

# minutes

MEETING HELD ON **TUESDAY 18 APRIL 2017**

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

***This document is available in alternate formats upon request***

## TABLE OF CONTENTS

ITEM NO.	TITLE	PAGE NO.
	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b>	<b>1</b>
	<b>DECLARATIONS OF INTEREST</b>	<b>2</b>
	<b>PUBLIC QUESTION TIME</b>	<b>3</b>
	<b>PUBLIC STATEMENT TIME</b>	<b>7</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	<b>9</b>
C20-04/17	REQUESTS FOR LEAVE OF ABSENCE – CRS JOHN CHESTER, JOHN LOGAN AND PHILIPPA TAYLOR	9
	<b>CONFIRMATION OF MINUTES</b>	<b>9</b>
C21-04/17	MINUTES OF COUNCIL MEETING, 21 MARCH 2017	9
	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	<b>10</b>
	<b>IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>	<b>10</b>
	<b>PETITIONS</b>	<b>11</b>
C22-04/17	PETITION REQUESTING REVIEW OF STRUCTURE PLAN AND NEW REZONING	11
C23-04/17	PETITION REQUESTING A FENCE IS INSTALLED SURROUNDING THE MAIN PLAYGROUND AREA AND IF POSSIBLE THE BBQ AND EATING FACILITIES AT GRANADILLA PARK, DUNCRAIG	11
	<b>REPORTS</b>	<b>12</b>
CJ037-04/17	DEVELOPMENT AND SUBDIVISION APPLICATIONS – FEBRUARY 2017	12
CJ038-04/17	PROPOSED ADDITIONS AND UPGRADES TO THE OCEAN REEF SHOPPING CENTRE AT LOT 12 (82) MARINA BOULEVARD, OCEAN REEF	16
CJ039-04/17	MINUTES OF EXTERNAL COMMITTEES	31
CJ040-04/17	EXECUTION OF DOCUMENTS	39
CJ041-04/17	REPEAL LOCAL LAW 2017 – APPROVAL TO ADVERTISE	42
CJ042-04/17	INTERNATIONAL ECONOMIC DEVELOPMENT ACTIVITIES PLAN	46

ITEM NO.	TITLE	PAGE NO.
CJ043-04/17	LIST OF PAYMENTS DURING THE MONTH OF FEBRUARY 2017	51
CJ044-04/17	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2017	54
CJ045-04/17	TENDER 002/17 - SUPPLY AND DELIVERY OF PRE-MIX CONCRETE	57
CJ046-04/17	TENDER 004/17 – INSTALLATION, MAINTENANCE AND WATERING OF STREET TREES FOR THE CITY OF JOONDALUP LEAFY CITY PROGRAM	62
CJ047-04/17	ADVENTURE PARK TRIAL AT WENTWORTH PARK, PADBURY	69
CJ048-04/17	LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS - REVIEW	81
CJ049-04/17	REQUEST FOR SPECIFIED AREA RATE IN BURNS BEACH - OUTCOME OF COMMUNITY CONSULTATION	85
CJ050-04/17	PROPOSAL FOR A KINGSLEY COMMEMORATIVE PEACE PRECINCT AT LOT 971 (52) CREANEY DRIVE, KINGSLEY	94
<b>C24-04/17</b>	<b>EXTENSION OF TIME TO SPEAK</b>	<b>101</b>
<b>C25-04/17</b>	<b>COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION</b>	<b>102</b>
	<b>REPORTS – POLICY COMMITTEE – 3 APRIL 2017</b>	<b>103</b>
<b>C26-04/17</b>	<b>COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION</b>	<b>103</b>
CJ051-04/17	REVISED ELECTED MEMBERS' ENTITLEMENTS POLICY	104
CJ052-04/17	REVIEW OF RECOGNITION OF VOLUNTEERS POLICY	110
CJ053-04/17	LIGHT VEHICLE REPLACEMENT POLICY - REVOCATION	117
CJ054-04/17	PUBLIC ART POLICY	121
CJ055-04/17	DRAFT COASTAL LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING	129
CJ056-04/17	DRAFT HOME-BASED BUSINESS LOCAL PLANNING POLICY	136
CJ057-04/17	DRAFT CONSULTING ROOMS LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING	142

ITEM NO.	TITLE	PAGE NO.
CJ058-04/17	DRAFT SHORT-TERM ACCOMMODATION LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING	148
CJ059-04/17	DRAFT COMMERCIAL, MIXED USE AND SERVICE COMMERCIAL LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING	158
CJ060-04/17	DRAFT PRIVATE CLUBS, INSTITUTIONS AND PLACES OF WORSHIP LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING	165
CJ061-04/17	DRAFT LIGHT INDUSTRY ZONE LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING	173
CJ062-04/17	DRAFT MCLARTY AVENUE LOCAL PLANNING POLICY	180
	<b>REPORTS – FINANCE COMMITTEE – 4 APRIL 2017</b>	<b>188</b>
<b>C27-04/17</b>	<b>COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION</b>	<b>188</b>
CJ063-04/17	CHICHESTER PARK, WOODVALE - PROPOSED REDEVELOPMENT	189
CJ064-04/17	PROVISION OF A CAFÉ/KIOSK/RESTAURANT AT NEIL HAWKINS PARK	197
CJ065-04/17	BURNS BEACH CAFÉ/RESTAURANT – PROJECT STATUS	206
	<b>URGENT BUSINESS</b>	<b>213</b>
	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>213</b>
	<b>ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING</b>	<b>213</b>
	<b>CLOSURE</b>	<b>213</b>

## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 18 APRIL 2017.**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

TROY PICKARD

#### Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North Central Ward	
CR NIGE JONES	North Central Ward	
CR RUSSELL POLIWKA	Central Ward	<i>absent from 7.58pm to 8.18pm</i>
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	
CR JOHN CHESTER	South-East Ward	
CR JOHN LOGAN	South-East Ward	
CR RUSS FISHWICK, JP	South Ward – <i>Deputy Mayor</i>	

#### Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development <i>absent from 7.37pm to 7.38pm</i>
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCE	Manager Governance
MR CHRIS LEIGH	Manager Planning Services
MR DANIEL DAVINI	Media Advisor
MRS LESLEY TAYLOR	Acting Governance Coordinator
MRS DEBORAH GOUGES	Governance Officer
MRS ROSE GARLICK	Governance Officer

There were 33 members of the public and one member of the press in attendance.

## DECLARATIONS OF INTEREST

### Disclosure of Financial / 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.

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	CJ050-04/17 - Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns commercial property in the precinct.

### 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.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ049-04/17 - Request for Specified Area Rate in Burns Beach - outcome of community consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood lives in Burns Beach, but not in the community consultation area of the Specified Area Rate.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ050-04/17 - Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester has had discussions with the proponents. Cr Chester is a member of KAGRA who support the proposal.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ050-04/17 - Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The proponent of the proposal is known to Cr Logan. Cr Logan is also a member of the Kingsley and Greenwood Residents Association Inc. which supports the proposal.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ056-04/17 - Draft <i>Home-Based Business Local Planning Policy</i> .
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood is a small business owner. Cr Hollywood answers telephones and uses computer equipment for those businesses, for convenience, even though she employs staff at an office she owns elsewhere.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ062-04/17 - Draft <i>McLarty Avenue Local Planning Policy</i> .
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's daughter is developing a hospital adjacent to the area covered by the draft <i>McLarty Avenue Local Planning Policy</i> .

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ065-04/17 - Burns Beach Café/Restaurant – Project Status.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood lives within the area of the proposed Burns Beach Café/Restaurant.

## PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 21 March 2017:

**Mrs N Dangar, Beldon:**

*Re: Access to community booking system information.*

- Q1** *Beldon Residents Association Inc. as a not-for-profit community organisation would like to be informed about how a park or facility can be booked for social events when there are so many pre-booked sessions for soccer.*
- A1** The City's Community Facilities Bookings Office based at Whitford Library manages bookings of City parks and community facilities. These facilities are able to be booked on a seasonal basis and the City verifies their usage via a confirmation process. Any group or individual wanting to make a casual booking can contact the Community Facilities Bookings Office to get an understanding of park or facility availability. This can be done via phone, email, online form on the City's website or in person at the Whitford Library.
- Q2** *The current booking system is not accessible for other clubs or organisations to be able to plan social events. Given that this problem has been clearly identified in the past, are there any improvements planned so that a visual calendar be made accessible for this purpose on-line for ease of booking rather than having to wait for an answer on the telephone?*
- A2** The City is currently trialling an online availability calendar on the City's website for one community facility. If successful, this function will be duplicated for each of the 34 community facilities as they attract a larger variety of booking types compared to parks. At this stage, the City has no immediate plans to provide the same for the City's large number of active and passive parks, although it could be considered in future website enhancements.

**The following questions were submitted prior to the Council meeting on 18 April 2017:****Mr R Clarke, Connolly:**

*Re: Joondalup Performing Arts and Cultural Facility.*

*Q1 Before committing itself to this project will the Council explore with the City of Wanneroo and other neighbouring Cities, the possibility of establishing a Regional Local Government under the provisions of Section 3.61 to 3.68 of the Local Government Act 1995, to jointly undertake this project with the object of sharing the costs of providing and operating the Joondalup Performing Arts and Cultural Facility more equitably between those it will serve?*

*A1 The Business Case for the Joondalup Performing Arts and Cultural Facility provides details on all sources of funding investigated by the City. These investigations included funding sourced from both the State and Federal Governments, private institutions and other local governments.*

*The Business Case does not propose the establishment of a Regional Local Government.*

*Q2 If the answer to Question 1 is in the negative, please explain the reasons?*

*A2 Refer to A1 above.*

**Mrs M Macdonald, Mullaloo.**

*Re: CJ042-04/17 - International Economic Development Activities Plan.*

*Q1 What has this process cost the City to date and how much money has been allocated to this year's budget including staff time?*

*A1 The City engaged consultants to undertake consultation and develop the International Economic Development Activities Plan at a cost of \$37,416.*

*The City is currently seeking an International Economic Development Advisor (two year contract) to deliver the International Economic Development Activities Plan.*

*Q2 Given that the Federal and State Governments take responsibility for this area where does the City get its authority to become involved in this process and spend ratepayers' money in this way?*

*A2 The City's Strategic Community Plan was developed following extensive consultation with the community and key stakeholders. The consultation provided clear direction to the City that increased local job opportunities and greater tourism opportunities were priorities.*

*In order to attract businesses and tourists to the City, consistent with the community's aspirations, the City of Joondalup has a program to grow the economy and position Joondalup as a preferred location over other jurisdictions. This includes looking to priority international markets to increase tourism and international student visitors, for example. This City works closely with tourism operators and tertiary institutions, such as ECU and North Metropolitan TAFE to achieve this.*

*Q3 How does the City know that this program is not duplicating work that has already been commenced or completed by state and federal programs?*



- A3 The City will be leveraging the programs that are already in place through Austrade and the Department of State Development. There is a need for the City to ensure that local businesses seeking to import and/or export are aware of these programs and know how to access them. A key role of the International Economic Development Advisor will be to assist City of Joondalup businesses in accessing State and Federal Government programs and support.

Re: *CJ064-04/17 - Provision of a café/Kiosk/Restaurant at Neil Hawkins Park.*

- Q4 *Given that most parks have barbecues, families like to bring their own picnic to eat and ice cream vendors and coffee vans are along most public paths, why does the City continue to spend ratepayers' money promoting the construction of commercial facilities in parks and recreational areas, especially when almost always they are adjacent to commercial food outlets?*

- A4 The City owns or manages a number of strategically located land parcels that could accommodate commercial cafe/kiosk/restaurant facilities. These facilities have the potential to increase the amenities provided at popular recreational locations and provide the City with an additional source of revenue.

Investigations into the viability of the provision of a cafe/kiosk/restaurant facility at Neil Hawkins Park are being considered by Council.

Re: *CJ051-04/17 - Revised Elected Members' Entitlements Policy.*

- Q5 *Is the City suggesting that it changes its policy with respect to Elected Members' expenses to increase its funding for overseas or other trips, to include the payment of a double room when a spouse accompanies the Elected Member?*

- A5 No.

**Mr M Sideris, Mullaloo:**

Re: *CJ042-04/17 - International Economic Development Activities Plan*

- Q1 *Advise whether or not the proposed International Economic Development Activities Plan as detailed in Attachment 2 to Report CJ042-04/17 went out for public consultation and input from community workshops and public submissions? If yes when, how and where? If not why not?*

- A1 The *International Economic Development Activities Plan* aligns with the City's *Economic Development Strategy, Expanding Horizons* which was the subject of extensive public consultation. The *Economic Development Strategy* includes a specialist theme of 'Global City' which incorporates internationally focused investment attraction campaigns, development of trade links in the global market and the development of partnership activity to attract international students, researchers and entrepreneurs to the City.

- Q2 *Advise the relevant sections of the Local Government Act 1995 and Regulations to enable, encourage or require the City of Joondalup to assume the role and responsibility of facilitating economic investment and opportunities on an International (Global) scale?*

- A2 All local government authorities in Western Australia are required to have a *Strategic Community Plan* (SCP) developed in consultation with the community. The City's SCP, *Joondalup 2022* was released in 2013 following extensive community and stakeholder consultation and highlights the community's agreed vision to be a "global city: bold, creative and prosperous." The *International Economic Development Activities Plan* is consistent with the community's agreed vision.
- Q3 *Advise who authorised the advertising for the position of International Economic Development Advisor (City of Joondalup) with a Salary: \$100,228 - \$106,670 per annum plus up to 14.5% superannuation, prior to the Elected Council endorsing the Draft International Economic Development Activities Plan?*
- A3 All recruitment at the City of Joondalup must be approved by the Chief Executive Officer. The position is for a fixed term of two years, which will enable the City to ascertain the effectiveness of the role in facilitating economic growth for the local economy.
- Q4 *Was the Draft International Economic Development Activities Plan discussed at a City's Secret Strategy Sessions and are the Ordinary Meetings of Council just a 'rubber stamping exercise'?*
- A4 Yes, however Strategy Sessions are not decision-making forums and are an accepted practice in local governments. The City's Council meetings are conducted in accordance with the *Local Government Act 1995*.
- Q5 *Advise the tendering process, (including advertising, selection criteria and other tenderers), for the consultancy that developed the proposed International Economic Development Activities Plan as detailed in Attachment 2 to Report CJ042-04/17.*
- A5 The AEC Group was appointed as the preferred consultant under the terms and conditions of the City's procurement policies. The City received three quotations through a Request for Quotation process. Given the project scope and anticipated cost, the project was not required to go to public tender.

**Mrs S Waterhouse, Kingsley:**

Re: *Shepherds Bush Reserve – Toddler Bike Track and BMX Bike Track.*

- Q1 *Are Elected Members aware of the negative impact that the Shepherds Bush Reserve Toddler Bike Track and the installation of the new BMX Bike Track are having and will continue to have, on the local residents?*

A1 Elected Members have been kept up to date with the progress of this project.

**The following questions were submitted verbally at the Council meeting:**

**Mrs S Waterhouse, Kingsley:**

Re: *Shepherds Bush Reserve – Toddler Bike Track and BMX Bike Track.*

- Q1 *Given the lack of consultation with local residents are you aware or how are you aware of the negative impact that the Kingsley Shepherds Bush toddler bike track and the installation of the new BMX bike track are having and will continue to have on the local residents?*

Q2 *Can you please provide evidence of consultation about the proposed installation of public toilets on this reserve?*

A1- 2 Mayor Pickard advised that these questions would be taken on notice.

**Mr R Repke, Kallaroo:**

Re: *CJ050-04/17 - Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.*

Q1 *If the City chose to upgrade the memorial in Central Park, would the initiative come from the City or the RSL?*

A1 Mayor Pickard reported that the Central Park facility was recently enhanced and upgraded with full consultation with the former Joondalup/Wanneroo RSL Sub Branch.

Mayor Pickard advised that given its importance, any future upgrade would be done in full consultation with the Joondalup City RSL.

**Mr M Goodall, Ocean Reef:**

Re: *CJ038-04/17 - Proposed Additions and Upgrades to the Ocean Reef Shopping Centre at Lot 12 (82) Marina Boulevard, Ocean Reef.*

Q1 *Is it within the remit of the Council to specify or advise that vandal or graffiti proof exteriors are used on the buildings or walls surrounding the new development?*

A1 Mayor Pickard advised that it is not uncommon to stipulate a sacrificial coating to ensure graffiti is easily removed from a building in a prime public location.

The Director Planning and Community Development advised that specifying the need to use a particular anti-graffiti coating is avoided as it has been found that over time removing graffiti from the coating sometimes leaves ghosting on that material and that becomes an eye sore and difficult to undo. It is often easier to re-paint a painted wall that does not have the graffiti coating. As a condition of approval it is requested that a full schedule of colours and materials be provided before a building permit is issued to ensure that the materials to be used will be useful from a vandal proof point of view.

**PUBLIC STATEMENT TIME**

**The following statements were submitted verbally at the Council meeting:**

**Mr S Brown, Hillarys:**

Re: *CJ058-04/17 - Draft Short-Term Accommodation Local Planning Policy – Consideration Following Advertising.*

Mr Brown spoke in relation to visitor parking with reference to the draft *Short-Term Accommodation Local Planning Policy* and requested that the draft policy be amended to be consistent with R-Code design principles relating to parking, including consideration of all available parking for proposed bed and breakfast accommodation.

**Mrs S Waterhouse, Kingsley:**

*Re: Shepherds Bush Reserve – Toddler Bike Track and BMX Bike Track.*

Mrs Waterhouse raised her concerns over the negative impact that the Shepherds Bush Reserve toddler bike track and the installation of the new BMX bike track has on bushland, family and local residents.

**Mr R Repke, Kallaroo:**

*Re: CJ050-04/17 - Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.*

Mr Repke spoke in relation to the proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.

**Mrs S Makoare, Greenwood:**

*Re: CJ050-04/17 - Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.*

Mrs Makoare spoke in relation to the proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley on behalf of Mr Brian Cooper OAM, reporting on the original proposal of the project aimed to provide the residents of Kingsley and surrounding suburbs with a place of tranquillity and quiet contemplation within a beautifully preserved natural bushland setting and requested support for Mr Cooper's vision in its original form.

**Mrs L Camenzuli, Padbury:**

*Re: CJ04704/17 - Adventure Park Trial at Wentworth Park, Padbury.*

Mrs Camenzuli spoke in relation to the disappointment expressed by the local community surrounding the City's recommendation against the proposed community initiated nature based play area at Wentworth Park, Padbury.

**Mr M Goodall, Ocean Reef:**

*Re: CJ038-04/17 - Proposed Additions and Upgrades to the Ocean Reef Shopping Centre at Lot 12 (82) Marina Boulevard, Ocean Reef.*

Mr Goodall spoke in relation to the proposed additions and upgrades to the Ocean Reef Shopping Centre at Lot 12 (82) Marina Boulevard, Ocean Reef requesting that Council support the recommendation to upgrade the Ocean Reef Shopping Centre.

**APOLOGIES AND LEAVE OF ABSENCE****Leave of Absence previously approved**

Cr Liam Gobbert	11 April to 18 April 2017 inclusive;
Cr Sophie Dwyer	12 April to 19 April 2017 inclusive;
Cr Sophie Dwyer	20 April to 30 April 2017 inclusive;
Cr John Logan	22 April to 28 May 2017 inclusive;
Cr Nige Jones	4 May to 13 May 2017 inclusive;
Cr Sophie Dwyer	1 July to 17 July 2017 inclusive;
Cr Sophie Dwyer	23 September to 8 October 2017 inclusive.

**C20-04/17****REQUESTS FOR LEAVE OF ABSENCE – CRS JOHN CHESTER, JOHN LOGAN AND PHILIPPA TAYLOR**

Cr Philippa Taylor requested Leave of Absence from Council duties covering the period 21 April to 24 April 2017 inclusive.

Cr John Logan requested Leave of Absence from Council duties covering the period 19 April to 21 April 2017 inclusive.

Cr John Chester requested Leave of Absence from Council duties covering the period 19 May to 30 May 2017 inclusive.

**MOVED Cr Logan, SECONDED Cr Poliwka that Council APPROVES the requests for Leave of Absence from Council duties covering the following dates:**

- |   |                    |                                      |
|---|--------------------|--------------------------------------|
| 1 | Cr John Logan      | 19 April to 21 April 2017 inclusive; |
| 2 | Cr Philippa Taylor | 21 April to 24 April 2017 inclusive; |
| 3 | Cr John Chester    | 19 May to 30 May 2017 inclusive.     |

**The Motion was Put and****CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

**CONFIRMATION OF MINUTES****C21-04/17****MINUTES OF COUNCIL MEETING, 21 MARCH 2017**

**MOVED Cr Fishwick, SECONDED Cr McLean that the Minutes of the Council Meeting held on 21 March 2017 be CONFIRMED as a true and correct record.**

**The Motion was Put and****CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION****ANZAC DAY**

Mayor Pickard announced the City will hold its 2017 Anzac Day Dawn Service on Tuesday 25 April 2017 to honour those who paid the ultimate price for the freedom that Australians enjoy today.

Mayor Pickard noted that this years service, hosted in conjunction with the Joondalup City RSL Sub-Branch, will be staged at the Central Park War Memorial in the Joondalup City Centre.

Mayor Pickard advised the Dawn Service will commence at 6.00am and asked that attendees arrive no later than 5.45am. Mayor Pickard advised that for the second consecutive year a RAAF fly-past will be part of proceedings.

Mayor Pickard advised that free parking will be available within close proximity to Central Park and that tea, coffee and Anzac biscuits will be provided at the conclusion of the service.

**LEAFY CITY**

Mayor Pickard advised the City will soon be planting more trees across its suburbs as part of the *Leafy City Program*, noting that this will result in increased canopy cover within the City's streetscapes, creating cooler, inviting green urban spaces for residents.

Mayor Pickard stated that an independent arborist advised the City on the location and species of the new trees, ensuring the healthy development and longevity of the City's leafy canopy.

Mayor Pickard noted that works will commence in suburbs identified as 'hot spots', with Heathridge, Craigie and Beldon beginning in May 2017 and Kinross, Currambine and Padbury starting in July 2017.

Mayor Pickard advised that residents that will have a street tree located on their verge will be informed four weeks prior to works commencing. Mayor Pickard stated that the City will be responsible for maintaining the street trees.

Mayor Pickard stated that more information on the *Leafy City Program* can be found on the City's website.

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

Nil.

**PETITIONS****C22-04/17                    PETITION REQUESTING REVIEW OF STRUCTURE PLAN AND NEW REZONING**

A 285 signature petition has been received from residents of the City of Joondalup requesting that Council review the Structure Plan on the new rezoning in the area bounded by the Mitchell Freeway to the east, Beach Road to the south, Warwick Road to the north and Davallia Road to the west and amend it, limiting it to duplexes and triplexes only (R20/R25/R30).

**C23-04/17                    PETITION REQUESTING A FENCE IS INSTALLED SURROUNDING THE MAIN PLAYGROUND AREA AND IF POSSIBLE THE BBQ AND EATING FACILITIES AT GRANADILLA PARK, DUNCRAIG**

A 123 signature petition has been received from residents of the City of Joondalup requesting that Council install a fence surrounding the main playground area and if possible the BBQ and eating facilities at Granadilla Park, Duncraig.

**MOVED Cr Fishwick, SECONDED Mayor Pickard that the following petitions be RECEIVED referred to the Chief Executive Officer and a subsequent report presented to Council for information:**

- 1        Petition requesting that Council review the Structure Plan on the new rezoning in the area bounded by the Mitchell Freeway to the east, Beach Road to the south, Warwick Road to the north and Davallia Road to the west and amend it, limiting it to duplexes and triplexes only (R20/R25/R30);**
- 2        Petition requesting that Council install a fence surrounding the main playground area and if possible the BBQ and eating facilities at Granadilla Park, Duncraig.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

**REPORTS****CJ037-04/17      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– FEBRUARY 2017**

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development			
<b>FILE NUMBER</b>	07032, 101515			
<b>ATTACHMENTS</b>	Attachment 1	Monthly Development Applications Determined – February 2017		
	Attachment 2	Monthly Subdivision Applications Processed – February 2017		
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').			

**PURPOSE**

For Council to note the number and nature of applications considered under delegated authority during February 2017.

**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 development applications determined by the administration under delegated authority powers during February 2017 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during February 2017 (Attachment 2 refers).

**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 28 June 2016 (CJ091-06/16 refers) Council considered and adopted the most recent Town Planning Delegations.



## DETAILS

### Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during February 2017 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	3	3
Strata subdivision applications	5	7
<b>TOTAL</b>	<b>8</b>	<b>10</b>

*Of the eight subdivision referrals, eight were to subdivide in housing opportunity areas, with the potential for 10 additional lots.*

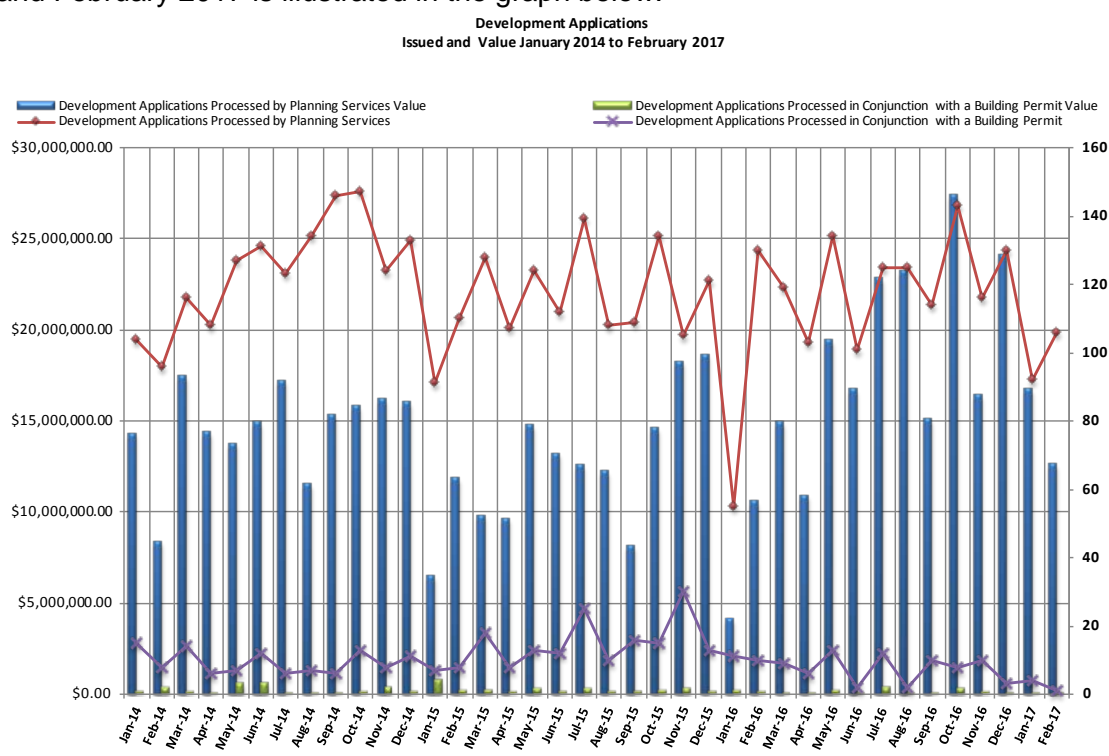
### Development applications

The number of development applications determined under delegated authority during February 2017 is shown in the table below:

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	106	\$ 12,559,584
Development applications processed by Building Services	1	\$ 13,650
<b>TOTAL</b>	<b>107</b>	<b>\$ 12,573,234</b>

*Of the 107 development applications, eight were for new dwelling developments in housing opportunity areas, proposing a total of 10 additional dwellings.*

The total number and value of development applications determined between January 2014 and February 2017 is illustrated in the graph below:



The number of development applications received during February was 124. (This figure does not include any development applications to be processed by Building Approvals as part of the building permit approval process).

The number of development applications current at the end of February was 210. Of these, 42 were pending further information from applicants and 10 were being advertised for public comment.

In addition to the above, 225 building permits were issued during the month of February with an estimated construction value of \$16,603,027.

### **Issues and options considered**

Not applicable.

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

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Schemes) Regulations 2015.</i>
--------------------	--------------------------------------------------------------------------------------------------------------------------------------

### **Strategic Community Plan**

<b>Key theme</b>	Quality Urban Environment.
------------------	----------------------------

<b>Objective</b>	Quality built outcomes.
------------------	-------------------------

<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
-----------------------------	---------------------------------------------------------------------------------------------------

<b>Policy</b>	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 107 development applications were determined for the month of February, with a total amount of \$50,055 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.

**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.

**MOVED Mayor Pickard, SECONDED Cr Jones that Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 Development applications described in Attachment 1 to Report CJ037-04/17 during February 2017;**
- 2 Subdivision applications described in Attachment 2 to Report CJ037-04/17 during February 2017.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ050-04/17, page 102 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf170411.pdf](#)*

## **CJ038-04/17      PROPOSED ADDITIONS AND UPGRADES TO THE OCEAN REEF SHOPPING CENTRE AT LOT 12 (82) MARINA BOULEVARD, OCEAN REEF**

<b>WARD</b>	North Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	47518, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location plan Attachment 2      Development plans Attachment 3      Environmentally      Sustainable      Design Checklist
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

### **PURPOSE**

For Council to determine an application for additions and upgrades to the existing Ocean Reef Shopping Centre at Lot 12 (82) Marina Boulevard, Ocean Reef.

### **EXECUTIVE SUMMARY**

An application for development approval has been received for additions and upgrades to the existing Ocean Reef Shopping Centre at Lot 12 (82) Marina Boulevard, Ocean Reef.

The proposed development includes:

- demolition of the service station and freestanding vacant building
- redevelopment of the car parking areas, including new landscaping and retaining walls
- five new retail tenancies to the west of the existing shopping centre equating to an additional floorspace of 439m<sup>2</sup>
- facade upgrades to all elevations.

A future drive-through food outlet ("Muzz Buzz Kiosk") on the southern portion of the site has been indicated on the plans. It is noted that this does not form part of this application.

The majority of the proposed development complies with the City's *District Planning Scheme No. 2* (DPS2) and relevant local planning policies, with the exception of the retaining wall setback to the street boundaries and the width of the landscaping buffer between the street boundaries and the proposed car parking area. The application is required to be determined by Council as the retaining wall setback varies the requirement of DPS2 by more than 1.5 metres.

The application was advertised to surrounding landowners and occupiers for a period of 14 days. A total of eight responses were received, three being objections, two being non-objections and three supporting the proposal.

It is considered that the terracing and curved design of the retaining walls and the landscaping provided within the verge and across the site provides for an attractive streetscape and the overall design of the development is appropriate for the locality and greatly enhances the amenity of the site and surrounds.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 12 (82) Marina Boulevard, Ocean Reef.
<b>Applicant</b>	Mr Gavin Tucker, Design Management Group Australia.
<b>Owner</b>	Tsui Li.
<b>Zoning</b>	<b>DPS2</b> Commercial.
	<b>MRS</b> Urban.
<b>Site area</b>	12,246.6m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is bounded by Marina Boulevard to the south, Venturi Drive to the west, Cringle Street to the north and a residential strata development zoned 'Mixed-Use' to the east (Attachment 1 refers).

The site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and 'Commercial' under DPS2.

There have been numerous complaints received over time regarding the appearance of the shopping centre, graffiti and anti-social behaviour. As a result, a number of meetings have been held with the owners and managing agents of the shopping centre to request that action be taken to address the concerns raised.

In addition, at its meeting held on 15 September 2015 (C54-09/15 refers), Council received a 1,058 signature petition which requested that Council engage with, and where appropriate, initiate proceedings against the landowner regarding the state of disrepair of the Ocean Reef Shopping Centre.

The existing service station has previously been decommissioned by the land owner and certification that it is a non-contaminated site has been received by the Environmental Protection Authority. Any further remedial works required as part of the demolition of the service station will need to ensure that it complies with the relevant environmental standards, separate to the planning process.

As part of the assessment of the application the development was reviewed by the Joondalup Design Reference Panel on 27 February 2017.

## DETAILS

The proposed development includes the following:

- Removal of the service station building and canopy located on the south-western portion of the subject site.
- Removal of the freestanding bakery tenancy located on the north-western portion of the subject site.
- Addition to the existing shopping centre complex to the west, incorporating five new retail ('shop') tenancies equating to 439m<sup>2</sup> of additional net lettable area.
- New pedestrian entrances to the shopping centre on the southern and western side of the building.
- External facade upgrades to the existing shopping centre by incorporating a variety of new colours and materials, large amounts of glazing and contrasting materials such as face brick, polycarbonate cladding, aluminium and render / textured paint.
- Upgrades and alterations to the car parking area.
- New freestanding signage and signage on the building.
- Retaining walls, landscaping, site works and other incidental works associated with the redevelopment.

The development plans are provided at Attachment 2.

A future drive-through food outlet ("Muzz Buzz Kiosk") on the southern portion of the site has been indicated on the development plans. The applicant has advised that this is indicative only and does not form part of this application. Should the owners proceed with the development of the outlet, a separate application for development approval will be required prior to commencing development.

The development is compliant with DPS2 and relevant local planning policies with the exception of the retaining walls to the western and southern street boundaries having a nil setback and the width of landscaping between the street boundaries and the proposed car parking bays being a minimum of 0.4 metres for a portion of the street frontage.

### Retaining Walls

Due to the natural slope of the land (from north-east to south-west), the applicant has included a number of retaining walls to facilitate appropriate ground levels for the car parking area and the extension.

The highest section of retaining and fill is located on the south-west corner of the site at the corner of Marina Boulevard and Venturi Drive being 1.87 metres from natural ground level. The terraced retaining walls are constructed out of limestone blocks, and include metal balustrade on the second level.

In accordance with Clause 4.7.1 of DPS2, the permitted setback for non-residential buildings (including retaining walls) is nine metres from the Marina Boulevard (southern) boundary, and three metres from the Venturi Drive (western) boundary. A minimum setback of nil is proposed.

*Officer Comment:*

The retaining walls have been terraced at the intersection of Marina Boulevard and Venturi Drive and curved to reduce the impact of building bulk on the streetscape. The design of the retaining has allowed for the retention of a number of existing mature trees and additional landscaping adjacent the street to assist in reducing the overall impact of the walls and provide for an attractive streetscape.

It is also noted that the shopping centre building, including the addition, is setback greater than 20 metres to Venturi Drive, and greater than 33 metres to Marina Boulevard. This ensures the visual impact of the building on these streets (in terms of building bulk and scale) is reduced.

In light of the above, it is considered that the proposed retaining wall setback is acceptable.

Landscaping

The application incorporates additional landscaping on-site as part of the development, including the retention of 12 trees on-site and within the verge. An indicative landscaping plan is provided at Attachment 2.

Landscaping is proposed for 8.3% of the site, complying with the minimum 8% required under DPS2. The proposal also incorporates shade trees within, and adjacent to, the car parking area on-site which complies with the one shade tree per four car bays requirement of DPS2.

In accordance with DPS2, a three metre wide landscaping strip is required between all street boundaries and car parking areas. The table below outlines the minimum and average landscaping widths that have been proposed between the relevant street boundary and the car parking area, with discretion sought for landscaping adjacent Marina Boulevard and Venturi Drive.

Street Name	Required Minimum Width	Minimum Width	Average Width	Compliant
Marina Boulevard (south)	3 metres	0.4 metres	3.4 metres	No
Venturi Drive (west)	3 metres	0.5 metres	3.55 metres	No
Cringle Street (north)	3 metres	4.1 metres	6.75 metres	Yes

The area in which the landscaping width is less than three metres is also highlighted on page 3 of Attachment 2.

*Officer Comment:*

The proposed landscaping adjacent to the Marina Boulevard and Venturi Drive boundaries is considered acceptable for the following reasons:

- The verge width along Marina Boulevard and Venturi Drive is a minimum of seven metres between the property boundary and the road. As a result, the visual impact is reduced due to the distance between the car parking area and the street being at least 7.4 metres.
- The applicant has proposed additional landscaping and street trees along the verge to mitigate the reduced landscaping buffer on-site.
- The total amount of landscaping onsite is 8.3%, exceeding the 8% requirements under DPS2.

- The applicant is retaining 12 large mature trees (included on-site and within the verge) to help improve the visual amenity of the streetscape.
- The average landscaping width along all street boundaries is greater than three metres.

In light of the above, it is considered that the intent of the three metre landscaping strip requirement has been achieved.

#### Car Parking and Traffic

The application reconfigures the on-site car parking to accommodate the additions and the demolition of the service station and free standing building.

In accordance with Table 2 of DPS2, car parking is required at a rate of five bays per 100m<sup>2</sup> net lettable area for a Shop/Shopping Centre under 30,000m<sup>2</sup>. A total of 114 bays are required on-site based on a total net lettable area of 2,263m<sup>2</sup>, with 185 bays proposed. As such there is a surplus of 71 bays across the site.

It is also noted that a surplus of car parking will remain should development of the drive through outlet ("Muzz Buzz Kiosk") proceed as indicated on the development plans.

There is considered minimal impact by way of traffic as a result of the development, with any increase able to be accommodated by the existing road network.

#### Joondalup Design Reference Panel (JDRP)

The development was reviewed by the JDRP at its meeting held on 27 February 2017. The feedback from the panel is outlined in the table below.

<b>JDRP Comment</b>	<b>Applicant Response</b>	<b>City Response</b>
Plans are required demonstrating any designated area/s on the roof and ground level, as well as elevations showing the appearance and materials/colours used for this screening.	Existing mechanical plant to be removed from roof and relocated within the new plant/service area on ground level and suitably screened.	The relocation of the mechanical plant and equipment is considered appropriate.  Should the application be approved, a condition of development approval is recommended requiring all plant and equipment to be screened.
Further detail is required showing how the eastern elevation of the existing building will be upgraded to improve the aesthetics and reduce the current impact on amenity of adjoining landowners.	New works are proposed to the eastern entry to revitalise this entry area. All kerbing, asphalt and line marking will be replaced as part of the civil works to the centre.	It is considered that the proposed improvements to the eastern elevation are sufficient.



JDRP Comment	Applicant Response	City Response
	A textured paint finish will be applied to all external brickwork as shown on the elevations. Upgrades to existing gates will also be undertaken where they are damaged/deteriorated.	
The small shade trees to the west of the building within the car park (as depicted on the plans) are to be replaced or additional trees included providing continuity in landscaping of this area of the site.	The trees to the west of the building are new trees (not existing). The indicative landscaping plan has been amended to provide one shade tree per four car bays as required under DPS2.	The amended landscaping plan is considered appropriate.  Should the development be approved, a condition of approval is recommended requiring detailed landscaping plans to be submitted to the City for approval prior to commencement of development.
An arborist report will need to be provided prior to works commencing which confirms the existing trees to be retained (as well as those verge trees in close proximity to the proposed retaining wall) will not be adversely affected for example. designate root protection zones.	An arborist report will be completed and issued to the City as part of the building licence application.	Should the application be approved, a condition of development approval is recommended requiring an arborist report to be submitted to the City for approval prior to commencing development. This report will be required to demonstrate the protection of the existing trees during and after construction.
Further clarification is required regarding the service station and fuel storage tanks on-site. Generally the EPA will need to inspect the property prior to works associated with service stations.	The appropriate measures for the demolition of the service station will be included within the Demolition Contractor scope of works.  It is understood that the EPA has certified the site as being non-contaminated.	Should the development be approved, an advice note will be included advising the applicant of their responsibility to ensure the service station (and fuel tanks) are decommissioned appropriately.
There are a number of minor inconsistencies across the plans regarding colours, materials and engineering details.	Amended plans provided to address inconsistencies.	Noted.

### Public Consultation

The application was advertised for a period of 14 days, commencing on 13 February 2017 and concluding on 27 February 2017.

A total of eight responses were received, three being objections, two being non-objections and three being in support of the proposal.

The concerns raised in the submissions were in relation to:

- the number of delivery trucks attending the site as a result of the extension, including associated impacts related to noise and traffic congestion on-site
- the commercial viability of the future “Muzz Buzz Kiosk” and the potential for it to become a dilapidated, vacant building creating issues that are currently experienced
- the amount and type of trees proposed as part of the application which may impact on views towards to the coast.

Comments in support of the development were in relation to the upgrade of the shopping centre being well overdue.

#### *Response to Submissions:*

- *Increase in deliveries and traffic impact*

No changes are proposed to the existing delivery operations as part of this application. Dedicated and delineated delivery and unloading area is located along the eastern lot boundary, and deliveries will be managed by tenants to minimise impact to the site.

Noise from any activities that are associated with the servicing of a shopping centre, is required to meet the *Environmental Protection (Noise) Regulations 1997* (the Regulations). The Regulations provide acceptable noise levels, or alternatively place restrictions on the times that certain activities may be carried out.

- *Commercial viability of the “Muzz Buzz Kiosk” and impact if vacated*

The commercial viability of a business is not a relevant planning consideration.

The “Muzz Buzz Kiosk” does not form part of this application. Should a separate development approval be issued it will include a condition to ensure that the building is maintained to an acceptable standard, to the satisfaction of the City.

- *Proposed trees and impact on views*

Concerns were raised regarding the number of trees proposed, the indicative species and the reduction in views to the west impacting on property values.

It is considered that the number and location of trees on-site and within the verge is appropriate. The landscaping plan provided as part of the application is indicative only. Final details on the type of species will be determined through detailed landscaping plans that will be required should the development be approved. It is noted that the assessment of this detailed landscaping plan will also consider the City’s *Leafy City Program*.

It is noted that impact on property values is not a valid planning consideration.

## Issues and options considered

Council is required to determine whether the nil setback of the proposed retaining walls to the western and southern street boundaries and the landscaping between the street and car parking area being less than three metres is appropriate.

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

**Policy** *Height of Non-Residential Buildings Local Planning Policy.  
Signs Local Planning Policy.*

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

Clause 3.7 of DPS2 sets out the objective for development within the 'Commercial' zone:

### 3.7 THE COMMERCIAL ZONE

*3.7.1 The Commercial Zone is intended to accommodate existing or proposed shopping and business centres where it is impractical to provide a Structure Plan in accordance with Part 5 of the deemed provisions.*

*The objectives of the Commercial Zone are to:*

- (a) *make provision for existing or proposed retail and commercial areas that are not covered by an Structure Plan;*
- (b) *provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.*

Clause 4.5 of DPS2 allows for certain standards and requirements of the scheme to be varied by Council:

#### 4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 *Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 64 of the deemed provisions and*
- (b) have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

#### *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, manoeuvring and parking of vehicles;*

- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (w) *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;*
- (x) *the history of the site where the development is to be located;*
- (y) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (z) *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.*

#### *Height of Non-Residential Buildings Local Planning Policy*

The policy sets provisions for the height of non- residential buildings in the City of Joondalup.

The objective of this policy is:

*To ensure that the height of non-residential buildings is appropriate to the context of any development site and sympathetic to the desired character, built form and amenity of the surrounding area.*

It is noted that the building height complies with the requirements of this policy.

#### *Signs Local Planning Policy*

The policy sets the provisions for the type, size and location of signage throughout the City of Joondalup.

The objectives include the following:

- *To provide guidance on the design and placement of signs located within the City of Joondalup.*
- *To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.*
- *To encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.*

- *To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.*
- *To complement the provisions for signs as specified in the City of Joondalup's Signs Local Law 1999.*

It is noted that the proposed wall and pylon sign comply with the requirements of this policy.

### **Risk management considerations**

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

### **Financial / budget implications**

The applicant has paid fees of \$12,311 (excluding GST) in accordance with the Schedule of Fees and Charges, 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 applicable to the development (Attachment 3 refers). The checklist indicates a number of sustainable measures, including utilisation of low energy and water efficient technologies.

### **Consultation**

The application was advertised for a period of 14 days, commencing on 13 February 2017 and concluding on 27 February 2017. Consultation was undertaken in the following manner:

- A letter outlining the nature of the proposal was sent to 81 landowners and occupiers that are in close proximity to the subject site.
- A notice was placed on the City's website.

A total of eight responses were received, three being objections, two being non-objections and three being in support of the proposal.

The submissions have been considered as part of the City's assessment as outlined in the 'Details' section of this report.

### **COMMENT**

As outlined above, it is considered that the overall design of the development, along with the areas of discretion sought, is appropriate for the locality, and will greatly enhance the amenity of the site and surrounding area.

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

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Taylor, SECONDED Cr Jones 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 27 January 2017 submitted by Gavin Tucker, on behalf of the owner, Tsui Li, for proposed Shopping Centre (additions) at Lot 12 (82) Marina Boulevard, Ocean Reef, subject to the following conditions:**
  - 1.1 This approval only relates to the additions and upgrades to the existing shopping centre as indicated on the approved plans, with the exception of the “Muzz Buzz Kiosk” which does not form part of this approval;**
  - 1.2 A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:**
    - 1.2.1 all forward works for the site;**
    - 1.2.2 the delivery of materials and equipment to the site;**
    - 1.2.3 the storage of materials and equipment on the site;**
    - 1.2.4 the parking arrangements for the contractors and subcontractors;**
    - 1.2.5 the management of dust during the construction process;**
    - 1.2.6 access to car parking and the centre for staff and customers;**
    - 1.2.7 other matters likely to impact on the surrounding properties,**

**and works shall be undertaken in accordance with the approved Construction Management Plan;**
  - 1.3 A full schedule of colours and materials for all exterior parts to the development (including the retaining walls) shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;**
  - 1.4 All existing mechanical plant and equipment located on the roof of the shopping centre shall be removed and installed in the plant area located on the ground level prior to occupation of the development. Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details;**



- 1.5 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;**
- 1.6 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. These bays are to be thereafter maintained to the satisfaction of the City;**
- 1.7 Bicycle parking facilities shall be provided in accordance with the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to the City for approval prior to the commencement of development;**
- 1.8 An arborist report shall be submitted to and approved by the City prior to commencement of development. The arborist report shall include an assessment of all existing trees indicated for retention on the approved plans. Appropriate measures shall be taken to ensure retention, to the satisfaction of the City;**
- 1.9 Detailed landscaping plans shall be submitted to and approved by the City 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:**

  - 1.9.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
  - 1.9.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;**
  - 1.9.3 Provide a minimum of one shade tree per four car bays within new car parking areas;**
  - 1.9.4 Show spot levels and/or contours of the site;**
  - 1.9.5 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;**
  - 1.9.6 Be based on water sensitive urban design principles to the satisfaction of the City;**
  - 1.9.7 Be based on Designing out Crime principles to the satisfaction of the City;**
  - 1.9.8 Show all irrigation design details;**
- 1.10 Landscaping and reticulation shall be established 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;**

- 1.11 The applicant shall remove the existing crossovers (as depicted on the approved plans) and make good the verge to the satisfaction of the City, prior to occupation of the additions;
- 1.12 Retaining walls shall be contained within the property boundaries;
- 1.13 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 1.14 The signage shall be established and thereafter maintained to a high standard to the satisfaction of the City. The signage shall:
  - 1.14.1 Use low level illumination that shall not flash, pulsate or chase;
  - 1.14.2 Not include fluorescent, reflective or retro reflective colours.

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf170411.pdf](#)*

**CJ039-04/17 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	00033, 101515
<b>ATTACHMENTS</b>	Attachment 1 Minutes of Western Australian Local Government Association State Council Meeting held on 1 March 2017  <i>(Please Note: These minutes are only available electronically).</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

---

**PURPOSE**

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

**EXECUTIVE SUMMARY**

The following minutes are provided:

Minutes of the Western Australian Local Government Association (WALGA) State Council meeting held on 1 March 2017.

**DETAILS**

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

**Western Australian Local Government Association State Council Meeting – 1 March 2017**

A meeting of the Western Australian Local Government Association (WALGA) State Council was held on 1 March 2017.

At the time of this meeting Cr Russell Fishwick, JP was Council's representative at the WALGA State Council meeting.

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

#### 4.1 WALGA Investment Policy.

It was resolved by the WALGA State Council as follows:

*"1 WALGA adopt the following Investment Policy.*

*Divestment from Fossil Fuels:*

*WALGA acknowledges climate change and supports more environmentally responsible investing. It will seek to invest in financial institutions which do not fund fossil fuel, directly or indirectly; subject to minimum credit risk and portfolio exposure limits prescribed elsewhere in this policy.*

*2 That WALGA adopt the updated Investment Policy as attached which includes the addition of Divestment from Fossil Fuels."*

#### 5.1 Discontinuation of Vehicle Licence Concessions (05-041-03-0002 MS).

It was resolved by the WALGA State Council as follows:

*"That:*

*1 State Council endorse actions undertaken by the WALGA Administration to have the decision to discontinue vehicle licence concessions for Local Governments reviewed;*

*2 WALGA encourage its Members to draw to the attention of existing and potential Members of Parliament the adverse impact this decision will have on local communities;*

*3 WALGA strongly express the concerns of Local Government with the ongoing practice of cost shifting from the State to Local Government; and*

*4 WALGA advocate for an increasing of the funding received under the State Agreement for Transport to local government, in the light of the proposed increase in vehicle licensing fees and introducing Stamp Duty on new Local Government vehicles."*

#### 5.2 Compulsory Third Party Insurance Scheme for Cyclists (05-005-03-0006 MS).

It was resolved by the WALGA State Council as follows:

*"That WALGA does not support a compulsory third party insurance scheme for cyclists."*

#### 5.3 Regional Subsidiaries Regulations (05-034-01-0004 TB TL).

It was resolved by the WALGA State Council as follows:

*"That WALGA advocate for legislative and regulatory amendments to enable Regional Subsidiaries to:*

*1 Borrow in their own right;*

*2 Enter into land transactions; and,*

*3 Undertake commercial activities."*

5.4 Review of the Emergency Services Levy (05-24-02-0001 MP).

It was resolved by the WALGA State Council as follows:

*“That:*

- 1 State Council notes the work undertaken by WALGA and members to advocate for a review of the Emergency Services Levy (ESL) and undertake economic modelling in support of the ESL review;*
- 2 State Council endorses and promotes that critical to the success of the submission is wide spread participation of all Councils;*
- 3 WALGA undertakes formal consultation with the sector, building on previous work and State Council resolutions, to prepare a submission to the Economic Regulatory Authority to address the terms of reference of the Review of the Emergency Services Levy on behalf of all Councils.”; and,*
- 4 That WALGA develops a discussion paper on ESL Management after it has received submissions from member Local Governments. That WALGA convenes an interactive forum of member Council's to consider the ERA's interim report (phase 2) prior to preparing a submission to the ERA to address the terms of reference of the review of the ESL on behalf of Council's.”*

5.5 Submission to Building Commission on operation of the Building Act 2011 (05-015-01-0003 VJ).

It was resolved by the WALGA State Council as follows:

*“That WALGA:*

- 1 Endorse the ‘Top Ten’ issues for improvement to the operation of the Building Act 2011;*
- 2 Further advocate for improvements to the operation of the Building Act 2011 with the Minister for Commerce and the Building Commission; and*
- 3 That WALGA advocates to ensure that Local Government is not solely responsible for mandatory inspections.”*

5.6 Interim submission – State Planning Policy 3.6 – Development Contributions for Infrastructure (05-036-03-0010 VJ).

It was resolved by the WALGA State Council as follows:

*“That the interim submission to the WA Planning Commission on State Planning Policy 3.6 – Development Contributions for Infrastructure be endorsed.”*

5.7 Interim Submission to the WA Planning Commission on the Design WA Framework (05-036-03-0058 CG).

It was resolved by the WALGA State Council as follows:

*“That:*

- 1 *The interim submission to the WA Planning Commission regarding State Planning Policy 7 - Design of the Built Environment and the wider Design WA Framework be endorsed subject to an amendment of the WALGA Interim Submission to the WAPC on Design WA Framework, paragraph 4.17 – Adaptive reuse, as follows:*

*“For a wide range of cultural heritage and sustainability reasons, the adaptive reuse of buildings for residential and commercial development is supported.”*

- 2 *WALGA advocates its opposition to the introduction of any mandatory design review process, as it should be at the discretion of individual Local Governments.”*

5.8 WALGA Model Heritage Strategy for Local Governments (05-071-03-0003 GC).

It was resolved by the WALGA State Council as follows:

*“That the Model Heritage Strategy for Local Governments is endorsed and that WALGA recommends use of the resource by Local Governments when reviewing and preparing heritage strategies.”*

5.9 Interim Submission on the Seniors Housing Strategy Discussion Paper (05-036-03-0020 CG).

It was resolved by the WALGA State Council as follows:

*“That WALGA’s interim submission regarding Seniors Housing Strategy, Discussion Paper be endorsed.”*

5.10 Local Government and Tourism Position and Recommendations Paper (05-060-03-01 NH).

It was resolved by the WALGA State Council as follows:

*“That WALGA:*

- 1 *Continues to advocate for a Local Government tourism strategy to deliver local tourism outcomes;*
- 2 *In the short-medium term, advocates that the State Government:*
  - a. *Produces targeted communication and education for Local Government using existing Tourism WA data to demonstrate the value of tourism to local communities, Elected Members and Local Government officers;*
  - b. *Provides guidance for Local Government on marketing small projects including events and attractions; and,*

- c. *Directs Regional Development Commissions to facilitate the coordination of tourism stakeholders to provide strategic support where required for Local Government.*
- d. *Provides funding to Local Government for tourist infrastructure;*

3 *In the long term, advocates that the State Government:*

- a. *Articulates the lead agency and defines the roles of other agencies in tourism, to facilitate coordination and collaboration of tourism activities across the State and to enhance Local Government's understanding of tourism in WA;*
- b. *Defines and communicates how it provides destination marketing support to Local Governments and communicates how Local Governments can most effectively direct their resources;*
- c. *Develops a sustainable State Government tourism funding mechanism for both regional and metropolitan Local Governments which is clearly communicated to Local Governments;*
- d. *Implements and invests in Regional Investment Blueprints and delivers through appropriate funding models such as Royalties for Regions and federal funding opportunities and other sources, which is clearly communicated to Local Governments.*
- e. *Continues funding to support sustainability of visitor centres; and,*
- f. *Undertakes improvements to tourism-related infrastructure and technology including mobile signals and WIFI in regional areas.*
- g. *Undertakes measures to reduce the cost and improve the scheduling and routes of regional air services."*

5.11 Urban Forest (05-038-04-2211 LS)

It was resolved by the WALGA State Council as follows:

*"That WALGA:*

- 1 *Advocate and work with the State Government to further prevent the loss of urban tree canopy, which is a significant environmental and social issue for communities across the State; and*
- 2 *Work with member Councils to develop a system of appropriate market based and regulatory instruments to promote the increase in the urban tree canopy on private property."*

5.12 Post Border Biosecurity Policy Position and Recommendations to the State Government (03-05-046-03-001 MB)

It was resolved by the WALGA State Council as follows:

*"That WALGA:*

- 1 *Endorse the proposed post-border biosecurity policy position with:*
  - a) *The adoption of a recommendation for the re-instatement of an appropriately resourced Agriculture Protection Board; and,*

- b) *An amended policy position 3.2 to state that "Local Government are not supportive of Recognised Biosecurity Groups". WALGA's policy position in item 3.2 is to call on the State Government to adequately fund DAFWA for biosecurity officers to be able to administer full compliance regarding biosecurity matters.*
- 2 *Advocate for the State Government to implement the recommendations in the Position Paper, including a review of the operation and effectiveness of the Biosecurity and Agriculture Management Act 2007 as a priority."*

5.13 WALGA Annual General Meeting - Criteria for Member Motions (01-003-02-0001 TB)

It was resolved by the WALGA State Council as follows:

- A *That WALGA amend the Association's Corporate Governance Charter to provide for the following criteria in determining Member motions to be considered at an Annual General meeting:*

*Motions will be included in the Business Paper agenda where they:*

- 1 *Are consistent with the objects of the Association (refer to clause 3 of the constitution);*
- 2 *Demonstrate that the issue/s raised will concern or are likely to concern a substantial number of Local Governments in WA.*
- 3 *Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;*
- 4 *Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);*
- 5 *Are clearly worded and unambiguous in nature;*

*Motions will not be included where they are:*

- 6 *Consistent with current Association advocacy/policy positions. (As the matter has previously considered and endorsed by the Association).*

*Motions of similar objective:*

- 7 *Will be consolidated as a single item.*

- B *Determination of acceptable motions be carried out by WALGA's Executive Committee and the Terms of Reference of the Executive Committee be amended accordingly.*

5.15 Honours Panel Appointment (01-006-04-0001TB)

It was resolved by the WALGA State Council as follows:

*"That Non- Metropolitan State Councillors be invited to nominate for appointment to the WALGA Honours Panel and that President Cr Karen Chappel be appointed to the position."*



5.16B Selection Committee Interview Report (01-006-03-0011MD).

It was resolved by the WALGA State Council as follows:

*"That, as recommended by the Selection Committee Interview Panel, the following three candidates be put forward to the Minister for Local Government in order of preference for the appointment of one Country Rural Member to the WA Local Government Grants Commission be endorsed.*

- 1 *Cr Ian West Shire of Irwin*
- 2 *Cr Moira Girando Shire of Coorow*
- 3 *President Anthony Dean Shire of Nannup."*

8. ADDITIONAL ZONE RESOLUTIONS

At the WALGA North Zone Meeting held on 27 February 2017 the following was resolved:

*"That the North Zone of WALGA recommends to the WALGA State Council:*

- 1 *WALGA advocate on behalf of local government and engage with the Department of Sport and Recreation and Football West to inform them that the sector's role is to support community based sport and recreation development and that the development of elite / high level sport facilities should be funded through the State and State Sporting Association;*
- 2 *Local government authorities be engaged and consulted in the development of the Football West Strategic Plan and that it develops a sustainable model for the provision and management of NPL facility development and relegation to accordance with local government authorities' role."*

Subsequently WALGA State Council resolved that the resolutions from this zone meeting be referred to the appropriate policy area of WALGA (Planning and Community Development) for consideration.

**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.

**MOVED Mayor Pickard, SECONDED Cr Jones that Council NOTES the minutes of the Western Australian Local Government Association State Council meeting held on 1 March 2017 forming Attachment 1 to Report CJ039-04/17.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ050-04/17, page 102 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*To access this attachment on electronic document, click here: [External Minutes170411.pdf](#)*

**CJ040-04/17 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENTS</b>	Attachment 1 Documents executed by affixing the Common Seal during the period 8 March to 21 March 2017.
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 8 March to 21 March 2017 (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 executed by means of affixing the Common Seal for the period 8 March to 21 March 2017, as detailed in Attachment 1 to Report CJ040-04/17.*

**BACKGROUND**

For the period 8 March to 21 March 2017, four documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification.	1
Surrender of Lease.	1
Consent to Extinguish.	1
Restrictive Covenant.	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.

**MOVED** Mayor Pickard, **SECONDED** Cr Jones that Council **NOTES** the Schedule of Documents executed by means of affixing the Common Seal for the period 8 March to 21 March 2017, as detailed in Attachment 1 to Report CJ040-04/17.

The Motion was Put and **CARRIED** (11/0) by Exception Resolution after consideration of CJ050-04/17, page 102 refers.

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf170411.pdf](#)

## **CJ041-04/17 REPEAL LOCAL LAW 2017 - APPROVAL TO ADVERTISE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05885, 101515
<b>ATTACHMENTS</b>	Attachment 1 Draft <i>Repeal Local Law 2017</i> Attachment 2 <i>Bushfire Prevention and Control Local Law 1998</i> Attachment 3 <i>Extractive Industries Local Law 1998</i> Attachment 4 <i>Signs Local Law 2013</i> Attachment 5 <i>Amendment Local Law 2000</i> Attachment 6 <i>Amendment Local Law 2001</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

---

### **PURPOSE**

For Council to make the *City of Joondalup Repeal Local Law 2017* for the purposes of public advertising.

### **EXECUTIVE SUMMARY**

In 2012-13 the City undertook a review of its local laws, as required every eight years. The review identified a substantial number of the City's existing local laws were outdated and required amendment or repeal, with new local laws to be made. As a result, five new local laws have been gazetted, replacing 11 former local laws and repealing various parts of other local laws.

The *Animals Local Law 1999* and *Health Local Law 1999* are yet to be reviewed. This cannot occur until the newly proclaimed *Public Health Act 2016* is fully implemented, which will occur in stages over the next three to five years.

As a result, it is recommended to repeal the City's remaining local laws that are no longer relevant.

### **BACKGROUND**

During late 2012 and early 2013 the City undertook a statutory review of its local laws, as required every eight years. The review identified a substantial number of the City's existing local laws were outdated and required repeal or replacement.

Further to the outcomes of the review, including public consultation and feedback, a report was presented to Council at its meeting held on 19 March 2013 (CJ026-03/13 refers), at which Council resolved in part to repeal a number of its local laws pending development of replacement local laws. Since that time new local laws have been developed that are cognisant of the current legislation; more consistent with contemporary drafting standards; and better meet the operational enforcement needs of the City.

## DETAILS

The local laws that remain and have not been replaced to date are as follows:

- *Animals Local Law 1999.*
- *Bushfire Prevention and Control Local Law 1998.*
- *Extractive Industries Local Law 1998.*
- *Health Local Law 1999.*
- *Signs Local Law 1999.*
- *Amendment Local Law 2000.*
- *Amendment Local Law 2001.*
- *Animals Amendment Local Law 2008.*
- *Animals Amendment Local Law 2010.*

The *Animals Local Law 1999*, *Animals Amendment Local Law 2008*, *Animals Amendment Local Law 2010* and *Health Local Law 1999* are yet to be reviewed. This cannot occur until the newly proclaimed *Public Health Act 2016* is fully implemented, which will occur in stages over the next three to five years.

It is therefore proposed that the following local laws, or relevant sections thereof, be repealed:

- *Bushfire Prevention and Control Local Law 1998.*
- *Extractive Industries Local Law 1998.*
- *Signs Local Law 1999.*
- *Clauses 5, 5.1 and 5.4 of the Amendment Local Law 2000.*
- *Part 2 – Parking and Part 2 – Bushfire Prevention and Control of the Amendment Local Law 2001.*

A summary of why each local law is to be repealed is listed below:

### *Bush Fire Prevention and Control Local Law 1998*

The local law provides for the prevention, regulation, control and management of bush fires and the reduction of bush fire hazards within the City of Joondalup. The local law provides no added benefit to the provisions within the *Bush Fires Act 1954* and therefore the local law in its entirety is proposed to be repealed.

### *Extractive Industries Local Law 1998*

The local law prohibits the carrying on of an extractive industry unless by authority of a licence issued by the City. There currently is no land within the City of Joondalup in which an extractive industry activity is performed and any such use of land would be a planning scheme consideration. It is therefore proposed that the local law in its entirety be repealed.

### *Signs Local Law 1999*

The Joint Standing Committee on Delegated Legislation (JSCDL) has previously determined there are no provisions in Acts of Parliament that confer power to local governments to make local laws that provide offences for non-compliance over signs on private land. The regulation of signage and advertising devices is provided for under Section 150 and Part 13 Division 3 of the *Planning and Development Act 2005* and matters directly related to building control are contained within the *Building Act 2011*. Signage on local government property (including temporary signs on road reserves) is currently controlled via the *Local Government and Public Property Local Law 2013*. It is therefore proposed that the local law in its entirety be repealed.

Clauses 5, 5.1 and 5.4 of the *Amendment Local Law 2000*

These clauses relate to “vehicle wrecking” associated with the formerly repealed ‘Private Property Local Law 1998’. They are no longer of any effect as that principal local law has been repealed, however it is necessary to repeal these sections of the *Amendment Local Law 2000*. “Vehicle wrecking” and associated works are also now defined in the City’s *District Planning Scheme No. 2* and associated policies.

Part 2 – Parking and Part 7 – Bushfire Prevention and Control of the *Amendment Local Law 2001*

These parts relate to the former parking local law which has been subsequently repealed and the Bushfire Prevention and Control Local Law to be repealed as part of this repeal local law. It is therefore pertinent these parts of the *Amendment Local Law 2001* also be repealed.

**Issues and options considered**

Council can either:

- approve advertising of the draft *City of Joondalup Repeal Local Law 2017* for public advertising
- approve advertising of the draft *City of Joondalup Repeal Local Law 2017* for public advertising, subject to amendments  
or
- not approve the making of the draft *City of Joondalup Repeal Local Law 2017*.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Should the City not follow the local law creation process as detailed in the *Local Government Act 1995*, the local law may be recommended for disallowance by the Joint Standing Committee on Delegated Legislation (JSCDL).

**Financial / budget implications**

There are advertising and publishing costs associated with the implementation of the local law, anticipated at \$1,400. These costs are included within the 2016-17 Budget.



Current financial year impact

<b>Account no.</b>	1.522.A5202.3277.0000.
<b>Budget Item</b>	Advertising – Public / Statutory.
<b>Budget amount</b>	\$ 7,500
<b>Amount spent to date</b>	\$ 1,400
<b>Proposed cost</b>	\$ 1,400
<b>Balance</b>	\$ 4,700

Future financial year impact

Not applicable.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

As part of the local law-making process, the draft local law will be advertised for public comment for a minimum period of 42 days. Council is required to consider all submissions when deciding whether to formally make the local law.

**COMMENT**

The draft *City of Joondalup Repeal Local Law 2017* has been prepared based on the outcomes of the eight-year review of local laws and will result in the removal of those local laws that no longer offer any benefit to the City's operational enforcement needs.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Pickard, SECONDED Cr Jones that Council MAKES the *City of Joondalup Repeal Local Law 2017*, as detailed in Attachment 1 to Report CJ041-04/17, for the purposes of public advertising.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ050-04/17, page 102 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf170411.pdf](#)

## CJ042-04/17      INTERNATIONAL      ECONOMIC      DEVELOPMENT ACTIVITIES PLAN

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	104000, 101515
<b>ATTACHMENTS</b>	Attachment 1      Economic Development - International Activities Strategic Position Statement Attachment 2      Draft <i>International      Economic Development Activities Plan</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### PURPOSE

For Council to approve the *International Economic Development Activities Plan*.

### EXECUTIVE SUMMARY

In June 2016, the City commissioned the AEC Group to develop an *International Economic Development Activities Plan* (IEDAP) in order to provide clear guidance to the City on the key opportunities, priorities and specific activities to facilitate international relationships and progress international initiatives for the benefit of the local economy.

The City has been provided with a draft IEDAP and Council approval is now sought on the document.

*It is therefore recommended that Council ENDORSES the International Economic Development Activities Plan as detailed in Attachment 2 to Report CJ042-04/17.*

### BACKGROUND

One of the key objectives for the City's economic development activities is to develop the local economy to become more diverse, resilient and globally competitive. The City's *Economic Development Strategy, Expanding Horizons*, incorporates three specialist themes – Global City, Digital City, and Destination City - which underpin all activities in the strategy.

The global city specialist theme provides broad direction for the City's international activities by referencing internationally focused investment attraction campaigns, providing support for local businesses to develop and sustain overseas trade links, development of partnership activity to attract international talent to Joondalup, physical development of the City, and recognition of the high number of overseas migrants living in Joondalup and the positive impact of visiting friends and relatives.

Prior to the development of the IEDAP, the City had commenced a program of international activities including:

- presentation of investment attraction material in Shanghai and Jinan
- partnerships with key agencies including CCIWA and the Tourism Council to deliver workshops on the Free Trade Agreements and China Ready Programs
- meetings with key industry groups including tourism, aged care, education and information and communication technology
- meetings and on-going liaison with key government departments including the Department of State Development and Austrade.

In June 2016, the City commissioned the AEC Group to develop an IEDAP in order to provide clear guidance to the City on the key opportunities, priorities and specific activities to facilitate international relationships and progress international initiatives for the benefit of the local economy in line with the *Economic Development Strategy*.

The scope for the plan stipulated the requirement for initial research into those international markets that will provide the most potential for generating economic development of the local City of Joondalup economy by aligning with its current industry strengths and growth opportunities.

Further, it was specified that the IEDAP would be expected to deliver enhanced International networks and connections, raise the profile of the City as a place for international investment and provide opportunities for local businesses to engage in International trade (imports and exports).

The development of the IEDAP aligns with the City's Strategic Position Statement on Economic Development – International Activity endorsed by Council at its meeting held on 19 April 2016 (CJ055-04/16 refers) and shown at Attachment 1 to Report CJ042-04/17.

The development of the IEDAP also aligns with the City's *Economic Development Strategy, Expanding Horizons*, particularly the Global City and Destination City Specialist Themes which related directly to international engagement.

## DETAILS

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

The economic analysis included factors such as industry contribution to Gross Regional Product, the economic growth of the industry, percentage of overall jobs, the number of businesses and the potential for jobs growth compared to the national position.

Through this analysis it was identified that the following industries in almost all criteria have core strengths to be leveraged in the *International Economic Development Activities Plan*:

- Health and Medical (Aged Care) - The Health and Medical sector has been identified as one of Joondalup's high value sectors, based on capabilities in a wide range of areas. From an international perspective aged care service providers in Australia are considered to be high quality, as a result there is demand from Asian markets in particular to learn from local operators in areas such as facility development, aged care and the training and education of professionals in this industry. For this reason aged care is highlighted as one of the key opportunities for Joondalup to explore and develop further.

- Education and Training - International education and the attraction of international students is already a City of Joondalup strength. On this basis, the opportunities are more around adding value to the experience the international students have while they are in Joondalup and identifying ways to stay connected with the students once their studies are completed.
- Retail - The retail sector is identified as one of Joondalup's high value sectors and there is some major retail infrastructure in the region such as Lakeside Joondalup. The major international opportunities from a retail perspective relate to how the industry contributes and is part of other opportunities. For example, in relation to tourism, retail is part of the overall tourism package that is contributing to Joondalup as an emerging tourism destination. The retail experience in Joondalup is also a component of what will make the area attractive to international visitors and students.
- Tourism - Joondalup as a destination has some picturesque coastal areas and access to natural assets that are in close proximity to the Perth CBD. The challenge for Joondalup as a destination is there is not the critical mass of tourism related infrastructure in place to drive the attraction of international visitors. A priority for the existing tourism operators is to work collaboratively to identify and develop packages of tourism related opportunities that will enhance the visitor experience in Joondalup and encourage them to spend more time in the area.

The AEC Group interviewed a range of key stakeholders to inform the plan. A stakeholder list was provided by the City and included representatives from the City and the City's key stakeholders (including local businesses). The consultation activities included tourism groups, education providers, aged care providers, State Government Departments, business support agencies, business advocacy groups and major business stakeholders.

The draft IEDAP provides a 'Gaps and Opportunities Assessment' and a program of activities to be delivered over a two year time frame with specific targets included in the plan. The program of activities includes a suite of activities grouped under five strategic priorities namely:

- export development
- investment attraction
- international education
- profile raising
- infrastructure development.

The draft IEDAP provides a solid rationale and framework for the City to focus effort and resources effectively in order to attract international investment and assist businesses located in the City to diversify into the international marketplace.

### **Issues and options considered**

The development of the draft *International Economic Development Activities Plan* has included investigation of a number of international markets and activities with recommendations based on those international markets that are most likely to provide the largest economic return on investing City of Joondalup time and resources into developing international relationships.

Issues considered included:

- alignment of key industry types
- matching need and nexus

- opportunities for real strategic partnerships
- building on existing relationships and links (such as the Sister City Relationship with the City of Jinan)
- potential for strategic partnerships
- existing State or Federal Government programs/links
- ease of implementation (or of doing business).

Council can either:

- adopt the *International Economic Development Activities Plan* shown as Attachment 2 to Report CJ042-04/17
- adopt the *International Economic Development Activities Plan* with modifications or
- not adopt the *International Economic Development Activities Plan* shown as Attachment 2 to Report CJ042-04/17.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** This item has a general connection to all objectives in the Key Theme.

**Strategic initiative** This item has a general connection to all strategic initiatives in the Key Theme.

**Policy** The City's *Economic Development Strategy, Expanding Horizons*, provides the policy framework for the IEDAP.

### **Risk management considerations**

The City's *Economic Development Strategy, Expanding Horizons* includes significant emphasis on international activities. Each of the core strategic themes of the strategy includes a 'Global City' dimension. The IEDAP will support the delivery of the strategy, as well as the City's *Strategic Community Plan* vision through the articulation of a prioritised list of activities based on research and stakeholder consultation. Without such a plan there is the risk that the City's international activities will be ad hoc and not aligned to key industry strengths and market opportunities.

### **Financial / budget implications**

The delivery of the IEDAP will be delivered within endorsed budgets. All budget requests will be subject to the City's annual budget process.

### **Regional significance**

The IEDAP will contribute to the City's standing as the capital of the north metropolitan region by increasing the City's profile globally.

### **Sustainability implications**

The IEDAP has been developed to align with the *Economic Development Strategy* and to, therefore, create an environment that supports economic activity and investment.

## Consultation

The draft IEDAP was developed following extensive consultation with key stakeholders including City of Joondalup representatives, peak bodies, government agencies, businesses, education providers, aged care providers, information and technology companies, and tourism operators.

## COMMENT

The IEDAP recommends priority markets and a list of actions that will demonstrate the best value for money in terms of return on investment to the City and City stakeholders. Some of the recommended activities include:

- developing investment attraction campaigns (industry and/or market specific)
- engaging with local industry working groups
- developing partnerships with key State and Federal agencies
- developing networks with key International agencies
- developing a program to host business delegations
- participating in overseas trade fairs.

The return on investing resources into the priority actions will be measured by the growth in international economic development opportunities as well as profit growth generated (and reported) in local businesses through realising the international opportunities.

The delegation to China in 2015, led by Mayor Pickard, underscored the need for the City to have a clear well-researched plan for international engagement and corresponding activity in order to achieve its vision and strategic goals in a coherent and staged manner.

The IEDAP, following a schedule of stakeholder consultations, presents a prioritised list of international activities that are most likely to provide the City of Joondalup, key stakeholders and the community with economic outcomes by:

- raising the City's profile internationally
- leveraging from existing partnerships (such as the Sister City Relationship with Jinan)
- exploring priority markets
- increasing international investment.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Chester, SECONDED Mayor Pickard that Council ENDORSES the *International Economic Development Activities Plan* as detailed in Attachment 2 to Report CJ042-04/17.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf170411.pdf](#)

## **CJ043-04/17 LIST OF PAYMENTS DURING THE MONTH OF FEBRUARY 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of February 2017 Attachment 2 Chief Executive Officer's Delegated trust Payment List for the month of February 2017 Attachment 3 Municipal and Trust Fund Vouchers or the month of February 2017
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of February 2017.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of February 2017 totalling \$11,688,540.59.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for February 2017 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ043-04/17, totalling \$11,688,540.59.*

### **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 February 2017. 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 104566 - 104677 & EF061094 – EF061654 Net of cancelled payments.	\$7,056,172.73
	Vouchers 1869A – 1871A & 1876A – 1884A	\$4,626,417.86
Trust Account	Trust Cheques & EFT Payments 207101 - 207108 & TEF001068 – TEF001079 Net of cancelled payments.	\$5,950.00
<b>Total</b>		<b>\$11,688,540.59</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### Risk management considerations

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



**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2016-17 Annual Budget* as adopted by Council at its meeting held on 28 June 2016 (CJ080-06/16 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Pickard, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for February 2017 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ043-04/17, totalling \$11,688,540.59.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ050-04/17, page 102 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf170411.pdf](#)*

## CJ044-04/17      **FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882,101515
<b>ATTACHMENTS</b>	Attachment 1      Financial Activity Statement for the period ended 28 February 2017
<b>AUTHORITY/ DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the Financial Activity Statement for the period ended 28 February 2017.

### EXECUTIVE SUMMARY

At its meeting held on 28 June 2016 (CJ080-06/16 refers), Council adopted the Annual Budget for the 2016-17 financial year. Council subsequently amended the budget at its meeting held on 21 February 2017 (CJ019-02/17 refers). The figures in this report are compared to the revised budget as amended.

The February 2017 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$7,480,226 for the period when compared to the adopted budget.

**It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 28 February 2017 and results from a number of factors identified in the report.**

There are a number of factors influencing the favourable variance, but it is predominantly due to the timing of revenue and expenditure compared to the 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 \$6,039,868 higher than budget, made up of higher operating revenue \$1,056,571 and lower operating expenditure of \$4,983,297.

Operating revenue is higher than budget on Profit on Asset Disposals \$798,538, Fees and Charges \$96,716, Other Revenue \$80,594, Contributions, Reimbursements and Donations \$62,311, Grants and Subsidies \$15,877 and Interest Earnings \$11,168 offset by lower than budgeted revenue from Rates \$8,633.

Operating Expenditure is lower than budget on Materials and Contracts \$3,962,416, Employee Costs \$1,271,980, Utilities \$222,079, Loss on Asset Disposals \$10,292 and Interest Expenses \$413 offset by higher than budget expenditure for Insurance Expenses \$12,828 and Depreciation \$471,054.

The Capital Deficit is \$1,767,603 lower than budget. This is due to lower than budgeted expenditure on Capital Works \$3,028,585, Capital Projects \$269,859, Vehicle and Plant Replacements \$130,762 and higher than budgeted Capital Contribution revenue \$224,243 offset by lower than budgeted revenue for Capital Grants and Subsidies \$1,802,513 and lower Equity Distribution from Tamala Park Regional Council \$83,333.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 28 February 2017 forming Attachment 1 to Report CJ044-04/17.*

## **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 28 February 2017 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*.

**COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2016-17 revised budget or has been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Pickard, SECONDED Cr Jones that Council NOTES the Financial Activity Statement for the period ended 28 February 2017 forming Attachment 1 to Report CJ044-04/17.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ050-04/17, page 102 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf170411.pdf](#)*

## **CJ045-04/17      TENDER 002/17 - SUPPLY AND DELIVERY OF PRE-MIX CONCRETE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106322, 101515
<b>ATTACHMENTS</b>	Attachment 1      Schedule of Items Attachment 2      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by The Trustee for Ransberg Unit Trust T/as WA Premix for the supply and delivery of pre-mix concrete.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 18 January 2017 through statewide public notice for the supply and delivery of pre-mix concrete. Tenders closed on 2 February 2017. A submission was received from each of the following:

- The Trustee for Ransberg Unit Trust trading as WA Premix.
- Holcim (Australia) Pty Ltd.
- Boral Resources (W.A.) Ltd (Boral Concrete).

The submission from The Trustee for Ransberg Unit Trust trading as WA Premix represents best value to the City. It has been providing similar services to private and public organisations including the City of Cockburn. It demonstrated an understanding of the City's requirements. WA Premix has sufficient industry experience and the capacity to provide the goods and services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for Ransberg Unit Trust T/as WA Premix for the supply and delivery of pre-mix concrete as specified in Tender 002/17 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

### **BACKGROUND**

The City has a requirement for the supply and delivery of pre-mix concrete within the City of Joondalup on a when required basis for various maintenance works.

The City had a single contract in place with Boral Resources (W.A.) Ltd which will expire on 27 April 2017.

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 supply and delivery of pre-mix concrete was advertised through statewide public notice on 18 January 2017. The tender period was for two weeks and tenders closed on 2 February 2017.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for Ransberg Unit Trust trading as WA Premix.
- Holcim (Australia) Pty Ltd.
- Boral Resources (W.A.) Ltd (Boral Concrete).

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

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

### **Evaluation Panel**

The evaluation panel comprised four members:

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

The panel carried out the assessment of 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:

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Capacity	45%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

## **Compliance Assessment**

The submission from The Trustee for Ransberg Unit Trust trading as WA Premix was assessed as fully compliant.

Holcim (Australia) Pty Ltd and Boral Resources (W.A.) Ltd (Boral Concrete) were assessed as partially compliant. Both tenderers proposed amendments to the conditions of contract, in particular, delivery date and time.

The offers were included for further assessment on the basis that clarifications could be sought from Holcim (Australia) Pty Ltd and Boral Concrete, if shortlisted for consideration.

## **Qualitative Assessment**

Boral Concrete scored 53.2% and was ranked third in the qualitative assessment. The company has been providing similar services to WA local governments including the Cities of Fremantle, Wanneroo and Joondalup. Though it did not fully address the ability to provide additional personnel, the company has sufficient capacity to carry out the works for the City. It demonstrated its understanding of the required tasks. However, it proposed 48 hours delivery time which does not meet the City's required timeframe (24 hours notice) for delivery.

Holcim (Australia) Pty Ltd scored 57.5% and was ranked second in the qualitative assessment. The company has industry experience and the capacity to provide the services. However, it submitted a brief response to demonstrate its understanding of the City's requirements. Holcim (Australia) Pty Ltd proposed a minimum five business days' delivery time which does not meet the City's required timeframe (24 hours' notice) for delivery. The ability to provide additional personnel and resources were not addressed. Referee contacts were not provided.

WA Premix scored 57.8% and was ranked first in the qualitative assessment. It demonstrated an understanding of the City's requirements. It has been providing similar services to private and public organisations including the City of Cockburn (completed 10 years supply of pre-mix concrete for footpath and kerbing works and is the incumbent supplier). WA Premix has sufficient industry experience and the capacity required to provide the services to the City.

Given the minimum acceptable qualitative score of 50%, all tenderers qualified for stage two of the assessment.

## **Price Assessment**

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

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
WA Premix	\$133,055	\$135,716	\$138,430	\$407,200
Holcim (Australia) Pty Ltd	\$133,096	\$135,758	\$138,473	\$407,328
Boral Concrete	\$137,148	\$139,891	\$142,689	\$419,728

During 2015-16, the City incurred \$99,870 for pre-mix concrete.

### **Evaluation Summary**

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Total Estimated Contract Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
WA Premix	1	\$407,200	1	57.8%
Holcim (Australia) Pty Ltd	2	\$407,328	2	57.5%
Boral Concrete	3	\$419,728	3	53.2%

Based on the evaluation result the panel concluded that the tender from WA Premix provides best value to the City and is therefore recommended.

### **Issues and options considered**

The City has a requirement for the supply and delivery of pre-mix concrete within the City of Joondalup on a when required basis for various maintenance works. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

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

#### **Legislation**

A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$150,000.

#### **Strategic Community Plan**

##### **Key theme**

Quality Urban Environment.

##### **Objective**

Quality built outcomes.

##### **Strategic initiative**

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

##### **Policy**

Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be high as pre-mix concrete is needed for the maintenance of footpaths and other concrete works within 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 sufficient industry experience and capacity to provide the goods and services to the City.

### Financial / budget implications

<b>Account no.</b>	Various Maintenance and Capital Works accounts.
<b>Budget Item</b>	Pre-mix concrete.
<b>Budget amount</b>	\$133,363
<b>Amount spent to date</b>	\$ 72,852
<b>Proposed cost</b>	\$ 22,176
<b>Balance</b>	\$ 38,335

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

The proposed project will enhance the amenity of public space, the safety of the public environment and the value of City assets.

### 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 The Trustee for Ransberg Unit Trust T/as WA Premix represents best value to the City.

### VOTING REQUIREMENTS

Simple Majority.

**MOVED Mayor Pickard, SECONDED Cr Jones that Council ACCEPTS the tender submitted by The Trustee for Ransberg Unit Trust T/as WA Premix for the supply and delivery of pre-mix concrete as specified in Tender 002/17 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ050-04/17, page 102 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf170411.pdf](#)

## **CJ046-04/17      TENDER 004/17 - INSTALLATION, MAINTENANCE AND WATERING OF STREET TREES FOR THE CITY OF JOONDALUP LEAFY CITY PROGRAM**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106394, 101515
<b>ATTACHMENTS</b>	Attachment 1      Schedule of Items Attachment 2      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by Baroness Holdings Pty Ltd T/As Tree Planting and Tree Watering for the installation, maintenance and watering of street trees for the *City of Joondalup Leafy City Program*.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 4 February 2017 through statewide public notice for the installation, maintenance and watering of street trees for the *City of Joondalup Leafy City Program*. Tenders closed on 21 February 2017. A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Horizon West Landscape & Irrigation Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.
- The Trustee for the Firhill Trust trading as MCL Commercial Services.
- Eighth Street Pty Ltd trading as Ligna Construction.
- Sheoak's – Cirillo Pty Ltd trading as Sheoak's Landscapes.
- Baroness Holdings Pty Ltd trading as Tree Planting and Tree Watering.

The submission from Baroness Holdings Pty Ltd T/As Tree Planting and Tree Watering represents best value to the City. It demonstrated a thorough understanding and appreciation of the City's requirements. The company demonstrated considerable experience in providing tree planting, maintenance and watering services to the Town of East Fremantle and the Cities of Melville and Canning. It is well established with proven capacity to provide the goods and services to the City.

*It is recommended that Council ACCEPTS the tender submitted by Baroness Holdings Pty Ltd trading as Tree Planting and Tree Watering for the installation, maintenance and watering of street trees for the City of Joondalup Leafy City Program as specified in Tender 004/17 at the submitted schedule of fixed rates with following timelines:*

- 1 *installation of street trees in the suburbs of Heathridge, Beldon and Craigie to be completed by 30 June 2017 and in the suburbs of Kinross, Padbury and Currambine by 31 August 2017;*
- 2 *on-going maintenance and watering of those trees to be for a period of two years from the completion of the installation.*

## **BACKGROUND**

The vision for a *Leafy City Program* was adopted to increase urban forests throughout the City of Joondalup. The program was included in the *Five Year Capital Works Program* with funding allocated from 2015-16 through to 2021-22.

The suburbs of Heathridge, Beldon, Craigie, Kinross, Padbury and Currambine were selected in the first part of this program (2015-16 to 2018-19).

The contract for the installation, maintenance and watering of street trees in these suburbs shall be for a period of up to six weeks for the installation of the trees from the contract commencement date. The installation of street trees in the suburbs of Heathridge, Beldon and Craigie is to be completed by 30 June 2017 and in the suburbs of Kinross, Padbury and Currambine by 31 August 2017. Thereafter, on-going maintenance and watering of those trees is to be for a period of two years from the completion of the installation.

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

## **DETAILS**

Tenders were advertised on 4 February 2017 through statewide public notice for the installation, maintenance and watering of street trees for the *City of Joondalup Leafy City Program*. The tender period was for two weeks and tenders closed on 21 February 2017.

### **Tender Submissions**

A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Horizon West Landscape & Irrigation Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.
- The Trustee for the Firhill Trust trading as MCL Commercial Services.
- Eighth Street trading as Ligna Construction.
- Sheoak's – Cirillo Pty Ltd trading as Sheoak's Landscapes.
- Baroness Holdings Pty Ltd trading as Tree Planting and Tree Watering.

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

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

## Evaluation Panel

The evaluation panel comprised four members:

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

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

## Compliance Assessment

All submissions received were assessed as compliant and remained for further consideration.

## Evaluation Method and Weighting

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	45%
2	Demonstrated experience in completing similar projects	25%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

## Qualitative Assessment

Ligna Construction scored 12.8% in the qualitative assessment. It did not demonstrate experience providing similar services. The company did not submit any response to demonstrate its understanding of this requirement and does not have the capacity to provide the services.

Sheoak's Landscapes scored 29.1% in the qualitative assessment. The company did not demonstrate sufficient experience providing similar services. Its submitted project examples had limited similarity to the City's requirements and included site remediation and hard and soft landscaping of Davis Park at Beaconsfield for the City of Fremantle, renovation of pool deck landscapes for The Rendezvous Hotel and supply and installation of water features and irrigation system upgrades of Fremantle Cemetery for Metropolitan Cemeteries Board. Sheoak's Landscapes did not demonstrate adequate understanding of the required tasks nor the capacity to provide the services.

MCL Commercial Services scored 52.9% in the qualitative assessment. The company demonstrated experience providing landscape maintenance services to Freemason Homes, Goodstart Early Learning Centres, Cockburn Central, AMP Capital Properties, Lend Lease and 5D Property Group and tree watering services to the City of Wanneroo and Main Roads WA. The company did not demonstrate a sufficient understanding of the required tasks. It failed to demonstrate adequate resources to undertake the watering twice a week in peak season within the operational hours stated in the tender.

Horizon West Landscape and Irrigation scored 56% in the qualitative assessment. The company demonstrated the capacity to provide the services, however it did not provide details of any water trucks. It did not demonstrate sufficient experience providing similar services. The submission provided details of only two service examples – garden, turf, irrigation and playground maintenance for the City of Fremantle and general garden maintenance of The Village Estate, Wellard. Other estate maintenance projects were referred to in project reference sheets without any detailed scope of work. The company did not demonstrate sufficient understanding of the required tasks, supplying a general response that did not address installation, maintenance and watering.

Environmental Industries scored 61.3% in the qualitative assessment. It demonstrated a thorough understanding of the required tasks. It also demonstrated considerable experience in providing tree watering services to Landcorp and Downer Mouchel, installation and watering of trees for Perron Group, grounds maintenance of Burswood Park and hand watering of Kings Square. The company has the capacity to provide the services but did not provide its safety policy, safety records and after hours contacts for emergency requirements.

LD Total scored 74.7% in the qualitative assessment. It demonstrated extensive experience in providing similar services to private organisations and local governments including the Cities of Wanneroo, Cockburn and Kwinana and Satterley Property Group. It also provides turf maintenance, garden maintenance and irrigation management of 14 TAFE and six MRA sites and garden, turf and irrigation maintenance to Brightwater Group and St John of God Hospital. The company is well established and has the capacity and understanding to provide the services.

Tree Planting and Tree Watering scored 78.5% in the qualitative assessment. It demonstrated a thorough understanding and appreciation of the City's requirements. The company demonstrated considerable experience providing similar services to local governments and private organisations and has tree maintenance and watering contracts with the Cities of Melville and Canning and the Town of East Fremantle. The company's clientele includes Melville High School, Ligna Construction, Beaconsfield Primary School, Deep Green Corporation and the City of Stirling. It is established with proven capacity to provide the goods and services to the City.

Based on the minimum acceptable score (60%), Tree Planting and Tree Watering, LD Total and Environmental Industries qualified to progress for the stage two assessment.

### **Price Assessment**

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

To arrive at the estimated financial value of the tender, the tendered rates offered by the tenderers have been applied to estimated usage of all items in the schedule.

The rates are fixed for the term of the Contract.

<b>Tenderer</b>	<b>Total Estimated Contract Price</b>
Tree Planting and Tree Watering	\$599,714
LD Total	\$942,633
Environmental Industries	\$1,055,070

## Evaluation Summary

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

Tenderer	Total Estimated Contract Price	Price Ranking	Qualitative Ranking	Weighted Percentage Score
Tree Planting and Tree Watering	\$599,714	1	1	78.5%
LD Total	\$942,633	2	2	74.7%
Environmental Industries	\$1,055,070	3	3	61.3%

Based on the evaluation result the panel concluded that the tender of Tree Planting and Tree Watering provides best value to the City and is therefore recommended.

## Issues and Options Considered

Installation, maintenance and watering of street trees for the City's *Leafy City Program* are required to increase the City's urban forests. The City does not have the internal resources to provide the required services and requires an appropriate external supplier to undertake the services.

## Legislation/Strategic Plan/Policy Implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

## Strategic Community Plan

**Key themes** Quality urban environment.  
The natural environment.

**Objectives** Quality open spaces.  
Environmental resilience.

**Strategic initiatives** Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

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

**Policy** Not applicable.

While there is no policy underpinning the proposed program, associated City plans for reference are as follows:

- *Environment Plan 2014 – 2019.*
- *Landscape master Plan 2009 – 2019.*

- *Climate Change Strategy 2014 – 2019.*
- *Biodiversity Action Plan 2009 – 2019.*
- *City Water Plan 2012 – 2015.*
- *Yellagonga Catchment Management Plan.*

### **Risk Management Considerations**

Should the contract not proceed, the risk to the City will be moderate as the City will not be able to progress with the *City of Joondalup Leafy City Program*.

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

### **Financial/budget implications**

<b>Project Number:</b>	SSE2057.
<b>Budget Item:</b>	<i>Leafy City Program.</i>
<b>Estimated Budget Amount (2016/17):</b>	\$ 500,000 (\$200,000 apportioned for this contract).
<b>Amount spent to date:</b>	\$ 310,291 (actual and commitments).
<b>Proposed Cost (2016/17):</b>	\$ 80,304
<b>Balance:</b>	\$ 109,405

The balance amount including any unused surplus funds will be carried forward and applied in the future years of the program.

The adopted *Five Year Capital Works Program* allocates \$500,000 in each of the proposed contract years 2017-18 and 2018-19.

All amounts quoted in this report are exclusive of GST.

### **Regional Significance:**

Not applicable.

### **Sustainability Implications:**

#### Environmental

The provision of trees is a climate change mitigation strategy as outlined in the *City's Climate Change Strategy 2014-2019*.

Natural shade from a mature tree canopy reduces exposure to ultra-violet rays and provides additional benefits such as:

- reduces ambient air temperature via transpiration through leaves
- makes communities more liveable for people and their activities
- contributes to general health and well being
- oxygenate and clean the air
- provide canopy and habitat for wildlife
- helps prevent soil erosion
- reduces evaporation and wind speed.

### Social

Outdoor activity is encouraged and the provision of shaded spaces combined with other sun protection practices contributes to a healthier environment for the community.

### Economic

Capital and on-going maintenance costs for enhanced urban forest initiatives will have the potential to be a large financial impact for the City.

### **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 Tree Planting and Tree Watering represents best value to the City.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Pickard, SECONDED Cr Jones that Council ACCEPTS the tender submitted by Baroness Holdings Pty Ltd trading as Tree Planting and Tree Watering for the installation, maintenance and watering of street trees for the City of Joondalup *Leafy City Program* as specified in Tender 004/17 at the submitted schedule of fixed rates with following timelines:**

- 1 installation of street trees in the suburbs of Heathridge, Beldon and Craigie to be completed by 30 June 2017 and in the suburbs of Kinross, Padbury and Currambine by 31 August 2017;**
- 2 on-going maintenance and watering of those trees to be for a period of two years from the completion of the installation.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ050-04/17, page 102 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf170411.pdf](#)*



## **CJ047-04/17      ADVENTURE PARK TRIAL AT WENTWORTH PARK, PADBURY**

<b>WARD</b>	South-West	
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services	
<b>FILE NUMBER</b>	26565, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Wentworth Park Location Plan
	Attachment 2	Examples of play spaces
	Attachment 3	Wentworth Park Infrastructure Location Plan
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

### **PURPOSE**

For Council to consider the request for a community initiated adventure playground in Wentworth Park, Padbury.

### **EXECUTIVE SUMMARY**

At its meeting held on 19 July 2016 (C35-07/16 refers), Council requested the Chief Executive Officer prepare a report on community initiated adventure play grounds including, but not limited to, community engagement, design, funding, on-going maintenance and risk mitigation arrangements, with Wentworth Park in Padbury identified as the pilot trial.

Wentworth Park, Padbury is located within the South-West Ward and consists of approximately 0.5 hectares of non-irrigated parkland. The park is square in shape with footpaths extending through the park from each corner (Attachment 1 refers).

Existing infrastructure on Wentworth Park includes:

- playground
- seating
- park sign.

The condition audit listed the play equipment in Wentworth Park as a priority five for replacement / renewal (priority one being the highest priority). In accordance with the priority listing, Wentworth Park play equipment replacement / renewal has been proposed for consideration in 2020-21 of the draft *Five Year Capital Works Program*.

In terms of the community initiated adventure play grounds, there are a number of risk, liability and legal aspects applicable in relation to third parties constructing play spaces for children. Therefore the City should install such spaces in accordance with Australian Standards, established design parameters and associated budget provisions.

*It is therefore recommended that Council:*

- 1 NOTES the risks and issues associated with community initiated adventure playground design, construction and maintenance;*
- 2 DOES NOT SUPPORT the community initiated adventure playground design, construction and maintenance;*
- 3 NOTES that Wentworth Park play space renewal is currently listed in 2020-21 of the draft Five Year Capital Works Program;*
- 4 NOTES that the City will engage with the community during the design phase of the play space renewal as per the City's Community Consultation and Engagement Policy.*

## **BACKGROUND**

At its meeting held on 19 July 2016 (C35-07/16 refers), Council resolved the following:

*"That Council REQUESTS the Chief Executive Officer to prepare a report on community initiated adventure play grounds including, but not limited to, community engagement, design, funding, on-going maintenance and risk mitigation arrangements, with Wentworth Park in Padbury identified as the pilot trial."*

The reason for the Notice of Motion was stated as follows:

*"...Residents living around the vicinity of Wentworth Park in Padbury expressed a strong desire to enhance their local pocket park to make it more of an interesting and useful community public space for residents than it currently is. Residents proposed a mini adventure park made of materials sourced mostly by themselves, designed and built by themselves in a nature play ground configuration. The park is surrounded by residents with a variety of trades, and some have already visited the adventure parks in Minim Cove in Mosman Park and Webber Park in Willagee to get design ideas and observe the professional standard of construction that would be required.*

*They are not asking for any formal funding from the City (except maybe an application for a Community Development grant to cover part of the cost) and are potentially willing to pay for certification by Kidsafe. I believe the City of Melville's arrangements regarding procedures and coverage by the City's insurance could apply to this project. Apparently such installations can be covered by the City's LGIS public liability insurance if they are called an "adventure park" rather than a "nature park".*

*The possibility of allowing residents to build their own "adventure park" for children needs to come before Council, due to the public liability/insurance implications, and the fact it has not been permitted to date within the City of Joondalup. During the recent two day Parks and Leisure conference that I attended, I discovered that at least three other local governments in Perth have permitted their community to build and maintain an adventure park, those being the Town of Mosman Park (where the very large Russell Brown Adventure Park is located), the City of Fremantle (Gold Street Park – extensive community involvement but not really an adventure park) and the City of Melville (where an adventure park has been built within Webber Park, noted as being a very good outcome).*

*I also note that “Russell Brown Adventure Park” at Minim Cove (Mosman Park) was built in collaboration of the Rotary Club and Mens Shed of Mosman Park. I have discussed this idea with both the Joondalup Mens Shed and the Lions Club of Whitford and they have tentatively indicated support if the Wentworth Park pilot is supported by Council to proceed.”*

Examples of the aforementioned play spaces are shown as Attachment 2 to Report CJ047-04/17.

All parks are classified under the City's *Parks and Public Open Spaces Classification Framework* (PPOSCF). The current PPOSCF and the revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets, outlines the classification of all parks within the City of Joondalup and determines the type of infrastructure supported within each classification (for example, playgrounds and sporting infrastructure).

Wentworth Park, Padbury, is classified as a local park in the City's current PPOSCF and in the revised PPOSCF it is classified as a local recreation park. Local parks are designed for short stay usage for recreational activities. The existing and revised PPOSCF provide guidelines as to the level and type of infrastructure appropriate for the classification of the park. The only asset supported in this classification is park name signage. Optional assets are listed as:

- irrigation
- path network
- picnic structures
- play equipment
- seating (benches)
- security lighting
- sports infrastructure (recreational).

The existing playground at Wentworth Park is of a medium size, containing a combination unit, swing set and double rocker located in sand soft-fall. In 2012 the City completed a condition audit on existing play equipment on parks within the City. The audit results provided a prioritised list for replacement / renewal from Category 1 through to Category 13. Wentworth Park play equipment falls in to Category 5 and is listed for consideration for replacement/renewal in 2020-21 of the draft *Five Year Capital Works Program*.

The nearest parks with play equipment are located at the following:

- Forrest Park (listed for consideration for renewal in 2019-20).
- Byrne Park (listed for consideration for renewal in 2021-22, subject to playground rationalisation).
- Simpson Park (listed for consideration for renewal in 2020-21).
- Fraser Park (listed for consideration for renewal in 2028-29).

## DETAILS

The notice of motion provides three examples of other local governments in Perth that have permitted their community to build and maintain an adventure park which are as follows:

- Russell Brown Adventure Park, Town of Mosman Park.
- Gold Street Park, City of Fremantle.
- Webber Park, City of Melville.

On face value, the examples provided appear to be the same as the pilot trial requested for Wentworth Park, however, each project has underlying unique parameters which render the projects incomparable to the proposed pilot trial.

#### RUSSELL BROWN ADVENTURE PARK, TOWN OF MOSMAN PARK

##### *Similarities to Wentworth proposal:*

- Nature-play installation.

##### *Differences to Wentworth proposal:*

- The community did not single-handedly design and construct the playground. Design was undertaken by professional company (Nature Based Play), with community input in the design and assistance with the construction.
- The design was undertaken by qualified designers with structural knowledge, professional industry standards and an experienced understanding of public facility design.
- The design was assessed, reviewed and approved by the Town of Mosman Park. This provided an additional level of scrutiny to ensure structural and safety compliance.
- Although materials were sourced jointly by the community and Nature Based Play, all materials were inspected and approved by Nature Based Play prior to installation to ensure compliance with Australian standards and that they were an appropriate play item.
- Installation and construction by the local community was conducted under the guidance and supervision of Nature Based Play ensuring the construction was sound and that all safety and liability concerns were addressed.

##### *Critical considerations:*

- The playground was designed and constructed under a professional experienced company.
- The playground falls under the Town of Mosman Park's public liability insurance as the playground is a City asset, rather than a community asset (which would have no insurance).
- The maintenance and responsibility for the upkeep of the playground is conducted by the Town of Mosman Park. This is important as it ensures minimum standards are consistently met on an on-going basis, whereas maintenance by the community would rely on personal individual commitment which cannot be guaranteed and quality of work cannot be ensured.
- The Town of Mosman Park conducted an audit of the playground after completion in order to identify and mitigate critical risk and ensure compliance with the Australian Standards.

##### *Issues:*

- The community building the playground were neither employed by Nature Based Play, nor the City and it is unlikely that they would have been covered by either entities' public liability or workers compensation insurances. Therefore, there would be risk to the City, during installation and construction for both the community members undertaking the installation and the general public accessing the public open space.

- Design, material, construction and supervision and on-going maintenance costs. These need to be considered in view of asset provision for the type of public open space and what is an appropriate level of provision for the type of park.
- Community projects represent a snapshot in time of that particular community's desires with no guarantee of future community support. This is because all communities age (children grow up) and new people move into the area that were not part of the original project and may not share the original community views.

### GOLD STREET PARK - CITY OF FREMANTLE

#### *Similarities to Wentworth proposal:*

- Nature-play installation.

#### *Differences to Wentworth proposal:*

- There is a historical precedent as the park was originally built by the community 20 years ago and the same community members still reside in the area. This is important from a long-term resident commitment to the project.
- Project design was managed by two professional companies - Earthcare in partnership with UDLA Landscape Architects. The design was undertaken by qualified designers with structural knowledge, professional industry standards and an experienced understanding of public play equipment design.
- The design was assessed, reviewed and approved by the City of Fremantle. This provided an additional level of scrutiny to ensure structural and safety compliance.
- Installation and construction was managed by Earthcare and UDLA, with community support and the assistance of City officers regarding technical advice and risk management.
- The project was initiated by the City who invited the community to provide input as part of the capital works replacement of the playground equipment.
- The community involvement was through 'The Friends' of Gold Street Park'. Friends' groups commonly have agreements with local governments and insurance coverage in place to undertake work on Crown land with the relevant local governments' permission. Furthermore, Friends' groups add a level of certainty to project completion as the groups have a demonstrated commitment through the completion of other projects previously undertaken.

#### *Critical considerations:*

- Community consultation in the replacement of play equipment is a City of Fremantle policy requirement.
- The playground falls under the City of Fremantle public liability insurance as a City asset, rather than a community asset which would have no insurance.
- The maintenance and responsibility for the upkeep of the playground is conducted by the City of Fremantle.
- Technical advice audits and risk management was undertaken by the City of Fremantle.

#### *Issues:*

- Design, material, construction and supervision and on-going maintenance costs. These need to be considered in view of asset provision for the type of public open space and what is an appropriate level of provision for the type of park.
- Replacement at end of life-cycle was not considered by the City as Fremantle does not have a formal playground asset replacement / renewal program.

WEBBER PARK - CITY OF MELVILLE (most similar to the pilot trial at Wentworth Park)*Similarities to Wentworth proposal:*

- Nature-play installation.
- Community-funded.
- Design by the community.
- Installation by the community.

*Differences to Wentworth proposal:*

- Webber Park project was undertaken as a part of a community funding project entitled "Robin Hood". Fifty applications were received and five projects were approved by the community via an online vote.

*Issues:*

- No safety play audits were undertaken therefore there is no mechanism to measure compliance of the play equipment with the Australian Standards or to measure risk.
- In this case one of the community members was an architect, however, there is no guarantee with community builds that the community involved will have the required structural, design and industry knowledge required to design and install a safe, structurally sound public playground.
- The playground is not covered by City insurances. There is an agreement in place between the community and the City that public liability and responsibility for the playground rests with the community. However, as the City is the holder of the management order for the public open space, it is questionable whether liability can be transferred to a third party.
- The agreement also includes that the community who installed the playground use it at their own risk. This agreement does not cover other members of the public accessing the public open space who are not party to the agreement and have no knowledge of the agreement.
- There are no signs indicating the playground is not covered by City insurance and that it is used at a person's own risk.
- There was no requirement within the project scope that any design, structural construction, maintenance and Australian Standards were to be met, yet the public perception would be that the playground would be a City playground and meet all the required standards.
- As per the agreement between the community and the City, the playground is to be maintained by the community. This raises questions of workers compensation and public liability should an accident occur during the maintenance and use of the playground.
- There is no mechanism in place for ensuring a minimum standard of management and maintenance by the community or continuity if the community lost interest in the project.

## Issues and options

The reasons provided in support of the notice of motion refers to the use of terminology such as "adventure park" in lieu of "nature play" as the terminology was required for the City of Melville's public liability insurance. It is unclear how the naming protocol used by the City of Melville effects public liability. During discussions with officers from the City of Melville, the Rio Tinto Adventure Park in Kings Park was mentioned as an example. In this case, the use of the term 'adventure' in lieu of 'nature-play' did not have liability implications as the park is vested as an 'educational facility' rather than a 'play space'. The requirements of the 'educational facility' naming protocol however, include management implications such as controlled access and supervisory staff on the ground during operational hours.

The issues and considerations regarding the community design and installation of an adventure playground utilising Wentworth Park, Padbury are as follows:

	Issues	Way Forward
Legal requirements and risk	<p>The City holds the management order for Crown Land. Therefore, the City is responsible for assets, infrastructure, management and maintenance of the land. Exceptions include easements usually for service connections.</p> <p>The City does have legal agreements in place that allows community organisations, such as Friends' Groups to conduct and maintain works on City-managed land with approval from the City, but this does not include or make provision for the general public undertaking projects in public open space.</p> <p>Creating and enabling community organisations to design, construct and maintain playgrounds could be costly to the community organisation. There would need to be a high level of involvement from a professional third-party to ensure design, construction and maintenance meet the various safety and structural standards and requirements. Insurances would add an extra dimension of complexity and cost.</p>	The design, construction and maintenance responsibility is to rest with the City.
Commitment certainty - maintaining community commitment support and interest	Community support and input is variable, dependent on individual circumstances, aging populations and community members moving in and out of the area. This can influence community projects that are built over time and are required to be maintained indefinitely.	The design, construction and maintenance responsibility is to rest with the City.
Design and construction risk and liability	<p>The City's process for anyone undertaking the design and construction of works in Public Open Space (POS) includes the following requirements as set out in the standard Request for Tender (RFT) and Request for Quote (RFQ):</p> <ul style="list-style-type: none"> <li>Public Liability Insurance - \$10 million.</li> <li>Motor Vehicle Insurance - \$10 million.</li> </ul>	The community would not be able to meet the criteria for the design, construction and maintenance of a playground,

	Issues	Way Forward
	<ul style="list-style-type: none"> <li>• Products Liability Insurance - \$5 million.</li> <li>• Professional Indemnity Insurance - \$5 million.</li> <li>• Workers Compensation - \$50 million or as per the <i>Workers Compensation and Injury Management Act 1981</i> (WA).</li> <li>• Capacity to undertake work must be demonstrated including qualifications and or accreditation and industry experience.</li> <li>• Demonstrated experience providing similar services.</li> </ul>	which will put the City and the general public at potential risk. Therefore the design, construction and maintenance should be undertaken and managed by the City officers who are covered by the required insurances and have demonstrated qualifications and experience.
Management and maintenance risk and liability	Maintenance of POS by the City is covered by City insurances, however there is no provision for the general public undertaking maintenance outside of an organisation where there is no legal agreement.	Maintenance and replacement will need to be undertaken by the City.
Responsibility and accountability	As per the standard RFT and RFQ process, a specific entity is responsible for the carrying out of works. A project undertaken by the general public has risk of non-completion as there is no legal responsibility. This is also a risk that the on-going maintenance will not be undertaken and there will be no eventual decommissioning or replacement of the playground by the community.	Playgrounds should remain under the management and control of the City.
Compliance with minimum standards	As a minimum requirement all of the City's playgrounds are designed and constructed to meet Australian Standards. The Australian Standards govern the design and construction of playgrounds to a risk level where permanent disfigurement, disability or death are factored out. Injuries can still occur, but the level of severity is controlled. This is achieved through an exhaustive amount of design, construction and maintenance controls and requirements, which City playgrounds are designed, constructed and maintained to meet, thus ensuring a standard of safety while allowing children to develop healthy risk awareness without overprotection.	The design and construction will need to be undertaken and managed by the City officers who are qualified to meet the required standards.



	<b>Issues</b>	<b>Way Forward</b>
	The standards are maintained by both an internal and external auditing process throughout the lifecycle of the playground. While the Australian Standards cover most areas of playground design, there are areas where there are gaps. In these cases, the City would conduct a risk assessment at the design stage to ensure risk levels are acceptable.	
Ownership	As the holder of the Management Order to the public open space the City is ultimately responsible for the ownership and eventual replacement of the playground.	The playground will need to meet the City's standard management and maintenance protocols and align with the PPOSCF with the level of acceptable asset provision for the type of park.
Reputational risk	Should an accident occur in the playground and upon investigation it is found that the playground is not compliant with the Australian Standards, has not been audited or undergone risk assessments, has not be designed or constructed by a qualified professional and is not covered by insurances, the City will be at reputational risk.	The design and construction will need to be undertaken and managed by the City officers who are qualified to meet the required standards, audits, risk assessments and insurances.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

**Policy** Not applicable.

## Risk management considerations

Based on the issues and considerations identified in the table above, it is evident that community initiated adventure playgrounds have numerous risk management implications which cannot be mitigated without the City undertaking the design, construction and maintenance of the play space.

## Financial / budget implications

### Current financial year impact

The playground renewal is listed for consideration in 2020-21 of the draft *Five Year Capital Works Program*.

<b>Capital cost</b>	The play space renewal for Wentworth Park is listed for consideration with a budget of \$110,000.00.
<b>Annual operating cost</b>	The annual operating cost is contained within existing operational budgets.
<b>Estimated annual income</b>	Not applicable.
<b>Capital replacement</b>	Estimated 20 years.
<b>20 Year Strategic Financial Plan impact</b>	The capital cost for replacement of park assets is included in the <i>20 Year Strategic Financial Plan</i> .
<b>Impact year</b>	2020-21.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

The City has discussed the project examples of Russell Brown Adventure Park, Gold Street Park and Webber Park in depth with the Town of Mosman, City of Fremantle and City of Melville. Legal advice has also been obtained, as well as advice from the Landscape Architects who designed the Rio Tinto Adventure Park (with regards to the naming convention).

Consultation with the local community in accordance with the City's *Community Consultation and Engagement Policy* will be undertaken as part of the play ground renewal project currently listed for consideration in 2020-21 of the draft *Five Year Capital Works Program*.

## COMMENT

Wentworth Park's play space is listed for consideration for replacement / renewal in 2020-21 of the draft *Five Year Capital Works Program*. The design will focus on inclusivity for the majority of users accommodating a wide age group from two to 12 years old. A combination of nature play items and off-the shelf equipment will be included in the design to support childhood social- and basic motor skill development through swinging, climbing, hanging, balancing, sliding and imaginative play.

The design and construction is best undertaken and managed by the City officers who are qualified to meet the required standards, audits, risk assessments and insurances.

## VOTING REQUIREMENTS

Simple Majority.

*The Director Planning and Community Development left the Chamber at 7.37pm and entered the Chamber at 7.38pm.*

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman** that Council:

- 1 NOTES the risks and issues associated with community initiated adventure playground design, construction and maintenance;
- 2 DOES NOT SUPPORT the community initiated adventure playground design, construction and maintenance;
- 3 NOTES that Wentworth Park play space renewal is currently listed in 2020-21 of the draft *Five Year Capital Works Program*;
- 4 NOTES that the City will engage with the community during the design phase of the play space renewal as per the City's *Community Consultation and Engagement Policy*.

**The Motion was Put and**

**LOST (5/6)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, Jones, McLean and Poliwka.

**Against the Motion:** Crs Chester, Fishwick, Hamilton-Prime, Logan, Norman and Taylor.

**MOVED Cr Norman, SECONDED Cr Hamilton-Prime** that Council:

- 1 **NOTES the risks and issues associated with community initiated adventure playground design, construction and maintenance;**
- 2 **NOTES that Wentworth Park play space renewal is currently listed in 2020-21 of the draft *Five Year Capital Works Program*;**
- 3 **SUPPORTS a trial community initiated adventure playground to be installed at Wentworth Park, Padbury;**
- 4 **ENGAGES with local residents of the Padbury community, including the Joondalup Men's Shed on the design, installation and funding arrangements for the adventure playground detailed in Part 3 above;**
- 5 **REQUESTS the Chief Executive Officer to provide a further report on the outcome of the trial detailed in Part 3 above.**

**The Motion was Put and**

**CARRIED (7/4)**

**In favour of the Motion:** Crs Chester, Fishwick, Hamilton-Prime, Logan, Norman, Poliwka and Taylor.

**Against the Motion:** Mayor Pickard, Crs Hollywood, Jones and McLean.

**REASON**

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is to enable Council to trial a community initiated nature playground at Wentworth Park to specifically identify and report the risks, the City's resource requirements and the benefits.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf170411.pdf](#)*

## CJ048-04/17      LOCAL      EMERGENCY      MANAGEMENT ARRANGEMENTS – REVIEW

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	09151, 101515
<b>ATTACHMENTS</b>	Attachment 1      Draft Local Emergency Management Arrangements
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### PURPOSE

For Council to endorse the draft *Local Emergency Management Arrangements* following the completion of a scheduled review process.

### EXECUTIVE SUMMARY

Under the *Emergency Management Act 2005*, local governments are required to develop and maintain effective *Local Emergency Management Arrangements* (LEMA) for their district to ensure they are prepared in the event of an emergency incident.

The City's current LEMA commenced on 12 May 2012 and is due for review in accordance with the *State Emergency Management Preparedness Procedures*. In 2016, the newly formed State Government Office of Emergency Management released revised guidelines to inform the development of LEMAs across local governments for the purpose of improving consistency in documentation and public awareness with regard to emergency management responsibilities and activities.

The City of Joondalup is one of the first local governments in Western Australia to complete the revision of its LEMA in accordance with the revised State Government guidelines. The review process has been undertaken with support from the Office of Emergency Management and in consultation with key external partner organisations, agencies and local governments.

It is a requirement that the City's revised LEMA is endorsed by the State Emergency Management Committee (SEMC), which is scheduled to meet on 2 May 2017. The draft document is being presented to Council for noting, prior to its consideration by the SEMC.

*It is therefore recommended that Council:*

- 1      *ENDORSES the revised City of Joondalup Local Emergency Management Arrangements, as shown in Attachment 1 to Report CJ048-04/17;*
- 2      *NOTES that the revised City of Joondalup Local Emergency Management Arrangements will be presented to the State Emergency Management Committee at its meeting in May 2017 for endorsement.*

## BACKGROUND

The purpose of the LEMA is to set out the City's policies, strategies and priorities for emergency management.

Since the current LEMA was implemented in 2012, there have been significant changes in how emergency management is administered in Western Australia. These changes have been influenced by independent reviews into the Parkerville and Yarloop fires, which has resulted in the *State Emergency Management Policy, Plan, Procedure and Guidelines* being revised and restructured in line with recommendations from these reviews.

The review of the City's LEMA is one of the first to be completed under the new guidelines in the State of Western Australia. As such, the review was conducted in conjunction with the Office of Emergency Management and in consultation with all relevant stakeholders (internal and external). The Local Emergency Management Committee (LEMC) and the District Emergency Management Committee (DEMC) members have also had the opportunity to consider the draft LEMA and provide comment. Those comments have been incorporated in the final draft of the LEMA (Attachment 1 refers).

## DETAILS

The LEMA consists of three main elements:

- *Local Emergency Management Arrangements*  
The arrangements outline the roles and responsibilities of public authorities and agencies involved emergency management within the City of Joondalup.
- *Risk Register*  
The risk register identifies the emergencies that are likely to occur within the City of Joondalup and the level of risk they present to the community.
- *Local Recovery Handbook and Plan*  
The handbook and plan details the strategies and priorities for recovery following an emergency incident, including tools, templates and resources to assist in activating the recovery process.

The most important element of the LEMA for local governments is the *Local Recovery Plan*, as the *Emergency Management Act 2005*, emphasises recovery as the main role of local governments in the event of an emergency. The revised plan has been developed in accordance with the recently released *State Government Local Recovery Plan Guidelines*.

## Issues and options considered

Not applicable.

## Legislation / Strategic Community Plan / policy implications

**Legislation** *Emergency Management Act 2005.*

## Strategic Community Plan

**Key theme** Community Wellbeing.

<b>Objective</b>	Community safety.
<b>Strategic initiative</b>	Build a community that works in partnership with government and non-government organisations to achieve real and long lasting improvements in safety and wellbeing.
<b>Policy</b>	<i>State Emergency Management Policy.</i> <i>State Emergency Management Procedures – Section 8.</i>

### **Risk management considerations**

The LEMA includes a risk register that identifies risks to the community including mitigation strategies and actions to reduce the level of perceived threat.

On the advice of the Office of Emergency Management, the review of the Risk Register, (Attachment 1 refers) has been delayed in order to form part of the State Risk Project that is currently in development.

It is anticipated that the review process will commence in July 2017, with the support of the Office of Emergency Management and in partnership with the City of Wanneroo. Amendments to the register will be incorporated into the revised LEMA upon completion.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

The City of Stirling has completed their review of the Local Emergency Management Arrangements and the City of Wanneroo will complete their review in 2017. Both local governments will undertake the review in accordance with the State Emergency Management Framework. It is important for response and coordination during an emergency that all plans and arrangements align and complement each other.

All the regional response agencies will be operating in accordance with the new *State Emergency Management Framework*. The City's revised LEMA will one of the first presented to the State Emergency Management Committee in the new format.

### **Sustainability implications**

Not applicable.

### **Consultation**

The review of the City's LEMA was undertaken in consultation with the Office of Emergency Management and members of the Local Emergency Management Committee and the District Emergency Management Committee. This included representation from key external agencies such as Department of Fire and Emergency Services, WA Police, Department for Child Protection and Family Support and the Cities of Wanneroo and Joondalup through their respective Elected Member representatives, namely Cr Dot Newton from the City of Wanneroo and Cr Chester from the City of Joondalup.

The draft LEMA was tabled and endorsed at the LEMC meeting on 9 November 2016 and at the DEMC meeting on 22 November 2016.

## COMMENT

The revised LEMA will ensure that consistency is achieved between emergency responders and the City of Joondalup is maintained.

It is equally important that the public is aware of the risks present within the community from which an emergency response may be required. As such, following the finalisation of the revised LEMA, the City will prepare and implement a communication strategy to better inform the City of Joondalup community of the importance of emergency management and the strategies and procedures the City has in place to respond to emergency events.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Chester, SECONDED Cr Logan that Council:**

- 1      ENDORSES the revised *City of Joondalup Local Emergency Management Arrangements*, as shown in Attachment 1 to Report CJ048-04/17;**
- 2      NOTES that the revised *City of Joondalup Local Emergency Management Arrangements* will be presented to the State Emergency Management Committee at its meeting to be held in May 2017 for endorsement.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf170411.pdf](#)*



**Disclosure of interest affecting impartiality.**

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ049-04/17 - Request for Specified Area Rate in Burns Beach - outcome of community consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood lives in Burns Beach, but not in the community consultation area of the Specified Area Rate.

## CJ049-04/17      REQUEST FOR SPECIFIED AREA RATE IN BURNS BEACH - OUTCOME OF COMMUNITY CONSULTATION

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	02137, 101515
<b>ATTACHMENTS</b>	Attachment 1      Community Consultation and Communication Plan Attachment 2      Community Consultation Results and Analysis Attachment 3 <i>Specified Area Rating Policy</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider the results of the recent community consultation process regarding the establishment of a Specified Area Rate (SAR) within the area designated as 'New' Burns Beach.

**EXECUTIVE SUMMARY**

At its meeting held on 13 December 2016 (CJ224-12/16 refers), Council considered a request from the Burns Beach Residents Association (BBRA) to establish a SAR for additional landscaping services within the new part of Burns Beach. In accordance with the City's *Specified Area Rating Policy* ("SAR Policy"), Council approved a 30 day consultation process with all affected property owners to determine the level of support for the proposal.

Consultation was undertaken by the City in accordance with the approved *Community Consultation and Communication Plan* (Attachment 1 refers), commencing on 23 January 2017 and closing on 22 February 2017. For Council to consider agreeing to the proposal, the City's *SAR Policy* (Attachment 3 refers) requires a return rate of a minimum of 40% of all property owners surveyed. The City received a total of 455 valid responses from 1,201 households surveyed during the consultation period, equating to a response rate of 37.88% which is 2.12% fewer than the required amount.

The headline results from the consultation process are as follows:

<b>Are you supportive of a SAR within Burns Beach?</b>	<b>Number</b>	<b>% of Properties Surveyed</b>	<b>% of Valid Responses</b>
Support	318	26.5%	69.9%
Oppose	128	10.7%	28.1%
Unsure	9	0.7%	2.0%
Non Response	746	62.1%	N/A
<b>Total Households</b>	<b>1,201</b>	<b>100.0%</b>	<b>100%</b>

Based on the survey responses not reaching the minimum 40% required, the City does not recommend pursuing the introduction of a SAR within the area designated as 'New' Burns Beach due to the requirements of the City's *Specific Area Rating Policy*.

*It is therefore recommended that Council:*

- 1 *NOTES the results of the Burns Beach SAR consultation process, as detailed in Attachment 2 Report CJ049-04/17;*
- 2 *DECLINES the request submitted by the Burns Beach Residents Association to implement a Specified Area Rating within the area designated as 'New' Burns Beach due to the response rate not meeting the requirements of the City's Specified Area Rating Policy;*
- 3 *ADVISES the Burns Beach Residents Association of the outcome of the consultation process and Council's decision.*

## **BACKGROUND**

The establishment of SARs within the City of Joondalup is guided by a Council-endorsed *SAR Policy*, which was first introduced in March 2010. Council may consider applying a SAR under the following circumstances:

- 1 An incorporated body representing the property owners of an established residential area requests that the City provides a specific work, service or facility to their area to be funded by a SAR imposed on the property owners.
- 2 For any area to be considered for a SAR, it must be a reasonable size in terms of the number of properties. As a general guide, it is expected that a SAR area would include no less than 100 properties.
- 3 A further requirement is that the area must be defined by clear and discernible geographic boundaries which may include main streets, or natural features.

The policy was subject to a minor review process in 2012 in order to align it to the City's new policy template.

On 17 October 2013 the City received a formal request from the BBRA asking the City to consider establishing a SAR for Burns Beach.

Council considered the request from BBRA (CJ124-07/14 refers) and approved the *Community Consultation and Communication Plan* and 30-day consultation process to determine the level of support for the proposal.

The City received a total of 552 valid responses from 1,251 households surveyed during the consultation period, equating to a response rate of 44.1%. The outcome of the community consultation was presented to Council at its meeting held on 21 October 2014 (CJ192-10/14 refers).

Council declined the request submitted by the BBRA to implement a SAR within the suburb of Burns Beach due to the significant difference in the results achieved through the consultation process and the requirements contained within the City's SAR policy.

After Council's consideration of the matter, the following was requested at the Policy Committee meeting in December 2014:

*"... a report analysing the current Special Area Rating Policy following the recent consultation for special area rates in Burns Beach, with a view to identifying any gaps as a result of the public consultation and how the policy could be amended to achieve a better outcome."*

In August 2015 (CJ149-08/15 refers), Council approved a number of amendments to the SAR Policy. One of the major changes included that Council will not consider agreeing to a proposal unless the survey results show majority support by more than 40% of all property owners surveyed. Previously the policy stipulated that Council would not consider agreeing to a proposal unless the survey results showed support of 75% of all property owners surveyed.

In February 2016, the City received a second request from the BBRA to consider adoption of a SAR for the PEET development area of Burns Beach, excluding the "original" (south-west) part of Burns Beach in accordance with the City's SAR policy (applying to 1,201 properties).

At its meeting held on 13 December 2016 (CJ224-12/16 refers), Council accepted that the request submitted by the Burns Beach Residents Association had merit and approved a 30 day consultation process with all affected property owners.

## **DETAILS**

### Consultation Process

A consultation process was undertaken by the City in accordance with the approved *Community Consultation and Communication Plan* (Attachment 1 refers), commencing on 23 January 2017 and closing on 22 February 2017. This involved the City consulting directly with all ratepayers within 'New' Burns Beach.

A personalised information package was sent to each ratepayer explaining the purpose of the consultation and advising them of the consultation period. Each package included the following:

- A covering letter.
- Frequently asked questions containing information on the purpose of the consultation and the process involved in establishing a new SAR.
- Hard Copy Survey (with the option to complete the survey online) to determine the level of support from households.

The consultation was also advertised on the City's website and through the Community Engagement Network outlining the details of the consultation process. Ratepayers of Burns Beach were able to complete a hard copy survey or complete an online form via the City's website. Supplementary information was also available on the City's website including:

- the projected costs of a SAR within Burns Beach based on the Iluka SAR
- a map of 'New' Burns Beach, which illustrated the area where the SAR was being considered, and the parks and open spaces that would be included
- a copy of the 2016-17 SAR service level agreement for Iluka.

To validate details, ratepayers were supplied with a unique property number within their consultation package and were requested to quote the number on their survey forms. The owners of multiple properties within Burns Beach were only required to complete one survey form that was applied across all the properties they own.

PEET Ltd. was also sent a personalised letter seeking comment on the proposed introduction of a SAR within 'New' Burns Beach.

### Consultation Results

Hard-copy surveys were sent to all 1,201 ratepayers within the area designated as 'New' Burns Beach. The City collected a total of 478 responses throughout the advertised consultation period of which 405 were deemed valid. A "valid" response is one which includes the respondent's full contact details, is a ratepayer within 'New' Burns Beach, has responded within the advertised consultation period and for which multiple survey forms have not been submitted by the same household for the same property.

Out of the 405 valid responses, five responses received were multiple property owners within 'New' Burns Beach, equating to 10 properties and one response was from PEET Ltd representing 46 properties. Taking into account the respondents who own multiple properties and the response from PEET Ltd, a total of 455 households responded to the consultation survey. The total response rate for the consultation was calculated at 37.88%.

The full results of the community consultation are provided at Attachment 2 to Report CJ049-04/17.

### Implications of the City's SAR policy

From a consultation perspective, the City's *SAR Policy* states that *'it is solely at the Council's discretion as to whether or not it will agree to impose a Specified Area Rate, however, the Council will not consider agreeing to a proposal unless the survey results show majority support by more than 40% of all property owners surveyed.'* Under the current policy, the response rate for the *Request for Specified Area Rating - Burns Beach* survey of 37.88% falls below the policy requirements.

Notwithstanding, a sample size of 455 households from 1,201 responses achieves a confidence rating of over 99% (that is this result encompasses the true population 99% of the time) with a 5% margin of error (Raosoft 2014). While the survey results did not receive the policy requirements, the survey response rate achieved is considered highly representative of 'New' Burns Beach and statistically reliable.

### Demographics

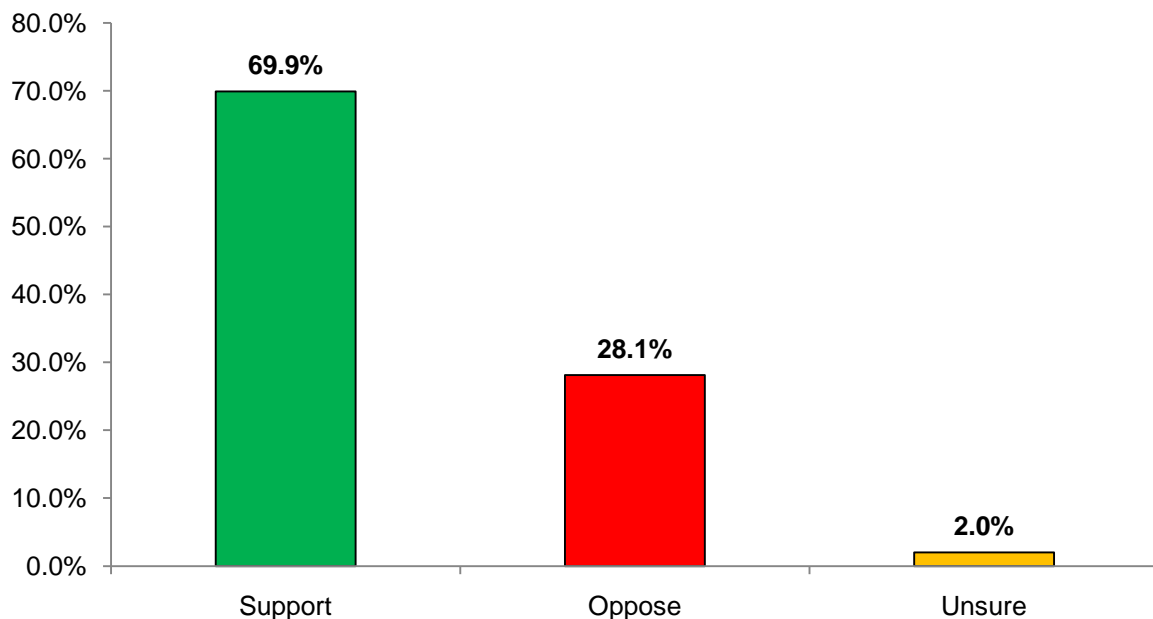
Of the 405 valid responses, the majority of respondents were aged 35-49 (44.2%), 50-59 (26.2%) and 60-69 (16.5%).

### Support for the SAR

The initial results of the survey (such as 405 valid responses) indicated that 66.2% of respondents supported the introduction of a SAR, while 31.6% of respondents opposed the proposal and 2.2% indicated they were unsure.

When the data was merged with the multiple property owners including the 46 properties owned by PEET Ltd (such as 455 valid responses), the results indicated that 69.9% of households supported the SAR, 28.1% of households opposed and 2.0% were unsure, as shown in Chart 1.

*Chart 1: Summary of households that indicated their level of support for introducing a Specified Area Rating in Burns Beach (inclusive of Multiple Property Owners and PEET properties).*



### Maximum amount ratepayers would be willing to pay

The initial results of the survey indicated that 31.1% of respondents would not be supportive of any amount, 41.1% would be willing to pay a maximum of \$150 - \$250 per year and 17.5% would be willing to pay a maximum of \$250 - \$350.

When the data was merged with the multiple property owners, the results indicated that 27.6% of households would not be supportive of any amount. 37.0% would be willing to pay a maximum of \$150 - \$250 and 15.8% would be willing to pay a maximum of \$250 - \$350. However, 12.7% of households would be willing to pay over \$450 per year. (Note: This increase is attributed to the addition of the properties from PEET Ltd. at this suggested rate).

It should also be noted that the most cited reason for opposing the introduction of a SAR within 'New' Burns Beach was a belief that rates are already too high and it was considered unaffordable to pay more. Other highly cited reasons were: did not support a SAR in general, additional services are not required and will have no benefit and a presumption that landscaping costs should be covered through the existing rates. The full analysis of results is provided at Attachment 2 to Report CJ049-04/17.

## Summary

The results of the survey indicate the following:

- The survey's response rate of 37.88% falls below the policy requirements.
- 66.2% of respondents supported the introduction of a SAR while 31.6% indicated an opposition.
- When the data was merged with the multiple property owners (including the 46 properties owned by PEET Ltd), 69.9% of respondents supported the introduction of a SAR.

## **Issues and options considered**

Council may choose to:

- decline the request to implement a SAR within the area designated as 'New' Burns Beach  
or
- approve the implementation of a SAR within the area designated as 'New' Burns

The City recommends that Council supports option one, based on the consultation results falling below the requirements of the City's *SAR Policy*.

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

### **Legislation**

Section 6.37 of the *Local Government Act 1995*.

### **Strategic Community Plan**

#### **Key theme**

Quality Urban Environment.  
Financial Sustainability.

#### **Objective**

Quality open spaces.  
Effective management.

#### **Strategic initiative**

Apply a strategic approach to the planning and development of public open spaces.

Balance service levels for assets against long-term funding capacity.

#### **Policy**

*Specified Area Rating Policy*.

## **Risk management considerations**

The risks associated with either supporting or not supporting the introduction of the SAR are as follows:

- The consultation results demonstrated a high level of support for the proposal, however, the response rate fell below the requirements of the City's *SAR Policy*. Approving the introduction of a SAR may draw criticism from the community if Council chooses not to follow the parameters for support set within the policy.

- Many respondents indicated an opposition to paying additional rates and the introduction of a SAR may be perceived as failing to acknowledge a valid concern for household affordability highlighted through the consultation.
- Property owners that purchased land or dwellings within the area prior to the introduction of a SAR may argue that their decision to purchase would not have gone ahead if prior knowledge of a SAR was known.

Given the issues of household affordability highlighted through the consultation process and the requirements of the City's *SAR Policy*, the risks associated with supporting the introduction of a SAR are considered to have greater implications on the broader Burns Beach community than to decline the request.

### **Financial / budget implications**

The purpose of a SAR is to receive contributions from households to pay for the cost of additional services within a specified area. The total value of all services within a SAR area is a product of two components:

- The City's base service level contribution for public open spaces.
- The ratepayers' extra contribution for additional services (SAR).

Additional services are determined on a case-by-case basis through the negotiation of annual service reviews.

In general SARs are affected by the following factors:

- The Gross Rental Value of individual households.
- The number of households subject to the SAR (that is the more households subject to SAR the greater spread of the costs amongst households).
- The total value of all additional services negotiated.

The amount charged to the household will be dependent on individual households' Gross Rental Values.

Should a SAR not be implemented, standard service levels would be provided by the City from municipal funds (standard rates).

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Consultation for the project was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*.

The results of the community consultation that was undertaken from 23 January to 22 February 2017 have been provided in the details section of Report CJ049-04/17.

The full analysis of results can be viewed in Attachment 2.

## COMMENT

Notwithstanding the factors affecting ratepayers' decision to support or oppose the introduction of a SAR, establishing a SAR within a developed / developing suburb will always prove difficult. This is due to a greater propensity for existing property owners to oppose the proposal, as the payment of additional rates would not have been advised at the time of purchasing their property. As such, the City's *SAR Policy* appropriately requires a high level of demonstrated support to account for the additional financial burden that may be imposed on ratepayers subject to the SAR.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the results of the Burns Beach Specified Area Rate consultation process, as detailed in Attachment 2 to Report CJ049-04/17;
- 2 DECLINES the request submitted by the Burns Beach Residents Association to implement a Specified Area Rating within the area designated as 'New' Burns Beach due to the response rate not meeting the requirements of the City's *Specified Area Rating Policy*;
- 3 ADVISES the Burns Beach Residents Association of the outcome of the consultation process and Council's decision.

## MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 **NOTES the results of the Burns Beach Specified Area Rate consultation process, as detailed in Attachment 2 to Report CJ049-04/17;**
- 2 **in accordance with section 6.37 of the *Local Government Act 1995* AGREES to impose a Specified Area Rate from the 2017-18 financial year for 'New' Burns Beach, as depicted in Attachment 1, Appendix 28 to Report CJ049-04/17 which comprises of the area bounded by the following:**
  - 2.1 **starting from the north western corner of Marmion Avenue and Burns Beach Road, westwards along the northern boundary of Burns Beach Road to Lot 263 Whitehaven Avenue, northwards along the western boundaries of Lot 263 through to Lot 251 Whitehaven Avenue, north-westward and westward along the southern boundaries of Lot 108 to Lot 121 Beachside Drive, northwards along the western boundary of Lot 121 Beachside Drive to Beachside Drive, westwards along the boundary of Lot 11537 (Reserve 48489 7L) Third Avenue, northwards along the eastern boundary of Lot 11537 (Reserve 48489 7L) to where it meets the southern boundary of Lot 3000 (1551) Marmion Avenue (Burns Beach Foreshore Reserve), eastwards along the southern boundary of Lot 3000 (1551) Marmion Avenue (Burns Beach Foreshore Reserve) to the western boundary of Marmion Avenue, then southwards along western boundary of Marmion Ave to the starting point at the north western corner of Marmion Avenue and Burns Beach Road;**



- 3 in accordance with clause 2.2 of the City's *Specified Area Rating Policy* **CONSULTS** with the Burns Beach Residents' Association to seek agreement on the program of works and services proposed to be funded by the Specified Area Rate detailed in part 2 above so that a total budget cost can be determined for inclusion in the draft *2017-18 Annual Budget*;
- 4 **ADVISES** the Burns Beach Residents' Association of the outcome of Council's decision.

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

## **REASON**

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because the technical trigger as identified in the *Specified Area Rating Policy* was nearly met and of those residents that participated in the consultation process, the vast majority supported the introduction of a specified area rate.

*Appendices 12 and 28 refer*

*To access the attachments on electronic document, click here:*  
[Attach12brf170411.pdf](#) and [Attach28min170418.pdf](#)

**Disclosure of Proximity Interest**

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	CJ050-04/17 - Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns commercial property in the precinct.

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ050-04/17 - Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester has had discussions with the proponents. Cr Chester is a member of KAGRA who support the proposal.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ050-04/17 - Proposal for a Kingsley Commemorative Peace Precinct at Lot 971 (52) Creaney Drive, Kingsley.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The proponent of the proposal is known to Cr Logan. Cr Logan is also a member of the Kingsley and Greenwood Residents Association Inc. which supports the proposal.

*Cr Poliwka left the Chamber at 7.58pm.*

## **CJ050-04/17      PROPOSAL FOR A KINGSLEY COMMEMORATIVE PEACE PRECINCT AT LOT 971 (52) CREANEY DRIVE, KINGSLEY**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	11367, 00126, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location Plan Attachment 2      Kingsley Commemorative Peace Precinct Proposal Attachment 3      City's Design Option 1 Attachment 4      City's Design Option 2
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider a proposal for a commemorative peace precinct on Lot 971 (52) Creaney Drive, Kingsley.

## EXECUTIVE SUMMARY

Lot 971 (52) Creaney Drive, Kingsley (Lot 971) is a community purpose site of 10,000m<sup>2</sup> that the City owns in freehold and is zoned "Civic and Cultural" under *District Planning Scheme No. 2*. Lot 971 is unimproved except for a 600m<sup>2</sup> car park adjacent to Kingsley Tavern (Attachment 1 refers).

A proposal has been submitted from a Kingsley resident with the support of the Kingsley and Greenwood Residents Association (KAGRA) for a commemorative peace precinct within Lot 971. The project aim of the proposal is stated as being "*To provide the residents of Kingsley and surrounding suburbs with a place of tranquillity and quiet contemplation within a beautifully natural bushland setting.*"

Attachment 2 is the proponent's submission and it details that the physical features would be a main ceremonial area and nine commemorative plinths being erected outside of a fenced area within Lot 971. The plinths would be dedicated to wars and conflicts in which Australia and its allies have been involved with since the Boer War until the present day. The use of pathways and potentially flagpoles is also detailed. The area within Lot 971 that contains a number of trees that has been fenced off by the City due to concerns raised by KAGRA on potential damage from City mowers conducting its maintenance program.

The spirit of the proposal is acknowledged, however, should Council support the proposal in its current location, it could have the effect of restricting the future use and therefore design options for the development of a community purpose facility on Lot 971. A solution therefore could be the development of a peace precinct on the adjacent Kingsley Park which still has the benefit of the surrounding flora. Additionally, it makes full use of the existing infrastructure and therefore save the proponent development costs.

Based on the above, the City has provided two alternative design options (Attachments 3 and 4 refer) that utilise Kingsley Park, together with estimated costings. It is recommended that these are provided to the proponent for consideration.

*It is therefore recommended that Council:*

- 1 *NOTES the proposal submitted relating to the development of a commemorative peace precinct at Lot 971 (52) Creaney Drive, Kingsley;*
- 2 *REQUESTS the Chief Executive Officer provides the proponent of the Kingsley Commemorative Peace Precinct proposal with the City's Options 1 and 2 together with the estimated costs shown as Attachments 3 and 4 to Report CJ050-04/17;*
- 3 *NOTES that the City does not have budget funds available for Options 1 or 2 and that the estimated costs are provided as assistance only to the proponent of the proposal;*
- 4 *REQUESTS the Chief Executive Officer to advise the proponent of the Kingsley Commemorative Peace Precinct proposal that any proposed development on Kingsley Park would need to be in consultation with the City in the first instance.*

## BACKGROUND

<b>Suburb/Location</b>	Lot 971 (52) Creaney Drive, Kingsley.
<b>Owner</b>	City of Joondalup.
<b>Zoning</b>	<b>DPS2</b> Civic and Cultural.
	<b>MRS</b> Urban.
<b>Site area</b>	10,000m <sup>2</sup> .

Lot 971 was acquired by the City in June 1982 from the developer of the area, Portuland Developments Pty Ltd. The site is unimproved except for a 600m<sup>2</sup> car park which involves a reciprocal access and car parking agreement with three other adjoining lots. This agreement relates to the development of the car park by the owners of Kingsley Tavern in lieu of a shortfall of parking bays on the tavern site - Lot 972 (90) Kingsley Drive, Kingsley.

Commencing from March 2011, Lot 971 was examined for potential rezoning and disposal with a number of confidential reports being submitted to the (former) Strategic Financial Management Committee and Council on this subject.

On 10 October 2011, Council received a 602 signature petition requesting the City retain Lot 971 in its natural state with only minor modifications to develop it into a sculpture park rather than dispose of the site. At its meeting held on 20 March 2012 (CJ040-03/12 refers), Council resolved to take no further action with regard to this petition.

At its meeting held on 24 June 2014 (CJ103-06/14 refers), Council resolved the following, which was based on the City's receipt of 1,977 signature petition indicating a lack of local community support for the site being sold and developed:

- "1 *BY AN ABSOLUTE MAJORITY REVOKES Part 3 of its decision (CJ171-09/11) of 20 September 2011 as follows*
- "3 *SUPPORTS the initiation of an Amendment to District Planning Scheme No. 2 to Lot 971 (52) Creaney Drive, Kingsley to rezone the land from 'Civic and Cultural' to Commercial and Residential/R40; (Restricted Use - Aged Persons Housing) and where possible existing grass trees be relocated and trees offset to alternative locations throughout the City; and";*
- 2 *BY AN ABSOLUTE MAJORITY REVOKES Part 6.3 of its decision (CJ034-03/12) of 20 March 2012 as follows:*
- "6.3 *APPROVES:*
- 6.3.1 *the excision of a 600m<sup>2</sup> portion of Lot 971 (52) Creaney Drive, Kingsley to comply with the reciprocal access and car parking agreement dated 4 November 1987 between the City of Joondalup, Ampol Petroleum Ltd, Resolve Nominees Pty Ltd and the owners of Kingsley Village Shopping Centre; and*
- 6.3.2 *the remaining 9,400m<sup>2</sup> balance of Lot 971 (52) Creaney Drive, Kingsley be considered for sale"*
- 3 *TAKES NO FURTHER ACTION in relation to the sale of any portion of Lot 971 (52) Creaney Drive, Kingsley."*

At its meeting held on 15 July 2014 (CJ39-07/14 refers), Council considered a Notice of Motion concerning a proposal to install a memorial plaque within Lot 971, the Motion provided was:

*"That Council RECOGNISES the significant importance of Lot 971 (52) Creaney Drive, Kingsley to the Kingsley community, and REQUESTS the Chief Executive Officer to prepare a report to Council on options to install a memorial plaque, in Lot 971, in perpetuity, as a memorial to those who lost their lives in the Bali bombings and the effects of those bombings on the Kingsley community."*

The City's response to the Notice of Motion indicated that a dedicated memorial facility built in 2004 existed that symbolised the community spirit that emerged in the aftermath of the Bali bombings in October 2002. An artwork was also commissioned to honour the seven players lost in the tragedy that consists of a "Players' Bench for the Boys," plinth and statue to provide families, teammates and supporters a place of remembrance. The Kingsley Memorial Clubrooms also has a dedicated memorial space within the facility and there is a rose garden adjacent to the clubrooms with seven multi-hued rose bushes.

After Council's consideration of the Notice of Motion it was not carried and deemed to not progress any further.

### **Notice of Motion**

At its meeting held on 17 May 2016 (C24-05/16 refers), Council considered a Notice of Motion and resolved that, as requested, a report would be prepared on the subject. The Notice of Motion was as follows:

*"That Council REQUESTS the Chief Executive Officer to prepare a report on the establishment of a "peace and reflection precinct" on Lot 971 (52) Creaney Drive Kingsley."*

The Motion was detailed as being a community-driven initiative that envisaged Lot 971 providing a quiet place of contemplation for local residents to be able to reflect on a range of tragic events. It was stated that the proponent of the proposal would appreciate the City investigating the concept, costing and funding options associated with installing a number of generic plaques along a walk-through, taking into consideration access for the elderly and infirm members of the community.

It was further stated that it was acknowledged by the proponent that the proposed project must not impinge on The Returned and Services League (RSL) events and activities in the City of Joondalup. Rather, the site would provide a simple yet unique opportunity for local people to reflect on matters close to the heart.

### **DETAILS**

#### **Proposal**

A formal proposal was received on 20 September 2016. The proposed 'Kingsley Commemorative Peace Precinct' was submitted from a Kingsley resident with the support of KAGRA.

It is detailed in the proposal that the original concept arose from the proponent being approached on the last two ANZAC Days with the suggestion that due to the aging demographic of citizens in Kingsley, Woodvale and Greenwood, a local more accessible memorial where older residents could pay their respects in quiet contemplation would be advantageous. These older residents have difficulty attending the traditional ANZAC and Remembrance Day ceremonies in the major venues in the metropolitan area.

The proposal states that on discussions with other groups, it was suggested that for suburbs that also have an aging demographic, this proposal could be an example for many more of these types of precincts. The proposed peace precinct could also be a place of reflection for the broader community to commemorate the injuries and loss of life in maritime, airborne, natural and man-made disasters.

The project aim is described as being, *“To provide the residents of Kingsley and surrounding suburbs with a place of tranquillity and quiet contemplation within a beautifully preserved natural bushland setting.”*

The project description states the intent is to transform Lot 971 at no or minimal cost to the City, into a commemorative peace precinct by way of a new name, wheelchair and pram-friendly pathways and bench seating. There would be a main ceremonial site and a number of commemorative plinths in designated areas within the proposed precinct.

New footpaths are mentioned in the submission that would connect the car park adjacent to Kingsley Tavern to the main pathway around the oval on Kingsley Park, however, these footpaths are not shown in the proposal.

It is stated that the proposal does not have the involvement of any RSL body.

The proposal acknowledges that no reference to the word “memorial” will be used concerning any name associated with the proposal out of respect for the Kingsley Football Club’s memorial in Kingsley Park.

Attachment 2 provides the full details including the level of support from stakeholders and members of the local community and also includes a letter of support from Greenwood College. Part of the letter states the College would be delighted to be involved in any commemorative activity associated with the bushland islands in Kingsley Park.

### **Issues and options considered**

Although the peace precinct is proposed for a freehold community purpose site rather than a City reserve, it introduces the need for careful deliberation by Council to requests from the community on ‘formalising’ areas of parks or other locations for commemoration / memorials due to the sensitivity of the topic. It may be considered that there are areas of peace and tranquillity throughout the City of Joondalup without the places necessarily being named.

Concerning the proposal for a commemorative peace precinct at Lot 971 (52) Creaney Drive, Kingsley consideration needs to be given to the impact that this could have on the site which is a community purpose development site.

This area does have an existing memorial as the adjacent Kingsley Park to Lot 971 has the artwork, “Players’ Bench for the Boys,” plinth and statue, a rose garden and the Kingsley Memorial Clubrooms related to the 2002 Bali Bombings. Elected Members may consider at this location this should be the only memorial, or conversely, that a peace precinct is suitable.

The proposal makes the suggestion that this peace precinct proposal as a concept could be used in other suburbs with an aging demographic to assist older local residents pay their respects on commemorative days. These peace precincts are likely to be considered in parks and there are implications to this if the precedent is set. Also, for important commemorative days, it is likely to reduce the numbers at RSL organised events and though this may not be an issue, should be taken into account.

Should Council consider that a peace precinct at this general location is suitable, then a slight relocation for it to be included in Kingsley Park is recommended. The City has also provided two potential design options, Option 1 (Attachment 3 refers) and Option 2 (Attachment 4 refers) with costs, for the proponent’s guidance.

The design options include commemorative walks, an opportunity for appropriate wording etched into the existing concrete pathways, examples of steel inlays as artwork, plinths, flagpoles and a main commemorative location. These design options take full advantage of the existing pathways and benches and provide better accessibility to the proposed main ceremonial area, the artwork and plinths and in addition, all of which can be easily seen.

### **Strategic Community Plan / policy implications**

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

**Strategic initiative** Support new projects that balance identified financial risks against effective management approaches.

**Policy** *Asset Management Policy.*  
*Sustainability Policy.*

### **Risk management considerations**

Lot 971 is a community purpose site and therefore a potential risk is that should Lot 971 be developed and referred to as 'Kingsley Commemorative Peace Precinct' it could have an adverse effect on the development potential of the site in the future.

Should the proposal be supported, be it within Lot 971 or Kingsley Park, it could set a precedent for other requests being received for the peace precincts in City parks. This needs to be considered as a direction given the impact on maintenance and replacement costs for associated infrastructure.

### **Financial / budget implications**

The City has provided approximate costings with regard to the two alternative options provided, however, the costs are a guide only to the proponent, as there are no City funds available for a proposal at this location.

It needs to be taken into account that any inclusions within the proposed peace precinct have the potential to become the City's replacement and maintenance responsibility.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Any proposed development of a community purpose facility on Lot 971 would have a sensitive environmental approach to the location of the building and its design principles.

The size and location of this site provides it with significant potential to promote social sustainability. Services and community group opportunities generated from a multi-purpose community facility could have a substantial positive effect across all generations and cohorts.

## Consultation

The City has not undertaken any formal consultation with the community regarding the future of this site and should consultation take place, it would need to be conducted in accordance with the City's approved *Community Consultation and Engagement Policy* and *Community Engagement Protocol*.

Given the size of Lot 971 and therefore the potential for any community development on the site to serve a broader area than Kingsley and Greenwood, it is considered that a larger target area should be considered as part of any community consultation.

## COMMENT

Notwithstanding that the City is extremely fortunate to not only have formal places of commemoration within its boundaries, but it also has many beautiful passive parks and an outstanding coastal foreshore for its residents to find peace.

Should Council consider that a further space for reflection has merit at this Kingsley location, then rather than use a community purpose site, potentially Kingsley Park should be considered. Additionally, as the existing zoning of Lot 971 of 'Civic and Cultural' no longer exists under the new Town Planning Regulations, using part of the site as a 'Commemorative Peace Precinct' potentially requires a formal planning application.

To this aim, the City has provided two design options that take advantage of the existing infrastructure within Kingsley Park together with estimated costs for the proponent of the proposal to consider.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the proposal submitted relating to the development of a commemorative peace precinct at Lot 971 (52) Creaney Drive, Kingsley;
- 2 REQUESTS the Chief Executive Officer provides the proponent of the Kingsley Commemorative Peace Precinct proposal with the City's Options 1 and 2 together with the estimated costs shown as Attachments 3 and 4 to Report CJ050-04/17;
- 3 NOTES that the City does not have budget funds available for Options 1 or 2 and that the estimated costs are provided as assistance only to the proponent of the proposal;
- 4 REQUESTS the Chief Executive Officer to advise the proponent of the Kingsley Commemorative Peace Precinct proposal that any proposed development on Kingsley Park would need to be in consultation with the City in the first instance.



**MOVED Cr Logan, SECONDED Cr Chester that Council:**

- 1 NOTES the proposal submitted relating to the development of a commemorative peace precinct at Lot 971 (52) Creaney Drive, Kingsley;**
- 2 REQUESTS the Chief Executive Officer to negotiate with the proponent to install a number of small plinths on Lot 971 (52) Creaney Drive, Kingsley as a commemorative peace precinct, as well as Options 1 and 2 as detailed in Attachments 3 and 4 to Report CJ050-04/17;**
- 3 NOTES that the City does not have budget funds available for the installation of a commemorative peace precinct at Lot 971 (52) Creaney Drive, Kingsley as detailed in Part 2 above.**

**C24-04/17**

**EXTENSION OF TIME TO SPEAK**

**MOVED Cr Hamilton-Prime, SECONDED Cr Fishwick that Cr Logan be permitted an extension of time to speak for a further five minutes.**

**The Motion was Put and**

**CARRIED (10/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman and Taylor.

**The Motion as Moved by Cr Logan and Seconded by Cr Chester was Put and  
CARRIED (7/3)**

**In favour of the Motion:** Crs Chester, Fishwick, Hamilton-Prime, Jones, Logan, Norman and Taylor.

**Against the Motion:** Mayor Pickard, Crs Hollywood and McLean.

*Cr Poliwka entered the Chamber at 8.18pm.*

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf170411.pdf](#)*

**C25-04/17****COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION**

**MOVED** Mayor Pickard, **SECONDED** Cr Jones that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

**CJ037-04/17, CJ039-04/17, CJ040-04/17, CJ041-04/17, CJ043-04/17, CJ044-04/17, CJ045-04/17 and CJ046-04/17.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

## REPORTS – POLICY COMMITTEE – 3 APRIL 2017

C26-04/17

**COUNCIL DECISION POLICY COMMITTEE REPORTS –  
ADOPTION BY EXCEPTION RESOLUTION**

**MOVED** Cr Chester, **SECONDED** Cr Hamilton-Prime that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

**CJ051-04/17, CJ052-04/17, CJ053-04/17, CJ054-04/17, CJ055-04/17, CJ056-04/17, CJ057-04/17, CJ059-04/17, CJ060-04/17, CJ061-04/17 and CJ062-04/17.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

## **CJ051-04/17      REVISED ELECTED MEMBERS' ENTITLEMENTS POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	27122, 44688, 101515
<b>ATTACHMENTS</b>	Attachment 1      Revised Elected Members' Entitlements Policy (marked-up).
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to adopt a revised *Elected Members' Entitlements Policy*.

### **EXECUTIVE SUMMARY**

The current *Elected Members' Entitlements Policy* (the policy) was last significantly reviewed in 2013, following changes to the *Local Government Act 1995* (the Act) which resulted in the Salaries and Allowances Tribunal becoming responsible for the determination of annual allowances and meetings fees for local government elected members (CJ185-09/13 refers). At the Policy Committee meeting held on 29 November 2016, it was requested that a report be presented to the Policy Committee in relation to reviewing the policy with particular regard to the approval process of requests from elected members to attend overseas conferences. In view of this request and as a result of the City's need to periodically review its policy framework, a revised policy is presented for Council's consideration.

*It is therefore recommended that Council ADOPTS the amended Elected Members' Entitlements Policy as detailed in Attachment 1 to this Report, subject to 3.2(a)(vi) being amended to read as follows:*

*"vi      Administrative support associated with the role of Mayor in accordance with the provisions of the Local Government Act 1995."*

### **BACKGROUND**

In accordance with the Act, elected members are entitled to fees and allowances as well as reimbursement for expenses, and these requirements were set within the *Local Government (Administration) Regulations 1996* prior to 1 July 2013. Changes were subsequently made to the legislation which resulted in the Salaries and Allowances Tribunal becoming responsible for the determination of the annual allowances and meetings fees for local government elected members, and therefore the policy was reviewed in late 2013 to reflect the legislative changes (CJ185-09/13 refers). The policy was further reviewed in 2015 to change the Elected Member reporting arrangements for interstate and overseas conferences (CJ050-03/15 refers).

At its meeting held on 15 November 2016, Council considered a report on an Elected Member's request to attend Local Government Association's Annual Conference and Exhibition in Birmingham, United Kingdom (4 - 6 July 2017), however no decision on this request was made (CJ200-11/16 refers).

Subsequently, at the Policy Committee meeting held on 29 November 2016, it was requested that a report be presented to the Policy Committee in relation to reviewing the policy with particular regard to the approval process for requests from elected members to attend overseas conferences. The policy currently stipulates that an Elected Member may, with Council approval, attend an overseas conference. In view of the request made at the Policy Committee, and as the policy has not been significantly reviewed since 2013, a revised policy has been prepared for Council's consideration.

## DETAILS

Other than minor formatting improvements, the more significant changes to the policy are as follows:

- Amend clause 3.2 – The amendment clarifies the type of administrative support (through the Mayoral Office) provided to the Mayor in their role, and is a combination of the existing clauses relating to secretarial services and administrative assistance.
- Amend clause 4.2(a) and (b) – Elected members are entitled to a Macbook Air, Macbook Pro or an iMac however some elected members have preferred a different type of computer device. In view of this it is suggested that the policy be amended to reflect that a similar Microsoft Windows based devices and relevant supporting devices are available should an Elected Member choose that type over an Apple device.
- Delete clause 4.3 – This clause stipulates a number of documents that will be issued to elected members however most of the documents are available to elected members electronically through the City's website; elected member's portal; or through other external websites (such as the State Law Publisher for legislation). Elected members, as part of the Elected Member Induction Program are provided with a range of documents and presentations in support of their statutory role which includes the provision of the type of documents listed in this current clause. It is suggested therefore that this clause be deleted.
- Amend clause 5.4 – The amendment references that additional to the ICT allowance provided to elected members, a mobile phone is supplied as standard City issued equipment.
- Amend clause 6.6.4 – As part of an elected member's conference and training activities, accommodation may be paid for by the City. The clause has been clarified (with the inclusion of a new paragraph (c)) that the City, as part of an Elected Member's Conference and Training Expense Allocation, will cover the accommodation costs for hotels, motels or similar type accommodation, not accommodation provided by relatives or friends. However in return for accommodation provided a meal and refreshment costs can be offered to the hosts under the existing policy provision in clause 6.6.6(e).

- Amend clause 6.6.8 – Where an Elected Member attends an interstate or overseas conference or training event, a cash advance will be made available to an Elected Member to cover incidental expenses that are listed within the policy. A formulae applies for part days on departure and arrival in which a percentage of the daily allowance applies depending on the time an Elected Member departs the Joondalup district. As all cash advances are required to be acquitted on an elected member's return, and to minimise the administrative workload in calculating such percentages, it is suggested that the part day formulae be deleted and the full daily rate apply for the time the Elected Member is travelling. It has been clarified that payment of a cash advance will be by Electronic Funds Transfer into the Elected Member's nominated bank account.
- Amend clause 6.7 – From time to time an Elected Member will be accompanied by another person (usually a spouse) and it is suggested that this clause (a) be amended to clarify accommodation costs of the accompanying person, will be covered by the City, where the cost is associated with a shared room arrangement and not above a room rate for the Elected Member alone.
- Another inclusion in this clause is a provision that states where an Elected Member has a disability the City will meet the travel and accommodation costs for a carer to accompany that Elected Member, where that carer is a person who provides ongoing care and assistance, and as defined under the *Disability Services Act 1993*.
- Amend clause 7(a) – It is suggested that this clause be amended so that any Council approval to attend and overseas conference should state the authorised travel period for the Elected Member, which should include reasonable time for an Elected Member to acclimatise at the respective destination. It has also been clarified that the report to Council should include the benefit to the Elected Member and the City in attending the conference. Certain words are suggested to be deleted as any Council approval would reflect its satisfaction that the attendance would be of benefit to the City and the Elected Member.
- Amend clause 9.2(d) – It is suggested that the clause be better clarified to reflect the circumstances where the City will not cover the costs for child care, being when it is provided by a relative living in the same premises as the Elected Member. The term "relative" is now defined in the clause and is generally aligned with the definition as provided in the *Local Government Act 1995*.
- Amend clause 9.3(c) – It is suggested that this clause be amended to reflect recent changes to public transport industry with the introduction of Uber and other similar type providers outside the taxi industry. Changes along these lines have been included throughout the policy.
- Amend clause 9.4(a) – It is suggested that this clause be amended to clarify the type or other expense types that will be reimbursed by the City, including tickets to social functions and events where an Elected Member has been invited by a civic / cultural organisation or a stakeholder of the City.

As requested by the Policy Committee at its meeting held on 29 November 2016, a review has been undertaken in regard to requests from elected members to attend overseas conferences. The policy currently stipulates that an Elected Member may, with Council approval, attend an overseas conference (see clause 7(a) of the policy).

The current role of the Policy Committee is as follows:

*“The role of the Policy Committee is to:*

- *make recommendations to Council on the development and review of the City’s policies and overall policy framework*
- *develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies*
- *collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art*
- *collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public*
- *review the criteria established to determine award winners*
- *oversee the strategic direction of the City’s Art Award events, Visual Art Collection and Visual Art Programs.”*

Should Council wish Elected Member requests to attend overseas conferences to be referred to the Policy Committee before being formally considered by Council, a change to the role of the Policy Committee will be required. Should it be Council’s desire that the Policy Committee approve or decline such requests itself, the Committee would need formal delegated authority, and therefore future meetings of the Committee would be open to the public. As membership on the City’s committees are generally half of the elected body, any decision of the Committee, if formal delegation was given, would not be representative of the full Council.

Furthermore as the Policy Committee generally meets three to four times a year, any request from an Elected Member may not fall within the Policy Committee annual meeting scheduling although a special meeting of the Committee could be called for this purpose.

It is therefore suggested that the current arrangements remain in place, being all requests for overseas conferences being referred to Council directly for formal consideration rather than going through the established committee meeting process.

### **Issues and Options Considered**

Council can either:

- adopt the amended policy as presented  
or
- adopt the amended policy as presented with further amendments as required.

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

#### **Legislation**

*Local Government Act 1995.  
Local Government (Administration) Regulations 1996.  
Salaries and Allowances Determination on Local Government  
Chief Executive Officers and Elected Members.*

#### **Strategic Community Plan**

#### **Key Theme**

Governance and Leadership.

<b>Objective</b>	Effective representation.
<b>Strategic Initiative</b>	Attract a diverse elected body that represents, promotes and reflects the composition of the community.
<b>Policy</b>	<i>Elected Members' Entitlements Policy. Code of Conduct for Employees, Elected Members and Committee Members (Code of Conduct).</i>

The Act confers entitlements to claim fees, expenses and allowances for individual elected members and these levels are now set by the Salaries and Allowances Tribunal or as prescribed by the City. The payments that can be lawfully made by the City to elected members are limited to:

- a fee for attending Council or committee meetings (which may be either a fee per meeting up to an annual amount)
- a reimbursement of an expense of a kind that is prescribed by the Regulations and that has been incurred by an Elected Member
- in lieu of reimbursement for certain types of prescribed expenses, an allowance for that type of expense  
or
- a cash advance to an Elected Member in respect of an expense for which the Elected Member can be reimbursed. The Act allows expense reimbursement payments to be made over and above allowances that are set by a local government.

#### **Risk Management Considerations**

Not applicable.

#### **Financial / Budget Implications**

Sufficient budget provisions are made in the City's annual budget to cover the Elected Member allowances, expenses and entitlements that are detailed under the policy.

#### **Regional Significance**

Not applicable.

#### **Sustainability Implications**

Not applicable.

#### **Consultation**

Not applicable.

#### **COMMENT**

The *Elected Members' Entitlements Policy* provides a framework to support an Elected Member's training and development needs as well as clarity around the entitlements, allowances and fees as stipulated in the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*. Changes to the policy are recommended to provide greater clarity around this framework and to support current arrangements for elected members in performing their statutory role.



## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

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

*That Council ADOPTS the amended Elected Members' Entitlements Policy as detailed in Attachment 1 to this Report.*

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

*That Council ADOPTS the amended Elected Members' Entitlements Policy as detailed in Attachment 1 to this Report, subject to 3.2(a)(vi) being amended to read as follows:*

*"vi Administrative support associated with the role of Mayor in accordance with the provisions of the Local Government Act 1995."*

**MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council ADOPTS the amended *Elected Members' Entitlements Policy* as detailed in Attachment 1 to Report CJ051-04/17, subject to 3.2(a)(vi) being amended to read as follows:**

***"vi Administrative support associated with the role of Mayor in accordance with the provisions of the Local Government Act 1995."***

**The Motion was Put and CARRIED (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf170411.pdf](#)*

## CJ052-04/17 REVIEW OF RECOGNITION OF VOLUNTEERS POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102666, 101515
<b>ATTACHMENTS</b>	Attachment 1 Revised <i>Volunteer Policy</i> (tracked changes) Attachment 2 Current <i>Recognition of Volunteers Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to review the *Recognition of Volunteers Policy* and adopt the revised *Volunteer Policy* as part of the Policy Manual review process.

### EXECUTIVE SUMMARY

As a result of a review of the Policy Manual, the *Recognition of Volunteers Policy* was identified as requiring amendments, namely:

- re-title the *Recognition of Volunteers Policy* to the *Volunteer Policy* to reflect the broader policy objectives
- amend the objective to better reflect the purpose of the policy
- realign the format of the policy to the new template
- include additional information about the management of volunteers by the City.

The current *Recognition of Volunteers Policy* (Attachment 2 refers) was adopted by Council at its meeting held on 27 February 2007 (CJ007-02/07 refers) to recognise the significant contribution of volunteers through unpaid hours in delivery of services, programs and activities to the Joondalup community. The policy has remained unchanged since 2007.

At its meeting held on 17 February 2015 (CJ002-02/15 refers), Council adopted the *Community Development Plan 2015–2020* following community consultation. The *Community Development Plan* identified the need to review relevant policies relating to volunteer recognition. The review of such policies will position the City to deliver on priorities related to supporting opportunities for volunteer management, as well as acknowledging volunteers through recognition programs.

On 4 May 2016, the City held a Strategic Community Reference Group (SCRG) meeting to review the City's current volunteer recognition and support activities. In addition, the City sought to review its current role in supporting volunteering within the community, and identified opportunities to partner, promote and facilitate volunteer development in order to meet best practice standards. SCRG feedback indicated support for recognising volunteers through civic functions and a suggestion was made to benchmark the *Recognition of Volunteers Policy* against other local government authorities.

Research into other local government volunteer policies found that those with volunteer policies incorporated an overarching volunteer policy rather than a specific recognition policy. The proposed *Volunteer Policy* has subsequently been revised to align with best practice standards and incorporates a revised section on the management of volunteers.

*It is therefore recommended that Council ADOPTS the revised Volunteer Policy as detailed in Attachment 1 of Report CJ052-04/17, subject to Clause 3.2 – Recognition of Volunteers being amended to read as follows:*

*“In order to recognise the significant efforts of volunteers within the community, the City will:*

*Conduct volunteer functions where possible, in alignment with best practice recognition events, as well as other local opportunities.”.*

## **BACKGROUND**

At its meeting held on 27 February 2007 (CJ007-02/07 refers), Council adopted the current *Recognition of Volunteers Policy* following requests from community groups for acknowledgement and funding support to assist with celebrations related to key milestones and achievements.

At the time, Council acknowledged the benefits to the City from the unpaid hours provided by volunteers in support of the delivery of community services and the need to develop a policy that encompassed volunteer recognition. The *Recognition of Volunteers Policy* has remained unchanged since 2007.

Since the *Recognition of Volunteers Policy* was adopted, the City has continued to connect approximately 2,000 volunteers with opportunities through the Joondalup Volunteer Resource Centre each year, which results in significant economic, social and environmental benefit for the City.

## **DETAILS**

Since the *Recognition of Volunteers Policy* was adopted, the City has continued to connect approximately 2,000 volunteers with opportunities through the Joondalup Volunteer Resource Centre each year, which results in significant economic, social and environmental benefit for the City.

The recognition and support of volunteers and volunteer groups remains a priority for the City and it is considered important for the City to continue recognising and supporting the contribution of volunteers and volunteer groups through a stated policy position.

Since the adoption of the *Recognition of Volunteers Policy* in 2007, the City's *Community Development Plan 2015–2020* has outlined a set of priorities to support and acknowledge contributions made to the City by volunteers through the development of a recognition program and working closely with the Joondalup Volunteer Resource Centre to promote the facility and enhance their ability to link volunteers to key positions within the community. The *Community Development Plan 2015 – 2020* also includes key performance targets related to increasing the number of volunteers referred to the Volunteer Resource Centre and increasing the number of people involved in a community based organisation.

The SCRG meeting held on 4 May 2016 addressed volunteer recognition through the lens of the *Community Development Plan 2015–2020*. SCRG feedback indicated that civic functions were considered a valuable recognition tool for contributions made by volunteers. Discussions also suggested opportunities for leadership development through volunteering and community participation remained an important mechanism to attracting and expanding volunteerism within the City of Joondalup. This has been taken into account during the review and subsequent amendments have been made within the policy to reflect the feedback from the SCRG.

### Local Government Comparison

Based on SCRG feedback, research and benchmarking the City's *Recognition of Volunteers Policy* against other local governments was conducted. An analysis of other local government policies was undertaken to compare volunteer policies and recognition policies in order to inform the review of the City's *Recognition of Volunteers Policy*. Of the 30 local governments benchmarked in the greater Perth metropolitan area, seven local governments have a policy relating to volunteers and volunteer management. These policies are summarised in the table below:

<b>Name of Local Government</b>	<b>Policy Name</b>	<b>Contains recognition clause?</b>	<b>Notes</b>
City of Armadale	Volunteer Involvement	No	Includes a reference to volunteer management. Acknowledges contributions made by volunteers, but does not state how volunteers are recognised.
Town of Bassendean	Volunteer Policy	Yes	Focuses on volunteer management. Outlines specific components such as volunteer registration and application process, training and insurance.
City of Bayswater	Volunteer Principles and Management	Yes	Focuses on volunteer management. Outlines specific components such as volunteer registration and application process, training and insurance.
City of Gosnells	Volunteer Services	Yes	Focus on the provision and engagement of volunteer services. Incorporates sections on attracting, supporting valuing volunteers. Includes detail on a discount program for volunteers.
Shire of Mundaring	Volunteer Support Policy	Yes	Encompasses volunteer management, recognition and volunteer support initiatives. Outlines specifics on volunteer initiatives such as support grants, training workshops and volunteer networking. Promotes recognition through national and local volunteer events.

Name of Local Government	Policy Name	Contains recognition clause?	Notes
City of Subiaco	Volunteers	Yes	Outlines commitment to supporting volunteers through recognition of service. Contains information relating to adhering to occupational health and safety standards, training, reimbursement of expenses and insurance. Specifies detail on yearly celebratory events and recognition of service awards.
City of Wanneroo	Volunteering Policy	Yes	Guides best practice in volunteer management and support including recruitment, supervision and training requirements. States a reward and recognition strategy will be developed to include funding volunteer functions.

The benchmarking exercise indicates that while most local governments that have volunteer policies also had recognition clauses, their policies generally encompass a broad approach rather than solely focusing on recognition. This research has highlighted an opportunity to expand the scope of the current *Recognition of Volunteers Policy* by including a definition section, a statement about volunteer management and reviewing the current section on volunteer recognition. Rationales for the amendments are indicated below:

#### Definition

The definitions of volunteer and volunteer groups have been adapted from Volunteering Australia's definitions.

#### Management of Volunteers

The policy objective, statement and details have been expanded to include a high-level statement addressing the management of volunteers within the City. The City currently has frameworks in place based on the National Standards for Volunteer Involvement and best practice documents endorsed by Volunteering Australia and it was deemed appropriate to include a clause addressing management based on these frameworks.

The addition of the management clause aligns the City with other local governments, but provides flexibility in the policy should the National Standards or best practice endorsement by Volunteering Australia change.

#### Recognition of Volunteers

The City currently holds numerous scheduled volunteer functions each year to recognise the contribution of volunteers and volunteer groups. SCRG feedback on recognising the contributions of volunteers through civic functions is consistent with the local government benchmarking and it is therefore recommended to be retained within the revised *Volunteer Policy*. Amendments have also been made to simplify and reduce the replication of content, namely "conducting volunteer functions" and "inviting volunteers to functions" within the policy.

## Issues and options considered

Council may either:

- adopt the revised *Volunteer Policy*, as shown at Attachment 1 to Report CJ052-04/17
- suggest further modifications to the revised *Volunteer Policy*  
or
- retain the *Recognition of Volunteers Policy* in its current format as shown at Attachment 2 to Report CJ052-04/17.

## Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative** Support and encourage opportunities for local volunteering.

Promote the sustainable management of local organisations and community groups.

Promote and support the needs of disadvantaged communities.

Support and facilitate the development of community leaders.

**Policy** *Recognition of Volunteers Policy*.

## Risk management considerations

In order to remain transparent and facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City, as well as contemporary best practice approaches.

## Financial / budget implications

Civic functions to recognise the contributions of volunteers are currently included in the City's budget. Though the City holds numerous scheduled volunteer functions, an increase in volunteer functions may require additional resources to be allocated.

## Regional significance

The efforts of volunteers and volunteer groups not only benefit the residents of the City of Joondalup, but also the broader region.

## Sustainability implications

### Environmental

A number of volunteer groups recognised by the City assist in the management and maintenance of natural areas managed by the City. A decrease in volunteers in this area would have an impact on the natural bushland managed by the City.

### Social

Social sustainability enhances the lives of those within communities and the processes required to achieve social cohesion. Volunteers play a vital role in achieving social sustainability.

### Economic

Volunteers contribute numerous hours of unpaid labour to the community and support the delivery of services to the community. There would be anticipated financial implications for the City and regional stakeholders if the City experienced a decline in volunteer service contributions to the community.

### **Consultation**

Not applicable.

### **COMMENT**

The *Recognition of Volunteers Policy* has provided guidance in regard to recognition of volunteers in the City of Joondalup. The expansion of the policy, including re-naming to the *Volunteer Policy*, will allow the City to continue to recognise the efforts of volunteers to the City, as well as provide a framework for supporting, encouraging and managing volunteer activities for the community. As such, it is considered appropriate that the proposed *Volunteer Policy* is adopted by Council.

### **VOTING REQUIREMENTS**

Simple Majority.

### **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

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

That Council ADOPTS the revised *Volunteer Policy* as detailed in Attachment 1 of this Report.

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

*That Council ADOPTS the revised Volunteer Policy as detailed in Attachment 1 of this Report, subject to Clause 3.2 – Recognition of Volunteers being amended to read as follows:*

*“In order to recognise the significant efforts of volunteers within the community, the City will:*

*Conduct volunteer functions where possible, in alignment with best practice recognition events, as well as other local opportunities.”.*

**MOVED** Cr Chester, **SECONDED** Cr Hamilton-Prime that Council **ADOPTS** the revised *Volunteer Policy* as detailed in Attachment 1 of Report CJ052-04/17, subject to Clause 3.2 – Recognition of Volunteers being amended to read as follows:

*“In order to recognise the significant efforts of volunteers within the community, the City will:*

*Conduct volunteer functions where possible, in alignment with best practice recognition events, as well as other local opportunities.”.*

The Motion was Put and **CARRIED** (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf170411.pdf](#)*



## **CJ053-04/17      LIGHT VEHICLE REPLACEMENT POLICY – REVOCATION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	28469, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Light Vehicle Replacement Policy</i> Attachment 2 <i>Asset Management Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to revoke the *Light Vehicle Replacement Policy* as a result of the Policy Manual review process.

### **EXECUTIVE SUMMARY**

The current *Light Vehicle Replacement Policy* was adopted by Council at its meeting held on 25 March 2008 (CJ052-04/08 refers) to minimise fleet whole-of-life costs to the City by guiding the replacement of its fleet vehicles through determination of optimum changeover periods. No amendments have been made to the policy since its adoption.

Since 2008, the City has developed and reviewed its *Asset Management Policy* in 2012. As the *Asset Management Policy* provides a consolidated Council position on all asset classes including fleet vehicles, it now has superseded the need for the *Light Vehicle Replacement Policy*.

*It is therefore recommended that Council REVOKES the Light Vehicle Replacement Policy, as shown in Attachment 1 of Report CJ053-04/17.*

### **BACKGROUND**

Following the split between the City of Wanneroo and the City of Joondalup, *Council Vehicles – Mayor and Council Officers Policy* was adopted by Council at its meeting held on 22 June 1999 (CJ213-06/99 refers), which replaced the former City of Wanneroo's policy on City vehicles.

In 2000, the City commissioned the former Western Australian Municipal Association (WAMA) to report on various fleet issues relating to light vehicles including:

- ownership structure
- salary packaging and novated leasing
- optimal changeover point.

The report listed numerous recommendations for cost efficiency which were considered at the Council meeting held on 22 May 2001 (CJ133-05/01). Council resolved in part to:

*“RETAIN its 6 and 8 cylinder vehicles for 4 years or 90,000km whichever is the sooner.”*

At its meeting held on 11 June 2002 (CJ121-06/02 refers), Council adopted further changes to the *Council Vehicles – Mayor and Council Officers Policy* relating to types of vehicles and changeover timeframes. The changes included the addition of replacement criteria of 12 months or earlier for the Mayor and CEO’s vehicles and the sooner of three years or 60,000km for all other passenger fleet vehicles.

A report and updated *Light Vehicle Replacement Policy* was provided to Council for consideration at its meeting held on 25 March 2008 (CJ052-04/08 refers). The updated *Light Vehicle Replacement Policy* removed the prescriptive optimum changeover period, replacing it with key principles for consideration thereby giving the City greater flexibility in replacement of fleet vehicles. The Council voted to adopt the *Light Vehicle Replacement Policy* in its current form at this meeting.

The policy has remained unchanged since 2008.

## DETAILS

Since the *Light Vehicle Replacement Policy*’s last review in 2008, the City has developed and reviewed the *Asset Management Policy* which sets out the Council’s policy position on all asset classes.

The *Asset Management Policy* (Attachment 2 refers) has incorporated broader overarching statements in relation to the management of all City assets, including fleet vehicles and reflects the City’s vision and values along with guidance on managing assets in an affordable and sustainable manner. With the *Light Vehicle Replacement Policy* providing the same information with specific reference to light vehicles, it has now been superseded by the review of the *Asset Management Policy*.

Furthermore, the information contained within the *Light Vehicle Replacement Policy* such as ‘whole-of-life cost’ principles and references to obtaining external advice on the purchase, replacement and maintenance of the City’s light, heavy and plant vehicles have been integrated within the City’s *Fleet Asset Management Plan 2011-2031*. To ensure consistency across all City policies, the aspects outlined within the current policy have now been embedded into City processes and as such, a policy statement relating to light vehicle replacement is no longer required.

The current *Light Vehicle Replacement Policy* also makes references to the *City Owned Motor Vehicle Allocation and Usage Protocol* which outlines the allocation and vehicle use categories. This protocol sets out specific operational processes for the City and as such, is not required to be referenced in any high-level strategic policy document.

The *Light Vehicle Replacement Policy* also contains commentary relating to the fleet replacement values and relevant objectives within the *Strategic Plan 2008-2011* which is out-of-date and no longer relevant within the context of *Joondalup 2022*.

The information contained with the *Light Vehicle Replacement Policy* has now been superseded by the review of the *Asset Management Policy* and it is therefore recommended that the *Light Vehicle Replacement Policy* is revoked by Council.

**Issues and options considered**

Council has the option to:

- revoke the *Light Vehicle Replacement Policy*, as shown in Attachment 1 to Report CJ053-04/17
- modify the *Light Vehicle Replacement Policy*  
or
- retain the *Light Vehicle Replacement Policy* in its current format.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative**

- Manage liabilities and assets through a planned long-term approach.
- Balance service levels for assets against long term funding capacity.

**Policy** *Light Vehicle Replacement Policy*.

**Risk management considerations**

In order to remain transparent and facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City.

**Financial / budget implications**

There are no anticipated financial budget implications with revoking the *Light Vehicle Replacement Policy*.

**Regional significance**

Not applicable.

**Sustainability implications**

Management of light vehicles in accordance with sound asset management principles supports financially and environmentally sustainable outcomes.

**Consultation**

Not applicable.

## COMMENT

As part of the on-going Policy Manual review it has been noted that the *Light Vehicle Replacement Policy* has many instances of duplication with the *Asset Management Policy*. The City has introduced more detailed and appropriate decision-making frameworks and planning documents to support effective fleet management. As such, it is considered appropriate that out-of-date policy statements are revoked and more recent and relevant documents be relied upon, namely the *Asset Management Policy*.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council REVOKES the current *Light Vehicle Replacement Policy* as shown in Attachment 1 to Report CJ053-04/17.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf170411.pdf](#)*

**CJ054-04/17 PUBLIC ART POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	101291, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Public Art Policy</i> Attachment 2 <i>Public Art Management Plan</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to adopt the proposed *Public Art Policy* and note the associated *Public Art Management Plan*.

**EXECUTIVE SUMMARY**

After the review of the City's *Art and Memorabilia Collections Policy*, which resulted in the creation of the *Visual Arts Policy*, it was identified that a policy that specifically deals with public art would be required by the City at a future date.

The current *Visual Arts Policy* and *Art Collection Management Plan* were adopted by Council at its meeting held on 10 March 2016 (CJ044-03/16 refers) to better reflect the City's stance on art acquisition and management. However, the *Visual Arts Policy* and the *Art Collection Management Plan* lack substantial details specific to public art projects and it was decided that a separate *Public Art Policy* would be submitted to Council for approval.

Managing and commissioning public artworks is substantially different to other works in the art collection and may involve a greater level of City intervention to acquire and maintain. As such, the proposed *Public Art Policy* and *Public Art Management Plan* attempt to address that gap and guide this process of managing and commissioning public artwork.

Research and benchmarking of other local government authorities as well as internal stakeholder consultation has resulted in significant modification to the approach taken in the revoked *Art and Memorabilia Collections Policy*. The proposed *Public Art Policy* has been developed to incorporate State Government initiatives, such as the Percent for Art Scheme, and to guide City staff on the acquisition and commissioning of public art.

*It is therefore recommended that Council:*

- 1 *ADOPTS the proposed Public Art Policy as detailed in Attachment 1 to Report CJ054-04/17;*
- 2 *NOTES the Public Art Management Plan as detailed in Attachment 2 to Report CJ054-04/17.*

## BACKGROUND

Following the split between the former City of Wanneroo and the City of Joondalup, the *Art Collection Policy* was adopted by Council at its meeting held on 22 June 1999 (CJ213-06/99 refers), which replaced the former City of Wanneroo's policy on art collections.

At its meeting held on 11 October 2005 (CJ206-10/05 refers), Council endorsed numerous changes to the Policy Manual which included combining the *Art Collection Policy*, *Museum Collections and Operations* and *Public Art Policy* into a new document called the *Cultural Development Policy*.

At its meeting held on 12 December 2006 (CJ238-12/06 refers), Council adopted the revised *Art and Memorabilia Collections Policy* following a request for review of the *Cultural Development Policy* as the wording did not accurately reflect the intent of the policy.

At its meeting held on 10 March 2016 (CJ044-03/16 refers), Council resolved to revoke the *Art and Memorabilia Collections Policy* and adopt the *Visual Arts Policy*. Incorporating amendments from Council (CJ044-03/16 refers), the *Visual Arts Policy* is now in effect. The *Art Collection Management Plan* (forming Attachment 3 to Report CJ044-03/16), is also in effect and provides operational direction to the management of the City's art collection and annual visual arts programs.

The *Visual Arts Policy* and *Art Collection Management Plan* lack substantial details specific to public art projects as it was decided after review that a separate *Public Art Policy* will be created and presented to Council for approval at a future date (paragraph 1 of page 112 of CJ044-03/16 refers).

## DETAILS

### City of Joondalup Art Collection

The City's art collection currently contains over 230 artworks, with a focus on Western Australian contemporary art. This collection was obtained through the separation from the former City of Wanneroo and has been cultivated through on-going acquisitions and commissions.

The City's art collection is contained in three distinct categories, encompassing the following:

- City's Art Collection.
- City's Public Art Collection.
- Murals and Ephemeral Artworks.

The proposed *Public Art Policy* and the associated *Public Art Management Plan* refer specifically to the public art collection, and murals and ephemeral artworks mentioned above.

### Permanent public artworks

Through the separation from the former City of Wanneroo, the City of Joondalup acquired all existing public artworks within the City's boundaries. The former City of Wanneroo's public art program dates back to 1991 when it began installing artworks throughout the district. These works formed the origin of the City's public art collection which has since developed through the on-going commissioning of public art projects. The majority of these projects were commissioned by the City within the Joondalup CBD in the immediate years following the establishment of the City due to a number of major developments that took place at the time.

During its history, a number of works have also been decommissioned from the public art collection for various reasons. Reasons for decommissioning a public artwork may include the redevelopment of the site or where the work was considered to be in a state of disrepair such that it was judged not to be salvageable.

There are currently 18 permanent public artworks on display in the City from the City's public art collection, which includes sculptures, architectural details, and works integrated into streetscapes such as bollards or street furniture:

- Brandon Ballengée, *Emperor Gum Moth*, Grand Boulevard, 2016.
- Geoffrey Drake-Brockman, *Interlace*, Central Walk, 2015.
- Denise Brown, *Kerb Tiles*, city streets, 2014.
- Kate McMillan, *Kambarang (Windsocks)*, Seacrest Park, 2011.
- Bridget Norton, *Untitled (Acrylic plaques mural)*, Craigie Leisure Centre, 2009.
- Coral Lowry, *Xanthorrea Presse*, Boas Avenue, 2007.
- Jon Tarry, *For the Boys (Bali Memorial)*, Kingsley Football Club, 2004.
- Ron Corbett, *Bibbulmun Yorga*, Neil Hawkins Park, 2002.
- Kevin Draper, *Metal Trees*, Central Park, 2001.
- Indra Geidans, *Untitled (Mosaic Pavers)*, Central Park, 2001.
- Steve Tepper, *Untitled (Bronze Plaques)*, Joondalup Library, 2001.
- Geoff York and Jane York, *Kerb Tiles*, City streets, 1999.
- Mark Cox, *Untitled (Floor Mosaic)*, Joondalup Library entrance portico, 1998.
- Peter Dailey, *Untitled (Street Bollards and Tree Grates)*, City Streets, 1998.
- Albie Herbert and Eric Schneider, *Odyssey*, Marmion Beach, 1998.
- Malcom McGregor, *Floor Inlay*, Civic Chambers entrance, 1998.
- Brian McKay, *Inscription (Roman lettering)*, Joondalup Library, 1998.
- Smith Sculptors, *Central Park War Memorial*, Central Park, 1998.

#### Murals and ephemeral artworks

The City has commissioned murals throughout the City of Joondalup since a pilot study in 1992. Murals were introduced as a method of combating illegal graffiti and as a way of engaging potential graffiti vandals in the creation of legal murals. The City has commissioned murals – for City-owned properties and sites that are visible to the public – in conjunction with young people in the community. The program continues to train participants in urban art skills and provides opportunities to be involved in painting vibrant and contemporary public artworks.

Over the years, several murals have been retired, which involves either repainting the site with a new commission or returning the site to its original state. Currently, all mural projects have an anticipated lifecycle of five years.

The City of Joondalup Inside-Out Billboard project is also part of the *Mural Arts Program*. Established in 2013, it provides an alternative method of displaying visual images within a public site. This on-going project has since commissioned seven Western Australian artists to create an original artwork to be reproduced and then installed onto permanent billboard infrastructures at the Joondalup Library and Joondalup Courthouse.

#### Western Australia State Government Percent for Art Scheme

The Percent for Art Scheme was established in 1989 through collaboration between the Department of Finance, Building Management and Works (BMW) and the Department of Culture and the Arts (DCA) to encourage and direct initiatives whereby public artworks are commissioned for Western Australia's civic buildings and major infrastructure projects.

The revoked *Art and Memorabilia Collections Policy* addressed the Percent for Art Scheme whereby it stated that the scheme will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. When the *Art and Memorabilia Collections Policy* was replaced by the *Visual Arts Policy* references to the Percent for Art Scheme were removed as it was intended that the Percent for Art Scheme would be addressed in the *Public Art Policy* for consideration by Council at a future date.

Since the *Art and Memorabilia Collections Policy* was revoked, the City has continued to implement Percent for Art projects as a way of enhancing the value of the City's capital projects and investing in publicly assessable visual art as per the objectives contained within the current strategic plan. Currently, there is no formal process in place regarding the incorporation of public art into the planning of the City's Capital Works projects.

The reconsideration of the City's approach to the Percent for Art Scheme has been addressed in the proposed *Public Art Policy* and associated *Public Art Management Plan*.

#### Public Art Management Plan

The City is committed to managing its public art collection, including murals and ephemeral artworks, and developing this collection through commissioning works on an on-going basis to ensure the City is in step with other Western Australian local governments with regard to innovative development of the built environment and public spaces.

The City currently commissions new public artworks and murals through the *Visual Arts Program*. These projects are managed informally and managed on a case-by-case basis guided by process maps that detail each development stage and approval procedures.

Managing and commissioning public artworks is significantly different to other works in the art collection and may involve the following:

- Consultation and planning with other business units at the City.
- Community input and collaboration.
- A different approach to selecting a commissioned artist for projects with a substantial budget.
- Consideration of the various sites within the City of Joondalup.
- Site preparation and installation.
- Access to or installation of infrastructure and facilities such as electrical and water.
- A different approach to acknowledgements and signage.
- A very different approach to ongoing maintenance and conservation.
- Re-location and de-accessioning or project lifecycles.

The timeline for commissioning public artworks is substantial and (may include) the following:

- Community consultation.
- An expressions of interest phase to a project brief.
- Convening a panel of external professionals to review submitted responses.
- Selecting and approving an artist(s).
- Briefing and consultation with Elected Members.
- Consultation and liaising with internal stakeholders.
- Consultation and sign off by engineers.
- Engaging with trade professionals for the fabrication of the artwork.
- Installation.
- Final approval of artwork.



There are a number of approaches that can be taken to acquiring public artworks, including:

- directly contracting a professional artist to create a site specific original public artwork
- expressions of interest submissions from artists for a site specific original public artwork
- directly purchasing an existing work of public art for installation at a site.

Most commonly, the City opts to commission artists for site-specific original public artwork that are in line with the objectives of the City's art collection – works that respond to the local community, native flora or fauna, or the cultural heritage of the area. The City is also open to purchasing existing works for the public art collection that are in line with these objectives and so long as they are appropriate to the site.

Where possible, the City calls for submissions from professional artists throughout Western Australia to respond to a creative brief for significant public art projects. This process is outlined in the *Public Art Management Plan*, which will provide guidance to staff through this process.

In order to adequately reflect processes and considerations that are unique to public art projects, the City has developed a *Public Art Policy* for the approval of Council and a *Public Art Management Plan* to guide the management and planning of public art projects. The following details are addressed in the proposed *Public Art Management Plan*:

- How the City will acquire or commission public artworks.
- The commissioning and selection processes the City will follow.
- The approach to the selection of sites for public artworks.
- The approach and procedures that the City will take for re-locating and de-accessioning public artworks.
- How the City intends to maintain works in the public art collection.

#### Local Government Public Art Policies

The City undertook a benchmarking exercise with the following local government authorities:

- City of Albany.
- City of Belmont.
- City of Bunbury.
- City of Claremont.
- City of Darwin.
- City of Fremantle.
- City of Kwinana.
- City of Melville.
- City of Stirling.
- City of Subiaco.
- City of Swan.
- City of Vincent.
- Shire of Busselton.
- Shire of Mundaring.
- Town of Claremont.

Policies regarding the management and commissioning of public artworks and Percent for Art projects were examined to ensure that the proposed *Public Art Policy* is innovative and aligned with other local government authorities of regional significance.

## Issues and options considered

The proposed *Public Art Policy* and associated *Public Art Management Plan* required significant information that is not contained in the adopted *Visual Arts Policy* and *Art Collection Management Plan*.

The following details were considered for the proposed *Public Art Policy*:

- What the City considers to be public art.
- The City's position and approach to the Percent for Art Scheme.

It is recommended that Council either:

- adopts the *Public Art Policy* and note the *Public Art Management Plan*, as shown at Attachments 1 and 2 to Report CJ054-04/17
- modifies the *Public Art Policy*  
or
- does not adopt the *Public Art Policy*.

## Legislation / Strategic Community Plan / policy implications

**Legislation** *Code of Practice for the Australian Visual Arts and Crafts Sector.*

*Western Australian Government Percent for Art Scheme Guidelines.*

## Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Cultural development.  
For the community to have access to world-class cultural and artistic events and facilities.

**Strategic initiative**

- Invest in publicly accessible visual art that will present a culturally-enriched environment.
- Promote local opportunities for arts development.

**Policy** *Public Art Policy.*

This report presents research for the proposed *Public Art Policy*. The *Public Art Policy* relates to and accompanies the adopted *Visual Arts Policy*.

## Risk management considerations

The City's Public art projects are currently guided by the *Visual Art Policy* and *Art Collection Management Plan*. As these documents do not have substantial guidance and direction for public art, there is a gap in the procurement process and on-going maintenance for public art. In order to facilitate appropriate decision-making processes that are unique to public art, it is desirable that the City adopts policies and management plans specific to public art projects.

## Financial / budget implications

There are no financial implications relating to this report and the adoption of the proposed *Public Art Policy*.

The following funds have been approved by Council for public art projects:

### Capital

Capital Project Funds (C1077)	\$50,000 per annum
Capital Project Expenditure current balance	\$81,392

### Operational

2016-17 Revised Public Art Maintenance Budget (4009)	\$12,684
2016-17 Revised Mural Art Program Budget (4008)	\$18,987
2016-17 Revised Billboard Project Budget (4054)	\$26,602

## Regional significance

The proposed *Public Art Policy* attempts to drive cultural development and identity within the City that will be of regional significance. The City's on-going support of the visual arts is integral to the cultural vibrancy of the city centre as well as the entire northern region.

## Sustainability implications

### Social

The promotion and establishment of public art within the community contributes to the social wellbeing of residents and visitors through opportunities for cultural experiences.

### Economic

The promotion of public art within the community and on-going commissioning of new public artworks, including those commissioned through the Percent for Art Scheme, will enhance the value of the City's art collection and the City's capital projects.

## Consultation

Not applicable.

## COMMENT

With the adoption of the *Visual Arts Policy* and revocation of the City's *Art and Memorabilia Collections Policy*, the City does not currently have a guiding policy in relation to public art. The development of a *Public Art Policy* and *Public Art Management Plan* will allow the City to continue to acquire, commission and maintain public artworks while providing a framework for staff in the management of those processes. As such, it is considered appropriate that the proposed *Public Art Policy* is adopted by Council.

## VOTING REQUIREMENTS

Simple Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council:**

- 1 ADOPTS the proposed *Public Art Policy* as detailed in Attachment 1 to Report CJ054-04/17;**
- 2 NOTES the *Public Art Management Plan* as detailed in Attachment 2 to Report CJ054-04/17.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf170411.pdf](#)*

## **CJ055-04/17      DRAFT COASTAL LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	105198, 101515
<b>ATTACHMENTS</b>	Attachment 1      Draft <i>Coastal Local Planning Policy</i> (with proposed modifications)
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

---

### **PURPOSE**

For Council to consider the draft *Coastal Local Planning Policy* following advertising for the purposes of final adoption.

### **EXECUTIVE SUMMARY**

Coastal areas are highly valued by the community and are a popular location for people to both visit and live. Erosion, inundation and sea level rise, as a result of climate change has the potential to impact on coastal foreshore areas and some coastal property.

*State Planning Policy 2.6: State Coastal Planning Policy* (SPP2.6), requires that future development in coastal areas takes into account coastal hazard risk and that property owners in areas subject to coastal hazard risk be informed of those risks.

The draft *Coastal Local Planning Policy* (Attachment 1 refers) is part of the City's response to coastal risk hazard management. The purpose of the draft *Coastal Local Planning Policy* is to, in accordance with SPP2.6, ensure that when developments occur in a coastal hazard risk area adequate notification and adaption measures are undertaken. This includes the requirement that a notification be put on the certificate of title when landowners are undertaking developments located in a coastal hazard area and that coastal hazard risk management and adaption planning is undertaken as appropriate.

At its meeting held on 13 October 2016 (CJ182-10/16 refers), Council considered the draft policy and resolved that it be advertised for public comment. The draft *Coastal Local Planning Policy* commenced public consultation on 25 November 2016 for a period of 21 days closing on 15 December 2016. A total of 11 submissions were received being three in support, six objections and two comments. The submissions of objections included the impact on house prices and insurance premiums, the placement of notifications on title, request for assurances that the City is undertaking works to reduce impacts on the coastline, the need for individuals to undertake adaption planning and the requirement for the policy. In addition, the Department of Planning suggested some modifications to the wording of the draft policy to better align with SPP2.6.

It is not considered that the abovementioned issues impact on the operation and implementation of the draft policy, therefore it is recommended that Council endorses the draft policy as final, with minor modifications.

## BACKGROUND

The Western Australian Planning Commission (WAPC) released a revised SPP2.6 in July 2013 to provide guidance for land use and development decision-making within the coastal zone. SPP2.6 requires local governments to identify coastal hazard areas and to inform future and current property owners in coastal hazard areas of the risk. Under the updated policy:

- 1 coastal Hazard Risk Management and Adaptation Planning (CHRMAP) should be undertaken where appropriate
- 2 when a subdivision or development application is received for an area at risk, then current and / or future lot owners should be made aware of the risk by providing a notification on the certificate of title. This will apply to all subdivision and / or development applications within the 100 year coastal vulnerability lines.

A coastal hazard assessment undertaken for the City's coastline has identified that some areas may become susceptible to coastal erosion within the next 100 years. In the short-term this may include beaches and associated infrastructure such as access ways and dune fencing. In the long-term (greater than 50 years) additional infrastructure such as car parks, some City owned buildings within coastal foreshore areas and some private property may potentially be at risk from severe storm erosion.

The draft policy was adopted by Council at its meeting held on 13 October 2016 (CJ182-10/16 refers), for the purposes of advertising for a period of 21 days.

## DETAILS

SPP2.6 identifies the need for Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) to ensure an appropriate risk assessment and management planning framework for ensuring coastal hazard considerations are factored into decision making processes.

Consultation with the Department of Planning has outlined that it is not the intent of SPP2.6 that development applications for single dwellings would be required to develop a CHRMAP as the requirement would be too onerous. However a CHRMAP would need to be undertaken by proponents prior to subdivision of larger areas of land and it is likely that larger scale developments may be required to prepare a CHRMAP if located in a vulnerable area within the planning timeframe of 100 years. In such cases, it would be the City's responsibility to determine who would be required to prepare a CHRMAP as part of a structure plan, subdivision proposal or development application.

In terms of notifications on titles, Section 5.5 of SPP2.6 states that where coastal hazard risk is identified, it should be disclosed to those who could be affected and that current and / or future lot owners should be made aware of the coastal hazard risk by providing the following wording on the certificates of title:

***“VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and / or inundation over the next 100 years.”***

The placement of notifications on certificates of title can be achieved via two mechanisms, namely subdivision approval and development approval.

Under the draft policy, when an application for subdivision is received by the City, the City will request the WAPC to impose a condition on the subdivision approval requiring notifications to be placed on all new titles. When the City approves a development application, it will place a condition on the approval requiring the owner to register a notification on the title under section 70A of the *Transfer of Land Act 1893*.

If, through further detailed investigation or works to reduce risk, it can be demonstrated that a piece of land is no longer the subject of coastal hazard risk, then an owner may formally request removal or withdrawal of the notification.

The objective of the draft local planning policy is to ensure that the City complies with Part 5 of SPP2.6 through the application of local planning requirements in line with those set out in SPP2.6 as follows:

- When an application for subdivision is received by the City, the City will request the WAPC to impose a condition on the subdivision approval requiring notifications to be placed on all new titles.
- When the City approves a development application, it will place a condition on the approval requiring the owner to register a notification on the title under section 70A of the *Transfer of Land Act 1893*.
- For large areas of land, Coastal Hazard Risk Management and Adaption Planning is required prior to any subdivision or development of the land.
- Structure plans and local development plans will need to address the requirements of SPP2.6 and the City's *Coastal Local Planning Policy*.

Not every lot within a potentially vulnerable area will be the subject of a subdivision application or a development application. As such, not every lot within a potentially vulnerable area will have a notification placed on its title through these approval processes. Therefore, in order to ensure that all existing and future property owners of vulnerable lots are aware that their lot is potentially subject to coastal hazard risk the City has:

- allowed the areas subject to potential coastal hazard risk to be viewed using the City's *mapping online* tool
- made available coastal hazard risk maps for sections of the City's coastline for downloading from the City's website
- included coastal hazard risk alerts on any land purchase inquiry made in relation to lots within areas identified as potentially being vulnerable.

### **Issues and options considered**

Council has the option to either:

- endorse the draft *Coastal Local Planning Policy*, with or without modifications  
or
- not endorse the draft *Coastal Local Planning Policy*.

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

#### **Legislation**

- *Planning and Development (Local Planning Scheme) Regulations 2015.*
- *Transfer of Land Act 1893.*

## Strategic Community Plan

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Key theme</b>	The Natural Environment.
<b>Objective</b>	Environmental resilience.
<b>Strategic initiative</b>	Identify and respond to environmental risks and vulnerabilities.
<b>Policy</b>	<i>State Planning Policy 2.6 - State Coastal Planning Policy.</i>

## Risk Management considerations

Local government liability in relation to coastal vulnerability is little different to its general liability arising from the performance of existing statutory functions, where such liability is determined by common law principles of negligence, as modified by the *Civil Liability Act 2002* and other written laws.

If a local government's decision-making and / or its planning framework (consisting of the local planning scheme and relevant planning policies) comply with the policy measures prescribed in SPP2.6 and are otherwise consistent with the performance of its obligations under the *Planning and Development Act 2005*, then the likelihood of it being exposed to liability in the context of coastal vulnerability is considered to be extremely remote.

## Financial / budget implications

The costs associated with the public advertising undertaken and a notice of the final adoption will be approximately \$1,000.

## Regional Significance

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

The draft local planning policy was advertised for 21 days concluding on 15 December 2016 by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website.



In addition to the statutory advertising mentioned above, a letter, copy of the draft *Coastal Local Planning Policy* and a set of frequently asked questions were sent directly to:

- affected residents
- attendees of information sessions
- community engagement network members
- local Members of Parliament.

A total of 11 submissions were received being three in support, six objections and two comments.

## COMMENT

A number of concerns were raised during the public consultation period and are discussed below.

*Concerns were raised by a number of residents that the draft policy will have impacts on property values and insurance premiums and furthermore that the policy would have negative impacts on the sale of land.*

As outlined in the frequently asked questions provided as part of the community consultation, there are numerous factors that affect property values. The potential impact on property values when a lot is identified as subject to coastal hazard risk is not readily ascertained or predicted and property values will be determined by the property market at any given time.

In reference to the concern in regard to the rise in insurance premiums, the impact when a lot is identified as subject to coastal hazard risk is unclear and are determined by insurance providers, not the City.

*A concern was raised that given a property is located within the 100 year zone that the subject property / ies would have a notification of title unilaterally endorsed.*

SPP2.6 states that all subdivision and development approvals for land identified as subject to coastal hazard risk within the planning timeframe (100 years), should include a condition requiring a notification to be placed on the certificate of title. Under the City's draft local planning policy, notification is only to be placed on the subject lots certificate of title when a subdivision and / or development application has been supported by the City and / or WAPC and as a condition of approval. Should a land purchase inquiry be received by the City the applicant will be advised that the property is located within a coastal hazard zone, however the City will not require further action to be undertaken as a result of the inquiry.

*Scientific evidence is required in regard to calculated erosion (milestone year marks) to show that statements about erosion are accurate.*

The *Joondalup Coastal Hazard Assessment Coastline Monitoring Program – Baseline Report* was prepared on behalf of the City by appropriately qualified and experienced consultants, implementing the methodology set out in SPP2.6.

*Assurance is sought that the City of Joondalup was moving to proactively taking action to minimise any effects of coastal processes on its infrastructure closer to the shoreline.*

The City is taking a number of steps to understand future potential impacts on the City's coastline, and furthermore to prepare and adapt to these impacts, including the following:

- Establishing an ongoing coastal monitoring program to monitor shoreline movements.
- Engaging and informing the community about coastal vulnerability.
- Developing an overarching plan to guide the City's adaptation activities along the coastline.
- Identifying sites which will require site-specific coastal adaptation plans to be developed in consultation with the community.

The City is responsible for preparing and adapting City-owned and managed coastal reserves, property and assets for future potential coastal hazard risk. The majority of private property identified as being potentially subject to coastal hazard risk within the next 100 years is located east of major City infrastructure and City property and therefore will benefit from the City's adaptation measures.

*A concern was raised that subdivision proponents will have to undertake Coastal Hazard Risk Management Action Planning.*

It is not the intent of the policy for individual land owners of single lots to be required to undertake coastal hazard risk management adaptation planning.

*Dissemination of hazard information and reports – there is no requirement for the City to be open and accountable.*

In July 2016 the City wrote to all property owners within identified coastal hazard areas advising them of the potential coastal hazard risk and the implications of SPP2.6. Workshops were also held during August 2016 with affected landowners.

Beyond the SPP2.6 requirements to inform current and future lot owners, the City is taking a number of steps to ensure it is able to prepare and adapt to future coastal hazard risk and that potential impacts are minimised and managed appropriately.

The following documents and tools have been developed and are provided on the City's website on the Coastal Vulnerability Response page:

- Joondalup Coastal Hazard Assessment.
- *Coastline Monitoring Program* – Baseline Report.
- Coastal Hazard Maps.

*The policy is not needed and is a duplication as SPP2.6 is already in place and that due regard is given to it by the City.*

The draft *Coastal Local Planning Policy* has been developed to guide how the City will implement aspects of SPP2.6. The local planning policy provides clarification on the specific clauses and sections of SPP2.6 that applicable and relevant to development in the City.

*This is a surreptitious way of amending the local planning scheme.*

There is no basis or requirement for DPS2 to be amended to incorporate the provisions of the draft policy.

*The Minister for Planning on advice from the Department of Planning suggested that the words 'previously' and 'undeveloped' be removed from the terms 'undeveloped land' and 'previously undeveloped land' within the draft policy.*

The discussions undertaken with the Department of Planning clarified the above suggestion made by the Minister of Planning on behalf of the department. In reference to the removal of the words, it is aimed at reducing any confusion regarding what land is subject to certain requirements of SPP2.6.

It was clarified that SPP2.6 requires that for 'greenfield' locations, an appropriate coastal foreshore reserve in accordance with Clause 5.9 *Coastal foreshore reserve* is required, behind which all development is to be located. In this instance coastal hazards are to be avoided for the extent of the planning timeframe, thus CHRMAP should not be required.

The City acknowledges the abovementioned suggestion as an appropriate minor change to be made to the draft policy, however removal of the word 'undeveloped' may cause confusion that a CHRMAP is required prior to the subdivision of any lot, regardless of size or existing development. As it is not the intent of the City to require adaptation planning for small or single lots, clarification is needed in the draft policy that adaptation planning may apply to larger lots.

Minor modifications are proposed to the draft policy to ensure consistency of the wording of the 'Authority' section of other local planning policies.

The proposed local planning policy forms part of the City's response to coastal risk hazard management, and it is recommended that the draft *Coastal Local Planning Policy* be adopted, with modifications.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council, in accordance with subclause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Coastal Local Planning Policy*, subject to replacing the words 'undeveloped' with 'larger areas of', and other minor modifications, as included in Attachment 1 to Report CJ055-04/17.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf170411.pdf](#)*

**Disclosure of interest affecting impartiality.**

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ056-04/17 - Draft <i>Home-Based Business Local Planning Policy</i> .
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood is a small business owner. Cr Hollywood answers telephones and uses computer equipment for those businesses, for convenience, even though she employs staff at an office she owns elsewhere.

## CJ056-04/17      DRAFT      HOME-BASED      BUSINESS      LOCAL PLANNING POLICY

**WARD:** All

**RESPONSIBLE DIRECTOR:** Ms Dale Page  
Planning and Community Development

**FILE NUMBER:** 13048, 101515

**ATTACHMENTS:**

Attachment 1	Current Home Business Policy
Attachment 2	Draft Home-based Business Local Planning Policy (tracked changes)
Attachment 3	Draft Home-based Business Local Planning Policy (non-tracked version)

**AUTHORITY / DISCRETION** Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider the draft *Home-based Business Local Planning Policy* for the purposes of public advertising.

**EXECUTIVE SUMMARY**

The existing *Home Business Policy* requires review as a result of the changes to the definitions of home-based businesses between *District Planning Scheme No. 2* (DPS2) and draft *Local Planning Scheme No. 3* (LPS3). The existing policy has been reviewed and a revised local planning policy has been developed that aligns with the definitions in LPS3.

The existing policy is considered to be functioning well, and the majority of the provisions have been retained. However, due to the change in land use definitions, a small number of refinements are considered appropriate that will assist with the transition to the new home-based business definitions.

It is noted that the home-based business definitions in LPS3 do not include consideration of a family day care activity. DPS2 currently defines this activity as a 'Home Business – Category 1' and is therefore exempt from planning approval. It is considered appropriate to maintain family day care as a use that is exempt from planning approval, however this will entail modifications to draft LPS3 to include the use in the zoning table, through a process separate to this policy.

It is recommended that Council supports the draft revised *Home-based Business Local Planning Policy* (renamed from *Home Business Policy*) to allow it to be advertised for public comment for a period of 21 days.

## BACKGROUND

DPS2 currently contains land use definitions for three scales of home-based business (that is Categories 1 - 3). The *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) contain model definitions for a range of land uses including home-based business activities. Those definitions are home office, home occupation, and home business, which differ in various aspects from those definitions currently in DPS2.

While it is generally expected that new local planning schemes will utilise the model land use definitions outlined in the LPS Regulations, in this instance, it was proposed to retain the current DPS2 definitions within LPS3 given that the existing home-based business definitions have been in place for a number of years, are well established, and work well.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. However, prior to the Western Australian Planning Commission (WAPC) granting approval to advertise draft LPS3, it required the home-based business definitions be changed to align with those within the LPS Regulations.

Therefore, the existing *Home Business Policy* requires review as a result of the new definitions that are included in draft LPS3. Public comment on the draft LPS3 closed on 14 February 2017.

## DETAILS

The new hierarchy of home-based business under LPS3 will be (from the lowest scale to the highest) as follows:

- Home Office.
- Home Occupation.
- Home Business.

Generally, a 'Home Business - category 1' as defined under DPS2 is equivalent to a 'Home Office' under the draft LPS3, a 'Home Business - category 2' is equivalent to a 'Home Occupation', and a 'Home Business - category 3' is equivalent to a 'Home Business'.

The following table compares the main attributes for each type of home-based business under the existing DPS2 and draft LPS3:

Definition	Existing DPS2	Draft LPS3
Category 1 (DPS2) Home office (LPS3)	<ul style="list-style-type: none"> <li>• 30m<sup>2</sup> maximum area.</li> <li>• Includes family day care.</li> <li>• Can only involve members of household.</li> <li>• No sign permitted.</li> <li>• No customers permitted.</li> </ul>	<ul style="list-style-type: none"> <li>• No maximum area stated.</li> <li>• Does not refer to family day care.</li> <li>• Can only involve members of household.</li> <li>• No sign permitted.</li> <li>• No customers permitted.</li> </ul>

Definition	Existing DPS2	Draft LPS3
Category 2 (DPS2) Home occupation (LPS3)	<ul style="list-style-type: none"> <li>• 30m<sup>2</sup> area, or larger if demonstrated to be appropriate.</li> <li>• Can employ one person not a member of household.</li> <li>• No retail sales, hire or display.</li> <li>• 0.2m<sup>2</sup> sign.</li> <li>• Can involve customers at premises.</li> </ul>	<ul style="list-style-type: none"> <li>• 20m<sup>2</sup> maximum area.</li> <li>• Can only involve members of household.</li> <li>• No retail sales, hire or display but can sell by internet.</li> <li>• 0.2m<sup>2</sup> sign.</li> <li>• Can involve customers at premises.</li> </ul>
Category 3 (DPS2) Home Business (LPS3)	<ul style="list-style-type: none"> <li>• 50m<sup>2</sup> area or up to 100m<sup>2</sup> with community consultation.</li> <li>• Can employ two people (not a member of household), or up to four people subject to community consultation.</li> <li>• No retail sales, hire or display.</li> <li>• 0.2m<sup>2</sup> sign, maximum two metres high.</li> <li>• Can involve customers at premises.</li> </ul>	<ul style="list-style-type: none"> <li>• 50m<sup>2</sup> maximum area.</li> <li>• Can employ two people (not a member of household).</li> <li>• No retail sales, hire or display but can sell by internet.</li> <li>• Not stated.</li> <li>• Can involve customers at premises.</li> </ul>

It is likely that the largest impact in the change of definitions will be for Category 2 / Home Occupation proposals, as the area permitted to be utilised is reduced from 30m<sup>2</sup> (with the possibility of a larger area) and one external employee under DPS2, to a maximum of 20m<sup>2</sup> with no external employees under LPS3.

It is also noted for Category 3 / Home Business, the possibility of up to four external employees and up to an area of 100m<sup>2</sup> is removed under LPS3.

Family day care provides early childhood education and care services within the educator's own home, up to a maximum of seven children. DPS2 specifically recognises a family day care activity as a 'Home Business - Category 1' activity and is therefore exempt from the requirement for planning approval. The home-based business definitions in LPS3 do not specifically recognise a family day care activity.

#### Proposed amendments

It is proposed that the following amendments to the existing *Home Business Policy* (Attachment 1 refers) be made:

- Rename the policy '*Home-based Business Local Planning Policy*'.
- Replace the generic term 'home business' used in the existing policy to 'home-based business' in order to differentiate it from the LPS3 land use definition of 'Home Business'.
- Expand the policy objectives.
- Include the new home-based business definitions as contained in draft LPS3.

- Remove provisions from the policy that are already covered by the land use definitions.
- Limit the need for a management plan to those proposed Home Businesses that seek to have two external employees.

The revised draft policy is included as Attachment 2 (tracked change version) and Attachment 3 (non-tracked version).

### Issues and options considered

Council has the option to:

- advertise the draft *Home-based Business Local Planning Policy*, with or without modifications  
or
- not support the advertising of the draft *Home-based Business Rooms Local Planning Policy*.

### Legislation / Strategic Community Plan / policy implications

**Legislation** *Planning and Development (Local Planning Scheme) Regulations 2015.*  
*Draft Local Planning Scheme No. 3.*

### 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** *Home Business Policy.*

### Risk Management considerations

The land use definitions related to home-based businesses within LPS3 will no longer align with those within the existing *Home Business Policy*. If an amendment to the policy is not progressed to align with the new planning scheme, there is a risk that the new scheme may become operational creating uncertainty how the existing policy relates to the new planning scheme.

### Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

### Regional Significance

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or non-minor amendment to a policy to be advertised for public comment for a period of not less than 21 days. The proposed amendments to the existing *Home Business Policy* are considered non-minor and therefore the draft policy should be advertised for 21 days as follows:

- a notice published in the local newspaper
- a notice, documents and on-line comment form placed on the City's website.

If, in the opinion of the City, the policy is inconsistent with any State planning policy, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any State planning policy.

## COMMENT

As a result of the modifications required by the WAPC to draft LPS3, it is recommended that the draft *Home-based Business Local Planning Policy* be progressed to ensure that the policy provisions align with the new home-based business definitions in LPS3. The majority of other policy provisions are retained to guide the establishment of home-based businesses in residential areas in a manner that will not have a negative impact on residential amenity.

### Requirement for a management plan

The current *Home Business Policy* only requires a management plan for the highest level of home-based business (category 3) that is, where two or more external people are employed and / or the area utilised is 50m<sup>2</sup> or greater. The management plan outlines in more detail how the business would operate and be managed to ensure minimal impact on adjoining premises.

The new LPS3 definitions would place a business that employs only one external person in the highest scale of activity and therefore would effectively also require a management plan to be prepared and submitted with the proposal. This is contrary to the existing requirements for a business that only employs one external person (which currently functions well), and given this, it is not considered necessary to introduce the requirement for a management plan for this scale of business.

It is therefore proposed that the draft policy include provisions that only require a management plan to be prepared for home business that employs two external people, which would align with the current requirements for this scale of home-based business.

### Family day care

Currently DPS2 recognises a family day care as a 'Home Business – Category 1' and is therefore exempt from the need for planning approval. However, the home-based business definitions in LPS3 do not specifically recognise a family day care and it is considered unlikely that a family day care could be considered to fit within the definitions, mainly due to the restrictions on the size of the area that can be utilised, as outlined in the definitions.



It is therefore considered appropriate that a new land use of 'Family Day Care' be included in the zoning table in LPS3, and that the land use then be exempted from the need for planning approval. This would ensure that a family day care activity is treated in the same manner as is currently the case. This amendment can be considered by Council when draft LPS3 is presented back to Council following the advertising period.

It is therefore recommended that Council ENDORSES advertising of the draft *Home-based Business Local Planning Policy* for public comment for a period of 21 days.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft *Home-based Business Local Planning Policy* (renamed from *Home Business Policy*), as shown in Attachment 3 to Report CJ056-04/17, for a period of 21 days.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf170411.pdf](#)*

## **CJ057-04/17      DRAFT CONSULTING ROOMS LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	101289, 101515
<b>ATTACHMENTS</b>	Attachment 1      Draft <i>Consulting Rooms Local Planning Policy</i> (with proposed modifications)
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

---

### **PURPOSE**

For Council to consider the draft *Consulting Rooms Local Planning Policy* following advertising for the purposes of final adoption.

### **EXECUTIVE SUMMARY**

At its meeting held on 13 December 2016 (CJ230-12/16 refers), Council considered the draft *Consulting Rooms Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 23 February 2017 to 23 March 2017. One submission was received indicating general support for the draft policy. Minor modifications are proposed to improve the consistency of the policy with the other proposed *Local Planning Scheme No. 3* policies.

It is therefore recommended that Council **ENDORSES** the Consulting Rooms Local Planning Policy, with modifications.

### **BACKGROUND**

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), while other development requirements are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73* (CJ005-02/16 refers).

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over its own development provisions and will ultimately save time as any updates to the development provisions will only need to be approved by Council rather than via a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34 (2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the site and development requirements of the scheme. There is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in a single document.

The existing *Consulting Rooms Policy* requires review as a result of the removal of the development provisions from DPS2, which will now be included in the policy. If the revised policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would not be sufficient provisions to guide the development of consulting rooms in residential areas. It is noted that, as with the existing policy, the draft *Consulting Rooms Local Planning Policy* only applies to consulting rooms in residential areas. It does not apply to consulting rooms in other areas as these would be covered by the relevant policy for that zone.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 13 December 2016 (CJ230-12/16 refers), Council resolved to proceed with the draft policy for the purpose of advertising.

## DETAILS

As with the existing policy, the draft policy applies to consulting rooms on land zoned 'Residential', 'Special Residential' and the 'Urban Development' zone where the structure plan applies a 'Residential' zone (Attachment 1 refers).

It is noted that the definition of 'Consulting Rooms' within the *Planning and Development (Local Planning Scheme) Regulations 2015* allows up to two practitioners to operate at the same time and this definition is now included in DPS2 and is also included in draft LPS3. Previously the definition of consulting rooms only permitted one practitioner to operate from a site.

The current provisions contained within DPS2 and the existing policy have been reviewed and a revised local planning policy has been developed for use following gazettal of draft LPS3, however it is noted the majority of the provisions have been working well and remain relevant. The main policy provisions, including those proposed to be modified from the existing *Consulting Rooms Policy*, are outlined below and these were advertised for public comment.

### Location

The location requirements in the current policy to avoid the conglomeration of consulting rooms in residential areas have been retained, as has the preference that battle-axe lots and lots at the head of a cul-de-sac be avoided due to the potential traffic issues created as a consequence of the concentration of activity.

### Building setbacks

The building setbacks for non-residential buildings are currently contained in DPS2 and are applied to consulting rooms in residential areas. The non-residential building setbacks are large, being a nine metre front setback, six metre rear setback and three metre side setback. The existing policy does indicate that variations may be considered to more appropriately reflect building setbacks in the immediate vicinity.

It is considered that the current setback requirements do not facilitate development of consulting rooms that is in keeping with the residential area in which they are located. Therefore, it is proposed within the draft policy that building setbacks be assessed in accordance with the *Residential Design Codes* and the City's *Residential Development Local Planning Policy*, rather than simply including the non-residential building setbacks in DPS2. This will allow new buildings and additions to existing buildings to be set back in keeping with the existing residential context and maintain the residential streetscape. It is noted that consulting rooms proposed in other zones will be assessed against the relevant development policy for that zone, for example *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*.

### Building height

The proposed building height is the same as that outlined in the *Height on Non-Residential Buildings Local Planning Policy* for development in the 'Residential' zone, being a maximum height equivalent to two storeys. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into each relevant policy and therefore the scope of the *Height of Non-Residential Buildings Local Planning Policy* will be significantly reduced.

### Building design

The draft policy maintains the requirement that buildings must be of residential appearance and in keeping with the surrounding environment. An additional provision has been included that buildings and any additions must be consistent in style with any existing development on site and maintain the character of the local area. This provision is similar to that within the *Residential Development Local Planning Policy* and will help to ensure that buildings maintain a residential appearance and consistent form, and fit in with the surrounding area despite being a non-residential land use.

### Parking and access

The proposed car parking standard is the same as currently within DPS2, being five car bays per practitioner.

The car park design requirements have been retained from the current policy in regard to car parking being located at the rear of the building and minimised in front of the building, in order to maintain a residential streetscape. A new provision has been included in the draft policy to require a maximum of two three metre wide crossovers or one six metre wide crossover. This is also to assist in retaining a residential appearance.

*Bicycle parking*

The Austroad guidelines encourage bicycle parking to be provided at a rate of one employee space per eight practitioners, and one space per four practitioners for visitors, although no minimum provision is stated. Given the small scale of the subject consulting rooms as defined by the draft LPS3 (maximum of two practitioners), it is considered that the provision of two bays for use by staff or visitors would be adequate and has been included in the draft policy.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. DPS2 also requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street, however does not include a landscaping requirement where a car parking area does not abut the street. The policy addresses this by including a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. A minimum size of 4m<sup>2</sup> for landscaped areas is proposed to be included to ensure a usable area of land is provided.

Hours of operation

The hours of operation are proposed to be the same as in the current policy, being Monday to Friday 8.00am to 6.00pm and Saturday 9.00am to 5.00pm, with no operation on Sundays. As the policy only applies to consulting rooms in residential areas, it is considered appropriate to maintain the existing hours of operation in the interests of protecting residential amenity.

Public consultation

The requirement under the existing policy to advertise a new consulting rooms proposal to adjoining and nearby landowners for a period of 14 days has been retained in the draft policy. It has also been clarified that any intensification of an existing use, for example by increasing the number of practitioners, will also require consultation to be undertaken.

**Issues and options considered**

Council has the option to either:

- proceed with the policy, with or without modification  
or
- not proceed with the policy.

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

*Planning and Development (Local Planning Scheme) Regulations 2015.*  
*Draft Local Planning Scheme No. 3.*

**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** *Consulting Rooms Policy.*

### **Risk management considerations**

General development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

### **Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* from 23 February 2017, closing on 23 March 2017 by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website.

One submission was received during the public consultation period, indicating general support for the draft policy.

### **COMMENT**

Minor modifications are proposed to the draft policy to align the wording with the other proposed LPS3 local planning policies, to ensure consistency across the City's suite of local planning policies. In addition, it is proposed to include a provision that any front fencing that is proposed for a consulting rooms development will be in accordance with the *Residential Design Codes* to ensure a residential appearance is maintained.

These modifications are considered to be minor, and it is therefore recommended that Council proceed with the *Consulting Rooms Local Planning Policy*. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after *Local Planning Scheme No. 3* has been approved by the Minister for Planning and published in the *Government Gazette*.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

### **MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council:**

- 1** In accordance with subclauses 4(3)(b)(ii) and 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Consulting Rooms Local Planning Policy*, with modifications, as included in Attachment 1 to Report CJ057-04/17;
- 2** **NOTES** that the policy will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No. 3* comes into effect;
- 3** **NOTES** the submission received and **ADVISES** the submitter of Council's decision.

**The Motion was Put and CARRIED (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20brf170411.pdf](#)*

## **CJ058-04/17      DRAFT SHORT-TERM ACCOMMODATION LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	72584, 101515
<b>ATTACHMENTS</b>	Attachment 1      Draft <i>Short-term Accommodation Local Planning Policy</i> (with proposed modifications) Attachment 2      Current <i>Short Stay Accommodation Policy</i> Attachment 3      Current <i>Bed and Breakfast Accommodation Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider the draft *Short-term Accommodation Local Planning Policy* following advertising for the purpose of final adoption.

### **EXECUTIVE SUMMARY**

At its meeting held on 13 December 2016 (CJ231-12/16 refers), Council considered the draft *Short-term Accommodation Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 23 February 2017, closing on 23 March 2017. Forty submissions were received, being 32 in support of the draft policy, two objecting, and six comments which specifically provided comment on various aspects of the draft policy including the definitions of 'Bed and Breakfast' and 'Serviced Apartment', car parking requirements and public consultation.

As a result of advertising, minor modifications are proposed to the draft policy to amend the car parking provisions for a 'Bed and Breakfast', as well as improve the consistency of the wording within the policy as well as other local planning policies. It is therefore recommended that Council adopts the draft *Short-term Accommodation Local Planning Policy* as final.

### **BACKGROUND**

Currently, with the exception of land use permissibility, DPS2 does not contain any general development requirements relating to short-term accommodation, as these are contained with the existing *Short Stay Accommodation Policy* (Attachment 2 refers) and *Bed and Breakfast Accommodation Policy* (Attachment 3 refers).



It is proposed through draft LPS3 that general development requirements will 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*.

The LPS Regulations include four land use definitions that relate to short-term accommodation and that are relevant to this policy, as well as a definition of 'short-term accommodation' itself. The definitions are:

- **Bed and Breakfast** means a dwelling –
  - (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than four (4) adult persons or one family; and
  - (b) containing not more than two (2) guest bedrooms.
- **Holiday House** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
- **Holiday Accommodation** means two (2) or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
- **Serviced Apartment** means a group of units or apartments providing –
  - (a) self-contained short stay accommodation for guests; and
  - (b) any associated reception or recreational facilities.
- **Short-term Accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than three (3) months in any 12 month period.

Draft LPS3 includes the above definitions, however the existing *Short Stay Accommodation Policy* does not apply to the 'Residential' zone as currently, short-stay accommodation is not permitted in this zone.

The table below reflects land use permissibility of short-term accommodation within draft LPS3.

USE AND DEVELOPMENT CLASS	ZONES							
	RESIDENTIAL	SPECIAL RESIDENTIAL	MIXED USE	COMMERCIAL	SERVICE COMMERCIAL	LIGHT INDUSTRY	PRIVATE CLUBS, INSTITUTIONS & PLACES OF WORSHIP	CENTRE
Bed and Breakfast	D	D	D	P	X	X	D	*
Holiday Accommodation	D	X	D	D	X	X	D	**
Holiday House	D	X	D	D	X	X	D	
Serviced Apartment	D X	X	D	D	X	X	D	

- \* Development and use of land is to be in accordance with an approved activity centre structure plan prepared and adopted under Part 4 of the deemed provisions.
- \*\* Development and use of land is to be in accordance with an approved structure plan prepared and adopted under Part 4 of the deemed provisions.

In regard to the above table, it is noted that the Western Australian Planning Commission (WAPC), in assessing draft LPS3, has required the land use 'Serviced Apartment' be an 'X' (not permitted) use within the 'Residential' zone. It has been clarified that a serviced apartment would usually take the form of a larger short-term accommodation building that has a dedicated reception, similar the 'Quest' apartment chain.

This draft local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no relevant provisions to guide short-term accommodation in the 'Residential' zone.

It is noted that the accommodation offered on platforms such as Airbnb and Stayz will fall into one of the categories of short-term accommodation outlined above and will be subject to the approval considerations and requirements as with any form of short-term accommodation.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 13 December 2016 (CJ233-12/16 refers), Council resolved to proceed with the draft *Short-term Accommodation Local Planning Policy* for the purposes of advertising.

## DETAILS

The draft *Short-term Accommodation Local Planning Policy* aims to establish a framework for assessment of applications for short-term accommodation through provisions which encourage good quality, well managed accommodation for use by visitors, which minimise the impact on the amenity of surrounding residential areas.

The draft *Short-term Accommodation Local Planning Policy* includes the following provisions (summarised):

- Car parking requirements, including one bay per bedroom for bed and breakfast uses and compliance with the provisions of the *Residential Design Codes* for the other short-term uses.
- The submission of a management plan to address issues including complaint handling procedures, management of anti-social behaviour and waste management procedures.
- The requirement to keep a guest register.
- The requirement to include justification with the application as to how the proposed use will be compatible with the adjoining area and is consistent with the objectives of this policy.
- Public consultation procedures, including advertising to adjoining owners for a period of 14 days.

- The requirement for any new short-term accommodation building where the provisions of the 'Residential' zone apply to meet the provisions of the *Residential Design Codes*.

It is noted that the current provisions contained within the existing *Short Stay Accommodation Policy* and *Bed and Breakfast Accommodation Policy* have been reviewed, with amendments proposed through the implementation of this draft policy. The main changes proposed are outlined below, and these were advertised for public comment.

### General

The draft policy applies to all 'Bed and Breakfast', 'Holiday House', 'Holiday Accommodation' and 'Serviced Apartment' uses, including those within the 'Residential' zone. Currently, the existing policy only applies to commercial zones as short-term uses (with the exception of a bed and breakfast) are not permitted within the 'Residential' zone under DPS2.

### Car parking

On-site car parking bays are to be provided in accordance with the *Residential Design Codes* (R-Codes) *clause 5.3.3 Parking* for Location B. The R-Codes provide for a lesser parking standard where a site is located close to public transport (Location A), however, it is considered appropriate that the car parking be maintained at two bays for a two+ bedroom dwelling regardless of location to ensure that parking is provided for the short-stay use. In addition to this, one car parking bay per guest bedroom is required to be provided for 'bed and breakfast' uses.

The table below summarises the development provisions of R-Code clause 5.3.3 Parking.

Type of Dwelling	Car Parking Spaces	
	Location A	Location B
One bedroom dwelling	1	1
Two+ bedroom dwelling	1	2

### Management plan

As with the existing policies, the draft policy requires the submission of a management plan which is required to include detailed information as to how the accommodation will be managed, operated and maintained. It is considered important that the operator be responsible for the maintenance of the amenity afforded to the surrounding areas and for the operator to manage any issues that may arise.

The requirement for the operation of the short-term accommodation in accordance with the approved management plan will be included as a condition of any development approval issued.

From discussions with the Holiday Rental Industry Association, it is understood that platforms such as Airbnb and Stayz will also address any lack of action by property owners to ensure the accommodation is operated in accordance with their standards and policies and may lead to listings being removed from the website(s).

### Locational criteria

The current *Bed and Breakfast Accommodation Policy* has a statement encouraging the use to be located close to high frequency public transport, commercial centres, beaches, or tourist attractions. In practice, however, it is not reasonable to mandate these locations as the only suitable locations.

Information obtained from the Holiday Rental Industry Association indicates that studies show that short-term accommodation is used by a wide range of people, for a wide range of purposes. It is not limited to tourist activities and therefore limiting short-term accommodation to tourist or coastal areas, for example, would not meet the demand for this form of accommodation.

It is therefore not proposed to impose locational criteria for the operation of short-term accommodation. Rather, the provisions of the draft policy aim to ensure that the operation of the accommodation is appropriate to its proposed location.

#### Planning application requirements

Although it is not considered appropriate to restrict the location of short-term accommodation to particular residential densities, it is considered appropriate for justification to be provided by the applicant outlining why the short-term accommodation will be compatible with the adjoining area and consistent with the objectives of the policy. The draft policy requires this justification be provided as part of a development application.

#### Public consultation

It is proposed that all new applications for short-term accommodation within areas where the provisions of the 'Residential' zone apply will be advertised for a period of 14 days by giving notice to owners and occupiers of properties in the vicinity of the development who may be affected by the proposed development.

As these land uses will generally only be of relevance to the local nearby residents, it is proposed to remove the requirement to place a notice on the City's website as is currently required for bed and breakfast proposals.

Where an application involves short-term accommodation in a strata title arrangement, the strata body will be consulted. This is to assist in ensuring that the short-term accommodation is compliant with the regulations governing ownership of the property and gives the ability for the strata body to consult with its owners.

It is not proposed to specify particular advertising requirements for short-term accommodation proposals in zones other than the 'Residential' zone, as the amenity impacts are unlikely to be any greater than other permitted uses in those zones. A proposal may still be advertised if considered appropriate, in accordance with the provisions of the planning scheme and the LPS Regulations.

#### Development requirements for short-term accommodation

Proposals to utilise existing dwellings for short-term accommodation uses are treated as change of use applications. Applications for purpose built short-term accommodation within the areas subject to the provisions of the 'Residential' zone are to be subject to the siting and design requirements applicable under the R-Codes, as well as the City's *Residential Development Local Planning Policy*.

The exception to this is purpose built serviced apartments which will be subject to the development provisions of the applicable zone.

The policy also incorporates measures to reduce the potential amenity conflicts between serviced apartments and permanent residential dwellings on the same site or building by stating that serviced apartments are to be designed so as to separate short-term accommodation from permanent occupancy dwellings located on the same site or building.

### Signage

The existing *Bed and Breakfast Accommodation Policy* includes details of the signage permitted in association with that use. However, it is considered appropriate that all signage provisions be consolidated with the City's *Signs Policy*, which is to be reviewed shortly. Therefore, the draft policy states that signage associated with short-term accommodation is to be in accordance with the City's *Signs Policy*.

### Annual development approval renewal

The existing *Bed and Breakfast Accommodation Policy* states that the use will be limited to a 12 month approval period. In addition, currently, the *Short Stay Accommodation Policy* states that proposals that adjoin the 'Residential' zone, or are on a site that contains more than one dwelling, would also be limited to a 12 month approval period.

However, similar to home business approvals, it is not valid to arbitrarily limit an approval period where there is no justification to do so. Therefore, the draft policy does not include any time-limited approval provisions. In the event of a substantiated complaint in relation to the operation of a short-term accommodation activity, compliance action will be undertaken in accordance with established procedures.

### **Issues and options considered**

Council has the option to either:

- proceed with the policy, with or without modification or
- not proceed with the policy.

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

**Legislation** *Planning and Development (Local Planning Scheme) Regulations 2015.*  
*Draft Local Planning Scheme No. 3.*

### **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.

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** Destination City.

**Strategic initiative** Encourage diverse accommodation options.

**Policy** *Short Stay Accommodation Policy.*  
*Bed and Breakfast Accommodation Policy.*

**Risk management considerations**

General development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

**Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

**Regional significance**

Not applicable.

**Sustainability implications**

The opportunity for the increased provision of short-term accommodation will improve economic sustainability by providing further opportunities for local businesses and tourism.

**Consultation**

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 23 February 2017, closing on 23 March 2017 by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website.

Forty submissions were received during the public consultation period being 32 submissions of support, two of objection and six comments which specifically provided comment on various aspects of the draft *Short-term Accommodation Local Planning Policy*.

**COMMENT****Response to submissions**

The submissions received primarily indicated strong support for the draft policy in that it provides the ability to apply to operate short-term accommodation, will help the local economy, provides affordable temporary accommodation and will provide for greater diversity of accommodation types to facilitate tourism within the City.

Other comments and objections were received as discussed below.

***Definitions***

Comments were made in relation to the restrictive nature of the 'Bed and Breakfast' definition and the inconsistent use of the term 'short stay' in the 'Serviced Apartment' definition.

The LPS Regulations prescribe the land use definitions to be used in local planning schemes and includes the four definitions that relate to short-term accommodation, as well as a definition of 'short-term accommodation' itself. Therefore, this draft policy is simply reflecting the land use definitions that are required to be included in draft LPS3, and the definitions are unable to be altered.

### *Car parking*

Several comments were received regarding the excessive nature of the on-site car parking requirements, specifically the provision of one bay per guest bedroom and that the number of on-site car parking bays be provided in accordance with the R-Codes clause 5.3.3 *Parking Location B* (that is two bays for a 2+ bedroom dwelling) regardless of the location near public transport that would otherwise be classified as Category A requiring the provision of only one bay.

It should be noted that the requirement to provide one car parking bay per guest bedroom is applicable to a 'Bed and Breakfast' use class only. All other short-term accommodation car parking requirements are to be in accordance with the R-Codes, and do not require the allocation of bays on a per bedroom basis.

A 'Bed and Breakfast' use needs to provide car parking for the permanent residents of the dwelling, plus sufficient parking for guests. It is acknowledged that it may be unwarranted to require the provision of car parking for permanent occupants in accordance with Category B (that is two bays) where Category A (one bay) would otherwise be deemed to meet the R-Codes requirement. It is therefore considered appropriate to modify the draft policy to remove the reference to Category B for the 'Bed and Breakfast' land use, and simply refer to compliance with the R-Codes. In order to ensure sufficient car parking for guests, it is considered appropriate to retain the requirement for one car bay per guest bedroom.

In regard to the allocation of car bays for the other short-term land uses, it is considered reasonable that the Category B standard be retained to ensure that sufficient car parking is available for the use.

### *Consultation*

Comments were made with regard to the public consultation requirements and queried whether the City would take a broad overview of each individual application, if an adjoining land owner was to object to short-term accommodation without justification.

As set out in the draft policy, for proposals where the provisions of the 'Residential' zone apply, the application will be advertised to adjoining and nearby landowners and the strata body in strata title arrangement. As part of the overall assessment of a particular proposal, comments received will be considered where those comments are relevant to the proposal.

### *Management of guests*

Comments were made in relation to noise and behaviour management of guests and the concern that surrounding residents will have to contact external services in order to assist with short-term accommodation tenants.

The draft policy requires that a management plan be submitted with an application for short-term accommodation. The management plan is aimed at emphasising the landowner's responsibility to manage the facility appropriately and will be subject to compliance action by the City if valid complaints are received.

In addition, the management of noise and anti-social behaviours are also controlled by existing regulatory frameworks that apply in all circumstances, for example the *Environmental Protection (Noise) Regulations 1997* and in certain situations, police intervention. As previously mentioned in this report, it is understood that platforms such as Airbnb and Stayz will also take seriously any lack of action by property owners to ensure the accommodation is operated in accordance with their standards and policies, and may lead to listings being removed from the website(s).

#### Further modifications following consultation

A number of minor modifications are also proposed to the draft policy to improve the consistency of the use of various terms with the draft policy, as well as to align the wording across the City's suite of local planning policies.

The modifications are considered to be minor and it is therefore recommended that Council proceed with the *Short-term Accommodation Local Planning Policy*. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after LPS3 has been approved by the Minister for Planning and published in the *Government Gazette*.

### **VOTING REQUIREMENTS**

Simple Majority.

### **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

### **MOVED Cr Hamilton-Prime, SECONDED Mayor Pickard that Council:**

- 1 In accordance with subclause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Short-term Accommodation Local Planning Policy*, with modifications, as included in Attachment 1 to Report CJ058-04/17;
- 2 NOTES that the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No. 3* comes into effect;
- 3 NOTES the submissions received and ADVISES the submitters of Council's decision.



**AMENDMENT MOVED Cr Norman, SECONDED Cr Hamilton-Prime** that Part 1 of the Motion BE AMENDED to read as follows:

“1 *In accordance with subclause 4(3)(b)(ii) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, PROCEEDS with the Short-term Accommodation Local Planning Policy, with modifications, as included in Attachment 1 to Report CJ058-04/17 and subject to a new subclause (e) being inserted in clause 5.1.1 – Car Parking, as follows:*

“e *In considering any variation to the on-site car parking requirements for a Bed and Breakfast use, the City may give consideration to the presence of existing on-street parking embayments located within close proximity to the site.”*”

**The Amendment was Put and**

**LOST (1/10)**

**In favour of the Amendment:** Cr Norman.

**Against the Amendment:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Poliwka and Taylor.

**The Motion as Moved by Cr Hamilton-Prime and Seconded by Mayor Pickard was Put and**  
**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf170411.pdf](#)*

## **CJ059-04/17      DRAFT COMMERCIAL, MIXED USE AND SERVICE COMMERCIAL ZONE LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106157, 101515
<b>ATTACHMENTS</b>	Attachment 1      Draft <i>Commercial, Mixed Use and Service Commercial Zone Local Planning Policy</i> (with proposed modifications)
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

---

### **PURPOSE**

For Council to consider the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* following advertising for the purposes of final adoption.

### **EXECUTIVE SUMMARY**

At its meeting held on 18 October 2016 (CJ180-10/16 refers), Council considered the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 10 November 2016 to 1 December 2016. One submission was received and as a result modifications are proposed to the draft policy to clarify building height in activity centre plans and local development plans in the coastal area. Minor modifications are also proposed to improve the formatting and consistency of the policy with the other proposed LPS3 zone policies, as well as update the bicycle end of trip facilities and fencing provisions (Attachment 1 refers).

It is therefore recommended that Council **ENDORSES** the Commercial, Mixed Use and Service Commercial Zone Local Planning Policy, with modifications.

### **BACKGROUND**

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping while other development requirements are contained within local planning policies such as signage, building height and small scale renewable energy systems.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73* (CJ005-02/16 refers).

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over its own development provisions and will ultimately save time as any updates to the development provisions will only need to go through Council rather than the scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34 (2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the site and development requirements of the scheme. There is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in a single document.

As LPS3 does not contain development provisions, this local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no provisions to guide non-residential development in the 'Commercial', 'Mixed Use' and 'Service Commercial' zones.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 18 October 2016 (CJ180-10/16 refers), Council resolved to proceed with the draft policy for the purposes of advertising.

## **DETAILS**

The draft policy provides the development requirements for commercial development on land to be zoned 'Commercial', 'Mixed Use' and 'Service Commercial' within draft LPS3 (Attachment 1 refers).

The current provisions contained within DPS2 regulating commercial development within the City have been reviewed and a local planning policy has been developed for use following gazettal of LPS3. The main changes to the DPS2 provisions proposed through the policy are outlined below, and these were advertised for public comment.

### Setbacks to buildings

#### *Commercial and Mixed Use zone*

It is proposed that street setbacks be decreased from the existing nine metre street setback to 3.5 metres to allow buildings to be built closer to the street boundary. It is considered that a minimum 3.5 metre street setback will allow sufficient space for a pedestrian path and landscaping strip adjacent to the street, and will generally allow for more a flexible building design and better utilisation of a site.

Currently under DPS2, the rear building setback required is six metres and the side setback is three metres. It is recommended that side and rear setbacks to buildings be made a consistent standard of a minimum of three metres.

On larger commercial sites, it makes little difference to neighbouring properties and the streetscape whether a boundary that is not a street boundary is a rear or side boundary and therefore the same setback requirement should apply to both.

#### *Service Commercial zone*

Street setbacks in the 'Service Commercial' zone are proposed to be reduced from six metres to 3.5 metres to align with the proposed setbacks for the 'Commercial' and 'Mixed Use' zone. As indicated previously this will allow buildings to be built closer to the street boundary while allowing sufficient space for landscaping and pedestrian paths.

The side and rear setbacks are in accordance with those currently in DPS2 for the 'Business' zone (nil) with the exception that buildings adjacent to a 'Residential' zoned lot must be setback three metres to ensure that development does not impose on residential properties.

#### Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted in December 2015 (CJ228-12/15 refers) and no changes to buildings heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into other relevant policies and the scope of the *Height of Non-Residential Buildings Local Planning Policy* will be significantly reduced.

#### Built form and design

DPS2 contains very few provisions regarding the design and built form of commercial development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation, glazing, building entrances and pedestrian shelter. These standards are not considered onerous or overly restrictive, and will ensure that commercial development positively contributes to the street and local environment.

One of the primary aims of the policy is to ensure that commercial development is street orientated, pedestrian friendly and provides a high standard of amenity. Therefore minimum glazing requirements have been included, external tenancies are required to be outward facing and no blank or unarticulated facades to the public realm are permitted.

#### Retaining walls

Currently, DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping is provided between tiered retaining walls to soften the visual impact of those walls.

## Parking and access

### *Car parking*

DPS2 does not list a car parking standard for every land use listed in the scheme. It is considered preferable however, that each land use has an applicable parking standard and therefore the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Commercial', 'Mixed Use' or 'Service Commercial' zone.

The proposed car parking standards are essentially the same as those currently contained within DSP2. Some of the parking standards have been updated to make them easier to apply. For example, parking standards for Hotel and Tavern have been modified from 'one per 3m<sup>2</sup> of standing area plus one per 5m<sup>2</sup> of seating area' to simply 'one per 5m<sup>2</sup> of bar and dining area'. The parking standard for Recreation Private has been modified from 'one per 2.5 people accommodated' to 'one per four people accommodated'. This is to align the parking standard with the existing standard for similar land uses such as Place of Assembly, Place of Worship and Reception Centre. The other major change is the reduction in the parking standard for Warehouse / Storage from 'one per 50m<sup>2</sup>' to 'one per 100m<sup>2</sup>' Net Lettable Area (NLA). A Warehouse / Storage land use is less intense than an Office or Bulky Goods Showroom (which also require parking be provided at 'one per 50m<sup>2</sup>' NLA) and therefore requires less parking.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to commercial lots.

### *Scooter and motorbike parking*

Scooter and motorbike parking standards have been included as previously requested by the Policy Committee on 12 November 2012. These standards require the replacement of every 30<sup>th</sup> car bay with two scooter / motorbike bays.

### *Bicycle parking*

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

## Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. DPS2 also requires a minimum three metre wide landscaping strip along all street boundaries where a development had a car parking area abutting the street, however does not include a landscaping requirement where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. The policy also includes the introduction of a minimum size for landscaped areas. The reduction in the minimum width of the landscaping strip will provide sufficient space for pedestrian paths and landscaping within the setback area, but still allow for landscaping to soften the appearance of commercial buildings and improve the visual amenity of the streetscape. A minimum size of 4m<sup>2</sup> for landscaped areas is proposed to be included to ensure a usable area of land is provided.



**Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

**Regional significance**

Not applicable.

**Sustainability implications**

Appropriately designed and developed commercial centres provide economic and social benefits to the community in which they are situated as they provide employment, housing and retail opportunities.

The introduction of crime prevention through environmental design (CPTED) principles through glazing and activation requirements could contribute to social sustainability by reducing crime in activity centres and service commercial areas and creating a focal point for the community.

**Consultation**

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* from 10 November 2016, closing on 1 December 2016 by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website.

One submission was received during the public consultation period. While this submission specifically related to the Sorrento Activity Centre, it stated that height provisions in the policy should be less prescriptive and that provision should be made to consider additional height in a local structure plan or an activity centre plan.

**COMMENT**Response to submissions

The building heights contained in the draft policy are the same as those within the current *Height of Non-Residential Buildings Local Planning Policy*. However, it is considered that the provision outlining that greater building height can be approved as part of a structure plan or activity centre plan is not sufficiently clear. Therefore wording has been introduced into the draft policy to clarify that an activity centre plan can set its own building height, but must still consider issues such as topography, overshadowing and visual permeability, as outlined in the policy. The specified building heights as currently contained within the policy are not proposed to be modified.

Further modifications following consultation

In addition to the proposed modifications outlined above, a number of minor modifications are also proposed to the draft policy to align the wording and formatting with the other proposed LPS3 zone local planning policies to ensure consistency across the City's suite of local planning policies, and to update several development requirements. Wording from the City's *Use of Sea Containers Policy* in regard to the permanent use of a sea container is contained in the draft policy advertised for public comment, however, wording in regard to the temporary use of sea containers is also proposed to be included in the draft policy.

The requirement for end-of-trip bicycle facilities has been modified to allow the provision of unisex shower and change rooms rather than necessitating separate male and female showers, as this is consistent with Austroads guidelines.

Currently, the policy states that no fencing is permitted on the front boundary of a property. The fencing provisions are proposed to be modified to allow visually permeable fencing between the street alignment and the six metre building setback line, or the street alignment and a building, whichever is the lesser distance. It was not considered appropriate that the policy did not permit any fencing along the street boundary.

These proposed modifications are considered to be minor and it is therefore recommended that Council proceed with the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after *Local Planning Scheme No. 3* has been approved by the Minister for Planning and published in the *Government Gazette*.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

## MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council:

- 1 In accordance with subclause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, with modifications, as included in Attachment 1 to Report CJ059-04/17;
- 2 NOTES that the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No. 3* comes into effect;
- 3 NOTES the submission received and ADVISES the submitter of Council's decision.

The Motion was Put and CARRIED (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf170411.pdf](#)



## **CJ060-04/17      DRAFT PRIVATE CLUBS, INSTITUTIONS AND PLACES OF WORSHIP ZONE LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER:</b>	106237, 101515
<b>ATTACHMENTS:</b>	Attachment 1      Draft <i>Private Clubs, Institutions and Places of Worship Zone Local Planning Policy</i> (with proposed modifications) Attachment 2      Location of land proposed to be zoned Private Clubs, Institutions and Places of Worship Zone under draft <i>Local Planning Scheme No. 3</i>
<b>AUTHORITY/DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider the draft *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy* following advertising for the purposes of final adoption.

### **EXECUTIVE SUMMARY**

At its meeting held on 13 December 2016 (CJ229-12/16 refers), Council considered the draft *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 23 February 2017, closing on 23 March 2017. 15 submissions were received, being generally related to the zoning of land, rather than comments on the content of the draft policy. It is noted that any submissions on proposed zoning changes received as part of the public advertising of draft *Local Planning Scheme No. 3* (LPS3) will be considered when the draft scheme is referred back to Council for consideration. One submission was received supporting the small scale renewable energy provisions and one submission was received opposing those provisions.

Minor modifications are proposed to the draft policy to improve the formatting and consistency of the policy with the other proposed LPS3 zone policies, as well as updating bicycle end of trip facilities requirements and fencing provisions.

It is therefore recommended that Council ENDORSES the Private Clubs, Institutions and Places of Worship Zone Local Planning Policy, with modifications.

## BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping while other development requirements, such as signage, building height and small scale renewable energy systems are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73* (CJ005-02/16 refers).

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without need to justify specific details to the WAPC. Essentially, it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. Therefore, there is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in one document.

As LPS3 does not contain development provisions, this draft local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no relevant provisions to guide to guide non-residential development in the 'Private Clubs, Institutions and Places of Worship' zone.

At its meeting held on 13 December 2016 (CJ-005-02/16 refers), Council resolved to advertise draft LPS3 (CJ005-02/16 refers). After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 29 November 2016 (CJ229-12/16 refers), Council resolved to proceed with the draft policy for the purposes of advertising.

## DETAILS

The draft policy provides the development requirements for non-residential development on land to be zoned 'Private Clubs, Institutions and Places of Worship' within draft LPS3 (Attachment 1 refers).

The current provisions contained within DPS2 have been reviewed and a local planning policy has been developed for use following gazettal of LPS3. The main changes proposed through the policy are outlined below, and these were advertised for public comment.

#### Setbacks to buildings

Unlike other zones, the 'Private Clubs, Institutions and Places of Worship' zone are mostly individual stand-alone lots rather than a series of adjoining lots or a large centre that have the same zoning and will create their own streetscape. The types of uses within the subject zone are also varied, from golf courses to small churches within residential areas.

It is considered that the existing DPS2 building setback of nine metres on primary street frontages for non-residential buildings is excessive. Given that it is not readily anticipated what the building setbacks on adjoining lots are likely to be, a proposed street setback of six metres is considered appropriate, particularly within residential areas where the density code of R20 requires an average building setback of six metres.

Currently under DPS2, the rear building setback required is six metres and the side setback is three metres. It is recommended that side and rear setbacks to buildings be made a consistent standard of a minimum of three metres, as generally it makes little difference to neighbouring properties and the streetscape whether a boundary that is not a street boundary is a rear or side boundary and therefore the same setback requirements should apply to both.

#### Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted in December 2015 (CJ228-12/15 refers) and no changes to buildings heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into other relevant policies and therefore the scope of the *Height of Non-Residential Buildings Local Planning Policy* will be significantly reduced.

#### Built form and design

DPS2 contains very few provisions regarding the design and built form of non-residential development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation and building entrances. These standards are not considered onerous or overly restrictive and will ensure that development positively contributes to the street and local environment.

#### Retaining walls

Currently, DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls that can be viewed from the street and car parking areas can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping be provided between tiered retaining walls to soften the visual impact of those walls.

## Parking and access

### *Car parking*

Within the 'Private Clubs, Institutions and Places of Worship' zone, a range of different land uses can be contemplated.

DPS2 currently includes car parking standards for most land uses listed in DPS2, but not all of them. Where a car parking standard is currently listed in DPS2, that standard has been included in the draft policy. As it is considered appropriate for each land use in LPS3 to have an applicable parking standard, the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Private Clubs, Institutions and Places of Worship' zone.

In addition, some of the parking standards have been updated to make them easier to apply. For example, parking standards for Hotel and Tavern have been modified from 'one per 3m<sup>2</sup> of standing area plus one per 5m<sup>2</sup> of seating area' to simply 'one per 5m<sup>2</sup> of bar and dining area'. The parking standard for Recreation Private has been modified from 'one per 2.5 people accommodated' to 'one per four people accommodated'. This is to align the parking standard with the existing standard for similar land uses such as Place of Assembly, Place of Worship and Reception Centre.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to the lot and building.

### *Scooter and motorbike parking*

Scooter and motorbike parking standards have been included as previously requested by the Policy Committee on 12 November 2012. These standards require the replacement of every 30<sup>th</sup> car bay with two scooter / motorbike bays.

### *Bicycle parking*

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

## Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. However, DPS2 requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street, however does not include requirement for landscaping where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. The reduction in the minimum width of the landscaping strip will provide sufficient space for pedestrian paths and landscaping with the setback area, but still allows for landscaping to soften the appearance of buildings and improve the visual amenity of the streetscape. The policy also includes the introduction of a minimum size for landscaping areas, being 4m<sup>2</sup>, to ensure a usable area of land is provided.

Servicing

The provisions regarding servicing have been expanded to state that service access must be provided and service yards, as well as bin storage areas, must be screened. In addition, provisions regarding external fixtures such as air conditioning units and rainwater tanks have been included requiring that they are concealed from the street or located on the roof or basement. Provisions regarding lighting have also been included to minimise the impact of lighting by requiring it to comply with the relevant Australian Standards.

Sea containers

The provisions of the City's *Use of Sea Containers Policy* that are relevant to the 'Private Clubs, Institutions and Places of Worship' zone have been incorporated into this draft policy.

Small scale renewable energy systems

The provisions of the City's *Small Scale Renewable Energy Systems Policy* have also been incorporated. It is envisaged that this policy will be revoked once all provisions have been incorporated into the individual zone based policies.

**Issues and options considered**

Council has the option to either:

- proceed with the policy with or without modification  
or
- not proceed with the policy.

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

<b>Legislation</b>	<i>Planning and Development (Local Planning Scheme) Regulations 2015.</i> <i>Draft Local Planning Scheme No. 3.</i>
--------------------	------------------------------------------------------------------------------------------------------------------------

**Strategic Community Plan**

<b>Key theme</b>	Quality Urban Environment.
------------------	----------------------------

<b>Objective</b>	Quality built outcomes.
------------------	-------------------------

<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
-----------------------------	---------------------------------------------------------------------------------------------------

<b>Policy</b>	<i>Height of Non-Residential Buildings Local Planning Policy.</i> <i>Small Scales Renewable Energy Systems Policy.</i> <i>Use of Sea Containers Policy.</i>
---------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Risk Management considerations**

General development provisions and standards are not included in draft LPS3 and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

**Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

**Regional Significance**

Not applicable.

**Sustainability implications**

Appropriately designed and developed buildings provide economic and social benefits to the community in which they are situated as they provide employment and social inclusion opportunities.

The introduction of crime prevention through environmental design (CPTED) principles through glazing and activation requirements could contribute to social sustainability by reducing crime in activity centres and service commercial areas and creating a focal point for the community.

**Consultation**

The draft policy was advertised for public comment from 23 February 2017, closing on 23 March 2017 by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website
- letters sent to owners of those lots proposed to be zoned 'Private Clubs, Institutions and Places of Worship' under draft LPS3.

A total of 15 submissions were received during the public consultation period.

**COMMENT**Response to submissions

The submissions primarily related to the appropriateness of proposed changes to the zoning of individual sites or generally. This draft policy does not relate to the zoning of specific sites, rather it provides development provisions for the sites identified in draft LPS3 as 'Private Clubs, Institutions and Places of Worship'. It is noted that any submissions on proposed zoning changes received as part of the public advertising of draft LPS3 will be considered when the draft scheme is referred back to Council for consideration.

One comment was received in relation to the development provisions of the policy, being a compliment for the renewable energy provisions. However, one comment was received objecting to the provisions related to the wind energy systems. It is noted that the provisions have been directly transferred from the City's existing *Small Scale Renewable Energy Systems Policy*. This policy has been in operation since February 2011 and modifications are not considered necessary at this point in time.

No other submissions were received on the content of the draft policy.

### Modifications following consultation

A number of minor modifications are proposed to the draft policy to align the wording and formatting with the other LPS zone local planning policies and to update several development requirements to ensure consistency across the City's suite of local planning policies.

Wording from the City's *Use of Sea Containers Policy* in regard to the permanent use of a sea container is contained in the draft policy, however wording in regard to the temporary use of sea container is also proposed to be included in the draft policy.

The requirement for end-of-trip bicycle facilities has been modified to allow the provision of unisex shower and change rooms rather than necessitating separate male and female showers, as this is consistent with Austroads guidelines.

The fencing provisions are proposed to be modified to allow visually permeable fencing between the street alignment and the six metre building setback line, or the street alignment and a building, whichever is the lesser distance.

The building heights in the draft policy were taken from the *Height of Non-Residential Buildings Local Planning Policy*. However, it is considered that the provision outlining that greater building height can be approved as part of an activity centre plan or local development plan is not sufficiently clear. Therefore wording has been introduced into the policy to clarify that an activity centre plan can set its own building height, but must still consider issues such as topography, overshadowing and visual permeability as outlined in the policy. The specified building heights as currently contained within the policy are not proposed to be modified.

These modifications are considered to be minor and it is therefore recommended that Council proceed with the *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy*. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after LPS3 has been approved by the Minister for Planning and published in the *Government Gazette*.

### **VOTING REQUIREMENTS**

Simple Majority.

### **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council:**

- 1** In accordance with clause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy*, with modifications, as included in Attachment 1 to Report CJ060-04/17;
- 2** **NOTES** that the *Clubs, Institutions and Places of Worship Zone Local Planning Policy* will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No. 3* comes into effect;
- 3** **NOTES** the submissions received and **ADVISES** the submitters of Council's decision.

**The Motion was Put and CARRIED (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23brf170411.pdf](#)*



## **CJ061-04/17      DRAFT LIGHT INDUSTRY ZONE LOCAL PLANNING POLICY      -      CONSIDERATION      FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106279, 101515
<b>ATTACHMENTS</b>	Attachment 1      Draft <i>Light Industry Zone Local Planning Policy</i> (with proposed modifications) Attachment 2      Location of land proposed to be zoned Light Industry under draft <i>Local Planning Scheme No. 3</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider the draft *Light Industry Zone Local Planning Policy* following advertising for the purposes of final adoption.

### **EXECUTIVE SUMMARY**

At its meeting held on 13 December 2016 (CJ233-12/16 refers), Council considered the draft *Light Industry Zone Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 23 February 2017, closing on 23 March 2017. Two submissions were received. The comments sought clarification about the inclusion of a parking standard for the land use Reception Centre and the provisions for wind turbines.

Minor modifications are proposed to the draft policy in response to the comments and to update the fencing and the bicycle end-of-trip facilities requirements. Minor modifications are also proposed to improve the formatting and consistency of the policy with the other proposed *Local Planning Scheme No. 3* zone policies (Attachment 1 refers).

It is recommended that Council ENDORSES the draft Light Industry Zone Local Planning Policy, with modifications.

### **BACKGROUND**

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping while other development requirements, such as signage, building height and small scale renewable energy systems are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. There is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in a single document.

As LPS3 does not contain development provisions, this local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no provisions to guide non-residential development in the 'Light Industry' zone.

At its meeting held on 13 December 2016 (CJ-005-02/16 refers), Council resolved to advertise draft LPS3 (CJ005-02/16 refers). After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 13 December 2016 (CJ233-12/16 refers), Council resolved to proceed with the draft *Light Industry Zone Local Planning Policy* for the purposes of advertising.

## **DETAILS**

The draft policy provides the development requirements for light industry development on land to be zoned 'Light Industry' within draft LPS3 (Attachment 1 refers). A map showing the locations of land proposed to be zoned 'Light Industry' under LPS3 is at Attachment 2.

The current provisions contained within DPS2 regulating light industry development within the City have been reviewed and a local planning policy has been developed for use following gazettal of draft LPS3. The main changes to the DPS2 provisions proposed through the policy are outlined below, and these were advertised for public comment.

### Setbacks to buildings

It is proposed that the building setback of six metres on primary street frontages be decreased to 3.5 metres to allow buildings to be built closer to the street boundary. It is considered that a minimum 3.5 metre street setback will allow sufficient space for a pedestrian path and landscaping strip adjacent to the street, and will generally allow a more flexible building design and better utilisation of a site.

Currently under DPS2, a nil setback is permitted to the rear and side boundaries. This setback is not proposed to change, however, where a lot abuts a lot in the 'Residential' zone the minimum setback is proposed to be three metres to assist in reducing building bulk and ensuring adequate light and ventilation to the adjoining site is maintained.

### Built form and design

DPS2 contains very few provisions regarding the design and built form of light industry development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation, glazing and building entrances. These standards are not considered onerous or overly restrictive, but will ensure that development positively contributes to the street and local environment.

One of the primary aims of the policy is to ensure that light industry development is street orientated and provides a high standard of amenity. Therefore, minimum glazing requirements have been included, external tenancies are required to be outward facing and no blank or unarticulated facades to the public realm are permitted.

### Retaining walls

Currently, DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls that can be viewed from the street and car parking areas can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping is provided between tiered retaining walls to soften the visual impact of those walls.

### Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted by Council at its meeting held on 15 December 2015 (CJ228-12/15 refers) and no changes to building heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into other relevant policies and therefore the scope of the *Height of Non-Residential Buildings Local Planning Policy* will be significantly reduced.

### Parking and access

#### *Car parking*

Within the 'Light Industry' zone, a range of different land uses can be contemplated.

DPS2 does not list a car parking standard for every land use listed in the scheme. It is considered preferable, however, that each land use has an applicable parking standard and therefore the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Light Industry' zone.

In addition, some of the parking standards have been updated to make them easier to apply. For example, the parking standard for Recreation Private has been modified from 'one per 2.5 people accommodated' to 'one per four people accommodated'. This is to align the parking standard with the existing standard for similar land uses such as Place of Worship. The other major change is the reduction in the parking standard for Warehouse / Storage from 'one per 50m<sup>2</sup>' to 'one per 100m<sup>2</sup>' Nett Lettable Area (NLA). A Warehouse/Storage land use is less intense than a Bulky Goods Showroom (which also requires parking be provided at '1 per 50m<sup>2</sup>' NLA) and therefore requires less parking.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to light industry lots.

#### *Scooter and motorbike parking*

Scooter and motorbike parking standards have been included as previously requested by the former Policy Committee on 12 November 2012. These standards require the replacement of every 30<sup>th</sup> car bay with two scooter / motorbike bays.

#### *Bicycle parking*

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

#### Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. DPS2 also requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street, however does not include a landscaping requirement where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. The policy also includes the introduction of a minimum size for landscaped areas. The reduction in the minimum width of the landscaping strip will provide sufficient space for pedestrian paths and landscaping within the setback area, but still allow for landscaping to soften the appearance of commercial buildings and improve the visual amenity of the streetscape. A minimum size of 4m<sup>2</sup> for landscaped areas is proposed to be included to ensure a usable area of land is provided.

#### Servicing

The provisions regarding servicing have been expanded to state that service access must be provided and service yards, as well as bin storage areas, must be screened. In addition, provisions regarding external fixtures such as air-conditioning units have been included requiring that they are concealed from the street or located on the roof or to the rear of the building. Provisions regarding lighting have also been included to minimise the impact of lighting by requiring it to comply with the relevant Australian Standards.

#### Sea containers

The provisions of the City's *Use of Sea Containers Policy* that are relevant to the 'Light Industry' zone have been incorporated into this draft policy.

### Small scale renewable energy systems

The provisions of the City's *Small Scale Renewable Energy Systems Policy* have been incorporated into this draft policy. It is envisaged that this policy will be revoked once all provisions have been incorporated into the individual zone based policies.

### **Issues and options considered**

Council has the option to either:

- proceed with the policy, with or without modification  
or
- not proceed with the policy.

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

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

### **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** *Height of Non-Residential Buildings Local Planning Policy.*  
*Use of Sea Containers Policy.*  
*Small Scale Renewable Energy Systems Policy.*

### **Risk management considerations**

Development provisions and standards are not included in draft LPS3 and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

### **Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Appropriately designed and developed light industry areas provide economic benefit to the broader community in which they are situated as they provide business and employment opportunities.

## Consultation

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* from 23 February 2017, closing on 23 March 2017 by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website.

Two submissions were received during the advertising period. One comment questioned the inclusion of a parking standard for 'Reception Centre' as this land use is not permitted in the 'Light Industry' zone. The second comment sought clarification regarding the provisions for wind turbines.

## COMMENT

### Response to submissions

In response to the comment about the inclusion of reference to the land use 'Reception Centre', this reference is proposed to be deleted from the policy as this land use is not permitted in the 'Light Industry' zone.

In regard to the comment seeking clarification regarding the wind turbine provisions, it is noted that the provisions have been directly transferred from the City's existing *Small Scale Renewable Energy Systems Policy*. This policy has been in operation since February 2011 and modifications are not considered necessary at this point in time.

### Further modifications following consultation

A number of minor modifications are proposed to the draft policy to align the wording and formatting with the other proposed LPS3 zone local planning policies to ensure consistency across the City's suite of local planning policies.

Wording from the City's *Use of Sea Containers Policy* in regard to the permanent use of a sea container is contained in the draft policy, however, wording in regard to the temporary use of sea container is also proposed to be included in the draft policy.

The requirement for end-of-trip facilities has been modified to allow the provision of unisex shower and change rooms rather than necessitating separate male and female showers, as this is consistent with Austroads guidelines.

The fencing provisions have been modified to clarify that visually permeable fencing is permitted between the street alignment and the first six metres of the property or a building, whichever is the lesser distance. This ensures that surveillance of and connection with the street is maintained whilst meeting the practical needs for screening or securing the site.

These modifications are considered to be minor and it is therefore recommended that Council proceed with the *Light Industry Local Planning Policy* with modifications. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after LPS3 has been approved by the Minister for Planning and published in the *Government Gazette*.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

### **MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council:**

- 1** In accordance with subclause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Light Industry Zone Local Planning Policy*, with modifications, as included in Attachment 1 to Report CJ061-04/17;
- 2** NOTES that the *Light Industry Zone Local Planning Policy* will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No.3* comes into effect;
- 3** NOTES the submissions received and ADVISES the submitters of Council's decision.

**The Motion was Put and CARRIED (11/0) by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 24 refers*

*To access this attachment on electronic document, click here: [Attach24brf170411.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ062-04/17 - Draft <i>McLarty Avenue Local Planning Policy</i> .
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's daughter is developing a hospital adjacent to the area covered by the draft <i>McLarty Avenue Local Planning Policy</i> .

## CJ062-04/17      DRAFT MCLARTY AVENUE LOCAL PLANNING POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106461, 39603, 55579
<b>ATTACHMENTS</b>	Attachment 1      Draft <i>McLarty Avenue Local Planning Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider the draft *McLarty Avenue Local Planning Policy* for the purposes of public advertising.

**EXECUTIVE SUMMARY**

The City has prepared a *Local Planning Policy* (LPP) for Lot 9000 McLarty Avenue and Lot 999 Piccadilly Circle, Joondalup (the subject site). The draft LPP has been prepared in conjunction with the Housing Authority, the owner of the subject site, to guide the development of the subject site as an inner city, residential and mixed use precinct.

The proposed LPP is consistent with the provisions of *Precinct 2 - Health and Wellness* under the draft *Joondalup Activity Centre Plan* (JACP) which has recently been advertised for public comment. The LPP seeks to elaborate on, and further refine the broader development provisions and intent of the draft JACP for the subject site.

*It is therefore recommended that Council SUPPORTS the draft LPP for the purpose of advertising for a period of 21 days.*

**BACKGROUND**

The subject site is located to the north of the Joondalup City Centre, within *Precinct 2 – Health and Wellness* under the draft JACP. The site is bounded by Joondalup Drive to the west, Grand Boulevard to the north, McLarty Avenue to the east and Lot 1001 (63) McLarty Avenue (the existing North Metropolitan TAFE site) to the south.



At its meeting held on 21 February 2017, Council resolved to advertise the draft JACP (CJ004-02/17 refers). The draft JACP encompasses the entire Joondalup City Centre (including the subject site) and provides broad, overarching guidance on the future development and retail expansion of the City Centre. Public comment on the draft JACP concluded on 27 March 2017.

The JACP provides high level strategic guidance and broad development provisions to guide development throughout the entire City Centre. A large, undeveloped site such as that within the policy area requires an additional layer of detail to provide more specific direction for future development.

In consultation with the Department of Planning, it has been considered that a LPP is the most appropriate planning mechanism to provide more detailed specific development guidance for large undeveloped land parcels within the JACP. As a result, the draft LPP has been prepared for the subject site, providing a specific vision and development standards to reflect the site context and intended development outcomes.

The draft LPP has been prepared in close consultation with the Housing Authority, as landowner of the subject site.

## DETAILS

The hierarchy of the relevant planning framework for this site (if endorsed by Council) will be as follows:

- 1 Local Planning Scheme No. 3 (LPS3).
- 2 Joondalup Activity Centre Plan (JACP).
- 3 Local Planning Policy (LPP).

All development applications submitted for the subject site will be assessed and determined taking into account the provisions and objectives of all three documents above, with LPS3 being a statutory document supported and supplemented by the JACP, and LPP to which the City will give "due regard".

Table 1 below compares the current provisions of the draft JACP with those provisions incorporated in the draft LPP (as advertised):

**TABLE 1 – PROVISION COMPARISON**

Provision	Draft JACP	Draft LPP	Officer Comment
<u>Objectives</u>	Precinct 2 – Health and Wellness Objectives: a) Establish Shenton Avenue as the northern gateway to JAC and as a multi-modal east-west connection linking Joondalup Arena and Joondalup Health Campus.	Development that meets the standards and provision of this Policy will support the following four key objectives: <ul style="list-style-type: none"><li>A highly walkable, cyclist friendly environment with good access to public transport and local employment opportunities.</li></ul>	The proposed objectives under the draft LPP do not contradict the objectives for <i>Precinct 2 – Health and Wellness</i> under the draft JACP.

Provision	Draft JACP	Draft LPP	Officer Comment
		<ul style="list-style-type: none"> <li>A highly urban built-environment that transitions to a higher scale from the established built form to the east.</li> </ul>	It is considered the proposed objectives under the draft LPP further refine the broader precinct objectives and are more specific to the policy area, focusing on the development of the site.
	<p>b) Encourage more intense development on both sides of Joondalup Drive and Grand Boulevard.</p> <p>c) Improve pedestrian connectivity between Joondalup Arena and Joondalup Health Campus.</p> <p>d) Establish Kennedy Drive as an east-west connector for all transport modes.</p> <p>e) Establish a centrally located community focal point or neighbourhood centre to serve the residential community in the precinct.</p>	<ul style="list-style-type: none"> <li>A landscaped and activated public realm with access to breezes and natural light to promote liveability.</li> <li>A range of housing types that provide for a diversity of households.</li> </ul>	
<u>Land Use</u>	Land use permissibility is included for the Precinct 2 – Health and Wellness under Table 2 of the draft JACP.	<p>Preferred uses' are provided as a guide for each Precinct within the policy area as described in Diagram 2. Further permissible land uses are described in the Joondalup Activity Centre Plan, Table 2 Land Use Permissibility:</p> <p><u>Precinct 1:</u> Residential and aged care accommodation.</p> <p><u>Precinct 2:</u> Residential and short stay accommodation.</p>	<p>The preferred uses identified under the draft LPP do not contradict the land-use permissibility table under the draft JACP.</p> <p>The LPP seeks to provide further guidance as to where such uses would be preferable based on the vision for the policy area.</p>

Provision	Draft JACP	Draft LPP	Officer Comment
		<p><u>Precinct 3:</u> Commercial uses including retail, restaurant, civic, community purpose and office at ground floor with residential above.</p> <p><u>Precinct 4:</u> Residential.</p> <p><u>Precinct 5:</u> Residential, short stay accommodation and educational establishment.</p>	The draft LPP clarifies that the 'preferred uses' listed for each precinct are provided as a guide, and further permissible land uses are described on the JACP.
<u>Building Height</u>	Development within <i>Precinct 2 – Health and Wellness</i> is required to be a minimum of 13.5 metres and a maximum of 45 metres as per <i>Figure 4 – Building Heights Plan</i> .	<p>Development height, scale and intensity will vary across the precinct. Indicative storey heights are reflected in Figure 4 Indicative Building Heights.</p> <p>Key consideration will also be given to:</p> <ul style="list-style-type: none"> <li>the creation of active, well design streetscapes.</li> <li>building orientation for solar access and addressing the street.</li> <li>space between taller buildings on the same site to ensure privacy between habitable rooms and access to cooling summer breezes.</li> <li>the provision of shade, shelter and amenity to active pedestrian frontages.</li> </ul> <p>Roof structures and screening associated with utilities / service infrastructure may extend up to 1.0 metre above the maximum building height specified under the JACP.</p>	<p>The draft LPP provides guidance on where buildings of a certain height are considered appropriate based on the vision for the site.</p> <p>The <i>Indicative Building Heights Plan</i> (Figure 4 under the draft LPP) illustrates potential building heights in storeys, taking into account the context of the surrounding land, while still maintaining the intent of the 13.5 metres to 45 metres building height range specified under the draft JACP is achieved.</p>

Provision	Draft JACP	Draft LPP	Officer Comment
			<p>The increase in building height by 1.0 metre meets the intent and provisions under the draft JACP. The definition of building height under the JACP states that building height is determined based on the distance from natural ground level to the roof ridge height of any building. As a result, a building can still be built to a roof height of 45 metres; however additional services and utilities can be located on the roof of the building without varying the building height provision.</p> <p>The draft LPP therefore provides appropriate guidance as to what additional height is considered appropriate for minor incursions above the maximum building height.</p>
<p><u>Movement Network</u></p>	<p>Four-way intersection anticipated under JACP at the intersection of Joondalup Drive and Kennedy Drive.</p> <p>Upgrade required to the intersection of Shenton Avenue and Lawley Crescent.</p> <p>Number of additional inter-connected streets within subject site which link in with the existing road network.</p>	<p>Key road connections defined under the LPP as:</p> <p>a) Intersection access to Joondalup Drive (modification of the existing intersection required); and,</p> <p>b) Intersection access to the south of the policy area to connect with Shenton Avenue (modification to the existing intersection required).</p>	<p>The overall road network identified under the draft LPP is consistent with that shown under the Health and Wellness Precinct Plan (Figure 7) of the draft JACP.</p>

Provision	Draft JACP	Draft LPP	Officer Comment
<u>Public Realm</u>	Public Open Space (POS) site identified under the Health and Wellness Precinct Plan (Figure 7).	Public Realm Precincts are included within the draft LPP to identify the objectives and key considerations for each precinct.  Public Open Space (POS) site is included on the western side of the policy area adjacent to Joondalup Drive.	The draft LPP provides further guidance on what is to be accommodated with the public areas of the policy area, and ensures that the POS site to the west of the policy area is consistent with that shown under the Health and Wellness Precinct Plan (Figure 7) of the draft JACP.

All other provisions which are silent (not defined) under the draft LPP will be assessed as per the relevant provision under the Residential Design Codes (R-Codes), the City's Scheme and / or the JACP.

### Issues and options considered

Council has the option to either:

- advertise the draft *McLarty Avenue Local Planning Policy*, with or without modifications  
or
- not support the advertising of the draft *McLarty Avenue Local Planning Policy*.

### Legislation / Strategic Community Plan / policy implications

**Legislation** *Planning and Development (Local Planning Scheme) Regulations 2015.*  
*Draft Local Planning Scheme No. 3.*

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

**Policy** Not applicable.

### Risk Management considerations

The LPP will need to be consistent with the JACP. Should modifications to the draft JACP occur, this may result in modifications being needed to the LPP. Subject to the extent of these modifications, the LPP may need to be re-advertised if significantly different from that originally advertised. This would delay the consideration of the LPP and add additional costs associated with re-advertising.

**Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

**Regional Significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy to be advertised for public comment for a period of not less than 21 days. The LPP will therefore be advertised for a period of 21 days by way of:

- a notice published in the local newspaper
- a notice, documents and on-line comment form placed on the City's website.

The draft LPP will also be provided to North Metropolitan TAFE and the Department of Training and Workforce Development given this landowner / tenant directly abuts the subject site and integrates with it. Given the draft LPP is consistent with the provisions of the draft JACP and this document has only recently been advertised, it is not considered necessary to write to any other landowners in the vicinity of the subject site.

If, in the opinion of the City, the policy is inconsistent with any State planning policy, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any State planning policy.

**COMMENT**

As detailed in Table 1 above, the provisions of the draft LPP align with those under the draft JACP and therefore no inconsistency are proposed.

*It is therefore recommended that Council ENDORSES advertising of the draft McLarty Avenue Local Planning Policy for public comment for a period of 21 days.*

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 April 2017.

The committee recommendation is the same as recommended by City officers.

**MOVED** Cr Chester, **SECONDED** Cr Hamilton-Prime that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PREPARES** and **ADVERTISES** the draft *McLarty Avenue Local Planning Policy*, as shown in Attachment 1 to Report CJ062-04/17, for a period of 21 days.

The Motion was Put and **CARRIED (11/0)** by Exception Resolution prior to consideration of CJ051-04/17, page 103 refers.

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 25 refers*

To access this attachment on electronic document, click here: [Attach25brf170411.pdf](#)

## REPORTS – FINANCE COMMITTEE – 4 APRIL 2017

C27-04/17

**COUNCIL DECISION FINANCE COMMITTEE REPORTS –  
ADOPTION BY EXCEPTION RESOLUTION**

**MOVED** Cr McLean, **SECONDED** Cr Jones that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

**CJ063-04/17, CJ064-04/17 and CJ065-04/17.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.



## **CJ063-04/17      CHICHESTER PARK, WOODVALE - PROPOSED REDEVELOPMENT**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	00428, 101515, 03179
<b>ATTACHMENTS</b>	Attachment 1      Chichester Park aerial map Attachment 2      Chichester Park existing clubroom floorplan
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to note the commencement of the Chichester Park, Woodvale redevelopment project and to note the funding required by the City to plan and construct the project.

### **EXECUTIVE SUMMARY**

Chichester Park located on Trappers Drive, Woodvale is classified as a 'District Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park includes two active sporting fields (north and south), a clubroom, floodlighting, car parking and a playground.

The clubroom was constructed in 1992 and consists of a small meeting room, kitchen, toilets, change rooms and user group storage. In 2008-09 the facility was refurbished with a new kitchen, change rooms, painting and user group storage. The current size, location and layout of the existing facility is considered poor and it is not well utilised.

As a district park, the ovals and infrastructure service the local area and several surrounding suburbs. Currently, five sporting clubs hire the ovals and the clubroom.

As part of the 2014 Active Reserve and Community Facility Review, The City identified Chichester Park as the next redevelopment project to be undertaken due to the existing clubroom facility's functionality, size, layout and location issues. In addition, a number of challenges have been identified in relation to Chichester Park and the clubroom, these are as follows:

- Meeting room within the clubroom is small (32m<sup>2</sup>) and used mainly for storage so is not suitable for community group use or casual hire arrangements. The existing sporting clubs that use Chichester Park also need to hire alternative facilities to hold club functions/events and the like.
- Limited available storage for the current and potential user groups.
- Kitchen facilities are small, inadequate and in poor condition.

- Clubroom currently has limited change rooms to service multiple senior size playing fields.
- Clubroom is currently located on a lower point of the site in comparison to the car park which causes issues with rain water run-off 'pooling' in areas around the facility. It also makes access difficult due to the site level differences.
- Change rooms are not on the same level as the oval and players have to use stairs to access the pitches.
- Parking issues at peak sporting use times.
- South oval has major drainage issues which impacts sporting club usage in winter.
- Irrigation of the south oval could be improved and address the high iron issue at the site.

Due to the identified challenges, it is proposed that a new Community Sporting Facility is developed at Chichester Park and the existing car parking provisions and drainage issues on the southern oval are investigated as part of the project.

Currently \$4 million has been listed from 2018-19 to 2020-21 of the City's *Five Year Capital Works Program* for the redevelopment of Chichester Park. Construction is proposed to be undertaken in 2020-21 with detailed design and forward works to be undertaken in the two years prior. The project budget is based on potential project costs only, as project scoping, concept design and cost estimates have not been undertaken.

The next stage of the project is to undertake an initial round of community consultation to seek sporting club and the local community's feedback on the project. A further report will then be presented to Council outlining the results of the community consultation and seek direction on progressing the Chichester Park redevelopment project.

*It is therefore recommended that Council:*

- 1 *NOTES the listing of \$4,000,000 from 2018-19 to 2020-21 of the City's Five Year Capital Works Budget for detailed design and construction of the Chichester Park redevelopment project;*
- 2 *REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken for the Chichester Park redevelopment project following finalisation of the budget process for the 2017-18 financial year;*
- 3 *NOTES that a further report will be presented to Council outlining the results of the community consultation and seeking direction on progressing the Chichester Park redevelopment project;*
- 4 *REQUESTS the listed funds in the City's Five Year Capital Works Budget be adjusted to \$3,000,000 in total, for the Chichester Park redevelopment project.*

## BACKGROUND

<b>Suburb/Location</b>	Chichester Park (south oval) 109 Trappers Drive Woodvale WA 6026.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>DPS</b> Parks and Recreation.
	<b>MRS</b> Urban.
<b>Site area</b>	81,666.4m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

Chichester Park located on Trappers Drive, Woodvale (Attachment 1 refers) is approximately 8.2 hectares (south oval) and is classified as a 'District Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park includes two active sporting fields (north and south), a clubroom, floodlighting, car parking and a playground.

The clubroom (Attachment 2 refers) was constructed in 1992 and consists of a small meeting room, kitchen, toilets, change rooms and user group storage. In 2008-09 the facility was refurbished with a new kitchen, change rooms, painting and user group storage. The current size, location and layout of the existing facility is considered poor and it is not well utilised.

The northern sporting field is used by the adjacent school (North Woodvale Primary School) as part of a 'shared use' agreement with the City. The southern sporting field is one of the most heavily utilised sporting grounds in the City of Joondalup. It is used predominately for soccer with the ability to hold three soccer pitches. There are drainage issues on the southern sporting field during winter which impact sporting club usage of the area.

The playground was upgraded in 2009 and an upgrade of the sports floodlighting on the southern oval was completed in July 2016.

There are no annual hire groups of the existing facility (due to the size, location and layout issues). There are five sporting clubs with over 1,800 registered members that currently use Chichester Park:

- Kingsley Soccer Club.
- Woodvale FC (soccer).
- WA Christian Football Association (soccer).
- Kingsley Woodvale Junior Cricket Club.
- Kingsley Woodvale Cricket Club.

The City identified the need to redevelop Chichester Park in 2010 and allocated funds within the *20 Year Strategic Financial Plan* for the project. At the July 2014 Council meeting (CJ116-07/14 refers) the 2014 Active Reserve and Community Facility Review report was considered and a list of redevelopment projects and the recommended priority order was agreed to be used in the development of the City's future *Five Year Capital Works Program* and *20 Year Strategic Financial Plan*. The Chichester Park project was listed as the next redevelopment project to be undertaken.

## DETAILS

Currently, the existing clubroom facility's functionality is limited due to its size, layout and position on the site. In addition, a number of challenges have been identified in relation to Chichester Park and the clubroom, these are as follows:

- Meeting room within the clubroom is small (32m<sup>2</sup>) and used mainly for storage so is not suitable for community group use or casual hire arrangements. The existing sporting clubs that use Chichester Park also need to hire alternative facilities to hold club functions/events and the like.
- Limited available storage for the current and potential user groups.
- Kitchen facilities are small, inadequate and in poor condition.
- Clubroom currently has limited change rooms to service multiple senior size playing fields.

- Clubroom is currently located on a lower point of the site in comparison to the car park which causes issues with rain water run-off 'pooling' in areas around the facility. It also makes access difficult due to the site level differences.
- Change rooms are not on the same level as the oval and players have to use stairs to access the pitches.
- Parking issues at peak sporting use times.
- South oval has major drainage issues which impacts sporting club usage in winter.
- Irrigation of the south oval could be improved and address the high iron issue at the site.

Due to the identified challenges, it is proposed that a new Community Sporting Facility is developed at Chichester Park and the existing car parking provisions and drainage issues on the southern oval are investigated as part of the project.

It has been identified that this project will be suitable for consideration as part of the Department of Sport and Recreation's *Community Sporting and Recreation Facilities Fund* (CSRFF) for a possible grant contribution to the relevant project components.

### **Issues and options considered**

It is considered that Council has two options, either to endorse commencement of the project or not endorse commencement of the project. If Council endorses commencement of the project, the City will undertake community consultation to determine the level of community support for the project. The results of the community consultation will be presented back to Council and if the project is not supported by the community, Council can choose to defer or cease the project.

If Council chooses not to commence the project, Chichester Park user groups will continue to operate at the existing clubroom facility.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

**Policy** *Requests for New or Capital Upgrades to Existing Community Buildings Policy.*

## Risk management considerations

If the project does not commence, Chichester Park user groups will continue to operate with the limited infrastructure. Based on the classification of the park (District Park), heavy utilisation of the southern oval and inadequate existing facilities, a redevelopment is required to better service the sporting clubs and local wider community's needs. Furthermore, the clubroom will be nearing 30 years old at the time of the proposed redevelopment therefore it is pertinent to upgrade it.

## Financial / budget implications

Currently \$4 million has been listed from 2018-19 to 2020-21 of the City's *Five Year Capital Works Program* for the redevelopment of Chichester Park. Construction is proposed to be undertaken in 2020-21 with detailed design and forward works to be undertaken in the two years prior. The project budget is based on potential project costs only as project scoping, concept design and cost estimates have not been undertaken.

### Current financial year impact

<b>Budget Item</b>	MPP2058 – Chichester Park redevelopment project.
<b>Budget amount</b>	\$ 4,000,000 (2018-19 to 2020-21)
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 100,000 (2018-19)
	\$ 900,000 (2019-20)
	\$ 3,000,000 (2020-21)
<b>Balance</b>	\$ 0

### Future financial year impact

**Annual operating cost** As included in the 2017-18 draft budget, the annual operating cost for the Chichester Park and clubroom is approximately \$178,000 per annum. It is unknown at this early stage in the project if the operating expenses will increase or decrease as a result of the project. If the project proceeds, as further details of the proposed development are determined, the impact on the annual operating costs can be estimated.

**Estimated annual income** As included in the 2017-18 draft budget, the annual income for the Chichester Park and clubroom is approximately \$30,000 per annum. It is unknown at this early stage in the project if the operating income will increase or decrease as a result of the project. If the project proceeds, as further details of the proposed development are determined, the impact on the annual income can be estimated.

**Capital replacement** The capital replacement is unknown at this early stage in the project. If the project proceeds, as further details of the proposed development are determined, the capital replacement can be estimated.

**20 Year Strategic Financial Plan impact** The adopted *20 Year Strategic Financial Plan* (June 2016) includes \$4 million for this project. It is estimated that \$900,000 may be funded from grants, with the remaining \$3.1 million funded by the City.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

All facility redevelopment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

#### Social

The project will include consultation with existing user groups and the local wider community to ensure that feedback received represents their diverse needs. It is expected that if the redevelopment works occur, the project will lead to higher utilisation rates of the facility. Furthermore, any development at the site will consider access and inclusion principles and will aim to enhance the amenity of the public space.

#### Economic

One of the main principles of the City's *Masterplan Framework* is the development of 'shared' and 'multi-purpose' facilities to avoid their duplication, and to reduce the ongoing maintenance and future capital expenditure requirements.

### **Consultation**

Consultation for this project will be conducted in accordance with City's approved *Community Consultation and Engagement Policy and Protocol*.

The initial round of community consultation with residents, user groups and the local wider community will be conducted outlining the existing and proposed site features, retention of infrastructure, facility layout, overall design and facility management. This consultation will be used to develop a site plan and facility floor plan which will be used for the second round of community consultation once approved by Council.

It is proposed that targeted consultation will be undertaken with the following stakeholders:

- Residents living within a 500 metre radius of the site.
- Representatives from the sporting clubs.
- Representative from the local Residents' Association.
- Representative from the North Woodvale Primary School.

In addition, consultation documentation will be available on the City's website for the public to comment.

Consultation will be conducted for 21 days and advertised through the following methods:

- Direct mail out - a cover letter and frequently asked questions sheet to be sent to the identified stakeholders.

- Site signage – Three signs to be placed at Chichester Park during the consultation period.
- City's website – frequently asked questions sheet and comment form to be added to the 'Community Consultation' section during the consultation period.
- Newspaper – advertisement to be published in the 'Joondalup Weekender' during the consultation period.

The feedback received as part of the community consultation will be collated and included in a report for Council's consideration and to seek direction on progressing the Chichester Park redevelopment project.

## COMMENT

The City identified Chichester Park as the next redevelopment project to be undertaken due to the existing clubroom facility's functionality, size, layout and location issues and a number of challenges that have been identified in relation to the site.

In order to improve the facilities at Chichester Park to service the sporting clubs and local community's needs, it is proposed that a new Community Sporting Facility is developed and the existing car parking provisions and drainage issues on the southern oval are investigated as part of the project.

The next stage of the project is to undertake an initial round of community consultation to seek sporting club and the local community's feedback on the project. A further report will then be presented to Council outlining the results of the community consultation and seek direction on progressing the Chichester Park redevelopment project.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Finance Committee at its meeting held on 4 April 2017.

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

*That Council:*

- 1 *NOTES the listing of \$4,000,000 from 2018-19 to 2020-21 of the City's Five Year Capital Works Budget for detailed design and construction of the Chichester Park redevelopment project;*
- 2 *REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken for the Chichester Park redevelopment project;*
- 3 *NOTES that a further report will be presented to Council outlining the results of the community consultation and seeking direction on progressing the Chichester Park redevelopment project.*

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

*That Council:*

- 1 *NOTES the listing of \$4,000,000 from 2018-19 to 2020-21 of the City's Five Year Capital Works Budget for detailed design and construction of the Chichester Park redevelopment project;*
- 2 *REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken for the Chichester Park redevelopment project following finalisation of the budget process for the 2017-18 financial year;*
- 3 *NOTES that a further report will be presented to Council outlining the results of the community consultation and seeking direction on progressing the Chichester Park redevelopment project;*
- 4 *REQUESTS the listed funds in the City's Five Year Capital Works Budget be adjusted to \$3,000,000 in total for the Chichester Park redevelopment project.*

**MOVED Cr McLean, SECONDED Cr Jones that Council:**

- 1 **NOTES the listing of \$4,000,000 from 2018-19 to 2020-21 of the City's *Five Year Capital Works Budget* for detailed design and construction of the Chichester Park redevelopment project;**
- 2 **REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken for the Chichester Park redevelopment project following finalisation of the budget process for the 2017-18 financial year;**
- 3 **NOTES that a further report will be presented to Council outlining the results of the community consultation and seeking direction on progressing the Chichester Park redevelopment project;**
- 4 **REQUESTS the listed funds in the City's *Five Year Capital Works Budget* be adjusted to \$3,000,000 in total, for the Chichester Park redevelopment project.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ062-04/17, page 188 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 26 refers*

*To access this attachment on electronic document, click here: [Attach26brf170411.pdf](#)*



## **CJ064-04/17      PROVISION OF A CAFÉ/KIOSK/RESTAURANT AT NEIL HAWKINS PARK**

<b>WARD</b>	North	
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO	
<b>FILE NUMBER</b>	102656, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Location Plan
	Attachment 2	Area View – Surrounding Neighbourhood
	Attachment 3	<i>Yellagonga Regional Park Management Zone Plan 2003-2013 – Area 5</i>
	Attachment 4	Cafés/Kiosks/Restaurants      Project Philosophy and Key Parameters Council Endorsement
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

### **PURPOSE**

For Council to authorise the progression of the development for a café/kiosk or restaurant on City managed land, known as Neil Hawkins Park.

### **EXECUTIVE SUMMARY**

Neil Hawkins Park is located within Area 5 of the *Yellagonga Regional Park Management Plan 2003-2013* (YRPMP 2003-2013) under the Recreation Zone in the Management Zoning system (Attachment 3 refers).

The YRPMP 2003-2013 provides a broad direction for the protection and enhancement of the conservation, recreation and landscape values of the Yellagonga Regional Park (the park).

Under the commercial value of the YRPMP 2003-2013 it is outlined that there is a possible opportunity for a development of a café/kiosk or restaurant within the park.

Neil Hawkins Park is owned by the Crown under a City of Joondalup Management Order, without power to lease. Any developments within the park must be authorised by the Western Australian Planning Commission (WAPC).

For the City to develop a café/kiosk or restaurant within Neil Hawkins Park it must follow the process outlined in the YRPMP 2003-2013.

To determine if a development of a café/kiosk or restaurant is feasible within Neil Hawkins Park it is considered that further investigations are required.

*It is therefore recommended that Council:*

- 1 *NOTES the report for the provision of a café/kiosk/restaurant at Neil Hawkins Park;*
- 2 *AUTHORISES the Chief Executive Officer to undertake further investigations for the provision of a café/kiosk/restaurant at Neil Hawkins Park;*
- 3 *AUTHORISES the Chief Executive Officer to seek the amendment of the Management Order to obtain a Power to Lease to accommodate a potential development of a café/kiosk/restaurant at Neil Hawkins Park.*

## **BACKGROUND**

The City owns and manages a number of strategically located land parcels that in terms of accommodating cafés/kiosks/restaurants have the potential to increase the enjoyment of popular recreational locations and provide the City with a level of commercial gain.

The Cafés/Kiosks/Restaurants – Project Philosophy and Parameters was endorsed by Council at its meeting held on 22 June 2010 (CJ103-06/10, Attachment 4 refers).

The following four sites were investigated for suitability in terms of location, site development potential, visitor use frequency, suitable aesthetics (aspect, view corridor – marine/terrestrial) and popularity:

- Burns Beach Park – Reserve No. 42219 (40) Ocean Parade, Burns Beach.
- Neil Hawkins Park – Reserve No. 28544 (200) Boas Avenue, Joondalup.
- Pinnaroo Point (Central Nodes Foreshore) Reserve No. 39497 (239) Whitfords Avenue, Hillarys.
- Tom Simpson Park (South), (5) Oceanside Promenade, Mullaloo.

At its meeting held on 27 May 2013 Council considered a report detailing research undertaken of the four identified sites (CJ069-05/13 refers). It was agreed:

*That Council:*

- 1 *NOTES the Provision of Cafés/Kiosks/Restaurants on City Owned or Managed Land – Project Status and Progression Options Report;*
- 2 *AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a café/kiosk facility at Pinnaroo Point;*
- 3 *AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a café/restaurant facility at Burns Beach.*

The City commenced the Expression of Interest (EOI) process for the development of a café/kiosk facility at Pinnaroo Point in October 2013 and a café/restaurant facility at Burns Beach in December 2013.

**DETAILS**

<b>Location</b>	Reserve 28544 (200) Boas Avenue, Joondalup, known as Neil Hawkins Park.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>DPS</b> Parks and Recreation.
	<b>MRS</b> Parks and Recreation.
<b>Site area</b>	63584.7m <sup>2</sup> .
<b>Bush Forever</b>	Yes. Site No. 299.

Neil Hawkins Park sits within the park and is owned by the Crown with a City of Joondalup Management Order, without 'power to lease'. For the City to obtain a grant of 'power to lease' as a condition of the Management Order, it would require the approval of the Department of Lands (DoL), who will assist in the provision of appropriate tenure after consideration of the proposed development. The site is zoned 'Parks and Recreation' under the *Metropolitan Region Scheme* (MRS).

There are a number of amenities located within and around Neil Hawkins Park for visitors use, these are:

- toilet block
- boardwalk and jetty
- shared pedestrian and bicycle pathway
- picnic shelters, picnic tables and benches, park benches, play equipment, barbeques, and drinking fountain.

Neil Hawkins Park is situated to the east of the Joondalup City Centre and within easy walking distance of the Joondalup rail and bus stations (Attachment 2 refers). Located adjacent to Neil Hawkins Park are 172 car parking bays, with up to four hour free parking between the hours of 9.00am – 5.00pm (Monday to Friday) for park visitor's use.

The City under the *Local Government and Public Property Local Law 2014* currently allows two mobile Traders Permits within Neil Hawkins Park to operate on a daily basis. The City has recently received proposals from other parties who are interested in developing a commercial café within Neil Hawkins Park. There are no static commercial facilities currently operating within the park that offers visitors food and beverage.

***Yellagonga Regional Park Management Plan 2003-2013***

The YRPMP 2003-2013 was developed by the Department of Parks and Wildlife (DPaW) in consultation with the Cities of Joondalup and Wanneroo and is still the guiding document for the park's management.

**Park Management Zone – Area 5**

The YRPMP 2003-2013 outlines the Management Zoning system in order to protect the park. Neil Hawkins Park is under the zone of Recreation in the Management Zoning system and located in Area 5. The prime emphasis of the management of Area 5 is to provide a variety of recreation opportunities that attracts visitors to the park for a range of passive and active recreation pursuits within its natural environments (Attachment 3 refers).

### Recreational Value

The YRPMP 2003-2013 identified the park as having a high recreational value providing opportunities for a wide range of passive and active recreation attracting visitors to its relatively undisturbed natural environment. The park supports various activities including picnics, bushwalking, bird watching, bicycle riding, fitness and exercise and general nature observation.

### Management Zones and Land Tenure – Recreation

The YRPMP 2003-2013 outlines the Management Emphasis and Acceptable Uses and Facilities for the Recreation zone of Area 5 and states that *“the prime emphasis of management will be to provide a variety of recreation opportunities. The type of and intensity of facility provision will depend on the values of any given area, community demand for recreation and the appropriate management of the Park”*. It is also stated that *“public use may be high in these areas, allowing for park and picnic facility development and Commercial Concessions for visitor services may be considered appropriate within this management zone”*.

### Commercial Value

The commercial value recognises development opportunities within the park enabling visitors to engage and interact in new ways, without compromising or degrading the park's environmental qualities. These commercial opportunities range from:

- hire facilities at activity nodes within the park
- kiosk or restaurant
- education facilities providing interpretation and information about the natural environment and cultural values of the park
- commercial concessions.

Under the Principal Management Directions for the Recreation Zone the YRPMP 2003-2013 states that commercial concessions for park visitor services may also be considered appropriate.

The commercial goal allows for appropriate commercial uses within the park in a manner that minimises impact on other values and contributes to the management of the park. The Commercial Guiding Principles are as follows:

- 1 Commercial activities must be compatible with the assigned purpose of reserves within the park and should be of service to the park visitors.
- 2 Commercial use should not compromise the natural and cultural values of the park. Future developments should be of a character and arrangement that do not detract from the natural settings and landscape amenity of the park. Through the tendering process proponents of significant developments within the park will be required to assess the environmental impacts of the proposed commercial use.
- 3 Commercial use within the park should be of a nature that promotes multiple uses by park visitors. Commercial uses that impair other forms of acceptable use or jeopardise the safety of other visitors should be specifically managed, directed to more appropriate places or not permitted. All development applications will be assessed in terms of the overall commercial requirement for the park.

- 4 Commercial activities within the park should be either through a lease or license arrangement, or where the State or relevant local government owns and operates the facility.
- 5 Through the tendering process, proponents of significant developments within the park will be required to document the financial viability of the proposed commercial use. Revenue generated by commercial concessions on land managed by the DPaW within the park will be used to help meet the overall cost of managing the regional parks.
- 6 Activities and facilities must comply with the managing authorities' requirements. If effective management of commercial facilities or activities cannot be provided they should be restricted to appropriate levels, relocated or removed from the park.
- 7 The objective is to ensure that commercial operations and leases are consistent with the YRPMP 2003-2013 and that any leases and commercial operations help offset the park management costs.

### **Feasibility Study – Environment Centre**

In 2006 a Feasibility Study was undertaken by the City of Joondalup and the City of Wanneroo for an Environment Centre within the park.

During the initial phase of the feasibility study there was an assessment on whether or not a facility was required for the proposed purpose and several sites were identified. A detailed site analysis for each location was carried out and ranked as unsatisfactory, satisfactory or preferred. The location of Neil Hawkins Park was identified as satisfactory.

The Feasibility Study identified a range of complementary activities and features as part of its recommendations, two of which are stated as follows:

- A retail outlet for the sale of appropriately themed foods and goods including possible sale of produce from a community garden.
- The provision of a leasable food and beverage outlet to act as an additional attractor for the facility, and to support and promote produce that is aligned with best practice environmentally sustainable principles.

At its meeting held on 19 June 2007 (CJ103-06/07 refers), Council deferred the consideration of the *Yellagonga Regional Park Environment Centre Feasibility Study* (CJ103-06/07 refers) and subsequently removed the item from the City's *20 Year Strategic Financial Plan 2011-12 – 2030-31* due to the number of other priority and new facilities and infrastructures approved by Council for the period of the *20 Year Strategic Financial Plan* (CJ138-07/12 refers).

### **Planning Approval Considerations**

The WAPC is responsible for administering the MRS and local government must provide detailed plans for their part of the region consistent with the MRS. An environmental review would also be required by the Environmental Protection Authority (EPA).

The DoP *State Planning Policy No. 3.7: Planning in Bushfire Prone Areas* may also apply to this site. Further investigation is required.

The WAPC are the responsible authority for the potential site location for a café/kiosk or restaurant and the City must follow the process outlined in the YRPMP 2003-2013 and submit the following relevant documentation for consideration:

- Land use feasibility study investigating the feasibility of the development options and considerations of community aspirations for the site, environmental constraints, business and operations planning and required funding and resources.
- Business Plan.
- Consultation with the community regarding possible changes in land use at the park.
- A Site Development Plan outlining the proposed concept for the park.

### **Issues and options considered**

The Issues for a potential development of café/kiosk or restaurant facility for Neil Hawkins Park are discussed in the Details section of this report.

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

<b>Legislation</b>	Besides the legislation that covers the eventual planning and building requirements, with regard to the land related matters the <i>Land Administration Act 1997</i> and the Department of Planning (DoP) and Department of Lands (DoL) relevant policies deal with the administration of Crown land. The <i>Local Government Act 1995</i> and the <i>Local Government (Functions and General) Regulations 1996</i> deal with local governments' disposition of property which includes leasing.
--------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### **Strategic Community Plan**

<b>Key theme</b>	Economic Prosperity, Vibrancy and Growth.
<b>Objective</b>	Destination City.
<b>Strategic initiative</b>	Facilitate the establishment of major tourism infrastructure.
<b>Key theme</b>	Community Wellbeing.
<b>Objective</b>	Quality facilities.
<b>Policy</b>	Not applicable.

### **Risk management considerations**

The potential risks to the successful progression of the project include the inability to obtain support from the statutory approval authorities, limited commercial interest and negative community reaction. Any risk with regard to approval process outcomes can be mitigated by establishing and maintaining a working relationship with representatives of the relevant approvals agencies. Furthermore, well developed management plans can assist with obtaining a successful outcome.

A lack of commercial viability could result in little or no interest in developing a facility. There is also the possibility that expected returns from a developed facility are not met, causing potential rental payment difficulties or cessation of a business.

It is considered that a planned, environmentally acceptable and aesthetically pleasing development is likely to gain community support and meet visitor needs. These measures are likely to make any potential development more acceptable to the community and mitigate potential negative reaction.

Risk management assessments will continue as the project progresses and particularly as formal proposals are developed.

### **Financial / budget implications**

Revenue generated from any commercial lease arrangements will be used to assist in the management of the park.

### **Current financial year impact**

<b>Account no.</b>	1-220-C1060.
<b>Budget Item</b>	Cafes/Kiosks/Restaurants.
<b>Budget amount</b>	\$180,000
<b>Amount spent to date</b>	\$ 77,474
<b>Proposed cost</b>	\$ 0
<b>Balance</b>	\$102,526

Figures above are current as at March 2017 and exclusive of GST.

### **Regional significance**

The provision of cafés/kiosks or restaurants on City owned or managed land will provide significant resident/visitor/tourist benefit by enhancing the City's existing natural assets and amenities and potentially bring additional visitors to the region.

The park contains a wide variety of ecosystems from upland forest, fringing wetland and aquatic vegetation to open water bodies. The rich diversity and complexity of ecosystems has a very high conservation value within an urban setting. The wetlands within the park are some of the last remaining freshwater wetland systems on the Swan Coastal Plain. Lake Joondalup is considered a national significance and is listed on the Department of the Environment and Energy directory of important wetlands within Australia.

### **Sustainability implications**

The YRPMP 2003-2013 was developed by the Department of Parks and Wildlife (DPaW) in consultation with the Cities of Joondalup and Wanneroo and is still the guiding document for the park's management.

The purpose of the YRPMP 2003-2013 was to provide a broad direction for the protection and enhancement of the conservation, recreation and landscape values of the park.

The *Yellagonga Integrated Catchment Management Plan 2015-2019* (YICMP 2015-2019) was developed by the City of Joondalup and City of Wanneroo to provide a holistic and strategic direction to continue to implement a wide range of initiatives aimed to conserve the ecological values of the park. The co-management of the park is guided by the YRPMP 2003-2013.

The Cafés/Kiosks/Restaurants Project Philosophy and Parameters Sustainability Considerations are outlined as follows (CJ103-06/10, Attachment 4 refers):

- Project Vision.
- Land Use and Build Form.
- Environmental Strategy.
- Liaison Protocol.
- Fiscal Responsibility and Commerciality.
- Governance.

It is anticipated that as the development of the Joondalup City Centre continues to grow the utilisation of Neil Hawkins Park will intensify and become part of a fully functional City Centre.

### **Consultation**

There may be a potential impact regarding the cultural heritage of the Nyoongar people, relating to any development of the park.

### **COMMENT**

The *Yellagonga Regional Park Management Plan 2003-2013* (YRPMP 2003-2013) was developed by the Department of Parks and Wildlife (DPaW) in consultation with the Cities of Joondalup and Wanneroo and is still the guiding document for the park's management.

Neil Hawkins Park currently does not have a static commercial facility that offers food and beverage to park visitors.

The park's commercial values recognises the opportunity for a commercial development operation of a café/kiosk or restaurant facility allowing park visitors to interact in new way.

Further, the park's commercial concessions allows for appropriate commercial uses within the park in a manner that minimises impact on other values and contributes to the management of the park.

Under the Principal Management Directions for the Recreation Zone the YRPMP 2003-2013 it states that commercial concessions for park visitor services may also be considered appropriate.

It is therefore considered that further investigations should be undertaken with the relevant government agencies to establish a better understanding of the parks YRPMP 2003-2013, in relation to a possible commercial development of a café/kiosk or restaurant within Neil Hawkins Park.

### **VOTING REQUIREMENTS**

Simple Majority.



**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for this Report (as detailed below) was resolved by the Finance Committee at its meeting held on 4 April 2017.

The committee recommendation is the same as recommended by City officers.

**MOVED Cr McLean, SECONDED Cr Jones that Council:**

- 1      NOTES the report for a provision of a café/kiosk/restaurant at Neil Hawkins Park;**
- 2      AUTHORISES the Chief Executive Officer to undertake further investigations for a provision of a café/kiosk/restaurant at Neil Hawkins Park;**
- 3      AUTHORISES the Chief Executive Officer to seek the amendment of the Management Order to obtain a Power to Lease to accommodate a potential development of a café/kiosk/restaurant at Neil Hawkins Park.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ062-04/17, page 188 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

*Appendix 27 refers*

*To access this attachment on electronic document, click here: [Attach27brf170411.pdf](#)*

**Disclosure of interest affecting impartiality.**

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ065-04/17 - Burns Beach Café/Restaurant – Project Status.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood lives within the area of the proposed Burns Beach Café/Restaurant.

## CJ065-04/17      BURNS BEACH CAFÉ / RESTAURANT - PROJECT STATUS

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER</b>	102656, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to note the status of the Burns Beach café/restaurant project.

**EXECUTIVE SUMMARY**

At its meeting held on 13 December 2016 (CJ235-12/16 refers) Council authorised the Chief Executive Officer to request expressions of interest (EOI) for the development of a café/restaurant at Burns Beach.

Although the City has prepared documentation for an EOI process, recently undertaken investigations into other café/kiosk/restaurant developments in Perth (particularly the new restaurant precinct at City Beach, constructed by the Town of Cambridge) indicated that alternative development models need to be investigated.

The Town of Cambridge adopted a different development model to that previously adopted by the City for the Burns Beach EOI and as currently negotiated for the Pinnaroo Point café development. The City's approach is one where the City would lease land to a developer/operator to construct a building and operate a business. The Town of Cambridge approach involved the Town of Cambridge constructing its own buildings and then entering into a commercial leasing arrangement with an operator.

This development model could result in less complex lease negotiations and more favourable financial returns to the City and provide the City with greater control and flexibility regarding the design, scale and location of the development.

*It is therefore recommended that Council:*

- 1 *NOTES the report on the status of the Burns Beach café/restaurant project;*
- 2 *NOTES that the Chief Executive Officer will undertake further investigations into alternative development models for a café/restaurant at Burns Beach;*
- 3 *AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a café/restaurant facility at Burns Beach.*

## **BACKGROUND**

The City owns and manages a number of strategically located land parcels that in terms of accommodating cafés, kiosks and restaurants have the potential to increase the enjoyment of popular recreational locations and provide the City with a level of commercial gain.

At its meeting held on 22 June 2010 (CJ103-06/10 refers), Council endorsed the philosophy and parameters for the cafés/kiosks/restaurants project, to articulate for historical purposes its intent to progress the project and to address the project objectives. The cafés/kiosks/restaurants project vision recognises the provision of facilities which will:

- advance the City's ability to attract visitors/tourists for entertainment and socialising
- provide more employment, increase business opportunities, a greater awareness of the City's natural assets and a greater social and economic contribution by tourists
- provide equitable community based facilities that acknowledges and provides for the lifestyle and alfresco culture of Western Australia.

The fiscal responsibility and commerciality development parameters of the project aim to provide:

- assurance of commercial viability
- due diligence and financial/cost benefit analysis
- future financial and social benefit for City residents and visitors
- high quality, appropriate commercial operations
- consideration of co-location opportunities
- creation of an asset/s that maintains its capital value throughout its economic life cycle.

At its meeting held on 27 May 2013 Council considered a report entitled 'The Provision of Cafés/Kiosks/Restaurants on City Owned or Managed Land – Project Status and Progression Options Report' (CJ069-05/13 refers) and resolved in part:

*"That Council AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a café/restaurant facility at Burns Beach."*

At its meeting held on 6 October 2014 the former Strategic Financial Management Committee (SFMC) considered a report entitled 'Confidential – Burns Beach Café/Restaurant – Expression of Interest' (Item 3 refers). The report detailed the evaluation results from Stage One of the EOI, including details of the six submissions received. After due consideration of the report the SFMC resolved:

*"That the confidential item in relation to the Burns Beach Café/Restaurant – Expression of Interest be DEFERRED pending the adoption of the Burns Beach Master Plan by Council".*

At its meeting held on 18 October 2016 Council resolved in part to adopt the *Burns Beach Master Plan* (CJ158-10/16 refers). The *Burns Beach Master Plan* contains a design for the coastal node precinct of Burns Beach which includes a location for a café/restaurant development.

At its meeting held on 13 December 2016 (CJ235-12/16 refers) Council considered a status report on the progress of the café/kiosk/restaurant project and in relation to the Burns Beach café/restaurant resolved in part that it:

*“AUTHORISES the Chief Executive Officer to request Expressions of Interest for the development of a café/restaurant at Burns Beach, commencing in March 2017.”*

## DETAILS

Since the 13 December 2016 Council meeting (CJ235-12/16 refers) the City continued with the preparation of the necessary documentation for an EOI process for a café/restaurant at Burns Beach, with a view of releasing a request for submissions in March 2017. The EOI is intended to identify a preferred developer/operator to enter into a land lease with the City and to build and operate a facility on the land.

During the preparation of the EOI documents it became apparent that in order for the City to attract the best commercial operator for a facility, appropriate development parameters needed to be determined in advance of commencing the EOI process. With the previous EOI process undertaken by the City at Burns Beach in 2013 - 2014 the City received six submissions ranging from a café franchise up to a large-scale tavern-style development. The variability of these proposals made it difficult for the City to decide on an appropriate development.

Recently the City held discussions with representatives from the Town of Cambridge regarding their experience with the development of three new food and beverage facilities on freehold land owned by the Town of Cambridge at City Beach, comprising of Hamptons City Beach, Rise and Odyssey. In a short period these developments have proved to be commercially successful for both the Town of Cambridge and the businesses involved and have created a new food and beverage precinct servicing both the local and wider community and tourists alike.

The process followed by the Town of Cambridge differs from that adopted by the City for the previous EOI process for the Burns Beach café/restaurant project. The Town of Cambridge constructed the facility themselves and sought EOI's for suitable operators to lease the buildings, undertake commercial fit-out and operate their business. In this approach, the Town of Cambridge undertook a feasibility study and market analysis with the assistance of commercial real estate, leasing and food and beverage consultants. This allowed the Town of Cambridge to develop a detailed project brief before identifying a design for the development, which was undertaken through an architectural design competition.

The EOI process undertaken previously for the Burns Beach café/restaurant was the same that is currently being adopted at Pinnaroo Point where the City is considering leasing land from the Crown and then subleasing that land to a developer/operator who will finance the cost of construction and fit out of the facility and also operate the business. The City has recently received a draft Crown Land lease for Pinnaroo Point from the Department of Lands (DoL) for a 42 year lease.

The draft Crown Land lease requires that the City pays the Crown 25% of the market rent (as determined by the Valuer General) for the first 20 years of the lease and then 50% of any market rent for the remainder of the 42 years. The process adopted by the City has proven to be a lengthy process due to complex negotiations between the City, the DoL and the operator, potentially resulting in marginal financial benefit to the City.

In contrast, the Town of Cambridge has adopted shorter lease terms of approximately 20 years, which is considered a reasonable payback period for all parties to recoup the costs incurred from the development. The DoL has also advised the City that approximately 20 years is an appropriate lease term for a developer to recoup the costs incurred in a development of this nature.

### **Issues and options considered**

The Council has the following options to either:

- continue with an EOI process at Burns Beach to identify a preferred developer/operator to enter into a land lease with the City and to build and operate a café/restaurant on the land  
or
- undertake further investigations into alternative development models including where the City constructs its own building on Crown Land.

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

#### **Legislation**

Besides the legislation that covers the eventual planning and building requirements, with regard to the land related matters the *Land Administration Act 1997* and the Department of Planning (DoP) and Department of Lands (DoL) relevant policies deal with the administration of Crown land. The *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* deal with local governments' disposition of property which includes leasing.

#### **Strategic Community Plan**

<b>Key theme</b>	Economic Prosperity, Vibrancy and Growth.
<b>Objective</b>	Destination City.
<b>Strategic initiative</b>	Facilitate the establishment of major tourism infrastructure.
<b>Policy</b>	Not applicable.

#### **Risk management considerations**

The DoP's *State Coastal Planning Policy No. 2.6* applies to development along the City's coastline, particularly with regard to potential long term risks from severe storm erosion and sea level rise. The City has recently undertaken the required *Coastal Hazard Risk Management and Adaptation Plan* in accordance with this legislation.

DoP's *State Planning Policy No. 3.7: Planning in Bushfire Prone Areas* also applies to these sites. The City has recently undertaken a Bushfire Attack Level (BAL) assessment and *Bushfire Management Plan* for the proposed sites, in accordance with the legislation.

Other potential risks to the successful progression of the project include:

- inability to obtain support from the statutory approval authorities
- negative community reaction
- failure of negotiations on lease agreements
- a proponent, or the City, may opt not to proceed with the development.

### **Financial / budget implications**

#### Current financial year impact

<b>Account no.</b>	1-220-C1060.
<b>Budget Item</b>	Cafés/Kiosks/Restaurants.
<b>Budget amount</b>	\$ 180,000
<b>Amount spent to date</b>	\$ 78,989
<b>Proposed cost</b>	\$ 0
<b>Balance</b>	\$ 101,011

Figures above are current at March 2017.

All figures in this report are exclusive of GST.

#### Future financial year impact

<b>Annual operating cost</b>	Alternate development models will have different impacts regarding operating costs. Once the optimum development model has been determined, respective responsibilities towards operating costs will be clear. If the City was to construct its own building it will be responsible for external maintenance of the building. All other annual operating costs including rates and consumption of services would be borne by the operator.
<b>Estimated annual income</b>	The City would receive the market rent negotiated with a developer/operator, less any payments to the Crown. Rates would also be payable by the operator.
<b>Capital replacement</b>	If the City was to lease land to a developer/operator, they would be responsible for capital replacement of building and improvements. If the City was to develop a facility and lease the building to an operator the City would be responsible for capital replacement.
<b>20 Year Strategic Financial Plan impact</b>	\$180,000 (includes project costs for two sites being Pinnaroo Point and Burns Beach).
<b>Impact year</b>	2016-17.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

The provision of cafés/kiosks/restaurants on City owned or managed land will provide significant resident/visitor/tourist benefit by enhancing the City's existing natural assets and amenities.

**Sustainability implications**

The project philosophy and parameters (CJ103-06/10 refers) outlines the intent of Council in progressing the project and addresses the following sustainability implications:

- Project Vision.
- Land Use and Built Form.
- Environmental Strategy.
- Liaison Protocol.
- Fiscal Responsibility and Commerciality.
- Governance.

**Consultation**

The City may be required to publically advertise the proposed development in accordance with the *Local Government Act 1995*, pending final decisions on the leasing arrangements.

**COMMENT**

Before continuing with an EOI process, similar to that currently adopted for the Pinnaroo Point café project and as previously adopted for the Burns Beach café/restaurant EOI, where the City subleases Crown Land to a third party to develop and operate a facility, the City should consider alternative development models.

This may include the City leasing Crown Land and developing its own building at Burns Beach which potentially could be a more commercially viable approach. This could result in a less complex and time consuming negotiation period, constructive progress towards development, more favourable financial returns to the City and provide the City with greater control and flexibility with regard to the design, scale and location of the development.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for this Report (as detailed below) was resolved by the Finance Committee at its meeting held on 4 April 2017.

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

*That the Finance Committee:*

- 1 *NOTES the report on the status of the Burns Beach café/restaurant project;*
- 2 *NOTES that the Chief Executive Officer will undertake further investigations into alternative development models for a café/restaurant at Burns Beach.*

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

*That Council:*

- 1 *NOTES the report on the status of the Burns Beach café/restaurant project;*
- 2 *NOTES that the Chief Executive Officer will undertake further investigations into alternative development models for a café/restaurant at Burns Beach;*
- 3 *AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a café/restaurant facility at Burns Beach.*

**MOVED Cr McLean, SECONDED Cr Jones that Council:**

- 1 **NOTES the report on the status of the Burns Beach café/restaurant project;**
- 2 **NOTES that the Chief Executive Officer will undertake further investigations into alternative development models for a café/restaurant at Burns Beach;**
- 3 **AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a café/restaurant facility at Burns Beach.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ062-04/17, page 188 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.



**URGENT BUSINESS**

Nil.

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

Nil.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 8.36pm the following Elected Members being present at that time:

MAYOR TROY PICKARD  
CR KERRY HOLLYWOOD  
CR TOM MCLEAN, JP  
CR PHILIPPA TAYLOR  
CR NIGE JONES  
CR RUSSELL POLIWKA  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR JOHN LOGAN  
CR RUSS FISHWICK, JP