

# agenda

## Briefing Session

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

**ON** **TUESDAY 1 DECEMBER 2020**

**COMMENCING AT** **6.30pm**

**GARRY HUNT**  
Chief Executive Officer  
27 November 2020

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

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Residents and / or ratepayers  
of the City of Joondalup are  
requested to lodge questions  
in writing by 9.00am on

**Monday 30 November 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](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

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

## IMPORTANT INFORMATION

### ATTENDANCE AT MEETING DURING COVID-19 PANDEMIC

Following advice from the State Government and the Department of Health WA in relation to COVID-19 (Coronavirus) pandemic, public attendance at the City of Joondalup meetings has been restricted.

To maintain the required physical distancing between people during this time, the maximum public attendance at meetings has been capped at 55 people (37 in the Chamber and 18 in the adjoining lobby). Any members of the public wishing to attend the meeting above this limit will unfortunately not be able to attend.

To manage expectations, members of the public wishing to attend the meeting and ask up to two questions and / or to make a public statement, can register their own interest from 9.00am to 4.00pm on the day of the meeting by emailing [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au) or contacting the City on 9400 4313. Registration priority will be given on a first come first serve basis for members of the public wishing to ask questions and/or make a public statement.

Members of the public can only register themselves and cannot submit a request on behalf of others.

Attendance priority will be given to those persons listed in a submitted and approved Deputation Request (at Briefing Sessions only) followed by members of the public wishing to ask up to two verbal questions and/or to make a verbal public statement.

Members of the public wishing to only attend the meeting to observe the proceedings, will be placed on a waiting list and permitted to attend where seats remain vacant after consideration of the above attendee requests.

Any member of the public attending the meeting in person without registration will not be given access unless there is space available. However the audio of proceedings of Council meetings are streamed live at <https://www.joondalup.wa.gov.au/kb/resident/live-council-meeting-audio-feed>.

To ensure capacity is not compromised, entry to the City's premises will be restricted following 30 minutes past the scheduled start time of the meeting. Members of the public approved to attend are therefore encouraged to arrive at the meeting well before the scheduled start time of the meeting.

For your health and safety, members of the public are reminded to:

- follow the direction of the Presiding Members and City employees when attending meetings
- maintain 1.5 metre separation between themselves and other members of the public while attending meetings
- use the hand sanitiser that is provided by the City at the venue
- not attend meetings should they feel unwell or if they have been in contact with a known COVID-19 case, or been overseas in the previous two weeks.

*Further information can be provided by contacting the Governance Coordinator on 9400 4369.*

## BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

### 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 Good governance principles recommend that elected members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following provisions apply:
  - (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 or a proximity 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) The remaining elected members may agree that an elected member disclosing a financial or proximity interest may participate in discussion on the matter if the remaining elected members agree:
    - (i) is so trivial or insignificant as to be unlikely to influence the disclosing elected member's conduct in relation to the matter  
or
    - (ii) is common to a significant number of electors and ratepayers of the City,and a record of that agreement is to be made in the notes kept for the Briefing Session.
  - (d) 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.

## 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 21 April 2020:

### 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 report contained in the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state 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 person.
- 5 Statements are not to precede a question during public question time and questions must be succinct and to the point. Statements can only 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 their decision is final
  - nominate a 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 report listed in 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 report contained in the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled 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 their 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.
- 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 in 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](mailto: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 21 April 2020:

- 1 Members of the public are invited to make public statements verbally at Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a report contained in the agenda.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public statement time will be limited to two minutes per person.
- 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 report listed in the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 Public statements will be summarised and included in the agenda of the next Briefing Session.

## **PROCEDURES FOR DEPUTATIONS**

The following procedures for the conduct of Deputations at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

- 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 through the on-line form on the City's website by close of business 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 report listed in the agenda of the Briefing Session. The City will confirm with the person if a deputation request is approved including any limitations that apply.
- 4 Any visual presentation in support of the deputation (such as a PowerPoint presentation) must be received by the City by 12.00 noon of the day of the Briefing Session. No other information or material will be distributed to elected members at the Briefing Session.
- 5 A deputation may consist of no more than five people, only three of which may address the Briefing Session. Other parties of the Deputation may be called on by the elected members to respond to questions should they so wish.
- 6 A maximum time of one hour will be set aside for all deputations at Briefing Sessions. Each deputation can address the Briefing Session up to a maximum period of 15 minutes (including time for elected member questions) however the Presiding Member may reduce this time where the number of approved deputations would exceed the maximum one hour limit set aside for deputations.
- 7 A person that forms part of a deputation is prevented from making a public statement at the Briefing Session on the same matter.

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.



## TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
	<b>OPEN AND WELCOME</b>		xi
	<b>DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY</b>		xi
	<b>DEPUTATIONS</b>		xi
	<b>PUBLIC QUESTION TIME</b>		xi
	<b>PUBLIC STATEMENT TIME</b>		xiii
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>		xiii
	<b>REPORTS</b>		1
1	DEVELOPMENT AND SUBDIVISION APPLICATIONS – OCTOBER 2020	ALL	1
2	PROPOSED AMENDMENT NO. 6 TO LOCAL PLANNING SCHEME NO. 3 – PRIVATE COMMUNITY PURPOSES ZONE – CONSIDERATION FOLLOWING ADVERTISING	ALL	5
3	PROPOSED SEVEN MULTIPLE DWELLINGS AT LOT 472 (41) TWICKENHAM DRIVE, KINGSLEY (SECTION 31 RECONSIDERATION)	SOUTH-EAST	36
4	EXECUTION OF DOCUMENTS	ALL	38
5	MINUTES OF REGIONAL COUNCIL MEETINGS	ALL	42
6	STATUS OF PETITIONS	ALL	38
7	STRATEGIC POSITION STATEMENTS – 2020 REVIEW	ALL	42
8	CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2020	ALL	63
9	LIST OF PAYMENT MADE DURING THE MONTH OF OCTOBER 2020	ALL	67
10	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2020	ALL	70
11	PETITION FOR PARKING PERMITS AND PROPOSED AMENDMENTS TO EXISTING PARKING SCHEME - BONNEVILLE WAY, ABITIBI TURN AND CURRAN COURT, JOONDALUP	NORTH	76

<b>ITEM NO.</b>	<b>TITLE</b>	<b>WARD</b>	<b>PAGE NO.</b>
12	PETITION IN RELATION TO DOG EXERCISE AREAS ON THE FORESHORE	ALL	81
13	TENDER 026/20 CITY CENTRE LIGHTING UPGRADE STAGE 5	NORTH	85
14	TENDER 029/20 PROVISION OF CLEANING SERVICES FOR CRAIGIE LEISURE CENTRE	CENTRAL	91
15	PROPERTIES EXEMPT FROM RATES	ALL	99
	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>		<b>104</b>
	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		<b>104</b>
	<b>CLOSURE</b>		<b>104</b>

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

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

[\*AdditionalInformation201201.pdf\*](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 1 December 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 10 November 2020:

**Ms M O’Byrne, Kinross:**

*Re: Item 4 - Proposal to Dispose of Property – Sublease of Crown Land – Pinnaroo Point.*

*Q1 Is the City providing Sandgate with any financial compensation or Get-Out Clause from their sublease, if their future application for the sublease does not meet development approval?*

*A1 The commencement of the proposed sublease is subject to Sandgate receiving an acceptable Development Approval.*

*Q2 How much work has the City already done with Sandgate on the projected developments for the site?*

*A2 Sandgate has provided the City with indicative concept plans for development at the site however Sandgate will be required to seek formal approvals for any proposed development.*

*Q3 Why shouldn't the City be ashamed of the public notice procedure undertaken in this matter which consisted of minimal public notices which could be seen and publicly reacted to, which described the sublease as land disposal and made absolutely no mention of the sublease happening in a Bush Forever site?*

- A3 The public notice process was undertaken in accordance with section 3.58(3) of the *Local Government Act 1995*. The notice was advertised in the *Joondalup Times Newspaper*, the City's website and in the City's administration building and public libraries. An article on the project was also included in the 2020 Spring Edition of City News which was mailed to every household in the City. The proposed lease area is within an already cleared area. It is not proposed that any Bush Forever bush land is cleared for this development.
- Q4 *Where might one inspect the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for this specific location and sublease?*
- A4 The *Coastal Hazard Risk Management and Adaptation Plan (CHRMAP)* will be formally assessed during the development application process and is not a public document.
- Q5 *This project is said to align with some of the City's Sustainability Policy key objectives, to ensure economic development, environmental sustainability, and community wellbeing, why did the City not go out to the community to proactively sell this project in these terms in a meaningful way?*
- A5 It is considered that an appropriate level of engagement and consideration of the City's *Sustainability Policy* objectives has taken place throughout the project. In addition to the recent public notice process the City undertook extensive advertising of the original Expression of Interest for the project via the following mediums:
- Joondalup Business Online Enewsletter.
  - Joondalup Voice.
  - West Australian Newspaper.
  - WA Business News.
  - Joondalup Weekender.
  - Facebook.
  - Direct email contact with various stakeholder groups, and over 270 food and beverage industry businesses.
  - Four signs were erected on site at Pinnaroo Point.

Recently an article was published on the project in the 2020 Spring Edition of City News, which was mailed to every household in the City. The City News article highlighted the project benefits of enhancing the City's existing natural assets and amenities, providing opportunities for entertainment and socialising, more employment, increased business opportunities and positive social outcomes.

Regarding environmental sustainability, as explained above in the answer to question three the proposed lease area is within an already cleared area. It is not proposed that any Bush Forever bush land is cleared for this development.

**The following summarised questions were submitted verbally at the Briefing Session held on 10 November 2020:**

**Ms M O'Byrne, Kinross:**

*Re: Item 4 - Proposal to Dispose of Property – Sublease of Crown Land – Pinnaroo Point.*

- Q1 *Could the City please advise the original site (20 John Wilkie Tarn, Hillarys) clearance permit number so the history of the City's previous actions on this Bush Forever site may be understood?*

- A1 Mayor Jacob advised that the site in question was cleared some time ago and before Bush Forever sites were initiated by the State, the proposal being considered by Council does not involve the clearing of additional bushland at this location. The Chief Executive Officer added that he recalls the site being cleared upon his commencement with the City in 2005.
- Q2 *The proposed sublease contains a clause indemnifying the City and the Crown against all claims in connection with the effects of coastal erosion including storm events, can you please advise how the City can give this full assurance when the City is fully aware this is the second most vulnerable section of coastline in the City of Joondalup?*
- A2 The Chief Executive Officer advised in relation to the clause; the City will not be responsible for the development if effected by erosion, adding that a *Coastal Hazard Risk Management and Adaptation Plan* (CHRMAP) has been prepared by the City and will be assessed during the development application process.

## PUBLIC STATEMENT TIME

The following summarised statements were made at the Briefing Session held on 10 November 2020:

**Ms M O’Byrne, Kinross:**

*Re: Item 4 - Proposal to Dispose of Property – Sublease of Crown Land – Pinnaroo Point.*

Ms O’Byrne spoke in relation to the proposal to dispose of property and the sublease of Crown Land at Pinnaroo Point stating that the project does not align with the City’s key *Sustainability Policy* key objectives as it works against the best principles of environmental sustainability and incidentally lessens public certainty of the City of Joondalup’s commitment to preserve Bush Forever sites.

Ms O’Byrne requested that the proposal be delayed as she believed that:

- public scrutiny should occur before commercial developments are allowed into a regionally significant site
- the City’s provision for the community to make a public submission on the matter was inadequate
- the City needs to release documentation so that informed discussion and decision making can be undertaken by the community.

## APOLOGIES AND LEAVE OF ABSENCE

### Leave of Absence Previously approved

Cr John Chester

20 November to 11 December 2020 inclusive.

## REPORTS

### ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – OCTOBER 2020

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07032, 101515
<b>ATTACHMENTS</b>	Attachment 1 Monthly Development Applications Determined – October 2020 Attachment 2 Monthly Subdivision Applications Processed – October 2020
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’).

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority during October 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 October 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during October 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 23 June 2020 (CJ079-06/20 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 October 2020 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	8	215
Strata subdivision applications	26	36
<b>TOTAL</b>	<b>34</b>	<b>251</b>

Of the 34 subdivision referrals, 29 were to subdivide in housing opportunity areas, with the potential for 39 additional lots.

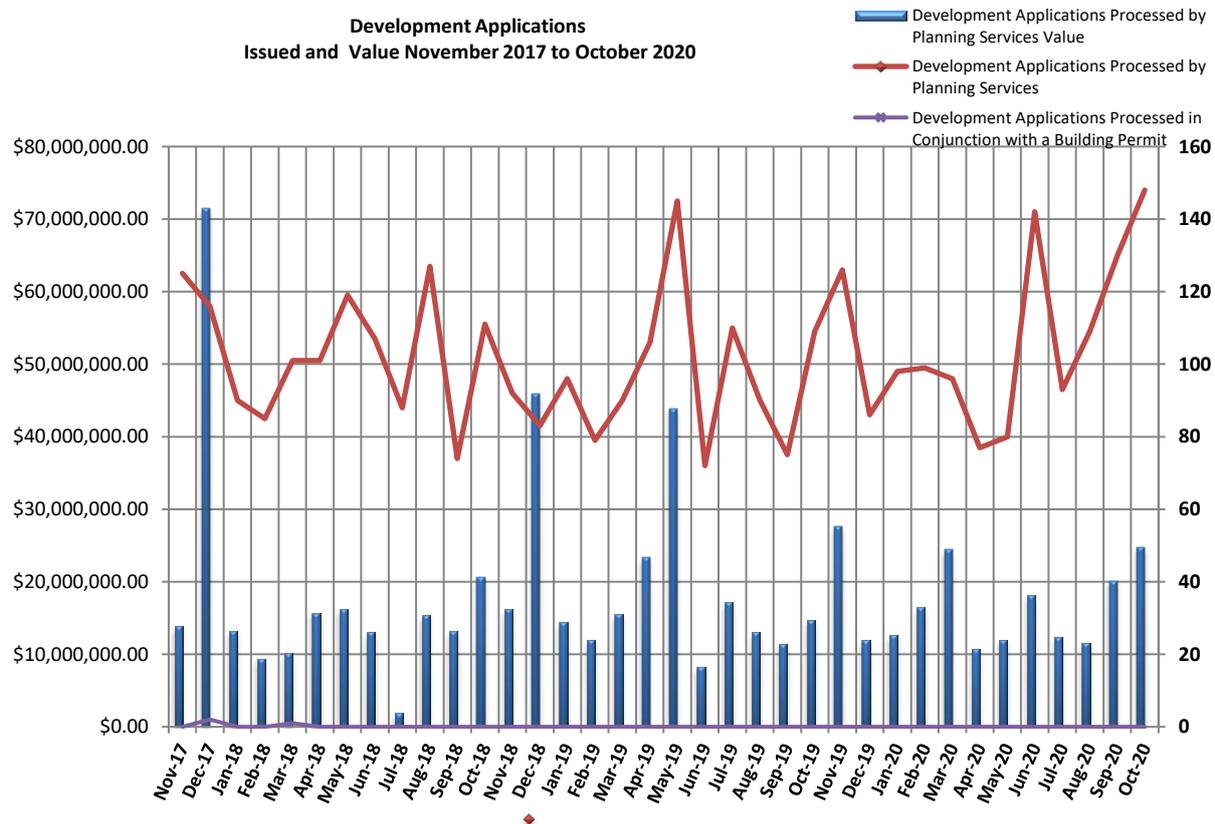
Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	148	\$24,769,116
<b>TOTAL</b>	<b>148</b>	<b>\$24,769,116</b>

Of the 148 development applications, 20 were for new dwelling developments in housing opportunity areas, proposing a total of 19 additional dwellings.

The total number and value of development applications determined between November 2017 and October 2020 is illustrated in the graph below:



The number of development applications received during October 2020 was 184.

The number of development applications current at the end of October was 272. Of these, two were pending further information from applicants and 5 were being advertised for public comment.

In addition to the above, 302 building permits were issued during the month of October with an estimated construction value of \$30,224,419.

### **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 148 development applications were determined for the month of October with a total amount of \$84,512 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 October 2020;**
- 2 subdivision applications described in Attachment 2 to this Report during October 2020.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf201201.pdf](#)

## ITEM 2                    PROPOSED AMENDMENT NO. 6 TO LOCAL PLANNING SCHEME NO. 3 – PRIVATE COMMUNITY PURPOSES ZONE – CONSIDERATION FOLLOWING ADVERTISING

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	108638, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of 'Private Community Purposes' zoned sites Attachment 2    Location plan – Barradine Way, Craigie Attachment 3    Scheme amendment map – Craigie Attachment 4    Location plan – Joondalup Resort Attachment 5    Additional use table Attachment 6    Scheme amendment map – Additional uses Attachment 7    Location Plan – Sorrento Beach Resort
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider Scheme Amendment No. 6 to *Local Planning Scheme No. 3* following public advertising.

### EXECUTIVE SUMMARY

As part of the approval of *Local Planning Scheme No. 3* (LPS3), the Western Australian Planning Commission (WAPC) advised that residential development rights in the 'Private Community Purposes' zone need to be addressed to rectify an anomaly in LPS3. Currently, residential development is possible however is not a use that is aligned with the objectives of the zone and no residential density code (R-Code) has been assigned.

A review was undertaken and, at its meeting held on 23 June 2020 (CJ072-06/20 refers), Council considered an amendment to LPS3 to:

- change the land use permissibility of 'Grouped Dwelling' and 'Multiple Dwelling' from a 'D' (discretionary) land use to an 'X' (not permitted) land use in the 'Private Community Purposes' zone ('Single House' is already an 'X' land use)
- rezone Lot 19 (2) Barradine Way, Craigie, to 'Residential' and apply the R40 density code
- retain 'Grouped Dwelling' and 'Multiple Dwelling' land uses for the Joondalup Resort land parcels, subject to conditions.

Council resolved to permit the proposed scheme amendment to be advertised for public comment. The amendment was advertised for a period of 42 days, closing on 1 October 2020. A total of 37 submissions were received, comprising one submission supporting the rezoning of Lot 19 (2) Barradine Way, Craigie, three submissions objecting to the rezoning of Lot 19 (2) Barradine Way, Craigie, 15 submissions objecting to retaining residential land uses at the Joondalup Resort, 15 submissions objecting to the removal of the residential land uses at the Sorrento Beach Resort, one submission of general comment and two submissions from service authorities.

In response to the submissions received, the scheme amendment is proposed to be modified to remove the additional uses of 'Grouped Dwelling' and 'Multiple Dwelling' from the site that contains the Joondalup golf course (but retain them for the hotel and country club sites), and retain the uses of 'Grouped Dwelling' and 'Multiple Dwelling' for the Sorrento Beach Resort, subject to the preparation of a local development plan.

It is recommended that Council supports the amendment to LPS3 with the proposed modifications.

## **BACKGROUND**

The City's current planning scheme, LPS3, was prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) and came into operation on 23 October 2018.

The LPS Regulations introduced a new set of zones and reserves into draft LPS3, including the 'Private Community Purposes' zone which replaced the previous 'Private Clubs/Recreation' zone of the City's former *District Planning Scheme No. 2* (DPS2).

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3 and submit it to the WAPC to advise if any modifications were required prior to advertising.

The City received consent from the WAPC to advertise draft LPS3, subject to modifications including a requirement to delete the residential density code (R-Code) from lots zoned 'Private Community Purposes' as the WAPC considered the objectives of this zone did not envisage residential development. However, the issue of land use permissibility of residential uses in the 'Private Community Purposes' zone was not raised by the WAPC at that time.

The modifications requested by the WAPC were undertaken and advertising of draft LPS3 was subsequently carried out between 17 November 2016 and 14 February 2017.

At its meeting held on 27 June 2017 (CJ089-06/17 refers), Council resolved to support draft LPS3 subject to modifications. LPS3 was then forwarded to the WAPC for consideration by the Minister for Planning, who subsequently advised that LPS3 would be supported subject to further modifications.

LPS3 was subsequently approved with 'Grouped Dwelling' and 'Multiple Dwelling' land uses remaining 'D' (discretionary) uses in the 'Private Community Purposes' zone, notwithstanding that it was the WAPC's earlier intent that residential land uses should not occur in this zone. In advising the City of the approval of LPS3, the WAPC requested this anomaly be rectified, following the gazettal of LPS3.

Draft Scheme Amendment No. 6 was prepared to respond to WAPC's request and Council, at its meeting held on 23 June 2020 (CJ072-06/20 refers), resolved to advertise the proposed scheme amendment for public comment for 42 days.

## DETAILS

An amendment to LPS3 is proposed to address the anomaly whereby grouped and multiple dwellings are discretionary uses in the 'Private Community Purposes' zone however there is no density code in place to guide development.

The scheme amendment, as advertised for public comment, proposes to:

- change the land use permissibility in Table 3 Zoning Table of 'Grouped Dwelling' and 'Multiple Dwelling' from a 'D' (discretionary) land use to an 'X' (not permitted) land use
- rezone Lot 19 (2) Barradine Way, Craigie, from 'Private Community Purposes' to 'Residential' and apply the R40 density code
- retain the uses of 'Grouped Dwelling' and 'Multiple Dwelling' by including them in 'Table 4 Specified additional uses for zoned land in Scheme area' for the Joondalup Golf Course, Country Club and Resort site, subject to the preparation and approval of a local development plan.

### **Changes to residential land use permissibility in the 'Private Community Purposes' zone**

In reviewing the City's then draft local planning scheme, it was the WAPC's intent that residential development not be permitted in the 'Private Community Purposes' zone as the WAPC considered that residential development does not align with the objectives for that zone.

In the final version of LPS3, the residential density code was removed from all sites zoned 'Private Community Purposes'; however, 'Grouped Dwelling' and 'Multiple Dwelling' remained 'D' (discretionary) land uses in the zone.

A review of the sites zoned 'Private Community Purposes' indicates that most are developed as places of worship, private schools or private recreation facilities (Attachment 1 refers). None of the sites have been developed for residential uses. Residential land uses would generally not be considered appropriate on these sites as the existing non-residential components could potentially conflict with residential development due to the different nature of the use.

Except as outlined below, no objections were raised in submissions to the general principle of 'Grouped Dwelling' and 'Multiple Dwelling' land uses becoming 'X' (not permitted) uses on all sites in the 'Private Community Purposes' zone. It is therefore considered that this aspect of the proposed scheme amendment can be supported.

In the event that the proposed scheme amendment is approved and residential land uses are removed from the 'Private Community Purposes' zone, should an owner seek to develop residential uses on their site in the future, a separate scheme amendment would need to be made to rezone the site to an appropriate zone, at which time the potential implications would be assessed taking into account that specific proposal.

### **Proposed rezoning of Lot 19 (2) Barradine Way, Craigie**

Lot 19 (2) Barradine Way, Craigie, is zoned 'Private Community Purposes' and is located next to a child care centre, Whitford Catholic Primary School, a convent, Mercyville Hostel and Church of Our Lady of Mission (Attachment 2 refers).

Two development applications were approved for three and four grouped dwellings (that is seven in total) on the subject lot in November 2019. The City was required to determine the applications in accordance with the current land use permissibility of the 'Private Community Purposes' zone. Although no density code applied to the site, the proposal was designed and determined using the R40 density code of surrounding residential sites (in Housing Opportunity Area 5). The development of the grouped dwellings is underway.

As the site will be wholly developed for grouped dwellings, it is considered appropriate to rezone the site to 'Residential' and apply the R40 density code to reflect the approved land use on the site (Attachment 3 refers).

Three submissions objecting to the proposed rezoning of the site to 'Residential' were received, citing increased traffic and parking concerns arising from the increase in dwellings in the area as their main issue. However, as development and building approvals have been granted for the seven grouped dwellings, the scheme amendment is effectively a zoning 'tidy up' as the grouped dwellings are to be built regardless of whether the scheme amendment is supported or not. It is also noted that consultation was undertaken as part of the assessment process for the grouped dwellings. Potential traffic and parking implications were also considered as part of the assessment.

### **Joondalup Resort, Connolly**

The site that collectively makes up the Joondalup Resort is currently subdivided into three lots containing a hotel, resort, serviced apartments, reception centre, the golf club, and the golf course (Attachment 4 refers).

The site differs from other 'Private Community Purposes' sites given its large size, the existing land uses on it, and the large separation of those uses from surrounding residential development. While it is noted the WAPC is of the view that residential land uses do not accord with the objectives of the 'Private Community Purposes' zone, in this instance and in recognition of the unique nature of this site, residential land uses are considered to be complementary to the existing hotel and serviced apartment uses. On this basis, it was proposed that the ability to develop residential uses be retained on the site by the inclusion of the land uses 'Grouped Dwelling' and 'Multiple Dwelling' as additional uses in Table 4 of LPS3 for the three subject sites. It was also intended that a local development plan be required prior to any residential development being approved on the site.

However, a number of submissions were received objecting to the land uses of 'Grouped Dwelling' and 'Multiple Dwelling', specifically on the Joondalup golf course site. The comments are summarised as follows:

- No details are provided on the type and size of future development proposed.
- The golf course will be lost, and should remain.
- There will be a loss of flora and fauna habitat if the golf course is developed for residential purposes.
- There will be a loss of views over the golf course if it is developed with apartments (multiple dwellings).
- The development of multiple dwellings will lead to increased noise and traffic in the area and the road system will not be able to cope.
- Support the ability to develop 'Grouped dwellings' and 'Multiple dwellings' on the Joondalup resort and country club sites (lots 531 and 535), but object to the golf course site being included.

It is important to note that the proposed scheme amendment does not provide any additional residential development rights to the Joondalup Resort than currently exists, but does propose to retain the current residential development rights for the site. However, it was never envisaged that the golf course would be permitted to be developed solely for residential purposes, only that a suitable portion of land within the golf course site (but not the actual golf course itself) could be developed with multiple or grouped dwellings (subject to approval of a local development plan and development application).

Several of the submissions supported the additional residential land uses on the Joondalup resort and country club sites as this is complementary to the existing hotel and serviced apartments but did not consider this appropriate for the golf course site given the golf course directly abuts the existing residential area, with potentially no large separation between those uses. The resort and country club sites are more centrally located within the development and are separated from existing houses by the golf course itself.

In consideration of the submissions, it is recommended that the scheme amendment be modified to remove the site containing the golf course from Table 4 *Specified additional uses for zoned land in Scheme area* and that only the Joondalup Country Club and Joondalup Resort (No. 37 and 45 Country Club Boulevard, Connolly) retain the potential to develop grouped and multiple dwellings (Attachment 5 refers).

It is noted that as part of the proposed scheme amendment, the scheme map is required to be updated to depict the 'additional use' (Attachment 6 refers).

#### Local development plan

Several of the submissions stated that no details were provided on the type and size of future development proposed. It is noted that there is no current proposal for any residential development at the Joondalup golf course or resort.

In order to ensure that any future residential development on this site is appropriate in terms of location, scale and amenity impacts on the surrounding community, in the event that the proposed scheme amendment is approved, any residential development proposal would be subject to the preparation and approval of a local development plan which will specify the development requirements such as building height, building setbacks, site area per dwelling or plot ratio, open space, landscaping requirements and the location of development within the site. A traffic impact statement would also be required to be submitted with the local development plan which would allow traffic associated with the future development to be assessed.

A local development plan is required to be advertised for public comment and would need to be approved by Council. Only once a local development plan is in place could an application for development approval for residential development on the site be submitted.

It is noted that the inclusion of a requirement to prepare a local development plan introduces an additional layer of control than that which already exists for the site.

#### Clarification of lot descriptions

It is noted that the golf course site was referenced as Lot 8888 (39) Country Club Boulevard, Connolly, in Attachment 5 to report CJ072-06/20. The correct description is Lot 1 (39) Country Club Boulevard, as Lot 8888 references a previous certificate of title that has since been cancelled. The City's records have been updated accordingly.

#### **Sorrento Beach Resort**

The Sorrento Beach Resort is located at 1 Padbury Circle, Sorrento, on the corner of West Coast Drive and Padbury Circle (Attachment 7 refers). It currently comprises 80 short stay accommodation units along with resort facilities.

Fifteen submissions from owners of (often multiple) properties within the Sorrento Beach Resort were received who do not support the proposed land use permissibility change of 'Grouped Dwelling' and 'Multiple Dwelling' to an 'X' (not permitted) for the site.

The submissions are summarised as follows:

- The proposal to make ‘Grouped Dwelling’ and ‘Multiple Dwelling’ ‘X’ land uses might be relevant for the majority of properties in the ‘Private Community Purposes’ zone, but it is not appropriate for the Sorrento Beach Resort.
- Suggestion to include ‘Grouped Dwelling’ and ‘Multiple Dwelling’ as additional uses subject to the preparation of a local development plan which would address issues such as density, building height and scale.
- Property owners are concerned with the ageing buildings, the rise of ‘Airbnb’ properties and the downturn in tourism.
- The proposal does not address the uniqueness of the site and leaves the site with uncertainty for the future.
- The site has redevelopment potential to take advantage of its proximity to the beach, Hillarys Boat Harbour and road access.
- The site is large enough to ensure that redevelopment is undertaken in an appropriate manner to reduce amenity impacts on adjacent residential properties.
- Redevelopment of the site could provide housing choices for those seeking to downsize without moving from their community.

The submissions stated that Sorrento Beach Resort should have similar development rights to that of the Joondalup Resort, that is, the retention of ‘Grouped Dwelling’ and ‘Multiple Dwelling’ as uses that can be developed on the site, subject to the preparation of a local development plan.

In consideration of the submissions, it is recommended that the scheme amendment be modified to allow the Sorrento Beach Resort site to retain the potential for ‘Grouped Dwelling’ and ‘Multiple Dwelling’ to be developed, by adding these as additional uses in Table 4 *Specified additional uses for zoned land in Scheme area* (Attachment 5 refers), and requiring a local development plan to be prepared and approved prior to consideration of an application for development approval.

It is noted that as part of the proposed modification to the scheme amendment, the scheme map is required to be updated to depict the ‘additional use’ (Attachment 6 refers).

The proposed modification to the scheme amendment does not give any additional development rights to the Sorrento Beach Resort, however would allow the retention of the existing ability to develop residential uses on the site, as well as putting in place an additional planning layer to ensure that any future development/redevelopment is coordinated and appropriate for the site and broader locality.

Similar to the Joondalup Resort, in the event that the proposed scheme amendment is approved as proposed, the requirement for a local development plan at the Sorrento Beach Resort would provide control over the built form outcome, including building height, setbacks, number of dwellings, open space and landscaping. Public consultation and approval by Council would be required prior to consideration of an application for development approval.

### **Issues and options considered**

The options available to Council in considering the scheme amendment are to:

- support the amendment to the local planning scheme without modification
- support the amendment to the local planning scheme with modifications  
or
- not support the amendment to the local planning scheme.

## Legislation / Strategic Community Plan / Policy implications

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

### Strategic Community Plan

**Key theme**                        Quality Urban Environment.

**Objective**                        Quality built outcomes.

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

**Policy**                              *Private Community Purposes Zone Local Planning Policy.*

### Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015

Part 5 of the *Planning and Development Act 2005*, along with the LPS Regulations, enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. The proposed amendment is considered to be a standard amendment under the LPS Regulations as it is consistent with the objectives of the 'Private Community Purposes' and 'Residential' zones.

At its meeting held on 23 June 2020 (CJ072-06/20 refers), Council resolved to proceed to advertise Scheme Amendment No. 6 to LPS3 for 42 days. The proposed amendment was referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA did not consider that the amendment should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and as such the amendment was advertised for public comment.

Upon closure of the advertising period, Council is required to consider all submissions received and decide whether to support the amendment, with or without modifications, or not support the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

### Local Planning Scheme No. 3

The following extract of Table 2 of LPS3 sets out the objectives of the 'Residential' and 'Private Community Purposes' zones.

**Table 2 Zone objectives**

Residential	<ul style="list-style-type: none"> <li>• To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>• To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>• To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>
Private Community Purposes	<ul style="list-style-type: none"> <li>• To provide sites for privately owned and operated recreation, institutions and places of worship.</li> <li>• To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.</li> <li>• To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.</li> </ul>

Clause 19 (1) and Table 4 of LPS3 allow additional uses to be listed for specific sites, which are in addition to those uses that are permissible in the zone in which the site is located.

### **Risk management considerations**

In advising of the approval of LPS3, the WAPC advised the City that the issue of residential development rights in the 'Private Community Purposes' zone is to be addressed. Should Council elect not to progress the amendment, Council may be directed to do so by the Minister for Planning under Section 76 of the *Planning and Development Act 2005*.

### **Financial / budget implications**

As the proponent, the City is required to cover any costs associated with the proposed scheme amendment, which includes the cost of advertising the amendment and publishing a notice in the *Government Gazette*, should the amendment be approved by the Minister for Planning. The cost of advertising the amendment was \$1,739.50 excluding GST, with the remainder of the costs estimated to be \$400.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 1 October 2020, by way of:

- 118 letters to landowners of all 'Private Community Purposes' zoned properties
- a sign on Lot 19 (2) Barradine Way, Craigie
- a sign at the entrance to Joondalup Country Club, Lot 531 (37) Country Club Boulevard, Connolly
- letters to relevant service authorities
- a notice placed in the *Joondalup Community Newspaper*
- a notice and documents placed on the City's website.

During consultation, additional information was provided on the City's website to further clarify the proposed scheme amendment in relation to the Joondalup Resort and golf course, and advice that there is no current proposal for any residential development at the Joondalup Resort.

It is further noted that the letter sent to landowners of properties within the Sorrento Beach Resort contained specific information regarding the effect of the proposed amendment on that site.

A total of 37 submissions were received as follows:

- One submission supporting the rezoning of Lot 19 (2) Barradine Way, Craigie.
- Three submissions objecting to the rezoning of Lot 19 (2) Barradine Way, Craigie.
- 15 submissions objecting to the additional uses of 'Grouped Dwelling' and 'Multiple Dwelling' at the Joondalup Golf Course, Country Club and Resort.
- 15 submissions objecting to the removal the ability to have 'Multiple Dwelling' and 'Grouped Dwelling' uses at the Sorrento Beach Resort.
- One submission of comment.
- Two submissions from service authorities.

## **COMMENT**

The proposed scheme amendment is considered appropriate as the land use permissibility change aligns with the objectives of the 'Private Community Purposes' zone, which does not include provision of residential development.

The proposed rezoning of Lot 19 (2) Barradine Way, Craigie, to 'Residential' with a density code of R40 is consistent with the approved development currently under construction.

The retention of 'Grouped Dwelling' and 'Multiple Dwelling' land uses at the Joondalup Resort and Country Club is considered appropriate (subject to the preparation of a local development plan). However, in response to submissions received and further consideration of the potential impacts of residential development on adjacent residents, it is recommended that the amendment be modified to remove 'Grouped Dwelling' and 'Multiple Dwelling' from the golf course site (Lot 1, No.39 Country Club Boulevard).

Likewise, in response to submissions received, it is recommended that the scheme amendment be modified to retain the land uses 'Grouped Dwelling' and 'Multiple Dwelling' as additional uses for the Sorrento Beach Resort, subject to the preparation of a local development plan.

It is recommended that Council supports the proposed amendment to LPS3 subject to the modifications outlined.

## **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 6 (as modified) to the City of Joondalup *Local Planning Scheme No. 3* to:
  - 1.1 change the land use permissibility of ‘Grouped Dwelling’ and ‘Multiple Dwelling’ in the ‘Private Community Purposes’ zone in Table 3 Zoning Table from ‘D’ to ‘X’;**
  - 1.2 rezone Lot 19 (2) Barradine Drive, Craigie, from ‘Private Community Purposes’ to ‘Residential’ and apply the R40 density code as depicted in Attachment 3 to this Report;**
  - 1.3 insert additional uses No. 15 to 17 in Table 4 ‘Specified additional uses for zoned land in Scheme area’ in accordance with Attachment 5 and as depicted in Attachment 6 to this Report;****
- 2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Scheme Amendment No. 6 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*;**
- 3 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWARDS Scheme Amendment No. 6 (as modified) and Council’s decision to the Western Australian Planning Commission for consideration.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf201201.pdf](#)

### **ITEM 3                    PROPOSED SEVEN MULTIPLE DWELLINGS AT LOT 472 (41) TWICKENHAM DRIVE, KINGSLEY (SECTION 31 RECONSIDERATION)**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	27311, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Development plans Attachment 3    Building perspectives Attachment 4    Landscaping plan Attachment 5    Waste management plan Attachment 6    Transportation noise assessment Attachment 7    BAL assessment Attachment 8    Applicant's previous planning report Attachment 9    Summary of submissions against design elements of SPP7.3 Attachment 10   Summary of City's SPP7.3 assessment
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

---

#### **PURPOSE**

For Council to determine a development application for seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley following a directive from the State Administrative Tribunal.

#### **EXECUTIVE SUMMARY**

In May 2019 the City received the original application for seven multiple dwellings at the subject site.

The application was initially considered by Council at its meeting held on 21 April 2020 (CJ043-04/20 refers), where it was resolved to refuse the application as the proposal did not meet element objectives of *State Planning Policy 7.3* relating to building height, side and rear setbacks, plot ratio and waste management.

The applicant has since sought a review of Council's decision via the State Administrative Tribunal (SAT).

During the SAT mediation process, and in response to the reason for refusal, the applicant submitted amended plans, a Waste Management Plan and further landscaping information on 9 November 2020. The amended plans do not change the dwelling yield, building height or parking provision but provide for an increased upper floor setback to the eastern boundary, a revised design, more detail in relation to landscaping and other minor modifications.

Community consultation was undertaken on the latest proposal between 14 October 2020 and 28 October 2020. A total of 15 submissions was received, all objecting to the proposal.

In accordance with the *State Administrative Tribunal Act 2004*, the SAT has invited the City to reconsider its earlier decision on the application, based on the amended information, at its December 2020 Council Meeting.

The revised information has been considered against the requirements of *City of Joondalup Local Planning Scheme No. 3 (LPS3)*, *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)* and the *Residential Development Local Planning Policy (RDLPP)* as well as the reasons for Council's previous refusal. It is considered that the amended proposal does not satisfy the requirements of these planning instruments, and therefore it is recommended that the application be refused.

## BACKGROUND

<b>Suburb/Location</b>	Lot 472 (41) Twickenham Drive, Kingsley.
<b>Applicant</b>	Danmar Developments.
<b>Owner</b>	Housing Authority.
<b>Zoning</b>	<b>LPS</b> Residential.
	<b>MRS</b> Urban.
<b>Site area</b>	730m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

### Site Context

The site is currently occupied by a single storey, detached dwelling. The subject site is bound by single storey residential development to the east, south and west with Twickenham Drive to the north-west (Attachment 1 refers). Whitfords train station is located within 400 metres of the lot to the west.

The development site and surrounding properties are zoned 'Residential' under the City's LPS3, with a density coding of R20/R60 and are located within Housing Opportunity Area 6 (HOA6). New development in surrounding streets comprises single and two storey grouped dwellings (predominantly two and three dwellings on a site), with a two storey multiple dwelling development nearby comprising seven dwellings.

The subject site also falls within a Bushfire Prone Area due to the bushland area to the west of the site. The Bushfire Attack Level (BAL) assessment provided identifies the site as being BAL-19.

### Previous consideration by Council

The application was initially considered by Council at its meeting held on 21 April 2020 (CJ043-04/20 refers), where it was resolved to refuse the application for the following reasons:

- 1 *The proposal does not satisfy the element objectives of 2.2 Building Height of State Planning Policy 7.3, as the building height does not respond appropriately to the existing and desired character of the local area;*
- 2 *The proposal does not satisfy the element objectives of 2.4 Side and rear setbacks of State Planning Policy 7.3, as the setbacks do not provide adequate separation between neighbouring properties and the development does not provide an appropriate transition between sites with different intensity of development;*

- 3 *The proposal does not satisfy the element objectives of 2.5 Plot ratio of State Planning Policy 7.3, as building bulk and scale of the development is inconsistent with the existing and planned character of the area;*
- 4 *The proposal does not satisfy the element objectives of 4.17 Waste management of State Planning Policy 7.3, as the waste collection location proposed does not minimise negative impacts on the streetscape.*

#### State Administrative Tribunal process

The SAT is an independent body that makes and reviews a range of administrative decisions, including planning decisions made by local government. If an applicant or owner is aggrieved by the determination of their planning application, there is a right of review by the SAT in accordance with the *Planning and Development Act 2005* Part 14.

In a typical appeal process, the SAT will first try to mediate an outcome between the two parties. This often involves changes to the plans or providing additional information to address the decision-maker's issues. If changes are made or additional information is provided, the SAT will usually invite the decision-maker to reconsider its earlier decision, taking into account the changes to the plans or new information provided.

If the applicant is still unhappy with the reconsidered decision, the matter may proceed to a final hearing. In these instances, the SAT effectively steps into the shoes of the decision-maker and the SAT makes its own decision on the proposal.

#### Draft new development standards for infill development in Housing Opportunity Areas

Draft scheme amendments and policies can be given weight even though they are not operative once they become 'seriously entertained'. In Western Australia, this usually occurs after advertising is completed.

However, the weight that can be placed on a seriously entertained planning proposal differs and, generally the further towards approval a planning proposal is (that is how certain and how imminent), the more seriously entertained it is considered to be, and the more weight it can be given in decision-making.

The City has previously sought advice in relation to HOAs and changes to the planning framework that require some level of State Government approval (as is the case in this instance). In this context, the advice concludes that only after approval has been provided by the decision-maker (that is the WAPC or the Minister), therefore providing a high degree of certainty and imminence, should any changes be given substantial weight in decision-making.

At a Special Council meeting held on 24 March 2020 (JSC02-03/20 refers), Council adopted the new draft development standards for Housing Opportunity areas. The local planning policy and scheme amendment have now been forwarded to the Western Australian Planning Commission (WAPC) to request approval. The WAPC may grant approval, with or without modifications or elect not to grant approval. The scheme amendment is also required to be approved by the Minister.

The current status of the draft new development standards for Housing Opportunity Areas is such that it has not yet reached a stage where they can be considered certain or imminent. In view of this status and the advice previously provided it is the City's view that the current application is required to be assessed wholly against the current planning framework.

### Amended proposal

As outlined above, the applicant has made changes to the plan and provided additional information to support the proposal. The changes to the original application include:

- an increased setback to the eastern boundary for the upper floor. This has increased from three metres to six meters
- amendment of roof design to be a flat roof in lieu of pitched
- increased trees on the eastern side, with additional information justifying the proposed landscaping
- removal of arbour elements / supporting structures on the western side of the dwelling that previously extended to the boundary
- increase of covering of the car parking area to the rear to provide shelter for all five car parking bays
- internal reconfiguration of units.

### **DETAILS**

The proposed development comprises the following:

- Seven multiple dwellings within a three-storey building. All dwellings are two bedrooms.
- A flat roof design with render, contrast render and face brick elements incorporated into the façade.
- Common property vehicular access point from Twickenham Drive.
- Pedestrian entry from Twickenham Drive (via stairs) and common stairwell adjacent to the car parking area.
- Nine car parking bays located on site located behind the dwelling. Seven of these are for residents and two for visitors.
- A bin storage area located in the south-west corner of the site.

Development plans and supporting information for the revised proposal are provided at Attachments 2 – 8.

### **Joondalup Design Reference Panel**

The revised proposal was presented to the Joondalup Design Reference Panel (JDRP) on 21 October 2020. Previous versions of the proposal were also presented on 17 July 2019 and 18 December 2019.

A summary of the most recent JDRP comments, as well as the applicant's response to these items is included in the tables below:

<b>JDRP comment</b>	<b>Applicant response</b>
The roof form incorporates pitched and flat elements and it appears there is no purpose to the design. It is suggested that the design is modified to a flat roof design.	The roof design will be modified to a flat roof design with parapet walls.
The rear carport could be amended to cover all five bays and be brought to the boundary as a better design outcome for the future residents/visitors.	All bays will be covered, and the roof will be extended and also extended to the boundary.
The privacy setbacks for unit 3 and unit 6 should be amended to comply with the relevant requirements.	Unit 3 and unit 6 privacy screens have been amended.
The redundant columns on the southern elevation can be removed.	The two columns have been deleted.
In general, the impact from the eastern boundary has been improved.	Noted, as amended.

## Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, SPP7.3 and City's RDLPP.

### Local Planning Scheme No. 3

#### *Minimum lot frontage requirement*

Clause 26 (5) of LPS3 requires multiple dwelling sites to have a minimum site width of 20 metres at the street boundary. The subject site has a lot frontage of 34.5 metres at the street boundary, and therefore meets this requirement.

#### *Land use*

The subject site is zoned 'Residential' under LPS3 with a residential density coding of R20/R60. The land use of 'Multiple Dwelling' is a discretionary or 'D' land use in the Residential zone.

The discretionary land use permissibility for multiple dwellings applies to every lot in the entire residential zone, across all suburbs of the City. Multiple dwellings are not appropriate to be built on every residential lot in the City and that is why the land use permissibility in the City's scheme requires the exercise of discretion in deciding which lots are appropriate for multiple dwelling development and which are not. The City, as part of Amendment No. 73 to former *District Planning Scheme No. 2 (DPS2)*, recoded certain properties, including the subject site, to allow for the provision of higher density development in certain areas. It was through this action that the City exercised its discretion and decided that multiple dwellings were considered acceptable on certain lots by virtue of the higher density code allocated to them. The relevant standards of the former DPS2 have been transferred through to LPS3.

One of the objectives of the residential zone is to provide for a range of housing and a choice of residential densities to meet the needs of the community, which the proposed development, and the Housing Opportunity Areas more broadly, does in a local government area that is characterised primarily by detached, single houses.

### State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)

SPP7.3 provides the primary built form controls for multiple dwellings. The policy is performance-based, broken up into different design elements (for example building height, visual privacy, solar access). For each design element there are element objectives that are required to be met, in addition to the overall policy objectives. A development that satisfies these objectives is considered to meet the requirements and therefore should not be refused against the policy.

To assist in guiding the assessment against the element objectives, acceptable outcomes and design guidance is provided. These are more specific measurable requirements for each design element. SPP7.3 makes it clear that these acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway, and while meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.

*State Planning Policy 7 Design of the Built Environment (SPP7)* is an overarching policy that establishes 10 broad principles of good design that are applicable to all planning proposals. These principles have been used to establish the policy objectives and element objectives of SPP7.3. Through a proposal meeting the objectives of SPP7.3 it is also considered to meet the requirements of SPP7.

A summary of the City's assessment against SPP7.3 is included in Attachment 10.

The key design elements and the design elements related to the primary concerns raised during consultation are discussed in more detail below.

### Building height

Element 2.2 Building height objectives state:

- O 2.2.1 *The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.*
- O 2.2.2 *The height of buildings within a development responds to changes in topography.*
- O 2.2.3 *Development incorporates articulated roof design and/or roof top communal open space where appropriate.*
- O 2.2.4 *The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.*

The acceptable outcomes suggest a building height of three storeys is appropriate in areas with an R60 density. The revised design includes modifications to the roof form which reduces the overall height to 9.6 metres (previously 11.21 metres).

The surrounding area is currently transitioning from an R20 density to higher density development of R40 and R60, with the current streetscape still comprising predominantly single storey dwellings with some two storey development emerging as new development.

Building height was one of the reasons for refusal in Council's decision at its meeting dated 21 April 2020 (CJ043-04/20) as it was considered that the building height did not respond appropriately to the existing and desired character of the area. This related primarily to the north-east corner of the refused design which included a sheer three-storey façade with no relief or setback provided to upper floors.

The revised design incorporates an increased setback for the third floor which provides for visual relief to the front and both side setbacks. The podium style design provides a transition to the existing single storey scale by way of stepped development. Having the front of the upper floor set back from the eastern boundary will also break up the blank three storey wall which was also considered to impact the transition between the dwelling and surrounding sites.

An 11.5 metre setback has also been provided to the three storey element from the rear boundary to provide sufficient separation between the adjoining sites currently developed at the R20 density.

Given the treatment of the eastern façade the revised development is now considered to respond to the existing and transitioning character of the area. It is therefore considered that the building height achieves the element objectives.

### Street setbacks

Element 2.3 Street setback objectives state:

- O 2.3.1 *The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.*
- O 2.3.2 *The street setback provides a clear transition between the public and private realm.*
- O 2.3.3 *The street setback assists in achieving visual privacy to apartments from the street.*
- O 2.3.4 *The setback of the development enables passive surveillance and outlook to the street.*

The acceptable outcomes suggest a minimum setback of two metres and average setback of four metres from the primary street. These acceptable outcomes are derived from the RDLPP. SPP7.3 Vol. 2 acknowledges that many local governments have pre-existing local planning policies in place that preceded its introduction in May 2019. In recognition of this, SPP7.3 Vol. 2 allows certain (but not all) standards of pre-existing local planning policies to continue and carry across as part of the assessment criteria of multiple dwellings. To that end, the street setback provisions of the City's RDLPP become the 'acceptable outcome'.

The building setbacks to the Twickenham Drive at each level are as follows:

- Ground floor: 1.25 metres to 4.47 metres, with an average of 3.7 metres.
- First floor: 2 metres to 6 metres, with an average setback of 3.7 metres.
- Second floor: 2 to 8.6 metres, with an average setback of 5 metres.

The site is located on a bend of Twickenham Drive, opposite natural vegetation and the Whitfords Avenue road reserve. The existing dwelling to the east faces Harrow Weald Way, with a solid colorbond fence to Twickenham Drive. Given the immediate street context there is not a clearly defined street setback provided by the two adjacent properties and, being located on a bend, the proposed stepping of the building and articulation is considered to complement the existing area and provide for sufficient landscaping between the building and street.

The protrusion into the two metre minimum setback is for the ground floor entry feature element used to show the street number. This extends into the suggested street setback for 0.97m<sup>2</sup>, being a minor portion of the overall building facade. The element adds to the pedestrian connectivity of the area and helps to define the pedestrian entrance of the building. Given the minor nature of the protrusion and integration with the overall building façade, the feature is considered appropriate in the context of the immediate Twickenham Drive streetscape as outlined above.

The proposed design, including retaining along the front boundary and provision of balconies facing the street, will provide a clear transition between the public and private realm while also providing passive surveillance from the upper floors. The proposal incorporates openings to habitable spaces at the ground and upper floors which provide surveillance to the street, while also ensuring privacy of residents can be maintained.

Given the above, the proposal is considered to achieve the element objectives for street setbacks.

#### Side and rear setbacks

Element 2.4 Side and rear setbacks objectives state:

- O 2.4.1 *Building boundary setbacks provide for adequate separation between neighbouring properties.*
- O 2.4.2 *Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.*
- O 2.4.3 *The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.*
- O 2.4.4 *The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.*

The acceptable outcomes suggest:

- the development should comply with the side and rear setbacks set out in Table 2.1, except where modified by the local planning framework and/or a greater setback is required to address 3.5 Visual Privacy (A2.4.1)
- development be set back to achieve element 2.7 *Building Separation*, 3.3 *Tree Canopy*, 3.5 *Visual Privacy* and 4.1 *Solar and daylight access* objectives (A2.4.2).

Table 2.1 suggests a three metre minimum setback and 3.5 metre average setback where the building length exceeds 16 metres. The development does not meet the suggested acceptable outcomes as outlined below:

<u>Elevation</u>	<u>Proposed setback</u>
Eastern (side) boundary	
<ul style="list-style-type: none"> <li>• Ground floor</li> </ul>	1 metre minimum (carport) and 2.38 metre average
Southern (rear) boundary	
<ul style="list-style-type: none"> <li>• Ground floor (carport)</li> </ul>	0.5 metre minimum

Side and rear setbacks was one of the reasons for refusal in Council's decision at its meeting held on 21 April 2020 (CJ043-04/20 refers) as it was considered that the setbacks did not provide an adequate separation between neighbouring properties or an appropriate transition between sites with different intensity of development, specifically in relation to the eastern façade. It was considered that, while the second floor was compliant with the suggested three metre minimum setback, the design led to increased bulk with no transition between the ground and upper floors.

#### *Eastern boundary*

In order to address these concerns, the revised design has set the front portion of the second floor back to six metres from the boundary. This reduces the bulky wall to the eastern elevation and allows for a transition between both the ground and upper floors with an increased separation to the surrounding development.

The setbacks of the building provide for landscaping treatments across the site, including medium trees and a mix of small trees, notwithstanding other concerns about landscaping design are discussed further below, the building setback allows for sufficient area for growth of trees in some areas, particularly along the eastern side of the site.

It is considered the treatment of the eastern façade has been amended appropriately to increase the setback to the surrounding properties.

#### *Western boundary*

The revised design removes the arbour elements / supporting structures that previously extended over the driveway and to the western boundary. The setbacks are now consistent with the minimum setbacks suggested in the acceptable outcomes and the elevation on this side transitions as height increases with the upper floor setback an additional 4.43 metres to lower floors.

### *Southern boundary (rear)*

The main building is setback 11.5 metres to the southern boundary and is considered to provide sufficient separation and transition between the sites. The structure closest to the rear boundary is a flat roof carport, set back 0.5 metres. The subject site is approximately one metre below the adjoining property to the south. Given this, the impact of the flat roof carport is reduced and will not be visually dominant from either property.

In view of the above, the proposal is considered to achieve the element objectives for side and rear setbacks.

### Plot ratio

Element 2.5 Plot ratio objective states:

- O 2.5.1 The overall bulk and scale of development is appropriate for the existing or planned character of the area.*

A plot ratio of 0.8 is suggested under the acceptable outcomes, with the development proposing a plot ratio of 0.8. The 0.8 plot ratio area, both required and provided, equates to 584m<sup>2</sup>.

Plot ratio was one of the reasons for refusal as it was considered that the building bulk and scale of the development was inconsistent with the existing and planned character of the area.

As discussed above the revised design incorporates improved treatments to the eastern façade, by way of articulation and increased setbacks. The overall design of the building has also been revised to reduce the impact of building bulk on the street and surrounding properties.

In considering the above, it is considered that the plot ratio of the development achieves the element objective and is appropriate for its location.

### Tree canopy and deep soil areas and landscape design

Element 3.3 Tree canopy and deep soil areas objectives state:

- O 3.3.1 Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.*
- O 3.3.2 Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.*
- O 3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.*

Element 4.12 Landscape design objectives state:

- O 4.12.1 Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.*
- O 4.12.2 Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.*
- O 4.12.3 Landscape design includes water efficient irrigation systems and, where appropriate incorporates water harvesting or water re-use technologies.*

The acceptable outcomes suggest 10% of the site designated for deep soil area is appropriate. Further, the acceptable outcomes suggest that either one large tree and small trees where possible, or two medium trees is appropriate. The acceptable outcomes also state that landscaped areas that accommodate tree planting are to meet the following dimensions:

Tree size	Recommended minimum deep soil area width	Required deep soil area per tree
Small	2 metres	9m <sup>2</sup>
Medium	3 metres	36m <sup>2</sup>
Large	6 metres	64m <sup>2</sup>

Since Council's decision to refuse the application at its meeting held on 21 April 2020 (CJ043-04/20 refers) the SAT has published its first decision on a proposal considered under SPP7.3 Vol. 2. As part of that decision the SAT has provided clarification on how it considers elements relating to deep soil areas and tree planting which are outlined as follows:

- Only deep soil areas which achieve the minimum dimension requirements can be used to determine the total deep soil area provided per tree.
- Irregular shaped deep soil areas can compromise the intended purpose of providing an area for the planting of a required tree onsite.
- The intent of element objective 3.3 (Tree canopy and deep soil areas) is to ensure trees are able to flourish and integrate into developments. Just because a tree has the ability to survive in a deep soil area does not mean that the deep soil area is satisfactory.

The proposed development provides 11.1% of the site as deep soil area, with three medium trees and additional small trees. While the development meets the suggested percentage level of deep soil areas and trees required, in some instances the deep soil areas do not meet the minimum dimension or area of the acceptable outcomes.

Only one of the three medium trees has been provided with the minimum deep soil area required (36m<sup>2</sup>), while a number of small trees that are located in landscaping strips measuring one metre wide and do not meet the minimum deep soil area required per tree.

It has also not been demonstrated how the design will be sufficient to sustain healthy plant and tree growth or provide a high level of amenity to the surrounding area or future residents and therefore is not considered to meet the element objectives.

In light of the above, and having regard to the recent SAT decision, while the required amount of deep soil area required across the entire site is achieved, the proposed design of the individual deep soil areas proposed are not adequate to accommodate the required tree provision across the site. No expert advice was provided demonstrating how these areas would prosper in the restricted deep soil areas provided.

The proposal is therefore not considered to meet objective O3.3.3 as the proposed deep soil areas are not of a sufficient area and volume to be able to accommodate the required tree provision for the site.

### Visual privacy

Element 3.5 Visual Privacy objective states:

- O 3.5.1 *The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.*

The acceptable outcomes suggest:

- major openings (windows) be set back from adjoining properties a distance of 4.5 metres to bedrooms, studies and open walkways
- six metres to habitable rooms other than bedrooms and studies
- 7.5 metres to unenclosed private open space areas such as balconies
- balconies are to be unscreened for at least 25% of their perimeter (including edges abutting a building).

The revised design incorporates a number of design changes to the front façade of the development, including modifications to the street facing balconies. Each of the balconies meet the acceptable outcomes in terms of both visual privacy setbacks and proportion of screening included. Screening has also been provided to some habitable rooms in accordance with the requirement to minimise the potential of overlooking.

Each dwelling contains major openings to a habitable room which allow natural sunlight and ventilation into the dwelling. The orientation of the dwellings optimises the northern aspect of the site with highlight windows included to allow for sunlight penetration into the habitable rooms while ensuring the privacy of adjoining residents is maintained.

Given the above, the proposed development is considered to achieve the element objectives pertaining to visual privacy.

#### Car and bicycle parking

Element 3.9 Car and bicycle parking objectives state:

- O 3.9.1 Parking and facilities are provided for cyclists and other modes of transport.*
- O 3.9.2 Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*
- O 3.9.3 Car parking is designed to be safe and accessible.*
- O 3.9.4 The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.*

The acceptable outcomes suggest the provision of seven resident bays, two visitor bays and four bicycle bays for the development. The application proposes seven resident bays, two visitor bays and nine bicycle bays.

The number of bays provided for the dwellings and visitors is considered appropriate given the proximity of the site to Whitfords train station and high frequency bus routes on Whitfords Avenue, which provide access to other modes of transport, services and amenities, as well as local employment opportunities. During community consultation, concerns were raised that the number of bays did not meet the needs of the proposed residents and that two or more vehicles would be needed for each dwelling. The suggested acceptable outcomes are appropriate given the site is one of the closest areas to the Whitfords train station.

Visitor parking is located to the rear of the site screened from the street and not located behind any security barriers. It is therefore considered that the proposed visitor parking arrangement does not have a negative visual impact on the street and is therefore appropriate.

The proposal includes a trimdeck roofed structure for the vehicles to the rear of the site. The acceptable outcomes suggest that all parking structures should be integrated into the building design. The parking structure is not considered integrated by design or materials, however due to the site being lower than the surrounding lots this structure will not be highly visible from adjoining properties. Also, being at the rear of the site the structure will not impact the streetscape. The two-degree roof pitch will also minimise glare reflecting into adjoining properties.

Given the above, the proposed development is considered to achieve the element objectives pertaining to car and bicycle parking.

### Solar and daylight access

Element 4.1 Solar and daylight access objectives state:

- O 4.1.1 *In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- O 4.1.2 *Windows are designed and positioned to optimise daylight access for habitable rooms.*
- O 4.1.3 *The development incorporates shading and glare control to minimise heat gain and glare:*
  - *from mid-spring to autumn in climate zones 4, 5 and 6 AND*
  - *year-round in climate zones 1 and 3.*

The acceptable outcome suggests a minimum of 70% of dwellings should have living rooms and private open space areas receiving at least two hours direct sunlight per day, and a maximum of 15% of dwellings receiving no direct sunlight. All units have a northern aspect and receive at least two hours of direct sunlight per day and therefore the development achieves the acceptable outcome in this regard. All habitable rooms have access to at least one window (including sliding doors).

The proposal does not include shading devices on the northern façade (facing Twickenham Drive) contrary to the acceptable outcomes. The applicant previously advised that the inclusion of awnings over the windows for units 4, 5 and 7 would impact on the aesthetic of the facade.

The proposal also includes a habitable window that is less than the 10% requirement of the floor size. The kitchen for unit 6 is only 0.6m<sup>2</sup> when the acceptable outcomes suggest it should be a minimum of 0.9m<sup>2</sup>.

Based on the commentary received from the JDRP it is considered that shading devices should be provided, and unit 6 kitchen window is increased in size. On this basis, should the application be approved, it is recommended a condition be placed on the approval to address these requirements.

### Waste management

Element 4.17 Waste management objectives state:

- O4.17.1 *Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.*
- O4.17.2 *Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.*

The suggested acceptable outcomes outline that waste storage facilities are to be provided in accordance with the *WALGA Multiple Dwelling Waste Management Plan Guidelines* and are to be screened from view from the street and private dwellings.

Waste was one of the reasons for refusal in Council's decision at its meeting dated 21 April 2020 (CJ043-04/20 refers) as it was considered that the location of waste collection proposed did not minimise negative impacts on the streetscape.

The plans include an enclosed waste storage area to the rear of the development which adequately caters for the required number of bins required to service the development. Bin collection is proposed to be undertaken from a separate bin pickup area located on the western side of the access driveway and crossover. The Waste Management Plan submitted with the application (Attachment 5 refers) indicates that waste collection will be undertaken by private collection and proposes waste collection by a 10 metre long vehicle which would temporarily occupy the 10.3 metres of driveway and crossover located between the kerb line and the upper floor of the development. It is noted there is insufficient height clearance to the portion of the first floor overhanging the driveway to be able to accommodate waste collection entirely on-site.

While a waste vehicle can be accommodated without conflicting with the development's first floor, the 10.3 metres of space within the associated driveway and crossover is insufficient given that a 10 metres long vehicle requires 11.6 metres of space during operation. Therefore, a waste collection vehicle would require more space than is available on-site and within the adjoining verge which would cause the vehicle to overhang into the road carriageway, which is considered to have an unacceptable and detrimental impact on the streetscape in relation to road and pedestrian safety. It is also noted that the City's does not support private collection of waste for residential development as suggested in the applicant's Waste Management Plan. As owner of the property, further consultation with the Department of Communities has identified that waste collection is the responsibility of the tenant and do not employ cleaners to undertake works.

The proposed waste collection is therefore not considered to meet element objectives O4.17.1 and O4.17.2.

### **Issues and options considered**

Council has been invited to reconsider its previous decision and determine whether the proposed development of seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley is appropriate.

In reconsidering the application, Council may:

- affirm its previous decision to refuse the application
- vary the decision
- or
- set aside the previous decision and substitute it with a new decision.

### **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.

<b>Policy</b>	<i>Residential Development Local Planning Policy (RDLPP)</i> <i>Environmentally Sustainable Design Policy</i> <i>State Planning Policy 7 Design of the Built Environment (SPP7)</i> <i>State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)</i> <i>State Planning Policy 3.7 (SPP3.7)</i> <i>State Planning Policy 5.4 (SPP5.4)</i>
---------------	---

### Local Planning Scheme No.3

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 streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

Clause 26 (5) of LPS3 states:

*Clause 5.1.1 of the R-Codes is modified by inserting the additional 'deemed-to-comply' criteria:*

*C1.5 In areas where dual coding applies, site areas under the higher coding may be applied subject to the following:*

- (i) *Development which complies with a minimum frontage of 10 metres at the setback line, with the exception of multiple dwelling sites; or*
- (ii) *Development of multiple dwelling sites which complies with a minimum site width of 20 metres at the street boundary.*

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

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.*

#### Residential Development Local Planning Policy

The overall objectives of this policy are to encourage:

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

#### State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

The overall policy objectives for multiple dwellings are:

- *To provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.*
- *To encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.*
- *To encourage design that considers and respects local heritage and culture.*
- *To facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.*

The overall policy objectives for the planning, governance and development processes are:

- *To encourage design that is responsive to site, size and geometry of the development site.*
- *To allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives.*
- *To ensure clear scope for scheme objectives to influence the assessment of proposals.*
- *To ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.*

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

SPP3.7 was prepared by the WAPC 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 (Attachment 7 refers). This BAL assessment identifies a BAL rating of BAL- 19.

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.

### State Planning Policy 5.4 – Road and rail noise (SPP5.4)

SPP5.4 was prepared by the WAPC and gazetted on 6 September 2019. The purpose of SPP5.4 is to minimise the adverse impact of road and rail noise on noise-sensitive land-use and/or development within the specified trigger distance of strategic freight and major traffic routes.

In accordance with Clause 4.1, and the distance to the Mitchell Freeway road reserve, the site is subject to the requirements of the policy. As such a Transportation Noise Assessment (Attachment 6 refers) has been provided. The assessment identifies where further controls are necessary to meet the relevant targets associated with noise including measures for roofs to include insulation below roof sheeting, doors to be solid timber core with acoustic seals and windows to have minimum glass thickness depending on the locations. These requirements do not impact the external appearance of the building.

It is noted the Transportation Noise Assessment was completed in June 2019, prior to the latest iteration of SPP5.4. It has been identified by the applicant's acoustic engineer that the update of SPP5.4 has not changed the reporting or the requirements of the report.

Should the application be approved, a condition enforcing the requirements of the Transportation Noise Assessment and requirement for a notification on the title is recommended.

### **Risk management considerations**

As this proposal is currently being considered by SAT, should Council resolve to approve the application the applicant is able to withdraw from proceedings if they are satisfied with the decision made by Council. However, if the applicant is not satisfied with the decision, they may request that the matter be determined by SAT through a formal hearing. In this case, any decision by Council would be set aside and SAT would determine the application on its merits in accordance with the *State Administrative Tribunal Act 2004* and the Regulations.

### **Financial / budget implications**

The applicant has paid fees of \$4,110 (excluding GST) for assessment of the application in accordance with the City's Schedule of Fees and Charges.

In the event the application proceeds to a final hearing it is likely the City will require consultants to participate in the process. The costs associated with this cannot be quantified at this stage but would be funded from the City's operating budget.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Development includes:
  - retention of natural landforms and topography
  - northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west
  - passive shading of glass
  - sufficient thermal mass in building materials for storing heat
  - insulation and draught sealing
  - floor plan zoning based on water and heating needs and the supply of hot water.
- Development is to incorporate:
  - low energy technologies and/or
  - natural and/or fan forced ventilation.
- Development is to incorporate water efficient technologies.
- Recyclable materials.
- Low-VOC products.

### **Consultation**

Community consultation for the initial application was undertaken for a period of 21 days by way of letters to surrounding landowners/occupiers, a sign on site and notice on the City's website, concluding on Monday 28 October 2019. A total of 18 submissions were received, being 17 objections and one submission of support.

The revised application was advertised for a period of 14 days, commencing on 4 May 2020 and concluding on 19 May 2020. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of 78 properties in the vicinity of the subject site.
- Correspondence was sent to all those residents who made a submission on the original proposal but fall outside of the immediate vicinity of the site.
- Development plans and information were made available for public viewing on the City's website.

At the conclusion of the consultation period, 15 submissions were received, all objecting to the proposal.

The key concerns raised during the consultation period include the following:

- Bulk and scale of the development, including that the building height is not in keeping with the surrounding area.
- Insufficient car parking bays on the site.
- Access to the site on the bend is dangerous and will be made worse by street parking.
- Poor landscaping quality and areas around the site.

- Visual privacy concerns to surrounding developments.
- The increase in traffic and safety concerns within the street and surrounding road networks.

A detailed summary of the submissions against the specific design elements of SPP7.3, and general comments on the development is provided at Attachment 9.

## COMMENT

The proposal has been assessed against the element objectives of SPP7.3. Having regard to the element objectives it is considered that the development does not achieve a number of these, as outlined in the assessment above.

The application is therefore recommended for refusal for the reasons set out in the recommendation.

## 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* of the application for development approval, dated 21 May 2019 submitted by Danmar Developments for the proposed seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley, for the following reasons:

- 1 the proposal does not satisfy the element objectives of 3.3 Tree Canopy and Deep Soil Areas and 4.12 Landscape Design of *State Planning Policy 7.3*, as the proposed deep soil areas are not sufficient in area and volume to sustain healthy plant and tree growth;
- 2 the proposal does not satisfy the element objectives of 4.17 Waste Management of *State Planning Policy 7.3*, as the waste collection location proposed does not minimise negative impacts on the streetscape.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf201201.pdf](#)

## ITEM 4 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents sealed by affixing the Common Seal during the period 3 November 2020 to 17 November 2020
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 3 November 2020 to 17 November 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 3 November to 17 November 2020, as detailed in Attachment 1 to this Report.*

### BACKGROUND

For the period 3 November to 17 November 2020, 8 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	7
Withdrawal of Caveat	1

### DETAILS

#### Issues and options considered

Not applicable.

#### Legislation / Strategic Community Plan / Policy implications

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Demonstrate accountability through robust reporting.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**Current 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 3 November 2020 to 17 November 2020, as detailed in Attachment 1 to this Report.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf201201.pdf](#)*

## ITEM 5 MINUTES OF REGIONAL COUNCIL MEETINGS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 101515
<b>ATTACHMENT</b>	Attachment 1 Mindarie Regional Council – Ordinary Council Meeting Minutes – 22 October 2020  <i>(Please note: These minutes are only available electronically).</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

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

### EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 22 October 2020.

### DETAILS

#### Mindarie Regional Council Meetings

A meeting of the Mindarie Regional Council was held on 22 October 2020.

Mayor Albert Jacob, JP and Cr Russ Fishwick, JP were Council's representatives at the Ordinary Council meeting of the Mindarie Regional Council held on 22 October 2020.

The attached minutes detail those matters that were discussed at the Mindarie Regional Council meeting that may be of interest to the City of Joondalup.

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

**Legislation** Not applicable.

#### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy**    Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 22 October 2020 forming Attachment 1 to this Report.**

*To access this attachment on electronic document, click here: [ExternalMinutes201201.pdf](#)*

## ITEM 6 STATUS OF PETITIONS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENT</b>	Attachment 1 Status of Petitions – 16 August 2016 to 17 November 2020
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the 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 17 November 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 17 November 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, a new draft policy was presented to Council at its meeting held on 20 October 2020 (CJ162-10/20 refers). The draft *Advertisement Local Planning Policy* will be advertised for public consultation for 21 days before the end of 2020;**
- 3 in relation to the petition requesting a skate park facility be built at Chichester Park, Woodvale, it is anticipated that a report will be presented to Council in February 2021;**

- 4** in relation to the petition requesting the installation of a BMX dirt track at Kallaroo Park, it is anticipated that a report will be presented to Council in February 2021;
- 5** 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, a report was presented to Council at its meeting held on 15 September 2020 (CJ135-09/20 refers). The lead petitioner has been notified of its decision;
- 6** in relation to the petition requesting that:
  - 6.1** 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;
  - 6.2** 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 was presented to Council at its meeting held on 15 September 2020 (CJ136-09/20 refers) and was referred back to the Chief Executive Officer to allow further engagement with Main Roads WA and other stakeholders on possible novel solutions to improve the intersection at Walter Padbury Boulevard and Hepburn Avenue, Padbury. The City is currently investigating options and a report will be presented to a future Council meeting;
- 7** 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 consideration of the redeployment of funds, as suggested in the petition, will occur during the City’s mid-year budget review process. A report will be presented to Council following this process;
- 8** in relation to the petition requesting that Council change the regulation that bans dogs from all beaches, apart from the dog beach, it is anticipated that a report will be presented to Council in December 2020;
- 9** in relation to the petition requesting that Council change the parking regulations in Bonneville Way, Abitibi Turn and Curran Court, Joondalup to make these streets ‘resident only’ parking, it is anticipated that a report will be presented to Council in December 2020;
- 10** in relation to the petition requesting that Council install or construct traffic calming measures on Sherington Road, Greenwood, a report was presented to Council at its meeting held on 20 October 2020 (CJ157-10/20 refers). The lead petitioner has been notified of its decision;
- 11** in relation to the petition requesting that Council invest in the improvement of Clifford Coleman Park, Marmion, a report was presented to Council at its meeting held on 20 October 2020 (CJ156-10/20 refers). The lead petitioner has been notified of its decision;

- 12** in relation to the petition requesting that Council construct a speed reduction hump on Seacrest Drive, Sorrento in the westbound lane approximately 50 metres from the corner of Marmion Avenue, the City is currently reviewing the request and a report will be presented to a future Council meeting;
- 13** in relation to the petition requesting that Council provide adequate bin facilities to address dog waste and litter at key entrance and exit points of the Yellagonga Regional Park, the City is currently reviewing the request and a report will be presented to a future Council meeting.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf201201.pdf](#)

## **ITEM 7                    STRATEGIC POSITION STATEMENTS – 2020 REVIEW**

---

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	103936, 101515
<b>ATTACHMENT</b>	Attachment 1    Revised Strategic Position Statements
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to consider and adopt the proposed minor revisions to the City's strategic position statements.

### **EXECUTIVE SUMMARY**

Since 2008, Council has endorsed strategic position statements to provide an agreed position on strategic matters of interest to the City.

The primary purpose of the strategic position statements is to provide flexibility for the Council in capitalising on unplanned opportunities for external funding and investment. Its secondary purpose is to guide the development of future strategic planning documents where current gaps may exist.

Since their inception, the strategic position statements are subject to biennial review, with the latest major review occurring at the Council meeting held on 17 April 2018 (CJ1061-04/18 refers).

The City's current strategic position statements cover the following issues:

- Community facilities.
- Leisure centre operations.
- HBF Arena Joondalup.
- Tamala Park.
- Tamala Park income.
- CBD land.
- Third Australian Football League team in Western Australia.
- City of Joondalup leadership and representation.
- International recognition and innovation.
- Sustainable borrowing.
- Significant event attraction.
- Homelessness.
- Economic development international activity.
- Tri-cities alliance.
- Second A-League Football (Soccer) Team in WA.

This report recommends that Council retain the current strategic position statements and adopt the proposed minor revisions as shown in Attachment 1.

## BACKGROUND

At its meeting held on 15 July 2008 (CJ120-07/08 refers), Council consideration was given to several strategic and priority issues. Strategic position statements were subsequently developed to provide the Council and City with a basis for lobbying and to effect expedient changes should opportunities from state and federal governments or the commercial industry arise.

Since their inception, the strategic position statements have been subject to biennial reviews at Council meetings held on 20 July 2010 (CJ121-07/10 refers), 26 June 2012 (CJ109-06/12 refers), 19 August 2014 (CJ132-08/14 refers), 19 April 2016 (CJ055-04/16 refers) and 17 April 2018 (CJ061-04/18 refers). As a result of the 2018 review process, the following changes were adopted by the Council:

<b>Current Strategic Position Statements</b>	<b>2018 Review</b>
Community facilities	Retained
Leisure centre operations	Retained
HBF Arena Joondalup	Minor amendments to better align the statement with the progress status of current projects.
Tamala Park	Retained
Tamala Park Income	Amendment to ensure that the funds are only utilised for income generating facilities.
CBD Land	Retained
Third AFL Team in Western Australia	Retained
City of Joondalup leadership and representation	Retained
International recognition and innovation	Retained
Sustainable borrowing	Retained
Significant event attraction	Retained
Homelessness	Retained
Economic development international activity	Retained
Tri-cities alliance	Retained
Second A-League Football (Soccer) Team in WA	New

## DETAILS

The current Council endorsed strategic position statements are outlined below. Background information has been provided on the rationale for the development of each strategic position statement as well as a recommendation in relation to the retention, amendment or removal of each statement.

## 1 Community Facilities

### Master Planning

Each significant facility should be developed in accordance with a master plan rather than being the subject of small ad-hoc fixes.

Private commercial facilities should also be considered within upgrades and developments of master planned community facilities.

### Usage

Facilities should be multi-use and be used at all times where possible. Facilities should include complementary services where possible.

Opportunities for decentralised service centres should be considered for master planning upgrades of community facilities such as libraries and leisure centres.

### Background

Historically, the supply and provision of facilities and infrastructure for sport, leisure and recreation in the City has been based on specific user group needs rather than the broader community needs and leisure trends. In some locations, this has resulted in duplication of facilities within the same site.

Master planning is a process that develops an overall design and layout for an area. The process considers the current and future needs of the community to design facilities and infrastructure to best meet these identified needs.

The City's masterplan process was originally endorsed by Council at its meeting held on 15 April 2008 (CJ062-04/08 refers) and was reviewed and considered by Council at its meetings held on 17 February 2009 (CJ031-02/09 refers) and 12 December 2017 (CJ205-12/17 refers). The process is used for the development of new or refurbishment / redevelopment of existing community, sport, leisure and recreational facilities and infrastructure.

The masterplan process is guided by the following principles:

- Community consultation and engagement – the community and existing user groups will be engaged to ensure their needs are identified and considered as part of the project.
- Multipurpose and shared use – where possible, facilities will be designed to be flexible spaces that are multi-purpose and allow co-location of groups / activities.
- Community access and participation – projects should enhance the community's access to facilities and opportunity for increased participation in health and well-being activities including active sport and passive unstructured leisure and recreation.
- Sustainability – projects will consider key environmental and sustainability principles such as minimising the likelihood of noise / antisocial behaviour; energy efficiencies; access and inclusion; minimising whole of life costs.
- Quality facility provision – projects should focus on improving the quality of facilities and infrastructure provided to the community, with priorities placed on the functionality to meet the community's needs and the City's ongoing management requirements over the life of the asset.

The City has commenced the following three masterplan projects:

- Edgewater Quarry masterplan.
- Percy Doyle Reserve masterplan.
- Heathridge Park masterplan.

Where possible, the City should investigate opportunities for land swaps or crown land acquisition arrangements with the state government to fund new facilities.

#### Previous amendments

At its meeting held on 19 August 2014 (CJ132-08/14 refers), Council amended the position statement as follows:

- To expand opportunities for the City to increase the affordability of its major projects where private funding may offset costs to the City. Example projects where this may apply include proposed redevelopments at Burns Beach, Whitfords and Warwick.
- To align with the City's strategic initiative within the *Strategic Community Plan - Joondalup 2022* (Joondalup 2022) to "employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services".

This position statement remains relevant and should therefore be retained.

Recommendation     Retain.

## **2     Leisure Centre Operations**

Leisure Centre operations overall should aim to be self-sufficient and meet all operating costs.

#### Background

The City's premier leisure centre in Craigie is considered one of the busiest leisure facilities in Western Australia. The facility records over 1.5 million patrons attending per annum, which equates to 4,257 customers per day and performs well against other local government facilities nationally.

The City of Joondalup leisure centres currently operate on a user-pay principle. Fees and charges are reviewed against an annual price review of similar leisure facilities throughout the state. From a market position, the City's leisure centres operate in line with industry averages. To support access to the leisure facilities in price sensitive markets, the City offers one of the highest concession discounts in Western Australia.

A 25% membership discount is offered to seniors and concession card holders, and a 33% discount is offered to City of Joondalup residents or ratepayers over the age of 75. Membership include casual swim, crèche entry and lifestyle program activities. The City subsidises the concession at a cost of \$345,000 per annum.

In December 2019, Council agreed to progress the Craigie Leisure Centre Refurbishment Project to a construction / tender stage. Dates of construction have not yet been determined however; works are likely to begin in 2021-2022 at an estimated project cost of \$8.7 million.

The refurbishment will result in the following:

- Relocation and extension of the group fitness studio, wellness studio and cycle studio.
- Relocation and extension of the creche.
- Increase to the main gym floor area, which is estimated to increase from approximately 500sqm to 1,200sqm.
- Installation of new gym toilet and changeroom areas.
- Relocation of the staff room to allow for the cycle studio extension.
- Formalisation of the existing western overflow car park area, new additional car parking on the northern ring road, modifications to the southern car park and modification to the staff car park.
- Minor modifications to the facility entrance.

The Craigie Leisure Centre is exempt from the Council's *Facility Hire Subsidy Policy*, due to the commercial realities of operating a large multi-purpose leisure facility. The leisure centres' current management model is proving successful in attracting large participation rates from the community across a variety of facilities and programs with competitive fees and charges being applied.

At its meeting held on 18 August 2020 (CJ115-08/20 refers), Council resolved to lease the operations of Duncraig Leisure Centre to the Churches of Christ Sporting and Recreation Association, saving the City approximately \$170,000 per annum.

#### Previous amendments

At its meeting held on 19 August 2014 (CJ132-08/14 refers), Council made a minor amendment to delete the words "and recreation" and replaced them with the word "Centre". This ensured the statement focused specifically on leisure centres rather than the City's broader recreation operations.

This position statement remains relevant and should therefore be retained.

Recommendation     Retain.

### **3     HBF Arena Joondalup**

Should the state government agree to the transfer of this large-scale leisure and recreation facility to the City, the transfer is supported on the following conditions as a minimum:

- Consideration from the Minister for Transport and Public Transport Authority for the site to incorporate improved public transport linkages with the Joondalup City Centre.
- Maintenance of the existing facility to be addressed before transfer.
- Agreement for the land tenure to provide for development of commercial activities aligned to a sports precinct.

#### Background

The facility, in its current form, was principally developed by LandCorp (Joondalup Development Corporation) as part of the implementation of the *Joondalup CBD Masterplan*. It is the only facility of its type that is operated by the state government, under the auspices of VenuesWest. All other VenuesWest facilities are predominantly used for elite sports.

The City has contributed \$11 million to the HBF Arena since its construction, with its latest contribution of \$4 million being for the upgrade of facilities for the West Perth Football Club and Wanneroo Basketball Association, additional netball courts and administration centre for the Joondalup Netball Association and expansion of the western playing fields to assist the Joondalup Little Athletics association and Joondalup Brothers Rugby Club.

In addition to the capital contributions made by the City, an additional \$790,000 is made to VenuesWest for part maintenance costs of the playing surfaces occupied by the members of Arena Community and Sporting and Recreation Association (ACSRA) along with a contribution towards a renewal fund for the ACSRA clubrooms.

The following aspects should be considered when reviewing this strategic position statement:

- West Perth and Joondalup Wolves now have new facilities at HBF Arena Joondalup.
- The City agrees to maintain current use and charging regime for key stakeholders.
- The City agrees to retain staff for a set period.
- Maintenance in recent years has addressed most of the need for refurbishment items to be initiated.
- Subsidy to existing groups (such as WAIS and Rugby) will need to be resolved.
- Caveats on the land exist for Western Power, drainage and use of land for commercial purposes (LandCorp).

#### Previous amendments

At its meeting held on 19 August 2014 (CJ132-08/14 refers), Council amended the position statement to improve wording relating to potential funding support from the state government in the event of the venue being transferred to the City.

At its meeting held on 19 April 2016 (CJ055-04/16 refers), Council made minor amendments to better align the statement with the status of current projects underway on the HBF Arena Joondalup site and to broaden potential public transport opportunities in the future. Council also made some additional amendments to better align the statement with the progress status of current projects at its meeting held on 17 April 2018 (CJ061-04/18 refers).

Should a situation arise where transferring ownership of the facility to the City is considered, the City supports the protection of its current financial position by requiring minimum conditions in agreeing to any transfer. The statement could possibly be amended to ensure the City has full access to capital and operating performance statements for the venue to allow it to undertake relevant due diligence for a decision of this nature.

This position statement remains relevant and should therefore be retained.

Recommendation      Retain.

## **4      Tamala Park**

The contribution of funds for the development of future regional recreation facilities at Tamala Park should be coordinated by the Mindarie Regional Council, with contributions provided by all current member Councils.

### Background

Over the next decade, the Tamala Park land, which is currently under the management and utilisation of the Mindarie Regional Council (MRC), will be released back to the owners. The site comprising of 151 hectares, will be available as a regional recreation facility.

The land is held in fee simple and is the southern portion of Lot 9504 on Deposited Plan 52070. The land is currently zoned Regional Open Space and / or Bush Forever and an interim zoning exists for 57 hectares of land under the classification 'public utility'.

The MRC has been requested by the seven member-owner Chief Executive Officers to develop a masterplan for this portion of the site and the portion of the site currently used for waste management landfill purposes.

Council's position was determined in terms of both the strategic implications and financing of such a facility which, while located within the City of Wanneroo, has an interface with the border of the City of Joondalup.

While the contribution of City funds to develop future facilities at the Tamala Park site is still supported, it is considered appropriate that such contributions are coordinated by the MRC following detailed assessment of options for development of the land.

This position statement remains relevant and should therefore be retained.

Recommendation     Retain.

## **5     Tamala Park Income**

Funds from Tamala Park should be used for programs aligned to the City's *Strategic Financial Plan*, but for the following purpose as a minimum:

### To invest in income producing facilities

#### Background

The City of Joondalup, along with six other local governments, has a strategic land investment (Tamala Park) which is currently being developed and sold as a residential lot subdivision. It is projected that by the financial period to 2033-34, there is potential for the City to receive an income stream of approximately \$54 million.

As a result of market conditions, the overall total projected income stream has reduced from previous projections and the timeframe has been extended from 2028-29 to 2033-34.

Council has adopted the current position as the basis on which it will manage these funds and for the purposes the funds might be allocated.

The City has established a Tamala Park Land Sales Reserve which holds \$14.1 million as at 30 June 2020, received from dividends and interest earned.

### Previous amendments

At its meeting held on 17 April 2018 (CJ061-04/18 refers), Council made amendments to ensure that the funds are utilised for income generating facilities as a minimum.

The City's *Strategic Financial Plan*, as adopted by Council at its meeting held on 20 August 2019 (CJ108-08/19 refers), does not include any use yet for the Tamala Park Land Sales Reserve, this assumption will be reviewed annually as part of the annual reviews of the City's *Strategic Financial Plan*.

This position statement remains relevant and should therefore be retained.

### Amendment required

At its meeting held on 20 October 2020 (CJ147-10/20 refers), Council agreed to change the City's *Strategic Financial Plan* from a 20 year plan to a 10 year plan. As the time period for this Plan may change again in the future, a minor change in wording for this strategic position statement is recommended.

Recommendation Amend to reference the City's *Strategic Financial Plan* (instead of 20 year *Strategic Financial Plan*).

## **6 CBD Land**

Development of high-rise commercial office space and other City Centre uses, including high density residential development within the City Centre on City-owned land, is supported under the following conditions:

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial and residential purposes.
- Provides a fast-growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.

### Background:

At its meeting held on 25 May 2010 (CJ073-05/10 refers), Council endorsed the Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters, which provided the following vision for the project:

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes.
- Provides a fast-growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.

An initial Expression of Interest (EOI) for the site was called and a preferred proponent identified, but negotiations to finalise a Memorandum of Association (MOU) between the parties was unsuccessful. When the City issued a revised EOI in October 2014, Devwest Pty Ltd was endorsed as the preferred developer and an MOU for construction of an integrated, mixed used development for the City Centre site was signed and executed in December 2014.

In July 2015, the City, in association with Devwest Group Pty Ltd, submitted a proposal to the state government for an office development proposal in the Joondalup City Centre. At the time of endorsement of the City's submission, Council also endorsed the *Joondalup City Centre Concept Plan*, known as "Boas Place", for Lot 496 (70) Davidson Terrace, Lot 507 (90) Boas Avenue and Lot 497 (102) Boas Avenue, Joondalup. The Boas Place concept plan articulates the City's project vision and provides an office building, hotel / short stay and residential accommodation, commercial / retail opportunities and a public car park.

At its meeting held on 19 April 2016 (CJ055-04/16 refers), Council made minor amendments to the position statement to better align the statement with the current vision of the Boas Place development.

The MOU between the City and Devwest Group Pty Ltd expired on 10 September 2017. At its meeting held on 11 September 2017, the former Major Projects Committee requested the CEO negotiate and clarify with Devwest Group Pty Ltd in relation to particular sites of the development; (site C) that the City also reserves the right to consider other bidders and development options for sites D and E and report back to the Committee on site F.

An alternative strategy for progressing the Boas Place development was considered by Council at its meeting held on 20 March 2018 (CJ053-03/18 refers). At this meeting, Council endorsed the preparation of an Order of Magnitude Business Case (OMBC) for attracting major developers for the Boas Place development. As requested by Council alternative strategies for attracting major developers for the Boas Place development (through the preparation of an OMBC) have been explored.

To facilitate the above, the City engaged a project team led by NS Advisory to prepare an OMBC for Boas Place. The main purpose of preparing an OMBC was to provide Council with the appropriate information to enable an informed decision on the future of the Joondalup City Centre Development – Boas Place project.

This position statement remains relevant and should therefore be retained.

Recommendation     Retain.

## **7     Third Australian Football League in WA**

Should the Australian Football League (AFL) decide to establish a third AFL football team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup, with the club base located at HBF Arena, Joondalup.

### Background

At its meeting held on 20 April 2010 (C14-04/10 refers), Council adopted the position statement to demonstrate its willingness to fully support any bid for a third licence within WA and to allow the City to lobby its position where considered appropriate.

The state government in partnership with the City has recently completed a significant upgrade of the West Perth Football Club (WPFC) training and administration facilities at the HBF Arena venue.

The AFL acknowledges that the North-West corridor of Perth (Joondalup and Wanneroo) is a major growth corridor and should be a focus of the AFL and Western Australian Football Commission (WAFC). There have been discussions about an AFL Centre of Excellence at the HBF Arena Joondalup.

The City of Joondalup in 2018-19 contributed \$4 million towards the upgrade of facilities at the Arena Joondalup which includes the WPFC facilities and basketball courts to enable the Wanneroo Basketball Association to relocate to the same site from the Collier Pass, Joondalup facilities.

This position statement remains relevant and should therefore be retained.

Recommendation     Retain.

## **8     City of Joondalup Leadership and Representation**

The City supports and encourages Elected Members and senior officers to actively participate in professional and / or industry associations that will further enhance the image of the City and provide a mechanism for leveraging new opportunities that benefit the City and its community.

### Background

As the third largest local government by population in Western Australia and one of the largest local governments in Australia, the City of Joondalup has a role to play with regards to representation and leadership within the local government sector, at both an Elected Member and senior executive level.

While the City already plays a leadership role as a local government in the sector, it is considered important that support and encouragement is provided to Elected Members and Senior Executive to actively participate in professional or industry disciplines that will further enhance the image of the City of Joondalup, as well as influence regional, state and national goals for the benefit of the City.

The following examples demonstrate the leadership exhibited by Elected Members, CEO and Directors in the local government sector:

- The former Mayor Troy Pickard served as President of the Australia Local Government Association; a member of COAG; former President of WALGA; and represented the City internationally on the role that cities play in biodiversity conservation.
- Chief Executive Officer, Garry Hunt is a member of the Local Government Chief Officers Group and was a former President of the Western Australian Institute of Municipal Management (now LG Professionals). He has also served on the National Board of the Institute of Municipal Management (IMM) and as the International Vice President of the International City / Country Management Association (ICMA).
- Director of Governance and Strategy, Jamie Parry is the President on the board of the Local Government Professionals Australia (WA Division).
- Director of Planning and Community Development, Dale Page is a board member of DevelopmentWA (formerly LandCorp and the metropolitan Redevelopment Authority).
- Councillor Fishwick is a member of the LG Advisory Board and the WALGA State Council.

This position statement remains relevant and should therefore be retained.

Recommendation     Retain.

## 9 International Recognition and Innovation

The City should build upon its international recognition for liveability by continuing to demonstrate and embrace innovation and best practice in all fields of service, which are comparable on a global scale.

### Background

In 2011, the City was awarded the prestigious honour of the “World’s Most Liveable City” for the population category of 150,001 – 400,000 in the UN-backed annual International Awards for Liveable Communities (LivCom), and the 2012 United Nations Environment Award – *Excellence in Overall Management in Local Government*.

The LivCom Awards are the world’s only awards competition focusing on international best practice regarding the management of the local environment with the further objective of improving the quality of life of individual citizens through the creation of ‘liveable communities’. To win the award, the City was required to meet comprehensive criteria in the areas of environmental best practice, healthy lifestyles, community engagement and arts and cultural heritage.

The City continues to build on its international recognition in the following ways:

- The City hosted the 2013 International BiodiverCities Conference in collaboration with ICLEI - Local Governments for Sustainability and the Western Australian Local Government Association. The conference assembled local, national and international environmental experts to discuss the topic of addressing biodiversity conservation within the context of a changing climate.
- Joondalup is also home to some world leading research and unique educational facilities. The City will continue to support new research activity or the development of centres of excellence in partnership with key organisations including Edith Cowan University (ECU), Joondalup Health Campus, North Metropolitan TAFE and other public / private service providers. The Edith Cowan University Joondalup Campus is the location of the Western Australian Government’s first Innovation Hub. The Joondalup Innovation Hub has a focus on cyber security, leveraging ECU’s reputation as a world leader in cyber security research. With an \$800,000 state government investment, it brings together public, private and research sectors headquartered at the ECU Joondalup Campus. It also utilises facilities in ECU and throughout the Joondalup area. The Innovation Hub is a result of collaboration between the City and ECU.
- In 2015, the City’s *Climate Change Strategy 2014-2019* was showcased at COP21, the 21<sup>st</sup> Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC). In the lead up to COP21, the City also committed to the Compact of Mayors Program, which requires the City to measure and publicly report to a global audience, its progress on climate change actions and initiatives. The City was identified as one of three cities in Australia to be fast-tracked in achieving full compliance with the program.
- The former Mayor Troy Pickard also addressed a United Nations sustainable development summit in New York in 2015, enabling further international attention on the City’s biodiversity initiatives.
- In 2017 the City received a Bronze Award in the Australian Organisational Excellence Award from the Australian Organisational Excellence Foundation. The criteria for the Organisational Excellence Awards are internationally recognised and are awarded to organisations that have demonstrated a commitment to excellence in:

- leadership
  - strategy and planning
  - customer and stakeholder service and engagement
  - ethical behaviour
  - environmental responsibility
  - continued high levels of performance.
- The 2016 Kaleidoscope Festival was named the Western Australian Best New Event and Best Cultural, Arts or Music Event at the prestigious Australian Event Awards which were announced in September 2017.
  - The City received a Silver Award in the Australasian Reporting Awards (ARA) for its 2016-17 Annual Report. The Awards provide an opportunity for organisations to benchmark their annual reports against ARA criteria which are based on world best practice. Achievement of the Silver Award recognises the City's commitment to enhancing annual reporting to its key stakeholders and the wider community.
  - In 2018-19 and 2019-20, the City received a Gold Award from the Australasian Reporting Awards for its 2017-18 and 2018-19 Annual Reports. The award acknowledges:
    - excellence in annual reporting
    - high quality coverage against ARA criteria based on world best practice
    - full disclosure of key aspects of the City's core business
    - current legislative and regulatory requirements have been met
    - that the City's report is a model for annual reports in the local government sector.

This position statement remains relevant and should therefore be retained.

Recommendation     Retain.

## **10     Sustainable Borrowing**

The City supports borrowing as an appropriate form of financing capital expenditure in the achievement of objectives contained within the *Strategic Community Plan - Joondalup 2012-2022* and the *Strategic Financial Plan*.

Sustainable borrowing parameters should be determined as follows:

- Long term borrowing requirements will be identified as part of the *Strategic Financial Plan* and specific borrowings will be approved as part of the annual budget process.
- Borrowings should only be considered where the impacts are within the range of the key ratio targets contained within the *Strategic Financial Plan – Guiding Principles* in particular, the Debt Service Coverage Ratio.

### Background

At its meeting held on 20 August 2019 (CJ108-08/19 refers), Council adopted the most recent version of the City's *Strategic Financial Plan – Guiding Principles*, which includes the following guidance in relation to borrowing:

- The City is an asset intensive business, and as such, loan funding could be expected to be used to fund Capital Expenditure. The borrowings should be consistent with the City's Strategic Positioning Statement of Sustainable Borrowings.

- The primary measure of evaluation is the Debt Service Coverage Ratio which is not to exceed five consecutive years with an annual debt service cover ratio of between three and five, with all other periods exceeding a ratio of five.

Regarding the application of borrowings, it is unlikely that the City will earn a higher rate of interest on its own cash compared to the rate of interest on borrowings. Therefore, the City is normally better off to use its own cash (including reserves) in the first instance than to pursue debt options.

The City may determine from time to time, however, that it is prudent that cash is to be set aside into reserve funds for specific future purposes, and may therefore decide to use borrowings to fund other projects rather than using its own cash. It is acknowledged that this is likely to result in a net overall cost to the City.

This position statement remains relevant and should therefore be retained.

#### Amendment Required:

At its meeting held on 20 October 2020 (CJ147-10/20 refers), Council agreed to change the City's *Strategic Financial Plan* from a 20 year plan to a 10 year plan. As the time period for this Plan may change again in the future, a minor change in wording for this strategic position statement is recommended.

Recommendation Amend to reference the City's *Strategic Financial Plan* (instead of 20 year *Strategic Financial Plan*).

## **11 Significant Event Attraction**

The City will attract and support significant events that are unique to Joondalup and enhance its image as an attractive destination for visitors, tourists and business.

These significant events will deliver economic development benefits for local businesses while promoting Joondalup's reputation state-wide, nationally and internationally as the cultural, civic and entertainment centre of the north-west region of the Perth metropolitan area.

#### Background

In the development of Joondalup 2022, the following strategic initiatives were adopted by Council to support the enhanced vibrancy of the City and to promote the area as a "Destination City":

- actively promote and sponsor significant events and activities
- actively engage event promoters to host iconic, cultural and sporting events within the City.

At its meeting held on 17 August 2015 (CJ139-08/15 refers), Council accepted a tender submitted by Mellen Events for the planning, coordination, delivery and management of a significant event being Kaleidoscope for a period of three years commencing November 2016, with a total City contribution of \$1,150,000. Since that time Council endorsed making a further contribution of \$300,000 to the 2017 and 2018 event.

The 2016 Kaleidoscope event attracted more than 50,000 people over the four nights and some of the strategic outcomes were as follows:

- An economic impact analysis post-Kaleidoscope which found the combination of all direct, industrial consumption effect would result in total estimated rise in output of \$2,048,305 in the City's economy, an approximate four-fold return on the City's investment in the event.
- Mellen Events reported that Kaleidoscope media and PR coverage (print, TV and radio) totalled more than \$1 million in advertising value equivalency, reaching more than 2,254,843 people. These figures do not include any of the digital or social media coverage.

The 2016 Kaleidoscope Festival was named the Western Australian Best New Event and Best Cultural, Arts or Music Event at the prestigious Australian Event Awards which were announced in September 2017.

The 2017 Kaleidoscope event attracted 88,000 people to the Joondalup City Centre over the four nights it was held (9 - 12 November) and some of the strategic outcomes were as follows:

- An economic impact analysis post-Kaleidoscope found the combination of all direct, industrial consumption effects would result in total estimated rise in output of \$4,168,565 in the City's economy; a good result on the \$600,000 investment in the event.
- Mellen Events reported that in 2017 there were 111 pieces of media coverage for Kaleidoscope across TV, radio, print newspapers and online articles totalling \$2,979,948 in PR value (advertising value equivalency), which was almost triple that of the inaugural 2016 event.

The 2017 Kaleidoscope Festival was a finalist in the WA State Awards. The award recognises a special event, festival or cultural exhibition that demonstrates artistic excellence, innovation and / or support of music, arts and culture.

The 2018 Kaleidoscope event attracted approximately 117,000 patrons over the four nights (1 - 4 November) and some of the strategic outcomes were as follows:

- An economic impact analysis post-Kaleidoscope established an estimated total visitor spend (based on the average reported spend from surveyed attendees) of \$4,237,200 throughout the four nights. This resulted in an estimated increase the Gross Regional Product in the City of Joondalup of \$2,601,944 as a direct result of the event.
- Kaleidoscope media and PR coverage (print, TV, online and radio) totalled more than \$1.8 million in advertising value equivalency, reaching more than 10,718,868 people worldwide.

In partnership with the City of Wanneroo in 2018-19, the City commissioned Sports Marketing Australia Pty Ltd to prepare a joint Capability and Capacity Assessment of both Cities' potential to host large scale sporting events within the region. The assessment provided both Cities with an understanding of potential events that would be beneficially hosted in the region, as well as an indication on the types of sporting disciplines and grades that could be played. The assessment concluded that the City has both the capability and capacity to host events.

In November 2019, the City entered into a three-year agreement with Sports Marketing Australia to enable the City to take a strategic approach to procuring events.

At its meeting held on 17 November 2020 (CJ173-011/20 refers), Council resolved to invite expressions of interest from suitably qualified event management groups to host a Vintage Car Speed Classic within the City of Joondalup based on a 'Round the Houses' style format with both non fee and fee paying options being explored.

The City continues to work in partnership with community and business groups to attract events to the City that will deliver economic and social benefits while raising the profile of the City as an attractive destination for visitors, tourists and business.

This position statement remains relevant and should therefore be retained.

Recommendation      Retain.

## **12 Homelessness**

The City of Joondalup recognises that a whole of community response is required to reduce and prevent homelessness and minimise the impact of homelessness on families, individuals and the community.

The City's role in addressing homelessness will be one of coordination, support and advocacy in responding to homelessness in collaboration and partnership with the state and federal government, neighbouring local governments, homeless support services, community organisations and other relevant stakeholders to ensure that people experiencing homelessness are provided with effective and coordinated responses.

### Background:

In August 2015, the City commissioned Shelter WA to investigate the nature, breadth and prevalence of local homelessness. The subsequent report by Shelter WA, *Preventing and Responding to Homelessness in the City of Joondalup*, included a review of literature, consultation with stakeholders, exploration of potential partnerships and development of recommendations for the City's consideration in responding to homelessness.

Council received the final Shelter WA report in December 2015 and in doing so, supported the development of a strategic position statement to clarify the City's roles and responsibilities in responding to the issue of homelessness.

The extent to which local governments in WA address homelessness is completely discretionary, with involvement throughout the state ranging from direct service provision, to no formalised action. The multi-dimensional nature of homelessness necessitates involvement by a wide range of agencies, including all spheres of Government; the not-for-profit, commercial and private sector; community groups and individual efforts. The position statement on homelessness is helpful in clarifying expectations by the community and stakeholders in relation to the City's role in ending homelessness.

A key recommendation of the Shelter WA report was to "Develop and implement a homelessness strategy, in collaboration with the City of Wanneroo". The Cities worked collaboratively over several years to undertake comprehensive research into the complexities, contributing factors, extent and needs of people experiencing, or at risk of experiencing, homelessness.

At its meeting held on 11 December 2018 (CJ216-12/18 refers), Council endorsed the *Regional Homelessness Plan 2018-19 – 2021-22* (Regional Homelessness Plan), as did the City of Wanneroo Council equivalently. The Regional Homelessness Plan serves as a framework to inform action by the City of Joondalup, City of Wanneroo and external parties with the aim to end homelessness. The plan addresses the following three pillars:

- Building community capacity, understanding and engagement.
- Prevention and early intervention.
- Responding to homelessness.

The commitments contained within the Regional Homelessness Plan for the Cities of Joondalup and Wanneroo are consistent with the current position on Homelessness that confirms the City's role as one of coordination, support and advocacy.

In 2019, the state government released *All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020-2030* which articulated a whole-of-community response to tackle the complex issue of homelessness, led by the Department of Communities. The state strategy indicates that local government is well placed to have an integral role in identifying people who are sleeping rough or experiencing other forms of homelessness and facilitating connections to help and support through information. The City of Joondalup, service organisations and local community were active participants in the consultation to help shape the state government strategy.

The City's position statement on homelessness aligns with expectations of local government as outlined by the state government in its 10 year strategy on homelessness, such as; making information on local services and supports available and accessible; ensuring rangers and front-line staff are informed and supported to interact with people experiencing homelessness and, where appropriate, refer them to local services; working with police to support and refer people experiencing homelessness to local services and supports; coordinating volunteer efforts; and creating places that are inclusive to support vulnerable people.

This position statement remains relevant and should therefore be retained.

Recommendation      Retain.

### **13      Economic Development International Activity**

The City supports the pursuance of international economic development activities that seek to achieve:

- local economic growth
- investment attraction
- export growth in local goods and services
- return on investment.

The City's role in achieving the above should include:

- facilitating linkages between local businesses and industries to international markets
- providing financial contributions to pilot programs and initiatives with partner organisations that support international investment within the City
- leveraging current international sister city relationships, for example Jinan, China
- delivering a focused economic development international activities program to support the economic growth of the City of Joondalup for the benefit of ratepayers, Joondalup businesses, and other key stakeholders.

Activities should also align with the specialist themes contained within the City's *Economic Development Strategy*, namely: Global City, Destination City and Digital City.

#### Background

Since the launch of the City of Joondalup's *Strategic Community Plan Joondalup 2022*, which has a clear vision of "A global City: bold, creative and prosperous", several informing strategies have been developed to facilitate achievement of the vision. Informing strategies endorsed by Council include *Expanding Horizons - An Economic Development Strategy for a Global City* a digital strategy entitled *Joondalup: Digital City*, and the *International Economic Development Activities Plan*.

*Expanding Horizons* supports the achievement of the City's vision with seven themes as follows:

- Business Growth and Innovation.
- Employment Skills and Development.
- Business Clusters and Investment.
- City and Regional Infrastructure.
- Global City.
- Digital City.
- Destination City.

The Global City and Destination City themes relate directly to international economic development, while the Digital City theme acts as a delivery mechanism to enable efficient digital engagement and commerce in the international marketplace.

Following the 2015 delegation to China, it was apparent that the City needed to be clear on what international engagement and activity is required to achieve its vision and strategic goals. The City also needed clarity on what its role is in attracting international investment and to understand how it can assist businesses located in the City to diversify into the international marketplace.

The City's *Economic Development Strategy, Expanding Horizons* includes significant emphasis on international activities. Each of the core strategic themes of the strategy includes a 'Global City' dimension.

At its meeting held on 18 April 2017 (CJ042-04/17 refers), Council endorsed an *International Economic Development Activities Plan* to support the delivery of the Economic Strategy, as well as the City's *Strategic Community Plan* vision through the articulation of a prioritised list of activities based on research and stakeholder consultation.

The *International Economic Development Activities Plan* was developed following significant research and investigation into a number of international markets and a thorough economic analysis of those markets that are likely to provide the largest economic return on investing City of Joondalup time and resources into developing international relationships.

The *International Economic Development Activities Plan* (IEDAP) recommends that the City builds strategic relationships with several target markets aligning to Joondalup's economic strengths, cultural alignment, educational links, established relationships and presence. The recommended markets to explore opportunities include China, India, Japan, South Korea, South East Asia UK, Africa and USA.

The following industries are identified as having core strengths to be leveraged in the *International Economic Development Activities Plan*:

- Health and Medical (Aged Care).
- Education and Training.
- Retail.
- Tourism.
- Foreign Direct Investment (Emerging Digital and Cyber).

The *International Economic Development Activities Plan* provides a solid framework for the City to focus effort and resources effectively in order to attract international investment and assist businesses located in the City to diversify into the international marketplace.

The following key activities under the *International Economic Development Activities Plan* over the past two financial years has included:

- August 2019: The City led a visit to Indonesia to undertake familiarisation.
- September 2019: Roundtable with Study Perth and local education providers on opportunities to attract and grow global talent.
- October 2019: Inbound delegation from 30 South Asian education agents to undertake a familiarisation of the region including education providers and Hillarys Boat Harbour.
- October 2019: Sponsorship of the Australian Securities Information Association with several key international delegates visiting the region.
- November 2019: Roundtable with Indonesian Consul General, Ibu Dewi Gustina Tobing with local education providers.
- March 2020: Virtual Mission to Indonesia focussed on Education and Training and Cyber Security.
- March 2020 – June: 2020: Inaugural pilot program of the Global Ready Program in partnership with CCIWA.
- July 2020: Inaugural pilot of the Joondalup Innovation Challenge with representation of over 17 international markets and 165 local and global talent.
- July 2020: Inbound familiarisation tour of WA State Government International Trade Commissioners.
- August 2020: Virtual connections with education providers and Indonesian counterparts.
- November 2020: Launch of the Destination City Plan – focussed on growing the visitor economy with an international tourism focus.

Through the City's international activities, the City is facilitating engagement between City of Joondalup stakeholders and overseas markets to deliver social and economic benefits for the City and its community. As direct result of the implementation of the City's *International Economic Development Activities Plan* activities to date, the economic benefit for the City exceeds \$70 million in output, \$26 million in value added and additional employment of 247 FTE (full time equivalent).

This position statement remains relevant and should therefore be retained.

Recommendation     Retain.

## **14     Tri-Cities Alliance**

The Tri-Cities Alliance will provide a platform for the Cities of Joondalup, Wanneroo and Stirling to adopt a collaborative and strategic approach to engagement with the state and federal government in order to promote and progress regionally agreed economic development and infrastructure priorities that will provide benefits across municipal boundaries.

### Background

The City of Joondalup, along with the Cities of Stirling and Wanneroo, are responsible for governing one of the fastest growing regions in Australia – the North-West Corridor of the Perth metropolitan area, which accounts for over 23% of the total population of Perth.

The Cities of Joondalup, Stirling and Wanneroo successfully launched Tri-Cities Alliance in late 2014 to actively promote the metropolitan northern corridor of Perth to the state and federal governments.

The Tri-Cities Alliance has to date involved a series of meetings with, and presentations to, federal and state government representatives including delegations to Canberra in November 2014, August 2015 and February 2016, and presentations to the WA Liberal Party in June 2015, and the WA Labor Party in November 2015.

The Tri-Cities Alliance provides an opportunity:

- for the City to actively build upon relationships with federal government representatives and help foster economically beneficial outcomes for the community
- to present a strong and united front to the relevant parties on short, medium and long term priorities for the northern corridor of Perth
- to ensure that the northern corridor of Perth, one of the fastest growing regions of Australia, has the required infrastructure and services to provide its rapidly growing population with a sustainable and vibrant place for communities to live and work.

This is a useful forum / mechanism to progress and advocate for regional initiatives particularly during state and federal elections.

This position statement remains relevant and should therefore be retained.

Recommendation     Retain.

## **15     Second A-League Football (Soccer) Team in WA**

Should the Australian A-League decide to establish a second A-League Football (Soccer) team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup on condition that the City is not required to provide a site but may contribute to the infrastructure requirements for an A-League facility.

### Background

The A-League is the highest competitive football competition in Australia and has currently 12 teams competing, with representation from each state (except Tasmania) and a team from New Zealand. Perth Glory is the only team representing Western Australia.

At its meeting held on 17 April 2018 (CJ061-04/18 refers), Council requested a report to be prepared to examine the matters and associated implications for the City around the strategic position statement detailed above.

The Football Federation Australia (FFA), the peak body responsible for organisation, promotion and administration of football in Australia, has formally expressed intentions to expand the A-League by two new clubs from the 2019-20 season. The FFA believes that the expansion of the A-League will provide additional opportunities for Australian pathways into professional football and enable the growth of the A-League across a range of metrics.

A call for Expressions of Interest was advertised in May 2018 inviting interested parties across the country and beyond, receiving 15 submissions, with one from Western Australia.

It is unknown if or when the A league is likely to consider further expansion beyond 2019-20.

The City does not have a site that could house a facility that would meet the requirements of FFA to house an A-League club. Further, the construction of such a facility would be more than \$10 million (conservative) which is not accounted for in any of the Council's future financial projections.



**Consultation**

Not applicable.

**COMMENT**

The strategic position statements establish a general direction on a number of key strategic issues and provide direction to assist the City to advocate for the progression of a number of key projects.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1 APPROVES the retention of the current Strategic Position Statements as outlined in this Report;**
- 2 APPROVES the proposed minor revisions to the City's Strategic Position Statements, as outlined in Attachment 1 to this Report.**

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf201201.pdf](#)

## **ITEM 8                    CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2020**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	20560, 101515	
<b>ATTACHMENT / S</b>	Attachment 1	Corporate Business Plan Quarterly Progress Report for the period 1 July 2020 to 30 September 2020
	Attachment 2	Capital Works Program Quarterly Report for the period 1 July 2020 to 30 September 2020
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

### **PURPOSE**

For Council to receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2020 to 30 September 2020 and the *Capital Works Quarterly Report* for the period 1 July 2020 to 30 September 2020.

### **EXECUTIVE SUMMARY**

The City's *Corporate Business Plan 2020-21–2024-25* is the City's five year delivery program which is aligned to the strategic direction and priorities set within the 10 year *Strategic Community Plan: Joondalup 2022*.

The *Corporate Business Plan* contains the major projects and priorities which the City proposes to deliver over the five year period and also specific milestones for projects and priorities in the first year (2020-21).

The *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2020 to 30 September 2020 provides information on the progress of 2020-21 projects and programs against these quarterly milestones and is shown as Attachment 1 to this Report.

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

*It is therefore recommended that Council RECEIVES the:*

- 1        *Corporate Business Plan Quarterly Progress Report for the period 1 July 2020 to 30 September 2020 which is shown as Attachment 1 to this Report;*
- 2        *Capital Works Quarterly Report for the period 1 July 2020 to 30 September 2020 which is shown as Attachment 2 to this Report.*

## BACKGROUND

The City's *Corporate Business Plan 2020-21–2024-25* demonstrates how the objectives of the City's *Strategic Community Plan* are translated into a five year delivery program.

The *Corporate Business Plan 2020-21–2024-25* (the Plan) was endorsed by Council at its meeting held on 20 October 2020 (CJ148-10/20 refers). The Plan contains the major projects and priorities for the five year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2020-21 financial year.

The updated format of the *Corporate Business Plan 2020-21-2024-25* also incorporates an outline of City services delivered to the community which are aligned to the six key themes and objectives of the *Strategic Community Plan* as well as associated staffing levels and service costs. More context on the role of the *Corporate Business Plan* within the City's Planning and Reporting Framework was also included to provide the community with a greater awareness and understanding of the City's five year service delivery program.

In line with the revised format of the *Corporate Business Plan*, the content of the quarterly progress reports has also been expanded to include summary information on City services, and more information on the City's Planning and Reporting Framework. The format of reporting against projects and programs remains unchanged from previous years.

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

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

## DETAILS

The *Corporate Business Plan Quarterly Progress Report* provides information on progress against the milestones for the 2020-21 projects and programs within the *Corporate Business Plan*.

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

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

Within the Governance and Leadership key theme of Attachment 1 – *Corporate Business Plan Quarterly Progress Report*, a milestone in relation to the Strategic Position Statements has been amended to remove a review of the Strategic Position Statements in quarter three of 2020-21. This review will take place during quarter three of 2021-22 following local government elections.

## Legislation / Strategic Community Plan / Policy implications

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

*“This Act is intended to result in:*

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

## Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

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

## Risk management considerations

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

## Financial / budget implications

All 2020-21 projects and programs in the *Corporate Business Plan* were included in the *2020-21 Annual Budget*.

## Regional significance

Not applicable.

## Sustainability implications

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

The key themes are:

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

**Consultation**

Not applicable.

**COMMENT**

The *Corporate Business Plan 2020-21 – 2024-25* was endorsed by Council at its meeting held on 20 October 2020 (CJ148-10/20 refers). A detailed report on progress of the Capital Works Program has been included with the *Corporate Business Plan Quarterly Progress Report*. The report provides an overview of progress against all the projects and programs in the *2020-21 Capital Works Program*.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council RECEIVES the:

- 1 ***Corporate Business Plan Quarterly Progress Report*** for the period 1 July 2020 to 30 September 2020, which is shown as Attachment 1 to this Report;
- 2 ***Capital Works Quarterly Report*** for the period 1 July 2020 to 30 September 2020, which is shown as Attachment 2 to this Report.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf201201.pdf](#)

## **ITEM 9 LIST OF PAYMENT MADE DURING THE MONTH OF OCTOBER 2020**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of October 2020 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of October 2020 Attachment 3 Municipal and Trust Fund Vouchers for the month of October 2020
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

---

### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of October 2020.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of October 2020, totalling \$14,123,035.03.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for October 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 \$14,123,035.03.*

### **BACKGROUND**

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

### **DETAILS**

The table below summarises the payments drawn on the funds during the month of October 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.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	110430 – 110529 & 110532 – 110549 EF088146 – EF088498 & EF088503 – EF088828 Net of cancelled payments	\$9,343,105.21
	Vouchers 2911A – 2926A	\$4,766,640.12
	Bond Refund Cheques & EFT Payments 110530 – 110531 & EF088141 - EF088145 & EF088499 – EF088502  Net of cancelled payments.	\$13,289.70
<b>Total</b>		<b>\$14,123,035.03</b>

### Issues and options considered

There are two options in relation to the list of payments.

#### Option 1

That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

#### Option 2

That Council notes the list of payments paid under delegated authority. This option is recommended.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

The Council has delegated to the Chief Executive Officer the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk management considerations**

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

### **Financial / budget implications**

All expenditure from the Municipal Fund was included in the Annual Budget as adopted or revised by Council.

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

Changes in the treatment of bonds received and repaid, from being held in the Trust Fund to now being reflected in the Municipal Fund, have arisen from a directive by the Office of the Auditor General.

### **COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2020-21 Budget* as adopted by Council at its meeting held on 30 June 2020 (JSC07-06/20 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 October 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 \$14,123,035.03.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf201201.pdf](#)

## **ITEM 10                    FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2020**

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

### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 October 2020.

### **EXECUTIVE SUMMARY**

At its meeting held on 30 June 2020 (JSC07-06/20 refers), Council adopted the *2020-21 Annual Budget*. The figures in this report are compared to the adopted budget.

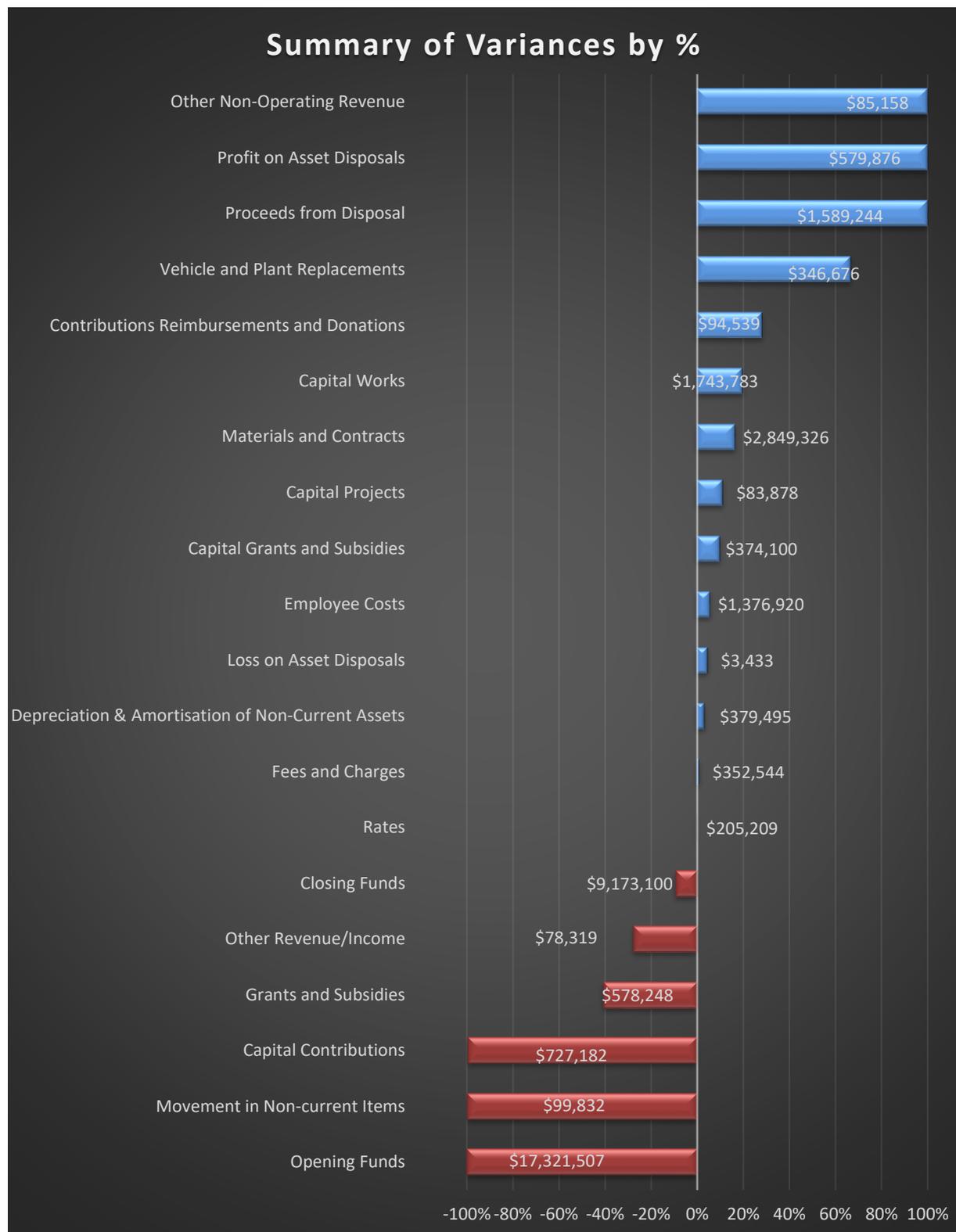
The October 2020 Financial Activity Statement Report shows an overall unfavourable variance of (\$9,173,100) from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position, instead it represents the year to date position to 31 October 2020 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of the *2019-20 Annual Financial Statements*.

There are a number of factors influencing the unfavourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in October and the finalisation of 2019-20 end of year process which has meant that the opening funds total is currently not included, however the closing surplus at 30 June 2020 is expected to offset this variance. The notes in Attachment 3 to this Report identify and provide commentary on the individual key material revenue and expenditure variances to date.

The COVID-19 pandemic impacted the City with the closure of leisure and library facilities in late March. Revenue from leisure centres and facility bookings have improved since COVID-19 restrictions eased but are still lower than Pre-COVID levels. In addition, reduction in economic activity and implementation of social distancing measures has resulted in a fall in the City's parking revenues.

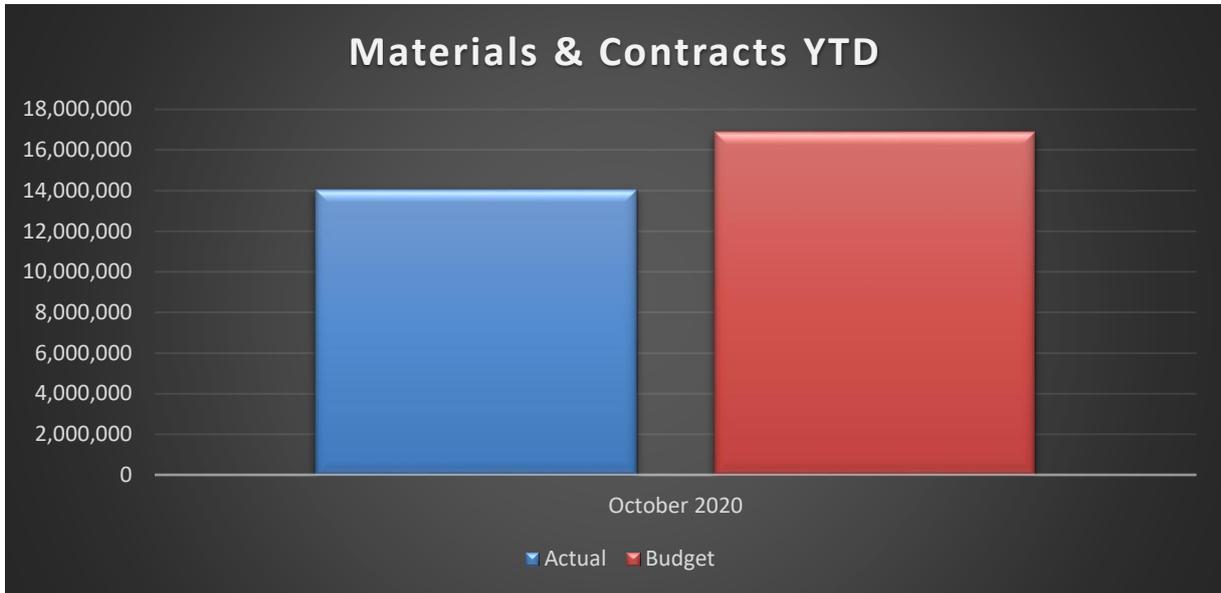
The key elements of the variance are summarised below:



The significant variances for October were:

**Materials and Contracts**

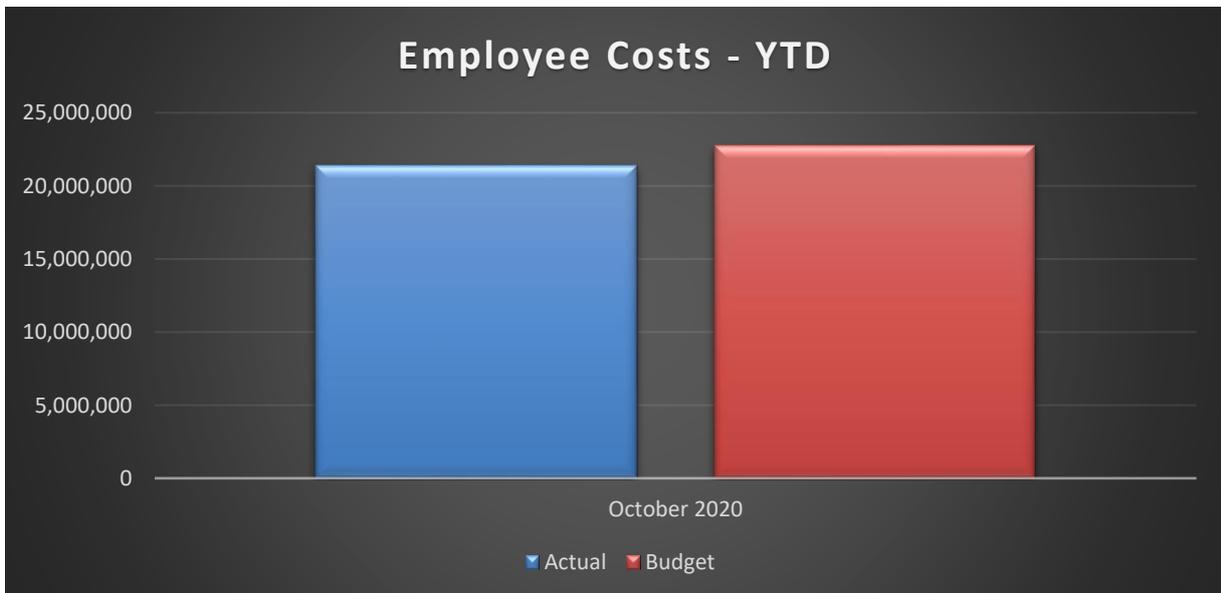
**\$2,849,326**



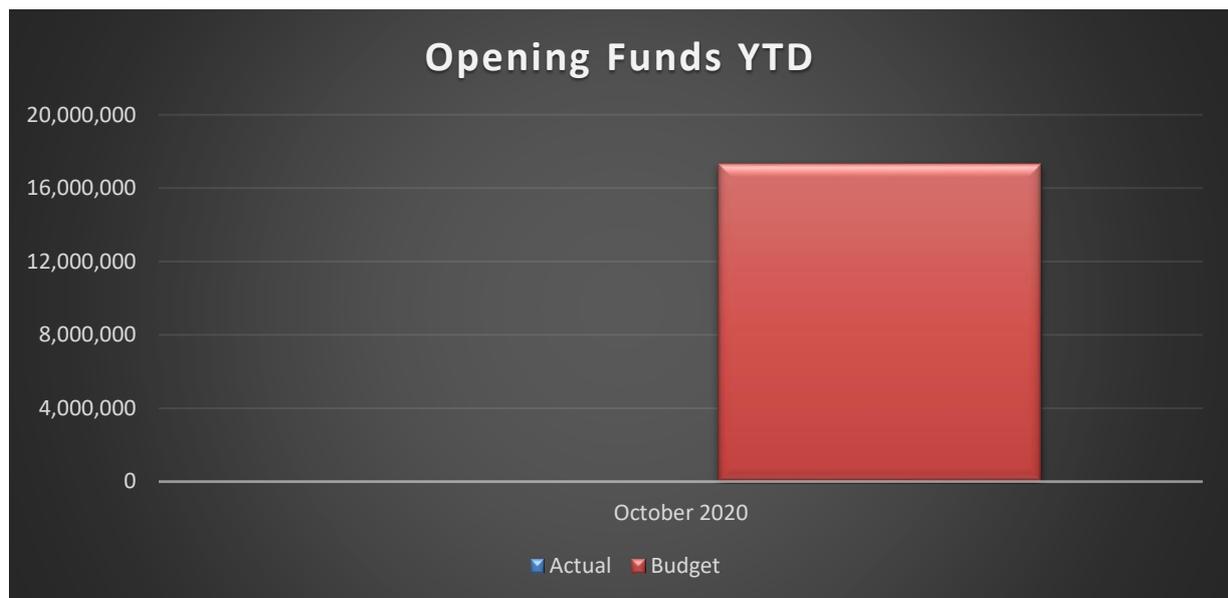
Materials and Contracts expenditure is \$2,849,326 below budget. This is spread across a number of different areas including External Service Expenses \$1,151,686, Contributions and Donations \$333,834, Waste Management Services \$268,724, Professional Fees and Costs \$179,531, Travel Vehicles and Plant \$162,963 and Public Relations, Advertising and Promotions \$140,358.

**Employee Costs**

**\$1,376,920**



Employee Costs Expenditure is \$1,376,920 below budget. Favourable variances predominantly arose from vacancies in various areas.

**Opening Funds****(\$17,321,507)**

Opening Funds for October 2020 is \$17,321,507 below budget. The variation in the Closing Funds for the period ended 30 June 2020 is prior to end of year adjustments being processed. The final balance will be available after the Financial Statements for 2019-20 have been audited.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 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 October 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

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	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

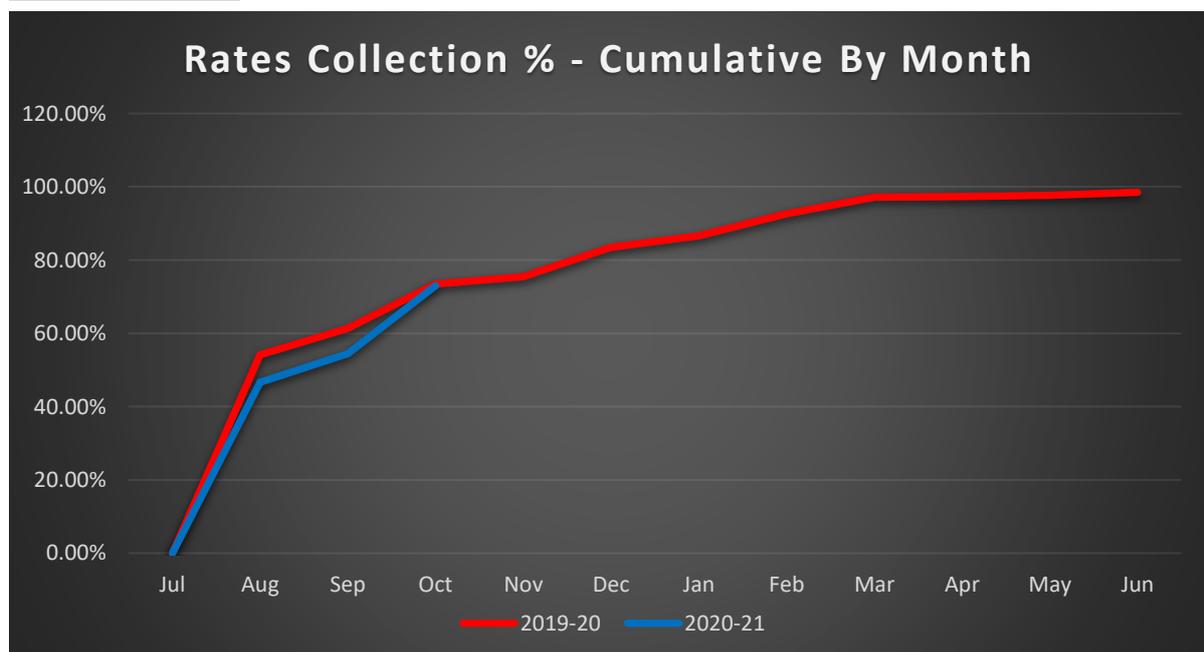
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

## 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*.

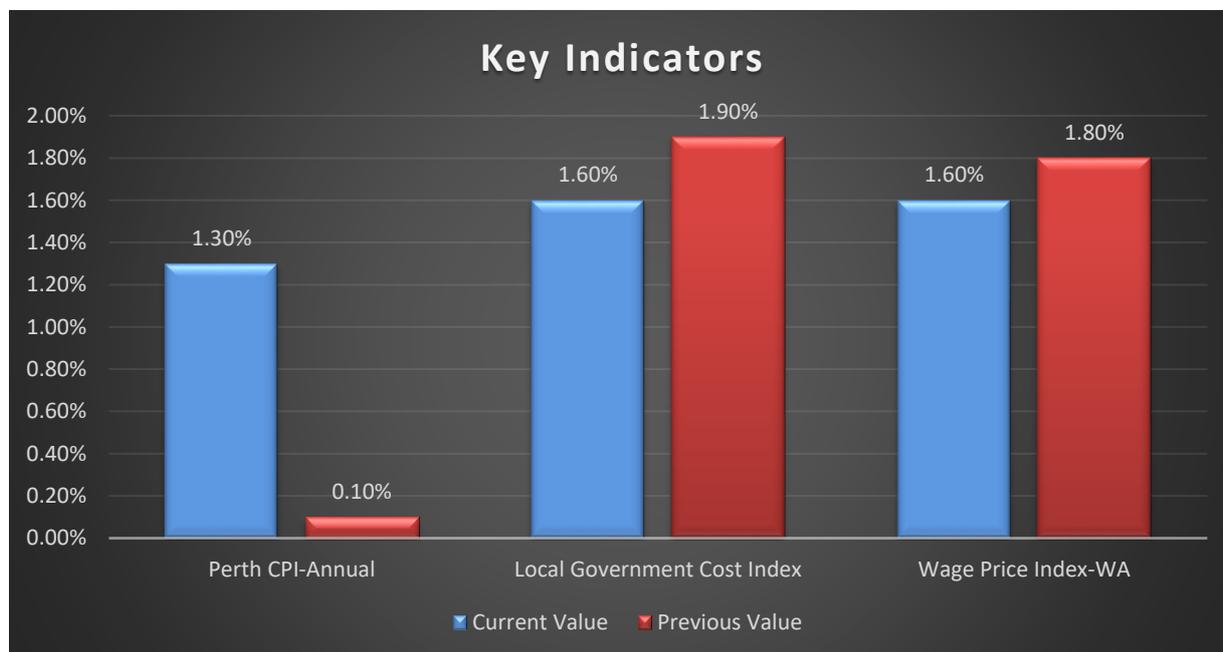
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) is marginally lower than prior year at the end of October.

### **Economic Indicators**



During October the Perth CPI for the third quarter of 2020 was released. This saw a significant rebound that has been reflected across all other capital cities.

In the current environment where significant disruption to economic activity has occurred as a result of measures taken by government to combat the COVID-19 pandemic, there is uncertainty about key indicators as this latest data may not have the full impact of the ongoing pandemic restrictions and measures incorporated, particularly due to the effect of measures taken by the Commonwealth government to minimise unemployment impacts.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2020-21 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 October 2020 forming Attachment 1 to this Report.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf201201.pdf](#)

## **ITEM 11                    PETITION FOR PARKING PERMITS AND PROPOSED AMENDMENTS TO EXISTING PARKING SCHEME - BONNEVILLE WAY, ABITIBI TURN AND CURRAN COURT, JOONDALUP**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	101871, 101515
<b>ATTACHMENTS</b>	Attachment 1    Existing Parking Scheme - Bonneville Way, Abitibi Turn, Newell Cove and Curran Court, Joondalup Attachment 2    Proposed Amendment to Parking Scheme - Bonneville Way, Abitibi Turn, Newell Cove and Curran Court, Joondalup
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider a petition in relation to a change in parking regulations in Bonneville Way, Abiti Turn and Curran Court, Joondalup.

### **EXECUTIVE SUMMARY**

A Petition of Electors was received by Council at its meeting held on 21 April 2020 (C23-04/20 refers). The petition requested that Council “*change the parking regulations in Bonneville Way, Abiti Turn and Curran Court to make these streets resident only parking.*”

There is a public accessway, at the western end of Bonneville Way, Joondalup which provides pedestrian access to the nearby Currambine Train Station via an underpass. Commuter parking in this area has been a regular occurrence since the station opened.

At its meeting held on 15 July 2008 (CJ126-07/08 refers), Council adopted a *Resident / Visitor Permit Parking Policy*. The policy was developed partly in response to petitions received from residents, living near Warwick and Whitford Train Stations, regarding excessive commuter parking in the nearby residential streets and partly as a component of the introduction of paid parking in the City Centre. The parking arrangements in the suburban areas are operating satisfactorily and achieving the desired effect of controlling long term commuter parking in residential streets.

*It is therefore recommended that Council:*

- 1        *SUPPORTS the amendments to the existing Parking Scheme to introduce a parking permit only area in Bonneville Way, Abitibi Turn, Newell Cove and Curran Court, Joondalup, subject to support from community consultation with affected residents;*
- 2        *ADVISES the lead petitioner of its decision.*

## **BACKGROUND**

There is a public accessway, at the western end of Bonneville Way, Joondalup which provides pedestrian access to the nearby Currambine Train Station via an underpass below the southbound lanes of the Mitchell Freeway.

Approximately 15-20 vehicles have been regularly parking in Bonneville Way, since the train station opened in 1993. These drivers use this parking as a means of accessing free parking and preventing them from travelling around the other side of the train station which would require crossing the Mitchell Freeway via Burns Beach Road.

It appears this practice was generally accepted by residents of these streets for many years as the City only received a small number of complaints relating to vehicles obstructing sightlines by parking near junctions. The City addressed the concerns in 2012 by installing yellow line (No Stopping) road markings within 10 metres of the junctions of Bonneville Way and Abitibi Turn, Newell Cove and Dauphine Court (Attachment 1 refers).

More recently the City has received further concerns from residents in relation to the parking activity and seeking a change to the current parking conditions to prevent these commuter parking in the nearby residential streets.

## **DETAILS**

The City currently has three Permit Parking Areas being:

- Joondalup City Centre
- Warwick and Duncraig, near Warwick Train Station
- Woodvale, near Whitford Train Station.

Following the introduction of paid parking in Joondalup CBD the intention of permit parking was to ensure that residents and their visitors had access to adequate parking and to protect the parking amenity of residents in the non-paid parking areas.

Permit parking areas were applied to the residential streets in part of Warwick and Duncraig near Warwick Train Station and a small section in the south west of Woodvale near Whitford Train Station. These were introduced in response to resident concerns relating to the use of these streets by train commuters.

## **Issues and options considered**

The options open to Council for managing parking in the area referred to are:

### Option 1

No change to existing arrangements and continue to enforce the prohibitions that currently exist.

The current prohibitions are very limited. There are some sections of “No Stopping Road” but generally the on-street parking is available to anyone.

This option is not recommended.

### Option 2

Amend the current parking scheme by introducing time prohibitions that prevent all day or long-term parking.

It is possible to put time restrictions such as four hours in place in the affected streets that would have the effect of preventing drivers from parking all day. The downside to parking prohibitions alone is that it does not distinguish between commuters and residents and their visitors parking outside their residence. It also allows short term parking by drivers who wish to avoid using the parking facilities in the nearby train station.

This option is not recommended.

### Option 3

Amend the current parking scheme by creating a permit parking area with the application of resident parking permits.

The most viable method of addressing the parking issues at this point is considered to be a resident parking permit scheme.

A map showing the proposed Parking Permit Area (Attachment 2 refers) indicating the proposed parking restrictions and prohibitions in on-street locations in the area.

The proposed amendment has been prepared with the intention to:

- provide some support for residents and their visitors with the ability to park in close vicinity to their homes
- provide for the safety of pedestrian and vehicle movement
- encourage people wanting commuter parking to park in long term parking facilities which is provided for this purpose
- achieve best utilisation of all public parking facilities managed by the City.

The introduction of a permit parking scheme may result in the other nearby streets being subjected to similar parking issues in the future. Managing these types of parking issues is incremental and if it becomes necessary in the future the resident parking permit scheme can be extended to include these other streets.

This option is recommended.

At its meeting held on 21 August 2012 (CJ171-08/12 refers), Council resolved to adopt a resident / visitor parking permit scheme. At its meeting held on 15 July 2018 (CJ124-07/18 refers), Council supported a revised approach to the management of these permits which commenced in the calendar year 2019.

Those provisions support:

- up to three Annual Parking Permits free of charge (each calendar year)
- one additional permit, on application, at a fee set down in the City's *Fees and Charges*, currently \$100 per permit per calendar year.

Due to the impact on the ability of residents and their visitors to park on the street outside their property prior to introducing any amendment to the current parking scheme in the area, consultation with the proposed affected residents would be completed. The City would require the majority of the residents to support the introduction of parking permits.

**Legislation / Strategic Community Plan / Policy implications**

**Legislation**                      *City of Joondalup Parking Local Law 2013.*

**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**                              *Parking Schemes Policy.*

**Risk management considerations**

The proposed scheme amendments are intended to address community amenity in these residential streets.

**Financial / budget implications**

Consultation relating to the proposed changes can be accommodated within the current budget allocations.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The City will complete consultation with all affected residents, outlining the implications of introducing a parking permit area to seek feedback on the proposal. The City would require the majority of residents to support the introduction of a parking permit area prior to introduction.

**COMMENT**

The proposed amendment to the existing scheme represents the most appropriate solution to meet the previously stated aims, for the mix of parking demands. Parking schemes are subject to ongoing amendment in keeping with changes in parking demand. The City will monitor changes in parking demand and evaluate allocation of on-street parking facilities to support residential amenity.

**VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **SUPPORTS** the amendments to the existing Parking Scheme to introduce a parking permit only area in Bonneville Way, Abitibi Turn, Newell Cove and Curran Court, Joondalup, subject to support from community consultation with affected residents;
- 2 **ADVISES** the lead petitioner of its decision.

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf201201.pdf](#)

## ITEM 12                    PETITION IN RELATION TO DOG EXERCISE AREAS ON THE FORESHORE

---

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	05386, 101515, 07169
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### PURPOSE

For Council to consider a report on a petition in relation to allowing dogs to be exercised on the foreshore.

### EXECUTIVE SUMMARY

At its meeting held on 21 April 2020 (C22-04/20 refers), Council received a Petition of Electors. The petition requested that Council “*change the regulation that bans dogs from all beaches apart from the dog beach.*”

At its meeting held on 15 August 2017 (CJ137-08/17 refers), Council considered a report on two petitions in relation to dog areas on the foreshore. Council considered that the existing dog beach at Hillarys makes adequate provision to cater for the requirements of exercising at the beach in the City of Joondalup.

*It is therefore recommended that Council:*

- 1        *DECLINES the petitioners’ request for the foreshore to be designated as a dog exercise area or a dog on leash area because it is considered that dogs and their owners have sufficient areas for exercise and there is no requirement to provide an additional dog beach at this time;*
- 2        *ADVISES the lead petitioner of its decision.*

### BACKGROUND

At its meeting held on 21 April 2020 (C22-04/20 refers), Council received a 62 signature petition from residents requesting Council “*change the regulation that bans dogs from all beaches apart from the dog beach.*”

The Hillarys Dog Beach is the only ‘dogs off lead’ portion of the City of Joondalup foreshore, giving dogs a legitimate access to the ocean. The Hillarys Dog Beach has been the subject of several reports to Council in the past 10 years, most importantly in relation to the adoption of the *Beach Management Plan* in September 2010, which recognised the location as an ongoing facility for dog owners.

At its meeting held on 15 August 2017 (CJ137-08/17), Council considered a report on two petitions in relation to dog areas on the foreshore. Council declined the petitioners request as it considered that the existing provision for dogs to be exercised at the Hillarys Dog Beach was sufficient. It recognised that the existing dog beach does get very congested at peak times, both in relation to car parking and to dogs on the beach. This however is not dissimilar to the situation with a wide range of other beach related activities at various locations along the City's coastal strip.

## **DETAILS**

The petition requested other options be considered including dogs permitted on leash between 10.00am and 8.00pm and permitted off leash at all other times to meet the reasonable usage requirement of the general public.

At its meeting held on 15 August 2017 (CJ137-08/17), Council considered a report on two petitions in relation to dog areas on the foreshore. The first petition received in February 2016 specifically requested Council to consider designating a portion of the Burns Beach foreshore to be used as a dog exercise area.

The second petition requested Council to amend the *Beach Management Plan* by extending the existing Hillarys Dog Beach northwards to the Kallaroo / Mullaloo foreshore boundary between the restricted hours of 6.00am and 10.00am. The reason for this request was seen to relieve early morning congestion in terms of the car park facilities and the number of users along the dog beach.

Council considered that the existing dog beach at Hillarys makes adequate provision to cater for the requirements of exercising at the beach in the City of Joondalup.

## **Issues and options considered**

The City has allowed dogs 'off lead' at the current Hillarys Dog Beach for many years. While the City's population is continuing to grow the registered dog population has been relatively steady at just over 22,000 registered dogs or approximately one dog for every eight residents. Because of its location the Hillarys Dog Beach also attracts dog owners from outside the City of Joondalup.

### Option 1 Allow dogs to be exercised on all beaches

Large sections of the City foreshore have rocky outcrops where there is also significant seasonal sand movements which make many of the City's beaches unsuitable as a dog beach. Access and the need to protect dunes would need to be addressed. Consideration would need to be given to other approved uses, including kite surfers and jet skis at several locations to mitigate any potential conflicts of users.

This option is not recommended.

### Option 2 Allow dogs to be exercised on all beaches on a leash

Allowing dogs to access the beach while on a leash during a specific time period would only help to address potential conflict of users and access to the dunes during this time. The management of timed requirements would require additional resource allocation to maintain compliance of any restrictions.

This option is not recommended.

### Option 3 Decline the petition

It is considered that the existing provision for dogs to be exercised at the Hillarys Dog Beach is sufficient. In addition, the City has in excess of 300 parks and reserves and dogs can be exercised in most of these. It is recognised that the existing dog beach does get very congested at peak times, both in relation to car parking and to dogs on the beach. This however is not dissimilar to the situation with a wide range of other beach related activities at various locations along the City's coastal strip.

Beach use needs to be managed and balanced for all members of the community including dogs owners and those who wish to visit the beach dog free.

This option is recommended.

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

**Legislation** *Dog Act 1976.*

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative** Understanding the demographic context of local communities to support effective facility planning.

**Policy** Not applicable.

### **Risk management considerations**

Dogs are often considered by owners to be part of the family and the welfare of the dogs is taken seriously by the City. The City has numerous parks and reserves where dogs can be exercised 'off lead', as well as the Hillarys Dog Beach. There is however a risk that if no consideration is given to enhancing the existing foreshore dog beach provision, the petitioners may express a degree of dissatisfaction.

### **Financial / budget implications**

There are no financial implications related to the recommendation.

### **Regional significance**

Wanneroo has three dog beaches, with the Quinns Rocks Dog Beach 16.5 kilometres to the north, being the closest to Joondalup. The City of Stirling also has a number of dog beaches, the North Beach Dog beach four kilometres to the south, being the closest to Joondalup.

### **Sustainability implications**

Not applicable.

## Consultation

If Council were to consider determining any other areas of the foreshore as a dog exercise area, the City should seek community feedback for 21 days (in line with the *Community Consultation and Engagement Policy*) to determine whether residents, users and other stakeholders support or oppose the proposal. All information regarding the proposal would be made publicly available through the community engagement page of the City's website where feedback would be collected through an online comment form. The City would inform residents within a 500 metre radius of the site of the consultation through the delivery of a personalised cover letter, while users and stakeholders would also be informed through onsite signage. Other promotion methods may include advertising in community newspaper and / or social media promotion.

In addition prior to determining an area as a dog exercise area there would be a need to declare these areas as dog exercise areas under section 31 of the *Dog Act 1976* which requires local public notice to be given.

## COMMENT

It is considered that dogs and their owners are well catered for within the City of Joondalup and there is no requirement at this time to extend the existing dog beach or provide an additional dog beach.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council:**

- 1**     **DECLINES** the petitioners' request for the foreshore to be designated as a dog exercise area or a dog on leash area because it is considered that dogs and their owners have sufficient areas for exercise and there is no requirement to provide an additional dog beach at this time;
- 2**     **ADVISES** the lead petitioner of its decision.

## **ITEM 13                    TENDER    026/20   -   CITY   CENTRE   LIGHTING UPGRADE STAGE 5**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	108924, 101515
<b>ATTACHMENT</b>	Attachment 1    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to accept the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 5.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 26 September 2020 through statewide public notice for the City Centre Lighting Upgrade Stage 5. Tenders closed on 13 October 2020. A submission was received from each of the following:

- Pearmans Electrical and Mechanical Services Pty Ltd.
- Prestige Jointing and Electrical Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd.

The submission from Stiles Electrical and Communication Services Pty Ltd represents best value to the City. It demonstrated extensive experience completing similar street lighting projects for Swan River Pedestrian Bridge Alliance (Matagarup Bridge), City of Perth (Elizabeth Quay project) and Broad Construction (Kings Square Subdivision project). It is also the current contractor for the ongoing City Centre Lighting Upgrade Stage 4 project. The company demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

*It is therefore recommended that Council ACCEPTS the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 5 as specified in Tender 026/20 for the fixed lump sum of \$1,780,718 (GST exclusive) with works to be completed by 30 September 2021.*

### **BACKGROUND**

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

The City intends to replace the existing street lighting and poles in the City Centre in phases. The following table shows the number of replaced poles and luminaires in each previous stage:

Stage	Poles	Luminaires	Contractor
1	132	247	Interlec (WA) Pty Ltd
2	259	304	Stiles Electrical and Communication Services Pty Ltd
3	211	290	Stiles Electrical and Communication Services Pty Ltd
4	188	230	Stiles Electrical and Communication Services Pty Ltd

Stage 5 of the City Centre lighting upgrade includes the installation of 143 light poles and 157 luminaires.

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

## DETAILS

Tenders were advertised on 26 September 2020 through statewide public notice for the City Centre Lighting Upgrade Stage 5. The tender period was for two weeks with tenders closing on 13 October 2020.

### Tender Submissions

A submission was received from each of the following:

- Pearmans Electrical and Mechanical Services Pty Ltd.
- Prestige Jointing and Electrical Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd.

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 four members:

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

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

### Evaluation Method and Weighting

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

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.

This tender requires work to be completed to a very high standard, with adherence to strict timelines in a very busy CBD area with substantial traffic management. The predetermined minimum acceptable qualitative score for this tender was therefore set at 60%.

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

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

### Compliance Assessment

The following offers were assessed as compliant:

- Prestige Jointing and Electrical Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd.

The offer from Pearmans Electrical and Mechanical Services Pty Ltd was assessed as non-compliant. The reasons for non-compliance were as follows:

- Did not indicate their agreement to comply with the conditions.
- Did not indicate their compliance with the Specification.
- Did not provide evidence of registrations, licences or qualifications.
- Did not return the OSH Questionnaire.

Based on the findings above, the Submissions from Prestige Jointing and Electrical Pty Ltd and Stiles Electrical and Communication Services Pty Ltd remained for further consideration.

### Qualitative Assessment

Prestige Jointing and Electrical scored 53.2% and was ranked second in the qualitative assessment. It demonstrated a limited understanding of the City's requirements. The Gantt Chart provided indicated completion of the works by January 2021, which is not achievable. The company demonstrated some experience completing similar projects including constructing pathway lighting, feature lighting and shelter lighting, working with Densford Civil and the City of Perth at Wellington Square in Perth CBD and large gantry and LED strip lighting with Environmental Industries and the City of Swan.

The company did not fully demonstrate it has the capacity to deliver the service. It stated that its subcontractor has not been sub-contracted for the same or similar services in the past three years. It provided brief information on four key site personnel and a basic register of equipment it will use.

Stiles Electrical and Communication Services Pty Ltd scored 88.3% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. The work break-down it provided addressed all the scope items with a detailed methodology and approach, with an envisaged project delivery of 26 weeks from award of the Contract. It demonstrated extensive experience completing similar street lighting projects for Swan River Pedestrian Bridge Alliance (Matagarup Bridge), City of Perth (Elizabeth Quay project) and Broad Construction (Kings Square Subdivision project). The company is well-established, located within the City of Joondalup and has adequate resources and personnel to complete the works for the City. The company completed the Stage 2, 3 upgrades and is currently delivering Stage 4 of the City Centre lighting upgrade project for the City.

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

### Price Assessment

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

Tenderer	Lump Sum Price Offered
Stiles Electrical and Communication Services	\$1,780,718

### Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Total Lump Sum Contract Price	Price Ranking
Stiles Electrical and Communication Services	88.3%	1	\$1,780,718	1

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

### Issues and options considered

Works are required to complete the City Centre Lighting Upgrade Stage 5. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$250,000.

### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** Not applicable.

### Risk management considerations

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

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

### Financial / budget implications

<b>Project number</b>	STL2003 / CW006345.
<b>Cost code</b>	W1602.
<b>Budget Item</b>	Joondalup City Centre Lighting Upgrade (Stage 5).
<b>Budget amount</b>	\$ 2,059,836 (In respect of Stage 5)
<b>Committed</b>	\$ 0
<b>Amount spent to date</b>	\$ 6,498
<b>Proposed cost</b>	\$ 1,780,718
<b>Contingency</b>	\$ 205,983
<b>Balance</b>	\$ 66,637

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

All amounts quoted in this report are exclusive of GST.

### Regional significance

In *Joondalup 2022 – Strategic Community Plan 2012-22*, the City has set out its aspirations for “Economic Prosperity, Vibrancy and Growth” and its ambitions to be a “Destination City” and to receive Primary Centre status. A modern, efficient and high standard City Centre street lighting network is key to achieving these outcomes.

### Sustainability implications

The introduction of new lighting infrastructure for the City Centre, and in particular LED technology, will significantly reduce maintenance, electricity usage and greenhouse gas emissions. This is aligned with the objectives of the City’s *Climate Change Strategy 2014-19* and in particular Mitigation Objective 1 “To reduce the City’s greenhouse gas emissions through effective energy management and improved energy efficiency”.

### Consultation

Not applicable.

### COMMENT

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

### VOTING REQUIREMENTS

Simple Majority.

## **RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 5 as specified in Tender 026/20 for the fixed lump sum of \$1,780,718 (GST exclusive) with works to be completed by 30 September 2021.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf201201.pdf](#)*

## **ITEM 14                    TENDER 029/20 - PROVISION OF CLEANING SERVICES FOR CRAIGIE LEISURE CENTRE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	10894, 101515
<b>ATTACHMENT</b>	Attachment 1    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to consider the tender submitted by Brightmark Group Pty Ltd for the provision of cleaning services for Craigie Leisure Centre.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 19 September 2020 through statewide public notice for the provision of cleaning services for Craigie Leisure Centre. Tenders closed on 7 October 2020. A submission was received from each of the following:

- Quayclean Australia Pty Ltd.
- Facilities First Australia Pty Ltd.
- Office Cleaning Experts Pty Ltd (OCE Corporate Cleaning).
- Brightmark Group Pty Ltd.
- ISG Cleaning Pty Ltd.
- The Trustee for Bellrock Cleaning Services Trust.
- CSCH Pty Ltd (Charles Service Company).
- Smart Cleaning Solutions (Vic) Pty Ltd.
- Storm International Pty Limited.
- The Trustee for Panich Family Trust trading as DMC Cleaning.
- OCS Services Pty Ltd.
- Iconic Property Services Pty Ltd.
- M Baric and R.J Sczesny (Green Tree Cleaning Solutions).
- RNM Cleaning Pty Ltd.

The submission from Brightmark Group Pty Ltd represents best value to the City. The company demonstrated a sound understanding of the required tasks. It has been providing cleaning services to various local governments in WA for many years including the Cities of Subiaco, Gosnells and Melville and the Shire of Augusta, Margaret River. Brightmark Group Pty Ltd is well established with sufficient industry experience and capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Brightmark Group Pty Ltd for the provision of cleaning services for Craigie Leisure Centre as specified in Tender 029/20 for a period of three years for the fixed lump sum of \$329,472 (GST exclusive) for scheduled cleaning services for year one of the Contract and the schedule of rates for unscheduled cleaning services, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for professional cleaning services to be provided to Craigie Leisure Centre. The cleaning services shall be undertaken in accordance with the requirements, frequencies and times as stated in the specification.

The City has a single contract in place with TJS Services Group Pty Limited trading as TJS Facility Services (Facilities First Australia Pty Ltd) which expires 28 February 2021.

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 cleaning services for Craigie Leisure Centre was advertised through statewide public notice on 19 September 2020. The tender period was for two weeks and tenders closed on 7 October 2020.

### **Tender Submissions**

A submission was received from each of the following:

- Quayclean Australia Pty Ltd.
- Facilities First Australia Pty Ltd.
- Office Cleaning Experts Pty Ltd (OCE Corporate Cleaning).
- Brightmark Group Pty Ltd.
- ISG Cleaning Pty Ltd.
- The Trustee for Bellrock Cleaning Services Trust.
- CSCH Pty Ltd (Charles Service Company).
- Smart Cleaning Solutions (Vic) Pty Ltd.
- Storm International Pty Limited.
- The Trustee for Panich Family Trust trading as DMC Cleaning.
- OCS Services Pty Ltd.
- Iconic Property Services Pty Ltd.
- M Baric & R.J Sczesny (Green Tree Cleaning Solutions).
- RNM Cleaning Pty Ltd.

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 four members:

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

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

## Evaluation Method and Weighting

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

The 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 Craigie Leisure Centre is a specialised environment with an extremely high level of expectation of cleanliness from customers and user groups. The City needs to be assured that the successful contractor has a good understanding of the leisure environment and the capacity required to deliver the services including the ability to provide resources during business and after hours. The predetermined minimum acceptable qualitative score for this tender was therefore set at 60%.

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

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

## Compliance Assessment

The following offers received were assessed as fully compliant:

- Quayclean Australia Pty Ltd.
- Facilities First Australia Pty Ltd.
- OCE Corporate Cleaning.
- Brightmark Group Pty Ltd.
- ISG Cleaning Pty Ltd.
- The Trustee for Bellrock Cleaning Services Trust.
- Charles Service Company.
- Storm International Pty Limited.
- Iconic Property Services Pty Ltd.
- Green Tree Cleaning Solutions.
- RNM Cleaning Pty Ltd.

The following offers received were assessed as partially compliant:

- Smart Cleaning Solutions (VIC) Pty Ltd.
- DMC Cleaning.
- OCS Services Pty Ltd.

Smart Cleaning Solutions (VIC) Pty Ltd did not indicate its agreement to comply with the conditions included in the tender or warrants unconditional compliance with the specification.

DMC Cleaning though indicating yes to critical assumptions, did not provide details or specify critical assumptions made.

OCS Services Pty Ltd proposed amendments to the conditions of Contract, in particular, rise and fall provision, whereby the prices provided after the 12-month fixed term are subject to the contractor seeking to pass on to the City any variation in relevant Award / Labour rates, Statutory on-costs including changes to the Superannuation Guarantee Levy, Government charges, workers compensation, all related on costs and other costs affecting this contract.

These offers were included for further assessment on the basis that clarifications could be sought from Smart Cleaning Solutions (VIC) Pty Ltd, DMC Cleaning and OCS Services Pty Ltd, if shortlisted for consideration.

### **Qualitative Assessment**

RNM Cleaning Pty Ltd scored 28.6% and was ranked fourteen in the qualitative assessment. The company submitted insufficient information demonstrating its understanding of the City's requirements. Though a basic roster for staff and schedule of duties which the company utilises for other premises including work order process and training policy were supplied, the proposed methodology or approach in carrying out the required tasks was not provided. It demonstrated experience providing commercial cleaning services. Three examples of works were provided and these involved multi-story office cleaning with no leisure or aquatic facilities or similar size centre to the City's requirement. It demonstrated the capacity required to provide the services. Its submission included a list of the specialised equipment specified for use to provide the services and stated the company will be using this equipment on the City's site to complete the cleaning requirements. However, it did not indicate whether the company has this equipment or it needs to be purchased.

Green Tree Cleaning Solutions scored 29.8% and was ranked thirteen in the qualitative assessment. It demonstrated some capacity required to carry out the services. A list of equipment was supplied though it did not include any of the specialised equipment specified for use to provide the services. Contact details or a specific number to contact for emergency requirements were not provided. It submitted a brief response demonstrating experience providing cleaning services to various organisations in WA. Examples of works were provided though all were education facilities cleaning and while some sites have gyms, none of these involved leisure centres or aquatic facilities. It did not submit sufficient information demonstrating its understanding of the required tasks. A contract start up plan was provided. However, it did not include the proposed methodology on how the cleaning tasks specific to the leisure centre facilities will be carried out.

Iconic Property Services Pty Ltd scored 37.4% and was ranked twelfth in the qualitative assessment. The company did not fully demonstrate experience providing similar services. Four examples of works were provided for cleaning services to various facilities for the Town of Victoria Park and the Cities of Wanneroo, Perth and Vincent. However, limited information was submitted on the scope of work, outcomes or similarity to the City's requirement. Also, period and dates of contracts or when these works were carried out were not supplied. It did not fully demonstrate the capacity required to provide the services.

Limited information was submitted on experience of some key staff. It demonstrated some understanding of the City's requirements. Its submission did not include the proposed methodology or approach on how the specific tasks at the leisure centre facilities will be carried out.

OCS Services Pty Ltd scored 38.5% and was ranked eleventh in the qualitative assessment. The company demonstrated its understanding of the required tasks. It demonstrated some capacity required to carry out the services. It listed a small range of equipment with most on the list of specialised equipment specified for use to provide the services. Details of key personnel were provided mainly on the management team. It did not fully demonstrate experience providing similar services. Examples of works included commercial cleaning for the Department of Local Government, Sport and Cultural Industries, however, involved no local government clients or leisure centres with wet/dry facilities.

DMC Cleaning scored 39.8% and was ranked tenth in the qualitative assessment. It did not fully demonstrate the capacity or experience required to undertake the services. Though numerous examples of works were provided, these were mainly for building cleaning provided in regional WA and services involved no leisure or aquatic facilities. It demonstrated some understanding of the City's requirements. Its submission included the proposed approach in carrying out the services, however, general information was submitted on contract performance and on-site management.

Storm International Pty Limited scored 42.3% and was ranked ninth in the qualitative assessment. The company has sufficient capacity to carry out the services. It did not fully demonstrate experience providing similar services. Examples of works were provided and though one of these included sports facilities, none involved leisure centres or WA local government clients. It did not fully demonstrate its understanding of the City's requirements. The proposed cleaning methodology to carry out the specific tasks was not provided.

Smart Cleaning Solutions (VIC) Pty Ltd scored 45.1% and was ranked eighth in the qualitative assessment. The company demonstrated an understanding of the required tasks. It did not fully demonstrate experience providing similar cleaning services. Three examples of works were provided though limited information was submitted on scope of work, outcomes or similarity to this requirement. Examples did not include local government clients and only one involved leisure centres. It did not fully demonstrate the capacity required to undertake the services. It listed some equipment though did not include the specialised equipment specified for use to carry out the services.

Charles Service Company scored 49.5% and was ranked seventh in the qualitative assessment. The company demonstrated the capacity required to provide the services. It has extensive experience providing commercial cleaning services to various local governments in WA including the Cities of Kwinana, Nedlands, Fremantle and Joondalup. However, only two examples of works involved leisure centres cleaning for the Cities of Kwinana and Fremantle. It submitted a brief response demonstrating its understanding of the City's requirements. Emergency response timeframes were supplied though the proposed methodology or approach in carrying out the required tasks was not provided.

The Trustee for Bellrock Cleaning Services Trust scored 51.6% and was ranked sixth in the qualitative assessment. It demonstrated a good understanding of the required tasks. It has experience providing cleaning services to various buildings and facilities for local governments in WA including the Cities of Fremantle, Swan, South Perth, Belmont and Joondalup. However, it submitted insufficient information on scope of work, outcomes and similarity to this requirement. It did not fully demonstrate the capacity required to carry out the services. The equipment specified for use in providing the service and the ability to provide additional personnel were not addressed.

ISG Cleaning Pty Ltd scored 59.5% and was ranked fifth in the qualitative assessment. The company demonstrated the capacity and experience required to undertake the services. Example of works were provided, however, only one involved aquatic facilities and none were local government clients. It demonstrated an understanding of the required tasks. It proposed to implement a mobilisation plan that details all activities required for the transition of contract commencement, however, an actual cleaning methodology on how the cleaning tasks will be carried out was not provided.

BrightMark Group Pty Ltd scored 63.4% and was ranked fourth in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has been providing cleaning services to various local governments in WA for many years including the Cities of Subiaco, Gosnells and Melville and the Shire of Augusta, Margaret River. Numerous examples of works were provided though only two involved aquatic facilities and on a smaller scale to the facilities at Craigie Leisure Centre. It is well established with sufficient industry experience and capacity to provide the services to the City.

OCE Corporate Cleaning scored 64.5% and was ranked third in the qualitative assessment. The company demonstrated experience providing cleaning services to local governments in WA including the Cities of Mandurah, Rockingham and Wanneroo. It has sufficient capacity to undertake the services. It demonstrated an understanding of the required tasks.

Facilities First Australia Pty Ltd scored 71.5% and was ranked second in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience providing similar services to local governments including the Cities of Melville, Cockburn and Joondalup. It is the City's incumbent supplier. It has proven capacity to complete the services.

Quayclean Australia Pty Ltd scored 72.9% and was ranked first in the qualitative assessment. The company has extensive experience providing cleaning services to aquatic and leisure centres across Australia though examples of works did not involve local government clients. It has sufficient capacity to carry out the services. It demonstrated a sound understanding of the required tasks.

Given the minimum acceptable qualitative score of 60%, Quayclean Australia Pty Ltd, Facilities First Australia Pty Ltd, OCE Corporate Cleaning and Brightmark Group Pty Ltd qualified for stage two of the assessment.

### Price Assessment

The panel carried out a comparison of the submitted rates offered by those that passed the stage one evaluation to assess value for money to the City.

The lump sum prices are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 1.5% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total	Total No. of Hours per Week
Brightmark Group Pty Ltd	\$329,472	\$334,414	\$339,430	\$1,003,316	208
Facilities First Australia Pty Ltd	\$507,552	\$515,165	\$522,893	\$1,545,610	206.21
OCE Corporate Cleaning	\$516,132	\$523,874	\$531,732	\$1,571,738	221
Quayclean Australia Pty Ltd	\$581,927	\$590,656	\$599,516	\$1,772,099	203

During 2019-20, the City incurred \$317,318 for cleaning services for Craigie Leisure Centre. Due to additional cleaning to protect against COVID, the cleaning requirements have changed from weekend cleaners for six months of the year to 12 months of the year.

### Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Brightmark Group Pty Ltd	63.4%	4	\$1,003,316	1
Facilities First Australia Pty Ltd	71.5%	2	\$1,545,610	2
OCE Corporate Cleaning	64.5%	3	\$1,571,738	3
Quayclean Australia Pty Ltd	72.9%	1	\$1,772,099	4

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

### Issues and options considered

The City has a requirement for professional cleaning services to be provided to Craigie Leisure Centre. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$250,000.

### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative** Support a long term approach to significant facility upgrades and improvements.

**Policy** Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as Craigie Leisure Centre has a strong reputation within the community and failure to provide a clean and hygienic facility will impact the Centre and the City's brand. In addition, the City will not be able to maintain the high level of cleaning required to mitigate the likelihood of COVID at the Leisure Centre.

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

**Financial / budget implications**

<b>Account no.</b>	444-A4411-3359-0000.
<b>Budget Item</b>	Cleaning services for Craigie Leisure Centre.
<b>Budget amount (estimated)</b>	\$ 412,380
<b>Amount spent to date</b>	\$ 157,132
<b>Estimated cost (from 19 November 2020 to 28 February 2021)</b>	\$ 142,452 (current contract)
<b>Proposed cost(from 1 March 2021)</b>	\$ 109,824 (new contract)
<b>Balance</b>	\$ 2,972

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

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The provision of appropriate cleaning services enhances the amenity of the leisure centre.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Brightmark Group Pty Ltd represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Brightmark Group Pty Ltd for the provision of cleaning services for Craigie Leisure Centre as specified in Tender 029/20 for a period of three years for the fixed lump sum of \$329,472 (GST exclusive) for scheduled cleaning services for year one of the Contract and the schedule of rates for unscheduled cleaning services, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf201201.pdf](#)

## ITEM 15                    PROPERTIES EXEMPT FROM RATES

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	00104, 101515
<b>ATTACHMENT</b>	Attachment 1    Properties Exempt from Rates u/s 6.26(2)(d) and 6.26(2)(g)
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

### PURPOSE

For Council to note the list of properties currently exempt from general rates under section 6.26 of the *Local Government Act 1995*.

### EXECUTIVE SUMMARY

At its meeting on 18 February 2020, Council resolved that the Chief Executive officer prepare a report on a review of all properties currently exempt from rates to ensure the use of these properties is in accordance with the provisions of section 6.26 of the *Local Government Act 1995* (the Act) (CJ008-02/20 refers). Excluding properties currently owned and used by the City or Crown land (including government schools and tertiary institutions) or properties used as non-government schools, 388 properties received an exemption from rates in 2020-21 on religious or charitable grounds as prescribed in the Act in section 6.26(2)(d) and 6.26(2)(g) respectively.

*It is therefore recommended that Council:*

- 1        *NOTES the list of properties currently exempted from rates under sections 6.26(2)(d) and 6.26(2)(g) of the Local Government Act 1995 as detailed in Attachment 1 to this Report;*
- 2        *NOTES the review of the eligibility of these properties to be exempt from rates will be completed by 30 June 2021.*

### BACKGROUND

Section 6.26 of the *Local Government Act 1995* stipulates that all land within a district is rateable land except for those meeting certain conditions that are prescribed therein. Such land is considered to be not rateable or exempt from rates.

At its meeting held on 18 February 2020, Council resolved, in relation to a motion passed at the Annual General Meeting of Electors 10 December 2019 that it:

*REQUESTS the Chief Executive Officer to prepare a report on a review of all properties currently exempt from rates to ensure the use of these properties is in accordance with the provisions of section 6.26 of the Local Government Act 1995, and where the conditions prescribed in the legislation for use of land are not being met that land be rated accordingly in the legislation for use of land are not being met that land be rated accordingly.*

## DETAILS

Exemption from rates is afforded under section 6.26 of the *Local Government Act 1995* to land within a local government district that meets prescribed conditions. There are 12 categories of rates exemption outlined in section 6.26, including:

- Crown land that is either unoccupied or held/used for a public purpose
- land owned by the local government in question and used for its purposes other than for a trading undertaking
- land used or held exclusively by a religious body as a place of public worship
- land used or held exclusively by a religious body
- land used exclusively by a religious body as a school for religious instruction
- land used exclusively as a non-government school
- land used exclusively for charitable purposes
- land exempt from rates under any other written law.

Excluding Crown land (other than Housing Authority properties), land owned by the City of Joondalup or Crown land used as places of education (schools and tertiary institutions, including non-government schools), a total of 388 properties are exempt from rates in 2020-21, out of 62,913 rateable properties at the commencement of the financial year as presented below:

Land use category u/s 6.26	Number of properties	GRV	Exempted rates value
Charitable	346	\$11,453,632	\$699,909
Religious	42	\$3,254,490	\$195,211
<b>Total</b>	<b>388</b>	<b>\$14,708,122</b>	<b>\$895,120</b>

Within each of these overall categories, specific property use can be summarised as follows:

Land use category u/s 6.26	Specific property use	Number of properties	Exempted rates value
Charitable	Aged Care incl Lease for Life Units	261	\$469,649
	Residential housing <sup>#</sup> (at-risk, mental illness, low-income, etc)	74	\$ 98,272
	Other charitable purposes*	11	\$131,988
Religious	Churches and church uses	31	\$172,458
	Manses	9	\$ 16,121
	Convents and monasteries	2	\$ 6,632

<sup>#</sup>Includes residential properties owned by the Housing Authority (state government) but leased and used for this purpose by community organisations

\*Other charitable purposes include: Skills training, employment support, disability support, addiction support, other community purposes

The City will review the rates exemption eligibility of these properties by 30 June 2021, prior to the issuing of rates notices for 2021-22. This process will be undertaken in the second half of 2020-21 and will involve:

- liaising with the owner(s) of each property to confirm use of the land
- collecting and recording this confirmation
- reviewing the confirmation provided and seeking additional substantive information, if required
- determining whether the property meets the criteria for a rates exemption under the *Local Government Act 1995* in 2021-22.

A further report will be provided to Council in August 2021, confirming the results of this process.

### **Other non-rated properties**

In addition to the above, the following properties within the City's boundaries are also exempt from rates:

#### **Owned by City of Joondalup**

Under s6.26(2)(b) of the *Local Government Act 1995*, properties within its district that are owned by a local government and used for its purposes other than as trading undertakings (as defined in the Act) are exempt from rates.

Of 170 properties with the City of Joondalup as owner, 12 properties are leased to other entities and used for their purposes and therefore rated. The remaining 158 properties are exempt from rates, being held and used for the City's purposes, such as libraries, community facilities, and the like.

This does not include Crown land that the City may hold a management order over – such properties are included below.

#### **Crown land (owned by federal or state governments and/or related agencies)**

Under s6.26(2)(a) of the *Local Government Act 1995*, Crown land is exempt from rates.

1,245 properties within City boundaries are exempt from rates by virtue of being held by federal or state government agencies and used for public purposes, land held and used as public schools and so forth. These sites include:

- Crown land under a City of Joondalup management order (697 properties, including parks, reserves, and so forth)
- other Crown land (498 properties, including PAWs and ROWs, road reserves, drainage reserves, pumping stations, substations, and so forth)
- government (public) schools (47 properties)
- university or TAFE (three properties, including student accommodation).

#### **Land used as non-government schools**

Under s6.26(2)(f) of the *Local Government Act 1995*, land held and used exclusively as a non-government school is exempt from rates.

Thirteen properties in the City are currently held and used as non-government schools.

**Legislation / Strategic Community Plan / Policy implications**

**Legislation** Section 6.26 of the *Local Government Act 1995*.

**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**

Not applicable.

**Financial / budget implications**

The City has foregone \$895,120 in 2020-21 rates from properties currently exempt from rates on charitable or religious grounds, as prescribed in section 6.26 of the *Local Government Act 1995*.

The cumulative impact of these over a period of years is not insignificant.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

Council at its meeting held on 19 March 2019 (CJ023-03/19 refers) endorsed the City of Joondalup's Phase 2 Consultation Submission into the state government's Local Government Act Review. As part of that submission, among other things, the City supported reform around rate exemption provisions, as well as the inclusion of a 'charitable purpose' definition within the *Local Government Act 1995*. At this stage there is no indication from the state government in terms of what provisions around rate exemptions will be changed in any new Local Government Act that may be drafted.

The City currently has 388 properties exempt from rates in 2020-21 under sections 6.26(2)(d) and 6.26(2)(g) of the *Local Government Act 1995* on the basis of land use that meets religious or charitable use criteria, in addition to a further 1,418 properties exempt as City owned, Crown land (including government schools, tertiary institutions and the like) and non-government schools. The City will undertake a review process to reconfirm eligibility of charitable and religious exemptions by 30 June 2021.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1** NOTES the list of properties currently exempted from rates under section 6.26(2)(d) and 6.26(2)(g) of the *Local Government Act 1995*, as detailed in Attachment 1 in this Report;
- 2** NOTES the review of rates exempt properties will be completed by 30 June 2021.

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf201201.pdf](#)

---

**REPORT OF THE CHIEF EXECUTIVE OFFICER**

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**CLOSURE**



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

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

<b>Name / Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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

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

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



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

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

<b>Name / Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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

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

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