

agenda

Ordinary Meeting of Council

NOTICE IS HEREBY GIVEN THAT THE NEXT ORDINARY MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON **TUESDAY 27 JUNE 2023**
COMMENCING AT **6.30pm**

NICO CLAASSEN
Acting Chief Executive Officer
16 June 2023

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

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 26 June 2023.**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

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

Council Members and Committee Members are to observe the City's adopted *Code of Conduct for Council Members, Committee Members and Candidates*. The following general principles guide the behaviours of Council Members (being the Mayor and Councillors) and other committee members while performing their role at the City:

Personal Integrity

- (1) A council member or committee member should –
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the City.
- (2) A council member or committee member should –
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the City in relation to the performance of their role.

Relationship with others

- (1) A council member or committee member should –
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

Accountability

A council member or committee member should –

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to Council or Committee meetings, Briefing Sessions or Strategy Sessions; and
- (d) be open and accountable to, and represent, the community in the district.

Employees are bound by the City's *Code of Conduct for Employees* which details similar provisions to be observed.

COUNCIL MEETINGS

The following procedures for the conduct of Council Meetings 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 COUNCIL MEETINGS

Council Meetings will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. Council Meetings are formal meetings where Elected Members consider and make decisions on matters.

PROCEDURES FOR COUNCIL MEETINGS

The following procedures will apply to Council Meetings that are conducted by the City.

- 1 Council meetings 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 Council meetings 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 Council meeting 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 Council meetings. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Council meetings. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Council meeting.
- 5 Relevant employees of the City will be available to respond to questions on matters listed on the agenda for the Council meeting.
- 6 All Elected Members will be given a fair and equal opportunity to participate in the Council meeting.
- 7 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 8 Good governance principles recommend that Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Council meetings. 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 (Model Code of Conduct) Regulations 2021* 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 minutes kept for the Council meeting.
 - (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.
- 9 A record shall be kept of all Council meetings.

COUNCIL AND COMMITTEE MEETINGS

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 20 September 2022:

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

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 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 person, 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 and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 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 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 Council meeting.

- 9 Where an Elected Member is of the opinion that a member of the public is:
- asking a question at a Council meeting, that does not relate to a matter affecting the City;
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 response will be summarised and included in the minutes of the Council meeting.
- 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). 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 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 .

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 asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five (5) 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 Council meeting will be responded to, where possible, at the Council meeting. 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 a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.

- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 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). 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.

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time at Council Meetings were adopted at the Council meeting held on 20 September 2022:

- 1 Members of the public are invited to make public statements verbally at Council meetings.
- 2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 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 than such time where 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 Council meeting, that does not relate to a matter affecting the City, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 Statements will be summarised and included in the minutes of the Council meeting.

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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:

[AdditionalInformation.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 27 June 2023** commencing at **6.30pm**.

NICO CLAASSEN
Acting Chief Executive Officer
16 June 2023

Joondalup
Western Australia

VISION

“A global City: bold, creative and prosperous.”

PRIMARY VALUES

- Transparent.
- Accountable.
- Honest.
- Ethical.
- Respectful.
- Sustainable.
- Professional.

DISTINGUISHING VALUES

Bold

We will make courageous decisions for the benefit of our community and future generations.

Ambitious

We will lead with strength and conviction to achieve our vision for the City.

Innovative

We will learn and adapt for changing circumstances to ensure we are always one step ahead.

Enterprising

We will undertake ventures that forge new directions for business and the local community.

Prosperous

We will ensure our City benefits from a thriving economy built on local commercial success.

Compassionate

We will act with empathy and understanding of our community's needs and ambitions.

AGENDA

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

Note: Members of the public are advised that prior to the opening of the Council Meeting, Mayor the Hon. Albert Jacob, JP will acknowledge the traditional custodians of the land and say a prayer.

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

Disclosures of Interest affecting Impartiality

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member / employee is also encouraged to disclose the nature of their interest.

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ090-06/23 - Execution of Documents.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor Kingston is the Secretary of the Friends of Yellagonga, which has a lease with Rise Network Inc. which owns Landsdale Farm.

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ094-06/23 - Corporate Sponsorship Application: Whitford Church of Christ Inc. for Heathridge Carols in the Park 2023.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob attends the Carols every year and a member of the organisers are known to him.

Name / Position	Cr Tom McLean, JP.
Item No. / Subject	CJ095-06/23- Corporate Sponsorship Application: Bowls Australia Ltd for The Nationals Event 2023.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor McLean is a social member of the Joondalup Sports Association (JSA).

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ097-06/23 - List of Payments Made During The Month of April 2023.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob does some part-time work for Thomson Geer, he does not work on City of Joondalup matters.

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ099-06/23 - Sorrento Surf Life Saving Club Redevelopment Project - Concept Design Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob is a patrolling member at the Mullaloo Sorrento Surf Life Club and he is Vice Patron of the Sorrento Surf Life Saving Club (and Surf Life Saving WA).

Name / Position	Cr Christine Hamilton-Prime, JP.
Item No. / Subject	CJ099-06/23 - Sorrento Surf Life Saving Club Redevelopment Project - Concept Design Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor Hamilton-Prime is a Vice Patron of the surf club, her husband is the club doctor and the club is known to her.

Name / Position	Cr Russell Poliwka.
Item No. / Subject	CJ099-06/23 - Sorrento Surf Life Saving Club Redevelopment Project - Concept Design Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor Poliwka is a past patron and Executive Members are known to him.

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ100-06/23 - Ocean Reef Artificial Surf Reef Pre-Feasibility Proposal.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob has publicly stated that he supports an artificial reef at this location, including during 2021 elections.

Name / Position	Cr Christopher May.
Item No. / Subject	CJ100-06/23 - Ocean Reef Artificial Surf Reef Pre-Feasibility Proposal.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor May has publicly supported the establishment of an artificial surf reef at Ocean Reef Marina.

PUBLIC QUESTION TIME

The following summarised question was taken on notice at the Council Meeting held on 23 May 2023:

G Stickland, Craigie:

Re: CJ067-05/23 – Minutes of the Annual General Meeting of Electors held on 7 March 2023.

Q2 Can the City comment on the reason for the rebranding of the Padbury Community Hall, now called the Padbury Hall, and the Warwick Community Hall, now called the Warwick Hall?

A2 The City has not rebranded those two facilities.

PUBLIC STATEMENT TIME

APOLOGIES AND LEAVE OF ABSENCE

REQUEST FOR LEAVE OF ABSENCE – MAYOR ALBERT JACOB, JP

RECOMMENDATION

That Council **APPROVES** the request for Leave of Absence from Council duties for Mayor Jacob covering the period 3 July to 29 July 2023 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF ORDINARY COUNCIL MEETING HELD ON 23 MAY 2023

RECOMMENDATION

That the Minutes of the Ordinary meeting of Council held on 23 May 2023 be **CONFIRMED** as a true and correct record.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

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

PETITIONS

REPORTS

CJ086-06/23 DEVELOPMENT AND SUBDIVISION APPLICATIONS - APRIL 2023

WARD	All		
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development		
FILE NUMBER	07032,101515		
ATTACHMENT	Attachment 1	Monthly Development Determined – April 2023	Applications
	Attachment 2	Monthly Subdivision Processed – April 2023	Applications
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 April 2023.

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 April 2023 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during April 2023 (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 28 June 2022 (CJ092-06/22 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 April 2023 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	2	2
Strata subdivision applications	5	6
TOTAL	7	8

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

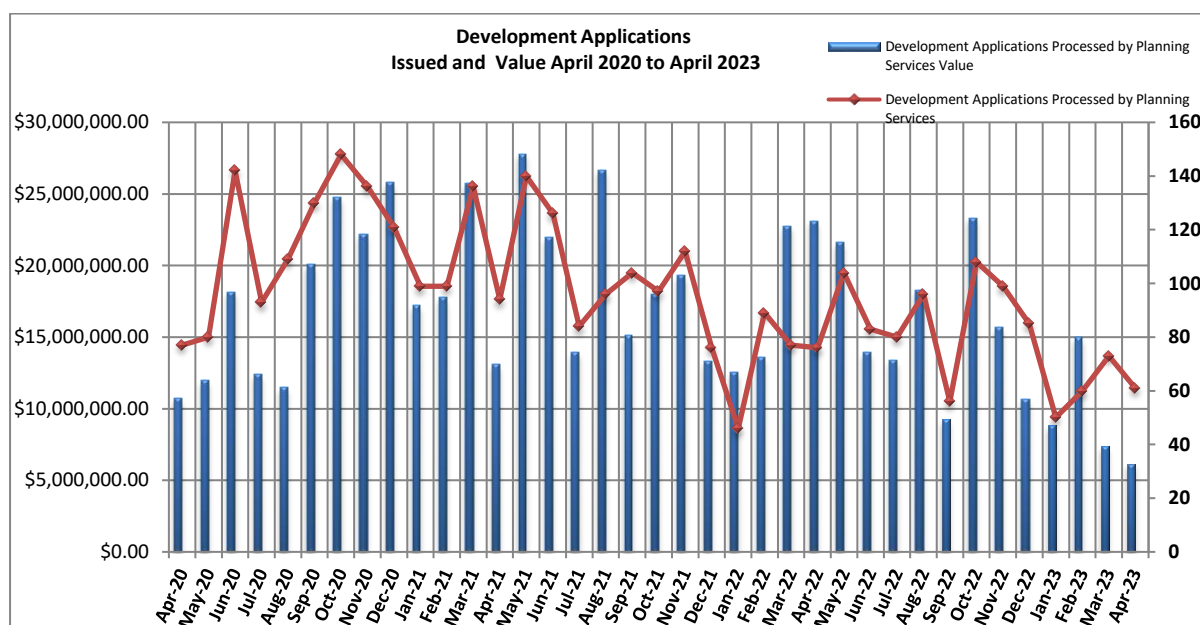
Development applications

The number of development applications determined under delegated authority during April 2023 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	61	\$5,941,970.50

Of the 61 development applications, three were for new dwelling developments in housing opportunity areas, proposing a total of three additional dwellings.

The total number and value of development applications determined between April 2020 and April 2023 is illustrated in the graph below:



The number of development applications received during April 2023 was 78.

The number of development applications current at the end of April was 174. Of these, 11 were pending further information from applicants and six were being advertised for public comment.

In addition to the above, 158 building permits were issued during the month of April with an estimated construction value of \$30,974,661.89.

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.*

10-Year Strategic Community Plan

Key theme Place.

Outcome Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

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 61 development applications were determined for the month of April with a total amount of \$23,863.71 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 Report CJ086-06/23 during April 2023;**
- 2 Subdivision applications described in Attachment 2 to Report CJ086-06/23 during April 2023.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1BRF230613.pdf](#)

CJ087-06/23 PROPOSED MULTIPLE DWELLINGS (SEVEN NEW DWELLINGS) AT LOT 61 (549) BEACH ROAD, DUNCRAIG

WARD	South
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	40989, 101515
ATTACHMENTS	<p>Attachment 1 Location plan</p> <p>Attachment 2 Development plans</p> <p>Attachment 3 Building perspectives</p> <p>Attachment 4 Landscape plan</p> <p>Attachment 5 Applicant's justification (including statement addressing SPP7.0)</p> <p>Attachment 6 Transportation Noise Assessment</p> <p>Attachment 7 Waste Management Plan</p> <p>Attachment 8 Environmentally Sustainable Design Checklist</p> <p>Attachment 9 Design Review Panel comments and applicants' response.</p> <p>Attachment 10 Assessment against HOALPP and SPP7.3</p>
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for development approval for seven Multiple Dwellings at Lot 61 (549) Beach Road, Duncraig.

EXECUTIVE SUMMARY

The City received an application for seven multiple dwellings at Lot 61 (549) Beach Road, Duncraig (subject site) in February 2022.

The proposed two storey development (with undercroft carpark) comprises three dwellings on both the ground and second floors, and one dwelling split over both floors.

The subject site is zoned 'Residential' with a density code of R20/R60 under the City's *Local Planning Scheme No. 3 (LPS3)*. The development is primarily subject to the requirements of LPS3, *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)* and the *Development in Housing Opportunity Areas Local Planning Policy (HOALPP)*.

The application was advertised for a period of 14 days by way of letters sent out to the owners and occupiers of 91 properties in the surrounding area, sign on site, and notice on the City's website, concluding on 28 September 2022. No submissions were received.

The application is required to be determined by Council as the development is for more than five multiple dwellings.

It is considered that the proposed development satisfies the relevant requirements of LPS3, SPP7.3 and HOALPP, and it is therefore recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location	Lot 61 (549) Beach Road, Duncraig.
Applicant	Fulfill the Dream.
Owner	Nicholas Kish and Anamaria Isticioaia-Budura.
Zoning	LPS Residential R20/R60
	MRS Urban
Site area	734m ²
Structure plan	Not applicable.

The subject site is currently developed with a single storey dwelling. It is bound by Beach Road to the south and residential properties to the east, north and west (Attachment 1 refers). The site is located approximately 800 metres east of the Carine Glades Shopping Centre, 400 metres (walkable distance) west of the Warwick Train Station and 50 metres north of the Carine Regional Open Space. The site slopes approximately three metres from the street up to the rear boundary.

The subject site is located on the local government boundary with the City of Stirling, and as a result, any matters associated with the Beach Road verge would not be subject to the City of Joondalup requirements.

The subject site is within Housing Opportunity Area 1, zoned 'Residential' and coded R20/R60 under LPS3. The immediate properties to the east and west are single storey dwellings. The site to the rear is currently being redeveloped as four, two storey grouped dwellings. More broadly, the area has a number of redeveloped properties in the vicinity, being a mix of grouped and multiple dwellings.

DETAILS

The proposed development consists of the following:

- Seven multiple dwellings, with all dwellings comprising two bedrooms, a study and two bathrooms.
- A two storey building, with undercroft parking. Due to the slope of the site, the building appears as three storeys from Beach Road.
- Ten resident car bays and two visitor bays.
- Building materials comprising painted render and fibre cement boards, face brick cladding, timber and glass balustrading.
- Bin storage area located within the car parking area, along the eastern boundary.
- Retention of mature vegetation on-site, with additional trees and landscaping proposed around the periphery of the building.

The development plans are provided as Attachment 2 with building perspectives, landscaping plan, Applicant's justification (including statement against the design principles of *State Planning Policy 7: Design of the Built Environment (SPP7)*), Transportation Noise Assessment and Waste Management Plan are provided as Attachments 3 to 7 to Report CJ087-06/23.

Joondalup Design Review Panel

The proposal was presented to the Joondalup Design Review Panel (JDRP) on 18 August 2021. A summary of the JDRP comments, as well as the applicant's response to these items is included in Attachment 9 to Report CJ087-06/23.

A summary of the major points raised by the JDRP are included below as follows:

- The overall design required attention, including a simplified roof.
- Concerns with the overall bulk and scale of the development, including compliance with privacy requirements when transitioning from a R20 area.
- Apartment 2 seems to be squeezed in and results in a compromised design.

The development has been altered and resubmitted since the matter was presented to JDRP with many of the items being addressed by the applicant.

Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, HOALPP, *State Planning Policy 7 Design of the Built Environment* (SPP7) and SPP7.3.

A summary of how the HOALPP and SPP7.3 have been applied in the consideration of the development application is discussed in the table below:

Policy	Purpose
<i>State Planning Policy 7.3 Residential Design Codes (SPP7.3)</i>	<ul style="list-style-type: none"> • SPP7.3 is performance-based policy, broken up into several design elements (for example, building height, visual privacy, solar access). • Development is required to meet the element objectives, even where a local planning policy replaces, amends and/or augments SPP7.3. • Each element objective includes acceptable outcomes and design guidance which provide more specific measurable requirements for each design element. • The acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway and, while meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.
<i>Development in Housing Opportunity Areas (HOALPP)</i>	<ul style="list-style-type: none"> • The HOALPP is to be read in conjunction with SPP7.3. • The HOALPP replaces, amends and/or augments certain provisions of SPP7.3. • Where an element of the proposal meets the development standard set in the HOALPP, it is considered to meet the relevant objective of the HOALPP and is only considered against the relevant element objective of SPP7.3. • Where an element of the proposal does not meet the development standard set in the HOALPP, or the HOALPP does not address the element, the element is assessed against the relevant objectives of the HOALPP (where required) and the element objectives of SPP7.3.

A summary of the City's assessment against the development standards (HOALPP) and element objectives (SPP7.3) is included in Attachment 10 to Report CJ087-06/23.

Assessment under the Planning Framework

The City's assessment against the provisions of SPP7.3 and HOALPP is included in Attachment 10. The key design elements are discussed in more detail below.

Land use

The subject site is zoned Residential R20/R60 under LPS3 and is located within HOA 1. Multiple dwellings are a 'D' (discretionary) land use under LPS 3

The relevant objectives of the 'Residential' zone under LPS3 are to:

- *Facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *Provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

The City is of the view that the development meets the objectives of the Residential zone and will deliver an appropriate design and built form outcome which will complement the existing (and intended future) streetscape which includes a mix of single, grouped and multiple dwellings. Further information on this is discussed in the relevant sections of the report below.

HOALPP

Building Height

Provision	Required	Proposed	Assessment
Sub-section 4 Building Height (HOALPP)	Maximum height: Two storeys / 9m	Two storey development with undercroft (9.4m)	The development is considered to meet the relevant objectives of HOALPP.

Sub-section 4 Building Height objectives state:

- *The height of development responds to the desired future scale and character of the street and context of the Housing Opportunity Areas.*
- *The height of buildings within a development responds to changes in topography.*

Element 2.2 Building height element objectives state:

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

The applicant has provided the following justification against the element objectives of SPP 3.7 to demonstrate the development is acceptable:

- 2.2.1 *The street is already starting to build up in height, with townhouses and apartments already present. Any existing houses in the street which are getting on in age will surely follow suit once sold due to the re-zoning and HOA. Our Development meets the 9m building height requirement, apart from a small portion of the skillion roof slightly exceeding that height. With a slope of roughly 3m uphill from front to back, we incorporated a basement carpark slightly further down from the street level which allows the 1st floor apartments to sit at the same level of the existing backyard. LHS fenceline has been retained for the most part while the rear fenceline hasn't been affected at all.*
- 2.2.3 *Roof design is very articulate with the use of skillions and gable ends adding character to the design.*
- 2.2.4 *Solar access to neighbouring properties was never really a concern due to the northern orientation at the rear and increased side setbacks for intended landscaping.*

The site slopes considerably from north to south, with a level difference of approximately 3.5 metres from the south-west corner to the north-east corner. The proposal includes two levels of the development that are occupied by dwellings, and an undercroft level designated for vehicle parking, waste collection etc. Given the topography of the land the majority of this under croft level is below the existing natural ground level, and therefore by definitions within SPP7.3 is not included as a 'storey'.

The building height has been considered against the objectives of Sub-section 4 and is considered to be acceptable for the following reasons:

- Due to the slope of the roof the front façade is above the maximum 9 metres prescribed by the HOALPP for approximately 5.7m² which equates to approximately 3.6 percent of the overall façade.
- Areas of cut have been proposed over the site to reduce the overall impact of the dwelling. By cutting rear sections of the development below natural ground, the height impact on surrounding residential properties is reduced.
- Within 120 metres of the site are numerous multiple and group dwelling developments two stories in height (including 2 Strathyre Drive, 537 Beach Road and 553 Beach Road). The subject development would not look out of place in this section of Beach Road.
- The design of the development includes a podium style configuration with the ground floor (Apartment 1) and the upper floor (Apartment 5) forward of the roof component reducing the visual impact of the roof. The materials of the front façade including timber slats, contrast render and glazing, will draw attention away from the roof with the overall design providing an attractive façade to the public realm.
- The development includes significant landscaping within the street setback area and side of the property, including the retention of existing trees. This vegetation will help reduce the impact of any over height elements of the development to both the street and east and west adjoining properties.
- At the subject site, Beach Road has a large verge with the property boundary set back 14 metres to the vehicle carriageway, and four metres to the pedestrian/cycle path. The increased setback to the users of the public realm will further mitigate the impact of the building height.
- The development does not reduce the solar access to adjoining properties or any major space with the shadow of the development falling predominantly onto the Beach Road public space.

The development provides for an attractive façade incorporating a variety of materials, and design features as well as landscaping within the front setback area that will reduce any impact of the overall height of the development. Given the above, the proposed development is considered to achieve the objectives pertaining to building height.

Tree canopy and deep soil area

Development standards for the relevant sub-sections of the HOALPP relating to tree canopy and deep soil areas along with an assessment of the proposal is considered in the table below.

Provision	Required	Proposed	Assessment
Sub-section 11 – Landscape Area	Minimum 20% of the site to be landscaped with a minimum dimension of 1.5m: 146.8m ² landscaping	28% landscaping (211.92m ²)	The development is considered to meet the relevant objectives of HOALPP.
Sub-section 12 – Tree Sizes and Deep Soil Areas	Medium trees: 36m ² deep soil area. Minimum dimensions 3m. Small trees: 9m ² deep soil area. Minimum dimensions 2m.	Development has space for medium trees at the rear of the development measuring 31m ² (east) and 30.7m ² (west). Western area also has a 2.2m landscape strip, however, does not meet the minimum dimensions of 3m. Small trees have minimum 9m ² and dimension of 2m.	
Sub-section 13 – Trees	One large tree and two small trees; or Two medium trees and one small tree	Two medium trees and numerous small trees in addition to the retention of six trees on site.	
Sub-section 14 – Tree retention	Landscaping can be reduced where medium or large trees are retained. Tree retention is required to be supported by an Arboriculture report.	Six trees are being retained. No arboriculture report was provided by the applicant, however the applicant is not proposing a reduced landscaped area.	

Sub-section 11, 12, 13 and 14 Tree Canopy and Deep Soil Areas objectives state:

- *Achieve an attractive landscape environment that is complementary to the wider neighbourhood.*
- *To ensure the provision of trees and gardens which contribute to the ecology, character and amenity of the Housing Opportunity Areas.*
- *To ensure the retention of existing street trees (where appropriate) and optimise the availability of verge space to increase street tree provision.*
- *To provide access to functional and usable landscape areas for residents that are suitable for the purposes of relaxation and entertaining.*
- *To provide the opportunity to retain appropriate existing trees within a site to minimise loss of suburban urban tree canopies across the Housing Opportunity Areas.*

Element 3.3 Tree canopy and deep soil areas element objectives state:

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

The proposed development provides 28% of the site as landscaping, with three existing medium trees being retained, five new medium trees and additional small trees. While the development meets the development standard under the HOALPP for landscaping, the deep soil areas for the proposed medium trees do not meet the minimum dimension (3 metres) or area (36m²) of the design standard.

The applicant has provided the following justification against the element objectives of SPP7.3 to demonstrate the development is acceptable:

- 3.3.1 Achieved, have managed to retain 7 of the 10 existing trees, while 2 of the 3 trees being removed were small anyway and well replaced.*
- 3.3.2 Retaining the majority of the existing trees and adding more trees alike to those means we have increased the tree canopy over what's already existing.*
- 3.3.3 Deep soil areas have been retained to the majority of the development in order to retain and add to the existing mature trees.*

The landscaping has been considered against the objectives of Sub-section 11, 12, 13 and 14 and is considered to be acceptable for the following reasons:

- The site is considered to provide for sufficient area for both medium and small trees to grow and thrive with the combined deep soil area of over 60m². The site includes existing trees in this area, showing the soil is capable of supporting appropriately sized trees.
- The applicant has not sought to use the existing trees as an offset for the amount of landscaping provided on site given the proposal already exceeds the design standards for landscaping.
- The landscaping proposed will provide for amenity for the residential units, with all apartments having view to spaces of landscaping via outdoor living areas and/or primary living spaces. The position of trees will contribute to the liveability of the dwelling without impacting on the functionality or usability of these spaces.
- The retained and proposed trees onsite will soften the built form of the development as viewed from adjoining properties, and is in keeping with the existing character of the area which maintains high levels of vegetation.
- The development includes a number of trees proposed in the front setback area providing for a positive streetscape outcome and improving the overall aesthetic of the development.
- In addition to the provision of trees, the development includes other vegetated areas including planter boxes and smaller gardens that will cater for smaller trees, shrubs and ground covers adding to the usability of outdoor spaces.

The development provides for significant landscaping surrounding the development which will benefit the future occupiers, surrounding properties and the overall streetscape of Beach Road. Given the above, the proposed development is considered to achieve the objectives pertaining to tree canopy and deep soil areas.

Street Setbacks

Provision	Required	Proposed	Assessment
Sub-section 5 Street Setbacks (HOALPP)	2m setback	2m – 3.06m	The development is considered to meet the relevant objectives of HOALPP.
Element 2.3 Street Setbacks (SPP7.3)	Secondary street setbacks are not applicable for the development.		

Sub-section 5 Street Setbacks objectives state:

- *Building orientation must consider the site, the street and neighbouring buildings to maximise residential amenity, including urban form to the street, landscape area, tree provision/retention, solar access and visual privacy.*

Element 2.3 Street Setbacks element objectives state:

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

The applicant has provided the following justification against the element objectives of SPP7.3 to demonstrate the development is acceptable:

- 2.3.1 *the development was setback specifically to preserve the existing front landscaping, so the building has been setback further than the minimum 2m requirement regardless, which is already further back than the most recent developments along the street which don't even have landscaping along the front to begin with.*
- 2.3.2 *The landscaping seamlessly divides the property from the public realm while adding character to the verge and public domain.*
- 2.3.3 *Starting the apartments on the first floor already gives the residents visual privacy, while the landscaping within the street setback provides security to the carpark and further privacy to the first floor balconies from the footpath.*
- 2.3.4 *With the street facing apartments on the first and second floors, there is very good passive surveillance provided from Bed 1, and the Indoor/Outdoor living areas. Apartment 2 also faces down the driveway meaning 3x apartments have passive street surveillance.*

The development is considered to meet the relevant objectives of HOALPP and SPP7.3 for the following reasons:

- The section of Beach Road contains a number of dwellings developed to the higher (R60) density code. These all include setbacks between two to three metres from the primary street boundary, therefore the proposal is consistent with the current and future built form of the area.
- The design of the development includes materials, glazing and landscaping as predominant features. The use of the landscaping and other features will reinforce and compliment the existing landscaping already provided within the area and therefore reduce any visual impact of the development on the public realm.

- The subject site is adjacent to a large verge with the lot boundary located 14 metres from the vehicle (Beach Road) carriageway, and four metres to the pedestrian/cycle path. The increased setback to the street will reduce the impact of the building as viewed from the public realm.
- The development includes significant landscaping within the street setback area, including the retention of existing trees. This vegetation will help reduce any impact of the development on the streetscape and will also provide the delineation between public and private realm.
- The development orientation allows sufficient space to provide solar access and ventilation to the dwelling and adjoining property. The orientation/location of the development towards the street does not impact privacy of any adjoining properties, noting this is discussed in more detail further in the body of the Report.
- Providing an elevated first floor will allow surveillance over the public realm, but also will allow privacy for the future uses of apartments that front the street.

The development is set back sufficiently to provide for landscaping whilst providing for surveillance over the public realm. The setback is consistent with the developments already constructed within the immediate area, and therefore is considered to achieve the element objectives pertaining to street setbacks.

Side and rear setbacks

Provision	Required	Proposed	Assessment
Sub-section 6 Side and rear setbacks (HOALPP)	Ground floor setbacks: 2m Upper floor setbacks: 3m	Ground floor: All development minimum 2m setback Upper floor: <u>West:</u> A6 balcony – 2m A6 Bed 1 – 2.2m Fire Stairs – 2.4m Remainder of development 3m or greater. <u>East</u> A2 balcony/bathroom & A7 balcony – 2m A7 Bed 1 – 2.2m A7 Bed 2 – 3.6m Remainder of development 3m or greater.	The development is considered to meet the relevant objectives of HOALPP.
Element 2.4 Side and rear setbacks (SPP7.3)	3m rear setback	4.5m rear setback	The development is considered to meet the relevant objectives of SPP7.3.

Sub-section 6 Side and rear setbacks objectives state:

- *Dwellings are to be designed to respond to passive solar design principles, including orienting outdoor and indoor living spaces towards north, orienting mass and windows to capture prevailing breezes and controlling solar access to the west and east to limit heat gain.*

Element 2.4 Side and rear setbacks element objectives state:

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

The rooms/areas that do not meet the development standards are all on the upper floor including Apartment 6 Balcony and Bed 1 (west), fire stairs (west), Apartment 7 Balcony and Bed 1 (east), Apartment 2 Bath and Balcony (east).

The applicant has provided the following justification against the element objectives of SPP7.3 to demonstrate the development is acceptable:

- 2.4.1 *Side Setbacks only sit at the minimum 2m for small sections then immediately push out to 3-4m to achieve good articulation and allow for more quality landscaping and canopy cover in between.*
- 2.4.2 *Building setbacks exceed the requirements along the street and to the rear, in order to integrate nicely into the predominantly R20 area.*
- 2.4.3 *Side Setbacks were designed specifically to help maintain existing landscaping and even add to it to help provide a further buffer between properties.*
- 2.4.4 *Side Setbacks exceed the requirements to integrate with the neighbouring properties as they are currently still single stories on large blocks, which is very likely to change in the future considering the age of each house.*

The development is considered to meet the relevant objectives of HOALPP and SPP7.3 as detailed below:

- The building design does not include any large expanses of blank façade with varied setbacks to the east and west being used to break up the length of the building. In addition, the use of alternative materials including glazing, face brick, rendered concreted and painted boards increase the articulation of the façade. These design elements reduce the impact of building bulk to adjoining properties. The varied setbacks also support the transition from existing lower density to the proposed higher density development at the subject site.
- The development includes significant landscaping within the side setback areas, including the retention of existing trees. This vegetation will help reduce any impact of the development on the adjoining property and also provides for stormwater infiltration.
- The development orientation allows sufficient space to provide solar access and ventilation to the dwelling and adjoining properties. The orientation/location of the development does not impact privacy of any adjoining properties, noting this is discussed in more detail further in the body of the Report.
- As viewed from the street, the upper floor side setbacks appear to be consistent with that of the surrounding residential development.
- The development includes outdoor living areas for the majority of apartments that receive passive solar design due to the northern/eastern orientation. All apartments have dual aspects to allow greater availability of natural ventilation.

The development incorporates colours and materials within the design to articulate the eastern and western facades and combined with the provision of landscaping will not have any adverse impact on the adjoining properties. Given the above, the proposed development is considered to achieve the objectives pertaining to side and rear setbacks.

Natural Ventilation

Provision	Required	Proposed	Assessment
Sub-section 18 Natural ventilation (HOALPP)	All rooms, with the exclusion of store rooms, shall have operable windows. Window opening design shall maximise natural ventilation.	All rooms have access to operable windows except the following: A1 and 5: Bath A2: Pdr (toilet) A3, 4, 6 & 7: Bath/laundry	The development is considered to meet the relevant objectives of HOALPP.
	Habitable rooms shall have a window in an external wall which: Has a minimum glass area not less than 15% of the floor area of the room;	All windows meet the suggested acceptable outcome except those discussed below.	
	Comprise a minimum of 50% clear glazing; and,	All windows meet the suggested acceptable outcome.	
	Is operable for 50% the size of the window.	All windows meet the suggested acceptable outcome except those discussed below.	
Section 4.2 Natural ventilation (SPP7.3)	Habitable rooms have openings on at least two walls with straight line distance 2.1m	Each dwelling provides a minimum distance of 2.1m between two openings.	The development is considered to meet the relevant objectives of SPP7.3.
	Minimum 60% of dwellings are naturally cross ventilated; and single aspect apartments included must have ventilation openings oriented to prevailing cooling winds; and room depth no greater than 3 x ceiling height.	100% of apartments are capable of being cross ventilated.	
	Depth of cross-over and cross-through apartments with openings either side not exceed 20m	<20m	
	No habitable room relies on light wells	No reliance solely on light wells.	

Sub-section 18 Natural ventilation (HOALPP) objectives state:

- *Optimise natural ventilation to reduce the need for mechanical ventilation and air-conditioning.*
- *To ensure the dwelling's orientation and layout is designed to maximise capture and use of prevailing cool breezes in habitable rooms.*

Section 4.2 Natural ventilation (SPP7.3) element objectives state:

- O 4.2.1 *Development maximises the number of apartments with natural ventilation.*
- O 4.2.2 *Individual dwellings are designed to optimise natural ventilation of habitable rooms.*
- O 4.2.3 *Single aspect apartments are designed to maximise and benefit from natural ventilation.*

The development standards of Sub-section 18 Natural ventilation (HOALPP) identify that all rooms, excluding storerooms shall have access to operable windows and that all habitable rooms provide sufficient glazing and openable windows relative to the size of the room. The items that do not meet the requirement are identified in the table below.

Item	Apartment	Room subject to discretion (% discretion sought)
All rooms shall have operable windows.	1 and 5	Bathrooms
	2	Powder room
	3, 4, 6 and 7	Bathrooms/laundries
Has a minimum glass area not less than 15% of the floor area of the room.	1	Bed 2 (12.43%)
	5	Bed 2 (12.5%)
Is openable for 50% the size of the required window (see above).	1	Bed 2 (41.44%)
	3	Bed 1 (48.95%)
	4	Bed 1 (48.95%)
	5	Bed 2 (41.44%)
	6	Bed 1 (48.95%)
	7	Bed 1 (48.95%)

The applicants have provided the following justification to demonstrate the development is acceptable:

“With the building being well articulated and all apartments having external walls on at least 2x sides, then more windows can be added to provide better natural ventilation. All apartments have windows on 2x walls to the living areas (3x in Unit 2) while 6 of 7 Apartments have windows to 2x walls in Bed 1.”

The development is considered to meet the relevant objectives of HOALPP and SPP7.3 as detailed below as follows:

- All apartments receive cross ventilation, with openings to at least two elevations for each apartment. The dwellings' orientation allows prevailing winds from the south-west to penetrate most of the dwellings through outdoor areas into primary living spaces.
- Windows to primary living space exceed the overall size and openable area. Living and meals area are more likely to be utilised during the day when the need for light and ventilation is more appropriate. The layout and configuration of these spaces will reduce the need to mechanical ventilation (air conditioner/heaters etc).
- Apartment configuration is generally compact and not long and narrow which will allow ventilation from major living areas, as discussed above, to flow into bedrooms and studies.

- The liveability of the dwelling is not impacted by the reduced window sizes and openable areas.
- The development does not have any single aspect apartments allowing greater availability of natural ventilation.
- In regard to no operable window for the Bathrooms/Powder room/Laundries, these are not habitable rooms that will be used for extended periods and mechanical ventilation via exhaust fans is considered appropriate.

The development provides for sufficient ventilation through openings to major living areas, predominantly facing south/west that provide the ability to naturally ventilate and therefore reduce the need for mechanical ventilation. Given the above, the proposed development is considered to achieve the objectives pertaining to natural ventilation.

Access and Parking / Car and Bicycle Parking

Provision	Required	Proposed	Assessment
Sub-section 9 Access and Parking (HOALPP)	Crossover width to a maximum of 4.5m	Crossover 4.5m wide	The development is considered to meet the relevant objectives of HOALPP.
	Crossovers shall not interfere with existing or proposed street trees, or the levels of pavement.	Crossover is intended to replace existing crossover location and will not impact trees.	
Section 3.9 Car and Bicycle Parking (SPP7.3)	Seven resident car parking bays	10 resident bays	The development is considered to meet the relevant objectives of SPP7.3.
	Two visitor car-parking bays	Two visitor parking bays	
	Four bicycle bays	Nine bicycle bays	

Sub-section 9 Access and Parking objectives state:

- *Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and have good access to public transport.*

Section 3.9 Car and Bicycle Parking (SPP7.3) element objectives state:

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

The applicants have provided the following justification to demonstrate the development is acceptable:

- 3.9.1 *Resident Bike Storage is close to double that of the requirement. Parking bays are deeper and wider than required.*
- 3.9.2 *Extra car bays have been allowed to 3x units just for general amenity to anyone who may need it, however we did only require 1 bay per dwelling so we have exceeded the minimum requirement.*

3.9.3 *The visitor and resident carparking is deemed safe as the visitors bays are well screened from street view because of the landscaped frontage and being slightly lower than the verge, while the resident parking is well secured in a basement behind a locked garage door. The Entry will also require a FOB to enter the building and again to enter the resident carpark so that even visitors can't enter without a resident with them."*

The number of bays provided for the dwellings and visitors is considered appropriate given the proximity of the site to Warwick train station, frequency and number of bus routes on Beach Road and pedestrian/cycle connections in the area, all of which provide access to services, amenities and local employment opportunities. Due to the parking being within an undercroft the supply above the recommended amount (seven bays) is not considered detrimental to overall floor area of the development, or any external appearance. Car parking has been designed to meet relevant *Australian Standards* and two-way vehicle access (with the exception of the 4.5 metre crossover) has been provided. This is considered acceptable given the depth of the verge could allow for safe passing in the event of vehicle conflict.

Visitor parking is located to the front of the site forward of the security barrier but screened by landscaping to reduce any negative visual impact on the streetscape.

Given the above, the proposed development is considered to achieve the objectives pertaining to vehicle access and parking.

Public Domain Interface

Provision	Required	Proposed	Assessment
Sub-section 1 Public domain interface (HOALPP)	Blank walls, vehicle access and building services (e.g. bin store, booster hydrant) shall not exceed 20% of four metres of the total lot frontage to the public realm.	Vehicle access, visitor parking and bin store screen total nine metres or 45%	The development is considered to meet the relevant objectives of HOALPP.
Section 3.6 Public domain interface (SPP7.3)	The majority of ground floor dwellings fronting onto a street or public open space have direct access by way of a private terrace, balcony or courtyard.	All ground floor apartments are accessed through an internal lobby and not directly from the street.	The development is considered to meet the relevant objectives of SPP7.3.
	Car-parking is not located within the primary street setback; and where car parking is located at ground level behind the street setback it is designed to integrate with landscaping and the building façade (where part of the building).	Resident parking located within undercroft and not readily visible from Beach Road. Visitor bays will be screened by vegetation.	

Provision	Required	Proposed	Assessment
	Upper level balconies and/or windows overlook the street and public domain areas.	Upper level balconies and / or windows overlook the street and public domain areas.	
	Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1m and do not exceed 1.2m.	Apartments 1 is 2.98m higher than the midpoint of the verge. Foyer is 0.4m below the midpoint of the verge.	
	Fencing, landscaping and other elements on the frontage are designed to eliminate opportunities for concealment.	Sufficient landscaping within the FSA to reduce opportunities for concealment, refer to 3.7: Pedestrian access and entries for further detail.	

Sub-section 1 Public domain interface (HOALPP) objectives state:

- *Contribute to the activation and vitality of the public realm.*
- *Promote building interfaces that support interesting, attractive, safe streets and public spaces for residents, workers, commuters and visitors.*
- *Buildings are to enhance the hierarchical system of landscaped streets and public spaces that give expression and character to the public domain.*
- *Ensure building design facilitates the creation of street level activity and visual connections between internal areas of buildings and the external public realm.*
- *Provide opportunities for casual surveillance from buildings into the public realm that are sympathetic to the desired character for the area.*
- *Maintain a clear but integrated distinction between the public and private realm.*

Section 3.6 Public domain interface (SPP7.3) element objectives state:

- O 3.6.1 *The transition between the private and public domain enhances the privacy and safety of residents.*
- O 3.6.2 *Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.*

The applicants have provided the following justification against SPP7.3 to demonstrate the development is acceptable:

- 3.6.1 *The front landscaping adds a lot of protection to the basement carpark and street facing apartments due to its height and thickness, only leaving openings for access to the carpark and foyer.*
- 3.6.2 *Due to the front landscaping being retained and added to along with larger setbacks, the building has integrated seamlessly into the streetscape.*

The development is considered to meet the relevant objectives of HOALPP and SPP7.3 as detailed below as follows:

- The development provides for appropriate surveillance over the public realm from the balconies and major openings to habitable rooms from Apartment 1 and 5. A total of three balconies and seven major openings contribute towards actual and perceived surveillance of the public realm.
- The access and services contribute to 45% of the frontage, however the design of the façade incorporates other elements including changes in materials, glazing and landscaping that would make the development the predominant features. The vehicle access, pedestrian access and bin store are separate and therefore do not lead to any compound impact, with the bin storage being setback 5.6 metres from the front boundary, and 3.6 metres behind the predominant part of the building (balcony to Apartment 1 and 5).
- The public and private realm are sufficiently separated through the use of landscaping which will delineate between public and private while also providing an improved amenity to the street. The landscaping is located directly in front of the bin area to screen, while abutting the pedestrian path will minimise any negative impacts caused.
- The development incorporates an informal seating area and letterbox at the pedestrian entrance which will also provide surveillance over the public realm.

The development provides for surveillance over the public realm and by the use of the design features and landscaping will ensure delineation between public and private realm. Given the above, the proposed development is considered to achieve the objectives pertaining to public domain interface.

Plot Ratio

Provision	Required	Proposed	Assessment
Sub-section 3 Urban design – Multiple dwellings – Application of average site area (HOALPP)	Development of multiple dwellings which complies with a minimum site width street boundary of 20m.	20m site width	The development is considered to meet the relevant objectives of HOALPP.
	is located within an 800m of a railway station or a high frequency rail route	Located within 800m catchment of Warwick Train Station	
Section 2.5 Plot Ratio (SPP7.3)	Maximum plot ratio 0.8 (587m ²)	0.85 (626m ²)	The development is considered to meet the relevant objectives of SPP7.3.

Sub-section 3 Urban design – Multiple dwellings – Application of average site area objectives state:

- *To ensure that residential intensity is focussed on appropriately designed streets that provide suitable opportunity for access/egress.*
- *To minimise the impact of residential intensity on suburban roads.*
- *To ensure residential intensity is focussed within areas located in close proximity to train stations and/or secondary and district centres.*
- *To ensure the distribution of residential intensity provides an appropriate transition of development within Housing Opportunity Areas.*

Section 2.5 Plot Ratio (SPP7.3) element objectives state:

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

The applicants have provided the following justification to demonstrate the development is acceptable:

2.5.1 The plot ratio has been exceeded slightly by 0.04, mainly due to 2x floors being apartments rather than just the one floor. The proposal still manages to maintain 10% extra landscaping than required, the building is well articulated and not built close to boundaries, nor does it overshadow any neighbouring houses. Due to all the above, the proposal wasn't considered "overdeveloped" by ourselves nor the planners.

The development is considered to meet the relevant objectives of HOALPP and SPP7.3 as detailed below as follows:

- The development incorporates a number of design elements to reduce the bulk of the dwelling on the streetscape and surrounding properties including landscaping and changes to materials and colours.
- The height of the development is consistent with both the intended character of the area, as well as the existing streetscape which includes a number of dwellings that are two storey along Beach Road.
- The development will not negatively stand out by way of setbacks, height or façade treatment as discussed in detail in other sections of the report.
- The site is appropriately located in close proximity to public transport (Warwick Train Station), Commercial development (Carine Shopping Centre) and the Carine Regional Open Space.
- Beach Road has sufficient manoeuvring space within a wide verge to allow for safe vehicle egress and ingress.

The proposed bulk and scale of the of the development is not considered to have a detrimental impact on surrounding properties or streetscape due to the design of the building and landscaping proposed surrounding the property. Given the above, the proposed development is considered to achieve the objectives pertaining to plot ratio.

Development Provisions not impacted by HOALPP

The following provisions of the SPP7.3 do not relate to provisions of HOALPP and therefore need to be consider against the element objectives of SPP7.3 only.

Visual Privacy

Section 3.5 Visual Privacy (SPP7.3) element objectives state:

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

The acceptable outcomes suggest major openings (windows) should be set back from adjoining properties 4.5 metres for bedrooms, studies and open walkways, six metres for habitable rooms other than bedrooms and studies (such as living rooms), and 7.5 metres for unenclosed private open space areas (for example balconies). Where abutting development to a higher density (in this case to the north) these distances can be reduced by 1.5 metres to be three metres from bedrooms, 4.5 metres from other habitable rooms and 6 metres for unenclosed private open space.

The below table identifies the major openings that do not meet the suggested acceptable outcomes:

Apartment	Room (Direction)	Suggested acceptable outcome	Provided
2	Walkway (east)	4.5m	4m
2*	Living / meals (east)	6m	2m
2	Balcony from bed 1 (east)	7.5m	2.9m
6*	Living (west)	6m	5.6m
6	Balcony (west)	7.5m	2.75m
6	Balcony (north)	6m	5.5m
7*	Living (east)	6m	5.6m
7	Balcony (east)	7.5m	2.85m
7	Balcony (north)	6m	5.5m

Windows that have been marked with an asterisk (*) are identified to be treated with obscure glazing, however, are still of an awning style window and therefore openable.

The applicants have provided the following justification to demonstrate the development is acceptable:

3.5.1 – As the neighbouring properties are still zoned R20 then most windows needed to be highlights or obscured anyway until those neighbours gradually start becoming R60 properties and the obscuring can then be removed. This however did not affect the solar access while the living rooms were not even affected.

The development is considered to meet the relevant objectives of SPP7.3 as outlined below:

Apartment 2

- The living area includes awning windows that have obscure screening. The *National Construction Code* restricts the opening of awning windows for safety reasons, which would also restrict the visibility that would occur from the living areas, limiting vision to almost directly downwards and therefore not onto adjoining properties.
- The balcony from Bed 1 includes 45-degree fixed metal louvres on the eastern side of the balcony. This prevents users of the balcony looking directly east into the adjoining property with vision directed towards the street. This area is already visible from the street and does not contain outdoor living areas or habitable rooms.
- The walkway to Bed 2 is not a habitable area and, given the small size and location at the end of a corridor/atop stairs, will not be occupied for extended periods with people only using the area to get to the bedrooms. The limited activity in this area would mean reduced likelihood of any direct overlooking. These windows will provide for additional light into the dwelling including to stairwell to provide light to the lower living areas.

Apartment 6 and 7

- Living areas contain obscure glazed awning windows. The vision from these windows is restricted as discussed for Apartment 2 above and therefore would not overlook any of the surrounding properties.
- The design includes a number of existing and proposed trees to be located on the northern, eastern and western boundaries of the site. This is considered to provide a screen from view from the living areas to any surrounding properties. To ensure the screen remains, a condition of approval is recommended that will specifically require these trees to retain this screen in perpetuity.

- The applicant has provided vertical cone of vision diagrams (Attachment 2 - Elevations) that identify that, due to the elevation of the balcony, the distance to the property boundary if looking towards the ground floor, complies with the six metre suggest acceptable outcome. The cone of vision does not fall over any major openings to habitable rooms to the development to the north (16 Methuen Way) which consists of four grouped dwellings under construction.
- While balconies for Apartments 6 and 7 have reduced setbacks to the east and west the 'cone of vision' would fall over the rear corner of the adjoining properties (457 and 551 Beach Road). These areas are occupied by vegetation including trees and garden beds and do not contain any primary outdoor living areas.
- Alternative screening options for the balconies would reduce the amenity of the future residents and result in outdoor living areas fully enclosed. Given the points above, additional screening this is not required and would negatively impact these areas.

The acceptable outcomes also suggest balconies should be unscreened for at least 25% of their perimeter. Balconies associated with outdoor living areas provide a minimum of 3.6 metres or 27% of the perimeter unscreened. Apartment 2 Balcony, accessed via Bed 1, does not meet this requirement with only 19% of the perimeter unscreened. This is considered acceptable given the balcony is a secondary outdoor living space, and the use of 45-degree fixed metal louvres will not block access to views or light, rather it will shift the outlook to the front garden of the adjoining dwelling.

The orientation of the design and external features such as screening and landscaping will minimise direct overlooking to adjoining properties. Where overlooking will occur, it will not impact major openings to habitable rooms or outdoor living areas. Given the above, the proposed development is considered to achieve the objectives pertaining to visual privacy.

Pedestrian access and entries / Circulation and Common Spaces

Section 3.7 Pedestrian access and entries (SPP7.3) element objectives state:

- O 3.7.1 Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.*
- O 3.7.2 Entries to the development connect to and address the public domain with an attractive street presence.*

Section 4.5 Circulation and common spaces (SPP7.3) element objectives state:

- O 4.5.1 Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.*
- O 4.5.2 Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.*

The suggested acceptable outcomes for Sub-section 3.7 identify pedestrian entries should be well connected, provided with weather protection and should enable casual surveillance. The suggested acceptable outcomes for Sub-section 4.5 identify circulation corridors should provide a minimum width of 1.5 metres and both circulation corridors and common spaces should be capable of receiving passive surveillance.

The development provides for a connected pedestrian network from the street to individual units, with clear entry and weather protection. The circulation corridors, including foyer area and centrally located passages, meet the suggested 1.5 meters, however stair access is reduced to 1.1 metres, with the width of the doors to the lobby being 0.92 metres. The configuration also limits any direct surveillance over the common spaces abutting the entry point.

The applicants have provided the following justification to demonstrate the development is acceptable:

3.7.1 *Due to the heavy landscaping, the entry points for cars and pedestrians alike are very clear and distinct. By car, you will enter from the street regardless and see the Basement carpark straight away down the end, with visitor's carbays to the left.*

Pedestrians will notice straight away the Letterbox housing with the house number, and on approach see a large, wide, covered passage open up in between the landscaping, with the 2st floor balcony overhanging with the full address. Directly down the end of this passage is the sliding door into the Foyer, and some seating down the side of the passage offering a warm welcome.

3.7.2 *Between the landscaping and the attractive Balcony feature hanging over the pedestrian entrance, there is a very attractive street presence.*

4.5.1 *All communal and private passageways have been designed to suit the minimum silver standard for disabled access, let alone making it easier for residents to move furniture around.*

4.5.2 *Circulation and communal spaces are well lined with quality landscaping, with seating along the passage towards the entry, then a well landscaped atrium flowing through the 1st and 2nd floors leading to all Apartment Entries, where residents can also socialise.*

The development is considered to meet the relevant objectives of SPP7.3 due to the following:

- Pedestrian movement into the building is direct and clear with landscaping framing the entrance and communal area. There are no spaces for concealment.
- While no direct surveillance is provided over the common spaces at the front of the development, the design includes two balconies that provide surveillance over the pedestrian access to the street. Given the openness of the overall frontage, the common spaces will have sufficient views from the street to ensure adequate visibility from the public realm which includes a shared path.
- The development provides both lift and stair access to the development which are both located within the same location. This provides options for users to travel through the development in different ways if and when required. The reduced width of circulation areas does not restrict access to or through the site and allows universal access to all areas of the development.

Given the above, the proposed development is considered to achieve the objectives pertaining to pedestrian access and entries and circulation and common spaces.

Issues and options considered

Council may determine an application for development approval by:

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

Legislation / Strategic Community Plan / Policy implications

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

10-Year Strategic Community Plan

Key theme Place.

Outcome Well-planned and adaptable – you enjoy well-designed, quality building and have access to diverse options in your neighbourhood.

Policy *State Planning Policy 5.4 – Road and Rail Noise (SPP5.4).
State Planning Policy 7.0 – Design of the Built Environment.
State Planning Policy 7.3 – Volume 2 – Apartments (R-Codes).*

Local Planning Scheme No.3

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

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

Clause 26 (5) of LPS3 states:

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

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

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

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67(2) 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 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 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) *any advice of a Design Review Panel.*

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

The overall policy objectives for Multiple dwellings are as follows:

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

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

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

City of Joondalup Development in Housing Opportunity Areas Local Planning Policy

The overall policy objectives for the Development in the Housing Opportunity Areas are as follows:

- *To provide a planning framework to support a high standard of urban design and residential amenity in a high-quality public realm setting.*
- *To facilitate compact sustainable urban form around centres and train stations through pedestrian-oriented development, safe pedestrian spaces and adequate parking facilities.*
- *To ensure that the Housing Opportunity Areas provide for both the needs of the existing community and the future population of the area.*
- *To ensure that new development enhances and respects the desired character of the locality and provides a neighbourhood within which the residents can identify.*
- *To concentrate development in localities with adequate infrastructure that is accessible to transport and centres.*
- *To protect and enhance the amenity of residents through attractive streetscapes and increased greening of verges and private land.*
- *To encourage variety and diversity of housing choices that meets the future housing needs of the City.*
- *To allow development that is of a scale and nature that provides an appropriate transition to adjoining land uses.*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$5,041 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's Environmentally Sustainable Design Checklist (Attachment 8 refers) to the extent that is applicable to the development. The applicant has indicated that the following characteristics are factored into the development:

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

- water efficient technologies
- Development is to make use of:
 - recycled materials
 - rapidly renewable materials
 - recyclable materials
 - natural/living materials such as roof gardens and 'green' or planted walls.

Consultation

The application was advertised for a period of 14 days, commencing on 14 September 2022 and concluding on 28 September 2022. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of 91 properties in the vicinity of the subject site, being a total of 136 letters.
- One sign was installed on site, on the Beach Road frontage.
- Development plans and information were made available for public viewing on the City's website and at the City's administration building.

No submissions were received during the consultation period.

COMMENT

As outlined above, it is considered that the development is appropriate in the context of its location and meets the relevant requirements of LPS3 and the R-Codes.

The application is therefore recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **APPROVES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 16 February 2022 submitted by Fulfill the Dream, the applicant, for the **MULTIPLE DWELLING** (seven new dwellings) at Lot 61 (549) Beach Road, DUNCRAIG, subject to the following conditions:

- 1 This approval relates to the multiple dwelling development and associated works only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;
- 2 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicant's expense and lodged with the City of Joondalup 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:

"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."

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

- 13.3 provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
- 13.4 be based on water sensitive urban design and designing out crime principles;
- 13.5 identify existing vegetation to be retained and information on the proposed manner in which this will be managed throughout construction;
- 14 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction;
- 15 All privacy screening as shown on the approved plans shall be installed prior to the occupation of the dwelling and maintained to the satisfaction of the City. All screening shall be in accordance with clause 3.5 of the *Residential Design Codes Volume 2*;
- 16 Screening of the ground floor to the eastern and western boundary shall be installed prior to occupation of the dwelling and maintained to the satisfaction of the City. All screening shall be in accordance with clause 3.5 of the *Residential Design Codes Volume 2*;
- 17 Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners screened from view from the street and, where practicable, from adjoining buildings. Details of building plant and equipment shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details;
- 18 Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street to the satisfaction of the City. Clothes drying is not permitted on balconies or in courtyards;
- 19 A minimum of one dwelling shall be designed to meet Silver Level requirements as defined in the *Liveable Housing Design Guidelines* (Liveable Housing Australia). Details shall be submitted to and approved by the City prior to commencement of development, and works shall be undertaken in accordance with the approved details;
- 20 Dwellings shall be individually metered for water usage;
- 21 The development shall be fibre-to-premises ready, including the provision for installation of fibre throughout the site and to every dwelling.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf230613.pdf](#)

CJ088-06/23 APPOINTMENT OF ELECTED MEMBER REPRESENTATIVE TO THE CITY'S RECONCILIATION ACTION PLAN COMMUNITY REFERENCE GROUP

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	45088, 101515
ATTACHMENTS	Attachment 1 RAPCRG Terms of Reference
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 appoint a new Elected Member representative to the Reconciliation Action Plan Community Reference Group (RAPCRG).

EXECUTIVE SUMMARY

At its meeting held on 17 September 2019 (CJ118-09/19 refers), Council approved the establishment of the Reconciliation Action Plan Community Reference Group (RAPCRG) and the associated Terms of Reference (Attachment 1 refers).

At its meeting held on 15 September 2020 (CJ125-09/20 refers), Council appointed the members that would form the City's first RAPCRG, comprising three Elected Member representatives, eight community representatives and four organisational representatives.

In May 2023, Cr John Raftis resigned as an Elected Member representative to the RAPCRG.

As per the RAPCRG Terms of Reference there may be up to two Elected Member representatives that sit on the group, as well as the Mayor.

It is therefore recommended that Council APPOINTS an Elected Member representative to the Reconciliation Action Plan Community Reference Group:

1 Elected Member representative one representative.

BACKGROUND

At its meeting held on 17 September 2019 (CJ118-09/19 refers), Council resolved to establish the Reconciliation Action Plan Community Reference Group (RAPCRG) and the associated Terms of Reference (refer Attachment 1). This included the structure of the RAPCRG consisting of:

- the Mayor
- up to two Elected Member representatives
- up to eight community representatives
- up to four organisational representatives.

The City undertook an expression of interest process to fill the 12 community and organisational roles and, at its meeting held on 15 September 2020 (CJ125-09/20 refers), Council resolved to appoint the first 15 members of the RAPCRG.

Between September 2020, and November 2021, three members resigned from their position on the RAPCRG, while one Elected Member representative became no longer eligible to continue.

At a Special Meeting held on 1 November 2021 (JSC03-11/21 refers), Council resolved to re-appoint the remaining members for a further two-year period, noting that there were three vacancies on the group. Cr Christine Hamilton-Prime was also appointed by Council to fulfill the vacant Elected Member representative role.

Between November 2021 and May 2022, a further three members of the RAPCRG resigned.

At its meeting held on 23 May 2023 (CJ064-05/23 refers), Council resolved to appoint five new community and organisational RAPCRG members to fill these vacancies.

DETAILS

In May 2023, Cr John Raftis resigned as an Elected Member representative to the RAPCRG.

The RAPCRG Terms of Reference (Attachment 1) states that the group's membership composition will include:

“3.2 Elected Members

In addition to the Mayor, up to two other Elected Members will be nominated by Council as members of the RAPCRG”.

Issues and options considered

It is recommended that Council appoint a new Elected Member representative to the RAPCRG.

Alternatively, as the RAPCRG Terms of Reference state that there may be “up to two other Elected Member representatives”, Council may choose not to appoint a new member.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Community.

Outcome Cultural and diverse - you understand, value and celebrate the City's unique Aboriginal and other diverse cultures and histories.

Policy Not applicable.

Risk management considerations

Not appointing a new Elected Member representative to the RAPCRG would result in only two of a possible three Elected Members sitting on the RAPCRG, Mayor Albert Jacob, and Cr Christine Hamilton-Prime.

This may dilute the ability for Elected Members as representatives of the Council to have input into, and influence the development and management of the City's first Reconciliation Action Plan.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City is in the final stages of the development of its first Reconciliation Action Plan.

It is expected that the final RAP will be presented for consideration by Council in late 2023, before receiving final approval from Reconciliation Australia in early 2024.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPOINTS an Elected Member representative to the Reconciliation Action Plan Community Reference Group:

- 1 Elected Member representative one representative.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3BRF230613.pdf](#)

CJ089-06/23 TENDER 010/23 SUPPLY AND DELIVERY OF DOG WASTE BAGS AND ROADSIDE BAGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	110764, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions Attachment 3 Confidential Tender Summary
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.

PURPOSE

For Council to accept the tender submitted by Vexel Pty Ltd for the supply and delivery of dog waste bags and roadside bags.

EXECUTIVE SUMMARY

Tenders were advertised on Wednesday 29 March 2023 through state-wide public notice for the supply and delivery of dog waste bags and roadside bags. Tenders closed on Friday, 21 April 2023. A submission was received from each of the following:

- Cardia Bioplastics (Australia) Pty Ltd.
- Vexel Pty Ltd.
- Winc Australia Pty Limited.
- Woodlands Distributors Pty Ltd.

The submission from Vexel Pty Ltd represents best value to the City. The company demonstrated substantial experience in providing similar services. It demonstrated a complete understanding of the required tasks providing details of its proposed approach to the process and methodology. The company has the capacity in terms of personnel and equipment to supply these goods to meet the City's operational requirements.

It is therefore recommended that Council ACCEPTS the tender submitted by Vexel Pty Ltd for the supply and delivery of dog waste bags and roadside bags as specified in Tender 010/23 for a period of three years, with the option of two further terms one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth (All Groups) CPI.

BACKGROUND

The City has a requirement for the supply and delivery of dog waste bags and roadside bags to service the City's 390 parks, foreshores, and reserves. The City currently has approximately 25,000 dogs registered, and the bags play a key role in the maintenance and amenity of these public areas.

Litter teams and eco volunteers use roadside bags to keep the City's natural area and parks clear of rubbish.

The City requires a supplier who can:

- supply and deliver either plastic HDPE or compostable dog waste bags and plastic HDPE roadside bags
- provide access to facilities with sufficient storage space to hold a minimum quantity of one month's supply of each bag type.

The City requires a supply of approximately 1,000 rolls of 500 dog bags each month to replenish the dog bag dispensers within its boundaries. The dispensers are replenished by the City's litter crew as part of the scheduled operational waste collections and processed at Mindarie Regional Council (MRC) landfill facility. Collections can be weekly or twice weekly in high usage parks and foreshores. Residents can also request ad hoc replenishments as and when required via the City's website.

The City has a contract for the supply and delivery of oxo-degradable dog waste bags and roadside bags with Woodlands Distributors Pty Ltd, which expires on 8 August 2023.

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

DETAILS

The tender for the supply and delivery of dog waste bags and roadside bags was advertised through state-wide public notice on 29 March 2023. The tender period was for three weeks and closed on 21 April 2023.

Tender Submissions

A submission was received from each of the following:

- Cardia Bioplastics (Australia) Pty Ltd.
- Vexel Pty Ltd.
- Winc Australia Pty Limited.
- Woodlands Distributors Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ089-06/23.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ089-06/23.

A confidential tender summary is provided in Attachment 3 to Report CJ089-06/23.

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

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

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

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

Qualitative Criteria		
1	Demonstrated Understanding of the Required Tasks	40%
2	Capacity	30%
3	Demonstrated Experience in Completing Similar Projects	25%
4	Social and Economic Effects on the Local Community	5%

Compliance Assessment

The following offers received were assessed as fully compliant:

- Vexel Pty Ltd.
- Woodlands Distributors Pty Ltd.

The following offers were assessed as partially compliant:

- Winc Australia Pty Limited – use a panel of suppliers and other services for the production of the dog waste bags. They supplied no details of the manufacturers of the products.
- Cardia Bioplastics (Australia) Pty Ltd did not submit rates for the specified roadside bags.

All Submissions were included for further assessment on the basis that, as the City's choices of materials were restricted by legislation around plastics, it would be more competitive to include all submissions for compostable dog waste bags.

All submissions were considered for further evaluation.

Qualitative Assessment

Cardio Bioplastics (Australia) Pty Ltd scored 58.3% and was ranked fourth in the qualitative assessment. It demonstrated a sound understanding of the required tasks providing its methodology and detailed specifications for compostable products only. The warehouse for reserve stock is situated in Kewdale and the company advised refrigerated transportation for temperatures over 30° which would increase the transportation costs reflected in the rate. The company demonstrated reasonable experience in providing similar services providing compostable dog bags to Suez Environmental, food organics bags and compostable dog bags for Penrith City Council and food organics kitchen tidy liners for the City of Melville's food organic and garden organics (FOGO) domestic waste collections. It provided insufficient capacity to supply and deliver all items requested in the tender specifications as it could not supply the roadside bags. The company is ASX listed and manufactured and based in China. Certificates were provided for Australian standard certification and relevant insurances.

Winc Australia Pty Ltd scored 60.3% and was ranked third in the qualitative assessment. The company demonstrated an adequate understanding of the City's requirements. Detailed processes were provided for the order, picking, and delivery from the warehouse located in Kewdale but no details provided for the manufacturer of the product. It stated products were certified by Australian Standards AS5810 for home composting and ISO 17088:2021 Plastic – Organic recycling – specification for compostable plastics, international standard covered by AS5810, but no certificates were provided. It provided an additional product category called landfill biodegradable which is also included in the Stage 2 plastic ban, effective 1 September 2023. The company provided good experience in providing stationery supplies and promotional merchandise with print abilities to Water Corporation WA, West Australian Police Force and West Australian Electoral Commission, but did not provide any experience specific to dog waste products. It demonstrated a reasonable capacity to supply and deliver goods and services having been operating over 50 years with head office located in Sydney and a 16,267m² warehouse located at Perth airport. The company can provide rolls of 500 to fit the regular dispenser. No samples were provided.

Vexel Pty Ltd scored 69.4% and was ranked second in the qualitative assessment. Vexel demonstrated a complete understanding of the required tasks providing details of its joint venture with Respack Manufacturing and developing Earth2Earth giving it a substantial volume and continuity of the market to produce compostable and plant-based waste products. The company can provide rolls of 500 of the compostable products to fit the regular dispenser. Samples were provided. The company has committed to holding 3 to 4 months stock within its six warehouses located in Sydney, Melbourne, and Perth, with a minimum of one month's supply held in Perth. It also has substantial capacity to transport materials with over 1,000 shipping containers servicing Australia and New Zealand. Vexel's technology in manufacturing provide a durable product that exceeds 12-month shelf life when stored correctly. It demonstrated substantial experience in providing similar services for large contracts, controlling stock control and ordering, for Nu-Pure Beverages, Cordina Farms and Mauri. It has recently been awarded the contract to supply the City of Wanneroo's dog waste bags with production under way. Vexel and the joint venture produces compostable and bio-based bags with current staff levels at 120, manufacturing over 500 tonnes of product per month. Certifications were provided for products along with detailed data product sheets and which products meet Australian standards. Certificates were provided for standards AS5810 – Biodegradable Plastics suitable for home composting, and AS473 Biodegradable plastics suitable for composting. Several membership certificates were provided, including Member of the Australian Packaging Covenant Organisation which shares responsibility with Government and Industry to achieve sustainable packaging to reduce waste to landfill, using alternative materials and circular economy activities.

Woodlands Distributors Pty Ltd (Woodlands) scored 74.8% and was ranked first in the qualitative assessment. The company demonstrated a comprehensive understanding of the required tasks. Woodlands provide a locally based distribution platform for the supply of compostable waste bags, and partners as the West Australian distributor for Animal Management Services Pty Ltd (AMS) whose head office is based in South Australia, with goods imported from South Australia by sea to Fremantle. Products are certified by Australasian Bioplastics Association with certificates provided. Product data sheets and samples were submitted. Woodlands could not supply a roll of 500 bags to fit the regular dispenser units, and proposed rolls of 400 bags which would increase the required number of replenishments. Warehousing and storage is via a sub-contractor located in Carlisle. Woodlands demonstrated extensive experience providing similar services with contracts to supply compostable dog waste bags and dispensers to Cities of Melville and Cockburn and oxo-degradable bags to the City of Stirling. The company demonstrated its capacity to supply the City's operational requirements with partnerships for manufacturing with AMS and subcontract arrangements for storage and delivery of goods situated locally. AMS has been operating for the last 20 years specialising in eco-friendly animal waste products.

Given the minimum acceptable qualitative score of 50%, Woodlands, Vexel Pty Ltd, Winc Australia Pty Ltd and Cardia Bioplastics qualified to progress to the stage two assessment.

Price Assessment

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

Rates given for plastic, bio-degradable and landfill degradable bags were calculated, however following confirmation of Stage 2 bans from Department of Water and Environmental Regulation and the potential future bans for plastic, the only long-term realistic option available over the next few years is to use compostable with the prospect of future collections being diverted to Food Organics and Green organics (FOGO) processing plants.

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 tender, the actual volumes of consumption for dog waste bags and roadside bags over the 12-month 2022 period were used in the assessment. 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 transpire, as any future requirement will be based upon operational demand, population growth and number of dogs visiting public areas within the city.

The rates are fixed for the first 12 months of the contract but are subject to a price variation in years two to five of the contract (subject to the City exercising the extension options) to a maximum of the CPI for the preceding year. For estimation purposes, a 4.5% CPI increase was applied to the rates tendered for years two to five.

Tenderer	Year 1	Year 2	Year 3	Estimated Total Price
Cardia Bioplastics (Australia) Pty Ltd.	\$220,428	\$230,347	\$240,713	\$691,488
Vexel Pty Ltd.	\$144,773	\$151,288	\$158,096	\$454,156
Winc Australia Pty Limited.	\$256,283	\$267,816	\$279,867	\$803,966
Woodlands Distributors Pty Ltd.	\$256,989	\$268,554	\$280,639	\$806,182

It is anticipated that the City will incur an estimated expenditure of \$454,156 during the three-year contract term, on the basis it requires similar quantities to 2023, and up to \$792,010 over five years, should the City exercise all extension options.

Evaluation Summary

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

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative / Price	Price Ranking
Vexel Pty Ltd	69.4%	2	\$454,156	1
Cardio Bioplastics (Australia) Pty Ltd	58.3%	4	\$691,488	2
Winc Australia Pty Ltd	60.3%	3	\$803,966	3
Woodlands Distributors Pty Ltd	74.8%	1	\$806,182	4

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

Issues and options considered.

The City has a requirement for supply and delivery of dog waste bags and roadside bags across parks, foreshores, open spaces, and car parks within the City of Joondalup. The City does not have the internal resources to supply and deliver the required goods and requires an appropriate external contractor to undertake the works.

The Department of Water and Environmental Regulation (DWER) has adopted a waste strategy to introduce a staged regulation to ban single-use plastic. As a result of Stage 2 of the Plan for Plastics, degradable plastic, including oxo-degradable, Bio-degradable products and landfill-degradable plastics will be banned from 1 September 2023.

Products will need to be redesigned to use flexible polymers that can be reused or recycled. Alternatively, products can be manufactured using compostable plastics that qualify to the Australian Standards for industrial (AS 4736:2006) or home composting (AS 5810:2010).

The State's Waste Avoidance Strategy 2030 is working towards a three-bin kerbside collection which includes separation of Food Organics Garden Organics (FOGO) by 2025. With this in place the processing for domestic collections and possibly future operational collections in parks and public places, would be processed through this plant, diverting waste from landfill. This would only be possible if 100% compostable products were used in the collection of the waste and the waste collection bins were separated from the public general waste bins.

Legislation / Strategic Community Plan / Policy implications

Legislation A state-wide public tender was, 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.

10-Year Strategic Community Plan

Key theme Environment.

Objective Clean and Sustainable – you are supported to minimise waste and live sustainably in a clean environment.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high, as dog waste stations are extremely popular.

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

Financial / budget implications

Current financial year impact

Account no.	A6207.
Budget Item	Litter Services – Operational.
Budget amount	\$130,500
Amount spent to date	\$138,981 1 July 2022 - 31 May 2023
Proposed cost	\$0
Balance	(\$8,481)

Future financial year impact

Annual operating cost	Year 1 - 2023/24	Year 2 – 2024/25	Year 3 – 2025/26
	\$144,773	\$151,288	\$158,096
Estimated annual income	Not Applicable		
Capital replacement	Not Applicable		
10 Year Strategic Financial Plan impact	Year 1 - 2023/24	Year 2 – 2024/25	Year 3 – 2025/26
	\$144,773	\$151,288	\$158,096

There is no financial impact on this financial year as this contract will not commence until 2023/2024 financial year.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Environmental

Dog waste stations are provided in the interest of public health and to retain the beauty of the City's parks, ovals and public open spaces and the reduction of single used plastics.

By selecting a compostable dog waste bag product even though the product is currently disposed of in landfill, the City will achieve better environmental outcomes as the product breaks down completely organically and does not leave a residue of micro plastics.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Vexel Pty Ltd for the supply and delivery of dog waste bags and roadside bags as specified in Tender 010/23 for a period of three years, with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth (All Groups) CPI.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4BRF230613.pdf](#)

Disclosures of Interest affecting Impartiality

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ090-06/23 - Execution of Documents.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor Kingston is the Secretary of the Friends of Yellagonga, which has a lease with Rise Network Inc. which owns Landsdale Farm.

CJ090-06/23 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENTS	Attachment 1 Signing and Common Seal Register - extract for 26 April 2023 to 22 May 2023
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 26 April 2023 to 22 May 2023.

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.

It is therefore recommended that Council NOTES the Signing and Common Seal Register for 26 April 2023 to 22 May 2023 as detailed in Attachment 1 to Report CJ090-06/23.

BACKGROUND

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. The last report to Council was made at its meeting held on 23 May 2023 (CJ065-05/23 refers).

DETAILS

From 26 April 2023 to 22 May 2023, four documents were Executed by affixing the Common Seal. A summary is provided below:

Type	Number
Restrictive Covenant	1
Deed of Extension	1
Consent to Application to Extinguish Easement	1
Section 70A Notification	1

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme Leadership.

Outcome Capable and effective – you have an informed and capable Council backed by a highly-skilled workforce.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Signing and Common Seal Register for 26 April 2023 to 22 May 2023 as detailed in Attachment 1 to Report CJ090-06/23.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5BRF230613.pdf](#)

CJ091-06/23 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 41196, 101515
ATTACHMENT	Attachment 1 Tamala Park Regional Ordinary Meeting of Council – 20 April 2023 Attachment 2 Mindarie Regional Council Ordinary Meeting of Council – 27 April 2023 <i>(Please note: These minutes are only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Tamala Park Regional Council Ordinary Meeting of Council held on 20 April 2023.
- Minutes of the Mindarie Regional Council Ordinary Meeting of Council held on 27 April 2023.

DETAILS

Tamala Park Regional Council Meeting – 20 April 2023

An ordinary meeting of the Tamala Park Regional Council was held on 20 April 2023.

At the time of this meeting Cr John Chester and Cr Nige Jones were Council's representatives at the Tamala Park Regional Council meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup (Attachment 1 refers).

Mindarie Regional Council Meeting – 27 April 2023

An ordinary meeting of the Mindarie Regional Council was held on 27 April 2023.

At the time of this meeting Mayor Albert Jacob and Cr Christopher May were Council's representatives at the Mindarie Regional Council meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup (Attachment 2 refers).

Legislation / Strategic Community Plan / Policy Implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Leadership.

Outcome Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

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 meeting of the Tamala Park Regional Council held on 20 April 2023 forming Attachment 1 to Report CJ091-06/23;**
- 2 the meeting of the Mindarie Regional Council held on 27 April 2023 forming Attachment 2 to Report CJ091-06/23.**

To access this attachment on electronic document, click here: [RegionalMinutesBRF230613.pdf](#)

CJ092-06/23 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 23 May 2023
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 23 May 2023, with a comment on the status of each petition.

Legislation / Strategic Community Plan / Policy Implications

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

10 Year Strategic Community Plan

Key Themes Leadership.

Outcomes Engaged and Informed - you are able to engage with the City and have in-put into decision-making.

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

Risk Management Considerations

Failure to consider 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:

- 1 NOTES the status of outstanding petitions submitted to Council during the period 16 August 2016 to 23 May 2023, forming Attachment 1 to Report CJ092-06/23;**
- 2 in relation to the petition requesting the City to "Take action" against DevelopmentWA regarding the unacceptable dust levels in Ocean Reef and surrounding suburbs:**
 - 2.1 NOTES that the Ocean Reef Marina Development is under the control of DevelopmentWA who are responsible to ensure it complies with current regulatory requirements for land developments and construction sites;**
 - 2.2 REQUESTS the City to liaise with DevelopmentWA and the Department of Lands to mitigate the dust problems from the land clearing and civil construction works at the Ocean Reef Marina site;**
 - 2.3 ADVISES the lead petitioner of Council's decision.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6BRF230613.pdf](#)

CJ093-06/23 ANNUAL REVIEW OF THE CORPORATE BUSINESS PLAN 2023–2027

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	52605, 101515
ATTACHMENTS	Attachment 1 Draft Corporate Business Plan 2023–2027
AUTHORITY / DISCRETION	Executive — The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, and setting and amending budgets.

PURPOSE

For Council to adopt the Corporate Business Plan 2023–2027 as shown in Attachment 1 to Report CJ093-06/23.

EXECUTIVE SUMMARY

The 5-Year Corporate Business Plan is the City's medium-term planning document which contains the services, projects and activities that have been developed in response to the vision, goals and outcomes of the 10-Year Strategic Community Plan, *Joondalup 2032*.

In accordance with the *Local Government (Administration) Regulations 1996*, the City is required to review the plan annually and submit it to Council for adoption by an absolute majority.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY ADOPTS the Corporate Business Plan 2023–2027, provided as Attachment 1 to Report CJ093-06/23, noting the following additions and updates will be made post-adoption:*
 - 1.1 *Addition of net service costs, depreciation and full-time equivalent (FTE) for 2023/24;*
 - 1.2 *Addition of capital works program expenditure and revenue for 2023/24;*
 - 1.3 *Addition of the operating budget for 2023/24;*
 - 1.4 *Updates to services, programs, projects and activities resulting from any decisions of Council at the 27 June 2023 Council meeting.*

BACKGROUND

The development of a Corporate Business Plan is a requirement of all local governments in Western Australia under the *Local Government (Administration) Regulations 1996*. In accordance with the Regulations, the Corporate Business Plan must:

- set out priorities for dealing with the objectives and aspirations of the community
- cover a period of at least four years
- govern internal business planning
- reference resourcing plans/strategies (that is asset management, workforce planning, long-term financial planning)
- be reviewed every year.

The City's Corporate Business Plan sits within an Integrated Planning and Reporting Framework which builds-in informing, resourcing, planning and reporting requirements to ensure transparency and evidence of planned achievements.

Council adopted the City's first Corporate Business Plan in October 2012 (CJ210-10/12 refers), and has adopted the plan each year since. The most recent Corporate Business Plan (2022–2026) was adopted by Council at the 28 June 2022 meeting (CJ093-06/22 refers).

Monitoring and reporting against the Corporate Business Plan is undertaken through Corporate Business Plan Quarterly Reports and Capital Works Quarterly Progress Reports. These are presented to Council each quarter and are published on the City's website.

DETAILS

The draft Corporate Business Plan 2023–2027 is the City's medium-term delivery plan that contains the services, projects and activities to be undertaken to "operationalise" the 10-Year Strategic Community Plan, *Joondalup 2032*.

To inform the development of the draft Corporate Business Plan 2023–2027, the annual review was informed by a program of comprehensive performance reporting through the following documents:

- *Corporate Business Plan 2022–2026*
- Corporate Business Plan Quarterly Reports.
- Key Capital Works Project Quarterly Status Reports.
- *Annual Report 2021/22*.

In developing the new *Corporate Business Plan 2023–2027*, feedback was sought from Elected Members in April 2023 as part of the annual budgeting process. The draft 5-Year Corporate Business Plan 2023–2027 is provided at Attachment 1 and contains the following:

- Services delivered by the City, including service costs and related FTE (to be added following adoption of the 2023/24 Annual Budget).
- Details of existing City plans, strategies and frameworks.
- Capital works programs, including expenditure and revenue for 2023/24 (to be added following adoption of the 2023/24 Annual Budget).
- Key capital works projects for 2023/24.
- Non-capital projects and activities, including quarterly milestones for delivery.
- Key priorities for 2023/24 (non-capital projects and activities).
- Annual performance measures that will be reported through the City's Annual Report, including the Global Reporting Initiative (GRI) disclosures and other performance measures.
- Operating budget for 2023/24 (to be added following adoption of the 2023/24 Annual Budget).

Issues and options considered

Council has the option to:

- adopt the draft 5-Year Corporate Business Plan 2023–2027, as presented in Attachment 1
or
- adopt the draft 5-Year Corporate Business Plan 2023–2027, as presented in Attachment 1, subject to further amendments.

Legislation / Strategic Community Plan / Policy implications

Legislation Adoption of a Corporate Business Plan is a requirement of all local governments in Western Australia under the *Local Government (Administration) Regulations 1996*.

10-Year Strategic Community Plan

Key theme Leadership.

Outcome Responsible and financially-sustainable — you are provided with a range of City services which are delivered in a financially responsible manner.

Policy Not applicable.

Risk management considerations

Under the *Local Government (Administration) Regulations 1996* it is a legislative requirement for the City to review its Corporate Business Plan annually and submit modifications to Council for adoption by an absolute majority. A failure to achieve this in a timely manner could result in non-compliance.

Financial / budget implications

The annual review of the 5-Year *Corporate Business Plan* provides an opportunity for the City to reassess forecasted timeframes in accordance with resourcing strategies to ensure the sustainable delivery of projects.

Regional significance

Many of the projects in the draft 5-Year *Corporate Business Plan* have regional significance and highlight the importance of regional planning and cooperation in managing and responding to future challenges within the north metropolitan region.

Sustainability implications

The 5-Year *Corporate Business Plan* demonstrates the operational capacity of the City to achieve its vision and goals over the medium-term. Project planning and prioritisation within the plan is based on the City's ambition to deliver services sustainably and affordably.

Consultation

In accordance with the *Local Government (Administration) Regulations 1996*, community consultation is not required for the annual review of a Corporate Business Plan.

COMMENT

The 5-Year *Corporate Business Plan* provides the community with a clear plan of the services, projects and activities the City intends to deliver over the next five years. The plan provides a mechanism for measuring performance over the medium-term, and details the key priorities and key capital works projects for the first year of the plan.

The 5-Year *Corporate Business Plan* provides the operational detail to support the delivery of the 10-Year *Strategic Community Plan, Joondalup 2032*. The inclusion of specific milestones for projects and activities, as well as annual performance measures, provides a high level of transparency as to how the City intends to report against the vision, goals and outcomes of *Joondalup 2032*.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **BY AN ABSOLUTE MAJORITY ADOPTS the Corporate Business Plan 2023–2027, provided as Attachment 1 to Report CJ093-06/23, noting the following additions and updates will be made post-adoption:**
 - 1.1 **Addition of net service costs, depreciation and full-time equivalent (FTE) for 2023/24;**
 - 1.2 **Addition of capital works program expenditure and revenue for 2023/24;**
 - 1.3 **Addition of the operating budget for 2023/24;**
 - 1.4 **Updates to services, programs, projects and activities resulting from any decisions of Council at the 27 June 2023 Council meeting.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn230627.pdf](#)

Disclosures of Interest affecting Impartiality

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ094-06/23 - Corporate Sponsorship Application: Whitford Church of Christ Inc. for Heathridge Carols in the Park 2023.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob attends the Carols every year and a member of the organisers are known to him.

CJ094-06/23 CORPORATE SPONSORSHIP APPLICATION: WHITFORD CHURCH OF CHRIST INC. FOR HEATHRIDGE CAROLS IN THE PARK 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	110313, 101515
ATTACHMENT	Attachment 1 Sponsorship Application Attachment 2 Master Sponsorship Assessment Matrix
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 event sponsorship application received from Whitford Church of Christ Inc. for Heathridge Carols in the Park 2023, proposed to be held at Heathridge Park on the 17 December 2023.

EXECUTIVE SUMMARY

The City's Corporate Sponsorship Program aims to attract, host or support a wide range of events, programs and activities that enhance the service delivery to the community and attract visitors to the region, while also providing positive exposure for the City's brand local and regionally.

This program is open all year round (budget allowing) and has supported a wide range of events held in the region from sporting events, triathlons to dance competitions and more.

The City has received a sponsorship application from Whitford Church of Christ Inc. for Heathridge Carols in the Park 2023, proposed to be held at Heathridge Park on the 17 December 2023.

Heathridge Carols in the Park is a free family friendly community event including pre-show entertainment, main carols show, Santa land activity area, a kids carols set, food vendors, fireworks finale and more.

This free community event has been held for over 30 years and has grown to be a significant Christmas celebration in the region attracting approximately 17,000 people in 2022.

The sponsorship value requested is \$20,000 (excluding GST).

The application has been assessed and valued at \$13,000 (excluding GST).

The full amount requested has not been recommended as that level of sponsorship funding requires the City to receive significantly more benefits in the area of:

- regional promotion
- tourism attraction such as; attracting visitors from outside the region
- economic development such as;. the event provides an opportunity for local organisations to be involved or will it bring visitors to the region who will utilise current businesses such as hospitality (dining and accommodation) as outlined in the master sponsorship assessment matrix (attachment two). The recommended sponsorship is commensurate with the benefits available to the City.

It is therefore recommended that the Council AGREES to APPROVE a sponsorship amount of \$13,000 (excluding GST) for the City to sponsor the Whitford Church of Christ Inc. 2023 Heathridge Carols in the Park subject to the organisation entering into a formal sponsorship agreement with the City of Joondalup.

BACKGROUND

The City's corporate sponsorship program aims to achieve the following objectives:

- Attracting, hosting, or supporting a wide range of events, programs and activities that enhance the level of service delivery to the community and visitors to the region.
- Providing positive exposure for the City's brand locally and regionally.
- Providing support to local organisations/community groups.
- Stimulating economic development and providing benefits to local businesses.
- Increasing visitors to the region.
- Creating long-term value to the City and its residents by building sustainable partnerships or relationships.
- Ensuring that all agreements entered into provide an adequate return on investment by overseeing and managing the sponsorship, contributions and donations program, process, and outcomes.

All corporate sponsorship applications need to meet the following criteria:

- The applicant, event, program and/or activity must be aligned with the City's vision and corporate values.
- The event, program or activity must be consistent with the City's Sponsorship Program objectives.
- The audience for the event, program or activity should reach the City's target audiences.
- Requests for sponsorship should be for an event, program or activity located within the City of Joondalup, which provides a significant return to the general and/or business community.
- Tangible benefits for the City, its residents and/or local businesses need to be associated and demonstrated with the event, program, or activity.
- The event, program or activity must provide positive exposure for the City and its brand; and

- The event, program or activity should provide opportunity to create long-term value to the City, residents and/or businesses.

The City has sponsored this event since 2010 with an annual commitment of between \$11,000 and \$13,000 (excluding GST).

DETAILS

Heathridge Carols in the Park is a family friendly community event including:

- pre-show entertainment
- main carols show
- Santa Land activity
- kid carols set
- food vendors
- fireworks finale and more.

Running for over 30 years and attended by over 17,000 people in 2022 this is a long standing Christmas celebration within the community.

The event is accessible and welcoming for all members of the community and attracts residents from the region of all demographics and ages, particularly those in the surrounding areas of Heathridge, Mullaloo, Edgewater and Beldon.

Residents can choose to bring their own picnics or access the numerous food vendors available on the night.

Sponsorship Benefits for the City

As a sponsor the City will receive the below outlined benefits:

Benefits to be provided to the City		City's Assessment Matrix	\$15,001 - \$25,000
Logo on promotional material	✓	Logo on promotional material	•
Merchandise distribution e.g. City merchandise in participant packs	-	Merchandise distribution e.g. City merchandise in participant packs	•
Opportunity to set up a promotional display	✓	Opportunity to set up a promotional display	•
Verbal acknowledgement throughout the event, program, or activity	✓	Verbal acknowledgement throughout the event, program, or activity	•
Signage displayed at the event, program, or activity (City to supply)	✓ ⁸	Signage displayed at the event, program, or activity	8+
Logo and hyperlink on website	-	Logo and hyperlink on website	•
Logo on local advertising	✓	Logo on local advertising	•
Opportunity for the City representative to present/speak	✓	Opportunity for the City representative to present/speak	•
Logo on event, program, or activity signage	✓	Logo on event, program, or activity signage	•

Benefits to be provided to the City		City's Assessment	Matrix	\$15,001 - \$25,000
Recognition on media releases	✓	Recognition on media releases		•
Recognition and link on social media forums	✓	Recognition and link on social media forums		•
Logo on regional advertising	-	Logo on regional advertising		•
Digital Marketing for example. inclusion in club newsletters, emails on hold messaged	-	Digital Marketing for example inclusion in club newsletters, emails on hold messaged		•
Exclusive rights	-	Exclusive rights		•
Economic development for example will the program or event provide an opportunity for local organisations to be involved or will it bring visitors to the region who will utilise current businesses such as hospitality (dining and accommodation)	-	Economic development for example will the program or event provide an opportunity for local organisations to be involved or will it bring visitors to the region who will utilise current businesses such as hospitality (dining and accommodation)		•
Tourism for example increase visitors to the region; people will travel to attend the event program	-	Tourism for example. increase visitors to the region; people will travel to attend the event program		•
Corporate Hospitality for example complimentary VIP tickets, invitation to event launch/finale	-	Corporate Hospitality for example. complimentary VIP tickets, invitation to event launch/finale		•
Attendance	\$15,001 - \$25,000	Attendance		\$15,001 - \$25,000
Under 500		Under 500		
500 – 2,000		500 – 2,000		
2,001 – 5,000		2,001 – 5,000		
5,001 – 10,000		5,001 – 10,000		•
Over 10,000	•	Over 10,000		•

Tourism Attraction, Economic Impact and Business Engagement

Heathridge Carols in the Park has a primary target audience of residents within the City of Joondalup, particularly those in the surrounding areas of Heathridge, Mullaloo, Edgewater and Beldon therefore not attracting visitors from outside the region.

The event will engage approximately 20 food vendors on the night, most of which are registered with the City, and local suppliers will be engaged for other infrastructure and services where possible. There is limited other business engagement related to this event.

Other Funding Support

The event has received long term support from Lotterywest with a grant of approximately \$20,000 per annum. Other minor sponsors will be sought, along with the in-kind support from Whitford Church of Christ Inc.

Sponsorship Agreement and Key Performance Indicators

Should the Council agree to progress with supporting sponsorship of the Heathridge Carols in the Park 2023, a sponsorship agreement will be developed between the City and Whitford Church of Christ Inc. outlining the roles, responsibilities, benefits, and key performance indicators, as per the City's standard sponsorship process.

Key Performance indicators will address all details outlined in the sponsorship benefits table detail previously with a focus on attendance numbers and branding benefits received by the City.

The City's approach to sponsorship is to ensure a coordinated approach towards the development of agreements that aim to maximise benefits and create effective partnerships.

Sponsorship is a mutually beneficial commercial partnership involving financial or in-kind investments made in return for marketing and promotional benefits.

The proposal from Whitford Church of Christ Inc. meets these requirements as the City will receive a range of benefits in return for its financial contribution to the organisation.

Issues and options considered

The Council may choose to:

- Endorse the sponsorship of the Heathridge Carols in the Park 2023 event for the full amount requested of \$20,000 (excluding GST). The benefits outlined in the application do not align with this value as detailed in the City's sponsorship assessment matrix.
- Endorse the sponsorship of the Heathridge Carols in the Park 2023 event for the reduced amount of \$13,000 (excluding GST). This option ensures that the proposed benefits are in line with City's sponsorship assessment matrix and is the recommended option.
or
- Not endorse the event sponsorship application, which could potentially impact the viability and long-term sustainability of the event, and the community's ability to engage in the celebration of Christmas as they have done for over 30 years.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

10 Year Strategic Community Plan

Key theme Economy.

Objective Appealing and Welcoming – you welcome residents, and local and international visitors to the City.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications2023-2024 financial year impact

100% of the sponsorship amount recommended is due in the 2023-2024 financial year.

Account no.	1.524.A5204.3293.0000.
Budget Item	Sponsorship.
Budget amount	Historical budget of \$130,000 (subject to adoption of 23-24 budget).
Sponsorship proposed cost	\$13,000
Balance of budget line	\$27,532.50*

All amounts quoted in this report are exclusive of GST.

**this is based on the sponsorship being endorsed for the recommended amount.*

Regional significance

Heathridge Carols in the Park has been delivered in the community for approximately 30 years and is one if not the largest Christmas celebration for residents and the community.

The City's events calendar does not incorporate any Christmas celebration events.

Sustainability implications

Such an event is well supported by the community, and should the event not occur, the community may look to the City to deliver an event within this space which would cost the City significantly more than the sponsorship recommended.

Consultation

Not applicable.

COMMENT

The sponsorship proposal submitted is an opportunity for the City to provide financial support to the Whitford Church of Christ Inc. to deliver the Heathridge Carols in the Park, in return for a range of marketing and promotional benefits.

If the sponsorship proposal was endorsed, the City would receive a range of benefits that provide a positive image of the City while supporting a well-loved community event.

Sponsoring free community events such as this are part of the City's commitment to supporting community engagement, health and wellbeing.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council AGREES to APPROVE a sponsorship amount of \$13,000 (excluding GST) for the City to sponsor the Whitford Church of Christ Inc. 2023 Heathridge Carols in the Park subject to the organisation entering into a formal sponsorship agreement with the City of Joondalup.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8BRF230613.pdf](#)

CORPORATE SPONSORSHIP APPLICATION: SWIMMING WA OPEN WATER SWIM SERIES AT MULLALOO AND SORRENTO

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	110313, 101515
ATTACHMENT	Attachment 1 Swimming WA Sponsorship Application Attachment 2 Master Sponsorship Assessment Matrix
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This item has been withdrawn.

Disclosures of Interest affecting Impartiality

Name / Position	Cr Tom McLean, JP.
Item No. / Subject	CJ095-06/23- Corporate Sponsorship Application: Bowls Australia Ltd for The Nationals Event 2023.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor McLean is a social member of the Joondalup Sports Association (JSA).

CJ095-06/23 CORPORATE SPONSORSHIP APPLICATION: BOWLS AUSTRALIA LTD FOR THE NATIONALS EVENT 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	110313, 101515
ATTACHMENT	Attachment 1 Bowls Australia Sponsorship Application Attachment 2 The Nationals Marketing and Communications Plan Attachment 3 Master Sponsorship Assessment Matrix
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 significant event sponsorship application received from Bowling Australia Ltd for The Nationals event to be hosted at Joondalup, Sorrento and Warwick Bowling Clubs from the 6 – 20 October 2023.

EXECUTIVE SUMMARY

The City's Corporate Sponsorship Program aims to attract, host or support a wide range of events, programs and activities that enhance the service delivery to the community and attract visitors to the region, while also providing positive exposure for the City's brand local and regionally.

The City has received a sponsorship application from the Bowling Australia Ltd for The Nationals event to be hosted at Joondalup, Sorrento and Warwick Bowling Clubs from the 6 – 20 October 2023.

As this event is a national event that is unique to Joondalup for 2023 and is proposed to deliver economic development benefits for the region, specifically beds stays and expenditure with local businesses, this event has been defined as a "significant event".

The Nationals is a culmination of six individual bowls events where 750+ competitors battle it out for National titles. It provides the opportunity for participants to compete against the

country's best players. It is a truly inclusive event with participants competing in open, under ages, overage and disability events across the 15 days.

Each of the six individual events include an equal number of competitors from each state and territory, resulting in more than 650 unique participants from interstate taking part in this event.

The sponsorship value requested is \$35,000 (excluding GST).

The application has been assessed and valued at \$35,000 (excluding GST).

Although the attendance numbers are lower than the desired amount outlined in the sponsorship assessment matrix (attachment three) the branding, tourism and economic impact benefits are at the higher end of the scale.

It is therefore recommended that the Council AGREES to APPROVE a sponsorship amount of \$35,000 excluding GST for the City to sponsor the Bowls Australia Ltd. for The Nationals 2023 hosted at Joondalup, Sorrento and Warwick Bowling Clubs subject to the organisation entering into a formal sponsorship agreement with the City of Joondalup.

BACKGROUND

The Council has adopted a Strategic Position Statement regarding significant events which provides as follows:

The City will attract and support significant events that are unique to Joondalup and enhance its image as an attractive destination for residents, visitors, tourists, and businesses. These significant events will deliver economic development benefits for local businesses whilst promoting Joondalup's reputation state-wide, nationally, and internationally as the cultural, civic and entertainment CBD of the Northwest region of the Perth metropolitan area.

A key non - capital project/activity outlined in the City's Corporate Business Plan 2022- 2026 involves positioning Joondalup as a destination city where unique tourism opportunities and activities provide drawcards for visitors and residents, specifically:

- attract and support significant events that are unique to Joondalup to enhance its image as an attractive destination for visitors, tourist and businesses.

DETAILS

The Nationals is a culmination of six individual bowls events - staged consecutively and in some cases simultaneously across closely located venues – where 750+ competitors battle it out for National titles. It provides the opportunity for participants to compete against the country's best players. It is a truly inclusive event with participants competing in open, under ages, overage and disability events across the 15 days.

The 2023 event will be held from the 6 – 20 October 2023 across three City bowling clubs - Joondalup, Sorrento and Warwick – and includes:

- Australian Champion of Champions, 6 – 7 October 2023
- Under 18 Australian Championship, 6 – 7 October 2023
- Australian Para Nationals, 6 – 9 October 2023
- Australian Sides Championships, 8 – 11 October 2023
- Australian Senior Side Championship, 13 – 16 October 2023
- Australian Championships, 17 – 20 October 2023.

Each of the individual events include an equal number of competitors from each state and territory, resulting in more than 650 unique participants from interstate taking part in this event.

In addition to the 750+ competitors, 30 staff/officials will attend the event along with an estimated 650+ interstate spectators and 650+ local spectators totalling over 2,000 people attending the event.

The Nationals will be live streamed through the majority of the 15-day competition on Bows Australia's Facebook pay and through the "Rinkside Live" product. Audience viewership obviously fluctuate dependent upon the interest in the match and its player, but based on past events a general indicator for viewership of each stream would be approximately 10,000 views.

There's no cost to enter The Nationals. Flights, accommodation, transport and daily lunches are covered for each participant. Each participant only incurs the cost of spending money and breakfast/dinners.

Sponsorship Benefits for the City

As a sponsor the City will receive the below outlined benefits:

Benefits to be provided to the City		City's Assessment Matrix Benefits Required	\$25,001 - \$50,000
Logo on promotional material	✓	Logo on promotional material	•
Merchandise distribution e.g. City merchandise in participant packs	-	Merchandise distribution e.g. City merchandise in participant packs	•
Opportunity to set up a promotional display	-	Opportunity to set up a promotional display	•
Verbal acknowledgement throughout the event, program or activity	✓	Verbal acknowledgement throughout the event, program or activity	•
Signage displayed at the event, program or activity	✓	Signage displayed at the event, program or activity	8+
Logo and hyperlink on website	✓	Logo and hyperlink on website	•
Logo on local advertising	✓	Logo on local advertising	•
Opportunity for the City representative to present/speak	✓	Opportunity for the City representative to present/speak	•
Logo on event, program or activity signage	✓	Logo on event, program or activity signage	•
Recognition on media releases	✓	Recognition on media releases	•
Recognition and link on social media forums	✓	Recognition and link on social media forums	•
Logo on regional advertising	✓	Logo on regional advertising	•
Digital Marketing e.g. inclusion in club newsletters, emails	✓	Digital Marketing e.g. inclusion in club newsletters, emails on hold messaged	•
Exclusive rights	-	Exclusive rights	•
Economic development e.g. will the program or event provide an opportunity for local organisations to be involved or will it bring visitors to	✓	Economic development e.g. will the program or event provide an opportunity for local organisations to be involved or will it bring	•

Benefits to be provided to the City		City's Assessment Matrix Benefits Required	\$25,001 - \$50,000
the region who will utilise current businesses such as hospitality (dining and accommodation)		visitors to the region who will utilise current businesses such as hospitality (dining and accommodation)	
Tourism e.g. increase visitors to the region, people will travel to attend the event program	✓	Tourism e.g. increase visitors to the region, people will travel to attend the event program	•
Corporate Hospitality e.g. complimentary VIP tickets, invitation to event launch/finale	-	Corporate Hospitality e.g. complimentary VIP tickets, invitation to event launch/finale	•
Opportunity to include advertisement in publication or program	-	Opportunity to include advertisement in publication or program	•
Recognition on radio advertising	-	Recognition on radio advertising	•
Naming rights to the event, program or activity	-	Naming rights to the event, program or activity	•
Logo on state advertising	✓	Logo on state advertising	•
Attendance	\$25,001 - \$50,000	Attendance	\$25,001 - \$50,000
Under 500		Under 500	
500 – 2,000		500 – 2,000	
2,001 – 5,000	✓	2,001 – 5,000	
5,001 – 10,000		5,001 – 10,000	
Over 10,000		Over 10,000	•

It is to be noted that the current marketing and communications plan submitted with the application refers heavily to Tourism WA requirements and messaging. Should the City commit to sponsorship of The Nationals, Bowls Australia will review the marketing and communications plan to ensure there will be appropriate recognition for the City and the region. Tourism WA are supportive of Bowls Australia seeking support from the City and have no issues with promoting Joondalup as the host region, along with Perth as the host city. The individual clubs will also be recognised as host clubs.

Economic Impact

It is anticipated that the event could generate approximately \$1 million in economic impact for local accommodation providers and businesses.

With the large number of event participants, along with event officials and interstate spectators, event organisers anticipate the 15-day event will generate a total of 7,500 room nights – with as many as possible utilising accommodation within the City's boundaries.

Based on availability of local accommodation providers the below would be a reasonable assessment of economic impact.

Visitor Origin	Visitors	Length of Stay (Average)	Room Nights (Estimated)	Daily Spend (Average)	Total
Interstate Competitors and Officials	650	6	3,900	\$230	\$897,000
Bowls Australia Staff	30	14	420	\$230	\$96,600
Total visitors	680		4,320		\$993,600

Bowls Australia have advised that for the 2022 event held on the Gold Coast, the below numbers were achieved, given the larger accommodation base in the region.

Visitor Origin	Visitors	Length of Stay (Average)	Room Nights (Estimated)	Daily Spend (Average)	Total
Interstate Competitors and Officials	650	6	3,900	\$230	\$897,000
Intrastate Competitors and Officials	100	NA	NA	NA	NA
Bowls Australia Staff	30	14	420	\$230	\$96,600
Visitors/Supporters from out of the State	650	6	3,900	\$230	\$897,000
Local Visitors/Supporters	500	NA	NA	Nil	Nil
Total visitors	2,070		8,220		\$1,890,600

In addition to this, interstate and out of the region visitors are likely to spend in local shopping precincts during their stay.

Local Business and Stakeholder Engagement

Bowls Australia intend to promote travel packages and local tourism options to participants and spectators to encourage them to visit sights within the region.

Local contractors will be engaged for other infrastructure and services where possible.

The event will also be supported by the Joondalup, Sorrento and Warwick Clubs with support staff and volunteers.

Other Funding Support

Bowls Australia has secured funding from Tourism WA to the value of \$300,000 and is awaiting an outcome from the Department of Local Government, Sport and Cultural Industries for a funding application.

Any shortfall in income vs expenditure will be covered by Bowls Australia.

Sponsorship Agreement and Key Performance Indicators

Should the Council agree to progress with supporting sponsorship of The Nationals 2023, a sponsorship agreement will be developed between the City and Bowling Australia Inc. outlining the roles, responsibilities, benefits, and key performance indicators, as per the City's standard sponsorship process.

Key Performance indicators will address all details outlined in the sponsorship benefits table detailed previously with key focus areas on:

- Attendance
- Branding benefits and coverage
- Economic impact/benefits received

The City's approach to sponsorship is to ensure a coordinated approach towards the development of agreements that aim to maximise benefits and create effective partnerships.

Sponsorship is a mutually beneficial commercial partnership involving financial or in-kind investments made in return for marketing and promotional benefits.

The proposal from Swimming WA Inc. meets these requirements as the City will receive a range of benefits in return for its financial contribution to the organisation.

Issues and options considered

The Council may choose to:

- Endorse the sponsorship of The Nationals 2023 for the full amount requested of \$35,000 (excluding GST). This option ensures that the proposed benefits are in line with City's sponsorship assessment matrix and is the recommended option.
- Endorse the sponsorship of The Nationals 2023 for a reduced amount.
or
- Not endorse the significant event sponsorship application, which would then enable another state in Australia to host the national event.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Economy.

Objective Appealing and Welcoming - you welcome residents, and local and international visitors to the City.

Policy In line with Caretaker Policy.

Risk management considerations

Not applicable.

Financial / budget implications

2023-2024 financial year impact

100% of the sponsorship amount recommended is due in the 2023-2024 financial year.

Account no.	1.524.A5204.3293.0000.
Budget Item	Sponsorship
Budget amount	Historical budget of \$130,000 (subject to adoption of 23-24 budget)
Sponsorship proposed cost	\$35,000
Balance of budget line	\$27,532.50

All amounts quoted in this report are exclusive of GST.

**this is based on the sponsorship being endorsed for the recommended amount.*

Regional significance

The event will be unique to the state for 2023 and is supported by Bowls WA, Joondalup, Sorrento and Warwick Bowling Clubs.

Sustainability implications

Such an event should be well supported by the community, both locally and beyond the City boundaries, while also providing a strong stimulus for the local economy.

Consultation

Consultation has been conducted with Bowls WA, Joondalup, Sorrento and Warwick Bowling Clubs with all organisations supportive of the event being held in the region.

The Bowling Clubs will reschedule all local games for the period of time that the event is held in the region and will also support the event through the supply of staff and volunteers.

COMMENT

Since 2012, the City has been working to attract significant events of a calibre suitable to enhance tourism and stimulate the local economy, while attracting wide media coverage to enhance and strengthen Joondalup's reputation and image as a Destination City.

Attracting significant events is part of the City's strategy to position Joondalup as a destination that attracts visitors with its diverse mix of iconic events with local, national, and international appeal.

The City has hosted or supported major events including the Joondalup Festival of Motoring, Perth International Arts Festival, NAB Cup (AFL), Soundwave and Future Music Festival. It also delivers major community events such as the Joondalup Festival and Valentine's Concert. In addition, it hosts and supports smaller community events such as the Heathridge Carols in the Park and other community group fairs / fêtes.

The Nationals 2023 sponsorship proposal submitted is an opportunity for the City to provide financial support to Bowls Australia Ltd., in return for a range of marketing and promotional benefits.

If the sponsorship proposal was endorsed, the City would receive a range of benefits that enhanced the development of the sport, provide a positive image of the City and its ability to provide assistance to regionally and nationally significant sporting organisations and help to promote Joondalup as an attractive destination.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council AGREES to APPROVE a sponsorship amount of \$35,000 (excluding GST) for the City to sponsor the Bowls Australia Ltd. for The Nationals 2023 hosted at Joondalup, Sorrento and Warwick Bowling Clubs subject to the organisation entering into a formal sponsorship agreement with the City of Joondalup.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10BRF230613.pdf](#)

CJ096-06/23 2023 ANNUAL REVIEW OF REGISTER OF DELEGATION OF AUTHORITY

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	07032, 101515
ATTACHMENT	Attachment 1 Schedule – 2023 Review - Register of Delegation of Authority Attachment 2 Amended Register of Delegation of Authority (marked up version) Attachment 3 Register of Delegation of Authority (clean version) Attachment 4 WALGA Delegation Register (Template)
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 undertake a formal review of its delegations within the *Register of Delegation of Authority* (the Register).

EXECUTIVE SUMMARY

Sections 5.18 and 5.46 of the *Local Government Act 1995* (the Act) requires at least once every financial year, delegations are to be reviewed by the delegator. The Council last performed its annual review of the Register of Delegation of Authority (the Register) at its meeting held on 28 June 2022 (CJ092-06/22 refers). At the meeting it was resolved in Part as follows:

“3 *REQUESTS the Chief Executive Officer provide a full review of the Register of Delegation of Authority that would include, but not be limited to, comparisons with best practice and other similar sized local governments, as well as explanations and examples of the required delegations, with a subsequent report to be tabled to the Audit and Risk Committee by October 2022.*”

Part 3 of the resolution was carried as an amendment to the Officer’s Recommendation.

The City engaged the assistance of a consultant, Conway Highbury, to carry out the review of the City’s Register of Delegation of Authority, and a report was presented to the Audit and Risk Committee meeting on 31 January 2023 (Item 2 refers). A number of these recommendations have been incorporated into the 2023 Review of the Register of Delegations and proposed amendments are detailed in Attachments 1 and 2 to Report CJ096-06/23.

The amended clean version of the *Register of Delegation of Authority* is provided as Attachment 3 to Report CJ096-06/23.

It is therefore recommended that Council:

- 1 *ENDORSES the review of its delegations in accordance with sections 5.18 and 5.46 of the Local Government Act 1995;*
- 2 *NOTES that a full review of the Register of Delegation of Authority was undertaken and consultant's report received on the City of Joondalup's Register of Delegation of Authority and considered by the City's Audit and Risk Committee on the 31 January 2023 (Item 2 refers);*
- 3 *BY AN ABSOLUTE MAJORITY ADOPTS the amended Register of Delegation of Authority as provided in Attachment 3 to Report CJ096-06/23.*

BACKGROUND

In accordance with sections 5.16 and 5.42 of the Act, a local government can delegate certain functions to a committee of Council, or the Chief Executive Officer. A variety of other legislation also permits the delegations of functions to the Chief Executive Officer, as well as other officers.

Sections 5.18 and 5.46 of the Act require that at least once every financial year, delegations are to be reviewed by the delegator for those delegations under the Act, but opportunity is also presented to review other delegations made under other legislation.

With regard to Part 3 of the Council resolution on 28 June 2022 (CJ092-06/22 refers), the City engaged the assistance of a consultant, Conway Highbury, to carry out a review of the City's *Register of Delegation of Authority* and these recommendations have been considered during the 2023 annual review process.

The consultant's recommendations and City's comments/recommendations and suggested changes are listed in the 'Schedule – 2023 Review - Register of Delegation of Authority (Attachment 1 refers).

The scope of the consultant's review was as follows:

- Comparison of each City of Joondalup Delegation of Authority against the relative Delegation of Authority of four similar sized local governments.
- Comparison between the City of Joondalup and comparative local governments to include:
 - documenting the assigned function and conditions relative to each delegation
 - documenting any key differences between the City of Joondalup delegation and the comparative local governments.

The comparison excludes the delegation of functions (under the *Local Government Act 1995*) from the CEO to officers as this is at the CEO's discretion.

- Desktop assessment of each City of Joondalup Delegation of Authority to the *WALGA Decision Making in Practice – Delegations Guide* and whether it is considered the City's delegations meets the City's legislative obligations as expressed by the Guide.
- Liaison with individual City of Joondalup Directors to obtain a brief explanation of how each Delegation of Authority is applied and two written examples of decisions made under each Delegation of Authority.

- Desktop assessment of the implications of removing City of Joondalup Delegations of Authority, for example; should the delegated tender threshold be lowered, how many tender reports would need to be written and submitted to the Council, and the type of tenders to be reported on.
- Collating the input, information and opinion into a written schedule.

A key outcome of the review was to provide a schedule of comparative information (against four other similar sized local governments) and expert opinion on the City of Joondalup Delegation of Authority Register, as well as:

- Whether the City of Joondalup's Delegations of Authority meets current legislative obligations.
- Whether the City of Joondalup's Delegations of Authority compares favourably with comparative local governments, identifying key differences.
- Whether the City of Joondalup's Delegations of Authority are written and constructed in a manner that might be considered good practice, demonstrated by the way each delegation is applied and the efficiency/effectiveness of decision-making with the delegations in place; and identification of any opportunities for improvement.
- The implications on the City's operations should the City of Joondalup's Delegations of Authority be removed.

A report received from the consultant, addressing the above criteria was presented to the Audit and Risk Committee meeting held on 31 January 2023 (Item 2 refers), together with the combined attachments to the consultant's report, copies of the Cities of Joondalup, Perth, Stirling, Wanneroo and Gosnells Delegations Registers, and copy of the WALGA delegation Register template (Attachment 4 refers).

It is clear from the consultant's report that there is considerable diversity in subjects, approaches and conditions taken by each of the Cities and WALGA. As quoted from the consultant's report, "*the fact that some Cities or WALGA have specific delegations may not of itself be a concern to the City of Joondalup because it may reflect specific circumstances, such as absence of a Local Law on a particular function, or even where there is a Local Law, the absence of a particular function within it may be addressed by a delegation, whereas such an approach may not be necessary at the City of Joondalup.*"

The Council last performed its annual review of its delegations at its meeting held on 28 June 2022 (CJ092-06/22 refers) and therefore, a formal review by Council is required. A full review of the Register of Delegation of Authority has been undertaken in 2023 and focused on assessing the suitability and relevance of delegations as well as any new delegations that need to be made.

DETAILS

The 2023 annual review of the *Register of Delegation of Authority* was undertaken to determine:

- the appropriateness of the existing delegations and whether to amend or delete any delegations
- the need for any additional delegations
- consideration of the consultant's recommendation as detailed in Attachment 1 to Report CJ096-06/23.

The proposed amendments reflect the following:

- Amending existing delegations to improve workflow processes and service delivery and as recommended by the consultant.
- Revoking of delegations that are no longer required; being:
 - 1.18 – Opening of Fences.
- Addition of eight new delegations, being:
 - 1.1.25 Control Reserves and Certain Unvested Facilities.
 - 1.1.26 Obstruction of Footpaths and Thoroughfares.
 - 1.1.27 Crossing – Construction, Repair and Removal.
 - 1.1.28 Private Works on, over or under Public Places.
 - 1.1.29 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift.
 - 3.1.7 - Inspection and Copies of Building Records.
 - 3.1.8 - Private Pool Barrier - Alternative and Performance Solutions.
 - 3.1.9 - Smoke Alarms - Alternative Solutions.
- Minor wording and formatting changes.
- Inclusion of hyperlinks to Policy references.
- Inclusion of “Express power to delegate” and Express power or duty to delegate” in line with WALGA template.
- Re-structuring the Register so that delegation from Council to CEO and delegations from CEO to Officers are in separate parts of the document, as recommended by the Consultant.
- Re-numbering of delegations, to allow for the new structure and insertion of new delegations.

Issues and options considered

Council can either:

- accept the proposed amendments to the Register of Delegation of Authority
- Vary the proposed amendments to the Register of Delegation of Authority or
- reject the proposed amendments to the Register of Delegation of Authority.

Legislation / Strategic Community Plan / policy implications

Legislation	<p><i>Local Government Act 1995 [s. 5.16-5.18, s. 5.42-5.46].</i> <i>Building Act 2011 [s. 127].</i> <i>Bush Fires Act 1954 [s. 48].</i> <i>Cat Act 2011 [s. 44].</i> <i>Dog Act 1976 [s. 10AA].</i> <i>Food Act 2008 [s. 118 (2) (b)].</i> <i>Graffiti Vandalism Act 2016 [s. 16, 17].</i> <i>Planning and Development Act 2005 [s. 214 (2), (3) and (50)].</i> <i>Clause 82 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i> <i>Public Health Act 2016 [s. 21].</i></p>
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10-Year Strategic Community Plan

Goal	Leadership.
Outcome	Capable and effective – you have an informed and capable Council backed by a highly skilled workforce.
Policy	Not applicable.

Risk management considerations

Council is required to review its delegations under the *Local Government Act 1995* at least once every financial year and to review its delegations made under clause 82 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* every two years. Failure to complete the review would result in non-compliance with its statutory responsibilities under these legislative frameworks.

Financial / budget implications

The provision of consultancy services to provide a report on the review of the City's Delegation of Authority was \$16,000 (excluding GST).

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Where legislation confers a function or power in a "local government" it was generally intended by Parliament to mean Council. However, there are many instances within the Act and other legislation that a function given to a local government is not exercisable, at least on a day-to-day basis by a Council but by the Chief Executive Officer or the local government's administration. The Act itself makes it clear that:

- a Council's role is not to exercise administrative (or management powers) but to exercise broader governance powers (section 2.7 of the Act)
- a Chief Executive Officer has the principal administration or management role of the local government - reflected in the specific statutory function to 'manage the day-to-day operations of the local government (section 5.4(e) of the Act).

In view of this local governments utilise levels of delegated authority to allow the Chief Executive Officer (and other officers) to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership.

The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community. The 2023 review has taken into consideration the Consultant's recommendations and resulted in refining delegations to ensure the City's continued ability to maintain high standards of service delivery and improved workflow processes.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION**That Council:**

- 1 ENDORSES the review of its delegations in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*;**
- 2 NOTES that a full review of the Register of Delegation of Authority was undertaken and consultant's report received on the City of Joondalup's Register of Delegation of Authority and considered by the City's Audit and Risk Committee on the 31 January 2023 (Item 2 refers);**
- 3 BY AN ABSOLUTE MAJORITY ADOPTS the amended Register of Delegation of Authority as provided in Attachment 3 to Report CJ096-06/23.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11BRF230613.pdf](#)

Disclosures of Interest affecting Impartiality

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ097-06/23 - List of Payments Made During the Month of April 2023.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob does some part-time work for Thomson Geer, he does not work on City of Joondalup matters.

CJ097-06/23 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of April 2023 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds for the month of April 2023) Attachment 3 Municipal and Trust Fund Vouchers for the month of April 2023
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 April 2023.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of April 2023, totalling \$14,341,598.77.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for April 2023 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ097-06/23, totalling \$14,341,598.77.

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 April 2023. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ097-06/23.

The vouchers for the month are appended as Attachment 3 to Report CJ097-06/23.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112781 - 112805 & EF110116 - EF110121 & EF110134 - EF111081 Net of cancelled payments	\$8,989,565.52
	Vouchers 3508A – 3520A	\$5,341,044.49
	Bond Refund Cheques & EFT Payments EF110122 – EF110133 Net of cancelled payments.	\$10,988.76
	Total	\$14,341,598.77

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.

10-Year Strategic Community Plan

Key theme

Leadership.

Outcome

Accountable and financially sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

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 City of Joondalup *2022-23 Revised Budget* as adopted by Council at its meeting held on 28 February 2023 (CJ024-02/23 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 April 2023 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ097-06/23, totalling \$14,341,598.77.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12BRF230613.pdf](#)

CJ098-06/23 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2023

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

PURPOSE

For Council to note the Financial Activity Statement for the period ended 30 April 2023.

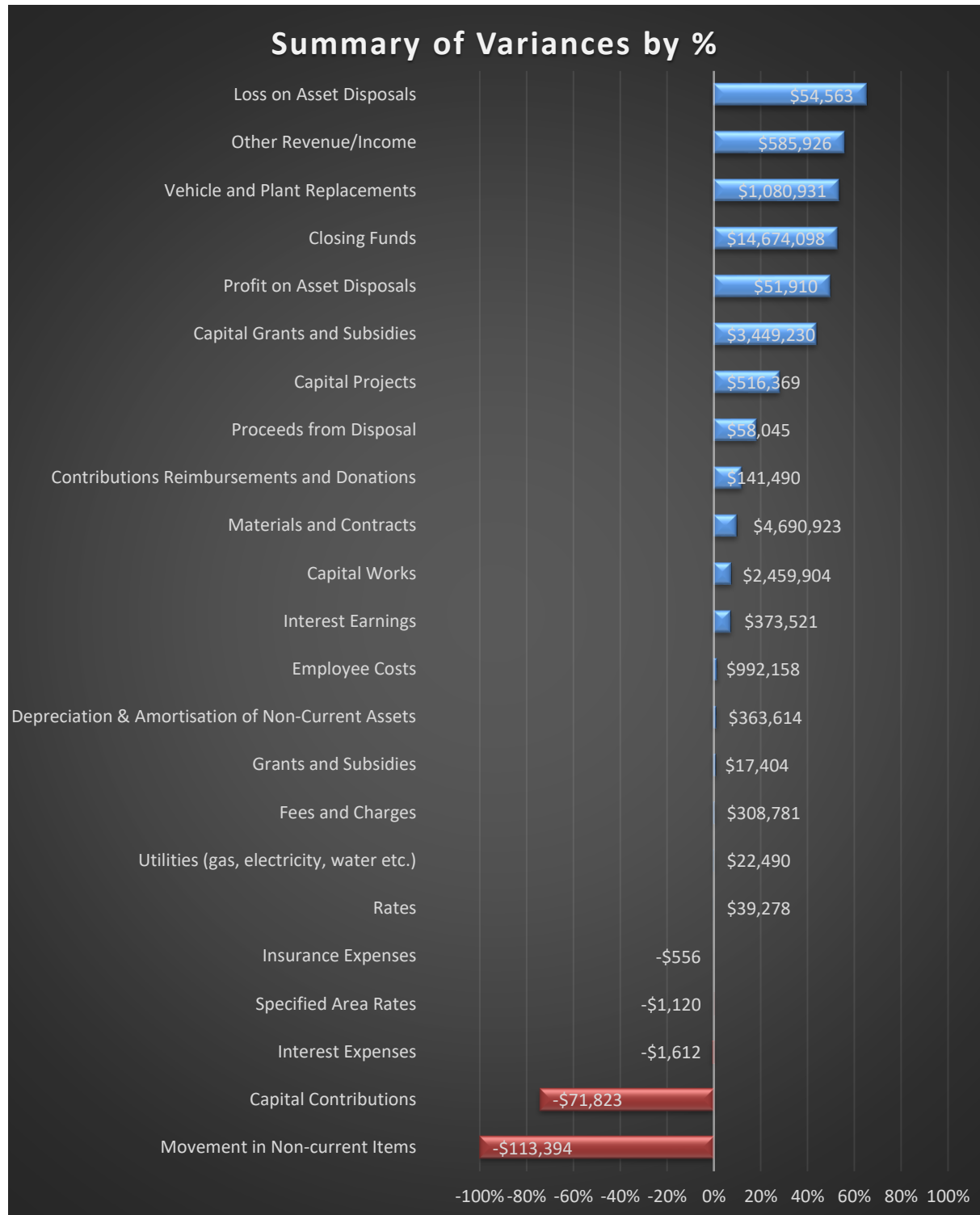
EXECUTIVE SUMMARY

At its meeting held on 28 June 2022 (CJ104-06/22 refers), Council adopted the 2022-23 *Annual Budget*. Budget. Council subsequently amended the budget at its meeting held on 16 August 2022 (CJ132-08/22 refers), 20 September 2022 (CJ158-009/22 and CJ161-09/22 refers), 18 October 2022 (CJ178-10/22 and CJ179-10/22 refers) and 13 December 2022 (CJ211-12/22 refers). Council subsequently revised the budget at its meeting held on 28 February 2023 (CJ024-02/23). The figures in this report are compared to the revised budget.

The April 2023 Financial Activity Statement Report shows an overall favourable variance of \$14,674,098 from operations and capital, after adjusting for non-cash items.

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 April. The notes in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

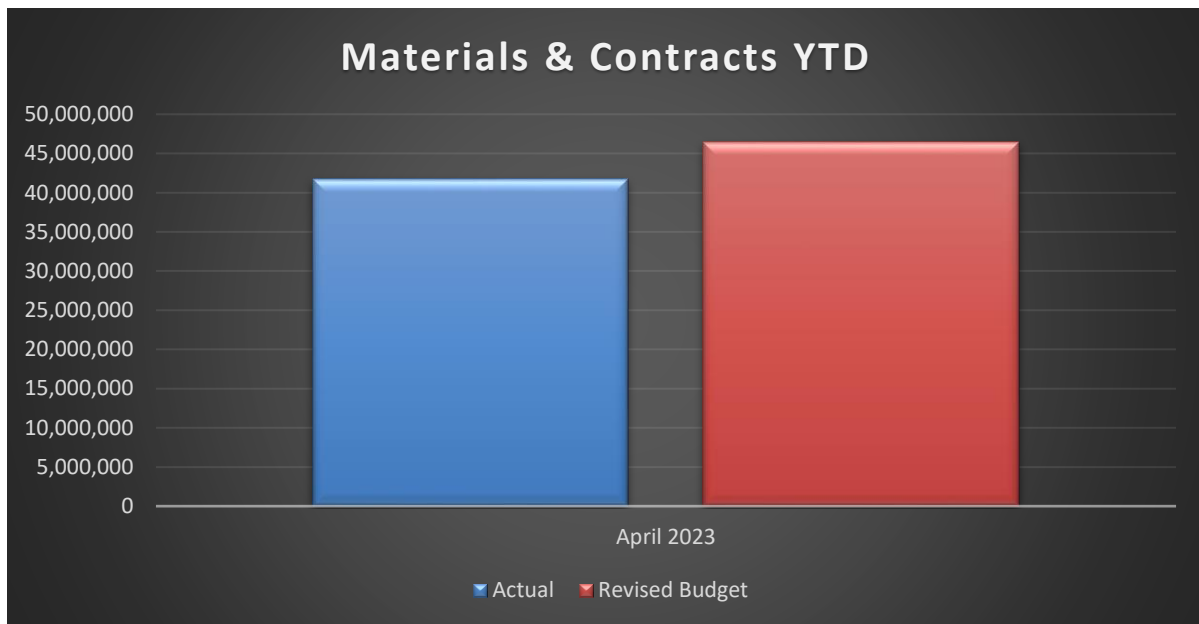
The key elements of the variance are summarised below:



The significant variances for April were:

Materials and Contracts

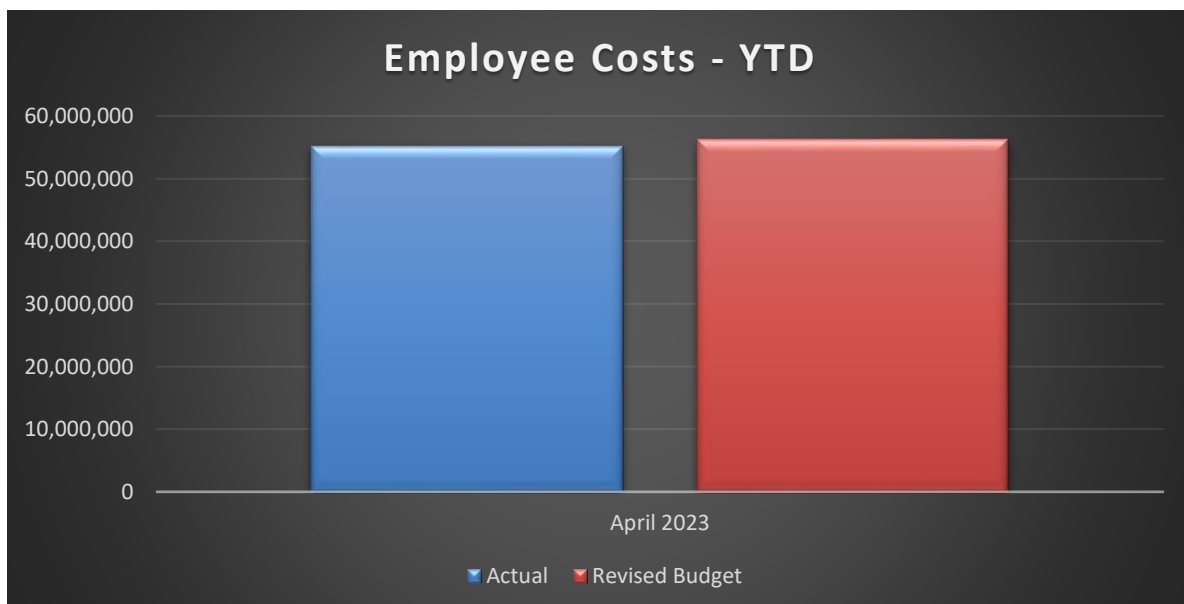
\$4,690,923



Materials and Contracts expenditure is \$4,690,923 below budget. This is spread across a number of different areas including External Service Expenses \$2,176,457, Professional Fees and Costs \$874,126, Public Relations, Advertising and Promotions \$363,201, Furniture, Equipment and Artworks \$307,961, Contributions and Donations \$257,628, Administration \$150,002 and Other Materials \$142,279.

Employee Costs

\$992,158



Employee Costs expenditure is \$992,158 below budget. Favourable variances predominantly arose from vacancies in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 April 2023 forming Attachment 1 to Report CJ098-06/23.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 30 April 2023 is appended as Attachment 1.

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.

10-Year Strategic Community Plan

Key theme Leadership.

Outcome Accountable and financially sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

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

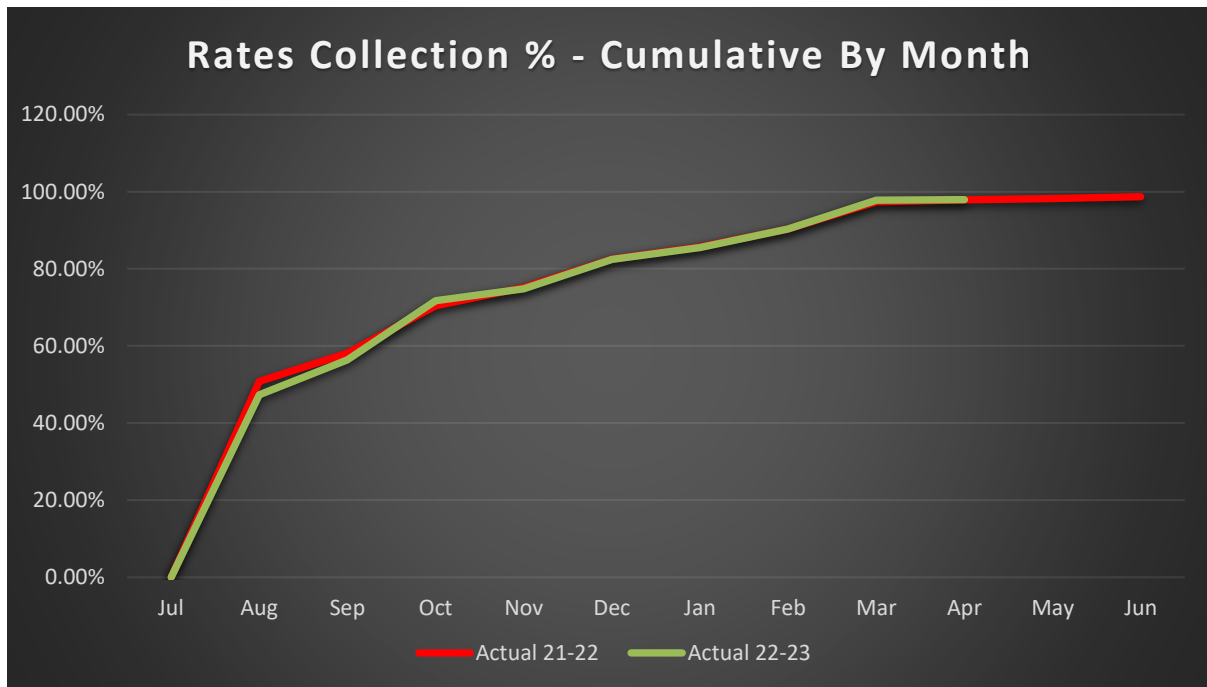
Expenditure has been incurred in accordance with revised budget parameters, which have been structured on financial viability and sustainability principles.

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*. The Mid Year Review Budget was prepared in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

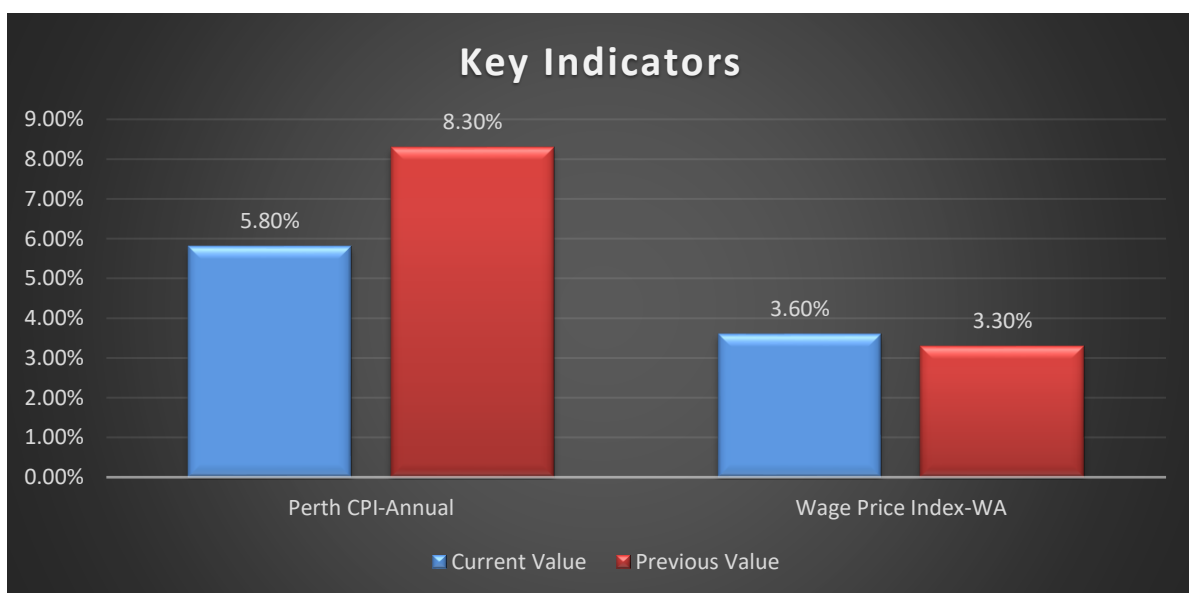
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) is on par with the prior year at the end of April.

Economic Indicators



During April, the CPI for Q1 2023 was released. Perth saw the smallest rates of CPI inflation, both in quarterly and annual terms (0.9% and 5.8%, respectively). The inflation figures for Q1 indicates that price growth may have started to decelerate slightly.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2022-23 revised budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 April 2023 forming Attachment 1 to Report CJ098-06/23.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13BRF230613.pdf](#)

Disclosures of Interest affecting Impartiality

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ099-06/23 - Sorrento Surf Life Saving Club Redevelopment Project - Concept Design Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob is a patrolling member at the Mullaloo Sorrento Surf Life Club and he is Vice Patron of the Sorrento Surf Life Saving Club (and Surf Life Saving WA).

Name / Position	Cr Christine Hamilton-Prime, JP.
Item No. / Subject	CJ099-06/23 - Sorrento Surf Life Saving Club Redevelopment Project - Concept Design Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor Hamilton-Prime is a Vice Patron of the surf club, her husband is the club doctor and the club is known to her.

Name / Position	Cr Russell Poliwka.
Item No. / Subject	CJ099-06/23 - Sorrento Surf Life Saving Club Redevelopment Project - Concept Design Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor Poliwka is a past patron and Executive Members are known to him.

CJ099-06/23 SORRENTO SURF LIFE SAVING CLUB REDEVELOPMENT PROJECT - CONCEPT DESIGN UPDATE

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	05071, 101515
ATTACHMENTS	Attachment 1 Sorrento Surf Life Saving Club - Aerial map Attachment 2 Sorrento Surf Life Saving Club concept design – Option One (previous design with combined surf club and commercial space) Attachment 3 Sorrento Surf Life Saving Club concept design – Option A (amended design with combined surf club and commercial space) Attachment 4 Sorrento Surf Life Saving Club concept design – Option B (amended design with northern toilets retained and separate surf club and commercial space) Attachment 5 Sorrento Surf Life Saving Club concept design – Option C (amended design with public beachside plaza, separate surf club and commercial space) Attachment 6 Sorrento Surf Life Saving Club concept design options – Comparison of room / area sizes

Attachment 7	Sorrento Surf Life Saving Club cost estimates
Attachment 8	Sorrento Surf Life Saving Club concept design options – Advantages and disadvantages
Attachment 9	Sorrento Surf Life Saving Club cost estimates – all design options
Attachment 10	Sorrento Surf Life Saving Club – Key cost estimate variances

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 additional information that has been able to be obtained following the Council meeting on 28 June 2022. In particular, the information relates to amended concept designs and revised costings. Following consideration of the additional information, a concept design for the Sorrento Surf Life Saving Club redevelopment will be progressed to the community engagement stage and then detailed design.

EXECUTIVE SUMMARY

The existing Sorrento Surf Life Saving Club (SSLSC) facility is located on West Coast Drive, Sorrento and is leased to the SSLSC. The facility consists of a hall; courtyard; boat sheds; kiosk; first aid room; patrol workshop; gymnasium; office; board room; training room; internal toilets and change rooms; storage areas; kitchen; bar; public toilets and change rooms.

The City has been working with the SSLSC for a number of years on a potential refurbishment / redevelopment of their facility. At its meeting held on 28 June 2022 (CJ096-06/22 refers), Council considered a series of investigative studies; three schematic (concept) design options (Options One to Three) and cost estimates; a Club project review report; and the City's business case. Council approved a redevelopment concept design (Option One) at a project cost of \$14 million and agreed for community engagement and detailed design to be undertaken.

While the Option One concept design included the key components required for the SSLSC, the City and the community, there were potential improvements to the design that could be made to improve amenity and safety, and reduce costs.

Therefore, prior to the commencement of the next stage of design the City has undertaken a review of the Option One concept plan in consultation with the club. This review has sought to improve on the Option One design to provide the community and club with additional amenity, improved functionality, and to meet the club's current and future requirements, keeping within the approved project budget of \$14 million. As a result, the City has developed three amended concept designs (Options A, B and C) and updated cost estimates.

Option A is similar to the previous Option One design with the club areas and commercial space combined in the one building and the public amenities relocated to the southern end of the building. Option B has retained the existing northern toilet block and includes separate buildings for the club areas and commercial space. Option C has the club areas and commercial space separated by a covered public beachside plaza area and includes a fly-over vehicle bridge with pedestrian access bridge from the beach. In all three options, the new facility has been located further north on the site, in an area of public open space currently used for passive recreation.

The updated cost estimates show that the total project cost for Option B is estimated at \$13,457,800 (within the indicative budget of \$14 million). Option A is estimated at \$14,182,100 (over-budget by \$182,100) and Option C is estimated at \$14,921,000 (over-budget by \$921,000).

At its meeting held on 23 May 2023 (CJ075-05/23 refers) Council considered a report on the amended concept design options and updated cost estimates and agreed to defer the report until the June 2023 Council meeting.

This report presents information on the review of the Option One concept design, amended concept design options and updated cost estimates.

It is therefore recommended that Council:

- 1 *NOTES the additional Options and updated costings provided within Report CJ099-06/23;*
- 2 *REAFFIRMS its decision of 28 June 2022 (CJ096-22/06 refers) to progress Option One to community engagement and detailed design.*

BACKGROUND

Suburb/Location	189 (Lot 301) West Coast Drive, Sorrento WA 6020 and 199 (Lot 300) West Coast Drive, Sorrento WA 6020.
Applicant	City of Joondalup.
Owner	Crown Land - Management Order City of Joondalup.
Zoning	LPS Parks and Recreation.
	MRS Parks and Recreation.
Site area	27,029m ² .
Structure plan	Not applicable.

The existing SSLSC facility is located on West Coast Drive, Sorrento and is leased to the SSLSC (Attachment 1 refers). The facility consists of a hall; courtyard; boat sheds; kiosk; first aid room; patrol workshop; gymnasium; office; board room; training room; internal toilets and change rooms; storage areas; kitchen; bar; public toilets and change rooms.

The SSLSC is one of the largest sporting clubs in the City of Joondalup with over 2,200 members and is a dedicated volunteer organisation providing services to the community including beach patrols (at Sorrento Beach and Hillarys Boat Harbour); lifesaving services; surf skills training and competition; beach safety education; and first aid.

The City had been working with the SSLSC for a number of years on a potential refurbishment / redevelopment of their facility. At its meeting held on 28 June 2022 (CJ096-06/22 refers), Council considered a series of investigative studies; three schematic (concept) design options and cost estimates; a Club project review report; and the City's business case.

A number of options were presented to the Ordinary Council meeting held on 28 June 2022 (CJ096-06/22 refers). The officer's recommendation to the Council was to proceed with Option 3 for a project cost estimate of \$18,054,500. At that meeting, Council subsequently resolved as follows:

- "1 *APPROVES the proposed Sorrento Surf Life Saving Club Redevelopment project including demolition, site works and services, construction of new clubroom and associated storage facilities, artwork, reconfigured car park and commercial element as detailed in Option 1 of Report CJ096-06/22;*
- 2 *REQUESTS the following amounts be listed for consideration in the following budgets for the Sorrento Surf Life Saving Club Redevelopment project, subject to external funding from the State Government of Western Australia of \$8,000,000 and the Sorrento Surf Life Saving Club Inc of \$1,000,000:*
- 2.1 *\$814,000 for 2022-23;*
- 2.2 *\$3,519,800 for 2023-24;*
- 2.3 *\$6,904,000 for 2024-25;*
- 2.4 *\$2,762,200 for 2025-26;*
- 3 *NOTES that the amount of \$814,000 listed for consideration in the 2022-23 budget for the Sorrento Surf Life Saving Club Redevelopment project (Option 1) is to undertake community engagement and detailed design;*
- 4 *REQUESTS the Chief Executive Officer to arrange community engagement on the proposed Sorrento Surf Life Saving Club Redevelopment project prior to undertaking detailed design."*

The reason provided by Council from diverting from the recommendation by the City was to produce a development that is suitable for the purpose but is equitable in its cost for the ratepayers in Joondalup and will produce a better outcome for all.

At its meeting held on 23 May 2023 (CJ075-05/23 refers) Council considered a report on the amended concept design options and updated cost estimates and agreed to defer the report until the June 2023 Council meeting.

DETAILS

While the Option One concept design included the key components required for the SSLSC, the City and the community, there were concerns with the design and layout that could be improved. The City also identified improvements that could be made to the design to improve public amenity and safety, and reduce costs.

Therefore, prior to the commencement of the next stage of design the City has undertaken a review of the Option One concept plan in consultation with the club. This review has sought to improve upon the Option One design to provide the club and community with additional amenity, improved functionality, and to meet the clubs current and future requirements, keeping within the approved project budget of \$14 million.

The following sections detail the review of the Option One concept design, the amended concept designs and updated cost estimates.

Review of Option One design

Design improvements

The Option One concept was initially designed and costed to inform a future capital works program when the City was able to fully fund the project. This design was not intended to be the final design for the new building as it was prepared as a concept, and while it is fit for purpose, there are improvements that could be made.

As a result, a number of improvements were identified to resolve the design challenges of Option One. These include the following:

- The major concern for the club is the distance from the location of the building to the main patrolled beach to the north. The Option One tower is approximately 30 - 35 metres further south than the Option A, B and C tower, which will cause operational issues for the club, particularly for patrols, movement of equipment and activities with members.
- The location proposed in the Option One design (two-storey building to West Coast Drive) resulted in the new building being situated in front of residential properties on West Coast Drive. This could impact local residents is a potential risk to community support.
- The two-storey design of the Option One building resulted in the surf club and commercial space sharing a common lift and foyer area. This design feature was not preferred by the club due to potential conflicts between customers and members, security concerns and issues with tenure arrangements.
- The distance of the new building to the beach in Option One would have resulted in a greater portion of the dune system being impacted in order to provide beach access.
- The orientation of the beach access points would lead to sand / wind movements on paths and vehicle access points.
- The location of the Option One building was proposed across different lot boundaries which was not preferred by the City because of the differing vesting order conditions.
- The design of the car park lacked a safe pedestrian accessway (footpath) from West Coast Drive through the car park to the beach, as well as a loading / service area for service, maintenance and waste vehicles, and a drop-off area for buses or special event vehicles.
- The layout of the new car parking bays in Option One followed the existing car parking layout which only has 5.4 metre wide aisles that are only suitable for one-way traffic. The updated designs have allowed for 6.6 metre wide two-way aisles.
- The internal layout of the Option One building posed specific issues including the following:
 - The adjoining wall between the dining area of the commercial space and the club training room.
 - The location of the training room / clubroom store and size / shape of the adjacent passage.
 - The separation of the club administration area, merchandise store and other rooms across various levels of the building.
 - The irregular shape of the clubroom and training room.
 - The lack of wheelchair access to the tower.
 - The misalignment of the building footprints of the upper and lower levels.
 - The lack of additional user group storage.
 - The excessive amount of foyer / lobby / circulation space.
 - The lack of bin store for the club kitchen.

Facility location

The main considerations of the facility location in the Option One concept include the following:

- In the earlier design options, the City had considered alternative locations for the new facility including on the existing building footprint, and further north on the site closer to Hillarys Boat Harbour. Both locations were dismissed as they did not ideally suit SSLSC's operations.
- If the new facility was to be built on the existing buildings footprint, temporary facilities would need to be provided for the SSLSC and community while the new facility is under construction. Due to the size of the club and the complexity of their operations, it would be difficult for the SSLSC to run training, programs and events using temporary facilities. It would also be costly for the City to provide these facilities over an estimated 12 to 18 month construction period.
- The location selected for the Option One design resulted in the new building being a two-storey facility to West Coast Drive and was located in front of residential properties. Storage of SSLSC equipment and vehicles was also located further from the beach in this design option.
- Due to the existing site levels in the location where Option One was proposed, this area would require substantial earthworks, plus additional stairs and ramps, in order to have the building present as a single-storey building to West Coast Drive in order to mitigate the risk of adverse comments from residents to the east.

Room / area sizes

As part of this design review stage, the SSLSC reviewed their previous requirements and provided the City with updated information on their preferred room / area sizes. A summary of the changes that have been proposed to the surf club rooms / areas in the amended concept design options, in comparison to Option One, include the following:

- Gym increased from 120m² to 140m² to improve functionality and meet requirements for additional members.
- Administration areas increased from 100m² to 108m² - 118m² to improve functionality.
- Surf club store for boats, skis, boards and gear increased from 570m² to approximately 640m² to improve functionality and meet requirements for additional members.
- General store added (25m²) to meet club requirements.
- Kitchen / bar / dry kitchen store increased from 80m² to 90m² to meet club requirements.
- Outdoor deck area increased from 140m² to approximately 145m² due to other design changes.
- Toilets increased from 50m² to 64m² to meet health requirements due other design changes.
- Tower increased from 14m² to 26m² to meet club requirements and provide universal access from the upper level of the facility to the tower.
- Change rooms; kiosk; bin store; training room; furniture store; and cleaners room reduced in size to reduce costs.

Further additional dune remediation works have been proposed to compensate for the estimated loss of native vegetation. A reduction in total area of commercial space has also been proposed to reduce costs, in line with recommendations from the Retail Needs Assessment.

Amended concept designs

Facility location

The amended concept design options show the new facility being located further north on the site, in an area of public open space currently used for passive recreation (Attachment 3 to 5 refers). The main considerations of the proposed facility location of the amended options includes the following:

- The existing site levels in the proposed new location are used to the advantage of the amended designs as the lower level can be built into the dunes. The facility then presents as a single-storey building on West Coast Drive, minimising visual impact on residents.
- The new facility is proposed to be located central to the beach groyne to allow viewing and access to both the northern and southern patrol beaches for SSLSC members. This is the SSLSC's preferred location for their day to day operations.
- With the demolition of the existing building and location of the new facility in the proposed location, additional car parking bays are achievable.
- In the proposed new location, the facility is largely located in front of the Sacred Heart College sporting fields and access road, and away from private residents on West Coast Drive.
- In the proposed location, the development has an impact on the existing dunes and public open space. However, this is the case in all locations other than locating the new facility within the footprint of the existing building / the existing car park.
- Moving the new facility slightly north provides the club with greater functionality, particularly providing closer access to the clubs patrolled north beach.

Facility designs

The City has developed three amended concept designs – Option A, B and C. All rooms / areas / features from Option One have been incorporated into the updated designs (Attachment 6 refers). The service lift for the commercial space was the only item from the Option One design that was not included as the commercial space is on the same level as the car park in the updated designs.

The City has also considered the budget implications when developing the new options to keep within the budget of \$14 million as far as possible.

The key features and advantages of each of the designs, in comparison to Option One, are detailed in following sections.

Option A

The key features of Option A include the following:

- Combined club and commercial double-storey building.
- Club facilities are in the northern portion of the building.
- Club storage, change rooms and gym are located on the lower level.
- Vehicle access to lower level is from the southern car park.
- Commercial space and public amenities are in the southern portion of the building.

The advantages of Option A include the following:

- Building is relocated further north on the site (compared to the Option One design) to provide the club with direct access to the beach from the lower-level storage areas, gym and change rooms.
- New building is not located across lot boundaries.

- Public amenities are relocated to the southern end of the building and accessible from the upper level of the new building, at grade with the car park.
- Separate entrances for the surf club and the commercial space.
- Existing ground levels are retained in the southern car park.
- Vehicle access to the lower level is from the southern car park.
- Additional car parking provided (45 bays).

Option B

The key features of Option B include the following:

- Separate club building and commercial building (including public amenities).
- Existing northern toilet block retained, and reduced provision of new public amenities.
- Commercial space and new public amenities located away from the club building to the south of the existing northern toilet block.
- Club gym is located on the upper level of the new building.
- Existing ground levels are retained in the southern car park.
- Vehicle access to the lower level is from the northern car park.
- Additional car parking provided (23 bays).

The advantages of Option B include the following:

- Club building is relocated further north on the site to provide the club with direct access to the beach from the lower-level storage areas and change rooms.
- Commercial space is located away from club building.
- Increased exposure of the club gym on the upper level.
- Potential for construction to be staged.

Option C

The key features of Option C include the following:

- Separate club building and commercial building (including public amenities).
- Covered public beachside plaza between the club building and commercial space.
- Reduced fly-over vehicle bridge (compared to the Option Three design) with pedestrian access bridge from the beach.
- Existing ground levels are retained in the southern car park.
- Public amenities are relocated to the southern end of the building and accessible from the existing car park level.
- Vehicle access to the lower level is from the southern car park (beneath the pedestrian access bridge).
- Additional car parking provided (45 bays).

The advantages of Option C include the following:

- Club building is relocated further north on the site to provide the club with direct access to the beach from the lower-level storage areas, gym and change rooms.
- New buildings are not located across lot boundaries.
- Provides a public beachside plaza area between the buildings.
- Reduced risk of vehicle / pedestrian conflict.

Overall, the amended concept design options have resulted in an increase in the surf club room / area of 95m² (Option A), 120m² (Option B), and 119m² (Option C). There have been no changes proposed to the sizes of the clubroom; Inflatable Rescue Boat (IRB) store; repair room; and first aid room. As the detailed designs are progressed in the next stage of the project, the lobby, foyer and circulation spaces will continue to be reviewed.

There is a reduction in the overall number of new car parking bays in Option B (23) due to the new commercial space and public amenities being located further south on the site and the northern toilet block being retained.

The design of the area between the northern public open space to the hard-stand area in front of the club gym, kiosk and storage areas in Options A to C includes a gradual, sloped grass area. This is to allow pedestrians and maintenance vehicles to move between the spaces easily.

To increase safety and public amenity, there have been improvements made in the updated designs to provide wider footpaths in the area between the car park and new building, plus the inclusion of additional public open space.

Cost estimates

The previous cost estimates for Option One were completed in December 2021 and were based on high-level, square-metre rates for the different rooms / components.

The City has developed updated cost estimates for each of the amended concept design options including Option One, for comparison (Attachment 7 refers). The updated cost estimates have been based on more detailed information / plans and have been updated with current building rates from January 2023. The hire of temporary facilities (toilets and change rooms) has been included within Options One, A and C to ensure the public have access to facilities during construction. An allowance for costs associated with lot boundary amendments has been included within all options.

The following table outlines the estimates for the key components of each option:

Component	Option One	Option A	Option B	Option C
Demolition / site preparation	\$476,800	\$362,100	\$295,600	\$318,800
Club areas	\$7,367,400	\$7,712,900	\$8,080,200	\$8,114,100
Public amenities	\$1,032,400	\$1,346,200	\$790,000	\$1,380,800
Commercial area	\$2,242,200	\$1,544,400	\$1,553,700	\$1,426,100
Car parking works	\$1,463,900	\$695,000	\$464,400	\$682,200
Landscaping and dune remediation works	\$269,800	\$237,200	\$189,000	\$243,600
External works (paving; footpaths; retaining walls; beach access etc)	\$914,300	\$964,400	\$897,800	\$1,352,400
Fly over vehicle bridge	N/A	N/A	N/A	\$184,400
Provisional sums	\$1,203,400	\$1,190,200	\$1,063,700	\$1,081,300
Artwork (1% of construction cost)	\$138,500	\$129,700	\$123,400	\$137,300
Total Project Cost	\$15,108,700	\$14,182,100	\$13,457,800	\$14,921,000

The estimates outlined in the table include preliminaries, design contingencies, building contingencies, professional fees and approval fees. The following items have been excluded from the cost estimates:

- Demolition of and / or excavation in contaminated materials.
- Fit-out to commercial areas and club gymnasium.
- Traffic improvements to West Coast Drive.
- Escalation.
- GST.

Option B includes the retention of the northern toilet block. If the City were to demolish these facilities as part of this design option and instead provide all new public amenities (as proposed in Option A and C), this would add approximately \$590,000 to the total project cost for Option B.

Option One, as adopted by Council, includes the demolition and construction of the entire car park to the south of the existing club. As part of the design review stage, Options A, B and C were proposed to include partial demolition and construction for the areas where new car parking bays are created. If the demolition and construction of the entire car park was added to the updated designs, this would cost an additional \$1,123,000 (Option A), \$1,154,800 (Option B) or \$1,168,200 (Option C). For comparison, if the demolition and construction of the entire car park was removed from the Option One design and only partial works to the car park were included (similar to the amended options), this would reduce the cost by approximately \$800,000.

The updated cost estimates show that Option B is within the indicative budget of \$14 million. Option A is over-budget by \$182,100 and Option C is over-budget by \$921,000. The City is not seeking to increase the project budget.

Applying current construction rates to the Option One design and including the same inclusions / exclusions as the amended concept design options A to C, has resulted in this design option now being estimated at \$15,108,700 (\$1,108,700 over the \$14 million approved budget).

Attachment 9 includes the costings for the amended options plus the previous Options Two and Three. These options have not been re-costed as part of this design stage and therefore are based on the previous cost estimates from December 2021.

Variances in costings from the updated designs to Option One are related to information (at the time) not being as developed as the Option A, B and C plans. Additional information on the key cost estimate variances is detailed in Attachment 10.

Issues and options considered

The next stage of the project is to undertake community engagement and appoint an architect to develop the detailed designs. The City can only progress one of the concept design options to this stage.

The updated cost estimates have shown that Option B is within budget. This is one of the club's preferred designs due to it offering the greatest separation between the club areas and the commercial space. This option requires the retention of the existing northern toilet block however, which will require additional refurbishment works or full replacement in future years. These costs are estimated at an additional \$590,000 and the provision of new public amenities in the other design options will provide improved facilities for the community. Vehicle access to the lower level is from the northern car park in this design and surf club vehicles will occasionally tow boat trailers to and from the lower level of the surf club storage areas. It is anticipated that this access ramp may be challenging to manoeuvre for members and visitors to the site and as a result, traffic may be impacted on West Coast Drive in this design option.

Option C is over-budget by \$921,000 (or approximately 7%). This is one of the club's preferred designs due to it offering a clear separation between the club areas and the commercial space and it provides a new public beachside plaza. This design also provides improved public amenity including new toilets and change rooms, an increase of 45 additional car parking bays and the facility is not located in front of residential properties. Vehicle access to the lower levels is via the southern car park in this design option and this is preferred. It is possible that there may be some further cost savings identified in the next stage of detailed design to bring the costings within budget.

Option A is over-budget by \$182,100 and is not supported by the SSLSC as the club areas and commercial space are combined in the one building.

The advantages and disadvantages of the three new options are outlined in Attachment 8 to Report CJ099-06/23.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Place.

Outcome Functional and accessible - you have access to quality community facilities that are functional and adaptable.

Policy *Requests for New or Capital Upgrades to Existing Community Venues Policy.*
Public Art Policy.
Asset Management Policy.

Risk management considerations

Any capital project brings risks in relation to contingencies and over runs against original design. The capital cost estimate is based on concept designs and may differ once further detailed designs are undertaken for the project.

Financial / budget implications

The financial analysis for the project was included in the report considered by Council at its meeting held on 28 June 2022 (CJ096-06/22 refers).

The commercial areas for the three amended design options are smaller than the commercial areas in the previous design options, however this does not result in a material impact to the key financial objective of the project, the recurring financial impacts. The estimated new commercial income is sufficient to cover the additional operating expenses and depreciation from the proposed larger building.

Each of the three amended options would still provide a financial benefit of at least \$100,000 per year to the City, when compared to the baseline. The benefit of \$100,000 per year is calculated as the annual operating cost inclusive of operating expenses, new income, depreciation and compares to the baseline.

The Retail Needs Assessment (RNA) discussed the potential lease fees (income) from the commercial space and was included in the June 2022 Council report (CJ096-06/22 refers). The RNA included an estimate of the potential lease fee for the commercial space. The RNA was not able to provide an exact lease fee for different design options. This lease fee of \$347/m² was included in the City's Business Case and considered to be fairly modest. This report is less than 12 months old and therefore these figures are considered current and do not require updating at this stage of the project.

The RNA had assessed the suitability of two designs (Option One and Option Two) and supported the club and commercial facilities being separate, however could not comment on the exact rental income for each design option at this stage of the project. Based on the advice from the RNA (noting the stage the project is at), Option B or C would provide a better commercial income than Option A.

The updated cost estimates show that Option B is within the indicative budget of \$14 million. Option A is over-budget by \$182,100 and Option C is over-budget by \$921,000. The City is not seeking to increase the project budget. This is due to the project soon to progress into the detailed design stage where costs will continue to be refined and revised prior to advertising for construction tender.

The State Government has agreed to fund \$8 million and the SSLSC has agreed to fund \$1 million towards the redevelopment of the SSLSC facility. The grant funding agreement has been executed by the City and the State. The City is waiting final written confirmation from the Club for its contribution.

All amounts quoted in this report are exclusive of GST and escalation.

Regional significance

Not applicable.

Sustainability implications

Environmental

All facility redevelopment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget. The City will seek to replant existing mature trees within the site, should they need to be relocated. There is an impact on the existing public open space to the north of the existing buildings in each of the amended concept design options. An allowance has been included in the cost estimates for dune remediation works as there will be a requirement to remove native vegetation between the new building and the beach, subject to approvals.

Social

The proposed redevelopment will consider access and inclusion principles and aim to enhance the amenity of the public space. One of the main challenges with the site is the contour / level changes which may create issues with access from the existing car parks to the new building, and compliance with access and inclusion requirements. To address this, vehicle ramps and / or accessible pedestrian pathways have been included in the concept designs.

New public amenities are included in all concept design options. These new facilities will provide the public with accessible toilets, change rooms and showers. A new Changing Places facility has also been included to replace the existing facility in all options except for Option B, as the existing northern toilet block is retained in this option.

Consultation

Consultation has been undertaken with the SSLSC on the amended concept designs. In order of priority, the club's preferred designs are Option B, followed by Option C. The club does not support Option One or Option A.

Option B is supported as it has the greatest separation between the club areas and the commercial space. The club also prefer this design as the access ramp to the lower level is from the northern car park and is in closer proximity to the beach than the other design options.

The SSLSC can support Option C as it provides separation between the club areas and commercial space.

Option A is not supported by the SSLSC as the club areas and commercial space are combined in the one building. The club believe that this may create confusion and conflict with members / customers, generate noise complaints and increase issues with lease management (such as building maintenance). The club also host a number of junior events in the evening throughout the year. To support these events occurring safely, the club would prefer to separate their junior members and families from the commercial space (with a potential liquor licence) to reduce the risk of any alcohol-related incidents.

The City will undertake community engagement on the preferred concept design option prior to commencing detailed design. As the City has already undertaken a series of investigative studies; numerous concept design options and cost estimates; a Club project review report; a business case; and secured Council and external funding commitments, the purpose of community engagement at this stage of the project is to inform local residents and community members of the concept design and project future progress. Information including the preferred concept design will be distributed via a letter to residents, the City's website and signage on site. This is planned to be undertaken in mid 2023.

COMMENT

With a capital project of the nature and complexity as the redevelopment of the Sorrento Surf Life Saving Club, it is accepted practice that concept design will be reviewed and evolve over time to arrive at the final design.

The next stage of the project is to undertake community engagement and appoint an architect to develop the detailed designs. The City can only progress one of the concept design options to this stage.

Following the 28 June 2022 Council meeting and based on comments and feedback provided at the meeting, further information was able to be obtained. The additional information provides options that were not available to the Council when it made its decision in June 2022.

These additional options are attached to this report and are referred to as Options A, B and C. The additional options largely meet the objectives of Option One and provide additional functionality.

The SSLSC have been asked for feedback on the additional options and have indicated that Option B is their preference, however they are also in a position to support Option C.

If Council were to consider Option A, B or C as attached as the preferred option, the Council decision of 28 June 2022 would need to be amended. Such an amendment would be a significant change and appropriate governance and procedural processes would need to be followed.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the additional Options and updated costings provided within Report CJ099-06/23;**
- 2 REAFFIRMS its decision of 28 June 2022 (CJ096-06/22 refers) to progress Option One to community engagement and detailed design.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14BRF230613.pdf](#)

Disclosures of Interest affecting Impartiality

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ100-06/23 - Ocean Reef Artificial Surf Reef Pre-Feasibility Proposal.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob has publicly stated that he supports an artificial reef at this location, including during 2021 elections.

Name / Position	Cr Christopher May.
Item No. / Subject	CJ100-06/23 - Ocean Reef Artificial Surf Reef Pre-Feasibility Proposal.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor May has publicly supported the establishment of an artificial surf reef at Ocean Reef Marina.

CJ100-06/23 OCEAN REEF ARTIFICIAL SURF REEF PRE-FEASIBILITY PROPOSAL

WARD	North-Central
RESPONSIBLE A/DIRECTOR	Mr Michael Hamling Infrastructure Services
FILE NUMBER	04171, 101515
ATTACHMENTS	Attachment 1 Wedge Wave Investigation Summary Report Attachment 2 Ocean Reef Artificial Surf Reef Pre-Feasibility Project Plan
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the development of a pre-feasibility assessment for an artificial surf reef between Mullaloo Point and the southern breakwater at the Ocean Reef Marina.

EXECUTIVE SUMMARY

The Ocean Reef Marina project had been developed over many years and was handed over to the State Government with construction commencing in 2021. The development included an expansion of the footprint of the original boat harbour which has resulted in the loss of three surf breaks in the area.

At its meeting held on 19 April 2022 (C46-04/22 refers), Council received a Notice of Motion from Mayor Jacob requesting a report be prepared which explored options for the development of concept for an artificial reef for recreational fishing and surfing between Mullaloo Point and the newly constructed southern breakwater at the Ocean Reef Marina. Council supported this request.

The City engaged the services of M P Rogers & Associates to assist the City by preparing a pre-feasibility project plan for an artificial reef at Ocean Reef.

It is therefore recommended that Council:

- 1 *NOTES the Ocean Reef Artificial Surf Reef Pre-Feasibility Project Plan provided as Attachment 2 to Report CJ100-06/23;*
- 2 *SUPPORTS the development of a pre-feasibility assessment for an artificial surf reef between Mullaloo Point and the southern breakwater at the Ocean Reef Marina;*
- 3 *LISTS FOR CONSIDERATION an amount of \$50,000 in the 2023-24 Budget for the pre-feasibility assessment as detailed in Part 2 above.*

BACKGROUND

The Ocean Reef Marina project had been developed over many years and was handed over to the State Government with construction commencing in 2021. The development included an expansion of the footprint of the original boat harbour which has resulted in the loss of three surf breaks in the area as detailed below.

Big Rock

A reef break that was located to the north of the then Ocean Reef Boat Harbour with a surfable wave generally occurring during the winter offshore swells of approximately 2-2.5 metres. The alignment of the northern breakwater of the Marina Development bisects this reef, sheltering the area from the predominant west-south westerly swell.

Mossies

A reef break that was also located to the north of the then harbour with a surfable wave generally occurring in winter during offshore swells of approximately 2-2.5 metres. This break lay within the footprint of the new Marina Development and has been lost.

Pylons

A surf break that occurred adjacent to the northern groyne of the then harbour which occurred due to large south-westerly swell refracting around the head of the breakwater and breaking on the shoreline and/or rock platforms offshore of the perched beach location to the north of the northern groyne. Although a surfable wave only occurred during considerable large swell events, typically only on a handful of occasions per year, this too has been lost within the footprint of the Marina Development.

In April 2019, M P Rogers & Associates were engaged by DevelopmentWA to investigate the potential for a wedge wave surf break to be incorporated into the Ocean Reef Marina Development. A summary of the investigation undertaken is provided as Attachment 1 to Report CJ100-06/23.

The M P Rogers report concluded that due to the location of the northern breakwater and considering the prevailing west-south westerly swell a consistently surfable wedge wave surf break would likely be unachievable and would possibly only occur on a handful of occasions each year during very large swell conditions. Also, public safety issues were identified due to the shallow rock platforms and nearshore reef, with large swells potentially breaking directly onto the reefs and rocks.

Investigations also considered the creation of a wedge wave surf break off the southern breakwater, however other constraints exist such as inconsistent depth contours to the beach to the south. These conditions would result in producing irregular and in-consistent surfable waves.

Investigations were also undertaken 150 metres south of the Ocean Reef Marina which is outside of the scope of the Ocean Reef Marina project. This area would unlikely produce a consistently surfable wedge wave due to the non-uniform contours of the ocean floor and the lack of an offshore bar which would lead to incoming swell breaking on the shoreline.

It must be noted that an artificial surf reef was not investigated as part of the work undertaken by M P Rogers in 2019.

At its meeting held on 20 July 2021 (C59-07/21 refers), Council received a 31 signature petition requesting the City investigate options to install an artificial reef, in partnership with the relevant State Government stakeholders, between Mullaloo Point and the south wall of the new Ocean Reef Marina. This request was considered by Council as part of the City's "Status of Petitions" report on 21 September 2021 (CJ134-09/21 refers) Council resolved in part as follows:

"11 in relation to a petition requesting the City investigate options to install an artificial reef, in partnership with the relevant State Government stakeholders, between Mullaloo Point and the south wall of the new Ocean Reef Marina:

11.1 the City acknowledges the request for further investigation into the installation of an artificial reef between Mullaloo Point and the south wall of the new Ocean Reef Marina;

11.2 the area is outside the City's boundary of which the City has no jurisdiction;

11.3 the lead petitioner has been advised accordingly;"

At its meeting held on 19 April 2022 (C46-04/22 refers), Council received a Notice of Motion from Mayor Jacob requesting a report be prepared which explored options for the development of concept for an artificial reef for recreational fishing and surfing between Mullaloo Point and the newly constructed southern breakwater at the Ocean Reef Marina. The reasoning for the motion was stated as follows:

"In its early iterations, the Ocean Reef Marina project included an artificial surf reef and I still believe that this is something which would be of benefit to local surfers and to the community as a whole. It has already been demonstrated that there is still a large level of local support for such a project.

Such an installation would also benefit other users such as recreational shore fishing enthusiasts and snorkelling/diving. The swell patterns through this area will mean that any reef design will likely only produce a seasonal surf break and an artificial reef at this location can also be used for fishing or a snorkelling/diving trail at this location.

As was the case for the Ocean Reef Marina project, the potential sites for a new reef are located within the Marmion Marine Park and not within the Council's land tenure. This also will not be a project Joondalup Council will be able to deliver in isolation and it will require State Government support if it is to ultimately succeed.

However, I believe that at this stage the Council is in the best position to develop the concept, to prepare initial costings of possible designs and to gauge what level of community support there is to deliver an artificial reef between Mullaloo Point and the Ocean Reef Marina.

Therefore, I respectfully seek the Council's support for a report which explores options for such a project between Mullaloo Point and the new Ocean Reef Marina."

The following was resolved:

"That Council REQUESTS the Chief Executive Officer to prepare a report on options for the development of a concept for an artificial reef for recreational fishing and surfing between Mullaloo Point and the newly constructed southern breakwater at the Ocean Reef Marina."

DETAILS

In order to prepare a report as requested by Council, the City engaged the services of M P Rogers & Associates in August 2022 to prepare a scope and pre-feasibility project plan following an initial meeting with the City to provide guidance and expectations in line with the decision of Council. M P Rogers also met with Surfing WA and the Mullaloo Boardriders Club (MBRC) to gain an understanding of their position and to provide these key stakeholders an opportunity to put their thoughts and ideas on the table.

The MBRC is a representative club of surfers based within the City of Joondalup who holds, among other events, regular surfing competitions at and near Mullaloo and Ocean Reef. Prior to construction commencing on the Ocean Reef Marina, the MBRC regularly used the now lost reef breaks to hold these events.

Along with the general recreational use and competitions held by the MBRC, these lost breaks were used by Surfing WA to hold "learn to Surf" lessons and the Ocean Reef High School for their surfing program.

Initial feedback from M P Rogers indicated that artificial reefs should be designed for their primary purpose, being either surfing, fishing or snorkelling/diving, with secondary uses being considered a bonus and incidental to the primary purpose.

A scope for the pre-feasibility was developed with M P Rogers as outlined below as follows:

- Review of artificial surf reefs (ASRs) in Western Australia, Australia and globally.
- Liaison and consultation with key stakeholders, along with other involved in recent ASR proposals.
- Consideration of opportunities and constraints for an ASR near the Ocean Reef Marina.
- A fatal flaw analysis of an ASR at Ocean Reef, considering the local site conditions.
- Preparation of a high-level concept for the location, shape and forms of an ASR near the Ocean Reef Marina.
- Determination of potential approval requirements, pathways and investigations to progress the project.

Following this, M P Rogers developed the Ocean Reef Artificial Surf Reef Pre-Feasibility Project Plan (Attachment 2 refers) which confirms the scope (as identified above) and outlines the general methodology proposed, likely timeframe and indicative cost to complete the pre-feasibility assessment.

Issues and options considered

The options available to Council are to:

- support the development of a pre-feasibility study that, amongst other things, will include a fatal flaw analysis of an artificial reef at Ocean Reef. This is the recommended option as it will provide a clear understanding if an artificial reef is technically feasible at this location to assist future decision making.
or
- not support the development of a pre-feasibility study.

Legislation / Strategic Community Plan / Policy implications

Legislation *Environmental Protection Act 1986.*
Aboriginal Heritage Act 2022.

10-Year Strategic Community Plan

Key theme Community.

Outcome Active and social – you enjoy quality local activities and programs for sport, learning and recreation.

Policy Not applicable.

Risk management considerations

Progressing this project to a pre-feasibility stage has the potential to create expectations that the City will take responsibility in the long-term to deliver this project. It may therefore be prudent to indicate that the City's involvement, similar to the Ocean Reef Marina, would not extend to fund or deliver the artificial reef if it was deemed feasible.

Financial / budget implications

The cost to engage M P Rogers to develop the pre-feasibility project plan was \$3,872.22 (excluding GST).

The development of a pre-feasibility study is estimated at \$50,000.

It should be noted that the City does not have any internal resources to oversee the pre-feasibility study at this stage and the timing of the study will be subject to the successful recruitment of the Coastal Engineer.

Regional significance

The previous three surf breaks in the area were not only used by locals but attracted surfers from the wider region.

Sustainability implications

Environmental

The location of the proposed artificial reef is within the Marmion Marine Park which is subject to the Marmion Marine Park Management Plan, currently under review. The pre-feasibility study will determine the environmental approvals required under the *Environmental Protection Act 1986*.

Social

The proposed artificial surf reef has the potential to deliver benefits to the community including increased recreational opportunities.

The pre-feasibility study will determine the approvals required in regard to European heritage and Aboriginal heritage as required under the Heritage Act 2018 and *Aboriginal Heritage Act 2022* respectively.

Economic

The proposed artificial surf reef has the potential to deliver economic benefits including increased tourism opportunities.

Consultation

In preparing the project plan, M P Rogers consulted with Surfing WA and the Mullaloo Boardriders Club.

COMMENT

An artificial reef is a man-made underwater structure that has been designed to achieve a specific objective. Typically, artificial reefs are built for coastal protection, to promote marine life or to improve surfing amenity. As previous investigations, undertaken by consultants MP Rogers, to develop the City's draft Coastal Hazard Risk Management and Adaptation Plan have determined that an artificial reef within the City of Joondalup would not provide for coastal protection, the proposed artificial surf reef would be for the purpose of improving recreational and surfing amenity.

Progressing this project to pre-feasibility stage does not bind the City to either fund or deliver an artificial reef project. It will assist, however, in advocating to the State and/or Federal Government to fund and deliver an artificial reef if deemed feasible.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the Ocean Reef Artificial Surf Reef Pre-Feasibility Project Plan provided as Attachment 2 to Report CJ100-06/23;**
- 2 SUPPORTS the development of a pre-feasibility assessment for an artificial surf reef between Mullaloo Point and the southern breakwater at the Ocean Reef Marina;**
- 3 LISTS FOR CONSIDERATION an amount of \$50,000 in the 2023-24 Budget for the pre-feasibility assessment as detailed in Part 2 above.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15BRF230613.pdf](#)

**CJ101-06/23 PETITION – SORRENTO BOWLING CLUB –
INSTALLATION OF SELF-SERVICE CLUB TAB**

WARD	South
RESPONSIBLE A/DIRECTOR	Mr Michael Hamling Infrastructure Services
FILE NUMBER	03078, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a petition received in relation to the installation of a self-service Club TAB within the Sorrento Bowling Club facility in Percy Doyle Reserve, Duncraig.

EXECUTIVE SUMMARY

At its meeting held on 18 October 2022 (C123-10/22 refers), Council received a 95-signature petition from electors of the City of Joondalup requesting Council to give approval to the Sorrento Bowling Club (SBC) to install a self-service Pub TAB inside its clubroom facility located in Percy Doyle Reserve, Duncraig.

The Club has made several approaches to the City since January 2010, seeking support to apply for a TAB licence with Racing and Wagering WA (RWWA). Between 2010 and 2013, the City provided conditional approval on three occasions for an application to be made to RWWA for a short-term licence of no longer than 12 months. The last time consent for an application was provided by the City was in February 2013, which lapsed in February 2014.

Throughout this period, the Club was unsuccessful in securing a licence from RWWA.

In February 2022, the Club submitted a new request to the City seeking approval. As part of its assessment process the City liaised with multiple stakeholders, including Elected Members via a Strategy Session, and concluded that the request was not in the public interest and was subsequently not supported.

Further engagement occurred with the Club following the City's feedback, in which the decision not to support the proposal was reaffirmed. A petition seeking approval to support the request from February 2022, was then received by Council in October 2022 of which this report seeks to address.

The City has undertaken considerable due diligence in fairly assessing the latest request from the SBC within its capacity as a land manager and landlord. Through this process the City has concluded that wagering activities, such as Club TAB facilities, undertaken on City-managed land is considered outside the public's interest.

It is recommended that Council:

- 1 *NOTES the assessment process undertaken by the City in considering the Sorrento Bowling Club's latest request to support an application to Racing and Wagering WA for the installation of a self-service Club TAB within the Sorrento Bowling Club facility, and the City's reasons for not supporting the request as detailed in Report CJ101-06/23;*
- 2 *DECLINES the petitioners' request to support an application to Racing and Wagering WA for the installation of a self-service Club TAB within the Sorrento Bowling Club facility in Percy Doyle Reserve, Duncraig;*
- 3 *ADVISES the lead petitioner of its decision.*

BACKGROUND

TAB Licences

Since 2004, all racing and wagering activities within Western Australia have been governed by the state government owned agency, Racing and Wagering WA (RWWA), including the retail brand of "TAB" for its off-course wagering functions.

The *Racing and Wagering Act 2003* provides RRWA with the authority to establish TAB agencies and requires advice to be provided to the Gaming and Wagering Commission for any proposals to establish a new agency.

As part of RWWA's assessment process, written or verbal comments are sought from the relevant local government, WA Police and organisations that address health or financial issues in the area surrounding the proposed TAB agency site. Potential sites may include private land, or Crown Land under the control and management of a local or state government entity.

There are currently thirteen TAB agency licences issued within the City of Joondalup, across three retail levels, including:

Table:1

Retail Level	Locations	MRS Zoning	LG Zoning
TAB Agency (Dedicated retail outlets for the sole purpose of betting)	Warwick Grove Shopping Centre, Warwick	Urban	Centre
	Adjacent Kingsley Tavern, Kingsley	Urban	Commercial
	Whitfords Shopping Centre, Hillarys	Urban	Centre
	Lakeside Shopping Centre, Joondalup	Central City Area	Centre
	Currambine Central Shopping Centre, Currambine	Urban	Commercial
Pub TAB (Existing licenced premises where customers may place bets via bar staff)	Greenwood Hotel, Greenwood	Urban	Commercial
	Carine Tavern, Duncraig	Urban	Commercial
	Craigie Tavern, Craigie	Urban	Commercial
	Woodvale Tavern, Woodvale	Urban	Commercial
	Beldon Tavern, Beldon	Urban	Commercial
Pub TAB (or "Club TAB") – Self Service	Marmion Angling and Aquatic Club (MAAC), Marmion*	Parks and Recreation	MRS – Parks and Recreation

Retail Level	Locations	MRS Zoning	LG Zoning
(Self-service betting terminals located within a licenced area of a pub or club, where customers place their own bets)	Northshore Tavern, Hillarys	Urban	Centre
	Currambine Bar and Bistro, Currambine	Urban	Commercial

**Private ownership – MAAC*

There are currently no TAB agencies within the City's boundaries that are located on City of Joondalup owned or managed land. Twelve of the thirteen licenced premises are located on land zoned for commercial or centre purposes under the City's *Local Planning Scheme No. 3 (LPS3)*.

The only exception is the MAAC, which is reserved under the *Metropolitan Region Scheme (MRS)* as 'Parks and Recreation' and is therefore not subject to the provisions of the City's LPS3, with the Western Australian Planning Commission (WAPC) as the determining authority. The lot in which the MAAC is situated is also excised from the Marmion Foreshore Reserve and is privately owned by the Club.

In accordance with RWWA's processes, the City is consulted on any proposed licence applications with consideration of the following:

- If the proposed location of the TAB agency complies with local planning requirements.
- If surrounding landowners/lessees have been notified. (Noting it is not the City's responsibility to undertake community consultation on behalf of applicants).
- If there are any community or social services that may be impacted by the proposal.
- If there are any issues/benefits associated with the proposal.

Noting that the City is not the approver of TAB agency applications, but rather a stakeholder for the purposes of consultation, previous applications as listed above have been successfully awarded by the RWWA.

The only circumstance where an applicant has requested a TAB agency licence on City managed land, has been the SBC at its clubroom facilities located within Percy Doyle Reserve, Duncraig. The distinction between this request and the others identified above, is that the clubrooms are leased, and as such, the application is considered within the context of the City as a Lessor providing consent under the provisions of the lease, rather than as a stakeholder in a RWWA consultation process.

The history of these application requests are detailed below.

Historical applications – Sorrento Bowling Club

The City was first approached by the SBC in 2010, seeking approval to apply to RWWA for a "Club TAB" licence within its leased clubroom facilities. The proposal was for a self-service TAB that included the following:

- A self-service wagering terminal to be located within a licenced area of the club.
- Customer information terminals to provide historical and current racing and sports information.
- TVs to display electronic information via teletext and the Sky Channel for racing vision.
- A payout terminal to process winning tickets and conduct agency balances over the bar.

If supported, the SBC would effectively become a contracted TAB agent and enter into an agency agreement with RWWA to ensure compliance with any legislative or contractual obligations pertaining to wagering activities.

TAB agency agreements are one-year fixed term arrangements, after which, one-months' written notice of termination may be issued by either party if the viability of the operations at the premises is limited.

TAB agents operate on a commission basis that is paid weekly via an agency settlement process. The total weekly commission is made up of a base payment, commission rate / percentage of the weekly agency turnover, minus a TAB package fee as the ongoing rental payment for services supplied by RWWA. In addition to the package fees, agents must also pay for a Sky Channel subscription based on the agency's weekly turnover range, as well as initial set up costs for staff training, cash bonds and insurances.

The income received by Clubs as a TAB agent is usually quite modest. Notwithstanding, the reasons cited by the SBC for requesting a licence in 2010 included the following:

- Pressure from existing members to make an application.
- The view that a TAB facility would encourage younger members to the Club.
- Other bowling clubs / social clubs having received approval.
- Potential increased memberships and bar sales.
- Concerns that nearby clubs may obtain a licence before the SBC.

Temporary approval to apply for a licence with RWWA was provided by the City in February 2010 under the following conditions:

- The agreement is for a period of no longer than 12 months and will be reviewed by the City.
- The SBC is to provide a review of the operations of the TAB and any issues that have occurred at the end of the 12 months period prior to further extensions being granted.
- The TAB is only available for members of the SBC.
- All costs incurred through the operations of the TAB will be the full responsibility of the SBC.

Further requests were sought from the SBC in 2011 and 2013, in which the City provided 12-month extensions for approval with a further condition, including:

- The City will not approve signage on Warwick Road that references the TAB at the Club.

Between February 2010 and February 2014 (when the last approval request lapsed), the SBC was unsuccessful in securing a Club TAB licence with RWWA.

In February 2022 the SBC submitted a new request for approval to apply for a Club TAB licence with RWWA, nine years after the City had last considered the proposal. Following an assessment process, as detailed further in this report, the City responded to the SBC indicating that it did not support the request.

DETAILS

At its meeting held on 18 October 2022 (C123-10/22 refers), Council received a 95-signature petition from electors of the City of Joondalup requesting that Council:

“Gives approval to the Sorrento Bowling Club to install a self-service Club TAB inside its clubroom facility at Percy Doyle that meets the needs of the community and Club Members to enjoy as there is no other such facility within the local area. Also to raise revenue for the club to improve and maintain its infrastructure and facilities and in particular assist with financing a synthetic green to enable members to bowl throughout the year given the impacts of rising inflation and interest rates.

It should be noted that the City of Joondalup granted approval for the club to have a Club TAB in 2013 and we the undersigned request that Council honours it's previous 2013 agreement and re-approve the location of a Club TAB at the Sorrento Bowling Club's Percy Doyle Reserve facility.”

2022 Application – Sorrento Bowling Club

The request received in 2022 indicated that the SBC had lodged an application to RWWA for approval to install a Club TAB facility at their clubrooms and sought retrospective comment from the City as to whether the service would be permissible.

The correspondence did not provide any information with regard to the reasons for lodging an application, did not refer to any previous approvals received from the City and did not refer to any consultation undertaken with surrounding properties or users of Percy Doyle Reserve.

Upon receiving the most recent request from the SBC, the City undertook the following actions as part of its assessment process:

- Contact was made with the RWWA to obtain further information on the proposed business model for Club TAB facilities. RWWA verbally indicated that clubs tend to only draw a modest income through commissions, as the operating costs associated with running the facility largely offset any income received. It was noted that the business model was premised on encouraging increased memberships and bar sales rather than sizeable commissions.
- The City requested data on income modelling from existing Club TAB facilities operated by other bowling clubs, but only received limited information from RWWA pertaining to an individual club for one week's earnings. It was difficult to ascertain if the data reflected a typical week or was comparable to other clubs, and as such, did not satisfy the City that the viability of the business model at the SBC was adequately demonstrated. The SBC's application also provided no data to support their request on how they believed the business model would operate within their facility and their anticipated increase in membership numbers, bar sales or turnover.
- Engagement with other local governments was undertaken to seek feedback on how Club TAB facilities operated within their district, however, there was limited information available given the facilities operated within leased premises and were historically approved a decade earlier.
- The Department Planning, Lands and Heritage (DPLH) was also contacted to determine if DPLH approval was required and if the Reserve, being Crown Land, supported the activity. DPLH provided informal comment, noting that this type of activity may be considered ancillary to the Reserve's primary purpose, being for Recreation, and that the City would be best placed to assess the overall public benefit based on its knowledge of the local community.

- Information on the proposal was also provided to Elected Members at a Strategy Session in March 2022 to assist with the City's assessment of the overall public benefit in this location. Strong opposition towards the proposal was expressed due to the perception of gambling activities being misaligned to the purpose of the Reserve, being Recreational and issues of this type of activity being conducted within City owned facilities.

As a result of the information and feedback gathered, the City wrote to the SBC in March 2022 indicating that the proposal was not supported, due to:

- gambling-related activities being considered outside the public's interest
- that the activity may be viewed as inconsistent with the permitted use of the Reserve or Property
- acknowledging that whilst the scale of the activity was relatively ancillary in nature, further investigations into the business model and operations confirmed the City's view that it is not in the public's interest to progress the proposal.

In April 2022, the City received further correspondence from the SBC expressing their disappointment at the City's decision and requested the City's further consideration of the proposal. Additional information was also supplied indicating that historical approval had been provided by the City in 2010.

Upon receiving this request, City representatives met with the Acting President of the SBC in April 2022 to discuss the outcome of the Club's most recent application. The meeting did not reveal any additional information that would support the City's favourable consideration of the request, noting the following:

- Projected membership and bar sales were not provided by the Club.
- Concerns regarding potential membership losses to neighbouring Clubs with TAB facilities were not quantified.
- Conditions from the City to restrict advertising of a TAB facility within the clubrooms would likely inhibit membership attraction opportunities.
- That other bowling clubs with Club TAB facilities were historical and the potential reasons for seeking approval had changed over time.
- The proliferation of online betting apps over the last nine years since previous approval was provided by the City, did not provide a compelling reason for installing a Club TAB facility to attract new, younger members to the Club.
- The siting of the clubrooms within the centre of Percy Doyle Reserve, surrounded by multiple junior sporting clubs, was not considered to be an appropriate location for this type of activity.

Following this meeting, the City wrote to the SBC again, confirming its decision not to support the proposal.

In October 2022, a petition was submitted and subsequently received by Council, seeking support to approve the request (C123-10/22 refers).

Actions following receipt of the petition

Following Council's decision to receive the petition and request a report back to Council for its consideration, the City undertook the following actions:

- Contacted RWWA to obtain information on all current Club TAB licences that have been established in the Perth Metropolitan Area and their respective commencement dates. This was to ascertain how historical the arrangements were, and if new licences had been issued in recent years and the circumstances surrounding their approval. This information is shown in Table 2 below.

- There are currently fifteen Club TAB licences issued across bowling and sporting clubs throughout the Perth Metropolitan Region, of which thirteen are historical licences approved over a decade ago. In the ten years that has lapsed since approval was last provided from the City to the SBC, two new licences have been issued to the Lesmurdie Club in the City of Kalamunda and Safety Bay Bowls Club in the City of Rockingham. The Lesmurdie Club is privately owned and the Safety Bay Bowls Club is located on City owned land that is held in freehold.
- The City contacted the City of Rockingham to understand the process undertaken as part of their recent approval to the Safety Bay Bowls Club in 2021 (noting the land is held in freehold and is not City-managed Crown Land). It was confirmed that a lengthy process was undertaken to ensure the Club undertook appropriate levels of community engagement with surrounding residents before consideration for approval would be provided. Approval was also conditioned on the basis that an extension to the building was pursued to house the TAB facility in a separate and isolated area of the Clubrooms.

Table 2:

Club	Suburb	Local Government	Start Date	Land Tenure
Cockburn Bowling & Rec. Club	Yangebup	City of Cockburn	1997	Freehold – City owned
Melville Bowling & Rec Club	Alfred Cove	City of Melville	2005	Freehold – City owned
Mosman Park Bowling Club	Mosman Park	Town of Mosman Park	2008	Freehold – City owned
Belmont Sports & Rec Club	Cloverdale	City of Belmont	2008	Crown Land vested in the City
Morley Noranda Rec Club	Noranda	City of Bayswater	2008	Freehold – City owned
Osborne Park Bowling Club	Tuart Hill	City of Stirling	2009	Freehold – City owned
Innaloo Sportsmen's Club	Innaloo	City of Stirling	2009	Crown Land vested in the City
Dudley Park Bowling & Rec Club	Dudley Park	City of Mandurah	2009	Crown Land vested in the City
Mandurah Bowling & Rec Club	Mandurah	City of Mandurah	2009	Crown Land vested in the City
North Beach Bowling Club	North Beach	City of Stirling	2010	Crown Land vested in the City
Wanneroo Sports & Social Club	Wanneroo	City of Wanneroo	2011	Crown Land vested in the City
Thornlie Bowling Club	Thornlie	City of Gosnells	2011	Crown Land vested in the City
Marmion Angling & Aquatic Club	Marmion	City of Joondalup	2013	Privately owned by the Club
The Lesmurdie Club	Walliston	City of Kalamunda	2020	Privately owned by the Club
Safety Bay Bowls Club	Shoalwater	City of Rockingham	2021	Freehold – City owned

Issues and options considered

The options available to Council are to:

- support the petitioners' request as outlined in C123-10/22
or
- not support the petitioners' request.

It is the City's recommendation that the petitioners' request is not supported for the reasons previously provided to the SBC, namely:

- gambling-related activities being considered outside the public's interest
- that the activity may be viewed as inconsistent with the permitted use of the Reserve or Property
- acknowledging that whilst the scale of the activity was relatively ancillary in nature, further investigations into the business model and operations confirmed the City's view that it is not in the public's interest to progress the proposal.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme Place.

Outcome Functional and accessible – you have access to quality community facilities that are functional and adaptable.

Policy *Property Management Framework.*

Risk management considerations

Should Council support the request to install a Club TAB facility within the SBC clubrooms, it should be noted that no consultation has been undertaken with local residents or surrounding clubs within the Percy Doyle Reserve, which may present a risk to the City if there is substantial opposition.

There is also a potential risk of negative community perception that the City is supporting wagering activities within City-owned facilities and on City-managed land.

Financial / budget implications

There is no financial or budget implications for the City in relation to this proposal. It is noted that one of the reasons for requesting Council's consideration of this matter by the SBC is to provide an additional income stream for the Club.

Based on the City's research, a Club TAB facility will only likely achieve a modest income for the Club as the operating costs largely offset any income received.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Extensive engagement has been undertaken by the City with external agencies, government departments, other local governments and the Club as part of its due diligence process in assessing the latest request from the SBC.

The City is not responsible for undertaking community consultation on matters associated with TAB applications and is not aware of any such engagement being conducted by the SBC.

COMMENT

It is appropriate for the City to review changing community expectations in relation to appropriate social and recreational activities that may be conducted on land from which it is responsible for managing.

The City has undertaken considerable due diligence in fairly assessing the latest request from the SBC within its capacity as a land manager and landlord. Through this process the City has concluded that wagering activities, such as Club TAB facilities, undertaken on City-managed land is considered outside the public's interest.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the assessment process undertaken by the City in considering the Sorrento Bowling Club's latest request to support an application to Racing and Wagering WA for the installation of a self-service Club TAB within the Sorrento Bowling Club facility, and the City's reasons for not supporting the request detailed in Report CJ101-06/23;**
- 2 DECLINES the petitioners' request to support an application to Racing and Wagering WA for the installation of a self-service Club TAB within the Sorrento Bowling Club facility in Percy Doyle Reserve, Duncraig;**
- 3 ADVISES the lead petitioner of its decision.**

**CJ102-06/23 TRAFFIC MANAGEMENT IMPROVEMENTS
NORTHSHORE DRIVE, KALLAROO**

WARD	Central
RESPONSIBLE A/DIRECTOR	Mr Michael Hamling Infrastructure Services
FILE NUMBER	16988, 101515
ATTACHMENTS	Attachment 1 Locality Plan Attachment 2 Concept Plan Northshore Drive
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 outcomes of an investigation into traffic management improvements for Northshore Drive, Kallaroo.

EXECUTIVE SUMMARY

At its meeting held on 15 November 2022 (C138-11/22 refers), Council considered a Notice of Motion and subsequently resolved the following:

“That Council:

- 1 *NOTES that Council has previously supported a maximum 50 kilometres per hour speed limit along all City of Joondalup roads adjoining the foreshore between the suburbs of Burns Beach and Marmion (CJ063-05/21 and C97-09/21 refers);*
- 2 *REQUESTS the Chief Executive Officer to prepare a report on:*
 - 2.1 *Potential intersection improvements at Northshore Drive and Northshore Avenue, Kallaroo as well as Northshore Drive and the Northshore Drive beach carpark taking into consideration traffic volumes and accident data along this part of the coastal road;*
 - 2.2 *Proposed options to improve pedestrian connectivity between Kallaroo and the Principal Shared Path to be delivered as part of the Coastal Principal Shared Path upgrade project.”*

In response to the Notice of Motion, a comprehensive assessment has been undertaken of Northshore Drive to confirm the operation and performance of this road and a concept design was developed detailing potential upgrade options.

It is therefore recommended that Council:

- 1 *NOTES the outcomes of the Northshore Drive, Kallaroo Technical Assessment;*
- 2 *SUPPORTS a road upgrade of Northshore Drive, Kallaroo as a staged project subject to successful State or Federal government grant funding;*
- 3 *NOTES that the upgrading of Northshore Drive, Kallaroo if supported by Council will be considered as part of future budget development processes.*

BACKGROUND

Northshore Drive is a significant District Distributor Road that provides access to foreshore areas from Mullaloo Drive in the north to Whitfords Avenue in the south. Northshore Drive also provides a direct connection to the suburb of Kallaroo (Attachment 1 refers).

At its meeting held on 15 November 2022 (C138-11/22 refers), Council endorsed a Notice of Motion regarding traffic improvements for Northshore Drive, Kallaroo;

The reasoning for the motion was stated as follows:

“The City of Joondalup coastal road network sees increased usage as the population of the broader metropolitan area grows over time, and visitation to popular tourist and recreation centres at Hillarys Marina and Mullaloo beaches increases, as well as the visitation numbers to the Ocean Reef Marina as that precinct develops.

It is noted that in the last decade, the road network along the City of Joondalup’s coastline has been improved from West Coast Drive north to Iluka, including advanced in pedestrian friendly design.

The only remaining section of road that has seen no improvement since the 1980s is Northshore Drive between Mullaloo Drive and Whitfords Avenue.

Directly south, Whitfords Avenue has seen a comprehensive redesign, and directly north in Mullaloo, Oceanside Promenade, a road with residential dwellings, already has a broad coverage of pedestrian refuges and improved road design.

While I believe a reduction from 70km/h to 50km/h is excessive – as it is not a “built up” road, a reduction to 60km/h will significantly reduce the risk of fatal impacts without being overly draconian on a non-built up main road.

A report on options to improve the two intersections with butterfly island, roundabout or similar treatment, will allow Council to make an informed decision on improving this road which has not seen meaningful upgrades in four decades.”

The following was resolved:

“That Council:

- 1 *NOTES that Council has previously supported a maximum 50 kilometres per hour speed limit along all City of Joondalup roads adjoining the foreshore between the suburbs of Burns Beach and Marmion (CJ063-05/21 and C97-09/21 refers);*
- 2 *REQUESTS the Chief Executive Officer to prepare a report on:*

- 2.1 *Potential intersection improvements at Northshore Drive and Northshore Avenue, Kallaroo as well as Northshore Drive and the Northshore Drive beach carpark taking into consideration traffic volumes and accident data along this part of the coastal road;*
- 2.2 *Proposed options to improve pedestrian connectivity between Kallaroo and the Principal Shared Path to be delivered as part of the Coastal Principal Shared Path upgrade project.”*

DETAILS

Northshore Drive Technical Assessment

Northshore Drive is a single carriageway road of approximately 1.5 km in length and consists of two traffic lanes, separated by a central median approximately 250 metres long in the southern section close to Whitfords Avenue and centreline marking only for the remainder of this section.

The road connects Whitfords Avenue to Mullaloo Drive and provides direct access to the beach car park south of Northshore Avenue. Northshore Drive also provides direct access to the suburb of Kallaroo via Northshore Avenue.

Northshore Drive is classified as a “*District Distributor B Road*” under Main Roads WA Road Hierarchy. In its current form, Northshore Drive is designed to carry high traffic volumes above 6,000 vehicles per day (vpd). The posted speed limit is 70km/h which is consistent with the recommended speed for this road classification.

Existing Traffic Volumes

The traffic volumes on Northshore Drive during weekdays was recorded in December 2022 ranged from 9,100 and 9,500vpd. The recorded 85th percentile traffic speeds ranged between 55km/h and 71km/h.

In comparing the latest traffic count data undertaken in December 2022 with traffic counts undertaken in previous years, the traffic volumes on Northshore Drive have remained relatively consistent.

A summary of the December 2022 seven-day counts are provided below:

Northshore Drive	Vehicle volumes	85th percentile speed
North Whitfords Avenue	9,463vpd	57km/h
South Northshore Dr beach car park	9,130vpd	70km/h
South Northshore Ave	9,252vpd	71km/h
North Northshore Ave	9,191vpd	69km/h
South Mullaloo Drive	9,230vpd	55km/h

Existing Road Layout Design Elements

The majority of Northshore Drive is a single carriageway arrangement that provides for north and south bound traffic movements under two-way flow conditions. Along the northern section, centreline marking has been provided to delineate the opposing traffic lanes and raised reflective pavement markers have been provided along the centre line for night-time operations. Street lighting has also been provided to illuminate the carriageway and intersections.

Sealed bitumen shoulders have been provided to limit soft edges along the carriageway plus also provides space for cyclists.

The posted speed limit of 70km/hr is consistent with this classification of road. The speed limit for the residential area south of Mullaloo Drive is 50km/h.

Five-Year Crash History

The Northshore Drive Main Roads WA crash data for the period from 1 January 2018 to 31 December 2022 indicates that there are a total of six reported crashes during this period.

Of these crashes, one was a fatality, three required medical treatment and two were property related crashes. The table below provides a summary of these crashes:

Location	Year	Type of crash	Severity
Northshore Drive 70m north of roundabout Whitfords Avenue	2022	Rear end	Medical treatment
Northshore Drive south Northshore Avenue (at entrance to car park)	2022	Rear end	Fatal
Northshore Dr/Northshore Ave	2020	Rear End	Medical treatment
Northshore Dr/Northshore Ave	2021	Vehicle from opposing direction	Medical treatment
Northshore Dr/Northshore Ave	2022	Rear End	Property damage
Northshore Dr – 50m north Merrifield PI	2018	Rear End	Property damage

Pedestrian and Bike Connectivity

Northshore Drive has several pedestrian connections from the eastern verge of the road to the western verge. Existing path connections provide access to bus stop locations plus foreshore shared path access in the vicinity of the beach car park, 250 metres south of Northshore Avenue.

The existing road cross section includes cycle lanes on each side of the road carriage for north and south bound cycle movements. To determine the extent of the cycle movements, bike counts were taken along Northshore Drive from 10 February 2023 for a seven day period. The seven-day survey confirmed a range of activity from 302 to 351 bike movements per day during weekdays and 379 to 465 per day on the Saturday and Sunday respectively.

As an important cycle route, Northshore Drive is used for recreation and training purposes plus three to four triathlon events per year. Running Parallel in a north to south direction is the foreshore shared path that links major coastal nodes in the area. The connection between Northshore Drive and this shared path occurs at the beach car park south of Northshore Avenue.

Improvement Options

A concept plan was prepared that includes the continuation of the existing central median treatment for the length of Northshore Drive to separate traffic flows, control traffic movements at intersections plus provide two-stage crossing for pedestrians at key locations (Attachment 2 refers). The concept also includes a roundabout at the intersection of Northshore Avenue and Northshore Drive and improved access to the existing Northshore Drive beach car park. In addition to the above, the concept further includes formalised car parking bays on the verge of Northshore Drive just south of Northshore Avenue.

If the concept is supported by Council, works would be progressed in staged approach targeting grant funding through the Metropolitan Regional Road Group funding options for these stages to reduce the financial impacts of designing and constructing a significant project as suggested below as follows:

- The first stage could be to seek grant funding for the design and construction of a single lane roundabout at the intersection with Northshore Avenue. This would assist with right turn manoeuvres and reduce operating speeds at this location.
- The remaining portion of Northshore Drive road improvements to be further progressed and staged over time subject to funding approval as part of the annual capital works budget process.

It should be noted that the final design may vary from the concept developed and provided as Attachment 2 to Report CJ102-06/23.

Issues and options considered

Council can either consider the options below:

Option 1 - Do nothing.

This option is not supported.

Option 2 – Supports a road upgrade of Northshore Drive, Kallaroo as a staged project.

This is the recommended option as it will enable the works to occur as part of a staged approach with the City seeking funding for each applicable stage. Due to the significant costs involved for road upgrade works, it is essential to seek state or federal government funding/ assistance for this project to proceed. Further traffic analysis and investigations will be undertaken for the purpose of developing future grant funding submissions.

Legislation / Strategic Community Plan / Policy implications

Legislation *Road Traffic Code 2000.*
 Traffic Act 1974.

10-Year Strategic Community Plan

Key theme Place.

Outcome Connected and convenient – you have access to a range of interconnected transport options.

Policy Not applicable.

Risk management considerations

Providing appropriate road infrastructure to accommodate all road users such as cyclists and pedestrians in addition to vehicles is important given the increase in demand from these user groups particularly within foreshore precincts.

In the case of Northshore Drive, Kallaroo, road improvements to improve the road safety environment and better cater for road users is critical for safe transport systems within the City.

Financial / budget implications

Road improvements for Northshore Drive will come at a considerable cost due to the length of road plus median and intersections treatments involved. Detailed costings are still to be determined, however, as a guide; the cost estimate of road improvements as per the concept developed is between \$6.6 and \$6.8 million dollars.

Options for state and federal government funding is limited, however, a funding submission under the Metropolitan Regional Road Group road improvement program will be considered as part of a future funding round. This would be subject to the City meeting the appropriate grant funding criteria.

Regional significance

Northshore Drive, Kallaroo is a key distributor road which services residential, commercial and commuter traffic. The road is also part of a well utilised tourist route attracting cyclists, motorcycle groups, car groups, and tourist traffic due to its location near to the coast and connection to other regional attractions.

Sustainability implications

Not applicable.

Consultation

If a road upgrade is supported by Council and a project progresses to construction, affected residents will be informed as per the City's *Notification of Public Works* policy.

COMMENT

The upgrading of Northshore Drive will provide improved road safety benefits and continuity of the coastal route between Marmion and the northern suburbs.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the outcomes of the Northshore Drive, Kallaroo Technical Assessment;**
- 2 SUPPORTS a road upgrade of Northshore Drive, Kallaroo as a staged project subject to successful State or Federal government grant funding;**
- 3 NOTES that the upgrading of Northshore Drive, Kallaroo if supported by Council will be considered as part of future budget development processes.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16BRF230613.pdf](#)

CJ103-06/23 PETITION - LEAFY CITY PROGRAM - SIZE AND PLACEMENT OF TREES AFFECTING VIEWS

WARD	All
RESPONSIBLE A/DIRECTOR	Mr Michael Hamling Infrastructure Services
FILE NUMBER	106542, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a petition requesting smaller trees to be planted as part of the City's Leafy City Program where views will be affected.

EXECUTIVE SUMMARY

Street trees are an important natural asset which help maintain liveable urban environments and provide a wide range of environmental, aesthetic and social benefits to the community. Increasing canopy cover throughout the City improves the comfort of pedestrian movement and reduces the 'urban heat island' effect generated by existing hardstand surfaces.

The City's *Leafy City Program*, implemented since 2015-16, supports these objectives and establishes a vision for the City to create cooler, inviting green urban spaces for residents, as well as to mitigate the environmental impact of climate change and rapid urban growth. To date, over 4,500 trees have been planted in the suburbs of Beldon, Craigie, Heathridge, Padbury, Kinross, Currambine, Woodvale, Greenwood, Kingsley, Kallaroo, Mullaloo and Warwick.

During this latest phase of the Leafy City Program, approximately 1,815 trees will be planted in the suburbs of Mullaloo, Edgewater and Duncraig.

A petition of 27 Electors was received by Council at its meeting held on 23 May 2023 (C050-05/23 refers). The petition requested that Council:

"Take consideration for residents views when undertaking tree planting and plant smaller trees i.e. Bottlebrush where views will be affected."

Tree species selection for the Leafy City Program is undertaken by the City's qualified arborist to ensure the goals of the program as outlined previously in Report CJ103-06/23 are met and take into account a range of considerations to ensure the maximum viability for the tree to reach maturity.

Prior to the commencement of planting, affected residents are afforded an opportunity to contact the City to discuss tree positioning options within current guidelines to further assist with sightlines, potential view obstruction and parking.

It is therefore recommended that Council:

- 1 *NOTES that the selection of tree species will be on the basis of species that will perform best as a street tree in each specific location and deliver the highest potential to increase the City's urban canopy;*
- 2 *NOTES that the location and planting of street trees as part of the Leafy City Program is carried out in accordance with the various guidelines as outlined in Report CJ076-05/23;*
- 3 *NOTES that the City provides the opportunity for affected residents to discuss tree planting locations within current guidelines to further assist with sightlines, potential view obstructions and parking prior to planting;*
- 4 *DOES NOT SUPPORT the petitioners request to plant smaller trees where views will be affected;*
- 5 *ADVISES the lead petitioner of its decision.*

BACKGROUND

Leafy City Program

Initiated in 2015-16, the City's *Leafy City Program* was introduced to increase the canopy cover of its suburbs through targeted street tree planting, focusing on suburban streetscapes. The program seeks to mitigate the environmental impact of climate change and rapid urban growth, with a vision of creating resilient, cooler and inviting green urban spaces.

The overarching goals of the program are as follows:

- Goal 1 Increase canopy coverage.
- Goal 2 Reduce urban heat island effect.
- Goal 3 Encourage vegetation retention.
- Goal 4 Improve vegetation health and longevity.

Program roll-out is determined through thermal mapping and tree-canopy surveying undertaken across the City every two years, to identify the hottest areas that would most benefit from targeted street tree planting to achieve the above mentioned goals.

Upon identifying preferred sites, assessments are undertaken by the City's Arborist to investigate the current site conditions (for example; soil and weather conditions), existing infrastructure, services and trees in the area, to inform appropriate tree species selection for the suburb. Species selection aims to improve the successful, healthy development and longevity of the street tree, whilst mitigating future sightline and infrastructure impacts.

In terms of specific planting locations, trees are situated away from the property boundary, and near the road / path network to minimise interference with any private property and to maximise shading over hardstand areas. Tree locations are reviewed by the City's engineers and consider factors such as service locations, traffic sightlines, growth offsets and pedestrian thoroughfares in accordance with current compliance guidelines.

To date, over 4,500 trees have been successfully planted under the program throughout the suburbs of Beldon, Craigie, Heathridge, Padbury, Kinross, Currambine, Woodvale, Greenwood, Kingsley, Kallaroo, Mullaloo and Warwick.

During this latest phase of the Leafy City Program, approximately 1,815 trees will be planted in the suburbs of Mullaloo, Edgewater and Duncraig.

Prior to the commencement of any planting, the City undertakes direct engagement with affected residents to provide:

- details on the aims of the program
- the location of affected streets from which planting will take place
- a list of selected species identified for each location
- an opportunity to contact the City to discuss tree positioning options within current guidelines to further assist with sightlines, potential view obstruction and parking.

The City does not provide an option for residents to opt out of the program due to all trees being planted on the verge, which form part of the City's road reserve, and is managed and maintained as a City asset. This is also important to ensure the benefits and goals of the program are maximised.

Previous Petitions

At its meeting held on 17 April 2018 (CJ067-04/18 refers), Council considered a report in response to a petition regarding tree planting on verges as part of the *Leafy City Program*.

This petition requested that Council immediately remove all trees recently planted in suburbs based on a range of concerns including a lack of community consultation, the potential for damage to property and services, fire risks, maintenance of trees and requested the Council to indemnify homeowners against any damage caused by the root systems of the newly planted trees. Council resolved as follows:

- "1 *DOES NOT SUPPORT the matters raised in the petition received by Council (C71-10/17 refers) for the following reasons:*
- 1.1 *the City engaged with residents regarding the planting of street trees as part of the Leafy City Program in accordance with the City's Community Consultation and Engagement Policy;*
 - 1.2 *the location and planting of street trees as part of the Leafy City Program was carried out in accordance with the "Utility Providers Code of Practice" and the Western Australia Planning Commission (WAPC) publication "Liveable Neighbourhoods";*
 - 1.3 *no hazardous or toxic street trees have been planted by the City;*
 - 1.4 *the location and planting of street trees as part of the Leafy City Program within bushfire prone areas complies with the Building Protection Zone Standards publication produced by the Department of Fire and Emergency Services (DFES);*
 - 1.5 *the City is responsible for the maintenance of street trees and does so in accordance with the City's Tree Management Guidelines;*
 - 1.6 *the City will only remove street trees in accordance with the City's Tree Management Guidelines;*
 - 1.7 *the tree species list for the Leafy City Program was formulated by taking into account the geology and site specific circumstances;*
- 2 *ADVISES the lead petitioners of its decision."*

At its meeting held on 18 April 2023 (C037-04/23 refers), Council received a 41 signature petition from residents of the City of Joondalup requesting Council:

“Raise the below matter of cease and desist of the Leafy City Program in West View Boulevard, Mullaloo for the point of the Council or Committee to vote on the petition following the considered issues raised in the petition:

- a) *Traffic hazard – line of site impaired when driving due to the road winding/ascending. Street parking required as the trees reduce verge parking making the road more hazardous. School children less visible due to trees.*
- b) *Property damage – tree roots destroying sewerage lines located on north side of West View Boulevard and tree roots creating an uneven footpath (negligence-tripping hazard) on the south side of West View Boulevard. Road uprooting.*
- c) *Leaf litter hazard – liquid amber trees leaves dropping in autumn will make roads more slippery, with rain, and is expected to be managed by residents through their resources (unreasonable/unlawful expectation).”*

In relation to the matters raised, Council considered a report at its meeting held on 23 May 2023 (CJ076-05/23 refers) which detailed a number of publications that guided the City on best practice approaches to effectively locating street trees in a manner that mitigates interference with utility services, path networks and traffic sightlines and reduces bushfire hazards within an urban environment. The report also noted that the form and shape of street trees will change over time, therefore, the City cannot guarantee that trees will never impact on existing or future infrastructure but will manage issues if and when they arise.

Finally, the report detailed that as a City asset, the maintenance of street trees is managed in accordance with the City’s *Tree Management Guidelines* and scheduled maintenance activities, including programmed works such as pruning, street sweeping and watering where relevant. Council resolved as follows:

“1 DOES NOT SUPPORT the matters raised in the petition received by Council at its meeting held on 18 April 2023 (C037-04/23 refers) for the following reasons:

- 1.1 *the location and planting of street trees as part of the Leafy City Program is carried out in accordance with the various guidelines as outlined in Report CJ076-05/23;*
- 1.2 *the City is responsible for the maintenance of street trees and does so in accordance with the City’s Tree Management Guidelines and scheduled maintenance activities;*
- 1.3 *the tree species list for the Leafy City Program was formulated by taking into account the geology and site specific circumstances;*

2 ADVISES the lead petitioner of its decision.”

Other Decisions of Council

At its meeting held on 23 May 2023, Council considered a report in relation to motions moved by community members at the Annual General Meeting of Electors held on 7 March 2023. Motion 47 requested that the City, in relation to the Leafy City Program, use a minimum of 50% native and endemic species for street planting in every suburb, so that not only tree canopy is created through planting of street trees but also foraging opportunities and habitat for local species.

In response to the motion, Council was informed, amongst other things, that the City has selected tree species based on which species will best survive and reach maturity as a good specimen for each road. Therefore, the City is not supportive of meeting any specific native/exotic percentage split as trees are selected on the basis of their potential to survive and thrive in response to the site-specific considerations of each street.

Council, in relation to Motion No. 47 carried at the Annual General Meeting of Electors, resolved as follows:

- "1 NOTES the current native/exotic percentage split for trees species used in the Leafy City Program;*
- 2 NOTES that the selection of tree species will be on the basis of species that will perform best as a street tree in each specific location and deliver the highest potential to increase the City's urban canopy."*

DETAILS

At its meeting held on 23 May 2023 (C050-05/23 refers), Council received a 27 signature petition from residents of the City of Joondalup requesting that the Council:

"Take consideration for residents views when undertaking tree planting and plant smaller trees i.e. Bottlebrush where views will be affected. Views being ocean views, park views or city views. An example being on Chessell Drive where Pines and tuckeroo trees are planned to be planted under the leafy tree programme. The trees will affect some residents views and where views are affected plant bottlebrush or similar small trees. Common sense approach allows for trees to still be planted but not affect residents views and property values."

Tree species selection for the Leafy City Program is undertaken by the City's qualified arborist to ensure the goals of the program as outlined previously in Report CJ103-06/23 are met and take into account a range of considerations to ensure the maximum viability for the tree to reach maturity. These considerations include the following:

- Soil composition.
- Available space to meet root space requirements.
- Underground and overhead services in line with root development and tree size.
- Sightline requirements in line with tree growth habits.
- Coastal proximity in line with species wind and salinity tolerance.
- Prolific large fruit/nut drop impacting pedestrian and universal access requirements.
- Existing tree species thriving in the area.

Prior to the commencement of planting, affected residents are afforded an opportunity to contact the City to discuss tree positioning options within current guidelines to further assist with sightlines, potential view obstruction and parking. This is considered on a case-by-case basis and where possible, trees are located in such way to minimise the impact on views whilst still meeting the goals of the Leafy City Program.

Issues and options considered

The options available to Council are to:

- support the petitioners' request as outlined in Report CJ103-06/23
or
- not support the petitioner' request.

It is the City's recommendation that the petitioners' request is not supported as the concern raised in the petition has been addressed by the City through the planning and implementation process of the *Leafy City Program* that has been developed and refined over many years.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme Place.

Outcome Attractive and leafy – you have access to quality public open spaces and enjoy appealing streetscapes.

Policy Not applicable.

While there is no policy underpinning the proposed program, associated City plans for reference are as follows:

- *Environment Plan 2014 – 2019 (currently being reviewed).*
- *Climate Change Strategy 2014 – 2019 (currently being reviewed).*
- *Waterwise Council Action Plan 2021 - 2026*
- *City of Joondalup Tree Management Guidelines.*

Risk management considerations

During the development of the *Leafy City Program* the City considered potential risks associated with the implementation of this program. A number of these considerations have already been outlined in the details of this and previous reports to Council.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

The provision of trees is a climate change mitigation strategy as outlined in the *City's Climate Change Strategy 2014-2019*.

Natural shade from a mature tree canopy reduces exposure to ultra-violet rays and provides additional benefits such as:

- reducing ambient air temperature via transpiration through leaves
- makes communities more liveable for people and their activities
- contributes to general health and well being
- oxygenate and clean the air
- provide canopy and habitat for wildlife
- helps prevent soil erosion
- reduces evaporation and wind speed
- reduces the average vehicle speed along tree lined roads.

Consultation

Community engagement for the *Leafy City Program* has been carried out in accordance with the City's *Community Consultation and Engagement Policy*. Engagement was undertaken in a two-stage approach.

In the first stage, the whole of the City of Joondalup was engaged through the provision of materials to inform, educate and promote the *Leafy City Program* and the benefits of planting trees. This was achieved via the following:

- Information on the City's website, including frequently asked questions.
- Posters and static displays in the City's Administration Offices, City Library and Customer Service Centres.
- Social media posts.
- Bus seat advertising in relevant locations.

Stage two of the engagement included the following:

- A personalised notification letter sent to residents within the identified project areas, including the opportunity to liaise with the City on the proposed tree location prior to planting commencing.
- Tree information sheets uploaded onto the City's website.
- Media release.
- Social media posts.

COMMENT

Street trees are an important natural asset which helps maintain liveable urban environments and provide a wide range of environmental, aesthetic and social benefits to the community. The benefits of planting trees in suburban streetscape include reducing ambient air temperature, reducing the 'urban heat island' effect generated by existing hardstand surfaces, cleaning air by absorbing polluting gases, improving visual street amenity, creating safer walking environments, reducing cooling energy consumption costs and saving water through reduced evaporation rates.

While an increase in the City's canopy cover will not be seen in the immediate future, the *Leafy City Program* is a long-term initiative that will involve generational change with a vision to create resilient and cooler urban spaces within the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES that the selection of tree species will be on the basis of species that will perform best as a street tree in each specific location and deliver the highest potential to increase the City's urban canopy;**
- 2 NOTES that the location and planting of street trees as part of the Leafy City Program is carried out in accordance with the various guidelines as outlined in Report CJ076-05/23;**
- 3 NOTES that the City provides the opportunity for affected residents to discuss tree planting locations within current guidelines to further assist with sightlines, potential view obstructions and parking prior to planting;**
- 4 DOES NOT SUPPORT the petitioners request to plant smaller trees where views will be affected;**
- 5 ADVISES the lead petitioner of its decision.**

CJ104-06/23 APPOINTMENT OF ACTING MEMBER TO MINDARIE REGIONAL COUNCIL

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to appoint an Elected Member to act for Mayor Jacob at the Mindarie Regional Council Meeting (MRC) to be held on 13 July 2023.

EXECUTIVE SUMMARY

The MRC comprises delegates from each of the following member local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Vincent
- City of Wanneroo
- Town of Cambridge
- Town of Victoria Park.

The City of Joondalup is represented on the MRC by two Elected Members being Mayor Jacob and Cr Christopher May. The next meeting of the MRC is scheduled to occur on Thursday 13 July 2023 however, Mayor Jacob will be on an approved Leave of Absence and will be unable to attend. It is therefore necessary to appoint an alternative elected member to act as the City of Joondalup member for the meeting on 13 July 2023.

It is therefore recommended that Council:

- 1 *in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an elected member to act as a member and represent the City of Joondalup at the Mindarie Regional Council meeting to be held on Thursday 13 July 2023;*
- 2 *ADVISES the Mindarie Regional Council of its decision.*

BACKGROUND

The MRC is a regional local government established for the purpose of delivering effective, efficient and environmental sound waste treatment and disposal and leading its community in sustainable waste management philosophy.

The MRC was formed in 1981 when the Cities of Perth, Stirling and Wanneroo purchased land in Perth's northern corridor that included a parcel of land deemed suitable for a landfill site. Formal incorporation and registration of the MRC occurred on 22 December 1987 when the Governor in Executive Council gave approval.

The MRC is now one of Western Australia's largest waste management authorities and manages waste disposal for each of its member Councils.

No deputies are appointed to the MRC. Legal advice has confirmed that an alternate member to serve on the MRC can only be made under specific circumstances and not on an ongoing basis.

It is important to note, therefore, that should any of the Council's appointed representatives not be available to attend a meeting of the MRC, a Council resolution is required to appoint an alternate member for the specified period that the member is not available, in accordance with sections 52(1)(b) and (c) of the *Interpretation Act 1984*, which provides:

52. Power to appoint includes power to remove, suspend, appoint acting officer etc.

- (1) *Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power -*
 - (b) *where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and*
 - (c) *to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.*

DETAILS

The next meeting of the MRC is scheduled to occur on Thursday 13 July 2023. Mayor Jacob, as one of the appointed delegate for the City of Joondalup, is unable to attend and it is therefore necessary to appoint an alternative elected member to act as the City of Joondalup member for this meeting to ensure the City's interests are fully represented.

Issues and options considered

Council can either:

- appoint another elected member to act in the place of Mayor Jacob for the meeting to be held on Thursday 13 July 2023
- or
- not appoint another elected member.

Legislation / Strategic Community Plan / Policy implications**Legislation***Interpretation Act 1984***52. Power to appoint includes power to remove, suspend, appoint acting officer etc.**

(1) *Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power -*

(b) *where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and*

(c) *to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.*

10-Year Strategic Community Plan**Key theme**

Leadership.

Outcome

Capable and effective – you have an informed and capable Council backed by a highly skilled workforce.

Policy

Not applicable.

Risk management considerations

The risk to the City of Joondalup is that if another member is not appointed to represent the City in the absence of Mayor Jacob, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the MRC.

Financial / budget implications

Not applicable.

Regional significance

The purpose of the MRC is to deliver effective, efficient and environmentally sound waste treatment and disposal and leading its community in sustainable waste management philosophy.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is considered important that Council exercises its ability to be represented at each and every meeting of the MRC. It is recommended that an Elected Member be appointed to represent the City at the MRC meeting to be held on Thursday 13 July 2023.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** in accordance with the provisions of section 52 of the *Interpretation Act 1984* **APPOINTS** an elected member to act as a member and represent the City of Joondalup at the Mindarie Regional Council meeting to be held on Thursday 13 July 2023;
- 2** **ADVISES** the Mindarie Regional Council of its decision.

REPORTS OF THE CHIEF EXECUTIVE OFFICER

CJ105-06/23 PUBLIC ACCESS WAYS PLANTING AND MAINTENANCE PROGRAM

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Michael Hamling Infrastructure Services
FILE NUMBER	09178, 101515
ATTACHMENTS	Attachment 1 Community Garden Guidelines
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to re-consider its decision at the Council meeting on 23 May 2023, in relation to Parts 15.2 and 39.1 of the Item on the Minutes of the Annual General Meeting of Electors held on 7 March 2023 (CJ067-05/23 refers).

EXECUTIVE SUMMARY

At the Council Meeting held on 23 May 2023, Council considered an Item in relation to the Minutes of the Annual General Meeting of Electors held on 7 March 2023 (CJ067-05/23 refers). Electors Motion 15 and 39 both related, in part, to the requirement to indemnify the City against damage to people or property as a result of works undertaken in public access ways (PAW) under the PAW planting and maintenance program.

Part 15.2 and 39.1 of Item CJ067-05/23 are contradictory in that one supports the removal of the requirement to indemnify the City, and the other does not support the removal of the requirement to indemnify the City against damage to people or property as a result of works undertaken in a Public Access Way.

15.2 SUPPORTS the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;

39.1 DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;

The City does not have any insurance cover against any claim for loss, damage, or injury arising from works undertaken in public access ways by third parties, such as residents or a community group, and therefore, if the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting is removed, the City will be required to pay out any successful claim against the City.

Motions 15 and 39 moved by Electors at the Annual General Meeting of Electors held on 7 March 2023 and subsequent deputations from the proponents for the Lakeview Contemplation Garden has highlighted to the City the need to reconsider how this community project is managed and supported by the City. It is evident that the support the group is now seeking from the City is more in line with the City's Community Garden Guidelines process for a new community garden which includes the development of a Land Use Agreement.

It is therefore recommended:

That Council:

- 1 *BY ABSOLUTE MAJORITY AMENDS Part 15.2 of its decision of 23 May 2023 (CJ067-05/23 refers) from 'Supports' to 'Does not support' as follows:*

"15.2 DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting"

- 2 *REQUESTS the Chief Executive Officer to implement options to support the Lakeview Contemplation Garden Group in line with the City's Community Garden Guidelines.*

BACKGROUND

At the Council Meeting held on 23 May 2023, Council considered an Item in relation to the Minutes of the Annual General Meeting of Electors held on 7 March 2023 (CJ067-05/23 refers).

MOTION NO. 15

Electors Motion 15, as passed by the Electors present at the AGM, was as follows:

MOVED J Tostevin, SECONDED B Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the City to support the Lakeview Contemplation Garden (LCG) by way of the following:

- 1 **developing and signing a Memorandum of Understanding between the City of Joondalup and the LCG that will provide a basis on which LCG can have certainty and commitment from the City, sufficient for the requirements of funding organisations such as Lotterywest;**
- 2 **removing LCG from the 'Pedestrian Accessway Planting and Maintenance' Program' and the requirement to 'Indemnify the City against damage to people or property as a result of the works undertaken in the PAW planting';**
- 3 **filling the 2,000 litre container/s (which will be used for watering the plants) on a fortnightly basis for a period of not less than three years.**

Officer's comment

The Officer's comment for Electors Motion 15 was provided as follows:

Lakeview Park, Edgewater is classified as low priority urban landscaping under the *City of Joondalup Public Open Space Framework* consisting of a small (755m²) non-irrigated parcel of land boarded mostly by residential properties and is considered by the City to be an extension of the existing Public Access Way (PAW) linking Lakeview Drive and Ridge Close which is used as a path network.

At its meeting held 15 March 2022 (CJ041-03/22 refers), Council considered a petition seeking support from Council for the community to create a native contemplative garden in Edgewater and resolved as follows:

- “1 *NOTES the request from the Petition of Electors to create a native contemplation garden at Lakeview Park in Edgewater is consistent with the City’s recently established on-line process enabling applications to be received for Pedestrian Accessway Planting and Maintenance;*
- 2 *SUPPORTS Lakeview Park in Edgewater as a site suitable for consideration under the City’s Pedestrian Accessway Planting and Maintenance application process;*
- 3 *NOTES that if supported in Part 2 above, an application will need to be submitted to the City for assessment in line with the City’s on-line application process;*
- 4 *ADVISES the lead petitioner of Council’s decision.”*

The approval is subject to a number of conditions the applicants must commit to as follows:

- Maintaining the PAW in a safe, good and tidy condition.
- Keeping footpaths clear of landscaping and trip hazards.
- Not using any chemical weed control.
- Adhering to the *Local Government and Public Property Local Law 2014* including planting of approved species only.
- Maintaining a one metre plant clearance zone from any City or public utility infrastructure such as, but not limited to, lighting, street signs, traffic signs, control boxes to name a few.
- Indemnifying the City against damage to people or property as a result of the works undertaken in the PAW.
- Reinstating the planting following works undertaken by the City or other service authorities.

Applicants must also note the following:

- Built structures, staking, plants with thorns and the planting of trees is not permitted.
- The City is not liable for any damage or vandalism to plants or landscaping treatments.
- The City will not supply plants, mulch or other landscaping materials to undertake the works.
- The City will not provide financial or practical assistance to undertake the works.
- The Pedestrian Accessway Planting and Maintenance Register does not apply to parks, reserves, or natural areas.
- Residents and stakeholders are responsible for the planting and maintenance of the PAW in its entirety (not just the section/s immediately adjoining their property).
- It is the responsibility of the applicants to pay for any damage caused to private, City or public utility infrastructure during the planting and maintenance process. If any damage or disturbance occurs to infrastructure, ensure you contact the City immediately.
- Residents and stakeholders must reapply every two years to ensure the continuing support of the adjoining property owners.

Based on the above it is the City’s view that the Council resolution (CJ041-03/22 refers) is specific enough to show support for this project and it has been provided to the lead petitioner and a separate MOU is not required. A letter of support can again be provided to assist in funding applications to funding agencies if required.

One of the key conditions as detailed above is the requirement for the applicants to indemnify the City against damage to people or property as a result of the works undertaken in the PAW.

This requirement is a standard condition and is not linked only to the Pedestrian Accessway Planting and Maintenance Program. It would be irresponsible to allow anybody to undertake works on public land under the care and control of the City without requiring this indemnification.

The request from residents to undertake additional works on public open space outside the level of service that the City provides such as the Lakeview Contemplation Garden can be supported on the condition that the City does not provide financial or practical assistance to undertake the works.

This condition is to ensure that the Pedestrian Accessway Planting and Maintenance process does not circumvent the prioritisation process of Capital Works Projects for consideration in the Capital Works Program. Otherwise, applicants could use this process to seek approval for works and then apply to the City to fund the works.

Officer's recommendation

The Officer's recommendation for Electors Motion 15 was provided as follows:

That Council, in relation to Motion No. 15 carried at the Annual General Meeting of Electors:

- 1 *DOES NOT SUPPORT the development and signing a Memorandum of Understanding between the City of Joondalup and the Lakeview Contemplative Garden noting a letter of support can again be provided if required for grant applications;*
- 2 *DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;*
- 3 *DOES NOT SUPPORT the request for further financial or practical assistance from the City towards this project.*

During debate Cr Kingston foreshadowed an alternate motion for Electors Motion No. 15. The Officer's recommendation was LOST (5/7) and the following alternate motion was passed (10/2):

15 in relation to Motion No. 15 carried at the Annual General Meeting of Electors:

15.1 SUPPORTS the development and signing a Memorandum of Understanding between the City of Joondalup and the Lakeview Contemplative Garden noting a letter of support can again be provided if required for grant applications;

15.2 SUPPORTS the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;

15.3 NOTES the City can support the request to fill water containers;

MOTION NO. 39

Later in the meeting, Council considered Electors Motion No. 39. Electors Motion 39, as passed by the Electors present at the AGM, was as follows:

MOVED B Hewitt, SECONDED J Tostevin that the Electors of the City of Joondalup REQUEST that Council instruct the City to remove from the 'Pedestrian Accessway Planting and Maintenance' program the requirements to 'Indemnify the City against damage to people or property as a result of the works undertaken in the PAW Planting'.

Officer's comment

The Officer's comment for Electors Motion 39 was provided as follows:

For applications under the City's Pedestrian Accessway Planting and Maintenance program, approval is subject to a number of conditions the applicants must commit to as follows:

- Maintaining the PAW in a safe, good and tidy condition.
- Keeping footpaths clear of landscaping and trip hazards.
- Not using any chemical weed control.
- Adhering to the *Local Government and Public Property Local Law 2014* including planting of approved species only.
- Maintaining a one metre plant clearance zone from any City or public utility infrastructure such as, but not limited to, lighting, street signs, traffic signs, control boxes to name a few.
- Indemnifying the City against damage to people or property as a result of the works undertaken in the PAW.
- Reinstating the planting following works undertaken by the City or other service authorities.

Applicants must also note the following:

- Built structures, staking, plants with thorns and the planting of trees is not permitted.
- The City is not liable for any damage or vandalism to plants or landscaping treatments.
- The City will not supply plants, mulch or other landscaping materials to undertake the works.
- The City will not provide financial or practical assistance to undertake the works.
- The Pedestrian Accessway Planting and Maintenance Register does not apply to parks, reserves, or natural areas.
- Residents and stakeholders are responsible for the planting and maintenance of the PAW in its entirety (not just the section/s immediately adjoining their property).
- It is the responsibility of the applicants to pay for any damage caused to private, City or public utility infrastructure during the planting and maintenance process. If any damage or disturbance occurs to infrastructure, ensure you contact the City immediately.
- Residents and stakeholders must reapply every two years to ensure the continuing support of the adjoining property owners.

One of the key conditions as detailed above is the requirement for the applicants to indemnify the City against damage to people or property as a result of the works undertaken in the PAW. This requirement is a standard condition, and not linked to the Pedestrian Accessway Planting and Maintenance Program. It would be irresponsible to allow anybody to undertake works on public land under the care and control of the City without requiring this indemnification.

Officer's recommendation

The Officer's recommendation for Electors Motion 39 was provided as follows:

That Council, in relation to Motion No. 39 carried at the Annual General Meeting of Electors DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting.

The Officer's recommendation for Electors Motion 39 was carried as follows:

39 in relation to Motion No. 39 carried at the Annual General Meeting of Electors:

- 39.1 DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;**

DETAILS

Part 15.2 and 39.1 of Item CJ067-05/23 are contradictory in that one supports the removal of the requirement to indemnify the City, and the other does not support the removal of the requirement to indemnify the City against damage to people or property as a result of works undertaken in a Public Access Way.

- 15.2 SUPPORTS the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;**
- 39.1 DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;**

Advice has been sought from WALGA, and a response provided as follows:

“Where Council resolutions conflict with one another (whether or not this occurs at the same meeting) WALGA recommends that a report should be taken to Council with a recommendation to revoke one or the other of the conflicting resolutions under Admin Reg 10. We would also normally advise there be a slight departure from normal procedure in the wording of the Officer Recommendation, where it would be prudent to not specifically recommend which resolution to revoke.

However on this occasion I note the issue relates to indemnifying the City, and that the City provided the following guidance in relation to the Electors’ resolution in the Agenda:

One of the key conditions as detailed above is the requirement for the applicants to indemnify the City against damage to people or property as a result of the works undertaken in the PAW. This requirement is a standard condition, and not linked to the Pedestrian Accessway Planting and Maintenance Program. It would be irresponsible to allow anybody to undertake works on public land under the care and control of the City without requiring this indemnification.

Given the importance of the question of indemnification, the City may determine to seek and provide additional advice to the next Council meeting on any consequences of the removal of indemnification that may not have been disclosed at the meeting of 23 May.

If that were the case, the Officer’s Report and Recommendation could be worded to recommend an outcome that protects the interests of the City, rather than an outcome that simply clarifies a contradiction.”

The City has also sought advice from the City’s insurer, LGIS, who has provided the following advice:

“Firstly, community gardens and projects of the same ilk are obviously beneficial to a community for many reasons, however there must be strict controls in place for the protection and safety of all, not only the residents undertaking the works but also the general public. The larger the area of the garden, the greater the issues become.

Not only do the residents need to indemnify the City against damage/injuries to all people but before any works commence, must have insurance and a current certificate of insurance, with a recommended Public liability cover of \$20,000,000.

LGIS does not offer insurance to residents for these programs. They will need to source their own insurance through either a broker or commercial provider.

Aside from what you already have in place, it is also important to have agreements in place as to what will happen to the community garden/structures, in terms of maintenance ownership etc, should the group lose interest in continuing the project."

Issues and options considered

That Council:

1. AMENDS Part 15.2 of its decision of 23 May 2023 (CJ067-05/23 refers) from 'Supports' to 'Does not support' as follows:

15.2 DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;

This option is recommended for the reasons provided in this report.

2. AMENDS Part 39.1 of its decision on 23 May 2023 (CJ067-05/23 refers) from 'Does not support' to 'Supports' as follows:

39.1 SUPPORTS the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting;

This option is not recommended for the reasons provided and risk and financial implications detailed in this report.

Legislation / Strategic Community Plan / Policy implications

Legislation

Local Government Act 1995.

Local Government (Administration) Regulations 1996.

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported

—

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or

committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended: Gazette 31 Mar 2005 p. 1030; SL 2020/213 r. 16.]

10-Year Strategic Community Plan

Key theme	Leadership.
Outcome	5-3 Engaged and informed – You are able to actively engage with the City and have input into decision-making.
Policy	Not applicable.

Risk management considerations

The City does not have any insurance cover against any claim for loss, damage, or injury arising from works undertaken in public access ways by third parties, such as residents on a community group, and therefore, if the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting is removed, the City will be required to pay out any successful claim against the City.

Financial / budget implications

Successful claims against the City can be up to millions of dollars.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City will contact the Lakeview Contemplation Garden group to discuss options to support them in line with the City's Community Garden Guidelines if supported by Council.

COMMENT

The City of Joondalup Community Garden Guidelines were developed to assist community groups to establish and manage successful, sustainable community gardens on public land within the City of Joondalup (Attachment 1 refers). Through these guidelines, the City helps facilitate community gardens to be self-managed in a sustainable way by the community.

Motions 15 and 39 moved by Electors at the Annual General Meeting of Electors held on 7 March 2023 and subsequent deputations from the proponents for the Lakeview Contemplation Garden has highlighted to the City the need to reconsider how this community project is managed and supported by the City. It is evident that the support the group is now seeking from the City is more in line with the City's Community Garden Guidelines process for a new community garden which includes the development of a Land Use Agreement.

Once a community garden group is established and incorporated, it has the opportunity to apply for funding through the City's Community Funding Program for eligible projects in line with funding guidelines. This opportunity is currently not available for the Lakeview Contemplation Garden group.

It should be noted that for community gardens, groups are required to indemnify the City against any claim for loss, damage or injury arising out of the groups occupation and use of the community garden and requires the group to obtain and maintain a public liability insurance policy to indemnify the City against any claims for damages arising from the group's activities.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **BY ABSOLUTE MAJORITY AMENDS** Part 15.2 of its decision of 23 May 2023 (CJ067-05/23 refers) from 'Supports' to 'Does not support' as follows:

"15.2 DOES NOT SUPPORT the removal of the requirement to indemnify the City against damage to people or property as a result of the works undertaken in the Public Access Way planting"

- 2 **REQUESTS** the Chief Executive Officer to implement options to support the Lakeview Contemplation Garden Group in line with the City's Community Garden Guidelines.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17agn230627.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO. 1 - CR CHRISTOPHER MAY – CYCLIST/PEDESTRIAN PATHWAYS WHITFORDS AVENUE

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Christopher May has given notice of his intention to move the following Motion at the Council meeting to be held on 27 June 2023:

That Council:

- 1 NOTES the lack of cyclist/pedestrian path infrastructure running parallel to Whitfords Avenue, eastbound between Whitfords East Park and Marmion Avenue.**
- 2 REQUESTS the Chief Executive Officer to prepare a report to Council on the construction of a Principal Shared Path running parallel to Whitfords Avenue, eastbound from Marmion Avenue/Whitfords East Park to Eddystone Avenue, Craigie, including appropriate crossings to connect to the existing path and Principal Shared Path network on the Padbury/westbound side of Whitfords Avenue, considering the following:**
 - 2.1 Priority rating assessed against similar projects;**
 - 2.2 Potential for State and/or Federal funding contributions;**
 - 2.3 Report to include preliminary costs of construction of a Principal Shared Path including earthworks, any crossing/s and retaining wall/s;**
 - 2.4 Any opportunities to cooperate with Main Roads WA and other stakeholders in delivery of this or similar projects.**

REASON FOR MOTION

Currently, significant works are underway to improve the Principal Shared Path (PSP) network for cyclists and pedestrians along the length of the Mitchell Freeway within the City of Joondalup district.

Whitfords Avenue and associated pedestrian/cyclist infrastructure connects to one of the busiest train lines according to the Department of Transport. Whitfords and Warwick Stations have the most boardings on the Joondalup train line as at 2019 (Planning and Transport Research Centre, Pulse of Perth Data Visualisation report refers – pp17).

Currently, consistent PSP or widened paths run east-west on both sides of other east-west arterial roads servicing major train stations, such as Warwick Road, Hepburn Avenue, Ocean Reef Road and Burns Beach Road.

Whitfords Avenue east of the Freeway is also serviced by both a PSP and widened standard path on both the Woodvale and Kingsley side of Whitfords Avenue. There is also an underpass in Woodvale linking directly to the station precinct.

In the area specified in my Notice of Motion, there is no footpath or pedestrian infrastructure whatsoever between Whitfords East Park and Eddystone Avenue. I have proposed investigating an upgraded crossing similar to that of the Burns Beach-Kinross crossing to then divert cyclist traffic to the southern side of Whitfords Avenue to link up to the existing path and PSP on the Padbury side of Whitfords Avenue, to facilitate the maximum number of users having access to a PSP from both suburbs.

Such a project would improve access to high frequency bus stops in the south-western parts of Craigie and north-western side of Padbury, and growing populations in these areas due to infill will also lead to a further need for improved transport infrastructure to reduce car dependence and provide efficient access to Whitfords Station and the PSP currently under construction along the Mitchell Freeway.

At this time, residents on the western side of Craigie who wish to leave their car at home and commute via bike, scooter or walk/run, cannot do so effectively. The current shoulder on Whitfords Avenue is degraded and very narrow, presenting a potential safety hazard to motorists, cyclists and pedestrians.

Such a project could theoretically also be able to link up to the Eddystone Avenue PSP project currently underway.

The reason I have proposed terminating the project at Eddystone Avenue, is due to there being existing path networks east of this point which adequately service pedestrians and cyclists accessing the train station and Craigie Leisure Centre.

OFFICER'S COMMENT

A report can be prepared.

NOTICE OF MOTION NO. 2. - CR CHRISTOPHER MAY – SISTER CITY RELATIONSHIP WITH CITY OF MANCHESTER

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Christopher May has given notice of his intention to move the following Motion at the Council meeting to be held on 27 June 2023:

That Council:

- 1 REQUESTS the Chief Executive Officer to investigate options for developing a Sister City relationship with the City of Manchester;**
- 2 The report is to include information on:**
 - 2.1 The governance arrangements;**
 - 2.2 The synergies and opportunities for a relationship between the two cities;**
 - 2.3 Support from the City of Manchester for a relationship;**
 - 2.4 Additional City resource requirements;**
 - 2.5 Comparison with other potential Sister City relationships in communities and economies relevant to Joondalup.**

REASON FOR MOTION

To investigate opportunities to establish a formal relationship with a major City in the United Kingdom. The United Kingdom is home to the largest first, second and third generation group of migrants within the City of Joondalup district, with a particularly large number from UK's north and midlands of which Manchester serves as a key regional centre.

Australia enjoys a formalised Free Trade Agreement with the United Kingdom, relaxed visa rules for Australians visiting and working with the United Kingdom and centuries long historical ties.

A sister city relationship would provide further opportunities for economic engagement directly between the City of Joondalup district and a sister city of comparable population to Perth's northern corridor (approx. 600,000), as well as Joondalup's educational institutions, including Edith Cowan University, North Metropolitan TAFE and the WA Police Academy, which recruits officers from the United Kingdom.

As Perth's northern satellite-city, strengthening cultural and economic ties with nations which are culturally and historically aligned will assist the City in realising economic development beyond solely the Asia-pacific region.

OFFICER'S COMMENT

The investigation of options for developing a Sister City relationship with the City of Manchester is supported.

The City is currently developing a new Economic Development Strategy to replace the existing *Economic Development Strategy – Expanding Horizons*. Guided by this strategy, the *International Economic Development Activities Plan* provides guidance on opportunities to facilitate international relationships. This plan highlights 'Profile raising' as a strategic priority and directs that the City should “*Continue to enhance the relationship with the City of Jinan and explore opportunities for relationships with other markets*”.

It is important to note the draft Corporate Business Plan 2023-2027, scheduled to be presented to Council for adoption in June 2023, outlines that a new *International Economic Development Plan* will be developed by Quarter 4 of 2023/24. It is proposed that a new *International Economic Development Plan (Global City Plan)* will inform the development of the report to Council, which would include consideration of a Sister-City relationship between the City of Joondalup and the City of Manchester, as well as information on the following:

- The governance arrangements.
- The synergies and opportunities for a relationship between the two cities.
- Support from the City of Manchester for a relationship.
- Additional City resource requirements.
- Comparison with other potential Sister City relationships in communities and economies relevant to Joondalup.

In the meantime, it is proposed that the City establishes contact with the City of Manchester to commence investigations into establishing a relationship.

CLOSURE



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

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

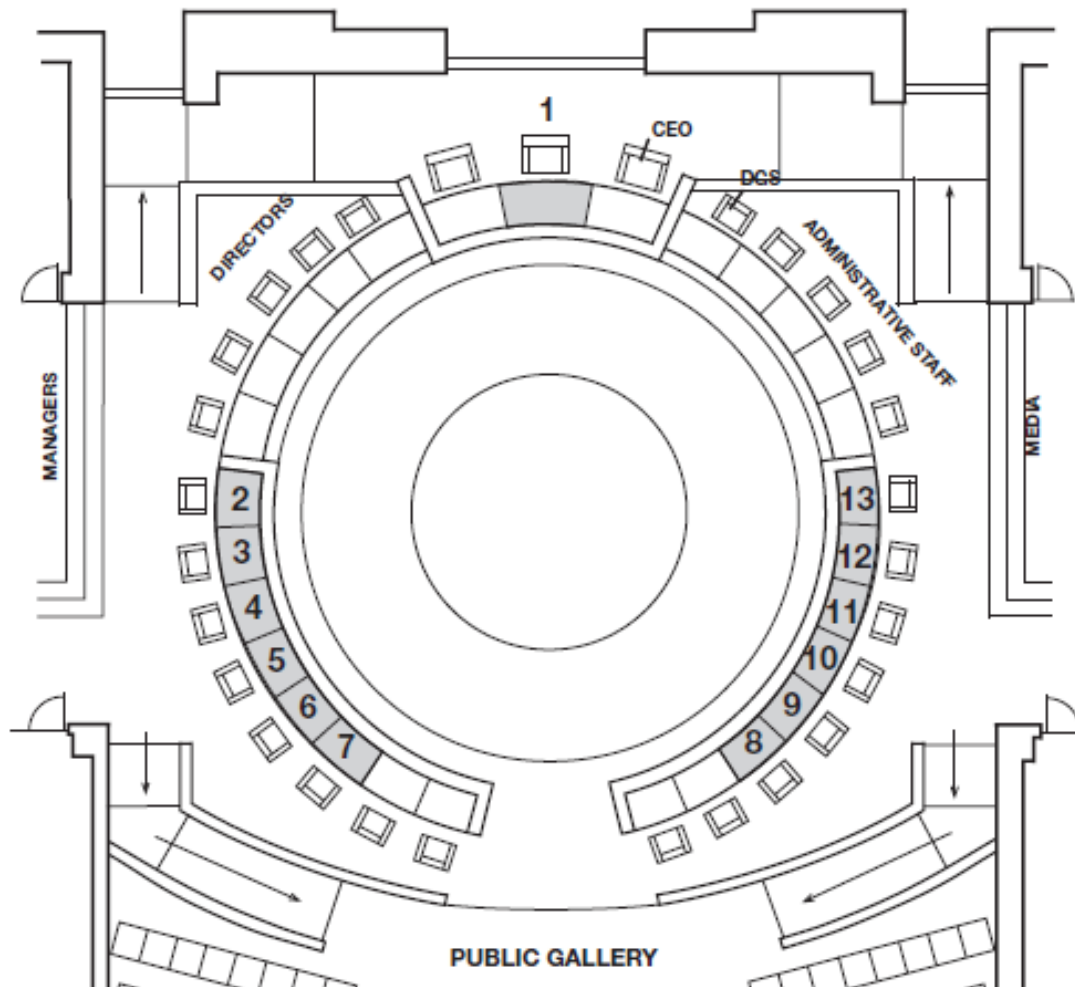
Name / Position		
Meeting Date		
Item No. / Subject		
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<i>*Delete where not applicable</i>
Extent of Interest		
Signature		
Date		

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 10/25)

North Ward

- 2 Cr Adrian Hill (Term expires 10/25)
- 3 Cr Tom McLean, JP (Term expires 10/23)

North-Central Ward

- 4 Cr Daniel Kingston (Term expires 10/25)
- 5 Cr Nige Jones (Term expires 10/23)

Central Ward

- 6 Cr Christopher May (Term expires 10/25)
- 7 Cr Russell Poliwka (Term expires 10/23)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/25)
- 9 Cr John Raftis (Term expires 10/23)

South-East Ward

- 10 Cr John Chester (Term expires 10/25)
- 11 Cr John Logan (Term expires 10/23)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/25)
- 13 Cr Suzanne Thompson (Term expires 10/23)