

agenda

Briefing Session

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

ON TUESDAY 9 MARCH 2021

COMMENCING AT 6.30pm

MAT HUMFREY
Acting Chief Executive Officer
5 March 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 March 2021.**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

IMPORTANT INFORMATION

ATTENDANCE AT MEETING DURING COVID-19 PANDEMIC

Due to State of Emergency and Public Health State of Emergency declared as a result of the COVID-19 pandemic, public attendance at City of Joondalup meetings has unfortunately been restricted.

To maintain the required physical distancing separation between people during this time, **the maximum public attendance at meetings has been capped at 55 people** (37 in the Chamber and 18 in the adjoining lobby). Any members of the public wishing to attend the meeting above this limit will unfortunately be denied entry.

To manage expectations, members of the public wishing to attend the meeting and ask up to two (2) questions and / or to make a public statement, can register their own interest from 9.00am on the day of the meeting by emailing council.questions@joondalup.wa.gov.au or by telephoning (08) 9400 4313. Members of the public can only register themselves and cannot submit a request on behalf of others.

Attendance priority will be given to those persons listed in a submitted and approved Deputation Request (at Briefing Sessions only) followed by members of the public wishing to ask up to two (2) verbal questions and/or to make a verbal public statement.

Members of the public wishing to only attend the meeting to observe the proceedings, will be permitted to attend where any seats remain vacant after consideration of the above attendee requests.

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

Entry to the City's premises will be restricted after 30 minutes have elapsed past the scheduled start time of the meeting. The public are therefore encouraged to arrive at the meeting well before the scheduled start time of the meeting.

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

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

From 5 December 2020, members of the public will be requested to scan the City's SafeWA QR Code on entry to the Chamber, or register their details with the City. Members of the public are therefore requested to download the SafeWA app from the [Apple App Store](#) or the [Google Play Store](#).

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

CIVIC CENTRE EMERGENCY PROCEDURES

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

Alarms

The City of Joondalup emergency system has two alarm tones:

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

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

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

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

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



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

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

PROCEDURES FOR DEPUTATIONS

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

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

PROCEDURES FOR PUBLIC QUESTION TIME

Questions asked Verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a report contained in the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per person.
- 5 Statements are not to precede a question during public question time and questions must be succinct and to the point. Statements can only be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and their decision is final
 - nominate a City employee to respond to the question
 - or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Briefing Session.
- 9 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing Session that is not relevant to a report listed in the agenda
 - or
 - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any responses will be summarised and included in the agenda of the next Briefing Session.

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

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

- 1 Only City of Joondalup residents and / or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a report contained in the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident / ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included in the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

- 1 Members of the public are invited to make public statements verbally at Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a report contained in the agenda.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public statement time will be limited to two minutes per person.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing Session, that is not relevant to a report listed in the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 Public statements will be summarised and included in the agenda of the next Briefing Session.

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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:

[AdditionalInformation20210309.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 9 March 2021** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

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

DEPUTATIONS

The following summarised depositions were submitted to the Briefing Session held on Tuesday 9 February 2021:

DEPUTATION NO. 1 - ITEM 4 - PROPOSED SIX GROUPED DWELLINGS (AGED OR DEPENDENT PERSONS' DWELLINGS) AT LOTS 531 (16) AND 532 (18) MYAREE WAY, DUNCRAIG - RECONSIDERATION

Mr Carter of Pinnacle Planning, representing the owners of Lots 531 and 532 Myaree Way, Duncraig, spoke in favour of the proposed six grouped dwellings, advising that a mediation conference had been undertaken between the applicant and the City of Joondalup's Ward Councillors in which all concerns previously raised by the City of Joondalup had been considered and the relevant changes made to the development plans.

Mr Carter advised the following key differences formed part of the amended proposal:

- Extra parking provided to ensure full provision of compliant parking bays.
- Extra landscaping for all units, and common property, with a focus on tree canopy cover increase.
- Widening of shared access way, to the acceptance of an independent traffic engineer.
- Removal of small variations to fill on western boundary.
- Removal of bulk from roof to front unit to western boundary.
- Lowering of wall height of front wall to western boundary.
- Increased landscape interface between dwellings to common property.

Mr Carter requested elected members approve the proposed six group dwellings at Lots 531 and 532 Myaree Way, Duncraig adding that the mediation process has resulted in an improved set of plans that enhance planning compliance and meet the needs of the applicant.

DEPUTATION NO. 2 - ITEM 4 - PROPOSED SIX GROUPED DWELLINGS (AGED OR DEPENDENT PERSONS' DWELLINGS) AT LOTS 531 (16) AND 532 (18) MYAREE WAY, DUNCRAIG - RECONSIDERATION

Mr Crosby spoke against the proposed six grouped dwellings, requesting that elected members reject the development.

Mr Crosby raised the following points:

- The development would impact residents due to an increase in traffic.
- There is no footpath on this street.
- Why would Council approve this development when there is an approved development of 10 over 55s apartments only 600 metres away.
- The State Government's *State Planning Policy 7.3 'Residential Design Codes Volume 1' (5.5.2 Aged or dependent persons' dwellings)* sets the design elements in areas coded less than R40 and this proposal does not meet the design principles.
- Local governments are required to develop and implement a Disability Access and Inclusion Plan every five years, this develop would ensure people with a disability would not have equal access as there is no footpath, it is not located close to high frequency public transport and the nearest shop is over 640 metres away.

DEPUTATION NO. 3 - ITEM 4 - PROPOSED SIX GROUPED DWELLINGS (AGED OR DEPENDENT PERSONS' DWELLINGS) AT LOTS 531 (16) AND 532 (18) MYAREE WAY, DUNCRAIG - RECONSIDERATION

Mr and Mrs DeMarte spoke against the proposed six group dwellings, requesting that elected members reject the development.

Mr and Mrs DeMarte raised the following points:

- The site is not appropriate as it is located 794 metres from the closest "high frequency" bus stop; there is no footpath; and existing approval at 57 Marri Road has not yet commenced.
- The State Government's *State Planning Policy 7.3 'Residential Design Codes Volume 1' (5.5.2 Aged or dependent persons' dwellings)* sets the design elements in areas coded less than R40 and this proposal does not meet the design principles.
- Why has the City of Joondalup's modifications of the R-Codes overridden the State Government's policy?

DEPUTATION NO. 4 - ITEM 4 - PROPOSED SIX GROUPED DWELLINGS (AGED OR DEPENDENT PERSONS' DWELLINGS) AT LOTS 531 (16) AND 532 (18) MYAREE WAY, DUNCRAIG - RECONSIDERATION

Ms Jones spoke against the development of six grouped dwellings at 16 and 18 Myree Way, Duncraig.

Ms Jones raised the following points:

- The development is detrimental to the amenity of surrounding properties as the site is not located in close proximity to public transport and services and inadequate visitor parking as proposed, therefore not meeting design principles of clause 5.5.2, Part 2 of the R-Codes, Volume 1.
- The amendments have not made a difference to the amenity of surrounding properties or address issues raised by the community.
- There is potential for parking issues due to the planting of trees being proposed on the verge, with excess parking likely to occur on the street and neighbouring verges.

- If the proposed number of units was reduced, discretions would not be necessary and the development would be inkeeping with the surrounding community.
- Myaree Way does not have the infrastructure to safely support aged/dependent occupants who may walk to public transport and services, due to the street being narrow and there being no footpath.

Ms Jones requested that Council not approve the development.

DEPUTATION NO. 5 - ITEM 4 - PROPOSED SIX GROUPED DWELLINGS (AGED OR DEPENDENT PERSONS' DWELLINGS) AT LOTS 531 (16) AND 532 (18) MYAREE WAY, DUNCRAIG - RECONSIDERATION

Mr Tate of JMB Coastal Pty Ltd spoke in support of the development application and requested Council approve the development application.

Mr Tate raised the following points:

- The proposed development meets the need for aged or dependent persons dwellings in the City of Joondalup.
- The City of Joondalup's population from 2016 shows a high proportion of residents are aged 60 years or older, and it is predicted that by 2031 there will be an increase of 45% in this demographic.
- The block has almost 40 metre frontage and will accommodate six units, compared to other over-55 sites within the City where five or six units are accommodated on one single lot with only 20 metre frontage.
- This size block will allow for homes to be designed with greater open space and outdoor living areas.
- The development is in close proximity to local facilities.
- The development is an alternative to the over-55s who are downsizing but do not want the apartment lifestyle.
- Necessary changes to the development have been made, which arose from a mediation session with the City of Joondalup.
- This development meets the City of Joondalup goal of "ensuring that dwellings for the aged and people with special needs can be provided within residential areas".
- The development will blend in with the existing streetscape and result in future residents fitting in well with the local community.

Mr Tate requested Council to approve the development application.

DEPUTATION NO. 6 - ITEM 17 - CITY OF JOONDALUP OUTDOOR YOUTH RECREATION STRATEGY AND ITEM 18 - PROPOSALS FOR SKATE, BMX AND MOUNTAIN BIKE FACILITIES IN THE CITY OF JOONDALUP

Mr Harrison and Mr Smeal representing Northern Beaches Cycling Club spoke in support of the Outdoor Youth Recreation Strategy and the proposal for skate, BMX and mountain bike facilities.

Mr Harrison and Mr Smeal raised the following points:

- There are higher numbers of mountain bikes users compared to only a small number of BMX users in the under 17yrs age group.
- An Urban Mountain Bike Trail (MBT) has multiple entry points, is single directional and caters for ultra-high capacity, the connection of several Urban MBT through the City of Joondalup will create a vibrant and fun centre for users.

Mr Harrison and Mr Smeal requested Council to defer the Outdoor Youth Recreation Strategy, and the proposals for skate, BMX and mountain bike facilities so that it can be planned correctly, delivered in stages and any inconsistencies can be resolved.

DEPUTATION NO. 7 - ITEM 17 - CITY OF JOONDALUP OUTDOOR YOUTH RECREATION STRATEGY. AND ITEM 18 - PROPOSALS FOR SKATE, BMX AND MOUNTAIN BIKE FACILITIES IN THE CITY OF JOONDALUP

Mr Howard representing the Northern Beaches Cycling Club Inc spoke in support of the Outdoor Youth Recreation Strategy and the proposal for skate, BMX and mountain bike facilities.

Mr Howard raised the following points:

- Will the City of Joondalup include the Northern Beaches Cycling Club as a key stakeholder for the Outdoor Recreation Strategy and the development of local sporting and recreational cycling facilities?
- In the absence of a Road Cycling Plan, will the City of Joondalup include road cycling for sport and recreation in the strategy and plans?
- Would the City of Joondalup consider training circuits for bike education/training/racing?
- Can Items 17 and 18 integrate the “Western Australian Strategic Cycling Facility Plan” by the State Sporting Organisation WestCycle?
- What are the longer term plans for the management of the proposed facilities?
- What role does sport and recreation clubs in the City of Joondalup have in the Outdoor Youth Recreation Strategy?

DEPUTATION NO. 8 - ITEM 18 - PROPOSALS FOR SKATE, BMX AND MOUNTAIN BIKE FACILITIES IN THE CITY OF JOONDALUP

Mr Smeal representing Northern Beaches Cycling spoke in support of the proposal for skate, BMX and mountain bike facilities.

Mr Smeal raised the following points:

- There is approximately 20,000 children between the ages of 10 and 17 years in the City of Joondalup who do not have easy access to mountain bike facilities.
- There are many benefits of mountain biking, such as it appeals to different ages and skills; builds resilience, self confidence and independence; users will not need access to vehicles.
- The cost to build a single direction track is approximately \$250 per metre which will include jumps, curves, and the like.
- The cost to design a node is approximately \$5,000, and the cost to build is \$250 per metre (estimate \$400,000 for a large node, and \$100,000 for a small node), with an annual maintenance of \$50 per metre.
- The vision to develop and manage a high quality full urban mountain bike trail in the City of Joondalup will be a first in Australia.
- The City of Joondalup has suitable parks and nature strips for the trails.
- There are many relevant stakeholders that should be included as part of the consultation process such as local children who are aged under 17 years, City of Joondalup staff, Department of Local Government, Sport and Cultural Industries, WestCycle, Water Corporation, Department of Education and local schools.
- There are plans required for four each individual trail and node, each plan will need to address safety concerns and ensure that they are communicated effectively to users.

DEPUTATION NO. 9 - ITEM 19 - OCEAN REEF MARINA BUSINESS PLAN

Mr and Mrs Baldwin spoke against the Ocean Reef Marina Business Plan, requesting that elected members reject the business plan.

Mr and Mrs Baldwin raised the following points:

- Lots 1029 and 1032 should be purchased at market value as they are prime beachfront land.
- There will be negative environmental impacts such as erosion and pollution from the Beenyup Wastewater Treatment Outfall as well as the removal of the sea wrack.
- The development will be a financial, health and lifestyle loss.
- How can an accurate and realistic business plan be developed when the plans for the marina are in the draft phase?
- Why would people pay to park and visit the Ocean Reef Marina when nearby marinas (Hillarys and Mindarie) do not charge for parking and are doing poorly financially?
- The table shown at 4.3 Cumulative Cash Flows is misleading as the baseline does not include the \$5.5 million the City of Joondalup has already incurred.
- Why was information received as part of a public consultation undertaken by the City of Joondalup in 2017 not taken into consideration in which 95% of those surveyed did not want housing in the area rather the natural bushland retained.
- Why hasn't the public been consulted on the current concept plan?

DEPUTATION NO. 10 - ITEM 19 - OCEAN REEF MARINA BUSINESS PLAN

Ms Boylan spoke against the Ocean Reef Marina Business Plan stating that she has concerns in relation to the viability of the development and whether a profit would be made by the City of Joondalup.

Ms Boylan queried why works were allowed to start on the Ocean Reef Marina when the business plan had not been completed, and also queried the cost of maintenance the marina would impose on City of Joondalup ratepayers. Ms Boylan added that as DevelopmentWA would be implementing the program should ongoing costs of the marina fall to State Government.

Ms Boylan stated that she objected to the paid parking aspect of the business plan adding that as a resident of Joondalup she should not have to pay to use a facility that as a ratepayer she would already be paying for.

Ms Boylan implored elected members to read the Ocean Reef Marina Business Plan carefully and seek financial advice to ensure they understand the large financial burden the City of Joondalup will be undertaking if the business plan is approved.

DEPUTATION NO. 11 - ITEM 19 - OCEAN REEF MARINA BUSINESS PLAN

Ms Conlan representing the Urban Bushland Council Committee spoke against the Ocean Reef Marina Business Plan urging elected members to reject the business plan.

Ms Conlan raised the following points:

- A Bush Forever site as well as a Class A Marine Reserve would be destroyed as part of the marina development.
- The planning process undertaken by the City of Joondalup has been flawed and has lacked transparency.
- The project will be an unfair financial burden on City of Joondalup ratepayers.

- A City of Joondalup Community Coastal Values survey was undertaken in 2018, which showed that preserving the natural coast was preferred to development on the site.
- How can works on the site go ahead before a business plan is in place?
- Why is the City of Joondalup selling over 10 hectares of land to DevelopmentWA for \$1.00?
- Why has no cost benefit analysis been undertaken on the value of the natural environment and the ecosystem it services?

DEPUTATION NO. 12 - ITEM 19 - OCEAN REEF MARINA BUSINESS PLAN

Ms Harbor spoke against the business plan for the Ocean Reef Marina, and requested elected members to reject it.

Ms Harbor stated that the business plan is an unknown liability to ratepayers, expressing concerns with regard to the damage that the project will cause to the natural bushland, where you can walk and cycle, and visit natural limestone cliffs.

DEPUTATION NO. 13 - ITEM 19 - OCEAN REEF MARINA BUSINESS PLAN

Ms Kwok spoke against the Ocean Reef Marina Business Plan questioning if the value of the existing environment, especially the importance of the bush, limestone cliff, coral coast cliff, inscription, marine environment, aboriginal artifacts and shipwrecks has been taken into account?

Ms Kwok raised the following points:

- The Bush Forever Site 325 is an urban environment that acts as a natural barrier to buffer environmental extremes, it aids in air quality regulation, urban cooling and sand dune stabilisation.
- The site acts as a sink of CO² by storing excess carbon, which is invaluable in combating climate change.
- The site has over 600 species of fauna and as the soil is poor it has a higher biodiversity of plant species compared to rich soil.
- The site has a high heritage value and is still used by today's Aboriginals, who collect traditional food (such as quandongs) during the Djilba dn Kambarang seasons.
- There have been stone tools recovered in Iluka and there is a registered Aboriginal Heritage site that is 700 metres south of the Ocean Reef Marina in North Mullaloo.
- A gnamma hole was discovered with water inside that is 2 metres from the bulldozed bushland.
- The Tamala limestone cliff has an average age of 120,000 years and is rich in Aboriginal heritage, mythological significance and Geo-heritage value.
- With the discovery of brain coral fossil on the cliff at the south end of the beach, Dr Mick O'Leary (climate geoscientist from UWA), has stated that the cliffs tell an interesting story of past climate change and they provide evidence of higher sea levels and sea surface temperature some 128,000 and 116,000 years ago.
- At the northern end of the beach, there is European heritage with the inscription from Vergulde Draak 1656.
- The reef system is teeming with abalone, and various marine life, such as soft corals, tube worms, sponges, sea urchins, starfish, octopus.
- A shipwreck that will need to be registered with the National Shipwreck Database.

Ms Kwok stated that with the richness of the area, it is worth more than \$1.00.

PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 9 February 2021.

Mr R Repke, Kallaroo:

Re: Item 6 – Eight Year Review of Local Laws.

Q1 *Can we add a clause regulating movable and immovable fire using equipment like what kind of burning material can be used, at which times and how high chimneys have to be and that permanently fixed outdoor fire places, like Pizza ovens, need a chimney roof height unless they have a filter system that eliminates nuisance smoke for users, guests and neighbours?*

A1 Burning from an external solid fuel apparatus is already regulated both under the *Bush Fires Act 1961* and the *Health (Miscellaneous Provisions) Act 1911*. The suggested local law amendment is to consider nuisances associated with fire pits and will not consider elements such as construction methods as this is outside of the City's local law making power.

Ms P Scull, Beldon:

Re: Item 19 – Ocean Reef Marina Business Plan.

Q1 *Is the City of Joondalup and DEVWA breaching various overriding state and local legislation by going ahead with a development (including the breakwater and roadworks) without the agreement being advertised, approved or gazetted?*

A1 No.

Q2 *Has the City of Joondalup stopped to consider the impact the marina development will have on our precious and unique environment for generations to come?*

A2 The Ocean Reef Marina has been subjected to a vigorous and complex approvals process which considered the environmental impact of the development.

Q3 *How do the City of Joondalup councillors feel about their reputations being damaged as a result of the community perception that consistent dishonesty and craftiness is being employed just to push through a coastal development that is short sighted and irreversibly destructive to a very important stretch of our coast line?*

A3 The City is not able to comment on the feelings of individual Elected Members.

Ms G Lock, Ocean Reef:

Re: Item 19 – Ocean Reef Marina Business Plan.

Q1 *What is the dollar value for the environmental, social and cultural loss?*

A1 The Ocean Reef Marina Business Plan deals with the transfer of City owned land required for the development to the State Government.

Q2 *The community is expecting the dollar value of the carbon footprint is included in the business plan, what will it be?*

A2 Refer A1 above.

Q3 *Why is there no dollar value for loss of recreational amenities for the community and tourists, this includes, a healthy living and alive snorkelling reef, the walk/cycle path up to Burns Beach, natural coastline, the indigenous flora and fauna of the area ?*

A3 Refer A1 above.

Q4 *Why is there no dollar value of the health benefits of a sustainable indigenous environment?*

A4 Refer A1 above.

Q5 *Can the City advise the community the value that is lost by this development on disrupting significant Aboriginal Heritage area for maintaining connection to traditional way of life on coast?*

A5 In July 2019, the South West Aboriginal Land and Sea Council (SWALSC) reviewed and supported a heritage survey conducted in 2015 for the Ocean Reef Marina site. The heritage survey found no sites of cultural significance, and none are registered with the Department of Planning, Lands and Heritage. SWLASC issued an Activity Notice for the development in 2019 stating that no further surveys were required.

Since early 2020, DevelopmentWA have engaged Yunga Foundation, an Aboriginal owned and lead business, to work closely with local Whadjuk people to obtain their input to the Ocean Reef Marina project. Yunga Foundation have met with a dedicated reference group of Traditional Owners who can speak to the cultural significance and stories of the Ocean Reef area and also held meetings with the Whadjuk Working Party (a body that represents 43 Whadjuk families in Perth).

Yunga Foundation's role is not to provide approval or endorsement for a project. Their role is to facilitate engagement with Traditional Owners and Aboriginal people to ensure Ocean Reef Marina is a place where the Whadjuk culture is celebrated through landscape design, art, language, business, and interpretive spaces; where connection to country will be reflected through Aboriginal business and job opportunities.

Mr T Lock, Ocean Reef:

Re: *Item 19 – Ocean Reef Marina Business Plan.*

Q1 *Where is the dollar value for each of the native plants before they were destroyed, Quandong, Tuart, habitat plant and rare plant?*

A1 The Ocean Reef Marina Business Plan deals with the transfer of City-owned land parcels to the State Government.

Q2 *Where is the dollar value for loss of a unique landscape, built structures can be replaced and replicated, unique landscapes destroyed cannot?*

A2 Refer to A1 above.

Q3 *What will the cost to taxpayers be to manage and monitor the damage to the marine environment outside of the break wall due to polluted waters and who will be responsible?*

A3 The responsibility, and therefore the expenditure, to adhere to the conditions of the approvals rests with the proponent (DevelopmentWA).

Q4 *Why is there no dollar value on the reef for its valuable service?*

A4 Refer to A1 above.

Q5 *What is the expected cost for maintenance dredging and sand transfer for erosion caused by the break wall that will interfere with the natural sand movement?*

A5 Refer to A3 above.

Ms C Baldwin, Iluka:

Re: *Item 19 – Ocean Reef Marina Business Plan.*

Q1 *By starting a development (which includes the breakwater and roadworks) without this agreement being advertised and approved and the agreement gazetted, is Council and DevelopmentWA in breach of various overriding state and local legislation?*

A1 No.

Q2 *Has this oversight been brought before the State Government Auditor General and the Department of Local Government as this concerns procurement and financial contracts and tenders that under the Local Government Act 1995 need to be advertised?*

A2 No. The City has complied with relevant legislation.

Q3 *Is Council aware that as this is a budget item using the City of Joondalup ratepayers money that each Councillor as they vote tonight will know that their name will be recorded and the community will be fully aware of their intention to represent their constituents is real and in the best interests?*

A3 Yes.

Q4 *Who prepared the report, City staff or consultants and if consultants, where are the costs and costs going forward?*

A4 The Ocean Reef Marina Business Plan report was prepared by the City.

Q5 *As the City of Joondalup uses the Halliwell system to place a monetary value on each tree that is removed, where is this costing in the report on each tree that has been removed please, in line with the City's planning policies?*

A5 This is not relevant to the Ocean Reef Marina Business Plan.

Ms M Kwok, Ocean Reef:

Re: Item 19 – Ocean Reef Marina Business Plan.

Q1 According to Financial Evaluation - Overall Summary item 4.2, Table on Overall Cashflow Totals including Escalation - Scenario2 (realistic) states that the 50 year cash forecast is for a Net Present Value (NPV) breakeven situation, has it taken into account the \$5 million sunk costs of the City plus the Written Down Value (WDV) of the existing infrastructure which will be destroyed and written off under the development and the real market "value" of the two parcels of land owned by the City which will be part of the development?

A1 Sunk costs and asset values are excluded. It is standard approach for project evaluations and Net Present Value calculations to only take account of future cash flows.

Q2 Are you factoring in the growth of rates from surrounding properties which are expected to increase their Gross Rental Value (GRV) as a result of proximity to the marina?

A2 This issue is not a matter for the Ocean Reef Marina Business Case to consider.

Q3&4 Will it be taxpayers' money or ratepayers' money contributing to future coastal management costs due to climate change, coastal erosion and rising sea level? Has this been factored into your financial evaluation?

A3&4 Refer A2 above.

Q5 When the marina is developed, the area will be totally degraded. Have you factored this loss into to your financial evaluation?

A5 Refer A2 above.

Mr R Dickson, Kingsley:

Re: Item 3 – Proposed Seven Multiple Dwellings at Lot 472 (41) Twickenham Drive, Kingsley – Section 31 Reconsideration.

Q1 Why is Council proceeding with infilling involving the building of multiple storey unit blocks when local residents are in the main opposed to such developments, whether it be in Kingsley or elsewhere?

A1 In response to the State Government setting infill targets, the City considered a merit based approach and concluded that 10 areas should be considered for higher density rather than taking an ad hoc approach to such development throughout the City. The areas selected, including the subject site, were strategically chosen based on proximity to train stations, bus routes and activity centres as well as other criteria.

When considering proposals for multiple dwellings, Council is required to consider an application on its merits in relation to the current planning framework, including the current density and State planning framework for multiple dwellings. This is considered in detail in the report.

- Q2 *Why does Council believe such developments will not cause severe traffic congestion and traffic safety issues for this area of Kingsley, particularly if multiple dwellings continue to be approved for this part of the suburb?*
- A2 There is adequate capacity within the surrounding road networks to support the development without compromising the safety of those within the immediate streets and surrounding areas. The location of the access has been assessed by the City and considered to be acceptable. Vehicles visiting the development are capable of entering and exiting in forward gear.

Ms M O'Byrne, Kinross:

Re: *Item 18 – Proposals for Skate, BMX and Mountain Bike Facilities in the City of Joondalup.*

Q1 *When can the Kinross Community expect a firm, unalterable commitment to the placing of the required extra seating and shade cloth at the Kinross Skate Park?*

A1 Listed in the 2021-22 Capital Works Program, which is subject to Council approval, is the installation of three bench seats in the vicinity of Kinross Skate Park. At this stage there is no proposal to install a shade shelter for Kinross Skate Park.

Q2 *Could the City supply the reasons for its not having already set up a Percy Doyle Reserve Fund years ago to provide for improvements to established infrastructure and provide for new infrastructure on the PDR site?*

A2 The City has two established reserves. The Strategic Asset Reserve which is used for the purposes of new or upgrade capital expenditure on major projects or other projects as determined by Council. The reserve is not to be used for asset renewal expenditure.

The Asset Renewal Reserve is to fund renewal of existing City Infrastructure, building assets and vehicle, plant and equipment to ensure that the City can continue to utilise these at service levels expected. The Asset Renewal Reserve will not be used to fund upgrades of existing assets or acquisition or construction of new assets. These reserves are to be used for facilities across the City including Percy Doyle Reserve.

Q3 *What would the City say to the argument that its failure to already have a well-provisioned Percy Doyle Reserve Fund to actively maintain and increase necessary infrastructure on the Percy Doyle site is a signal failure of Council regarding this site?*

A3 See response to question two. The City over the last few years has spent approximately \$4.5 million refurbishing and upgrading a number of facilities within Percy Doyle Reserve which were funded in part from funds held within reserves.

Q4 *The Councils failure to already have a well-established, well-provisioned Percy Doyle Reserve Fund – why would residents not conclude that this is one of the main reasons for the Council commissioned Dave Langfear Consulting to examine the need and feasibility of combining a number of separate community facilities within one building on the Percy Doyle Reserve?*

Q5 *What were the reasons for the Council commissioning Dave Langfear Consulting to examine the need and feasibility of combining a number of separate community facilities within one building on the Percy Doyle Reserve, if not because of the lack of an established Percy Doyle Reserve Fund?*

A4&5 The Council had agreed to the master plan Percy Doyle some time ago, and in accordance with the Councils adopted position statement relating to master planning examined facilities being developed under the shared use, multi-purpose principles.

PUBLIC STATEMENT TIME

The following summarised statements were submitted to the Briefing Session held on 9 February 2021:

Mr R Repke, Kallaroo:

Re: Item 17 – City of Joondalup Outdoor Youth Recreation Strategy.

Mr Repke spoke in relation to the *City of Joondalup Outdoor Youth Recreation Strategy* and spoke in support of the strategy.

Mr Repke suggested an upgraded and inter-connected BMX trail should have three differently marked trails for beginners, experienced and very experienced riders and also include lighting and CCTV cameras. Mr Repke stated he would prefer option three which is to start the planning and building process now instead of doing a comprehensive study first, as he believed a study would take more time and not bring any new ideas.

Ms S Harbord, Ocean Reef:

Re: Item 19 – Ocean Reef Marina Business Plan.

Ms Harbord spoke in relation to the agreement and business plan, stating that the public consultation has come at a late stage in the project.

Ms Harbord stated that public support for the business plan and agreement is critical for the project to proceed, and that the project will be a financial risk to the City of Joondalup rate payers. Ms Harbord stated that she would like Councillors to examine all necessary documents before making a decision.

APOLOGIES AND LEAVE OF ABSENCE

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – JANUARY 2021

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENT	Attachment 1 Monthly Development Applications Determined – January 2021 Attachment 2 Monthly Subdivision Applications Processed – January 2021
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’)

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during January 2021.

EXECUTIVE SUMMARY

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

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

This report identifies the development applications determined by the administration under delegated authority powers during January 2021 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during January 2021 (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 January 2021 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	6	6
Strata subdivision applications	21	26
TOTAL	27	32

Of the subdivision referrals, 19 were to subdivide in housing opportunity areas, with the potential for 24 additional lots.

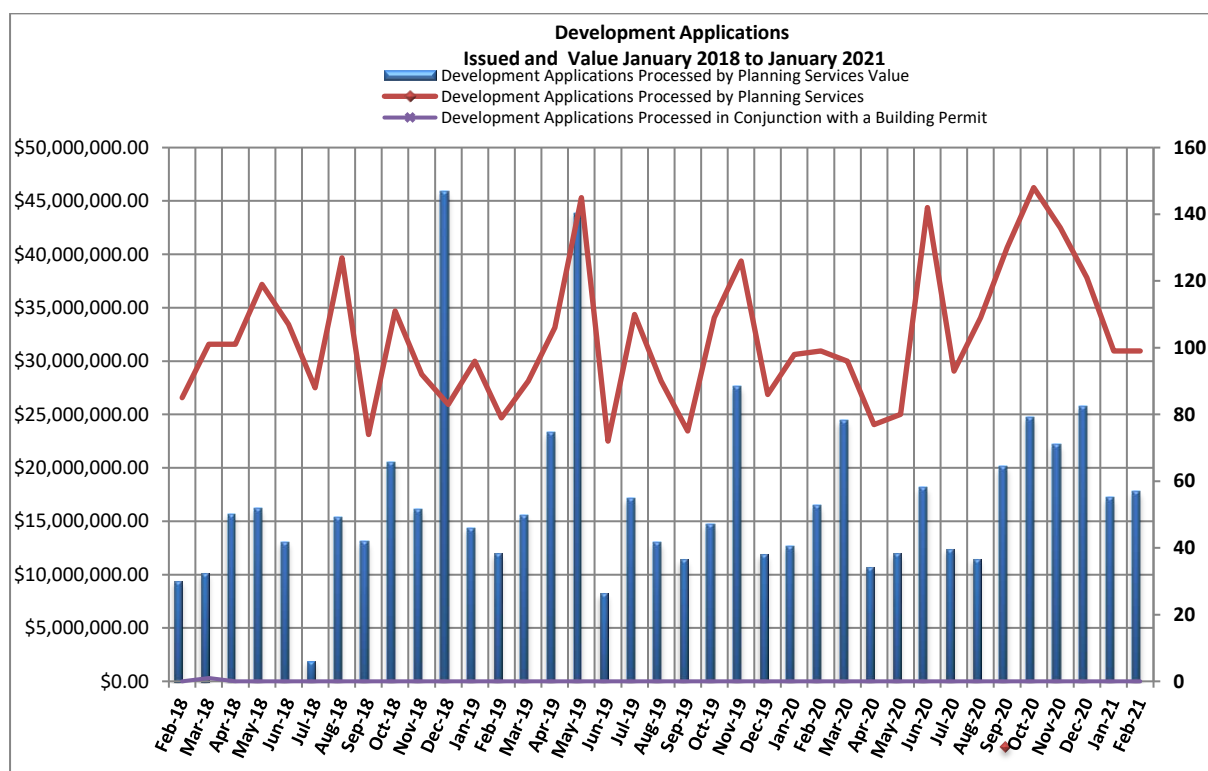
Development applications

The number of development applications determined under delegated authority during January 2021 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	99	\$17,211,512

Of the 99 development applications, 30 were for new dwelling developments in housing opportunity areas, proposing a total of 28 additional dwellings.

The total number and value of development applications determined between January 2018 and January 2021 is illustrated in the graph below:



The number of development applications received during January 2021 was 91.

The number of development applications current at the end of January was 269. Of these, 31 were pending further information from applicants and 18 were being advertised for public comment.

In addition to the above, 197 building permits were issued during the month of January with an estimated construction value of \$23,698,200.

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 99 development applications were determined for the month of January with a total amount of \$60,126.05 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or LPS3 and the Regulations.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to this Report during January 2021;**
- 2 subdivision applications described in Attachment 2 to this Report during January 2021.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf210309.pdf](#)

ITEM 2 PROPOSED SIX GROUPED DWELLINGS (AGED OR DEPENDENT PERSONS' DWELLINGS) AT LOTS 531 (16) AND 532 (18) MYAREE WAY, DUNCRAIG - RECONSIDERATION

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	10090, 33097, 101515
ATTACHMENT / S	Attachment 1 Location plan Attachment 2 Original development plans Attachment 3 Amended development plans Attachment 4 Applicant's statement addressing State Planning Policy 7: Design of the Built Environment (SPP7) Attachment 5 Acoustic statement addressing State Planning Policy 5.4: Road and Rail Noise (SPP5.4) Attachment 6 Environmentally Sustainable Design Checklist Attachment 7 Traffic advice provided by applicant Attachment 8 Planning report prepared by Council's Planning Representative (consultant) Attachment 9 Building surveyor advice provided by applicant Attachment 10 Addendum to planning report prepared by Council's Planning Representative (consultant)
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to reconsider a development application for six grouped dwellings (aged or dependent persons' dwellings) at Lots 531 (16) and 532 (18) Myaree Way, Duncraig at the invitation of the State Administrative Tribunal.

EXECUTIVE SUMMARY

At its meeting held 16 February 2021 (CJ004-02/21), Council resolved to refer an application for six grouped dwellings (aged and dependent persons' dwellings) at Lots 531 (16) and 532 (18) Myaree Way, Duncraig back to the Chief Executive Officer for the following reason:

"1 *Demonstrate how the proposal satisfies clause 5.5.2 C2.2 of State Planning Policy 7.3 – Residential Design Codes Volume 1.*"

Clause 5.5.2 C2.2 is a deemed-to comply standard in *State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)* that relates specifically to aged and dependant persons' dwellings. The standard states that:

- C2.2 All ground floor units, with a preference for all dwellings, to incorporate, as minimum, the following:
- i. An accessible path of travel from the street frontage, car parking area or drop-off point in accordance with the requirements of AS4299 clause 3.3.2 (as amended); and
 - ii. Level entry to the front entry door with preferably all external doors having level entries (diagrams, figure C1 of AS4299 (s amended)).

It is important to remember that not all aspects of a development need to meet the deemed-to-comply standards of the R-Codes to be considered appropriate or acceptable. Aspects of a development can be considered against the alternate 'design principle' pathway and, if the proposal is considered to achieve these design principles, the proposal could, and should, be approved.

Notwithstanding this, the applicant has subsequently provided the City and Council's planning representative (consultant) with additional information to demonstrate how the development complies with the 'deemed-to-comply' requirement of clause 5.5.2 C2.2 of *State Planning Policy 7.3: Residential Design Codes – Volume 1 (R-Codes)* and the associated Australian Standard AS4299 (as amended).

This additional information includes amended plans (Attachment 3 refers) and advice from a registered building surveyor who has certified that the application meets the applicable requirements of AS4299 - and therefore clause 5.5.2 of the R-Codes (Attachment 9 refers).

Council's consultant and the City's technical officers are therefore satisfied that the proposal complies with the deemed-to-comply requirement set out in clause 5.5.2 C2.2 of the R-Codes and the applicable requirements of AS4299 (as amended) and as a result, Council's consultant has recommended that the application be approved subject to conditions.

BACKGROUND

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

At its meeting held 15 September 2020 (CJ123-09/20 refers), Council resolved to refuse an application for six grouped dwellings at Lots 531 (16) and 532 (18) Myaree Way, Duncraig (subject site) for the following reasons:

- "1 *the number of dwellings proposed is excessive for the site in this location;*
- 2 *the cumulative effect of the discretions currently being sought will mean that the development is detrimental to the amenity of the surrounding properties;*

- 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 did not align with the officer's recommendation on the matter, a planning consultant was appointed to defend Council's decision through the SAT process.

Subsequent to a SAT directions hearing and participation in SAT mediation by Council's consultant and two Elected Members, the SAT invited Council to reconsider its decision, based on amended information received from the applicant, assessed by Council's consultant and reassessed by the Joondalup Design Reference Panel, on or before 19 February 2021.

At its meeting held on 16 February 2021 (CJ004-02/21 refers), Council resolved to defer the application for the applicant to demonstrate compliance with clause 5.5.2 C2.2 of the R-Codes. The issue of compliance with clause 5.5.2 C2.2 was not raised as an issue at the September Council meeting as a matter requiring further consideration, or as a reason for refusal.

The SAT (with agreement from both the applicant and the respondent) has now issued further orders stating that Council now has until 16 March 2021 to reconsider the proposal.

The applicant has undertaken some detailed design (not ordinarily done at the development application stage) and obtained advice from a registered building surveyor to demonstrate that the proposal, with very minor amendments, meets clause 5.5.2 C2.2 of the R-Codes.

This additional work responds to the only outstanding matter raised by Council at its meeting dated 16 February 2021. As such the proposal (as amended) is presented back to Council for determination.

DETAILS

The applicant has provided technical advice from a registered building surveyor (Attachment 9 refers) and amended plans (Attachment 3 refers) confirming how the proposal meets clause 5.5.2 C2.2 of the R-Codes and the applicable requirements of AS4299 (as amended).

Additional detail is shown on the updated plans to demonstrate how the levels transition across the site to provide accessible paths of travel in accordance with clause 5.5.2 and minor amendments have been undertaken to lower the levels of unit 4 and unit 5 by two courses (approximately 17cm) to achieve the required grades (this would have otherwise been done at building permit stage).

The minor amendments do not alter the planning assessment undertaken on the previously considered plans, however an addendum to the planning report prepared by Council's consultant (Attachment 10 refers) addresses the reason for Council's deferral, taking into account the additional information provided by the applicant.

In summary, the report and assessment undertaken by the Council's consultant concludes that the amended development proposal meets the relevant provisions of the applicable planning framework, including clause 5.5.2 C2.2 of the R-Codes.

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 –
Apartments (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:

- *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 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 which considers and respects heritage and local culture.*
- 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:

- *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:

- Protect the community from unreasonable levels of transport noise;*
- Protect strategic and other significant freight transport corridors from incompatible urban encroachment;*
- Ensure transport infrastructure and land-use can mutually exist within urban corridors;*
- Ensure that noise impacts are addressed as early as possible in the planning process;*
and
- 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.

Given the process that has been followed to date, should the matter progress to a full hearing, there is a risk that the applicant could seek to recoup legal/SAT costs from the City.

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 was 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 \$13,960 (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

The applicant's response to the reason for Council's deferral does not alter the planning assessment of the application and results in very minor, internal modifications to the development. As a result, further public consultation on the proposal is not considered necessary in this instance.

COMMENT

Council's consultant and the City's technical officers have reviewed the advice provided by the applicant's building surveyor (Attachment 9 refers) and the amended plans (Attachment 3 refers) provided by the applicant to demonstrate compliance with clause 5.5.2 C2.2 of the R-Codes. The consultant has provided an addendum to the previous planning report (Attachment 10 refers) and the consultant's recommendation remains as detailed in 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** 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 2 refers

To access this attachment on electronic document, click here: [Attach2brf210309.pdf](#)

ITEM 3 DEVELOPMENT IN HOUSING OPPORTUNITY AREAS LOCAL PLANNING POLICY

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	107575, 101515
ATTACHMENT / S	Attachment 1 Council-endorsed version of <i>Development in Housing Opportunity Areas Local Planning Policy</i> Attachment 2 Modified <i>Development in Housing Opportunity Areas Local Planning Policy</i> (tracked changes) Attachment 3 Modified <i>Development in Housing Opportunity Areas Local Planning Policy</i> (clean copy)
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:

- note the changes to the *Development in Housing Opportunity Areas Local Planning Policy* (HOALPP) resulting from:
 - The Western Australian Planning Commission's decision on the HOALPP
 - The Minister for Planning's decision on associated Scheme Amendment No. 5
- decide whether to implement the modified HOALPP
- agree transitional arrangements for introduction of the HOALPP
- agree the timing for any further strategic review of Housing Opportunity Areas.

EXECUTIVE SUMMARY

At a Special Meeting of Council held on 24 March 2020 (JSC02-03/20 refers), Council endorsed the draft new development standards for Housing Opportunity Areas, following public consultation.

The draft new standards were contained in both an amendment to the City's *Local Planning Scheme No. 3* (Amendment No. 5) and a draft *Development in Housing Opportunity Areas Local Planning Policy* (HOALPP).

Following Council's endorsement of these documents, they were forwarded to the State Government's Western Australian Planning Commission (WAPC) for consideration. The WAPC is the decision-maker for policies like the HOALPP and the Minister for Planning is the decision-maker for scheme amendments (upon recommendation from the WAPC).

On 11 December 2020 the Minister for Planning approved Amendment No. 5, subject to modifications. The modifications removed many development standards from Amendment No. 5 and changed the wording of others. The standards that were changed need to be carried across into the HOALPP, given the development standards are common to both documents. Amendment No. 5 was gazetted and came into effect on 29 January 2021.

On 16 February 2021, the WAPC made its decision on the HOALPP. The WAPC did not support some of the standards contained in the HOALPP and required modifications to these standards. The City was formally advised of the WAPC's decision on 19 February 2021.

This report covers off on three key issues that Council is required to consider:

- 1 Changes need to be made to the HOALPP to respond to the WAPC's decision on the HOALPP and to align with Amendment No. 5 as approved by the Minister for Planning. This report requests that Council **notes the final version of the policy** and **considers whether to implement the final version** by placing a notice on the City's website. As per the *Planning and Development (Local Planning Schemes) Regulations 2015*, a local planning policy only takes effect when a notice has been published on the website of the relevant local government.
- 2 There are a number of development applications currently being assessed by the City, which were lodged under the current planning framework, and some are close to being finalised. Council is being asked to take a position on **how the City should deal with these existing applications**. Transitional arrangements are an established method of introducing significant planning reform and define an appropriate timeline to allow all participants in the development approval process, including the local government, property owners, applicants, and the community to adjust to the amended provisions. This report sets out a number of options and provides a recommendation on an appropriate timeline to transition to the new HOALPP.
- 3 In mid-2018 a consultant team was engaged to develop a new planning framework for infill development in the City of Joondalup. In April and May 2019, Council considered whether to proceed with public consultation on the new planning framework and decided to:
 - a hold off on formally progressing this framework until the City had engaged with the community, including establishing a Community Reference Group
 - b progress with a separate scheme amendment and local planning policy for the Housing Opportunity Areas.

Since then, this separate planning framework (Amendment No. 5 and the HOALPP) has been developed and is close to being finalised. In the interim, the State Government has also progressed other significant planning reform - including a review of draft *State Planning Policy 7.3 – Residential Design Codes (Volume 1)* and the draft new Medium Density Codes (currently out for consultation). These new State Government policies will have direct impacts on the planning framework for the City's Housing Opportunity Areas.

Council is, therefore being asked to **take a position on the timing of any further strategic review of the Housing Opportunity Areas** – recognising the implications of State Government planning reform and the likely timing of the City's next review of its *Local Planning Strategy*.

BACKGROUND

The City commenced preparation of its *Local Housing Strategy* (LHS) in 2010. The final version of the LHS was endorsed by Council at its meeting held on 16 April 2013 (CJ044-04/13 refers) and approved by the Western Australian Planning Commission (WAPC) in November 2013. Key recommendations of the LHS are also included in the City's *Local Planning Strategy* (LPS). The LPS was endorsed by the WAPC in November 2017.

The LHS identifies 10 areas within the City of Joondalup, outside the Joondalup City Centre, most suitable for higher density development. These areas are known as Housing Opportunity Areas (HOAs).

The LHS came into effect in early 2016. Since then, residents in HOAs have been able to redevelop their properties in line with the higher densities allocated to these areas.

As development within the HOAs commenced, some members of the community raised concerns with the impact that infill development was having in these areas.

At its meeting held on 21 November 2017 (CJ177-11/17 refers), Council resolved to prepare a design-led local planning policy for multiple dwellings (apartments) in the HOAs and a scheme amendment to better control the impact of multiple dwellings on existing residents and streetscapes.

Consultant work

This is a complex body of work and in mid-2018 an expert, external consultant team was engaged to review the existing planning framework and develop a comprehensive new planning framework for infill development in the City of Joondalup.

As part of this work, throughout the latter half of 2018 and the beginning of 2019, a team of expert consultants undertook extensive community engagement and the consultation outcomes formed a key input in the preparation of a comprehensive new planning framework for infill development by the consultant team. This new planning framework comprised a draft amendment (Scheme Amendment No. 3) to the City's *Local Planning Scheme No. 3* and a draft new local planning policy (*Joondalup Place Neighbourhoods Local Planning Policy*) for the City's HOAs.

At its meetings held on 16 April 2019 and 21 May 2019 (CJ045-04/19 and C31-05/19 refer), Council considered whether to formally initiate the scheme amendment and adopt the local planning policy, for the purposes of community consultation.

However, some residents were concerned about the content of the new planning framework and also concerned that formal initiation of the draft scheme amendment for consultation would open the door for State Government control over the process. These residents wanted to have input into the new planning framework before Council initiated any prescribed, statutory consultation process, but were concerned about the time this would take and the development that could occur in their neighbourhoods in the meantime. Therefore, they also requested development of a separate, simpler framework to assist, in the interim, in managing the impacts of infill development.

Consequently, Council requested the City's administration to:

- extract parts of the consultants' work and use these to form a separate, new local planning policy and scheme amendment
- engage and consult with the community on the more comprehensive planning framework developed by the consultants ahead of formally initiating any scheme amendment for that framework.

Draft new development standards for the Housing Opportunity Areas

Work was done by the City's administration and a report on draft new development standards for the Housing Opportunity Areas was presented to Council at its meeting on 20 August 2019 (CJ099-08/19 refers).

The draft new development standards were contained in both a scheme amendment (Amendment No. 5) and a draft *Development in Housing Opportunity Areas Local Planning Policy* (HOALPP).

Council requested some modifications to the documents and agreed to progress community consultation on the modified documents.

Extensive community consultation commenced on 28 November 2019 and concluded on 16 January 2020.

The consultation outcomes were reported to Council at a Special Meeting of Council on 24 March 2020 (JSC02-03/20 refers). The report also recommended modifications to the development standards, in response to issues raised during the consultation process. Council requested further modifications to the documents and agreed to progress the modified documents to the State Government's Western Australian Planning Commission (WAPC) for consideration.

In December 2020 the Minister for Planning approved Amendment No. 5, subject to modifications. The modifications removed many development standards from Amendment No. 5 and changed the wording of others. The table below shows the comparison between the standards endorsed by Council and the standards approved by the Minister.

	Council-endorsed	Minister approved	Implications
Lot frontage (minimum)	9 metre (all dwellings)	9 metre (single/grouped dwellings)	Many lots are between 18 – 20 metres wide. A minimum frontage of 9 metres will allow more side-by-side subdivision, instead of 'battle-axe' development (currently the only option for lots under 18 metres wide).
	7.5 metres (lots with rear lane access) – would apply mainly to Sorrento laneway lots	Standard was deleted	7.5 metre frontage was originally proposed to provide better interaction with the street and avoid garages/crossovers dominating the streetscape on narrower lot frontages.

	Council-endorsed	Minister approved	Implications
	Standard not included	20 metres (multiple dwellings)	Would restrict development of multiple dwellings (apartments) in cul-de-sacs, unless lots were amalgamated – could encourage lot amalgamation.
	Standard not included	6 metres (corner lots – rear vehicle access)	6 metre frontage generally not supported by community during consultation – removed from Council's endorsed version of amendment.
Moderation of multiple dwellings (apartments)	<p>For multiple dwellings in all areas: Limit the number of multiple dwellings that can be built on a lot by applying an average site area per dwelling, unless the lot is located:</p> <ul style="list-style-type: none"> • Within 800 metre walkable catchment of a strategic metropolitan, secondary, district or specialised activity centre or railway station; and • On a busier road (classified as a local distributor or above, as determined by the City). 	<p>For multiple dwellings in R20/60 areas:</p> <ul style="list-style-type: none"> • No average site area applies. <p>For multiple dwellings in R20/40 areas: Limit the number of multiple dwellings that can be built on a lot by applying an average site area per dwelling, unless the lot:</p> <ul style="list-style-type: none"> • has primary street frontage to a busier road (with scheme reservation classification of Local Distributor Road or Other Regional Road); or • Is located within 800m walkable catchment of a strategic metropolitan, secondary or specialised activity centre or railway station; or 	<p>The standards limiting the number of multiple dwellings on a lot will apply to fewer lots than the standards endorsed by Council. Council's version was significantly more restrictive.</p>

	Council-endorsed	Minister approved	Implications
		<ul style="list-style-type: none"> is located within 400m walkable catchment of a district activity centre. 	
Solar access	More stringent development standards relating to overshadowing of adjoining properties.	As per amendment endorsed by Council.	More restrictive than current requirements.

The modified amendment was gazetted and came into effect on 29 January 2021. The modified standards in the scheme amendment need to be carried across into the HOALPP, given the development standards are common to both documents.

On 16 February 2021, the WAPC made its decision on the HOALPP. The WAPC did not support some of the standards contained in the HOALPP and required modifications to these standards. The City was formally advised of the WAPC's decision on 19 February 2021.

The HOALPP has now been updated to reflect WAPC's decision on the HOALPP and the Minister for Planning's decision on Amendment No. 5. The updated HOALPP is at Attachment 2 (tracked changes version) and Attachment 3 (final version).

Impact on the City's existing *Residential Development Local Planning Policy (RDLPP)*

The City currently uses the State Government's *Residential Design Codes* and the City of Joondalup *Residential Development Local Planning Policy (RDLPP)* to assess and make decisions on planning applications for residential development across the whole City of Joondalup, including in the Housing Opportunity Areas (HOAs).

The HOALPP and Amendment No. 5 replace the parts of the RDLPP that currently apply to the HOAs and changes needed to be made to the RDLPP to reflect this. These changes to the RDLPP were endorsed by Council at its meeting dated 24 March 2020 (JSC02-03/20 refers) and will be implemented at the same time as the HOALPP.

DETAILS

Planning policies for residential development

Broadly, residential development in Western Australia is guided by *State Planning Policy 7.3 – Residential Design Codes (R-Codes)*. The R-Codes currently consists of two volumes:

Volume 1 provides development standards for:

- single houses
- grouped dwellings
- multiple dwellings on sites coded R35 and below.

Volume 2 provides development standards for:

- multiple dwellings on sites coded R40 and above
- the residential component of mixed-use development.

Local governments can prepare local planning policies for residential development that replace or add to certain (not all) development standards of the R-Codes. There are some development standards of the R-Codes that the local government can change without first needing approval from the WAPC, but there are others that require WAPC approval.

A local planning policy for residential development works in conjunction with the R-Codes in that the standards of the R-Codes remain in place for any standards not modified by the policy.

Development in Housing Opportunity Areas Local Planning Policy

The HOALPP includes a number of development standards that seek to alter the development standards of the R-Codes (both Volumes 1 and 2) – a number of which require WAPC approval to change. Changes to the following standards require WAPC approval:

- Side setbacks (single houses / grouped dwellings).
- Rear setbacks (single houses / grouped dwellings).
- Solar access for adjoining sites (overshadowing).
- Resident parking (definition of Location A / B to qualify for reduced resident parking).
- Visitor parking.
- Maximum crossover width (single houses / grouped dwellings).
- Landscape area.
- Tree sizes and deep soil areas (amount of deep soil area required).
- Trees (number of trees required).
- Tree retention.
- Landscape design.
- Outdoor living areas (allowing them in the front setback area).
- Solar and daylight access (access to sunlight for habitable rooms).
- Natural ventilation (minimum window and opening sizes for cross ventilation).
- Waste management (multiple dwellings).

Following Council's endorsement of the HOALPP at its meeting on 24 March 2020 (JSC02-03/20 refers), the document was referred to the WAPC seeking WAPC's approval of the HOALPP.

An assessment of the HOALPP was done by officers of the Department of Planning, Lands and Heritage (DPLH) and a report was then presented to the WAPC by the DPLH. The recommendations contained in this report supported some changes to R-Code provisions; did not support other changes to R-Code provisions; and proposed some standards that were different to those endorsed by Council.

The WAPC considered the DPLH recommendation at a meeting on 16 February 2021 and the WAPC made its decision consistent with the recommendation of the DPLH.

Attachment 2 to this report identifies which development standards were not supported by the WAPC and which have been changed from the Council-endorsed version of the HOALPP. The information provided below also outlines the key changes and implications.

Side and rear setbacks

The Council-endorsed version of the HOALPP proposed to move away from the more technical (and complicated) method of calculating side and rear setbacks on a case-by-case and instead introduced a specific, standardised suite of setback requirements. This provided a more simplified method of calculating setback requirements that could be easily understood by designers, decision-makers and community members. The Council-endorsed version of the HOALPP also prescribed setbacks that allow for greater landscaping to provide visual relief between neighbours.

The WAPC supported the approach to simplify the method of setback calculation but did not support the specific setback distances in the Council-endorsed version of the HOALPP. Instead, the WAPC has applied the setback requirements of its draft Medium Density Code (currently out for community consultation).

A comparison of the two positions (Council-endorsed and WAPC approved) is provided below:

		Council-endorsed	WAPC approved
Side setback	Ground floor	1.5m (single/grouped) 2.0m (multiple)	1.0m
	Upper floor	3.0m	2.0m
Rear setback	Ground floor	3.0m	1.0m
	Upper floor	3.0m (R20/25 – R20/30) 6.0m (R20/40 – R20/60)	2.0m

The implication of the WAPC's decision is that buildings will be able to be located closer to the boundary than the Council-endorsed version of the HOALPP.

However, the WAPC's decision is considered to be an improvement on the City's current RDLPP, which adopts the setback requirements of the existing R-Codes - where side and rear setbacks are calculated for each side of the building, based on the length and height of the wall, the design of windows in the wall and whether the windows are associated with a habitable space (bedroom, lounge room, etc) or a non-habitable space (bathroom, laundry, and the like).

Visitor parking

The version of the HOALPP that was advertised for public comment proposed visitor parking as per the R-Codes. However, quite overwhelmingly the community felt that the ratio was not enough to manage visitor parking and to protect the amenity of streetscapes. As a result, the Council-endorsed version of the HOALPP included a more stringent parking ratio of 0.5 visitor bays per dwelling.

The WAPC did not support the higher visitor parking ratio and has decided that visitor parking requirements will revert to those contained in the R-Codes.

A comparison of the two positions (Council-endorsed and WAPC approved) is provided below:

		Council-endorsed	WAPC approved
Visitor parking	Single/grouped	0.5 bays per dwelling	1 bay per 4 dwellings
	Multiple	0.5 bays per dwelling	1 bay per 4 dwellings (up to 12 dwellings); 1 bay per 8 dwelling (for 13 th dwelling and above)

The implication of the WAPC's decision is that fewer visitor bays will be required than under the HOALPP Council-endorsed version of the HOALPP and the City's current RDLPP (which also requires 0.5 bays per dwelling but was not endorsed by the WAPC when the RDLPP was originally implemented).

It is, however, noted that the Council-endorsed version of the HOALPP includes a standard that requires car parking areas (including carports and garages) to be set back a minimum of 5.5 metres from the boundary. In effect, this will provide enough depth between the property boundary and the parking area for a visitor's car to park and not overhang into the street or over footpaths.

It is also noted that visitor parking may change when the draft Medium Density Code is introduced which, as advertised, proposes a visitor parking requirement for all dwelling types (single/grouped/multiple dwellings) as follows:

Number of dwellings	Visitor parking requirement
0 – 4 dwellings	No visitor bays required
5 or more dwellings	0.2 x the total number of dwellings (rounded up)

Landscape Area

The Council-endorsed version of the HOALPP includes a sliding scale percentage for the provision of landscaping on a site. Smaller sites have a 20% landscape area requirement and larger sites have a 35% landscape area requirement. The Council-endorsed version of the HOALPP also includes a minimum width requirement for landscape area of two metres.

The WAPC did not support the sliding scale approach or the minimum width in the Council-endorsed version of the HOALPP and has instead applied a flat rate of 20% for all sites. They also reduced the minimum width required to 1.5 metres.

A comparison of the two positions (Council-endorsed and WAPC approved) is provided below:

		Council-endorsed	WAPC approved
Amount of landscape area	0 – 300m ²	20%	20%
	301 – 400m ²	25%	
	401 – 500m ²	30%	
	> 500m ²	35%	
Minimum dimension		2m	1.5m

The WAPC decision effectively results in less landscaping on development sites than the position endorsed by Council.

It is, however, noted that the current planning framework, including the City's RDLPP, does not have a minimum landscaping requirement for single and grouped dwellings so the WAPC approved version of the HOALPP will still result in more on-site landscaping than currently provided.

It is also noted that other provisions in the Council-endorsed version of the HOALPP relating to deep soil areas, the provision of trees (on-site and in the verge) and the minimum requirement of landscaping of the front setback area have been retained as part of the WAPC's decision on the HOALPP.

Further approval from the Western Australian Planning Commission

At the same time as the City has been progressing its HOALPP, the State Government has also been progressing an update to the R-Codes to introduce a new part focusing on medium density (Medium Density Code).

These updates to the R-Codes also change which development standards of the R-Codes can be modified by a local government without WAPC approval. The outcome of this will be that fewer development standards of the R-Codes will be able to be changed by a local government, without first obtaining WAPC approval.

For example, under the current R-Codes, local governments can change development standards related to building height without needing WAPC approval to do so. Under the updates to the R-Codes proposed, local governments will need to seek WAPC approval to change building height standards for residential development.

This means that once the Medium Density Code is introduced, the City will need to review the HOALPP and will need to seek further WAPC approval for some development standards (like building height) that currently do not require WAPC approval to change.

Issues and options considered

Deciding whether to implement the HOALPP

There are a number of options available to Council in relation to implementation of the HOALPP.

Firstly, Council has the option to:

- implement the HOALPP as per the approval of the WAPC
- prepare a different local planning policy
- retain the current controls for HOAs as per the existing RDLPP.

Pursuing a different policy would lead to further delays, which would delay the introduction of a number of controls that will better manage the impact of development in the City's HOAs. This would likely lead to ongoing concern from the community members who are keen for these controls to be introduced. Continued community concern would likely also result if Council elected to retain the current controls for HOAs as per the RDLPP.

It is therefore recommended that Council elect to implement the version of the HOALPP approved by the WAPC.

Timing of implementation of the HOALPP

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), a local planning policy has effect when a notice has been published on the website of the relevant local government. A local government therefore has some degree of control as to the timing of when a local planning policy is implemented.

Significant change to planning frameworks is typically introduced with transitional arrangements. These transitional arrangements provide an appropriate timeline that allows the local government, property owners, applicants, and the community time to adjust to the new planning framework.

More recent examples include:

Planning and Development (Local Planning Schemes) Regulations 2015:

Amendments to the Regulations were gazetted on 18 December 2020. The amendments introduce a range of changes that seek to improve local planning processes. The amendments are being introduced over two stages. The first stage was implemented on 15 February 2021, approximately two months after gazettal. The second stage will be implemented from 1 July 2021, approximately six months after gazettal.

State Planning Policy 7.3 – Residential Design Codes Volume 2 (Apartments):

Design WA Stage 1, which includes State Planning Policy 7.3 – *Residential Design Codes Volume 2 (Apartments)* (R-Codes Vol. 2), was released on 18 February 2019. The R-Codes Vol. 2 introduced a completely different approach to design and assessment for apartment development on sites coded R40 and above. The R-Codes Vol. 2 took effect from 24 May 2019, approximately three months after its release.

Interim review of State Planning Policy 7.3 – Residential Design Codes Volume 1:

In late January 2021, the State Government announced it had reviewed *State Planning Policy 7.3 – Residential Design Codes Volume 1* (R-Codes Vol. 1) as part of its package of planning reforms to assist with economic recovery from the COVID-19 pandemic. The amendments included in the review aim to support homeowners, local government and the building industry by simplifying clauses and streamlining approval processes for low to medium density housing projects. The amendments will become operational on 2 July 2021, approximately five months after its release.

City of Joondalup Local Planning Scheme No. 3:

In October 2018 the City transitioned to its current planning scheme, *Local Planning Scheme No. 3* (LPS3). The City was advised on 13 July 2018 that the Minister for Planning had considered LPS3 and required some modifications, with approval from the Minister for Planning granted on 31 August 2018. LPS3 was implemented on 23 October 2018, approximately two months after the Minister's approval.

Development in Housing Opportunity Areas Local Planning Policy:

The HOALPP will introduce a significantly different set of development standards for the City's HOAs, which will also mean a significantly different approach to design and assessment of development in the HOAs.

To allow stakeholders, including the City, property owners, applicants, and the community to adjust to the new development standards, it is proposed to make the HOALPP publicly available immediately and formally implement the HOALPP from 2 July 2021, being approximately three and a half months from Council's consideration of this report.

There are a number of reasons why 2 July 2021 is considered to be an appropriate date for formal implementation of the HOALPP:

- *Alignment with implementation of R-Codes Vol. 1:* The HOALPP contains some specific development standards that are different to the standards in the R-Codes Volumes 1 and 2. Other development requirements not specifically captured in the HOALPP, default to R-Codes standards.

As outlined above, the State Government has completed an interim review of the R-Codes Vol. 1, with changes coming into effect from 2 July 2021. An implementation date of 2 July 2021 for the HOALPP will align with the implementation of the R-Codes Vol. 1.

This will minimise the confusion for the community, applicants and the City that could be created implementing the HOALPP ahead of 2 July 2021.

Implementing the HOALPP ahead of 2 July 2021 will mean that all stakeholders (that is the community, applicants and the City) will start using the HOALPP and the current version of the R-Codes Vol. 1 for a matter of weeks or months and will then have to shift again from 2 July 2021 and start using the HOALPP and the new version of the R-Codes Vol. 1.

Shifting frameworks multiple times in such a short space of time has the potential to create confusion and frustration for all stakeholders that could be minimised by making a single shift from the status quo (such as the City's RDLPP and current version of R-Codes Vol. 1) to the new framework (that is the HOALPP and new version of R-Codes Vol. 1).

- *Planning delegations:* The City maintains a Register of Delegation of Authority which delegates a number of functions, including planning functions, from Council to the Chief Executive Officer (CEO), who in turn can delegate some functions to employees of the City.

There is a need to review the City's planning delegations to identify which parts of the current delegations need to be updated to align with the new development standards being introduced by the HOALPP.

A review of the City's Register of Delegation of Authority, including planning delegations, is conducted each year and presented for endorsement at Council's June meeting. Implementing the HOALPP from 2 July 2021 will complement this annual review of the Register of Delegation of Authority, meaning that delegations for City officer's will be up to date and align with the new requirements of the HOALPP. Implementing the HOALPP ahead of a review of delegation may result in a greater number of planning applications being referred to Council for determination. This would extend processing timeframes for planning applications, unduly impact on the City's resources and unnecessarily burden Council with matters that would otherwise be appropriate for the City's officers to address.

- *Existing applications:* At the time of preparing this report there are approximately 116 applications being assessed for properties within the City's HOAs. This makes up approximately 43% of all planning applications currently being processed by the City. This includes applications for redevelopment of sites with two or three grouped dwellings, applications for new single houses as well as normal additions to existing houses.

The City is keen to introduce better controls to manage the impacts of development in its HOAs; however, also acknowledges the existing applications currently being processed that have been designed and lodged prior to any knowledge of the WAPC's timing or position in relation to the HOALPP. These are not only applications lodged by developers, but applications lodged by existing residents, who are seeking to make improvements to their homes. There is, therefore, a need to balance the introduction of the HOALPP to begin implementing better controls as soon as possible, and the need to provide enough time for this to occur in an orderly and proper way.

An immediate blanket implementation of the HOALPP would result in the City advising existing applicants of the change and the need for them to redesign their proposal to meet the requirements of the HOALPP or to have the application determined (refused).

Redesigning an application would have time and cost implications for applicants/residents. There would also be an impact on the City's resources as any amended plans would need reassessment (for no greater fee), effectively doubling the time spent on the application.

Having an application designed under the current framework but determined under the new HOALPP would likely result in an increase in the number of applications being refused, which would also likely result in an increase in the number of applications being appealed to the State Administrative Tribunal (SAT), this having both a time and financial cost to the City (and its applicants/residents).

It is reiterated that the consequences would apply to all planning applications in the HOAs, including applications submitted by developers, new residents wanting to build homes and existing residents wanting to make home improvements.

It is acknowledged, however, that a delay in implementing the HOALPP may lead to a rush of applications being lodged – seeking to be determined under the current framework. This could place additional pressure on the City's resources and may also result in a greater number of developments being determined under the current framework than would otherwise have occurred if an appropriate timeframe on the implementation of the HOALPP was to be supported.

Therefore, the following transition arrangements may be appropriate:

- Once the Council minutes have been released, the new HOALPP and supporting detail could be uploaded to the City's website for information (would not constitute the formal notice under the Regulations).
- The City could immediately contact key stakeholders (including residents on the HOA database, known developers, relevant government agencies) advising of Council's decision.
- From the date the information is uploaded to the website and advice is provided to stakeholders, the City could advise any applicants submitting new planning applications in HOAs that their applications would be assessed against the new HOALPP.
- Any new applications received from the date of release of the Council minutes could be assessed against the new HOALPP.
- Applications already in the system could continue to be processed under the current planning framework until 2 July 2021.
- On 2 July 2021, the City could publish the formal notice as per the Regulations on the City's website to give formal effect to the HOALPP. From that date, all planning applications in HOAs would be assessed against the HOALPP.

It is acknowledged there is a possibility that not all current applications would have been processed and determined before 2 July 2021 and there may, therefore, be a small number of applicants (likely more complex proposals) that would need to reconsider and redesign their proposal.

Council could decide not to implement the transitional arrangements suggested above, but the impacts of such a decision, as outlined earlier in this section, would need to be taken into account.

Seriously entertained status of the HOALPP

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

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

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

The HOALPP has now been approved by the WAPC, subject to modifications. Based on the HOALPP's current status and in view of the advice previously received, it could be given weight in decision-making, however the amount of weight given would not be to the extent to which it completely replaces the existing framework.

This means that during the transitional period, the City would continue to assess and make decisions on applications under the current planning framework, but in any instances where discretion is being requested, the relevant objectives of the HOALPP could help inform the decision-maker in judging whether the discretion sought is appropriate alongside the existing design principles of the R-Codes and the local housing objectives of the RDLPP.

Strategic review of Housing Opportunity Areas

As outlined earlier in this report, in mid-2018 an expert consultant team was engaged to develop a comprehensive new planning framework for infill development in the City.

Council considered the comprehensive new planning framework at its meeting on 16 April 2019 and again on 21 May 2019. At the May meeting, Council resolved to progress a separate, simpler planning framework (Amendment No. 5 and the HOALPP) and engage and consult with the community before any formal initiation of the comprehensive framework for infill development.

At the same meeting Council considered an item to establish a Community Reference Group to enable community input into the comprehensive framework for infill development (C33-05/19 refers). Council resolved to defer consideration of establishment of a Community Reference Group while the City undertook work on the separate, simpler planning framework and until the City commences engagement and consultation with the community on the comprehensive framework for infill development prepared by the consultants.

In parallel with the City's response to better managing the impacts of infill in HOAs, the State Government has been progressing a significant planning reform agenda, in line with its Action Plan for Planning Reform, released in August 2019. A number of the reform measures being progressed will have a direct impact on any strategic review of the City's HOAs, including the following:

- *State Planning Policy 7.3 – Residential Design Codes (SPP7.3)*: A draft new Medium Density Code is currently being advertised for public comment. The draft new Medium Density Code will apply to properties with residential densities of R30 to R80 - the densities in the City's HOAs. The draft new Medium Density Code will introduce a new set of development standards for these areas and will therefore impact the way development can be built in HOAs.
- *State Planning Policy 4.2 – Activity Centres (SPP4.2)*: Public consultation on an update to SPP4.2 has recently been completed. SPP4.2 applies to activity centres and prescribes target residential densities within and adjacent to activity centres. A number of the City's HOAs are located within activity centre catchments and therefore this policy will need to be taken in account as part of any further strategic review of HOAs.
- *State Planning Policy 7.2 – Precinct design (SPP7.2)*: The State Government introduced SPP7.2 on 19 February 2021 to guide the preparation and assessment of planning proposals for areas that require a high level of planning and design. Given the very recent release of SPP7.2, the policy is yet to be tested and it is unclear at this stage whether any strategic review of the City's HOAs would need to incorporate the requirements of SPP7.2.

- *State Planning Policy 3.6 – Infrastructure contributions (SPP3.6)*: The State Government released an updated SPP3.6 for public comment in late-2019. Whilst previously SPP3.6 was focused toward the provision of infrastructure in new areas of urban growth, the updates propose to introduce a framework for the delivery of infrastructure to new and existing communities. The policy is yet to be finalised and released by the State Government; however, may have implications on the way infrastructure is provided and funded in the City's HOAs.
- *Guidelines for local planning strategies*: The State Government is currently preparing new guidelines for the preparation of local planning strategies. Once completed, local governments will need to prepare local planning strategies in accordance with these guidelines. This means that any strategic review of HOAs, which may result in changes to existing strategies – such as the City's *Local Housing Strategy* or *Local Planning Strategy* – will need to consider these guidelines and what specific information or format is required.

As part of its strategic planning framework, a local government is required to have a *Local Planning Strategy*. Among other things, a Local Planning Strategy sets out the long-term planning directions for the local government, including recommendations from any subordinate strategies (like Local Housing Strategies and Local Commercial Strategies) and also provides the rationale for any zoning or classification of land under the local planning scheme. Accordingly, a *Local Planning Strategy* will typically precede or be prepared concurrently with a local planning scheme.

The City's current Local Planning Strategy was endorsed by the Western Australian Planning Commission in November 2017. The *Local Planning Strategy* includes the key recommendations of the City's *Local Housing Strategy*, through which the concept of Housing Opportunity Areas was first identified.

The City's current local planning scheme, *Local Planning Scheme No. 3 (LPS3)* was approved by the Minister for Planning in August 2018 and became operational in October 2018.

Under the *Planning and Development Act 2005*, a local government is required to undertake a review of its local planning scheme in the fifth year after approval was given to the scheme by the Minister for Planning. In the context of LPS3, this review is required to commence in the 2023-24 financial year. In accordance with proper and orderly planning, a review of the City's Local Planning Strategy should precede the review of the LPS3 (or be undertaken concurrently). The City has scheduled the review of its *Local Planning Strategy* to commence in the 2022-23 financial year. This review will consider the strategic provision of all housing throughout the City, including HOAs.

In recognition of:

- the imminent introduction of a new HOALPP policy which will introduce greater controls to better manage the impact of development in HOAs
- reforms currently being undertaken by the State Government that have the potential to have significant implications on a strategic review of HOAs
- the fact that a fulsome review of City's strategic and statutory planning framework is already scheduled, which will include consideration of the provision of housing, including in the HOAs,

it is considered that the comprehensive review of the City's HOAs, including the establishment of a Community Reference Group, be undertaken at the time as the City's review of its *Local Planning Strategy*. It is anticipated that by that time the State Government's significant planning reforms would have been resolved (or at least significantly progressed) so the direction and expectations of the State Government in relation to local government strategic planning will be known.

This timing will also mean that the State Government's review of residential planning policy – including the Medium Density Code and a fulsome review of the Low Density Code – will also be complete so the City would have a better understanding of its impact on any future local planning policy for HOAs.

Further, the timing will allow the imminent framework to be implemented and the City to be provided with an opportunity to identify and assess the effectiveness of the additional controls that will be introduced.

Progressing with a strategic review of the City's HOAs ahead of this will require a significant amount of City resources to be diverted away from other activities. It also introduces a risk that any work completed ahead of the State Government finalising its reform initiatives would need to be redone if the changes introduced as part of the State Government reforms require significant modification or an alternative approach.

Legislation / Strategic Community Plan / Policy implications

Legislation	<i>Planning and Development Act 2005. Planning and Development (Local Planning Schemes) Regulations 2015. State Planning Policy 7.3: Residential Design Codes Volume 1 and Volume 2.</i>
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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	<i>Development in Housing Opportunity Areas Local Planning Policy. Residential Development Local Planning Policy.</i>

Local Planning Policies

Part 2 of Schedule 2 of the Regulations enables a local government to prepare a local planning policy and sets out the process to be followed. In the case of residential development, *State Planning Policy 7.3: Residential Design Codes Volume 1 and Volume 2* provide specific guidance on what elements of each document can be modified by local governments and which cannot, and also clarify, of those elements which can be modified, which ones require approval of the WAPC.

The HOALPP was prepared within the scope of what can be modified via a local planning policy; however, required the approval of the WAPC.

The WAPC considered the HOALPP at its meeting dated 16 February 2021 and approved the policy with modifications as outlined above.

In order to give effect to the HOALPP, the policy needs to be updated to reflect the modifications required by the WAPC and a notice placed on the City's website.

Risk management considerations

The potential risks associated with options available to Council are discussed in the Issues and Options section of this report.

Whilst all risks cannot be eliminated, it is considered that the recommended option, being to implement the HOALPP from 2 July 2021, best manages the competing risks for Council in relation to this matter.

It is also considered that aligning any further strategic review of HOAs with the review of the City's local planning strategies best manages the potential risks associated with proceeding with significant local government strategic planning projects whilst the State Government is also progressing significant planning reforms.

Financial / budget implications

Since Council's decision at its meeting held on 20 August 2019 to prepare a suite of new development standards for HOAs (which includes Amendment No. 5 and the HOALPP), direct costs have been incurred in relation to the consultation activities undertaken. These costs amount to \$55,860.89 and include:

- advertising costs (newspaper, social media)
- costs to prepare the base graphics for the online development comparison examples
- the costs associated with printing and postage
- cost of materials and venue hire for the community information session.

Since Council's endorsement of the HOALPP at its meeting held on 24 March 2020 there have been no further direct costs incurred.

The costs incurred to date do not, however, take into account the internal costs of staff involvement in preparation of the draft new development standards, preparation of most of the consultation material and all analysis and reporting of consultation results, along with the ongoing engagement with the Department of Planning, Lands and Heritage and community members during this time. This cost has been absorbed into the City's operating budget, albeit with an opportunity cost in the form of delays to other work that would have been undertaken.

Regional significance

Perth is currently home to more than two million people and this is anticipated to grow to 3.5 million by 2050.

The State Government has a strategy for the future growth of Perth that aims to accommodate 47% of this population growth in existing suburbs. To achieve this, the State Government set targets for new dwellings for each metropolitan local government. For local governments like the City of Joondalup, which do not have many undeveloped areas left, this growth needs to be infill development.

The City was required to develop a Local Housing Strategy (LHS) to show how it was going to meet the residential infill target set by the State Government. The recommendations of the LHS resulted in the City's current infill areas (or Housing Opportunity Areas), and the planning framework that currently underpins these areas.

Although the HOALPP does not alter any densities within the City of Joondalup's infill areas, the policy is intended to support appropriate infill development and better manage the impact of development in the HOAs.

Sustainability implications

The HOALPP contains a number of sustainability initiatives, including the following:

- The introduction of a minimum proportion of a single house and grouped dwelling sites to be provided as landscape area.
- The requirement for deep soil areas and trees for single house and grouped dwelling development to place a greater emphasis on the provision of tree canopy cover.
- Built form provisions to make better use of access to sunlight and cross ventilation to reduce reliance on artificial heating and cooling of dwellings.

Consultation

Extensive consultation was undertaken prior to Council's endorsement of the HOALPP with the outcomes of the consultation reported to Council at its meeting held on 24 March 2020 (JSC02-03/20 refers).

No further consultation is required by either the Regulations or the City's *Planning Consultation Local Planning Policy* in order to implement the HOALPP.

However, following Council's consideration of item, the City will advise all members of the HOA database, as well as relevant industry stakeholders and government agencies of Council's decision.

COMMENT

As outlined previously, Council has the option to:

- implement the WAPC-approved version of the HOALPP
- prepare a different local planning policy for HOAs
or
- retain the current controls for HOAs.

In the event Council elects to implement the WAPC-approved version of the HOALPP, Council also has the option of determining when the HOALPP is implemented.

The potential risks and issues associated with the options outlined above are discussed in the Issues and Options section of this report.

For the reasons set out in the Issues and Options section of this report, it is recommended that Council formally implements the HOALPP from 2 July 2021.

Also as outlined above, Council has the option to determine when a further strategic review of HOAs is undertaken. For the reasons set out in the Issues and Options section of this report it is recommended that Council agrees that the strategic review of HOAs will occur in conjunction with the City's review of its *Local Planning Strategy*, which is currently scheduled to commence in the 2022-23 financial year.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 **NOTES** the changes to the *Development in Housing Opportunity Areas Local Planning Policy* (HOALPP) resulting from the Western Australian Planning Commission's decision on the HOALPP and the Minister for Planning's decision on associated Scheme Amendment No. 5, as outlined in Attachment 3 to this Report;
- 2 **AGREES** to formally implement the modified *Development in Housing Opportunity Areas Local Planning Policy* as detailed in Attachment 3 to this Report from 2 July 2021;
- 3 **AGREES** to the transitional arrangements for introduction of the *Development in Housing Opportunity Areas Local Planning Policy* as outlined in this Report;
- 4 **NOTES** that further approval of the *Development in Housing Opportunity Areas Local Planning Policy* may be required from the Western Australian Planning Commission following finalisation of the draft Medium Density Codes;
- 5 **NOTES** that the revised *Residential Development Local Planning Policy* will come into operation on the same date as the *Development in Housing Opportunity Areas Local Planning Policy*;
- 6 **AGREES** that any further strategic review of the Housing Opportunity Areas, including the establishment of any Community Reference Group, will be undertaken in accordance with a review of the City's Local Planning Strategy, currently scheduled to commence in the 2022-23 financial year.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf210309.pdf](#)

ITEM 4 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 27 January to 16 February 2021
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 27 January to 16 February 2021.

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 27 January to 16 February 2021, as detailed in Attachment 1 to this Report.

BACKGROUND

For the period 27 January to 16 February 2021, 11 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Consent Letter to Register a Restrictive Covenant	1
Section 70A Notification	9
Removal of Section 70A Notification	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 27 January to 16 February 2021, as detailed in Attachment 1 to this Report.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf210309.pdf](#)

ITEM 5 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	41196, 03149, 101515
ATTACHMENT	<p>Attachment 1 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 8 October 2020</p> <p>Attachment 2 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 10 December 2020</p> <p>Attachment 3 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 18 February 2021</p> <p>Attachment 4 Mindarie Regional Council – Ordinary Council Meeting Minutes – 17 December 2020</p> <p>Attachment 5 Mindarie Regional Council – Ordinary Council Meeting Minutes – 28 January 2021</p> <p><i>(Please note: These minutes are only available electronically).</i></p>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Ordinary Council meeting of the Tamala Park Regional Council held on 8 October 2020.
- Minutes of the Ordinary Council meeting of the Tamala Park Regional Council held on 10 December 2020.
- Minutes of the Ordinary Council meeting of the Tamala Park Regional Council held on 18 February 2021.
- Minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 17 December 2020.
- Minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 28 January 2021.

DETAILS

Tamala Park Regional Council Meetings

Meetings of the Tamala Park Regional Council were held on 8 October 2020, 10 December 2020 and 18 February 2021.

Cr John Chester was Council's representative at the Ordinary Council meeting of the Tamala Park Regional Council held on 8 October 2020.

Cr Philippa Taylor and Cr Christopher May were Council's representatives at the Ordinary Council meeting of the Tamala Park Regional Council held on 10 December 2020.

Cr John Chester and Cr Philippa Taylor were Council's representatives at the Ordinary Council meeting of the Tamala Park Regional Council held on 18 February 2021.

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

Mindarie Regional Council Meetings

Meetings of the Mindarie Regional Council were held on 17 December 2020 and 28 January 2021.

Mayor Albert Jacob, JP and Cr Russ Fishwick, JP were Council's representatives at the Ordinary Council meetings of the Mindarie Regional Council held on 17 December 2020 and 28 January 2021.

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

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of:

- 1 the Ordinary Council meeting of the Tamala Park Regional Council held on 8 October 2020 forming Attachment 1 to this Report;
- 2 the Ordinary Council meeting of the Tamala Park Regional Council held on 10 December 2020 forming Attachment 2 to this Report;
- 3 the Ordinary Council meeting of the Tamala Park Regional Council held on 18 February 2021 forming Attachment 3 to this Report;
- 4 the Ordinary Council meeting of the Mindarie Regional Council held on 17 December 2020 forming Attachment 4 to this Report;
- 5 the Ordinary Council meeting of the Mindarie Regional Council held on 28 January 2021 forming Attachment 5 to this Report.

To access this attachment on electronic document, click here: [RegionalMinutes210309.pdf](#)

ITEM 6 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 16 February 2021
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the status of outstanding petitions.

BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions. As part of that report, it was advised that quarterly reports would be presented to Council in the future.

DETAILS

Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 16 February 2021, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

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

Policy Implications

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

Risk Management Considerations

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

Financial/Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council NOTES:**

- 1** the status of outstanding petitions submitted to Council during the period 16 August 2016 to 16 February 2021, forming Attachment 1 to this Report;
- 2** in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, a report will be presented to a future Council meeting to consider possible amendments to the *Local Government and Public Property Local Law 2014*;
- 3** in relation to the petition requesting a skate park facility be built at Chichester Park, Woodvale, reports on the City of Joondalup *Outdoor Youth Recreation Strategy* and proposals for skate, BMX and mountain bike facilities in the City of Joondalup were presented to Council at its meeting held on 16 February 2021 (CJ017-02/21 and CJ018-02/21 refers);
- 4** in relation to the petition requesting the installation of a BMX dirt track at Kallaroo Park, reports on the City of Joondalup *Outdoor Youth Recreation Strategy* and proposals for skate, BMX and mountain bike facilities in the City of Joondalup were presented to Council at its meeting held on 16 February 2021 (CJ017-02/21 and CJ018-02/21 refers);

- 5 in relation to the petition requesting that:
- 5.1 provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;
 - 5.2 Council resolutely lobby the State Government's Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed,
- the City continues to investigate options and a report will be presented to a future Council meeting;
- 6 in relation to the petition requesting that Council reconsider and rescind their decision to spend \$2.15 million on a Chinese Garden for Jinan, to be located in Central Park and instead, redeploy the funds for community gardens across the City of Joondalup and for the benefit of all residents and ratepayers, a report was presented to Council at its meeting held on 16 February 2021 (CJ020-02/21 refers);
- 7 in relation to the petition requesting that Council change the regulation that bans dogs from all beaches, apart from the dog beach, a report was submitted to Council at its meeting held on 8 December 2020 (CJ189-12/20 refers);
- 8 in relation to the petition requesting that Council change the parking regulations in Bonneville Way, Abitibi Turn and Curran Court, Joondalup to make these streets 'resident only' parking, a report was submitted to Council at its meeting held on 8 December 2020 (CJ190-12/20 refers);
- 9 in relation to the petition requesting that Council construct a speed reduction hump on Seacrest Drive, Sorrento in the westbound lane approximately 50 metres from the corner of Marmion Avenue, it is anticipated that a report will be presented to Council at its meeting to be held on 16 March 2021;
- 10 in relation to the petition requesting that Council provide adequate bin facilities to address dog waste and litter at key entrance and exit points of the Yellagonga Regional Park, a report will be presented to a future Council meeting following a response from the Department of Biodiversity, Conservation and Attractions;
- 11 in relation to the petition requesting the next Chief Executive Officer be selected from outside of Local Government Professionals, the petition was submitted to Council at its meeting held on 8 December 2020 but was not formally received by Council at the meeting;
- 12 in relation to the petition requesting a new local or district scale combined mountain bike and BMX facility at Whitfords-West Park, reports on the City of Joondalup *Outdoor Youth Recreation Strategy* and proposals for skate, BMX and mountain bike facilities in the City of Joondalup were presented to Council at its meeting held on 16 February 2021 (CJ017-02/21 and CJ018-02/21 refers).

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf210309.pdf](#)

ITEM 7 REVIEW OF WARD NAMES, BOUNDARIES AND COUNCILLOR REPRESENTATION LEVELS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	51577, 101515
ATTACHMENT	Attachment 1 Discussion Paper
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 progress a formal review of ward boundaries, ward names and councillor representation levels as required by the *Local Government Act 1995*.

EXECUTIVE SUMMARY

The *Local Government Act 1995* requires every local government to review its ward boundaries and councillor representation levels so that not more than eight years elapse between successive reviews. The purpose of a review is to assess the current arrangements and to evaluate a range of options to find a system of representation that best suits the characteristics of the district and its people.

With the City of Joondalup being established on 1 July 1998 and adopting its preferred ward structure and councillor representation model on 27 August 1999, the first review of the City's ward boundaries and councillor representation occurred in December 2005, with a further review conducted in December 2013. Council is therefore required to undertake another review before 10 December 2021.

The review could take the City up to six months to complete prior to submitting the outcome of the review to the Local Government Advisory Board for its consideration. The review involves the preparation of a discussion paper and consultation with the community prior to Council agreeing on a preferred option and submitting that option to the Local Government Advisory Board. Any option to change the City's existing ward boundaries or councillor representation levels is likely to take effect from the 2023 local government elections.

It is therefore recommended that Council:

- 1 *AGREES to conduct a review of the City of Joondalup ward names, boundaries and councillor representation levels in accordance with Schedule 2.2 of the Local Government Act 1995;*
- 2 *SEEKS public submissions on the discussion paper forming Attachment 1 to this Report;*

- 3 *NOTES a further report will be presented to Council following the completion of the statutory public consultation process as required by Schedule 2.2 of the Local Government Act 1995.*

BACKGROUND

The City of Joondalup was established by virtue of the *Joondalup and Wanneroo Order 1998* which came into operation from 1 July 1998. The Order created two new local governments, the City of Joondalup and the now City of Wanneroo. At that time, the City of Joondalup was established without a ward system.

On 27 August 1999 a seven ward system for the City was agreed to, with the wards being named as follows:

- North Coastal.
- Marina.
- Whitfords.
- South Coastal.
- Pinnaroo.
- South.
- Lakeside.

Schedule 2.2 of the *Local Government Act 1995* (the Act) requires all local governments to carry out reviews of their ward boundaries and the number of councillors for each ward, so that no more than eight years elapse between successive reviews.

In 2005 the City conducted a review of its ward names, boundaries and councillor representation levels. At its meeting held on 13 December 2005 (C73-12/05 refers), Council recommended to the Local Government Advisory Board that an Order be made to:

- abolish the seven ward system and divide the City of Joondalup district into six wards
- name the new six wards as:
 - North
 - North-Central
 - Central
 - South-West
 - South East
 - South
- designate two (2) Councillors for each of the new wards.

The Governor in Executive Council made the *District of the City of Joondalup (Change of Wards and Representation) Order 2006*, as published in the *Government Gazette* on 17 February 2006 putting into effect Council's recommendations after the 2006 local government elections.

During 2013, the City conducted another review. Following the release of a discussion paper, and subsequent public comment period, Council at its meeting held on 10 December 2013 (CJ246-12/13 refers) resolved that:

- a change to the North Ward and North-Central Ward boundaries occur, by transferring the suburb of Connolly from the North Ward to the North-Central Ward
- no change occur to the councillor representation levels for the City's wards.

Following the consideration of the Local Government Advisory Board, the Governor in Executive Council made the *Local Government (Joondalup – Change of Boundaries) Order 2014*, as published in the *Government Gazette* on 15 July 2014 putting into effect Council's recommendations from the 2015 local government elections.

DETAILS

Schedule 2.2 of the *Local Government Act 1995* (the Act) requires all local governments to carry out reviews of their ward boundaries and the number of councillors for each ward, so that no more than eight years elapse between successive reviews. As the last review occurred and was reported to Council at its meeting held on 10 December 2013 (CJ246-12/13 refers), Council is legislatively required to undertake a review before 10 December 2021.

The purpose of a review is to assess the current arrangements and to evaluate a range of options to find a system of representation that best suits the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards.
- Changing the boundaries of a ward.
- Abolishing any or all of the wards into which a district is divided.
- Changing the name of a district or a ward.
- Changing the number of offices of Councillor on a council.
- Specifying or changing the number of offices of Councillor for a ward.

To facilitate the review it is usual practice that local governments prepare a discussion paper to enable public comment to be obtained. In conducting a review and in preparing a discussion paper, the *Local Government Act 1995* states a local government is to have regard to factors such as:

- community of interests
- physical and topographic features
- demographic trends
- economic factors
- the ratio of councillors to electors in the various wards.

Any advantages and disadvantages of changing ward boundaries or councillor representation levels based on the above criteria and other considerations have been identified and discussed within the draft discussion paper (Attachment 1 refers).

The Local Government Advisory Board considers that the ratio of councillors to electors is always significant. It is expected that a local government will have similar ratios of councillors to electors across the wards of its district, generally falling within a deviation of plus or minus 10%. The percentage ratio deviation is calculated by subtracting the councillor/elector ratio for a ward from the average councillor/elector ratio for the whole district. The result is then divided by the average councillor/elector ratio for the whole district and multiplied by 100 to give a percentage. A negative result indicates that the ward is under-represented, and a positive result indicates the ward is over-represented.

The current average ratio of councillors to electors across the district is one Councillor to every 9,324 electors. Based on the 2019 elector figures, the councillor/elector ratio for each of the City's wards is detailed below:

Ward Suburb (Electors)	Number of Electors	Number of Councillors	Councillor : Elector Ratio	% Ratio Deviation
North Burns Beach (2,494) Currambine (4,694) Iluka (3,865) Joondalup (5,836) Kinross (4,389) Silent (406)	21,684	2	1 : 10,842	- 16.28%
North-Central Edgewater (3,166) Connolly (2,699) Heathridge (4,513) Mullaloo (4,235) Ocean Reef (5,789) Silent (317)	20,719	2	1 : 10,360	-11.11%
Central - Beldon (2,661) Craigie (4,252) Kallaroo (3,828) Woodvale (6,598) Silent (266)	17,605	2	1 : 8,803	5.58%
South-West - Hillarys (8,078) Padbury (5,706) Sorrento (5,756) Silent (346)	19,886	2	1 : 9,943	- 6.65%
South-East - Greenwood (6,880) Kingsley (9,396) Silent (219)	16,495	2	1 : 8,248	11.54%
South - Duncraig (10,984) Marmion (1,705) Warwick (2,608) Silent (201)	15,498	2	1 : 7,749	16.89%
TOTAL	111,887	12	1 : 9,324	

As detailed above, only the Central and South-West wards currently fall within the plus/minus 10% guideline (5.58% and -6.65% respectively) with all other wards experiencing a more significant plus or minus 10% deviation from the average district ratio. The more significant figures to note are the under representation of the North Ward (-16.28%) and the over representation of the South Ward (16.89%). These figures are unlikely to be supported by the Local Government Advisory Board in terms of the continuation of the current ward structure.

Issues and options considered

The discussion paper (Attachment 1 refers) has been developed to assist the community in considering proposals and ideas as well as clarify the matters and factors that form the review.

The discussion paper outlines six options, which have been developed by way of example to encourage discussion. At this stage the City is not promoting any particular option, and the community may suggest alternative options for Council's consideration.

Council can either:

- support the discussion paper being released for public comment
or
- amend the discussion paper prior to it being released to the public for comment.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Effective Representation.

Strategic initiative Attract a diverse elected body that represents, promotes and reflects the composition of the community.

Policy Not applicable.

Clauses 6 through 9 of Schedule 2.2 of the *Local Government Act 1995* requires a local government to carry out a review of its ward boundaries and number of offices of councillor for each ward at least once every eight years. The provisions are as follows:

6. **Local government with wards to review periodically**

(1) *A local government the district of which is divided into wards is to carry out reviews of—*

- (a) *its ward boundaries; and*
- (b) *the number of offices of councillor for each ward,*

from time to time so that not more than 8 years elapse between successive reviews.

(2) *A local government the district of which is not divided into wards may carry out reviews as to—*

- (a) *whether or not the district should be divided into wards; and*
- (b) *if so—*
 - (i) *what the ward boundaries should be; and*
 - (ii) *the number of offices of councillor there should be for each ward,*

from time to time so that not more than 8 years elapse between successive reviews.

- (3) *A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.*

7. Reviews

- (1) *Before carrying out a review a local government has to give local public notice advising—*

- (a) *that the review is to be carried out; and*
(b) *that submissions may be made to the local government before a day fixed by the notice,*

being a day that is not less than 6 weeks after the notice is first given.

- (2) *In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.*

8. Matters to be considered in respect of wards

Before a local government proposes that an order be made—

- (a) *to do any of the matters in section 2.2(1), other than discontinuing a ward system; or*
(b) *to specify or change the number of offices of councillor for a ward,*

or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to—

- (c) *community of interests; and*
(d) *physical and topographic features; and*
(e) *demographic trends; and*
(f) *economic factors; and*
(g) *the ratio of councillors to electors in the various wards.*

9. Proposal by local government

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.*

** Absolute majority required.*

The proposed review only applies to ward boundaries, names and the representation levels of councillors per ward, not how the Mayor is elected or any such change to the method of electing a Mayor. Any change to the method of filling the office of Mayor is a separate process under the *Local Government Act 1995* and therefore will not change should Council determine to alter ward boundaries or councillor representation levels as an outcome of the review.

Risk management considerations

Should Council not undertake a review of its ward boundaries and councillor representation levels, it will be in contravention of the requirements of the *Local Government Act 1995*.

Financial/budget implications

Any consultation process and the preparation of a discussion paper will be included within the City's current operational budget.

Regional significance

Ensuring that there is an acceptable ratio of councillor to elector representation has significance for the region to ensure an appropriate level of community representation at the local government level.

Sustainability implications

The review of ward boundaries and councillor representation across the City of Joondalup will:

- attempt to provide a fair and equitable representation for the electors of the district
- ensure that the correct level of representation will assist individual Elected Members performing their role under section 2.10 of the *Local Government Act 1995*
- aid in the ability of Council to provide good government for the people in the City of Joondalup district.

Consultation

The review process involves a number of steps:

- Council resolves to undertake the review.
- Public submission period opens.
- Discussion paper provided to the community to generate comment.
- Public submission period closes.
- Council considers all submissions and relevant factors and makes a decision.
- Council submits a report to the Local Government Advisory Board for its consideration.
- The Local Government Advisory Board submits a recommendation to the Minister for Local Government (if any change is proposed by Council).

The *Local Government Act 1995* requires that any review is advertised for a six week public comment period. To aid discussion and feedback from the community, a discussion paper has been developed (Attachment 1 refers). Public consultation will include:

- notice in the *Joondalup Times* newspapers
- notices on the all public notice boards at the City's Customer Service Centre and libraries
- notices on the City's website and social media platforms
- letter to ratepayer groups and associations within the City's district inviting comment on the proposal.

Any changes recommended by the Local Government Advisory Board to the Minister for Local Government and approved by the Governor, will likely be in place from the 2023 local government elections.

COMMENT

The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the City of Joondalup district and the community. Any of the following may be considered:

- Creating new wards in a district already divided into wards.
- Changing the boundaries of a ward.
- Abolishing any or all the wards into which the district is divided.
- Changing the name of a district or ward.
- Changing the number of offices of Councillor on Council.
- Specifying or changing the number of offices of Councillor for a ward.

The advice from the Local Government Advisory Board is not to indicate/nominate any preferred option in the discussion paper circulated for community feedback however a variety of options should be presented.

While it is not desirable to undertake a review of the City's ward boundaries and councillor representation levels during a local government election year, the review is required to ensure that the City complies with its legislative obligations. It is made clear within the discussion paper that any changes to ward boundaries or councillor representation (if supported by Council) will not likely have any effect until the 2023 local government elections.

The number of councillor positions on the City of Joondalup Council is recommended to remain at 12 as it is considered that the level of representation is still satisfactory based on councillor representation numbers of other large metropolitan local governments, and in view of the costs associated with adding further councillor positions to the make-up of the Joondalup Council. However, an increase in councillor numbers may be an option that is put forward members of the community as part of their feedback.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 AGREES to conduct a review of the City of Joondalup ward names, boundaries and councillor representation levels in accordance with Schedule 2.2 of the *Local Government Act 1995*;**
- 2 SEEKS public submissions on the discussion paper forming Attachment 1 to this Report;**
- 3 NOTES a further report will be presented to Council following the completion of the statutory public consultation process as required by Schedule 2.2 of the *Local Government Act 1995*.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210309.pdf](#)

ITEM 8 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2021

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENT / S	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of January 2021 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of January 2021 Attachment 3 Municipal and Trust Fund Vouchers for the month of January 2021
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of January 2021.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2021, totalling \$12,077,581.23.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2021 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 \$12,077,581.23.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of January 2021. 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 110837 - 110862 & 110864 - 110884 & 100887 - 110900 EF089970 - EF090526	\$6,949,351.19
	Net of cancelled payments Vouchers 2968A – 2983A	\$5,123,693.14
	Bond Refund Cheques & EFT Payments 110863 & 110885 - 110886 EF089967 - EF089969 Net of cancelled payments.	\$4,536.90
Total		\$12,077,581.23

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 January 2021 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 \$12,077,581.23.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf210309.pdf](#)

ITEM 9 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2021

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 31 January 2021.

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.

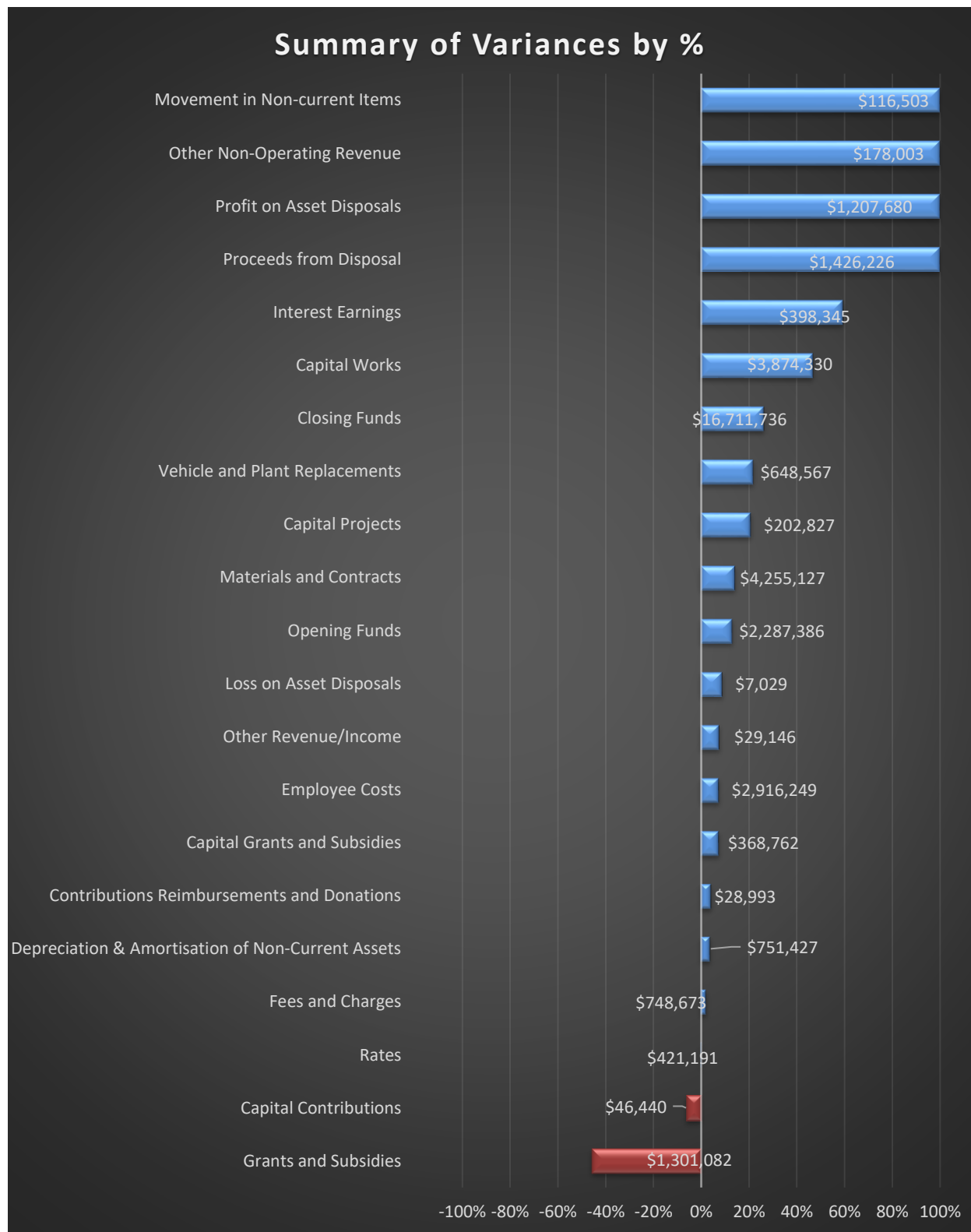
The January 2021 Financial Activity Statement Report shows an overall favourable variance of \$16,711,736 from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 January 2021 and results from a number of factors identified in the report.

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

The 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.

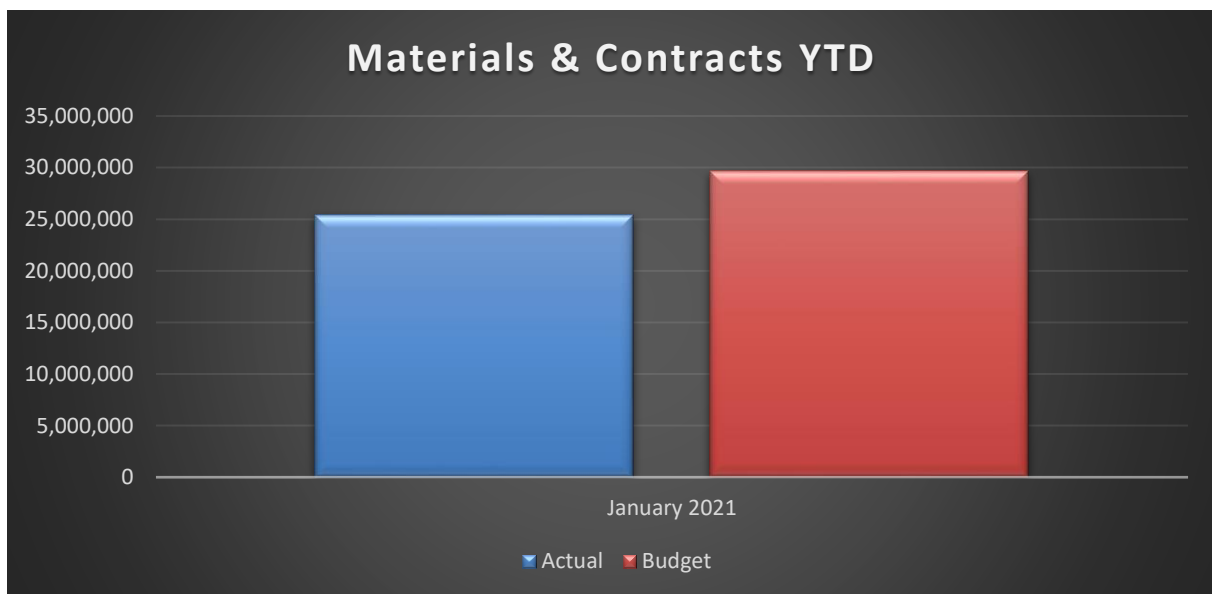
The key elements of the variance are summarised below:



The significant variances for January were:

Materials and Contracts

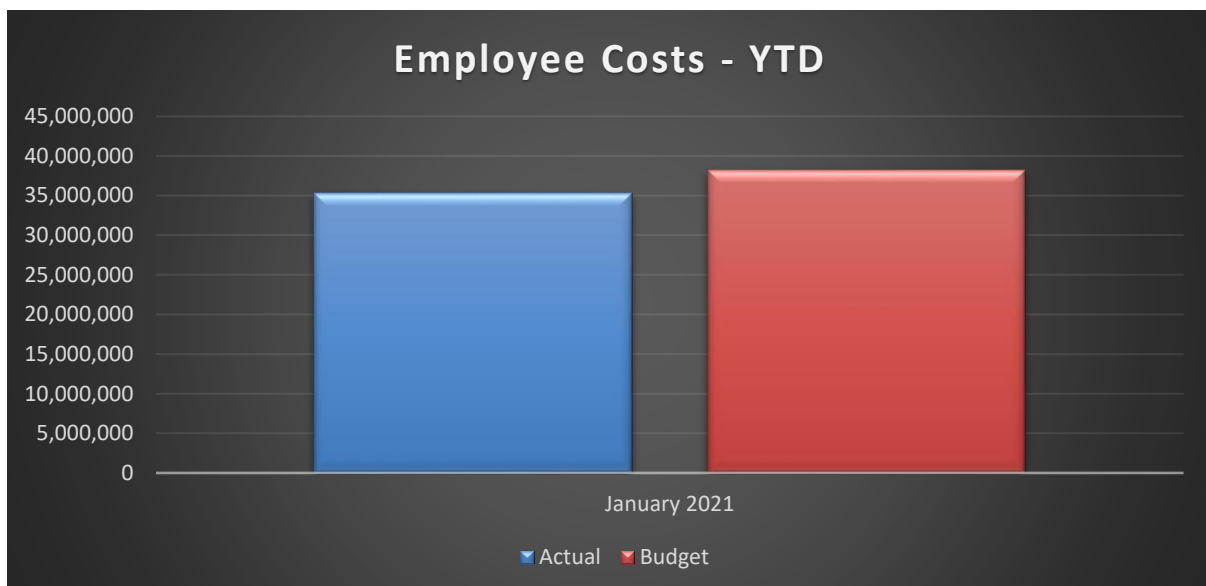
\$4,255,127



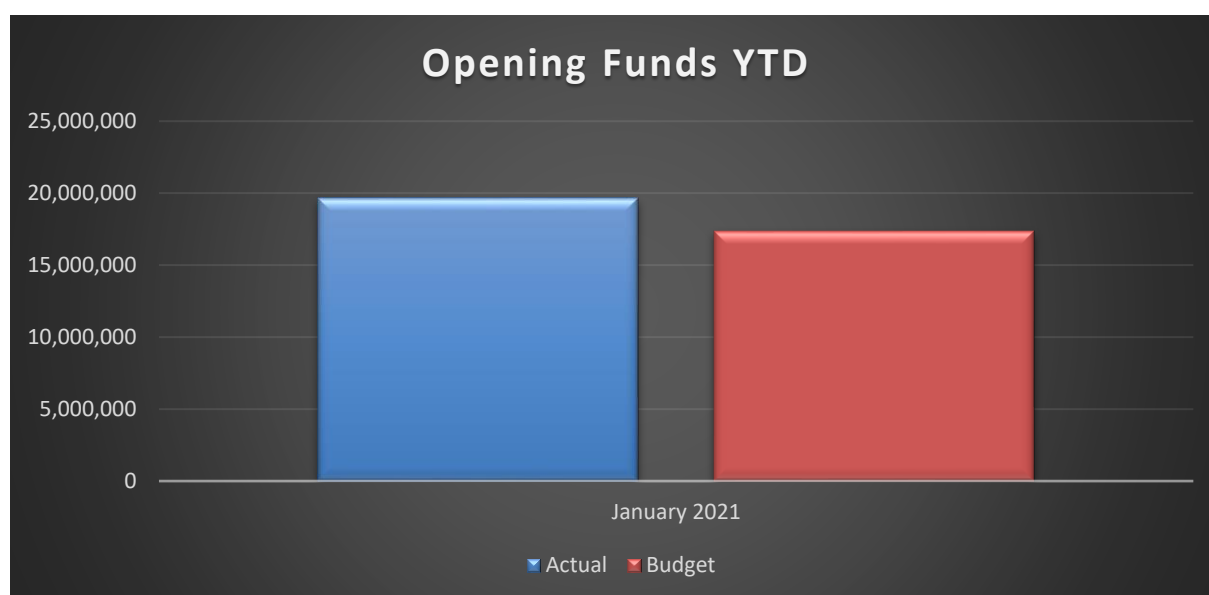
Materials and Contracts expenditure is \$4,255,127 below budget. This is spread across a number of different areas including External Service Expenses \$1,085,049, Professional Fees and Costs \$684,069, Contributions and Donations \$338,893, Furniture, Equipment and Artworks \$283,655, Travel, Vehicles and Plant \$259,561, Computing \$244,700, Other Materials \$233,505 and Public Relations, Advertising and Promotions \$229,985.

Employee Costs

\$2,916,249



Employee Costs Expenditure is \$2,916,249 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 Revised Budget following the Mid Year Budget Review.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2021 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS**Issues and options considered**

The Financial Activity Statement for the period ended 31 January 2021 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

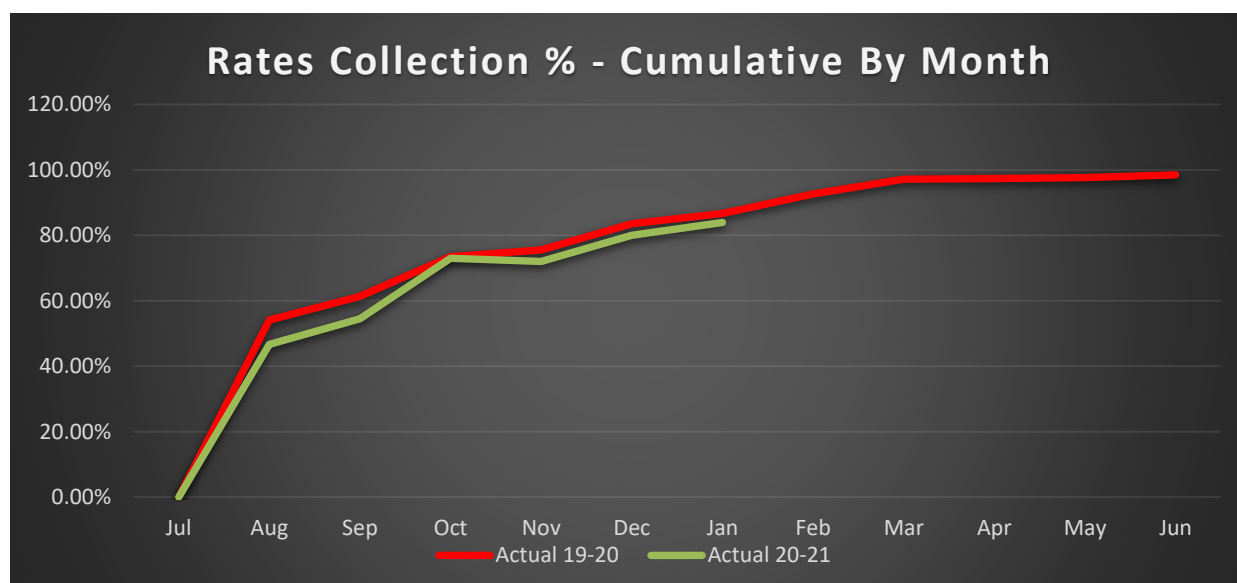
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

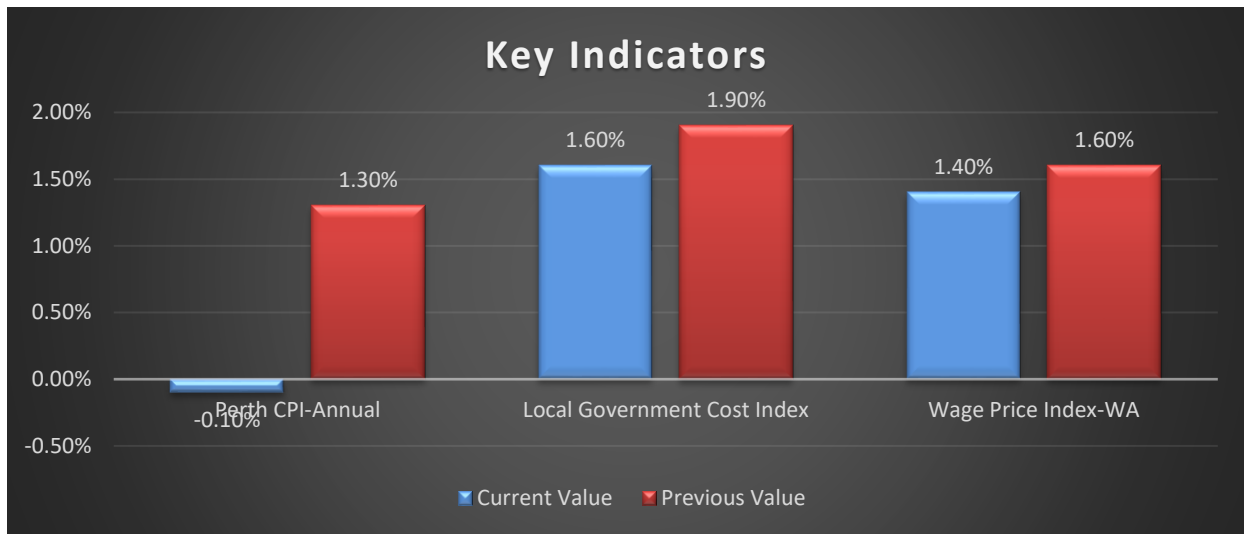
KEY INDICATORS

Rates Collection



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

Economic Indicators



Inflation data from December reflects the electricity credit introduced by Western Australian government in early Q3.

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. When these measures are unwound, it is possible that the indicators may change materially.

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 January 2021 forming Attachment 1 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf2 10309.pdf](#)

ITEM 10 DEVELOPMENT OF A RATES HARDSHIP POLICY

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	13524, 101515
ATTACHMENT	Attachment 1 Payment of Rates and Charges Policy
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the City's provisions for ratepayers experiencing financial hardship.

EXECUTIVE SUMMARY

Following the onset of the COVID-19 pandemic in early 2020, Council resolved at its meeting held on 20 October 2020 (C105-10/20) as follows:

That Council REQUESTS the Chief Executive Officer prepare a report on the development of a Rates Hardship Policy.

This report considers the development of a rates hardship policy in the context of the arrangements the City already has in place to assist ratepayers in financial hardship.

BACKGROUND

The *Local Government Act 1995* (the Act) sets out a local government's powers to levy and collect rates. These are imposed on the land in question (s 6.43), and the owner/s of such land are liable to pay these rates (s 6.44). The City levies rates annually as part of the adoption of each year's Annual Budget, in accordance with the provisions of the Act and relevant Regulations.

Section 6.45 of the Act and related Regulations enable payment of rates by instalments or other arrangements.

Following the onset of the COVID-19 pandemic and the resulting shutdowns, business interruptions and economic disruptions, there were significant concerns expressed about the possible impact of these disruptions on the ability of City of Joondalup ratepayers' economic circumstances and, therefore, their ability to meet rates payment obligations. Concern was expressed regarding the extent to which the City assists and supports ratepayers experiencing financial hardship to meet their obligations in the context of the COVID-19 pandemic.

Circular No 03-2020 comprising *Local Government (COVID-19 Response) Order 2020* issued by the Minister for Local Government; Heritage; Culture and the Arts in March 2020 required local governments to adopt a financial hardship policy in order to impose rates instalment interest rates greater than 3% per annum and penalty interest rates greater than 8% per annum.

The City did not adopt a separate formal financial hardship policy for the 2020-21 rating year but set instalment and penalty interest rates at 0% and 3% per annum respectively, well under the caps that were prescribed by the Minister for local governments without a hardship policy.

At its meeting held on 20 October 2020 (C105-10/20 refers), Council requested the Chief Executive Officer to prepare a report on the development of a Rates Hardship Policy.

Consideration for financial hardship is presently incorporated into the City's *Payment of Rates and Charges Policy* (Attachment 1 refers).

DETAILS

The City levies and collects rates on properties within its boundaries under the provisions of the *Local Government Act 1995* (the Act) and associated Regulations.

In addition to property rates that are levied via the annual rates notice, the City also levies refuse charges, swimming pool inspection fees and collects the Emergency Services Levy (which is raised by the State Government) on behalf of the Department of Fire and Emergency Services.

All these charges are raised and issued as part of the annual rates notice for each property.

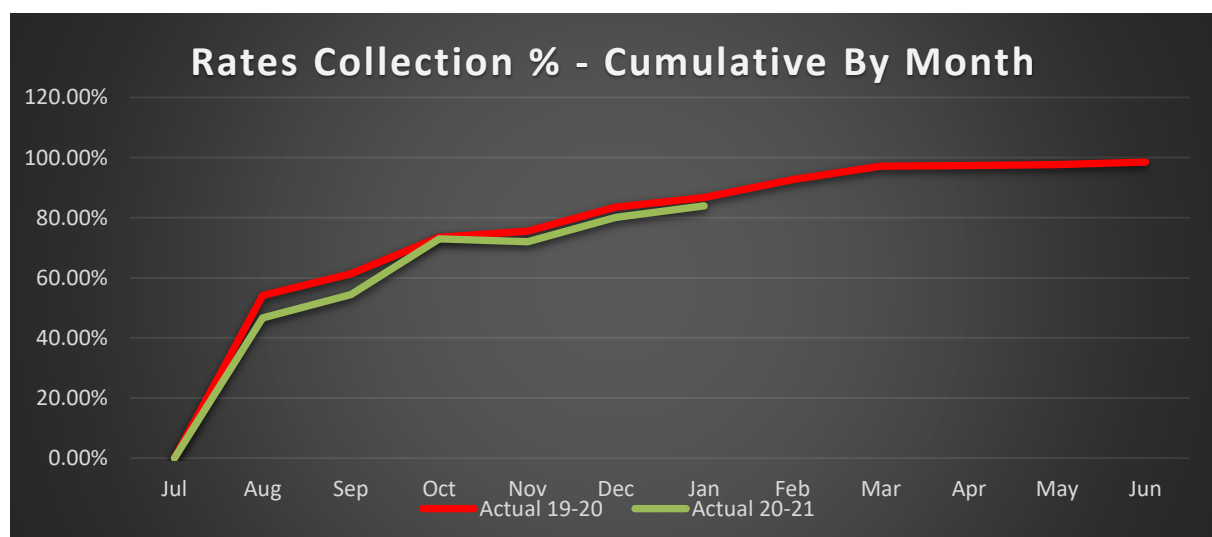
A number of payment options and payment methods are offered to ratepayers when the rates notices are issued annually. Payment options include:

- payment in full within the prescribed period
- payment by instalments, either two or four
- payment by special arrangement (direct debit or manual payment) on a weekly, fortnightly or monthly basis).

These options are provided on the City's website as public information.

At the time that the 2020-21 Annual Budget was adopted by Council, the general expectation was that the pandemic would have a materially negative impact on ratepayers' economic circumstances and the City therefore anticipated that rates collection in 2020-21 would be well below the collection rates in previous years.

As at 31 January 2021, the rates collection rate is better than anticipated and only marginally below the collection rate at the same time in the 2019-20 financial year:



This result indicates that the impact of the pandemic has been significantly better than expected for the majority of the City of Joondalup ratepayer community.

The existing Payment of Rates and Charges Policy makes provision for the City to assist ratepayers in financial hardship. These policy provisions are as follows:

2.2. Financial Hardship:

- a. The City recognises its responsibility in responding to the needs of residents experiencing severe financial hardship by ensuring that they are treated with respect, dignity, fairness, equity and confidentiality.*
- b. The level of relief applicants may receive will be based on the evidence of genuine hardship because of due to trauma/tragedy, level of income, reliance on social security, illness/disability, business failure or other factors considered relevant by the Chief Executive Officer.*
- c. The City will determine the financial contribution amount an applicant may contribute to the reduction of the debt.*
- d. If the Chief Executive Officer is satisfied that the contribution will exacerbate the level of hardship, then consideration may be given to writing off all or part of the late payment interest.*
- e. In the case of severe financial hardship, as determined by the Chief Executive Officer, the City will not impose additional charges and interest.*
- f. Authority is delegated to the Chief Executive Officer to determine alternative payment options based on individual circumstances.*

The current approach to situations of financial hardship

The financial hardship provisions in the City's *Payment of Rates and Charges Policy* provide the framework for the City's engagement with ratepayers experiencing financial hardship.

The process that the City follows to establish financial hardship in any particular circumstance usually involves first working with the ratepayer and then referring the ratepayer/s to a financial counsellor as required. Financial counselling services are independent of the City and provide an objective assessment of the ratepayer's financial situation with a recommendation to the City of the ratepayer's financial capacity to meet payment obligations. The City refers individual ratepayers to financial counselling services who may be situated in locations convenient for the ratepayer/s to attend.

Based on the recommendation from the financial counsellor, the City works with the ratepayer to structure a suitable payment plan. What specific form this takes will depend on the particular circumstances. It is not unusual for payment plans to commence with lower-than-usual payment amounts and be reviewed regularly. Individual circumstances will dictate the specific terms of a particular payment arrangement.

In general, the City envisages payment arrangements that allow balances owed in any particular year to be fully settled within the same financial year. This permits the ratepayer/s to commence the next financial year with no arrears outstanding – a clean slate, in essence. Although rates are a charge against the land, section 6.45 of the Act requires them to be settled by the owner, that is ratepayer/s and this approach therefore assists ratepayer/s to receive a new rates notice in the following year without any unpaid arrears.

This is, of course, unsuitable in a minority of cases where the ratepayer's financial situation cannot accommodate settlement of the outstanding balances within the same financial year. In such cases, the City works with the ratepayer/s to implement a payment plan that continues into the subsequent financial year and incorporates an estimate of the following year's rates and charges so that the payment plan will then conclude in the later financial year. This allows the ratepayer/s to pay off the arrear amounts on a regular and sustained basis and extends out the payment plan so that it is not necessary to establish a separate payment plan for the following year's rates and, therefore, less confusing for the ratepayer. Any adjustments to the payment arrangement to account for differences between the estimated and actual rates in the subsequent financial year are effected in discussion with the ratepayer/s.

Issues and options considered

The provisions in the *Payment of Rates and Charges Policy* constitute an overall framework that provides latitude to the City to tailor payment arrangements to suit specific circumstances. This flexibility is important to allow the City to exercise judgement that accommodates the individual situations that ratepayers in financial hardship may face, while balancing the requirement to ensure rates are collected.

A separate financial hardship policy can either be prescriptive – thus reducing the City's ability to be flexible in response to individual ratepayer circumstances – or principle-based. It may be considered that the existing *Payment of Rates and Charges Policy* already incorporates a principle-based framework to guide the City in addressing situations of financial hardship. A separate principle-based policy addressing the same matters is unlikely to add value.

The *Payment of Rates and Charges Policy* is scheduled to be reviewed and submitted to the Policy Committee for consideration later in the year. It is appropriate that any enhancements to the City's approach to ratepayer financial hardship be considered as part of this review and that no separate financial hardship policy be prepared.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

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

Policy *Payment of Rates and Charges Policy*.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Specific consultation has not been undertaken in relation to this matter. The Ministerial Circular and policy wordings used in other local governments have been referred to for guidance.

COMMENT

The City has an obligation to consider the financial circumstances of ratepayers and make appropriate accommodations for payment of rates and charges, including provisions for situations of financial hardship. The existing *Payment of Rates and Charges Policy* includes principle-based provisions for the City to assist ratepayers in financial hardship. It is considered that a separate financial hardship policy that is prescriptive in nature could curtail the City's ability to respond flexibly and effectively to individual ratepayer circumstances, while a principle-based policy is likely to duplicate what is already in the *Payment of Rates and Charges Policy*.

A separate financial hardship policy is unlikely to enhance the City's ability to assist ratepayers in financial hardship.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** that the City's existing *Payment of Rates and Charges Policy* includes provisions for consideration of financial hardship;
- 2 **NOTES** that the upcoming review of the *Payment of Rates and Charges Policy* will consider any necessary changes to existing financial hardship provisions;
- 3 **AGREES** that a separate financial hardship policy is not required.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf210309.pdf](#)

BACKGROUND

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake works for the extension and refurbishment of the Warwick Bowling Club at 66 Lloyd Drive, Warwick WA. The works shall include, but not be limited to the following:

- Demolition as per documentation.
- Extension of the main hall.
- Extension to verandah area.
- Construction of patio area.
- Refurbishment of toilets.
- Construction of UAT and cleaners' room.
- Relocation of switchboard.
- New aggregated concrete to verandah and patio area.
- Part refurbishment of kitchen.
- New carpet and vinyl throughout.
- New paint finish.
- New LED lights to main hall.
- Power upgrade.
- ACROD car bays.
- A/C upgrade.

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 extension and refurbishment of the Warwick Bowling Club was advertised through statewide public notice on 28 November 2020. The tender period was for two weeks and tenders closed on 17 December 2020.

Tender Submissions

A submission was received from each of the following:

- Hickey Constructions Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- Interstruct Constructions Pty Ltd.

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

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

A confidential tender summary is provided in Attachment 3 to this Report.

Evaluation Panel

The evaluation panel comprised three members, being:

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

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

Evaluation Method and Weighting

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

The 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 Warwick Sports Centre refurbishment project has proven to be challenging with multiple significant issues identified and the construction process requires a thorough professional and technically competent approach. It is essential to seek a highly qualified contractor that is able to deal with these challenges professionally. The predetermined minimum acceptable qualitative score for this tender was therefore set at 60%.

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

Qualitative Criteria		Weighting
1	Demonstrated experience completing community facility refurbishment projects	35%
2	Demonstrated understanding of the required tasks	35%
3	Capacity	25%
4	Social and economic effects on the local community	5%

Compliance Assessment

The following offers received were assessed as fully compliant:

- Hickey Constructions Pty Ltd.
- LKS Constructions (WA) Pty Ltd.

The submission from Interstruct Constructions Pty Ltd was assessed as partially compliant. Interstruct Constructions Pty Ltd did not fully address the compliance criterion for insurance coverage. This offer was included for further assessment on the basis that clarifications could be sought from Interstruct Constructions Pty Ltd, if shortlisted for consideration.

Qualitative Assessment

Interstruct Constructions Pty Ltd scored 17.9% and was ranked third in the qualitative assessment. The company did not fully demonstrate experience completing community facility refurbishment projects. Examples of works were mainly for projects carried out by its general manager and director/on site project manager for other companies. The value, dates of contracts or when these projects were undertaken were not provided. It submitted insufficient information demonstrating its understanding of the City's requirements and the capacity required to carry out the works. It did not address the ability to provide additional personnel or state the number of full-time employees. Its structure of business was not provided. Though a provisional construction program was supplied, its projected construction period including demolition of 40 weeks did not meet the City's required timeframe of seven months or for completion of works by 30 October 2021.

LKS Constructions (WA) Pty Ltd scored 77.6% and was ranked second in the qualitative assessment. The company demonstrated a thorough understanding of the required tasks. It has experience completing community facility refurbishment projects for various local governments including the Cities of Wanneroo and Stirling. It demonstrated the capacity required to undertake the works for the City.

Hickey Constructions Pty Ltd scored 79.9% and was ranked first in the qualitative assessment. The company has experience completing various facility refurbishment projects for local governments including the City of Joondalup. It demonstrated a thorough understanding and appreciation of the City's requirements. Hickey Constructions Pty Ltd is well established with sufficient industry experience and proven capacity to complete the works for the City.

Given the minimum acceptable qualitative score of 60%, Hickey Constructions Pty Ltd and LKS Constructions (WA) Pty Ltd qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the lump sum prices offered by each of the tenderers in order to assess value for money to the City.

Tenderer	Fixed Lump Sum (Exclusive of GST)
Hickey Constructions Pty Ltd	\$907,314
LKS Constructions (WA) Pty Ltd	\$1,043,800

Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Lump Sum Price	Price Ranking
Hickey Constructions Pty Ltd	79.9%	1	\$907,314	1
LKS Constructions (WA) Pty Ltd	77.6%	2	\$1,043,800	2

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

Issues and options considered

The City has a requirement for the extension and refurbishment of the Warwick Bowling Club. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Community Wellbeing.

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

Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as there is a strong expectation from the Warwick Bowling Club following years of lobbying that the project will proceed to assist with managing its growing membership numbers, which the current facility is unable to accommodate.

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

Financial / budget implications

Account no.	CW004141.
Budget Item	Refurbishment and extension works to Warwick Bowling Clubrooms, Warwick.
Budget amount	\$ 106,398 (Revised 2020-21 Detailed Design and Construction) \$ 815,598 (Draft 2021-22 Construction) \$ 45,800 (Draft 2021-22 Warwick Bowling Club contribution)
Amount spent to date	\$ 38,479
Committed	\$ 11,862
Proposed cost	\$ 907,314
Balance	\$ 10,141

The total budget for the MPP2013 – Warwick Sports Centre Project in the five year Capital Works Program between 2019-20 and 2021-22 was \$1,235,360, with the following allocations applied:

- Detailed Design – \$132,360
- Warwick Bowling Clubrooms Construction – \$754,000
- Greenwood Tennis Clubrooms – \$349,000

During the detailed design process in 2019-20 the City was approached by the Warwick Bowling Club to consider further extensions to the facility, with the balance of the costs to be borne by the Club either through grant funding opportunities or a Club contribution. After obtaining a revised pre-tender estimate, the Club agreed to fund the projected amount of \$45,800 towards the specific additional works requested.

As part of the detailed design process a major power upgrade to the site was also confirmed and quoted by Western Power, resulting in a further increase to the projected budget. Combined with escalating market conditions, an additional allowance of \$168,000 (including \$45,800 Club-funded contribution) has been factored into the draft 2021-22 Capital Works Program. This will be reconsidered during the 2021-22 Mid-Year Review process should savings be identified during construction at the Warwick Bowling Clubrooms and finalisation of the tender process for Greenwood Tennis Clubrooms.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

As the facility is fully leased, consultation was undertaken directly with the Warwick Bowling Club to finalise the design throughout 2019-20.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the extension and refurbishment of the Warwick Bowling Club as specified in Tender 022/20 for the fixed lump sum of \$907,314 (excluding GST) for completion of works within seven months from commencement of contract.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf210309.pdf](#)

ITEM 12 TENDER 035/20 - PROVISION OF TREE MAINTENANCE SERVICES

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	109054, 101515
ATTACHMENT / S	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions Attachment 3 Confidential Tender Summary
	<i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Geoffs Tree Service Pty Ltd as Trustee for the Jansen Gray Family Trust trading as Geoffs Tree Service Pty Ltd for the provision of tree maintenance services (general pruning) and Arbor West Pty Ltd trading as Classic Tree Services for the provision of tree maintenance services (pruning near power).

EXECUTIVE SUMMARY

Tenders were advertised on 21 November 2020 through state-wide public notice for the provision of tree maintenance services. Tenders closed on 9 December 2020. A submission was received from each of the following:

- Geoffs Tree Service Pty Ltd as Trustee for the Jansen Gray Family Trust trading as Geoffs Tree Service Pty Ltd.
- Tree Amigos Tree Surgeons Pty Ltd as Trustee for Tree Amigos Tree Surgeons Trust trading as Tree Amigos Tree Surgeons.
- Arbor West Pty Ltd trading as Classic Tree Services.
- Sunspell Nominees Pty Ltd as Trustee for G C Dickie Family Trust trading as Dickies Tree Service.
- Cosmag Pty Ltd (Kennedys Tree Services).
- D.P Johnston & W.L Robinson (Total Tree Service Perth) Conforming Offer.
- D.P Johnston & W.L Robinson (Total Tree Service Perth) Alternative Offer.

The submission from Geoffs Tree Service Pty Ltd represents best value to the City for general pruning. The company has extensive experience completing similar tree maintenance services for local governments in WA including the Cities of Wanneroo, Joondalup and Bayswater. It demonstrated a thorough understanding of the City's requirements. Geoffs Tree Service Pty Ltd is well established with significant industry experience and capacity to provide the services to the City.

The submission from Classic Tree Services represents best value to the City for pruning near power lines. The company demonstrated a thorough understanding of the required tasks. It has extensive experience providing tree maintenance services to various local governments in WA including the Town of Cambridge, the Cities of Belmont, Stirling, Perth, Subiaco and South Perth. Classic Tree Services is well established with sufficient industry experience and proven capacity to provide the services to the City.

It is therefore recommended that Council:

- 1 *ACCEPTS the tender submitted by Geoffs Tree Service Pty Ltd as Trustee for the Jansen Gray Family Trust trading as Geoffs Tree Service Pty Ltd for the provision of tree maintenance services (general pruning) as specified in Tender 035/20 for a period of three years with an option for a further one plus one year terms at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups);*
- 2 *ACCEPTS the tender submitted by Arbor West Pty Ltd trading as Classic Tree Services for the provision of tree maintenance services (pruning near power lines) as specified in Tender 035/20 for a period of three years with an option for a further one plus one year terms 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 to engage a contractor for tree maintenance services or a contractor each for tree maintenance services – general pruning and tree maintenance services – near power lines.

Tenders were invited not for any definite number of trees to be maintained, but for such numbers as may be ordered during the period of the contract. As a guideline of previous maintenance during a twelve-month period, approximately 10,000 trees within the City were pruned.

The works required under this contract are for arboriculture works associated with trees and shrubs within the City. This requirement did not specify a set number of trees and shrubs for pruning but for the provision of services on an 'as and when required' basis. This will require the contractor supplying the appropriate number of staff for the task, consistent with, (but not limited to) Work Safe requirements, Western Power requirements, necessary plant and equipment and traffic management.

The City has its own tree maintenance crews and reserves the right to undertake general tree and shrub maintenance services utilising its own staff at any time during the contract term.

Tender 030/20 was advertised as two separable portions:

- separable portion 1: tree maintenance services general pruning
- separable portion 2: tree maintenance services near power lines.

Tenderers could submit an offer to undertake one or both portions of the work. The City has the option to consider engaging a single contractor or two contractors to provide tree maintenance for general pruning and pruning near powerlines.

The City has two contracts in place for general pruning with The Trustee for Tree Amigos Tree Surgeons Trust trading as Tree Amigos Tree Surgeons and for pruning near power with Arbor West Pty Ltd trading as Classic Tree Services which expire 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 tree maintenance services was advertised through statewide public notice on 21 November 2020. The tender period was for two weeks and tenders closed on 9 December 2020.

Tender Submissions

A submission was received from each of the following:

- Geoffs Tree Service Pty Ltd as Trustee for the Jansen Gray Family Trust trading as Geoffs Tree Service Pty Ltd.
- Tree Amigos Tree Surgeons Pty Ltd as Trustee for Tree Amigos Tree Surgeons Trust trading as Tree Amigos Tree Surgeons.
- Arbor West Pty Ltd trading as Classic Tree Services.
- Sunspell Nominees Pty Ltd as Trustee for G C Dickie Family Trust trading as Dickies Tree Service.
- Cosmag Pty Ltd (Kennedys Tree Services).
- D.P Johnston & W.L Robinson (Total Tree Service Perth) Conforming Offer.
- D.P Johnston & W.L Robinson (Total Tree Service Perth) Alternative Offer.

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.

A confidential tender summary is provided in Attachment 3 to this Report.

Evaluation Panel

The evaluation panel comprised three members, being:

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

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

Evaluation Method and Weighting

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. Due to the technical nature of the proposed services and the need to ensure that the contractors have the necessary qualifications, certifications, experience and knowledge to carry out general pruning and tree maintenance services – near power lines, the predetermined minimum acceptable qualitative score for this requirement was therefore set at 55%.

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Geoffs Tree Service Pty Ltd.
- Tree Amigos Tree Surgeons.
- Classic Tree Services.
- Dickies Tree Service.
- Kennedys Tree Services.

The offers received from Total Tree Service Perth (conforming and alternative) were assessed as non-compliant. Total Tree Service Perth did not submit a response adequately addressing the qualitative criteria and the information provided in its submissions were insufficient to enable assessment of its offers. These offers were eliminated from further evaluation.

Qualitative Assessment

Kennedys Tree Services scored 79.4% and was ranked fifth in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has experience providing tree maintenance services to WA local governments including the Shire of Serpentine Jarrahdale, the Cities of Gosnells and Swan. It demonstrated the capacity required to undertake the services.

Dickies Tree Service scored 82.8% and was ranked fourth in the qualitative assessment. It demonstrated the capacity and experience required to carry out the services. It has been providing tree maintenance services to state and local government agencies in WA including the Cities of Stirling and Vincent. It demonstrated a thorough understanding and appreciation of the City's requirements.

Classic Tree Services scored 85.1% and was ranked third in the qualitative assessment. The company has extensive experience providing tree maintenance services to various local governments in WA including the Town of Cambridge, the Cities of Belmont, Stirling, Perth, Subiaco and South Perth. It demonstrated a thorough understanding of the required tasks. Classic Tree Services is well established with sufficient industry experience and proven capacity to provide the services to the City.

Tree Amigos Tree Surgeons scored 85.3% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience providing tree maintenance services to various government agencies in WA including the Metropolitan Cemeteries Board, Edith Cowan University, the Cities of Vincent and Joondalup. It has sufficient capacity to carry out the services for the City.

Geoffs Tree Service Pty Ltd scored 87.6% and was ranked first in the qualitative assessment. The company has extensive experience completing similar tree maintenance services for local governments in WA including the Cities of Wanneroo, Joondalup and Bayswater. It demonstrated a thorough understanding of the City's requirements. Geoffs Tree Service Pty Ltd is well established with significant industry experience and capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 55%, all tenderers qualified for stage two of the assessment.

Price Assessment

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

The estimated expenditure over a 12-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 tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tenderer for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. 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, three and also four and five ((if the optional extension of one plus one year terms were exercised) 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, three, four and five.

Tenderer	Year 1	Year 2	Year 3	Total
Tree maintenance services - general pruning including emergency / after hours'				
Geoffs Tree Service Pty Ltd	\$929,096	\$943,032	\$957,177	\$2,829,305
Tree Amigos Tree Surgeons	\$929,485	\$943,427	\$957,578	\$2,830,490
Dickies Tree Service	\$946,205	\$960,398	\$974,804	\$2,881,407
Kennedys Tree Services	\$1,110,050	\$1,126,701	\$1,143,601	\$3,380,352
Classic Tree Services	\$1,461,530	\$1,483,453	\$1,505,705	\$4,450,688
Tree maintenance services - near power lines				
Classic Tree Services	\$212,714	\$215,905	\$219,143	\$647,762
Kennedys Tree Services	\$250,815	\$254,577	\$258,396	\$763,788
Tree Amigos Tree Surgeons	\$253,712	\$257,517	\$261,380	\$772,610
Geoffs Tree Service Pty Ltd	\$258,516	\$262,394	\$266,330	\$787,239
Dickies Tree Service	\$300,860	\$305,373	\$309,953	\$916,186

During 2019-20, the City incurred \$896,514 (general pruning) and \$206,730 (pruning near power lines). The City is expected to incur in the order of \$2,829,306 (general pruning including emergency / after hours') and \$647,762 (pruning near power lines) over the three year contract period and \$4,786,949 (general pruning including emergency / after hours') and \$1,089,336 (pruning near power lines) over five years should the City exercise the extension option.

Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price		Price Rank	
			General Pruning including Emergency / After Hours'	Pruning Near Power Lines	General Pruning	Pruning Near Power Lines
Geoffs Tree Service Pty Ltd	87.6%	1	\$2,829,305	\$787,239	1	4
Tree Amigos Tree Surgeons	85.3%	2	\$2,830,490	\$772,610	2	3
Dickies Tree Service	82.8%	4	\$2,881,407	\$916,186	3	5
Kennedys Tree Services	79.4%	5	\$3,380,352	\$763,788	4	2
Classic Tree Services	85.1%	3	\$4,450,688	\$647,762	5	1

Based on the evaluation result the panel concluded that the tenders from Geoffs Tree Service Pty Ltd and Classic Tree Services provide best value to the City and are therefore recommended for the provision of tree maintenance services (general pruning) and tree maintenance services (pruning near powerlines), respectively.

Issues and options considered

The City has a requirement for general arboriculture works associated with trees and shrubs within the City including those near powerlines. The City does not have the internal resources to supply the required services for the volume of work required and as such requires an appropriate external service provider, or providers.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality Open Spaces.

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

Policy To have urban and green spaces which are attractive, well utilised and enrich the lives of the community.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City does not have the internal resources to undertake large scale pruning across the City. The City requires this pruning to reduce the risk of property damage from verge trees and also to meet Western Power guidelines regarding pruning of trees around power lines.

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

Financial / budget implications

Account no.	Various maintenance accounts.
Budget Item	Tree maintenance services.
Budget amount (estimated)	\$ 1,130,750
Amount spent to date	\$ 579,028
Proposed cost	\$ 373,284
Balance	\$ 178,438

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

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The provision of tree maintenance services enhances the appearance of the City's streetscape trees and shrubs. It also provides an important tool in reducing the risk of damage to property and persons by diseased or damaged trees.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offers submitted by Geoffs Tree Service Pty Ltd and Classic Tree Services for the provision of tree maintenance services (general pruning) and tree maintenance services (pruning near powerlines), respectively, represent best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 ACCEPTS the tender submitted by Geoffs Tree Service Pty Ltd as Trustee for the Jansen Gray Family Trust trading as Geoffs Tree Service Pty Ltd for the provision of tree maintenance services (general pruning) as specified in Tender 035/20 for a period of three years with an option for a further one plus one year terms at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups);**
- 2 ACCEPTS the tender submitted by Arbor West Pty Ltd trading as Classic Tree Services for the provision of tree maintenance services (pruning near power lines) as specified in Tender 035/20 for a period of three years with an option for a further one plus one year terms at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf210309.pdf](#)

ITEM 13 PETITION IN RELATION TO REQUEST FOR SPEED HUMP IN SEACREST DRIVE, SORRENTO

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	00003, 101515, 05386
ATTACHMENT	Attachment 1 Locality Plan
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a petition requesting the construction of a speed hump in Seacrest Drive, Sorrento.

EXECUTIVE SUMMARY

At its meeting held on 20 October 2020 (C101-10/20 refers), Council received a 32 signature petition from residents requesting the installation of a speed hump on Seacrest Drive, Sorrento in the westbound lane, approximately 50-100 metres from the corner of Marmion Avenue.

The purpose of Seacrest Drive, a local distributor road as defined by Main Roads WA's (MRWA) *Functional Road Hierarchy*, is to distribute a mix of residential and commercial traffic to the wider road network such as Marmion Avenue to the east and Hepburn Avenue to the north (Attachment 1 refers). This road is designed to carry vehicle volumes of up to approximately 6,000 vehicles per day (vpd) with current vehicle volumes between 4,000 and 6,500 vpd.

Since its construction in the early 1980's, Seacrest Drive has had various traffic treatments in response to changes in traffic volumes and speeds, with some of these treatments brought forth from community requests.

Based on the City's technical assessment of Seacrest Drive, which took into consideration traffic volumes, speed, and crash history, the road is considered to be operating within acceptable levels and as such, there is no immediate need for changes to the current traffic treatments.

It is therefore recommended that Council:

- 1 *NOTES that the current traffic treatment on Seacrest Drive, a local distributor road, consists of a flush red median, tree wells, pedestrian refuge median islands and roundabouts;*

- 2 *NOTES the Main Roads WA's Local Area Traffic Management Guidelines does not support the installation of speed humps on local distributor roads, on bus routes, and on roads where the vehicle volumes exceed 4,000 vehicles per day in both directions;*
- 3 *DOES NOT SUPPORT the installation of speed hump/s on Seacrest Drive, Sorrento;*
- 4 *SUPPORTS the City undertaking speed awareness initiatives such as the "Please Slow Down Consider Our Kids" bin sticker program and the temporary installation of a speed radar device;*
- 5 *ADVISES the lead petitioner of its decision.*

BACKGROUND

Seacrest Drive is classified as a local distributor road as defined by Main Roads WA's (MRWA) *Functional Road Hierarchy*. Its purpose is to distribute a mix of residential and commercial traffic to the wider road network such as Marmion Avenue to the east and Hepburn Avenue to the north (Attachment 1 refers). Due to its function, the road is designed to carry vehicle volumes of up to approximately 6,000 vpd.

Since its construction in the early 1980's, Seacrest Drive has had various traffic treatments in response to changes in traffic volumes and speeds, with some of these treatments brought forth from community requests.

A petition was received by Council in June 2003, requesting a traffic treatment to address concerns relating to high vehicle volumes and vehicle speeds on Seacrest Drive.

In the report to Council in September 2003 (CJ217-09/03 refers), it was recommended that the installation of the traffic treatment be reviewed for consideration as part of the 2004-05 draft *Five Year Capital Works Program*. It was not until the 2010-11 and 2011-12 financial years that construction occurred. The project consisted of the installation raised median islands, tree wells and replacing the painted median with red asphalt for the full length of Seacrest Drive.

The current traffic treatment consists of a flush red median, tree wells, pedestrian refuge median islands and roundabouts. The purpose of this type of traffic treatment is to separate traffic flows, provide two stage pedestrian crossings and encourage speed compliance by narrowing the carriageway width. This type of treatment is widely used throughout the City's road network and wider Perth metropolitan area.

DETAILS

At its meeting held on 20 October 2020 (C101-10/20 refers), Council received a 32 signature petition from residents of the City of Joondalup requesting the following:

"To construct a speed reduction hump in Seacrest Drive, Sorrento, in the westbound lane approximately 50-100 metres from the corner of Marmion Avenue. The reason for this request is that some drivers and motorcyclists, after turning into Seacrest Drive from Marmion Avenue, seem to think this is the start of the Joondalup quarter mile drag strip, rev their vehicles and continue at an unnecessary speed with excessive noise from the corner to the Seacrest Medical Centre on Sandpiper Way. This is both a nuisance and a danger to the local residents and the public."

The City receives many requests for traffic treatments, such as speed humps and chicanes, as a means to address perceived speeding concerns. In many instances, the road in question has an existing traffic treatment and the majority of road users are driving in a safe manner. In other instances, data can point to frequent non-compliance with speed zones, anti-social/'hoon' driving or consistent crash patterns.

This evidence along with residents' concerns received by the City provides an insight as to which roads may have ongoing technical concerns which go beyond the driving behaviour of a few outliers.

To determine the extent of any underlying issues, and the potential risk to the community, the City conducts technical assessments according to its '*Traffic Investigation and Intervention Guidelines*' (the guidelines). The guidelines allow the City to determine if a road or road section has a technical problem requiring traffic treatments, and if so, allows these projects to be prioritised relative to one another within the rolling *Five Year Capital Works Program*.

This ensures that the City's limited annual traffic budget is directed to address the highest risk sites first and in doing so, provides a high level of transparency to the community as to how the City undertakes an investigation into their concern, and also provides the Council with comparative information to inform their decision making when considering individual requests.

These guidelines have a warrant system which produces a score based on the following criteria:

- Functionality of the road – local distributor or local access roads in most cases.
- Vehicle volumes.
- The 85th percentile speeds – the speed at which 85 per cent of traffic is travelling at or less and is considered the speed that the general population would reasonably travel.
- Latest five-year crash history – the current period is January 2016 to December 2020.
- Land use activity generators – such as schools, colleges and/or retail precincts.
- The road user type / vehicle mix – for example proportion of cars to heavy vehicles.
- The road environment – such as geometry and topography including curves, steep hills or restricted sight lines due to crests.

Based on the above criteria, a warrant score is produced which are classified accordingly:

Score Threshold	Determination	Possible Action
50+	Technical Problem	An infrastructure-based solution, such as the installation of flush red median and intersection treatments.
30-50	Minor Technical Issue	Consideration of low-cost non-capital solutions such as signage or line marking if appropriate.
<30	Low safety and amenity concerns	No further action at this time.

Technical Assessment Seacrest Drive

Seacrest Drive is approximately two kilometres in length and is one of the key connecting roads within the suburb of Sorrento. The road has been assessed using the guidelines by separating it into three sections which are as follows:

- 1 Marmion Avenue to Parnell Avenue (broken into two directions due to the petition).
- 2 Parnell Avenue to Harman Road.
- 3 Harman Road to Hepburn Avenue.

A breakdown of the scoring criteria is provided in the following tables.

Road section 1: Marmion Avenue to Parnell Avenue

Location	Marmion Avenue to Parnell Avenue		
Direction	Both Directions	Westbound	Eastbound
Vehicle volumes	6,666vpd (total of both directions)	3,466vpd	3,221vpd
85th percentile speed	57km/h	58km/h	57km/h
Crash history	Three property damage accidents	Three property damage accidents	Nil accidents
Crash Ranking*	109		
Land use activity	Retail	Retail	Retail
Road user type	Important bike route	Important bike route	Important bike route
Road environment	N/A	N/A	N/A
Warrant Score	43	33	19

In this section of Seacrest Drive, there are no topographical or geometrical aspects that influence the warrant score. It does take into consideration however, the higher vehicle volumes west of Marmion Avenue, the number of accidents and factors in the medical centre as an activity generator at the corner of Sandpiper Street and Seacrest Drive. The score of 43 indicates that the road has a minor technical problem on the basis of the warrant criteria when both directions are considered.

Westbound, the assessment included the slightly higher 85th percentile speed, which was captured at the location, east of Reef Court. The westbound direction received a warrant score of 33 which denotes that it has a minor technical problem.

Similar to the westbound assessment, the warrant score of 19 denotes that the eastbound carriageway has low safety and amenity concerns.

Assessing the road based on the petition request to slow westbound vehicles, confirmed that the road has a minor technical problem which does not require changes to the road carriageway infrastructure. This can be addressed by reminding motorists to drive to the conditions and speed limit as part of a speed awareness initiative for Seacrest Drive.

Modifying the road should be a last resort, particularly in the case where the road has an existing traffic treatment.

Road section 2: Parnell Avenue to Harman Road

Location	Parnell Avenue to Harman Road
Vehicle volumes	5,421vpd
85th percentile speed	57km/h
Crash history	Three property damage accidents
Crash Ranking*	91
Land use activity	N/A
Road user type	Important bike route
Road environment	Bend with unrestricted sight lines
Warrant Score	36

The geometry of Seacrest Drive in this section has been taken into consideration. There are, however, no land use activity criteria that affects the scoring in this section. The score of 36 indicates that the road has a minor technical problem and the action being the consideration of low-cost non-capital solutions such as signage or line marking if appropriate.

Road section 3: Harman Road to Hepburn Avenue

Location	Harman Road to Hepburn Avenue
Vehicle volumes	4,186vpd
85th percentile speed	53km/h
Crash history	Two property damage accidents
Crash Ranking*	Did not rank
Land use activity	N/A
Road user type	Important bike route
Road environment	N/A
Warrant Score	21

Based on the actions required within the guidelines, a road that receives a warrant score of below 30, denotes that the road has low safety and amenity concerns and no further action is required.

The remainder of this report will focus on the section Marmion Avenue to Parnell Avenue. This is the section of which the petition relates to and addresses the concerns pertaining to the speed of vehicles as they exit Marmion Avenue.

Traffic Speeds

One of the many recourses that the City utilises when a road has a high 85th percentile speed, is the ability to forward the raw survey data to the WA Police's Traffic Intelligence Service. In situations where the 85th percentile speed is 10km/h or more over the speed limit, the City can request speed enforcement. As a result of these requests, many roads receive speed enforcement by the WA Police to reinforce speed compliance.

There were no locations along the length of Seacrest Drive that exceeded 60km/h. The highest 85th percentile speeds were at the locations, east of Reef Court and west of Haynes Road which were both 57km/h. The section of Seacrest Drive, relating to the petition request (50 metres to 100 metres from the intersection of Marmion Avenue) recorded an 85th percentile speed of 55km/h. Whilst this is not to say that there is not incidences of vehicles travelling well above the speed limit, the vast majority of road users are travelling only marginally above the limit.

Detailed crash analysis

The latest crash data obtained from MRWA, has confirmed that three accidents have occurred within the period January 2016 to December 2020. All three accidents resulted in vehicle property damage. The breakdown is provided below:

Location	Year	Type of accident
40 metres west Marmion Avenue	2017	Rear end
80 metres west Marmion Avenue	2019	Loss of control/hit object
Sandpiper Street and Seacrest Drive	2018	Rear end

While three accidents have occurred within a relatively short section of Seacrest Drive, one occurred at the intersection with Sandpiper Street. The remaining two accidents occurred within 100 metres west of Marmion Avenue and have no consistent crash pattern. The rear end and loss of control/hit object accidents could have occurred as a result of driver error or distraction. There would be no specific traffic treatment that would address these types of situations.

Request for speed humps

Speed humps are a widely requested traffic treatment, however there are many aspects that must be considered. As a point of reference, MRWA's *Local Area Traffic Management (LATM)* guidelines provide advice on traffic treatments such as speed humps.

Applying the LATM guidelines to Seacrest Drive, it is advised that speed humps are not installed for the following reasons:

- If vehicle volumes exceed 4,000vpd in both directions or 2,000vpd in one direction.
- Be located on distributor type roads.
- Be on bus routes.
- On roads with a high ratio of commercial vehicles.

Taking into consideration the above, speed hump(s) would not be a suitable treatment. The table below, also provides a breakdown of the advantages and disadvantages of speed humps.

Speed Humps	
Advantages	Disadvantages
Slows the speed of vehicles at the location of the speed hump	Are noisy due to vehicles braking and hard acceleration that follows. This can impact the amenity of residents near the speed hump and further frustration
Will slow speeds if placed along the entire street.	Are not a popular treatment for buses or emergency vehicles.
	Can attract hoon behaviour.
	Motorists may avoid using a road that is treated with speed humps. This is likely to increase instances of rat running on adjoining local access roads.
	Placement can be challenging due to location of residential driveways, bus stops and other road infrastructure.

As many of the City's local distributor roads have existing traffic treatments in place, in general speed humps are not supported due to many of the disadvantages mentioned above.

Implications on the *Five Year Capital Works Program*:

Annually, the City allocates spending to a number of infrastructure programs which deliver projects relating to transport safety. These include the following programs:

- Blackspot Program: to address known crash locations and are subject to external state and federal government funding.
- Major Road Construction Program: to deliver network improvements and may be subject to external funding.
- Local Road Traffic Management Program: to implement local level traffic calming treatments which are neither a black spot nor major road project, but where municipal expenditure is suitably justified.

Projects proposed under each program are done so on the basis of priority and are represented in the *Five Year Capital Works Program* for Council consideration. While these projects are planned in advance, sudden changes in the operation of the network, such as a development which substantially increases traffic, or a sudden rise in accidents, require the *Five Year Capital Works Program* to be revisited.

In light of the technical assessment undertaken, the following has been determined under the relevant program:

- Blackspot program: the current length in question does not rank within the City's top 100 of qualifying crash locations throughout the City based on crash statistics under the state and federal blackspot scheme. As such, there are a significant number of projects where funding should be directed to address higher accident rates.
- Major Road Construction Program: the classification of the road does not lend itself to any treatments to improve efficiency and operation for the benefit of the wider network and thus would not be considered under this program.
- Local Road Traffic Management Program: is largely determined by warrant scoring. Although the highest score produced for Seacrest Drive is 43, putting it within the minor technical problem category and does not justifying work to be undertaken.

This should be compared to other sites which rank highly in the assessment and demonstrate systemic issues which are very unlikely to be impacted by small year on year changes. For example, the following sites score significantly higher on the same metrics and thus would be proposed by the City for budget consideration ahead of any treatment on Seacrest Drive:

Road	Section	Score
Coolibah Drive, Greenwood	Bottlebrush Drive to Kiama Court	73
Selkirk Drive, Kinross	Connolly Drive to Inez Pass/Stonehaven Parade	72
Gwendoline Drive, Beldon	Ocean Reef Road to Gradient Way	70
Caridean Street, Heathridge	Roamer Street to Admiral Grove	68

Therefore, any treatment on Seacrest Drive would at this stage not be considered as part of the Local Area Traffic Management Program.

In summary, the findings of the assessment are not of such a level which would prompt the City to change its current *Five Year Capital Works Program*.

Issues and options considered

Option One – City request enforcement by WA Police	
No change to Seacrest Drive carriageway from Marmion Avenue to Parnell Avenue. Request the WA Police to enforce the 50km/h speed limit on Seacrest Drive from Marmion Avenue to Haynes Road where speeds are in the realm of 57km/h.	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Police will need to enforce compliance to the speed limit and road rules. • No infrastructure changes required and therefore no capital works funding required. 	<ul style="list-style-type: none"> • Does not fully address the concern that motorists are excessively speeding as they enter Seacrest Drive from Marmion Avenue.

Option Two – City undertake education and request enforcement by WA Police

No change to Seacrest Drive carriageway from Marmion Avenue to Parnell Avenue.

Request the WA Police to consider placing local speed enforcement on Seacrest Drive at the two locations where the 85th percentile speeds are 57km/h.

Undertake road safety initiatives to raise awareness to drive to the speed limit and conditions of the road. This may include placing the *“Please Slow Down Consider Our Kids”* bin stickers on residential bins.

Providing a temporary speed radar device to raise awareness to speeding where the 85th percentile speeds are highest (east of Reef Court and west of Haynes Road).

This is the preferred option.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Raising awareness to motorists to drive to the speed limit and conditions of the road. • Hiring a speed radar device is a low cost, temporary option to remind motorists to be mindful of their speed. • Bin stickers are temporary in nature on bin days, and therefore do not become ‘invisible’ as is the case for permanent static signage. • Police can enforce the speed limit and road rules. 	<ul style="list-style-type: none"> • The City cannot guarantee attendance by the WA Police. • The success of speed awareness initiatives are difficult to gauge and may not be reflected in future speed data counts.

Option Three – City installs the relevant number of speed humps for westbound traffic only as per the petition

This is not considered to be a suitable option due to function of Seacrest Drive being a local distributor road.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Will likely further reduce the speed of vehicles as they enter Seacrest Drive from Marmion Avenue. • Will fully address the issue raised within the petition. • May complement the existing median island treatment on Seacrest Drive as vehicles will be forced over the humps as opposed to attempting to go around where islands are present. 	<ul style="list-style-type: none"> • Traffic survey data does not support that there is an excessive speeding issue. • Vehicle volumes are higher than desirable for a speed hump. • May generate excessive vehicle noise due to hard braking and acceleration. • Placement may be challenging due to close proximity of residential driveways. • Has to be placed so motorists cannot drive around the speed hump and this may limit where it is located and reduce effectiveness. • Seacrest Drive has an existing median island treatment and may encourage drivers onto the oncoming lane if only in one direction. • The LATM guidelines advise that speed humps are not located on bus routes. Seacrest Drive is on a bus route.

Option Three – City installs the relevant number of speed humps for westbound traffic only as per the petition

This is not considered to be a suitable option due to function of Seacrest Drive being a local distributor road.

Advantages	Disadvantages
	<ul style="list-style-type: none"> • The LATM guidelines advise not to place speed humps on distributor roads. Seacrest Drive is a local distributor road and carries a percentage of commercial vehicles. • May introduce additional road safety risks for vulnerable road users such as motorcyclists and cyclists due to the close proximity to Marmion Avenue. • Westbound warrant score was below 50 which suggested a low-cost non-capital treatment option. • May cause some rat running on adjoining local access roads. • Would require funding through the City's <i>Five Year Capital Works Program</i> and take time before installation.

Legislation / Strategic Community Plan / Policy implications

Legislation *Road Traffic Code 2000.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated spaces.

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

Policy Not applicable.

Risk management considerations

Option One

Should Council support this option, the concern for the speed of motorists entering Seacrest Drive has not been addressed and would rely on attendance by the WA Police. The risk is the City's relationship with residents on Seacrest Drive and not validating their concerns.

Option Two

This option is the preferred option and addresses the concerns expressed in the petition on multiple levels. While the installation of a speed hump would not be supported, this option provides a good outcome for residents and can be quickly arranged. There is minimal risk to Council by supporting this option.

Option Three

While this addresses the petition request, the risk is that a standalone speed hump would have a negative impact on Seacrest Drive and increase for road users and residents. The installation of a speed hump would also be required to be listed in the City's *Five Year Capital Works Program* and would therefore be prioritised against other road projects and may take some time. The risk for not supporting this request is low as there are other means available to address the speed concerns.

Financial / budget implications

Current financial year impact

Account no.	626.A6208.3279.000.
Budget Item	Road Safety Promotions.
Budget amount	\$ 13,000
Amount spent to date	Not applicable
Proposed cost	\$ 1,000
Balance	\$ 12,000

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Although no formal consultation has been undertaken the City's recent records indicate only a limited number of residents have raised concerns regarding the speed of vehicles along Seacrest Drive. An email was received in January 2017 and another in March 2019 relating to the intersection of Seacrest Drive and Parnell Avenue.

Contact with the City has mostly regarded the intersection of Seacrest Drive and Marmion Avenue in relation to the delay's motorists are experiencing when trying to turn right from Seacrest Drive into Marmion Avenue. It is worth noting that MRWA are currently undertaking a review of Marmion Avenue from Karrinyup Road to Ocean Reef Road.

As part of the review, the intersection with Seacrest Drive and other connecting roads, will be assessed so as to improve the safety and performance, particularly near major intersections. The MRWA review is in its early stages and treatment options have yet to be determined.

COMMENT

Speed humps are a commonly requested traffic treatment to address speeding related concerns. This type of treatment can be however, difficult to justify if there is an existing traffic treatment that is performing effectively. This is the case with Seacrest Drive and many other similar local distributor roads that connect to Marmion Avenue.

Comparing Seacrest Drive with other local distributor roads that intersect with Marmion Avenue, the 85th percentile speed of 55km/h west of Marmion Avenue is within acceptable limits. While this is not to say that speeding is not occurring, motorists speeding excessively are of a minority. They also, unfortunately, attract the most attention. It is difficult to gauge the extent of speeding occurring on a road based on visual or aural observations.

Focusing on the results of the traffic analysis for the westbound movement, of which the petition specifies, does paint a different picture and separates any factors of which the eastbound movement has influenced in the overall warrant score. The guidelines denoted that the westbound carriageway had a minor technical problem and therefore the best solution was a non-capital option, such as speed awareness initiatives.

While the City can make infrastructure changes to the carriageway of Seacrest Drive, the question has to be asked as to whether this is the best outcome for the many road users and residents of Seacrest Drive. Speed hump(s) have many disadvantages that must be taken into consideration. It is no doubt a speed hump would reduce speeds at its location, however, other low-cost alternatives of achieving a similar outcome must also be considered.

Finally, the site needs to be considered amongst other possible projects throughout the City. Given its result is only marginally above the threshold, and its relative crash and priority ranking, it would be difficult to justify expenditure at this site before others within the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** NOTES that the current traffic treatment on Seacrest Drive, a local distributor road, consists of a flush red median, tree wells, pedestrian refuge median islands and roundabouts;
- 2** NOTES the Main Roads WA's *Local Area Traffic Management Guidelines* does not support the installation of speed humps on local distributor roads, on bus routes, and on roads where the vehicle volumes exceed 4,000 vehicles per day in both directions;
- 3** DOES NOT SUPPORT the installation of speed hump/s on Seacrest Drive, Sorrento;
- 4** SUPPORTS the City undertaking speed awareness initiatives such as the "Please Slow Down Consider Our Kids" bin sticker program and the temporary installation of a speed radar device;
- 5** ADVISES the lead petitioner of its decision.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf210309.pdf](#)

ITEM 14 DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION – PROFORMA LOCAL GOVERNMENT WASTE PLAN FOR THE CITY OF JOONDALUP

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	36958, 101515
ATTACHMENT / S	Attachment 1 Department of Water and Environmental Regulations proforma Local Government Waste Plan
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the Department of Water Environment and Regulation (DWER) proforma Local Government Waste Plan for the City of Joondalup as an appendix to the City's *Waste Management Plan 2016-2021*.

EXECUTIVE SUMMARY

The City of Joondalup provides a broad range of waste services to the community including collecting and processing household waste, providing and emptying street bins, removing litter from public areas, providing waste services at City events, and managing the City's corporate waste.

The City's *Strategic Waste Minimisation Plan 2010-2014* and *Waste Management Plan 2016-2021* has guided waste management within the City of Joondalup over the past ten years combined, with the current plan in place due to end in July 2021.

The City is required by the Department of Water Environment and Regulation (DWER) to prepare a waste plan under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) which is in accordance with the *State Waste Strategy 2030* that requires all local governments to develop and adopt a waste management plan by 31 March 2021. To assist local governments in developing a waste management plan, DWER produced a proforma waste plan template to ensure uniformity that must be used by all local governments within Western Australia.

The City of Joondalup's *Waste Management Plan 2016-2021* being a high level strategic document does not align with this template and as such, to ensure that the City complies with the DWER requirement, the proforma local government waste plan for the City of Joondalup was completed incorporating those projects from the City's current waste plan which are still relevant.

Following the adoption of the DWER proforma local government waste management plan for the City of Joondalup, a new strategic waste management plan for the City will be developed which will incorporate the DWER requirements along with any additional initiatives for future adoption.

It is therefore recommended that Council:

- 1 *NOTES that the City's Waste Management Plan 2016-2021 being a high level strategic document does not align with the Department of Water Environment and Regulation proforma Local Government waste plan template;*
- 2 *ADOPTS the Department of Water and Environmental Regulations proforma Local Government waste plan for the City of Joondalup as shown in Attachment 1 to this Report as an appendix to the City's Waste Management Plan 2016-2021;*
- 3 *NOTES that the City's Waste Management Plan 2016-2021 will undergo a major review during 2021-22 which will include community consultation prior to adoption of a new Waste Management Plan 2022-2032;*
- 4 *NOTES that the review in Part 3 above will consider the Department of Water Environment and Regulation requirements for compliance with the Waste Avoidance and Resource Recovery Act 2007.*

BACKGROUND

The City of Joondalup provides a broad range of waste services to the community including collecting and processing household waste, providing and emptying street bins, removing litter from public areas, providing waste services at City events, and managing the City's corporate waste. The City spends approximately \$22 million per annum on waste services and in 2019-20 collected just over 80,000 tonnes of waste. The City also has responsibilities in the areas of waste education and behaviour change, research and advocacy, and regional planning of waste management approaches and infrastructure; these responsibilities exist in conjunction with the Mandarie Regional Council (MRC) and are currently in a state of flux between the two authorities.

The City was given notice in November 2019 from the Director General of DWER that under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* the City is required to prepare a waste plan. DWER provided to all Western Australian local and regional councils a waste plan template which was partial filled with previous waste census data from 2017/18. DWER has requested that all local governments fill in the template, present the waste plan to council for adoption and submit the adopted plan to DWER by 31 March 2021.

Broadly, the DWER waste plan seeks to:

- improve the City's management of waste
- increasing diversion from landfill
- providing the groundwork to inform long-term planning for waste.

This will be done in the context of state and federal waste management policy and legislation, regional planning and collaboration with the MRC and its member Councils, the City's *Waste Management Plan 2016-2021*, contracts and agreements, and developments in the private sector and in new technologies.

The MRC at its meeting held on 28 January 2021 adopted its own *Waste Management Plan* and the City was awaiting this adoption before adequately reflecting any changes in its own proposed plan prior to submission to DWER.

The overarching objective for the plan is to align the City's waste practices with the *State Waste Strategy 2030* (the Strategy) and guide the City's waste management practices over the next five years to ensure increased diversion from landfill and to inform future long term planning for waste management. To achieve the Strategy's targets, three overarching objectives have been identified within the DWER plan as outlined in Figure 1.



Figure 1: *Waste Avoidance and Resource Recovery Strategy 2030, Western Australia's Waste Strategy, p.11*

It is important to note the City currently has an adopted *Waste Management Plan 2016-2021* and is in the process of reviewing the plan. 2021 is also a year that the Strategic Community Plan and other aligning Integrated Planning and Reporting documents will be reviewed and it was proposed that the review of the City's *Waste Management Plan* would need to align with both the long term desires of the community and the state's *Waste Strategy 2030*.

The objectives in the City's current *Waste Management Plan 2016-21* are as follows:

- Objective 1 Minimise waste to landfill through application of the waste hierarchy.*
- Objective 2 Engage with the community to increase participation in sustainable waste management practices.*
- Objective 3 Provide a quality and cost-effective waste management service to the community.*
- Objective 4 Minimise the environmental impact of waste generation, collection, and disposal.*
- Objective 5 Maintain effective relationships with key stakeholders to maximise regional outcomes.*
- Objective 6 Ensure the City's long-term future planning is informed by research and best practice.*

The targets specified in the DWER proforma Local Government Waste Plan and State Waste Strategy 2030 for municipal waste are outlined in Figure 2-4, with those under the 'Community' heading most relevant to the City.

AVOID TARGETS		
<ul style="list-style-type: none"> ○ 2025 – Reduction in waste generation per capita by 10% (from 2014/15 generation rate) ○ 2030 – Reduction in waste generation per capita by 20% (from 2014/15 generation rate) 		
Waste generators		Waste managers**
Community	Government and industry	Waste industry
<ul style="list-style-type: none"> ○ 2025 – Reduction in MSW generation per capita by 5% ○ 2030 – Reduction in MSW generation per capita by 10% 	<ul style="list-style-type: none"> ○ Reduction in C&D waste generation per capita by 15% by 2025, 30% by 2030 ○ Reduction in C&I waste generation per capita by 5% by 2025, 10% by 2030 	<ul style="list-style-type: none"> ○ 2030 – All waste is managed and/or disposed using better practice approaches

Figure 2: Waste Avoidance and Resource Recovery Strategy 2030, Western Australia's Waste Strategy, p.25

RECOVER TARGETS		
<ul style="list-style-type: none"> ○ 2025 – Increase material recovery to 70% ○ 2025 – All local governments in the Perth and Peel region provide consistent three bin kerbside collection systems that include separation of FOGO from other waste categories ○ 2030 – Increase material recovery to 75% ○ From 2020 – Recover energy only from residual waste 		
Waste generators		Waste managers*
Community	Government and industry	Waste industry
<ul style="list-style-type: none"> ○ 2020 – Increase MSW material recovery to 65% in the Perth and Peel regions, 50% in major regional centres ○ 2025 – Increase MSW material recovery to 67% in the Perth and Peel regions, 55% in major regional centres ○ 2030 – Increase MSW material recovery to 70% in the Perth and Peel regions, 60% in major regional centres 	<ul style="list-style-type: none"> ○ C&I sector – Increase material recovery to 70% by 2020, 75% by 2025, 80% by 2030 ○ C&D sector – Increase material recovery to 75% by 2020, 77% by 2025, 80% by 2030 	<ul style="list-style-type: none"> ○ 2030 – All waste facilities adopt resource recovery better practice

Figure 3: Waste Avoidance and Resource Recovery Strategy 2030, Western Australia's Waste Strategy, p.29

PROTECT TARGETS		
<ul style="list-style-type: none"> ○ 2030 – No more than 15% of Perth and Peel regions' waste is disposed to landfill ○ 2030 – All waste is managed by and/or disposed to better practice facilities 		
Waste generators		Waste managers*
Community	Government and industry	Waste industry
<ul style="list-style-type: none"> ○ 2030 – Move towards zero illegal dumping ○ 2030 – Move towards zero littering 	<ul style="list-style-type: none"> ○ 2030 – Move towards zero illegal dumping 	<ul style="list-style-type: none"> ○ 2030 – No more than 15% of Perth and Peel regions' waste is disposed to landfill ○ 2030 – All waste facilities adopt environmental protection better practice

Figure 4: Waste Avoidance and Resource Recovery Strategy 2030, Western Australia's Waste Strategy, p.33

The City's current *Waste Management Plan 2016-2021* targets are aligned with the State Government's waste recovery targets that were included in the previous *Western Australian Waste Strategy: Creating the Right Environment*. At the time, The *Western Australian Waste Strategy* targets for Perth metropolitan area were for:

- 50% of municipal solid waste to be diverted from landfill by 2015
- 65% of municipal solid waste to be diverted from landfill by 2020.

DETAILS

State Government Requirements:

As mentioned previously, the City is required to complete a DWER proforma Local Government Waste Plan for the City of Joondalup for submission to the DWER by March 2021. Unlike previous submissions, this is required to be in a unified format provided by the DWER for all local government authorities and will be the first incorporating the new *State Waste Strategy 2030*.

Under section 40(3) of the WARR Act the waste plan may include:

- a population and development profiles for the local government district
- b an assessment of significant sources and generators of waste received by the local government
- c an assessment of the quantities and classes of waste received by the local government
- d an assessment of the services, markets and facilities for waste received by the local government
- e an assessment of the options for reduction, management and disposal of waste received by the local government
- f proposed strategies and targets for managing and reducing waste received by the local government
- g proposed strategies and targets for the efficient disposal of waste received by the local government that cannot be recovered, reused, or recycled
- h an implementation programme that identifies the required action, timeframes, resources, and responsibilities for achieving these strategies and targets
- i such other matters as may be prescribed by the regulations.

In order to achieve the objectives and targets of the plan, projects have been identified in the implementation plan. Some projects may contribute to achieving objectives across multiple areas. Projects will be implemented over the life of the plan and will be subject to regular monitoring and review reports to DWER annually.

The draft DWER proforma Local Government Waste Plan for the City of Joondalup was provided to DWER for their initial review and no substantial changes were required. This draft plan was compiled using the City's existing objectives found in the current *Waste Management Plan 2016-2021* and new targets in the *Waste Strategy 2030*. The plan identifies the following key focus areas:

- Waste services.
- Community participation and engagement.
- Research and development.
- Stakeholders and partnerships.

What was compiled into the draft DWER proforma Local Government Waste Plan for the City of Joondalup is effectively a 're-packaging' of the current *Waste Management Plan 2016-2021*, retaining and adjusting all projects and initiatives still relevant whilst omitting those already delivered. The template plan, however, is not conducive or contextual enough to be a public facing document, and therefore a more comprehensive document is needed. However, the template does prove useful as an audit tool for confirming alignment with the *State Waste Strategy*.

Process for a revised City of Joondalup Waste Management Plan 2022-2032

In 2021, there are a number of critical strategic documents in the process of being reviewed, many of which will intrinsically link to one another. The requirement to submit an approved plan to the DWER comes at a time when the City is seeking to confirm its strategic direction, and the City is conscious not to pre-empt those long-term objectives until adequate engagement with the community occurs.

It is therefore proposed to undertake the following process to arrive at a completely revised City of Joondalup Waste Plan 2022-2032:

- 1 Submit to the DWER the endorsed DWER proforma Local Government Waste Plan for the City of Joondalup in accordance with the remaining objectives within the City's *Waste Management Plan 2016-2021* and in alignment with the *State Waste Strategy 2030*.
- 2 Review the City's *Waste Management Plan 2016-2021* in light of the early findings of community engagement regarding the *Strategic Community Plan* review.
- 3 Consult with the community on a new draft City of Joondalup Waste Management Plan 2022-2032, in the standard City document format.
- 4 Adopt the new draft City of Joondalup Waste Management Plan 2022-2032 and revise the DWER proforma Local Government Waste Plan for the City of Joondalup re-submission.

The draft DWER proforma Local Government Waste Plan for the City of Joondalup herein represents the first step in the process outlined above which will enable the City to remain compliant in accordance with the WARR Act but also give the community understanding that the submitted document is merely as it stands now and in the process of further review.

As the draft DWER proforma Local Government Waste Plan for the City of Joondalup will align with the existing City documentation, it can be adopted for submission while the City continues to work on the revised City of Joondalup Waste Management Plan 2022-2032 for adoption by Council.

Summary of Actions within the DWER implementation Plan

The draft DWER proforma Local Government Waste Plan for the City of Joondalup, part 2, includes an implementation plan. This has been transferred from the current City *Waste Management Plan* and amended to reflect changes made in the interim. A summary table of this is extracted for reference below and indicates existing and new actions.

Waste Management Tool	Action (OR link to existing local government plan/document that details this activity)	Existing or New	City's waste management plan 2016-21 relevant current projects
Waste services	Investigate and consider the transition from a GO bin to a FOGO bin, when or if a suitable facility within proximity to the City is available that can process the quantity of FOGO waste that the City generates at a reasonable cost.	Existing	(Project 15, continued review and improvement of household waste services) - this project is aligned with the City's current plan project objectives to improve domestic waste services following the Strategy's better practice kerbside guidelines.

Waste Management Tool	Action (OR link to existing local government plan/document that details this activity)	Existing or New	City's waste management plan 2016-21 relevant current projects
Waste infrastructure	Continue to monitor the development of waste infrastructure in the Perth Metropolitan area, including alternative waste treatment and recycling facilities and determine possible opportunities for the City.	Existing	(Project 16 Developing future waste infrastructure requirements) - This project aligns with the City's current plans project which considers the waste infrastructure that the City may need in the future.
Policies and procurement	Continue implementation of the procurement of goods and services protocol which takes into account the consideration where possible environmental sustainability, ecological issues and social implications.	New	This is not listed specifically in the City's current Waste Management Plan. However, this aligns with the City's current purchasing practices and policies.
Data	Household waste and recycling composition audit program	Existing	Expanded - (Project 6 Household waste composition audit) - This project will include the green waste bin, general rubbish and recycling, provide further information for a possible FOGO service and will be carried out over more than one year.
	Improve data collection of illegal dumping	New	There are no current projects in the City's plan for data collection for illegal dumping, a previous Project 13 (litter collection and prevention) is for litter only.
Behaviour change programs and initiatives	Implement community waste reduction program initiative.	Existing	(Project 4 Community waste behaviour change program) - The City's current plan project lists this action as an objective.
	Provide enhanced community education to increase awareness and encourage behaviour change around illegal dumping	New	The City's current plan does not have any projects that target illegal dumping reduction given its low levels of occurrence. This project is targeting education around reducing illegal dumping.
	Implement a targeted litter program to reduce the volume of litter at identified hotspots in the City.	Existing	(Project 13, Litter collection and prevention) -this is an existing project and the targets meet the City's current plans project objectives.

Waste Management Tool	Action (OR link to existing local government plan/document that details this activity)	Existing or New	City's waste management plan 2016-21 relevant current projects
Managing the City's corporate waste	Review the City's corporate waste and implement reduction and recovery targets	Existing	(Project 9 Managing the City's corporate waste) - this is an existing project and the targets meet the City's current plans project objectives.

Issues and options considered

Council can either:

- adopt the draft DWER proforma Local Government Waste Plan for the City of Joondalup as presented for submission to DWER
- choose not to adopt the draft DWER proforma Local Government Waste Plan for the City of Joondalup and submit to DWER
or
- choose not to adopt the draft DWER proforma Local Government Waste Plan for the City of Joondalup and not submit to DWER, rather continue to undertake the formal review of the City's Waste Management Plan, and then submit an adopted plan once the City's review has occurred.

The latter two options are not recommended as the City will be in breach of its requirement under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act).

It is recommended that Council adopts the draft DWER proforma Local Government Waste Plan for the City of Joondalup as shown in Attachment 1 to this Report, as an appendix to the City's existing *Waste Management Plan 2016-2021*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Waste Avoidance and Resource Recovery Act 2007* (WARR Act).

Strategic Community Plan

Key theme The Natural Environment.

Objective Environmental resilience.

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

Policy *Waste Management Plan 2016-2021*.

Risk management considerations

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

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

- get the best outcome from working with other member councils of Mindarie Regional Council and across the wider region
- achieve the State Waste Strategy 2030 targets.

Financial / budget implications

Implementation of the plan has financial implications for the City. Funds to implement projects within the plan will be subject to the City's annual budget approval process. Projects identified as existing within the plan are approved within existing service levels and have budgets allocated within existing operating or capital works budgets.

New projects with budget requirements will be subject to detailed costing and the City's budget approval process prior to implementation and will be brought to Council on year by year basis for consideration.

Regional significance

The City has a record of working with partner Councils through the Mindarie Regional Council (MRC), who is also required to create and submit a DWER waste plan. This was approved by the MRC at its meeting held 28 January 2021.

Sustainability implications

Reduction, reuse and recycling of materials generally results in reduced landfill and reduced energy and raw materials consumption. Through implementation of the plan, it is anticipated that there will be improvements in the recovery of recyclables, organics and bulky waste. There will be greater environmental protection from less litter and illegal dumping and less waste generation.

Consultation

During the course of completing the draft DWER proforma Local Government Waste Plan for the City of Joondalup the City has engaged with DWER waste plans team and sought feedback and consultation on a draft DWER proforma Local Government Waste Plan for the City of Joondalup. As this is based on the current City of Joondalup *Waste Management Plan 2016-2021*, it is not proposed to consult the community at this stage, however engagement will be sought on the full review document at a later date.

COMMENT

The implementation of the *Waste Management Plan 2016-2021* will further enhance the City's management of waste management practices, ensuring increased diversion from landfill and informing future long-term planning for waste management.

The projects within the plan have been developed to ensure the City's waste services align to the *State Waste Strategy 2030*, the City's *Strategic Community Plan 2012-2022: Joondalup 2022*, which is currently under review, as well as to other relevant state planning documents.

The City is already undertaking a number of high-level initiatives to improve waste management practices which have been incorporated into the plan. New projects have been included within the draft DWER proforma Local Government Waste Plan for the City of Joondalup where gaps have been identified and improvement can be made and are anticipated to be replicated in subsequent City of Joondalup Waste Management Plan 2022-2032.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** NOTES that the City's *Waste Management Plan 2016-2021* being a high level strategic document does not align with the Department of Water Environment and Regulation proforma Local Government waste plan template;
- 2** **ADOPTS** the Department of Water and Environmental Regulations proforma Local Government waste plan for the City of Joondalup as shown in Attachment 1 to this Report as an appendix to the City's *Waste Management Plan 2016-2021*;
- 3** NOTES that the City's *Waste Management Plan 2016-2021* will undergo a major review during 2021-22 which will include community consultation prior to adoption of a new Waste Management Plan 2022-2032;
- 4** NOTES that the review in Part 3 above will consider the Department of Water Environment and Regulation requirements for compliance with the *Waste Avoidance and Resource Recovery Act 2007*.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf210309.pdf](#)

REPORTS – POLICY COMMITTEE - 22 FEBRUARY 2021

ITEM 15 VISUAL ART COMMISSIONING PROGRAM 2021–22: PROPOSED ARTISTS

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	14158, 101515
ATTACHMENTS	Attachment 1 Confidential - Christopher Pease Submission Attachment 2 Confidential - Ross Potter Submission Attachment 3 Confidential - Bruce Slatter and Nicole Slatter Submission <i>(Please Note: Attachments are Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to approve one artist from the shortlist as the recipient of the Visual Art Commission for 2021-22.

EXECUTIVE SUMMARY

This report provides information relating to the forthcoming Visual Art Commission in 2021-22 where the recipient of the commission will be asked to respond to the social, urban or natural attributes of the City of Joondalup. This report contains details from the Expressions of Interest received from visual artists.

The Visual Art Commissioning program provides the City with a unique opportunity to acquire artworks that are significant to the region by a high profile artist. Established in 2012, the Visual Art Commissioning program has commissioned six artworks for the City's Art Collection.

At its meeting held on 18 August 2020 (CJ121-08/20 refers), Council adjusted the schedule of the Visual Art Commissioning Program to a biennial program. The amount of \$15,000 is listed every two years in the draft budget to fund the Visual Art Commissioning program.

Of the Expressions of Interest received, three submissions have been shortlisted for the commission. Each of the submissions is by an artist / artists who are of high professional standing, have confirmed that they can deliver the artwork within the allocated budget and timeframe, and are well qualified to produce an artwork that will be a sound investment for the City.

It is recommended that the Council selects one of the shortlisted submissions to undertake the commission.

BACKGROUND

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council agreed to establish an annual Visual Art Commissioning program designed to commission artists to develop an artwork, documenting and capturing the iconic landmarks and people who represent the City of Joondalup to be acquired for the City's Art Collection. The value of the commission was \$15,000 per annum (and is in addition to the annual allocation of \$15,000 for artwork acquisitions).

The intent of this decision was to allow the Council to determine the overall content or theme of an artwork rather than the artwork acquired through the City's Invitation Art Prize, which is an independent, professionally judged competition.

At its meeting held on 28 June 2016 (CJ100-06/16 refers), Council endorsed the proposal to alternate between an annual artwork commission from a high profile Western Australian artist in one year and an artist residency for international / interstate artists that takes place over two years. The process of commissioning an artwork by an interstate or international artist was comprised of two parts, a residency and commission, to allow for research to occur in the year preceding the commission.

A review of the Visual Art Commissioning program was provided to Council at its meeting held on 18 August 2020 (CJ181-08/20 refers). At this meeting Council approved changing the cycle of the Visual Art Commissioning program to become an artwork commission from a high profile Western Australian, interstate or international artist every second year (biennial), and listed for consideration an amount of \$15,000 every two years in the draft budget to fund the Visual Art Commissioning program.

The City's Art Collection is directed by the City's *Visual Art Policy*.

DETAILS

City of Joondalup Art Collection

The City of Joondalup's Art Collection is one of the state's most prestigious local government art collections. With a focus on Western Australian contemporary art, it currently encompasses over 270 artworks and is valued at over \$1 million.

The collection comprises a range of media including painting, sculpture, drawing, ceramic, print, photography, digital media and textiles. It is on display throughout City buildings including the Council Chambers, Libraries, Leisure Centre and Administration Building.

As outlined in the *Visual Arts Policy*, the purpose of the City's Art Collection is to properly conserve, maintain and grow the value of the City's art and cultural assets; and to preserve, protect and promote the unique social and cultural identity of the City.

Visual Art Commission / Residency program

Since introducing the Visual Art Commissioning program in 2011 and the Artist Residency program in 2015, the City has commissioned the following artworks by Western Australian, interstate and international artists:

Artist	Artwork	Local / Interstate / International	Financial Year	Budget
Commissioning Program Commences				
Tony Windberg	<i>Meeting Points</i>	Western Australian	2012-13	\$15,000
Lindsay Harris	<i>Woolagut Koorling, Yey Kwodjungut Koorling (Long ago behind going, Today in front going).</i>	Western Australian	2013-14	\$15,000
Residency Cycle Introduced to Commissioning Program				
Brandon Ballengée	N/A (residency year)	International	2015-16	\$15,000
Brandon Ballengée	<i>Emperor Gum Moth</i>	International	2016-17	\$54,800
Nien Schwarz	<i>Place of Glistening</i>	Western Australian	2017-18	\$15,000
Helen Pynor	N/A (residency year)	Interstate	2018-19	\$15,000
Helen Pynor	<i>Capacity 1, 2, 3</i>	Interstate	2019-20	\$15,000
Paul Kaptein	N/A (forthcoming)	Western Australian	2020-21	\$15,000

Artist brief

The Visual Art Commissioning program aims to document and capture the landmarks and people who represent the City of Joondalup. It is expected that the commissioned artist will explore one or more of the themes identified below and engage with the Joondalup community / local area to deliver an artwork that relates to the City of Joondalup. Any locations or landmarks cited within the artwork must be within the boundaries of the City of Joondalup.

Three themes have been identified to assist artists to develop their artwork proposals, these themes are as follows:

- Social Environment: people, community and history.
- Urban Environment: the city, urban and suburban.
- Natural Environment: the local environment, including flora and fauna.

Shortlisted artists

The City requested Expressions of Interest from visual artists between 16 November 2020 and 15 January 2021. The City received 45 responses.

In alphabetical order, the list of 45 artists who expressed interest include:

• Christine Baker	• Bethamy Linton
• Deborah Bonar	• Maxxi Minaxi May
• Christophe Canato	• Lyn Merrington
• Lance Chadd (Tjyllyungoo)	• Ysabella Morellini
• Yu Fang Chi	• Rebecca Morgan-Finch
• Peteris Ciemitis	• Andrew Nicholls
• Jennifer Cochrane	• Imogen Palmer
• Penny Coss	• John Patterson
• Tania Daymond	• Christopher Pease
• Caspar Fairhall	• Workshed Mosaics (Lisa Petale)
• Linda Fardoe	• Annette Peterson

<ul style="list-style-type: none"> • Mark Forbes • Danielle Freakley • Peta Garnaut • Fiona Gavino • Marian Giles • Naomi Grant • Jaq Grantford • Miik Green • Fiona Harman • Adam Hisham Ismail • Emily Jackson • Motoko Katsuta Kitano 	<ul style="list-style-type: none"> • Ross Potter • Onomatopeta (Peta Roebuck) • Judy Rogers • J. Rosenbaum • Susan Roux • Peter Ryan • Valerie Schoenjahn • Bruce Slatter and Nicole Slatter • David Spencer • Liliana Stafford • Sally Stoneman
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Selection criteria

All Expressions of Interest contained information about the artist and a specific proposal for the commission which has been assessed against the following criteria:

- The artist's experience, skill, and professional standing.
- Likelihood that the work produced will be original, unique and of high quality.
- Likelihood that the proposed work will be engaging and represent Joondalup's identity.
- The proposed artwork will complement the scope of the art collection or extend the art collection to reflect a diversity of views and interpretations.
- The current market value of the artist's work and that the work produced will represent a sound financial investment.
- The suitability of the proposed work for the art collection.

Based on the criteria the following three artists have been shortlisted for consideration:

- 1 Christopher Pease.
- 2 Ross Potter.
- 3 Bruce Slatter and Nicole Slatter.

The full submissions by the shortlisted artists are provided as confidential attachments 1, 2 and 3 to this Report.

Once the successful artist has been selected the commissioning process will follow. This includes contracting the selected artist who will be asked to produce a Detailed Concept Response which will be provided for comment prior to commencement of the artwork. The artwork will be completed by June 2022 and the project will be delivered within budget. The artwork will be accessioned into the City's Art Collection as per the *Art Collection Management Plan*.

Issues and options considered (listed alphabetically)

Christopher Pease

Christopher Pease is a Minang / Nyoongar artist from Western Australia whose painting practice examines library records, archive documents and colonial imagery, as the foundation for work that compares and contrasts historical documentation with contemporary Nyoongar narratives. Western notions of home and land ownership and the consequent loss of Aboriginal culture are referenced throughout Pease's work. Pease's oil on linen paintings often incorporate natural materials such as Balga resin and earth ochres as markers of Nyoongar connection to country.

For this commission, Christopher Pease proposes to develop a work based on the research of historical documents, maps and imagery of the Joondalup area. From this material, he proposes to develop a painting that responds to specific historical events and looks at the importance of country to its Aboriginal inhabitants.

Christopher Pease has received national and international recognition for his work which is held in major national art collections. He is a highly collectable Australian artist. Pease's proposal represents an opportunity for the City to acquire an artwork by a contemporary Indigenous artist and extend the scope of Indigenous artworks within the Art Collection. The Selection Panel highly commended Pease's proposal for the commission.

Christopher Pease lives in Dunsborough, Western Australia. If selected as the recipient of the Visual Art Commission 2021-22, Pease will represent the first regional Western Australian artist commissioned by the City.

Ross Potter

Ross Potter is a Kamilaroi man, born and raised in Brisbane, who now lives in Western Australia. A highly skilled draftsman, Potter uses graphite on paper to capture the details in things that we connect with on a daily basis.

For this commission, Ross Potter proposes to explore the themes "connection" and "belonging" in relation to the natural aspects of the Joondalup area. He proposes to tell stories of the local community, how it engages with the environment and provides a glimpse into the history of place. Working in the realm of realism, he aims to create a detailed contemporary view of this historic landscape.

Ross Potter has exhibited across WA in both solo and group exhibitions and is currently a Resident Artist at the Fremantle Arts Centre. His work is represented in several WA-based collections including the City of Stirling, City of Melville, Lester Group and the Holmes à Court Collections.

Potter has won a number of prizes for his work, including City of Stirling Art Awards, Melville Art Awards, the Inland Art Prize and the City of Joondalup's Community Art Exhibition. In 2017, he was the winner of the People's Choice Award at the Joondalup Invitation Art Prize, demonstrating the appeal of his work to the broader City of Joondalup community.

Bruce Slatter and Nicole Slatter

Bruce Slatter and Nicole Slatter both grew up in the Northern suburbs of Perth in the 1980s, Bruce in Mullaloo and Nicole in Sorrento. This suburban experience is a continual source of inspiration in their collaborative practice. Both artists had separate careers as exhibiting artists since the 1990s and, in recent years, have collaborated on artworks in the painted and sculptural form. Their recent work explores the intersection between the natural environment and urban / suburban infrastructure, revealing the beauty and aspiration in the suburban lived experience.

For this commission, Bruce Slatter and Nicole Slatter propose a series of paintings juxtaposing natural space with urban Joondalup landmarks to reflect the community and human engagement, reveal unique complexities of place, and investigate understandings of Australian suburban identity. Through the tactility of paint, they aim to reveal something of the endurance, empathy and hope available through suburban lived experience.

Bruce Slatter and Nicole Slatter have separately had a consistent exhibition history, resulting in works acquired by several public collections, including the Art Gallery of Western Australia, Artbank, Bankwest, RMIT University, King Edward Memorial Hospital, Royal Perth Hospital and Curtin University. They each hold a Bachelor of Arts with Honours from Curtin University, a Masters and PhDs in Art from RMIT University. Bruce Slatter has also won several art prizes including the Bankwest Art Prize, Sculpture by the Sea and the Woollahra Small Sculpture Prize.

Bruce Slatter and Nicole Slatter have a unique collaborative art practice. If selected as the recipient of the Visual Art Commission 2021-22, this will represent the first artist collaboration for the Visual Art Commissioning program.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Cultural development.

Strategic initiative Invest in publicly accessible visual art that will present a culturally-enriched environment.

Policy *Visual Arts Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

An allocation of \$15,000 has been included as part of the draft 2021-22 budget, as per previous budget, which is yet to be determined by the Council.

Regional significance

The City's Art Collection, including its public art, plays an important role in shaping and developing the community's identity. The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region.

Sustainability implications

Social

The commissioning of special purpose artworks has positive social sustainability implications. Artworks that reflect the City of Joondalup foster the place-identity of the community, enhancing social wellbeing through a sense of belonging.

Economic

One of the stated purposes of the Art Collection is to grow the value of the City's art and cultural assets. Procuring artworks from professional artists in the mid and later stages of their careers is the most secure investment choice.

Consultation

Not applicable.

COMMENT

The Visual Art Commissioning program provides a significant opportunity to acquire an artwork by a high-profile artist that represents a sound financial investment and specifically responds to the social, urban or natural attributes of the City of Joondalup.

Selection of any of the three artists would be a progressive step to the development of an artwork that would be a valued addition to the City's Art Collection.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 22 February 2021.

The original recommendation as presented by City officers to the committee is as follows:

That the Council **SELECTS** one of the three artists recommended to undertake the Visual Art Commission 2021-22 to the value of \$15,000.

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council **SELECTS** Christopher Pease as the artist recommended to undertake the Visual Art Commission 2021-22 to the value of \$15,000.

RECOMMENDATION

That Council SELECTS Christopher Pease as the artist recommended to undertake the Visual Art Commission 2021-22 to the value of \$15,000.

ITEM 16 **BURNING ON PRIVATE PROPERTY POLICY REVIEW**

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	23517, 101515, 106299
ATTACHMENTS	Attachment 1 <i>Burning on Private Property Policy</i> Attachment 2 <i>Gazetted Restricted Burning Times</i> Attachment 3 <i>Gazetted Prohibition on the Burning of Garden Refuse or Rubbish Notice</i> Attachment 4 <i>Gazetted Firebreak Notice</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to revoke the City's *Burning on Private Property Policy*.

EXECUTIVE SUMMARY

At its meeting held on 22 June 1999 (CJ213-06/99 refers), Council adopted *Policy 4.6.1 – Burning of Garden Refuse and Cleared Vegetation*. This policy was developed with the aim to reduce the risk of fire, eliminate smoke nuisance and prevent the deterioration of air quality related to the burning of garden refuse and cleared vegetation.

The City's *Burning on Private Property Policy (Attachment 1 refers)* was last reviewed in 2012 as part of the Policy Manual Review. It was adopted by Council at its meeting on 15 May 2012 (CJ093-05/12 refers).

The 2020 Policy Manual review identified that the Policy has been superseded by information provided within the City's *Bushfire Risk Management Plan 2018-2023*. The City has also progressed significantly with the formalisation of other City documents and processes relating to burning on private property and has concluded that the Policy is no longer required.

It is therefore recommended that Council REVOKES the Burning on Private Property Policy, as detailed in Attachment 1 to this Report.

BACKGROUND

Burning on Private Property Policy

At its meeting held on 22 June 1999 (CJ213-06/99 refers), Council adopted *Policy 4.6.1 – Burning of Garden Refuse and Cleared Vegetation* with the objective to reduce the risk of fire, eliminate smoke nuisance and prevent the deterioration of air quality related to the burning of garden refuse and cleared vegetation.

Following ongoing smoke nuisance complaints arising from the burning of large stockpiles of garden refuse / vegetation by Joondalup Resort and Country Club in 2008, Council requested that the City prepare a report on its position on burning and options to ban backyard burning on private property all year round.

At its meeting held on 22 June 2010 (CJ094-06/10 refers), Council adopted the City's *Burning on Private Property Policy*.

The Policy was last amended in 2012 and adopted by Council at its meeting on 15 May 2012 (CJ093-05/12 refers).

Using the intent of the City's *Burning on Private Property Policy*, the City's *Prohibition on the Burning of Garden Refuse or Rubbish Notice* is published each year in the Western Australian Government Gazette prior to the bushfire season. This allows the City to enforce the prohibition under the provisions of the *Bush Fires Act 1954*.

Bushfire Risk Management Plan

The *Bushfire Risk Management Plan 2018-2023* is the City's first strategic document that addresses the overall risk of bushfire within the City.

The Plan was developed in accordance with the State Government's *Bushfire Risk Management Planning – Guidelines for Preparing a Bushfire Risk Management Plan (BRMP Guidelines)*, and in consultation with various relevant stakeholders including:

- Department of Fire and Emergency Services
- Office of Bushfire Risk Management
- Department of Biodiversity, Conservation and Attractions
- Other State and Federal Government Agencies
- Public Utilities.

The *Plan* was presented to Elected Members in late 2017 and endorsed by the Office of Bushfire Risk Management in 2018. The plan also provides prioritised management recommendations to be implemented by the City over a five-year period, after which a major review is scheduled to be conducted.

Prohibited and Restricted Burning Times

In February 2012, in accordance with the Bush Fires Act 1954, the following Prohibited Burning Times and Restricted Burning Times were declared for the City of Joondalup in the Western Australian Government Gazette No. 16:

- Prohibited Burning Times – 15 December to 31 March.
- Restricted Burning Times – 2 November to 14 December and 1 April to 30 April.

However, the six months from May to October were not subject to burning restrictions under the provisions of the *Bush Fires Act 1954* and were therefore mostly unregulated by the City. To address this, the City applied to the Fire and Emergency Services Commissioner for a permanent variation of the City's *Restricted Burning Times*, which was successful. This resulted in a published variation on 18 September 2018 in the Western Australian Government Gazette No. 142 (Attachment 2 refers), which declared the following amended *Restricted Burning Times* for the City of Joondalup:

- *Restricted Burning Times* – 1 January to 31 December (all year round).

During the City's Restricted Burning Times, private property owners who wish to undertake burning for the purpose of bushfire mitigation / hazard reduction only can apply in writing to the City for a Permit to Burn, which will be assessed on an individual basis. It should be noted that the City's Prohibited Burning Times (15 December to 31 March) supersede the City's *Restricted Burning Times* where there is an overlap in dates. Burning of any kind is not permitted during the City's Prohibited Burning Times and Permit to Burn applications will not be accepted.

Smoke Nuisance Complaints

Smoke caused by a neighbour using a fire pit or other outdoor solid fuel apparatus used for the purpose of cooking and heating only, can currently be investigated by a City Ranger (Bush Fire Control Officer) in accordance with the applicable provisions of the *Bush Fires Act 1954* if:

- a Total Fire Ban is declared by the Department of Fire and Emergency Services
- the type of fuel being used constitutes either garden waste or rubbish
- it is deemed a fire hazard, such as an unsafe location or lack of attendance.

Smoke from apparatus with a chimney (located internally or externally) can be investigated by a City Environmental Health Officer, in accordance with the provisions of section 182 of the *Health (Miscellaneous Provisions) Act 1911*. If the issue of the smoke nuisance falls outside the City's legislative jurisdiction, the matter may be resolved by bringing all parties together through mediation.

The City commenced a review of smoke nuisance complaints in May 2020 due to the high volume of complaints received each year. As a result of the review, a minor amendment was made to the wording of the City's gazetted *Prohibition on the Burning of Garden Refuse or Rubbish Notice* to ensure that there would be no ambiguity when it comes to the burning of garden refuse or rubbish on private property, whether it be on the ground, in an incinerator, or by using any other apparatus, device or homemade construction.

In September 2020, the City's updated Prohibition on the Burning of Garden Refuse or Rubbish Notice was published in the Western Australian Government Gazette No. 151 (Attachment 3 refers).

Furthermore, the City as part of the eight-year statutory review of its local laws, is investigating the possibility of including nuisance provisions around smoke from fire pits in residential areas within the City's *Health Local Law 1999*. This will be investigated and reported to Council as part of the local law amendment process.

DETAILS

While policies are reviewed to ensure their continued relevance and applicability as part of the Policy Manual review, the *Burning on Private Property Policy* was also identified as an action in the City's *Bushfire Risk Management Plan 2018-2023* to review bushfire related policies.

Reasons for Policy Revocation

The following points outline actions that the City has undertaken since the *Burning on Private Property Policy* was first established:

- The permanent variation to the City's *Restricted Burning Times* to cover all year round enables the City to control the management of burning on private property.

- The City provides ratepayer's with green waste tipping vouchers, annual green waste collection services and a fortnightly green bin collection for green waste.
- The City publishes the City's *Prohibition on the Burning of Garden Refuse or Rubbish Notice* each year in the Western Australian Government Gazette, which enables the City to enforce the prohibition under the provisions of the *Bush Fires Act 1954*.
- The City publishes the City's *Firebreak Notice* each year in the Western Australian Government Gazette, as shown in Attachment 4 to this Report. The *Firebreak Notice* includes information regarding the City's Prohibited and Restricted Burning Times and Permits to Burn.
- The City's position regarding hazard reduction burning for the purpose of bushfire mitigation was reviewed and formalised with the endorsement and implementation of the City's Hazard Reduction Grass Tree Burning Program in April 2019.
- The City's relevant public website pages have all been reviewed and updated, including FAQ's for burning on private property and hazard reduction burning.

These actions listed have identified that information contained within the current Policy has now been superseded by the formalisation of other City documents and processes relating to burning on private property.

While the *Burning on Private Property Policy* was the only formal publication on burning on private land when it was first developed, these actions listed have highlighted that information contained within the current Policy has now been superseded. As the Policy is no longer required, it is therefore recommended that Council REVOKES the City's *Burning on Private Property Policy*.

Legislation / Strategic Community Plan / Policy Implications

Legislation

Local Government Act 1995.
Bush Fires Act 1954.

Strategic Community Plan

Key theme

Community Wellbeing.

Objective

Community safety.

Strategic initiative

Build a healthy community that is aware of and responsive to current public health risks.

Policy

Burning on Private Property Policy.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

If the community has clear direction and guidelines around fire safety and bushfire protection, the risk to the City's bushland, conservation and biodiversity will be minimised.

Consultation

Not applicable.

COMMENT

The on-going review of the City's Policy Manual aims to increase consistency and relevance and reduce duplication and operational content. When the *Burning on Private Property Policy* was originally developed, it was the only formal publication which established a policy position on burning on private land.

The responsibilities of public authorities around planning for bushfire risk are clearly documented through the Office of Bushfire Risk Management's *Bushfire Risk Management Planning - Guidelines for Preparing a Bushfire Risk Management Plan*.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 22 February 2021.

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

RECOMMENDATION

That Council REVOKES the *Burning on Private Property Policy*, as detailed in Attachment 1 to this Report.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf210309.pdf](#)

ITEM 17 DRAFT ADVERTISEMENTS LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	01907, 101515
ATTACHMENTS	Attachment 1 Current <i>Signs Local Planning Policy</i> Attachment 2 Draft <i>Advertisements Local Planning Policy – As Advertised</i> Attachment 3 Submissions Received on Draft Policy Attachment 4 Draft <i>Advertisements Local Planning Policy – Modified</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Advertisements Local Planning Policy* (LPP) following public advertising.

EXECUTIVE SUMMARY

A review of all advertising signage in the City of Joondalup has been undertaken to:

- explore the issues the City and its stakeholders currently experience in relation to signage and matters that influence the City's position on advertising signage
- make recommendations to establish a clear, aligned approach to signage across all relevant regulatory and strategic instruments and City activities.

The review has identified a series of recommended amendments to the existing *Signs Local Planning Policy* (LPP) in order 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 some sign types currently prohibited by the policy.

A draft *Advertisements Local Planning Policy* has been prepared to replace the existing *Signs Local Planning Policy*.

At its meeting held on 20 October 2020 (CJ162-10/20 refers), Council resolved to advertise the draft LPP for a period of 21 days. Public advertising concluded on 18 December 2020 with 15 submissions received, being eight submissions of support, one objection and six neutral submissions. Eight submissions took the opportunity to provide specific comments and suggested modifications to various aspects of the draft policy. Modifications to the policy are recommended in response to these submissions, including:

- inclusion of a definition of pedestrian access with reference to relevant accessibility standards
- additional clarity in the policy to confirm that rooftop signage is prohibited in all areas except the Joondalup City Centre precinct
- revised road safety policy standards for fixed variable content signs to guide discretionary decision making.

BACKGROUND

Advertising signage in the City of Joondalup is currently guided and regulated by the *Signs Local Planning Policy* and the *Local Government and Public Property Local Law 2014* (local law). The *Signs Local Planning Policy* guides private signage, typically located on private property, with the local law regulating signage in public spaces and thoroughfares.

A review of all advertising signage in the City of Joondalup has been undertaken to explore the issues that the City and its stakeholders currently experience in relation to signage and matters that influence the City's position on advertising signage. The review has led to recommendations to establish a clear, aligned approach to signage across all relevant regulatory and strategic instruments and City activities. Key issues and opportunities explored by the review include the following:

- Demand for business visibility:
 - businesses not visible from major thoroughfares/activity areas are demanding opportunities to enhance visibility to passing pedestrians and cars through portable signs, as wall signs are not directed towards passing trade
 - proliferation of branding signs in commercial areas can make signs less effective, and impact on visual amenity
 - use of temporary signs for promotional sales and events
 - policy restriction of portable signs restricts "quirky" kerb appeal and place activation.
- Technology and digital messaging:
 - role of the current directional signs program, considering the availability of technology and digital wayfinding
 - digital advertising can support the growth of Joondalup as a smart city
 - digital sign technology may increase demand for private third-party advertising.
- Advertising as a revenue source:
 - sponsorship and advertising revenue may reduce reliance on rates revenue for services delivery to the community.
- Signs in residential areas:
 - display of small home improvements and renovations signs
 - home business signs.

Several issues identified in the review, in particular business visibility, are already being actively addressed by the City's investment into economic development plans, business support initiatives, and the *Place Activation Strategy* currently in development. This includes dovetailing of business support and buy local campaigns to increase business visibility, for example the Joondalup Business Catalogue.

The placement of signs within road verges and thoroughfares is controlled by the local law which does not currently permit advertising signs to be placed in these areas. However, the City is currently reviewing its local law framework and, as part of its statutory review, any changes to the provisions within the local law can be considered as part of that review, based on the issues identified in the signage review.

Amendments required to the *Signs Local Planning Policy* in response to the issues identified in the signage review have resulted in the preparation of the draft *Advertisements Local Planning Policy*.

At its meeting held on 20 October 2020 (CJ162-10/20 refers), Council resolved to advertise the draft LPP for a period of 21 days. Public advertising concluded on 18 December 2020.

DETAILS

Advertising signs and devices regulated by the *Signs Local Planning Policy* fall within the definition of “advertisements” under the *Planning and Development (Local Planning Schemes) Regulations 2015*. Aligning the policy title with this definition is recommended to provide clarity. Therefore, instead of amending the *Signs Local Planning Policy*, a new *Advertisements Local Planning Policy* (LPP) is proposed. Adoption of the LPP following advertising will revoke the existing *Signs Local Planning Policy*.

The revisions to the City’s approach to signage provided within the draft LPP seek 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 policy.

Objectives specific to locality types

The draft LPP acknowledges that the role and accepted level of advertising differs across the City, based on the expected level of amenity and commercial functions of the City’s various zones. The draft policy defines locality types for the purpose of defining exemptions and provisions for signage in the different areas of the City.

These locality types are:

Neighbourhood localities	<ul style="list-style-type: none"> • Joondalup Activity Centre: <ul style="list-style-type: none"> - Lakeside Residential precinct • Residential Zone • Rural Zone.
Activity Centre localities	<ul style="list-style-type: none"> • Joondalup Activity Centre: <ul style="list-style-type: none"> - City Centre precinct - Learning and Innovation precinct - Health and Wellness precinct • Commercial zone • Centre zone • Mixed Use zone • Private Community Purpose zone.

Service Commercial localities	<ul style="list-style-type: none"> • Joondalup Activity Centre: <ul style="list-style-type: none"> - Joondalup Edge precinct - Joondalup West precinct • Service Commercial Zone • Light Industry Zone.
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The draft LPP provides specific objectives for each locality type, enabling consideration of the particular nature and amenity of each to guide decision making. Development standards and a listing of permitted or prohibited signs are structured based on the locality types, informed by the locality objectives.

Exemption pathway

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), development approval is not required for works and uses which are specified as being exempt under a local planning policy. The draft LPP introduces a streamlined “exemption pathway” for signs that meet acceptable development standards, in addition to the list of exempt signs already provided in the current *Signs Local Planning Policy*. This applies to specified on-building signs and temporary use of banners.

The additional exemptions in the LPP would remove the unnecessary formality for businesses to have to apply for development approval for advertising signs that meet acceptable policy standards. The exemption pathway may also encourage the use of fewer and more appropriate signs, as businesses may look to avoid the time and costs of a development approval by complying with the policy provisions.

As a result of the exemption pathway, signs that do not comply with policy provisions will be subject to a merit-based, discretionary assessment. In addition to providing locality specific objectives, the policy objectives and design principles of the current *Signs Local Planning Policy* have been reviewed, amended and included within the LPP to provide a comprehensive set of objectives and principles to guide discretionary assessment and decision making when it is required.

Through the consultation process, one submission queried whether additional exemptions would encourage fewer and more appropriate signs, suggesting that more signs may result from a changed policy position. It is noted that the new exemptions apply to signs that, under the existing *Signs Local Planning Policy*, would be approved because they meet deemed-to-comply standards. The exemption pathway does not change the standards, it only removes the time and costs to local business associated with a development approval process that does not require discretionary assessment.

This aspect of the policy was specifically supported by another submission on the basis it would reduce red tape for businesses within the City.

Digital and animated signs

Policy provisions are proposed to address the specific amenity and safety implications of illuminated, variable, and animated content signs.

The proposed provisions utilise methodology provided within *Main Roads Western Australia’s Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves* (as amended), as relevant to digital and variable content signs. The proposed policy provisions would operate to prohibit variable or animated content within locations that pose an unacceptable risk to road users, being vital decision-making points in the road network.

The policy provisions provide guidance for variable content signs in low risk areas and provide for the submission of road safety audit reports in locations where signs may be acceptable, however, there is an increased risk as a result of increased speed limits and road volumes. The proposed provisions provide greater ability for the City to consider road safety when assessing applications for digital, variable content signs.

Through the consultation process, one submission objected to the application of the Main Roads Western Australia's *Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves* (as amended) to local roads. The submission contended that the guidelines are intended to apply to major state-controlled roads only, therefore their application to local roads would create a conservative, onerous policy position.

The Main Roads Western Australia guidelines include elements for roads with speed limits of less than 50 kilometres per hour, therefore are considered to contemplate situations of lesser volume and speed than typically experienced on state-controlled roads. Furthermore, many local roads within the City share the volume and speed characteristics of state-controlled roads.

Therefore, the overall policy position is appropriate when considering that the policy does allow discretion to be applied to specific signage requests, based on road safety audits in response to specific road safety conditions at the site.

Modifications to the advertised policy can provide greater guidance to determine situations in which the City would be unlikely to apply discretion on safety grounds, for example in locations of increased crash rates and blackspots.

Portable signs

Portable signs (for example sandwich boards or A-frame signs) are currently prohibited by the existing *Signs Local Planning Policy* in all areas of the City, except Light Industrial zoned land along Canham Way in Greenwood. The draft LPP proposes greater flexibility for their use on private land, based on the locality within which they are proposed.

The draft LPP recommends:

Neighbourhood localities	Maintaining the prohibition on portable signs to protect residential amenity.
Activity centre localities	Permitting one portable sign per business on private land where there is not an existing freestanding sign that advertises the business.
Service commercial localities	Permitting one portable sign per business on private land, reflecting the core commercial function of these areas.

Portable signs on private land, where permitted by the draft LPP and subject to meeting policy provisions regarding safety, will not require development approval. Any other or additional portable signs will continue to be prohibited by the LPP to avoid a general proliferation of signs, and encourage the use of permanent, high quality signs for advertising purposes.

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 addressed by the draft LPP. Through the consultation process, some submissions raised concerns regarding advertising signs on verges and within roundabouts. The current local law maintains a general prohibition of advertising signs in thoroughfares. The City is currently undertaking a review of all local laws; the issue will be considered as part of that process.

One submission opposed the LPP on the basis that small businesses operating from residential properties should be allowed to use portable signs as small, wall mounted signs can be ineffective and concealed by landscaping. However, the high level of residential amenity of neighbourhood localities justifies increased control of business signage within these areas.

Portable variable message board signs

Portable variable message board signs are currently prohibited in all areas of the City, as they are a potential traffic hazard and can impact upon local amenity.

As their use for business advertising purposes is typically short-term, requiring development approval for their temporary use is unlikely to meet business demands, as the development approval process can take up to two months and has costs associated with this process. However, the safety and amenity risks associated with use of these signs makes a general policy exemption for these signs inappropriate.

The *Planning and Development (Local Planning Schemes) Regulations 2015* include a temporary works exemption from development approval which might be used by businesses for temporary signs, including temporary use of portable variable message boards. The draft LPP seeks to manage the potential safety issues associated with temporary use of portable variable message boards under the temporary works exemption, by enabling their use under the exemption for longer than the 48 hours, once per year afforded by the Regulations. This agreement for time extension would be subject to meeting specific standards regarding their location and content to manage risk to road users and local amenity. This is similar to the approach used by the City to regulate temporary use of sea containers, with written planning advice (a formal request) provided so that the City can confirm that the safety standards are complied with.

Through the consultation process, one submission objected to temporary use of portable illuminated variable message boards for purposes other than traffic management and occasional not-for-profit charity events. However, it is considered that the additional policy provisions provide guidance for commercial use of the signs that would otherwise be unregulated as a result of the temporary works exemption contained in the Regulations.

Roof signs

Roof signs are currently prohibited in all areas of the City. In consideration, however, of the planning intention for the City Centre precinct of the Joondalup Activity Centre to be a vibrant, city area, the draft LPP recommends removing the prohibition of roof signs in that area only, with development provisions included to ensure that roof signs add interest and vibrancy to Joondalup's skyline, without adversely affecting the amenity of residents.

Three submissions were received during advertising in response to this draft policy position. One submission objected to roof signs altogether, the others raised concern that the policy would result in roof signs being supported in locations other than the City Centre precinct of the Joondalup Activity Centre. The submissions also recommended modification to the policy standards, to ensure that roof signs match, rather than complement, the architecture of the building.

In response, a minor modification is recommended to more clearly list roof signs as being prohibited in all areas, except the City Centre precinct of the Joondalup Activity Centre. The advertised draft policy provisions had the same intent, but with a different wording style.

Bunting

Bunting as an advertising device is currently prohibited in all areas of the City. The draft LPP proposes removing this general prohibition, with the use of advertising bunting able to be considered through a merit-based, discretionary development approval pathway.

One submission was received objecting to the use of bunting in the City on amenity grounds. However, the amenity implications of bunting can be considered on a site by site basis against the design principles of the policy. It is considered that not all forms of bunting would be inconsistent with design principles and, therefore, no need to prohibit the use of bunting in all situations.

Consultation

Fifteen submissions were received during consultation of the draft LPP, with only one of those submissions explicitly stating an objection for the draft LPP on the basis of portable signs in residential localities.

One submission was received from a residents' association, one submission received on behalf of a commercial business landowner and 13 submissions from residents of the City.

Comments on the draft LPP that were raised within multiple submissions relate to the exemption pathway and rooftop signs, these have been addressed previously in this report.

Other comments and suggestions received on the draft LPP are provided and responded to in Attachment 3 to this Report.

Several submissions commented on matters beyond the draft LPP, these included:

- concern regarding signs in thoroughfares regulated by the local law
- request for more proactive monitoring of compliance with respect to signs and advertising.

The current local law maintains a general prohibition of advertising signs in thoroughfares. The City is currently undertaking a review of all local laws; the issue will be considered as part of that process, and community consultation will be undertaken should any amendments be recommended.

Issues and options considered

Council has the option to either:

- proceed with the draft LPP, without modifications
- proceed with the draft LPP, with modifications
- or
- not proceed with the draft LPP.

It is recommended that Council proceeds with the draft LPP with modifications.

Legislation / Strategic Community Plan / Policy implications

Legislation

*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	<i>Signs Local Planning Policy</i> (to be revoked by the <i>Advertisements Local Planning Policy</i>).

Risk management considerations

Risks associated with exempting development approval for certain signs that present potential hazard due to their materials or location can be reduced by establishing a process by which written planning advice (a formal request) so that the City can confirm that the specific standards are complied with.

Any alleged non-compliance can be investigated and acted upon by the City should a complaint be received for any advertising signs that do not comply with the relevant provisions of the LPP.

The draft LPP includes specific provisions regarding traffic hazards associated with variable message signs, therefore providing a risk management approach to assessing the amenity and safety risks of digital signs.

Financial / budget implications

There will be a minor loss of revenue, should proposed advertising signs meet the provisions of the revised policy and not require planning approval.

Regional significance

Not applicable.

Sustainability implications

Social

The introduction of key policy provisions regarding the amenity and safety of digital signs address a current policy gap and will assist the City to consider safety of road users when assessing applications for digital, animated, and variable content signs.

Environmental

No specific environmental implications have been identified as a result of revoking the existing *Signs Local Planning Policy* and replacing it with the new LPP. Exempt signs defined by the policy are those attached to buildings, therefore are unlikely to result in environmental impacts. Freestanding signs will require development approval. Where a development presents potential for environmental impact, this would be assessed as part of the development approval process.

Economic

Several local businesses and the Joondalup Business Association have raised concerns regarding the City's current approach to portable signs. While not all of these issues, including portable signs on thoroughfares, can be addressed through a local planning policy, the additional flexibility and exemption pathway provided within the draft LPP will support local business and economic vibrancy.

Consultation

The draft LPP was advertised for a period of 28 days, commencing on 19 November 2020 and concluding on 18 December 2020 as follows:

- A notice published in the local newspaper.
- A letter sent to the Joondalup Business Association.
- Emails sent to all registered resident and ratepayer groups in the City.
- Emails sent to all members of the City's Community Engagement Network.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

Fifteen submissions were received, being eight submissions of support, one objection and six neutral submissions. Eight submissions took the opportunity to provide specific comments and suggested modifications to various aspects of the draft policy, as outlined previously in this report.

COMMENT

The draft LPP aims to provide clarity in relation to the City's expectations on appropriate advertising signs from a planning perspective, while providing greater flexibility for businesses.

The outcome of consultation suggests several modifications are appropriate to clarify aspects related to pedestrian access, rooftop signage, and discretionary application of the policy with respect to variable content signs visible from public roads.

It is considered that the draft LPP, subject to recommended modifications detailed in Attachment 4 to this Report, will allow for enhanced safety and amenity outcomes for advertising across the City to the benefit of the community and local business.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 22 February 2021.

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

RECOMMENDATION**That Council:**

- 1** in accordance with clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Advertisements Local Planning Policy*, with modifications as detailed in Attachment 4 to this Report;
- 2** NOTES that the *Advertisements Local Planning Policy* will come into effect when a public notice is published on the City's website.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf210309.pdf](#)

REPORT – AUDIT AND RISK COMMITTEE – 2 MARCH 2021

ITEM 18 2020 COMPLIANCE AUDIT RETURN

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Office of the CEO
FILE NUMBER	32481, 09492, 101515
ATTACHMENT	Attachment 1 2020 Compliance Audit Return
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the City's 2020 Compliance Audit Return (the Return) prior to it being submitted to the Department of Local Government, Sport and Cultural Industries (DLGSC).

EXECUTIVE SUMMARY

The DLGSC Compliance Audit Return for the period 1 January to 31 December 2020 has been completed and is required to be adopted by Council before being submitted to the DLGSC by 31 March 2021.

It is therefore recommended that Council:

- 1 ADOPTS the completed 2020 Local Government Compliance Audit Return for the period 1 January 2020 to 31 December 2020 forming Attachment 1 to this Report;*
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return as detailed in Part 1 above, to the Department of Local Government, Sport and Cultural Industries.*

BACKGROUND

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

Regulation 15 requires the Return to be certified by the Mayor and the Chief Executive Officer before being submitted to the DLGSC, along with the relevant section of the minutes, by 31 March 2021 following the period to which the Return relates.

The 2020 Return was made available to local government authorities by the DLGSC via its centralised portal called 'Smart Hub'. The 2020 Return is similar to previous years and focuses on high risk areas of compliance and statutory reporting as prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

The 2020 Return includes an increase from four questions in 2019 to 10 questions in 2020 under the category "Optional Questions".

DETAILS

The 2020 Return contains the following compliance categories:

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

The relevant Managers were required to complete the responses to the Return's questions which were approved by their Director before being forwarded to the Internal Auditor for review and input via the 'Smart Hub' on the DLGSC website. The Return has been completed and is now required to be adopted by Council before being finalised and submitted to the DLGSC by 31 March 2021.

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

- Optional Questions – Question 8

The City's current *Elected Members' Entitlements Policy* contains policy matters in relation to the continuing professional development of elected members. This policy was in place well before section 5.128(1) came into effect in 2019 (however was not adopted by Council during 2020). Council in accordance with this provision will be reviewing this policy prior to the 2021 local government elections.

- Tenders for Providing Goods and Services – Question 8

The City complied with two areas covered by Regulation 17 by recording information in the tender register and making the tender register available for public inspection. The requirement to publish on the City's website was only enacted in November 2020 without prior warning or lead-in-time being provided. The City published the tender register on the website in February 2021.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic initiative	Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
Policy	Not applicable.

Risk management considerations

The risk associated with Council failing to adopt the 2020 Return would result in non-compliance with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

On occasions changes are made to legislation with little notice or direction and due to timeframes for implementation can result in non-compliance. This accounts for the non-compliance identified under Tenders for Providing Goods and Services (Question 8). This non-compliance was corrected in 2021.

The other area of non-compliance will be corrected during 2021 and, notwithstanding this, the 2020 Return reveals a high level of compliance with legislation by the City.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 22 March 2021.

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

RECOMMENDATION

That Council:

- 1 ADOPTS the 2020 Local Government Compliance Audit Return for the period 1 January 2020 to 31 December 2020 forming Attachment 1 to this Report;**
- 2 in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, SUBMITS the completed 2020 Compliance Audit Return as detailed in Part 1 above to the Department of Local Government, Sport and Cultural Industries.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf210309.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

CLOSURE



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

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

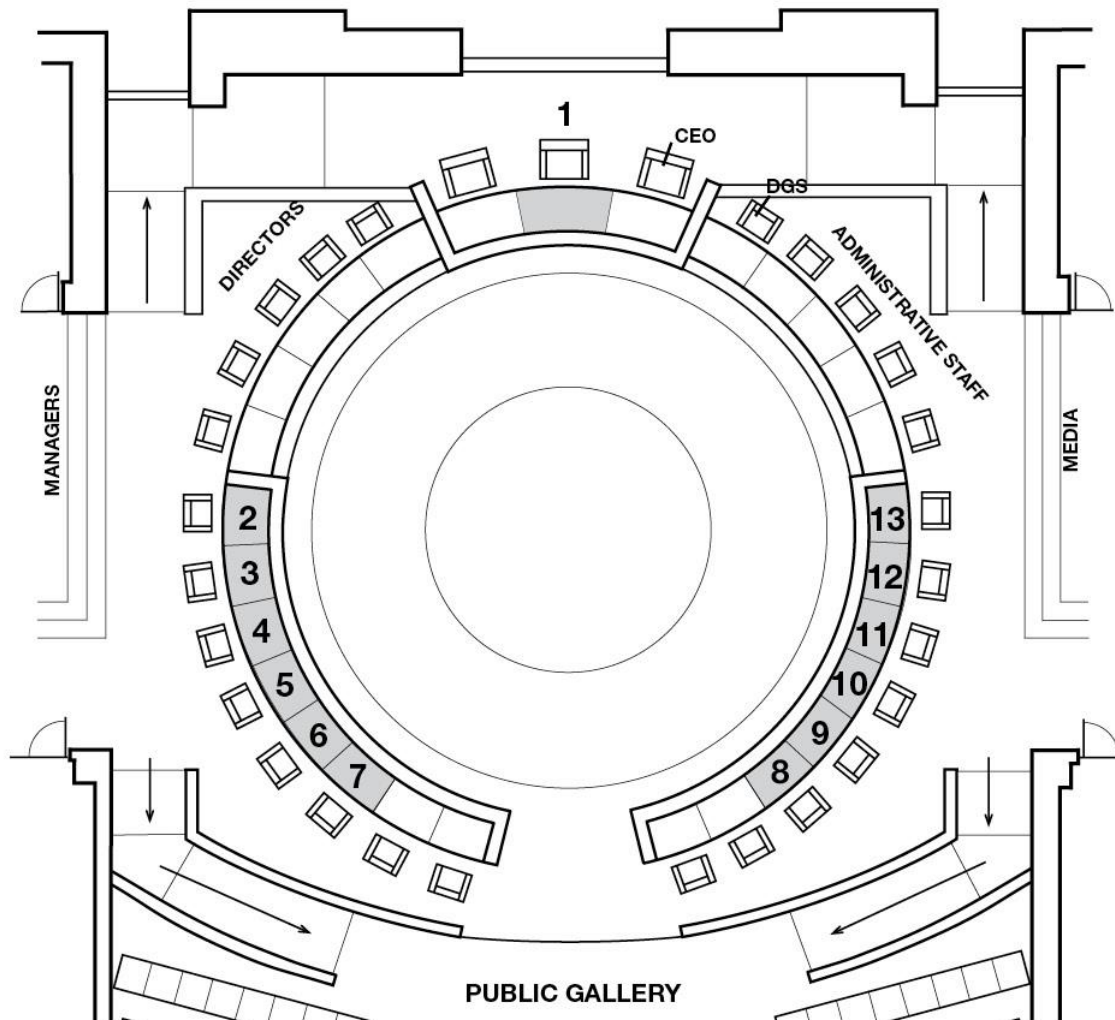
Name / Position		
Meeting Date		
Item No. / Subject		
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<i>*Delete where not applicable</i>
Extent of Interest		
Signature		
Date		

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.”*

Council Chamber – Seating Diagram



Mayor

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

North Ward

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

North-Central Ward

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

Central Ward

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

South-West Ward

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

South-East Ward

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

South Ward

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