

agenda

Briefing Session

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

ON TUESDAY 9 FEBRUARY 2021

COMMENCING AT 6.30pm

MAT HUMFREY
Acting Chief Executive Officer
5 February 2021

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 8 February 2021**.

Questions and their responses, will be distributed to Elected Members prior to the meeting and published on the City's website.

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

IMPORTANT INFORMATION

ELECTRONIC MEETINGS

In accordance with regulation 14E(2) of the *Local Government (Administration) Regulations 1996* notice is hereby given that City of Joondalup Council Meeting to be held on Tuesday 9 February 2021 will now be conducted by electronic means.

In accordance with regulation 14D of the *Local Government (Administration) Regulations 1996* a Council or Committee meeting may be held by electronic means:

- (a) if:
- (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the City's district; and
 - (ii) because of the public health emergency or state of emergency, the Mayor or Council considers it appropriate for the meeting to be held by electronic means
- or
- (b) if:
- (i) a direction is issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* that prevents the meeting from being held in person; and
 - (ii) the Mayor or Council authorises the meeting to be held by electronic means.

The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communications as determined by the Mayor or Council, with the Chief Executive Officer being consulted before such determination is made.

Where a Council or Committee meeting is determined to be conducted by electronic means, the following procedures will apply and replace all other procedures for public question time, public statement time, and deputations. The following procedures also apply to the City's Briefing Sessions where it has been determined that those meetings are held by electronic means and replace all other procedures detailed in this document.

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.



CODE OF CONDUCT

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

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

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

Elected Members, Committee Members and employees must:

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

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

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.

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

The audio recordings of Briefing Sessions held by electronic means are to be made available to the public on the City's website, 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*.

PROCEDURES FOR DEPUTATIONS

- 1 Written deputations will be accepted at the electronic Briefing Session by emailing the Mayor at Mayor.Jacob@joondalup.wa.gov.au who will distribute any information or material received to other Elected Members before the meeting.
- 2 All deputation information must be received by the Mayor by 9.00am on the day of the scheduled electronic Briefing Session.

PROCEDURES FOR PUBLIC QUESTIONS

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

Questions in Writing

- 1 The City will accept a maximum of five written questions per person by email to council.questions@joondalup.wa.gov.au . To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 2 Written questions submitted for an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Written questions submitted for a Special meeting of Council must relate to the purpose for which the meeting has been called. Written questions submitted for a Briefing Session must relate to a report contained in the agenda.
- 3 Questions lodged by 9.00am on the day immediately prior to the scheduled meeting will be responded to. These questions, and their responses, will be distributed to Elected Members at the meeting and where possible published on the City's website prior to the meeting.
- 4 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.
- 5 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 6 Written questions unable to be responded to at a Council meeting or Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting or Briefing Session.

- 7 Other questions and any response will be summarised and included in the minutes of the Council meeting, or in the agenda for the next Briefing Session.
- 8 For the purposes of the record, the name and suburb of the member of the public that has asked a question will be detailed.
- 9 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENTS

Statements in Writing

- 1 Written public statements will be accepted by emailing the Mayor at Mayor.Jacob@joondalup.wa.gov.au who will distribute any statement received to other elected members before the meeting. Public statements must be received by 9.00am on the day of the meeting.
- 2 Written public statements submitted for an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Written public statements submitted for a Special meeting of Council must relate to the purpose for which the meeting has been called. Written public statements submitted for a Briefing Session must relate to a report contained in the agenda.
- 3 Members of the public may also wish to contact the City's administration at info@joondalup.wa.gov.au or contact an individual Elected Member directly.

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LATE ITEMS / ADDITIONAL INFORMATION

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

[\(Additional Information 210209.pdf\)](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held by electronic means on **Tuesday 9 February 2021** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

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

Disclosures of Financial Interest / Proximity Interest

Nil.

Disclosures of interest affecting Impartiality

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

Name / Position	Ms Dale Page, Director Planning and Community Development.
Item No. / Subject	Item 1 – Development and Subdivision Applications – November and December 2020.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	One of the landowners is known to Ms Page. Ms Page had no knowledge of the application and had no involvement in the application.

DEPUTATIONS

The Deputy Mayor will advise Elected Members of any deputation material received.

PUBLIC QUESTION TIME

The Deputy Mayor will advise Elected Members of any public questions received.

PUBLIC STATEMENT TIME

The Deputy Mayor will advise Elected Members of any public statements received.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence Previously Approved

Mayor Albert Jacob, JP

8 to 10 February 2021 inclusive;
17 to 19 February 2021 inclusive.

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS - NOVEMBER AND DECEMBER 2020

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

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during November and December 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 November and December 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during November and December 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 November and December 2020 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	14	96
Strata subdivision applications	32	44
TOTAL	46	140

Of the subdivision referrals, 25 were to subdivide in housing opportunity areas, with the potential for 36 additional lots.

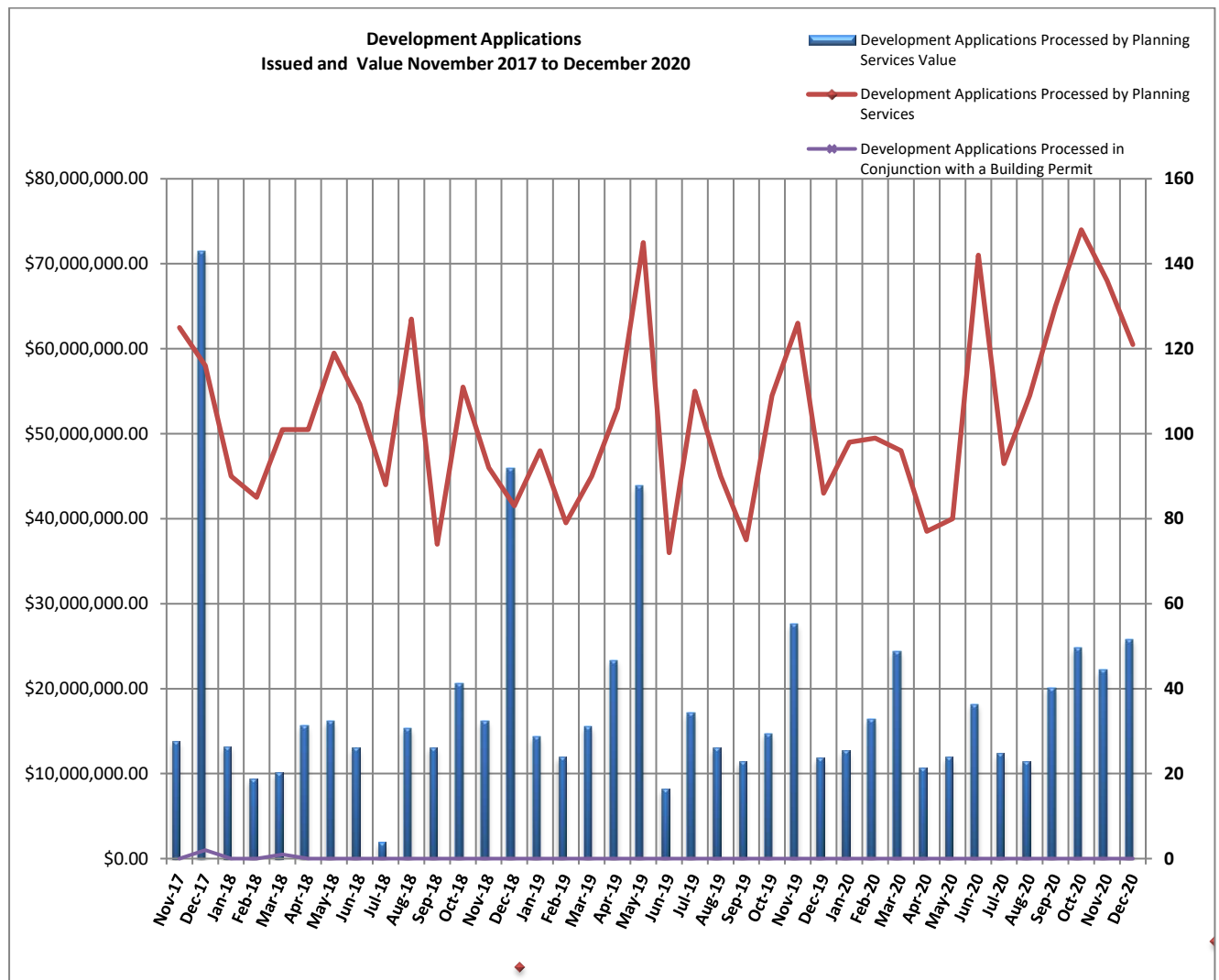
Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	257	\$48,006,108

Of the 257 development applications, 66 were for new dwelling developments in housing opportunity areas, proposing a total of 39 additional dwellings.

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



The number of development applications received during November and December 2020 was 278.

The number of development applications current at the end of December was 285. Of these, 38 were pending further information from applicants and 32 were being advertised for public comment.

In addition to the above, 612 building permits were issued during the month of November and December with an estimated construction value of \$61,738,025.

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 263 development applications were determined for the months of November and December with a total amount of \$161,950 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 November and December 2020;**
- 2 subdivision applications described in Attachment 2 to this Report during November and December 2020.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf210209.pdf](#)

ITEM 2 **DRAFT STATE PLANNING POLICY 4.2 – ACTIVITY CENTRES – CITY OF JOONDALUP SUBMISSION**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106771, 101515
ATTACHMENTS	Attachment 1 Draft <i>State Planning Policy 4.2 – Activity Centres</i> Attachment 2 Draft <i>State Planning Policy 4.2 – Implementation Guidelines</i> Attachment 3 Draft State Planning Policy 4.2 – Issues Paper Attachment 4 Draft State Planning Policy 4.2 – Changes Table Attachment 5 City of Joondalup draft submission
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider and endorse the City of Joondalup submission on draft revised *State Planning Policy 4.2 – Activity Centres* (SPP 4.2).

EXECUTIVE SUMMARY

The Western Australian Planning Commission (WAPC) is seeking comment on the draft revised *State Planning Policy 4.2 – Activity Centres* and draft new *State Planning Policy 4.2 – Implementation Guidelines* (the draft policy).

The draft policy and implementation guidelines are the outcome of a review of the current 10 year old policy (*State Planning Policy 4.2 – Activity Centres for Perth and Peel*). The WAPC states that the review of SPP 4.2 is a key part of the legislative and planning reform agenda to create a more flexible, responsive and contemporary planning system.

The intent of the draft policy is to ensure planning and development adequately considers the distribution, function and broad land use options for activity centres to meet local community needs, and provide social, economic and environmental benefits to all Western Australians.

The draft policy states that activity centres are a significant focus for economic development and growth and are community hubs that provide retail and commercial opportunities, a diverse range of housing types, employment and community services.

In inviting comments, the WAPC has prepared an online survey to assist with analysis of the submissions. The City's comments have been prepared in this format (Attachment 5 refers); however, a number of key issues are also outlined in the report below.

It is recommended that Council endorses Attachment 5 to this Report as the City of Joondalup submission on the draft policy and forwards the submission to the WAPC.

BACKGROUND

The current *State Planning Policy 4.2 – Activity Centres for Perth and Peel* outlines planning considerations for the planning and development of new activity centres and the redevelopment of existing activity centres in the Perth and Peel regions. It focuses on the distribution, function, broad land use and design of activity centres. It also encourages the consolidation of residential and commercial development in activity centres and integration of centres with public transport.

The draft revised SPP 4.2 and draft new implementation guidelines are the outcome of a significant review of the current policy which has been in operation for over 10 years.

As with the current SPP 4.2, the draft policy establishes the hierarchy of activity centres in the Perth and Peel regions and now proposes to also include the Bunbury region. It encourages the development of multi-functional activity centres, with a wide range of land uses and higher density housing. It also encourages employment generating activities and improved access to local jobs.

In response to issues raised by stakeholders on the current policy, coupled with the evolution of the State planning framework, the review has focussed on the following:

- Simplifying and streamlining the policy.
- Providing guidance on retail planning and sustainability assessment.
- Alignment with the Design WA policy suite.
- Expanding the geographic scope outside Perth and Peel to Bunbury.

Design WA is a State Government initiative to ensure good design is at the centre of all development in Western Australia.

The draft policy has been aligned with Stage Two of Design WA which encompasses *State Planning Policy 7.2 – Precinct Design* and the not yet released *State Planning Policy 7.1 - Neighbourhood Design* (previously Liveable Neighbourhoods).

State Planning Policy 7.2 – Precinct Design (SPP 7.2) and associated guidelines related to precinct design have recently been released and will become operational on 16 February 2021. SPP 7.2 provides guidance on the preparation and assessment of precinct structure plans, local development plans and subdivision in areas identified as precincts. Activity centres defined in SPP 4.2 are precincts for the purpose of SPP 7.2. Provisions relating to the urban form and design of centres have been removed from SPP 4.2 and precinct structure plans will now specify land use, density and built form requirements for activity centres.

State Planning Policy 7.1 Neighbourhood Design (SPP 7.1) has not yet been drafted, however is intended to guide the structure planning and subdivision of greenfield sites at the neighbourhood structure plan level.

DETAILS

Activity centres are multi-functional community focal points that vary in size and function. They are generally well serviced by transport networks with a focus on integrated pedestrian access and walkability, and may include land uses such as commercial, retail, food and hospitality, higher density housing, entertainment, higher education and medical services.

The WAPC is seeking comment on:

- the draft revised *State Planning Policy 4.2 – Activity Centres* (Attachment 1 refers)
- the draft *State Planning Policy 4.2 – Implementation Guidelines* (Attachment 2 refers).

Also attached for information is the issues paper prepared by the Department of Planning, Lands and Heritage (DPLH) on the review of the existing SPP 4.2 (Attachment 3 refers) and a document, also prepared by DPLH, that outlines the key changes between the existing and draft revised SPP 4.2 (Attachment 4 refers).

State Planning Policy 4.2 Activity Centres

The stated objectives of the draft revised SPP 4.2 are as follows:

- 1 Provide a hierarchy and network of activity centres that meets community need and provides social, economic and environmental benefits to all Western Australians.
- 2 Enable the distribution of a broad range of goods, services and activities, including retail, commercial and mixed-use developments that do not undermine the hierarchy of activity centres.
- 3 Ensure consistency and rigour in the planning and development of activity centres.

It should be noted that the review of SPP 4.2 does not include a review of the activity centre hierarchy.

Provisions relating to the urban form and design of centres have been removed from SPP 4.2 as this is now covered by *State Planning Policy 7.2 – Precinct Design* and the forthcoming *State Planning Policy 7.1 Neighbourhood Design*. It is intended that these policies will provide the design related policy provisions and requirements for activity centres in infill and greenfield locations.

State Planning Policy 4.2 Implementation Guidelines

The new draft guidelines provide explanatory detail to assist the implementation of SPP 4.2.

The guidelines provide information on:

- how to apply SPP 4.2 through the State and local planning framework
- how to prepare and determine proposals for new activity centres, or that seek to change the classification of an activity centre
- how to assess development proposals for major developments within activity centres
- undertaking a Needs Assessment
- applying the Impact Test
- planning and development of bulky goods and large format retail uses and precincts.

Precinct Structure Plans

The current term 'activity centre plan' will be replaced by 'precinct structure plan'. A precinct structure plan must be prepared for strategic metropolitan, secondary, district and specialised centres in accordance with the requirements of *State Planning Policy 7.2 – Precinct Design*. Like the current activity centre plans, a precinct structure plan for an activity centre will outline land use, density, built form requirements, access arrangements, infrastructure coordination and public realm design to facilitate future subdivision and development.

Precinct structure plans are to be endorsed by the WAPC prior to major development being approved.

A precinct structure plan is not required where there is already an endorsed structure plan or activity centre plan. For example, the City will not be required to prepare a precinct structure plan for the Joondalup Activity Centre or the Whitford Activity Centre as both have existing, endorsed activity centre plans. However, a precinct structure plan will be required prior to major development at Warwick, Greenwood, Currambine and Woodvale activity centres, being the City's remaining secondary and district centres identified in SPP 4.2.

Major Development

Under the draft revised SPP 4.2 a proposal is considered major development if the net additional floorspace for an activity centre is greater than the thresholds listed in Table 2 of the policy.

The additional floorspace thresholds are different for established centres and new centres and are based on the activity centre hierarchy. Unlike the current SPP 4.2, the floorspace thresholds now include all non-residential land uses, not just retail land uses.

Therefore, under the draft revised SPP4.2 non-retail land uses such as office and health care will now contribute to the floorspace which may affect when an Impact Test is required. An Impact Test replaces the Retail Sustainability Assessment of the current SPP 4.2 and estimates the impact of the proposal on existing and planned activity centres

Needs Assessment

The draft policy and guidelines introduce a Needs Assessment which assesses the projected land use needs of the community with a specific focus on the retail needs of the community and demand for activity centre uses. A Needs Assessment may be prepared in support of a local planning strategy, local planning scheme/scheme amendment or precinct structure plan and should be prepared where major development for an activity centre is proposed.

The Needs Assessment differs from an Impact Test (which is discussed further below) in that it considers the land use needs of the community, while an Impact Test measures the impact of additional floorspace on the activity centre hierarchy and any potential loss of existing public and private services to the community as a result of that additional floorspace.

Key issues

The draft revised SPP 4.2 is generally supported as it is more legible, simplified in its format and language, and is likely to be more readily understood by the community and decision makers. The introduction of the implementation guidelines is also supported as it provides guidance on a number of key aspects of the policy, including the requirements around the preparation of an Impact Test, which is further discussed below.

The key issues identified in the draft documents are set out below and included in the draft submission. The draft submission (Attachment 5 refers) has been prepared in direct response to the specific questions posed in the survey by the WAPC, and also incorporates some additional minor comments.

Requirement for precinct structure plans

Although precinct structure plans are required prior to major development within an activity centre, the draft policy allows major development to be considered in the absence of an endorsed precinct structure plan under exceptional circumstances.

Detail is provided on what constitutes exceptional circumstances; however, there is no guidance provided on who decides if the exceptional circumstances are acceptable. It is recommended the policy include information on whether the decision maker can decide if exceptional circumstances are met, or whether this needs to be decided by the WAPC.

Land uses

The draft policy states that high trip-generating land uses (such as shops, restaurants, offices) should be located within or adjacent to activity centres.

However, it is unclear why some high trip-generating land uses, such as those noted above, would be appropriately located adjacent to activity centres. Locating such types of uses adjacent to an activity centre could undermine the centre and could have a consequential adverse impact on surrounding areas not located within the centre, such as residential areas. Shops, offices and restaurants should be located within the activity centre as it is the purpose of the activity centre to contain such types of land uses. It is not appropriate, particularly for smaller scale activity centres, for those land uses to be located adjacent to the activity centre.

Impact Test

The draft policy and guidelines introduce the requirement for an 'Impact Test'. An Impact Test replaces the Retail Sustainability Assessment of the current SPP 4.2.

The purpose of the Impact Test is to ensure that major development in an activity centre or new retail development outside of existing activity centres will not unreasonably impact upon the activity centre hierarchy and result in loss of services to the community by undermining the provision of services within existing activity centres.

Under the current SPP 4.2, the potential impact on the activity centre hierarchy and any potential resultant loss of services to the community is only measured by reference to the amount of additional retail floorspace. However, for the Impact Test under revised SPP 4.2, while the emphasis remains on the impact of the additional retail floorspace, any additional non-retail floorspace must also be considered when preparing an Impact Test.

The draft revised SPP 4.2 is also different to the current SPP 4.2 in that it specifies a threshold of impact on retail turnover (as a percentage) to guide what is considered to be an acceptable level of impact on the existing activity centre hierarchy. This figure is not specified in the current SPP 4.2.

If a proposal is projected to have a moderate (5.1% - 9.99%) or significant (greater than 10%) impact, then the proposal should indicate how the development will deliver a net community benefit. This is important for the assessment of new or expanded activity centres by the local and state government as it provides a specific threshold beyond which development is not considered acceptable and therefore gives greater clarity for decision-makers.

Community benefit is identified as the public good that a proposal delivers as indicated by the productivity, quality of life, environmental sustainability, infrastructure development and social inclusion of the proposed development. It is unclear how the local government can compel a developer to deliver the net community benefit. It is therefore recommended that the guidelines include guidance as to how to ensure that the proposed community benefit is fulfilled and developed.

The policy states that the Impact Test is to be prepared by the applicant. However, the guidelines state that the Impact Test should be validated through an independent review overseen and paid for by the responsible authority. It is not considered appropriate for the local government to have to bear the costs for the review of an Impact Test prepared by an external applicant. The local government should be able to recoup these costs from the applicant.

Options

The options available to Council in considering the draft revised SPP 4.2 and the City's submission are:

- endorse the draft submission (Attachment 5 refers) and forward to the WAPC
- endorse the draft submission (Attachment 5 refers) with modifications and forward to the WAPC
or
- not endorse the draft submission.

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development Act 2005.*
 Planning and Development (Local Planning Schemes) Regulations 2015.
 Local Planning Scheme No. 3.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Participate in State and Federal policy development processes affecting local government.

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Activity Centre development.

Strategic initiative

- Understand local commercial needs and opportunities.
- Support the development of fresh and exciting de-centralised areas of activity.
- Facilitate increased housing density in Activity Centres.
- Promote the primacy of the Joondalup City Centre in the application of the Activity Centres Hierarchy.

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.

Risk management considerations

Not applicable.

Financial / budget implications

The implementation of the draft revised SPP 4.2 policy could potentially see additional costs incurred by the City through the requirement for the preparation (in the case of a City proposal) or peer review (in the case of an application) of a Needs Assessment or Impact Test, noting that as currently proposed, the City would not be able recoup the cost of undertaking a peer review of an applicant submitted Needs Assessment or Impact Test.

Regional significance

The draft policy applies to activity centres within Metropolitan Perth, the Peel and Greater Bunbury region.

Sustainability implications

The draft policy details policy outcomes, which include reference to environmental, social and economic sustainability.

Specifically, activity centres provide employment for the community, access to goods and services including community and medical services and a diverse range of housing. Access to centres by walking, cycling and public transport is encouraged.

Consultation

The WAPC undertook consultation on the draft policy and guidelines from 2 November 2020 until 12 February 2021. The WAPC has granted the City of Joondalup a short extension to allow Council to consider the City's submission at its February meeting.

COMMENT

The revision of the current SPP 4.2 is generally supported and provides additional guidance on centre planning and sustainability assessment which is lacking in the current SPP 4.2. The draft SPP 4.2 is more legible, simplified in its layout and language and likely to be easier to understand for the community and decision makers.

The introduction of the associated implementation guidelines is also an appropriate measure to provide guidance on the key aspects of the policy.

Notwithstanding, the City's draft submission outlines several further considerations, clarifications and recommendations regarding the draft policy and guidelines.

It is recommended that Council endorses the comments in Attachment 5 to this Report as the City of Joondalup's submission on the draft *State Planning Policy 4.2 – Activity Centres* and draft *State Planning Policy 4.2 – Implementation Guidelines*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ENDORSES the City of Joondalup's submission on the draft revised *State Planning Policy 4.2 – Activity Centres* and the draft *State Planning Policy 4.2 – Implementation Guidelines* as shown in Attachment 5 to this Report and forwards the City of Joondalup's submission to the Western Australian Planning Commission.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf210209.pdf](#)

The amended plans did not change the dwelling yield, building height or parking provision but provided for an increased upper floor setback to the eastern boundary, a revised design, more detail in relation to landscaping and other minor modifications.

The revised application was considered by Council at its meeting held on 8 December 2020 (CJ181-12/20 refers), where the matter was deferred to allow the applicant to address outstanding concerns and to allow the applicant to engage with residents adjoining and near the subject site.

Further information, including additional landscape details and revised waste management was provided to the City on 21 December 2020.

Further community consultation was undertaken on the latest proposal between 23 December 2020 and 13 January 2021. A total of 20 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 February 2021 Council Meeting.

The revised information has been considered against the requirements of the *City of Joondalup Local Planning Scheme No. 3 (LPS3)*, including changes introduced as part of Amendment 5 which was gazetted on 29 January 2021, *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 and deferral.

It is considered that the amended proposal now satisfies the requirements of the applicable planning framework and, therefore, it is recommended that the application is approved, subject to conditions.

BACKGROUND

Suburb/Location	Lot 472 (41) Twickenham Drive, Kingsley.
Applicant	Danmar Developments.
Owner	Housing Authority.
Zoning	LPS3 Residential.
	MRS Urban.
Site area	730m ² .
Structure plan	Not applicable.

Site Context

The subject site is currently occupied by a single storey, detached dwelling. The 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 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 dated 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.*

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 reasons for refusal, the applicant submitted amended plans, a Waste Management Plan and further landscaping information on 9 November 2020.

At its meeting held on 8 December 2020 (C126-12/20 refers), Council reconsidered the application in view of the new information and resolved:

"Item CJ181-12/20 - Proposed Seven Multiple Dwellings at Lot 472 (41) Twickenham Drive, Kingsley (Section 31 Reconsideration) BE REFERRED BACK to the Chief Executive Officer to allow the applicant / owner to:

- 1 *address the outstanding concerns outlined in Report CJ181-12/20 that currently form the recommended reasons for refusal;*
- 2 *engage with residents adjoining and near the subject site."*

Following Council's decision at its December meeting the applicant submitted revised plans, including additional information for waste management and landscape design on 21 December 2020.

Development standards for infill development in Housing Opportunity Areas

Following extensive community consultation, the Joondalup Council endorsed draft new development standards for Housing Opportunity Areas at a Special Meeting of Council held on 24 March 2020 (JSC02-03/20 refers). The draft new development standards were contained in both a local planning policy (LPP) and in a scheme amendment (Amendment No. 5).

Following Council's endorsement of the LPP and Amendment No. 5, the documents were sent to the State Government's Western Australian Planning Commission (WAPC). The WAPC makes the decision on the LPP and makes a recommendation on Amendment No. 5 to the Minister for Planning. The Minister is responsible for approving the amendment.

On Thursday 10 December 2020, the Minister for Planning announced her decision, via a media statement, on Amendment No. 5 to the City's Local Planning Scheme No. 3 (LPS3).

Most of the development standards have been removed from Amendment No. 5, including those relating to height, setbacks, parking, trees and landscaping. Amendment No. 5, as approved by the Minister for Planning contains standards relating to lot frontage, moderation of multiple dwellings (apartments) on sites coded R20/R40 and solar access.

Amendment No. 5 was gazetted on 29 January. As such this application has been assessed against the revised requirements, however it is noted that the amendment as approved by the Minister for Planning does not result in a substantive change from that previously considered, including the number of multiple dwellings permitted on the subject site.

Amended proposal

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

- a revised landscape proposal including additional information on the viability of landscaping
- modifications to the first-floor building design, to allow a waste vehicle to collect refuse from within the property
- minor reconfiguration of units to achieve the above points.

DETAILS

The proposed development comprises the following:

- Seven multiple dwellings within a three-storey building. All dwellings have 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, 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 building.

Development plans and supporting information for the revised proposal are provided at Attachments 2 – 7 to this Report.

Joondalup Design Reference Panel

Previous versions of the proposal were presented to the Joondalup Design Reference Panel (JDRP) on 17 July 2019, 18 December 2019 and 21 October 2020. The latest amendments to the proposal made following Council's consideration of the application in December 2020 have not been presented back to JDRP due to timing to have the matter reconsidered by Council as ordered by SAT.

A summary of the most recent JDRP comments (21 October 2020), as well as the applicant's response to these items is included in the tables below:

JDRP comment	Applicant's response
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 the City's *Residential Development Local Planning Policy*.

Local Planning Scheme No. 3

Minimum lot frontage requirement

Clause 26 (7) 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.

Moderation of multiple dwellings

Amendment No. 5 to LPS3 introduced an additional part to clause 26 (7) which requires the average site area per dwelling to be applied to multiple dwellings developments in certain circumstances which typically reduces the number of multiple dwellings that can be developed on a site that is subject to this provision.

The provision is only applicable to certain lots with a density code of R20/R40. As the subject site is coded R20/R60 the provision does not apply and therefore does not alter the number of multiple dwellings that can be developed on the site.

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 (such as 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 9 to this Report.

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 design presented to Council in December 2020 includes modifications to the roof form which reduces the overall height to 9.6 metres (previously 11.21 metres). This aspect remains unchanged as part of the latest plans (Attachment 2 refers).

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 latest design retains the increased setback for the third floor as per the plans presented to Council in December 2020. This 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:

- 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 0.97m², 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); and
- 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"> • Ground floor 	one metre minimum (carport) and 2.38 metre average
Western (side) boundary	
<ul style="list-style-type: none"> • Ground floor (carport) 	0.25 metre minimum
Southern (rear) boundary	
<ul style="list-style-type: none"> • Ground floor (carport) 	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) 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 design presented to the December 2020 Council meeting sets the front portion of the second floor back to six metres from the boundary. This aspect remains unchanged as part of the latest plans (Attachment 2 refers).

The setback 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 a medium tree and a number of small trees, 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 design presented to the December 2020 Council meeting removes the arbour elements / supporting structures that previously extended over the driveway and to the western boundary. This aspect remains unchanged as part of the latest plans (Attachment 2 refers).

The setbacks for the main building 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. The structure closest to the western boundary is a flat roof carport, set back 0.25 metres at the closest point increasing to 3.7 metres. The subject site is approximately one metre below the adjoining property to the west and located to the rear of the subject and adjoining property. Given this, the impact of the flat roof carport is reduced and will not be visually dominant from either property.

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 584m².

Plot ratio was one of the reasons for refusal in Council's decision at its meeting held on 21 April 2020 (CJ043-04/20) as it was considered that the building bulk and scale of the development was inconsistent with the existing and planned character of the area.

The design presented to the December 2020 Council meeting 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. This aspect remains unchanged as part of the latest plans (Attachment 2 refers).

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

Tree canopy, deep soil areas and landscape design is one of the outstanding concerns that Council requested the applicant address as part of its decision made at the December 2020 meeting (C126-12/20 refers).

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 (DSA) 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 ²
Medium	3 metres	36m ²
Large	6 metres	64m ²

Since Council's decision to refuse the application at its meeting dated 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 SAT has also made a second decision relating to landscaping associated with multiple dwellings, which reaffirms the above points.

Additional information and amended plans have been provided in response to Council's December 2020 resolution (C126-12/20 refers).

The proposed development provides 15.2% of the site as deep soil area, with two medium trees and additional small trees. While the development meets the suggested percentage level of deep soil areas and trees required, previous proposals did not demonstrate how the deep soil areas met the minimum dimension or area of the acceptable outcomes.

One of the two medium trees has been provided with the minimum DSA required (36m²), however the other is located within a DSA that is 32.6m² in area. The overall size of the area, including areas under balconies and courtyard is 41.7m².

The applicant has provided additional detail on the selection of the trees with reference to the City's information pamphlets for tree species within Karrakatta soils. There have also been modifications, including the removal of the front retaining walls, to allow for increased room for roots to grow.

In relation to the deep soil areas proposed for the medium trees, the applicant has justified that, although the definition excludes the 4.2m² covered by balcony, this area should be included because:

- the balcony is to the south of the tree and therefore will not impede the provision of sunlight
- the tree will be three metres high when planted, therefore the growth will not be stunted by the overhang
- the tree is located 4.6 metre from the building wall.

In considering the justification provided, it is deemed acceptable that the balcony will not have a significant impact on the growth of the medium tree.

In addition, a number of small trees have been provided, with increased areas showing rootable soil zones (RSZ) underneath permeable paving. These meet the minimum one metre DSA and one metre RSZ stated in SPP7.3.

The selection of tree species from the City's preferred species list for development within Karrakatta soils is considered sufficient to sustain healthy plant and tree growth and provide a high level of amenity to the surrounding area and future residents. It is therefore considered to meet the element objectives.

The proposal is therefore considered to meet the objectives of element 3.3 and element 4.12 as the proposed deep soil areas are of a sufficient area and volume to be able to accommodate the required tree provision for the site and therefore addresses one of the outstanding concerns that resulted in Council's decision to defer the matter at its December meeting (C126-12/20 refers).

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).

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.

Based on the commentary received from the JDRP it is considered that shading devices should be provided. On this basis, should the application be approved, it is recommended a condition be placed on the approval to address this requirement.

Waste management

Waste management is one of the outstanding concerns that Council requested the applicant address as part of its decision made at the December 2020 meeting (C126-12/20 refers).

Element 4.17 Waste management objectives state:

- 04.17.1 *Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.*
- 04.17.2 *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 held on 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.

Additional information and amended plans have been provided in response to Council's reasons for refusal at its April 2020 meeting (CJ043-04/20 refers) and to address the outstanding concerns that resulted in Council decision to defer the application at its December 2020 meeting (C126-12/20 refers).

The plans include an enclosed waste storage area to the rear of the building 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 4 refers) indicates that waste collection will be undertaken by private collection. It has previously been reported and communicated to the applicant that the City does not support private waste collection for residential properties. Since Council's decision at its December 2020 meeting to defer the application (C126-12/20 refers) the applicant has acknowledged that waste collection will be undertaken by the City. If the development is approved, it is recommended that a Waste Management Plan be prepared and approved which will need to include this detail.

To allow on site collection by a City provided service, 11.6 metres distance is required during operation. Previous plans considered by Council did not achieve this minimum distance as the first floor overhang conflicted with the area needed for a waste vehicle to access the site.

The latest plans submitted to the City following Council's December 2020 meeting have modified the first floor to provide more room and now allows a waste vehicle to be located off the road while undertaking pick up.

While noting that the use of this area will have an impact on the footpath for a short period of time, the 11.6 metre requirement is based on a 'worst case scenario' using a larger collection vehicle. Using a smaller vehicle available to the City will mean that it does not extend over the footpath during pick up, however it is understood that this vehicle is not always available. The alternative to locate the bins on the verge for collection is not considered a positive outcome due to the impact on the street.

Subject to a condition being imposed for the preparation and approval of a Waste Management Plan (inclusive of confirmation of collecting being provided by the City), the proposed waste collection is considered to meet element objectives O4.17.1 and O4.17.2 and therefore addresses one of the outstanding concerns that resulted in Council's decision to defer the matter at its December meeting (C126-12/20 refers).

Issues and options considered

Council has been invited to reconsider its previous decision and determine whether the proposed development for 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.

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

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;*
- (fa) any local planning strategy for this Scheme endorsed by the Commission;*
- (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;*
 - (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *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 6 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 5 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.

A revised version of the application was advertised for a period of 14 days, commencing on 4 May 2020 and concluding on 19 May 2020. A total of 15 submissions were received, all objecting to the proposal.

The information and plans provided following Council's deferral of the proposal in December 2020, were advertised for a period of 21 days, commencing on 23 December 2020 and concluding 16 January 2021. In this instance, in order to meet the deadlines required by SAT, consultation has had to be undertaken over the Christmas period; however, an additional seven days was added to the consultation period in accordance with the City's *Planning Consultation Local Planning Policy*.

Consultation was undertaken in the following manner:

- a letter was sent to owners and occupiers of 109 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, 20 submissions were received, all objecting to the proposal.

The key concerns raised during the consultation period include:

- 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 8 to this Report.

Applicant engagement with surrounding residents

One of the reasons Council deferred the application at its meeting held on 8 December 2020 (C126-12/20 refers) was to allow the applicant to engage with residents adjoining and near the subject site.

The applicant has advised that since Council's decision to defer the application, conversations have been held with the adjoining properties (43 Twickenham Drive and 1 Harrow Weald Way) in which the plans were explained in further detail.

COMMENT

The proposal has been assessed against the relevant planning framework including LPS3, including changes introduced as part of Amendment No. 5, and SPP7.3. As part of the assessment the application was reviewed by the Joondalup Design Reference Panel multiple times and has also been advertised for public comment on several occasions.

The application has been presented to Council on two previous occasions. Each time the City's officers were of a view that the application failed to meet the applicable planning framework. Following Council's initial refusal of the proposal at its meeting held on 21 April 2020 (CJ043-04/20 refers), changes were made to the development through the SAT process. City officers still had concerns with the revised development when it was considered by Council at its meeting held on 8 December 2020 (C126-12/20 refers). The application was deferred to address these outstanding concerns and further revisions to the development were undertaken.

It is now considered that the outstanding issues have been addressed by the further revisions and there are no longer sufficient planning grounds upon which the application can be reasonably be refused.

For these reasons, it is considered that the development satisfies the relevant planning requirements and the application is therefore recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* 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, subject to the following conditions:

- 1 This approval relates to the multiple dwelling development and associated works only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;**
- 2 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the City for execution prior to commencement of development, and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:
 - 2.1 '*This land is within a bushfire prone areas as designated by an Order made by the Fire and Emergency Services Commissioner.*';****
- 3 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicant's expense and lodged with the City for execution prior to commencement of development and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:
 - 3.1 '*This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.*';****

- 4 The proposed development shall be constructed to comply with the relevant provisions of *State Planning Policy 5.4: Road and Rail Noise* (and the associated Guidelines) prior to occupation of the development;
- 5 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 6 The car parking bays, driveways and/or access points/crossovers shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standards (AS2890), prior to the occupation of the development and thereafter maintained to the satisfaction of the City;
- 7 The applicant shall remove the existing crossover and make good the verge to the satisfaction of the City, within 28 days of the completion of construction of the new crossover;
- 8 All development shall be contained within the property boundaries;
- 9 A full schedule of colours and materials for all exterior parts to the building is to be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
- 10 A Waste Management Plan indicating the method of rubbish collection and that collection is to be undertaken by the City is to be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied and thereafter implemented to the satisfaction of the City;
- 11 A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall include details regarding mitigation measures to address impacts associated with construction works and shall be prepared to the specification and satisfaction of the City. The construction works shall be undertaken in accordance with the approved Construction Management Plan;
- 12 Nine bicycle parking spaces shall be designed and installed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993), prior to occupation of the development and thereafter maintained to the satisfaction of the City;
- 13 Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of construction;
- 14 A detailed landscaping plan shall be submitted to and approved by the City prior to the commencement of development. The plan is to address the applicable element objectives of clause 4.12 of the Residential Design Codes Volume 2 - Apartments, and indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - 14.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 14.2 provide all details relating to paving, treatment of verges and tree plantings, including treatment of rootable soil zones;

- 14.3 provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
- 14.4 indicate the provision of two medium trees and six small trees on-site within suitably sized deep soil areas;
- 14.5 be based on water sensitive urban design and designing out crime principles;
- 14.6 landscaping details of the verge shall include:
 - 14.6.1 street trees and landscaping of the adjoining verge in accordance with the City's Street Verge Guidelines;
 - 14.6.2 the provision of street trees at a rate of one tree for every 10 metres of frontage (or as determined by the City);
 - 14.6.3 the location of the tree preparation zones for new streets trees;
 - 14.6.4 new street trees species being; Tuckeroo (*Cupanopsis anacardioides*), Pink Flowering Yellow Gum (*Eucalyptus petiolaris*) or Jacaranda (*Jacaranda mimosifolia*);
 - 14.6.5 identification of a minimum pot size of 45 litres for each new street tree;
 - 14.6.6 the distance/setback of all street trees from any hardstand areas (such as crossover, footpath or kerbing) and any overhead or underground utilities located within the verge;
 - 14.6.7 all other landscaping treatments and planting within the verge;
 - 14.6.8 details on the location and type of reticulation within the verge;
 - 14.6.9 details, including species, of any streets being retained;
- 15 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction;
- 16 The fencing infill panels and pedestrian gates shown on the approved plans shall be visually permeable, as defined by *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*;
- 17 All privacy screening as shown on the approved plans shall be installed prior to the occupation of the dwelling and maintained to the satisfaction of the City. All screening shall be in accordance with Clause 3.5 of the *Residential Design Codes*;
- 18 External shade devices are to be provided on the windows on the northern façade to the satisfaction of the City;
- 19 Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners screened from view from the street and, where practicable, from adjoining buildings. Details of building plant and equipment shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details;
- 20 Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street to the satisfaction of the City. Clothes drying is not permitted on balconies or in courtyards;

- 21 A minimum of one dwelling shall be designed to meet Silver Level requirements as defined in the *Liveable Housing Design Guidelines* (Liveable Housing Australia). Details shall be submitted to and approved by the City prior to commencement of development, and works shall be undertaken in accordance with the approved details;**
- 22 Dwellings shall be individually metered for water usage;**
- 23 The development shall be fibre-to-premises ready, including the provision for installation of fibre throughout the site and to every dwelling.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf210209.pdf](#)

- 3 *the development site is not located in close proximity to public transport and services and therefore does not meet the design principles of clause 5.5.2 P2 of the R-Codes Volume 1;*
- 4 *there is inadequate visitor parking for the number of dwellings proposed.”*

Following this the applicant sought a review of Council’s decision via the State Administrative Tribunal (SAT).

Given that Council’s decision was different to the officer recommendation on the application, in line with the City’s policy on *Development Proposals before the State Administrative Tribunal* and standard City practice in situations like this, a planning consultant was appointed to represent and defend Council’s decision in the SAT process.

During the SAT mediation process, and in response to the reasons for refusal, the applicant submitted amended plans and further justification to address Council’s reasons for refusal.

Community consultation was undertaken on the amended proposal between 24 November 2020 and 16 December 2020. A total of eight submissions was received, all being objections to the proposal.

In accordance with the *State Administrative Tribunal Act 2004*, the SAT has invited Council to reconsider its decision, based on the amended information, on or before 19 February 2021. A directions hearing is scheduled for 26 February 2021, should the appeal not be withdrawn by the applicant following Council’s reconsideration.

Council’s planning representative (consultant) has assessed the amended proposal and has recommended that the application be approved subject to conditions.

It is considered appropriate that the recommendation of Council’s planning representative is adopted.

BACKGROUND

Suburb/Location	Lot 531 (16) and 532 (18) Myaree Way, Duncraig.
Applicant	JMB Coastal Pty Ltd.
Owner	JMB Coastal Pty Ltd.
Zoning	LPS3 Residential, R20.
	MRS Urban.
Site area	1,450m ² (combined).
Structure plan	None applicable.

Site context

The subject site currently vacant and is bound by Myaree Way to the north and residential lots to the west, east and south (Attachment 1 refers).

The subject site is zoned ‘Residential’ and has a residential density code of R20 under the LPS3. The site is not located in a Housing Opportunity Area. The land use ‘Grouped Dwelling’ is a permitted (“P”) use in the ‘Residential’ zone under Table 3 - Zoning Table of LPS3.

Clause 26(3) of LPS3

An 'aged person' is defined under the R-Codes as "a person who is aged 55 years or over", and a 'dependent person' is defined under the R-Codes as "a person with a recognised form of disability requiring special accommodation for independent living or special care".

In accordance with clause 26(3) of LPS3, for lots in the Residential zone with a density code of R20, the provision of the R40 density code applies for the purpose of 'aged or dependent persons dwellings' provided:

- (a) the site area is a minimum of 1,100m²
- (b) the development consists of a minimum of five dwellings
- (c) no portion of a dwelling is vertically above another dwelling.

The proposed development meets the above criteria and as such has been assessed against the relevant R40 density code provisions of the R-Codes and *Residential Development Local Planning Policy*.

SAT 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 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 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 decision-maker's 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.

As outlined above, the applicant has made changes to the plan and provided additional information to support the proposal. In view of this, the SAT has invited Council to reconsider its previous decision to refuse the application. A directions hearing has been scheduled for 26 February 2021 to determine the next steps in the process, in the event the applicant does not withdraw the SAT appeal following Council's reconsideration of the amended proposal.

DETAILS

The original development considered by Council consisted of the following:

- Six single storey 'aged or dependent persons' dwellings' over two lots, which are in the process of being amalgamated.
- Each dwelling has two bedrooms and an interchangeable third bedroom/study, and two bathrooms.
- Rendered brick walls with a rendered blade feature to the front elevation and colorbond roofing.

- A six metre wide crossover and four metre wide communal street (driveway/pedestrian path) accessed via Myaree Way.
- Double garages with two parking bays for units 1 and 2, and one parking bay for units 3, 4, 5 and 6.
- A formal visitor parking bay next to the street boundary.
- Front fencing, which is solid to a height of 1.2 metres, with infill panelling to a maximum overall height of 1.8 metres from natural ground level.

The development plans previously refused by Council are included as Attachment 2 to this Report.

The amended development plans submitted by the applicant following SAT mediation include the following modifications:

- Increased width of the access leg to 4.5 metres and inclusion of alternative paving to provide a pedestrian pathway.
- An additional visitor car bay located at the street boundary (to provide two visitor bays in total).
- Increased setback from unit 1 to the western lot boundary by converting the study room into a study nook.
- Removal of the bulk from the roof form eaves to the abutting western boundary.
- Reduction in height of front fencing to 1.6m on the front western side and increased permeability.
- Increased landscaping in the front setback of units 1 and 2 with the provision of a tree zone for each unit.

The amended development plans are provided in Attachment 3 to this Report for Council's consideration

Joondalup Design Reference Panel

The amended proposal was presented to the Joondalup Design Reference Panel (JDRP) on 16 December 2020. The issues raised by JDRP along with the applicant's and consultant's responses are summarised in the consultant's planning report (Attachment 8 refers).

Planning assessment

A planning report has been prepared by Council's planning representative/consultant (Attachment 8 refers), which includes an assessment of the proposal against the relevant provisions of LPS3, *State Planning Policy 7.3: Residential Design Codes – Volume 1 (R-Codes)* and the City's *Residential Development Local Planning Policy (RDLPP)*.

In summary, the report and assessment undertaken by the consultant concludes that the amended development proposal meets the relevant provisions of the applicable planning framework.

As a result, it is the consultant's view that the application should be approved, subject to the conditions included in the recommendation below.

Issues and options considered

Council has been invited to reconsider its previous decision relating to the proposed development of six grouped dwellings (aged or dependent persons' dwellings) at the subject site.

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).
State Administrative Tribunal Act 2004.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *Residential Development Local Planning Policy (RDLPP).
Environmentally Sustainable Design Policy.
State Planning Policy 7 Design of the Built Environment (SPP7).
State Planning Policy 7.3 Residential Design Codes Volume
1 – partments (R-Codes).
State Planning Policy 5.4: Road and Rail Noise (SPP5.4).*

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.*

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;*
- (fa) *any local planning strategy for this Scheme endorsed by the Commission;*
- (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;*
 - (i) *The compatibility of the development with the desired future character of its setting; and*
 - (ii) *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 the following:

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

State Planning Policy 7.3 Residential Design Codes - Volume 1

The overall policy objectives for multiple dwellings are as follows:

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

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

- *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 5.4: Road and Rail Noise

The objectives of SPP5.4 are to:

- a) *Protect the community from unreasonable levels of transport noise;*
- b) *Protect strategic and other significant freight transport corridors from incompatible urban encroachment;*
- c) *Ensure transport infrastructure and land-use can mutually exist within urban corridors;*
- d) *Ensure that noise impacts are addressed as early as possible in the planning process;*
and
- e) *Encourage best practise noise mitigation design and construction standards.*

Risk management considerations

As this proposal is currently being considered by the SAT, should Council resolve to approve the application, the applicant may withdraw from the SAT 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 the SAT through a formal hearing. In this case, any decision by Council would be set aside and the 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 a fee of \$2,856.50 (excluding GST) for assessment of the original application in accordance with the City's *Schedule of Fees and Charges*.

A planning consultant has been engaged to represent Council in the SAT process. The total cost of this engagement cannot be confirmed until the appeal process has concluded, however, to date the City has paid \$5,665 (excluding GST) in consultant fees. If the application proceeds to a final hearing by the SAT, further costs in the order of \$30,000 could be incurred.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's *Environmentally Sustainable Design Checklist* (Attachment 6 refers) 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:

- 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.
- Renewable energy technologies which includes roof solar systems for each unit.
- Low energy technologies.
- Water efficient technologies.
- Recyclable materials.

Consultation

Community consultation for the initial application was undertaken for a period of 21 days, concluding on Monday 17 July 2020. A total of nine submissions was received, being eight objections to the proposal and one neutral submission.

The revised application was advertised for a period of 21 days, commencing on 24 November 2020 and concluding on 16 December 2020. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of 68 properties in the vicinity of the subject site.
- Development plans and information were made available for public viewing on the City's website.

At the conclusion of the consultation period, a total of eight submissions was received, all being objections to the proposal.

A summary of the submissions received, along with the applicant's and consultant's responses to the issues raised are included in the consultant's planning report (Attachment 8 refers).

COMMENT

Council's consultant has assessed the application and considered the submissions received during consultation. A report detailing the consultant's recommendation is provided as Attachment 8 to this Report.

It is considered appropriate that Council adopt the recommendation provided by its consultant and approve the application subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 24 April 2020 submitted by JMB Coastal Pty Ltd for the proposed Grouped Dwelling (six new aged or dependent persons' dwellings) at Lot 531 (16) and 532 (18) Myaree Way, Duncraig, subject to the following conditions:

- 1 This approval relates to the six new aged or dependent persons' dwellings only and development shall be in accordance with the approved plan(s) dated 19 January 2021, any other supporting information and conditions of approval. It does not relate to any other development on the lot;
- 2 The lots included as part of this application shall be amalgamated prior to occupancy certification;
- 3 At least one permanent occupant of each dwelling shall be an aged or dependent person or the surviving spouse of that person, as defined under the Residential Design Codes Volume 1;
- 4 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the City for execution prior to commencement of development and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:
 - 4.1 *"At least one permanent occupant of the dwelling(s) shall be an aged or dependent person or the surviving spouse of that person in accordance with State Planning Policy 7.3: Residential Design Codes – Volume 1."*;
- 5 The proposed development shall be designed and constructed to comply with the *State Planning Policy 5.4: Road and Rail Noise (Package A - Quiet House Design measures)*, excluding the location of outdoor living areas, to the specifications and satisfaction of the City;
- 6 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the City for execution prior to commencement of development and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:
 - 6.1 *"This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic."*;
- 7 The store areas shown on the approved plans within the garage space shall be maintained to the satisfaction of the City and not be used for the parking of vehicles;

- 8 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for Units 3, 4, 5 and 6. The notification shall be at the owner/applicants' expense, and lodged with the City for execution prior to the occupation of the development, and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:
- 8.1 *"The store areas designed within the garage are to remain for use of storage purposes in accordance with State Planning Policy 7.3: Residential Design Codes – Volume 1 (as amended) and are not to be used for the parking of vehicles."*;
- 9 The Unit 1 east facing living room window, Unit 2 west facing living room window, Unit 5 bedroom two east facing window and Unit 6 west facing bedroom two window shall be modified to have a sill height of 1.6 metres above the finished floor level or be fixed and obscured to 1.6 metres above the finished floor level to the satisfaction of the City. Plans demonstrating compliance are to be provided and approved by the City prior to construction commencing;
- 10 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 11 All development shall be contained within the lot boundaries, including retaining walls and soakwells;
- 12 The designated visitor parking bays adjacent to Units 1 and 2, as depicted on the approved plans, shall remain unobstructed and permanently marked as a 'visitor bays' to the satisfaction of the City;
- 13 The development shall be designed and constructed to comply with the deemed to comply requirements C2.2 and C2.3 of Clause 5.5.2 of the *Residential Design Codes – Volume 1*. Plans demonstrating compliance are to be provided and approved by the City prior to commencement of construction;
- 14 The pedestrian path as shown on the approved plans shall:
- 14.1 Be constructed of materials different to the vehicular driveway to differentiate between the pedestrian path and vehicle access. Signage shall be provided at the driveway entry advising of the use of the communal street as shared vehicle and pedestrian space to the satisfaction of the City;
- 14.2 The pedestrian path shall be designed and constructed to provide wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas;
- 15 The driveway, pedestrian path and crossover are to be constructed prior to occupation of the dwellings to the specification and satisfaction of the City;
- 16 The applicant shall remove the existing crossovers and reinstate the verge to the specifications and satisfaction of the City, within 28 days of the completion of construction of the new crossover;

- 17 The verge area in front of the subject site shall be planted with four street trees prior to the occupation of the development to the specification and satisfaction of the City;
- 18 Boundary walls and retaining walls to the external lot boundaries or where not adjacent to another boundary wall shall be of a clean finish and made good to the satisfaction of the City;
- 19 A detailed landscaping plan shall be submitted to, and approved by the City, prior to commencement of construction. The plan is required to detail the hard and soft landscaping of all external areas within the development site along with the irrigation and maintenance details to the specification and satisfaction of the City. The landscaping shall be installed in accordance with the approved landscaping plan prior to occupation of the development and maintained thereafter, to the satisfaction of the City;
- 20 Lighting shall be installed along the driveway and pedestrian pathways prior to the occupation of the development, to the satisfaction of the City. The lighting shall be placed and oriented so as to avoid unacceptable levels of light spill into adjacent neighbouring properties;
- 21 Any major opening or unenclosed habitable space which has a floor level over 0.5 metres above natural ground level and overlooks any part of an adjoining residential property behind its street setback line are to be screened to meet the deemed to comply requirement C1.1 (ii) and C1.2 of Clause 5.1.4 of the *Residential Design Codes – Volume 1*. Any required screening (or dividing fencing) required shall be installed prior to occupation of the development to the satisfaction of the City;
- 22 Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site to the satisfaction of the City;
- 23 External fixtures such as service/utility metres shall be screened from the primary street, incorporated into the dwelling or located so as to not be visually obtrusive to the satisfaction of the City;
- 24 The ‘selected infill’ to the front fence as indicated on the approved plans shall be visually permeable as defined in the *Residential Design Codes – Volume 1*.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf210209.pdf](#)

ITEM 5 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mat Humfrey Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents sealed by affixing the Common Seal during the period 24 November to 16 December 2020.
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 24 November to 16 December 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 24 November to 16 December 2020, as detailed in Attachment 1 to this Report.

BACKGROUND

For the period 24 November to 16 December 2020, 22 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Amendment No. 6 to Local Planning Scheme No. 3	1
Employment Contract of the Chief Executive Officer, James Pearson	1
Grant of Easement	1
Section 70A Notification	18
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 implicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 24 November to 16 December 2020, as detailed in Attachment 1 to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5br210209.pdf](#)

ITEM 6 EIGHT YEAR REVIEW OF LOCAL LAWS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05885, 101515
ATTACHMENTS	Attachment 1 Community Consultation Outcomes Report Attachment 2 Table of Submissions
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the City's eight-year statutory review process.

EXECUTIVE SUMMARY

Section 3.16 of the *Local Government Act 1995* requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended.

The City commenced a statutory review of its local laws in August 2020 with local public notices advertising the review and seeking public comment on the content and suitability of the City's local laws. The public submission period closed on 21 September 2020, with 39 submissions being received.

In addition to the public consultation process, officers have undertaken a preliminary review of the local laws and subsequently identified a number of changes that will assist in improving the operation and application of a number of the City's local laws.

It is therefore recommended that a number of local laws be amended.

BACKGROUND

It is a requirement that local governments undertake a review of their local laws within eight years from when the local law commenced or was last reviewed. The City's local laws were last formally reviewed in 2012 resulting in Council receiving the eight year review outcome report at its meeting held on 19 March 2013 (CJ026-03/13 refers) where it was resolved at that time to repeal and create a number of local laws.

Since the completion of the previous review, a number of new local laws and amendments have been gazetted as indicated in the following table:

Year	Name of Local Law
New	
20 November 2012	<i>Pest Plant Local Law 2012</i>
16 July 2013	<i>Parking Local Law 2013</i>
20 August 2013	<i>Meeting Procedures Local Law 2013</i>
18 November 2014	<i>Fencing Local Law 2014</i>
9 December 2014	<i>Local Government and Public Property Local Law 2014</i>
18 July 2017	<i>Repeal Local Law 2017</i>
18 July 2017	<i>Waste Local Law 2017</i>
Amendments	
9 November 2015	<i>Local Government and Public Property Amendment Local Law 2015</i>
17 August 2015	<i>Parking Amendment Local Law 2015</i>
13 December 2016	<i>Animals Amendment Local Law 2016 (Disallowed)</i>
26 June 2018	<i>Parking Amendment Local Law 2018</i>
26 June 2018	<i>Animals Amendment Local Law 2018</i>
21 August 2018	<i>Waste Amendment Local Law 2018</i>
19 November 2019	<i>Local Government and Public Property Amendment Local Law 2019</i>

In August 2020, the City commenced an eight-year review process involving local public notices and other consultation processes to seek public comment and opinion on the contents and suitability of the City's local laws. The public submission period closed on 21 September 2020, with 39 submissions being received. The Community Consultation Report, and an outline of the submissions including officer's responses, is provided in Attachments 1 and 2 to this Report respectively.

The following local laws, and their respective purpose are the subject of the statutory review process:

- *Animals Local Law 1999.*
To provide for the regulation, control and management of the keeping of animals within the City of Joondalup.
- *Fencing Local Law 2014.*
To prescribe a sufficient fence and the standard for the construction of fences throughout the district.
- *Health Local Law 1999.*
To provide for the regulation, control and management of day to day health matters within the district.
- *Local Government and Public Property Local Law 2014.*
To provide for the regulation, control and management of activities and facilities on local government and public property within the district.

- *Meeting Procedures Local Law 2013.*
To provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- *Parking Local Law 2013.*
To provide for the regulation, control and management of parking within the district.
- *Pest Plant Local Law 2012.*
To prescribe pest plants within the City of Joondalup district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.
- *Repeal Local Law 2017.*
To repeal those local laws made obsolete by new legislation or considered no longer relevant within the City of Joondalup.
- *Waste Local Law 2017.*
To provide for the regulation, control and management of waste services, including the use and control of receptacles for the deposit and collection of waste, undertaken by or on behalf of the local government within the district.

In conjunction with the public consultation process, an internal review of the above local laws was also conducted by City officers to:

- identify potential inconsistencies between the local laws and State legislation
- assess their operational and enforcement efficiency
- identify and preliminary changes or amendments in drafting.

DETAILS

A number of matters have been identified on a majority of the local laws under review to improve their operation and application. A summary of these matters, including any relevant comments received during the public comment period are detailed below:

Animals Local Law 1999

The City's *Animals Local Law 1999* provides a centralised local law framework for the management of certain animals throughout the City of Joondalup district. A number of the submissions received through the public comment period, focused around the need for better cat control measures by the City, including but not limited to restricting the number of cats; designating prohibited areas to protect fauna; and the prevention of urban nuisances caused by cats.

The *Cat Act 2011* gives local governments the power to make local laws around certain provisions around cat management and some provisions are already included in the *Cat Act 2011*. Although the *Animals Local Law 1999* was created well before the *Cat Act 2011* came into operation and provides for some cat control measures (clause 45) it is open for Council to create a Cat Local Law in its own right, and possibly a Dog Local Law, considering these are the two dominant animal types throughout the City of Joondalup district. If supported this is a matter that will subsequently be investigated and reported back to Council.

Notwithstanding the above, certain provisions of the *Animals Local Law 1999* have been identified as needing possible amendment, including but not limited to:

- better clarity around assistance dogs in replacement of references to bona fide guide dogs for the vision impaired
- removal of references to rural areas and special rural areas as the City no longer has any land zoning along these lines
- revised bee keeping and poultry keeping provisions.

It is therefore recommended that the *Animals Local Law 1999* be amended to consider the above as well as to allow further investigation into the possible creation of two new local laws; being one for cats and one for dogs.

Fencing Local Law 2014

The *Dividing Fences Act 1961* allows local governments to create local laws to prescribe the minimum standards for sufficient fences throughout the district. This standard is used by the courts when ruling on disputes between neighbours around dividing fence issues.

Currently the *Fencing Local Law 2014* prescribes a sufficient fence as being a corrugated fibre reinforced pressed cement sheeting for residential lots; chain link fabric fences for commercial lots; and post and wire fencing for rural lots. In the main fencing standards and construction requirements are not covered by the local law however provided for in some way under the *Building Regulations 2012*, the *City's Local Planning Scheme No. 3*, *State Planning Policy 7.3 Residential Design Codes* and the *City's Residential Development Local Planning Policy*.

Notwithstanding and as raised in some public submissions, it is suggested that the City expand its sufficient fence standards in residential areas to include Colorbond metal sheet fencing. Some minor wording and definition changes within the local law are also required, as well as the removal of sufficient fence standards for rural lots, as the City no longer has any such zoned properties.

It is therefore recommended that the *Fencing Local Law 2014* be amended.

Health Local Law 1999

The City's *Health Local Law 1999* supports the *Health Act 1911*, the *Public Health Act 2016*, the *Food Act 2008* and an array of other public health regulations. Progress is being made by the State Government to replace the outdated *Health Act 1911* however as it is a complex piece of legislation, its replacement by the *Public Health Act 2016* is taking some time and being staged over a number of years.

No public submissions were received on the City's *Health Local Law 1999* during the public consultation period however City officers have identified possible amendments to the local law including, but not limited to:

- revised lodging house provisions
- possible inclusion of nuisance provisions around smoke from fire pits in residential areas
- revised sanitary convenience provisions for outdoor festivals to accord with Department of Health guidelines
- construction requirements for laundries in residential properties
- nuisances created by the feeding of birds
- revised refuse disposal enclosure requirements for multiple dwellings
- revised provisions relating to the discharge of swimming pool backwash water.

The provisions around eating houses are required to also be removed as they were repealed on 23 October 2009 with the introduction of the *Food Act 2008*.

It is therefore recommended that the *Health Local Law 1999* be amended.

The City's *Health Local Law 1999* is currently created under the head of power provided under the *Health Act 1911*. The *Public Health Act 2016* will not allow local laws to be created however any health-related local law will instead need to be made under the *Local Government Act 1995*. Therefore, there will need to be a transitioning of the existing *Health Local Law 1999* under a different head of power.

Local Government and Public Property Local Law 2014

The City's *Local Government and Public Property Local Law 2014* assists with the management of activities on local government property (including thoroughfares, City buildings and facilities and jetties) as well as other specific public places the public can use.

As the local law is relatively new, only a number of minor drafting amendments have been identified such as a need to update some definitions and improved drafting. Of significance however is the need to further investigate possible provisions relating to portable advertising signs in thoroughfares; real estate signs; and general provisions around verge treatments.

In respect of signage, at its meeting held on 20 October 2020 (CJ162-10/20 refers) Council consented to the preparation and advertising of a draft *Advertisements Local Planning Policy* which seeks to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City's position regarding signs currently prohibited by the City's existing *Signs Policy*.

While the draft *Advertisements Local Planning Policy* sets out a framework and City policy position around advertising signs on private property, signage in thoroughfares is currently prohibited under the City's *Local Government and Public Property Local Law 2014*. The issue of business demand for portable signs in verges, where these signs cannot be accommodated on private land due to nil building setbacks in city centre areas, cannot be resolved by amendments to the draft *Advertisements Local Planning Policy*. In view of this further discussion and Council direction is required as to whether it wishes to progress an approval system for the placement of temporary advertising signs in thoroughfares by businesses throughout the City of Joondalup.

It is therefore recommended that the *Local Government and Public Property Local Law 2014* be amended, with further investigation into the signage and verge provisions within the local law.

Meeting Procedures Local Law 2013

The *Meeting Procedures Local Law 2013* provides for the rules that apply to the conduct of meetings of the Council, committees and meetings of electors. At its meeting held on 21 April 2020 (CJ045-04/20 refers), Council adopted the revised *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* as a means to support the provisions within the local law, and to provide procedures that apply to meetings such as Briefing Sessions and Strategy Sessions, that are not covered by the local law. At that meeting, Council also requested the Chief Executive Officer to present these procedures to a Strategy Session of elected members at a later date, for further discussion and refinement.

At the Strategy Session held on 3 November 2020 elected members were presented a report for discussion around the local law; the revised procedures adopted by Council in April 2020; as well as the public comments received during the local law review process. While most of the comments received during the local law consultation process related more so to the Council adopted *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* it was suggested that the local law be amended to better clarify the use of electronic devices at meetings (clauses 5.16 and 5.17 of the local law).

City officers have also identified some possible improvements to the provisions within the local law, such as:

- revised order of business for committees with the removal of the ability for committee members to call for a report
- better clarification around who can move amendments to motions at meetings
- revised wording for some procedural motions.

It is therefore recommended that the *Meeting Procedures Local Law 2013* be amended. In terms of the *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* it is advised that a report will be presented to a future meeting of Council to consider some improvements to the procedures as identified by elected members at the Strategy Session held on 3 November 2020.

Parking Local Law 2013

The *Parking Local Law 2013* provide for the regulation, control and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations.

Some of the submissions received reflected on the need for the City to consider additional free parking which is a budget consideration as opposed to a local law provision. Other matters raised included the ability to better enforce parking contraventions and general traffic matters again which are not aspects covered by the local law.

The *Parking Local Law 2013* was last amended by the *Parking Amendment Local Law 2018* and is generally current and not requiring major amendment. However, the City is investigating fee payment and permit technology that could see over 4,000 parking permits replaced with an electronic system and in view of this some aspects of the *Parking Local Law 2013* will require amendment to cater for such technology being used.

It is therefore recommended that the *Parking Local Law 2013* be amended.

Pest Plant Local Law 2012

Local laws relating to pest plants were originally made under the *Agriculture and Related Resources Protection Act 1976* but are instead now able to be made under the *Biosecurity and Agriculture Management Act 2007*. The objects of the *Biosecurity and Agriculture Management Act 2007* in part are to provide effective biosecurity and agriculture management for the State by providing the means to control the entry, establishment, spread and impact of organisms that have or may have an adverse effect on other organisms; human beings; the environment; agricultural activities; fishing or pearling activities or related commercial activities.

Council considered the control of pest plants on a number of occasions during 2011 and 2012 with various motions and reports being presented to Council on the matter (C15-04/11, CJ195-10/11, CJ119-06/12 and CJ127-07/12 refer). Ultimately at its meeting held on 20 November 2012 (CJ232-11/12 refers) Council resolved to make the *Pest Plant Local Law 2012* as a means to prescribe pest plants within the City of Joondalup that, in the City's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.

The City's local law only lists Caltrop (*Tribulus terrestris*) as a pest plant. It is important to note that this local law only applies to private property not weed and pest plant control on City owned or managed land. Although no remedial action notices under the local law have been issued to private property owners to control Caltrop on their property since the laws operation, approximately 55 advice letters have been sent to property owners advising of Caltrop on their property.

The head of power to create local laws relating to pest plants is generally aligned to biosecurity and agricultural activities of the State as opposed to controlling pest plants in urban environmental metropolitan settings and therefore a local law of this nature may be misplaced due to the lack of applicability around biosecurity and agricultural matters for the City of Joondalup.

Notwithstanding Council may be of the view to retain the *Pest Plant Local Law 2012* to enable control of dedicated pest plants through more formal mechanisms should it be required.

Repeal Local Law 2017

The *Repeal Local Law 2017* is deemed an administrative local law, created to repeal old and outdated local laws that are no longer relevant, or have been superseded by the City's new local law framework. It is not considered that the local law be amended or repealed.

Waste Local Law 2017

The *Waste Local Law 2017* provides for the regulation, control and management of waste services, including the use and control of receptacles for the deposit and collection of waste, undertaken by or on behalf of the City. Comments received during the public consultation period include the need for more emphasis on recycling in general and at public events, which is a community education activity as opposed to a local law provision. Some other comments made related to the need to bring back kerbside bulk waste collections as opposed to the current bin service offered by the City. While the local law still accounts for the City to undertake bulk waste collections, it is not recommended that the local law provision be removed so that a legislative framework is still in place should such changes to the collection method be made in the future, although not recommended.

City officers have not identified any need to amend the local law at this time and therefore it is recommended that the *Waste Local Law 2017* be retained in its current form.

Issues and options considered

Council is to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the eight-year statutory review.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 3.16 of the *Local Government Act 1995*.
Biosecurity and Agriculture Management Act 2007.
Cat Act 2011.
Dividing Fences Act 1961.
Dog Act 1976.
Health Act 1911.
Public Health Act 2016.
Waste Avoidance and Resource Recovery Act 2007.
Animals Local Law 1999.
Fencing Local Law 2014.
Health Local Law 1999.
Local Government and Public Property Local Law 2014.
Meeting Procedures Local Law 2013.
Parking Local Law 2013.
Pest Plant Local Law 2012.
Repeal Local Law 2017.
Waste Local Law 2017.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

Continuously strive to improve performance and service delivery across all corporate functions.

Policy

Not applicable.

Risk management considerations

The City is required to undertake an eight-year review of its local laws to ensure statutory compliance.

Financial/budget implications

All costs associated with the review will be met within existing budget allowances and proposed budgets.

Regional significance

Not applicable.

Sustainability implications

A revised and modern set of local laws will assist in maintaining the lifestyle of the City's residents and the amenity which they enjoy.

Consultation

Public consultation occurred in accordance with section 3.16 of the Act. Where the City wishes to amend, repeal or create a local law, the statutory advertising process as described in the Act must be followed. This includes a six-week public consultation period.

COMMENT

The review of the City's local laws has identified that the majority of the local laws require minor amendment. It is anticipated that to amend the existing local laws will take in the vicinity of six to eight months.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the submissions received during the eight-year review of its local laws undertaken in accordance with section 3.16 of the *Local Government Act 1995*, as outlined in Attachment 1 to this Report;
- 2 **BY AN ABSOLUTE MAJORITY APPROVES** the details of the review of the City of Joondalup's local laws as follows:
 - 2.1 **Local laws to be amended:**
 - 2.1.1 *City of Joondalup Animals Local Law 1999;*
 - 2.1.2 *City of Joondalup Fencing Local Law 2014;*
 - 2.1.3 *City of Joondalup Health Local Law 1999;*
 - 2.1.4 *City of Joondalup Local Government and Public Property Local Law 2014;*
 - 2.1.5 *City of Joondalup Meeting Procedures Local Law 2013;*
 - 2.1.6 *City of Joondalup Parking Local Law 2013;*
 - 2.2 **Local laws to be retained:**
 - 2.2.1 *City of Joondalup Pest Plant Local Law 2012;*
 - 2.2.2 *City of Joondalup Repeal Local Law 2017;*
 - 2.2.3 *City of Joondalup Waste Local Law 2017;*
- 3 **NOTES** the amendments or repeal of the local laws detailed in part 2.1 above will be subject to further reports to the Council in accordance with section 3.12 of the *Local Government Act 1995*.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210209.pdf](#)

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 October 2020 to 31 December 2020 which is shown as Attachment 1 to this Report;*
- 2 *Capital Works Program Quarterly Report for the period 1 October 2020 to 31 October 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* was endorsed by Council 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 *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. The role of the *Corporate Business Plan* within the City's Planning and Reporting Framework is included to provide the community with an understanding of the City's five year service delivery program.

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*.

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

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

Legislation / Strategic Community Plan / Policy implications

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

“This Act is intended to result in:

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

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

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

Risk management considerations

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

Financial / budget implications

All 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 of Joondalup.

The key themes are as follows:

- 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 the progress of the *Capital Works Program* has been included with the *Corporate Business Plan Quarterly Progress Report*. This report provides an overview of progress against all the projects and programs in the *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 October 2020 to 31 December 2020 which is shown as Attachment 1 to this Report;
- 2 ***Capital Works Program Quarterly Report*** for the period 1 October 2020 to 31 December 2020 which is shown as Attachment 2 to this Report.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf210209.pdf](#)

ITEM 8 **AMENDMENT TO MEETING DATE FOR ANNUAL GENERAL MEETING OF ELECTORS**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	108539, 101515
ATTACHMENT	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to re-schedule the meeting date for the Annual General Meeting (AGM) of Electors.

EXECUTIVE SUMMARY

At its meeting held on 15 September 2020 (CJ128-09/20 refers) Council agreed to convene the 2020 AGM of Electors on Tuesday 8 December 2020, commencing at 5.30pm in the Council Chamber. At the time of the decision being made, it was anticipated that the City's *2019-20 Annual Report* would be considered by Council at its meeting to be held on 17 November 2020. Included within the annual report is the City's audited financial statements for the 2019-20 financial year.

At its meeting held on 17 November 2020, Council amended the date of the AGM to Tuesday 2 February 2021, due to the delay in the Office of the Auditor General's audit of the City's financial statements, and Council's subsequent delay in adopting the *2019-20 Annual Report*. Both the annual financial statements and the *2019-20 Annual Report* were adopted by Council at its special meeting held on 22 December 2020.

On Sunday 31 January 2021, the Premier announced a five-day lock down of the Perth, Peel and South-West regions in response to a COVID-19 community transmission case, meaning the City's AGM could not occur on the date and time as previously determined.

In view of this, it is recommended that Council change the date of the AGM of Electors to Tuesday 23 March 2021, commencing at 5.30pm.

BACKGROUND

At its meeting held on 16 October 2007 (CJ206-10/07 refers), Council resolved to "*AGREE to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council.*"

The Annual General Meeting of Electors is a statutory requirement under the *Local Government Act 1995* and the meeting is to consider, among other things, the annual report for the previous financial year.

In recent years, the Annual General Meeting of Electors has been convened at 5.30pm and was held immediately prior to the scheduled Briefing Session or Council meeting (refer below, for AGM of Elector's meeting dates and attendance).

AGM Date	Start Time	Finish Time	Prior to Meeting	Attendees
Tuesday, 10 December 2013	5.30pm	5.56pm	Council	6
Tuesday, 2 December 2014	5.35pm	6.36pm	Briefing	12
Tuesday 15 December 2015	5.40pm	6.22pm	Council	6
Tuesday, 6 December 2016	5.30pm	6.31pm	Briefing	78
Tuesday, 12 December 2017	5.30pm	7.02pm	Council	27
Tuesday, 4 December 2018	5.30pm	6.27pm	Briefing	14
Tuesday 10 December 2019	5.30pm	6.52pm	Council	33

At its meeting held on 15 September 2020 (CJ128-09/20 refers) Council agreed to convene the 2020 AGM of Electors on Tuesday 8 December 2020, commencing at 5.30pm in the Council Chamber. At the time of the decision being made, it was anticipated that the City's *2019-20 Annual Report* would be considered by Council at its meeting to be held on 17 November 2020. Included within the annual report is the City's audited financial statements for the 2019-20 financial year.

At its meeting held on 17 November 2020, Council amended the date of the AGM to Tuesday 2 February 2021, due to the delay in the Office of the Auditor General's audit of the City's financial statements, and Council's subsequent delay in adopting the *2019-20 Annual Report*. Both the annual financial statements and the *2019-20 Annual Report* were adopted by Council at its special meeting held on 22 December 2020.

DETAILS

On Sunday 31 January 2021, the Premier announced a five-day lock down of the Perth, Peel and South-West regions in response to a COVID-19 community transmission case, meaning the City's AGM could not occur on the date and time as previously determined. In view of this, it is recommended that Council change the date of the AGM of Electors to Tuesday 23 March 2021, commencing at 5.30pm. The recommended date does not conflict with any other meeting in the Council's monthly meeting cycle and will assist with the administration and control of public attendance during the COVID-19 pandemic.

Issues and options considered

It is a statutory requirement that Council sets a meeting date for the Annual General Meeting of Electors.

Council can either:

- adopt the amended date and time as recommended in the report
or
- select an alternative time and / or date to hold the AGM of Electors.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government Act 1995. Local Government (Administration) Regulations 1996.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Active democracy.
Strategic initiative	Optimise opportunities for the community to access and participate in decision-making processes.
Policy	Not applicable.

Section 5.27 states the following in regard to the Annual General Meeting of Electors:

“5.27 Electors’ general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors’ meetings are to be those prescribed.”*

Section 5.29 states the following in respect to convening electors’ meetings:

“5.29 Convening electors’ meetings

- (1) *The Chief Executive Officer is to convene an electors’ meeting by giving:

 - (a) *at least 14 days’ local public notice; and*
 - (b) *each council member at least 14 days’ notice,**of the date, time, place and purpose of the meeting.**
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.”*

Section 5.55 states the following in respect to giving notice of annual reports:

“5.55 Notice of annual reports

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

The City has given local public notice of the availability of the Annual Report since it was adopted by Council in December 2020. However due to factors outside of the City’s control, the AGM will not occur within the 56-day statutory timeframe on holding the AGM.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the annual report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual General Meeting of Electors be:

- Attendances and apologies.
- Contents of the *2019-20 Annual Report*.
- General business.

Risk management considerations

The risk associated with failing to set a date for the Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*. Due to factors outside of the City's control, the AGM will not occur within the 56-day statutory timeframe on holding the AGM.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

While the City advertises the meeting in accordance with the *Local Government Act 1995*, the City will promote the scheduled meeting date as soon as possible.

COMMENT

The recommended date does not conflict with any other meeting in the Council's monthly meeting cycle and will assist with the administration and control of public attendance during the COVID-19 pandemic.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** NOTES the Annual General Meeting of Electors scheduled to occur on Tuesday 2 February 2021, was not able to be held due to the State Government's lock-down response of the Perth, Peel and South-West region in relation to a COVID-19 community transmission case;
- 2** subject to the state of emergency, declared under section 56 of the *Emergency Management Act 2005* in response to the COVID-19 pandemic, ceasing to have effect, Council AGREES to convene the 2020 Annual General Meeting of Electors on Tuesday 23 March 2021, commencing at 5.30pm in the Council Chamber.

ITEM 9 DONATION TO LORD MAYOR DISTRESS RELIEF FUND - WOOROLOO BUSH FIRES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	08032, 101515
ATTACHMENT	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to give consideration to donating an amount of \$10,000 to the Lord Mayor's Distress Relief Fund to assist victims of the recent fires in Wooroloo and surrounding districts.

EXECUTIVE SUMMARY

In February 2021, a large bushfire engulfed Wooroloo and surrounding districts which has seen the tragic loss of property and livestock.

In response to the disaster, the City of Perth has activated the Lord Mayor's Distress Relief Fund to assist individuals and communities affected by the fires in Wooroloo and surrounding districts.

The City of Joondalup has a long-standing history of contributing donations to the fund in the wake of significant disasters and as such, it is recommended that the Council approves a donation of \$10,000 to the 2021 Wooroloo and Hills Bushfire Appeal to assist victims and demonstrate support to the broader community of the region.

BACKGROUND

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief of personal hardship and distress arising from natural disasters occurring within Western Australia. The perpetual fund is a registered charitable body and has the approval of the Australian Taxation Office for tax deductibility of contributions.

The objectives of the fund are as follows:

- To provide a permanent fund for the alleviation and relief of distress, suffering, hardship and misfortune to individuals brought about by any disaster or emergency of a general application which has been declared as such by the Western Australian government through the Department of Fire and Emergency Services (DFES).
- To provide relief and aid as determined by the Lord Mayor Distress Relief Fund Board to individuals undergoing such distress, suffering, hardship or misfortune brought about by any event mentioned above.

- To provide assistance to individuals for the alleviation and relief of distress, suffering, hardship or misfortune following a minor localised disaster.

The Lord Mayor's Distress Relief Fund has a history of coordinating the raising of funds to assist Western Australians in times of disaster. Recent examples where the fund has been used to directly support Western Australian communities include the:

- 2007 Dwellingup fires
- 2003 Bridgetown fires
- Western Australians affected by the 2002 Bali bombings
- 2007 Dwellingup fires
- 2009 Toodyay bushfires
- 2011 Gascoyne and Mid-West Floods
- 2011 Perth Hills fires
- 2011 Margaret River fires
- 2014 Parkerville bushfires
- 2015 Esperance bushfires.
- 2016 Waroona bushfires.

In February 2021, a large bushfire engulfed Wooroloo and surrounding districts which has seen the tragic loss of property and livestock. Historically, the Council has donated the following to assist with similar significant disasters:

October 2002

\$5,000 to the Lord Mayor's Distress Relief Fund for the victims and their families of the Bali bombing tragedy.

January 2005

\$10,000 (\$5,000 to Save the Children Australia and \$5,000 to CARE Australia) as part of the Asian Tsunami Disaster.

February 2009

\$10,000 to the Victorian Bushfire Appeal (managed by Red Cross Australia).

February 2010

\$5,000 to the Lord Mayor's Distress Relief Fund for the Toodyay Fires.

February 2011

\$7,500 each to the Lord Mayor's Distress Relief Fund for the Carnarvon and Gascoyne Region floods and the Perth Hill's bushfires.

December 2011

\$10,000 to the Lord Mayor's Distress Relief Fund for the Margaret River Bushfire Appeal.

February 2014

\$7,500 to the Lord Mayor's Distress Relief Fund for the Parkerville Bushfire Appeal.

December 2015

\$7,500 to the Lord Mayor's Distress Relief Fund for the Esperance Bushfire Appeal.

February 2016

\$7,500 Lord Mayor's Distress Relief Fund for the Waroona and District Fires Appeal.

DETAILS

In February 2021, a large bushfire engulfed Wooroloo and surrounding districts which has seen the tragic loss of property and livestock. As a result the Lord Mayor's Distress Relief Fund has been activated to coordinate donations to assist victims.

In accordance with the City's donation guidelines and historical association with the fund Council is requested to consider approval for a donation of \$10,000 towards the fund.

Issues and options considered:

The Council may:

- agree to donate an amount to the 2021 Wooroloo and Hills Bushfire Appeal (recommended \$10,000)
or
- not agree to donate to the 2021 Wooroloo and Hills Bushfire Appeal.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan Not applicable.

Risk management considerations

Not applicable.

Financial/budget implications

The 2020-21 budget does not include funds for such a donation, therefore, it will be necessary to approve the expenditure by an absolute majority.

Account no.	1.526.A5206.3292.0000.
Budget Item	Council Administration – Donations.
Budget amount	\$ 0
Amount spent to date	\$ 0
Proposed cost	\$ 10,000
Balance	\$ (10,000)

Donations are exempt of GST.

Regional significance

Supporting the broader community of Wooroloo and surrounding hills districts.

Sustainability implications

Donations to the appeal will greatly assist individuals and communities affected by the devastation caused by the fires.

Consultation

Not applicable.

COMMENT

The impact of the fires has been devastating for the communities in the township of Wooroloo and hill districts. A donation of \$10,000 from Council to the 2021 Wooroloo and Hills Bushfire Appeal is comparable with the donations made to previous natural disasters and tragedies.

It is considered that the Lord Mayor Distress Relief Fund is the most appropriate mechanism for the City to donate towards the relief of those affected by the recent fires. There are many ways that the community and organisations can donate to the Lord Mayor Distress Relief Fund, including through any BankWest branch (either in person, EFT, cheque or credit card payment) or at the City of Perth Council offices.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY DONATES an amount of \$10,000 to the Lord Mayor's Distress Relief Fund's 2021 Wooroloo and Hills Bushfire Appeal in response to the disaster.

ITEM 10 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2020

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

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2020, totalling \$13,853,474.92.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for November 2020 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$13,853,474.92.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of November 2020. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 110559 – 110698 EF088830 – EF089150 & EF089154 & EF089161 - EF089464 Net of cancelled payments Vouchers 2932A – 2940A & 2942A	\$9,571,714.20 \$4,255,000.04
	Bond Refund Cheques & EFT Payments 110550 – 110558 & 110699 – 110701 EF088829 & EF089151 – EF089153 & EF089155 – EF089160 Net of cancelled payments.	 \$26,760.68
Total		\$13,853,474.92

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 Objective

Financial Sustainability.
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 November 2020 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$13,853,474.92.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf210209.pdf](#)

ITEM 11 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2020

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

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2020, totalling \$21,466,443.94.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for December 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 \$21,466,443.94.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of December 2020. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 110702- 110723 & 110726 - 110743 & 110745 - 110763 & 110766 - 110788 & 110793 - 110836 EF089465 & EF089476 - EF089770 & EF089772 - EF089962 Net of cancelled payments Vouchers 2947A – 2962A	\$13,869,662.91 \$7,575,901.13
	Bond Refund Cheques & EFT Payments 110724 – 110725 & 110744 & 110764 – 110765 & 110789 – 110792 EF089466 – EF089475 & EF089771 & EF089963 – EF089966 Net of cancelled payments.	\$20,879.90
Total		\$21,466,443.94

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 December 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 \$21,466,443.94.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf210209.pdf](#)

ITEM 12 **FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2020**

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

PURPOSE

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

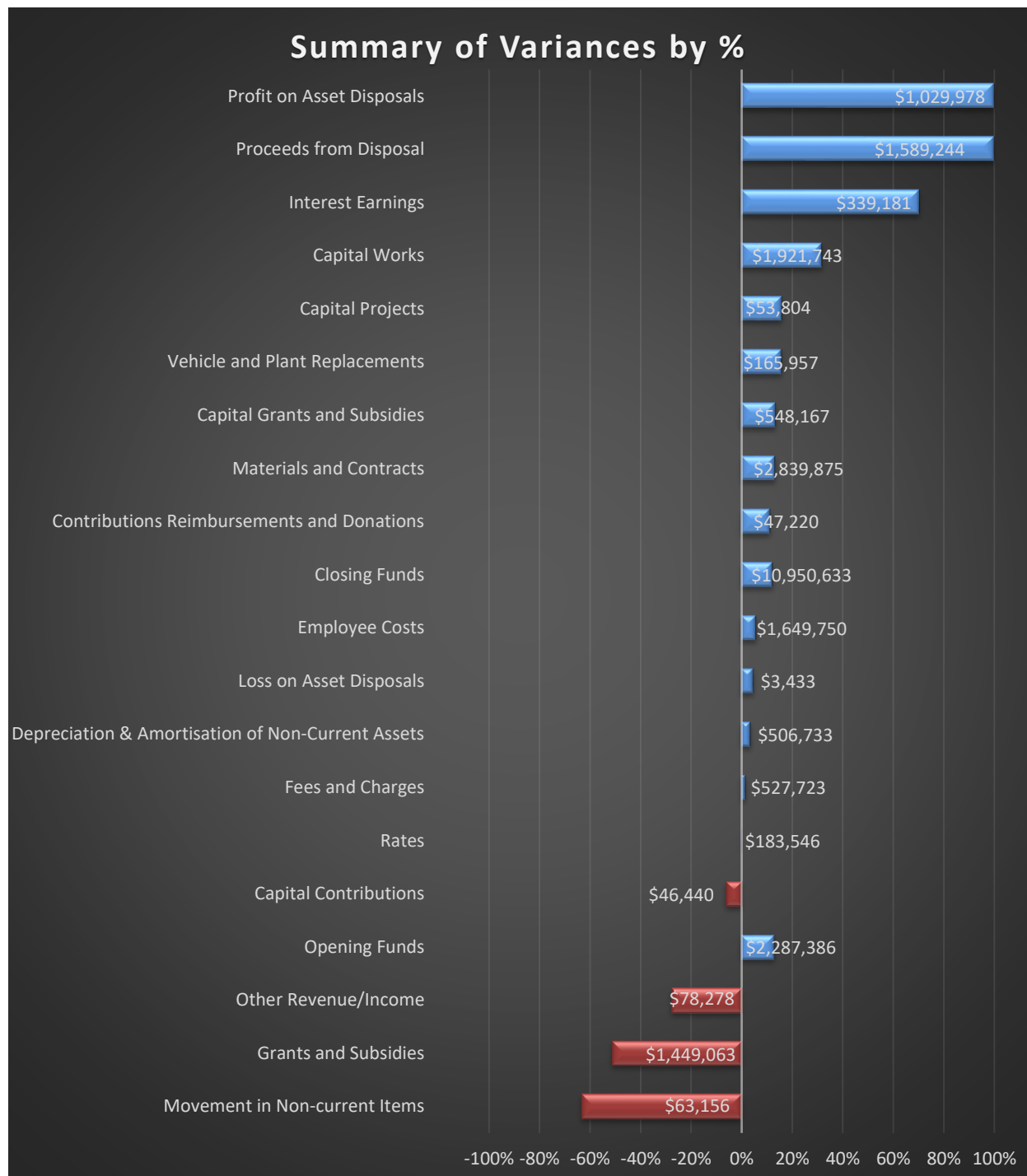
The November 2020 Financial Activity Statement Report shows an overall unfavourable variance of (\$10,950,633) from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 30 November 2020 and results from a number of factors identified in the report.

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 November. 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.

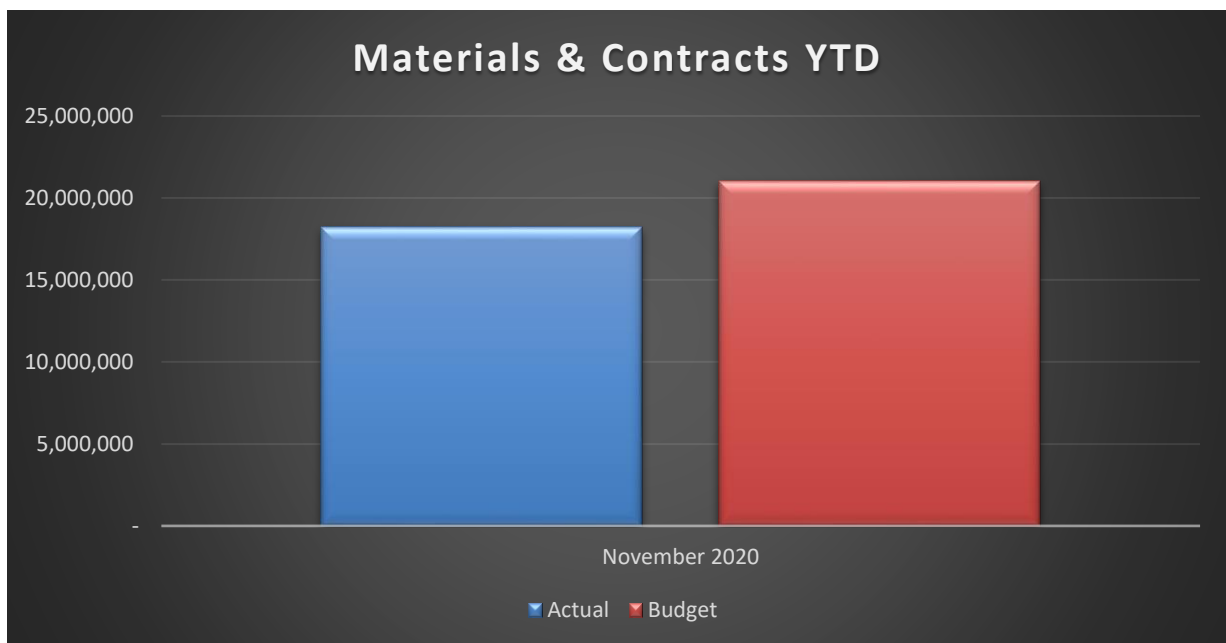
The key elements of the variance are summarised below:



The significant variances for November were:

Materials and Contracts

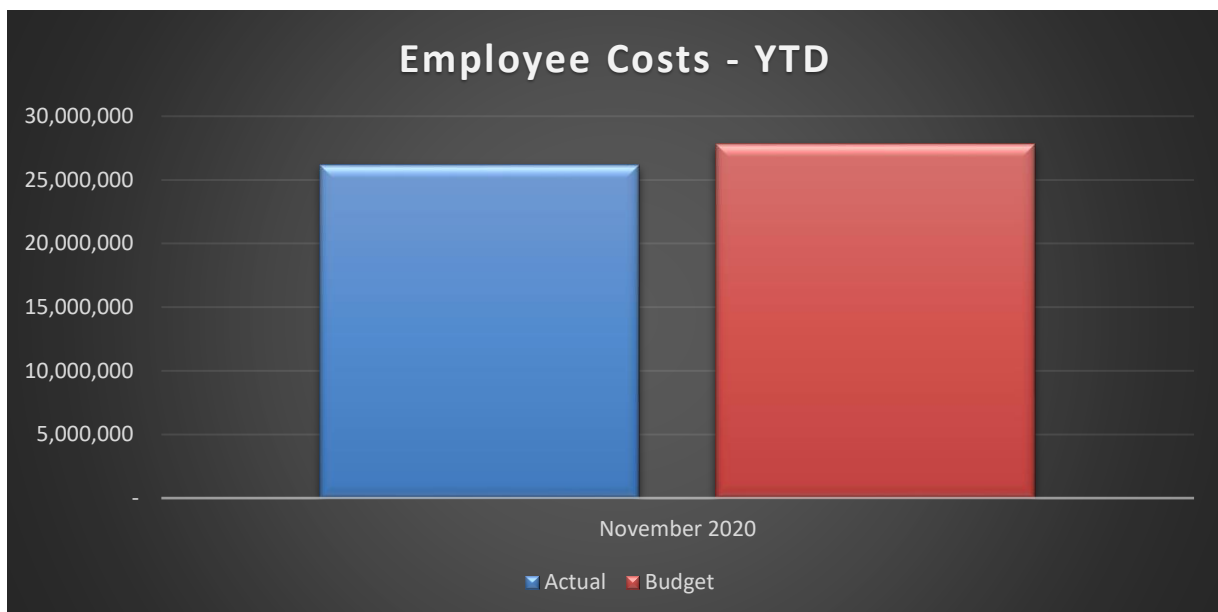
\$2,839,875



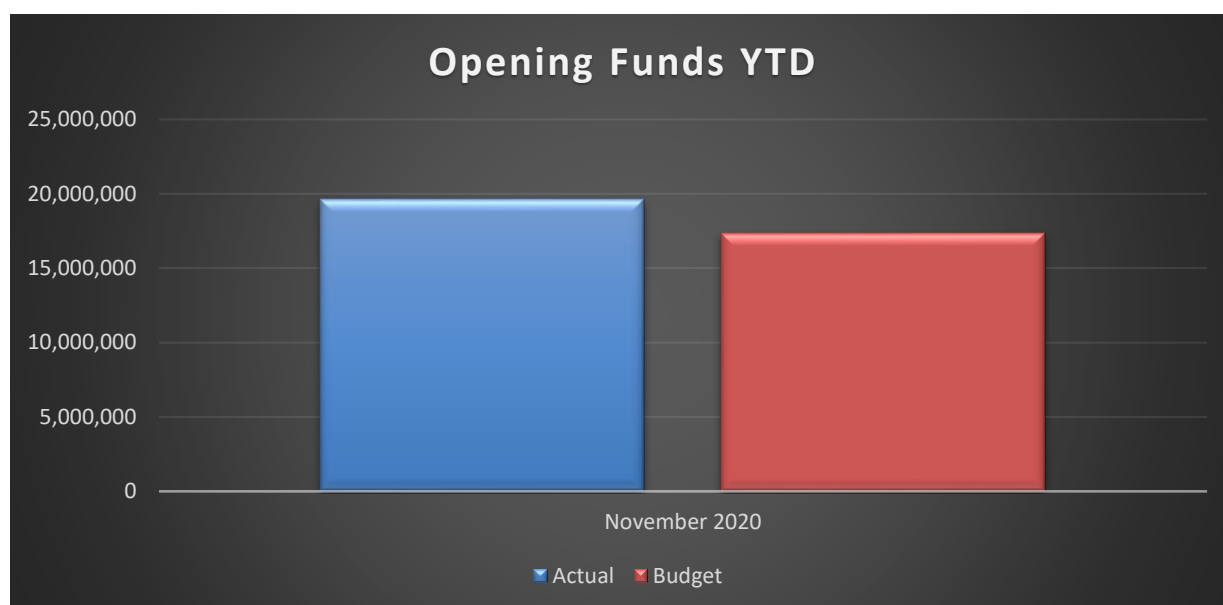
Materials and Contracts expenditure is \$2,839,875 below budget. This is spread across a number of different areas including External Service Expenses \$1,164,624, Contributions and Donations \$271,320, Professional Fees and Costs \$233,656, Travel Vehicles and Plant \$179,381 and Public Relations, Advertising and Promotions \$190,177.

Employee Costs

\$1,649,750



Employee Costs Expenditure is \$1,649,750 below budget. Favourable variances predominantly arose from vacancies in various areas.

Opening Funds**\$2,287,386**

Variations in the actual results for 2019-20 compared to the budget estimate gave rise to a favourable variance of \$2,287,386 in opening funds. The drivers for the increased end of year surplus, after taking end of year reserve movements and other offsets into account, are reductions in operating and capital expenditure. Adjustment to opening funds will be reflected in the Mid Year Budget Review.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 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 30 November 2020 is appended as Attachment 1 to this Report.

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

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

Strategic Community Plan

Key theme	Financial Sustainability.
Objective	Effective management.
Strategic initiative	Not applicable.
Policy	Not applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

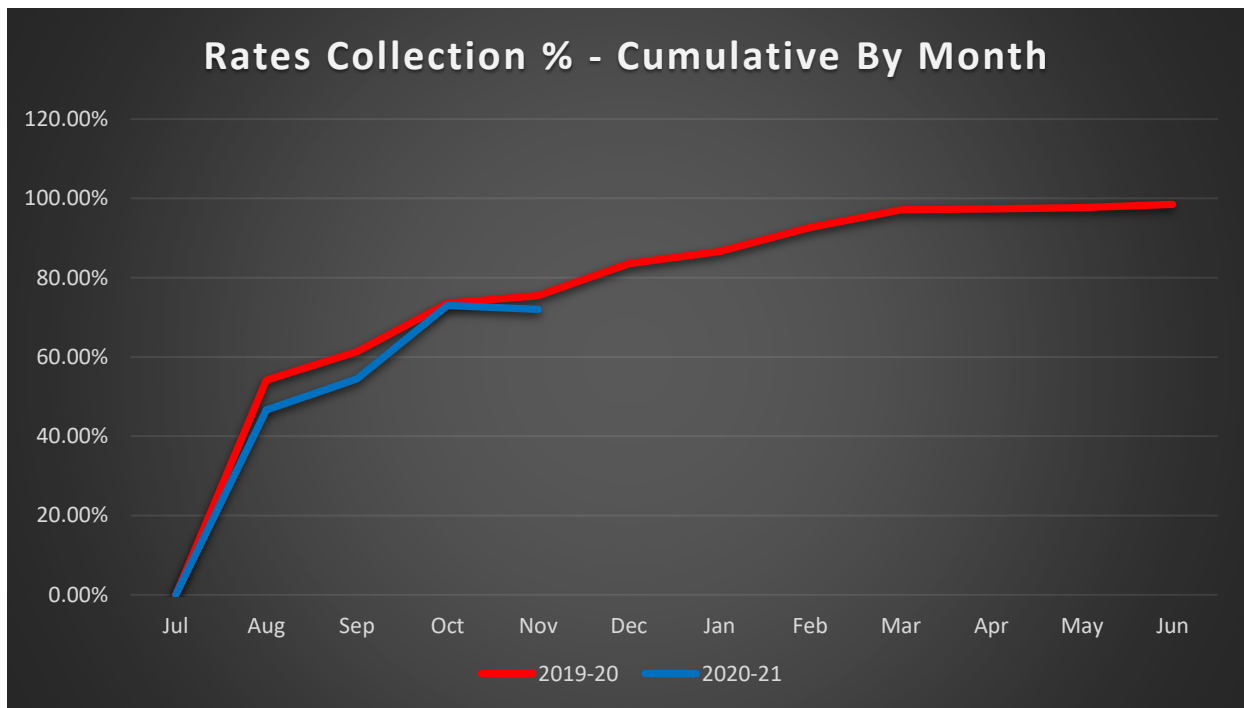
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the *Annual Budget* was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*.

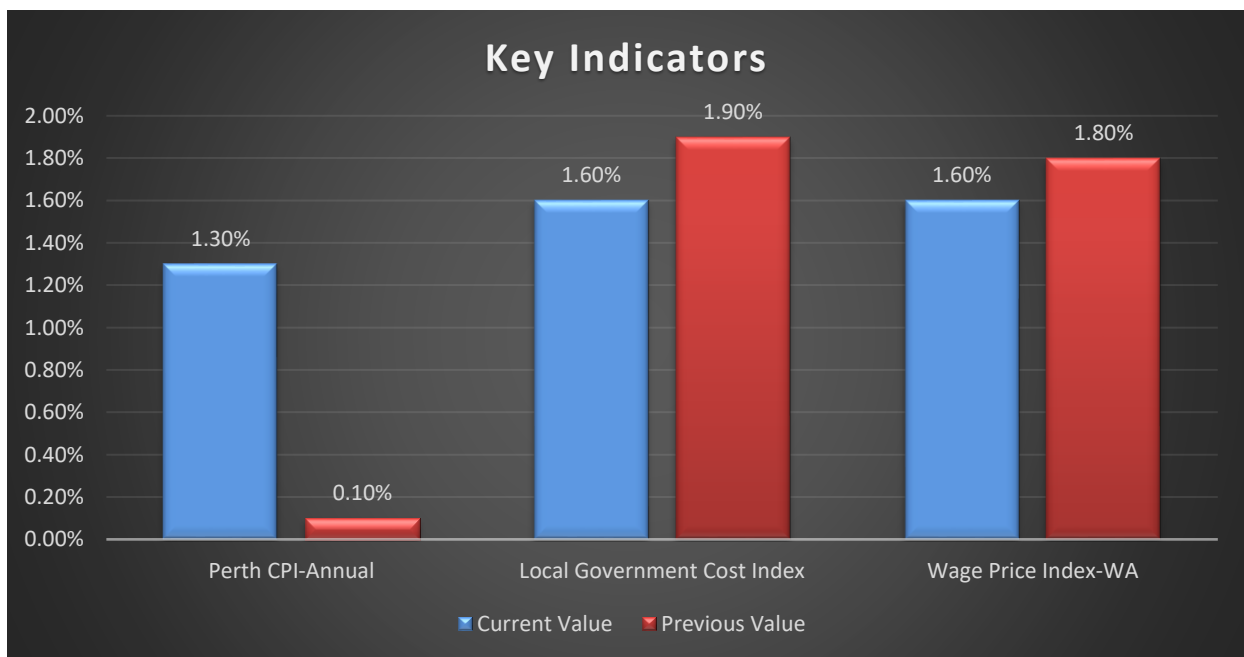
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) is lower than prior year at the end of November. It has reduced from October due to interim rates being levied.

Economic Indicators



Inflation data from October demonstrates 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 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.

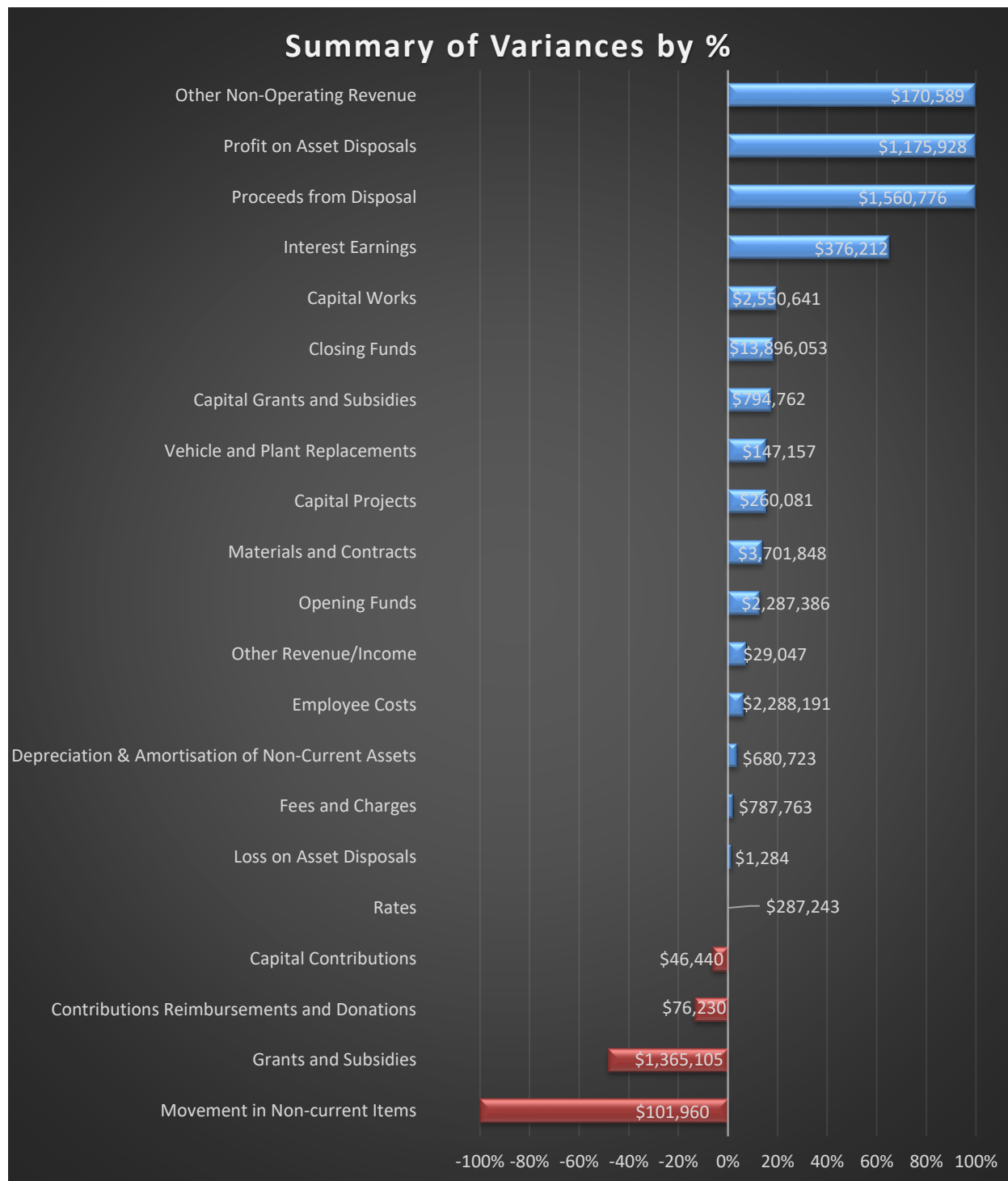
RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 November 2020 forming Attachment 1 to this Report.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf210209.pdf](#)

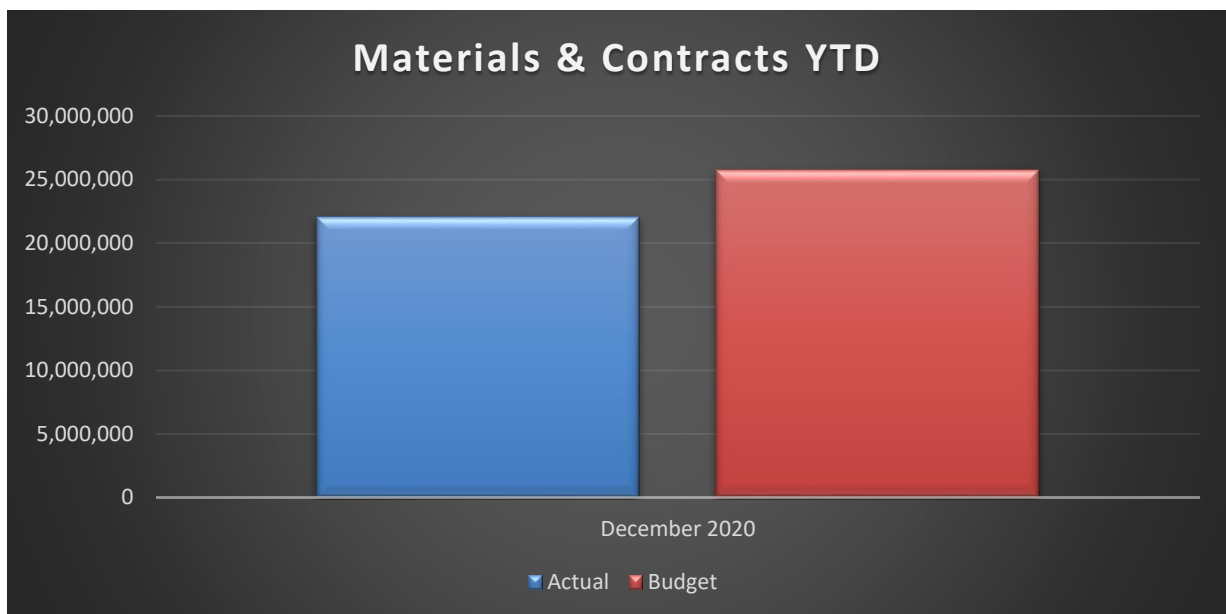
The key elements of the variance are summarised below:



The significant variances for December were:

Materials and Contracts

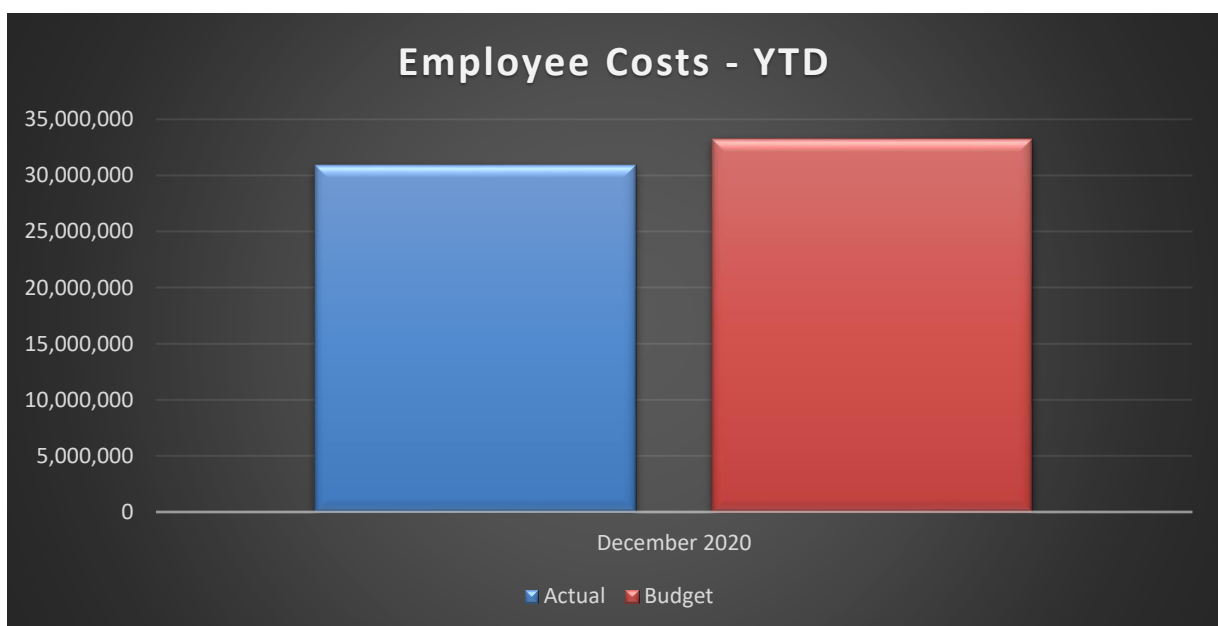
\$3,701,848



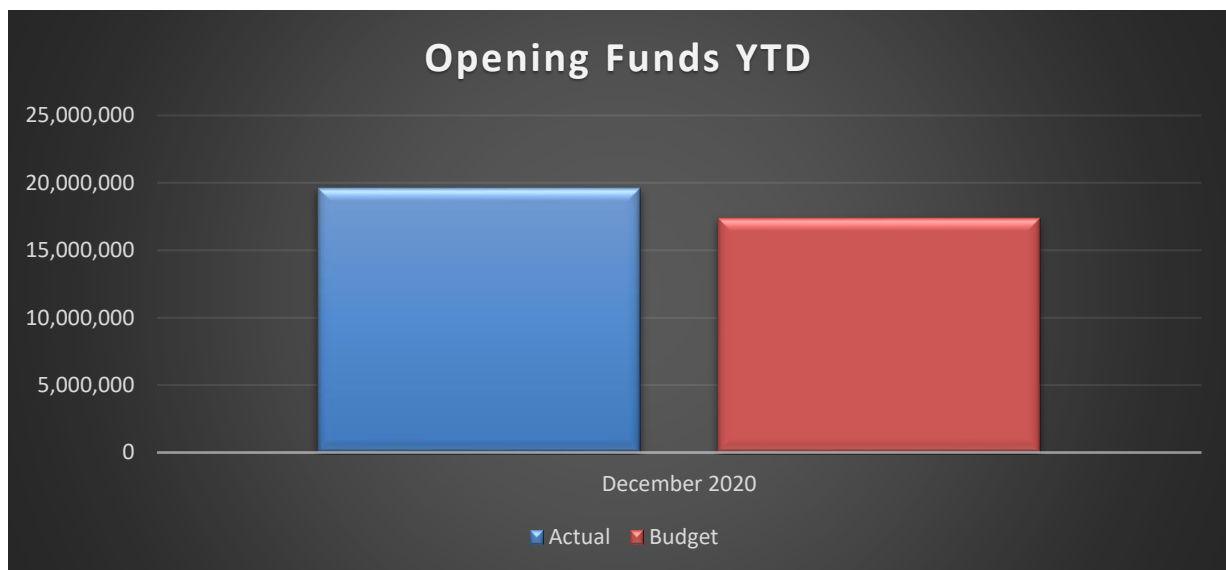
Materials and Contracts expenditure is \$3,701,836 below budget. This is spread across a number of different areas including External Service Expenses \$859,399, Professional Fees & Costs \$675,690, Contributions and Donations \$264,465, Public Relations, Advertising & Promotions \$232,523, Travel Vehicles & Plant \$220,311 and Waste Management Services \$204,379.

Employee Costs

\$2,288,192



Employee Costs Expenditure is \$2,288,192 below budget. Favourable variances predominantly arose from vacancies in various areas.

Opening Funds**\$2,287,386**

Variations in the actual results for 2019-20 compared to the budget estimate gave rise to a favourable variance of \$2,287,386 in opening funds. The drivers for the increased end of year surplus, after taking end of year reserve movements and other offsets into account, are reductions in operating and capital expenditure. Adjustment to opening funds will be reflected in the Mid Year Budget Review.

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

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

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

Strategic Community Plan

Key theme	Financial Sustainability.
Objective	Effective management.
Strategic initiative	Not applicable.
Policy	Not applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

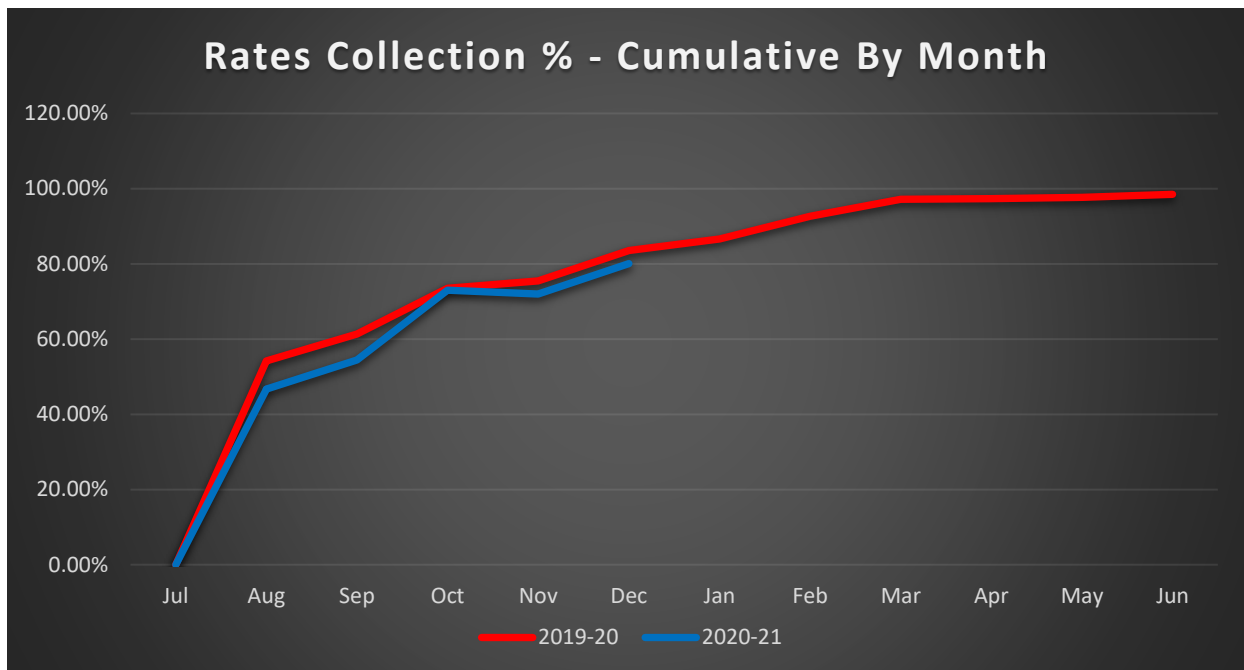
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the *Annual Budget* was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*.

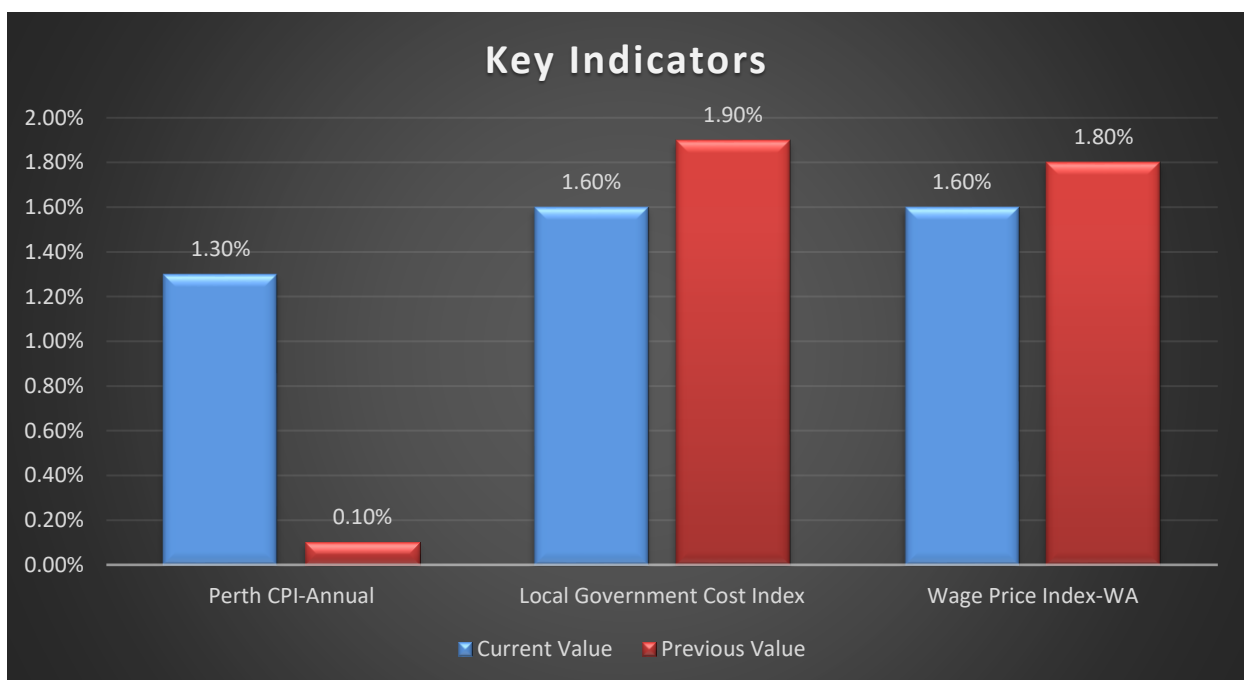
KEY INDICATORS

Rates Collection



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

Economic Indicators



Inflation data from October demonstrates a significant rebound in economic activity 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 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 December 2020 forming Attachment 1 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf210209.pdf](#)

ITEM 14 TENDER 034/20 – PROVISION OF PLANT HIRE

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	109053, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions Attachment 3 Confidential – Tender Summary
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted Chivas Enterprises Pty Ltd (Mayday Services) for the provision of plant hire.

EXECUTIVE SUMMARY

Tenders were advertised on 18 November 2020 through statewide public notice for the provision of plant hire. Tenders closed on 3 December 2020. A submission was received from each of the following:

- Brooks Hire Service Pty Ltd.
- Chivas Enterprises Pty Ltd (Mayday Services).

The submission from Chivas Enterprises Pty Ltd (Mayday Services) represents best value to the City. The company demonstrated experience providing similar services to various local governments including provision of miscellaneous plant hire services to the Cities of Wanneroo, Canning and Vincent. The company demonstrated a good understanding of the requirements and has the capacity in terms of personnel and equipment to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Chivas Enterprises Pty Ltd (Mayday Services) for the provision of plant hire as specified in Tender 034/20 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for the provision of plant and equipment with operators (wet hire) and without operators (dry hire), for the transportation of materials for various capital works projects within the City.

The contractor shall be responsible for the:

- supply, delivery and mobilisation of plant and equipment to nominated work sites
- provision of operators that hold the required valid competency certificate, are licensed/qualified and have the appropriate knowledge and skill sets to operate specialised plant
- registration and licensing of all plant with the appropriate authority
- plant and equipment to be fitted with all necessary and relevant safety equipment
- running costs (inclusive of fuel), maintenance and repair of all plant and equipment provided
- personnel and plant operators provided to the nominated Work Site, have possession of a Construction Induction card (White Card) or a Construction Awareness Training card (Blue Card).

The City currently has a single contract for the service with Redline Civil Australia Pty Ltd, which will expire on 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 plant hire was advertised through statewide public notice on 18 November 2020. The tender period was for two weeks and tenders closed on 3 December 2020.

Tender Submissions

A submission was received from each of the following:

- Brooks Hire Service Pty Ltd.
- Chivas Enterprises Pty Ltd (Mayday Services).

The schedule of items listed in the tender is provided in Attachment 1 to this Report.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to this Report.

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

The qualitative weighting method of 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 predetermined minimum acceptable qualitative score was set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	45%
2	Demonstrated experience in providing similar services	25%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Compliance Assessment

The following offer was assessed as fully compliant:

- Chivas Enterprises Pty Ltd (Mayday Services).

The offer from Brooks Hire Service Pty Ltd was assessed as non-compliant. The reasons for non-compliance were as follows:

- Submitted a schedule of rates for dry hire only. The scope of requirements stated that the Contractor must provide all plant and equipment with operators.
- Its premises were located outside the required 25 km from the City of Joondalup Works Operations Centre.

Based on the findings above, the Submission from Chivas Enterprises Pty Ltd (Mayday Services) remained for further consideration.

Qualitative Assessment

Chivas Enterprises Pty Ltd (Mayday Services) scored 58.3% and was ranked first in the qualitative assessment. The company demonstrated experience providing similar services to various local governments, including provision of plant hire services to the City of Wanneroo, provision of trucks and tracked skid steer loaders to the City of Canning, hire of trucks and miscellaneous plant to the City of Vincent and wet and dry plant hire to the Shire of Serpentine. The company demonstrated a good understanding of the requirements and has the capacity in terms of personnel and equipment to provide the services to the City.

Given the minimum acceptable qualitative score of 50%, Chivas Enterprises Pty Ltd (Mayday Services) qualified for stage two of the assessment.

Price Assessment

Having assessed the compliant Submission against the specified criteria in detail and with the clarification of any issues, the panel carried out a comparison of the rates offered by the tenderer in order to assess value for money to the City.

The estimated expenditure over a twelve month period will vary based upon demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the rates offered by the tenderer has been applied to actual historical usage data of 18 scheduled items in the current contract, over the financial year 2019-20. This provides a value of the tender for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. However there is no guarantee that this will occur, and actual costs will be paid on the actual usage in the future.

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

Tenderer	Year 1	Year 2	Year 3	Total
Mayday Services	\$253,904	\$257,713	\$261,578	\$773,195
Current Contract Rates	\$230,005	\$233,455	\$236,956	\$700,416

Evaluation Summary

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

Tenderer	Weighted Percentage Score	Qualitative Ranking	Total Estimated Contract Price	Price Ranking
Chivas Enterprises Pty Ltd (Mayday Services)	58.3%	1	\$773,195	1

Based on the evaluation result the panel concluded that the tender by Chivas Enterprises Pty Ltd (Mayday Services) provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the provision of plant and equipment hire with operators. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

Legislation

A statewide public tender was advertised, opened and evaluated in accordance with 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	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
Policy	Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City requires plant and equipment with operators for daily works undertaken by Operation Services.

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

Financial / budget implications

Current financial year impact

Account no.	Various maintenance accounts.
Budget Item	Plant Hire.
Budget amount	\$ 293,150
Amount spent to date	\$ 123,127
Estimated cost (from 1 January 2021 to 28 February 2021)	\$ 39,481 (current contract)
Proposed cost (from 1 March 2021)	\$ 84,866 (new contract)
Balance	\$ 45,676

The balance above is based upon an estimate of expenditure calculated on historical usage of the most commonly used items and an assumption that the historical pattern of usage is maintained. There is no guarantee that this will eventuate and costs will be incurred on actual usage in future. Therefore the balance does not represent a saving against budget at this time.

Regional significance

Not applicable

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Chivas Enterprises Pty Ltd (Mayday Services) for the provision of plant hire as specified in Tender 034/20 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf210209.pdf](#)

It is therefore recommended that Council:

- 1 *DOES NOT AGREE to the request to waive the hire fees for the Greenwood Tennis Club - Juniors for the use of Warwick Open Space tennis courts in 2021;*
- 2 *DOES NOT AGREE to the request to waive the hire fees for the Greenwood Tennis Club - Seniors for the use of Warwick Open Space tennis courts in 2021;*
- 3 *AGREES to extend the 100% subsidised use for Grandparents Rearing Grandchildren WA Inc. for the use of the Grove Child Care facility in 2021 to a maximum of 38 hours average per week and a value of \$54,222;*
- 4 *AGREES to extend the 100% subsidised use for the Kingsley Seniors Group for the use of the Kingsley Memorial Clubroom in 2021 to a maximum of 17 hours average per week and a value of \$20,402;*
- 5 *DOES NOT AGREE to the request to waive the remaining of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region for the use of Rob Baddock Community Hall and Heathridge Community Centre in 2021;*
- 6 *AGREES to extend the 100% subsidised use for the Whitford Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2021 to a maximum of 97 hours average per week and a value of \$134,693;*
- 7 *NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.*

BACKGROUND

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

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

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

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

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

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

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

Additional subsidies will be provided for the following:

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

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

DETAILS

The City has recently completed the booking process for use of its facilities during the 2021 annual booking period. Consequently, some groups have sought further subsidisation or waiver of fees in accordance with the policy.

Greenwood Tennis Club – Juniors

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Warwick Open Space tennis courts	Not eligible	Not eligible	87	87

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. While Greenwood Tennis Club is one club, the City deals with their booking requests for junior and senior separately. The club book the Warwick Open Space tennis courts and has a lease on the tennis clubroom section of the Warwick Sports Centre. The club has 87 junior members.

The Greenwood Tennis Club is requesting a 50% subsidy for its junior portion of the clubs booking.

In accordance with the *Facility Hire Subsidy Policy*, the City of Joondalup will subsidise the cost of facility hire charges for City managed facilities for local not-for-profit groups, if the group is able to demonstrate that at least 50% of its active members / participants reside within the City of Joondalup. Greenwood Tennis Club have reported that fewer than 50% of its junior members are residents of the City of Joondalup, therefore they are not eligible for a subsidy. Over the past five years Council has agreed to waive varying amounts for the club’s annual hire fees.

Year	Subsidy requested by group (%)	Subsidy requested by group (\$)	Subsidy approved by Council	Amount paid by group	Reference
2017-18	100%	\$1,229	0%	\$1,229	CJ204-12/17
2017-18	100%	\$8,919	50%	\$4,459	CJ123-07/18
2018-19	75%	\$9,902	50%	\$4,951	CJ178-10/18
2019-20	100%	\$7,520	50%	\$3,760	CJ028-03/20

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

As the clubs does not meet the eligibility as listed in the *Facility Hire Subsidy Policy*, it is recommended that Council does not agree to the request to waive the hire fees for the Greenwood Tennis Club - Juniors for the use of Warwick Open Space tennis courts in 2021.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$5,976	\$0	\$5,976	\$2,988	\$2,988	\$0	\$5,976

It should be noted while this amount is above the \$5,000 threshold this request has been referred to Council as the value of Greenwood Tennis Club Junior and Senior collectively exceed \$5,000

Greenwood Tennis Club - Seniors

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Warwick Open Space tennis courts	Not eligible	Not eligible	53	53

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. While Greenwood Tennis Club is one club, the City deals with their booking requests for junior and senior separately. The club book the Warwick Open Space tennis courts and has a lease on the tennis clubroom section of the Warwick Sports Centre. Currently, the club has 53 senior members.

The Greenwood Tennis Club is requesting a 50% subsidy for its senior portion of the clubs booking. This is the first year the City has received a request from the Greenwood Tennis Club - Seniors for a waiver of hire fees.

In accordance with the *Facility Hire Subsidy Policy*, the City of Joondalup will subsidise the cost of facility hire charges for City managed facilities for local not-for-profit groups, if the group is able to demonstrate that at least 50% of its active members / participants reside within the City of Joondalup. Greenwood Tennis Club have reported that fewer than 50% of its senior members are residents of the City of Joondalup, therefore they are not eligible for a subsidy.

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

As the club does not meet the eligibility as listed in the *Facility Hire Subsidy Policy*, it is recommended that Council does not agree to the request to waive the hire fees for the Greenwood Tennis Club - Seniors for the use of Warwick Open Space tennis courts in 2021.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$3,324	\$0	\$3,324	\$1,662	\$1,662	\$0	\$3,324

It should be noted while this amount is below the \$5,000 threshold this request has been referred to Council as the value of Greenwood Tennis Club Junior and Senior collectively exceed \$5,000.

Grandparents Rearing Grandchildren

Facility hired	Classification within the policy	Current extent of subsidy	Average hours booked per week	Hours exceeding subsidy per week
Grove Child Care	Community service and charitable group	100% up to a maximum of 10 hours per week	38	28

Grandparents Rearing Grandchildren (GRG) are an incorporated not-for-profit and registered charity that provides support services to grandparents who are raising their grandchildren on a full-time basis. Currently, the organisation assists 102 grandparents and 112 grandchildren.

GRG have booked 1,958 hours for 2021, averaging 38 hours per week, enabling the group to undertake its activities and events. The club has been assessed as being eligible for a subsidy under the policy. As a charitable organisation the policy allocates the clubs up to 10 hours of fully (100%) subsidised use per week.

At its meeting held on 21 July 2020 (CJ093-07/20 refers), Council agreed to extend the 100% subsidised use for the fees for Grandparents Rearing Grandchildren to a maximum of 30 hours average per week and a value of \$21,440.

It should be noted GRG are not in a financial position to afford the cost to hire the Grove Child Care facility without the additional subsidy. GRG have requested Council consider an additional subsidy for the additional hours per week to the group to continue to deliver its services to the community in 2021.

As the hirer meets the eligibility criteria within the policy, it is recommended that Council agrees to extend the 100% subsidised use for Grandparents Rearing Grandchildren WA Inc. for the use of the Grove Child Care facility in 2021 to a maximum of 38 hours average per week and a value of \$54,222.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$54,222	\$14,015	\$40,207	\$54,222	\$0	\$54,222	\$0

Kingsley Seniors Group

Facility hired	Classification within the policy	Current extent of subsidy	Average hours booked per week	Hours exceeding subsidy per week
Kingsley Memorial Clubroom	Senior Citizens Recreational and Sporting Group	100% up to a maximum of 10 hours per week	17	7

The Kingsley Seniors Group hires rooms within the Kingsley Memorial Clubroom for its delivery of activities and events exclusively for people over 55 years of age.

Kingsley Seniors Group has booked 867 hours for 2021, averaging 17 hours per week, enabling the group to undertake its activities and events. The group has been assessed as being eligible for a subsidy under the policy. As a senior citizen recreational or sporting group with fewer than 50 members, the *Facility Hire Subsidy Policy* allocates the club up to 10 hours of subsidised use per week.

The groups storage space is located within the activity / meeting room; however, it requires the size of the main hall to run its activities and therefore is not able to reduce its bookings and continue its current service provision. The Kingsley Seniors Group were granted an additional subsidy of hire fees for its 2020 bookings.

The group has requested Council consider an additional subsidy for the additional hours to deliver its activities and events during 2021. As the group meets the eligibility criteria within the policy, it is recommended that Council agrees to extend the 100% subsidised use for the Kingsley Seniors Group for the use of the Kingsley Memorial Clubroom in 2021 to a maximum of 17 hours average per week and a value of \$20,402.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$20,402	\$14,525	\$5,877	\$20,402	\$0	\$20,402	\$0

University of the Third Age (U3A) Inc – Joondalup Region

Facility hired	Classification within the policy	Current extent of subsidy	Average hours booked per week	Hours exceeding subsidy per week
Rob Baddock Community Hall and Heathridge Community Centre	Other not-for-profit community groups	50%	12	Not applicable

The University of the Third Age (U3A) Inc – Joondalup Region currently hires the Rob Baddock Community Centre and Heathridge Community Centre for delivery of its activities and events.

The group has booked 604 hours for 2021, averaging 12 hours per week to enable it to undertake its activities and events and has been assessed as being eligible for a subsidy. It should be noted that prior to 2019, the group was provided a 100% subsidy of hire fees as it was classified a 'Senior Citizens Recreational and Sporting Group' within the policy. A requirement of this classification is that the group offers its services exclusively to persons aged over 55 years. During 2018, the City identified that the group's constitution had changed and no longer reflected the requirements for members to be of retirement age (or over 55 years of age). As such, the group has been reassessed as being an 'Other Not-for-Profit Group' and is only eligible to receive a 50% subsidy of hire fees.

The group has advised that despite the changes to its constitution, all of its current members are over 55 years of age and has requested Council consider waiving the remaining 50% of hire fees to enable the group to continue to service the community with its running of activities and events.

At its meeting held on 18 February 2020 (CJO14-02/20 refers), Council agreed to waive 100% of the hire fees for University of the Third Age (U3A) Inc – Joondalup Region in 2020 to the value of \$6,071.

As the group does not meet the eligibility criteria to be classified as a 'Senior Citizens Recreational and Sporting Group' within the policy, it is recommended that Council does not agree to the request to waive the remaining of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region for the use of Rob Baddock Community Hall and Heathridge Community Centre in 2021.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$16,030	\$8,015	\$8,015	\$16,030	\$0	\$8,015	\$8,015

Whitford Senior Citizens Club

Facility hired	Classification within the policy	Current extent of subsidy	Average hours booked per week	Hours exceeding subsidy per week
Whitford Senior Citizens Centre	Senior Citizens Recreational and Sporting Group	100% up to a maximum of 80 hours per week	97	17

The Whitford Senior Citizens Club currently hires rooms within the Whitford Senior Citizens Centre for its delivery of activities and events targeted at people over 55 years of age.

The club has booked 5,021 hours for 2021, averaging 97 hours per week, to enable the group to undertake its activities and events. The club has been assessed as being eligible for a subsidy under the policy. As a senior citizen recreational or sporting group with over 100 members the policy allocates the club up to 80 hours of subsidised use per week. It is noted that the club also holds a licence over an office space, games room, two craft rooms and courtyard which affords the club use of these spaces during the calendar year.

At its meeting held on 18 February 2020 (CJ014-02/20 refers), Council agreed to extend the 100% subsidised use for the Whitford Senior Citizens Club's 2020 bookings to a maximum of 109 hours average per week and a value of \$142,928.

The club has requested Council consider an additional subsidy for the additional hours to deliver its activities and events during 2021. As the club meets the eligibility criteria within the policy, it is recommended that Council agrees to extend the 100% subsidised use for the Whitford Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2021 to a maximum of 97 hours average per week and a value of \$134,693.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$134,693	\$118,538	\$16,155	\$134,693	\$0	\$134,693	\$0

Issues and options considered

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

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Financial diversity.

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

Policy *Facility Hire Subsidy Policy*.

Risk management considerations

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

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

Financial / budget implications

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

In 2020, Council approved approximately \$69,692 of additional subsidies and waivers of fees for venue bookings. A summary of those 2020 additional subsidies and waivers of fees in excess of \$5,000 has been provided below:

Group	Request type	Amount approved
Grandparents Rearing Grandchildren	Additional subsidy	\$14,258
Greenwood Tennis Club (Juniors)	Waiver of hire fees	\$3,760
Kingsley Senior Group	Additional subsidy	\$20,988
University of the Third Age (UWA) Inc – Joondalup Region	Waiver of hire fees	\$6,071
Whitford Senior Citizens Club	Additional subsidy	\$24,615

If Council approves the requested additional subsidies and waivers of fees requested by these groups for 2021, the City will lose approximately \$62,239 in income the annual venue bookings.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 DOES NOT AGREE to the request to waive the hire fees for the Greenwood Tennis Club - Juniors for the use of Warwick Open Space tennis courts in 2021;**
- 2 DOES NOT AGREE to the request to waive the hire fees for the Greenwood Tennis Club - Seniors for the use of Warwick Open Space tennis courts in 2021;**
- 3 AGREES to extend the 100% subsidised use for Grandparents Rearing Grandchildren WA Inc. for the use of the Grove Child Care facility in 2021 to a maximum of 38 hours average per week and a value of \$54,222;**
- 4 AGREES to extend the 100% subsidised use for the Kingsley Seniors Group for the use of the Kingsley Memorial Clubroom in 2021 to a maximum of 17 hours average per week and a value of \$20,402;**
- 5 DOES NOT AGREE to the request to waive the remaining of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region for the use of Rob Baddock Community Hall and Heathridge Community Centre in 2021;**
- 6 AGREES to extend the 100% subsidised use for the Whitford Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2021 to a maximum of 97 hours average per week and a value of \$134,693;**
- 7 NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.**

DETAILS

Following advertising there were four responses received. Three were supportive of specifying Hillarys Beach Park as dog prohibited and once opposed. The response opposing the prohibition expressed concerns in regard to not being able to take a dog into the park when accessing the Whitfords Nodes Health and Wellbeing Hub which would require them to exercise their dog separately.

Issues and options considered

The options considered by Council at its meeting of 20 October 2020 that would designate Hillarys Beach Park as a dog exercise area or a dogs on leash were not recommended due to the conflict of users, incur additional cost for managing dog waste and could create management issues due to proximity of the beaches and dune system.

Legislation / Strategic Community Plan / Policy implications

Legislation *Dog Act 1976.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

Strategic initiative Adopt consistent principles in the management and provision of urban community infrastructure.

Policy Not applicable.

Risk management considerations

There are no risk management considerations associated with the Officer's recommendation.

Financial / budget implications

There are no financial implications associated with the Officer's recommendation.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The notice of Council's intention to specify Hillarys Beach Park as a dog prohibited park was advertised on Thursday 11 November 2020 in the *Joondalup Times*. In addition, a public notice was placed on the City's website, notices were placed on the City's library notice boards and social media posts were made.

Following advertising there were four responses received. Three were supportive of specifying Hillarys Beach Park as dog prohibited and once opposed. The response opposing the prohibition expressed concerns in regard to not being able to take a dog into the park when accessing the Whitfords Nodes Health and Wellbeing Hub which would require them to exercise their dog separately.

From the comments received in response to the public notice it is suggested that there is support to have Hillarys Beach Park listed as an area where dogs are prohibited at all times.

COMMENT

It is suggested given the long term community understanding and Council's original intent that dogs are not permitted within Hillarys Beach Park is to designate the reserve as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the *Dog Act 1976*.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY SPECIFIES Hillarys Beach Park, identified as Hillarys Beach Park R40802; Lot/Plan 12379481 as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the *Dog Act 1976*.

ITEM 17 CITY OF JOONDALUP OUTDOOR YOUTH RECREATION STRATEGY

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	17015, 101515
ATTACHMENT	Attachment 1 Draft City of Joondalup Outdoor Youth Recreation Strategy
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider and adopt the *City of Joondalup Outdoor Youth Recreation Strategy* to inform the future provision of facilities for outdoor youth recreation within the City of Joondalup.

EXECUTIVE SUMMARY

At its meeting held on 16 May 2017 (CJ067-05/17 refers), Council requested the Chief Executive Officer to develop a BMX, Skate and Outdoor Youth Recreation Strategy for the City of Joondalup. Consultants were engaged to assist the City in this regard and the background information, analysis and technical inputs provided by the consultants have informed the development of a draft City of Joondalup Outdoor Youth Recreation Strategy (the strategy).

The *City of Joondalup Outdoor Youth Recreation Strategy* is a strategic document to inform the future provision and location of youth outdoor recreation facilities and to strategically plan for the rationalisation of existing facilities (where appropriate) and the possible future development of new facilities in line with community need.

The strategy establishes a facilities framework that encourages a network of multi-purpose, facilities to meet local needs, complemented by dedicated skate or BMX/bike facilities at the district level and the potential for urban BMX and mountain bike trails to link certain facilities.

This framework promotes greater social interaction across different forms of outdoor youth recreation and will enable the delivery of better quality facilities for users over time.

The strategy also includes key focus areas and priority implementation actions to assist the City to better meet demonstrated community need for outdoor recreation facilities, that are targeted toward young people, in the short and medium term.

Indicatively, the upgrade of existing facilities and provision of new facilities recommended to meet currently unmet priority needs, could have a capital cost of \$1.2 to \$1.8 million. The range of potential additional operational costs, which include maintenance costs and depreciation, could be between \$90,000 and \$180,000 per annum.

This report does not seek approval to progress detailed design and development of a facility at any specific site, nor does it seek approval for any capital expenditure. If Council decides to progress more detailed investigation into any specific facilities, a formal, detailed business case (including financial modelling) would be required, for further consideration and approval of Council.

This course of action aligns with the project methodology outlined in the City's *Project Management Framework* (PMF), which is a guide to managing projects across the City of Joondalup. The PMF provides a standard approach for managing projects across the organisation, ensuring a consistent process for project proposals, planning, implementation, monitoring and closure.

BACKGROUND

At its meeting held on 16 August 2016 (C46-08/16 refers), Council resolved to request the Chief Executive Officer to provide a report on the provision of a skate park within the Percy Doyle Reserve to provide a recreational facility for youth of the district.

A report was presented to Council in May 2017 (CJ067-05/17 refers), and Council resolved:

- not to proceed with the planning and development of a skate facility at Percy Doyle Reserve at that time
- request the Chief Executive Officer to initiate the development of a BMX, Skate and Outdoor Youth Recreation Strategy for the City of Joondalup
- consider Percy Doyle Reserve as a potential site for a future facility as part of the development of such a strategy
- to list for consideration in the draft 2017-18 budget an amount of \$55,000 for consultancy and \$5,000 for community consultation to enable development of the strategy.

Various consultant reports were commissioned to provide background information, analysis and technical inputs to inform the development of the strategy. These include:

- a background research and technical report by Convic on community consultation undertaken regarding skate, BMX and other forms of outdoor youth recreation, the current condition and use of existing facilities in the City of Joondalup, and the suitability of various sites across the City of Joondalup for future facilities
- a secondary report on the condition of Kinross Skate Park by Skate Sculpture
- additional condition reports of the City's existing dirt BMX tracks by Common Ground Trails.

The background research and technical reports provided by consultants have been used to inform the development of a draft City of Joondalup Outdoor Youth Recreation Strategy, which focusses on meeting the outdoor recreation needs of young people in the City of Joondalup.

DETAILS

Existing and planned outdoor youth facilities in the City of Joondalup

City managed facilities that currently contribute to meeting the outdoor recreation needs of young people include the following:

- Mirror Park Skate Park (Ocean Reef), a dedicated skate facility for the central part of the City of Joondalup.

- Kinross Skate Park (Kinross), a dedicated skate facility for the northern part of the City of Joondalup.
- Shepherd's Bush Pump and Jump Track (Kingsley), a dedicated BMX facility for the southern parts of the City of Joondalup.
- Eight other existing dirt BMX tracks located in parks throughout the City of Joondalup.

Mirror Park Skate Park

Constructed in 2012, Mirror Skate Park has amenities on site such as sports fields, a playground, car parking, and toilet facilities and is close to public transport.

As part of the background research and analysis to inform the *City of Joondalup Outdoor Youth Recreation Strategy*, the consultants were of the view that, overall, the condition of Mirror Park Skate Park is good, with general wear and tear expected for a skate park of its age, and that the functionality is excellent.

The consultants recommended that regular, scheduled maintenance of this skate park should continue to occur and commented on the benefit that lighting would contribute to increased usage and improved safety for users.

Separately, as a result of petitions received from the community, at its meeting held on 19 May 2020 (CJ055-05/20 refers), Council agreed to undertake community consultation in relation to the potential installation of lighting and extension of operating hours of Mirror Park Skate Park. Community consultation was undertaken between 6 July 2020 and 2 August 2020.

Council considered the outcomes of this community consultation at its meeting on 20 October 2020 (CJ145-10/20 refers) and approved the installation of lighting and extension of operating hours at Mirror Park Skate Park.

Kinross Skate Park

Kinross Skate Park was constructed in 2001 and is a street and transition style facility located in MacNaughton Park, Kinross.

The park amenities include car parking, fencing, bins, signage, drinking fountains and nearby playgrounds, sports fields, BBQ area and a basketball hoop.

As part of the background research and analysis to inform the *City of Joondalup Outdoor Youth Recreation Strategy*, the consultants expressed some concern about the condition of the Kinross Skate Park and advised they believed it posed some safety risks to users.

This assessment was of significant concern to the City, so a separate, more detailed site assessment and condition report of the skate park was undertaken. This report recommended specific works or repairs be undertaken and concluded that, provided the works or repairs were undertaken; some new rails and coping were added to the north ledge; and better seating and shading were introduced to the facility, this could extend the life of the facility for another 10 to 12 years.

The works or repairs recommended have already been undertaken by the City and funding for the extra rails have now been completed. At this stage, no allowances have been made in the budget for extra shade or seating.

Shepherd's Bush Pump and Jump Track

Shepherds Bush Pump and Jump Track in Kingsley is the City's newest BMX facility, which was constructed in 2017. It is in good condition and the overall layout and function works well and caters for a range of skill levels.

There are a number of amenities at this track including a playground, toilets, BBQ facilities, shade shelter, a skills development track for young children and car parking.

Other dirt BMX tracks

The City has eight other dirt BMX tracks in the following locations and ranging in size, age and condition:

- Menteith Park, Kinross.
- Candlewood Park, Joondalup.
- Quarry Ramble, Edgewater.
- Haddington Park, Beldon.
- Triton Park, Mullaloo.
- Kanangra Reserve, Greenwood.
- Galston Park, Duncraig.
- Littorina Park, Heathridge.

These dirt tracks are of a local scale and cater only to their immediate surrounds. These tracks have deteriorated over time and are showing varying levels of erosion and weathering. As a result, as part of the background research and analysis to inform the *City of Joondalup Outdoor Youth Recreation Strategy*, the consultants expressed a view that, unless significant work was undertaken to remediate some or all of these tracks, they should be demolished and removed.

In order to determine how much work would be involved in remediating some or all of the tracks and what the cost to the City could be, the City sought the advice of a consultant firm which specialises in BMX and mountain bike trails and facilities. The work undertaken by consultant included:

- assessment of the context of each existing dirt track in terms of amenities, location, complimentary recreation and alignment with existing and proposed cycle facility provision
- assessment of the condition of each track and the capability/opportunities considering current trends in facility design and layout
- recommendations on what action to take with each existing facility and the possible scope of works
- estimation of lifecycle costs – capital and operational for each proposal.

This work assisted in guiding the Key Implementation Actions of the draft City of Joondalup Outdoor Youth Recreation Strategy.

Other existing and planned facilities nearby

There are also additional facilities that are not managed by the City, which are accessed by young people living within the City of Joondalup.

Carine Skate Park, located within the City of Stirling, is used by many young people in the City. This skate park was opened in August 2002 and was a joint venture between the Cities of Stirling and Joondalup. The City of Joondalup co-hosts and sponsors skate and BMX competitions at this skate park on an annual basis. This facility operates as a dedicated facility, serving the most southern suburbs of the City.

In 2012 the City of Stirling launched its *Skate and BMX Facility Strategy* after public demand for more facilities catering towards BMX, skate and scooter riders. This plan outlines the City of Stirling's commitment to provide more facilities of high quality within its boundaries and includes the potential upgrade of Carine Skate Park to cater for people who are new to skate park sports. The potential redevelopment of Carine Skate Park would increase its size and accessibility to new users and would be of greater benefit to the many young people living in the southern part of the City of Joondalup who access the facility. While no firm date has been identified for the update of Carine Skate Park, the City of Stirling has confirmed it as an important aspect of its *Skate and BMX Facility Strategy*.

The Yaberoo Budjara Heritage Trail, which is suitable for mountain bikes, starts at Neil Hawkins Park, Joondalup and links north to Yanchep National Park. This is not a City managed facility.

In addition, the Northern Beaches Cycling Club is leading a proposed project to construct mountain bike trails within Yellagonga Regional Park. This is not a City project, though the City is a key stakeholder in the proposal.

Structure and content of the City of Joondalup Outdoor Youth Recreation Strategy

The draft *City of Joondalup Outdoor Youth Recreation Strategy* is a strategic document to inform the future provision of facilities for outdoor youth recreation within the City of Joondalup.

The draft strategy includes the following three critical sections:

- Facilities framework.
- Key focus areas.
- Implementation actions.

The facilities framework outlines a strategic approach to meeting community need through provision of a network of complementary facilities across the City of Joondalup. The framework sets out a hierarchy of facility types, aligning the nature of facilities with the particular social, skills development, and competition functions of outdoor recreation.

These facility types are as follows:

Incidental facilities	<p>Multi-purpose facilities that provide shared access to outdoor recreation and integrate with other community recreational activities within local and district parks.</p> <p>These local, multi-purpose facilities are suitable for skate, scooter, and BMX/bike users and can include elements supporting other physical social activity, such as informal outdoor basketball.</p> <p>Being multi-purpose, they function as an entry point to a variety of recreation types and support unstructured and social participation.</p>
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Dedicated facilities	<p>Specific infrastructure to support community participation in outdoor recreation, located to complement other recreation and community activities and amenities around them.</p> <p>Dedicated facilities enable skills development in outdoor recreation, offering a diversity of activity and challenge levels. The facilities support unstructured and social participation in addition to community-level organised events (e.g. community competitions).</p> <p>Dedicated facilities are specific in their design, recognising that skate and BMX have different needs, styles, environmental and spatial requirements. However, dedicated facilities may be co-located with incidental, multi-use facilities to enhance their activation and use.</p>
Regional facilities	<p>High-end destinations within iconic locations and/or major economic hubs. Their core function is to generate and complement regional economic benefits through organised competitions and as a destination for advanced skills development. These facilities are not focussed on meeting local community needs; however, they may include complementary local or district scale facilities within the design.</p>

Mountain biking is not a key focus of the strategy as it is a specialist recreation activity with a much wider target audience than young people. The strategy does, however, acknowledge that mountain bike users can utilise BMX facilities.

It also recognises the potential to develop establish interconnected urban BMX and mountain bike trails by linking different facilities in the City of Joondalup using paths, road underpasses and safe road crossings.

The strategy identifies that community need will be met through complementary provision of incidental and dedicated facilities across certain City of Joondalup open spaces.

The majority of the City's localised demand for facilities will be met through incidental, multi-use facilities that can meet the needs of multiple user groups within the local area. Dedicated facilities are capable of meeting the needs of a larger, district catchment area, and should be located to maximise their accessibility to their surrounding district. Regional facilities will form part of the City's economic development and destination planning activities, delivered through advocacy.

To meet community needs and be successful, safe, fun, and vibrant, it is essential that outdoor youth recreation facilities are located and designed to respond to the key users of the facilities and their associated needs and requirements. Therefore, the facilities framework includes key criteria for locating future facilities. The criteria are based on meeting the needs of young people and maintaining the amenity of the City of Joondalup's neighbourhoods and residential areas.

The facilities framework encourages a network of multi-purpose, incidental facilities to meet local needs, which would contribute to a potential reduction in long term operational costs through the efficiency offered by shared use facilities. Alongside this, sharing of facilities at a social level promotes greater social interaction across different forms of outdoor youth recreation, and enables the delivery of better-quality facilities for users over time.

The City's current provision of youth outdoor recreation facilities is not aligned with this approach. In particular, there is a lack of high quality, multi-functional, incidental facilities as the majority of the City's existing facilities are single activity facilities of varied condition.

Maintaining the status quo, with dispersed single activity facilities across the City of Joondalup, may limit the City's ability to instead put resources into much higher quality, shared facilities that will provide a better quality and experience for users.

Key focus areas within the strategy, each with objectives and actions, facilitate a transition from the City's current provision of outdoor recreational facilities, to align infrastructure provision with the facilities framework.

The key focus areas of the strategy are:

- maintenance, upgrade and decommissioning of existing facilities
- management of new and existing facilities
- planning for and constructing new facilities
- promotion and activation of BMX and Skate facilities
- supporting actions.

The implementation actions provided within the strategy respond to several critical issues in the current provision and condition of outdoor recreation facilities for youth in the City of Joondalup.

Actions include preparation of business cases to evaluate options and potential sites for key facilities required to meet critical needs, as follows:

- A dedicated skate facility in the southern area of the City of Joondalup.
- A dedicated BMX facility in the central/coastal area of the City of Joondalup.
- Three to five multi-purpose multiple incidental facilities across the City of Joondalup.
- An urban BMX/mountain bike trail connecting nodes at existing and future BMX facilities.

The preparation of business case(s) is necessary to properly evaluate selected site and facility options and undertake necessary financial modelling for the provision of new/upgraded facilities, and aligns with the project methodology outlined in the City of Joondalup's PMF, which is a guide to managing projects across the City of Joondalup. The PMF provides a standard approach for managing projects across the organisation, ensuring a consistent process for project proposals, planning, implementation, monitoring and closure.

Resourcing and scheduling of all other actions will be factored into the City's annual budgeting and business planning processes.

Issues and options considered

Council has the option to either:

- adopt the *City of Joondalup Outdoor Youth Recreation Strategy*
- adopt the *City of Joondalup Outdoor Youth Recreation Strategy*, with modification
- advertise the *City of Joondalup Outdoor Youth Recreation Strategy*
or
- not support the *City of Joondalup Outdoor Youth Recreation Strategy*.

Adopting the *City of Joondalup Outdoor Youth Recreation Strategy* will provide the strategic direction for immediate implementation of priority actions and enable the City to commence the necessary business case processes for delivery of new/upgraded facilities. Immediate commencement of these tasks is desirable, given that preparation of business cases, detailed design and construction of facilities/facility upgrades takes around one to two years.

Advertising the strategy would provide opportunity for community members to provide feedback on the strategic priorities. However, this would result in further delay for the finalisation and adoption of the strategy, which may prevent the incorporation of priority implementation actions into the 2021-22 business planning and budgeting processes. In addition, the strategy has been prepared based on feedback from extensive community consultation undertaken as part of the background report. The strategy also recommends engaging with community on a site and facility specific basis, which is the project level at which stakeholders will have the most interest. Therefore, it is recommended that further advertising at this stage is not necessary.

Should Council not support the strategy, then critical issues including insufficient and unsuitable facilities and the financial risks associated with ad hoc provision of facilities will not be resolved.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

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

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

Policy Not applicable.

The strategy will inform the City's *Five-Year Corporate Business Plan* and *Strategic Financial Plan* and facilitate the implementation of required investment into outdoor youth recreation, meeting core objectives of the *Strategic Community Plan* regarding Community Wellbeing. The strategy will also align, where necessary, with other programs and capital projects when planning park renewals, upgrade or new infrastructure. Implementation of the strategy will integrate with other strategic infrastructure projects including:

- Active Reserve and Community Facilities Review 2021
- *Parks Development Program* (as part of the *5-Year Capital Works Program 2020-21 to 2024-25*).

Risk management considerations

The *City of Joondalup Outdoor Youth Recreation Strategy* addresses a number of key risks resulting from critical issues in the current provision of outdoor youth recreation facilities. These issues are as follows:

- Poor condition and unsuitability of some existing facilities, resulting in risk to users and reputational risk.
- Inadequate provision of facilities to meet community need, resulting in reputational risk.
- Potential for ad hoc provision of facilities in response to demand and petitions in the absence of a strategic framework, with associated financial risk should facilities be provided in the absence of financial, social, and environmental evaluation.

Financial / budget implications

Priority implementation actions within the strategy propose upgrades and new projects, which have both capital and operational budget implications.

Indicatively, the provision and upgrade of facilities recommended to meet currently unmet priority needs would have a capital cost of up to \$1.2 to \$1.8 million. It is estimated that for each \$1 million of capital expenditure on outdoor infrastructure, this may result in additional operating expenses and depreciation of between 7% to 10%.

An indicative high-level estimate of the additional operating expenses (including depreciation) has been calculated, based on new/upgraded facilities proposed by the priority implementation actions. The range of potential additional recurring costs could be between \$84,000 and \$180,000. The eventual impact would be affected by a range of factors such as specification, detailed design, market conditions. The financial impacts of implementing each project will be assessed separately with a financial evaluation and business case for each project.

The City has a \$9.2 million operating deficit (2020-21 Budget) and will strive to achieve a balanced operating budget within a reasonable timeframe, potentially 2024-25. The implementation of these projects during this timeframe would make it more difficult to achieve a balanced operating budget.

Regional significance

The facilities framework within the strategy establishes a hierarchy of facilities, including regional facilities. In line with the strategy, the City will advocate for the establishment of regional BMX, skate and mountain bike facilities, which would support the region's economic development and tourism sectors with facilities that attract major competition and use.

Sustainability implications

Social

The strategy responds to critical issues related to current provision of facilities to meet the outdoor recreation needs of youth in the City of Joondalup and is a necessary response to meet the social and sporting needs of this important demographic.

While the existing provision of facilities available to young people within the City of Joondalup is extensive, including; educational facilities, community centres, leisure centres, public open space, organised and unstructured sporting opportunities and active and informal kick-about spaces, many outdoor spaces in the City of Joondalup have limited relevance for youth. Across the City, open spaces are lacking specific facilities for outdoor recreation activities, in particular BMX and skate, that enable young people to be interested, engaged, entertained, and/or feel safe using them.

The City's dedicated facilities for outdoor youth recreation, in particular Mirror Park Skate Park in Ocean Reef, Kinross Skate Park, and Shepherd's Bush BMX Track in Kingsley, are over capacity. Localised facilities for unstructured, social, or exploratory engagement in the relevant sports, which would alleviate pressure on the City's dedicated facilities, are lacking, in poor condition, or do not offer a desirable, contemporary experience for users.

Community consultation, in particular consultation with young people and users of outdoor recreation facilities, has demonstrated need for additional dedicated and localised facilities to enable local youth to engage in the social, skills development, and competition elements of outdoor sports and recreation. There is also a lack of infrastructure at the local level for a diversity of outdoor recreation in addition to skate and BMX - parkour and outdoor climbing facilities and informal basketball, tennis, and soccer facilities, and mountain bike trails have been identified as lacking in the City of Joondalup's outdoor spaces by local young people.

The adoption and implementation of the strategy provides a pathway to respond to these issues, and better meet the needs of young people.

Economic

By transitioning from low scale, limited quality, dispersed single-activity facilities for skate and BMX to higher quality shared use facilities, the City will achieve greater efficiency in long term operating costs. This provides for greater economic sustainability in the long term, while enhancing the quality and availability of facilities available to young people.

Environmental Implications/Opportunities

Environmental implications of progressing any new or upgraded outdoor youth facility at any specific site would be explored through the formal business case for that project. In line with Key Focus Area 3 of the strategy, site selection for new facilities will be based on due diligence, including the evaluation of environmental impacts at each potential site to inform consideration of the preferred site(s) for facilities.

Consultation

Community consultation, including a survey and workshops, was conducted from 11 June to 4 July 2018 to determine the community's needs as part of the background research and analysis work undertaken by Convic.

Consultation was advertised through the following mediums:

- Social media advertising.
- Local newspaper advertising.
- Email through the City's Community Engagement Network.
- Tablets at Beyond Skate (speciality retail store).

A total of 567 participants took part in both the workshops and online questionnaires.

Consultation outcomes show a strong dirt BMX and skate culture within the City of Joondalup and indicate a large number of families either currently use or would utilise outdoor youth recreation facilities. A strong majority of participants communicated need for more provision. 92 percent of survey participants supported the development of new, on-trend dirt BMX, skate and outdoor youth recreation facilities in the City. Consultation outcomes acknowledged that new facilities need to cater for skill progression from beginner to advanced users and for a mix of riding styles and provide community-based family spaces and outdoor youth recreation.

Accessibility and travel time were indicated to be the most important factors for locating facilities, however, many people indicated that they are willing to travel 10km plus to a facility if it can competently cater to their needs. The type of facility and its proximity to community hubs were also key criteria for locating new skate provision.

Other key themes noted in consultation outcomes include the following:

- Some participants identified that they 'never' visit the majority of the existing facilities - excluding Shepherds Bush Pump and Jump Track and Mirror Park Skate Park.
- Participants ranged from beginner to advanced level riders. Many indicated that they ride at least once a week with the majority riding whenever that they can. This highlights the importance of including amenity provision that supports functionality of facilities throughout the day and night.
- There was strong community support for amenity to be included at BMX, skate and outdoor youth recreation facilities. Participants indicated drinking fountains, shade shelters, toilets, lighting, seating, path networks and parking as being the most important amenities to provide at facilities.
- The top preferred locations for new skate spaces were identified as Joondalup, Hillarys, Woodvale, Mullaloo, Duncraig, Burns Beach and Edgewater.
- The top preferred locations for new BMX spaces were identified as Hillarys, Joondalup, Greenwood, Ocean Reef, Woodvale, and Burns Beach
- Participants identified that they consider the type of facility they want to ride the most when choosing to go riding or skating. This was closely followed by accessibility and travel time, parking and the facility's overall location. Participants identified that they are willing to travel further than 10km to a dirt BMX or skate park facilities if it can cater to their needs.

The *City of Joondalup Outdoor Youth Recreation Strategy* has been informed by consultation outcomes, and priority implementation actions respond to the critical needs demonstrated by the community.

COMMENT

The draft *City of Joondalup Outdoor Youth Recreation Strategy* establishes a facilities framework that encourages a network of multi-purpose, facilities to meet local needs, complemented by dedicated skate or BMX/bike facilities at the district level and the potential for urban BMX/mountain bike trails to link certain facilities.

The strategy supports the City's *Integrated Planning Framework* as a document to inform the City's *Five-Year Corporate Business Plan* and *Strategic Financial Plan* and facilitate the implementation of required investment into outdoor youth recreation, meeting core objectives of the *Strategic Community Plan* regarding Community Wellbeing.

The strategy provides a good approach to better meet social needs of young people in the City of Joondalup in a way that is financially sustainable and is recommended for adoption.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADOPTS the draft *City of Joondalup Outdoor Youth Recreation Strategy*, as detailed in Attachment 1 to this Report to inform decisions about the future provision of facilities for outdoor youth recreation within the City of Joondalup.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf210209.pdf](#)

Following consideration of the requests against the Key Implementation Actions of the strategy, it is recommended that Council does not immediately proceed to detailed design and development of any skate, BMX or mountain bike facilities, but agrees to allocate City resources to prepare a formal, detailed business case (including financial modelling) for the provision of:

- a dedicated skate facility within the southern area of the City of Joondalup, including consideration of Percy Doyle Reserve and other potential sites identified by the strategy
- a dedicated BMX facility within the central/coastal area of the City of Joondalup, including consideration of Whitfords West Park and other potential sites identified by the strategy
- three to five incidental (multi-purpose) facilities across the City of Joondalup, considering potential sites identified by the strategy
- an urban BMX/mountain bike trail to connect facilities across the City of Joondalup.

This course of action aligns with the project methodology outlined in the City's *Project Management Framework* (PMF), which is a guide to managing projects across the City. The PMF provides a standard approach for managing projects across the organisation, ensuring a consistent process for project proposals, planning, implementation, monitoring and closure.

BACKGROUND

In February 2009, the City commenced the Percy Doyle Reserve Masterplan project. The draft masterplan and associated feasibility was presented to the elected members in April 2014. At that time, primarily due to the potential cost of delivering the project, it was determined that the project was not a high priority for the Council, and it was deferred to 2030-2031.

At its meeting held on 16 August 2016 (C46-08/16 refers), Council resolved to request the Chief Executive Officer to provide a report on the provision of a skate park within the Percy Doyle Reserve to provide a recreational facility for youth of the district.

A report was presented to Council in May 2017 (CJ067-05/17 refers), and Council resolved:

- not to proceed with the planning and development of a skate facility at Percy Doyle Reserve at that time
- to request the Chief Executive Officer to initiate the development of a BMX, Skate and Outdoor Youth Recreation Strategy for the City of Joondalup
- to consider Percy Doyle Reserve as a potential site for a future facility as part of the development of such a strategy
- to list for consideration in the draft 2017/2018 budget an amount of \$55,000 for consultancy and \$5,000 for community consultation to enable development of the strategy.

Consultants were engaged to provide background information, analysis and technical inputs to inform the development of the strategy. The City of Joondalup Outdoor Youth Recreation Strategy (the strategy) forms the subject of a separate report on this Council agenda. The strategy includes analysis of community need for skate and BMX facilities across the City of Joondalup and provides the strategic context for decision making on the location and nature of facilities in future.

During preparation of the draft strategy, a 261-signature petition was received on 20 March 2018 requesting a new skate park be built at Chichester Park, Woodvale (C23-03/18 refers).

Another 141-signature petition was received on 21 August 2018 requesting installation of a BMX dirt track at Kallaroo Park, Mullaloo (C71-08/18 refers).

Specific reports were not prepared to respond to these petitions at that time as it has been the City's position to defer consideration of or decisions on specific locations for skate/BMX facilities pending endorsement of the strategy, to ensure that Council could make informed decisions about facility provision.

In response to a report dealing with the lease of the Duncraig Leisure Centre, presented to Council at its meeting on 18 August 2020 (CJ115-08/20 refers), Council agreed, amongst other things, to:

- establish a Percy Doyle Infrastructure Reserve Fund for the purposes of providing new infrastructure and improving existing infrastructure at Percy Doyle Reserve, in particular for the youth of the City of Joondalup district
- list for consideration an amount of \$85,000 being allocated to the Percy Doyle Infrastructure Reserve Fund as part of the 2020-21 Mid-Year Budget Review
- list for consideration an amount of \$170,000 being allocated to the Percy Doyle Infrastructure Reserve Fund as part of the 2021-22 draft Annual Budget, which is to be progressively increased by the Consumer Price Index (All Groups Perth) each subsequent financial year onwards and for such time the lease with the Churches of Christ Sports and Recreation Association (Inc) for the lease of the Duncraig Leisure Centre remains in effect.

At its meeting held on 15 September 2020 (C86-09/20 refers), Council requested the Chief Executive Officer present a report to Council on establishing a skate park and BMX track at Percy Doyle Reserve.

Subsequent to the abovementioned petitions and resolutions regarding skate/BMX facilities, a 349-signature petition was received at the Council meeting held on 8 December 2020 (C125-12/20 refers) requesting:

- provision of a new local or district scale combined mountain bike and BMX facility at Whitfords-West Park and improvements to existing BMX tracks at Haddington Park, Triton park and Littorina Park
- provision of three interconnected mountain bike trails incorporating dispersed jump facilities within dry parks
- involvement of local youth, families, and schools in the building of challenging mountain bike and BMX obstacles at dry parks along the trails.

DETAILS

Demand for facilities

Young people engage in outdoor recreation, including skate and BMX, for a variety of purposes, including:

- fun and enjoyment
- exercise and fitness
- social experience (friends and family)
- challenge/skills development
- sport and competition.

An analysis of community need, as contained in the *City of Joondalup Outdoor Youth Recreation Strategy* identifies the following unmet community needs in the City:

- locally accessible, multi-purpose facilities across the entirety of the City, targeted to entry level and social participation in all recreation styles, that enable fun, fitness, and social interaction
- access to skate facilities in the southern area of the City to enable skills development and competition, particularly for those suburbs outside the catchments of the Mirror Park and Carine Skate Parks
- access to BMX facilities in the northern, coastal and central areas of the City to enable skills development and competition.

A detailed analysis of need for mountain bike facilities has not been undertaken as part of the City of Joondalup Outdoor Youth Recreation Strategy as mountain biking is a sport not attributed only to young people and is a specialist recreation activity.

Notwithstanding this, much thinking and work has already gone into a community-led proposal for an urban BMX/mountain bike trail by a local community group, and visible support for such a proposal was demonstrated through the attendance of a number of young people at the Council meeting in December 2020.

Existing and planned outdoor youth facilities in the City of Joondalup

City managed facilities that currently contribute to meeting the outdoor recreation needs of young people are:

- Mirror Park Skate Park (Ocean Reef), a dedicated skate facility for the central part of the City of Joondalup
- Kinross Skate Park (Kinross), a dedicated skate facility for the northern part of the City of Joondalup
- Shepherd's Bush Pump and Jump Track (Kingsley), a dedicated BMX facility for the southern parts of the City of Joondalup
- eight other existing dirt BMX tracks located in parks throughout the City of Joondalup.

Mirror Park Skate Park

Constructed in 2012, Mirror Skate Park has amenities on site such as sports fields, a playground, car parking, and toilet facilities and is close to public transport.

As part of the background research and analysis to inform the *City of Joondalup Outdoor Youth Recreation Strategy*, the consultants were of the view that, overall, the condition of Mirror Park Skate Park is good, with general wear and tear expected for a skate park of its age - and that the functionality is excellent.

The consultants recommended that regular, scheduled maintenance of this skate park should continue to occur and commented on the benefit that lighting would contribute to increased usage and improved safety for users.

Separately, as a result of petitions received from the community, at its meeting held on 19 May 2020 (CJ055-05/20 refers), Council agreed to undertake community consultation in relation to the potential installation of lighting and extension of operating hours of Mirror Park Skate Park. Community consultation was undertaken between 6 July 2020 and 2 August 2020. Council considered the outcomes of this community consultation at its meeting held on 20 October 2020 (CJ145-10/20 refers) and approved the installation of lighting and extension of operating hours at Mirror Park Skate Park.

Kinross Skate Park

Kinross Skate Park was constructed in 2001 and is a street and transition style facility located in MacNaughton Park, Kinross.

The park amenities include car parking, fencing, bins, signage, drinking fountains and nearby playgrounds, sports fields, BBQ area and a basketball hoop.

As part of the background research and analysis to inform the *City of Joondalup Outdoor Youth Recreation Strategy*, the consultants expressed some concern about the condition of the Kinross Skate Park and advised they believed it posed some safety risks to users.

This assessment was of significant concern to the City so a separate, more detailed site assessment and condition report of the skate park was undertaken. This report recommended specific works or repairs be undertaken and concluded that, provided the works or repairs were undertaken; some new rails and coping were added to the north ledge; and better seating and shading were introduced to the facility, this could extend the life of the facility for another 10 to 12 years.

The works/repairs recommended have already been undertaken by the City, including extra rails. At this stage, no allowances have been made in the budget for extra shade or seating.

Shepherd's Bush Pump and Jump Track

Shepherds Bush Pump and Jump Track in Kingsley is the City's newest BMX facility, which was constructed in 2017. It is in good condition and the overall layout and function works well and caters for a range of skill levels.

There are a number of amenities at this track including a playground, BBQ facilities, toilets, shade shelter, a skills development track for young children and car parking.

Other dirt BMX tracks

The City has the following eight other dirt BMX tracks in the following locations and ranging in size, age and condition:

- Menteith Park, Kinross.
- Candlewood Park, Joondalup.
- Quarry Ramble, Edgewater.
- Haddington Park, Beldon.
- Triton Park, Mullaloo.
- Kanangra Reserve, Greenwood.
- Galston Park, Duncraig.
- Littorina Park, Heathridge.

These dirt tracks are of a local scale and cater only to their immediate surrounds. These tracks have deteriorated over time and are showing varying levels of erosion and weathering. As a result, as part of the background research and analysis to inform the *City of Joondalup Outdoor Youth Recreation Strategy*, the consultants expressed a view that, unless significant work was undertaken to remediate or upgrade some or all of these tracks, they should be demolished and removed.

In order to determine how much work would be involved in remediating or upgrading some or all of the tracks and what the cost to the City could be, the City sought the advice of consultants who specialise in BMX and mountain bike trails and facilities. The work undertaken by the consultants included:

- assessment of the context of each existing dirt track in terms of amenities, location, complimentary recreation and alignment with existing and proposed cycle facility provision
- assessment of the condition of each track and the capability/opportunities considering current trends in facility design and layout
- recommendations on what action to take with each existing facility and the possible scope of works
- estimation of lifecycle costs – capital and operational for each proposal.

This work assisted in guiding the Key Implementation Actions of the *City of Joondalup Outdoor Youth Recreation Strategy*.

Other existing and planned facilities nearby

There are also additional facilities that are not managed by the City, which are accessed by young people living within the City of Joondalup.

Carine Skate Park, located within the City of Stirling, is used by many young people in the City. This skate park was opened in August 2002 and was a joint venture between the Cities of Stirling and Joondalup. The City of Joondalup co-hosts and sponsors skate and BMX competitions at this skate park on an annual basis. This facility operates as a dedicated facility, serving the most southern suburbs of the City of Joondalup.

In 2012 the City of Stirling launched its *Skate and BMX Facility Strategy* after public demand for more facilities catering towards BMX, skate and scooter riders. This plan outlines the City of Stirling's commitment to provide more facilities of high quality within its boundaries and includes the potential upgrade of Carine Skate Park to cater for people who are new to skate park sports. The potential redevelopment of Carine Skate Park would increase its size and accessibility to new users and would be of greater benefit to the many young people living in the southern part of the City of Joondalup who access the facility. While no firm date has been identified for the update of Carine Skate Park, the City of Stirling has confirmed it as an important aspect of its *Skate and BMX Facility Strategy*.

The Yaberoo Budjara Heritage Trail, which is suitable for mountain bikes, starts at Neil Hawkins Park, Joondalup and links north to Yanchep National Park. This is not a City managed facility.

In addition, the Northern Beaches Cycling Club is leading a proposed project to construct mountain bike trails within Yellagonga Regional Park. This is not a City project, though the City of Joondalup is a key stakeholder in the proposal.

Strategic approach to delivering new/upgraded facilities

The City of Joondalup Outdoor Youth Recreation Strategy is a strategic document to inform the future provision of facilities for outdoor youth recreation within the City of Joondalup.

The draft strategy includes the following three critical sections:

- Facilities framework.
- Key focus areas.
- Implementation actions.

The facilities framework provides the strategic context for decision making on the location and nature of future infrastructure to create a network of complementary facilities to respond to community need.

The resulting functional hierarchy of the following complementary facilities includes:

- **Incidental facilities:** a network of multi-purpose facilities that integrate with other community recreational activities within local and district parks. These facilities are suitable for skate, scooter, and BMX/bike users and can include elements supporting other physical social activity, such as informal outdoor basketball. A network of incidental facilities can be connected through paths, road underpasses and safe road crossings to create an interconnected trails experience across the City of Joondalup's neighbourhoods.
- **Dedicated facilities:** specialist hubs designed for a particular user group (e.g. skate/scooter or BMX). These facilities meet district needs associated with skills development, sport and competition for a particular style of youth recreation. dedicated facilities may be co-located with incidental, multi-use facilities to enhance their activation and use.

The strategy also defines **regional facilities**, which are high-quality, destination scale facilities which exceed the level required to meet community need, and instead focus on supporting broader economic and tourism outcomes.

Mountain biking is not a key focus of the strategy as it is a specialist recreation activity with a much wider target audience than young people. The strategy does, however, acknowledge that mountain bike users can utilise BMX facilities.

It also recognises the potential to develop establish interconnected urban BMX and mountain bike trails by linking different facilities in the City of Joondalup using paths, road underpasses and safe road crossings.

The strategy identifies that community need will be met through complementary provision of incidental and dedicated facilities across certain City of Joondalup open spaces.

The strategy sets out locational criteria for dedicated facilities (skate parks and BMX tracks). In determining early suitability of any potential location for a dedicated facility, the City should consider if a location meets these criteria before progressing further to more detailed investigations on the suitability of a site. These locational criteria include:

- access to public transport
- safe pedestrian and cycle links
- safe drop-off zone and adequate car parking
- visually prominent from roads and active public spaces
- good natural and passive surveillance
- effective access for emergency services
- associated amenities such as public toilets, water, shelter and shade
- close to retail outlets selling food and drink
- maintain a minimum buffer of 50 metres from residential property boundaries
- a place where young people want to be or adjacent to where they currently congregate
- close to existing shopping centres, community facilities or schools

- in or next to major activity hubs and attractors, including facilities for other user groups (for example playgrounds)
- in suburbs where users have identified demand through consultation processes
- sites where facilities complement and do not duplicate other outdoor recreational facilities.

To meet criteria regarding associated amenities and safety, a potential location would ideally have or require supporting infrastructure such as:

- lights
- toilets
- shade
- shelter
- seating
- water
- complementing facilities (for example playground)
- safe pedestrian access
- viewing areas
- parking
- disability access
- appropriate separation of activities that clash
- CCTV.

The City of Joondalup Outdoor Youth Recreation Strategy includes a number of Key Implementation Actions, including the preparation of formal business cases to evaluate options for the following facilities:

- A dedicated skate facility in the southern area of the City of Joondalup.
- A dedicated BMX facility in the central/coastal area of the City of Joondalup.
- Three to five multi-purpose multiple incidental facilities across the City of Joondalup.
- Consideration of the potential for an urban BMX/mountain bike trail connecting facilities across the City of Joondalup.

In addition to these facilities, the strategy recommends that the City continues to advocate for progression of the Lot 1 mountain bike hub to address the need for a dedicated BMX facility in the northern district of the City of Joondalup.

Instead of Council immediately deciding preferred locations for new facilities and progressing straight to detailed design and development of these facilities, the preparation of business case(s) would be the next logical step in the project process.

This course of action is necessary to properly evaluate selected site and facility options and undertake necessary financial modelling for the provision of new/upgraded facilities, and aligns with the project methodology outlined in the City's *Project Management Framework* (PMF), which is a guide to managing projects across the City of Joondalup. The PMF provides a standard approach for managing projects across the organisation, ensuring a consistent process for project proposals, planning, implementation, monitoring and closure.

The preparation of formal, detailed business case(s) for new youth outdoor recreation infrastructure is not currently contemplated in the City's *Corporate Business Plan* and would require the allocation of City resources over and above that already committed to existing projects. The business case process is also likely to require some community involvement. For these reasons, it is appropriate to seek Council's endorsement to progress to the formal, detailed business case stage.

This report therefore recommends that Council does not immediately proceed to detailed design and development of any skate, BMX or mountain bike facilities, but agrees to allocate City resources to preparation of formal, detailed business case(s) to properly evaluate selected site and facility options and undertake necessary financial modelling for the provision of new or upgraded facilities.

Addressing the petitions and requests

The petitions and requests that have been received highlight unmet community needs that are identified in the City of Joondalup Outdoor Youth Recreation Strategy, in particular:

- a dedicated skate facility in the southern part of the City:
 - petition for a skate park at Chichester Park received in March 2018
 - Council request for a report on a skate park and BMX track at Percy Doyle Reserve on 15 September 2020.
- a dedicated BMX facility in the southern part of the City:
 - petition for a BMX track at Kallaroo Park received in August 2018
 - Council request for a report on a skate park and BMX track at Percy Doyle Reserve on 15 September 2020.

These petitions and requests recommend site options that could be progressed by Council to meet identified need. It is noted, however, that the specific facilities requested by the petitions overlap in their catchment areas. If progressed individually, the facilities requested by the petitions would, in combination, exceed the community need identified by the strategy.

Petition for skate park at Chichester Park

A 261-signature petition was received by Council at its meeting held on 20 March 2018 (C23-03/18 refers), requesting a new skate park be built at Chichester Park, Woodvale.

The type of facility anticipated by this petition would be a dedicated skate facility, which corresponds to the need identified by the City of Joondalup Outdoor Youth Recreation Strategy for a dedicated skate facility in the southern part of the City.

However, Chichester Park has not been identified by the strategy as a potential site to consider as part of the business case for a dedicated skate facility. Key challenges affecting the suitability of Chichester Park for a dedicated skate facility include the following:

- The two sporting ovals are heavily utilised.
- The heavily treed area in the centre, between the two ovals, contains a natural area, a nine-hole frisbee Golf Park, and a Water Corporation Easement.
- Topography around the southern oval is steep, and unsuitable for a skate park.
- Passive surveillance to a skate park would be limited.
- There is limited supporting infrastructure, such as insufficient car parking and other complementary amenities.

Petition for dirt BMX track at Kallaroo Park

A 141-signature petition was received by Council at its meeting held on 21 August 2018 (C71-08/18 refers), requesting installation of a BMX dirt track at Kallaroo Park, Mullaloo.

The type of facility anticipated by this petition would be a dedicated BMX facility, which corresponds to the need identified by the City of Joondalup Outdoor Youth Recreation Strategy for a dedicated BMX facility in the central and coastal part of the City of Joondalup.

However, Kallaroo Park has not been identified as a potential site to consider as part of the business case for a dedicated BMX facility by the strategy. Key challenges affecting the suitability of Kallaroo Park for a dedicated BMX facility include:

- a large expanse of natural area takes up more than 60% of the park
- a Water Corporation Easement runs the length of Kallaroo Park between the verge and the central natural area
- a new play space is to be installed within the park in the short term, further limiting space available for dedicated facilities
- there is a lack of car parking and supporting infrastructure.

Request for report on a skate park and BMX track at Percy Doyle Reserve

At its meeting held on 15 September 2020 (C86-09/20 refers), Council requested the Chief Executive Officer to present a report to Council on establishing a skate park and BMX track at Percy Doyle Reserve.

The type of facilities anticipated by Council's most recent call for a report on 15 September 2020 (C86-09/20 refers) regarding Percy Doyle Reserve would be dedicated skate and dedicated BMX facilities, noting that these activities have different requirements to provide the necessary diversity of challenges, and the design of co-located facilities would require appropriate separation of activities that clash (for example, avoiding dirt spray onto skateboard areas).

This generally corresponds to the need identified by the strategy for a dedicated skate facility in the southern part of the City.

The City of Joondalup Outdoor Youth Recreation Strategy lists Percy Doyle Reserve as a site to be considered as part of a business case for a new, dedicated skate facility in the City of Joondalup. However, it is noted that Percy Doyle is close to Carine Skate Park (approximately 2.4 kilometres to the north-west) and falls within its catchment area.

Precinct master planning

Percy Doyle Reserve is the largest active reserve in the City of Joondalup with over 40 sporting clubs and groups using the facilities.

The Percy Doyle Reserve Masterplan project commenced in February 2009 following the endorsement of the City's revised Master Planning Process. Since then, stage one of the masterplan project (planning and initiation) and stage two (site and needs analysis) have been completed. The masterplan project was presented to the Elected Members in April 2014, seeking feedback on the future direction of the project.

While a preferred concept plan was identified, primarily due to the potential cost to deliver the project, it was determined that the project was not a high priority for the Council at that time. As a result, Council agreed to delay the Percy Doyle Reserve Masterplan project to 2030-31, and the existing buildings at the site have been subject to refurbishments or extensions to prolong their useful life and improve their functionality over the medium-term.

The construction of a new dedicated facility (skate park and/or or BMX track) at Percy Doyle, outside of a masterplan process or in the absence of a masterplan, may prove challenging when trying to determine the best location for other new facilities in the future or in the implementation of a future masterplan.

Notwithstanding this, a review of available land currently available within the reserve identified one potential area for dedicated facilities, being the "old tennis courts" site.



Site conditions

Percy Doyle Reserve has heavy limestone cap rock, which would make it costly to excavate the site for a skate facility. It would also impact the installation of underground power for lighting and plumbing for toilets. The cap rock constraints would drive the design of a facility toward a flat skate park, and this style of skate park only services one style of skating (street skating). Therefore, it is possible that only one user group would be serviced by a dedicated skate facility at this site.

There are a number of underground services located throughout Percy Doyle Reserve, the locations of which are currently unknown. While some preliminary mapping within strategic areas has been conducted on the site to identify critical sub-surface networks, further investigations would likely be required prior to undertaking any excavation or substantial works.

In 2018 a significant upgrade to the site power supply was progressed and, as such, there would be no capacity issues in powering any additional services such as lights or CCTV.

There are limited publicly accessible park toilets at Percy Doyle Reserve, due to the large number of leased facilities. Only Sorrento Football Club, which is a considerable walking distance from the possible site, currently contains a park unisex accessible toilet (Park UAT). For this site to be a viable option for a dedicated skate and BMX facility, a Park UAT, or free-standing toilet would likely need to be constructed closer to the proposed site.

Further to the above, research and consideration would need to be given to easements, water drainage/waterways, loss of green space and potential loss of significant trees, prior to making any decisions. These considerations would need to be researched, considered and outlined in detail in any future formal business case.

Strengths, Weaknesses, Opportunities, Threats SWOT analysis

The relevant site attributes and issues regarding dedicated skate and BMX facilities at Percy Doyle are summarised in the following Strengths, Weaknesses, Opportunities, Threats (SWOT) analysis.

Strengths	Weaknesses
<ul style="list-style-type: none"> • Open pocket of land available - previously tennis courts. • Available land area is sufficiently sized for both a skate park, BMX track and/or other youth facilities like basketball half court. • Direct bus access to precinct. • Parking on site. • Over 100m from houses. • Night-time use is possible with lights. • Good natural shade from surrounding trees. • Meets recognised need for more facilities in the City's southern area. • Sufficient power supply available 	<ul style="list-style-type: none"> • No supporting infrastructure on site. • Warwick train station is approximately 3.5km away. • Isolated from other youth-focused activities and facilities. • Within 2.5km of Carine Skate Park. • Considerable funding required to transform site into an attractive place for young people. • Toilet waste capacity. • Potentially significant site costs if excavation is required. • Available land is not visually prominent from external roads, impacting surveillance. • Site conditions may limit design of facility, limiting its use.
Opportunities	Threats
<ul style="list-style-type: none"> • New development to complement existing sporting fields. • Combination facility to reduce facility spread (such as combine BMX and then remove old facility from Galston park). • Placing a recreational facility alongside organised sports increases public awareness. • New engagement location for the City's Youth Team. • Young people get a modern facility to use. 	<ul style="list-style-type: none"> • Could impact long term master planning and redevelopment of Percy Doyle Reserve. • No other recreational facilities nearby will increase ongoing operational costs for the City for example toilets, shelter. • No short term identified demand for BMX facilities of this type in the southern part of the City. • Removes funding opportunity for development of other youth facilities in another location that could be identified as being a higher priority.

Petition for new BMX/mountain bike facility at Whitfords West Park, improvements to three existing BMX tracks and establishment of interconnected mountain bike trails

A 349-signature petition was received by Council at its meeting held on 8 December 2020 (C125-12/20 refers), requesting a new local or district scale combined mountain bike and BMX facility at Whitfords West Park, improvements to existing BMX tracks at Haddington Park, Triton Park and Littorina Park, and provision of BMX tracks and interconnected mountain bike trails through Craigie, Mullaloo and Padbury.

The type of facility anticipated by this petition would be a dedicated BMX facility and an urban BMX/mountain bike trail, which corresponds to the need identified by the strategy for a dedicated BMX facility in the central/coastal part of the City and the opportunity for a network of facilities to be connected through paths, road underpasses and safe road crossings to create an interconnected urban trails experience across the City of Joondalup's neighbourhoods.

The mountain bike element of the proposal would likely be considered a regional facility as the specialist nature of mountain biking exceeds the infrastructure required to meet overall community need.

Whitfords West Park, Haddington Park, Triton Park and Littorina Park, recommended by the December 2020 petition for new/upgraded mountain bike and BMX facilities as part of interconnected trails through Craigie, Mullaloo and Padbury, are listed in the City of Joondalup Outdoor Youth Recreation Strategy as sites to be considered as part of the business case for dedicated BMX facility and/or incidental facilities. The strategy also recommends that the business case considers the potential for establishment of an urban BMX/mountain bike trail to connect facilities across the City of Joondalup.

It is noted that Padbury and much of Craigie falls within the catchment area of the existing dedicated BMX facility at Shepherd's Bush.

Issues and options considered

There are a number of factors and potential issues to take into account when considering new skate, BMX and/or mountain bike facilities in the City of Joondalup. These are reflected in the criteria for location of dedicated outdoor youth recreation facilities, as set out in the City of Joondalup Outdoor Youth Recreation Strategy.

Participation rates are also a key factor in considering which type of facility would be best suited to meet community need. Participation rates are partly influenced by the cost of participation. Participation costs for skateboard and scooter users (in the form of equipment requirements) are comparatively low. From a user cost perspective, skate is, therefore, one of the most accessible forms of outdoor youth recreation and has the potential to attract the highest number of users.

Another factor in considering which type of facility would be best suited to meet community need is how the facility could meet the needs of the broadest range of participants. BMX users can and do utilise skate facilities, whereas BMX facilities can generally not be used by skate and scooter users.

Therefore, provision of skate and multi-purpose facilities would have the greatest potential impact on meeting overall community need. Complementary provision of multi-purpose facilities alongside dedicated skate and BMX facilities therefore underpins the City of Joondalup Outdoor Youth Recreation Strategy.

Mountain biking as a sport is comparatively elite, with equipment costs exceeding the financial capacity of many youth in the City of Joondalup. As a specialist recreation activity, it has not formed part of the strategy. It is noted that mountain bike users can utilise both BMX and mountain bike facilities, however facilities suitable for all ages at the community level may not be viewed as sufficiently challenging for experienced mountain bike users.

The options available to Council are:

Option 1 – Prepare one consolidated business case for sites recommended by the Key Implementation Actions of the City of Joondalup Outdoor Youth Recreation Strategy

In line with the priority implementation actions of the City of Joondalup Outdoor Youth Recreation Strategy, proceed with a formal, detailed business case to investigate the viability and suitability of:

- a dedicated skate facility within the southern area of the City of Joondalup, including consideration of Percy Doyle Reserve and other potential sites identified by the strategy
- a dedicated BMX facility within the central/coastal area of the City of Joondalup, including consideration of Whitfords West Park and other potential sites identified by the strategy
- three to five incidental (multi-purpose) facilities across the City of Joondalup, considering potential sites identified by the strategy
- consideration of the potential for establishment of an urban BMX/mountain bike trail to connect facilities across the City of Joondalup.

The business case process would include community consultation to facilitate participation of the community, users, and residents in the evaluation of various site and facility options.

This option ensures Council has well researched and accurate site and financial information about the impacts of facilities in any location to assist in informed decision making. The business case process would provide the necessary financial, constructability, social, and environmental attributes and impacts of the options, and would allow Council to consider proposals for facilities in a holistic, strategic way.

This option is recommended.

Immediate commencement of a business case would enable confirmation of the preferred type, location and cost estimate of outdoor youth recreation facilities by late 2021, enabling Council's consideration of funding allocation into future capital works programs.

Option 2 – Prepare individual business cases for different, selected facilities/sites

Proceed with the development of separate business cases to investigate the viability and suitability of:

- a skate park and BMX track at Percy Doyle Reserve
- a combined mountain bike and BMX facility at Whitfords West Park; improvements to existing BMX tracks at Haddington Park, Triton Park and Littorina Park; and three interconnected mountain bike trails through Craigie, Mullaloo and Padbury.

This option would mean the financial, constructability, social, and environmental suitability of other potential sites for facilities as listed in the City of Joondalup Outdoor Youth Recreation Strategy would not be taken into account in making a decision on allocation of staff resources and funding for significant infrastructure projects for the City. By progressing these individual projects separately, and not in alignment with the strategy, may also mean that the resulting facilities do not provide the most appropriate, complementary arrangement across the City of Joondalup to meet overall community need for outdoor youth recreation.

This option is not recommended.

Option 3 – Progress straight to detailed design and development

Progress the detailed design and development of:

- a skate park and BMX track only at Percy Doyle Reserve
- a combined mountain bike and BMX facility at Whitfords West Park; improvements to existing BMX tracks at Haddington Park, Triton Park and Littorina Park; and three interconnected mountain bike trails through Craigie, Mullaloo and Padbury.

The progression of projects to develop skate and BMX facilities in the absence of a formal business case that evaluates site suitability of the suggested locations (considering their financial, constructability, social, and environmental impacts and attributes) in addition to other potentially suitable sites may mean that valuable City resources are not allocated in the right manner, right location, or in response to identified priorities for varied facility types across the City. It may also mean that the resulting facilities do not provide the most appropriate, complementary arrangement across the City to meet overall community need for outdoor youth recreation, in a financially responsible manner.

This option does not align with the project methodology outlined in the City's *Project Management Framework* and is not recommended.

Legislation / Strategic Community Plan / Policy implications

Legislation *Environmental Protection (Noise) Regulations 1997.*

Strategic Community Plan

Key theme	<ul style="list-style-type: none"> • Quality Urban Environment. • Community Wellbeing.
Objective	<ul style="list-style-type: none"> • Quality open spaces. • Quality facilities. • Community spirit.
Strategic initiative	<ul style="list-style-type: none"> • Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity. • Understand the demographic context of local communities to support effective facility planning. • Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

Risk management considerations

There are some risks associated with the immediate design and development of individual projects to develop skate and BMX/mountain bike facilities. These are as follows:

- Developing a new skate park and BMX track at Percy Doyle Reserve ahead of a planned masterplan process may limit opportunities at the strategic recreation site in the future.
- Developing facilities ahead of progression of a comprehensive business case may mean that valuable City resources are not allocated in the right manner or right location, or in a financially responsible manner.

- Progressing with a business case for outdoor youth facilities will require community consultation. If work has not been done to determine that any particular site is more suitable than any other for dedicated facilities (as recommended by Option 1), this may cause a negative reaction from the community who may prefer a facility to be located in their neighbourhoods.

Financial / budget implications

Cost estimates for skate and BMX/mountain bike facilities and ancillary infrastructure have not been obtained at this stage. However, if Council agrees to proceed with a formal business case, further financial information would be obtained.

A business case would include financial modelling enabling the comparison of capital and operational costs for facilities at various potential locations, including consideration of site preparation costs which would vary across sites as a result of constructability conditions such as geotechnical and topographic conditions.

Regional significance

Not applicable.

Sustainability implications

Environmental

Environmental implications of progressing any new or upgraded outdoor youth facility at any specific site would be explored through the formal business case for that project. The evaluation of environmental impacts at each potential site would inform consideration of the preferred site(s) for facilities.

Social

The social implications of progressing a new facility at any specific site would be explored through the formal business case for that project.

Economic

A formal business case would include financial modelling enabling the comparison of capital and operational costs for dedicated facilities at varied potential locations.

Consultation

Community consultation, including a survey and workshops, was conducted from 11 June to 4 July 2018 to determine the community's needs as part of the analysis work that informed the development of the City of Joondalup Outdoor Youth Recreation Strategy.

Consultation outcomes relevant to future skate and BMX facilities across the City of Joondalup include the following:

- That 92% of survey participants supported the development of new, on-trend dirt BMX, skate and outdoor youth recreation facilities in the City of Joondalup.
- The top preferred locations for new skate spaces were identified as Joondalup, Hillarys, Woodvale, Mullaloo, Duncraig, Burns Beach and Edgewater.
- The top preferred locations for new BMX spaces were identified as Hillarys, Joondalup, Greenwood, Ocean Reef, Woodvale, and Burns Beach.

Community consultation has not been undertaken in relation to a skate park and/or BMX track at any specific location in the City of Joondalup. However, community consultation would be undertaken prior to establishing a new youth outdoor recreation facility in any location.

COMMENT

Youth outdoor recreation facilities, including skate and BMX/bike facilities, are recognised as an important aspect of community. To meet community needs and be successful, safe, fun, and vibrant, it is critical that youth outdoor recreation facilities are located and designed to respond to the key users of the facilities and their associated needs and requirements.

Alongside meeting community need, financial sustainability is a key consideration in planning for and delivering facilities. In particular, the long-term operating costs of facilities such as maintenance expenditure should contribute to decision-making and facility planning. Business cases are a key tool to achieve this, and therefore should be undertaken prior to the selection of sites for youth outdoor recreation facilities.

It is therefore recommended that, instead of proceeding directly to detailed design and development of any facilities at this time, the Council agrees to dedicate staff resources to the development of a formal business case for the provision of:

- a dedicated skate facility within the southern area of the City of Joondalup, including consideration of Percy Doyle Reserve and other potential sites identified by the strategy
- a dedicated BMX facility within the central/coastal area of the City of Joondalup, including consideration of Whitfords West Park and other potential sites identified by the strategy
- three to five incidental facilities considering potential sites identified by the strategy
- consideration of the potential for establishment of an urban BMX/mountain bike trail to connect facilities across the City of Joondalup.

as identified by the Key Implementation Actions contained in the draft City of Joondalup Outdoor Youth Recreation Strategy.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the information provided in response to:**
 - 1.1 a petition requesting a new skate park be built at Chichester Park, Woodvale;**
 - 1.2 a petition requesting installation of a BMX dirt track at Kallaroo Park, Mullaloo;**
 - 1.3 Council's request for a report on the potential for a skate and BMX facility at Percy Doyle Reserve, Duncraig;**
 - 1.4 a petition for a BMX and mountain bike facility at Whitfords West Park and associated mountain bike trails;**
- 2 AGREES not to proceed directly to detailed design and development of skate, BMX or mountain bike facilities, at this time;**
- 3 REQUESTS the Chief Executive Officer to initiate development of a formal, detailed business case for the provision of:**
 - 3.1 a dedicated skate facility within the southern area of the City of Joondalup, including consideration of Percy Doyle Reserve and other potential sites identified by the *City of Joondalup Outdoor Youth Recreation Strategy*;**
 - 3.2 a dedicated BMX facility within the central/coastal area of the City of Joondalup, including consideration of Whitfords West Park and other potential sites identified by the *City of Joondalup Outdoor Youth Recreation Strategy*;**
 - 3.3 three to five incidental facilities considering potential sites identified by the *City of Joondalup Outdoor Youth Recreation Strategy*;**
 - 3.4 consideration of the potential for establishment of an urban BMX/mountain bike trail to connect facilities across the City of Joondalup;**
- 4 ADVISES the lead petitioners of its decision.**

ITEM 19**OCEAN REEF MARINA BUSINESS PLAN**

WARD	North-Central
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Office of the CEO
FILE NUMBER	04171B; 101515
ATTACHMENTS	Attachment 1 Heads of Agreement – Ocean Reef Marina Attachment 2 Ocean Reef Marina Business Plan Attachment 3 Ocean Reef Marina Financial Evaluation – Overall Summary Attachment 4 Ocean Reef Marina Risk Assessment
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to authorise the execution of the Ocean Reef Marina Heads of Agreement and to approve the *Ocean Reef Marina Business Plan* for public advertising in accordance with section 3.59 of the *Local Government Act 1995*.

EXECUTIVE SUMMARY

Through the Major Projects and Finance Committee, Council has been informed of progress on the preparation of the Ocean Reef Marina Development Agreement (Development Agreement), its components, companion agreements/deeds and key principles (4 May 2020, Item 1; 13 July 2020, Item 8; 2 November 2020, Item 1).

The Development Agreement will include the agreed process for the transfer of the City's freehold land required for the project. Before Council can approve the agreement and proceed with the land transfer, a business plan must be prepared and advertised in compliance with section 3.59 of the *Local Government Act 1995* (the Act).

In order for the *Ocean Reef Marina Business Plan* (the plan) to be prepared, in-principle agreement between the City and DevelopmentWA on the key components and undertaking/key principles was needed. A non-binding Heads of Agreement (HoA) has been prepared for consideration by Council (Attachment 1 refers). The *Ocean Reef Marina Business Plan* was subsequently prepared for Council's consideration (Attachment 2 refers).

The City is required to advertise the plan for public comment prior to seeking Council approval to proceed with the major land transaction as described in the plan.

It is therefore recommended that Council:

- 1 *APPROVES the Ocean Reef Marina Heads of Agreement provided as Attachment 1 to this Report;*
- 2 *REQUESTS the Chief Executive Officer to execute the Ocean Reef Marina Heads of Agreement as detailed in part 1 above;*
- 3 *APPROVES the Ocean Reef Marina Business Plan provided as Attachment 2 to this Report for public advertising in accordance with section 3.59 of the Local Government Act 1995.*

BACKGROUND

At its meeting held on 9 March 2020, the Major Projects and Finance Committee noted the Ocean Reef Marina – Land Tenure and Assembly report (Item 11 refers). The report provided details of the proposed land tenure and assembly strategy, the required sub-division process, land valuation assessment and legal advice regarding the City's requirements under section 3.59 of the Act.

The legal advice indicated that compliance with section 3.59 would require the City to prepare and advertise a business plan.

The business plan process as outlined in section 3.59 is summarised as follows:

- The business plan is to include an overall assessment of the major land transaction and is to include details of:
 - its expected effect on the provision of facilities and services by the local government
 - its expected effect on other persons providing facilities and services in the district
 - its expected financial effect on the local government
 - its expected effect on matters referred to in the local government's current strategic and other plans
 - the ability of the local government to manage the undertaking or the performance of the transaction.
- The City must give state-wide public notice of the proposal to enter into a major land transaction and a copy of the business plan must be available to be publicly inspected.
- Public submissions may be made for a period of not less than six weeks and any submissions received must be considered by Council prior to a decision being made on proceeding with the major land transaction.

Since DevelopmentWA assumed responsibility for the project on behalf of the State Government, the City has evaluated the financial impacts of the project. A financial evaluation report was presented to the Major Projects and Finance Committee at its meeting held on 9 March 2020 (Item 12 refers). To inform the preparation of the required business plan, the financial evaluation was amended and updated, based on in-principle agreement of the relevant key components (Attachment 3 refers).

DETAILS

At its meeting held on 2 November 2020 (Item 1 refers), the Major Projects and Finance Committee resolved that it:

- 1 *NOTES the status of the Ocean Reef Marina project as outlined in this Report;*
- 2 *NOTES a report on the preparation of the Ocean Reef Marina Development Agreement between the City and DevelopmentWA will be presented to the Major Projects and Finance Committee at a future meeting;*
- 3 *NOTES a draft Ocean Reef Marina Business Plan will be presented to Council, via the Major Projects and Finance Committee, at a future meeting.*

In accordance with the clause 6.1(g) of the Memorandum of Understanding (MOU) between the City and DevelopmentWA (endorsed by Council at its meeting held on 20 February 2018, Item CJ031-02/18 refers), the City agreed to “*contribute the portion of City owned land required for the Project for an agreed market value (assumed to be nominal) consideration*”.

The transfer of the City’s freehold land to the State Government is considered a major land transaction under section 3.59 of the Act. As such the City is required to undertake a business plan process. The tasks required to complete the process are outlined further in this Report.

The Development Agreement required pursuant to clause 7.3 of the MOU will be the legally binding document which will outline the City’s commitment to the project, including the transfer of the City’s freehold land and on-going management and maintenance responsibilities. However, this agreement cannot be finalised or executed until the City’s obligations to prepare and advertise a business plan are met.

To inform the preparation of the *Ocean Reef Marina Business Plan* (the plan), the City needed to reach in-principle agreement with DevelopmentWA (as implementers of the development on behalf of the State Government) on the key terms of the Development Agreement.

The execution of the Development Agreement is a critical step in progressing the development of the marina. Without the agreement in place, the City is not able to transfer its land which affects DevelopmentWA’s ability to undertake the crucial sub-division process. Delaying the sub-division process would have a financial impact on the project overall.

A draft Heads of Agreement (HoA) has been prepared outlining the key components of the Development Agreement and the undertakings/key principles that have received in-principle agreement from DevelopmentWA (Attachment 1 refers). The plan includes relevant components of the HoA together with the key principles. It should be noted that the HoA is a non-binding “in-principle” document only which will be superseded by the legally binding Development Agreement.

The financial components of the plan have been informed by the extensive financial modelling undertaken by the City over the past three years. Attachment 3 to this Report provides an overall summary of the Ocean Reef Marina financial evaluation.

The City is required to advertise the plan for public comment prior to seeking Council approval to proceed with the major land transaction as described in the plan (Attachment 2 refers).

Issues and options considered

Option 1: Council decides not to approve the Ocean Reef Marina Heads of Agreement for execution and the *Ocean Reef Marina Business Plan* for public advertising.

This option would significantly delay the project as the crucial sub-division process that DevelopmentWA is required to undertake cannot occur until the City's freehold land is transferred to the State Government.

There is also the risk that the State Government would resume the land regardless which would severely limit the City's ability to negotiate advantageous terms for its on-going role in the construction, management and operation of the marina.

This is not the recommended option.

Option 2: Council decides to approve the Ocean Reef Marina Heads of Agreement for execution and the *Ocean Reef Marina Business Plan* for public advertising.

This option would ensure that the project can progress in accordance with the required DevelopmentWA and State Government timelines. It would also reinforce the City's commitment to working collaboratively to ensure the project is delivered in accordance with community expectations.

This is the recommended option.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 3.59 of the *Local Government Act 1995*.
City of Joondalup Local Planning Scheme No. 3.

Other applicable legislation includes:

- *Planning and Development Act 2005.*
- *Environmental Protection Act 1986.*
- *Fisheries Adjustment Scheme Act 1987.*
- *Land Administration Act 1997.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *Environmental Protection, Biodiversity and Conservation Act 1999 (Cwlth).*
- *Native Title Act 1993 (Cwlth).*

The approvals for the development are influenced by State Planning and Development Control policies:

- *2.6: State Coastal Planning Policy.*
- *2.8: Bushland Policy for the Perth Metropolitan Region.*
- *3.7: Planning in Bushfire Prone Areas.*
- *1.8: Canal Estates and Artificial Water.*

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Destination City.

- Strategic initiative**
- Facilitate the establishment of major tourism infrastructure.
 - Encourage diverse accommodation options.

Policy Not applicable.

Risk management considerations

A risk assessment for this phase of the project is provided in Attachment 4 to this Report. It should be noted that the risk assessment is constantly reviewed and amended as the project passes through each phase.

Financial / budget implications

The financial / budget implications are included in the overall financial evaluation of the Ocean Reef Marina (Attachment 3 refers).

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The Ocean Reef Marina Heads of Agreement was prepared in consultation with DevelopmentWA.

COMMENT

Through extensive negotiations, the City has been able to achieve in-principle agreement with DevelopmentWA that meets Council's expectations for the City's on-going Ocean Reef Marina management, maintenance and operating responsibilities.

Further, it is anticipated that the in-principle agreement outlined in the HoA will result in a neutral or cash positive result for all but the worst case scenario which meets the financial expectations outlined in the endorsed Ocean Reef Marina Project Philosophy and Parameters (Item JSC5-05/09 refers).

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 APPROVES the Ocean Reef Marina Heads of Agreement provided as Attachment 1 to this Report;**
- 2 REQUESTS the Chief Executive Officer to execute the Ocean Reef Marina as detailed in part 1 above;**
- 3 APPROVES the *Ocean Reef Marina Business Plan* provided as Attachment 2 to this Report for public advertising in accordance with section 3.59 of the *Local Government Act 1995*.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf210209.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

CLOSURE

**APPENDICES FOR AGENDA FOR
BRIEFING SESSION
9 FEBRUARY 2021**

ITEM NO.	TITLE	APPENDIX NO.	STAMPED PAGE NO.
1	DEVELOPMENT AND SUBDIVISION APPLICATIONS – NOVEMBER AND DECEMBER 2020	1	1
2	DRAFT STATE PLANNING POLICY 4.2 – ACTIVITY CENTRES – CITY OF JOONDALUP SUBMISSION	2	16
3	PROPOSED SEVEN MULTIPLE DWELLINGS AT LOT 472 (41) TWICKENHAM DRIVE, KINGSLEY – SECTION 31 RECONSIDERATION	3	56
4	PROPOSED SIX GROUPED DWELLINGS (AGED OR DEPENDENT PERSONS' DWELLINGS) AT LOTS 531 (16) AND 532 (18) MYAREE WAY, DUNCRAIG – RECONSIDERATION	4	153
5	EXECUTION OF DOCUMENTS	5	257
6	EIGHT YEAR REVIEW OF LOCAL LAWS	6	269
7	CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER 2020 TO 31 DECEMBER 2020	7	377
10	LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2020	8	497
11	LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2020	9	582
12	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2020	10	646
13	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2020	11	658
14	TENDER 034/20 – PROVISION OF PLANT HIRE	12	671
17	CITY OF JOONDALUP OUTDOOR YOUTH RECREATION STRATEGY	13	674
19	OCEAN REEF MARINA BUSINESS PLAN	14	706



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

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

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

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

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

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