or that hardcopy plans be provided when writing to adjoining and nearby neighbours.

Currently, most consultations undertaken involve written correspondence to adjoining and nearby owners and occupiers, who are advised that plans are available for viewing at the City's administration office during business hours. It is acknowledged, however, that this method is not always convenient for stakeholders.

As suggested in submissions, development plans could be placed on the City's website for all proposals where consultation is to be undertaken. This would be in addition to written notification of adjoining and/or nearby owners and occupiers, as is currently the case. This would allow ease of access to plans for those owners and occupiers who are consulted with as part of the proposal.

It would also allow any interested person to make a submission on the proposal. If this was to transpire, the City would assess the submission and make a judgement on the merit of that submission, given the potential (or lack of) impact on the submitter.

The above would require additional time and resources in the administrative requirements to arrange plans to be made available on the website, as well as the potential increase in the number of submissions that may be made on relatively minor proposals. However, this is considered a more appropriate response to the availability of plans given the printing and postage costs, as well as environmental considerations, that come with printing and sending of multiple hardcopies of often large sets of plans.

Planning Alerts website

Comment was also made that the Planning Alerts website be used to inform residents of planning consultations that are placed on the City's website.

The Planning Alerts website is run by the OpenAustralia Foundation, which is a charity funded by donations from users. The website uses volunteer programmers to write 'screen scrapers' that searches local government websites for data and sends emails to subscribers when applications are advertised, based on the address provided by the subscriber. However, when a website changes how it displays information, the 'screen scraper' for that website won't be able to function and consequently the Planning Alerts website will show that website is 'possibly broken', and no information will be emailed to subscribers.

The reliability of the program is therefore questioned and there is also the potential that the City may need to make changes to its website to accommodate Planning Alerts. Also, if the City were to subscribe to Planning Alerts, it may result in additional cost and time in responding to queries from the public in instances where the Planning Alerts website identifies the City's website as "possibly broken".

Notwithstanding, the City will continue to investigate the merits of the Planning Alerts website and other similar facilities, in conjunction with the improvements to the planning and building information that is reported on the City's website, as discussed earlier.

5.1.3 Timing and Duration

Comment was received that the required number of consultation days should occur outside of any holiday periods.

As outlined in the draft LPP, the timing of consultation may be prescribed under legislation or there may be timeframes for specific types of applications that are required to be met.

The draft LPP supports the extension of consultation periods which fall within holiday periods by seven days where timeframes can still be met, as an appropriate balance between the timeframe requirements and the availability for stakeholders to engage during holiday periods. Extending timeframes further will risk applications becoming 'deemed refused', whereby the applicant can then appeal to the State Administrative Tribunal and the decision on the application taken out of the City/Council's control. Extending consultation periods may also mean that the City may not be able to achieve timeframes set by Development Assessment Panels or the State Administrative Tribunal, again risking that the decision will be made without the City's input.

Therefore, while no change is recommended to the draft LPP regarding consultation over holiday periods, the wording can be updated to state that consultation will be avoided over extended holiday periods wherever possible. This will also align with the City's *Community Consultation Policy* that was adopted by Council at its August 2019 meeting.

5.1.4 Supporting and Technical Material

Comment was made that the clause regarding supporting and technical material is vague. Comment was also made that the R-Codes checklist should be included in the materials placed on the website during consultation.

The R-Codes Volume 1 applies to single houses and grouped dwellings, and multiple dwellings in areas coded R30 and under. Volume 1 includes a checklist for applicant use; however, this checklist is only intended to identify where a proposal may depart from the 'deemed-to-comply' standards of the R-Codes and does not provide for any assessment against the design principles. Furthermore, completion of this checklist by an applicant is not compulsory, so there would be little value in the draft LPP requiring completion and publishing of this checklist on the website.

The R-Codes Volume 2 Assessment Template is required to be prepared by an applicant and submitted with multiple dwelling applications. This checklist or template is therefore already made available on the City's website when an application is advertised. It is therefore recommended that the draft LPP not be amended to require the submission of R-Code checklists.

In relation to making the section on making supporting and technical material easier to understand, it is considered appropriate to add some examples to the paragraph within the draft LPP to assist in understanding of the intent of the clause, as below (underlined):

“In addition to any development plans required as part of a planning proposal, the City will ensure appropriate supporting and technical material is made available to consultation participants for the duration of the consultation period to support understanding of the planning proposal. These materials may include transport studies, environmental and acoustic reports, the applicant's planning justification and similar.”

5.1.5 Consultation Outcomes

Comment was made that all stakeholders must be provided with information as to how their objections have been addressed or why they have not been acted on.

Currently, once a planning proposal is determined, all submitters are advised of the decision and, if the application is approved submitters are provided with information as to whether the proposal was modified to address concerns raised in the submissions and how the application has met the requirements of the planning framework.

Individually tailored letters to every submitter on every point of objection would be very resource intensive and come at a cost to the City and its ratepayers. For example, an analysis of development applications processed over a three-month period indicated that consultation was undertaken on 80 development applications. This consultation generated 196 objections or an average of 2.45 objections per application. This extrapolates to approximately 784 objections in response to 320 consultations per year. It is estimated it would take approximately 1.5 hours, on average, to write a letter responding specifically to all areas of objection, noting that some submissions are shorter and simpler, but some submissions are long, detailed and complex. This would equate to just under 1,200 officer hours per year responding to objections and, at an average hourly rate for urban planners and senior urban planners, this would cost the City just under an extra \$52,000 a year, excluding corporate overheads.

If consultation is then extended to all applications where discretion is involved (as requested by some submitters), then this cost could increase to approximately \$192,000 per annum, excluding corporate overheads.

This cost would need to be borne by the ratepayers and, given that submitters already receive a letter or email outlining the decision and the reasons why a proposal was considered to meet the required planning objectives, it is not considered justifiable to address every objection. It is therefore recommended that no change to the current practice or draft LPP be made in this regard.

Table 1 Consultation Requirements — Residential Development Applications

Consultation periods

Various comments were made that all consultation periods should be increased to 21 days, 28 days or two months for a variety of reasons including Australia Post delivery issues, people needing more time to respond as they have busy lives and people being on annual leave. Specific comment was received that the consultation duration for multiple dwellings and grouped dwellings (five or more) should be increased to 21 days.

As outlined earlier, there is a risk that increasing the consultation duration will impact on the ability to meet legislative deadlines and will risk applications becoming 'deemed refused', whereby the applicant can then appeal to the State Administrative Tribunal and the decision on the application taken out of the City/Council's control.

However, it is considered there is merit in providing a 21-day duration for the initial consultation on multiple dwelling and larger grouped dwelling proposals to recognise the generally larger scale and complexity of these proposals. Any subsequent consultation period would be 14 days as this follow-up consultation is likely to be a result of modifications to the existing proposal, possibly as part of a Development Assessment Panel or State Administrative Tribunal process.

It is also noted that all consultation letters are sent by priority post to minimise any delays in the letters being delivered. This approach is not proposed to change.

Advertising of design principle assessments

Comment was made that only consulting on discretions involving building height, visual privacy and solar access is insufficient. However, this comment appears to have resulted from a misinterpretation of the draft LPP provision.

The explanatory notes for Table 1 try to explain that the City will always consult where discretion is being sought regarding building height, visual privacy and solar access. Then, as is current practice, the City would still consult on design principle assessments for any other design element, if it was considered this would have a possible impact on the amenity of the street or adjoining properties.

This approach will expand the consultation requirements of the R-Codes, which states that for a proposal that is assessed against the design principles and has a possible impact on the amenity of the adjoining owners and occupiers, then there may be grounds for the decision-maker to advertise the proposal to these owners and occupiers.

Given the misinterpretation of the draft LPP provision by some, it is recommended to move the explanatory note into Table 1 for clarity and easier interpretation of the policy.

Grouped dwellings (less than five)

Comment was made that all grouped dwelling proposals, regardless of the number of dwellings, should continue to be placed on the City's website and that on-site signage should also be required.

The reason that the current draft LPP does not propose that all grouped dwelling proposals be placed on the website, is because sometimes these grouped dwelling applications only propose one or two additional dwellings and, in reality, these types of proposals would not impact many people beyond the immediate neighbours, who the City would write directly to anyway.

However, there has been some confusion about the consultation requirements for grouped dwellings (less than five) in that some people have misinterpreted the draft LPP to mean that there would not be any consultation for these proposals if they are not published on the website. This is not correct, as the draft LPP also indicates that these types of proposals would be advertised to stakeholders by letter.

Notwithstanding the above, because it is already proposed to put the plans for all consultations on the City's website for the convenience of those people who receive a letter from the City, and given the City has already adopted this as an interim practice whilst the draft LPP was being developed, this practice can be continued into the future, with some minor resourcing impacts.

However, it is not considered necessary to require a sign on the site, given the smaller scale of these proposals is likely to have a more localised potential impact and that the people actually affected by them will be directly contacted by the City anyway.

Solar panels

Comment was received that all solar panels that are elevated on flat roofs should require consultation.

However, the R-Codes specify that solar collectors installed on the roof or other parts of a building are 'deemed-to-comply', and therefore it is not possible to mandate the advertising of solar panels on residential development.

Table 2 Consultation Requirements — Other Development Applications

Non-residential development in the 'Residential' zone

Comment was made that on-site signage should be required for all non-residential development within the 'Residential' zone.

The most common non-residential development in the 'Residential' zone has been captured individually in Table 2 – namely child care centres and consulting rooms.

Currently, and as per the provisions of the City's *Child Care Centres Local Planning Policy*, a sign is required to be installed on site alerting people to the proposal, given that child care centres bring more traffic to a residential site and change the look of the property, most often because of the need for carparking and signage on site.

The requirement for an on-site sign could be extended to a proposed consulting room (which includes up to two medical practitioners) within a residential area on the basis that it is likely that the proposal will remove the residential use from the site and that modifications to the building, including the provision of car parking, will be required.

In addition, it is considered appropriate that an on-site sign be required for other proposed non-residential development that is not individually listed in the draft LPP, like a residential aged care facility, caravan park and civic use.

Telecommunications infrastructure

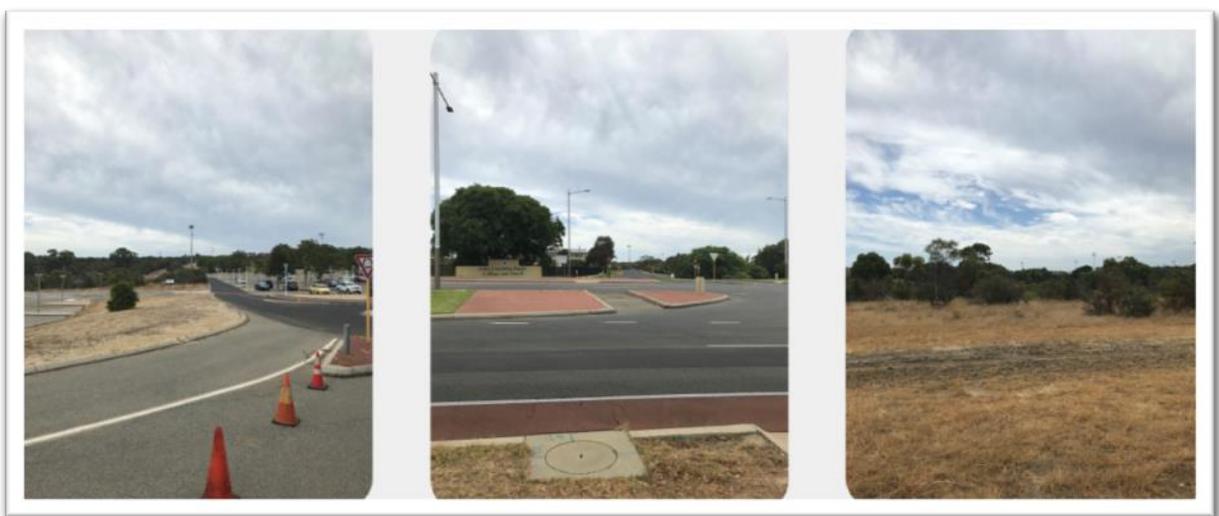
Comment was made that the radius for the notification of owners and occupiers of properties near telecommunication tower proposals be increased from the current 400 metres to 800 metres or one kilometre; that the advertising duration be increased from the current 21 days to 28 days, 42 days or 90 days; and that all available forms for notification be used (website, on-site sign, newspaper notice, noticeboard).

Most of these comments referenced the new 5G network and concern about potential negative health impacts. However, it is important to note that development applications are not required for low-impact facilities (being exempt via Federal legislation) and the State Government's planning policy and previous State Administrative Tribunal decisions have made it clear that the City cannot take perceived health impacts into account when making planning decisions on telecommunications infrastructure that are the subject of a development application.

The main and most common planning issue in relation to development proposals for telecommunications infrastructure is usually visual amenity and, taking this into account, the City's current *Telecommunications Infrastructure Local Planning Policy* specifies that owners and occupiers within a 400 metre radius of the site are to be notified. Information is also placed on the City's website.

The 400 metre radius has been established practice for a number of years, based on a walkable catchment used for other consultations on proposals considered to affect people on a neighbourhood scale. Other local governments utilise various radii (for example, 200 metres or 500 metres) or do not outline a specific notification radius at all, which indicates that there is no consistent or substantiated basis for such a consultation area.

In trying to illustrate the visual impact of a telecommunications tower, the following images of the telecommunications tower at HBF Arena have been taken at distances of 400 metres, 700 metres and 1 kilometre from the tower. Bearing in mind that the visual impact of different towers will be influenced by the design and location of the tower, the topography around the site and what built or natural screening elements exist around the site, these images indicate that as the distance from the tower increases, the visual impact of the tower is significantly lessened to a point where the tower is indistinguishable.



Given the City is unable to take perceived impacts of these facilities into account and that visual amenity impacts are the key planning consideration; and in the absence of any demonstrated need to increase the consultation radius, 400 metres is considered an appropriate distance for widespread notification of the proposal. It is therefore recommended that the draft LPP not be amended to increase the consultation radius for these proposals.

There is, however, merit in the placing of a sign on the site, which would be of particular benefit when the proposed infrastructure is within a park or other space frequented by many people and would assist to notify users of the proposal.

All development types

Comment was received that all development types outlined in Table 2 should be advertised via the City's website and have on-site signs.

As outlined previously, development plans could be placed on the City's website for proposals where consultation is to be undertaken. It is also agreed that for larger scale proposals, such as consulting rooms and telecommunication infrastructure, on-site signs would be appropriate. For other smaller-scale proposals where the potential impact is more localised, it is not considered that on-site signs are necessary, given the City will be contacting those most affected by these small scale proposals directly anyway.

Table 3 Consultation Requirements — Strategic Planning Proposals

Minor amendments to strategic planning proposals

Comment was received requesting all proposed minor amendments to structure plans, local development plans, local planning policies and be advertised, regardless of how minor the proposal.

Minor modifications to structure plans, local development plans and policies can be requested or can occur for a variety of reasons, including to rectify typographical errors and to update references to legislation. It is considered that these types of matters should not require consultation, however it is agreed that other minor modifications that may affect the development provisions or standards outlined in the documents could be advertised for comment. The draft LPP can be modified to rectify this.

It is also noted that all proposed amendments to these planning documents are referred to Council for determination or for a recommendation to the Western Australian Planning Commission, as appropriate. At this point, Council can review whether advertising of a minor amendment is warranted or not.

Signage for large-scale scheme amendments

Comment was received requesting that signs be erected around neighbourhoods for large-scale scheme amendments, for example in relation to Housing Opportunity Areas.

In undertaking large-scale planning consultations, the City utilises a range of measures in order to raise awareness in the community of the proposals. For large-scale consultations on matters such as those related to Housing Opportunity Areas, this will include writing to each owner and resident within those areas as the most direct way to convey information on those proposals.

Notwithstanding the additional cost, it is not envisaged that signage within a neighbourhood, such as static or moveable electronic message signs, would provide any additional awareness beyond the range of measures already utilised. No changes to the draft policy are recommended, noting that these types of signs could be utilised on a case by case basis where a particular benefit is identified.

Proposed modifications

Given the above discussion, the following modifications are proposed to the draft LPP (Attachments 3 and 4 refer):

- Include definitions of 'A', 'D' and 'P' uses.
- Reference owner and occupiers as stakeholders.
- State that the City will endeavour to avoid consultation over extended holiday periods.
- Modify clause 5.1.4 Supporting and Technical Material to read:

“In addition to any development plans required as part of a planning proposal, the City will ensure appropriate supporting and technical material is made available to consultation participants for the duration of the consultation period to support understanding of the planning proposal. These materials may include transport studies, environmental and acoustic reports, the applicant's planning justification and similar.”
- Reformat Table 1 so the intent of consultation on proposals that require a design principle assessment is clearer.
- Where any consultation is undertaken, require the plans and information to be placed on the City's website.
- Increase the advertising duration for the initial consultation on multiple dwellings and larger grouped dwelling proposals from 14 days to 21 days.
- Require on-site signage for non-residential proposals in the 'Residential' zone, consulting rooms and telecommunications infrastructure proposals.
- Clarify that a minor amendment to structure plans, local development plans and local planning polices includes the correction of typographical or formatting errors, updates to legislation references and similar but does not include an amendment to development provisions or standards.

Other initiatives

- Continue to investigate and develop improvements to the collation of planning and building data and how that information is reported to Council and the general public.

Issues and options considered

Council has the option to either:

- proceed with the draft *Planning Consultation Local Planning Policy*, without modifications
- proceed with the draft *Planning Consultation Local Planning Policy*, with modifications or
- not proceed with the draft *Planning Consultation Local Planning Policy*.

In the event Council proceeds with a final version of the draft LPP following advertising, the following local planning policies will need to be amended to update reference to consultation requirements given those requirements will have been incorporated within the new *Planning Consultation Local Planning Policy*:

- Child Care Premises.
- Consulting Rooms.
- Home-based Business.
- Non-residential Development in the 'Residential' Zone.
- Satellite Dishes, Aerials and Radio Equipment.
- Short-term Accommodation .
- Telecommunications Infrastructure.

It is proposed that the current consultation clauses within the above policies would be updated to refer to the *Planning Consultation Local Planning Policy*, as outlined in the various updated policies at Attachment 5 to this Report.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) allow a local government to amend a local planning policy without advertising the amendment, if, in the opinion of the local government, the amendment is minor. In this instance, given the amendments proposed to the other existing local planning policies mentioned above are to avoid the double-up of consultation requirements in the various policies, it is considered that the amendments are minor and administrative in nature, and therefore further public advertising would not be warranted.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Schemes) Regulations 2015.*
Local Planning Scheme No. 3.
State Planning Policy 7.3 - Residential Design Codes.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Active democracy.

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

Policy Revised draft *Community Consultation Policy*.

Planning and Development (Local Planning Schemes) Regulations 2015.

The *Planning and Development (Local Planning Scheme) Regulations 2015* stipulate the minimum, and sometimes maximum, requirements for public consultation on various planning proposals.

Risk management considerations

Not applicable.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption of the draft LPP will be approximately \$1,000.

It is proposed that some costs associated with consultation will be borne by the applicant in accordance with updated fees proposed to be included in the City's *Schedule of Fees and Charges*. The revised schedule will be included for consideration as part of the 2020-21 budget process (Attachment 6 refers).

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days.

The policy was advertised for 21 days as follows:

- A notice published in the local newspaper.
- A letter was sent to registered resident and ratepayer groups.
- An email was sent to subscribers of the City's Public Notice eNewsletter.
- An email was sent to members of the City's Community Engagement Network.
- A notice and documents were placed on the Community Consultation section of the City's website.
- A notice was placed on the City's social media platforms.

A total of 3,231 stakeholders were directly engaged. 142 valid submissions were received, representing a response rate of 3%.

The full Community Engagement Outcomes Report is included as Attachment 2 to this Report.

COMMENT

The draft LPP outlines and provides clarity on the way the City currently undertakes consultation on planning proposals.

As a result of submissions on the draft LPP, it is considered that a number of modifications to the draft policy would be appropriate to increase the effectiveness of consultation undertaken on planning proposals.

It is recommended that Council proceed with the draft *Planning Consultation Local Planning Policy* with the modifications as discussed in this report.

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 24 February 2020.

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

RECOMMENDATION

That Council:

- 1 in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the draft *Planning Consultation Local Planning Policy* with modifications, as shown in Attachment 4 to this Report;
- 2 AMENDS the following local planning policies to update references to public consultation requirements, as shown in Attachment 5 to this Report:
 - 2.1 Child Care Premises;
 - 2.2 Consulting Rooms;
 - 2.3 Home-based Business;
 - 2.4 Non-residential Development in the 'Residential' Zone;
 - 2.5 Satellite Dishes, Aerials and Radio Equipment;
 - 2.6 Short-term Accommodation;
 - 2.7 Telecommunications Infrastructure;
- 3 in accordance with clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendments to the local planning policies outlined in Part 2 above are minor in nature, and therefore advertising of those amendments is not required;
- 4 NOTES that the fees and charges as outlined at Attachment 6 to this Report will be included for consideration as part of the 2020-21 budget process.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf200310.pdf](#)

REPORT – AUDIT AND RISK COMMITTEE – 3 MARCH 2020

ITEM 15 2019 COMPLIANCE AUDIT RETURN

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	32481, 09492, 101515
ATTACHMENTS	Attachment 1 2019 Compliance Audit Return
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 City's 2019 Compliance Audit Return (the Return) prior to it being submitted to the Department of Local Government, Sport and Cultural Industries (DLGSC).

EXECUTIVE SUMMARY

The DLGSC Compliance Audit Return for the period 1 January to 31 December 2019 has been completed and is required to be adopted by Council before being submitted to the DLGSC by 31 March 2020.

It is therefore recommended that Council:

- 1 ADOPTS the completed 2019 Local Government Compliance Audit Return for the period 1 January to 31 December 2019 forming Attachment 1 to this Report;*
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return as detailed in Part 1 above, to the Department of Local Government, Sport and Cultural Industries.*

BACKGROUND

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires a local government to carry out a compliance audit for the period 1 January to 31 December in each year. After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister. The Audit and Risk Committee is to review the Return before it is presented to Council for adoption.

Regulation 15 of the *Local Government (Audit) Regulations 1996* requires the Return to be certified by the Mayor and the Chief Executive Officer before being submitted to the DLGSC, along with the relevant section of the minutes, by 31 March following the period to which the Return relates.

The 2019 Return was made available to local government authorities by the DLGSC via its centralised portal called 'Smart Hub'. The 2019 Return is similar to previous years and focuses on high risk areas of compliance and statutory reporting as prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

The 2019 Return includes the additional category of "Elections" which took place during 2019, and for the first time the 2019 Return also includes the category "Optional Questions" which the City has provided responses for.

DETAILS

The 2019 Return contains the following compliance categories:

- Commercial Enterprises by Local Governments.
- Delegation of Power / Duty.
- Disclosure of Interest.
- Disposal of Property.
- Elections.
- Finance.
- Integrated Planning and Reporting.
- Local Government Employees.
- Official Conduct.
- Optional Questions.
- Tenders for Providing Goods and Services.

The relevant managers were required to complete the responses to the Return's questions which were approved by their Director before being forwarded to the Internal Auditor for review and input via the 'Smart Hub' on the DLGSC website. The Return has been completed and is now required to be adopted by Council before being finalised and submitted to the DLGSC by 31 March 2020.

It should be noted that the Return indicates some areas of non-compliance as follows:

- Disclosure of Interest Question 7:

An oversight of the City's governance processes failed to identify two employees acting in designated positions which resulted in requests for the submission of a primary return being issued to them late. Therefore, the primary returns were not lodged by the two newly designated employees within three months of commencing in the position. The primary returns were subsequently lodged by both employees.

- Local Government Employees Question 2:

The designated senior employee position of Director Corporate Services was not advertised in a newspaper circulating throughout the state as required by Administration Regulation 18A. The position was advertised through electronic media.

- Tenders for Providing Goods and Services Question 14:

The notice issued for one expression of interest omitted the names of all persons listed as acceptable tenderers. A correction notice was issued in 2020 to correct the oversight.

Legislation / Strategic Community Plan / Policy implications

Legislation Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*.

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

The risk associated with Council failing to adopt the 2019 Return would result in non-compliance with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Although some areas of non-compliance were identified, the responses in the 2019 Return reveal a generally high level of compliance with legislation by the City. Areas of non-compliance were corrected, where possible, when they were identified.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 3 March 2020.

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

RECOMMENDATION

That Council:

- 1 **ADOPTS** the *2019 Local Government Compliance Audit Return* for the period 1 January 2019 to 31 December 2019 forming Attachment 1 to this Report;
- 2 in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, **SUBMITS** the completed 2019 Compliance Audit Return as detailed in Part 1 above to the Department of Local Government, Sport and Cultural Industries.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf200310.pdf](#)

ITEM 16 THREE YEARLY REVIEW OF SYSTEMS OF RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE COMPLIANCE

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	49586, 101515
ATTACHMENTS	Attachment 1 Confidential - Review of Risk Management, Internal Control and Legislative Compliance <i>(Please Note: The Attachment is confidential and will appear in the official Minute Book only).</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 results of the Chief Executive Officer's three yearly review of the appropriateness and effectiveness of the City's systems in regard to risk management, internal control and legislative compliance.

EXECUTIVE SUMMARY

The *Local Government (Audit) Regulations 1996* requires a local government's Chief Executive Officer to review at least once every three years the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance.

The review has now been completed and this report provides the results of the review.

It is therefore recommended that Council NOTES the results of the Chief Executive Officer's three yearly review of the appropriateness and effectiveness of the City's systems in regard to risk management, internal control and legislative compliance forming Attachment 1 to this Report.

BACKGROUND

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the Chief Executive Officer of a local government to review the appropriateness and effectiveness of the local government's systems and procedures in relation to:

- (a) risk management
- (b) internal control
- (c) legislative compliance.

The review is to be undertaken not less than once in every three financial years and the Chief Executive Officer is to report the results of the review to the Audit and Risk Committee.

The City appointed Deloitte Touche Tohmatsu (Deloitte) to undertake the review following the issue of a detailed scope and requests for quotations.

DETAILS

Risk Management

Deloitte assessed the maturity of the City's overall risk management practices using Deloitte's Risk Intelligence Maturity Model. Deloitte also undertook interviews with key staff and reviewed relevant City documentation. The City's risk maturity level was assessed by Deloitte as 'systematic' and some positive observations were identified including:

- a drive to improve risk management processes and implementation of a strategic risk register
- a newly implemented centralised risk and compliance system (Promapp)
- consistent application of a risk appetite
- a dedicated resource for supporting risk across the City.

Areas for improvement were identified with three recommendations being made by Deloitte to enable the City to achieve a target state of 'integrated'. The recommendations are as follows:

- 1 Improve top down communication of the strategy and vision for risk management within the City to support appropriate understanding and application of risk management across the business. Consider communication from the Chief Executive Officer on risk strategy and culture, with reinforcement of the desired behaviours.
- 2 Develop an implementation and communication plan to support effective rollout of the City's revised Risk Management Framework and draft Risk Management Corporate Plan (once finalised and approved). This may include staff training.
- 3 Implement whistle-blower program for staff.

The City accepted all three recommendations with the first two being implemented as part of an awareness program and risk management training (using the revised *Risk Management Framework* and newly developed *Risk Management Guidelines*) by 30 April 2020. The implementation of a whistle-blower program for staff has already commenced.

Internal Control

Deloitte assessed the City's controls against the key internal control requirements outlined in the 2013 Department of Local Government and Communities *Local Government Operational Guidelines (Number 9) – Audit in Local Government*. Deloitte also undertook interviews with key staff, examined relevant documentation and cross-referenced the findings of the three yearly review of the City's financial management systems which Deloitte undertook concurrent with this review. Some positive observations were made including:

- systems, policies and processes are in place to safeguard City assets
- Major Projects and Finance Committees are established to oversee the City's financial management activities
- regular internal audits by the City's Internal Auditor.

One weakness was identified relating to limitations for the City to review and update user access rights necessary to perform their authorised duties. Two recommendations for improvement have been made as follows:

- 1 Consider incorporating the function within future updates to TechOne to generate user listings, including user profiles.
- 2 Implement a periodic review of user access and permissions.

The City has accepted both recommendations and the action plan for implementation is included in the report for the three yearly review of the City's financial management systems.

Legislative Compliance

Deloitte identified legislative compliance requirements outlined in the 2013 Department of Local Government and Communities *Local Government Operational Guidelines (Number 9) – Audit in Local Government* and reviewed this against relevant City documentation. Some positive observations were made including the following:

- Annual Compliance Audit Returns are completed and reported to the Audit and Risk Committee and Council.
- The Audit and Risk Committee receives regular updates on the effectiveness of legislative compliance activities and recommendations for change are made based on them if necessary.
- Management disclosures in financial reports of the effect of significant compliance issues are reviewed by the Office of the Auditor General.
- The City is implementing a revised Risk Management Framework which will support the Internal Auditor when considering compliance and ethics risks when developing audit plans and considering audit projects.

The report highlighted areas for improvement around the inclusion of ethics and compliance risks in audit plans and for the ethical behaviour of members of the Audit and Risk Committee. The following recommendations for improvement have been made:

- 1 In addition to noting the internal audit plan provided, the Audit and Risk Committee also endorse the plan and review whether the internal auditor has regard to compliance and ethics risks in the development of the audit plan.
- 2 Formal documentation outlining the responsibilities for Audit and Risk Committee members reflects the legislative requirement to not misuse their position to gain an advantage for themselves or another.

The City accepted both recommendations with the second recommendation to be implemented as part of the development of a new mandatory Code of Conduct to address the behaviour of Elected Members. Existing Elected Members will be required to sign a declaration that they have read and understand the provisions contained within the Code of Conduct, and newly Elected Members will be required to sign the declaration as part of the induction program.

Currently newly Elected Members are required to sign a declaration stating they will duly, faithfully, honestly and with integrity fulfil the duties of the office of Councillor and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Elected Members are also provided with a copy of the City's Code of Conduct as part of the induction program, which sets limits of behaviour that seek to preserve the integrity of public service and decision-making in local government.

Legislation / Strategic Community Plan / Policy implications

Legislation Regulation 17 of the *Local Government (Audit) Regulations 1996*.

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 *Risk Management Policy*.

Risk management considerations

This review provided independent scrutiny of the City's systems for risk management, internal control and legislative compliance and recommendations for improvement have been made. All the recommendations have been accepted and have been, or are in the process of being, implemented.

The City continually reviews its systems of internal control to ensure they remain sound and that a strong attitude towards legislative compliance persists. A number of initiatives are currently ongoing to enhance the effectiveness of risk management systems that will enable the City to achieve the target state of 'integrated' as described in the Deloitte Risk Intelligence Maturity Model.

Financial / budget implications

Account no.	1.210.A2301.3265.0000.
Budget Item	Consultancy.
Budget amount	\$ 50,000
Amount spent to date	\$ 0
Proposed cost	\$ 33,795 *
Balance	\$ 16,205

* Also includes three yearly review of financial management systems and procedures.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Independent consultancy firm Deloitte were engaged to undertake the review and liaised with relevant City employees.

COMMENT

As part of the Elected Members Strategic Weekend held on 7 and 8 February 2020, a partner from RiskWest spoke on strategic risk and posed the following four questions for Elected Members to consider at a future session on risk management:

- what is the City's extreme and high risks?
- does the City have any risks with the consequence of 'catastrophic'?
- are there any inadequate controls assigned to risks?
- are there any outstanding actions for the mitigation of risk?

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 3 March 2020.

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

RECOMMENDATION

That Council NOTES the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the City's systems in regard to risk management, internal control and legislative compliance forming Attachment 1 to this Report.

**ITEM 17 CONFIDENTIAL – THREE YEARLY REVIEW OF
FINANCIAL MANAGEMENT SYSTEMS AND
PROCEDURES**

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	17871
ATTACHMENTS	Attachment 1 Review of Financial Management Systems and Procedures <i>(Please Note: The Report and Attachment is confidential and will appear in the official Minute Book only).</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').

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

- (f) *a matter that if disclosed, could be reasonably expected to -*
 - (ii) *endanger the security of the local government's property.*

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

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

REPORTS REQUESTED BY ELECTED MEMBERS

CLOSURE



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

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

Name / Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*



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

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

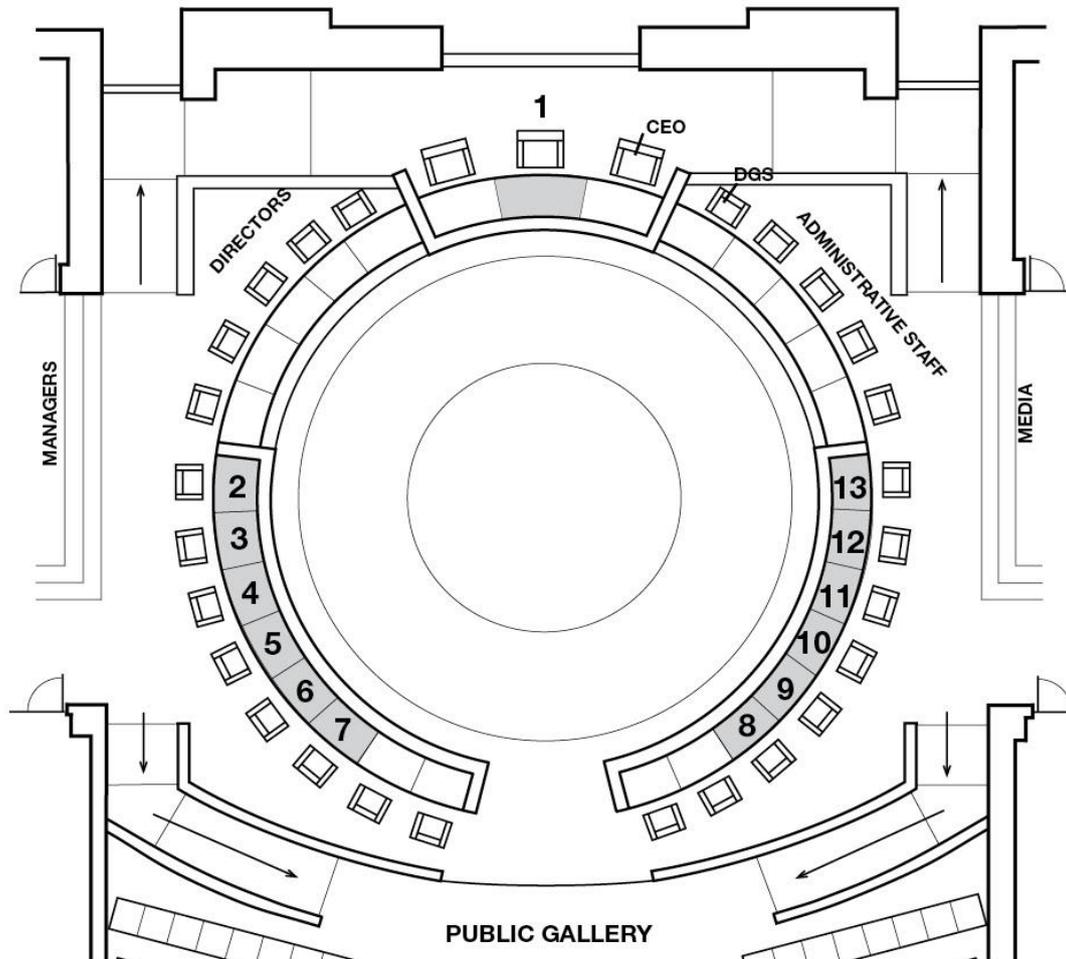
Name / Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality* <i>* Delete where not applicable</i>
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Council Chamber – Seating Diagram



Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/21)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/21)
- 3 Cr Tom McLean, JP (Term expires 10/23)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
- 5 Cr Nige Jones (Term expires 10/23)

Central Ward

- 6 Cr Christopher May (Term expires 10/21)
- 7 Cr Russell Poliwka (Term expires 10/23)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
- 9 Cr John Raftis (Term expires 10/23)

South-East Ward

- 10 Cr John Chester (Term expires 10/21)
- 11 Cr John Logan (Term expires 10/23)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
- 13 Cr Suzanne Thompson (Term expires 10/23)