

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD IN
CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

ON TUESDAY 9 FEBRUARY 2016

COMMENCING AT 6.30pm

GARRY HUNT
Chief Executive Officer
5 February 2016

joondalup.wa.gov.au

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday 8 February 2016**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, members of the public and external advisors (where appropriate).

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

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

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

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

PROCEDURES FOR DEPUTATIONS

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

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information090216.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 9 February 2016** commencing at **6.30 pm**.

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosures of Financial Interest/Proximity Interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	Cr Russell Poliwka.
Item No./Subject	Item 26 – Confidential – Joondalup City Centre Development – Project Status Report.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Poliwka owns property opposite the proposed development site.

Disclosures of interest affecting impartiality

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

Name/Position	Cr Tom McLean, JP.
Item No./Subject	Item 26 – Confidential – Joondalup City Centre Development – Project Status Report.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	A director of Probuild Constructions is a friend of Cr McLean.

Name/Position	Mr Blignault Olivier, Manager City Projects.
Item No./Subject	Item 26 – Confidential – Joondalup City Centre Development – Project Status Report.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	A Director of Probuild Constructions (part of the Devwest Group Pty Ltd team) is a personal friend of Mr Olivier.

3 DEPUTATIONS

4 PUBLIC QUESTION TIME

5 PUBLIC STATEMENT TIME

The following statement was made at the Briefing Session held on 1 December 2015:

Mr A Hill, President of the Burns Beach Residents Association, Burns Beach:

Re: Item 19 - Petition Requesting the Installation of a Pedestrian Crossing Underpass or Overpass on Marmion Avenue, Kinross.

Mr Hill spoke on behalf of the Burns Beach Residents Association in favour of the Officer's Recommendation. Mr Hill stated that road improvements are necessary for this section of road and urged Council to progress Option 5.

6 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence Previously Approved:

Cr Mike Norman 21 February to 5 March 2016 inclusive.

7 REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS - NOVEMBER AND DECEMBER 2015

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENT	Attachment 1 Monthly Development Applications Determined – November and December 2015 Attachment 2 Monthly Subdivision Applications Processed – November and December 2015
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during November and December 2015.

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 every two years, or as required.

This report identifies the following applications determined by the administration with delegated authority powers during November and December 2015 (Attachments 1 and 2 refer):

- 1 Development applications.
- 2 Subdivision applications.

BACKGROUND

Schedule 2 clause 82 (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.

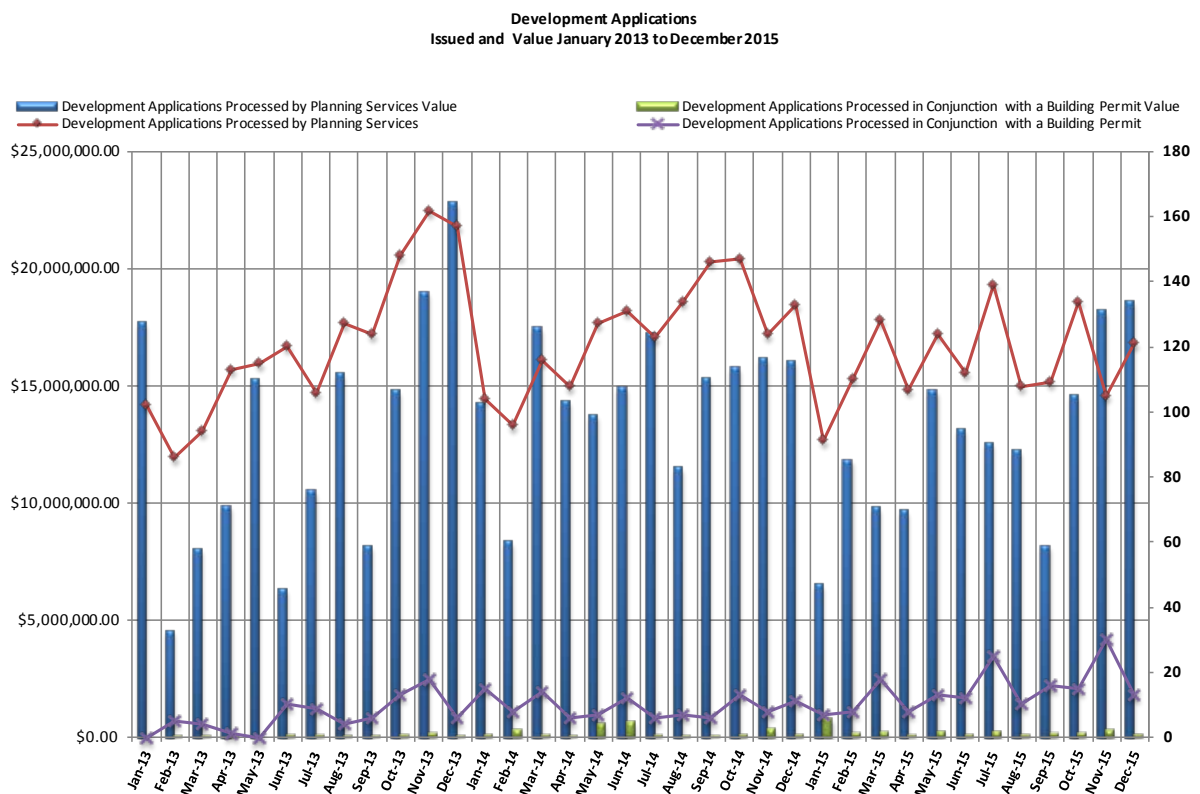
At its meeting held on 6 October 2015 (CJ167-10/15 refers) Council considered and adopted the most recent Town Planning Delegations, necessitated by the Regulations taking effect from 10 October 2015.

DETAILS

The number of applications determined under delegated authority during November and December 2015 is shown in the table below:

Applications determined under delegated authority – November and December 2015		
Type of Application	Number	Value (\$)
Development applications processed by Planning Services	226	\$ 36,833,204
Development applications processed by Building Services	43	\$415,116
TOTAL	269	\$ 37,248,320

The total number and value of development applications determined between November and December 2015 is illustrated in the graph below:



The number of applications received during November and December was 227. (This figure does not include any development applications to be processed by building as part of the building permit approval process).

The number of planning applications current at the end of December was 211. Of these, 67 were pending additional information from applicants and 3 were being advertised for public comment.

In addition to the above, 544 building permits were issued during the months of November and December with an estimated construction value of \$43,652,561.

The number of subdivision and strata subdivision referrals processed under delegated authority during November and December 2015 is shown in the table below:

Subdivision referrals processed under delegated authority for November and December 2015		
Type of referral	Number	Potential additional new lots
Subdivision applications	4	12
Strata subdivision applications	5	5

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation

*City of Joondalup District Planning Scheme No. 2.
Planning and Development (Local Planning Schemes)
Regulations 2015.*

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that apply to the particular development.

Schedule 2 clause 82 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 Schedule 2 clause 82 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 269 applications were determined for the months of November and December with a total amount of \$145,216 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 DPS2 and the Regulations.

Of the 269 development applications determined during November and December 2015 consultation was undertaken for 55 of those applications. R-Codes applications for assessment against the applicable Design Principles, which are made as part of building applications, are required to include comments from adjoining landowners. Where these comments are not provided, the application will be dealt with by Planning Services. The nine subdivision applications processed during November and December 2015 were not advertised for public comment.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to this Report during November and December 2015;**
- 2 subdivision applications described in Attachment 2 to this Report during November and December 2015.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf090216.pdf](#)

ITEM 2 PROPOSED AMENDMENT NO. 78 TO DISTRICT PLANNING SCHEME NO. 2 - LOTS 200-202 KANANGRA CRESCENT, GREENWOOD – CONSIDERATION FOLLOWING ADVERTISING

WARD	South-East
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	104258, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Zoning plan (existing and proposed) Attachment 3 Consultation plan Attachment 4 Schedule of submissions
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the proposed amendment to *District Planning Scheme No. 2* (DPS2) to recode Lots 200, 201 and 202 (24, 22, and 20) Kanangra Crescent, Greenwood, from R20 to R40, and restrict the use to 'aged or dependent persons' dwellings', following public advertising.

EXECUTIVE SUMMARY

Lots 200, 201 and 202 Kanangra Crescent, Greenwood are City owned freehold lots zoned 'Residential' under DPS2.

At its meeting held on 28 July 2015 (CJ109-07/15 refers), Council resolved to initiate the amendment for the purpose of public advertising.

The amendment was advertised for public comment for a period of 42 days ending on 3 December 2015. A total of ten submissions were received consisting of three submissions from service authorities, five submissions providing comments and two submissions indicating support.

Comments made through the submissions related to a request for the amendment area to be expanded, the retention of trees, increased traffic, loss of public open space and the built form of the future development on the sites. The comments predominantly relate to the future development and not to the proposed scheme amendment.

The proposed amendment is considered appropriate as it will provide the opportunity for aged or dependent persons' accommodation to be developed which will be of benefit to the community.

It is therefore recommended that Council supports the scheme amendment, and forwards the amendment to the Western Australian Planning Commission (WAPC) for consideration.

BACKGROUND

Suburb/Location	Lot 200 (24), Lot 201 (22), Lot 202 (20) Kanangra Crescent, Greenwood.
Applicant	City of Joondalup.
Owner	City of Joondalup.
Zoning	DPS Residential R20. MRS Urban.
Site area	Lot 200: 703m ² , Lot 201: 703m ² , Lot 202: 1599m ² (3005m ² combined).
Structure plan	Not applicable.

Lots 200-202 are adjoined by existing residential development (R20), with the Coolibah Plaza adjoining Lot 202 to the north-east (Attachment 1 refers). The lots are currently vacant.

The subject site and surrounding lots are within Housing Opportunity Area 1 of the Local Housing Strategy (LHS), and are proposed to be coded R20/40 under Scheme Amendment No. 73, which seeks to implement the majority of the recommendations of the LHS. At its meeting held on 31 March 2015 (CJ032-03/15 refers), Council endorsed Amendment No. 73 to DPS2 as final and approval of the amendment by the Minister for Planning is imminent. Amendment No. 73 will recode these subject lots 'R20/40'. In the event that approval and gazettal of Amendment No. 73 occurs subsequent to Council's support of Amendment No. 78, the lots would still be recoded to 'R40' and restricted to aged or dependent persons' dwellings, however, the amendment documentation may need to be updated to reflect the gazetted density code of 'R20/40' under Amendment No. 73 rather than 'R20'. This would likely occur as an administrative process at the request of the Department of Planning.

In line with the rationalisation of the City's freehold properties, it is anticipated that Council will seek to dispose of these properties.

At its meeting held on 31 March 2015 (CJ046-03/15 refers), Council resolved in part that it:

- "1 *SUPPORTS the amalgamation of Lots 200, 201 and 202 Kanangra Crescent, Greenwood;*
- 2 *REQUESTS the initiation of an amendment to District Planning Scheme No. 2 for the purpose of public consultation to recode Lots 200, 201 and 202 Kanangra Crescent, Greenwood from R20 to R40;...*"

At its meeting held on 28 July 2015 (CJ109-07/15 refers), Council resolved that it:

- "1 *Pursuant to Part 5 of the Planning and Development Act 2005 and Regulations 13 and 25 of the Town Planning Regulations 1967, PROCEEDS with proposed Amendment No. 78 to the City of Joondalup District Planning Scheme No. 2 to:*
 - 1.1 *AMEND the Residential Density Code Map to recode Lot 200 (24), Lot 201 (22), and Lot 202 (20) Kanangra Crescent, Greenwood from 'R20' to 'R40',*
 - 1.2 *INCLUDE Lot 200 (24), Lot 201 (22), and Lot 202 (20) Kanangra Crescent, Greenwood, in Schedule 2 – Section 2 - Restricted Uses as follows:*

NO	STREET/LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-8	20 Kanangra Crescent, Greenwood 22 Kanangra Crescent, Greenwood 24 Kanangra Crescent, Greenwood	Lot 202 Lot 201 Lot 200	Aged or Dependent Persons' Dwelling.

1.3 *AMEND the Scheme Map to depict 'Restricted Use: 2-8' over Lot 200 (24), Lot 201 (22), and Lot 202 (20) Kanangra Crescent, Greenwood,*

as depicted at Attachment 2 to Report CJ109-07/15, for the purposes of public advertising for a period of 42 days."

DETAILS

It is proposed that Lots 200, 201 and 202 Kanangra Crescent, Greenwood, be recoded from R20 to R40 (Attachment 2 refers) and for the use of the site to be restricted to 'aged or dependent persons' dwellings'. The size and location of the subject lots provide an ideal opportunity to provide this form of housing in Greenwood. In addition, the restriction would be consistent with the restriction placed on other City owned land that is being rationalised.

In terms of residential dwelling numbers, the following table outlines the maximum potential yield at a density code of R20 and R40 if the sites were amalgamated and developed for single/grouped dwellings or aged or dependent persons' dwellings.

	R20	R40
Single and grouped dwellings	6 dwellings	13 dwellings
Aged or dependent persons' dwellings	10 dwellings	20 dwellings

With respect to the above information, it is important to note that:

- this reflects maximum development potential only. It is likely that the number of dwellings on site will be less than outlined given the need to also meet open space, height, setback, parking and landscaping requirements
- it is not possible to determine the number of multiple dwellings that can be developed at the R40 code as no minimum lot sizes are specified in the Residential Design Codes for multiple dwellings at this code.

Issues and options considered

The issue to be considered by Council is the suitability of the proposed residential density increase and the land use being restricted to aged or dependent persons' dwellings.

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

- to support the amendment to the local planning scheme without modification
- to support the amendment to the local planning scheme with modifications to address relevant issues raised in the submissions
or
- not to support the amendment to the local planning scheme.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

The community is able to effectively age in place through a diverse mix of facilities and appropriate urban landscapes.

Policy Not applicable.

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

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* enables a local government to amend a local planning scheme and sets out the process to be followed.

At its meeting held on 28 July 2015 (CJ109-07/15 refers), Council resolved to initiate the scheme amendment for the purposes of public advertising. The proposed amendment was then referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA decided that a formal environmental review of the amendment was not required.

Upon closure of the advertising period, Council is required to consider all submissions received and to either support the amendment, with or without modifications, or refuse to support the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC), which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Since the initiation of the Scheme Amendment the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) have come into effect replacing the *Town Planning Regulations 1967*. Under the new Regulations the amendment would have been considered a standard scheme amendment. The process for considering a standard amendment remains mostly unchanged in regard to the mechanisms and timeframes for consultation, referrals and consideration of submissions.

Risk management considerations

If a scheme amendment to increase the density of the subject lots is supported without also restricting the development to 'aged and dependent persons' dwellings' there is a significant risk that other scheme amendments proposing density increases similar to the subject proposal, will be lodged with the City.

Financial / budget implications

The City, as the proponent, is required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising the scheme amendment which consists of placing a notice in the relevant newspapers and a sign on-site. The advertising cost for the notices in the newspapers and sign on site was \$1,250. A notice will also be placed in the *Government Gazette* in the event that the scheme amendment is approved.

Regional significance

Not applicable.

Sustainability implications

The proposed amendment will contribute to social sustainability by facilitating the development of aged or dependent persons' dwellings, which will help to meet the housing needs of this sector of the community.

Consultation

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 3 December 2015, by way of:

- letters to nearby landowners (Attachment 3 refers)
- a notice placed in the Joondalup Community newspaper
- a sign on the subject site
- a notice placed on the City's website.

A total of 10 submissions were received consisting of:

- five comments, including one from a service authority
- four submissions indicating support, including one from a service authority
- one submission of no comment from a service authority.

The issues raised in the submissions concerned the retention of trees, need for public open space, increase in traffic, the built form of the future development on these sites and also included a request for the amendment area to be expanded.

A schedule of the submissions is provided at Attachment 4 to this report.

COMMENT

Response to submissions

- Inclusion in amendment area

The owner of Lot 206 Coolibah Drive, which backs onto Lot 201 and 202, has requested that Lot 206 be included in the amendment area. The owner has indicated that the lot should be included on the basis that it would allow for dual frontage and vehicle access to the site. The owner states that as the site currently accommodates a medical centre this would complement the future aged and dependent persons' dwellings.

The inclusion of Lot 206 is not considered to be appropriate as it has the potential to result in the loss of the medical centre use which would otherwise be of benefit to the future residents of the aged or dependent persons' accommodation. However, this could occur irrespective of the development on site being restricted to 'aged and dependent persons' dwellings. Additionally the inclusion of the lot has the potential to result in an irregular shaped lot which can make cohesive development on the site problematic.

- Tree retention and public open space (POS)

Some of the comments made in the submissions related to the retention of the trees on site. The submitters indicated the design of the future development should have regard for the trees and that the loss of trees would impact on the amenity of the streetscape. One submission suggested that the original POS calculation would not have included these sites and therefore 10% of the site should be ceded for POS or cash in lieu provided. If land is required, then it should be an area of the site which would accommodate tree retention.

The retention of specific trees is considered at later stages of the planning process through the assessment of a development application. Where vegetation is located on private property the City can encourage retention, however, the ability to ensure the trees are retained by the developer is limited.

The City would work with the ultimate purchaser to minimise the loss of trees through the development process.

Further to this, as sufficient POS was provided when the area was originally subdivided and with Kanangra Park and Warrigal Park in close proximity there is no further requirement for a portion of these sites to be ceded for this purpose. If a portion of the land was required for POS it would result in a small 'pocket' park with limited use.

- Built form

In regard to the built form anticipated for the sites one submitter questioned why it wasn't possible to provide an estimated number of multiple dwellings that could be accommodated on the sites and another submitter stated they objected to an apartment building being constructed on the site.

The scheme amendment process is unable to take into consideration the future built form on the lots as this is beyond the scope of this process. The built form is taken into consideration during the development application process where an assessment will be undertaken in accordance with the provisions of DPS2, the Residential Design Codes, local planning policies and any other relevant legislation.

It is anticipated that dwellings of between one and two storeys may be developed on the site in the form of single, grouped or multiple dwellings. As the sites haven't been developed previously any development on the site will change the streetscape. Development that meets the provisions and objectives of the relevant planning documents will be considered appropriate for the site.

- Traffic

One of the submitters raised concerns about the anticipated traffic resulting from the future development of the site. It was suggested that the increase in traffic would impact on Kanangra Crescent and Coolibah Drive.

As the lots are currently vacant any development of the sites will see an increase in traffic. Given the built form and total number of dwellings is not currently known it is not possible to determine the number of vehicle movements that may result from the development. However Kanangra Crescent is a local access road which has the capacity to accommodate between 1,000 and 3,000 vehicle movements per day. As part of the development application it is anticipated that a traffic impact statement or assessment will be required which will outline the traffic and vehicle movements associated with the development.

Conclusion

The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal. It is therefore recommended that the proposed amendment be supported without modification and the amending documents be endorsed and submitted to the WAPC for determination by the Minister for Planning.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

1 Pursuant to Part 5 of the *Planning and Development Act 2005* and Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Amendment No. 78 to the *City of Joondalup District Planning Scheme No. 2* to:

1.1 AMEND the Residential Density Code Map to recode Lot 200 (24), Lot 201 (22), and Lot 202 (20) Kanangra Crescent, Greenwood from 'R20' to 'R40';

1.2 INCLUDE Lot 200 (24), Lot 201 (22), and Lot 202 (20) Kanangra Crescent, Greenwood, in Schedule 2 – Section 2 - Restricted Uses as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-8	20 Kanangra Crescent, Greenwood	Lot 202	Aged or Dependent Persons' Dwelling.
	22 Kanangra Crescent, Greenwood	Lot 201	
	24 Kanangra Crescent, Greenwood	Lot 200	

1.3 AMEND the Scheme Map to depict 'Restricted Use: 2-8' over Lot 200 (24), Lot 201 (22), and Lot 202 (20) Kanangra Crescent, Greenwood;

2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Amendment No. 78 to the *City of Joondalup District Planning Scheme No. 2*;

- 3 Pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWARDS Amendment No. 78 and Council's decision to the Western Australian Planning Commission for consideration;**
- 4 NOTES the submissions received and advise the submitters of Council's decision.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf090216.pdf](#)

ITEM 3 PROPOSED AMENDMENT NO. 82 TO DISTRICT PLANNING SCHEME NO. 2 – LOTS 642 AND 643 MARRI ROAD, DUNCRAIG – CONSIDERATION FOLLOWING ADVERTISING

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	105015, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Zoning plan (existing and proposed) Attachment 3 Consultation plan Attachment 4 Schedule of submissions
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the proposed amendment to *District Planning Scheme No. 2 (DPS2)* to recode Lots 642 and 643 (57-59) Marri Road, Duncraig, from R20 to R40, and restrict the use to 'aged or dependent persons' dwellings', following public advertising.

EXECUTIVE SUMMARY

Lot 642 and 643 Marri Road, Duncraig, are City owned freehold lots zoned 'Residential' under DPS2.

At its meeting held on 28 July 2015 (CJ110-07/15 refers), Council resolved to initiate the amendment for the purpose of public advertising. The proposed scheme amendment was advertised for public comment for 42 days, closing on 3 December 2015. A total of three submissions were received comprising of two comments of no objection from service authorities and one submission from a nearby resident. The submission from the nearby resident raised concerns regarding the availability of visitor parking on the site. It is noted that visitor parking for the site will be determined through a future development application in accordance with the *Residential Development Local Planning Policy* and *Residential Design Codes (R-Codes)*.

It is considered that the size and location of the lots will create an ideal opportunity to provide this form of housing in Duncraig near existing services, including the Duncraig Shopping Centre. In addition, the restriction to 'aged or dependent persons' dwellings' is consistent with the rezoning and recoding of other City owned land that has been the subject of disposal.

It is therefore recommended that Council supports the scheme amendment, and forwards the amendment to the Western Australian Planning Commission (WAPC) for consideration.

BACKGROUND

Suburb/Location	Lot 642 (57) and Lot 643 (59) Marri Road, Duncraig.
Applicant	City of Joondalup.
Owner	City of Joondalup.
Zoning	DPS Residential R20.
	MRS Urban.
Site area	Lot 642: 683m ² , Lot 643 683m ² (1366m ² combined).
Structure plan	Not applicable.

Lots 642 and 643 are adjoined by existing residential development (R20) to the north, with a veterinary hospital immediately to the west. To the east of the site is Marri Park. To the south of the subject lots is a 'Residential' (R40) zoned lot which has been developed for 'aged or dependent persons' dwellings'. The Duncraig Shopping Centre is also located diagonally opposite and an as yet undeveloped 'Commercial' (R60) zoned site is located on the corner of Marri Road and Cassinia Road (Attachment 1 refers).

The current building located on Lots 642 and 643 is leased to the Department of Education (DoE), with an area of approximately 58m² of the facility being utilised by the Department of Health's child health centre. It is intended that once the DoE has vacated the premises, the Child Health Centre will be relocated to the Carine Child Health Centre at Lot 159 (487L) Beach Road, Duncraig, once refurbished.

As part of the rationalisation of the City owned freehold properties the subject lots are being considered for disposal. The City has been granted conditional approval from the Western Australian Planning Commission (WAPC) to amalgamate the subject lots to create a 1,366m² lot. This will allow for a greater development potential than what could be achieved on the lots individually.

The subject lots are not located within a Housing Opportunity Area (HOA) as identified in the City's *Local Housing Strategy* (LHS). Scheme Amendment No. 73 which proposes to implement the recommendations of the LHS, including the increase to residential densities will not apply to these lots.

At its meeting held on 31 March 2015 (CJ047-03/15 refers), Council resolved, in part that it:

"4 REQUESTS the initiation of an amendment to District Planning Scheme No. 2 for the purpose of public consultation to recode Lots 642 and 643 Marri Road, Duncraig from R20 to R40;..."

At its meeting held on 28 July 2015 (CJ110-07/15 refers) Council resolved that it:

"Pursuant to Part 5 of the Planning and Development Act 2005 and Regulations 13 and 25 of the Town Planning Regulations 1967, PROCEEDS with proposed Amendment No. 82 to the City of Joondalup District Planning Scheme No. 2 to:

- 1 Amend the Residential Density Code Map to recode Lot 642 (57) and Lot 643 (59) Marri Road, Duncraig from 'R20' to 'R40';*
- 2 Include Lot 642 (57) and Lot 643 (59) Marri Road, Duncraig in Schedule 2- Section 2 - Restricted Uses as follows:*

NO	STREET/LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-10	57 Marri Road, Duncraig 59 Marri Road, Duncraig	Lot 642 Lot 643	Aged or Dependent Persons' Dwelling.

- 3 Amend the Scheme Map to depict 'Restricted Use: 2-10' over Lot 642 (57) and Lot 643 (59) Marri Road,

as depicted at Attachment 2 to Report CJ110-07/15, for the purposes of public advertising for a period of 42 days."

DETAILS

In accordance with the above resolution, it is proposed that Lots 642 and 643 Marri Road, Duncraig, be recoded from R20 to R40 (Attachment 2 refers) and for the use of the site to be restricted to 'aged or dependent persons' dwellings'. The size and location of the subject sites create an ideal opportunity to provide this form of housing in Duncraig. In addition, the restriction would be consistent with the restriction placed on other City owned land that is being rationalised.

In terms of residential dwelling numbers, the following table outlines the maximum potential yield at a density code of R20 and R40 if the sites were amalgamated and developed for single/grouped dwellings or aged and dependent persons' dwellings.

	R20	R40
Single and grouped dwellings	3 dwellings	6 dwellings
Aged or dependent persons' dwellings	5 dwellings	9 dwellings

With respect to the above information, it is important to note that:

- this reflects maximum development potential only. It is likely that the number of dwellings on site will be less than outlined given the need to also meet open space, height, setback, parking and landscaping requirements
- it is not possible to determine the number of multiple dwellings that can be developed at the R40 code as no minimum lot sizes are specified in the Residential Design Codes for multiple dwellings at this code.

Issues and options considered

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

- support the amendment to the local planning scheme without modification
- support the amendment to the local planning scheme with modifications to address any relevant issues raised in the submissions
or
- not support the amendment to the local planning scheme.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Buildings and landscaping are suitable for the immediate environment and reflect community values. The community is able to effectively age in place through a diverse mix of facilities and appropriate urban landscapes.
Policy	Not applicable.

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

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* enables a local government to amend a local planning scheme and sets out the process to be followed.

At its meeting held on 28 July 2015 (CJ110-07/15 refers), Council resolved to initiate the scheme amendment for the purposes of public advertising. The proposed amendment was then referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA decided that a formal environmental review of the amendment was not required.

Upon closure of the advertising period, Council is required to consider all submissions received and to either support the amendment, with or without modifications, or refuse to support the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC), which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Since the initiation of the Scheme Amendment the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) have come into effect replacing the *Town Planning Regulations 1967*. Under the new Regulations the amendment would have been considered a standard scheme amendment. The process for considering a standard amendment remains mostly unchanged in regard to the mechanisms and timeframes for consultation, referrals and consideration of submissions.

Risk management considerations

If a scheme amendment to increase the density of the subject lots proceeds without also restricting the development to 'aged and dependent persons' dwellings' there is a significant risk that other scheme amendments proposing density increases similar to the subject proposal, will be lodged with the City.

Financial / budget implications

The City, as the proponent is required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the scheme amendment which consisted of placing a notice in the relevant newspaper and a sign on-site. The total cost of advertising was \$1,250. A notice will also be placed in the Government Gazette in the event that the scheme amendment is approved.

Regional significance

Not applicable.

Sustainability implications

The increase in density to a residential density coding of R40 and restriction to 'aged or dependent persons' dwellings will create the opportunity to provide alternative housing choice to assist the community to age-in-place, with public transport, housing, shopping and recreation facilities within close proximity.

Consultation

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 3 December 2015, by way of:

- letters to nearby land owners (Attachment 3 refers)
- a notice placed in the Joondalup Community newspaper
- a sign on the subject site
- a notice on the City's website.

Three submissions were received, being two non objections from service providers, and one submission from a nearby landowner regarding the increased density not providing enough visitor parking and subsequent use of the adjoining Marri Park car park by visitors to the subject site. The schedule of submissions is provided at Attachment 4.

COMMENT

The size and location of the site provides a unique opportunity to facilitate the development of aged and dependent persons' accommodation in the area which contributes to a greater diversity of housing and allowing for ageing in place.

The recoding of the site and restricting the use to 'aged or dependent persons' dwellings' is consistent with the City's approach to facilitating the provision of aged persons' accommodation within the City of Joondalup, which is in accordance with the City's *Local Planning Strategy*. The amendment is also considered appropriate in light of the State Government's planning frameworks such as *Directions 2031 and beyond*.

The issue of visitors using the adjoining Marri Park car park was raised, however any application for the site will be required to comply with, or be assessed against the City's *Residential Development Local Planning Policy* and the R-Codes. Visitor parking will need to be provided in accordance with these policies.

The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal. It is therefore recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for determination by the Minister for Planning.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

1 Pursuant to Part 5 of the *Planning and Development Act 2005* and Regulation 50(3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, SUPPORTS Amendment No. 82 to the *City of Joondalup District Planning Scheme No. 2* to:

1.1 AMEND the Residential Density Code Map to recode Lot 642 (57) and Lot 643 (59) Marri Road, Duncraig from ‘R20’ to ‘R40’;

1.2 INCLUDE Lot 642 (57) and Lot 643 (59) Marri Road, Duncraig in Schedule 2- Section 2 - Restricted Uses as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-10	57 Marri Road, Duncraig 59 Marri Road, Duncraig	Lot 642 Lot 643	Aged or Dependent Persons’ Dwelling.

1.3 Amend the Scheme Map to depict ‘Restricted Use: 2-10’ over Lot 642 (57) and Lot 643 (59) Marri Road,

as depicted at Attachment 2 to this Report;

2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Amendment No. 82 to the *City of Joondalup District Planning Scheme No. 2*;

3 Pursuant to Regulation 53 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, FORWARDS Amendment No. 82 and Council’s decision to the Western Australian Planning Commission for consideration;

4 NOTES the submissions received and advise the submitters of Council’s decision.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf090216.pdf](#)

ITEM 4 PROPOSED AMENDMENT NO. 84 TO DISTRICT PLANNING SCHEME NO. 2 – CONSIDERATION FOLLOWING ADVERTISING

WARD	North Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	105277, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Scheme amendment map Attachment 3 Consultation map Attachment 4 Schedule of submissions
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the adoption of proposed amendment to *District Planning Scheme No. 2* (DPS2) to include the land use of 'shop' in Schedule 2 – Additional uses for various 'Business' zoned lots in the Currambine District Centre, following public advertising.

EXECUTIVE SUMMARY

An application has been received from Urbis on behalf of ALDI Australia who are a prospective purchaser of Lot 5001 (86) Delamere Avenue, Currambine, to include the additional use 'shop' in Schedule 2 of DPS2 for this site. The subject site is zoned 'Business' and a shop may only be approved in certain circumstances including that it be no larger than 200m² in area. The proposed scheme amendment would remove these restrictions. The subject site is located within the Currambine District Centre where development is subject to the *Currambine District Centre Structure Plan*.

At its meeting held on 15 September 2015 (CJ152-09/15 refers), Council resolved to initiate Amendment No. 84 to DPS2. Council also resolved to expand the scheme amendment to include several other 'Business' zoned lots as assessment of the proposal indicated that the land use 'shop' would be suitable for other 'Business' zoned lots within the structure plan area.

The proposed scheme amendment was advertised for 42 days, closing on 24 December 2015. A total of 12 submissions were received, all indicating support for the scheme amendment.

It is considered that the additional use of 'shop' on 'Business' zoned land within the Currambine District Centre is appropriate and will contribute to the diversity of land uses within the centre and facilitate the further retail development of the centre.

It is therefore recommended that Council supports the proposed scheme amendment and forwards the amendment to the Western Australian Planning Commission (WAPC) for consideration.

BACKGROUND

Suburb/Location	Lot 5001 (86) Delamere Avenue, Currambine.
Applicant	Urbis on behalf of ALDI Australia.
Owner	Currambine District Centre Two Pty Ltd.
Zoning	DPS Business.
	MRS Urban.
Site area	7,659m ² .
Structure plan	<i>Currambine District Centre Structure Plan.</i>

This site is located within the Currambine District Centre and is currently vacant. The Currambine District Centre is bounded by Shenton Avenue, Marmion Avenue, Hobsons Gate, Chesapeake Way and Delamere Avenue. The centre is comprised of one 'Commercial' zoned lot which is developed with a shopping centre, a number of 'Business' zoned lots, one 'Civic and Cultural' zoned property and a residential area developed with grouped dwellings (Attachment 1 refers).

The *Currambine District Centre Structure Plan* (the structure plan) controls development within the Currambine District Centre. The structure plan states that land use permissibility within the 'Business' zone is in accordance with DPS2.

Under DPS2, a 'shop' is an 'X*' land use within the 'Business' zone. This means that a shop is not permitted unless it meets the following conditions:

- The shopping floorspace does not exceed 200m² Nett Lettable Area (NLA).
- The parcel of land is on a separate green title lot that is a minimum of 1,000m².
- The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use zones must not exceed 1,000m².
- The direct street frontage of any lot containing a shop must be at least 20 metres in width.

Retail floorspace

The structure plan states that the retail floorspace '*shall be 10,000m² NLA which is in accordance with Schedule 3 of DPS2 and the City of Joondalup Policy Centres Strategy*'. However, Schedule 3 of DPS2 which specified the retail floorspace caps was removed by Scheme Amendment No. 66 and the Centres Strategy has also been revoked. Therefore, no retail floorspace cap applies to the structure plan area. Retail floorspace development is now guided by the City of Joondalup *Local Commercial Strategy* (LCS) which specifies an indicative retail NLA of 15,000m² for the Currambine District Centre.

It is noted that, while the structure plan still refers to a 10,000m² retail floorspace cap, this is now an outdated reference and will be amended as part of any future review of the structure plan. Currently there is approximately 11,500m² of retail floorspace in the Currambine District Centre.

Parking

A development approval for the construction of Showrooms, Offices, Restaurants, Take Away Food Outlets, Medical Centre and Shop on Lots 5002 (74) and 5001 (86) Delamere Avenue was issued in 2012. Due to a parking shortfall on Lot 5002, a condition of development approval required 55 car bays to be provided on Lot 5001 for the exclusive use of staff and patrons of Lot 5002.

A notification was placed on the title of Lot 5001 stating that 55 car parking bays are required to be provided under the provisions of the development approval for Lot 5002 (74) Delamere Avenue. These bays have not yet been constructed.

Previous Council resolution

At its meeting held on 15 September 2015 (CJ152-09/15 refers), Council resolved to expand the scheme amendment to include several other 'Business' zoned lots (as listed below). Assessment of the proposal indicated that the land use 'Shop' would also be suitable for other 'Business' zoned lots within the structure plan area. Since removal of the retail floorspace cap from DPS2, it was considered appropriate that shops should be able to locate on 'Business' zoned land throughout the District Centre without the 200m² cap.

At its meeting held on 15 September 2015 (CJ152-09/15 refers), Council resolved that it:

"1 Pursuant to Part 5 of the Planning and Development Act 2005 and Regulations 13 and 25 of the Town Planning Regulations 1967, PROCEEDS with proposed Amendment No. 84 to the City of Joondalup District Planning Scheme No. 2 for the purpose of public advertising for a period of 42 days, as follows:

1.1 INCLUDE in Schedule 2 – Section 1 – Additional Uses as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-25	86 Delamere Avenue, Currambine 94 Delamere Avenue, Currambine 74 Delamere Avenue, Currambine 1244 Marmion Avenue, Currambine 4 Hobsons Gate, Currambine 14 Hobsons Gate, Currambine 13 Hobsons Gate, Currambine	Lot 5001 Lot 5000 Lot 5002 Portion of Lot 929 Lot 5004 Lot 5003 Lot 5010	Shop

1.2 AMEND the Scheme Map to depict 'Additional Use: 1-25' as shown in Attachment 2 to this Report."

DETAILS

The scheme amendment proposes to include the additional use 'Shop' on the following lots:

- Lot 5001 (86) Delamere Avenue, Currambine (as per the application submitted).
- Lot 5002 (74) Delamere Avenue, Currambine.
- Lot 5000 (94) Delamere Avenue, Currambine.
- Portion of Lot 929 (1244) Marmion Avenue, Currambine.

- Lot 5004 (4) Hobsons Gate, Currambine.
- Lot 5003 (14) Hobsons Gate, Currambine.
- Lot 5010 (13) Hobsons Gate, Currambine.

Should the scheme amendment be supported, the applicant has advised that a development application for a supermarket of approximately 1,500m² would be submitted.

Issues and options considered

The issue to be considered by Council is the suitability of the additional use 'Shop' within the Currambine District Centre.

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

- support the amendment to the local planning scheme without modification
- support the amendment to the local planning scheme with modifications to address any relevant issues raised in the submissions
or
- not support the amendment to the local planning scheme.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Economic, Prosperity, Vibrancy and Growth.

Objective Activity Centre development.

Strategic initiative Understand local commercial needs and opportunities.

Policy Not applicable.

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

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* enables a local government to amend a local planning scheme and sets out the process to be followed.

At its meeting held on 15 September 2015 (CJ152-09/15 refers), Council resolved to initiate the scheme amendment and adopted it for the purposes of public advertising. The proposed amendment was then referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA did not consider that Amendment No. 84 should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and as such the amendment was advertised for public comment.

Upon closure of the advertising period, Council is required to consider all submissions received and to either support the amendment, with or without modifications, or refuse to support the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC), which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Since the initiation of the Scheme Amendment the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) have come into effect replacing the *Town Planning Regulations 1967*. Under the new Regulations the amendment is considered to be a standard scheme amendment. The process for considering a standard amendment remains mostly unchanged in regard to the mechanisms and timeframes for consultation, referrals and consideration of submissions.

District Planning Scheme No. 2 (DPS2)

The subject sites are zoned 'Business'. The following clause of DPS2 sets out the intent and objectives of the 'Business' zone:

3.6.1 *The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.*

The objectives of the Business Zone are to:

- (a) provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

Additional uses are able to be considered where listed in Schedule 2 – Section 1 of DPS2 as set out under Clause 3.15:

3.15 *Additional Uses (Schedule 2 – Section 1)*

Notwithstanding anything contained in the Zoning Table, the land specified in Section 1 of Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Currambine District Centre Structure Plan No. 6

All subdivision and development within the Currambine District Centre is guided by the *Currambine District Centre Structure Plan No. 6*. The objectives of the 'Business' zone, which are in addition to the DPS2 objectives, are listed below:

The Business zone is intended to accommodate a wider range of uses including entertainment, professional offices, business services and residential. The land uses listed in the Scheme for the Business Zone are the land uses that can be considered in the Business Area.

8.2.1 Objectives

The general objectives of the Business Area are:

- I. To create an active focus for the community with a diversity of non-retail mainstreet uses that generate day and evening activity;*

- II. *To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community;*
- III. *Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;*
- IV. *Provide efficient vehicle access and circulation with pedestrian priority; and*
- V. *Encourage a high level of passive surveillance of public and private spaces.*

Risk management considerations

Not applicable.

Financial / budget implications

The applicant has paid a fee of \$10,355.40 (including GST) for the assessment of the scheme amendment. This fee does not include the cost of advertising signs, as the applicant is required to cover this cost separately.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 24 December 2015, by way of:

- written notification to the owners of the lots subject to this scheme amendment and the owners of Currambine Market Place (Attachment 2 refers)
- a sign on the site
- a notice placed in the Joondalup Community newspaper and *The West Australian* newspaper
- a notice placed on the City's website.

A total of 12 submissions were received. All submissions indicated their support for the proposed scheme amendment.

A schedule of submissions is provided at Attachment 4 to this report.

COMMENT

The additional use of 'Shop' on 'Business' zoned land within the Currambine District Centre will contribute to the diversity of land uses within the centre and facilitate the further retail development of the centre.

The structure plan envisages a main street development; however it has been difficult to achieve an active main street environment without shops being permitted. Although the development of the main street is substantially complete, allowing the potential for retail shops to occur as the land uses in the area evolve could help to activate the street and provide vibrancy to the centre.

There is not considered to be any additional impact on the surrounding area from the development of shops in the 'Business' zone as opposed to the development of a showroom or other similar land uses in the same zone. The same development standards apply regardless of the land use proposed.

Response to submissions

All submitters indicated their support for the additional use of 'Shop' on the subject sites and stated that the 'Shop' use would offer greater choice and convenience.

Conclusion

The advertising of the scheme amendment has indicated that there is support for the additional use of 'Shop' on 'Business' zoned land within the Currambine District Centre. The additional use of 'Shop' on 'Business' zoned land is considered to be appropriate. It is therefore recommended that Council support the proposed amendment without modification and the amending documents be endorsed and submitted to the WAPC for determination by the Minister for Planning.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 Pursuant to Part 5 of the *Planning and Development Act 2005* and Regulation 50(3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, SUPPORTS Amendment No. 84 to the *City of Joondalup District Planning Scheme No. 2* as follows:

- 1.1 INCLUDE in Schedule 2 – Section 1 – Additional Uses as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-25	86 Delamere Avenue, Currambine 94 Delamere Avenue, Currambine 74 Delamere Avenue, Currambine 1244 Marmion Avenue, Currambine 4 Hobsons Gate, Currambine 14 Hobsons Gate, Currambine 13 Hobsons Gate, Currambine	Lot 5001 Lot 5000 Lot 5002 Portion of Lot 929 Lot 5004 Lot 5003 Lot 5010	Shop

- 1.2 AMEND the Scheme Map to depict 'Additional Use: 1-25' as shown in Attachment 2 to this Report;

- 2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Amendment No. 84 to the *City of Joondalup District Planning Scheme No. 2*;

- 3 Pursuant to Regulation 53 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, FORWARDS Amendment No. 84 and Council's decision to the Western Australian Planning Commission for consideration;**
- 4 NOTES the submissions received and advise the submitters of Council's decision.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf090216.pdf](#)

ITEM 5 DRAFT LOCAL PLANNING SCHEME NO. 3

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	83628, 101515	
ATTACHMENT	Attachment 1	Draft <i>Local Planning Scheme No. 3</i>
	Attachment 2	Overall draft <i>Local Planning Scheme No. 3</i> Zoning Map
	Attachment 3	Draft <i>Local Planning Scheme No. 3</i> Zoning Maps by suburb
	Attachment 4	Schedule of changes
	Attachment 5	Schedule of submissions
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to consider resolving to advertise draft *Local Planning Scheme No. 3* (LPS3).

EXECUTIVE SUMMARY

At its meeting held on 15 July 2014 (CJ111-07/14 refers), Council adopted the City of Joondalup's *Local Planning Strategy* to guide the development of the City's new local planning scheme, which will replace the current City of Joondalup's *District Planning Scheme No. 2* (DPS2).

Concurrently, the City had been preparing a new local planning scheme and, following adoption of the *Local Planning Strategy*, the City worked to finalise the preparation of the new local planning scheme, based on the State Government's *Town Planning Regulations 1967* and associated Model Scheme Text. However, on 25 August 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) were gazetted which replaced the *Town Planning Regulations 1967*.

Prior to seeking consent to advertise the new local planning scheme, Council was required under the LPS Regulations to resolve to prepare a new scheme and for that notice to be published. Adjoining local governments and public authorities were provided with a copy of this notice and given 21 days to provide any recommendations in respect of the resolution. At the conclusion of the submission period nine submissions in respect of the resolution had been received.

Draft *Local Planning Scheme No. 3* (LPS3) has been reviewed and modified in accordance with the LPS Regulations. The new scheme is set out differently to DPS2 as it only contains the model provisions of the LPS Regulations. There is very limited scope to depart from the model provisions and any variation must be comprehensively justified. The deemed provisions, which relate to the regulatory functions of the scheme, are located in the LPS Regulations and are not located in LPS3.

Draft LPS3 is comprised of the following parts:

- Part 1: Preliminary (includes the aims of the Scheme).
- Part 2: Reserves.
- Part 3: Zones and use of land (includes the zoning table).
- Part 4: General development requirements.
- Part 5: Special control areas (there are none in the City of Joondalup).
- Part 6: Terms referred to in Scheme (includes the general and land use definitions).

Draft LPS3 is also required to be consistent with the City's *Local Planning Strategy*. As such, there are no major changes proposed to the zoning of land within the City of Joondalup. Most of the zoning changes are to bring the draft LPS3 into line with the LPS Regulations and to implement recommendations of the City's *Local Planning Strategy*.

The general development requirements (for example building setbacks, car parking and landscaping provisions) are all proposed to be located in local planning policies rather than in LPS3, except for the requirement for new residential development to complement and enhance the existing or planned streetscape. This has been included as a scheme provision to ensure development approval is required for any development that does not complement the existing area. Including general development requirements in local planning policy will allow the City to have greater control over the wording of specific development standards that apply and allows a simpler process for updating development provisions, given approval from the Western Australian Planning Commission (WAPC) and Minister for Planning is not required for a local planning policy. These policies will also allow the City to further address issues such as poor quality development outcomes in residential areas including carports and garage additions and ancillary dwellings.

It is recommended that Council resolves to proceed to advertise draft *Local Planning Scheme No. 3*.

BACKGROUND

Local planning schemes are made under Part 5 of the *Planning and Development Act 2005*, which sets out the general objectives of schemes, the matters which may be addressed in schemes and the requirements for the review of schemes.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) govern the way in which local planning schemes are prepared, consolidated and amended. The LPS Regulations comprise of the Regulations, model provisions, deemed provisions and legends used in the scheme. The model provisions provide a template for new local planning schemes but allow for some local variation provided it is comprehensively justified to the WAPC. The model provisions are required to be incorporated into schemes as they are reviewed. The deemed provisions provide a range of standardised processes and provisions that apply automatically to all local planning schemes. The deemed provisions cannot be altered, however, supplementary provisions can be added.

Prior to the development of a new scheme, the local government is required under the LPS Regulations to develop a local planning strategy. Following a number of modifications, additions, public consultation, and the inclusion of the recommendations from the *Local Housing Strategy* (LHS) and *Local Commercial Strategy* (LCS), the City of Joondalup's *Local Planning Strategy* (LPS) was adopted by Council at its meeting held on 15 July 2014 (CJ111-07/14 refers) and has been submitted to the WAPC for its endorsement.

The *Planning and Development Act 2005* and the LPS Regulations require local governments to carry out a review of their local planning schemes in the fifth year after the scheme was gazetted and the local government must, no later than six months after this date, prepare a report of the review and provide it to the WAPC. The City of Joondalup's *District Planning Scheme No. 2 (DPS2)* was gazetted on 28 November 2000. As the scheme is now 15 years old and the LPS Regulations stipulate a new format for local planning schemes, a new local planning scheme has been prepared. The Department of Planning has advised that the City is therefore not required to prepare the report of review.

Prior to seeking consent to advertise a new local planning scheme, the local government is required under the LPS Regulations to resolve to prepare a new scheme and publish a notice of this resolution. Council, at its meeting held on 23 November 2015 (CJ184-11/15 refers), resolved that it:

“Pursuant to section 72 of the Planning and Development Act 2005 and Regulation 19(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to prepare Local Planning Scheme No. 3 for the entire area within the City of Joondalup as shown on the Scheme Area Map depicted in Attachment 1 and NOTES that the resolution will be advertised in accordance with Regulation 20 of the Planning and Development (Local Planning Schemes) Regulations 2015.”

Adjoining local governments and public authorities were provided with a copy of this notice and given 21 days to provide any recommendations in respect of the resolution.

DETAILS

Format of LPS3

Draft LPS3 (refer Attachment 1, Attachment 2 and Attachment 3) has been formatted in accordance with the model provisions (Schedule 1) of the LPS Regulations and therefore does not include the deemed provisions (Schedule 2) of the LPS Regulations, nor does it make reference to the deemed provisions. The Department of Planning has advised that the deemed provisions are to be located separately.

Draft LPS3 comprises the following parts:

- Part 1: Preliminary (includes the aims of the Scheme).
- Part 2: Reserves.
- Part 3: Zones and use of land (includes the zoning table).
- Part 4: General development requirements.
- Part 5: Special control areas (there are none in the City of Joondalup).
- Part 6: Terms referred to in Scheme (includes the general and land use definitions).

Zoning changes

The LPS Regulations introduce a new set of zones and reserves for local planning schemes. The following table compares the current zoning and local reserves under DPS2 to those proposed in the draft LPS3. A detailed list of the proposed zoning changes is included in Table 1 of Attachment 4.

Current DPS2 Zone/Reserve	Proposed LPS3 Zone/Reserve	Explanation
'Parks and Recreation' Reserve	• 'Public Open Space' Reserve	• Includes existing 'Parks and Recreation' Local Reserves except those included in Schedule 5 of DPS2

Current DPS2 Zone/Reserve	Proposed LPS3 Zone/Reserve	Explanation
	<ul style="list-style-type: none"> • 'Environmental Conservation' Reserve 	<ul style="list-style-type: none"> • Includes existing 'Parks and Recreation' Local Reserves included in Schedule 5 of DPS2
'Public Use' Reserve	<ul style="list-style-type: none"> • 'Drainage/Waterway' Reserve • 'Public Purposes' Reserve 	<ul style="list-style-type: none"> • Includes all existing 'Public Use' drainage reserves • Includes all other existing 'Public Use' reserves
'Civic and Cultural' Zone	<ul style="list-style-type: none"> • 'Private Clubs, Institutions and Places of Worship' Zone • 'Civic and Community' Reserve 	<ul style="list-style-type: none"> • All 'Civic and Cultural' zoned sites owned freehold by the City • All other 'Civic and Cultural' zoned sites
'Business' Zone	<ul style="list-style-type: none"> • 'Service Commercial' Zone • 'Commercial' Zone 	<ul style="list-style-type: none"> • Includes sites not located in or next to an existing activity centre • Includes sites located in or next to an existing activity centre
'Private clubs and recreation' Zone	'Private Clubs, Institutions and Places of Worship' Zone	<ul style="list-style-type: none"> • Includes all existing 'Private clubs and recreation' zoned sites. Also includes most churches (places of worship) that are currently zoned 'Residential'
'Service Industrial' Zone	'Light Industry' Zone	<ul style="list-style-type: none"> • Name change only
'Residential' Zone	'Residential' Zone	<ul style="list-style-type: none"> • No change
'Special Residential' Zone	'Special Residential' Zone	<ul style="list-style-type: none"> • No change
'Urban Development' Zone	'Urban Development' Zone	<ul style="list-style-type: none"> • No change
'Mixed Use' Zone	'Mixed Use' Zone	<ul style="list-style-type: none"> • No change
'Commercial' Zone	'Commercial' Zone	<ul style="list-style-type: none"> • No change
'Centre' Zone	'Centre' Zone	<ul style="list-style-type: none"> • No change

Parks and Recreation Local Reserve

The existing 'Parks and Recreation' reserved land within DPS2 is proposed to change in accordance with the LPS Regulations to two types of reserves, either 'Public Open Space' reserve or 'Environmental Conservation' reserve.

'Public Open Space' reserve

The 'Public Open Space' reserve will capture the existing 'Parks and Recreation' Local Reserves, except those listed in Schedule 5 of DPS2.

'Environmental Conservation' reserve

The 'Environmental Conservation' reserve will capture the portions of 'Parks and Recreation' reserves that are currently listed in Schedule 5 of DPS2, being a schedule of places considered to have significant landscape or environment value. The ability to include a Schedule 5 equivalent in LPS3 does not appear in the Regulations and therefore cannot be included in LPS3. However, the Regulations contain a new 'Environmental Conservation' reserve which aims to set aside areas with conservation value to protect those areas from development. It is proposed that land included in the existing Schedule 5 be transferred to the 'Environmental Conservation' reserve (with the exception of any anomalies that will be removed such as the Metropolitan Region Scheme Reserves which cannot be reserved under the scheme). The 'Environmental Conservation' reserve will give those areas greater statutory standing as they are now set aside specifically for conservation.

Public Use Local Reserve

The existing 'Public Use' reserved land is proposed to change in accordance with the LPS Regulations to two types of reserves, either 'Drainage/Waterway' reserve or 'Public Purpose' reserve.

'Drainage/Waterway' reserve

The 'Drainage/Waterway' reserve includes all existing 'Public Use' drainage reserves.

'Public Purposes' reserve

The 'Public Purposes' reserve will include all other 'Public use' reserves, including public primary schools, telecommunications sites, Western Power substations and Water Corporation owned or managed sites.

Business and Commercial Zone

The existing 'Business' zoned land is proposed to change to either 'Service Commercial' or 'Commercial' depending on its location and the existing land uses on the site. In addition, some 'Commercial' and 'Business' zoned areas are proposed to be zoned 'Centre', where this is required by *State Planning Policy 4.2 - Activity Centres for Perth and Peel* (SPP4.2).

Service Commercial zone

The 'Service Commercial' zone is proposed to cater for land uses such as service stations, medical centres, showrooms and offices. The incorporation of the current 'Business' zoned land not located next to existing activity centres into the 'Service Commercial' zone is considered appropriate as it is intended to be an intermediate zone between commercial and light industrial areas. Residential land uses will no longer be permitted in these areas as they are not considered appropriate in what is predominantly a bulky goods development which requires good vehicular access.

Commercial zone

Where an existing 'Business' zone is located within or next to a commercial centre and is used for mainly commercial purposes or has the potential to become part of an activity centre, it is proposed to be included in the 'Commercial' zone.

The incorporation of this 'Business' zoned land into the 'Commercial' zone is considered appropriate, particularly now that DPS2 and the *Local Commercial Strategy* do not impose retail floor space caps. This will provide greater flexibility across the activity centre and allow commercial land uses (including shops) to be developed where considered appropriate. It may also facilitate the centre to operate more cohesively, rather than in the fragmented way many existing centres have been developed.

In accordance with the *Local Commercial Strategy* and SPP4.2, a retail sustainability assessment is required to be undertaken for a centre if it proposes to increase its retail floor space above that proposed in the *Local Commercial Strategy*. This will assess the effect of the retail expansion on the activity centres in the locality and provide guidance to the City when determining whether the expansion is appropriate.

Centre zone

The 'Centre' zone in draft LPS3, as for DPS2, requires that a structure plan be put in place prior to major development or subdivision occurring. The 'Centre' zone has been applied by the City in the past to ensure the redevelopment of important centres occurs in a coordinated manner, through a structure plan.

The majority of the Joondalup City Centre is already zoned 'Centre'. The remainder of the area, comprising the Winton Road and Joondalup Gate areas, is proposed to be included in the 'Centre' zone as part of LPS3. This accords with the adopted boundary of the Joondalup Activity Centre set by Council at its meeting held on 11 December 2012 (CJ271-12/12 refers).

For the City's two Secondary Centres, Whitford and Warwick, it is proposed that both areas be zoned 'Centre' rather than 'Commercial' and 'Service Commercial'. This will ensure a structure plan is put in place before any major redevelopment of these centres occurs, as required by SPP4.2.

Private Clubs and Recreation Zone

The existing 'Private Clubs and Recreation' zoned land is proposed to change in accordance with the LPS Regulations to the 'Private Clubs, Institutions and Places of Worship' zone.

Private Clubs, Institutions and Places of Worship zone

The 'Private Clubs, Institutions and Places of Worship' zone will include all existing land zoned 'Private Clubs and Recreation' and will also include a number of places of worship that were previously zoned 'Residential' under DPS2.

Many of the existing places of worship are currently located within the 'Mixed Use' or 'Residential' zone within DPS2. Places of worship in the 'Residential' zone have non-conforming use rights as this land use is not permitted in the 'Residential' zone. Non-conforming use rights can be considered problematic by landowners as it is difficult for the place of worship to expand or be rebuilt if the building is destroyed.

The LPS Regulations includes a new 'Private Clubs, Institutions and Places of Worship' zone which is considered the appropriate zone for most existing places of worship. However, several places of worship are proposed to remain zoned 'Residential', being those located on a local road in a residential area or those where parking and access issues exist. In addition, some places of worship that are currently in the 'Mixed Use' zone will remain in the 'Mixed Use' zone where it is considered that the location may provide appropriate redevelopment potential in the future.

Civic and Cultural Zone

The existing 'Civic and Cultural' zoned land is proposed to change in accordance with the LPS Regulations to either 'Private Clubs, Institutions and Places of Worship', where the land is owned in freehold by the City, or 'Civic and Community' reserves elsewhere.

Additional and restricted uses

The existing additional and restricted uses in DPS2 have been updated in draft LPS3 as some are no longer necessary given the new zonings proposed for those sites. These are detailed in Table 1 of Attachment 4.

Under DPS2 several of the restricted uses referred to 'Aged Person's Dwelling'. These have been updated to include dependent persons as the correct land use defined in the R-Codes is 'Aged or Dependent Persons' Dwelling'.

Urban Development and Centre Zones

Several of the existing 'Urban Development' and 'Centre' zoned areas within the City of Joondalup have been fully developed in accordance with their corresponding structure plan. These lots are proposed to be zoned in LPS3 to the relevant zone in the corresponding structure plan, mostly 'Residential' and 'Public Open Space'. These include lots within the Kinross Neighbourhood Centre Structure Plan, Currambine Structure Plan, Cook Avenue Structure Plan, Heathridge Structure Plan, Caridean Street Structure Plan and Marmion Structure Plan.

Rural Zone

There are two remaining 'Rural' zoned lots in DPS2. The City's *Local Planning Strategy* states that the rural zoning is no longer appropriate for these lots in the context of the surrounding residential land uses. It is therefore proposed to rezone one of these lots to 'Residential' in LPS3. Under DPS2 the other lot has additional uses of place of worship, place of assembly and caretakers dwelling and is therefore proposed to be zoned 'Private Clubs Institutions and Places of Worship' in LPS3. These changes will, however, also require the *Metropolitan Region Scheme* to be amended from 'Rural' to 'Urban'. It is therefore recommended that Council request the WAPC to include these lots in a future omnibus amendment to the *Metropolitan Region Scheme*.

Currambine District Centre Structure Plan

Due to the zoning changes implemented by the LPS Regulations, land within the *Currambine District Centre Structure Plan* area is required to be rezoned in draft LPS3 as several of the current zones no longer exist.

The 'Civic and Cultural' zoned land is proposed to be changed to 'Private Clubs, Institutions and Places of Worship' as the land is owned in freehold by the City. The large 'Business' zoned lots (Lots 5000, 5001, 5002 Delamere Avenue, Portion of Lot 929 Marmion Avenue and Lots 5003, 5004 and 5010 Hobsons Gate) within the district centre are proposed to be zoned 'Commercial' as they are adjacent to the existing commercial centre and are part of the activity centre.

The remaining 'Business' zoned lots to the north of the structure plan area which are predominantly developed with grouped dwellings are proposed to be rezoned to 'Mixed Use' to recognise the existing residential development while still enabling other land uses, such as offices and short stay accommodation.

Recent scheme amendments

Council has adopted several scheme amendments to rezone various City owned lots to Restricted Uses – 'Aged or Dependent Persons' dwellings' and increase the applicable density code. Although these scheme amendments are not yet complete, these sites have been included in draft LPS3 as this is consistent with the City's intention to provide aged persons accommodation within the City of Joondalup in accordance with the *Local Planning Strategy*.

Land use permissibility

Land use permissibility is controlled through the zoning table in the scheme. Although the LPS Regulations provide the format for the zoning table, each local government can determine the land use permissibility they consider appropriate for the zones within their scheme area.

The following table outlines the main proposed land use permissibility changes between DPS2 and draft LPS3. A detailed list of the proposed land use changes is included in Table 3 of Attachment 4.

ZONES	RESIDENTIAL	SPECIAL RESIDENTIAL	MIXED USE	COMMERCIAL	BUSINESS COMMERCIAL	SERVICE-INDUSTRIAL LIGHT INDUSTRY	PRIVATE CLUBS, /RECREATION INSTITUTIONS & PLACES OF WORSHIP	
USE CLASSES								
Aged or Dependent Persons Dwelling	DP	X	D	D	DX	X	X	Should be permitted in the 'Residential' zone. Residential land uses no longer appropriate in the 'Service Commercial' zone.
Ancillary Dwelling	DP	XD	XD	X	X	X	X	Should be permitted in the 'Residential' zone. Allows consideration within the 'Special Residential' and 'Mixed Use' zones.
Bed & Breakfast	D	D	PD	P	DX	X	D	Consistent with land use permissibility in the 'Mixed Use' zone where residential land uses are potentially appropriate. Residential land uses no longer appropriate in the 'Service Commercial' zone.
Bulky Goods Showroom (former Showroom)	X	X	X	P	P	P	X	Name change and definition in accordance with LPS Regulations.
Commercial Vehicle Parking	X	X	X	D	D	P	D	Only relates to commercial vehicle parking not related to a predominant land use.
Grouped Dwelling	DP	D	D	D	DX	X	XD	Grouped dwellings should be permitted in the 'Residential' zone. Residential land uses no longer appropriate in the 'Service Commercial' zone.
Holiday accommodation (former Short Stay Accommodation)	XD	X	D	D	DX	X	D	Allows consideration of short stay accommodation within the 'Residential' zone. Residential land uses no longer appropriate in the 'Service Commercial' zone.

ZONES	RESIDENTIAL	SPECIAL RESIDENTIAL	MIXED USE	COMMERCIAL	BUSINESS SERVICE COMMERCIAL	SERVICE-INDUSTRIAL LIGHT INDUSTRY	PRIVATE CLUBS, RECREATION INSTITUTIONS & PLACES OF WORSHIP	
USE CLASSES								
Holiday house (former Short Stay Accommodation)	XD	X	D	D	DX	X	D	Allows consideration of short stay accommodation within the 'Residential' zone. Residential land uses no longer appropriate in the 'Service Commercial' zone.
Home Store (former Corner Store)	XD	X	P	P	PX	X	X	By definition, a 'home store' is located within a 'Residential' zoned area and as such now proposed as a 'D' use in the 'Residential' zone. Residential land uses no longer appropriate in the 'Service Commercial' zone.
Multiple Dwelling	D	X	D	D	DX	X	D	Residential land uses no longer appropriate in the 'Service Commercial' zone.
Nursing Home	D	X	D	D	DX	X	XD	Residential land uses no longer appropriate in the 'Service Commercial' zone.
Retirement Village	D	X	D	D	DX	X	D	Residential land uses no longer appropriate in the 'Service Commercial' zone.
Serviced Apartment (former Short Stay Accommodation)	XD	X	D	D	D	X	D	Allows consideration of short stay accommodation within the 'Residential' zone.
Shop	X	X	X* D	P	X*X	X	X	Allows consideration of a 'shop' in the 'Mixed Use' zone and removes the existing 200m ² floorspace limit. Removes the ability to consider a small shop within the 'Service Commercial' zone.
Telecommunications infrastructure	D	XD	D	D	D	D	XD	In accordance with SPP 5.2 <i>Telecommunications Infrastructure</i> which states that this use cannot be 'X' in any zone.
Warehouse/Storage (former Storage Yard and Salvage Yard)	X	X	X	X	XD	P	X	Allows consideration of 'storage' in the 'Service Commercial' zone which is for drive in land uses only. Definition modified to remove requirement for storage to be related to a trade.

Holiday Accommodation, Holiday House and Serviced Apartment

Under the LPS Regulations, the land use of short stay accommodation has been split into three different land uses: holiday accommodation, holiday house and serviced apartment. The main differences between these land uses are a holiday house is a single dwelling; holiday accommodation is a grouped dwelling; and serviced apartment is a multiple dwelling. These land uses still refer to short-term accommodation where no guest is accommodated for periods totalling more than three months in any 12 month period. Unlike a 'bed and breakfast', the owner of the property is not required to reside at the property.

It is recommended that holiday accommodation, holiday house and serviced apartment be a 'D' use in the 'Residential' zone of LPS3. A 'D' use class permissibility requires the exercise of discretion in considering the suitability of the land use and allows the proposal to be advertised to the surrounding properties prior to consideration by the City.

The City's *Short Stay Accommodation Policy* would be required to be updated to reflect this proposed change and to include additional policy provisions that are considered appropriate to ensure that 'holiday accommodation', 'holiday house' and 'serviced apartment' do not have a detrimental effect on the amenity of the surrounding residential area. The policy would address issues such as location criteria, management plans, parking and advertising requirements.

Home Store

A 'corner store' (now renamed 'home store' in the LPS Regulations) is currently a prohibited or 'X' use under DPS2 in the 'Residential' zone. However, by the very nature of the definition of 'home store', that is it is a shop attached to a dwelling, it is considered appropriate that this use be a discretionary use in the 'Residential' zone, where the majority of dwellings are located. It is therefore proposed that 'home store' be a 'D' use in the 'Residential' zone under LPS3. A local planning policy will be developed to provide development provisions for 'Home Stores'.

Shop

A 'shop' is proposed to be a 'D' use in the 'Mixed Use' zone without the floorspace restriction of 200m² currently set under DPS2. The 'Mixed Use' zone is intended to provide a variety of active uses on the ground floor, of which 'shop' is considered to be an appropriate use. A 'D' use means the City is required to exercise its discretion in considering the land use, therefore an application could be refused on land use grounds where it is not considered appropriate.

A 'shop' is proposed be an 'X' use in the 'Service Commercial' zone as draft LPS3 proposes to include a number of the previous 'Business' zoned lots into the adjacent 'Commercial' zone (where shops are permitted). Therefore it is no longer considered necessary to allow small shops in the 'Service Commercial' zone as these zones are not part of existing activity centres, where the land use shop should be located.

Ancillary Dwelling, Grouped Dwelling and Aged or Dependent Persons Dwelling

The land uses of 'ancillary dwelling', 'grouped dwelling' and 'aged or dependent persons' dwelling' are proposed to be amended from 'D' uses to 'P' uses in the 'Residential' zone. This is consistent with the LPS Regulations which exempt compliant ancillary or grouped dwelling development from the need for development approval. Given grouped, ancillary and aged or dependent persons' dwellings are entirely appropriate land uses in the 'Residential' zone it is considered appropriate that they are permitted uses. This change will also help to facilitate and encourage greater housing diversity and specifically more affordable housing in the City of Joondalup.

Residential land uses

It is proposed that residential land uses such as ‘grouped dwelling’, ‘multiple dwelling’ and ‘nursing home’ are no longer permitted in the ‘Service Commercial’ zone (refer Table 3 of Attachment 4 for detailed list). The ‘Service Commercial’ zone is primarily intended for drive-in land uses such as showrooms, service stations and medical centres. Residential land uses will no longer be permitted as they are not considered appropriate. As previously stated, this zone is intended to be an intermediate zone between the ‘Commercial’ and ‘Light Industry’ zones.

Warehouse/Storage

The land use ‘warehouse/storage’ is proposed to be a ‘D’ use in the ‘Service Commercial’ zone. This will allow consideration of self storage (as it falls under the definition of ‘storage’) in this zone. As noted previously, the ‘Service Commercial’ zone is intended for drive-in type land uses only, therefore ‘storage’ is considered appropriate.

General development requirements

Part 4 of the draft LPS3 details the general development requirements. Currently, DPS2 contains some general development requirements within the scheme itself, and some within local planning policies. It is proposed through draft LPS3 that all of the general development requirements be located within local planning policies, with the exception of the necessary ‘head of power’ provisions for cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy* Scheme Amendment No. 73.

Part 4 also contains the modifications to the *Residential Design Codes* (R-Codes) which are proposed by Amendment No. 73 to DPS2 to implement the *Local Housing Strategy*.

In addition, provisions have been included in draft LPS3 to retitle and replace Clause 5.2.6 of the R-Codes to require new residential development that is visible from the street to be consistent in style with any existing development on site or to maintain and enhance the existing or desired streetscape. Where proposed development does not meet these requirements, a development application will be required. These provisions are proposed to be included in the scheme as the LPS Regulations currently exempt single house development that meets the deemed-to-comply provisions of the R-Codes. It is possible that the proposed provisions may be seen to be beyond the scope of the R-Codes, and it is not known at this point whether the WAPC or Minister for Planning will permit the replacement of Clause 5.2.6 of the R-Codes.

Land use definitions

The land use definitions within draft LPS3 are predominantly the same as those in the LPS Regulations with the exception of the proposed changes listed in the Table 2 of Attachment 4. In addition, the land use definitions of the LPS Regulations have been supplemented with the many of the existing DPS2 land use definitions. It was considered that the land use definitions in the LPS Regulations did not adequately cover all land uses that currently exist in the City of Joondalup, therefore it is proposed to keep a number of the existing DPS2 land uses. These are also listed in Table 2 of Attachment 4.

Warehouse/Storage

The land uses of warehouse and storage have been combined in the LPS Regulations to one land use with the following definition:

warehouse/storage means premises including indoor or outdoor facilities used for:

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

This differs from the current DPS2 definition of 'storage yard' which refers to storage of goods related to a particular trade. This definition will also capture 'self storage facility' which was previously proposed to be a separate land use under Scheme Amendment No. 65.

As the definition no longer requires the storage of goods or materials to be related to a trade, a prosecution for the storage of materials in the 'Residential' zone could be pursued under LPS3, as this land use is an 'X' use in the 'Residential' zone.

Fast food outlet/lunch bar

The LPS Regulations combined the land uses 'fast food outlet' and 'lunch bar' into one land use with one definition. This is problematic when land use permissibility is taken into consideration. Under DPS2 a 'fast food outlet' (former drive through food outlet) was an 'X' use in the 'Light Industry' zone (former 'Service Industrial' zone) and 'lunch bar' a 'D' use in that zone. In order to continue to allow a 'lunch bar' in the 'Light Industry' zone but not allow a 'fast food outlet', this land use is proposed to remain as two separate land uses so different land use permissibility's can be applied in the same zone.

Commercial vehicle parking

The LPS Regulations include 'commercial vehicle parking' as a specific land use, which has now been included in the zoning table. However, the definition states that it does not include the parking of commercial vehicles incidental to the predominant use of the land. Therefore, the parking of a commercial vehicle on a residential lot does not fall within this definition of 'commercial vehicle parking' as it is not incidental to the predominant use of a 'single house' or 'grouped dwelling'. As a result, the parking of a commercial vehicle associated with a dwelling is still proposed to be controlled through provisions in LPS3 which state that it is not permitted without the approval of local government, supported by the development of a local planning policy. Recreational vehicle parking is not included in the LPS Regulations as a land use and is therefore not included in the zoning table of LPS3. The parking of a recreational vehicle associated with a dwelling is proposed to be controlled through a local planning policy.

Car parking - cash in lieu

Draft LPS3, as with DPS2, includes provisions which allow the City to request cash-in-lieu of the provision of car parking bays. The main difference between DPS2 and draft LPS3 is that the cash-in-lieu payment is not restricted to the provision of public car parking bays, and may be used for the provision of transport infrastructure in the vicinity of the development. A policy will be developed to detail under what circumstances it is appropriate to request cash-in-lieu of parking and how it will be spent. Any cash-in-lieu payments received by the City under DPS2 can only be used for the purpose for which they were obtained; meaning the money can only be used for the construction of public car parks in the locality of the subject development.

Issues and options considered

Council has the option to:

- resolve to proceed to advertise draft *Local Planning Scheme No. 3* without modification
- resolve to proceed to advertise draft *Local Planning Scheme No. 3* with modification or
- resolve not to proceed to advertise draft *Local Planning Scheme No. 3*.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Key theme Economic Prosperity, Vibrancy and Growth.

Objectives Activity Centre development.
Destination City.

Policy The draft LPS3 requires the development of new local planning policies to guide planning and development in the City and to implement the development requirements.

Strategy *City of Joondalup Local Planning Strategy.*

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

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

The LPS Regulations require a resolution of the local government to prepare a new scheme. Should the local government resolve to prepare a new scheme, the local government must publish a notice advising of the resolution in a local newspaper. The local government must provide a copy of the notice to adjoining local governments and public authorities and request any recommendations in respect of the resolution within 21 days.

On completion of the preparation of a local planning scheme, the local government must resolve to proceed to advertise the draft local planning scheme with or without modification or not proceed to advertise the draft local planning scheme. Should the local government resolve to proceed to advertise the draft local planning scheme, the WAPC is required to consider the scheme within 90 days of receiving the documents and advise if any modifications are required prior to advertising. If the WAPC is satisfied that the scheme is suitable to be advertised, the local government must prepare a notice advising the purpose of the draft scheme and where and when the draft scheme may be inspected.

The local government must advertise the scheme for a minimum of 90 days. Upon closure of the advertising period, the local government is required to consider all submissions received and to resolve to either support the scheme, with or without modification, or not support the scheme. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can direct the local government to readvertise the scheme if any modifications are considered significant. The Minister can either grant final approval to the scheme, with or without modifications, or refuse the scheme.

Local Planning Strategy

The LPS Regulations require a local government to prepare a local planning strategy for each local planning scheme within its district. The local planning strategy is a key component of the preparation of a new local planning scheme.

The local planning strategy must:

- set out the long-term planning directions for the local government
- apply any relevant State or regional planning policy
- provide the rationale for the zoning of land under the local planning scheme.

The City's *Local Planning Strategy* was adopted by Council at its meeting held on 15 July 2014 (CJ111-07/14 refers) and was submitted to the WAPC for its endorsement on 2 September 2014. Informal feedback has been received from the Department of Planning on the *Local Planning Strategy* requesting a number of changes to the document primarily to bring it up to date with current legislation and information.

Risk management considerations

The *Planning and Development Act 2005* states that the scheme should be consolidated to incorporate all amendments to that date in the fifth year after the scheme was gazetted. However, the scheme is not required to be consolidated if the local government instead resolves to prepare a new scheme. Council has not yet passed a resolution to prepare a new scheme. If Council resolves not to prepare a new scheme, the Minister may direct the local government to prepare a consolidation of the scheme or to prepare a new scheme.

The LPS Regulations also require that a local government review its local planning scheme in the fifth year after approval or approval must be sought from the WAPC to initiate any scheme amendment. As DPS2 was gazetted in 2000, if Council resolves not to prepare a new scheme, there is the risk that the City could be prevented from amending its current scheme.

If Council does not proceed with draft LPS3 for the purposes of public advertising, there is the risk that the Minister may direct the local government to prepare a new scheme in accordance with the LPS Regulations.

Financial / budget implications

The preparation of the LPS3 is being undertaken in-house. The preparation and public advertising of draft LPS3 will be funded within the 2015-16 operational budget.

Regional significance

Although the scheme only applies to the City of Joondalup itself, the City forms part of the broader metropolitan region, in particular the north-west sub-region. Facilitating the provision of additional housing for a growing population, facilitating the provision of additional jobs and promoting the Joondalup City Centre to a Primary Centre has regional significance, particularly for the north-west sub-region.

Sustainability implications

The draft LPS3 includes sustainability provisions in the draft aims of the scheme, specifically:

- to promote and encourage land use and design that incorporates environmental sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and retention/planting of local native vegetation.

The remainder of the sustainability provisions itself are now located in the deemed provisions of the LPS Regulations. The deemed provisions require that in determining a development application the local government must consider a number of matters including:

- the compatibility of the development with its setting
- the amenity of the locality including the:
 - environmental impacts of the development
 - character of the locality
 - social impacts of the development
- the likely effect of the development on the natural environment
- the suitability of the land for development
- the potential loss of any community service or benefit other than economic competition
- the impact of the development on the community as a whole.

It is considered that sustainability provisions have been included in the draft LPS3 to the extent possible within the constraints of the LPS Regulations.

Consultation

A notice was published in the Joondalup Community Newspaper on 3 December 2015, advising of the City's resolution to prepare a new local planning scheme. Adjoining local governments and public authorities were provided with a copy of this notice and given 21 days to provide any recommendations in respect of the resolution. At the conclusion of the submission period, nine submissions had been received. The submissions mainly concerned the public authorities' interest in reviewing LPS3 once it is drafted and made available for public comment.

A schedule of submissions is provided at Attachment 5 to this report.

Should Council resolve to proceed to advertise draft LPS3, the LPS Regulations require the new scheme to be advertised for a minimum of 90 days. It is proposed that advertising would be by way of:

- written notification to landowners that may be affected by a proposed change in zoning however this does not include those already notified as part of Scheme Amendment No. 73
- notice placed in the Joondalup Community newspaper

- a notice and documents placed on the City's website
- a notice displayed and documents available at the City's Administration Centre
- documents available at the office of the Western Australian Planning Commission
- written notification to the Cities of Stirling and Wanneroo.

COMMENT

Response to submissions

A number of the public authorities made specific comments in relation to the content of LPS3 (Attachment 5 refers). Draft LPS3 has been prepared in accordance with the recommendations of the City's LPS which includes the recommendations of the adopted LHS and LCS. The proposed density codes, zones and land use permissibilities are in accordance with these documents. Any suggestions for changes to these are not considered appropriate at this stage and will need to be considered during a future review of the *Local Planning Strategy*.

General development requirements

Locating all of the development provisions in local planning policies rather than in the scheme itself gives the City the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and seek the approval of the WAPC and Minister for Planning. A scheme amendment can take anywhere from 12 months to three years to finalise, where as a local planning policy can be adopted in a much shorter timeframe, potentially as little as four months.

In addition, it also allows the City to formulate development provisions without needing to justify specific details to the WAPC. It is noted that whether development provisions are located in the planning scheme or a local planning policy, Council has the ability to vary provisions where it is considered appropriate to do so.

Local Planning Policies

As all of the general development requirements are now proposed to be contained within local planning policies, a number of policies will be developed to implement these requirements. The policies are proposed to be developed for a particular zone, group of zones or land use so that all development requirements for that zone or land use are contained in one place (with some exceptions).

The following local planning policies are proposed to be developed prior to the gazettal of LPS3:

- Commercial development policy.
- Service Commercial development policy.
- Mixed use development policy.
- Light Industry development policy.
- Private clubs, institutions and places of worship policy.

It is envisaged that these policies will cover provisions and standards for car and bicycle parking, access, building setbacks, landscaping, height, built form and glazing requirements.

Upon gazettal of LPS3, the City will need to amend the planning delegations to ensure they relate to the correct provisions.

The existing land use specific policies, such as the *Short Stay Accommodation Policy*, will also be reviewed prior to gazettal of LPS3. In addition, a cash-in-lieu of car parking policy will be developed which defines transport infrastructure and provides more detail regarding when it is appropriate to require cash-in-lieu.

Bicycle parking and end of trip facilities

Council has previously requested that bicycle parking standards and requirements for end of trip facilities be incorporated into LPS3. Bicycle parking standards are proposed to be incorporated into the zone and land use based policies as listed above. It is proposed that the requirement for bicycle parking and end of trip facilities will only apply to new development or the significant renovation or expansion of existing buildings as it is not considered appropriate to retrospectively apply these standards to buildings that are already built and may not have the capacity to accommodate such requirements.

Commercial and recreational vehicle parking

DPS2 contains a number of provisions that require approval for incidental commercial and recreational vehicle parking within the general development requirements section. The requirement for approval for both commercial and recreational vehicle parking will be retained in LPS3 and will be supported by a local planning policy that will outline the specific standards and requirements.

Percentage for Art

State Planning Policy 3.6 Development Contributions for Infrastructure sets out the principles for requiring developer contributions towards public infrastructure such as roads, drainage, water supply, sewerage, public open space, primary schools and community facilities. It does not include the ability to require developers to pay a contribution to public art. In addition, the LPS Regulations also do not include any provisions requiring developers to pay a contribution towards public art.

It is therefore not proposed to incorporate a requirement for developers to pay a contribution to public art through LPS3 or through a local planning policy. Such a policy would have no statutory basis or head of power under to require payment. However, it is proposed that a policy will be developed to encourage contributions towards public art.

Residential amenity and unkempt land

Clause 8.2 and 8.3 of DPS2, which relate to amenity and unkempt land, do not form part of the model or deemed provisions of the LPS Regulations. Therefore, there are no provisions in draft LPS3 which relate to these matters. Currently, any prosecutions in relation to unkempt land are pursued through the *Local Government Act 1995*. However, due to the change in the definition of storage, which no longer requires the storage of goods or materials to be related to a trade, a prosecution for the storage of materials in the 'Residential' zone could be pursued under LPS3, as this land use ('warehouse/storage') is proposed to be an 'X' use in the 'Residential' zone.

Structure Plans

Under the LPS Regulations, a local government is only required to have due regard to a structure plan in considering an application. The proposal to apply zonings such as 'Residential' and 'Public Open Space' to several of the City's structure plans areas rather than the existing 'Urban Development' or 'Centre' (where those areas are fully developed) creates more certainty by including the appropriate zone and density code in LPS3. It is not proposed to revoke any of the existing structure plans at this stage as this will require detailed examination of the provisions to determine those that are still relevant and need to be incorporated into the scheme.

Revocation of Town Planning Scheme No. 6 (TPS6)

TPS6 is a development scheme gazetted in April 1972 and applies to a 120 hectare portion of Greenwood bounded by Hepburn Avenue, Wanneroo Road, Warwick Road and Cockman Road. TPS6 is no longer required as all land has been subdivided and all remaining scheme funds have been disbursed. It is therefore proposed to revoke TPS6 through LPS3.

Conclusion

As the City of Joondalup's existing scheme is 15 years old and not based on the model provisions of the LPS Regulations, it is recommended that Council resolve to proceed to advertise draft *Local Planning Scheme No. 3* for a period of 90 days.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 Pursuant to Part 5 of the *Planning and Development Act 2005* and Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES to advertise draft *Local Planning Scheme No. 3* as depicted in Attachments 1, 2 and 3 to this Report for a period of 90 days;**
- 2 SUBMITS draft *Local Planning Scheme No. 3* to the Western Australian Planning Commission to advise if any modifications are required to the documents prior to advertising;**
- 3 REQUESTS the Western Australian Planning Commission to include Lot 36 (95) and Lot 28 (67) Woodvale Drive, Woodvale, in a future omnibus amendment to the Metropolitan Region Scheme to rezone these lots from 'Rural' to 'Urban'.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf090216.pdf](#)

ITEM 6 REQUEST FOR CLOSURE OF A PEDESTRIAN ACCESSWAY BETWEEN ROWLANDS COURT AND CARNEGIE WAY, PADBURY

WARD	South-West
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	105404
ATTACHMENT	Attachment 1 Location plan Attachment 2 Photographs of pedestrian accessway Attachment 3 Summary of questionnaire Attachment 4 <i>Closure of Pedestrian Accessways Policy</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a request to close the pedestrian accessway (PAW) between Rowlands Court and Carnegie Way, Padbury.

EXECUTIVE SUMMARY

An application has been received for the closure of the PAW located between Rowlands Court and Carnegie Way, Padbury, on the grounds that it is no longer considered to be a vital pedestrian access route due in part to the closure of Padbury Senior High School. In addition, the applicant claims that past anti-social behaviour and nuisance activities together with the PAW's isolation, poor lighting and lack of surveillance from adjoining properties, results in the PAW being a significant public safety hazard.

The applicant's request was advertised for public comment, which included notices being sent to local residents, a notice placed in the local newspaper, a notice on the City's website and notices placed on-site. The notices sent to local residents included a questionnaire which sought their views on the possible closure of the PAW.

Council's *Closure of Pedestrian Accessways Policy* requires evaluation of the request for closure against Urban Design, Nuisance Impact, and Community Impact criteria.

Based on the public consultation results and assessment against the above criteria, it is recommended that Council does not support the closure of the PAW between Rowlands Court and Carnegie Way, Padbury.

BACKGROUND

Suburb/Location	Pedestrian Accessway, located between Rowlands Court and Carnegie Way, Padbury.
Applicant Owner	Morskate Planning & Project Management (MPPM). Crown land.

Zoning	DPS: Residential.
	MRS: Urban.
Site area	257m ² .
Structure plan	Not applicable.

The PAW is four metres wide, 64 metres long and has an area of 257m² (Attachment 1 refers). In the event that the PAW is closed and the land is apportioned equally to the adjoining lots, only Lot 72 (23) Rowlands Court would gain development potential. The two lots to the east of the PAW would not benefit directly, whereas Lot 118 (9) Carnegie Way is already of a qualifying size to allow for subdivision or grouped dwelling development. None of the lots are located within a Housing Opportunity Area (HOA) as identified in the City's *Local Housing Strategy*.

A site inspection of the PAW confirmed the fencing to be in fair condition with some evidence of earlier graffiti within the PAW (Attachment 2 refers). The path along the PAW is in fair condition. While no significant work has been done on this PAW to date it is due for upgrading in the 2016-17 financial year. This upgrade is proposed to encompass removal of the existing asphalt footpath and replacement with a wider concrete path with new handrails at each end. A street light is located at the entrance to the PAW off Rowlands Court, while the Carnegie Way entry does not have lighting immediately adjacent to it. The PAW allows for a clear line of sight over its entire length.

Although an enquiry was made in 2006 by one of the adjoining landowners about the procedure for closing a PAW, the matter was not pursued. Since 2003, the four properties that adjoin the PAW have been the source of minor complaints relating to graffiti (four complaints in total). There is no evidence of specific incidents of anti-social behaviour or other forms of vandalism associated with the PAW having been reported to the City by adjoining residents during the past 10 years.

The request to close the PAW is made on behalf of the four property owners that adjoin it. From the outset, the City must be satisfied that some or all of the adjoining landowners are prepared to acquire the land within the PAW, pay all the associated costs, and meet any necessary conditions or requirements from the service authorities. The applicant has advised that either all four owners will acquire the PAW should the closure be successful or the owners of 23 Rowlands Court and 9 Carnegie Way will acquire the PAW if the others do not wish to.

Request for closure process

Landowners whose properties adjoin a PAW can make a request to the City for the closure of a PAW. Council's *Closure of Pedestrian Accessways Policy* provides guidance when evaluating a request to close a PAW.

In the event that Council supports the closure, the request is referred to the Western Australian Planning Commission (WAPC) for determination. If Council and the WAPC support an application to close the PAW, Landgate will arrange a land valuation and commence formal closure procedures, including the carrying out of any requirements of the service authorities, and the purchase and amalgamation of the land into the adjoining properties.

Service authority requirements

As part of the assessment process, comments are sought from the service authorities regarding any services or assets that may be within the PAW that would be affected by the proposed closure.

All service authorities have advised that they have no objection to the proposed closure of the PAW. In this instance however, should the proposal for closure be supported, the Water Corporation has advised that there is a water and a sewer main within the PAW, which will require protection and 24-hour accessibility. Depending on the final land sharing arrangements with the owners, the new boundaries/fences cannot be located directly over manholes. ATCO Gas has a 50mm PVC Abandoned Gas Main, which can be removed where due process is followed. Western Power has overhead power lines and/or underground cables adjacent to or traversing the property, which will require further collaboration with the proponents should the closure of the PAW progress.

DETAILS

Applicant's justification

In support of the closure request, a summary of the applicant's justification is provided below:

- The PAW is not considered to be part of a vital pedestrian access route or bike network.
- The PAW is not linked to any community facility.
- The PAW is considered to be a significant public safety hazard due to its isolation, poor lighting and lack of surveillance from adjoining residential properties.
- The closure of the PAW will address existing and future nuisance impacts through a reduction in the occurrence of anti-social behaviour and criminal activity.
- Residents in the immediate vicinity of the PAW have indicated their support for closure.

The applicant also states:

"A narrow, isolated and segregated linear PAW which does not improve the movement network should not be retained for perceived connectivity, where the risk to public safety and cost of anti-social behaviour to the local community far outweighs any existing benefit."

Issues and options considered

Council has the following options when considering this request:

- support the closure of the PAW and forward the decision to the WAPC for determination
or
- not support the request to close the PAW.

Legislation / Strategic Community Plan / policy implications

Legislation

The procedure for dealing with the closure of a PAW is based on section 87 of the *Land Administration Act 1997*. The City must agree to support the PAW closure in order for the proposal to progress. If the request for closure is supported, the recommendation is forwarded to the WAPC for determination.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective	Quality built outcomes.
Policy	The PAW closure request is assessed in accordance with the <i>Closure of Pedestrian Accessways Policy</i> .
Guidelines	<i>Procedure for the Closure of Pedestrian Access Ways: Planning Guidelines</i> published by the WAPC outlines the process the WAPC follows in considering a PAW closure request.

Risk management considerations

Not applicable.

Financial / budget implications

The applicant has paid fees of \$1,654.55 (exclusive of GST) to cover the cost of assessing the PAW closure request. The applicant covered the costs of the site notices separately.

Regional significance

Not applicable.

Sustainability implications

The provision of PAWs supports and enhances the wellbeing of the community by providing convenient access to community facilities, public transport, shops and schools. In addition, PAWs form an integral part of the local landscape and facilitate easier access between local residents. However, PAWs also have the potential for anti-social behaviour and criminal activity.

Consultation

Public advertising of the closure request was undertaken for a period of 33 days, closing on 14 December 2015, as follows:

- Consultation with service authorities and State Government (such as Water Corporation, ATCO Gas, Western Power, Police and Telstra).
- Signs were placed at either end of the PAW.
- Letters and a questionnaire were sent to residents within 400 metres of the PAW (570 letters sent).
- A notice was placed on the City's website.

The questionnaire requested information from residents on various matters relating to the use of the PAW. Fifty one responses were received (8.95%). Attachment 3 summarises the returned responses.

COMMENT

When a request to close a PAW has progressed beyond the public consultation phase a formal evaluation against the provisions of the *Closure of Pedestrian Accessways Policy* is undertaken. The evaluation process gives due consideration to three policy attributes, namely, urban design, nuisance impacts and community impacts. Each of the three attributes in turn are "performance-rated" against a range of factors categorised as 'high', 'medium' or 'low'. These rating combinations are then used to make a recommendation whether to support or not support the closure, using a template within the policy (Attachment 4 refers).

The provision and maintenance of PAWs is important in facilitating safe, convenient and legible pedestrian and cycle movement, particularly in suburban locations designed with cul-de-sacs. Where the cul-de-sac forms an integral part of the pattern of development in suburban areas, PAWs are not uncommon. It is considered that the subject PAW would have formed an integral part of the urban design and movement network for the suburb from the outset, with particular emphasis on the need to link residents to community services and vice versa. The network of PAWs would have been designed to facilitate ease of access to neighbourhood schools, parks and recreation areas, places of worship, shops and public transport. In addition, the PAWs would have facilitated ease of access between residents.

Urban Design Assessment

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact the closure would have on homes that are accessible within 400 metres of local community assets.

The Urban Design Assessment is rated as 'medium' in accordance with the criteria outlined in the *Closure of Pedestrian Accessways Policy*, as follows:

Medium

- *Pedestrian accessway provides a route to community facilities, but not directly.*

The PAW provides a route to Padbury Primary School to the south and Bambara Primary School to the north. Alternative routes are available in both directions but would necessitate considerable inconvenience for end-users. For many residents the PAW provides a viable and convenient link to community facilities to the north and south.

- *An alternative route exists but is some inconvenience.*

An alternative route does exist but would be of significant inconvenience such that it may discourage some residents from walking to local community facilities. Closure of the subject PAW would require that a significant number of local residents (for example residing in Carnegie Way and MacDonald Avenue) opt for the longer route via Forrest Road.

- *Pedestrian accessway is not of a continuous pedestrian accessway or a key pedestrian network.*

This PAW does not form part of a continuous link of PAWs but is specific to the location, therefore the closure of the PAW would not render other PAWs in the network redundant. While the PAW does not directly form part of a 'Safe Routes to School' program or the City's draft 'Bike Plan 2015-2020' its existence will contribute to the realisation of such initiatives.

Nuisance Impact Assessment

The Nuisance Impact Assessment is undertaken by investigating reported levels of anti-social behaviour, based on evidence from the applicant, police and City records.

The applicant claims that past anti-social behaviour and nuisance activities together with the PAW's isolation, poor lighting and lack of surveillance from adjoining properties, renders it a significant public safety hazard.

Hillarys Police Station has advised that no offences were reported in 2014 and 2015 that could be attributed to the PAW. Police records regarding instances attended by police that did not result in a crime being reported such as anti social behaviour, could not be provided.

A summary of nuisance events recorded by the City include:

- 9 Carnegie Way – Graffiti report, March 2013.
- 11 Carnegie Way - Graffiti reports, February 2003 and November 2007.
- 23 Rowlands Court - Graffiti report, July 2012.
- 24 Rowlands Court - Graffiti report, October 2011.

The Nuisance Impact Assessment has been rated as 'low' in accordance with the criteria outlined in the Closure of Pedestrian Accessways Policy, as follows:

Low

- *Occurrence of criminal or nuisance behaviour is similar to elsewhere in the suburb.*

No evidence of anti-social behaviour relating to the PAW during the recent past (2014/15) has been provided by the local police station. Minimal criminal activity in the form of graffiti has been recorded (five incidents by adjoining owners over a 13 year period) in relation to the PAW, which is regarded as a very low frequency and no greater than would otherwise be expected in locations elsewhere in the suburb.

- *Types of offences are limited to nuisance behaviour.*

The applicant outlines in his submission for closure that past anti-social and nuisance behaviour within the PAW has rendered it a public safety hazard. City records suggest a low to nil occurrence of nuisance activity associated with the PAW during the recent past. Council records suggest that there have been no incidents of anti-social behaviour and no reports of suspicious behaviour, graffiti or damage since March 2013.

Community Impact Assessment

The Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW's level of use.

Attachment 3 indicates the reasons for and frequency of use for those who use the PAW. Of the 51 people who responded to the questionnaire, 28 respondents indicated that they use the PAW and 23 respondents indicated that they did not use the PAW. The Community Impact Assessment is overall rated 'medium' in accordance with the criteria outlined in the Closure of Pedestrian Accessways Policy, as follows:

Medium and high

- *A medium portion of respondents are not in favour of closure (over 30%).*

43.14% of respondents are not in favour of closure.

- *A medium portion of households use the pedestrian accessway regularly.*

Of the 51 respondents 18 (35.29%) make use of the PAW on a regular basis (such as daily or weekly). 54.9% of households use the PAW (ie. 28 of the 51 respondents).

- *A high portion of users will be inconvenienced by closure (over 50%).*

Of the 28 respondents who have indicated they use the PAW, 22 (78.57%) have indicated that they would be inconvenienced by the closure of the PAW. The majority of the respondents indicating an inconvenience to the closure are objectors, who use the PAW regularly.

Final assessment

The result of each assessment is detailed below:

- Urban Design – Medium.
- Nuisance Impact – Low.
- Community Impact – Medium.

The above results indicate that the closure is not supported where the Urban Design assessment of the PAW is considered of medium importance, Nuisance Impact is considered to be low and Community Impact is assessed to be medium.

Urban Design	Nuisance	Community Impact	Supported/ Not Supported
High	High, Medium or Low	High, Medium or Low	Not supported
Medium	Low	Low	Not supported
Medium	High or Medium	Low	Supported
Medium	High	Medium	Supported
Medium	Low	Low	Not supported
Medium	Medium or Low	Medium	Not supported
Low	High, Medium or Low	Low or Medium	Supported
Low	High, Medium or Low	High	Not supported

It is therefore recommended that the application for closure of the PAW between Rowlands Court and Carnegie Way not be supported.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 in accordance with the assessment against the *Closure of Pedestrian Accessways Policy*, does NOT SUPPORT the closure of the pedestrian accessway between Rowlands Court and Carnegie Way, Padbury;**
- 2 ADVISES the applicant and submitters accordingly.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf090216.pdf](#)

ITEM 7 PROPOSED 12 AGED OR DEPENDENT PERSONS' DWELLINGS AT LOT 701 (3A) MOOLANDA BOULEVARD, KINGSLEY

WARD	South-East
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	48208, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Development Plans Attachment 3 Landscaping concept plan Attachment 4 Environmentally sustainable design checklist
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 12 single storey aged or dependent persons' dwellings at Lot 701 (3A) Moolanda Boulevard, Kingsley.

EXECUTIVE SUMMARY

An application for development approval has been received for 12 single storey aged or dependent persons' dwellings at Lot 701 (3A) Moolanda Boulevard, Kingsley.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and 'Residential' under the City's *District Planning Scheme No. 2* (DPS2). The application has been assessed against the requirements of the *Residential Design Codes of Western Australia* (R-Codes) and the City's *Residential Development Local Planning Policy*.

The proposed land use 'Aged or Dependent Persons' Dwelling' is a discretionary ("D") use under DPS2. While the development is generally consistent with the requirements of the R-Codes and the City's *Residential Development Local Planning Policy*, approval is sought for several discretions having regard to the design principles of the R-Codes in relation to boundary walls, plot ratio area, outdoor living areas, landscaping and pedestrian access.

As the application proposes over ten aged or dependent persons' dwellings it is required to be determined by Council.

The application was referred to the Joondalup Design Reference Panel (JDRP) on 11 November 2015. The panel was supportive of the overall development, with the applicant making only minor changes to the proposed development on the basis of feedback received.

While the development seeks Council's discretion, it is considered that the development meets the relevant objectives and design principles of the R-Codes. The overall design of the development is consistent with the existing retirement village to the south and the desired built form of the locality. It will also provide for increased housing diversity within the area.

It is therefore recommended that the application be approved, subject to conditions.

BACKGROUND

Suburb/Location	Lot 701 (3A) Moolanda Boulevard, Joondalup.
Applicant	Robert Preisig.
Owner	Grand Lodge of WA Freemasons Homes for the Aged (Inc).
Zoning	DPS Residential.
	MRS Urban.
Site area	4,3049m ² .
Structure plan	Not applicable.

The subject site forms part of the existing Corinthian Court Retirement Village and is located to the north of 64 existing aged persons' dwellings and associated clubroom. It is bound by City owned land to the north (Lot 549), which is currently used for community service purposes, and commercial units to the east. Residential properties with a density code of R20 adjoin the western boundary of the site.

The site is zoned 'Urban' under the MRS and 'Residential' under DPS2 and is subject to the development provisions of the R-Codes and the City's *Residential Development Local Planning Policy*. An 'Aged or Dependent Persons' Dwelling' is a discretionary ("D") use within the 'Residential' zone.

The site originally formed part of Lot 549 and was zoned 'Civic and Cultural'. At its meeting held on 16 July 2013 (CJ121-07/13 refers), Council resolved to initiate Amendment No. 71 to DPS2 to rezone this portion of Lot 549 from 'Civic and Cultural' to 'Residential'. Council's recommendation also noted:

That Council:

- 2 *ENCOURAGES the retention of mature trees near the periphery of Lot 549 during the development application phase and in the event that these very large trees need to be cut down that they should be offered to a timber merchant so that they can be value-added as high quality furniture.*

At its meeting held on 17 February 2015 (CJ003-02/14 refers), Council resolved to rezone the site to 'Residential'. This portion of land was later amalgamated with the Corinthian Court Retirement Village lot.

DETAILS

The proposed development includes the following:

- twelve aged or dependent persons' dwellings consisting of:
 - eight two bedroom, two bathroom and one study dwellings
 - four two bedroom and one bathroom dwellings

- the removal of all remnant vegetation on-site except for one Eucalyptus tree
- the addition of a one metre wide pedestrian zone (painted road treatment) providing access from the development to Moolanda Boulevard
- modifications to the existing car bays to the south, used for visitor parking.

The development has been assessed against the deemed-to-comply criteria of the R-Codes and the replacement deemed-to-comply criteria of the City's *Residential Development Local Planning Policy* and generally meets these requirements with the exception of the following:

- A boundary wall to the northern boundary with an average height of 3.2 metres and a maximum height of 3.6 metres in lieu of the deemed-to-comply standard of three metres and 3.5 metres respectively.
- An aggregate boundary wall length of 34.91 metres to the eastern boundary in lieu of the deemed-to-comply standard of 18.54 metres.
- A boundary wall to the eastern boundary with a maximum height of four metres in lieu of the deemed-to-comply standard of 3.5 metres.
- A minimum dimension of outdoor living areas less than four metres for Units 1A, 2A and 4C.
- Outdoor living areas with more than one-third permanent roof cover.
- Reduced building setbacks to the northern and eastern boundaries.
- No separate pedestrian paths providing wheelchair accessibility to entries of buildings from the public footpath and car parking areas.
- A maximum plot ratio area between 109m² and 144m² for each dwelling in lieu of the deemed-to-comply standard of 100m².
- No condition requiring a section 70A notification to be lodged.
- The removal of trees greater than three metres in height.

The development plans are provided at Attachment 2.

The applicant has provided the following comments regarding the design of the development:

"The philosophy behind the development is to distance itself from the "cookie cutter" project home style [Independent Living Unit] ILU developments typically developed. These units have been design[ed] individually to maximise amenity whilst still have optimal soft landscaped areas. All units will have north facing alfresco areas, a service courtyard, open plan living and large bedrooms. Adaptable living ideas have also been included in the design which includes 1500mm turn around areas to kitchen, bathroom and hallways (universal access), flush door thresholds and "easy access" cabinetry and appliances. Sustainability is also a high concern with an objective to achieve a [7] star energy rating for all units."

Tree retention

The applicant has advised that, in response to Council's resolution to adopt Amendment No. 71 as final, a number of options were considered for the retention of existing mature trees. However, the applicant has proposed that only one tree is to be retained on-site. The development works will also be managed to ensure that trees located adjacent to the southern boundary of Lot 549 will not be impacted by the development. An arborist report was submitted to the City in order to identify the retention/relocation value of the trees on-site and their respective heights.

The applicant has provided the following justification in relation to the retention of existing trees:

"Removing the existing sewer line and diverting it will require the existing trees within this area to be removed."

[One] tree will be retained within the communal open space and is the only tree greater than 3m in this area. We have also changed the layout of unit 1A to move it further away from [this] tree, (from 1.8m to 3m) thus reducing the impact on this tree (which was a concern within the arborist report)...We will approach some local timber merchants/sawmills to see if there is any interest in processing these [remaining] trees.

Initially we wished to re-use the Chinese elms onsite as they would be a suitable shade tree, but due to the excessive cost to do so this we have discovered this will not be feasible. However we will contact a tree transplanting company that may wish to take these trees to re-use.

To ensure the protection of...retained trees, we will include as part of the contracted works a management plan. The management plan to AS4970 will include the following protection measures:

- *a penalty imposed to the contractor for damage of any retained trees*
- *hoarding to protect trunks (where applicable)*
- *where root zone has been impacted, a watering schedule during summer*
- *when the health of any trees looks to have deteriorated...Arbor Logic will be engaged to inspect and advise."*

Issues and options considered

Council is required to consider whether the proposed use 'Aged or Dependent Persons' Dwelling' and proposed discretions having regard to the design principles of the R-Codes are appropriate in this instance.

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 District Planning Scheme No. 2 (DPS2).
Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *Environmentally Sustainable Design Policy.
Residential Development Local Planning Policy.
State Planning Policy 3.1 - Residential Design Codes of Western Australia (R-Codes).*

City of Joondalup District Planning Scheme No. 2 (DPS2)

Clause 3.4 of DPS2 sets out the objectives for development within the ‘Residential’ zone:

3.4 *The Residential Zone*

The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.

Residential development is provided for at a range of densities with a variety of housing to meet the needs of different household types. This is done through application of the Residential Design Codes (R- Codes), and the allocation of a residential density code to an area of land.

Cultural and recreational development may be located where the Council local government considers the same to be appropriate in residential neighbourhoods within the Residential Zone.

The objectives of the Residential Zone are to:

- (a) maintain the predominantly single residential character and amenity of established residential areas;*
- (b) provide the opportunity for grouped and multiple dwellings in selected locations so that there is a choice in the type of housing available within the City; and*
- (c) provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.*

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*

- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following:*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of:*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, maneuvering and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following:*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*

- (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
- (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

Residential Design Codes of Western Australia (R-Codes)

The structure of the R-Codes allows for flexibility in approving development and stipulates deemed-to-comply criteria and associated design principles. The deemed-to-comply criteria are one way which development can meet the associated design principles. Where the deemed-to-comply criteria are not met the development is assessed against and required to meet the relevant design principles.

Clause 2.5 of the R-Codes allows for the exercise of discretion in respect to any aspect of a proposed development which departs from the deemed-to-comply criteria, except in relation to minimum or average site area. In exercising discretion under the R-Codes, Council shall have regard to the provisions of clause 2.5.2, as follows:

2.5 Exercise of judgement

2.5.2 In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgement, having regard to the following:

- (a) any relevant purpose, objectives and provisions of the scheme;*
- (b) any relevant objectives and provisions of the R-Codes;*
- (c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and*
- (d) orderly and proper planning.*

Residential Development Local Planning Policy

The *Residential Development Local Planning Policy* provides guidance on the assessment criteria to be used for residential development within the City of Joondalup. The policy is essentially a replacement set of R-Code provisions, containing replacement deemed-to-comply criteria and objectives that have changed or are additional to several of the deemed-to-comply criteria of the R-Codes.

Where the deemed-to-comply criteria of this policy or the R-Codes are not met development is assessed having regard to the corresponding 'Local Housing Objectives' set out in the tables of this policy. Where there are no 'Local Housing Objectives' or the application does not comply with the 'Local Housing Objectives', the application is assessed against the design principles and objectives of the R-Codes.

Environmentally Sustainable Design Policy.

The *Environmentally Sustainable Design Policy* encourages the integration of environmentally sustainable design principles into the construction of all new developments.

The objective of this policy is:

To encourage the integration of environmentally sustainable design principles into the siting, design and construction of both new and redeveloped residential, commercial and mixed-use buildings (excluding single and grouped dwellings, internal fit outs and minor extensions) in the City of Joondalup. Environmentally sustainable design considers the environmental impact of a building for the entire life of the asset.

The applicant has completed the Environmentally Sustainable Design checklist. A copy of the checklist is provided as Attachment 4.

Risk management considerations

The proponent has the right of review against Council's decision, including 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 \$10,896 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's *Environmentally Sustainable Design Checklist* to the extent that it is applicable to the development. The completed checklist is provided as Attachment 4.

The applicant has advised that it aims to facilitate a minimum 7 star rating under the Nationwide House Energy Rating Scheme (NatHERS) for the development. NatHERS is a national framework for the purpose of regulating how Australian homes are rated for their thermal performance, which rates dwellings between zero and 10 stars.

Consultation

Part 4 of the R-Codes states that public consultation may be undertaken where the application requires consideration against one or more design principles and there is a possible impact on the amenity of the adjoining owners and occupiers. In this instance, it is considered that the proposal is consistent with the objectives and design principles of the R-Codes and will not impact the amenity of the surrounding properties. Further to this, discretions sought do not impact the residential properties to the west of the site. As such, public comment has not been sought.

COMMENT

Land Use

The applicant seeks approval for 12 aged or dependent persons' dwellings at the subject site. The land use 'Aged or Dependent Persons' Dwelling' is a discretionary ("D") land use within the 'Residential' zone under DPS2.

As the site forms part of the existing Corinthian Court Retirement Village, the proposal is in keeping with the existing use of the site. Further to this, the development meets the objective of the 'Residential' zone to provide the opportunity for aged persons' housing in the residential area in recognition of an increasing percentage of aged residents within the City. As such, the proposed use is considered appropriate in this instance.

R-Codes

The following aspects of the development do not meet the deemed-to-comply criteria of the R-Codes and are required to be assessed against the relevant design principles:

Plot ratio area

Clause 5.5.2 of the deemed-to-comply criteria of the R-Codes requires a maximum plot ratio area of 100m² for each dwelling. However, the plot ratio area for each dwelling is in excess of this requirement, ranging from 109m² to 144m² for the 12 dwellings.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

Aged or dependent persons' dwellings for the housing of aged or dependent persons designed to meet the needs of aged or dependent persons; and

- *reduces car dependence, i.e. is located in close proximity to public transport and services;*
- *has due regard to the topography of the locality in which the site is located in respect to access and mobility;*
- *has due regard to the availability of community facilities including parks and open space;*
- *does not impinge upon neighbour amenity; and*
- *responds to a demand for aged or dependent persons' accommodation in the locality which is recognised in the local planning framework.*

The proposed dwellings are of a smaller scale than most single dwellings and provide a design and intent that is clearly for the purposes of ageing in place. In particular, the dwellings will incorporate the standards set out in AS4299 (Adaptable Housing) such as corridor widths, nib walls and level entry to front doors. Additionally, the site is relatively flat and will not impede access and mobility.

The development, as part of an existing aged persons' development, will provide for ageing in place and is located in close proximity to surrounding community facilities, including several parks, local services and infrastructure and a local bus service. Furthermore, the built form of the development presents a high design aesthetic and, at only single storey in height, will have minimal impact on neighbour amenity. As such, the plot ratio area for each unit is considered appropriate in this instance.

Pedestrian path

The deemed-to-comply criteria of clause 5.5.2 of the R-Codes require the provision of an accessible path of travel from the street frontage, car parking area or drop-off point in accordance with the requirements of AS4299 clause 3.3.2. Similarly, the deemed-to-comply criteria of clauses 5.3.2 and 5.3.6 of the R-Codes require separate pedestrian paths providing wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas. This separate pedestrian path has not been provided, with dwellings accessed, for the most part, via the communal street.

The design principles of the R-Codes require the following to be met:

5.3.2 Landscaping

Landscaping of grouped and multiple dwelling common property and communal open spaces that:

- *contribute to the appearance and amenity of the development for the residents;*
- *contribute to the streetscape;*
- *enhance security and safety for residents;*
- *provide for microclimate; and*
- *retain existing trees to maintain a local sense of place.*

5.3.6 Pedestrian access

Legible, safe, and direct access for pedestrians to move between communal car parking areas or public streets and individual dwellings.

5.5.2 Aged or dependent persons' dwellings

Aged or dependent persons' dwellings for the housing of aged or dependent persons designed to meet the needs of aged or dependent persons; and

- *reduces car dependence, i.e. is located in close proximity to public transport and services;*
- *has due regard to the topography of the locality in which the site is located in respect to access and mobility;*
- *has due regard to the availability of community facilities including parks and open space;*
- *does not impinge upon neighbour amenity; and*
- *responds to a demand for aged or dependent persons' accommodation in the locality which is recognised in the local planning framework.*

The applicant has provided the following justification for the lack of a separate pedestrian path:

“Although we are not providing a separate pedestrian path as per R-Codes 5.3.6_C6.1 we believe for the following reasons we meet the Design Principle of 5.3.6 and it would be advantageous to have a communal shared street:

- *Predominately pedestrian traffic: Due to the majority ‘retired’ demographic that will be residing within this community, any vehicle traffic will be dispersed throughout the day with no work ‘peak’ hour.*
- *Traffic/Speed controls: The communal street will be well sign posted with a maximum 5kph limit, providing a safe pedestrian environment.*

- *Reduce Hard landscaping : including a separate pedestrian pathway will drastically reduce the amount of street verge landscaping. More hard landscaping will increase the heat retained on the site.*
- *Communal Street as Access Path – We will provide a flat even bitumen surface which is suitable for wheelchair/ mobility scooter access.*

As per discussion with City of Joondalup we have included a 1.0m wide pedestrian zone from the village to Moolanda Blvd. This will be painted road treatment to meet AS 1742.2-2009.”

As the proposed development takes access from the existing retirement village, it is not feasible to retrofit a separate pedestrian path without reducing existing soft landscaping or removing existing car bays. There is currently an agreement between the owner of the subject site and the existing service station which require the existing bays to the north to remain unmodified.

It is considered that, due to the low speed environment of the existing and proposed development, safe access will still be maintained for pedestrians to move between car parking areas, the street and individual dwellings. Further to this, the provision of a one metre wide pedestrian zone will improve the existing situation for pedestrians accessing Moolanda Boulevard and give pedestrians priority within the internal access road.

Section 70A Notification

The deemed-to-comply criteria of clause 5.5.2 of the R-Codes requires that at least one occupant of each dwelling shall be a disabled or physically dependent person or aged person. While this will be reinforced by a condition of approval, this clause also requires the owner of the land to lodge a section 70A notification on the certificate of title to alert prospective purchasers of this occupancy restriction. However, this is not considered necessary in this instance as the development will form part of an existing retirement village that is known to operate for these purposes. Furthermore, the dwellings will remain in the ownership of Grand Lodge of WA Freemasons Homes for the Aged (Inc) rather than being sold individually, with occupants of dwellings given life lease arrangements.

Outdoor living areas

The R-Codes deemed-to-comply criteria states that each unit shall be provided with at least one outdoor living area accessed from a habitable room with a minimum area of 20m², a minimum dimension of four metres and with at least two-thirds of the required area without permanent roof cover. Should the deemed-to-comply criteria not be met, the associated design principle requires:

Outdoor living areas which provide spaces:

- *capable of use in conjunction with a habitable room of the dwelling;*
- *open to winter sun and ventilation; and*
- *optimise use of the northern aspect of the site.*

Outdoor living areas have been provided to each dwelling, all of which exceed the minimum 20m² area required and meet the accessibility requirements. However, the four metre minimum dimension is not provided to three of the dwellings. Further to this, a number of dwellings feature permanent roof cover for greater than one-third of the required area.

It is important to note that only small portions of the outdoor living areas for Units 1A, 2A and 4C feature a minimum dimension of less than four metres, with the majority of the areas greater than four metres in dimension. Further to this, the outdoor living areas for Units 1A and 2A open directly to the communal open space.

Each of the dwellings features a north facing alfresco area that will be open to winter sun and ventilation. Each dwelling also contains a separate outdoor area of sufficient size to accommodate a clothes line and other services. Furthermore, the open space provided for each dwelling, in conjunction with the communal open space, is greater than the minimum amount prescribed by the deemed-to-comply requirements of the R-Codes. Given this, the proposed outdoor living areas are considered appropriate.

Landscaping

Clause 5.3.2 of the R-Codes requires trees greater than three metres in height to be retained, in communal open space areas which are provided for the development. Of the trees greater than three metres in height on-site, only one Eucalyptus tree is proposed to be retained. As such, the deemed-to-comply requirements of clause 5.3.2 have not been fully met and the development is required to be assessed against the relevant design principles which state:

Landscaping of grouped and multiple dwelling common property and communal open spaces that:

- *contribute to the appearance and amenity of the development for the residents;*
- *contribute to the streetscape;*
- *enhance security and safety for residents;*
- *provide for microclimate; and*
- *retain existing trees to maintain a local sense of place.*

Of the 57 trees identified in the arborist report provided with the application, six trees on the site and one tree situated just outside the site are considered to have a 'high' retention value. Of the six trees found on-site, four are greater than three metres in height. Should the application be approved, a condition of approval is recommended that requires the protection of trees outside the site, including the one tree considered to have a 'high' retention value described above.

Of the four trees within the property boundaries considered to have a 'high' retention value and greater than three metres in height, the applicant is proposing to retain one of these trees in the communal open space. This tree is located closer to the centre of the site, while the other three trees are located along the outskirts. Due to the design of the development, these other trees are required to be removed.

It is considered that the location and landscaping of the communal open space has been designed in such a way that it achieves a high level of amenity for residents. The availability of a large area of quality communal open space in the middle of the site enables all the dwellings to have outlook and easy access to a large landscaped space for active and passive recreation. This design also enhances security and safety for residents by improving opportunities for surveillance and interaction. Had communal open space been provided around the other three trees it would not be as easily accessible or as open to all residents to use, due to the trees' location on the outskirts of the site. As such, the retention of this particular tree and the provision of landscaping around it provides for the best location for the provision of communal open space. Furthermore, the retention of this Eucalyptus tree, as well as the revegetation of the central areas of communal open space as shown in the landscaping concept plan, (Attachment 3 refers) will ensure a local sense of place is maintained.

The arborist report identified that 15 of the existing Chinese Elm trees are suitable for transplanting. The applicant has stated that no trees are proposed to be relocated as it is cost prohibitive to do so. However, while the City cannot enforce the salvage and reuse of the trees as they are on private property, a condition of approval requires the provision of a detailed landscaping plan to be approved by the City. As part of this, the City will be determining what tree species are appropriate for the site to maintain a local sense of place and will be encouraging the relocation of these Chinese Elms with respect to this.

In response to Council's note regarding the removal of large trees as per its resolution to initiate Amendment No. 71 to DPS2, the applicants have stated that they will approach some local timber merchants/sawmills to gauge whether there is interest in processing these trees.

Adaptable Housing standards

The applicant has confirmed that the dwellings will incorporate the following adaptable housing standards of Australian Standard AS4299, as required by clause 5.5.2 of the R-Codes:

- Level entry to front doors.
- External and internal doors provided with a minimum 820mm clear opening.
- Internal corridors a minimum of one metre wide and 1.2 metres in corridors with openings on side walls.
- A visitable toilet (a toilet which has a space of minimum 1250 mm in front of the toilet and 900 mm wide clear of door swings and fixtures).
- Toilet and toilet approach doors with a minimum 250mm nib wall and provision for the installation of a grab rail.

However, as not all these details have been shown on the development plans, a condition of approval will require dwellings to be constructed in accordance with the above, to the satisfaction of the City.

Residential Development Local Planning Policy

The following design aspects of the development do not meet the deemed-to-comply criteria of the City's *Residential Development Local Planning Policy* and are required to be assessed against the relevant local housing objective or design principles of the R-Codes:

Boundary walls

The replacement deemed-to-comply criteria of clause 5.1.3 of the City's *Residential Development Local Planning Policy* stipulate an average boundary wall height of three metres and maximum boundary wall height of 3.5 metres. However, the proposed development seeks approval for an average height of 3.2 metres and maximum wall height of 3.6 metres to the northern boundary and four metre maximum height to the eastern boundary. Further to this, the aggregate boundary wall length to the eastern boundary is 34.91 metres in lieu of the deemed-to-comply standard of 18.54 metres. As per the policy, buildings built up to lot boundaries are required to meet the relevant design principles of the R-Codes which state:

Buildings set back from lot boundaries so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing development context and streetscape.*

The northern and eastern elevations of the development are not located adjacent to any adjoining residential properties. Rather, the development adjoins a car park to the north of the site and the rear of existing commercial units to the east. The large separation distance between neighbouring buildings and the subject development will ensure that adequate ventilation is provided between buildings. Further to this, due to the orientation of the site, the location of the boundary walls will not reduce access to northern sunlight. While the boundary walls are proposed to be rendered masonry, a condition of approval will require them to be maintained to a high standard, including being free of vandalism, to the satisfaction of the City.

It is important to note that, as per the deemed-to-comply criteria, boundary walls to an aggregate length of 25.6 metres are permitted as a right to the northern boundary. As such, it is only able to be considered whether or not the additional height proposed is acceptable. The northern boundary walls feature various lengths and heights, with only one of the walls proposed reaching a height of 3.6 metres. Further to this, the walls are generally separated by large distances ranging from 14.86 metres to 17.7 metres. This aids in ameliorating building bulk and ensures that the boundary walls will not dominate the northern boundary as viewed from the car park and are therefore considered appropriate in this instance.

The eastern elevation of the development, located at the rear of the commercial units to the east, will have no impact on the amenity of these units and will not be visible from the public realm or streetscape.

Reduced side setbacks

Several of the dwelling setbacks to the northern and eastern boundaries and between dwellings do not meet the replacement deemed-to-comply criteria of clause 5.1.3 of the City's *Residential Development Local Planning Policy*. However, the development meets the relevant local housing objectives of this clause, which state:

O3.2 Buildings set back from a lot boundary, survey strata boundary or indicative lot boundary such that:

- i Eaves or external shading devices are provided to a minimum depth of 500mm to the front and side elevations for each floor;*
- ii Upper floors are setback a minimum of 500mm behind the floor below;*
- iii Walls are articulated through varied setbacks, and the inclusion of major and non-major openings;*
- iv The part of the building that does not meet the deemed-to-comply standards is not adjacent to any existing major openings or outdoor living areas of the adjoining lot; and*
- v The development complies with the deemed-to-comply provisions of:*
 - a Clause 5.1.6 – Building Height; and*
 - b Clause 5.4.2 – Solar Access for Adjoining Sites.*

As such, the proposed setbacks are appropriate in this instance.

Joondalup Design Reference Panel (JDRP)

The JDRP met on 11 November 2015 to discuss the proposed development. Overall the JDRP was supportive of the proposed development and commented that the applicant has made a sincere effort to come up with something different. The key points raised by the panel, as well as additional comments, are provided below:

- *The JDRP queried the correct star rating and how it will be achieved.*

The applicant has provided the following response in regard to this:

We will achieve a NatHERS 7 star rating through consultation and assessment from Sheldon Gault from WA Energy Assessors. In general we will be achieve this rating through good solar passive design, smart material and design choices including the use of high R-value insulation to walls and roof space and reverse brick veneer construction. We shall include under eaves rainwater tanks. I have reviewed the previously included Environmentally Sustainable Design Checklist and this is true and correct. It is my understanding the NatHERS rating certification forms part of the building permit application.

The City supports the achievement of a 7 star NatHERS house rating for the development.

- *The JDRP stated that there appears to be a domination of double garages and queried whether the design of the development could be relooked at to reduce their prominence.*

The applicant has provided the following response in regard to this:

Our Client believes that the market for this type of housing, in this location desires double garages. A number of the occupants may still be employed and have 2 cars. If the owner only has one car, the extra space can be used as a workshop or for storage.

Unlike in many other developments where one common roof connects multiple units (including double garages), we have utilised the double garage as a point of relief. This will be achieved by having a 'flat roof' over garages. This reduces the prominence of the garages with a reduction of about 2m of height compared to a typical pitched roof. The flat roofs over the garages also provide a visual break between units and help to define each unit as a separate entity.

It is considered that the variance in building setbacks, colours and materials, along with the roof design as described above, will create attractive building facades to the internal communal street and ensure that the garages do not become the focal point of the development. It should be noted that, as the development is not visible from the surrounding public streets, there will be no impact on the existing streetscape in terms of garage dominance.

- *The JDRP stated that there will likely be manoeuvring issues with the garages at the north-eastern corner of the site and queried whether this could this be relooked at.*

The applicant has provided the following response in regard to this:

We have amended our plan, as per [comments received from the City] from 27/11/15.

Following the JDRP meeting the City reviewed the layout of the internal communal street and determined that the garage layout for the north-eastern garages will be acceptable provided the roads are widened slightly. As per the above comment, the applicant has modified the plan in accordance with the City's recommendation.

- *The JDRP queried whether the development was proposed over the main sewer.*

The applicant has provided the following response in regard to this:

The sewer will be diverted through the carpark to give sufficient clearance from the units. This has been designed by Civil Engineer Richard Williams at BPA Engineering.

The City has no issue with the relocation of the main sewer.

Conclusion

The development has been considered against the development provisions and objectives of the R-Codes and the City's *Residential Development Local Planning Policy*. It is considered that the proposal meets the relevant objectives and design principles where required, ensuring a high built form outcome results. The development is consistent with the intended character of the area and will provide for aged persons' housing within the City of Joondalup.

The development is highly articulated and allows for future residents to derive benefit from the communal open space with respect to recreational pursuits and passive surveillance.

It is therefore recommended that the application be approved, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 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 October 2015 submitted by Robert Preisig on behalf of the owner, Grand Lodge of Western Australian Freemasons Homes for the Aged (Inc), for proposed 12 single storey 'Aged or Dependent Persons' Dwelling' at Lot 701 (3A) Moolanda Boulevard, Kingsley, subject to the following conditions:**
 - 1.1 A Construction Management Plan being submitted to and approved by the City of Joondalup prior to the commencement of development. The management plan shall detail how it is proposed to manage:**

- 1.1.1 all forward works for the site;
- 1.1.2 the delivery of materials and equipment to the site;
- 1.1.3 the storage of materials and equipment on the site;
- 1.1.4 the parking arrangements for the contractors and subcontractors;
- 1.1.5 the management of sand and dust during the construction process;
- 1.1.6 the management of noise during the construction process;
- 1.1.7 the protection of trees identified for retention during the construction process;
- 1.1.8 other matters likely to impact on the surrounding properties,

and construction works shall be undertaken in accordance with the approved plan;

- 1.2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City. Details shall be provided to the City prior to commencement of development. Works shall be undertaken in accordance with the approval;
- 1.3 All external walls and retaining walls of the proposed building shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
- 1.4 All development shall be contained within the property boundaries;
- 1.5 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - 1.5.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 1.5.2 Provide all details relating to paving, treatment of verges and tree planting;
 - 1.5.3 Show spot levels and/or contours of the site;
 - 1.5.4 Indicate natural vegetation to be retained and relocated on-site and the proposed manner in which this will be managed, including the protection and retention of the tree protection zones of trees identified for retention on the approved plans, during and after the construction process;
 - 1.5.5 Demonstrate how the tree protection zones of trees located off-site will be protected and retained during and after the construction process;
 - 1.5.6 Be based on water sensitive urban design principles to the satisfaction of the City;
 - 1.5.7 Be based on Designing out Crime principles to the satisfaction of the City;
 - 1.5.8 Show all irrigation design details;
 - 1.5.9 Allow for clear sightlines at the vehicle access point;
- 1.6 Landscaping and reticulation shall be established or retained in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;

- 1.7 Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site, prior to the occupation of the building(s) to the satisfaction of the City;
 - 1.8 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development, to the satisfaction of the City. These bays are to be thereafter maintained to the satisfaction of the City;
 - 1.9 Lighting shall be installed along all driveways, pedestrian pathways and in all common service areas of the subject development 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 development;
 - 1.10 Except where permitted by this approval, the dwellings shall be constructed in accordance with the requirements of AS4299 as specified under clause 5.5.2 C2.2ii, C2.3i, C2.3ii, C2.3iii, and C2.3iv of the R-Codes, to the satisfaction of the City;
 - 1.11 At least one permanent occupant of each dwelling shall be a disabled or physically dependent person or aged person or the surviving spouse of that person;
 - 1.12 The external surface of the development, including roofing, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surfaces shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;
- 2 ENCOURAGES the relocation of trees where possible and in the event that very large trees need to be cut down that they are offered to a timber merchant so that they can be value-added as high quality furniture.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf090216.pdf](#)

ITEM 8 CONTRIBUTION TO THE LORD MAYOR'S DISTRESS RELIEF FUND - 2016 WAROONA AND DISTRICT FIRES APPEAL

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

PURPOSE

For Council to give consideration to donating an amount of \$7,500 to the Lord Mayor's Distress Relief Fund to assist victims of the recent fires in Yarloop and Waroona.

EXECUTIVE SUMMARY

In January 2016, a large bushfire engulfed the township of Yarloop and parts of Waroona which has seen the tragic loss of life and many people losing their property.

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

The City of Joondalup has a long-standing history of contributing donations to the fund in the wake of significant disasters and as such, it is recommended that the Council approves a donation of \$7,500 to the 2016 Waroona and District Fires Appeal to assist victims and demonstrate support to the broader community of the region.

BACKGROUND

In January 2016, a large bushfire engulfed the township of Yarloop and other parts of Waroona which has seen the tragic loss of life and many people losing their property.

Historically, the Council has donated the following to assist with similar significant disasters:

October 2002

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

January 2005

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

February 2009

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

February 2010

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

February 2011

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

December 2011

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

February 2014

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

December 2015

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

DETAILS

In January 2016, bushfires engulfed the township of Yarloop and parts of Waroona which has seen the loss of two lives with many other people losing their property. As a result the Lord Mayor's Distress Relief Fund has been activated to coordinate donations to assist victims. In accordance with the City's donation guidelines and historical association with the fund Council is requested to consider approval for a donation of \$7,500 towards the fund.

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

The objectives of the fund are as follows:

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

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

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

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

Issues and options considered:

The Council may:

- agree to donate an amount to the Waroona and District Fires Appeal (recommended \$7,500)
or
- not agree to donate to the Waroona and District Fires Appeal.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan Not applicable.

Risk management considerations

Not applicable.

Financial/budget implications

The 2015-16 budget does not include funds for such a donation, therefore, it will be necessary to approve the expenditure by an absolute majority.

Account no.	1.526.A5206.3292.0000.
Budget Item	Council Administration – Donations.
Budget amount	\$ 0
Amount spent to date	\$ 7,500
Proposed cost	\$ 7,500
Balance	\$ (15,000)

All amounts quoted in this report are exclusive of GST.

Regional significance

Supporting the broader community of the Shire of Waroona and surrounding districts.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

The impact of the fires has been devastating for the communities in the township of Yarloop and parts of Waroona. A donation of \$7,500 from Council to the 2016 Waroona and District Fires Appeal is comparable with the donations made to previous natural disasters and tragedies. There are many ways that the community and organisations can donate to the Lord Mayor Distress Relief Fund, including through any BankWest branch (either in person, EFT, cheque or credit card payment) or at the City of Perth Council offices.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY DONATES an amount of \$7,500 to the Lord Mayor's Distress Relief Fund 2016 Waroona and District Fires Appeal in response to the disaster.

ITEM 9 APPOINTMENT OF NEW STRATEGIC COMMUNITY REFERENCE GROUP MEMBERS

WARD	North and South–East
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	102605
ALT FILE NUMBER	101515
ATTACHMENT	Attachment 1 Terms of Reference Attachment 2 (Confidential) Nominations – North Ward Attachment 3 (Confidential) Nominations – South–East Ward
	<i>(Please Note: Attachments 2 and 3 are confidential and will appear in the official Minute Book only)</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to appoint new North and South–East Ward community representatives to the Strategic Community Reference Group.

EXECUTIVE SUMMARY

In December 2015, the City sought expressions of interest to fill two vacancies on the City's Strategic Community Reference Group within the North and South–East Wards.

Both positions were advertised through the local community paper and on the City's website to seek interest from the broader community. All resident/ratepayer associations within the wards were also invited to nominate for the Strategic Community Reference Group.

The nomination period was open for two weeks throughout the month of December. The City received one nomination for the North Ward and three nominations for the South–East Ward.

Council is now requested to give consideration to the nominations provided at Attachment 2 and 3 of this report and subsequently appoint community representatives to fill the vacant North Ward and South–East Ward positions on the Strategic Community Reference Group.

BACKGROUND

In 2012, Council established a Strategic Community Reference Group (SCRG) as a new participation mechanism for the external provision of advice to Council. The group consists of appointed community representatives from each ward, Elected Members and seconded experts utilised on an as-needs basis.

In accordance with the SCRG Terms of Reference, members concluded their positions in October 2015 in line with the ordinary Council election cycle. Community members were invited to renominate as ward representatives, subject to Council approval of current members continuing until October 2017. Council approval was provided on 3 November 2015 (*JSC03-11/15 refers*)

Mr Bryan Saunders (Central Ward), Mr Wes Buzza (North Central Ward), Dr Susan King (South Ward), Mr Brian Yearwood (South-West Ward) and Mrs Penny Gilpin (North Ward) advised their intention to continue representation on the SCRG. Dr Zarrin Saddiqui did not renominate, resulting in a vacancy within the South-East Ward.

Furthermore, with the adjustment of the City's ward boundaries during the 2015 Local Government Elections (namely the transfer of the suburb of Connolly from the North Ward to the North Central Ward), the North Ward could no longer be represented by Mrs Penny Gilpin and as such, an additional vacancy was created.

As a result, the City is required to fill the two vacancies on the City's Strategic Community Reference Group within the North and South-East Wards. This report presents the nominations received from the expression of interest process in order for Council to appoint new community representatives to the reference group.

DETAILS

Public advertising of the expression of interest process commenced on 30 November 2015 and closed on 15 December 2015. Notices were placed on the City's website and in the local newspaper. A letter of invitation was also sent directly to all resident/ratepayer associations within the North Ward and South-East Ward, providing an opportunity for active community members to offer their nomination on the SCRG.

The City received one nomination for the North Ward and three nominations for the South-East Ward. These nominations have been forwarded to Elected Members under separate cover.

Issues and options considered

The Council is requested to assess the nominations and appoint one community representative each for the North and South-East Ward.

The following options are available to the Council:

- accept all nominations to date and appoint a North Ward and a South-East community representative from that pool of nominations
or
- not accept the nominations and re-commence the expression of interest process

Option 1 is the recommended option based on the quality of the nominations received in the expression of interest process recently completed.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.

Strategic Community Plan

Key theme	Leadership and Governance.
Objective	To have a community that actively engages with the City to achieve consensus and legitimacy in decision-making.
Strategic initiative	Optimise opportunities for the community to access and participate in decision-making processes. Adapt to community preferences for engagement formats. Fully integrate community consultation practices into City activities.
Policy	Not applicable.

Risk management considerations

Should Council choose not to appoint community representatives from the nominations received, there is a risk that extending the period for nominations may elicit low levels of interest and potentially disenfranchise those that have already submitted an application.

Financial / budget implications

Public advertising for the expression of interest process was absorbed within existing operational costs by utilising the City's website and Joondalup Voice publications. As such, the process was cost-neutral.

Regional significance

Not applicable.

Sustainability implications

The Strategic Community Reference Group provides advice to the Council on a variety of strategic matters, with the aim of influencing and contributing to increased sustainable outcomes for the City. To date, the group has considered planning reviews pertaining to environmental, crime and community safety, community development and waste management matters.

Consultation

The Strategic Community Reference Group is a mechanism for community engagement on strategic issues.

COMMENT

There have been no enquiries received by the City regarding further nomination opportunities and it is considered that a satisfactory number and suitable quality of nominations has been received to enable Council to appoint community representative members to the Strategic Community Reference Group.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council CONSIDERS APPOINTING:

- 1 one community representative for the North Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 2 to this Report;**
- 2 one community representative for the South–East Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 3 to this Report.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf090216.pdf](#)

ITEM 10 MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 15 DECEMBER 2015

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	103250, 101515
ATTACHMENT	Attachment 1 Minutes of the Annual General Meeting of Electors held on 15 December 2015
AUTHORITY /DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to note the Minutes of the Annual General Meeting of Electors held on 15 December 2015 and to give consideration to the motions carried at that meeting.

EXECUTIVE SUMMARY

The Annual General Meeting of Electors of the City of Joondalup was held on 15 December 2015 in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable.

BACKGROUND

The City's Annual General Meeting of Electors was held on 15 December 2015 in accordance with section 5.27 of the *Local Government Act 1995*. The meeting was attended by four members of the public, with a total of three motions carried at the meeting.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any motions passed at an Electors' meeting are not binding on the Council; however, Council is required to consider them.

DETAILS

Issues and options considered

The Motions passed at the Annual General Meeting of Electors are set out below:

MOTION NO. 1

MOVED Mrs M Macdonald, SECONDED Mr M Sideris that we the ratepayers of the City of Joondalup request that at the completion of every confidential item before a Council meeting, that the Elected Members determine that the report in its entirety does not remain confidential or state the legitimate reason why it should remain confidential.

Officer's comment

At the Annual General Meeting of Electors held on 2 December 2014, a similar motion was passed by the City of Joondalup electors requesting that at the completion of every confidential item, that the Elected Members, where practical, resolve to declare that the report in its entirety be not confidential. In considering the motions passed at the Annual General Meeting of Electors, at its meeting held on 17 February 2015 (CJ013-02/15 refers) Council noted the legislative requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* in relation to the release of information to members of the public and aspects of confidentiality.

Section 5.23(2) of the *Local Government Act 1995* (the Act) allows meetings of Council to be closed to members of the public where it deals with certain confidential matters as prescribed in the Act. In accordance with section 5.95(3) of the *Local Government Act 1995* and regulation 29(2) and (3) of the *Local Government (Administration) Regulations 1996* a person's right to inspect information does not extend to information on matters discussed at meetings intended to be, or closed to, members of the public. Where a matter is to be discussed at a closed meeting, it is normal practice for the City to state the section of the Act in which confidentiality arises. The section of the Act in which confidentiality arises, is also quoted again in the minutes of the respective Council meeting, prior to the resolution that is ultimately made by Council and made public.

There are rare instances where meetings are closed to members of the public such as legal, commercial or personal reasons or consequences, and therefore Council in declaring information not being confidential, would need to consider the nature of the information at the time, and any legal or legislative impediments or implications that may arise.

It is therefore considered that no change be made to the current practice in regard to the treatment of confidential matters at meetings and the release of information to members of the public.

Officer's recommendation

That Council REITERATES its decision of 17 February 2015 (CJ013-02/15 refers) regarding the legislative requirements of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 in relation to the release of confidential information to members of the public.

MOTION NO. 2

MOVED Mrs M Zakrevsky, SECONDED Dr M Apthorpe that the City of Joondalup:

- 1 takes measures to ensure that all cats in the City of Joondalup are registered (including sterilisation and micro-chipping) with the City enforcement of State Law *Cat Act 2011*;**

- 2 provides for additional controls and management of matters relating to cats that are not specified in the *Cat Act 2011* such as management of cats in bushland and coastal reserves that the City of Joondalup manages;**
- 3 assists residents or businesses having problems with stray cats within their properties by the loan of a cat trap and removal of any caught cat (no charge) and fine the cat owner, and if not micro-chipped/licensed, then euthanised. The owner is not a responsible owner if the owner ignores the law;**
- 4 encourages responsible cat ownership through publicity and a flyer with the owner's responsibilities clearly stated similar to the dog ownership flyer such as active assistance to keep cats within a property by selling cat runs at cost;**
- 5 Councillors request and pass a local law regarding responsible cat ownership that ensures a benefit to residents and wildlife.**

Officer's comment

In general terms, the City recognises that the *Cat Act 2011* does not address some expectations in the community in relation to the management of cats in natural areas, whether they are domestic, stray or feral cats. Native species are highly vulnerable to predation by cats. While the City understands that a local law in relation to cats in natural areas would be of benefit to fauna within the district of Joondalup, it would have no effect outside of the district. For this reason the first preference would be to amend the *Cat Act 2011* to enable these issues to be addressed on a state-wide basis rather than a City of Joondalup Local Law. In the meantime, the City does provide assistance to residents, businesses and property owners in relation to stray cats and impounds captured stray cats in accordance with the provisions of the *Cat Act 2011*.

In regard to the current arrangements for the management of cats, the *Cat Act 2011* has required the registration, micro-chipping and sterilisation of cats since November 2013 and the City currently has 5,060 registered cats. The City actively promotes these requirements through various media including the City's website, periodic advertising in the local newspaper and has a 'Responsible Cat Ownership' flyer.

In relation to additional controls and management of matters relating to cats that are not specified in the *Cat Act 2011*, as identified above, it is considered appropriate that the West Australian community has an encompassing piece of state legislation than a local law. For this reason, and at this time, no additional controls or measures through a local law are recommended to be put in place. Notwithstanding, the City through the Western Australian Local Government Association will lobby the State Government to expedite a review of the *Cat Act 2011* to address these concerns.

In terms of assistance, the City already assists residents or businesses having problems with stray cats within their properties through the loan of cat traps and the removal of any caught cats at no charge. If the owner of the cat can be identified an infringement may be issued however the cat may be destroyed should the owner not be able to be identified.

Officer's recommendation

That Council:

- 1 NOTES the current actions of the City of Joondalup in relation to cats in terms of registration, promotion of responsible cat ownership and assistance to residents, businesses and property owners with stray cats;*

- 2 *DETERMINES that in relation to achieving greater enforcement over the activities of cats, particularly in bushland reserves, its first preference is to seek appropriate amendments to the Cat Act 2011 rather than introducing a Cat Local Law.*

MOTION NO. 3

MOVED Dr M Apthorpe, **SECONDED** Mrs M Zakrevsky that we the ratepayers of the City of Joondalup request that the City of Joondalup lobby the State Government and the Minister to amend the *Cat Act 2011* to protect native wildlife from all cats by making it an offence for an owner to permit a cat to remain in the bushland reserve. It should be an infringement against the *Cat Act 2011* and harsh penalties should apply.

Officer's comment

The City recognises that the *Cat Act 2011* does not address expectations by some in the community in relation to the management of cats in natural areas, whether they are domestic, stray or feral cats. Amendments to the *Cat Act 2011* to address cats in natural areas would not only assist in the management of natural areas, but also enable consistent enforcement across local governments. It would be beneficial for the Western Australian Local Government Association to coordinate the development of proposed amendments with the Department of Local Government and Communities to ensure that all local governments' views are considered in any amendments.

Notwithstanding, the City's *Natural Areas Management Plans* contain a recommended action for the trapping of cats where stray cats are identified in natural areas. Where the presence of stray cats has been identified in a natural area traps have been installed, however at this stage, no cats have been caught.

Officer's recommendation

That Council REQUESTS the Western Australian Local Government Association to lobby the State Government and the Minister for Local Government and Communities and to work with the Department of Local Government and Communities to amend the Cat Act 2011 to include provisions to enable the protection of native wildlife in bushland reserves from all cats.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 5.33 of the *Local Government Act 1995* states:

Decisions made at Electors' Meetings

5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*

(a) *at the first ordinary council meeting after that meeting; or*

(b) *at a special meeting called for that purpose,*

whichever happens first.

- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Active democracy.
Strategic initiative	Optimise opportunities for the community to access and participate in decision-making processes.
Policy	Not applicable.

Risk management considerations

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with section 5.33 of the *Local Government Act 1995*.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

COMMENT

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any recommendations are not binding on the Council; however, Council is required to consider them.

The motions carried at the Annual General Meeting of Electors held on 15 December 2015 are presented to Council in accordance with the requirements of the legislation.

Any matter that was referred to the Chief Executive Officer for action are either currently being investigated (such as the inclusion of a unisex toilet at the Duncraig Library) or completed. Those members of the public raising such matters have been advised of the outcome or process accordingly.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the Minutes of the Annual General Meeting of Electors held on 15 December 2015 forming Attachment 1 to this Report;
- 2 in relation to Motion No. 1 carried at the Annual General Meeting of Electors **REITERATES** its decision of 17 February 2015 (CJ013-02/15 refers) regarding the legislative requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* in relation to the release of confidential information to members of the public;
- 3 in relation to Motion No. 2 carried at the Annual General Meeting of Electors:
 - 3.1 **NOTES** the current actions of the City of Joondalup in relation to cats in terms of registration, promotion of responsible cat ownership and assistance to residents, businesses and property owners with stray cats;
 - 3.2 **DETERMINES** that in relation to achieving greater enforcement over the activities of cats, particularly in bushland reserves, its first preference is to seek appropriate amendments to the *Cat Act 2011* rather than introducing a *Cat Local Law*;
- 4 in relation to Motion No. 3 carried at the Annual General Meeting of Electors **REQUESTS** the Western Australian Local Government Association to lobby the State Government and the Minister for Local Government and Communities and to work with the Department of Local Government and Communities to amend the *Cat Act 2011* to include provisions to enable the protection of native wildlife in bushland reserves from all cats.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf090216.pdf](#)

ITEM 11 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	60514, 00033, 41196, 03149, 101515
ATTACHMENTS	<p>Attachment 1 Minutes of WALGA North Metropolitan Zone meeting held on 26 November 2015.</p> <p>Attachment 2 Minutes of WALGA State Council meeting held on 2 December 2015.</p> <p>Attachment 3 Minutes of Mindarie Regional Council meeting held on 3 December 2015.</p> <p>Attachment 4 Minutes of Tamala Park Regional Council meeting held 10 December 2015.</p> <p><i>(Please Note: These minutes are only available electronically).</i></p>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of WALGA North Metropolitan Zone meeting held on 26 November 2015
- Minutes of WALGA State Council meeting held on 2 December 2015
- Minutes of Mindarie Regional Council meeting held on 3 December 2015
- Minutes of Tamala Park Regional Council meeting held 10 December 2015.

DETAILS

The following information details those matters that were discussed at these external meetings and may be of interest to the City of Joondalup.

WALGA North Metropolitan Zone meeting - 26 November 2015

A meeting of the North Metropolitan Zone was held on 26 November 2015.

At the time of this meeting Cr Philippa Taylor, Cr Russ Fishwick JP, Cr Christine Hamilton-Prime and Cr John Logan were Council's representatives on the North Metropolitan Zone.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the North Metropolitan Zone meeting:

6.1 Local Government to Lobby State Government for the Regulation of Drones

It was resolved by the North Metropolitan Zone as follows:

“That the North Metropolitan Zone supports the position presented in this report and REQUESTS that WALGA and/or ALGA lobby both the State Government and the Commonwealth Government (as appropriate) to:

- a. provide the necessary authority and resources to the appropriate agency to ensure that threats to behavioural privacy arising from unauthorised and inappropriate surveillance are addressed, and that the relevant laws are enacted and enforced;*
- b. develop and implement an education campaign to inform drone operators and users about privacy and air safety laws; and*
- c. undertake all futures reviews of privacy and air safety laws to consider and align with developments in technology.”*

6.2 Advocacy for Legislative Change to Local Government Act 1995

It was resolved by the North Metropolitan Zone as follows:

“That North Metropolitan Zone request that the Western Australian Local Government Association apply to the Minister for Local Government to amend section 9.13 (6) of the Local Government Act 1995 to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.”

6.3 Impact of New Planning and Development (Local Planning Scheme) Planning Regulations 2015 on the City of Stirling's Major Activity Centres

It was resolved by the North Metropolitan Zone as follows:

“That the North Metropolitan Zone requests that WALGA lobby the Minister for Planning to amend the Planning and Development (Local Planning Scheme) Regulations 2015 as they relate to statutory effect of adopted Structure Plans.”

5.1 Local Government Rating

It was resolved by the North Metropolitan Zone as follows:

“That WALGA:

- 1. Endorse the attached “Rate Capping: Policy Statement” expressing opposition to rate capping;*
- 2. Advocate to the Minister for Local Government to:*

- a. *Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997; and,*
- b. *Either:*
 - i. *Amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or,*
 - ii. *Establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations should remain exempt from payment of Local Government rates.”*

8.1 Notice of Meetings 2016

It was resolved by the North Metropolitan Zone as follows:

“That the 2016 proposed schedule of meetings for the North Metropolitan Zone be adopted.”

NOTICE OF MEETINGS NORTH METROPOLITAN ZONE MEETING 2016

Zone Meeting Dates Thursday	Time	HOST COUNCIL	State Council Meeting Dates 2016
25 February	Thursday 6.00 pm	Joondalup	Wednesday 2 March
28 April	Thursday 6.00 pm	Stirling	Regional – Murchison 6 May
30 June	Thursday 6.00 pm	Wanneroo	Wednesday 6 July
25 August	Thursday 6.00 pm	Joondalup	Regional – Avon-Midland 9 September
24 November	Thursday 6.00 pm	Stirling	Wednesday 7 December

WALGA State Council meeting - 2 December 2015

A meeting of the WALGA State Council was held on 2 December 2015.

At the time of this meeting Cr Russ Fishwick JP was Council’s representative on the State Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the State Council meeting:

5.1 Local Government Rating (05-034-02-0015 TL)

It was resolved by the State Council as follows:

“That WALGA:

1. *Endorse the attached “Rate Setting: Policy Statement” expressing opposition to rate capping or any externally imposed limit on Local Government’s capacity to raise revenue as appropriately determined by the Council.*
2. *Advocate to the Minister for Local Government to:*

- a. *Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997; and,*
- b. *Either*
 - i. *Amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or,*
 - ii. *Establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations should remain exempt from payment of Local Government rates.”*

5.2 Policy Options to Increase Elected Member Training (05-034-02-0015 TL)

It was resolved by the State Council as follows:

“That:

1. *WALGA continue to promote Elected Member training and development opportunities;*
2. *The secretariat develop:*
 - a. *A best practice Council Induction Guide; and*
 - b. *A template Elected Member Training and Development Policy.*
3. *WALGA adopts a formal policy position that opposes legislative change that:*
 - a. *Requires candidates to undertake training prior to nominating for election; or,*
 - b. *Incentivises Elected Member training through the fees and allowances framework; or,*
 - c. *Mandates Elected Member training.*
4. *Notwithstanding WALGA’s opposition to mandatory Elected Member training, if such a regime becomes inevitable, WALGA seek to ensure that it;*
 - a. *Only applies to first time Elected Members;*
 - b. *Utilises the Elected Member Skill Set as the appropriate content for mandatory training;*
 - c. *Applies appropriate Recognition of Prior Learning (RPL);*
 - d. *Requires training to be completed within the first 12 months of office; and*
 - e. *Applies a penalty for non-completion of a reduction in fees and allowances payable.”*

5.3 State Budget Submission 2016-17 (05-088-03-0001 PS)

It was resolved by the State Council as follows:

“That the Association’s State Budget Submission 2016-17 be endorsed with an additional request for \$2 million per annum for five years for the control of Cotton Bush and Patterson’s Curse on State Government land holdings.”

5.4 Submission to the Select Committee into the Scrutiny of Government Budget Measures on Infrastructure Financing (05-088-03-0001 PS)

It was resolved by the State Council as follows:

“That the Association’s submission to the Select Committee into the Scrutiny of Government Budget Measures on Infrastructure Financing be endorsed.”

5.5 Infrastructure WA Advisory Group (05-001-03-0018 ID)

It was resolved by the State Council as follows:

“That WALGA:

- 1. maintain observer status with the Infrastructure WA Advisory Group provided that there is no direct financial cost.*
- 2. Urge the State Government to lead a consultative, transparent process to develop a coherent and comprehensive infrastructure plan for Western Australia that includes participation of appropriate community groups with a State Wide focus and Local Government.”*

5.6 West Australian State CCTV Strategy Consultation (05-019-03-0009 JH)

It was resolved by the State Council as follows:

“That the proposed Memorandum of Understanding (MOU) between the Minister for Police and WALGA (as a participant on behalf of Local Governments) “for the provision of a coordinated State CCTV network that allows data sharing between owners of CCTV cameras facing public areas to enhance the safety and security of the Western Australian community” be endorsed.”

5.7 Interim Submission – Building Commission’s Discussion Paper about ‘Instant Start’ (05-015-01-0003 VJ)

It was resolved by the State Council as follows:

“That WALGA:

- 1. Strongly oppose the ‘Instant Start’ concept as it is not based on any policy foundation and has inherent risks and potential liability for Local Government; and*
- 2. Endorse the interim submission to the Building Commission on the Discussion Paper ‘Instant Start’ that sets out WALGA’s concerns.”*

5.8 Interim Submission to WA Planning Commission – Draft Liveable Neighbourhoods (05-047-02-0007 VJ)

It was resolved by the State Council as follows:

“That WALGA endorse the interim submission to the WA Planning Commission on the draft Liveable Neighbourhoods document.”

5.9 Revised Draft State Planning Policy 3.7: Planning in Bushfire-Prone Areas (05-024-02-0056 CG)

It was resolved by the State Council as follows:

“That WALGA:

- 1. note the feedback provided by the Association to the WA Planning Commission concerning the revised draft SPP3.7 Planning in Bushfire-Prone Areas.*

2. *Request that the Minister for Planning and the WA Planning Commission release the revised draft document for public consultation.*”

5.10 Interim Submission to the WA Planning Commission: Peel Region Scheme Floodplain Management Policy (05-036-03-0028 CG)

It was resolved by the State Council as follows:

“That WALGA endorse the interim submission to the WA Planning Commission regarding the draft Peel Region Scheme Floodplain Management Policy.”

5.11 Interim Submission on the Heritage Bill 2015 (05-036-03-022 NH)

It was resolved by the State Council as follows:

“That WALGA endorse the interim submission to the Heritage Bill 2015.”

5.12 Interim Submission on the Emissions Reduction Fund Safeguard Mechanism (05-028-03-0016 LS)

It was resolved by the State Council as follows:

“That WALGA endorse the interim submission to the Commonwealth Department of the Environment relating to the Emissions Reduction Fund Safeguard Mechanism.”

5.13 Selection Committee Minutes (01-006-03-0011 MD)

It was resolved by the State Council as follows:

“The three names recommended to the Swan River Trust Board be Cr McPhail, Cr Trease and Mayor Pickard.”

5.13.1 Selection Committee Interview Report Non-Metropolitan Member LGIS

It was resolved by the State Council as follows:

“That the recommendation from the Selection Committee Interview Panel to appoint Cr Paul Omodei to LGIS as Non-Metropolitan Member be endorsed.”

5.14 Interview Report Independent Member LGIS (01-006-03-0011) MD

It was resolved by the State Council as follows:

“That the recommendation from the WALGA Interview Panel to appoint Peter Forbes to LGIS as Independent Member be endorsed.”

Mindarie Regional Council meeting - 3 December 2015

A meeting of the Mindarie Regional Council was held on 3 December 2015.

At the time of this meeting Cr Russ Fishwick JP, Cr Mike Norman were Council's representatives on the Mindarie Regional Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Mindarie Regional Council meeting:

9.3 Mindarie Regional Council Ordinary Council Meeting and Strategic Workshop Dates for 2016

It was resolved by the Mindarie Regional Council as follows:

“That the Council:

1. *adopt the following schedule for Ordinary Council Meetings for 2016, commencing at 5.30pm:*
 - *Ordinary Council Meeting - 18 February 2016 (City of Joondalup)*
 - *Ordinary Council Meeting – 14 April 2016 (City of Wanneroo)*
 - *Ordinary Council Meeting – 7 July 2016 (City of Stirling)*
 - *Ordinary Council Meeting – 1 September 2016 (City of Vincent)*
 - *Ordinary Council Meeting – 27 October 2016 (City of Perth)*
 - *Ordinary Council Meeting - 1 December 2016 (Town of Victoria Park) and*
2. *issue Public Notice on the meetings detailed in (1) above in accordance with Part 12 (1) of the Local Government (Administration) Regulations 1996 and the Local Government Act 1995.*
3. *adopt the following schedule for the two Strategy Workshops for 2016 as follows:*
 - *18 February 2016; and*
 - *1 September 2016.”*

9.4 Adoption of the 2015 Annual Report

It was resolved by the Mindarie Regional Council as follows:

“That the Council:

1. *notes the recommendation of the Audit Committee meeting held on 12 November 2015 to adopt the Financial Report for the year ended 30 June 2015;*
2. *adopts the Annual Report for the year ended 30 June 2015, which includes the Financial Report detailed in 1. above;*
3. *notes the recommendation of the Audit Committee meeting held on 12 November 2015 to appoint Ms Gayle Rogers as an external audit committee member for a further two year term which would expire at the end of April 2018; and*
4. *appoints Ms Gayle Rogers as an external audit committee member for a further two year term which would expire at the end of April 2018.”*

9.5 Mindarie Regional Council Strategic Action Plan

It was resolved by the Mindarie Regional Council as follows:

“That the Council:

1. *approve the concept of the MRC proceeding to create a Waste Precinct in accordance with its Strategic Direction;*
2. *continue to work with the Strategic Working Group on the works, and commitments, required for the development of a Waste Precinct; and*

3. *receive a further report at its meeting on 18 February 2016 detailing the process and estimates of the works associated with the development of the Waste Precinct.”*

Tamala Park Regional Council meeting - 10 December 2015

A meeting of the Tamala Park Regional Council was held on 10 December 2015.

At the time of this meeting Cr John Chester and Cr Kerry Hollywood were Council's representatives on the Mindarie Regional Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Mindarie Regional Council meeting:

9.6 Distribution to Participant Local Governments – December 2015

It was resolved by the Tamala Park Regional Council as follows:

“That the Council APPROVES the deferral of the December 2015 Distribution to Participant Local Governments until February 2016 when Council will consider the Mid Year Review of the TPRC budget 2015/2016 and consider the impacts of the deterioration of market conditions and lower residential lot revenue on the TPRC budget 2015/2016.”

9.7 Disposal of Central Precinct Local Centre Site

It was resolved by the Tamala Park Regional Council as follows:

“That the Council:

1. *RECEIVES the Catalina Local Centre Site Business Case Report (dated November 2015), prepared by Satterley Property Group.*
2. *APPROVES the disposal of the Central Precinct Local Centre site (Lot 646) by public tender, subject to design guidelines that address the following:*
 - *Orientation to public streets;*
 - *Passive surveillance of public open space;*
 - *Vehicle access from streets other than Aviator Boulevard;*
 - *Location of parking;*
 - *Provision of pedestrian and cyclist facilities integrated into the development;*
 - *The layout of buildings, car park areas and other infrastructure designed to maximise pedestrian and cyclist movements and links between the Local Centre, Stage 11 public open space, the proposed Primary School and adjoining residential areas.*
3. *APPROVES that the Central Precinct Local Centre Tender to include requirements that the development of the site should incorporate a mix of retail, office and residential uses and also support the TPRC sustainability objectives which include the following:*
 - *Passive solar design;*
 - *Installation of Photovoltaic panels;*
 - *Other sustainability initiatives;*
 - *Participation in Catalina Waster Recycling Program;*
 - *Alternative construction methodologies.”*

9.8 Central Precinct Grouped Housing Sites Disposal and Development Strategy

It was resolved by the Tamala Park Regional Council as follows:

“That the Council:

1. *RECEIVES the Catalina Central Grouped Housing Sites Development Strategy (dated November 2015), prepared by Satterley Property Group.*
2. *APPROVES the disposal of Lots 341, 995 and 996 by public tender subject to design guidelines that address the following:*
 - *Orientation to public streets;*
 - *Passive surveillance of public open space;*
 - *Vehicle access from streets other than Aviator Boulevard;*
 - *Provides a built form that addresses Connolly Drive and Neerabup Road where relevant;*
 - *The building(s) addresses the internal street frontage to the Estate; and*
 - *Limits vehicle crossovers and screens parking from the street;*
 - *Provision of central private open space areas, developed as a resident meeting/recreation area, incorporating useable facilities and trees which will provide shade and amenity.*
3. *APPROVES that the Lots 341, 995 and 996 Tender to include requirements that the development of the site should incorporate a mixture of residential product and also support the TPRC sustainability objectives which include the following:*
 - *Passive solar design;*
 - *Installation of Photovoltaic panels;*
 - *Other sustainability initiatives;*
 - *Participation in Catalina Waster Recycling Program; and*
 - *Innovation in product and construction techniques.”*

9.9 Review of Shared Bore Trial

It was resolved by the Tamala Park Regional Council as follows:

“That the Council:

1. *RECEIVES the report prepared by the Satterley Property Group reviewing the Shared Bore Trial for Stages 4, 5 and 7.*
2. *NOT APPROVE the extension to the Shared Bore program to Catalina Beach and Catalina Grove at this time.*
3. *REQUESTS that the Satterley Property Group further address this matter as part of the review of the Catalina Sustainability Initiatives Plan to be undertaken in May 2016.”*

9.10 Forecast of TPRC FYE 2016 Budget

It was resolved by the Tamala Park Regional Council as follows:

“That the Council:

1. *RECEIVES the Satterley Property Group advice on the Forecast of TPRC FYE 2016 Budget (dated 25 November 2015).*

2. *APPROVES the sales release of 15 lots within Stage 26 (Catalina Beach) in April 2016, subject to obtaining the necessary approvals and titles being able to be obtained within six months from the Sales Release.*
3. *APPROVES the removal of the Mandatory Two Storey Requirement and applying the construction rebate for Lots 288, 295, 296 and 305 in Stages 11 and Stage 12.”*

9.11 Review of Catalina Sales Office Opening Hours

It was resolved by the Tamala Park Regional Council as follows:

“That the Council:

1. *RECEIVES the Satterley Property Group report on the revised opening hours for the Catalina Sales Office, dated 25 November 2015.*
2. *APPROVES the extension of the trial of revised opening hours of the Catalina Sales Office, as approved in December 2014, until February 2016.*
3. *ADVISES the Satterley Property Group that Council requires comprehensive advice on competing estates, sales against budget and feedback from the public and display builders to be presented for Council’s consideration at its February 2016 meeting prior to considering the recommended change to the approved Sales Office opening hours.”*

9.12 Review of Purchaser Terms and Conditions

It was resolved by the Tamala Park Regional Council as follows:

“That the Council:

1. *APPROVES the following Sales Terms/Conditions and Incentives for all public release lots:*
 - 1.1 *Use of the 2013 REIWA Offer and Acceptance Contract with Special Conditions and Annexure.*
 - 1.2 *A \$2,000 deposit to be used in the Sales Contracts.*
 - 1.3 *A finance approval period of 60 days where finance is required.*
 - 1.4 *A 21 day settlement period from finance approval or the issue of titles, whichever is the later.*
 - 1.5 *A waterwise landscaping package to the front garden.*
 - 1.6 *A \$2,000 rebate for all homes constructed with a minimum 1.5kV capacity photovoltaic solar power system.*
 - 1.7 *Side and rear boundary fencing (behind the building line).*
 - 1.8 *A non-potable water supply to all front loaded lots within Stages 4, 5 & 7 of Catalina.*
 - 1.9 *Sales incentives (Items 1.5 – 1.8) being subject to homes being constructed in accordance with the approved Catalina Design Guidelines within 18 months of settlement for single storey homes and 24 months of settlement for two storey homes.*
2. *APPROVES the following Sales Terms/Conditions and Incentives for all builders allocation lots after:*
 - 2.1 *Use of the 2013 REIWA Offer and Acceptance Contract with Special Conditions and Annexures.*
 - 2.2 *A \$2,000 deposit to be used in the Sales Contracts.*
 - 2.3 *A finance approval period of 60 days where finance is required.*

- 2.4 *A 21 day settlement period from finance approval or the issue of titles, whichever is the later.*
- 2.5 *Provision of a \$2,000 rebate for all homes constructed with a minimum 1.5kV capacity photovoltaic solar power system.*
- 2.6 *A waterwise landscaping package to the front garden.*
- 2.7 *Sales incentives (items 2.5 and 2.6) being subject to homes being constructed in accordance with the approved Catalina Design Guidelines within 18 months of settlement for single storey homes and 24 months of settlement for two storey homes.*

3. *REQUESTS the Satterley Property Group to review the Sales Terms/Conditions and Incentives for public release and builder allocation lots in twelve months and provide a report to Council.”*

9.13 Management Committee – Terms of Reference/Delegations

It was resolved by the Tamala Park Regional Council as follows:

“That the Council:

1. *APPROVES the Terms of Reference and Delegations to the Management Committee, dated December 2015.*
2. *REQUIRES that the approved Terms of Reference and Delegations to the Management Committee be reviewed in twelve months.”*

9.14 Elected Member Allowances

It was resolved by the Tamala Park Regional Council as follows:

“That the Council APPROVES:

1. *An Annual Allowance for the Chairman of the Council to be \$19,570 per annum.*
2. *An Annual Attendance fee for the Chairman of the Council to be \$15,450 per annum.*
3. *An Annual Allowance for Deputy Chairman to be 25% of the amount paid to the Chairman per annum.*
4. *An Attendance fee for Council members to be an amount of \$10,300 per annum.*
5. *Council members do not claim separate telecommunications, IT allowances or travelling allowance to meetings.*
6. *A per meeting fee of \$232 for alternate Council members.*
7. *Elected member allowances are to be made quarterly in arrears.”*

9.15 Catalina Sponsorship Policy Review 2015

It was resolved by the Tamala Park Regional Council as follows:

“That the Council:

1. *APPROVES the Sponsorship Policy (November 2015);*

2. *DELEGATES to the Chief Executive Officer approval to determine sponsorship requests to a maximum of \$2,000 in accordance with the TPRC Sponsorship Policy.*”

9.16 Annual Report for the Year Ended 30 June 2015

It was resolved by the Tamala Park Regional Council as follows:

“That the Council ADOPT the Annual Report of the Tamala Park Regional Council for the year ended 30 June 2015.”

9.17 UDIA 2016 National Congress

It was resolved by the Tamala Park Regional Council as follows:

“That the Council AUTHORIZES Cr Italiano and the CEO to attend the 2016 Urban Development Institute of Australia National Congress in Adelaide to be held on 8-10 March 2016.”

9.19 Development Management Agreement – Key People – Confidential

It was resolved by the Tamala Park Regional Council as follows:

“Personnel pursuant to Clause 4.5 of the Development Management Agreement:

Name of Person	Position
<i>Tony Aleksovski</i>	<i>Project Director</i>
Name of Replacement Person	Position
<i>Aaron Grant</i>	<i>Project Director</i>

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of the:

- 1 WALGA North Metropolitan Zone meeting held on 26 November 2015 forming Attachment 1 to this Report;**
- 2 WALGA State Council meeting held on 2 December 2015 forming Attachment 2 to this Report;**
- 3 Mindarie Regional Council meeting held on 3 December 2015 forming Attachment 3 to this Report;**
- 4 Tamala Park Regional Council meeting held 10 December 2015 forming Attachment 4 to this Report.**

To access this attachment on electronic document, click here: [ExternalMinutesbrf090216.pdf](#)

ITEM 12 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents executed by affixing the Common Seal for the period 9 November to 18 December 2015.
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 9 November to 18 December 2015 (Attachment 1 refers).

EXECUTIVE SUMMARY

The City enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the City is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the Chief Executive Officer are reported to Council for information on a regular basis.

It is therefore recommended that Council NOTES the Schedule of Documents for the period 9 November to 18 December 2015 executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

BACKGROUND

During the period 9 November to 18 December 2015, 17 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Amendment Local Law 2015.	1
Lease Agreement.	4
License Agreement.	3
Transfer of Land.	1
Deed of Extension of Lease.	1
Deed of Easement.	2
Restrictive Covenant.	1
Surrender of Easement.	1
Grant of Easement.	1
Partial Surrender of Easement.	1
Heads of Agreement.	1

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents for the period 9 November to 18 December 2015, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf090216.pdf](#)

ITEM 13 REVIEW OF LOCAL GOVERNMENT (RULES OF CONDUCT) REGULATIONS 2007 AND MINOR BREACH DISCIPLINARY FRAMEWORK - SUBMISSION

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	103278,
ATTACHMENT	Attachment 1 Consultation Paper: <i>Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework</i> (available electronically only) Attachment 2 <i>Local Government (Rules of Conduct) Regulations 2007</i> Attachment 3 City of Joondalup Submission (Please Note: Attachment 1 is only available electronically).
AUTHORITY / DISCRETION	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

PURPOSE

For Council to endorse the City of Joondalup submission to the Department of Local Government and Communities on the *Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework* review.

EXECUTIVE SUMMARY

The Department of Local Government and Communities has commenced a review of the *Local Government (Rules of Conduct) Regulations 2007* with the release of a Consultation Paper (Attachment 1).

The Regulations, which provide a disciplinary framework to deal with minor breaches by local government elected members, are being reviewed in response to a range of concerns that have, according to the Department, been raised by the sector.

A consultation paper has been prepared which sets out findings from the review of the current process and proposes a number of regulatory and process amendments in response to those findings.

The proposals encompass the following four key elements:

- Amending the regulations to improve clarity and alignment with policy intent.
- Improving guidance material and complaint documentation.
- Encouraging mediation and conciliation as an alternative to complaints about interpersonal disputes.
- Codifying Standards Panel procedures and practice, and simplifying reporting.

The Department has invited local governments to provide comments on the consultation paper. Submissions close Friday, 4 March 2016.

The City has developed a draft submission, provided as Attachment 3. The City supports the general intent of the Consultation Paper subject to some qualifications, as detailed in the submission. It is recommended that Council endorse the City's submission, which will also be provided to the WA Local Government Association and Local Government Managers Australia for information.

BACKGROUND

Since 2007, the *Local Government Act 1995* (the Act) has provided for a disciplinary framework to deal with minor, recurrent and serious breaches of conduct by individual elected members. This review considers only the minor breach element. The minor breach system is separate to and different from the minor and serious misconduct reporting framework that operates under the *Corruption, Crime and Misconduct Act 2003*.

The minor breach system is intended to provide a mechanism to deter inappropriate conduct by individual elected members that may lead to Council dysfunction; loss of trust between Council and the administration; impairment of the local government's integrity and operational performance; and consequent reduction in public confidence. The minor breach system complements local government codes of conduct with enforceable standards for specified conduct focused on governance and integrity.

The foundation of the minor breach system is the *Local Government (Rules of Conduct) Regulations 2007* (Rules of Conduct Regulations), enforced through the complaints process set out in Part 5 of Division 9 of the Act which provides for the reporting of contraventions of the regulations to the Local Government Standards Panel appointed by the Minister.

While a review of resolution of misconduct complaints at the local level was undertaken in 2012 (refer to Council report and submission CJ070-04/12), the current review is the most comprehensive proposed since the introduction of the Rules of Conduct Regulations.

DETAILS

The Department of Local Government and Communities has commenced a review of the Rules of Conduct Regulations with the release of a consultation paper (Attachment 1 refers).

The purpose of this review is to examine the local government sector's concerns with the current minor breach system, identify the likely causes of that concern and consider whether the Rules of Conduct Regulations and current complaints processes can be reformed to improve operational efficiency and effectiveness.

It should be noted that amendments are currently before Parliament to allow the Local Government Standards Panel to refuse to consider frivolous, vexatious and misconceived complaints and those without substance, and to allow withdrawal of complaints. If enacted, this reform is expected to reduce the number of inconsequential and unsound complaints considered by the panel. However, the assessment of these will still require publicly-funded resources. Preferably, unsound and low value complaints should not reach the panel at all.

The consultation paper sets out findings and proposed regulatory and process amendments to address opportunities that have been identified for improved efficiency and effectiveness in the system. Acknowledging the general and specific concerns summarised above, the proposals put forward are based on the following principles:

- 1 The minor breach system should be driven by the policy objective: early intervention to address inappropriate behaviour by individual elected members which may otherwise impair local government integrity and performance, bring local government into disrepute, or escalate to serious council dysfunction.
- 2 To the extent possible, the Rules of Conduct Regulations should capture significant dysfunctional, disruptive or deceptive conduct (unless dealt with in other legislation) which poses an organisational risk to local government.
- 3 A finding of minor breach is an over-reaction to trivial and inconsequential behaviour, which is better dealt with in other ways.
- 4 Clearly worded and well-defined regulations should unambiguously specify required and proscribed conduct, with no overlap or duplication between regulations.
- 5 Standards Panel processes, practice and reporting should be simple, quick, transparent, and as informal and practical as feasible while being consistent with procedural fairness and legal requirements.
- 6 Elected members and prospective complainants should have access to guidance about types of behaviour that do or do not constitute a minor breach for each regulation, clear requirements for a complaint of minor breach, and information about the way in which the Standards Panel conducts its business.
- 7 Alternatives to the use of the complaints system need to be encouraged.
- 8 Where regulatory prohibition of specific types of dysfunctional conduct is not feasible, training, coaching, enforcement of local codes of conduct and peer feedback will be necessary to bring about attitudinal change.

Three key problems were identified during the review:

- The current regulations do not adequately address some significantly dysfunctional conduct that harms local government performance.
- A very high proportion of unsound, unsupported and trivial complaints that increase system congestion and cost, and impose unnecessary stress on elected members.
- Relatively poor understanding of the system and low penetration of “lessons learned” from the panel’s determinations.

The consultation paper therefore proposes amendments to encompass four key elements:

- 1 Amending the regulations to improve clarity and alignment with policy intent.
- 2 Improving guidance material and complaint documentation.
- 3 Encouraging mediation and conciliation as an alternative to complaints about interpersonal disputes.
- 4 Codifying Standards Panel procedures and practice and simplifying reporting.

Where issues raised can only be fully addressed through legislative change, amendments to the Act have been suggested for the WA Parliament’s consideration in order to reduce red tape, increase responsiveness and improve the effectiveness of outcomes.

The City supports the general intent of the consultation paper. The review is comprehensive in its approach and addresses a wide range of matters that have been of concern to the local government sector for some time. The City has indicated in its submission its general support, or otherwise, to the main proposals, and provided supplementary comment where appropriate. It is acknowledged that the consultation paper seeks comment on the broader policy objectives of the Rules of Conduct Regulations and minor breach disciplinary framework, and while a number of these broader proposals have merit, how implementation is intended is not clear at this time.

It is understood that following consideration of stakeholder comments, advice will be finalised for the consideration of the Minister for Local Government and Communities, and subject to his approval, regulatory amendments and process changes will be implemented. The City will therefore have the opportunity to provide more specific comment on proposed changes at that time.

Issues and options considered

The City has completed a review of the consultation paper and developed a submission in response to its proposals.

Council has the option to either:

- endorse the submission, provided at Attachment 3, without amendment
- endorse the submission, provided at Attachment 3, with amendments
or
- not endorse the submission, provided at Attachment 3.

The City recommends that Council pursues option 1, by endorsing the proposed submission without amendment.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.
Local Government (Rules of Conduct) Regulations 2007.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Effective Representation.

Strategic initiative

Ensure the elected body has a comprehensive understanding of its roles and responsibilities.

Policy

City of Joondalup Code of Conduct.
City of Joondalup Governance Framework.

Risk management considerations

There is a risk that if the City does not provide a response on the consultation paper, it would have missed an opportunity to comment on proposed legislative amendments that will affect elected members.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No consultation has been undertaken.

COMMENT

The Department of Local Government and Communities has commenced a timely review of the Rules of Conduct Regulations and minor breach disciplinary framework.

The consultation paper sets out findings from the review of the current process and proposes a number of regulatory and process amendments in response to those findings.

The consultation paper is comprehensive and endeavours to examine four key elements requiring review:

- 1 Amending the regulations to improve clarity and alignment with policy intent.
- 2 Improving guidance material and complaint documentation.
- 3 Encouraging mediation and conciliation as an alternative to complaints about interpersonal disputes.
- 4 Codifying Standards Panel procedures and practice and simplifying reporting.

The City concurs that there is an identified need to review the Rules of Conduct Regulations and minor breach disciplinary framework, and supports the intent of the consultation paper, with minor qualifications, as detailed in the report and draft submission.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **SUPPORTS** the intent of the Department of Local Government and Communities' *Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework* review;
- 2 **ENDORSES** the City of Joondalup submission provided at Attachment 3 to this Report, in response to the Department of Local Government and Communities' invitation to comment on the '*Local Government (Rules of Conduct) Regulations 2007 and Minor Breach Disciplinary Framework*' Consultation Paper;
- 3 **NOTES** that a copy of the City of Joondalup's submission referred to in part 2 above will be forwarded to the WA Local Government Association and Local Government Managers Australia.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf090216.pdf](#)

ITEM 14 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2015

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20560, 101515
ATTACHMENT	Attachment 1 Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2015 Attachment 2 Capital Works Program Quarterly Report for the period 1 October – 31 December 2015
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 receive the Annual Plan Quarterly Progress Report for the period 1 October to 31 December 2015 and the Capital Works Quarterly Report for the period 1 October to 31 December 2015.

EXECUTIVE SUMMARY

The Annual Plan contains the major projects and priorities which the City proposes to deliver in the 2015-16 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the *Annual Plan 2015-2016*. The Annual Plan Quarterly Progress Report for the period 1 October to 31 December 2015 is shown as Attachment 1 to this Report.

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

It is therefore recommended that Council RECEIVES the:

- 1 *Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2015 which is shown as Attachment 1 to this Report;*
- 2 *Capital Works Quarterly Report for the period 1 October – 31 December 2015 which is shown as Attachment 2 to this Report.*

BACKGROUND

The City's Corporate Reporting Framework requires the development of an Annual Plan to achieve the objectives of the *Strategic Community Plan*, and progress reports against the Annual Plan to be presented to Council on a quarterly basis.

The City's Annual Plan and quarterly reports are in line with the Department of Local Government and Communities Integrated Planning Framework which requires planning and reporting on local government activities.

DETAILS

Issues and options considered

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2015-16 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone.

The milestones being reported this quarter are the shaded sections of Attachment 1.

Legislation / Strategic Community Plan / policy implications

Legislation

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

"This Act is intended to result in:

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

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

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

Policy

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

Risk management considerations

The Quarterly Progress Reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

Financial / budget implications

All projects and programs in the *Annual Plan 2015-2016* were included in the *2015-2016 Annual Budget*.

Regional significance

Not applicable.

Sustainability implications

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

The key themes are as follows:

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

Consultation

Not applicable.

COMMENT

The *Annual Plan 2015-2016* was received by Council at its meeting held on 17 August 2015 (CJ136-08/15 refers).

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the *2015-2016 Capital Works Program*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the:

- 1 Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2015, which is shown as Attachment 1 to this Report;**
- 2 Capital Works Quarterly Report for the period 1 October – 31 December 2015, which is shown as Attachment 2 to this Report.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf090216.pdf](#)

ITEM 15 LIST OF PAYMENTS DURING THE MONTH OF NOVEMBER 2015

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENT	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of November 2015 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of November 2015 Attachment 3 Municipal and Trust Fund Vouchers for the month of November 2015
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of November 2015.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2015 totalling \$14,066,670.88.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for November 2015 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$14,066,670.88.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of November 2015. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 102301 - 102487 & EF051553 – EF052216 Net of cancelled payments.	\$9,610,283.84
	Vouchers 1533A – 1543A	\$4,409,227.04
Trust Account	Trust Cheques & EFT Payments 206873 - 206913 & TEF000437 – TEF000490 Net of cancelled payments.	\$47,160.00
Total		\$14,066,670.88

Issues and options considered

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

Option 1

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

Option 2

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

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

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

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2015-16 Annual Budget as adopted by Council at its meeting held on 23 June 2015 (CJ085-06/15 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for November 2015 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$14,066,670.88.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf090216.pdf](#)

ITEM 16 LIST OF PAYMENTS DURING THE MONTH OF DECEMBER 2015

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENT	Attachment1 Chief Executive Officer's Delegated Municipal Payment List for the month of December 2015 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of December 2015 Attachment 3 Municipal and Trust Fund Vouchers for the month of December 2015
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of December 2015.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2015 totalling \$18,870,726.48.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for December 2015 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$18,870,726.48.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of December 2015. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 102488 – 102677 & EF052217 – EF052821 Net of cancelled payments.	\$14,056,576.40
	Vouchers 1544A & 1546A – 1548A & 1553A – 1555A & 1557A – 1560A & 1562A & 1565A & 1567A	\$4,770,891.65
Trust Account	Trust Cheques & EFT Payments 206914 – 206927 & TEF000491 – TEF000560 Net of cancelled payments.	\$43,258.43
Total		\$18,870,726.48

Issues and options considered

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

Option 1

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

Option 2

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

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

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

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2015-16 Annual Budget as adopted by Council at its meeting held on 23 June 2015 (CJ085-06/15 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for December 2015 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$18,870,726.48.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf090216.pdf](#)

ITEM 17 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2015

WARD	All
RESPONSIBLE	Mr Mike Tidy
DIRECTOR	Corporate Services
FILE NUMBER	07882, 101515
ATTACHMENT	Attachment 1 Financial Activity Statement for the period ended 30 November 2015
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’)

PURPOSE

For Council to note the Financial Activity Statement for the period ended 30 November 2015.

EXECUTIVE SUMMARY

At its meeting held on 23 June 2015 (CJ085-06/15 refers), Council adopted the Annual Budget for the 2015-16 Financial Year. The figures in this report are compared to the Adopted Budget.

The November 2015 Financial Activity Statement shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$2,607,901 for the period when compared to the adopted Budget. This variance does not represent the end of year position. It represents the year to date position to 30 November 2015. There are a number of factors influencing the favourable variance but it is predominantly due to the timing of revenue and expenditure compared to the adopted budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$4,723,030 higher than budget, made up of higher operating revenue \$4,063,370 and lower operating expenditure of \$659,660.

Operating revenue is higher than budget on Contributions, Reimbursements and Donations \$929,723, Profit on Asset Disposals \$3,242,145, Rates \$321,950, Specified Area Rates \$5,361, Interest Earnings \$248,025 and Other Revenue \$261,761, partly offset by lower than budget revenue from Fees and Charges \$145,752 and Grants and Subsidies \$799,842.

Operating Expenditure is lower than budget on Materials and Contracts \$1,992,403, Utilities \$160,082, Interest expenses \$45,401 and Insurance \$108,364. These are partly offset by higher than budget expenditure on Depreciation and Amortisation \$983,674, Employee Costs \$618,064 and Loss on Asset Disposals \$44,853.

The Capital Deficit is \$324,859 lower than budget primarily owing to higher than budgeted capital revenue for Capital Grants and Subsidies \$665,518, Capital Contributions \$300,569, and lower than budgeted expenditure on Capital Projects \$1,931,996 and Loan Principal Repayments \$82,512. These are partly offset by higher expenditure on Capital Works \$1,917,131 and Vehicle and Plant Replacements \$738,604.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2015 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 30 November 2015 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.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not Applicable.

Policy Not Applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the *Strategic Financial Plan*, prepared under Section 5.56 of the *Local Government Act 1995*, which was made available for public comment.

COMMENT

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2015-16 adopted Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 November 2015 forming Attachment 1 to this Report.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf090216.pdf](#)

ITEM 18 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2015

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882, 10515
ATTACHMENT	Attachment 1 Financial Activity Statement for the period ended 31 December 2015
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the Financial Activity Statement for the period ended 31 December 2015.

EXECUTIVE SUMMARY

At its meeting held on 23 June 2015 (CJ085-06/15 refers), Council adopted the Annual Budget for the 2015-16 Financial Year. The figures in this report are compared to the Adopted Budget.

The December 2015 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$2,505,760 for the period when compared to the adopted Budget. This variance does not represent the end of year position. It represents the year to date position to 31 December 2015. There are a number of factors influencing the favourable variance but it is predominantly due to the timing of revenue and expenditure compared to the adopted budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$3,839,723 higher than budget, made up of higher operating revenue \$1,834,368 and lower operating expenditure of \$2,005,356.

Operating revenue is higher than budget on Contributions, Reimbursements and Donations \$927,559, Profit on Asset Disposals \$916,323, Rates \$371,386, Specified Area Rates \$6,160, Interest Earnings \$321,210 and Other Revenue \$237,574, partly offset by lower than budget revenue from Fees and Charges \$133,047 and Grants and Subsidies \$812,797.

Operating Expenditure is lower than budget on Materials and Contracts \$2,285,014, Utilities \$164,359, Interest expenses \$47,012, Insurance \$93,767 and Loss on Asset Disposals \$1,323,791. These are partly offset by higher than budget expenditure on Depreciation and Amortisation \$1,149,107 and Employee Costs \$759,480.

The Capital Deficit is \$9,242 higher than budget. This is due to higher than budgeted capital expenditure on Capital Works \$1,902,356 and Vehicle and Plant Replacements \$237,152, offset by higher than budgeted capital revenue for Capital Grants and Subsidies \$27,501 and Capital Contributions \$300,569, and lower than budgeted expenditure on Capital Projects \$1,636,575 and Loan Principal Repayments \$165,622.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2015 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 31 December 2015 is appended as Attachment 1 to this Report.

Legislation / Strategic Community Plan / policy implications

Legislation

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

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

In accordance with section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment.

COMMENT

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the *2015-16 Adopted Budget* or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 December 2015 forming Attachment 1 to this Report.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf090216.pdf](#)

ITEM 19 MAKING A DETERMINATION IN RESPECT OF CHARITY CLOTHING BINS ON CITY OF JOONDALUP PROPERTY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	22513, 101515
ATTACHMENT	Nil
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider making a determination under the *City of Joondalup Local Government and Public Property Local Law 2014* that the placement of charity clothing bins on City property is a prohibited activity.

EXECUTIVE SUMMARY

At its meeting held on 9 December 2014 (CJ233-12/14 refers), Council adopted the *City of Joondalup Local Government and Public Property Local Law 2014* (the local law) which has been in operation since 28 January 2015. The local law provides for the regulation, control and management of activities and facilities on local government property (meaning City property) and public places within the district.

The City has been dealing with the issue of the management of charity clothing collection bins placed on City property under the local law. The issues have included the dumping of rubbish, vandalism and graffiti. In response to these issues, Council resolved at its meeting held on 23 June 2015 (CJ104-06/15 refers) that permits will no longer be issued for charity clothing bins under the local law.

While the resolution sets out a clear position of Council, it does not prevent an application for a permit being made under the local law to place a charity clothing collection bin on City property. The City is required to consider any application for a permit, and if approval is declined, the applicant has a right of objection and review.

To prohibit an activity completely (thereby removing appeal and review rights) requires the activity to be classed as a prohibited activity under the local law, by way of a Council determination. The local law needed to be amended to enable Council to make such a determination.

Accordingly Council at its meeting held on 9 November 2015 (JSC04-11/15 refers) made an amendment to the local law to include the placement of charity clothing bins on City property as an activity which Council may make a determination to be prohibited. The amendment to the local law was gazetted on 13 November 2015 and came into effect on 27 November 2015.

Subsequently at its meeting on 15 December 2015 (CJ219-12/15 refers) Council declared its intention to make a determination in accordance with clause 2.2 of the local law, that the placing or maintaining of collections bins on local government property throughout the district is to be prohibited.

In accordance with clause 2.2 Council's intention to make the determination was published as a local public notice seeking written submissions for a period of 21 days. The notice period closed on Monday 11 January 2016 and no submissions were received.

It is therefore recommended that Council DETERMINES in accordance with clause 2.2(3)(a) of the City of Joondalup Local Government and Public Property Local Law 2014, to give local public notice that the proposed determination, that a person must not place or maintain a collection bin on local government property, has effect as a determination on and from the date of publication.

BACKGROUND

At its meeting held on 9 December 2014 (CJ233-12/14 refers), Council made the *City of Joondalup Local Government and Public Property Local Law 2014* which came into effect on 28 January 2015. The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government and public property within the district as well as to establish the requirements with which any persons using or being on local government and public property, must comply.

The City has been dealing with the issue of the placement and management of charity clothing collection bins on City property which has included the dumping of rubbish around the bins, vandalism and graffiti. In response to these concerns, Council resolved at its meeting held on 23 June 2015 (CJ104-06/15 refers) that permits will no longer be issued under the local law, for charity clothing bins to be placed on local government property.

While the resolution sets out the clear position of Council, it does not prevent an application for a permit being made under the local law to place a charity clothing collection bin on City property. In this regard and due to the provisions of the *Local Government Act 1995*, where an application for a permit is refused under a local law, the applicant has a right of appeal and review.

However the local law enables Council to make determinations in relation to setting aside City property for the pursuit of activities, or prohibiting certain activities from being undertaken on City property. In view of Council's decision on 23 June 2015 (CJ104-06/15 refers), Council at its special meeting held on 9 November 2015 (JSC04-11/15), adopted an amendment to the local law to allow a determination to be made to prohibit the placement of collection bins on local government property. The amendment to the local law came into effect on 27 November 2015. Subsequently at its meeting on 15 December 2015 (CJ219-12/15 refers) Council declared its intention to determine in accordance with clause 2.2 of the local law, that the placing or maintaining of collections bins on local government property throughout the district is an activity which is prohibited for the purposes of clause 2.8 of the local law.

DETAILS

Following Council's decision on 15 December 2015 (CJ219-12/15 refers) local public notice of Council's intention with a summary of the purpose and effect of the proposed determination was given together with information about where it may be inspected and inviting written submissions to be lodged within 21 days after the date of publication.

The period for submissions closed on Monday 11 January 2016. No submissions were received.

Issues and options considered

Where no submissions are received, clause 2.2(3) provides that there are three options open to Council.

Option 1

Decide not to proceed with the proposed determination. This would not be in accordance with Council's current position on the issue of collection bins on City of Joondalup property and is not recommended.

Option 2

Decide to proceed with the determination but in an amended form. It is considered that the proposed determination covers the City's position adequately and there is no requirement for any modifications. This option is not recommended.

Option 3

Decide to proceed with the determination as proposed. It is felt that this option best addresses the City's concerns and is the recommended option.

Legislation / Strategic Community Plan / policy implications

Legislation

*Local Government Act 1995.
City of Joondalup Local Government and Public Property
Local Law 2014.*

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

Not applicable.

Policy

Not applicable.

Risk management considerations

There are no risk considerations for Council making a determination that the placement of collection bins on City property is a prohibited activity. The local law provides for such a determination and sets out the procedure for making it. This procedure has been followed.

Financial / budget implications

The cost associated with giving notice of the determination is approximately \$1,000, being public advertising costs. Funds are available in the *2015-16 Budget* for statutory advertising.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The determination process mandated by clause 2.2 of the local law required the City to give notice of Council's intention to make a determination and invite submissions on the proposal for 21 days. The period for submissions closed on Monday 11 January 2016. No submissions were received.

COMMENT

The City has been dealing with the issue of the management of charity clothing collection bins on City property that has included the dumping of rubbish, vandalism and graffiti issues. In response Council resolved at its meeting held on 23 June 2015 (CJ104-06/15 refers) that permits will no longer be issued for charity clothing bins under the local law.

To give effect to Council's position the local law has been amended to include the placing and maintaining of a collection bin, which is defined as a receptacle for the collection of clothing or goods, as an activity that can be determined to be prohibited. Subsequently Council decided at its meeting on 15 December 2015 (CJ219-12/15 refers) to give local public notice of its intention to make such a determination.

No submissions were received as a result of the publication of the notice of intention to make a determination. It is recommended that in order to achieve the position resolved by Council on 23 June 2015 (CJ104-06/15 refers) that Council now make a determination in respect of collection bins on City property throughout the district.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council DETERMINES in accordance with clause 2.2(3)(a) of the *City of Joondalup Local Government and Public Property Local Law 2014*, to give local public notice that the proposed determination, that a person must not place or maintain a collection bin on local government property, has effect as a determination on and from the date of publication.

ITEM 20 TENDER 037/15 EXTENSION TO THE WANNEROO / JOONDALUP SES FACILITY

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	105375, 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by C.P.D. Group Pty Ltd for the extension to the Wanneroo/Joondalup SES Facility.

EXECUTIVE SUMMARY

Tenders were advertised on 7 November 2015 through state-wide public notice for the extension to the Wanneroo/Joondalup SES Facility. Tenders closed on 1 December 2015. A submission was received from each of the following:

- The Trustee for Devereux Family Trust (Devco Builders).
- C.P.D. Group Pty Ltd.
- Adrina Project Management Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- Palace Homes and Construction Pty Ltd.
- The trustee for the Cassari Unit Trust trading as Cassari Construction.
- Premier Commercial and Industrial Builders Pty Ltd (PCIB Group).

The submission from C.P.D. Group Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has in the recent past carried out construction of a new sports facility to replace the former Willetton Sports Club with refurbishment of an existing building for the City of Canning and alterations/additions to Yunderup Sport and Recreation Centre for the Shire of Murray. It is currently undertaking construction of a new SES building for the City of Mandurah. C.P.D. Group Pty Ltd has industry experience and the capacity to complete the works for the City.

It is recommended that Council ACCEPTS the tender submitted by C.P.D. Group Pty Ltd for the extension to the Wanneroo/Joondalup SES Facility as specified in Tender 037/15 for the fixed lump sum of \$778,867 (GST Exclusive) with practical completion of works within seven months from issue of the letter of acceptance.

BACKGROUND

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake works for the extension of the Wanneroo/Joondalup SES Facility at Winton Road, Joondalup.

The works include the following:

- Refurbishment of bunker area.
- Carpark area.
- Construction of a second storey including offices.
- Toilets, showers and universal access toilets.
- Kitchen.
- Meeting room.
- Upgrade to communication devices.
- Upgrade to emergency response devices.

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

DETAILS

The tender for the extension to the Wanneroo/Joondalup SES Facility was advertised through statewide public notice on 7 November 2015. The tender period was for two weeks and tenders closed on 1 December 2015.

Tender Submissions

A submission was received from each of the following:

- The Trustee for Devereux Family Trust (Devco Builders).
- C.P.D. Group Pty Ltd.
- Adrina Project Management Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- Palace Homes and Construction Pty Ltd.
- The trustee for the Cassari Unit Trust trading as Cassari Construction.
- Premier Commercial and Industrial Builders Pty Ltd (PCIB Group).

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

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 50%.

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

Qualitative Criteria		Weighting
1	Demonstrated Experience in Completing Similar Projects	35%
2	Capacity	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Compliance Assessment

All submissions received were assessed as compliant and remained for further consideration.

Qualitative Assessment

PCIB Group scored 26.7% in the qualitative assessment. The company did not demonstrate its understanding of the City's requirements. It submitted a general response and did not include examples of works to demonstrate experience in completing similar projects. Its structure of business was provided, but provided limited information on skills of key personnel. The ability to provide additional personnel and afterhours contacts for emergency requirements were not addressed. It did not fully demonstrate the capacity to complete the project.

Cassari Construction scored 37.9% in the qualitative assessment. It did not fully demonstrate its understanding of the required tasks. It submitted a brief response and limited information on how construction works will be carried out. Though examples of works were provided, the project duration, complexity and client details were not supplied. It did not fully demonstrate experience or the capacity required to undertake the works. The number of full-time employees and the ability to provide additional personnel were not addressed.

Palace Homes and Construction Pty Ltd scored 42.1% in the qualitative assessment. The company demonstrated experience completing building alteration and extension projects for local governments including the Town of Bassendean and the Cities of South Perth and Vincent. It demonstrated an understanding of the requirements by providing a general description of the construction works and simple provisional program. It has the capacity to perform the work however it did not supply its number of staff.

LKS Constructions (WA) Pty Ltd scored 55.9% in the qualitative assessment. The company demonstrated an understanding of the required tasks. It has industry experience and the capacity to undertake the works. It has recently completed various construction projects for state and local governments including Building Management and Works (Maddington primary school – child/parent centre and Child Protection Armadale office fit out), Public Transport Authority (mainly disability access upgrades at various train stations) and the City of Canning (war memorial).

Adrina Project Management Pty Ltd scored 63.9% in the qualitative assessment. The company has experience in completing various refurbishment projects for local governments including the Cities of Vincent, Stirling and Wanneroo. Though most of these works were on a smaller scale to the City's requirements, the company demonstrated a sound understanding of the required tasks. It has the capacity required to carry out the works.

C.P.D. Group Pty Ltd scored 68.4% in the qualitative assessment. The company has in the recent past carried out construction of a new sports facility to replace the former Willetton Sports Club with refurbishment of an existing building for the City of Canning and alterations/additions to Yunderup Sport and Recreation Centre for the Shire of Murray. It is currently undertaking construction of a new SES building for the City of Mandurah. It demonstrated a thorough understanding and appreciation of the City's requirements. C.P.D. Group Pty Ltd has industry experience and the capacity to complete the works for the City.

Devco Builders scored 69.2% in the qualitative assessment. It has extensive experience in completing building extension and refurbishment projects for local governments including the Cities of Vincent and Belmont. It demonstrated its understanding of the required tasks. Devco Builders has the capacity required to undertake the works. It has in the past successfully completed similar projects for the City.

Given the minimum acceptable qualitative score of 50%, Devco Builders, C.P.D. Group Pty Ltd, Adrina Project Management Pty Ltd and LKS Constructions (WA) Pty Ltd qualified for stage two of the assessment.

Price Assessment

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

Tenderer	Lump Sum Price (ex GST)
Devco Builders	\$830,839
C.P.D. Group Pty Ltd	\$778,867
Adrina Project Management Pty Ltd	\$798,900
LKS Constructions (WA) Pty Ltd	\$864,200

Evaluation Summary

Tenderer	Price Ranking	Fixed Lump Sum	Qualitative Ranking	Weighted Percentage Score
Devco Builders	3	\$830,839	1	69.2%
C.P.D. Group Pty Ltd	1	\$778,867	2	68.4%
Adrina Project Management Pty Ltd	2	\$798,900	3	63.9%
LKS Constructions (WA) Pty Ltd	4	\$864,200	4	55.9%
Palace Homes and Construction Pty Ltd		* \$638,537	5	42.1%
Cassari Construction		* \$718,862	6	37.9%
PCIB Group		* \$813,315	7	26.7%

* Failed to meet the acceptable score.

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

While Devco Builders scored 69.2% in the qualitative assessment, it is 6.7% (\$51,972) more expensive when compared to C.P.D. Group Pty Ltd.

Issues and options considered

The City has a requirement for the extension to the Wanneroo/Joondalup SES Facility. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / policy implications

Legislation A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be low as the extension of the SES facility has no operational impact on the City.

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

Financial / budget implications

Account no.	BCW 2569.
Budget Item	Extension to the Wanneroo/Joondalup SES Facility.
Budget amount	Loan (to be funded by DFES) \$729,000. City contribution \$95,000. Total budget amount \$824,000.
Amount spent to date	\$ 37,660
Commitments	\$ 11,100
Proposed cost	\$778,867
Balance	-\$ 3,627

The shortfall will be met by targeting savings on specific items within the project to remain within budget.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by C.P.D. Group Pty Ltd for the extension to the Wanneroo/Joondalup SES Facility as specified in Tender 037/15 for the fixed lump sum of \$778,867 (GST Exclusive) with practical completion of works within seven months from issue of the letter of acceptance.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf090216.pdf](#)

ITEM 21 TENDER 044/15 WARWICK HOCKEY FACILITY

WARD	South
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	105527, 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by McCorkell Constructions (W.A.) Pty Ltd for Warwick Hockey Facility.

EXECUTIVE SUMMARY

Tenders were advertised on 21 November 2015 through statewide public notice for the Warwick hockey facility. Tenders closed on 21 December 2015. A submission was received from each of the following:

- Angularem Pty Ltd T/as Rivett Construction
- Ertech Holdings Pty Ltd
- McCorkell Constructions (W.A.) Pty Ltd
- ZD Construction 93 Pty Ltd.

The submission from McCorkell Constructions (W.A.) Pty Ltd represents best value to the City. The company demonstrated experience completing similar general construction projects and its nominated specialist subcontractor, TigerTurf, has extensive experience installing synthetic hockey playing surfaces. The company is an official supplier of synthetic surfaces to Hockey Australia and is an official supplier of the International Hockey Federation. McCorkell Constructions demonstrated a good understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

It is therefore recommended that Council ACCEPTS the tender submitted by McCorkell Constructions (W.A.) Pty Ltd for the construction of Warwick hockey facility as specified in Tender 044/15 for the fixed lump sum of \$5,112,504 (GST Exclusive) for Option 1A and completion of the works within 52 weeks from the date of possession of site.

BACKGROUND

The City has a requirement for the construction of a hockey facility that includes the following key elements:

- a single storey club house building
- a synthetic surface hockey pitch
- two grass hockey pitches
- full irrigation of all hockey pitches and landscaped surrounds
- floodlighting for selected pitches.

DETAILS

Tenders were advertised on 21 November 2015 through statewide public notice for the Warwick hockey facility. The tender period was for four weeks and tenders closed on 21 December 2015.

Tender Submissions

A submission was received from each of the following:

- Angularem Pty Ltd T/as Rivett Construction
- Ertech Holdings Pty Ltd
- McCorkell Constructions (W.A.) Pty Ltd
- ZD Construction 93 Pty Ltd.

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

Evaluation Panel

The evaluation panel comprised four members:

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

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

Compliance Assessment

All offers were assessed as fully compliant.

Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 50%.

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

	Qualitative Criteria	Weighting
1	Demonstrated experience completing synthetic surface hockey pitch construction projects	33%
2	Demonstrated understanding of the required tasks	25%
3	Demonstrated experience completing similar general building construction projects	20%
4	Capacity	20%
5	Social and economic effects on the local community	2%

ZD Construction 93 Pty Ltd scored 19.8% and was ranked fourth in the qualitative assessment. The company did not provide any response addressing its understanding of the project. It demonstrated its capacity, although the total number of staff was not stated. It has considerable experience in general construction projects, but no prior experience in projects with synthetic hockey surface installations. Its nominated subcontractor for the synthetic hockey pitch installation is Polytan. The experience of Polytan is known from the other Offers received, but limited information was supplied in the Offer from ZD Construction.

Rivett Construction scored 44.9% and was ranked third in the qualitative assessment. It demonstrated experience in general building construction; however its response included only one example of work, Warwick Sporting Facility expansion. The company demonstrated an understanding of the requirements. Rivett Construction has the capacity to perform the work although the response did not address the total number of employees. While Rivett Construction has no direct experience in comparable synthetic sport surface installations, its nominated specialist subcontractor is Polytan. Polytan is a highly experienced contractor that is an official supplier of the International Hockey Federation (FIH). Its experience includes hockey pitch installations for the 2016 Rio Olympic Games hockey venues, State Hockey and Netball Centre Victoria, Cairns Hockey Association, Hockey ACT and UWA Hockey.

McCorkell Constructions WA Pty Ltd scored 61.8% and was ranked second in the qualitative assessment. The company demonstrated a good understanding of the requirements. It has considerable experience constructing community and sporting facilities and is currently completing the Bramston Park Community Facility for the City. It has the capacity to complete the project in the required timeframe. While it has no experience completing a synthetic surface hockey pitch, one example of recent work included rubberised playing surfaces and other construction projects have included sub-grade preparation and installation. Its nominated specialist subcontractor is TigerTurf Australia. It has considerable experience in similar synthetic hockey pitch installations to clients including: Narrogin Hockey Association, Hervey Bay Hockey Association, Collie Hockey Club and Bathurst Hockey. The company is an official supplier of synthetic surfaces to Hockey Australia and is an official supplier of the International Hockey Federation

Ertech Holdings Pty Ltd scored 62.4% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding of the City requirements. It demonstrated its capacity for the project through a team including AT Brine & Sons as the building subcontractor and Polytan as the synthetic surface subcontractor. As stated previously Polytan is a highly experienced contractor that is an official supplier of the International Hockey Federation. Its experience includes hockey pitch installations for the 2016 Rio Olympic Games hockey venues, State Hockey and Netball Centre Victoria, Cairns Hockey Association, Hockey ACT and UWA Hockey. AT Brine & Sons has experience in a wide variety of building construction; however the examples of work provided had limited similarity to the City's project.

Based on the minimum acceptable score (50%), Ertech Holdings Pty Ltd and McCorkell Constructions WA Pty Ltd qualified for stage two (price) assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage two to assess value for money to the City. The tender include four price options which are as follows:

- Option 1A – Full construction of facilities with synthetic surface fixed via clamping
- Option 1B – Full construction of facilities with synthetic surface fixed via adhesive
- Option 2A – Partial reduction in size of clubroom with synthetic surface fixed via clamping
- Option 2B – Partial reduction in size of clubroom with synthetic surface fixed via adhesive.

Tenderer	Option 1A	Option 1B	Option 2A	Option 2 B
Ertech Holdings Pty Ltd	\$6,446,954	\$6,378,539	\$6,246,955	\$6,178,540
McCorkell Constructions (W.A.) Pty Ltd	\$5,112,504	\$5,038,850	\$4,990,769	\$4,917,115
Rivett Construction	\$5,511,081	\$5,439,246	\$5,439,134	\$5,367,299
ZD Construction 93 Pty Ltd	\$5,069,501	\$5,001,086	\$4,976,404	\$4,907,989

Evaluation Summary

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

Tenderer	Contract Price Option 1A	Price Rank	Evaluation Score	Qualitative Rank
Ertech Holdings Pty Ltd	\$6,446,954	2	62.4%	1
McCorkell Constructions (W.A.) Pty Ltd	\$5,112,504	1	61.8%	2
Rivett Construction	\$5,511,081*		44.9%	3
ZD Construction 93 Pty Ltd	\$5,069,501*		19.8%	4

*Failed to meet minimum acceptable score.

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of McCorkell Constructions (W.A.) Pty Ltd for Option 1A and is therefore recommended.

Option 1A includes the full construction of facilities and the synthetic surface fixed via clamping. The clamping method has the potential for reduced maintenance and replacement costs for the synthetic surface which is the responsibility of the hockey club.

Issues and options considered

Works are required to complete the construction of the Warwick Hockey Facility. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

Legislation / Strategic Community Plan / policy implications

Legislation

A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

Strategic Community Plan

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

Risk management considerations

Should the project not proceed, the risk to the City will be low. Users of the new facility have use of the existing grass playing fields.

It is considered that the contract will represent a low risk to the City as the recommended tenderer and its nominated specialist subcontractor for the synthetic playing surface installation are well-established companies with considerable industry experience and has the capacity to complete the works for the City within the required timeframe.

Financial / budget implications

Project no.	MPP2054	
Cost Code	W2804	
Budget Item	Synthetic Hockey Project	
Budget amount	\$ 6,345,423	(Total over 2015-16 and 2016-17)
Amount spent to date	\$ 279,105	
Committed	\$ 119,194	
Contingency	\$ 200,000	
Proposed cost	\$ 5,112,504	
Balance	\$ 634,620	

The budget of \$6,345,423 is funded by CSRFF Grant \$1,200,000 Club Contribution \$545,455 (Net of GST) and Loan of \$4,599,968. The balance of funds in the project will be used for professional fees, the building licence, building surveyor fee and other related site items.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The construction of the clubrooms and hockey facility will enhance the sporting facilities available for competition level hockey in Western Australia.

Consultation

Consultation was undertaken with the users of the facilities prior to the design and documentation process.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is Price Option 1A submitted by McCorkell Constructions (W.A.) Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by MCCorkell Constructions (W.A.) Pty Ltd for the Warwick Hockey Facility as specified in Tender 044/15 for Option 1A for the fixed lump sum of \$5,112,504 (GST exclusive) and completion of the works within 52 weeks from possession of the site.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf090216.pdf](#)

ITEM 22 TENDER 045/15 JOONDALUP DRIVE LIGHTING UPGRADE

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	105559, 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions Attachment 2 Multiple Pictures
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 Interlec (WA) Pty Ltd for Joondalup Drive lighting upgrade.

EXECUTIVE SUMMARY

Tenders were advertised on 28 November 2015 through statewide public notice for the Joondalup Drive lighting upgrade. Tenders closed on 22 December 2015. A submission was received from each of the following:

- Gillmore Electrical Services.
- Gilmore Global Pty Ltd trading as Happy Excavations.
- Hender Lee Electrical Contractors Pty Ltd.
- Interlec (WA) Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd.
- Surun Services Pty Ltd.
- High Speed Electrics.

The submission from High Speed Electrics was hand delivered and not submitted electronically in accordance with the conditions of tendering of tender 045/15. The submission was deemed non compliant and was not considered for evaluation.

The submission from Interlec (WA) Pty Ltd represents best value to the City. The company demonstrated experience in completing similar street lighting projects including North Lake Road street lighting and Beeliar Road street lighting for the City of Cockburn, Dixon Road street lighting for the City of Rockingham and Lakes Road street lighting for the City of Mandurah. It demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe. Interlec (WA) Pty Ltd's offered price is also the lowest among the tenderers.

It is therefore recommended that Council ACCEPTS the tender submitted by Interlec (WA) Pty Ltd for Joondalup Drive lighting upgrade as specified in Tender 045/15 for the fixed lump sum of \$1,708,501 (GST Exclusive) and completion of the works within eight months from the date of contract award.

BACKGROUND

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

The City intends to replace the existing street lighting and poles in the City Centre in phases. The City Centre lighting infrastructure is now considered to be at the end of its useful life. The following matters are relevant in drawing that conclusion:

- The poles are showing signs of deterioration and some of that deterioration is significant enough to warrant removal of poles and annual inspections of many of the poles.
- Some poles have fallen due to structural failure.
- A large number of poles require treatment in the form of welding reinforcement or rust treatment in order to allow them to remain in place. It should be noted that this is only a short term solution.
- The poles are not frangible and do not meet current standards.

Two separate Expressions of Interest were advertised in May 2015 to nominate a street lighting pole and luminaire for the City Centre. The City selected Multipole by Fyntrim Pty Ltd and WE-EF VFL540 LED fitting by Hi Lighting 1984 Pty Ltd as the preferred City pole and luminaire respectively for inclusion in a supply and installation tender.

This requirement is to undertake the Joondalup Drive lighting upgrade (for 115 double outreach and 17 single outreach light poles) with the preferred City pole and luminaire.

DETAILS

Tenders were advertised on 28 November 2015 through statewide public notice for the Joondalup Drive lighting upgrade. The tender period was for three weeks and tenders closed on 22 December 2015.

Tender Submissions

A submission was received from each of the following:

- Gillmore Electrical Services.
- Gilmore Global Pty Ltd trading as Happy Excavations.
- Hender Lee Electrical Contractors Pty Ltd.
- Interlec (WA) Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd.
- Surun Services Pty Ltd.
- High Speed Electrics.

The submission from High Speed Electrics was hand delivered and not submitted electronically in accordance with the conditions of tendering of tender 045/15. The submission was deemed non compliant and was not considered for evaluation.

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

Evaluation Panel

The evaluation panel comprised four members:

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

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

Compliance Assessment

All offers were assessed as fully compliant.

Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 60%.

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

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

Hender Lee Electrical scored 43% and was ranked sixth in the qualitative assessment. The company demonstrated experience in completing street lighting projects for the Cities of Perth and Vincent and Department of Finance. The company has adequate resources to undertake this project but did not demonstrate sufficient understanding of the City requirements. The methodology of works in its proposed program did not reflect an efficient flow of works and a good understanding of the project. The company proposed to remove old poles once all the new poles have been installed which is likely to create traffic management issues on a busy road. The submitted program reflected site mobilisation to start five months, footings installations to commence nine months and ordering of major materials three months after the award of contract.

Happy Excavations scored 46.44% and was ranked fifth in the qualitative assessment. It did not demonstrate sufficient understanding of the City requirements. It proposed to carry out the project in 25 days which appears insufficient. The company demonstrated some experience in completing street lighting projects. The submission provided two project examples – installation of all traffic signals, street lights and heavy duty artistic street lights on Reid Highway and Malaga Drive for Downer Mouchel and installation of Christmas lights and decorations in the CBD for the City of Perth. The company did not demonstrate sufficient capacity to undertake the work. Details of four key personnel it proposed for this project don't have any experience in electrical works and no information was supplied on the company structure, period of business and its ability to provide additional personnel or resources.

Gillmore Electrical Services scored 60% and was ranked fourth in the qualitative assessment. The company has considerable experience in completing street lighting projects for various private organisations and local governments including the City of Perth, Broad Construction and CIVCON. The company demonstrated an understanding and appreciation of the City's requirements. Gillmore Electrical Services is an established company with adequate resources and personnel to complete the works for the City.

Surun Services Pty Ltd scored 60.63% and was ranked third in the qualitative assessment. The company demonstrated an understanding of the City requirements and has the capacity to complete the works for the City. The company demonstrated experience in completing similar street lighting projects for the City of Perth and Western Power.

Interlec (WA) Pty Ltd scored 67.13% and was ranked second in the qualitative assessment. It demonstrated experience completing similar street lighting projects for local governments including the Cities of Rockingham, Mandurah and Cockburn. The company demonstrated a thorough understanding and appreciation of the City's requirements. Interlec (WA) Pty Ltd is an established company and has sufficient capacity to carry out the works for the City.

Stiles Electrical and Communication Services Pty Ltd scored 77.94% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience in completing similar projects for local governments and private organisations including the City of Perth, Broad Construction and Downer Infrastructure. Stiles Electrical and Communication Services Pty Ltd is a well established company with adequate resources and personnel to complete the works for the City.

Based on the minimum acceptable score (60%), Stiles Electrical and Communication Services Pty Ltd, Interlec (WA) Pty Ltd, Surun Services Pty Ltd and Gillmore Electrical Services qualified for stage 2 (price) assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage 2 to assess value for money to the City.

Tenderer	Lump sum Price (with Straight Outreach Arms)
Interlec (WA) Pty Ltd	\$1,708,501
Gillmore Electrical Services	\$1,790,283
Stiles Electrical and Communication Services Pty Ltd	\$1,968,886
Surun Services Pty Ltd	\$1,998,827

Evaluation Summary

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

Tenderer	Total Contract Price (with Straight Outreach Arms)	Price Rank	Evaluation Score	Qualitative Rank
Stiles Electrical and Communication Services Pty Ltd	\$1,968,886	3	77.94%	1

Tenderer	Total Contract Price (with Straight Outreach Arms)	Price Rank	Evaluation Score	Qualitative Rank
Interlec (WA) Pty Ltd	\$1,708,501	1	67.13%	2
Surun Services Pty Ltd	\$1,998,827	4	60.63%	3
Gillmore Electrical Services	\$1,790,283	2	60%	4

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of Interlec (WA) Pty Ltd and is therefore recommended.

Issues and options considered

Works are required to complete the Joondalup Drive lighting upgrade. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

Consideration was given by the evaluation panel for the lighting upgrade to include curved outreach arms in lieu of straight arms. A picture of both options is provided in Attachment 2. The total cost of the installation with curved outreach arms is:

Tenderer	Additional Cost for Curved Outreach Arms	Total Contract Price (with Curved Outreach Arms)
Interlec (WA) Pty Ltd	\$47,177	\$1,755,678
Gillmore Electrical Services	\$42,484	\$1,832,767
Stiles Electrical and Communication Services Pty Ltd	\$42,114	\$2,011,000
Surun Services Pty Ltd	\$48,165	\$2,046,992

Should the entire Joondalup City Centre be upgraded with the curved outreach arms the additional cost to the City for all 1,428 light poles is estimated to be minimum \$260,000.

Legislation / Strategic Community Plan / policy implications

Legislation

A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

Strategic Community Plan

Key theme

Community Wellbeing.

Objective

Quality facilities.

Strategic initiative

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

Policy

Not applicable.

Risk management considerations

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

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

Financial/budget implications

Project number	STL2003
Cost code	W1602
Budget Item	Joondalup City Centre Lighting.
Budget amount	\$ 1,966,456 (2015-16 budget plus brought forward from 2014-15).
Committed	\$ 43,893
Amount spent to date	\$ 205,073
Proposed cost	\$ 1,708,501
Balance	\$ 8,989

All amounts quoted in this report are exclusive of GST.

Regional Significance:

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

Sustainability implications:

The introduction of new lighting infrastructure for the City Centre, and in particular LED technology, will significantly reduce maintenance, electricity usage and greenhouse gas emissions. This is aligned with the objectives of the City’s Climate Change Strategy 2014-2019 and in particular Mitigation Objective 1 “To reduce the City’s greenhouse gas emissions through effective energy management and improved energy efficiency”.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Interlec (WA) Pty Ltd for Joondalup Drive lighting upgrade as specified in Tender 045/15 for the fixed lump sum of \$1,708,501 (GST Exclusive) and completion of the works within eight months from the date of contract award.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf090216.pdf](#)

ITEM 23 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) – OUTCOME OF 2015-16 SMALL GRANT APPLICATION - SORRENTO TENNIS CLUB

WARD	South
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	22209, 101515
ATTACHMENT	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider options for the Sorrento Tennis Club court refurbishment project submitted for the Department of Sport and Recreation's 2015-16 Community Sporting and Recreation Facilities Fund small grants round, following the recent notification of partial funding.

EXECUTIVE SUMMARY

The Department of Sport and Recreation (DSR) conducts an annual grant program called the Community Sporting and Recreation Facilities Fund (CSRFF) that provides an allocation of \$7 million each year for small grants (projects between \$7,500 - \$200,000), annual grants (projects between \$200,001 - \$500,000) and forward planning grants (projects up to \$12 million).

At its meeting held on 28 July 2015 (CJ116-07/15 refers), Council considered a project proposed for submission in the 2015-16 CSRFF small grant round and agreed to submit the following application:

- Sorrento Tennis Club court refurbishment project - \$49,530 grant requested (total project \$148,590).

The project includes:

- resurfacing of courts 1 and 2
- replacement of court perimeter fencing to courts 13-20
- replacement of internal court division fencing between courts 2-3, 6-7 and 10-11
- replacement of damaged sun shelters between courts 2-3, 6-7, 10-11 and 14-15
- installation of new sun shelters for courts 1, 4, 5, 8, 9, 12, 13 and 16.

In December 2015, the City received notification from the DSR on the City's CSRFF application. The Sorrento Tennis Club – court refurbishment project received partial funding, with \$13,722 being granted for the resurfacing of two tennis courts only.

As the court refurbishment project did not receive full CSRFF grant funding, a number of options have been prepared for consideration. These include:

- 1 Proceed with the resurfacing of two tennis courts only as identified in the partial funding.
- 2 Proceed with the project as proposed with the City to fund the project shortfall.

Option one is recommended, which is to proceed with the resurfacing of two tennis courts only at the Sorrento Tennis Courts as identified within the grant notification.

It is therefore recommended that Council AGREES to proceed with the resurfacing of only two tennis courts at the Sorrento Tennis Club as successful in the 2015-16 CSRFF small grant application.

BACKGROUND

The Department of Sport and Recreation conducts an annual grant program, the Community Sporting and Recreation Facilities Fund that provides an allocation of \$7 million each year for small grants (projects between \$7,500 - \$200,000), annual grants (projects between \$200,001 - \$500,000) and forward planning grants (projects up to \$12 million). The funding allocation for CSRFF in 2015/16 was considerably reduced compared to the previous annual allocations of \$20 million 2014/15 and prior.

The CSRFF program aims to increase participation in physical activity through the provision of funding that assists the development of well designed infrastructure for sport and recreation. It also represents a partnership opportunity for community organisations to work with local government authorities and the DSR. Applications for funding may be submitted by a community organisation or a local government authority. A CSRFF grant will not exceed one third of the total completed cost of the project, with the remaining funds to be contributed by the applicant and the partner organisation.

At its meeting held on 28 July 2015 (CJ116-07/15 refers), Council resolved to support the request from the Sorrento Tennis Club, with the project including the following:

- Resurfacing of courts 1 and 2.
- Replacement of court perimeter fencing to courts 13-20.
- Replacement of internal court division fencing between courts 2-3, 6-7 and 10-11.
- Replacement of damaged sun shelters between courts 2-3, 6-7, 10-11 and 14-15.
- Installation of new sun shelters for courts 1, 4, 5, 8, 9, 12, 13 and 16.

The total estimated cost for this project was \$148,590. The City sought funding assistance through the CSRFF grant for one-third contribution of this amount (\$49,530) with the Sorrento Tennis Club to contribute one third (\$49,530).

At its meeting held on 15 March 2011 (CJ037-03/11 refers), Council resolved to support a CSRFF application from the Sorrento Tennis Club to resurface tennis courts 13 to 20 with the City contributing \$36,333 (1/3 of total project cost).

A condition was placed on the approval that due to the concerns the City had with the condition of the court's asphalt base, the City would not support resurfacing courts 13 to 20 prior to the 2019 financial year. The City's concern was that resurfacing over an unsuitable base would lead to future cracking which is not covered by the contractor's warranty. Therefore any costs associated with the surface of these courts would need to be met by the Sorrento Tennis Club.

The Sorrento Tennis Club currently holds a lease agreement with the City for the management of the tennis facilities at Percy Doyle Reserve. This lease requires the club to manage and maintain not only the clubrooms but also the surrounding tennis court infrastructure including tennis courts, fencing and floodlighting.

DETAILS

In December 2015, the City received notification from the DSR that the Sorrento Tennis Club project had been successful for partial funding only. The notice advised that \$13,722 had been awarded to resurface courts 1 and 2 only. The estimated cost to resurface two tennis courts (based on the original project estimations) was \$41,357, which includes the City's normal project contingency amounts.

The City does not have any funds listed specifically for this project within the *Five Year Capital Works Program*, however an amount of \$100,000 is listed for the tennis court resurfacing program within 2015-16. It was proposed that the City's contribution to this project would be allocated from this budget item. Also to be funded in 2015-16, the City will resurface the two tennis courts at James Cook Park and Courts 9 to 12 at Sorrento Tennis Club at an estimated cost of \$43,000. These courts have been identified for resurfacing in 2015-16 as part of the City's tennis court facility condition audit. This leaves a balance of funds within the tennis court resurfacing program for 2015-16 of \$57,000.

The City has received revised quotes for the resurfacing of two tennis courts at Sorrento Tennis Club, these revised quotes place the cost of resurfacing the two tennis court at Sorrento Tennis Club at \$18,906, this is \$22,451 less than the original cost estimate of \$41,357. The options presented below have all been amended to reflect the new cost estimate for tennis court resurfacing. Considering the revised cost estimate to resurface the two tennis courts the updated cost estimate to complete the project as originally planned is \$126,138.

Issues and options considered

As a result of only partial funding being offered by the DSR, two options for the continuation of the project have been prepared for consideration.

Option one – Proceed with the resurfacing of two tennis courts only as identified in the partial funding.

Proceeding only with the resurfacing of the two tennis courts as approved by the DSR in the successful CSRFF grant would result in a new cost estimation of \$18,906 with each of the three parties (the City, the DSR and the Club) contributing \$6,302.

This would result in a balance of \$50,698 within the tennis court resurfacing program for 2015-16. The balance of the budget available within the tennis court resurfacing program would be used to continue with works prioritised within the tennis court facility audit. The next tennis courts identified for consideration would be Courts 3, 4, 5 & 6 at the Sorrento Tennis Club.

Option two - Proceed with the project as proposed and the City to fund the project shortfall

Proceed with the full court refurbishment project as originally planned (including court resurfacing, fence repair and replacement and construction of sun shelters). This would require the City to fund the project shortfall. The Sorrento Tennis Club has committed to funding a maximum of \$49,530 towards the project along with the DSR grant of \$6,302 (1/3 of expected court resurfacing cost), this results in a potential City contribution of \$70,306. This is \$20,776 above the \$49,530 that Council approved for expenditure within the July 2015 report.

The tennis court resurfacing program currently has a balance of \$57,000 available. Option two would result in an over expenditure within this program of \$13,306.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy Not applicable.

Risk management considerations

Any capital project brings risks in relation to contingencies and over runs against original cost estimations. The capital cost estimate is based on early quotes and project scopes that may differ once further detailed quotes are undertaken for the project.

Financial / budget implications

Should Council endorse option one for the resurfacing of two tennis courts at the Sorrento Tennis Club, the City may identify additional tennis courts to be resurfaced using the balance of funds available within the tennis court resurfacing program. Currently courts 3, 4, 5 and 6 at Sorrento Tennis Club are the next priority for resurfacing.

	Option one	Option two
City contribution	\$6,302	\$70,306
Club contribution	\$6,302	\$49,530
DSR grant	\$6,302	\$6,302
Total project cost	\$18,906	\$126,138

Current financial year impact

Account no.	PEP2514
Budget Item	PEP2514 – Tennis Court Resurfacing Program.
Budget amount	\$ 100,000
Amount committed to date	\$ 43,000
Proposed cost	\$ 6,302 (Option one)
Balance	\$ 50,698

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Option one is the preferred option for the continuation of the Sorrento Tennis Club court refurbishment project, as it presents the best value for the City in not only delivering the resurfacing of Courts 1 and 2 as originally requested in the CSRFF grant but also provides the opportunity to resurface a number of additional courts at the Sorrento Tennis Club with the balance of the tennis court resurfacing program.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council AGREES to proceed with the resurfacing of only two tennis courts at Sorrento Tennis Club as successful in the 2015-16 Community Sporting and Recreation Facilities Fund small grant application.

ITEM 24 CITY OF JOONDALUP WASTE MANAGEMENT PLAN 2016-2021

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	36958, 101515
ATTACHMENT	Attachment 1 Waste Management Plan 2016-2021 Attachment 2 Analysis of draft Waste Management Plan 2015-2020 Community Consultation Comments
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the *City of Joondalup Waste Management Plan 2016-2021* (the plan) following community consultation.

EXECUTIVE SUMMARY

The City's *Strategic Waste Minimisation Plan 2010-2014* was developed in 2010 to guide waste management within the City of Joondalup. Following a review of the *Waste Minimisation Plan 2010-2014* a new plan has been developed.

The *City of Joondalup Waste Management Plan 2016-2021* guides the City's waste management practices over the next five years and builds upon the key achievements of the *Strategic Waste Minimisation Plan*. The purpose of the plan is to ensure increased diversion from landfill and to inform future long-term planning for waste management. The following overarching objectives were also identified:

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

Achievement of these overarching objectives will require a range of responses across a variety of areas. The plan identifies the following four broad key focus areas:

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

In order to achieve the objectives of the plan, projects have been identified within each of the four key focus areas. Some projects may contribute to achieving objectives across multiple key focus areas. Projects will be implemented over the life of the plan and will be subject to regular monitoring and review.

At its meeting held on 23 November 2015 (CJ202-11/15 refers), Council endorsed the release of the draft *Waste Management Plan 2015-2020* for community consultation (Attachment 1 refers).

The results of the community consultation are now presented for consideration together with the new *Waste Management Plan 2016-2021*. The timeframe for the implementation of the *Waste Management Plan* has been amended from 2015-2020 to 2016-2021 to reflect its proposed endorsement in 2016 rather than 2015.

It is therefore recommended that Council ADOPTS the Waste Management Plan 2016-2021 as shown in Attachment 1 to this Report.

BACKGROUND

The City of Joondalup provides a broad range of waste services to the community including collecting and processing household waste, providing and emptying street bins, removing litter from public areas, providing waste services at City events and managing the City's corporate waste. The City spends approximately \$20 million per annum on waste services and in 2014-15 collected just over 90,000 tonnes of waste. The City also has a role in waste education and behaviour change, research and advocacy, and regional planning of waste management approaches and infrastructure.

The plan focuses on improving the City's management of waste, increasing diversion from landfill and providing the groundwork to inform long-term planning for waste. This will be done in the context of state and federal waste management policy and legislation, regional planning and collaboration with Mindarie Regional Council and its member Councils, existing waste management contracts and agreements, and developments in the private sector and in new technologies.

The plan recognises that the management of waste is a significant and rising cost for the City and its ratepayers, is subject to high community expectations, and can have a significant impact on the environment. In developing this plan the City has undertaken the necessary strategic planning to guide and continually improve its waste management practices.

The overarching objective for the plan is to guide the City's waste management practices over the next five years to ensure increased diversion from landfill and to inform future long term planning for waste management. In addition a number of overarching objectives have been identified.

- | | |
|-------------|--|
| Objective 1 | Minimise waste to landfill through application of the waste hierarchy. |
| Objective 2 | Engage with the community to increase participation in sustainable waste management practices. |
| Objective 3 | Provide a quality and cost-effective waste management service to the community. |

- Objective 4 Minimise the environmental impact of waste generation, collection and disposal.
- Objective 5 Maintain effective relationships with key stakeholders to maximise regional outcomes.
- Objective 6 Ensure the City's long term planning is informed by research and best practice.

Achievement of these overarching objectives will require a range of responses across a variety of areas. The plan identifies the following four broad key focus areas:

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

The plan includes a number of specific projects which align with one or more of the key focus areas and contribute to the overarching objectives.

DETAILS

The City consulted the general community within the City of Joondalup along with the following stakeholders:

- Western Australian Local Government Association (WALGA).
- Waste Authority Unit, Department of Environment Regulation (DER).
- Mandarie Regional Council (MRC).
- Local Resident and Ratepayer Associations.
- Local Parliamentarians.
- Representative(s) from City of Joondalup's Strategic Community Reference Group.
- Representative(s) from City of Joondalup's Community Engagement Network.

The consultation was advertised to the general public via the *Joondalup Voice* column and the City's website which outlined the details of the consultation and the draft document. All stakeholder representatives also received personalised letters directing them to the City's website. Members of the public and stakeholders wishing to comment were encouraged to complete a survey form online via the City's website. The City collected a total of four valid responses throughout the 21-day advertised consultation period. A summary of the responses is provided in Attachment 2.

In the feedback about what the community likes about the draft plan, the following comments were received:

- The emphasis on the decision-making based on research and data analysis.
- Care for the environment with careful disposal of community waste.
- Proactively addressing implications of increased dwellings resulting from rezoning and multiple unit development.
- That the City is increasing waste recycling.
- The emphasis on community involvement and engagement.
- The emphasis on education across a whole range of vectors.
- The goal of energy harvesting from waste.
- The goal of improving the quality of the bulk composting available to households.
- The idea of aiding households to do their own composting.
- The plan makes efforts to keep waste management costs and rates to a minimum.

- The plan outlines clear accountability, responsibility and feedback to the community, even when things go wrong.
- The retention of the two bin system.

Comments on what changes or improvements could be made to the plan were largely related to the City's bulk waste service and providing community education and information. All comments received are listed below:

- Concern for changing the bulk waste service from periodic verge bulk collection to skip bins.
- Would like an improved bulk waste collection where compostable materials are collected separately from non-compostable.
- Would like separate collections for bulk waste.
- Concern for the effectiveness of education campaigns with limited budget.
- Would like clarity on which items go into which bin (such as polystyrene from parcels).
- Would like education programs to be implemented.
- Would like stickers to be placed on the bins to identify the waste that goes into them.
- Would like to see a strategy for holding those who sell products containing hazardous waste responsible for the disposal.
- Would like to see the City adopt a three bin system.

Finally, the following further comments about the plan were provided by respondents:

- Believe bin tagging was only successful on a small scale.
- Concern about the projected schedules of the Bulk Waste charges.
- Concern for illegal dumping within the City.
- Concern for increased amount of litter within the suburbs.
- Would like more detail on how to recycle more.
- Would like specific strategies implemented to educate primary and secondary schools on waste.
- Would like to know more about changes to Bulk Waste Services.

The suggestions for improvements have been considered and the following responses provided.

The plan identifies that improvements to the City's bulk waste service is needed but does not specify what those changes should be. Instead the City has consulted separately with the community on potential changes to the City's bulk waste service. The outcomes of this consultation have been presented to Elected Members for their consideration and will inform potential changes to the City's bulk waste service.

The plan includes a number of projects relating to waste education, information and behaviour change and the City will ensure that any future service changes will be accompanied with appropriate education and information.

The plan also includes a project to investigate options for improving the collection of household hazardous waste. However there is limited scope for the City to develop strategies targeting those who sell household hazardous waste. Product stewardship is largely the responsibility of the federal government.

Research and modelling have identified the current two bin system as a preferred option for the City's household waste service. However the City will continue to investigate options for improving household waste services and will remain cognisant of changes to best practice, state government policy and legislation and infrastructure and technology advancements which may provide opportunities for the City to further improve its household waste service. If any changes to the household waste service are proposed the City will engage with the community prior to any changes being implemented.

While the suggested improvements have been noted there are no proposed amendments to the plan as a result of the feedback.

The timeframe for the draft *Waste Management Plan 2015 - 2020* has been amended to reflect its proposed endorsement in 2016 rather than 2015 and will therefore be titled *Waste Management Plan 2016-2021*. The text throughout *Waste Management Plan 2016-2021* has been amended to reflect this change in timeframe.

Issues and options considered

Council can either:

- adopt the *Waste Management Plan 2016-2021* as presented
- adopt the *Waste Management Plan 2016-2021* with amendments
or
- choose not to adopt the *Waste Management Plan 2016-2021*.

It is proposed that Council adopts the *Waste Management Plan 2016-2021* included as Attachment 1.

Legislation / Strategic Community Plan / policy implications

Legislation

The development and implementation of the draft *Waste Management Plan 2016-2021* is consistent with the *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)*.

Strategic Community Plan

Key theme

The Natural Environment.

Objective

Environmental resilience.

Strategic initiative

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

Policy

The City's *Waste Management Policy* will be reviewed to ensure consistency following endorsement of the *Waste Management Plan 2016 – 2021*.

Risk management considerations

A range of risks exist when considering current and future waste services provided by the City.

The City needs to ensure that it puts in place arrangements for managing its domestic waste over the long term in order to:

- maintain good services to residents
- ensure that services are financially sustainable
- achieve landfill diversion targets
- get the best outcome from working with other member councils of Mindarie Regional Council and across the wider region.

Financial / budget implications

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

New projects with budget requirements will be subject to detailed costing and the City's budget approval process prior to implementation.

Regional significance

The City has a record of working with partner Councils through the Mindarie Regional Council.

Sustainability implications

Reduction, reuse and recycling of materials generally results in reduced landfill, reduced energy and raw materials consumption. Through implementation of the plan, it is anticipated that there will be improvements in the recovery of recyclables, organics and bulky waste.

Consultation

During the course of developing the *Waste Management Plan 2016-2021* the following consultation and engagement has occurred:

- An overall framework and approach for developing the *Waste Management Plan* was presented to Elected Members in September 2014.
- A revised framework, incorporating Elected Member comments was presented to the City's Strategic Community Reference Group (SCRG) in October 2014 for review.
- The draft plan was then provided to the SCRG in September 2015 for their further review and feedback.
- General community consultation for 21 days from 24 November to 15 December 2015.

The City received four responses during the 21 day consultation period. A summary of the feedback received as part of the general community consultation is provided in Attachment 2.

COMMENT

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

The projects within the plan have been developed in close consultation with stakeholders and align to the City's *Strategic Community Plan 2012-2022: Joondalup 2022*, as well as to relevant state and federal planning documents.

The City is already undertaking a number of high level initiatives to improve waste management practices which have been incorporated into the plan. New projects have been included within the plan where gaps have been identified.

The plan provides for consistent monitoring and reporting on waste management practices through the inclusion of key performance indicators. These indicators will be continually monitored and reported to Council and the community on an annual basis via the City's Annual Report.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADOPTS the *Waste Management Plan 2016-2021* as shown in Attachment 1 to this Report.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf090216.pdf](#)

REPORTS - MAJOR PROJECTS COMMITTEE – 1 FEBRUARY 2016

ITEM 25 OCEAN REEF MARINA – DRAFT BUSH FOREVER NEGOTIATED PLANNING OUTCOME

WARD	North Central
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	04171B, 101515
ATTACHMENTS	Attachment 1 Environmental Protection Authority – Metropolitan Region Scheme Amendment determination (June 2014) Attachment 2 Ocean Reef Marina Bush Forever Negotiated Planning Outcome (Draft) Attachment 3 Definitions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to approve the submission of the draft Ocean Reef Marina Bush Forever Negotiated Planning Outcome to the relevant agencies for consideration and negotiation.

EXECUTIVE SUMMARY

The City is progressing the environmental and planning approval requirements for the Ocean Reef Marina project. The marine component of the project is being assessed by the Environmental Protection Authority (EPA) through a Public Environmental Review (PER) process and the entire project is subject to a parallel planning approval process via a Metropolitan Region Scheme (MRS) Amendment through the Western Australian Planning Commission (WAPC).

The MRS Amendment proposes the rezoning and rationalisation of approximately 76.5ha to enable the development of the Ocean Reef Marina and includes the clearing of some vegetation in Bush Forever Site 325 (BF 325).

As part of its decision not to undertake an environmental assessment of the MRS Amendment for the project on 6 June 2014 (Attachment 1 refers), the EPA acknowledged that:

- the terrestrial environmental factors can be managed under the existing scheme provisions and planning controls
- the marine aspects of the project would be subject to a separate environmental assessment
- to manage the potential impacts of the MRS Amendment on BF 325 the WAPC would require a Negotiated Planning Outcome (NPO) that provides a positive conservation outcome for BF 325 to be agreed before final approval of the MRS Amendment.

In consultation and liaison with the Office of the Environmental Protection Authority (OEPA), Department of Planning (DoP) and the Department of Parks and Wildlife (DPaW), a draft NPO has been prepared that mitigates the proposed clearing within BF 325 and secures the appropriate conservation outcome (Attachment 2 refers). The draft NPO takes into account:

- the environmental values of BF 325 and the area to be cleared
- the public advice of the EPA regarding the MRS Amendment dated 9 June 2014
- State Planning Policy 2.8 – *Bushland Policy for the Perth Metropolitan Region*.

It is intended that a draft NPO will be released for public comment as part of the advertising of the MRS Amendment. However, prior to publicly releasing the draft NPO, in-principle endorsement of the document will be sought from the key agency stakeholders.

To enable this in-principle endorsement to be obtained, formal submission of the draft NPO to the OEPA, DoP and DPaW is required to facilitate a formal response.

It should be noted that the DoP is currently investigating the mechanism for legally enforcing the NPO as a condition of MRS Amendment approval. The City is fully supportive of ensuring that the NPO is binding and legally enforceable as part of the project. However, formal agency in-principle endorsement of the draft NPO may not be possible until this mechanism is identified and agreed. The City is awaiting further advice from the DoP on this matter.

The City is currently the proponent for the Ocean Reef Marina development. However, if the proponenty is transferred to another entity in the future, implementation of the NPO will become the full responsibility (including costs) of the new proponent. If, for some reason, the project as a whole does not proceed, the NPO would not be required to be implemented.

To commence formal negotiation it is considered appropriate that the draft NPO be submitted to the key agency stakeholders at this time to ensure endorsement is obtained to release the NPO as part of the public advertising of the MRS Amendment.

It is therefore recommended that Council:

- 1 *NOTES the draft Ocean Reef Marina Negotiated Planning Outcome which forms Attachment 2 to this Report;*
- 2 *REQUESTS the Chief Executive Officer to submit the draft Ocean Reef Marina Negotiated Planning Outcome to the Office of the Environmental Protection Authority, Department of Planning and the Department of Parks and Wildlife for consideration and negotiation.*

BACKGROUND

Bush Forever (Government of Western Australia 2000a¹, 2000b²) identifies approximately 51,200ha of regionally significant bushland on the Swan Coastal Plain within the Perth Metropolitan Region for protection and management in 287 discrete sites. These sites are selected based on criteria generally relating to the nature and condition of existing native vegetation and its value in maintaining ecological linkages.

¹ Government of Western Australia (2000a), *Bush Forever Volume 1 – Policies, Principles and Processes*, available from <http://www.planning.wa.gov.au/publications/5911.asp>.

² Government of Western Australia (2000b), *Bush Forever Volume 2 – Directory of Bush Forever sites*, available from <http://www.planning.wa.gov.au/publications/5911.aps>.

BF 325 is a semi-contiguous north-south coastal strip of native vegetation, of varying condition, between Burns Beach and Hillarys and covers approximately 195.3ha.

The land component of the Ocean Reef Marina development area is almost entirely within BF 325 (including the existing Ocean Reef Boat Harbour), except for the portion associated with the Water Corporation's ocean outfall from the Beenyup Waste Water Treatment plant.

However it was noted in the City's MRS Amendment request (submitted in July 2014) that BF 325 includes areas within the existing Ocean Reef Boat Harbour complex that are already developed and entirely cleared of all vegetation. This existing situation is acknowledged in Map 27 in *Bush Forever Volume 1 – Policies, Principles and Processes* where this land is clearly shown as not containing any vegetation; these areas include the harbour facilities (boat launching ramps and groynes), boat trailer car park, the various club rooms and ancillary uses and access roads. Given that the areas currently developed or below the high water mark contain no vegetation and do not appear to provide any critical fauna linkages, through the MRS Amendment request it was proposed that these areas be considered a reasonable deduction from and a logical land rationalism of BF 325.

While there is a general presumption against clearing of existing Bush Forever reserves, there is prior recognition of the Ocean Reef Marina development area as a "Possible Future Strategic Regional Recreation and Tourism Node" in Bush Forever (Government of Western Australia 2000a). This recognition was confirmed by the DoP via correspondence to the City in November 2000.

State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region (SPP 2.8) addresses the protection and management of regionally significant bushland identified for protection in Bush Forever.

The Ocean Reef Marina concept plan was prepared taking the impact of the development on BF 325 into consideration and the need to develop a strategy, in consultation with the key agency stakeholders, to minimise, manage and mitigate this impact has long been recognised.

Through its endorsement of the Project Philosophy and Parameters (JSC05-05/09 refers) Council also acknowledged that the concept plan should seek to enhance and safeguard the integrity of the Bush Forever site, taking into account the constraints existing to development within this type of natural environment. Further, the project would be required to consult with the relevant agencies on the issue.

Throughout the life of the project, the City has engaged with key stakeholders (including the DoP, OEPA, and DPaW) on the impact of the development on BF 325. On the advice of these stakeholders and the Ocean Reef Marina Project Team it was considered appropriate that the preparation of a strategy addressing the impacts and negotiations on the specifics of the strategy be commenced following initiation of the approvals process for the concept plan. The timing ensured that the size and scope of the development had, as far as possible, been determined and that there was a clear understanding by all relevant parties on the area of BF 325 to be impacted.

The MRS Amendment request included a commitment from the City to develop a "Negotiated Planning Outcome" in order to mitigate the potential impacts resulting from clearing and development within existing BF 325.

DETAILS

Following consideration of the MRS Amendment request, in its determination not to formally assess the terrestrial components of the Ocean Reef Marina project, the EPA acknowledged the potential impacts of the development on BF 325. The EPA further noted that a Negotiated Planning Outcome would be agreed (Attachment 1 refers). The WAPC will require agreement of the draft NPO before final approval of the MRS Amendment is given. Further, it is proposed that the draft NPO will be advertised concurrently with the MRS, PER and Local Structure Plan.

The draft NPO has been prepared by environmental consultants Strategen in consultation with officers from the DoP, OEPA and DPaW (the relevant agencies) (Attachment 2 refers) and takes into account:

- public advice of the EPA regarding the MRS Amendment given in June 2014
- State Planning Policy 2.8 – *Bushland Policy for the Perth Metropolitan Area*³ (SPP 2.8)
- environmental values of BF 325.

The NPO provides the information required for a State of Environmental Effects, as detailed in Appendix 1 of SPP 2.8; Table 1 outlines the requirements and the relevant sections of the draft NPO where this information is provided.

Table 1: Statement of Environmental Effects, SPP 2.8

	Requirement	NPO section
1	Provide evidence and demonstrate that a proposal or decision is consistent with this policy, in particular the planning assessment criteria set out in Appendix 2 (SPP 2.8).	Sections 2.5 and 5.
2	Describe and provide a rationale and planning context for the proposal.	Section 2.
3	Describe the impacted area's bushland values and environmental attributes (to be consistent with the information sets in <i>Bush Forever</i> and with reference to the site descriptions therein; and Environmental Protection Authority Guidance Statements 51 ⁴ and 56 ⁵ , where appropriate).	Section 3.
4	Demonstrate that all reasonable steps have been taken to avoid or minimise any likely adverse impacts consistent with the requirements of this policy, including a review of reasonable alternatives and details of any bushland sensitive design measures to be adopted.	Section 4.1.
5	Provide an evaluation of and justification for any likely adverse impacts.	Section 4.2.
6	Provide an environmental and/or bushland management plan, where appropriate, and details of proposed conservation management measures to be adopted; or, where agreed, the environmental and/or bushland management plan or related measures may be a requirement through the statutory planning process.	Section 5.2.
7	Provide details of proposed long-term protection, management, offset measures and implementation commitments to be adopted.	Section 5.

³ Western Australian Planning Commission (WAPC) 2010, *State Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region*, available in Government Gazette 2745, WA, 22 June 2010.

⁴ Environmental Protection Authority (2004a), Guidance for the Assessment of Environmental Factors, No 51, *Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia*, available from http://www.epa.wa.gov.au/EPADocLib/1839_GS51.pdf.

⁵ Environmental Protection Authority (2004b), Guidance for the Assessment of Environmental Factors, No 56, *Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia*, available from http://www.epa.wa.gov.au/EPADocLib/1850_GS56.pdf.

SPP 2.8 also provides guidance regarding potential environmental offset ratios applicable to Bush Forever sites (Appendix 4 of SPP 2.8):

- 2:1 for offsets addressing impacts to Bush Forever sites of Very High conservation significance.
- 1.5:1 for sites of High conservation significance.
- 1:1 for sites of Medium or Low conservation significance.

The primary outcome of the draft NPO is to mitigate the proposed clearing within BF 325 and secure an appropriate conservation outcome. The key impacts of the Ocean Reef Marina on BF 325 are:

- clearing of 16.79ha of vegetation in varying condition from Degraded to Excellent
- removal of Priority 3 flora species *Conostylis bracteata*
- clearing of vegetation associated with inferred Priority Ecological Communities
- partial interruption of north-south linkage values
- loss of habitat for fauna species
- potential for indirect impacts on the remaining BF 325 through introduction and spread of weeds, dust generation during earthworks and increased incidence/frequency of fire.

An explanation of the *vegetation conditions*, a definition of *Priority flora 3 species* and *conservation significance* is provided in Attachment 3.

Impacts to BF 325 will be minimised as far as practicable through the following management techniques:

- 1 Retention of a north-south linkage of remnant vegetation between Ocean Reef Road and the Ocean Reef Marina site (with the exception of entry roads).
- 2 The Ocean Reef Marina boundary was designed to avoid areas of Excellent vegetation to the northeast of the existing Ocean Reef Boat Harbour.
- 3 The Ocean Reef Marina site area has been decreased from earlier proposed designs to minimise vegetation clearing and the boundary was moved slightly west near the entrance from Hodges Drive.
- 4 A Construction Environment Management Plan will be prepared to support subdivision and will include vegetation clearing protocols which ensure that there are no indirect impacts to adjacent vegetation outside the Ocean Reef Marina boundary.

The draft NPO is expected to provide an overall positive environmental outcome with local improvement of BF 325 and an increase in the area of coastal vegetation protected in the conservation estate. The Ocean Reef Marina site has been assessed as being of High conservation significance (Attachment 3 refers) and SPP 2.8 states that for an area of High conservation significance at least 75% of the mitigation package should be land acquisition with a maximum of 25% comprising revegetation/rehabilitation.

During early negotiation phases towards the preparation of a mitigation package the inclusion of various pockets of City owned land was considered, such as properties along Merrifield Place, Mullaloo. Feedback from the officers from the DoP, OEPA and DPaW indicated that these properties will not meet the requirements of SPP 2.8.

The draft NPO includes the following components:

- 1 90% land acquisition: Provision of \$1.6 million of funding to DPaW for the acquisition and management of land into the conservation estate. The land acquired will comprise coastal vegetation in similar or better condition and with similar or higher conservation value than the area to be cleared.

- 2 10% rehabilitation with BF 325: Rehabilitation of 5ha of degraded vegetation within BF 325 to at least Very Good condition within five years.

The draft NPO provides detailed information on:

- land acquisition
- basis for land acquisition funding
- site selection
- process for land acquisition
- proposed BF 325 rehabilitation area
- current management of BF 325
- rehabilitation strategy for 5ha within BF 325.

The above components have been discussed with officers from the DoP, OEPA and DPaW who have given in-principle agreement to commence formal negotiations based on the proposed outcomes once the draft NPO is formally submitted.

It should be noted, however, that the DoP is not yet in a position to support the draft NPO. This is due to uncertainty surrounding the rezoning of Bush Forever land for development without being able to attach conditions to the MRS Amendment to legally enforce the NPO. The City is currently awaiting formal advice on this matter from the DoP.

While the City is the current proponent for the Ocean Reef Marina development, full responsibility for the implementation of the NPO (including costs) will ultimately rest with the final proponent for the development. The final agreed NPO will become part of the overall Business Case for the development and will be legally binding based on the mechanism to be proposed by the DoP.

Issues and options considered

Agreement of the NPO is a condition of the finalisation of the MRS Amendment. Should the City wish to continue to progress obtaining planning and environmental approval for the Ocean Reef Marina development, the draft NPO must be formally submitted to the relevant agencies.

Legislation / Strategic Community Plan / policy implications

Legislation

The City is governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

Other applicable legislation includes:

- *Planning and Development Act 2005.*
- *Environmental Protection Act 1986.*
- *Environmental Protection, Biodiversity and Conservation Act 1999 (Cwlth).*

The approvals for the development are influenced by State Planning policies:

- 2.6: *State Coastal Planning Policy.*
- 2.8: *Bushland Policy for the Perth Metropolitan Region.*

Strategic Community Plan

Key theme	Economic prosperity, vibrancy and growth.
Objective	Destination City.
Strategic initiative	<ul style="list-style-type: none"> • Facilitate the establishment of major tourism infrastructure. • Encourage diverse accommodation options.
Policy	Not applicable.

Risk management considerations

The impact of the Ocean Reef Marina on BF 325 was first acknowledged in the Risk Management Assessment undertaken by the City in 2005. All subsequent Risk Management Assessments (2008, 2009 and 2014) also included consideration of BF 325 impacts as well as the need for liaison with the relevant agencies to secure a suitable conservation outcome.

As an agreed NPO is a requirement of the MRS Amendment, there remains a risk to the project should agreement with the relevant agencies not be reached. However the strategies and outcomes proposed in draft NPO were formulated with advice and opinion from these agencies. Further, once the DoP is satisfied that the NPO can be legally enforceable, and the mechanism for this identified, the risk of not obtaining agency agreement is considered low.

Financial / budget implications

The cost of implementation of the NPO will be the responsibility of the ultimate proponent for the Ocean Reef Marina development. As the City will not be the ultimate proponent, there will be no direct impost on the City with respect to the NPO. The NPO implementation costs will be considered a project cost and included the financial feasibility and business case.

However, once the implementation of the rehabilitation of BF 325 has been completed and the monitoring indicates that the agreed completion criteria are met, the proponent NPO obligations will be completed. The site will then revert back to the City for normal maintenance and monitoring, as is the case at the present time. The completion criteria will be designed so that the improved vegetation condition increases the resilience of the site therefore ongoing additional management is unlikely to be required.

Current financial year impact

Account no.	C1001
Budget Item	Ocean Reef Marina.
Budget amount	\$1,422,924
Amount spent to date	\$ 462,760
Balance	\$ 960,164

Note: The 2015-16 approved budget includes income of \$500,000 (State Government financial contribution).

Total Project Expenditure

2007-08	\$ 133,241
2008-09	\$ 968,284
2009-10	\$ 266,603
2010-11	\$ 325,045
2011-12	\$ 388,552
2012-13	\$ 376,393
2013-14	\$ 838,371
2014-15	\$1,314,917
2015-16	\$ 462,760
LESS Grants Received	<u>\$ (785,500)</u>

Total City Expenditure \$4,288,668

Annual operating cost The relevant business case/s, as far as possible, will include anticipated on-going operating costs.

Estimated annual income The relevant business case/s, as far as possible, will include estimated annual income.

Capital replacement Detailed analysis will be required at the appropriate stage of the project.

20 Year Strategic Financial Plan impact The City's *20 Year Strategic Financial Plan* includes \$2,404,000 which represents capital expenditure for the 2014-15 and 2015-16 financial years. Further analysis of the impact on the *20 Year Strategic Financial Plan* will be analysed at the appropriate stage of the project.

Impact year 2014-15 and 2015-16.

All amounts quoted in this report are exclusive of GST.

Regional significance

The development of the Ocean Reef Marina will become a significant tourist/visitor destination and a key focal point within the northern Perth corridor.

Sustainability implicationsEnvironmental

The provision of a NPO for the impact of the Ocean Reef Marina on the terrestrial environment aims to mitigate the proposed clearing of BF 325 and secure an appropriate conservation outcome.

The NPO is expected to provide an overall positive environmental outcome with local improvement of BF 325 through rehabilitation and an increase in the area of coastal vegetation protected in the conservation estate through land acquisition.

Consultation

The draft NPO was prepared following engagement with the DoP, OEPA and DPaW. Further negotiation to finalise and agree the NPO will be required following formal submission of the document to these agencies.

It is also proposed that the NPO be publically advertised concurrently with the MRS Amendment, Public Environmental Review and Local Structure Plan.

COMMENT

It is considered that the strategies outlined in the draft NPO adequately address the requirements of State Planning Policy 2.8 – *Bushland Policy for the Perth Metropolitan Region*. It is also considered that the document provides the basis for formal discussion, negotiation and agreement with the Departments of Planning, Parks and Wildlife and the Office of Environmental Protection Authority as required for the MRS Amendment to be finalised.

It is anticipated that any amendments made to the draft NPO following formal negotiation with the above agencies and consideration of any public submissions will result in a further report for consideration by Elected Members.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Major Projects Committee at its meeting held on 1 February 2016.

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

RECOMMENDATION

That Council:

- 1 NOTES the draft Ocean Reef Marina Negotiated Planning Outcome which forms Attachment 2 to this Report;**
- 2 REQUESTS the Chief Executive Officer to submit the draft Ocean Reef Marina Negotiated Planning Outcome to the Office of the Environmental Protection Authority, Department of Planning and the Department of Parks and Wildlife for consideration and negotiation.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf090216.pdf](#)

**ITEM 26 CONFIDENTIAL - JOONDALUP CITY CENTRE
DEVELOPMENT - PROJECT STATUS REPORT**

WARD	North
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	103036, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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

a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

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

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 REPORTS REQUESTED BY ELECTED MEMBERS

11 CLOSURE



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

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

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

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

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

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

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

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

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

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



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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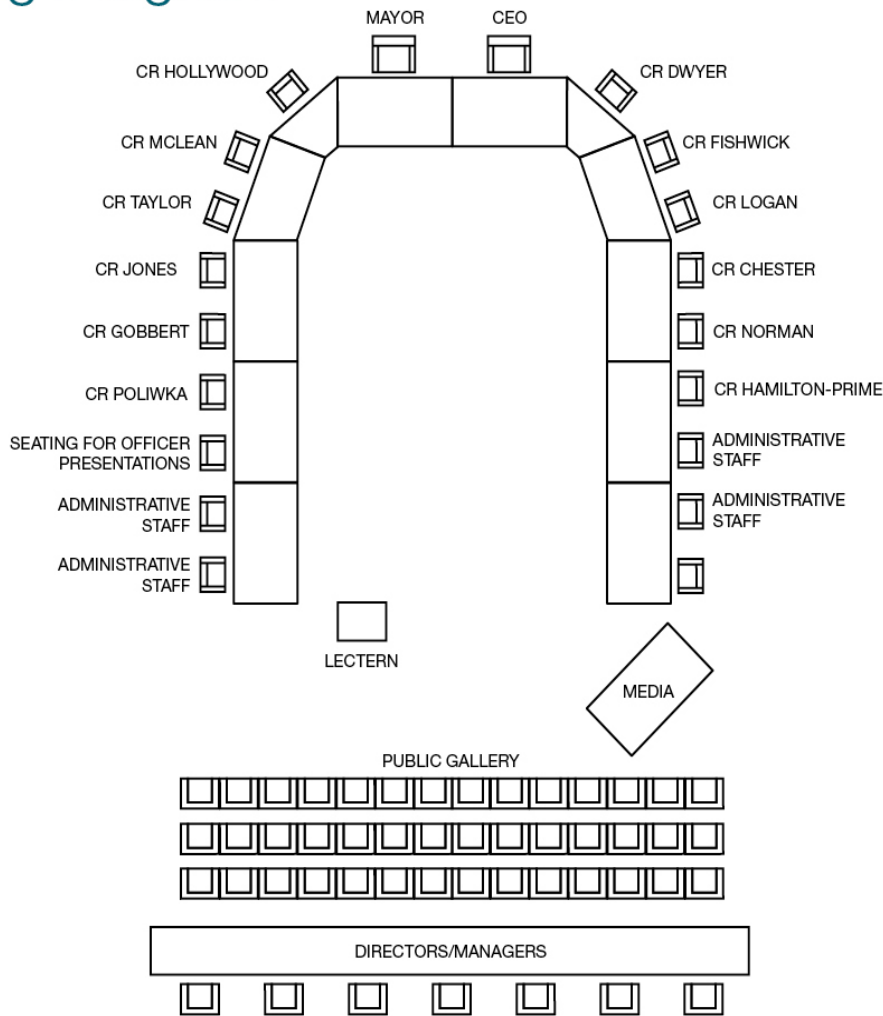
Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

Conference Room 1 – Briefing Session Seating Diagram



Mayor

- 1 His Worship the Mayor, Troy Pickard (Term expires 10/17)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/17)
- 3 Cr Tom McLean, JP (Term expires 10/19)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/17)
- 5 Cr Nige Jones (Term expires 10/19)

Central Ward

- 6 Cr Liam Gobbert (Term expires 10/17)
- 7 Cr Russell Poliwka (Term expires 10/19)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/17)
- 9 Cr Mike Norman (Term expires 10/19)

South-East Ward

- 10 Cr John Chester (Term expires 10/17)
- 11 Cr John Logan (Term expires 10/19)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/17)
- 13 Cr Sophie Dwyer (Term expires 10/19)