

# minutes

MEETING HELD ON **TUESDAY 18 JULY 2017**

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## CITY OF JOONDALUP

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

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.08pm.

### 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 LIAM GOBBERT	Central Ward
CR RUSSELL POLIWKA	Central 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>
CR SOPHIE DWYER	South Ward

#### Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MR NICO CLAASSEN	Director Infrastructure Services
MS DALE PAGE	Director Planning and Community Development
MR CHRIS LEIGH	Manager Planning Services
MR JOHN BYRNE	Acting Manager Governance
MR STUART McLEA	Media and Communications Officer
MR SIMON BRINKLEY	Acting Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer
MRS DEBORAH GOUGES	Governance Officer
MRS SINEAD McCARTHY	Governance Officer

There were 6 members of the public and one member of the press in attendance.

## DECLARATIONS OF INTEREST

### Disclosures 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>	Confidential - Joondalup City Centre Development - Considerations for the Development of the Hotel Site.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns property in the precinct (CBD).

## PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 27 June 2017:

**Mrs B Wilczynski, Edgewater:**

*Re: CJ101-06/17 – Joondalup Performing Arts and Cultural Facility – Business Case Community Consultation Results and Project Progression Options.*

*Q1 What is Council doing to address concerns of the Deloitte report?*

*A1* The business case was amended following receipt of the Deloitte report. The amendments made are discussed in a report presented to the Major Projects Committee on 28 November 2016. Minutes from that meeting are publicly available at: <http://www.joondalup.wa.gov.au/Govern/CommitteeMeetings/MinutesAndAgendas.aspx?year=2016>

*Q2 What are Deloitte's views on any changes made for this business case?*

*A2* After discussing the content of the Deloitte report with Deloitte for clarity and understanding, Deloitte has not been engaged to provide further views on the JPACF Business Case since the November 2016 report.

*Q3 What are Council constitution guidelines on notice for these meetings, in relation to business days v non-business days.*

*A3* The *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* require a local government to give local public notice annually of all Council meetings to be held in the next 12 months.

In addition, Agenda and Notice Papers are to be provided to Elected Members and members of the public at least 72 hours prior to the commencement of the meeting.

The calculation of time, days and dates is undertaken in accordance with the *Interpretation Act 1984*, whereby all days are counted, not just business days.

**Mr J Blakey, Hillarys:**

*Re: CJ101-06/17 – Joondalup Performing Arts and Cultural Facility – Business Case Community Consultation Results and Project Progression Options.*

*Q1 Does the Council recognise the bad financial situation of Federal and State Governments and more particularly, Joondalup ratepayers who, if this project goes forward, will be up for continuing costs for many years?*

*A1 The State and Federal Government's financial situation does not impact on the business case for the JPACF other than a \$10 million contribution which is yet to be secured. The one- off and ongoing costs for the JPACF have been factored into the City's 20 Year Strategic Financial Plan which is prepared based on having rates increasing by no more than 5% each year, and this will continue to be the case.*

**Mrs T Ritchie, Woodvale:**

*Re: CJ095-06/17 – City of Joondalup Delegation to Jinan.*

*Q1 Apart from yourself and the Chief Executive Officer, how many Elected Members will be recommended to attend the delegation to Jinan and what will be the total cost to ratepayers?*

*A1 Cr Norman and Cr Dwyer will be participating in the Jinan Delegation.*

The costs associated with the delegation will be, in the main, airfares and accommodation.

No bookings have yet been made and it is therefore not possible to provide details of costs. Full costs will be itemised and reported to Council in the report on the outcomes of the delegation.

**Ms A Chaney, Greenwood:**

*Re: CJ101-06/17 – Joondalup Performing Arts and Cultural Facility – Business Case Community Consultation Results and Project Progression Options.*

*Q1 Would you please provide clarification on what Council proposes to use the Joondalup Performing Arts and Cultural facility for?*

*A1 The many uses proposed for the Joondalup Performing Arts and Cultural Facility are discussed in detail in the Business Case. Section Five of the Business Case provides a breakdown of the various spaces which include the Primary Theatre, Secondary 'black box' Theatre, conferencing and exhibition spaces, flexible rehearsal spaces suitable for performances and community activities, art gallery and curatorial space, community arts and crafts rooms and music rooms, food and beverage spaces and a Chinese cultural garden.*

A potential program of events was initially prepared as part of the 2012 Feasibility Study and has since been reviewed with reference to more recent Australian Performing Arts Centres Association data and consultation with performing arts management consultants. The potential program includes comedy, theatre, dance and ballet, music, festivals, school use, film, eisteddfod and special events.

The Business Case proposes that a management team would be engaged to develop a program of events prior to construction of the facility.

**Mr M Stringfellow, Craigie:**

*Re: Elected Members' attendance at Local Government Professionals Association 2017 – National Congress and Business Expo Conference in Tasmania.*

*Q1 I believe the City recently had representatives attending the Local Government Professionals Conference in Tasmania. If this is the case, who attended this conference and what were the associated costs?*

*A1 City of Joondalup attendees at the Conference included the Mayor, the Chief Executive Officer and Director Governance and Strategy. The costs related to attendance is as follows:*

*Mayor - \$8,781.94*

*Chief Executive Officer and Director Governance and Strategy - \$7,274.59.*

*Q2 Will a report be presented to Council in relation to the conference, specifically the item relating to 'Master Class - Smart Cities Readiness'?*

*A2 A report will not be presented to Council. Council Policy – Elected Members Entitlements (Part 8) provides that either a written or verbal report be provided by the attending Elected Member to fellow Elected Members on their attendance and benefits to them and the City.*

Reports detailing the benefits of conference attendance have been prepared by both the Chief Executive Officer and Director Governance and Strategy for administrative purposes only.

With regard the 'Master Class - Smart Cities Readiness' this was designed to assist local governments in building a vision and plan for implementing Smart Cities strategies. The Master Class endorsed the City's current approach to smart cities, while also providing further information on challenges and opportunities with regard digital transformation.

The City's current approach includes, but is not limited to, adoption by Council of a *Digital Strategy* aimed at driving innovation and economic growth for the region; collaborating with key stakeholders to progress digital strategies; adoption of a *Strategic IT Plan*; commencement of a Proof of Concept trial to examine Internet of Things applications in the southern section of Tom Simpson Park (traffic management and parking, Wi-Fi network, waste management, and environmental monitoring); installation of future-proofed smart street lighting in the City Centre; rollout of mobile tablet devices; initiation and coordination of a submission to the Smart Cities and Suburbs Program, on the Yellagonga Wetlands Smart Sensor Monitoring Program; and examination of opportunities for a Smart Cities Deal.

**The following questions were submitted prior to the Council meeting on 18 July 2017:****Mr J Daniels, Greenwood:**

*Re: Skip bin collection of bulk rubbish.*

*Q1 Since the change to the skip bin collection of bulk rubbish, items are being dumped on Council strips and other open space. Also, aged persons like myself are unable to lift heavy items into a skip. Will the Council please revert to the original method of bulk rubbish collection?*

**A1** There has not been an increase in illegal dumping since the introduction of the new bulk hard waste collection service.

The 'on-request' system allows for a resident to prearrange assistance to present items for collections. Mattresses, white goods and lounge suites are items that may require assistance to be placed on the kerb, while heavier items can be dismantled and placed directly into the skip.

There are no plans to change the bulk hard waste service. Landfill diversion has increased from 2% to 47.5% since these changes were introduced.

**Ms E Hedges, Kingsley:**

*Re: Skip bin collection of bulk rubbish.*

*Q1 Other Councils have bulk rubbish verge cleanups. Why is Joondalup making it difficult? A lot of people recycle goods off the verge so reducing bulk rubbish at the tip.*

**A1** The provision of a bulk verge collection service is at the local governments' discretion and the range of services provided can differ widely from local government to local government.

The previous hard waste collection service at the City only resulted in approximately 2% of waste being diverted from landfill, the new service aims to divert up to 65%. Under the current improved service diversion from land fill is 47.5%.

The City actively promotes all types of recycling and encourages residents to think before they throw items away.

The City's hard waste collection methods directly recover materials for recycling on an industrial scale. Unfortunately individual items picked up by residents cannot produce the outcomes required to reach diversion targets.

**Mrs J Quan, Edgewater:**

*Re: Skip bin collection of bulk rubbish.*

*Q1 How much did council save on Waste Management after converting from Bulk Verge Collection to Skip Bin system from October 2016 to June 2017?*

**A1** The City's expenditure on bulk hard waste services for 2016-17 was \$1.05 million compared to the adopted budget of \$2.425 million. The City's waste charge of \$346 has not been increased in the last three years despite a significant increase in landfill charges from \$116 per tonne in 2014-15 to \$174 per tonne in 2017-18.



- Q2 *Will council review the performance of Bulk Waste Management of FY16-17 and share with residents?*
- A2 The City continuously reviews its services including the provision of bulk hard waste services. The change to an on request bulk hard waste service has seen an increase in the diversion from landfill from a very low 2% per annum to 47.5% per annum. The total diversion rate from landfill has increased from 44.6% in 2015-16 to 60.5% in 2016-17.
- Q3 *When we call Council and transferred to waste management team, the ring tone changed to Cleanaway's advertisement. I have to hear it for a few minutes before someone pick it up. Are we talking to Cleanaway staff or Council officers when transferred to waste management team?*
- A3 When the initial call is made to the City, service related queries are redirected to the City contractor's waste team, however if it is information about waste services that is required a City officer will handle the query.
- Q4 *Why is the collection of white goods limited to 1 item per Financial Year?*
- A4 In 2014 WALGA produced the *Better Practice Vergeside Collection Guidelines* which aim to identify better practice recovery solutions for bulk vergeside collections to maximise resource recovery. These guidelines recommend that bulk hard waste collections be limited to two cubic metres per year. The City's decision regarding these services to be provided was informed by these guidelines.
- Q5 *Why is the skip bin entitlement one three cubic metre bin per Financial Year?*
- A5 Refer to answer 4 above.

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

**Mr M Stringfellow, Craigie:**

Re: *Elected Members' attendance at Local Government Professionals Association 2017 – National Congress and Business Expo Conference in Tasmania.*

- Q1 *Can I please be provided with all costs to the City dated and detailed against each attendee for every item of cost such as flight numbers, hotel names for each night, each registration fee, bar bill, taxi ride, phone bill, entertainment, dry cleaning ticket and meal out?*

A1 Mayor Pickard advised this question would be taken on notice.

- Q2 *Please can I be provided with the Conference attendance record against the detailed published agenda and what portion of any session that they attended if they were not there for a whole time slot? I would also like this to include any breakout adhoc social sessions stemming from or related to the conference, its sponsors or related attendee's that did not appear in the official agenda.*

A2 Mayor Pickard advised this question would be taken on notice.

**Mrs J Quan, Edgewater:**

*Re: Bulk Waste Collection.*

*Q1 According to the meeting agenda of 13 September 2016 the change of bulk verge collection into the skip bin service is estimated to save approximately \$2,100,000 each year. Will the Mayor and the Councillors consider sharing this cost saving with its residents?*

*A1 Mayor Pickard advised this question would be taken on notice.*

*Q2 Are all Elected Members aware that the three cubic metre skip bins do not have a door?*

*A2 Mayor Pickard advised that Elected Members are aware of this.*

**PUBLIC STATEMENT TIME**

**The following statement was submitted verbally at the Council meeting:**

**Mrs J Quan, Edgewater**

*Re: Bulk Waste Collection*

Mrs Quan requested that Elected Members consider the performance as well as the disadvantages of the current bulk waste system and noted the following concerns:

- Health and safety risks due to elderly people struggling to put things into the bin and some items needing to be disassembled to fit in the bin.
- Limitation of the bins such as what can be placed in the bin, how long a resident has use of the bin and how much waste can fit in a bin.
- Level of recycling as not all items placed in the bin need to be destroyed, some items may be still suitable for re-use/recycling.



## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

### **More award success for Joondalup**

Mayor Pickard stated following the success at the Parks and Leisure Australia WA Awards of Excellence, the City of Joondalup picked up two more significant awards to add to its trophy cabinet, claiming two categories of the Bike Week 2017 - Bikeley Awards.

Mayor Pickard announced the City won the Major Bikeley and People's Choice Awards for its Bike Doctor event which was staged at Burns Beach Park in March, providing 67 bike riders of all ages and abilities with a free bike service courtesy of experienced Bike Dr bike mechanics.

Mayor Pickard advised the Major Bikeley Award category is presented each year to the event that best promotes and celebrates bike riding for transport and attracts new riders to the bike riding community. Mayor Pickard stated that the People's Choice Award goes to the Bike Week event that participants nominate as the best event during Bike Week.

Mayor Pickard noted the awards were introduced in 2014 to acknowledge the hard work, passion and enthusiasm of Bike Week (17-26 March) event organisers to promote and grow bike riding in Western Australia.

Mayor Pickard advised that all events were assessed on criteria including: how the event met Bike Week objectives, the level of community engagement, the number of attendees and participant feedback.

Mayor Pickard congratulated everyone at the City involved in the success – proving that Joondalup's aspiration of being Perth's most bike-friendly City is on track.

### **Businesses urged to sign up to safety**

Mayor Pickard announced the City commenced an education program to encourage the safe and appropriate placement of advertising signs within the Joondalup Business Park, following a growing number of signs being unlawfully placed on verges in and around Winton Road.

Mayor Pickard stated that badly placed signs on verges, footpaths, roundabouts, median strips and other public spaces can be a safety and distraction hazard for drivers and pedestrians with the potential to cause accidents.

Mayor Pickard noted that following the education and caution period, signs would be impounded and infringements issued and that patrols will continue throughout the year to ensure ongoing compliance.

### **Spring Markets**

Mayor Pickard announced that the City is expanding its popular markets with the launch of a new Spring Markets series in September.

Mayor Pickard stated that the Spring Markets will be held on Friday 1, 8, 15, 22 and 29 September, from 5.30pm-9.00pm, at Central Walk, Joondalup - home of the much-loved Twilight Markets which are held in November and December.

Mayor Pickard noted that the Spring Markets will feature WA's best food, fashion, arts/crafts, gifts and home wares and people interested in running a stall are encouraged to submit an Expression of Interest by 28 July 2017.

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

Urgent Business - Confidential - Joondalup City Centre Development - Considerations for the Development of the Hotel Site.

**PETITIONS****C49-07/17                    PETITION REQUESTING COUNCIL REINSTATE BULK WASTE VERGE COLLECTIONS**

Cr Jones tabled a 493 signature petition on behalf of residents of the City of Joondalup requesting Council reinstate bulk waste verge collections.

**MOVED Cr Jones, SECONDED Cr Fishwick that the following petition be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:**

- 1            Petition requesting Council reinstate bulk waste verge collections.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**REPORTS****CJ112-07/17      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– MAY 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 Determined – May 2017	Applications	
	Attachment 2	Monthly Subdivision Processed – May 2017	Applications	
<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 May 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 May 2017 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during May 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 27 June 2017 (CJ091-06/17 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 May 2017 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	7	14
Strata subdivision applications	9	13
<b>TOTAL</b>	<b>16</b>	<b>27</b>

*Of the 16 subdivision referrals 12 were to subdivide in housing opportunity areas, with the potential for 21 additional lots.*

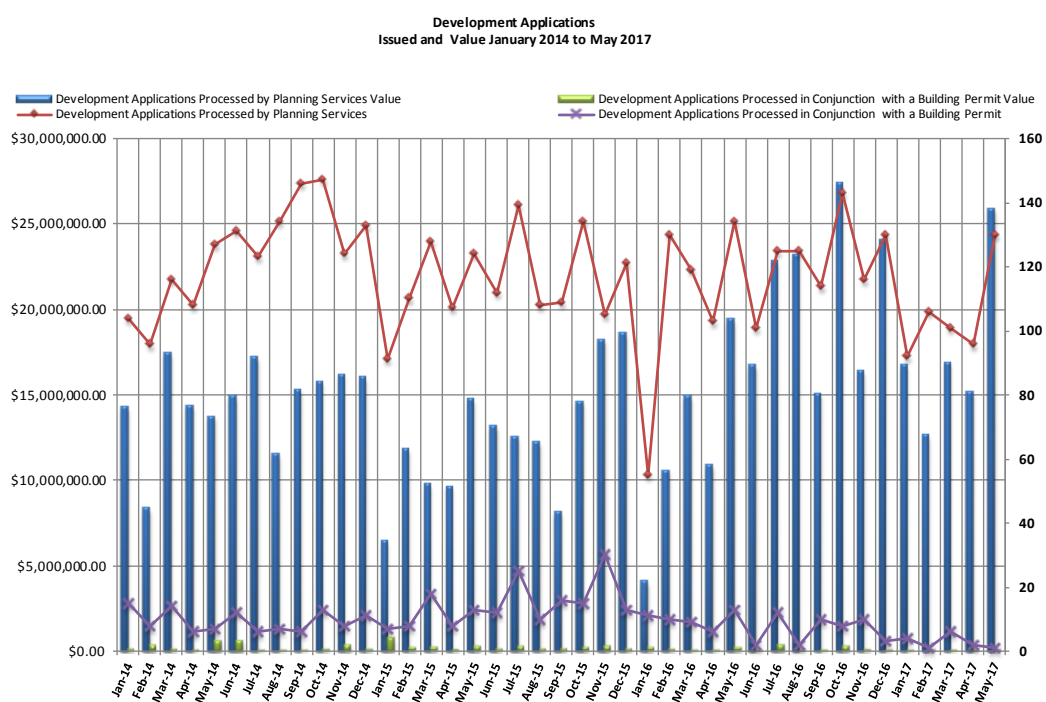
### Development applications

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

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	130	\$ 25,842,141
Development applications processed by Building Services	1	\$ 15,000
<b>TOTAL</b>	<b>131</b>	<b>\$ 25,857,141</b>

*Of the 131 development applications, 14 were for new dwelling developments in housing opportunity areas, proposing a total of 20 additional dwellings.*

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



The number of development applications received during May was 137. (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 May was 239. Of these, 51 were pending further information from applicants and 12 were being advertised for public comment.

In addition to the above, 255 building permits were issued during the month of May with an estimated construction value of \$21,613,092.

### **Issues and options considered**

Not applicable.

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

- |                    |  |
|--------------------|--|
| <b>Legislation</b> | <ul style="list-style-type: none"> <li>• <i>City of Joondalup District Planning Scheme No. 2.</i></li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i></li> </ul> |
|--------------------|--|

### **Strategic Community Plan**

<b>Key theme</b>	Quality Urban Environment.
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<b>Objective</b>	Quality built outcomes.
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<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
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<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.
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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 131 development applications were determined for the month of May with a total amount of \$75,337 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 Cr Jones, SECONDED Cr Hollywood that Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 development applications described in Attachment 1 to Report CJ112-07/17 during May 2017;**
- 2 subdivision applications described in Attachment 2 to Report CJ112-07/17 during May 2017.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ124-07/17, page 89 refers.**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf170711.pdf](#)*

## **CJ113-07/17      RETROSPECTIVE CHANGE OF USE FROM OFFICE AND MEDICAL CENTRE TO MEDICAL CENTRE (ADDITIONAL PRACTITIONER AND ASSOCIATED SIGNAGE) AT LOT 102 (2) LYELL GROVE, WOODVALE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	09521, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location Plan Attachment 2      Development Plans
<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 retrospective development approval for an additional practitioner and associated signage to an existing Medical Centre at Lot 102 (2) Lyell Grove, Woodvale.

### **EXECUTIVE SUMMARY**

An application for retrospective development approval has been received for an additional practitioner and associated signage to an existing Medical Centre at Lot 102 (2) Lyell Grove, Woodvale.

The 'Medical Centre', which is a permitted ("P") use on the site, is currently providing podiatry, physiotherapy and psychological services with a maximum of three practitioners operating from the site at any given time. The site currently has approval for a maximum of two practitioners to operate from the site at any given time.

The application has been assessed against the *City's District Planning Scheme No. 2* (DPS2) and complies with all requirements with the exception of on-site car parking. Factoring in three practitioners operating from the site, a total of 15 on-site car bays are required where a total of 12 bays are provided. The applicant seeks discretion for the resultant three car bay shortfall (20%). The City officers have delegated authority to determine a parking shortfall of up to 10% of the car parking requirement prescribed by DPS 2. As a shortfall of 20% is proposed, Council determination is required.

The car parking provided on the subject site currently provides sufficient supply of parking for the existing demand resulting from the three practitioners, associated staff and customers. There are also no recorded complaints relating to car parking associated with use of the subject site.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 102 (2) Lyell Grove, Woodvale.
<b>Applicant</b>	Barbara Palmisano.
<b>Owner</b>	Claire Frances Hannan.
<b>Zoning</b>	<b>DPS</b> Mixed Use.
	<b>MRS</b> Urban.
<b>Site area</b>	718.912m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site (known as Woodvale Physiotherapy Centre) is bound by residential single houses to the northern and eastern boundaries, Timberlane Drive to the southern boundary and Lyell Grove to the western boundary (Attachment 1 refers). Woodvale Shopping Centre is situated on the opposite side of Timberlane Drive, to the south, which is zoned 'Commercial'. Woodvale Medical Centre is situated on the opposite side of Lyell Grove, to the west, which is zoned 'Mixed Use'. Access to the site is provided via two access points from Timberlane Drive to the south and Lyell Grove to the west.

A change of use application from 'Residence' to 'Medical Consulting Rooms' was originally approved for one practitioner by the former City of Wanneroo in 1994. A subsequent approval was issued by the City of Wanneroo in 1998 for an additional practitioner and associated car parking, permitting a total of two practitioners on site at any given time. This approval included modifications to site access and additional car bays resulting in a total of 12 on site car bays. The most recent approval for the site was issued in 2001 for an 'Office (additional use to Medical Centre including associated signage)'. This approval comprised of a 17.5m<sup>2</sup> 'Office' to the existing 'Medical Centre' consisting of two practitioners. The car parking required for this additional use complied with the requirements prescribed by DPS2.

## DETAILS

Three businesses currently operate from this site, each with one practitioner on the site at any given time. These businesses include psychological services (subject of this development application), physiotherapy and podiatry.

As the current approval permits a maximum of two practitioners, the applicant seeks retrospective approval for an additional practitioner to the existing 'Medical Centre' for the purposes of psychological services. All businesses on the site currently operate Monday to Friday 9.00am – 6.00pm.

Signage for the additional practitioner is also included as part of this application (Attachment 2 refers).

Car parking

Car parking is required to be provided in accordance with Table 2 of DPS2, with 'Medical Centre' requiring five bays per practitioner.

The additional practitioner results in a total of three practitioners onsite at any given time. The additional practitioner increases the onsite car parking requirement by five bays resulting in a three bay shortfall (20%), as summarised below.

	<b>Bays Required</b>	<b>Bays Provided</b>	<b>Shortfall</b>
<b>Two practitioners (physiotherapist and podiatrist – as approved)</b>	10	12	-
<b>Three practitioners (inclusive of additional practitioner (psychologist) – as proposed)</b>	15	12	3 (20%)

*Officer Comment:*

A total of three practitioners and one support staff reside on site at any given time. The businesses that occupy the site include a physiotherapist, podiatrist and a psychologist. These businesses operate in a manner that results in a limited number of people visiting the site at any given time. Consultations run for a minimum period of 30 minutes. Due to the longer timeframe associated with the standard consultations, attracting a large number of people waiting for their appointments is unlikely.

Two site inspections have been carried out during assessment of the application to ascertain how car parking typically functions. The site inspections were carried out at differing times, one at 11.00am and another at 4.30pm. Upon each inspection there were five car spaces (inclusive of the disabled parking bay) unoccupied for customer parking. It is evident onsite that there is ample parking to service the existing demand of the three practitioners.

It is noted that there is no history of complaints of illegal or inadequate parking that have been received by the City in relation to use of the site.

Signage

This application includes one retrospective sign associated with the psychological services business.

One wall sign is located to the front facade of the building adjacent the main entry to the building. This wall comprises of a total of three signs (inclusive of the sign subject of this development application). The signs cover a total wall area of approximately 20% and comply with the City of Joondalup *Signs Policy*.

## Issues and options considered

Council is required to determine whether the on-site car parking shortfall of 20% (three bays) 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

Not applicable.

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

Clause 3.6 of DPS2 sets out the objective for development within the 'Business' zone:

#### 3.6 THE BUSINESS ZONE

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

*The objectives of the Business Zone are to:*

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

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.*

### **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 \$441.00 (excluding GST) in accordance with the Schedule of Fees and Charges, for assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable. As the development is for a change of use only that involves no external additions, the City's Environmentally Sustainable Design Checklist was not required to be completed by the applicant.

### **Consultation**

The proposal was not advertised, as it is considered that there is no impact on the adjoining properties as a result of the development application.



## COMMENT

This application is for an additional practitioner to the existing 'Medical Centre' and associated signage. As the land use is a permitted ("P") use it is deemed to meet the objectives of the 'Mixed Use' zone. The proposal complies with the provisions of DPS2 with the exception of car parking, where discretion is sought for a three car bay shortfall (20%).

The nature of the businesses attracts a limited number of people to the site at any given time. Further, it was evident on two site inspections that there is sufficient parking available for customers and practitioners visiting the site. Also, there are no recorded complaints relating to car parking associated with use of the subject site.

It is evident that the existing onsite car parking adequately services the car parking demand for the three practitioners at the 'Medical Centre' site.

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

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hollywood that Council APPROVES under clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015 of Schedule 2* the application for retrospective development approval, dated 15 March 2017 submitted by Barbara Palmisano on behalf of the owner, Claire Frances Hannan, for the change of use from Office and Medical Centre to Medical Centre (additional practitioner and associated signage) at Lot 102 (2) Lyell Grove, Woodvale, subject to the following conditions:**

- 1 This approval relates to the retrospective additional practitioner to the existing 'Medical Centre' and associated signage, as indicated on the approved plans. It does not relate to any other development on the lot;**
- 2 No more than three practitioners or professionals generating their own patient load shall be permitted to operate from the premise at any given time;**
- 3 The land use is approved as 'Medical Centre' as defined under the *City of Joondalup District Planning Scheme No. 2*;**
- 4 The signage is to be established and thereafter maintained to a high standard to the satisfaction of the City;**
- 5 The sign must not include fluorescent, reflective or retro reflective colours.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ124-07/17, page 89 refers.**

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

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf170711.pdf](#)*

## **CJ114-07/17      THIRD PARTY APPEAL RIGHTS - PLANNING DECISIONS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	00033, 101515
<b>ATTACHMENTS</b>	Attachment 1      WALGA Discussion Paper
<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.

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### **PURPOSE**

For Council to consider the Western Australia Local Government Association discussion paper on third party appeal rights in planning in Western Australia.

### **EXECUTIVE SUMMARY**

An appeal against a planning decision by a person who is not the applicant for that proposal is known as a third party appeal. Third party appeal rights in planning currently do not exist in Western Australia.

The Western Australia Local Government Association (WALGA) has recently released a discussion paper on third party appeal rights in planning. The discussion paper provides background on WALGA's current policy position and sets out the arguments both for and against third party appeals in planning.

WALGA is seeking feedback on the discussion paper and specifically a response to the following questions:

- 1      Would you be in favour of the introduction of some form of third party appeal rights in Western Australia? Why or Why not?
- 2      Do you feel your Council is likely to support some form of third party appeal rights?
- 3      Any other comments relating to third party appeal rights.

It is recommended that Council respond to WALGA that consideration could be given to local government being afforded appeal rights against a Development Assessment Panel decision. Notwithstanding, it is considered critical that thorough consultation and review should occur with relevant stakeholders prior to pursuing third party appeal rights and any introduction of third party appeal rights should be done with careful consideration of appeal criteria and controls.

## BACKGROUND

Currently, applications for review of planning decisions (appeals) can only be lodged with the State Administrative Tribunal (SAT) by the landowner/applicant for a development application which has been refused or where the landowner/applicant does not agree with a specific condition of development approval.

The decision-making body has an ability to defend its position on the matter through the review process.

Third parties, such as neighbours or other interested parties do not have appeal rights, though there are currently four ways in which a third party can participate in the SAT review process:

- Being called as a witness by the respondent.
- Making a submission under section 242 of the *Planning and Development Act 2005*.
- Intervening under section 37(3) of the *State Administrative Tribunal Act 2004*, whereby the third party acquires rights and responsibilities as a party under the Act.
- Possible participation in SAT mediation.

Although there is some scope for the SAT to allow a third party on a matter as outlined above, this is not common practice and actual third party participation tends to be limited.

To date, the State Government, WALGA and local governments have consistently not supported third party appeal rights in planning.

The State Government's objective has been to simplify and streamline the planning approvals process, creating clarity and certainty for development and has taken the position that third party appeal rights would be contrary to this objective. The State Government has also taken the position that extensive consultation and engagement processes are undertaken to develop strategic and policy provisions and that these processes provide sufficient opportunity for meaningful discussion with the community on the implications of specific planning provisions or policies.

However, Western Australia has seen various legislative planning changes in recent years, which:

- have introduced additional planning authorities for specific locations or types of applications, including the Metropolitan Redevelopment Authority (locational) and Development Assessment Panels (types of proposals), which have eroded the role of local government
- provide authority for persons other than local government to initiate strategic planning processes such as structure planning and activity centre planning for specific areas
- introduce deemed to comply provisions within schemes and set by the state through the Residential Design Codes.

Given these substantial changes and concern by certain local governments and some community members about the creation of the Development Assessment Panel (DAP) system, WALGA considers it timely to initiate a conversation on third party appeal rights.

## DETAILS

The WALGA discussion paper (Attachment 1 refers) outlines the main arguments against the introduction of third party appeals as follows:

- The appeals process shifts decision-making away from local government and therefore away from local representation.
- The current strategic and statutory planning processes already take into account the views of affected parties and the community generally.
- Third party appeals encourage an adversarial approach to development rather than collaborative debate on planning issues.
- There are questions around how representative third party appellants are of the wider community's views.
- Third party appeals could be lodged because of vexatious or commercial interests, not because of genuine planning matters.
- Such appeals would cause significant delays and additional costs for development – even lodgement of an appeal would put a development on hold.
- Such delays will create inefficiency and uncertainty and could ultimately act as a deterrent to investment and economic growth.
- Creation of an administrative burden (cost, resources, case load and time) for local governments.
- Local government, State Government and industry have consistently not supported such changes.

The main arguments in favour of third party appeal rights set out in the discussion paper include:

- Affected neighbouring landowners and community members often have legitimate interests and the ability of these parties to participate will result in more equity in the decision-making process.
- Third party appeal rights will improve engagement in the planning process and may deliver better planning decisions as an empowered public, with local knowledge to inform planning can lead to improved outcomes.
- Third party appeal rights may encourage developers to deal with the local community in a more engaging manner and places pressure on developers to concede or improve design elements.
- Third party appeal rights will ensure greater transparency in the decision-making process, may safeguard against inconsistent decisions and will keep decision-makers accountable.
- Third party appeals may increase the role of local government in the decisions of the DAP.
- legislative provisions can be developed which set criteria that can control or place limits on third party appeal rights.

## Issues and options considered

There is no doubt that consideration of the introduction of third party appeal rights in planning is a contentious issue in Western Australia. Third party appeal rights that already exist in Australia have been the subject of many reviews on aspects of democracy, planning outcomes, implications on city development and impact on economic prosperity.

### **Implications of change**

For applicants, third party appeal rights would be an added risk factor that would potentially affect outcomes, cost and timelines. Conversely, the introduction of third party appeals could motivate applicants not to “push the boundaries” in seeking discretion on proposals and to do the right thing by neighbours and the community at the outset of the process.

For neighbours and the broader community, third party appeal rights could give a greater voice to those most directly affected or impacted by a proposal. However, there would be time and cost implications to this and it could also create unrealistic expectations in the community about the outcome that could be achieved. There is also a risk that, through a third party appeal process, the resultant outcome could result in poorer development outcomes and/or could have more impact on neighbours and the community and they could be worse off as a result.

For decision-makers, third party appeal rights would mean that making decisions and undertaking reviews would be more contentious, complex and resource intensive.

### ***The DAP as decision-maker***

The State Government’s aim with the introduction of DAPs in Western Australia was:

- to help to improve the planning system by providing more transparency, consistency and reliability in decision making on complex development applications
- to help strike an appropriate balance between local representation and professional advice in decision making by ensuring that decisions made by the panel are based on the planning merits of an application.

Some local governments have significant concerns about the operation of the DAPs in their areas and have fought, without success, to have the DAP system dismantled. It is likely that these local governments will advocate strongly for third party appeal rights against DAP decisions.

Currently, in the DAP approval process, only the applicant has the ability to appeal a decision made by the DAP and the DAP can defend its decision through an appeal process. Local government currently has no ability to appeal a DAP decision.

Third party appeal rights would afford local government the opportunity to challenge a DAP decision which is contrary to the recommendation in the Responsible Authority Report or a condition imposed by the DAP that is not supported by the local government. Arguably this would increase local government’s influence over planning decisions on major applications within their areas and the community may feel that they are better represented through the DAP process.

In the case of the City of Joondalup, this is less of an issue than what is it for other local governments. Experience has shown that it is uncommon for the North West Joint Development Assessment Panel to make decisions or even impose conditions that the local government does not support. Therefore, while third party appeal rights would significantly change the outcomes for certain local governments, it is unlikely to have any notable change for the City of Joondalup.

Notwithstanding this, it may be useful for the City to have third party appeal rights against DAP decisions in the event they are ever needed in the future.

***The City of Joondalup as decision-maker***

Under the existing planning system appeal rights are available to an applicant aggrieved by the decision-maker's decision not to exercise discretion (resulting in refusal of the application) or a condition imposed on a development approval. Neighbours or the community are involved in the planning process through consultation on areas of discretion that could potentially affect them.

As outlined in the WALGA discussion paper, it is likely that most third party appeals will not be against decisions made by the DAPs but against decisions made by local government.

The City receives between 1,400 and 1,500 development applications per year and it is estimated that most of these applications (around 95%) require a discretionary determination. Not all the applications that create concern with neighbours are complex or significant developments. Often it is the smaller and seemingly insignificant proposals that result in discontent.

Arguably therefore, having third party appeal rights apply to all types of development could create the potential for large numbers of planning applications, including those where only minor areas of discretion are sought, falling within the realms of third party rights of appeal. Opening all these applications up to third party appeal rights will potentially result in a significant impact on City resources.

Preparing for an appeal is a complex and resource intensive process. In most instances, the parties are required to attend mediation. For a single mediation session attended only by officers, the cost to the City is estimated to be around \$1,000. Sometimes there needs to be several mediation sessions before an in-principle agreement or outcome is reached. Most often, the outcome of mediation is a request by the SAT for the City to reconsider its earlier decision in light of additional information or amendments agreed to by the applicant. This reconsideration process itself absorbs time and staff resources.

If the matter cannot be resolved through mediation, the SAT needs to make a determination via a formal hearing process. Such hearings require often significant preparation by the City's officers, including research, gathering of evidence and development of documents required to defend the City's position. The hearing themselves can sometimes be drawn out, sometimes taking a number of days.

The cost for a hearing on a relatively uncomplicated matter, where the City requires the assistance of a planning consultant, usually ranges between \$15,000 to \$20,000. If legal representation is also required, this could cost the City an additional \$30,000. Cost for a significant matter (such as the Whitford Activity Centre) could cost the City in the region of \$80,000 to \$100,000.

If appeal rights were to be extended to third parties, while arguably there could be some benefits for those who have the appeal right, it will almost certainly become a significant administrative and financial burden for the City.

As per current appeals lodged by applicants, staff will need time to prepare for and attend third party appeals. This will have an impact on efficiency and timeliness of other development assessments and decisions. While limitations could be placed on the type and scope of third party appeals, it is likely that any system which allows such appeals will result in extra workload and cost for the City and will create inefficiency, uncertainty and extra cost for landowners, applicants and developers seeking development approval.

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

**Legislation** *Planning and Development Act 2005.*

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Active democracy.

**Strategic initiative** Optimise opportunities for the community to access and participate in decision-making processes.

**Policy** Not applicable.

**Risk management considerations**

As outlined in this report, the introduction of broad-based third party appeal rights would likely become a significant administrative and financial burden for the City and require the reallocation of resources to deal with appeals with the likely implication that assessment timeframes for other applications and projects would increase. Third party appeals would also create uncertainty for applicants.

**Financial / budget implications**

Depending on the form of third party appeals, there may be a significant cost to the City in defending decisions in SAT, with the cost for a hearing on a relatively uncomplicated matter utilising the assistance of a planning consultant ranging between \$15,000 to \$20,000. If legal representation is also required, this could cost the City an additional \$30,000. Cost for a significant matter could cost the City in the region of \$80,000 to \$100,000.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

It is recognised that planning processes and development considerations have increased in scope and complexity over recent years. Almost all changes to planning systems and processes (including defending SAT appeals) have resulted in additional resource, time and cost impositions for local governments.

There may be benefit to the City and indirectly therefore to the community if third party appeal rights were introduced for the DAP process, whether these appeal rights apply only to the City or also to affected neighbours.

The WALGA discussion paper seeks feedback on the following three points and administration comment is provided for Council consideration.

- 1 *Would you be in favour of the introduction of some form of third party appeal rights in Western Australia? Why or why not?*

Limited third party appeal rights should only be considered for requests for review by local government against DAP decisions. Third party appeal rights would afford local government the opportunity to challenge a DAP decision which is contrary to the recommendation in the Responsible Authority Report or a condition imposed by the DAP that is not supported by the local government. This may increase the local government's influence over planning decisions on major applications within their areas and the community may feel that they are better represented through the DAP process.

However, broader implementation of third party appeal rights is not supported as it may:

- add a further administrative burden in terms of cost, resource and time implications, with potentially limited benefit to the planning process or planning outcomes
- delay and complicate the approvals process
- potentially create a combative development environment in the City, which would have a negative impact on the community
- raise expectations while concurrently creating confusion and undermining the positive advances that have been made in planning.

- 2 *Do you feel your Council is likely to support some form of third party appeal rights?*

This is for Council to consider the position outlined above.

- 3 *Any other comments relating to third party appeal rights*

It is considered critical that thorough consultation and review should occur with relevant stakeholders prior to pursuing third party appeal rights and any introduction of third party appeal rights should be done with careful consideration of appeal criteria and controls.

In the situation where third party appeal rights eventuate, consideration should also be given to limiting circumstances in which third party appeal rights should apply and thought should be given to strengthening non-appealable matters.

## **VOTING REQUIREMENTS**

Simple Majority.



**OFFICER'S RECOMENDATION**

That Council, in response to the 'Third Party Appeal Rights in Planning' discussion paper produced by the Western Australia Local Government Association:

- 1 ADVISES that limited third party appeal rights should only be considered for requests for review by local government against Development Assessment Panel decisions;
- 2 ADVISES that prior to pursuing the introduction of third party appeal rights, further consultation and review with relevant stakeholders must be undertaken;
- 3 PROVIDES the Western Australia Local Government Association with a copy of Report CJ114-07/17 for information.

**MOVED Cr Fishwick, SECONDED Cr Dwyer that Council in response to the 'Third Party Appeal Rights in Planning discussion Paper' produced by the Western Australian Local Government Association (WALGA):**

- 1 **ADVISES WALGA that it supports the introduction into the State Administrative Tribunal of Third Party Appeal Rights for affected neighbours, community groups, or a Local Government in the case of a Local Government, Development Assessment Panel or Western Australian Planning Commission decision on development approvals and/or the conditions or absence of conditions of an approval;**
- 2 **ADVISES WALGA that prior to pursuing the introduction of third party appeal rights further consultation and review with relevant stakeholders be undertaken.**

**The Motion was Put and**

**CARRIED (7/5)**

**In favour of the Motion:** Crs Chester, Dwyer, Fishwick, Jones, Logan, Norman and Poliwka.

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

**Reason for departure from Officer's recommendation**

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 implementation of third party appeal rights will be beneficial for local governments and affected residents to achieve better planning outcomes.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf170711.pdf](#)

## **CJ115-07/17      PROPOSED ADDITIONS TO UNLISTED USE (SPECIAL CARE FACILITY) AT LOT 9844 (15) CHESSELL DRIVE, DUNCRAIG**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	57094, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location plan Attachment 2      Development plans
<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.

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### **PURPOSE**

For Council to determine an application for a proposed staff room and additional car parking bays at the 'Unlisted Use' (special care facility) located at Lot 9844 (15) Chessell Drive, Duncraig.

### **EXECUTIVE SUMMARY**

An application for development approval has been received for a staff room addition to the south-west corner of the existing 'Unlisted Use' (special care facility) at Lot 9844 (15) Chessell Drive, Duncraig. The proposal also includes minor internal and external alterations and the addition of 14 new car parking bays of which 12 are tandem bays for staff use with two bays for general use.

The majority of the proposed development is compliant with the City's *District Planning Scheme No. 2* (DPS2) and relevant local planning policies, with the exception of the rear (western) building setback of 2.765 metres in lieu of six metres. The application is required to be determined by Council as the reduction to the setback exceeds the requirement of DPS2 by more than 1.5 metres.

The subject site adjoins the Percy Doyle Reserve to the south and west and therefore advertising of this reduced setback was not considered necessary as there is no impact on any surrounding landowner.

It is considered that the overall design of the development is appropriate for the locality and the existing development on-site, and does not significantly impact any surrounding or nearby landowners.

It is therefore recommended that Council approves the application subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 9844 (15) Chessell Drive, Duncraig.
<b>Applicant</b>	PTS Town Planning Pty Ltd.
<b>Owner</b>	The Association for the Advancement of Brain Injured Children and Rocky Bay Inc.
<b>Zoning</b>	<b>DPS2</b> Residential, R20.
	<b>MRS</b> Urban.
<b>Site area</b>	4,067m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is bounded by Chessell Drive to the east, a 24 'Aged and Dependent Persons Dwellings' development (Lot 10278 Chessell Drive, Duncraig) to the north, and Percy Doyle Reserve (Lot 15074 Warwick Road, Duncraig) to the south and west (Attachment 1 refers).

The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Residential R20' under DPS2.

The special care facility (owned and operated by the Association for the Advancement of Brain Injured Children and Rocky Bay Inc) provides services for disabled young adults and was originally approved by Council at its meeting held on 22 February 2005 (CJ018-02/05 refers) as a 'use not listed' as the facility could not reasonably be determined as falling within the interpretation of any land-use listed within DPS2.

As the proposal is considered an 'Unlisted Use' under DPS2, the development is considered a discretionary ("D") use in the 'Residential' zone.

## DETAILS

The proposed addition includes the following:

- A new staff room and store located in the south west corner of the site, including new paving from the main building.
- Fourteen new car parking bays of which 12 are tandem bays for staff use, with two bays for general use. The tandem bays have been designed with besser precast permeable car pavers, which enables grass to grow through the pavers maintaining the landscape feel of the site.
- Minor external alterations to enclose a window on the northern façade and include two new doors, one to the front and one to the rear.
- Minor internal alterations to convert offices to open plan and the installation of new doors and a sub-dividable acoustic panel in the activity room.

The development plans are provided at Attachment 2.

### Lot Boundary Setbacks

The proposed building addition is within the south-west corner of the subject site consisting of a staff room, store and undercover area detached from the existing building. The addition is proposed to replace a patio which is currently located in approximately the same position.

In accordance with Clause 4.7 of DPS2, all non-residential buildings are required to be set back three metres from any side lot boundary and six metres from the rear lot boundary.

The proposed staff room addition is set back three metres from the side (southern) lot boundary and a minimum of 2.765 metres from the rear (western) lot boundary. As a result, the application proposes a variation of 3.235 metres to the rear lot boundary setback requirement under DPS2.

*Officer Comment:*

The proposed rear lot boundary setback of the staff room addition is considered to be a minor departure from the requirements of DPS2 and is acceptable for the following reasons:

- The addition is located adjacent to the Percy Doyle Reserve and therefore its setback will have no impact on any adjoining residential property.
- The development is single storey and complies with the City's *Height of Non-Residential Buildings Local Planning Policy*.
- The addition is set back greater than 35 metres from the Chessell Drive road reserve and therefore will not impact the streetscape.
- The staff room is proposed in this location to enable the provision of additional tandem staff car parking being accessed from the existing access way onsite.
- The addition is also proposed with matching colours and materials ('Colorbond' roofing and face brick masonry walls) to that of the existing development on site.

Unlisted Use

In accordance with Clause 3.3 of DPS2, where the proposed use of the land cannot reasonably be determined as falling within one of the use categories under the Zoning Table, the local government may consider if the use is appropriate taking into account the objectives of the applicable zone.

*Officer Comment:*

As the proposed addition is to be used as a staff room incidental to the existing approved special care facility, it is considered that the use of the site has already been determined to be consistent with the objectives of the Residential Zone and is therefore permitted.

Car Parking

At its meeting held on 22 February 2005 (CJ018-02/05 refers), Council assessed the car parking requirements of the original development application using a ratio of one bay per 30m<sup>2</sup> NLA. The original car parking assessment was based on 851m<sup>2</sup> NLA requiring 28.4 (29) car bays with 32 bays provided. However, based on the net lettable area (NLA) definition in DPS2, excluding store rooms and the like, the calculated NLA of the building is 693.5m<sup>2</sup>.

As a result, applying the same car parking ratio and including the proposed staff room addition, a total of 24 (23.1) bays are required on site.

The development site currently provides 32 car bays, however the applicant has proposed an additional 14 bays (12 staff and two general use) resulting in a total of 46 car parking bays onsite.

The applicant has advised the City that an additional 10 to 12 staff members will work out of the site, therefore an additional 12 staff parking bays are proposed. It is noted that due to the activities and operations of the facility, these staff are not on site very often as they primarily undertake work at their clients' homes or schools.

*Officer Comment:*

As a result of the additional car parking bays on-site, a surplus of bays is proposed, exceeding the car parking requirements of DPS2.

It is also recommended that a condition of approval is included to ensure that all tandem car parking bays are marked 'staff only' to avoid any car parking conflicts occurring on site.

Landscaping

In accordance with Clause 4.12 of DPS2, a minimum of 8% of the development site is required to be landscaped, a three metre landscaping strip is required adjoining all street boundaries and one shade tree is required for every four car parking bays to the satisfaction of the City.

39.6% of the development site is proposed to include landscaping which exceeds that required under DPS2, and the landscaping strip adjacent to the Chessell Drive street boundary is to remain as existing. No additional shade trees are proposed as part of the development.

*Officer Comment:*

Based on the limited amount of shade trees currently existing on site, and with an additional 14 car parking bays proposed, it is recommended that a condition of approval is included to provide an additional four shade trees within the car parking area. This will ensure that the shade tree ratio under DPS2 is met for the additional 14 car bays proposed on site.

**Issues and options considered**

Council is required to determine whether the proposed rear building setback of 2.765 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.*

*City of Joondalup District Planning Scheme No. 2 (DPS2)***3.3 UNLISTED USES**

*If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the local government may:*

- determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

**3.4 THE RESIDENTIAL ZONE**

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

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

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

*The objectives of the Residential Zone are to:*

- maintain the predominantly single residential character and amenity of established residential areas;*

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

#### 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.*

#### 4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS

4.7.1 *Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

- *Setback from street boundary – nine metres*
- *Setback from side boundary – three metres*
- *Setback from rear boundary – six metres*

4.7.2 *Where a lot has a boundary with more than one street the local government shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.*

*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;*
- (a) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following -*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

#### *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 the 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 \$320.00 (including GST) in accordance with the Schedule of Fees and Charges, for assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

As the application is for minor extensions to the existing special care facility the applicant has not been required to complete the City's Environmentally Sustainable Design Checklist.

### **Consultation**

Clause 64 of the deemed provisions of the Regulations states that public consultation is not required to be undertaken where the local government is satisfied that the departure from the requirements of the Scheme is of a minor nature.

The departure from the requirements of DPS2 in relation to the setback of the proposed development is considered minor for the reasons outlined in this report, therefore advertising of the proposal was not required or undertaken.

### **COMMENT**

As outlined above, it is considered that the overall design of the proposed development, along with the additional car parking bays, is appropriate for the locality, assists in reducing off-site parking and traffic issues and does not adversely impact the visual amenity of the site and its surroundings.

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

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Jones, **SECONDED** Cr Hollywood that Council **APPROVES** under clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* of Schedule 2 the application for development approval, dated 21 April 2017 submitted by Peter Simpson PTS Planning, on behalf of the owners, The Association for the Advancement of Brain Injured Children and Rocky Bay Inc., for proposed additions to Unlisted Use (Special Care Facility) at Lot 9844 (15) Chessell Drive, Duncraig, subject to the following conditions:

- 1** This approval relates to the additions only as indicated on the approved plans. It does not relate to any other development on the lot;
- 2** The external surface of the additions, 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;
- 3** The external colours and materials of the additions shall match the existing development to the satisfaction of the City;
- 4** All development shall be contained within the property boundaries;
- 5** All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 6** The 12 tandem car parking bays on-site shall be marked as “staff only” to the specification and satisfaction of the City;
- 7** 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;
- 8** Four additional shade trees shall be installed onsite adjacent to the new car parking bays to the specification and satisfaction of the City prior to the addition first being occupied and thereafter maintained to the satisfaction of the City.

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ124-07/17, page 89 refers.**

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

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf170711.pdf](#)*

**CJ116-07/17 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 2 May to 27 June 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 2 May 2017 to 27 June 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 2 May to 27 June 2017, as detailed in Attachment 1 to Report CJ116-07/17.*

**BACKGROUND**

For the period 2 May to 27 June 2017, 10 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification.	7
Deed of Novation of Lease	1
Deed of Renewal of Lease	1
Withdrawal of Easement	1

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Corporate capacity.
<b>Strategic initiative</b>	Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
<b>Policy</b>	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 Cr Jones, SECONDED Cr Hollywood that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 2 May to 27 June 2017, as detailed in Attachment 1 to Report CJ116-07/17.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ124-07/17, page 89 refers.**

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

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf170711.pdf](#)*

**CJ117-07/17      WASTE LOCAL LAW 2017 - ADOPTION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101906, 101515
<b>ATTACHMENTS</b>	Attachment 1      City of Joondalup Waste Local Law 2017 with marked up changes Attachment 2      City of Joondalup Waste Local Law 2017 final
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to note the comments of the Department of Environment Regulation (DER) on the proposed *City of Joondalup Waste Local Law 2017* and resolve to make the local law.

**EXECUTIVE SUMMARY**

At its meeting held on 21 February 2017 (CJ011-02/17 refers) Council considered the public submissions and resolved to proceed with the making of the *City of Joondalup Waste Local Law 2017*.

The local law was subsequently referred to the DER for its consent, however DER requested amendments be undertaken prior to its consent being made. As a result, changes have been made to the local law and Council is now required to consider those changes and make the local law.

*It is therefore recommended that Council:*

- 1      *NOTES the changes made to the proposed City of Joondalup Waste Local Law 2017 following comment from the Department of Environment Regulation, as detailed in Attachment 1 to Report CJ117-07/17;*
- 2      *NOTES the Department of Regulation has provided its consent to the proposed City of Joondalup Waste Local Law 2017;*
- 3      *BY AN ABSOLUTE MAJORITY REVOKES Part 2 of its decision dated 21 February 2017 (CJ011-02/17 refers) as follows:*
  - “2      *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Waste Local Law 2017 as detailed in Attachment 3 to Report CJ011-02/17 and AUTHORISES the Common Seal to be attached;”;*

- 4 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Waste Local Law 2017 as detailed in Attachment 3 to Report CJ117-07/17 and AUTHORISES the Common Seal to be attached;*
- 5 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the Local Government Act 1995.*

## BACKGROUND

At its meeting held on 13 July 1999 (CJ245-07/99 refers), Council adopted the *City of Joondalup Health Local Law 1999*. Part five of the local law refers to 'refuse disposal' and since the making of the local law has provided the City with the enforcement mechanism to regulate waste management within the City of Joondalup.

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 local laws were outdated, including part five of the *Health Local Law 1999* which encompasses waste management.

Until recently, local governments were prevented from establishing new waste local laws due to an embargo by the (former) Department of Environment. During this time the Municipal Waste Advisory Council (MWAC), in conjunction with key state government stakeholders, developed a model waste local law for use by all Western Australian local governments.

The model local law was reviewed by the Joint Standing Committee on Delegated Legislation (JSCDL), which gave its in-principle support to the model local law. The proposed *City of Joondalup Waste Local Law 2017* has been developed using the model waste local law as the template and taking into consideration the City's recently adopted *Waste Management Plan 2016-2021*.

At its meeting held on 15 November 2016 (CJ191-11/16 refers), Council resolved to commence the local law-making process and that the proposed *City of Joondalup Waste Local Law 2017* be advertised for public consultation.

In accordance with section 3.12(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks through:

- statewide notice in *The West Australian* newspaper
- local public notice in the *Joondalup Weekender*
- public notices on the notice boards at the City's Administration building, customer service centres and all City libraries
- a public notice on the City's website.

A copy of the local law was also provided to both the Minister for Local Government, and the Minister for Environment.

At the close of public consultation period the City had received three submissions as follows:

- Western Australia Local Government Association (WALGA).
- Department of Local Government and Communities (DLGC).
- A member of the public.

Verbal advice from the DER indicated it had also prepared a submission, which was subsequently received after the close of submissions.

Amendments were made to the local law in response to some of the submissions made and at its meeting held on 21 February 2017 (CJ011-02/17 refers), Council resolved to make the local law, noting the further steps required to progress the local law.

## DETAILS

The purpose of the *City of Joondalup Waste Local Law 2017* is to provide for the regulation, control and management of waste services, including the use and control of receptacles for the deposit and collection of waste, undertaken by or on behalf of the local government within the district.

The effect of the *City of Joondalup Waste Local Law 2017* is to establish the requirements with which any owner or occupier of premises using local government waste services, including the use of receptacles for the deposit and collection of waste within the district, must comply.

Following Council's consideration of the local law at its meeting held on 21 February 2017 (CJ011-02/17 refers), the City referred the proposed Waste Local Law to the DER for its consent and signing by the Director General of the department in accordance with statutory process. However, the DER subsequently refused to provide consent and requested additional changes be made to the local law. These additional changes were not identified by the DER during its initial submission.

The City queried some of the requested amendments which resulted in ensuing dialogue between the City and the DER. Agreement was subsequently reached to amend the local law in part with the following amendments being made:

- Clause 4.3 repeated the wording of clause 4.2 following changes requested by WALGA. This has now been changed to revert the wording back to the previous wording, as advertised.
- The signature block at the end of the local law referred to the "Director General" of the DER, which has now been amended to read "Chief Executive Officer".

Subsequently, DER has now provided its consent and the Chief Executive Officer of DER has signed the local law.

As a result of the amendments, it is now necessary for Council to revoke its previous decision to make the local law and resolve to make the local law. The changes made are shown in Attachment 1, with the final 'clean' copy for publishing in the *Government Gazette* shown at Attachment 2.

It is not considered that any of the changes made as a result of the DER comments are significant and which would require the local law creation process to be recommenced.

## Issues and options considered

Council can either:

- make the *City of Joondalup Waste Local Law 2017* as presented
- make the *City of Joondalup Waste Local Law 2017* with amendments  
or
- not make the *City of Joondalup Waste Local Law 2017* and retain the existing part five of the *City of Joondalup Health Local Law 1999*.



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

*Local Government Act 1995.*  
*Waste Avoidance and Resource Recovery Act 2007.*  
*Waste Avoidance and Resource Recovery Regulations 2008.*

**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 Western Australian Parliamentary Joint Standing Committee on Delegated legislation.

**Financial / budget implications**

The cost associated with the local law-making process is approximately \$2,500, being public advertising costs and costs for publishing the local law in the Government Gazette. Funds are available in the 2017-18 Budget for statutory advertising.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The local law is cognisant of the City's *Waste Management Plan 2016-2021* which aims to ensure the City meets key targets in relation to minimisation of waste and improving resource recovery and recycling outcomes.

**Consultation**

The development of local laws requires statutory advertising and consultation with members of the public throughout the local law-making process. Consultation in respect of making this local law included:

- giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the state
  - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centres
  - advertising on the City's website

- providing a copy of the notice and a copy of the proposed local law to the Minister for Local Government and the Minister for Environment
- seeking the consent of the Department of Environment Regulation.

## COMMENT

Following consideration of those items identified by the DER, the local law has been amended slightly to that which was endorsed by Council. Notwithstanding, the changes to the local law are not considered significant to require the City to recommence the local law creation process. In view of this it is recommended that Council revokes its earlier decision, makes the local law and undertakes the required actions under the *Local Government Act 1995* to enable the local law to come into effect.

## VOTING REQUIREMENTS

Absolute Majority.

**MOVED Cr Taylor, SECONDED Mayor Pickard that Council:**

- 1 **NOTES the changes made to the proposed *City of Joondalup Waste Local Law 2017* following comment from the Department of Environment Regulation, as detailed in Attachment 1 to Report CJ117-07/17;**
- 2 **NOTES the Department of Regulation has provided its consent to the proposed *City of Joondalup Waste Local Law 2017*;**
- 3 **BY AN ABSOLUTE MAJORITY REVOKES Part 2 of its decision dated 21 February 2017 (CJ011-02/17 refers) as follows:**  
  
***“2 BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Waste Local Law 2017 as detailed in Attachment 3 to Report CJ011-02/17 and AUTHORISES the Common Seal to be attached;”;***
- 4 **BY AN ABSOLUTE MAJORITY MAKES the *City of Joondalup Waste Local Law 2017* as detailed in Attachment 3 to Report CJ117-07/17 and AUTHORISES the Common Seal to be attached;**
- 5 **NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf170711.pdf](#)

**CJ118-07/17 REPEAL LOCAL LAW 2017 - ADOPTION**

<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     Schedule of Submissions Attachment 2 <i>City of Joondalup Repeal Local Law 2017</i> with marked up changes Attachment 3 <i>City of Joondalup Repeal Local Law 2017</i> final
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to note the submissions received on the proposed *City of Joondalup Repeal Local Law 2017* and resolve to make the local law.

**EXECUTIVE SUMMARY**

At its meeting held on 18 April 2017 (CJ041-04/17 refers), Council resolved to commence the local law-making process and that the proposed *City of Joondalup Repeal Local Law 2017* be advertised for public comment.

In accordance with section 3.12(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy of the local law to the Minister for Local Government. At the close of the public comment period the City had received one submission from the Department of Local Government and Communities.

*It is therefore recommended that Council:*

- 1     *NOTES the submissions received at the close of the comment period for the proposed City of Joondalup Repeal Local Law 2017, as detailed in Attachment 1 to Report CJ118-07/17;*
- 2     *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Repeal Local Law 2017 as detailed in Attachment 3 to Report CJ118-07/17 and AUTHORISES the Common Seal to be attached;*
- 3     *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the Local Government Act 1995.*

**BACKGROUND**

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 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 the *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.

Given this extended timeframe, it was considered appropriate to repeal the City's remaining local laws that are no longer relevant. At its meeting held on 18 April 2017 (CJ041-04/17 refers), Council subsequently resolved to commence the local law-making process and that the proposed *City of Joondalup Repeal Local Law 2017* be advertised for public comment.

## DETAILS

The purpose of the *City of Joondalup Repeal Local Law 2017* is to repeal those local laws made obsolete by new legislation or considered no longer relevant within the City of Joondalup.

The effect of the *City of Joondalup Repeal Local Law 2017* is to repeal obsolete or outdated local laws within the City of Joondalup.

In accordance with section 3.12(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks as follows:

- Statewide notice in *The West Australian* newspaper.
- Local public notice in the *Joondalup Weekender*.
- Public notices on the notice boards at the City's Administration Centre, Customer Service Centres and all City Public Libraries.
- A public notice on the City's website.

A copy of the local law was also provided to the Minister for Local Government.

At the close of the public comment period the City had received one submission from the Department of Local Government and Communities (DLGC). The comments received and the City's responses to those comments are provided in Attachment 1. Where changes had been supported they have been included in the local law submitted to Council for adoption. The changes are shown in Attachment 2, with the final copy for publishing in the *Government Gazette* show at Attachment 3.

It is considered that the changes made as a result of the submission from DLGC are not significant to require the local law creation process to recommence.

## Issues and options considered

Council can either:

- make the *City of Joondalup Repeal Local Law 2017* as presented
- make the *City of Joondalup Repeal Local Law 2017* with amendments  
or
- not make the *City of Joondalup Repeal Local Law 2017* and retain the existing, obsolete local laws.

**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 Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

**Financial / budget implications**

There are advertising and publishing costs associated with the implementation of the local law, anticipated at \$1,400. Some of these costs have been incurred in the 2016-17 financial year with the remaining costs to be incurred within the 2017-18 financial year. Costs are included within the 2017-18 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>	\$ 0
<b>Proposed cost</b>	\$ 800
<b>Balance</b>	\$6,700

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The development of local laws requires statutory advertising and consultation with members of the public throughout the local law making process. Consultation in respect of making this local law included:

- giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the state
  - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centre
  - advertising on the City's website.
- providing a copy of the notice and a copy of the proposed local law to the Minister for Local Government.

## COMMENT

Following the public comment period and consideration of those items identified, the local law has been amended slightly to that which was endorsed by Council for the purposes of public advertising. Notwithstanding, the changes to the local law are not considered significant to require the City to recommence the local law creation process. In view of this it is recommended that Council makes the local law and undertakes the required actions under the *Local Government Act 1995* to enable the local law to come into effect.

## VOTING REQUIREMENTS

Absolute Majority.

**MOVED Cr Fishwick, SECONDED Mayor Pickard that Council:**

- 1 NOTES the submissions received at the close of the comment period for the proposed *City of Joondalup Repeal Local Law 2017*, as detailed in Attachment 1 to Report CJ118-07/17;**
- 2 BY AN ABSOLUTE MAJORITY MAKES the *City of Joondalup Repeal Local Law 2017* as detailed in Attachment 3 to Report CJ118-07/17 and AUTHORISES the Common Seal to be attached;**
- 3 NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf170711.pdf](#)

## **CJ119-07/17      JOONDALUP 2022 – MAJOR REVIEW – REQUEST TO ADVERTISE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	01529, 101515
<b>ATTACHMENTS</b>	<p>Attachment 1      <i>Joondalup 2022 – Major Review – Proposed Amendments</i></p> <p>Attachment 2      <i>Joondalup 2022 – Major Review – Engagement and Communication Plan</i></p> <p>Attachment 3      <i>Joondalup 2022 – Major Review – Summary of Achievements against Strategic Community Plan</i></p> <p>Attachment 4      <i>Joondalup 2022 – Major Review – Assessment of transformational Projects and recommendations for amendments</i></p> <p>Attachment 5      <i>Joondalup 2022 – Major Review – Review of Measures and Indicators and recommendations for amendments</i></p>
<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 outcomes of the major review of the City's *Strategic Community Plan – Joondalup 2022* and approve the release of the draft *Joondalup 2022* document for a three week public comment period from 14 August to 4 September 2017.

### **EXECUTIVE SUMMARY**

The *Strategic Community Plan* (SCP) is the highest level plan prepared by Council with its community. The purpose of the plan is to identify the community's main priorities and aspirations for the future and to establish strategies to achieve agreed objectives.

In accordance with the *Local Government (Administration) Regulations 1996* and *Integrated Planning and Reporting Framework* (IPRF) guidelines, local governments are required to conduct a major review of their SCP once every four years and a minor review every two years. A minor review was previously undertaken and adopted by Council at its meeting held on 21 October 2014 (CJ184-10/14 refers), following a public comment period.

The major review of *Joondalup 2022* has included the following:

- Review and feedback from Elected Members.
- Review and feedback from the City's Strategic Community Reference Group.
- Review of progress to date against the transformational projects and the strategic initiatives.

- Review of information and statistics to ensure its currency.
- Review of the external environment to assess whether there are economic, social or political changes which are likely to impact on the SCP.
- Community Wellbeing Survey undertaken by the City in 2015 to measure the overall wellbeing of the community and provide additional information and community needs and perceptions.
- Review of results and feedback from the City's Annual Customer Satisfaction Survey which measures overall community satisfaction with the City, including satisfaction with the City as a place to live, the City Centre as a place to visit, and City services and facilities.
- An assessment of available resources to achieve the *Strategic Community Plan* – including partnerships and collaboration with key stakeholders.

The feedback, to date, indicates that the SCP remains relevant and no significant changes have been recommended with the exception of the deletion of those transformational projects that have now been delivered and the addition of new transformational projects in line with the vision and aspirational outcomes in the plan.

It is therefore recommended that changes to the revised SCP included as Attachment 1, be released for community consultation for a period of 21 days from 14 August to 4 September 2017 in accordance with the *Engagement and Communication Plan*, as specified in Attachment 2.

## BACKGROUND

In alignment with the IPRF guidelines the City developed a SCP in consultation with Council, its community and stakeholders. During the development of *Joondalup 2022*, significant levels of support were received from the community for all proposed outcomes and objectives contained within the draft plan. Following this process, at its meeting held on 23 October 2012 (CJ210-10/12 refers) Council adopted its first *Strategic Community Plan – Joondalup 2022*.

*Joondalup 2022* provides strategic direction for all services and activities delivered by the City and guidance towards its future aspirational targets. In light of its high level positioning within the City's planning framework, the plan's content is relatively broad in order to integrate lower level issue specific and/or operational plans. As such, only significant changes in strategic direction or unanticipated external factors tend to affect the *Strategic Community Plan*.

In 2014, the City undertook a desktop review of *Joondalup 2022* over a six month period, which resulted in minor amendments to some key performance indicators contained within the plan. The revised plan was released for a 21-day public comment in August 2014 however no submissions were received from the community or stakeholders and, therefore; no significant amendments were required to the City's strategic direction or the transformational projects.

## DETAILS

According to the IPRF guidelines, local governments are required to conduct a major review of their SCP once every four years. The major review of *Joondalup 2022* aims to assess the current structure and relevance of the SCP in line with community aspirations, and assess whether the plan is progressing towards its vision, priorities and aspirations.



To inform the review process of *Joondalup 2022*, the City undertook the following major engagement phases:

- 1 The City's Elected Members were engaged through the Elected Members Strategic Session in February 2016. The Strategic Session focused on the major review of *Joondalup 2022* and included discussion on whether the City's vision and strategic priorities still remained relevant, and an evaluation on the City's progression towards its goals established in the development of the *Strategic Community Plan*.
- 2 The Strategic Community Reference Group (SCRG) meeting held on 30 June 2016 was convened specifically to provide the SCRG Members (community representatives) as well as the City's key stakeholders including representatives from Joondalup Health Campus, Edith Cowan University, North Metropolitan TAFE and the Western Australia Police Academy with the opportunity to provide feedback on the *Strategic Community Plan*, discuss major issues and challenges faced by the City and all stakeholders, as well as whether the City's vision and direction remains relevant to, and in alignment with, the ambitions of key stakeholders.

In light of these engagement processes, information was collated and formed the basis of a major review of *Joondalup 2022*. While general considerations were also given to updating superseded information and minor administrative details within the plan, the major review focused on examining the following strategic considerations:

- Assessing the ongoing relevance of the plan's strategic direction, vision and values.
- Evaluating the City's strategic objectives and initiatives by highlighting the major achievements since the plan's development.
- Providing a progress update against the transformational projects.
- Reviewing and updating the City's strategic key performance indicators for their continued appropriateness and accuracy.

These aspects are outlined further in the sections below:

#### Re-assessment of the plan's strategic direction and vision

Feedback from the Elected Member Strategic Session indicated that the overall intent and delivery of the *Joondalup 2022*'s strategic direction and vision of becoming 'a global City: bold, creative and prosperous' still remained relevant to the community and the City's stakeholders. A number of emerging challenges were identified for consideration in the major review including the economic climate and resultant decrease in government grant funding opportunities; greater scrutiny and oversight by the State Government of local government governance activities; State Government's introduction of high density codes in some residential areas and the associated challenges of protecting the character of existing streetscapes; creating vibrancy in the City Centre through increased employment and residential density; the pace of technological change and community expectations for the City to keep pace with such changes and deliver more efficient and accessible services; coastal vulnerability as a consequence of climate change; and ensuring that services and infrastructure are appropriate for an ageing population.

In addition, the City also invited representatives from the City's key stakeholder groups to the SCRG meeting including North Metropolitan TAFE, Joondalup Health Campus, Edith Cowan University and Western Australia Police Academy to provide feedback on the City's SCP in order to inform the major review. Participating agencies outlined specific challenges and issues that related to their particular organisation and industry, and all groups agreed that the overall direction of the City's SCP aligned closely with their respective goals and strategic plans.

The third and final phase of consultation (not yet commenced) will be with the wider community in order to provide the community with the opportunity to provide commentary on whether the SCP remains relevant to, and in alignment with, community aspirations and priorities for Joondalup.

Major achievements against the Strategic Community Plan's transformational projects and priorities and strategic objectives and initiatives

Since the adoption of *Joondalup 2022*, the City has worked to deliver the plan through the development of a five year detailed delivery program through the *Corporate Business Plan* which is aligned to the SCP. The *Corporate Business Plan* is reviewed annually to ensure priorities are achievable and effectively timed and quarterly progress reports are provided to the Council detailing progress against agreed priorities and milestones. A detailed list of major achievements to date against the SCP is provided in Attachment 3, with the list below providing a summary of some of the key achievements to date:

Achievements	Comment
<b>Australian Business Excellence Framework</b>	In recognition of organisational best practice for the City's strategic planning processes the City achieved the 2012 Australian Business Excellence Award for the Category of Strategy and Planning. This award highlighted the City's practice of implementing strategic priorities through clearly articulated and staged operational projects and programs, a strong community engagement approach, transparent performance reporting and a demonstrated commitment to continuous improvement.
<b>Community Wellbeing Survey</b>	The City conducted the inaugural Community Wellbeing Survey in order to gain an understanding of the overall level of wellbeing of people living and working in the City. The survey has provided a range of information related to general lifestyle and wellbeing, community relationships and interactions, service needs, and community safety for consideration in the design of services and service levels. The survey will be undertaken again during the life of <i>Joondalup 2022</i> .
<b>Climate Change Strategy</b>	<p>Climate Change is an important emerging issue for local government affecting a number of areas that local government is responsible for including infrastructure, health services, water management, emergency management and the natural environment.</p> <p>The City of Joondalup <i>Climate Change Strategy 2014-2019</i> has been developed to provide guidance to the City's climate change activities over the next five years in terms of both mitigation and adaptation measures.</p> <p>The strategy incorporates a number of priority projects which have also been significantly progressed including coastal adaptation planning to ensure that coastal vulnerability is considered when planning and developing new coastal infrastructure and land use planning decisions within the coastal zone.</p>

Achievements	Comment
<b>Construction of the Multi-storey Car Park</b>	The Reid Promenade multi-storey car park was one of the City's largest construction projects, providing over 500 undercover bays to meet the ever increasing demand for City Centre car parking. The car park utilises new technologies including number plate recognition and ticketless parking and was constructed using ecologically sustainable means, while ensuring operations minimise emissions and costs through measures such as solar panelling and LED lighting.
<b>Construction of the Currambine Community Centre</b>	The Currambine Community Centre is an award-winning facility which has been a welcome addition to the City's northern suburbs. The City achieved the 2015 Western Australian Project Management Achievement Award in the Sustainable Projects Category for the construction of the Centre.
<b>Establishment of the Tri-Cities Alliance</b>	The Tri-Cities Alliance between the Cities of Joondalup, Wanneroo and Stirling was formed to take a collaborative and strategic approach to addressing the future of the three Cities and to providing a combined advocacy regime particularly to the State and Federal Governments. The City of Joondalup will continue to work with all key stakeholders to achieve the potential of the northern corridor with an integrated approach to addressing infrastructure, tourism, employment, transport and local employment challenges.
<b>International Biodiversity Conference</b>	<p>The City hosted the 2013 International BiodiverCities Conference in collaboration with the International Council for Local Environmental Initiatives (ICLEI) - Local Governments for Sustainability and the Western Australia Local Government Association. The conference assembled local, national and international environmental experts to discuss biodiversity conservation within the context of a changing climate.</p> <p>The conference showcased the local environment and the efforts undertaken to protect, conserve and enhance local biodiversity. The event also focused on strengthening the relationship between the Federal, state and local government sectors in the planning and delivery of biodiversity related initiatives.</p>
<b>Natural Areas Management Planning</b>	<p>The City has adopted a coordinated approach to managing natural areas through the development of <i>Natural Area Management Plans</i>. These plans inform and prioritise maintenance schedules and <i>Capital Works Programs</i>. Management plans also provide guidance to Friends' Groups operating within the City's natural areas. The City has completed the following <i>Natural Area Management Plans</i> to date:</p> <ul style="list-style-type: none"> <li>• <i>Lilburne Park Management Plan</i>, Duncraig.</li> <li>• <i>Warwick Open Space Bushland Management Plan</i>, Warwick.</li> <li>• <i>Hepburn Heights Conservation Area Management Plan</i>, Padbury.</li> <li>• <i>Shepherds Bush Reserve Management Plan</i>, Kingsley.</li> <li>• <i>Joondalup Coastal Foreshore Reserve – Overarching Plan</i>.</li> <li>• <i>Marmion Coastal Foreshore Reserve Management Plan</i>.</li> <li>• <i>Sorrento Coastal Foreshore Reserve Management Plan</i>.</li> <li>• <i>Hillarys -Kallaroo Coastal Foreshore Reserve Management Plan</i>.</li> <li>• <i>Weed Management Plan</i>.</li> <li>• <i>Pathogen Management Plan</i>.</li> </ul>

Achievements	Comment
<b>Warwick Stadium</b>	<p>The \$8 million expansion of Warwick Leisure Centre into Warwick Stadium has not only enhanced the availability of sport and recreational facilities for the City's southern suburbs, but also attracts users from across the Perth metropolitan area.</p> <p>The City provided significant planning and investment into the development which includes four new indoor courts and a main display court with a 450-seat fixed grandstand, a new gym and fitness room, reception and café.</p>
<b>Warwick Hockey Centre</b>	<p>Construction of the Warwick Hockey Centre was completed with official hand over to the Whitfords Hockey Club. This regional hockey facility includes a large clubroom facility, synthetic hockey pitch, two grass hockey pitches, floodlighting and car parking. This regional facility is one of the largest hockey facilities in the north metropolitan area and has been built to international standards.</p>
<b>Joondalup Performing Arts and Cultural Facility</b>	<p>The City continued to progress the Joondalup Performing Arts and Cultural Facility (JPACF), incorporating the Jinan Garden at 3 Teakle Court, adjoining Central Park.</p> <p>The City recently advertised the Joondalup Performing Arts and Cultural Facility Business Case for public comment and a report on the analysis of the results was presented to Council for consideration (CJ101-06/17 refers). Council resolved not to initiate the Design Development phase of the project at this time.</p>
<b>Local Planning Scheme No. 3</b>	<p>The <i>Local Housing Strategy</i> was finalised. The strategy provides a rationale for determining future housing needs within the City. It recommends measures to provide for a range of housing types and densities to cater for the future housing needs of residents such as smaller household sizes, an ageing population, and efficient use of land.</p>
<b>Significant Event</b>	<p>The City hosted Kaleidoscope, a Festival of Light, Art, Music and food which transformed the Joondalup City Centre over four nights attracting more than 50,000 people in its inaugural year. The festival combined lighting technology, art collaborations and projection performance as a themed event in an immersive family-friendly setting.</p>

In light of the achievements against the SCP to date, it is necessary to remove those projects that have been delivered or are no longer relevant and to consider the addition, where appropriate, of new transformational projects and initiatives that have been endorsed by Council since the adoption of the SCP in 2012. A full assessment of transformational projects and priorities, including recommendations for deletions and additions, is shown at Attachment 4.

### Review of the Strategic Community Plan Measures and Indicators

The KPIs outlined in the SCP are measured on an annual basis and reported in the City's Annual Plan. The KPIs have been assessed on the basis of their continued relevance/appropriateness and any unforeseen externalities that may significantly impact on the City's ability to achieve the targets. A full description of recommended changes to the KPIs is shown at Attachment 5.

### Update Strategic Alignment to State and Federal Priorities

Since the plan's development in 2012, a number of the state and federal planning documents contained within *Joondalup 2022* have been superseded. The major review also included updating these documents, and aligning them with *Joondalup 2022*'s strategic initiatives.

All recommended amendments are shown in the revised *Joondalup 2022* document, included as Attachment 1.

### Summary

The major review of the SCP to date has involved extensive consultation with Elected Members, the City's Strategic Community Reference Group comprising community representatives and invited experts which, for the meeting to discuss the major review of the Strategic Community Plan, included the City's key industry stakeholders – Edith Cowan University, Joondalup Health Campus, North Metropolitan TAFE, and the Western Australian Police Academy.

All feedback from these stages of the review has informed the major review which has tested the appropriateness and continuing relevance of *Joondalup 2022*, the City's highest level plan. The final phase of the major review will involve consultation with the broader community to seek community comment and feedback on whether the vision and priorities contained in the plan are still supported by the community.

To this end, this report is seeking Council approval to release the revised SCP shown as Attachment 1 of this Report, for a community consultation period.

### **Issues and options considered**

It is proposed that Council approve the release of the revised SCP *Joondalup 2022* for public consultation for a period of 21 days. The proposed consultation process is outlined in Attachment 2.

It is recommended that Council consider the following options:

#### Option 1

Approve the revised *Joondalup 2022* document, as included as Attachment 1 for release for community consultation for a three week period.

#### Option 2

Suggest further modifications to the revised *Joondalup 2022* document for release for community consultation for a three week period.

Option 1 is the recommended option.

## Legislation / Strategic Community Plan / policy implications

### Legislation

- *Local Government Act 1995.*
- *Local Government (Administration) Regulations 1996.*

Further guidance on the achievement of best practice standards is outlined within the Integrated Planning and Reporting Framework and Advisory Standards.

The City has ensured that the process undertaken for the major review of the SCP meets all legislative requirements as well as seeking to achieve best practice standards in accordance with the Advisory Standards.

### Strategic Community Plan

This report relates to the review of the *Strategic Community Plan 2012-2022*.

### Key theme

Governance and Leadership.

### Objective

Active democracy.

### Strategic initiative

Optimise opportunities for the community to access and participate in decision-making processes.

### Policy

*Community Consultation and Engagement Policy.*

## Risk management considerations

In alignment with the IPRF guidelines, local governments are required to conduct a major review of their Strategic Community Plan once every four years. If the City does not conduct the major review, it could result in a circumstance of non-compliance.

## Financial / budget implications

Funds have been allocated within the annual budget to conduct the community consultation requirements outlined in the *Communication and Engagement Plan* shown as Attachment 2 in order to achieve a statistically significant sample size. While the survey distribution would be cost neutral if delivered on an on-line basis only, consultation history indicates that direct mail-outs elicit a higher level of survey return rate which is needed to achieve a statistically reliable result.

## Regional significance

*Joondalup 2022* highlights multiple commitments to regional partnerships and collaboration opportunities over the life of the plan; particularly in relation to governance and economic development activities.

## Sustainability implications

The SCP considers the local and regional economy, built and natural environment, social networks as well as good governance and financial sustainability.

## Consultation

Two phases of consultation have already been undertaken, namely:

- review and feedback from Elected Members
- review and feedback from the City's Strategic Community Reference Group.

The third phase, recommended in this report, is broader community consultation as detailed in the *Communication and Engagement Plan* shown as Attachment 2 for a three week period.

## COMMENT

The SCP was developed in 2012 in partnership with the community and key stakeholders in order to position the City to respond to the major challenges and opportunities through to 2022 and, therefore, achieve its aspirational direction. The consultation phases completed to date have demonstrated that the SCP remains relevant to community and stakeholder aspirations with some modifications to reflect the completion of some transformation projects and priorities and the inclusion of new Council endorsed projects.

Consultation with the broader community will provide community members with the opportunity to provide feedback on whether the shared vision and priorities originally developed, and the new transformational projects and priorities remain relevant to community aspirations.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Taylor, SECONDED Mayor Pickard that Council:**

- 1** **NOTES** the outcomes of the major review process for the *Strategic Community Plan 2012-2022* as outlined in Report CJ119-07/17;
- 2** **APPROVES** the release of the revised *Strategic Community Plan 2012-2022*, as shown in Attachment 1 to Report CJ119-07/17, for community consultation for a period of 21 days from 14 August to 4 September 2017;
- 3** **NOTES** that following the completion of the community consultation period, the *Strategic Community Plan 2012-2022* will be presented back to Council for adoption.

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf170711.pdf](#)

## **CJ120-07/17 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 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 May 2017 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of May 2017 Attachment 3 Municipal and Trust Fund Vouchers for the month of May 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 May 2017.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of May 2017 totalling \$13,351,724.64.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for May 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 CJ120-07/17, totalling \$13,351,724.64.*

### **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 May 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 104962 – 105128 & EF063031 – EF063749 Net of cancelled payments.	\$8,748,949.58
	Vouchers 1942A – 1950A & 1950A – 1960A.	\$4,568,073.79
Trust Account	Trust Cheques & EFT Payments.	
	207139 - 207166 & TEF001177 – TEF001220 Net of cancelled payments.	\$34,701.27
<b>Total</b>		\$13,351,724.64

### 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 Cr Jones, SECONDED Cr Hollywood that Council NOTES the Chief Executive Officer's list of accounts for May 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 CJ120-07/17, totalling \$13,351,724.64.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ124-07/17, page 89 refers.**

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

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf170711.pdf](#)*

## **CJ121-07/17      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 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 31 May 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').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 May 2017.

### **EXECUTIVE SUMMARY**

At its meeting held on 21 February 2017 (CJ019-02/17 refers), Council adopted the Mid Year Budget Review for the 2016-17 financial year. The figures in this report are compared to the Revised Budget.

The May 2017 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$9,328,348 for the period when compared to the revised 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 31 May 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 \$2,365,384 higher than budget, made up of higher operating revenue \$902,022 and lower operating expenditure of \$1,463,362.

Operating revenue is higher than budget on Profit on Asset Disposals \$299,058, Fees and Charges \$230,119, Contributions, Reimbursements and Donations \$169,730, Interest Earnings \$98,965, Other Revenue \$87,916, Grants and Subsidies \$11,657 and Rates \$4,576.

Operating Expenditure is lower than budget on Materials and Contracts \$1,817,063, Employee Costs \$917,723, Utilities \$253,020, Loss on Asset Disposals \$173,835 and Interest Expenses \$2,508 offset by higher than budget expenditure for Insurance Expenses \$37,435 and Depreciation \$1,663,351.

The Capital Deficit is \$7,698,198 lower than budget. This is due to lower than budgeted expenditure on Capital Works \$6,332,222, Capital Projects \$857,460, Vehicle and Plant Replacements \$73,935, higher than budgeted revenue from Capital Grants and Subsidies \$314,181 and Capital Contributions \$203,732 offset by lower than budgeted Equity Distribution from Tamala Park Regional Council \$83,333.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 May 2017 forming Attachment 1 to Report CJ121-07/17.*

## **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 31 May 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 Cr Jones, SECONDED Cr Hollywood that Council NOTES the Financial Activity Statement for the period ended 31 May 2017 forming Attachment 1 to Report CJ121-07/17.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ124-07/17, page 89 refers.**

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

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf170711.pdf](#)*

## **CJ122-07/17      REQUEST FOR ADDITIONAL SUBSIDIES AND WAIVER OF FEES FOR COMMUNITY FACILITY HIRE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	101271, 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 give consideration to apply additional subsidies and waiver of fees for the hire of City managed community facilities in 2016 and 2017.

### **EXECUTIVE SUMMARY**

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Property Management Framework* which provides the City with a guide to managing all property under the City's ownership, care and control. It contains specific requirements for the classifying of property and its usage.

As part of the framework, Council also reviewed various supporting policies to assist it in managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* allows for various levels of subsidisation of the hire fees for certain community groups. The policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration.

The City has recently completed the bookings for use of its facilities for the 2016 and 2017 booking period, consequently, the following groups have sought further subsidies and waiver of fees in accordance with the policy:

- Kingsley Tennis Club (Juniors).
- Ocean Ridge Tennis Club (Juniors).
- Warrandyte Playgroup.
- Greenwood Tennis Club (Juniors).
- Greenwood Tennis Club (Seniors).

It is recommended that Council consider each request on a case by case basis.

## BACKGROUND

The City of Joondalup manages 148 facilities utilised by approximately 300 community groups over 19,000m<sup>2</sup> of land either as freehold or managed property which is reserved or dedicated under the *Land Administration Act 1997*. This property has been set aside for a diversity of purposes, such as recreation, public open space, drainage and administrative or infrastructure purposes.

In previous years, property management arrangements for City owned and managed property were approached on an ad-hoc basis. This resulted in varying management methods and inconsistent leasing, licensing, and facility hire conditions (including the application of subsidised use).

In an effort to apply greater consistency to property management, at its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a framework that takes a broad approach and addresses the myriad of issues involved in property management. It is intended to provide a consistent and concise methodology for the future.

## DETAILS

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a new policy relating to subsidised use of City facilities that is to:

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

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

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

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

Those groups that have been classified as being eligible for a subsidy and meeting the requirements of being a Junior Recreational or Sporting Group are provided with a 100% subsidy for their facility (park and building hire). To better manage the overbooking of facilities as a result of this 100% subsidy, eligible groups are provided with a maximum number of hours for each week of their booking period. This number is averaged out of the group's entire booking (12 months for annual users and six months for seasonal users). The table below shows the average number of hours per week eligible junior clubs are provided under the *Facility Hire Subsidy Policy*.

Number of Members	Extent to Which Subsidy Applies
Less than 100 members	10 hours per week
Between 100 and less than 300 members	35 hours per week
Between 300 and less than 500 members	65 hours per week
Between 500 and less than 700 members	85 hours per week
700 members or more	110 hours per week

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

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

*Additional subsidies will be provided for the following:*

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

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

The City has recently completed the booking process for use of its facilities for the 2016 and 2017 booking period, consequently, the following groups have sought further subsidisation in accordance with the policy:

Additional subsidised hours

- Kingsley Tennis Club (Juniors).
- Ocean Ridge Tennis Club (Juniors).
- Warrandyte Playgroup.

Waiver of fees

- Greenwood Tennis Club (Juniors).
- Greenwood Tennis Club (Seniors).

Kingsley Tennis Club (Juniors)

Classification within Policy	Extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Junior Recreational or Sporting Group	100% (10 hours per week)	103	93

The Kingsley Tennis Club is a not-for-profit club with both senior and junior members. The club books the Timberlane Park Tennis Courts and the adjacent Timberlane Park Hall on a 12 monthly basis.



The junior section of the club has 75 members and is recognised as a junior sporting and recreational group receiving a 100% subsidy on its bookings for the courts and facility. Under the *Facility Hire Subsidy Policy*, the club is entitled to a maximum of 10 hours per week of 100% subsidised hire as it has less than 100 junior members.

The club has written to the City requesting the 10 hours per week of 100% subsidised use be extended to 103 hours per week to cover its junior bookings for the 2016-17 year. The club has advised that their junior bookings are a combination of social tennis and pennant competition, as well as casual sessions to promote greater participation.

It is noted that the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose activity is conducted on a park.

At its meeting held on 15 March 2016 (CJ041-03/16 refers), Council resolved to extend the maximum subsidised hours for the Kingsley Tennis Club (juniors) to 102.5 hours per week for the 2015-16 booking period.

It is therefore recommended that Council give consideration to extending the subsidised hours of hire for Kingsley Tennis Club (juniors) to 103 hours per week.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy Value	Club Payments	Subsidy Value	Club Payments	Subsidy Value	Club Payments
\$3,710	\$594	\$3,116	\$3,710	\$0	\$3,710	\$0

#### Ocean Ridge Tennis Club – Juniors

Classification within Policy	Extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Junior Recreational or Sporting Group	100% (10 hours per week)	15	5

The Ocean Ridge Tennis Club is a not-for-profit group with both senior and junior members. The club books the Heathridge Park Tennis Courts and has a licence on the tennis clubroom section of the Guy Daniel Clubroom.

The junior section of the club has 55 members and is recognised as a junior sporting and recreational group receiving a 100% subsidy on its bookings for the courts and facility. Under the *Facility Hire Subsidy Policy*, the club is entitled to a maximum of 10 hours per week of 100% subsidised hire as it has less than 100 junior members.

The club has written to the City requesting the 10 hours per week of 100% subsidised use be extended to 15 hours per week to cover their junior bookings for the 2016-17 year.

It is noted that the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose activity is conducted on a park. It should also be noted that the Ocean Ridge Tennis Club has reviewed and significantly amended its booked hours to bring them down closer to the subsidised allocation.

At its meeting held on 15 March 2016 (CJ041-03/16 refers), Council resolved to extend the maximum subsidised hours for the Ocean Ridge Tennis Club (juniors) to 35 hours per week for the 2015-16 booking period.

It is therefore recommended that Council give consideration to extending the subsidised hours of hire for Ocean Ridge Tennis Club (Juniors) to 15 hours per week for its 2017 bookings.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy Value	Club Payments	Subsidy Value	Club Payments	Subsidy Value	Club Payments
\$890	\$594	\$296	\$890	\$0	\$890	\$0

#### Warrandyte Playgroup

Classification within Policy	Extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Playgroup and Toy Libraries	100% (50 hours per week, per school term, up to 8 hours per day)	30	30

The Warrandyte Playgroup is a not for profit playgroup operating from the Warrandyte Park Clubrooms. The playgroup currently utilise the clubrooms Monday to Friday 9.00am to 3.00pm throughout the year.

The playgroup has 52 regular attendees and books the clubrooms on a 12 monthly basis. The group currently receives a subsidy in line with the *Facility Hire Subsidy Policy*, however the policy does not provide for any subsidised use during school holiday periods. The playgroup continues to operate throughout school holiday periods, providing educational and socialisation opportunities for its members.

The group has written to the City requesting a waiver of fees for the 30 hours a week the playgroup operates throughout the school holiday periods in 2017.

In 2016, the Warrandyte Playgroup requested a waiver of fees for its use of the Warrandyte Park Clubroom throughout the December 2016 – January 2017 school holiday period.

The request was considered by the City and approved for this period (December 2016 – January 2017) only.

It is therefore recommended that Council give consideration to approving a waiver of fees for the hire for Warrandyte Park Clubrooms by the Warrandyte Playgroup for up to 30 hours per week during school holidays for its 2017 bookings.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy Value	Club Payments	Subsidy Value	Club Payments	Subsidy Value	Club Payments
\$6,653	\$0	\$6,653	\$6,653	\$0	\$6,653	\$0

Greenwood Tennis Club – Juniors

<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Hours booked per week</b>	<b>Hours exceeding subsidy per week</b>
Junior Recreational or Sporting Group	Not eligible	177	177

The Greenwood Tennis Club (GTC) is a not-for-profit group with both senior and junior members. The club books the Warwick Open Space Tennis Courts and has a lease on the tennis clubroom section of the Warwick Sports Centre.

The junior section of the club has 62 members and books the courts on a 12 monthly basis. They have previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy on their bookings. In 2016, the club reported that they no longer met the requirement of having at least 50% of their junior members being residents of the City of Joondalup and as such, the club was not eligible for a subsidy for their 2015-16 bookings. At its meeting held on 15 March 2016 (CJ041-03/16 refers), Council agreed to waive 75% of the club's junior fees, with that waiver to reduce to 50% in 2016-17, 25% in 2017-18 and there being no waiver provided in 2018-19.

For the club's 2016-17 bookings, they have stated that only 16% (10 of 62) of their junior members are City of Joondalup residents. Therefore, they are considered ineligible for a subsidy for their 2016-17 bookings.

The club has written to the City requesting a 75% waiver of fees be again provided to reduce the court hire fees for the 2016-17 year.

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

It is therefore recommended that Council in line with its decision of 15 March 2016 (CJ041-03/16 refers), give consideration to approving a 50% fee waiver for the Greenwood Tennis Club (Juniors) 2016-17 bookings.

<b>Total Booking Cost</b>	<b>Current</b>		<b>Requested</b>		<b>Recommended</b>	
	<b>Subsidy Value</b>	<b>Club Payments</b>	<b>Subsidy Value</b>	<b>Club Payments</b>	<b>Subsidy Value</b>	<b>Club Payments</b>
\$4,600	\$0	\$4,600	\$3,450	\$1,150	\$2,300	\$2,300

Greenwood Tennis Club – Seniors

<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Hours booked per week</b>	<b>Hours exceeding subsidy per week</b>
Adult Recreational or Sporting Group	Not eligible	98	98

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. The club books the Warwick Open Space Tennis Courts and has a lease on the tennis clubroom section of the Warwick Sports Centre.

The senior section of the club has 57 members and books the courts on a 12 monthly basis. They have previously been regarded as a senior sporting and recreational group and therefore received a 100% subsidy on their bookings. In 2016 the club reported that they no longer met the requirement of having at least 50% of their senior members being residents of the City of Joondalup, and as such, the club was not eligible for a subsidy for their 2015-16 bookings. At its meeting held on 15 March 2016 (CJ041-03/16 refers), Council agreed to waive 25% of the club's senior fees, with no waiver to be provided in 2016-17, unless the group's status changes and they were to become eligible for a subsidy.

For the club's 2016-17 bookings, it has stated that only 44% (25 of 57) of their senior members are City of Joondalup residents. Therefore, they are considered ineligible for a subsidy for their 2016-17 booking.

The club has written to the City requesting a 40% waiver of fees be provided to reduce the court hire fees for the 2016-17 year.

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

It is therefore recommended that Council in line with its decision of 15 March 2016 (CJ041-03/16 refers), does not agree to this request and does not provide a waiver of fees for the Greenwood Tennis Club (seniors) 2016-17 bookings.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy Value	Club Payments	Subsidy Value	Club Payments	Subsidy Value	Club Payments
\$6,310	\$0	\$6,310	\$3,786	\$2,524	\$0	\$6,310

### Issues and options considered

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

### Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

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

**Policy** *Facility Hire Subsidy Policy.*

### **Risk management considerations**

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

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

### **Financial / budget implications**

The cost to the City across all levels of subsidised use of City managed community facilities is approximately \$1.1 million dollars.

If the City was to extend the subsidies and waive the fees proposed for additional usage of City facilities for these groups, the City will lose approximately \$13,553 in income for 2016-17 bookings.

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

Not applicable.

### **COMMENT**

The intent of the adopted *Facility Hire Subsidy Policy* was not about generating additional income, but to achieve more equitable and greater use of City facilities. It is important that the classification of groups within the policy for levels of subsidisation remains consistent, however, if a group requires further consideration relating to fees, it is open to Council to waive these fees.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMENDATION

That Council:

- 1 AGREES to extend the 100% subsidised use to the Kingsley Tennis Club (Juniors) for the use of the Timberlane Park Tennis Courts and other associated City facilities in 2016-17 to a maximum 103 hours average per week;
- 2 AGREES to extend the 100% subsidised use to the Ocean Ridge Tennis Club (Juniors) for the use of the Heathridge Park Tennis Courts and other associated City facilities in 2016-17 to a maximum 15 hours average per week;
- 3 AGREES to extend the 100% subsidised use to the Warrandyte Playgroup for the use of Warrandyte Playgroup to a maximum of 30 hours average per week during the 2017 school holiday periods;
- 4 DOES NOT AGREE to the request for subsidy from the Greenwood Tennis Club (juniors and seniors) for bookings in 2016-17;
- 5 AGREES to waive 50% of the fees that would apply to the Greenwood Tennis Club (juniors) up to \$2,300 for 2016-17 bookings, with the group to be advised that the waiver will reduce by 25% each year – 2017-18 (25% waiver) and 2018-19 (0% waiver), unless the group's status changes and they become eligible for a subsidy;
- 6 NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year/season and a new application must be made in each following year/season.

## MOVED Cr Fishwick, SECONDED Cr Dwyer that Council:

- 1 **AGREES to extend the 100% subsidised use to the Kingsley Tennis Club (Juniors) for the use of the Timberlane Park Tennis Courts and other associated City facilities in 2016-17 to a maximum 103 hours average per week;**
- 2 **AGREES to extend the 100% subsidised use to the Ocean Ridge Tennis Club (Juniors) for the use of the Heathridge Park Tennis Courts and other associated City facilities in 2016-17 to a maximum 15 hours average per week;**
- 3 **AGREES to extend the 100% subsidised use to the Warrandyte Playgroup for the use of Warrandyte Playgroup to a maximum of 30 hours average per week during the 2017 school holiday periods;**
- 4 **NOTES that the Greenwood Tennis Club (Juniors and Seniors) does not meet the criteria within the *Facility Hire Subsidy Policy* for subsidised use;**
- 5 **AGREES to waive 100% of the fees that would apply to the Greenwood Tennis Club (Juniors) for the use of the Warwick Tennis Courts in 2016-17 up to a maximum of 177 hours average per week;**

- 6      **AGREES to waive 50% of the fees that would apply to the Greenwood Tennis Club (Seniors) for the use of the Warwick Tennis Courts in 2016-17 up to a maximum of \$3,155;**
- 7      **NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies and waivers apply for one year / season and a new application must be made in each following year / season.**

**The Motion was Put and**

**CARRIED (9/3)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Dwyer, Fishwick, Jones, Logan, McLean, Norman and Poliwka.

**Against the Motion:** Crs Gobbert, Hollywood and Taylor.

**Reason for departure from Officer's recommendation**

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 recognise the geographical location of the club at the City's boundaries.

## **CJ123-07/17      TENDER 013/17 - PROVISION OF LANDSCAPE SERVICES - HARBOUR RISE, HILLARYS**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106541, 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 Lochness Unit Trust (Loch Ness Landscape Services) for the provision of landscaping services at Harbour Rise Estate, Hillarys.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 13 May 2017 through statewide public notice for the provision of landscaping services at Harbour Rise Estate, Hillarys. Tenders closed on 30 May 2017. A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.
- The Trustee for The Lochness Unit Trust (Loch Ness Landscape Services).
- Horizon West Landscape & Irrigation Pty Ltd.
- Activ Foundation Inc trading as Activ Industries.
- Phase 3 Landscape Construction Pty Ltd.
- The Trustee for The Violet Family Trust (Wattle Facilities Group).
- BCL Group Pty Ltd.

The submission from The Lochness Unit Trust (Loch Ness Landscape Services) represents best value to the City. It currently undertakes similar landscaping services at high profile Harrington Waters and Port Kennedy Estates for the City of Rockingham. It also undertakes commercial lawn mowing and garden maintenance at various locations for the Town of Cambridge and is the City's current contractor for median and verge mowing to nominated locations. It demonstrated an understanding of the required tasks. Loch Ness Landscape Services is well established with sufficient industry experience and capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by The Lochness Unit Trust (Loch Ness Landscape Services) for the provision of landscaping services at Harbour Rise Estate, Hillarys as specified in Tender 013/17 for a period of three years, with an option for a further two years, for the fixed lump sum of \$320,427.21 (GST exclusive) as well as the schedule of rates for any modifications with annual price variations subject to the Perth CPI (All Groups) Index.*



## **BACKGROUND**

The City has a requirement to engage a suitably qualified and experienced contractor to provide landscaping services for public open space and landscaped areas within Harbour Rise Estate, Hillarys.

The scope of work shall include, but not be limited to:

- turf maintenance
- mowing
- removal of grass clippings
- garden bed maintenance
- restoration of established garden beds as required.

The City currently has a single contract for the provision of landscaping services at Harbour Rise Estate, Hillarys with Environmental Industries Pty Ltd, which expires on 2 August 2017. Environmental Industries Pty Ltd has provided a high level of service throughout the term of its contract.

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

## **DETAILS**

The tender for the provision of landscaping services at Harbour Rise Estate, Hillarys was advertised through statewide public notice on 13 May 2017. The tender period was for two weeks and tenders closed on 30 May 2017.

### **Tender Submissions**

A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.
- The Trustee for The Lochness Unit Trust (Loch Ness Landscape Services).
- Horizon West Landscape & Irrigation Pty Ltd.
- Activ Foundation Inc trading as Activ Industries.
- Phase 3 Landscape Construction Pty Ltd.
- The Trustee for The Violet Family Trust (Wattle Facilities Group).
- BCL Group Pty Ltd.

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

A summary of the tender submissions including the location of the 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 60%.

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

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Capacity	35%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

### **Compliance Assessment**

All offers received were fully compliant and were considered for further evaluation.

### **Qualitative Assessment**

BCL Group Pty Ltd scored 41.6% and was ranked eighth in the qualitative assessment. The company demonstrated capacity and experience undertaking civil and landscape maintenance works for state and local governments. Examples of works included design/construct FIFA 1 Star synthetic playing fields and landscaping works at Ellenbrook for the City of Swan, civil and landscape maintenance works at Elizabeth Quay for the Metropolitan Redevelopment Authority and at Supreme Court Gardens for the City of Perth. However, these works did not involve similar landscape services to the City's requirements at high profile estates. It submitted a general response to demonstrate its understanding of the City's requirements with no detailed methodology in carrying out the services.

Wattle Facilities Group scored 48.7% and was ranked seventh in the qualitative assessment. It submitted limited information to demonstrate the capacity and experience required to carry out the services. It did not include the allocation of hours per month for maintenance of turf during summer and winter periods and servicing garden beds. Also, it did not address current work commitments. It did not fully demonstrate its understanding of the City's requirements. Examples of works involved mainly maintenance of properties including painting, kerbing, carpentry, electrical, tree work, mowing, irrigation, herbicide weed and pest control, litter collection prior to servicing, garden care and cleaning of hardscape areas for AMP Capital Properties, Lend Lease Properties and Knight Frank Properties.

Phase 3 Landscape Construction Pty Ltd scored 52.1% and was ranked sixth in the qualitative assessment. The company demonstrated its understanding of the required tasks. It has been undertaking landscape construction and maintenance for a broad range of clients including Satterley Property Group/LandCorp (Allara Public Open Space project in North Eglinton), Building Management and Works/Universal Construction (Annie's Landing Primary School) and LandCorp/Wormall Civil (Shoreline Cockburn Coast Stage 1 North Coogee). These were mainly major landscape construction projects. Though it did not include the allocation of hours per month for summer/winter mowing and servicing garden beds, it demonstrated the capacity and experience required to undertake the works.

Activ Industries scored 55.3% and was ranked fifth in the qualitative assessment. It demonstrated the capacity and experience providing various landscape services to WA government agencies. Four examples of works were provided and these were broad acre mowing and garden maintenance services for the Department of Agriculture and Food WA, Water Corporation, WA Police and Metropolitan Cemetery Board. However, these works did not involve high profile estates. It did not fully demonstrate its understanding of the City's requirements. Its response was general, providing only an overview of the required tasks with no detailed methodology in carrying out the works.

Horizon West Landscape & Irrigation Pty Ltd scored 60.3% and was ranked fourth in the qualitative assessment. The company demonstrated experience providing similar services to private and public sector including local governments. Examples of works included ongoing landscape maintenance at The Village at Wellard for PEET/EPCAD, garden and grounds maintenance for 53 individual sites for the City of Fremantle and Capricorn Estate ongoing landscape maintenance for Acumen. It demonstrated an understanding of the City's requirements. It has the capacity required to carry out the services.

Loch Ness Landscape Services scored 63.1% and was ranked third in the qualitative assessment. It currently undertakes commercial lawn mowing and garden maintenance at various locations for the Town of Cambridge and similar landscaping services at high profile Harrington Waters and Port Kennedy Estates for the City of Rockingham. It is also the City's current contractor for median and verge mowing to nominated zone 3 locations. It demonstrated an understanding of the required tasks. Loch Ness Landscape Services is well established with sufficient industry experience and capacity to provide the services to the City.

LD Total scored 63.5% and was ranked second in the qualitative assessment. The company demonstrated the capacity and experience providing similar landscape services to private and public organisations including local governments. Examples of works included landscape maintenance works at Port Coogee Estate for Frasers Property/City of Cockburn, Hollywood Estate, Wandi for Satterley Property Group and The Village at Wellard for the City of Kwinana. It demonstrated an understanding of the City's requirements. However, it did not allocate hours per month for turf maintenance services for summer or winter periods and garden bed (including sump and bushland remnant) maintenance services.

Environmental Industries Pty Ltd scored 81.1% and was ranked first in the qualitative assessment. The company has extensive experience providing similar services to various organisations including state and local governments. Numerous examples of works were provided and these included total horticultural maintenance of Ellenbrook Estate for LWP Property and numerous estates for the City of Wanneroo. Other examples of works involved horticultural maintenance of gardens, verges and public open spaces for Burswood Park Board. It is the City's current contractor for landscape services at a couple of high profile estates and public open spaces. It demonstrated a thorough understanding and appreciation of the City's requirements. It has significant industry experience and the capacity to undertake the services.

Given the minimum acceptable qualitative score of 60%, Environmental Industries Pty Ltd, LD Total, Loch Ness Landscape Services and Horizon West Landscape & Irrigation Pty Ltd qualified for stage two of the assessment.

### **Price Assessment**

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

The contract price is a fixed lump sum per year to undertake the scheduled landscape services. Some tenderers have factored in their price increase for years 2 and 3.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Environmental Industries Pty Ltd	\$129,800.00	\$129,800.00	\$131,747.00	\$391,347.00
LD Total	\$156,129.52	\$160,813.41	\$165,637.81	\$482,580.74
Loch Ness Landscape Services	\$106,809.07	\$106,809.07	\$106,809.07	\$320,427.21
Horizon West Landscape & Irrigation Pty Ltd	\$115,489.08	\$115,489.08	\$115,489.08	\$346,467.24

During 2015-16, the City incurred \$115,387 for landscaping services at Harbour Rise Estate, Hillarys and is expected to incur in the order of \$320,427 over the three year contract period and up to \$534,045 over a five year period if the extension option is exercised.

### **Evaluation Summary**

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

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Total Lump Sum Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Environmental Industries Pty Ltd	3	\$391,347.00	1	81.1%
LD Total	4	\$482,580.74	2	63.5%
Loch Ness Landscape Services	1	\$320,427.21	3	63.1%
Horizon West Landscape & Irrigation Pty Ltd	2	\$346,467.24	4	60.3%
Activ Industries	-*	-	5	55.3%
Phase 3 Landscape Construction Pty Ltd	-*	-	6	52.1%
Wattle Facilities Group	-*	-	7	48.7%
BCL Group Pty Ltd	-*	-	8	41.6%

\* Failed to meet the acceptable score.

Based on the evaluation result the panel concluded that the tender from Loch Ness Landscape Services provides best value to the City and is therefore recommended.

While Environmental Industries Pty Ltd and LD Total scored 81.1% and 63.5% in the qualitative assessment, their Offers were \$70,920 and \$162,153 more expensive when compared to Loch Ness Landscape Services, respectively.

### **Issues and options considered**

The City has a requirement for the provision of landscaping services for public open space and landscaped areas within Harbour Rise Estate, Hillarys. 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** *Specified Area Rating Policy.*

**Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the estate would not continue to be maintained to the current high standard which would result in community and customer dissatisfaction.

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

**Financial / budget implications**

**Account no.** 632/633-P3306-3359-6413.

**Budget Item** Harbour Rise Estate Specified Area Rating Landscape Services.

**Budget amount** \$122,463

**Estimated Expenditure Current Contract (1 July 2017 to 2 August 2017):** \$ 9,278

**Proposed New Contract Cost (3 August 2017 to 30 June 2018):** \$ 97,908

**Balance** \$ 15,277

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The provision of landscape services in the Harbour Rise estate enhances the amenity of public open space for residents.

**Consultation**

The Home Owners Association (Harbour Rise Estate) will be consulted yearly on the schedule of maintenance services that will form part of the annual service level agreement.

**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 Lochness Unit Trust (Loch Ness Landscape Services) represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hollywood that Council ACCEPTS the tender submitted by The Lochness Unit Trust (Loch Ness Landscape Services) for the provision of landscaping services at Harbour Rise Estate, Hillarys as specified in Tender 013/17 for a period of three years, with an option for a further two years, for the fixed lump sum of \$320,427.21 (GST exclusive) as well as the schedule of rates for any modifications with annual price variations subject to the Perth CPI (All Groups) Index.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ124-07/17, page 89 refers.**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf170711.pdf](#)*

## **CJ124-07/17      PETITION OF ELECTORS REQUESTING A NATURE-PLAY PARK FOR CHICHESTER PARK, WOODVALE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	17849, 101515
<b>ATTACHMENTS</b>	Attachment 1      Chichester Park 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 petition requesting a nature-play park for Chichester Park, Woodvale.

### **EXECUTIVE SUMMARY**

A Petition of Electors was received by Council at its meeting held on 21 February 2017 (C05-02/17 refers). The petition requested that Council:

*"Consider a new play space in Woodvale for the benefit of older children in the area. There is a current lack of decent play areas for children over the age of seven. We request a nature-play park to be considered for the Chichester Park area."*

Chichester Park, Woodvale, is located within the Central Ward and consists of approximately 14 hectares of irrigated parkland (Attachment 1 refers). The existing play space in Chichester Park was replaced in 2008-09 and is currently listed as a category 13 with an anticipated replacement date of 2028-29. The play space includes a combination unit suitable for older children (age six to 12), small flying fox and a swing set (both suitable for ages two to 12). Other recreational infrastructure to accommodate older children includes a basketball hoop and pad and the recently installed frisbee golf course.

The City of Joondalup has play equipment on approximately 230 parks which is replaced on a rotational basis according to an independent condition audit undertaken on all play equipment on parks within the City. There are currently over one hundred play spaces in the City requiring more imminent replacement than the Chichester Park play space.

*It is therefore recommended that Council:*

- 1      *DOES NOT SUPPORT the installation of nature-play equipment at Chichester Park, Woodvale;*
- 2      *ADVISES the lead petitioner of Council's decision.*

## BACKGROUND

At its meeting held on 21 February 2017 (C05-02/17 refers), Council received an 88 signature petition from residents requesting Council give consideration to installing a new play space in the Chichester Park area. The wording on the petition was as follows:

*"We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council to consider a new play space in Woodvale for the benefit of older children in the area. There is currently a lack of decent play areas for children over the age of seven. We request that a Nature-play park be considered for the Chichester Park area."*

Chichester Park, Woodvale is located within the Central Ward with approximately 14 hectares of irrigated parkland. The park is rectangular in shape with a north-south orientation and is bounded by Trappers Drive to the west, Woodvale North Primary School to the north, Chichester Drive to the east and Henty Loop to the south (Attachment 1 refers).

The park includes two ovals and two natural areas and has considerable natural shade provided by well established trees. Existing infrastructure on Chichester Park includes the following:

- combination unit for ages six to 12 (good condition)
- small flying fox for ages three to 12 (good condition)
- swing set for ages two to 12 (good condition)
- security lighting
- eight waste bins
- four benches
- clubroom building
- car park
- sports floodlighting
- sports infrastructure (permanent)
- sports infrastructure (temporary)
- sports infrastructure: frisbee golf (recreational)
- irrigation and bore
- path networks
- signage (park name).

The current *Parks and Public Open Spaces Classification Framework* (PPOSCF) and the revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets, classifies Chichester Park as a local park and district sports park respectively. Both park classifications support the above listed assets.

## DETAILS

All of the City's play spaces are designed to accommodate an age range from two to 12 years old, with a focus on play supporting childhood social and basic motor skill development.

These developmental milestones include the following:

- Hanging (overhead equipment) to develop coordination, upper body strength and core stability which supports the development and honing of both gross and fine motor skills.



- Climbing, which develops problem solving, coordination, spatial awareness and strengthens muscles to support both gross and fine motor skills development.
- Balancing, which is important for spatial awareness, coordination and fine motor skill development.
- Swinging, this helps develop balance, a sense of speed and direction, gross motor skills and coordination.

The play space at Chichester Park include the following:

- A combination unit for balancing, hanging and climbing, suitable for older children (age six to 12).
- A small flying fox for hanging (ages two to 12).
- A swing set (ages two to 12).

Other play infrastructure at Chichester park that specifically caters for older children (ages eight to adult) includes the following:

- A basket ball hoop and pad.
- A frisbee disc golf course.

The City of Joondalup has play equipment on approximately 230 parks which is replaced on a rotational basis according to an independent condition audit undertaken on all play equipment on parks within the City. There are currently over 100 play spaces in the City in poorer condition requiring more imminent replacement than the Chichester Park play space which was recently replaced in 2008-09. Chichester Park play space is currently listed within category 13 on the City's audit replacement list (category 1 being the highest priority) and therefore has an anticipated replacement date of 2028-29.

In 2016-17, Plumdale Park play space was renewed with the installation of off-the-shelf play equipment and nature-play equipment including a combination unit, swing set, play panel, xylophone chimes, log steppers, horizontal log balance beam, bike track, single rocker, seating wall and bench.

Furthermore, the following three play space renewals (which will include both off-the-shelf as well as nature-play equipment) for Woodvale have been listed in the *Five Year Capital Works Program*:

- 2017-18 Timberlane Park playspace renewal.
- 2018-19 Gascoyne Park playspace renewal.
- 2020-21 Timbercrest Park playspace renewal.

### **Issues and options considered**

Council may choose to either:

#### Options

##### *Option One*

Not support the installation of a new nature-play play space for older children at Chichester Park. This is the preferred option for the following reasons:

- Chichester Park has a recently installed play-space in 2008-09 that caters for children aged two to 12 years old.
- Chichester Park has a basket ball hoop and pad and frisbee golf specifically to cater for older children.
- There are currently over one hundred play spaces in the City requiring more imminent replacement than Chichester Park play space.
- Plumdale Park was renewed in 2016-17 with both off-the-shelf as well as nature-play equipment.
- The *Five Year Capital Works Program* includes the installation of play infrastructure in Woodvale in three additional play spaces in 2017-18, 2018-19 and 2020-21.

#### *Option Two*

Support the installation of a new nature-play play space for older children at Chichester Park at an estimated cost of \$150,000.

### **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**

Not applicable.

#### **Financial / budget implications**

There is no budget allocation in the current *Five Year Capital Works Program* for the installation of a nature-play play space at Chichester Park, Woodvale.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

Not applicable.

#### **Consultation**

Not applicable.

## COMMENT

Chichester Park currently has a considerable amount of play infrastructure catering for older children. The suburb of Woodvale has received recent play space renewals with nature-play equipment. Furthermore, there are three future play space renewals which will all have nature-play elements currently listed in the *Five Year Capital Works Program*.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hollywood that Council:**

- 1 DOES NOT SUPPORT the installation of a nature-play play space at Chichester Park, Woodvale;**
- 2 ADVISES the lead petitioner of Council's decision.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ124-07/17, page 89 refers.**

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

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf170711.pdf](#)*

**C50-07/17****COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION**

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

**CJ112-07/17, CJ113-07/17, CJ115-07/17, CJ116-07/17, CJ120-07/17, CJ121-07/17, CJ123-07/17 and CJ124-07/17.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**REPORT OF THE CHIEF EXECUTIVE OFFICER**

Nil.

**C51-07/17                      MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC**

**MOVED** Cr Fishwick, **SECONDED** Cr Gobbert that Council:

- 1** in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following item:
  - 1.1** Urgent Business - Confidential - Joondalup City Centre Development - Considerations for the Development of the Hotel Site;
- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Urgent Business - Confidential - Joondalup City Centre Development - Considerations for the Development of the Hotel Site and while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
  - 2.1** Chief Executive Officer, Mr Garry Hunt;
  - 2.2** Director Corporate Services, Mr Mike Tidy;
  - 2.3** Director Governance and Strategy, Mr Jamie Parry;
  - 2.4** Director Planning and Community Development, Ms Dale Page;
  - 2.5** Director Infrastructure Services, Mr Nico Claassen;
  - 2.6** Acting Manager Governance, Mr John Byrne;
  - 2.7** Acting Governance Coordinator, Mr Simon Brinkley;
  - 2.8** Governance Officer, Mrs Lesley Taylor;
  - 2.9** Governance Officer, Mrs Deborah Gouges;
  - 2.10** Governance Officer, Mrs Sinead McCarthy.

**The Motion was Put and**

**CARRIED (12/0)**

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

*Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Community Development, Director Infrastructure Services, Acting Manager Governance, Acting Governance Coordinator and Governance Officers) and members of the public and press left the Chambers at this point; the time being 8.03pm.*

*Cr Poliwka left the Chamber at 8.03pm.*



**MOVED Mayor Pickard, SECONDED Cr Fishwick that:**

- 1 Council NOTES the legal advice provided by Jackson McDonald as outlined in this Report;**
- 2 Council NOTES that the current Memorandum of Understanding between the City and Devwest Group Pty Ltd will automatically come to an end on 10 September 2017;**
- 3 Council AGREES that the current Memorandum of Understanding between the City and Devwest Group Pty Ltd should not be extended;**
- 4 the Chief Executive Officer ADVISES Devwest Group Pty Ltd, so that a Heads of Agreement can be explored for the sale and development of one or more of the components of the *Boas Place Concept Plan*, Devwest Group Pty Ltd needs to lodge a formal proposal that is acceptable to Council and that formal proposal needs to be lodged prior to 10 September 2017;**
- 5 Council REQUESTS the Chief Executive Officer to undertake the business plan process as outlined in Option 2 of this Report for the sale and development of the components of the *Boas Place Concept Plan*;**
- 6 the Major Projects Committee REQUESTS Council consider this item as a matter of urgent business at the Council meeting to be held on Tuesday 18 July 2017.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**C53-07/17****MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC**

**MOVED** Cr Gobbert, **SECONDED** Cr Hollywood that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting be REOPENED TO THE PUBLIC.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Doors opened at 8.08pm.*

*Cr Poliwka entered the Chamber at 8.08pm.*

*The City's Media Officer and member of the Press as well as three members of the public entered the Chamber at 8.08pm.*

In accordance with the Clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, Mayor Pickard read aloud the motions in relation to:

Urgent Business - Confidential – Joondalup City Centre Development – Considerations for the Development of the Hotel Site.



**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C54-07/17****NOTICE OF MOTION – CR LIAM GOBBERT – MOBILE FOOD VENDOR PERMIT APPROVAL**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Liam Gobbert has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday 18 July 2017:

***“That Council REQUESTS a report be prepared and tabled at a future strategy session for Elected Members’ consideration detailing the process prospective vendors / operators must follow to apply for and be granted an "operator's permit" and examples of other metropolitan local government operations regarding mobile food vendor permit approval and conditions attached to respective approvals processes.”***

**Reason for Motion**

Concerns have been raised as to why permits are issued for vendors where they compete directly and solely with community club fundraising initiatives where profit is not an objective of the club. Not having considered mobile food vendor permits in the past, it is timely that Council be briefed on how the process works and issues related to the industry as other local authorities have experienced conflict related to this industry where mobile vendors clash with ‘bricks and mortar’ operators.

**MOVED Cr Gobbert, SECONDED Cr Poliwka that Council REQUESTS a report be prepared and tabled at a future strategy session for Elected Members’ consideration detailing the process prospective vendors / operators must follow to apply for and be granted an "operator's permit" and examples of other metropolitan local government operations regarding mobile food vendor permit approval and conditions attached to respective approvals processes.**

**AMENDMENT MOVED Mayor Pickard, SECONDED Cr Poliwka that the words “*tabled at a future strategy session for Elected Members’ consideration*” be DELETED and REPLACED with the words “*presented to Elected Members*”.**

**The Amendment was Put and****CARRIED (12/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

**The Original Motion as amended, being:**

**That Council REQUESTS a report be prepared and presented to Elected Members detailing the process prospective vendors / operators must follow to apply for and be granted an "operator's permit" and examples of other metropolitan local government operations regarding mobile food vendor permit approval and conditions attached to respective approvals processes.**

**Was Put and****CARRIED (12/0)**

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

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING****NOTICE OF MOTION – COUNCILLOR JOHN LOGAN – YOUTH DRIVER EDUCATION PROGRAM**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Councillor Logan has given notice of his intention to move the following Motion at the Council meeting to be held on 15 August 2017:

***“That the Chief Executive Officer investigates the options to provide a pathway for financially and socially challenged learner drivers to be mentored by experienced, matured-aged volunteers in driving safely and responsibly.”***

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 8.12pm 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 LIAM GOBBERT  
CR RUSSELL POLIWKA  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR JOHN LOGAN  
CR RUSS FISHWICK, JP  
CR SOPHIE DWYER