

# minutes

MEETING HELD ON **TUESDAY 21 NOVEMBER 2017**

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## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 21 NOVEMBER 2017.**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.01pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

HON. ALBERT JACOB, JP

#### Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North Central Ward	<i>absent from 8.27pm to 8.30pm</i>
CR NIGE JONES	North Central Ward	
CR CHRISTOPHER MAY	Central Ward	
CR RUSSELL POLIWKA	Central Ward – Deputy Mayor	
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	
CR JOHN CHESTER	South-East Ward	<i>absent from 7.53pm to 8.28pm</i>
CR SOPHIE DWYER	South Ward	<i>absent from 7.20pm to 7.23pm</i>

#### Officers:

MR GARRY HUNT	Chief Executive Officer
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development <i>absent from 9.16pm to 9.18pm</i>
MR NICO CLAASSEN	Director Infrastructure Services
Mr MIKE SMITH	Acting Director Corporate Services
MR BRAD SILENCE	Manager Governance
MR CHRIS LEIGH	Manager Planning Services <i>until 8.24pm</i>
MR STUART McLEA	Media and Communications Officer <i>absent from 9.20pm to 9.25pm</i>
MR JOHN BYRNE	Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer
MRS SINEAD McCARTHY	Governance Officer

There were 68 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 John Chester.</b>
<b>Item No./Subject</b>	CJ177-11/17 - Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Chester owns two properties in housing opportunity areas.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ177-11/17 - Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick is a joint owner of a property in a Housing Opportunity Area 1 and in particular West of Davallia Road.

*Note: Although Cr Fishwick signalled an intent to disclose an interest in this item, Cr Fishwick was not present at the Council meeting to formally disclose his interest.*

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ185-11/17 - Sports Development Program Round One 2017-18.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is a member of Sorrento Bowling Club.

*Note: Although Cr Fishwick signalled an intent to disclose an interest in this item, Cr Fishwick was not present at the Council meeting to formally disclose his interest.*

<b>Name/Position</b>	<b>Cr Sophie Dwyer.</b>
<b>Item No./Subject</b>	CJ185-11/17 - Sports Development Program Round One 2017-18.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Dwyer's spouse is a member of Sorrento Bowling Club.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime.</b>
<b>Item No./Subject</b>	CJ187-11/17 Petitions Regarding the Installation of Toilet Facilities and Additional Car Parking on Broadbeach Park, Hillarys.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime had previously met with the lead petitioner opposing/not supporting the installation of toilets and additional facilities at Broadbeach Park and assisted the residents preparing the petition and answering related questions.

## **PUBLIC QUESTION TIME**

**The following questions were taken on notice at the Council meeting held on 10 October 2017:**

**Dr T Green, Padbury:**

*Re: CJ169-10/17 - Chichester Park, Woodvale - Proposed Redevelopment.*

*Q1 In its reports and responses to questions the City uses terms like 'home venues' in response to sporting clubs use of public space. How does the City justify this transfer of equity from the community to private clubs?*

*A1 The reference to "home venues" is used by the City to reflect the main location used by a club for the majority of its training/games and for fixturing reference to home versus away. Parks and hireable community sporting facilities are all available for use by sporting clubs, community groups and residents.*

**Mrs T Ritchie, Woodvale:**

*Re: Public Consultation.*

*Q1 Why is the City still using survey chimp software which seems to restrict one comment per household when there could be multiple ratepayers and community members that wish to make a submission living in one household?*

*A1 The City's current approach to community consultation is to limit submission to one per household due to the difficulty of validating multiple responses.*

*The City is currently reviewing its community consultation program and this will include a review of the number of submissions per household.*

**Mrs B Hewitt, Edgewater:**

*Re: Densification and Zoning of Housing Opportunity Areas.*

*Q1 Can Council please explain the process it undertook in identifying and determining which homes would be part of the Housing Opportunity Area to be densified through zonings of R30, R40 and R60 and why others were left at the lesser density R20 zoning despite fitting the same criteria?*

A1 The criteria for identifying Housing Opportunity Areas was developed utilising state policies including *State Planning Policy 4.2 - Activity Centre for Perth and Peel* and *Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development*. The following broad selection criteria was used:

- 800 metres catchment around Currambine, Joondalup, Edgewater, Whitfords, Greenwood and Warwick railway stations.
- 800 metres catchment around the Joondalup City Centre and the regional centres of Whitfords and Warwick.
- 400 metres catchment around the district centres of Woodvale, Greenwood and Currambine.
- 400 metres catchment around neighbourhood centres close to high frequency public transport services.
- 400 metres catchment around high frequency bus routes.
- Suburbs which would benefit from revitalisation.
- Land abutting Right of Ways (laneways).

Where possible, the drawing of boundaries part of the way through a street block between two properties was avoided and instead, the boundaries were aligned to street boundaries. This resulted in some properties being included, or not being included, in Housing Opportunity Areas, depending on the layout of the streets and street blocks.

**Ms J Quan, Edgewater:**

*Re: Bulk Refuse.*

Q1 *There will be a future report to review the refuse system. Can Council include how our \$346 refuse charge is spent?*

A1 The waste charge of \$346 covers the following:

- Weekly green lid bin – collection and processing.
- Fortnightly recycling bin (either the 240 litre or 360 litre bin) - collection and processing.
- One bulk green waste verge collection and processing per financial year.
- One white goods collection per financial year, including processing (based on a 30% take up rate).
- One mattress collection per financial year, including processing (based on a 30% take up rate).
- Four greens waste tipping vouchers (Collection by resident from Wangara Greens Recycling facility).
- Two mulch vouchers (Collection by resident from Wangara Greens Recycling facility).
- One three cubic metre skip bin per financial year, including processing (based on a 30% take up rate).
- Public place rubbish bins in City Centre, parks and open spaces.
- Litter collections in City Centre, road reserves, parks and open spaces.
- Education and information programs.
- Maintenance and repair / replacement of the City's waste infrastructure.
- Community Events such as Garage Sale Trail, Charity Clothing Drop off and Ewaste collections.
- Animal Waste dispensers and bags in parks and public open spaces.



**Mr W Cosson, Duncraig:**

*Re: Subdivision of 183 and 185 Sequoia Road, Duncraig.*

*Q1 I note properties at both 183 and 185 Sequoia Road, Duncraig formed part of a subdivision application whereby the subdivision proposed to create three lots out of two lots one at 702m<sup>2</sup> and two at 352m<sup>2</sup> each. Two dwellings were approved by the City of Joondalup to be constructed on Lot 185 comprising 185A and 185B. Landgate have cancelled the title to 185 and issued new titles 185A and 185B; there is no change to the title of 183. In its monthly subdivision application recommendations the City of Joondalup recommendation was to support the subdivision of Lot 183 into two lots giving the total approval for the deemed amalgamation of four lots which is an excess of the three permitted by the R20 regulations for the block size. What procedures will be put in place to make sure this type of transaction does not happen again?*

*A1 183 and 185 Sequoia Road, Duncraig, have not been subdivided into four lots. The application denoted in the monthly subdivision application recommendations in the 21 February 2017 Council meeting minutes relates to the subdivision of 183 and 185 Sequoia Road into three lots.*

**The following questions were submitted prior to the Council Meeting:****Mr M Moore, Edgewater:**

*Re: NBN in the Housing Opportunity Areas.*

*The NBN is now being implemented or about to be implemented in the Housing Opportunity Areas where there will be a significant increase in the number of dwellings.*

*Q1 Did the City brief the NBN Co. on the Housing Opportunity Areas and the projected increase in the number of dwellings in each of them, and if so, when did this occur?*

*Q2 Did the City provide a copy of its Local Housing Strategy to the NBN Co. and make them aware of the projected increase in the number of dwellings in each of the Housing Opportunity Areas, and if so, when did this occur?*

*A1 & 2 As part of the consultation for the original draft Local Housing Strategy, the City engaged with a number of service authorities and, in relation to telecommunications, liaised with Telstra.*

*The NBN Co is aware of the City's Local Housing Strategy and a copy has been offered to them previously. However, this was not necessary given the capacity of the NBN network to cater for increased densities within all areas of the City.*

*Q3 Is the City meeting with the NBN Co. over its construction plans and schedules?*

*Q4 Is the City being consulted over the locations of NBN Co. infrastructure such as node cabinets?*

*A3 & 4 The City and NBN Co. met prior to the commencement of the NBN rollout within the City of Joondalup and agreed on a notification process to inform the City regarding the rollout.*

The notification process includes the provision of details to the City for the proposed NBN design and location of nodes and the ability for the City to comment back to the NBN Co. in the case of a conflict with planned works or any concern or issues that are identified. This includes comment on the appropriateness of cabinet locations.

While the NBN is not required to comply with the City's comments, comments are considered in their review and finalisation of the design. Where possible given the various design constraints of the NBN, adjustments to the design can be made at the sole discretion of NBN operating under the *Telecommunications Act*.

There is therefore ongoing liaison between the NBN Co. and the City during the rollout of the works.

*Re: Local Housing Strategy.*

*Q5 The Local Housing Strategy document (split into five parts on the website) does not have a date on it. What was the date it became public information?*

*A5 The revised draft Local Housing Strategy commenced public advertising on 1 February 2013 and the document was published on the City's website at that time. Following endorsement of the Local Housing Strategy on 12 November 2013 by the Western Australian Planning Commission, the final document was published on the City's website.*

**Ms N Dangar, Beldon:**

*Re: CJ177-11/17 – Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

*Q1 Please provide clarification of which planning regulations include Amendment No. 88 which became confused during the Briefing session held on 14 November 2017. (The Director of Planning referred to the Town Planning being very complex mentioned Amendment No. 88).*

*A1 Amendments to local planning schemes are classified by the Planning and Development (Local Planning Schemes) Regulations 2015 as being 'basic', 'standard' or 'complex'. An amendment is classified 'basic' if it involves ensuring the scheme is consistent with other state legislation and policies; 'standard' if the amendment is consistent with other strategies and policies and 'complex' if the amendment is inconsistent with other strategies and policies. Amendment No. 88 is inconsistent with the City's Local Housing Strategy and is therefore classified as a 'complex' amendment.*

*Q2 Is Scheme Amendment No. 88 only relevant to the Environmental Protection Authority please?*

*A2 In accordance with the Planning and Development Act 2005, any amendment to a local planning scheme is to be referred to the Environmental Protection Authority for determination as to whether the amendment is to be formally assessed under the provisions of the Environmental Protection Act 1986.*

Scheme Amendment No. 88 was referred to the Environmental Protection Authority and it was determined that formal assessment under the *Environmental Protection Act 1986* was not required.

- Q3 *Were all applications under the City of Joondalup District Planning Scheme No. 2 Amendment No. 88 approved or not considered because not applicable under Part IV of EPA?*
- A3 Individual development applications are not required to be referred to the Environmental Protection Authority. Development applications can only be determined in accordance with the planning framework applicable at the time.
- Q4 *Has the City considered inviting a representative from the Western Australian Planning Commission to attend the Council meeting to provide information supporting their view of housing opportunity areas (HOA)?*
- A4 The Western Australian Planning Commission supported the establishment of the Housing Opportunity Areas and density codings through the consideration of the City's *Local Housing Strategy* and Scheme Amendment No. 73. More recent engagement with the Department of Planning, Lands and Heritage has indicated that there is unlikely to be support for decreasing densities in HOAs, particularly those located close to public transport infrastructure.
- Q5 *Will the City make a clear determination on the matter regarding HOA controversy in the near future please?*
- A5 A report has been prepared for Council to consider the issues that residents are experiencing associated with development in Housing Opportunity Areas and recommends a number of strategies be progressed to better inform the community and better manage the impacts of urban infill in the City's Housing Opportunity Areas.

**Ms R Millet, Beldon:**

*Re: Joondalup United Football Club.*

- Q1 *From the very first meeting I had with the previous Mayor Troy Pickard and the president of the Joondalup United Football Club (JUFC) in January this year I have been repeatedly told that the reason the club left the Joondalup Arena was because the club was unable to afford the fees and reaffirmed by the previous Mayor Troy Pickard at the Council meeting held on 19 September 2017. Why were the Elected Members and ratepayers ill-advised and misdirected about the reasons for JUFC leaving the Joondalup Arena?*
- A1 The City's understanding is that the JUFC no longer occupy the HBF Arena due to fees associated with the facility and what the club could sustainably pay.
- Q2 *Referring to an email I sent on 18 November 2017 about internal correspondence date 17 April 2012 which states "that Joondalup United Football Club (JUFC) were dislocated from the Joondalup Arena", kindly advise the reason that caused JUFC to be dislocated.*
- A2 The City does not manage HBF Arena and therefore is not aware of the reason for the club's relocation away from the facility. However, the City's understanding was it was due to the costs imposed on the club.

- Q3 *Referring to the Council minutes of 15 August 2017 (CJ140-08/17 refers), it clearly states, "Recent discussions with JUFC have indicated that the club is no longer in a position to contribute financially to the project." Why is the City pursuing the redevelopment of Prince Regent Park when the club are in a position that they are unable to contribute?*
- A3 The decision of Council at its meeting held on 15 August 2017 required a JUFC contribution of \$100,000 towards the project, which the club has subsequently agreed to.
- Q4 *Given the JUFC are identified as the key stakeholders and if this development at Prince Regent is to go ahead, what measures will Council put in place to ensure the club contribute and as ratepayers how will we be able to see the club's contributions are made?*
- A4 The \$100,000 contribution to the project by JUFC was one of the recommendations approved by Council at its meeting held on 15 August 2017 meeting. If this outcome is not attained (that is the Club does not make a contribution), the City will be required to provide a report back to Council for a decision on further action to be taken.
- Q5 *The current booking system for parks is not easily accessible for the community and the booking details report does not list if a senior or junior team were using a park, it simply just states the club that booked the park. How are Elected Members and the ratepayers going to be reassured that City of Joondalup facilities are properly hired and utilised in accordance with the hire agreements.*
- A5 The City undertakes inspections and audits of active reserves to ensure user groups are operating in accordance with their booking.

**Ms U Patel, Duncraig:**

Re: *Re: CJ177-11/17 – Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

Q1 *Has a traffic impact assessment been submitted for the Development of Apartments on 447-453 Beach Rd and if so can a copy be made available for review?*

A1 A transport impact statement prepared in accordance with the Western Australian Planning Commission *Transport Impact Assessment Guidelines for Developments: Volume 4 – Individual Developments* (2016) was provided by the applicant to the City in support of the development application for 21 multiple dwellings at 449, 451 and 453 Beach Road, Duncraig. This information was considered by the Metro North-West Joint Development Assessment Panel (JDAP) when they approved the application on 1 September 2017. The Transport Impact Statement is included as Attachment 6 to the associated report in the JDAP meeting agenda dated 1 September 2017 as is available on the Department of Planning, Lands and Heritage [Metro North-West JDAP webpage](#) or on the City's [Committee Meeting Minutes and Agendas webpage](#).

- Q2 *Will the apartments on 447-453 Beach Rd be overlooking the backyards of residents on Halgania Way?*
- A2 The approved development at 449, 451 and 453 Beach Road, Duncraig meets the visual privacy 'deemed-to-comply' requirements of *State Planning Policy 3.1 Residential Design Codes* (R-Codes). Where an application meets the 'deemed-to-comply' provisions of the R-Codes the decision maker is required to approve that aspect of the proposal. While the R-Codes do not prevent overlooking entirely, the development has been designed to minimise overlooking of other residential properties.
- Q3 *Are there any "design" requirements to protect the privacy of Halgania Way residents?*
- A3 As stated above, the proposal meets the 'deemed-to-comply' requirements of the R-Codes in relation to visual privacy. This requires portions of the development to be set back between 4.5 metres and 7.5 metres from adjoining lot boundaries or to be appropriately screened to restrict views. The approved apartment building is set back a minimum of 13.2 metres from the rear lot boundaries shared with properties in Halgania Way. Despite screening not being required in this instance due to the setback provided, the applicant has included a number of horizontal and vertical slatted screening devices within the rear façade of the apartment building to further minimise any visual privacy impacts.
- Q4 *Has Council taken into consideration the need to upgrade drainage in the older areas where housing opportunity areas is being applied to meet the increased capacity that results from infill housing?*
- A4 Stormwater drainage associated with residential development is required to be contained on the lot being developed, regardless of whether or not the development is in a housing opportunity area. Drainage within the road reserve from crossovers is not expected to change significantly as the City seeks to minimise additional crossovers as a result of infill development and in many instances the number of crossovers are reduced, as in the development at 449, 451 and 453 Beach Road, Duncraig where three crossovers will be replaced with a single crossover point.

**Mrs M Macdonald, Mullaloo:**

Re: *Conduct of Council Meetings.*

- Q1 *Given that the Mayor is responsible for meeting procedure, will the new Mayor revisit the requirement for ratepayers to state their full name and address in the Chamber when there is live coverage of the meeting, given that he is fully aware of the full address as it is in front of him when he reads from the list signed by ratepayers requesting to ask questions or make a statement?*
- A1 The *City of Joondalup Meeting Procedures Local Law 2013* require a person wanting to ask a question or questions during public question time to state their name and full address.
- Q2 *If the Mayor decides to continue with this practice, will he state why he believes that this process is appropriate and necessary and state what benefit can anyone derive from knowing the full address being stated and not just the suburb, apart from would-be criminals?*

A2 See A1.

Q3 *Why do the minutes of Council not state the full name and address of residents asking questions or making a statement at the meeting and does it mean that the minutes are inaccurate?*

A3 The required content of minutes is detailed in the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Joondalup Meeting Procedures Local Law 2013* and Council confirms their accuracy.

Re: *Proposed Ocean Reef Marina.*

Q4 *Can Council direct me to any document, Council or State, which categorically states the proposed marina will not have any adverse effects on the coastline?*

Q5 *Can Council direct me to any document which discusses the impact of the marina on the 190 properties in the City of Joondalup subject to the 100 year sea surge and policy SPP2.6, given that that marinas are to be considered individually and should the owners of these properties be taking legal opinion on the subject?*

A4-5 Documents outlining the potential impact of the Ocean Reef Marina on the coastline are available on the City's website as part of the Public Environmental Review process. These documents were also provided to Ms McDonald in December 2016 and February 2017.

The owners of the 190 properties referred to should make their own decisions about seeking legal opinion on the subject.

**Ms J Quan, Edgewater:**

Re: *CJ177-11/17 – Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

Q1 *What is the procedure to change the R-Codes?*

A1 The residential density code (or R-code) that applies to a property is established through the local planning scheme. For an R-code designation to be changed, an amendment to the local planning scheme is required to be undertaken in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Q2 *Can the State Government amend a local planning scheme without an application from local government?*

A2 The *Planning and Development Act 2005* makes provision for the Minister for Planning to order a local government to prepare or adopt an amendment to a local planning scheme.

Q3 *Is the Joondalup Activity Centre Plan a structure plan?*

- A3 The draft *Joondalup Activity Centre Plan* is an “Activity Centre Plan” for the purposes of Part 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). Prior to introduction of the Regulations, the term “*Activity Centre Structure Plan*” was used, however these are now referred to as Activity Centre Plans. Both have the same meaning – a plan for the coordination of the future subdivision, zoning and development of an activity centre.

The draft *Joondalup Activity Centre Plan* is not a “Structure Plan” for the purposes of Part 4 of the Regulations.

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

**Mr L Sparks, Hillarys:**

Re: *CJ187-11/17 – Petitions regarding the installation of toilet facilities and additional car parking on Broadbeach Park, Hillarys.*

Q1 *What can Council do to reduce the activity rather than increase the burden on the native flora and fauna in Broadbeach Park by the additional toilet block proposal?*

Q2 *Will the installation of the proposed toilet block increase the pressure on the native inhabitants of Broadbeach Park due to increased human activity in the park and also increase the drug use in the park near the playground area?*

A1 & 2 Mayor Jacob advised these questions would be taken on notice.

**Mrs M Wegg, Hillarys:**

Re: *CJ187-11/17 – Petitions regarding the installation of toilet facilities and additional car parking on Broadbeach Park, Hillarys.*

Q1 *Does Council believe it would be a better use of funds to improve the core facilities of other local public open spaces within the City rather than install expensive and unnecessary facilities at Broadbeach Park and the impost of ongoing expenses?*

Q2 *Does Council acknowledge that if toilets and additional parking were to be installed at Broadbeach Park that this would set a precedent for other local parks to also have toilets and parking that is normally located in regional parks?*

A1 & 2 Mayor Jacob advised these questions would be taken on notice.

**Mrs N Stewart-Richardson, Hillarys:**

Re: *CJ187-11/17 – Petitions regarding the installation of toilet facilities and additional car parking on Broadbeach Park, Hillarys.*

Q1 *Does Council acknowledge that toilet facilities at Broadbeach Park will be detrimental to the surrounding local residents through crime, vandalism, graffiti, drug use and dealings and other anti-social behaviour. How will Council manage these issues in a real and cost effective manner?*

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

**Dr T Green, Padbury:**

*Re: CJ177-11/17 – Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

*Q1 Does the City have any plans to mitigate the effect of vacant apartments in its Local Housing Strategy, as these have been a major contribution to over supply of housing around Australia?*

*A1 Mayor Jacob advised he was not aware of any strategy whereby the City addresses the issue of vacancy. There are various measures by which the City addresses vacant land, but in terms of vacant dwellings that is not something the City currently tackles, nor are there any legislative mechanisms whereby the City of Joondalup could engage in doing so.*

*Q2 Why is the City not developing and densifying its central business district (CBD), a huge amount of which is currently single storey commercial use and which could probably be converted to mixed use?*

*A2 Mayor Jacob commented the City encourages development within its central business district and is consistently looking at ways that it can entice investment and development with the Joondalup CBD. However investment decisions or applications are not typically within the direct agreement of the City.*

**Mrs S Thompson, Duncraig:**

*Re: CJ177-11/17 – Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

*Q1 The original Housing Opportunity Areas were devised to meet specific new dwelling figures or infill targets. To achieve these infill targets, the housing opportunity areas were originally projected to have an 85% take up of the subdivision. What is the basis of the new assumption that there will only actually be a 35% take up of the subdivisions and if this new figure has any basis, how will the City now meet the infill targets they originally mandated?*

*A1 The Director Planning and Community Development commented the figures are actually the other way around. When the City first developed its Local Housing Strategy, the City envisaged there could be a take up rate of approximately 35% up to 2031. This was based on dwelling figures throughout the City, building activity, State statistics and the like. When the WAPC assessed the City's first Local Housing Strategy they advised the City to change its estimated take up rate from 35% to 85% in the Local Housing Strategy which the City needed to do. This is not reflective of actual activity or even what the City believes is projected activity. The City believed it would be a lot lower and at this stage it is certainly not trending around the 85% mark.*



**Ms N Dangar, Beldon:**

*Re: Hire / Bookings of Council facilities.*

- Q1 Which part or clause under Australian State and Federal legislation guided the City planning in the community facility program which has had the effect of denying the Beldon community any access or booking rights to the Beldon kitchen inside the toilet block which was a community amenity prior to the makeover in 2012?*
- Q2 When providing clarification of the City's current term of 'user groups', please provide a definition of what a hireable community facility is.*

A1 & 2 Mayor Jacob advised these questions would be taken on notice.

**Mr D Charron, Duncraig:**

*Re: CJ177-11/17 – Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

- Q1 On accessing a map on the City's website with respect to Housing Opportunity Area No. 1 (of which my house falls within), there are blocks that are designated R40 while others are R60. To alleviate my concerns with respect to three / four storey buildings blocking out the sunlight and intruding on my privacy, can Council give me an assurance that our neighbours cannot build three or four storey multi-dwelling buildings on their R40 blocks and that they are unable to amalgamate R40 blocks to achieve an R60 zoning.*

- A1 Mayor Jacob advised Council does not have the ultimate authority in these matters in any event. If a project meets the deemed-to-comply provisions of the R-Codes, then Council has no legal means to refuse an application.

The Director Planning and Community Development advised that currently under the R-Codes in an R40 coded area the R-Codes contain a table that specify height in metres. When you equate those metres to storeys, currently in an R40 coded area you cannot go more than two storeys.

The amalgamation of lots does not immediately give more development or increased density coding. The density coding can only increase if the City amends its planning scheme and apportions a higher density code to it, but amalgamation has no effect on that.

- Q2 In the report with respect to Amendment No. 88 it states that the City of Joondalup intends to send letters by post to canvass opinion on rezoning issues. As this is 2017, most Australians would have an email address, this being a far more effective, efficient and free communication service. Will the City of Joondalup undertake to urgently transition to email as its primary communication mechanism on these matters?*

- A2 The Director Planning and Community Development stated the City did not intend to communicate with residents by way of email as the City does not have email addresses for many of its residents. The City plans to send a letter and accompanying information including frequently asked questions to every owner and occupier in the area the subject of the amendment. It also plans to publish articles in the newspapers, posts on social media and on the City's website.

**Mrs L Dawson, Heathridge:**

*Re: Proposed Redevelopment of Prince Regent Park.*

*Q1 As the JUFC is identified as a not-for-profit community sporting organisation, does Council view payment of NPL players by the Joondalup United Football Club as a commercial arrangement?*

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

*Q2 Is Beldon Park or Charonia Park in Mullaloo currently considered the home ground for the senior Joondalup United Football Club players?*

*A2 The Acting Director Corporate Services advised the home ground for the JUFC for NPL fixtures in 2017-18 season is Percy Doyle Reserve located in Duncraig.*

**Ms U Patel, Duncraig:**

*Re: CJ177-11/17 – Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

*Q1 In February 2011 when adopting the Local Housing Strategy and subsequently in 2013 for the revised Local Housing Strategy consultation post the Department of Planning, Land and Heritage's request to increase the amount of infill, was Council aware of the changes that had occurred in the R-Codes in 2010 and the impact those changes would have had on the housing opportunities?*

*A1 The Director Planning and Community Development advised the issue was flagged in a Council report, but at that stage it was not known what the implications would mean for different local governments.*

*Q2 In light of the fact that the City was aware, but was not aware of the implications, would that not have framed a different consultation process?*

*A2 The Director Planning and Community Development advised consultation was undertaken in the manner it was, because the State Government had instructed the City to impose higher densities in the housing opportunity areas.*

**C77-11/17     EXTENSION OF PUBLIC QUESTION TIME - [01122, 02154]**

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Public Question Time be extended for a period of 10 minutes.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**Mrs B McGhie, Duncraig:**

*Re: Festivals held in City of Joondalup - Kaleidoscope.*

*Q1 When festivals are held in the City of Joondalup, particularly the recent Kaleidoscope Festival, are there any provisions for Councillors to ensure that festivals do not mitigate or run the risk of mismanagement when they are staged?*

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

**Mr H Devereux, Craigie:**

*Re: CJ177-11/17 – Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

*Q1 Why has it taken four years for Council to try and have better control of the impact of multiple dwellings on the public?*

*A1 Mayor Jacob commented the Council's position of these matters has not changed. When Amendment No. 73 was initially proposed, there were a number of additional items that the Council put forward that were removed by the WAPC. One of those was an item whereby multiple dwellings were restricted to lots of a certain size; as well as provisions that required adherence to a Council Planning Policy. Both of those were removed by the WAPC.*

*Q2 How does Council determine the size to put 14 dwellings on two standard size blocks?*

*A2 The Director Planning and Community Development advised it is not a Council or City decision. State Government policy that applies to all residential development in Western Australia controls what happens in a development application that aligns with density coding and R-Code provisions.*

*Cr Dwyer left the Chamber at 7.20pm.*

**PUBLIC STATEMENT TIME**

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

**Miss A Field, Heathridge:**

*Re: Redevelopment of Prince Regent Park, Heathridge.*

Miss Field spoke against the redevelopment of Prince Regent Park, raising her concerns in regard to the consultation process undertaken by the City. Miss Field stated that she felt the consultation pack received by residents residing within 200 metres of the park was not transparent and contained limited information.

*Cr Dwyer entered the Chamber at 7.23pm.*

**Mrs M Wegg, Hillarys:**

*Re: CJ187-11/17 - Petitions Regarding the Installation of Toilet Facilities and Additional Car Parking on Broadbeach Park, Hillarys.*

Mrs Wegg spoke against the petition for the installation of toilet facilities and additional parking at Broadbeach Park, raising her concerns in regard to the impact the upgrades will have on local bird life and traffic. Mrs Wegg noted that the park has received generous upgrades in recent years, which has resulted in increased use of the park and felt that further upgrades will only exacerbate the issues the park currently has. Mrs Wegg stated that the petition does not represent the views or needs of the wider community.

**Ms N Stewart-Richardson, Hillarys:**

*Re: CJ187-11/17 - Petitions Regarding the Installation of Toilet Facilities and Additional Car Parking on Broadbeach Park, Hillarys.*

Ms Stewart-Richardson spoke against the petition for the installation of toilet facilities and additional parking at Broadbeach Park, noting that a petition against the upgrades was circulated and received over 200 signatures from residents that reside in the surrounding streets of the park. Ms Stewart-Richardson raised concerns in relation to antisocial behaviour, road safety, environmental issues and increased rubbish, stating that the upgrades are not in the community's best interest.

**Dr T Green, Padbury:**

*Re: Community Consultation.*

Dr Green provided feedback in relation to the way the City currently undertakes its community consultation stating that many residents don't use their letters boxes and don't read advertisements in newspapers. Dr Green feels that the City needs to tackle the issue of low response rates and improve the way the community is informed and can comment on City works.

**Mrs T Walter, Duncraig:**

*Re: CJ177-11/17 - Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

Mrs Walter spoke in relation to the City including residences South of Davallia Road, Duncraig into Amendment No. 88 to *District Planning Scheme No. 2*. Mrs Walter felt that residents were not fairly informed or consulted in regard to the changes and stated that a zoning of R30 would still allow for infill but would preserve the mature trees, family homes and character of the suburb.

**Mrs M Nicolson, Duncraig:**

*Re: CJ177-11/17 - Local Housing Strategy – Addressing Issues In Housing Opportunity Areas.*

Mrs Nicolson spoke in relation to the City including residences South of Davallia Road, Duncraig into Amendment No. 88 to *District Planning Scheme No. 2*. Mrs Nicolson voiced her concerns in relation to the density of R40 and R60 being proposed stating that the amenity she currently enjoys will be affected by the change, creating congestion problems, parking issues and more accidents.

**Mrs S Thompson, Duncraig:**

*Re: CJ177-11/17 - Local Housing Strategy – Addressing Issues In Housing Opportunity Areas.*

Mrs Thompson spoke against the infill target of 20,669 dwellings within 14% of the City of Joondalup, noting that to achieve this infill target 85% of lots would have to be subdivided. Mrs Thompson also spoke in relation to the lack of feasibility studies undertaken by the City.

**Mr S Kerridge, Duncraig:**

*Re: CJ177-11/17 - Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.*

Mr Kerridge spoke in relation to the City including residences South of Davallia Road, Duncraig into Amendment No. 88 to *District Planning Scheme No. 2*. Mr Kerridge felt that had the residents been properly informed and consulted about the pressure for the City to impose the zonings of R40 and R60 they could have lobbied to the State Government and attempted to affect change or possibly provided other suggestions to the City such as lowering the density and increasing the Housing Opportunity Areas.

**APOLOGIES AND LEAVE OF ABSENCE****Apology**

Cr John Logan.

**Leave of Absence previously approved**

Cr Russ Fishwick, JP	15 November to 20 December 2017 inclusive and 25 January to 18 February 2018 inclusive.
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**REQUEST FOR LEAVE OF ABSENCE – CR LOGAN AND CR NORMAN - [105628]**

Cr John Logan requested Leave of Absence from Council duties covering the period 21 November to 26 November 2017 inclusive.

Cr Mike Norman requested Leave of Absence from Council duties for the period 22 February to 3 March 2018 inclusive and 6 April to 13 April 2018 inclusive.

**MOVED Cr May, SECONDED Cr Poliwka that Council APPROVES the Requests for Leave of Absence from Council Duties covering the following dates:**

- |          |                       |   |
|----------|-----------------------|---|
| <b>1</b> | <b>Cr John Logan</b>  | <b>21 November to 26 November 2017 inclusive;</b> |
| <b>2</b> | <b>Cr Mike Norman</b> | <b>22 February to 3 March 2018 inclusive;</b>     |
| <b>3</b> | <b>Cr Mike Norman</b> | <b>6 April to 13 April 2018 inclusive.</b>        |

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**CONFIRMATION OF MINUTES****C78-11/17 MINUTES OF COUNCIL MEETING HELD ON 10 OCTOBER 2017**

**MOVED Cr Chester, SECONDED Cr McLean that the Minutes of the Council Meeting held on 10 October 2017 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**C79-11/17 MINUTES OF SPECIAL COUNCIL MEETING HELD ON 24 OCTOBER 2017**

**MOVED Cr McLean, SECONDED Cr Taylor that the Minutes of the Special Council Meeting held on 24 October 2017 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**C80-11/17 MINUTES OF SPECIAL COUNCIL MEETING HELD ON 6 NOVEMBER 2017**

**MOVED Cr Hollywood, SECONDED Cr Taylor that the Minutes of the Special Council Meeting held on 6 November 2017 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

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

### **City Secures 'Smart Cities' Funding for Yellagonga**

Mayor Jacob announced Yellagonga Regional Park is set to become an even more popular natural areas attraction after the Cities of Joondalup and Wanneroo secured \$867,000 in funding through the Australian Government's Smart Cities and Suburbs Program.

Mayor Jacob stated that the funding will enable Smart Technology to better manage and protect the park's biodiversity-rich wetlands system for current and future generations.

Mayor Jacob advised that the use of smart environmental sensors, satellites and drones allow the City and its partners to measure and monitor the park's environmental conditions in near real time, ensuring that timely action can be taken to maintain the amenity of the area and also provide the ability to better make decisions for the health of the wetlands.

### **Kaleidoscope Success**

Mayor Jacob announced that Kaleidoscope 2017 proved a phenomenal success for our City, attracting more than 88,000 people to the Joondalup City Centre for four nights of spectacular light installations, illuminations, projections and performances.

Mayor Jacob congratulated everyone involved in planning and delivering an event that clearly captured the imagination of people from around the Perth metropolitan area and beyond.

Mayor Jacob stated that the City has created this event to enhance vibrancy in the Joondalup City Centre, stimulate local economic activity and promote and showcase Joondalup as the entertainment capital of the northern corridor of Perth.

Mayor Jacob advised that Kaleidoscope delivered on those aspirations and then some and we now have to take on board all feedback and lessons when planning how to manage such a popular event next year.

### **2017 Twilight Markets**

Mayor Jacob stated that there are still four markets to go in the City's 2017 Twilight Markets Series, which commenced last Friday night and attracted hundreds of bargain-hunters to our City Centre.

Mayor Jacob advised that held at Central Walk, this year's marketplace offers a variety of stalls featuring locally sourced, designed and created art, craft, clothing, jewellery, homewares and gift wares.

Mayor Jacob noted that children's activities, various food options and live entertainment are also on offer.

Mayor Jacob advised that the remaining markets will be held on 24 November, 1 December, 8 December and 15 December, from 5.30pm to 9.00pm each night.

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

CJ188-11/17 Confidential – Giving of Undertaking to WA Parliament Joint Standing Committee on Delegated Legislation - City of Joondalup Waste Local Law 2017

**C81-11/17 CONSIDERATION OF CHANGE TO ORDER OF BUSINESS – [08122, 02154]**

**MOVED Mayor Jacob, SECONDED Cr May** that Council in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of Item CJ188-11/17 – Confidential – Giving of Undertaking to WA parliament Joint Standing Committee on Delegated Legislation – *City of Joondalup Waste Local Law 2017* to be discussed after “Motions of which previous notice has been given”.

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**PETITIONS**

C82-11/17 PETITION - REQUESTING RECONSIDERATION OF PLANNING APPROVAL FOR 21 APARTMENTS LOCATED AT 449, 451 & 453 BEACH ROAD DUNCRAIG. – [106679, 05386]

A 64 signature petition has been received from residents of the City of Joondalup requesting that Council reconsider the planning approval of the 21 Apartments in Multi-Use Residential, Lots 82, 83 and 84 Beach Road, Duncraig in light of its failure to meet design principles of R-Codes; specifically for parking spaces building height, lot sizes, wall lengths, boundary setbacks, dwelling size and landscaping. It should be noted that similar apartment complexes with less R-Code issues were recently deferred and rejected in Craigie and Edgewater, respectively. We demand that any similar developments that are proposed in Duncraig South are treated with the same vigorous vetting standards and rejected when found wanting.

C83-11/17 PETITION REQUESTING EXTENDING THE 50KM/H SPEED ZONE NORTHWARDS ALONG WHITFORDS AVENUE FROM HEPBURN AVENUE AND WEST COAST DRIVE INTERSECTION TO ANGOVE DRIVE

Cr Hamilton-Prime tabled a 72 signature petition on behalf of the Harbour Rise Owners Association seeking to extend the 50km/h speed zone northwards along Whitfords Avenue, from the Hepburn Avenue and West Coast Drive intersection to Angove Drive. Vehicles regularly speed along this short section of dual carriageway (one of few opportunities to overtake along the coast road) which makes crossing the road by pedestrians a frightening experience.



**MOVED Cr Hamilton-Prime, SECONDED Cr Poliwka that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent Report presented to Council for consideration:**

- 1 Petition in relation to request to reconsider Planning Approval for 21 Apartments located at 449, 451 & 453 Beach Road, Duncraig;**
- 2 Petition in relation to a request to extend the 50km/h speed zone northwards along Whitfords Avenue, from the Hepburn Avenue and West Coast Drive intersection to Angove Drive.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**REPORTS****CJ175-11/17      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– SEPTEMBER 2017**

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

**PURPOSE**

For Council to note the number and nature of applications considered under delegated authority during September 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 September 2017 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during September 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 September 2017 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	5	5
Strata subdivision applications	8	11
<b>TOTAL</b>	<b>13</b>	<b>16</b>

Of the 13 subdivision referrals eight were to subdivide in housing opportunity areas, with the potential for 11 additional lots.

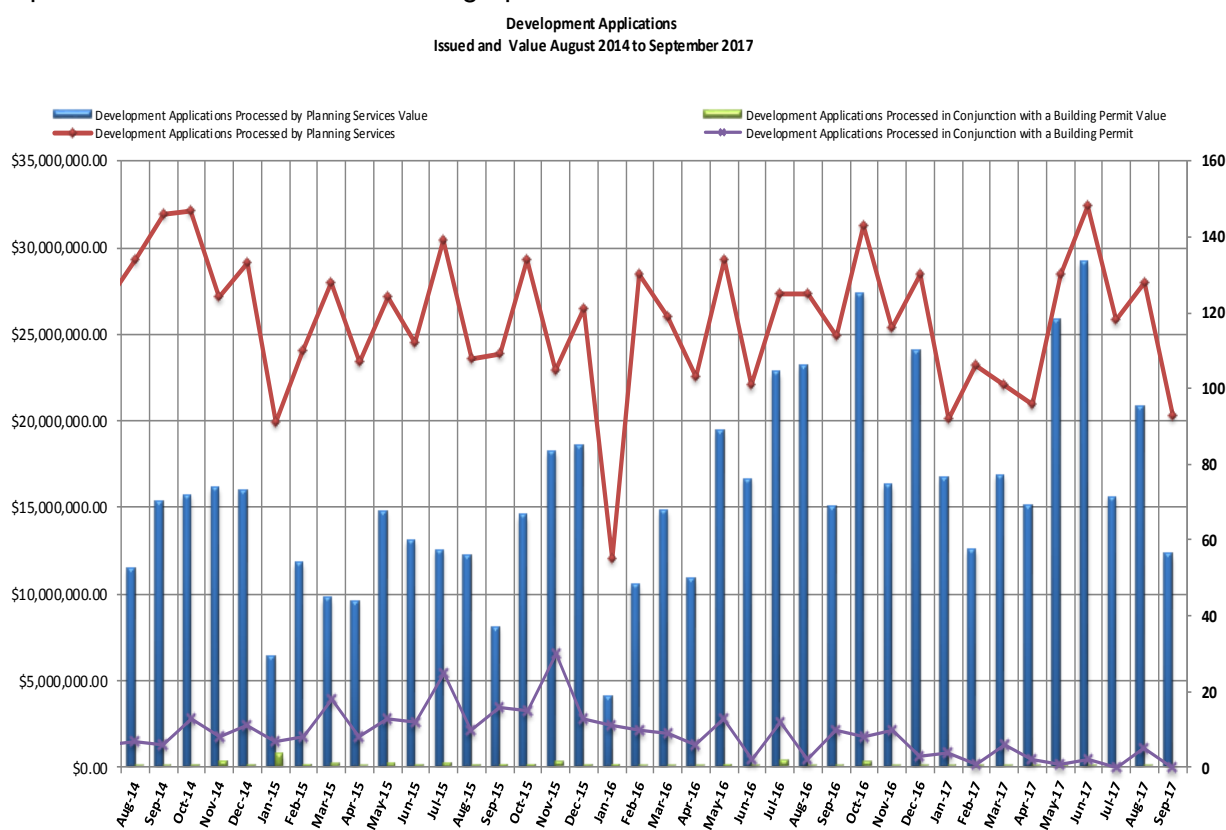
### Development applications

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

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	93	\$ 12,294,457
Development applications processed by Building Services	0	0
<b>TOTAL</b>	<b>93</b>	<b>\$ 12,294,457</b>

Of the 93 development applications, 16 were for new dwelling developments in housing opportunity areas, proposing a total of 23 additional dwellings.

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



The number of development applications received during September was 123. (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 September was 226. Of these, 36 were pending further information from applicants and 10 were being advertised for public comment.

In addition to the above, 274 building permits were issued during the month of September with an estimated construction value of \$30,293,847.

### **Issues and options considered**

Not applicable.

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

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Schemes) Regulations 2015.</i>
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### **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 93 development applications were determined for the month of September with a total amount of \$47,288 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or DPS2 and the Regulations.

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 Development applications described in Attachment 1 to Report CJ175-11/17 during September 2017;**
- 2 Subdivision applications described in Attachment 2 to Report CJ175-11/17 during September 2017.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ189-11/17, page 126 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf171114.pdf](#)*

## **CJ176-11/17      CROSS ADDITION AT SACRED HEART COLLEGE, LOT 803 (15) HOCKING PARADE, SORRENTO**

<b>WARD</b>	South-West		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	06044, 101515		
<b>ATTACHMENT</b>	Attachment 1 Attachment 2	Location Plan Development plans and elevation drawings	
<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 the addition of a cross affixed to the existing chapel at Sacred Heart College, Lot 803 (15) Hocking Parade, Sorrento.

### **EXECUTIVE SUMMARY**

An application for development approval has been received for the addition of an illuminated cross to be affixed to the chapel at Sacred Heart College, Lot 803 (15) Hocking Parade, Sorrento.

The subject site is identified as being a 'Non-residential coastal site' in the *Height of Non-Residential Buildings Local Planning Policy* and the cross addition exceeds the maximum building height requirement outlined in the policy. As such, the application is required to be determined by Council.

It is considered that the cross addition is unlikely to significantly impact the amenity of the surrounding landowners as it will be located internally to the site and will be substantially set back from all lot boundaries. Additionally, only low-level lighting is proposed and due to the level difference from the eastern boundary to the centre of the school site being approximately nine metres lower, the height of the addition is not expected to restrict views of significance or be visually obtrusive.

Considering the above and the minor nature of the proposed addition, the development application was not advertised as the proposal is not expected to result in any unacceptable impact on the amenity of nearby residents.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 803 (15) Hocking Parade, Sorrento.
<b>Applicant</b>	Stephen Martin.
<b>Owner</b>	The Roman Catholic Archbishop of Perth.
<b>Zoning</b>	<b>DPS2:</b> Private Clubs/Recreation. <b>MRS:</b> Urban.
<b>Site area</b>	7,9470.8m <sup>2</sup>
<b>Structure plan</b>	Not applicable.

The subject site is bounded by West Coast Drive to the west, Hocking Parade to the east and residential development to the north and south of the site (refer to location plan at Attachment 1).

The site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and 'Private Clubs/Recreation' under the City's *District Planning Scheme No. 2* (DPS2). The site is also identified as being a 'Non-residential coastal site' in the City's *Height of Non-Residential Buildings Local Planning Policy*.

## DETAILS

The development application includes the installation of an illuminated cross to the chapel within the existing school site.

The development plans and elevation drawings are provided at Attachment 2.

The site is identified as being a 'Non-residential coastal site' in the *Height of Non-Residential Buildings Local Planning Policy*, which incorporates a maximum building height provision consistent with Table 3 – Category B of *State Planning Policy 3.1 'Residential Design Codes'* (R-Codes). Table 3 of the R-Codes permits a maximum height of nine metres to the top of a pitched roof. The cross addition results in a maximum building height of 12.2 metres in lieu of the maximum of nine metres.

The setback of the proposed cross addition complies with clause 4.7, 'Building setbacks for non-residential buildings' of DPS2, being in excess of three metres to the side lot boundaries (north and south), nine metres to the street boundary (Hocking Parade) and six metres to the rear boundary (West Coast Highway).

The applicant has confirmed that the proposal includes subtle lights shining onto the cross to reflect the liturgical seasons as they change (purple, green and white). There will not be lights inbuilt into the cross structure.

### Variation to building height:

The finished floor level of the chapel is 12.4 metres AHD, compared with the road level of Hocking Parade at 22 metres AHD. At its highest point, the cross will be 12.2 metres above the finished floor level of the chapel, resulting in a maximum height of 24.6 metres AHD. As such, although the height of the cross exceeds the nine metres building height requirement, it results in additions that are approximately 2.6 metres higher than the Hocking Parade level. Considering this, the proposed height variation is considered to be acceptable.

Further, the maximum height of the proposed cross addition is similar to heights of other buildings on-site and therefore considered contextually acceptable.

The cross will be visible from West Coast Drive and some surrounding residential properties however, it is proposed to be set back over 100 metres from all boundaries, ensuring the visual impact of the cross is minimal.

The cross addition is set back approximately 102 metres from the northern boundary and approximately 140 metres from the eastern and southern boundaries which abut existing residential areas. The minor nature of the addition and substantial setback to the boundaries is considered to address any impacts in terms of building bulk to affected residents.

### **Issues and options considered**

Council is required to determine whether the building height at 12.2 metres in lieu of the required nine metres maximum outlined in the *Height of Non-Residential Buildings Local Planning Policy* for the cross addition to the existing chapel 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** Development is suitable for the immediate environment and reflects community values.

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

### **City of Joondalup District Planning Scheme No. 2**

Clause 3.9 of DPS2 sets out the objective for development within the 'Private Clubs and Recreation' zone:

#### **3.9 THE PRIVATE CLUBS/RECREATION ZONE**

*'The objective of the Private Clubs/Recreation Zone is to accommodate uses such as private golf clubs, private educational, institutional and recreational activities.'*

### **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;*
- (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'.*

#### **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 \$147 (excluding GST) in accordance with the Schedule of Fees and Charges, for the assessment of the application.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The application was not advertised to adjoining landowners, as it was considered that there is no significant impact on adjoining landowners.

**COMMENT**

As outlined above, it is considered that the minor nature of the development, together with the height discretion sought, is acceptable for the locality, and will not detrimentally impact on the amenity of the area or surrounding residents.

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council APPROVES under clause 68(2) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 24 August 2017 submitted by Stephen Martin, on behalf of the owner, the Roman Catholic Archbishop of Perth, for Educational Establishment (Cross Addition) at Lot 803 (15) Hocking Parade, Sorrento subject to the following conditions:**

- 1 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;**
- 2 This approval relates to the cross addition only, as indicated on the approved plans. It does not relate to any other development on the lot;**
- 3 The external surface of the cross addition, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surface shall be treated to the satisfaction of the City if it is determined by the City that the glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;**

**4 The cross addition shall be established and thereafter maintained to a high standard to the satisfaction of the City. The cross addition shall:**

**4.1 Use low level illumination that shall not flash, pulsate or chase;**

**4.2 Not include fluorescent, reflective or retro reflective colours.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ189-11/17, page 126 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf171114.pdf](#)*

**Disclosures of Financial Interest**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ177-11/17 - Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Chester owns two properties in housing opportunity areas.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ177-11/17 - Local Housing Strategy – Addressing Issues in Housing Opportunity Areas.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick is a joint owner of a property in a Housing Opportunity Area 1 and in particular West of Davallia Road.

*Note: While Cr Fishwick was not present at the Council Meeting, he had earlier declared the interest at the Briefing Session held on 14 November 2017.*

*Cr Chester left the Chamber at 7.53pm.*

## **CJ177-11/17      LOCAL HOUSING STRATEGY – ADDRESSING ISSUES IN HOUSING OPPORTUNITY AREAS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106679, 30622, 101515
<b>ATTACHMENT</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**

The purpose of this report is to:

- respond to a request for a report providing information on the background to the *Local Housing Strategy*, possible development outcomes in Housing Opportunity Areas and the planning decision-making process
- provide Council with an update on the City's Housing Opportunity Areas and the challenges that are currently being experienced within these areas
- propose a number of strategies to better manage the impacts of urban infill within the City's Housing Opportunity Areas
- respond to two petitions received concerning development in the City's Housing Opportunity Areas.

## EXECUTIVE SUMMARY

The City responded to the State Government's target of accommodating 47% of Perth's population growth in existing suburbs through the preparation of the *Local Housing Strategy* (LHS).

The LHS identifies 10 areas, known as Housing Opportunity Areas (HOAs), throughout the City of Joondalup that were considered appropriate for increased densities. These areas were strategically selected, based on a set of criteria, including proximity to train stations, high frequency bus routes and activity centres.

The opportunity for increased densities in these HOAs was given statutory effect through Amendment No. 73 to the City's *District Planning Scheme No. 2* (DPS2), which was approved by the (then) Minister for Planning in January 2016.

Since implementation of the LHS via Amendment No. 73, development is occurring throughout all HOAs.

Concern has been raised by some members of the community about the impact that higher density development is having on existing neighbourhoods. This concern has manifested in a number of requests to Council to consider location specific action, including reduction of the density coding of portions of specific HOAs, prevention of development of multiple dwellings (apartments) in the HOAs and increased community consultation for development proposals in specific suburbs.

The City always recognised the need to try and control, as best it could, the potential impact that increased density would have on existing residents and explored a number of strategies with the Department of Planning, Lands and Heritage (DPLH) during preparation of the LHS and implementation documents, but was able to include only some of those strategies at that time.

Engagement with the DPLH on appropriate policy provisions to better manage impacts of density has been ongoing over the past two years as part of the City's review of its *Residential Development Local Planning Policy*. More recently, the City has met with the DPLH on a number of occasions to try and find solutions to the issues being experienced by residents. It appears that the issues and challenges with managing impacts of density are also being experienced in other local governments and the DPLH is now taking a more proactive approach to try and assist in resolving these.

In light of this, and rather than responding on an ad hoc basis to petitions as they are received, this report recommends that Council adopts a range of different strategies that seek to better inform the community, as well as better manage the impact of urban infill in the City's HOAs.

These proposed strategies include the following:

- Amending the consultation procedures for planning proposals.
- Expanding the role of the Joondalup Design Reference Panel.
- Preparing a design-led local planning policy for multiple dwellings in the City's HOAs.
- Introducing additional provisions in the City's scheme.

## BACKGROUND

### Directions 2031 and Beyond

In August 2010, the State Government released *Directions 2031 and Beyond* - a high level spatial framework and strategic plan to guide the future development of Perth. *Directions 2031 and Beyond* sets a target of accommodating 47% of population growth within existing suburbs.

For local governments like the City of Joondalup, which do not have many or any greenfield sites left, this growth needs to be accommodated as infill development.

The principles of *Directions 2031 and Beyond* have also been captured in the State Government's latest strategic plan, known as (draft) *Perth and Peel @ 3.5 million*.

### Development of the City of Joondalup Local Housing Strategy

To demonstrate how the City was going to achieve its dwelling targets, the City was required by the State Government to prepare a LHS.

#### *Housing Intentions Community Survey*

As a precursor to the development of the draft LHS, a Housing Intentions Community Survey was conducted in April and May 2009.

Approximately 2,200 surveys were mailed to randomly selected residents across the City of Joondalup to ascertain the housing needs and requirements of residents, both at that time and into the future.

An online version of the survey and a downloadable version of the survey were also made available on the City's website.

Feedback received from the Housing Intentions Community Survey was used to inform the development of the draft LHS.

#### *Principal recommendations of the Local Housing Strategy*

It was established early in the development of the LHS that the City did not want to take an ad hoc approach that would allow densification to occur everywhere throughout the City of Joondalup. Rather, a strategic approach was favoured that enabled residential density to increase in identified, appropriate areas.

The following broad selection criteria were developed through the LHS to assist with selecting areas within the City of Joondalup for higher density investigation:

- 800 metres walkable catchment around Currambine, Joondalup, Edgewater, Whitfords, Greenwood and Warwick railway stations.
- 800 metres walkable catchment around secondary centres of Whitfords and Warwick
- 400 metres walkable catchment around district centres of Woodvale, Greenwood and Currambine.
- 400 metres walkable catchment around neighbourhood centres close to high frequency public transport services.
- 400 metres walkable catchment around high frequency bus routes.
- suburbs which would benefit from revitalisation.
- land abutting Right of Ways (laneways).

Ten areas were identified where, based on the aforementioned criteria, increased residential densities were considered appropriate. These areas are referred to as Housing Opportunity Areas (HOAs).

The LHS proposed a dual density coding in HOAs that consisted predominantly of R20/R30 coded areas, with some higher coded areas of R20/R40 and R20/R60.

#### *Draft Local Housing Strategy Public Consultation*

Public consultation on the draft LHS was undertaken from 3 June 2010 to 16 August 2010 in the following manner:

- 63,685 letters and brochures, incorporating a survey with a reply-paid envelope, were mailed out to residents and owners of the 58,087 residential properties in the City of Joondalup.
- Owners of commercial and mixed-use properties outside the City Centre received a letter advising them of the recommendation to change the residential density of their properties.
- Two public information sessions were held on Thursday, 17 June 2010 and Saturday, 19 June 2010 and were very well attended (100+ people at each session).
- A dedicated web page was created on the City's website and a dedicated telephone line enabled enquiries to be answered promptly.
- Numerous notices and newspaper articles also appeared in the local newspapers.
- City employees received numerous enquiries regarding the draft LHS both by phone and in person at the City's administration building.

A total of 6,926 valid surveys were returned. Separate to the survey, 88 written submissions and a number of multi-signature letters were also received.

Of the valid surveys received:

- 65% felt that HOAs in general were a good idea
- 75% of respondents who lived in an area identified as a HOA agreed with their property being included in a HOA
- 60% felt the density at that stage was acceptable, while 13% felt it was too low and 8% felt it was too high. The rest were undecided.

#### *Adoption of the draft Local Housing Strategy*

Council considered the outcomes of public consultation and adopted the draft LHS at its meeting held on 15 February 2011 (CJ006-02/11 refers). The draft LHS was then forwarded to the Department of Planning (now Department of Planning, Lands and Heritage) and the Western Australian Planning Commission for endorsement.

In January 2012, the City received formal advice from the Department of Planning which stated that the draft LHS should respond more strongly to State planning documents and policies and requested that the City provide further justification for its approach in identifying the HOAs and applying the proposed residential densities.

The City provided further formal advice and justification in support of the draft LHS to the Department of Planning in February 2012.



Further advice was received from the Department of Planning that it was not prepared to support the draft LHS until the document responded more strongly to State planning documents and policies, specifically by increasing the number and size of HOAs and by increasing the densities within the HOAs.

Following the Department of Planning's advice, the draft LHS was revised to expand the boundaries of some HOAs and to also increase densities from R20/30 to R20/40 and R20/60.

At its meeting held on 11 December 2012 (CJ389-12/12 refers), Council considered the feedback from the Department of Planning and adopted the revised LHS for the purposes of seeking community feedback on the proposed changes to HOAs.

#### *Public consultation on the revised Local Housing Strategy*

In accordance with Council's decision, community consultation on the revised LHS was undertaken in February 2013.

Letters were sent to the land owners that were not initially included in a HOA, but were then proposed to be included. This targeted consultation was done with these owners because the City felt it had some flexibility on exactly where to "draw the lines".

Targeted consultation was not done with landowners and residents already located within HOAs of the proposed changes in densities because the City was restricted on the density increases specified by the Department of Planning. Objections or concerns raised in response to this issue would have had no effect on the outcome and it was not considered appropriate to undertake "tokenistic" consultation on an issue if there was no intention to change the density in response to feedback received.

Public consultation on the revised LHS was undertaken from 1 February 2013 to 22 February 2013 in the following manner:

- 914 letters to landowners who were not previously located within a HOA, but were proposed to be included as part of the revised LHS.
- Notices placed in the Joondalup Times on 5 February 2013 and The Weekender on 7 February 2013.
- A notice on the City's website throughout the duration of the consultation period.
- Maps of the proposal being made available at the City's administration building and Whitfords customer service centre.

A total of 30 submissions were received, including three submissions received after the close of advertising. Of the submissions received, 19 were letters of support, nine were letters not in support, one submission was neutral, and one requested that a HOA boundary be expanded.

#### *Finalisation of the Local Housing Strategy*

Council considered the outcomes of public consultation on the revised LHS and adopted the revised LHS at its meeting held on 16 April 2013 (CJ044-04/13 refers).

The revised LHS was forwarded to the Department of Planning and the Western Australian Planning Commission and was subsequently endorsed on 12 November 2013.

### Implementation of the Local Housing Strategy

#### *Changes to the Residential Design Codes – Multi Unit Housing Code*

Grouped dwellings are a group of two or more dwellings on the same lot, incorporating an area of common property and are commonly referred to as townhouses or villas.

Multiple dwellings are commonly referred to as apartments and flats, and are a group of two or more dwellings, where part of one dwelling is located vertically above another.

It was never the City's intention to allow larger multiple dwelling developments to be developed in the HOAs, except on a handful of lots coded R20/R60 close to railway stations, on small sections of Beach Road and next to larger shopping centres.

When the initial draft LHS was adopted by Council for the purpose of public consultation, the number of multiple dwellings that could be developed on a lot was controlled via minimum/average lot sizes that applied to multiple dwellings under the R-Codes at that time.

However, amendments were made to the R-Codes in November 2010 to introduce a new part (then known as Part 7 – Multi-Unit Housing Code) with provisions that specifically applied to multiple dwellings in areas coded R30 or greater.

Under the new Multi-Unit Housing Code, minimum/average lot sizes still exist for grouped dwellings at all density codes, which limits the number of grouped dwellings that can be developed on a site. However, the minimum/average lot size requirements for multiple dwellings in areas coded R30 or greater were removed and plot ratio became the predominant determinant (in conjunction with other design elements like parking, setbacks, height, landscaping) of dwelling yield on a specific lot.

The effect of this change is that there is no control that directly limits the number of multiple dwellings that can be developed on a lot.

This change to the R-Codes occurred after public consultation of the draft LHS, however was reported to Council as part of the outcomes of consultation at its meeting held on 15 February 2011 (CJ006-02/11 refers).

#### *Scheme Amendment No. 73*

Following endorsement of the final LHS by the Department of Planning and the Western Australian Planning Commission, the City needed to implement and give statutory effect to the recommendations of the LHS via the *District Planning Scheme* and a local planning policy.

To this end, Scheme Amendment No. 73 to *District Planning Scheme No. 2* (DPS2) was initiated and the City's *Residential Development Local Planning Policy* was developed.

The City always recognised the need to try and control and manage, as best it could, the potential impact that increased density would have on existing residents.

During the development of Scheme Amendment No. 73, the City consulted with the Department of Planning on appropriate scheme and local planning policy provisions. Advice received at that time indicated that the City was constrained in terms of what it could include in DPS2 and a Local Planning Policy.

The City did not have the ability to exclude or prevent multiple dwellings through scheme or policy provisions and did not have carte blanche to include whatever scheme provisions it saw fit to try and manage the impacts of density. The City did however attempt to include a provision in Scheme Amendment No. 73 to restrict the development of multiple dwellings to sites larger 2,000m<sup>2</sup> or larger.

The effect of this would have been that normal residential lots would need to be amalgamated to enable multiple dwellings to be developed. This would have made it more difficult for developers to develop multiple dwellings in HOAs and, if they were able to amalgamate lots, the quality of multiple dwelling developments on larger sites would be of a higher standard and the impacts would be easier to manage.

In addition, to give more weight to the provisions of the City's *Residential Development Local Planning Policy*, the City also included a provision in Scheme Amendment No. 73 to require all higher density development in the HOAs to meet the requirements of the City's policy.

Council initiated Scheme Amendment No. 73 for the purposes of public advertising at its meeting held on 10 December 2013 (CJ236-12/13 refers).

The scheme amendment was subsequently forwarded to the Western Australian Planning Commission for consent to advertise. Consent was granted on 12 October 2014, and advertising for a period of 42 days from 29 October 2014 to 10 December 2014.

Public consultation on Scheme Amendment No. 73 included:

- notices placed in the Joondalup Community and *The West Australian* newspapers
- a notice placed on the e-screen at the City's administration building
- a notice and documents placed on the City's website.

A total of 33 submissions were received during the consultation period and an additional four submissions were received after its conclusion. Of the submissions received, 29 were from members of the community. Eleven of these were in support of the proposal, four were comments and 14 were objections. In addition, eight submissions were received from service authorities.

Council considered the outcomes of public consultation and adopted Scheme Amendment No. 73 at its meeting held on 31 March 2015 (CJ032-03/15 refers).

Scheme Amendment No. 73 was then forwarded to the Western Australian Planning Commission for consideration and gazettal by the then Minister for Planning.

Throughout its consideration of Scheme Amendment No. 73, the Department of Planning did not support the provisions proposed by the City to restrict multiple dwellings to sites larger than 2,000m<sup>2</sup> or to give more weight to the provisions of the City's *Residential Development Local Planning Policy* and resolved that they be removed from Scheme Amendment No. 73.

Instead, the final Scheme Amendment No. 73 only included a provision relating to minimum lot frontages. This provision requires a minimum frontage of 10 metres for single and grouped dwellings, and 20 metres for multiple dwellings in order to develop at the higher density code.

Scheme Amendment No. 73 was approved by the Minister for Planning on 28 January 2016.

### *Residential Development Local Planning Policy*

Development at the higher density allocated to properties in HOAs is not an automatic right. Unless demonstrated through the submission of a development application, or approved subdivision, property owners are restricted to developing at the base R20 coding and the basic provisions of *State Planning Policy 3.1 – Residential Design Codes (R-Codes)* and the City's *Residential Development Local Planning Policy* in the design of developments.

As outlined above, one of the strategies implemented by the City to control, as best it could, the potential impact that increased density resulting from implementation of the LHS would have on existing residents, was through the development and implementation of the City's *Residential Development Local Planning Policy*.

If property owners want to develop at the higher density code, they are required to adhere to the R-Codes, but also the additional provisions contained in the City's *Residential Development Local Planning Policy*.

Through the development of the *Residential Development Local Planning Policy*, the City was limited in the provisions that could be included as the R-Codes set out what provisions can and cannot be varied through local planning policies. This has, in part, had an impact on the ability of the City to control the impacts of multiple dwelling developments in HOAs to the extent it would have hoped.

Council adopted the draft *Residential Development Local Planning Policy* for the purposes of advertising at its meeting held on 17 August 2015 (CJ147-08/15 refers).

The draft policy was advertised for public comment for a period of 21 days, between 17 September 2015 and 8 October 2015, and included the following:

- A notice placed in the *Joondalup Times*.
- A notice and documents placed on the City's website.
- A social media post.

A total of 29 submissions were received at the close of consultation and included two submissions from ratepayer associations. A number of key themes were identified through the submissions received as follows:

- The potential cost impost to developers resulting from the additional policy provisions.
- Concern regarding the need for additions to match or complement the existing dwelling.
- Recommendation for additional provisions to address sustainability and energy efficiency.
- Recommendation to include development examples to provide great clarification.
- Recommendation to include additional definitions to provide greater clarification.

Council considered the outcomes of public consultation and adopted the *Residential Development Local Planning Policy* at its meeting held on 15 December 2015 (CJ228-12/15 refers).

Unfortunately, at the time of the policy's creation, as is still currently the case, there is limited ability for any local planning policy to go beyond the scope of the R-Codes, without the approval of the WAPC.

Therefore, the provisions of the City's *Residential Development Local Planning Policy* deal with matters that could impact on the amenity of existing residents like building design, car parking and streetscape appearance, to the greatest extent possible.

### Community Concern

Since implementation of the LHS in early 2016, development has commenced throughout all ten HOAs in the City of Joondalup.

As this development has commenced, some members of the community have raised concern with some development occurring in HOAs, with common themes including the following:

- The type of development, in particular, multiple dwellings.
- The scale of development in terms of potential dwelling increase per site.
- The design and scale of development.
- Integration with existing housing stock and streetscape.
- Traffic and parking impacts.
- Impact on property values.
- Social impacts related to land tenure (owner/occupy vs. rented).
- Social impacts related to anticipated residents.
- Impact on existing sense of community.

To date, these concerns have manifested in a number of requests to Council for intervention, including:

- A Special Electors Meeting held on 24 April 2017 in relation to the portion of HOA1 bounded by Mitchell Freeway to the East, Davallia Road to the West, Beach Road to the South and Warwick Road to the North; and the consequent:
  - initiation of an amendment to the City's DPS2 (Amendment No. 88) to reduce the density coding of the above-mentioned portion of HOA1 from R20/R40 and R20/R60 to R20/R30 (CJ086-06/17 refers)
  - preparation and adoption for the purposes of public consultation a local planning policy that restricts the development multiple dwellings in the above-mentioned portion of HOA1 (CJ110-06/17 refers).
- A request from an Elected Member for a report to be submitted to Council outlining how the City can best inform residents residing in HOAs of:
  - the background to and need for densification in parts of the City and why these specific areas were chosen and approved
  - the possible development outcomes under the different codes that apply in the HOAs
  - the decision-making process for planning applications, including delegation, public consultation and the involvement of Elected Members, for applications which meet deemed-to-comply requirements as well as applications where a degree of discretion is sought to the State Government's *Residential Design Codes*, the City's *District Planning Scheme No. 2* and the City's *Residential Development Local Planning Policy*.
- A petition received by Council at its meeting held on 19 September 2017 requesting that Council include the portion of HOA1 located West of Davallia Road that is currently coded R20/R40 and R20/R60 into Amendment No. 88, providing a density coding of no higher than R20/R30 (CJ64-09/17 refers).

- A petition received by Council at its meeting held on 10 October 2017 requesting that Council ensures community consultation with residents in the suburb of Edgewater is a requirement for all development applications lodged with Council and advertisements of any such proposals includes all neighbours of any sites and notifications to the Edgewater Community Residents Association Inc. In addition, Council is to ensure that any development applications must include traffic impact assessments, environmental impact assessments and noise management plans to allow residents and Council to fully assess the impact of any proposal (CJ73-10/17 refers).
- A petition requesting a Special Meeting of Electors, scheduled for 13 November 2017, to request the City of Joondalup initiate a review of its *Local Housing Strategy* (LHS) and an associated amendment to *District Planning Scheme No. 2*. The purpose of the LHS review and scheme amendment should be to change the density coding of lots within Housing Opportunity Area 8, that are currently coded R20/R40, to a density coding of no higher than R20/R30.

The outcomes of the Special Electors Meeting held on 24 April 2017 and subsequent initiation of Amendment No. 88 to DPS2 and the preparation of the local planning policy restricting multiple dwellings in that particular portion of HOA1 have been previously considered by Council and are currently being advanced separately to this report.

Accordingly, this report responds to the information requested by an Elected Member, along with the petition received by Council at its meeting held on 19 September 2017 for the inclusion of HOA1 West of Davallia Road into Amendment No. 88 and the petition received by Council at its meeting held on 10 October 2017 regarding community consultation with the Edgewater community.

The minutes of the Special Electors Meeting scheduled for 13 November 2017 will be presented to Council at a subsequent meeting.

## DETAILS

### Legislation used in the assessment and determination of development (planning) applications

A number of pieces of legislation and policy are used in the assessment and decision-making processes for development applications:

#### *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations)

The Regulations include a set of 'deemed provisions' which apply to all local governments. These 'deemed provisions' set out that local governments need to have due regard to certain matters when determining applications for development approval. These matters need to be taken into account to the extent that, in the opinion of the local government, they are relevant to the development the subject of the application.

The matters are broad, typically referring to other, more detailed pieces of legislation and policy (such as local planning schemes and state/local planning policies), but also includes other matters such as amenity and any submissions received.

Additionally, the Regulations detail that applications must be determined within a statutory time period of 60 calendar days where no public consultation is undertaken and 90 calendar days where public consultation is undertaken, unless otherwise agreed upon by the applicant. In the event that the statutory time period is not met, the application is 'deemed refused' and a right of appeal through the State Administrative Tribunal exists.

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

The City's DPS2 sets out objectives for the 'Residential' zone, as well as providing specific development provisions.

As previously outlined, in relation to development in the City's HOAs, DPS2 requires a minimum frontage of 10 metres for single and grouped dwellings; and 20 metres for multiple dwellings.

#### *State Planning Policy 3.1 – Residential Design Codes (R-Codes)*

All residential development in Western Australia is required to comply with the requirements of the R-Codes, which are divided up into different design elements (for example; site area, street setbacks, street walls and fences, open space, building height, parking, landscaping).

For all design elements, there are objectives that need to be met and there are two different ways or sets of criteria that can be used to assess if the objectives are being met – design principles and deemed-to-comply standards.

If the proposal meets the deemed-to-comply criteria, it is automatically considered to meet the objective and should be approved.

Where the deemed-to-comply criteria are not met, this does not necessarily mean the proposal does not meet the objective. Instead, the decision-maker needs to exercise some discretion or judgement in considering whether the proposal meets the design principles.

Approval of a proposal using design principles rather than the deemed-to-comply requirements is not a "variation" and does not represent a 'relaxation' of any kind as the R-Codes inherently provide a performance approach to control residential development.

Part 3 of the R-Codes explanatory guidelines confirms this approach by stating *"While the deemed-to-comply provisions do allow for a straightforward pathway to approval, the use of the design principles rather than the deemed-to-comply provisions should not be viewed as non-compliance, but rather an alternative design outcome."*

The R-Codes also set out the procedure for public consultation for residential developments.

Under the R-Codes, the City is only required to consult with adjoining owners and occupiers (sharing a common boundary with the development site) and only then if the proposal does not meet the deemed-to-comply requirements and the City, as decision maker, considers that the discretions sought may adversely impact adjoining owners and occupiers.

In the case of multiple dwellings in HOAs, the City currently undertakes a greater level of consultation than required by the R-Codes by consulting with all adjoining landowners and occupiers on all discretion sought (irrespective of the City's opinion of its potential adverse impact).

*City of Joondalup Residential Development Local Planning Policy*

Local planning policies prepared for residential development provide extra development provisions and may augment or replace certain requirements of the R-Codes. In most cases, augmentation or replacement of deemed-to-comply requirements of the R-Codes require approval of the WAPC and the WAPC would need to be satisfied that any extra provisions are consistent with scheme provisions, the objectives and design principles of the R-Codes, and could be properly implemented through the approvals process.

The City's *Residential Development Local Planning Policy* reinforces most R-Code provisions, includes some extra provisions for all residential development in the City (specifically provisions which deal with the impact of new development on the streetscape), and includes extra provisions for the design of residential development within the City's HOAs. These extra provisions essentially guide the exercise of discretion when the City is assessing a proposal against the design principles of the R-Codes.

Process of assessment of development (planning) applications in HOAs*Receipt and assessment of the application*

The City encourages applicants to meet with planning officers ahead of formally lodging development proposals. This enables the planning staff to view early concepts of the proposed development (where possible) and to:

- discuss the approval process for the application
- communicate what additional information is needed with the application
- outline the expectations of the City in terms of design quality
- point out potential “red flags” the applicants will need to address if they want the best chance of securing approval for the proposal.

When an application is lodged, the assessing officer undertakes an assessment of the proposal against the documents mentioned above and, if required, communicates any areas of concern with the applicant before commencing consultation on the proposal (as outlined above) and/or referring the proposal to the Joondalup Design Reference Panel, where appropriate.

*Consultation on development applications*

As outlined above, under the R-Codes, the City is only required to consult with adjoining owners and occupiers (sharing a common boundary with the development site) and only then if the proposal does not meet the deemed-to-comply requirements and the City, as decision maker, considers that the discretions sought may adversely impact adjoining owners and occupiers.

In the case of multiple dwellings in HOAs, the City currently undertakes a greater level of consultation than required by the R-Codes by consulting with all adjoining landowners and occupiers on all discretion sought (irrespective of the City's opinion of its potential adverse impact).

This consultation is undertaken by way of letter to the owners and occupiers, which outlines what discretion is being sought and provides information about where the plans of the proposal may be viewed, how comments may be lodged with the City and when the consultation period closes.



The City's planning officers are available during office hours to discuss the proposal over the telephone with interested parties, who are also able to visit the City's Administration Centre during office hours to view the plans and discuss the plans with the City's planning officers.

All comments received during the consultation period are considered by the assessing officer, who will raise any comments with the applicant, to allow the applicant to respond to submissions received, which may include changes to the proposal ahead of determination of the application.

If the applicant makes substantial changes to the proposal, the City may decide to re-consult with affected landowners/occupiers. Once the application has been determined, the City writes a follow up letter to all landowners and occupiers who lodged concerns with the City during the consultation period.

#### *Joondalup Design Reference Panel (JDRP)*

The JDRP is a panel of industry representatives from the Australian Institute of Architects, the Planning Institute of Australia and the Australian Institute of Landscape Architects.

The JDRP is convened to provide design advice to the City on:

- all new development and major extensions in the City Centre
- major development proposals outside of the City Centre (with the exception of single houses and developments of less than ten grouped or multiple dwellings, and extensions to commercial or mixed-use buildings that do not significantly affect the streetscape).

Currently, the recommendations made by the JDRP are taken into account when decisions are made on development applications. However, the JDRP and its recommendations are not currently recognised in the City's DPS2 and nor is reference made to design advisory committees in the Regulations. Accordingly, the statutory weight that can be given to the JDRP recommendations when making decisions on development applications is currently limited.

#### The decision-making process for applications in the HOAs

For developments with an estimated value of over \$10 million, the decision is required to be made by the North Metro Joint Development Assessment Panel (JDAP). For developments with an estimated value of over \$2 million, applicants have the ability to "opt in" and have the application considered by the JDAP, provided the development is not a single house or a grouped or multiple dwelling development that includes less than 10 dwellings.

Council is the decision-maker for development of more than ten grouped or multiple dwellings that have an estimated value of under \$10 million and which the applicant has elected not to have the application determined by the JDAP.

All other applications for development in HOAs are dealt with under delegated authority.

The purpose of delegating certain powers to the CEO and officers is to facilitate the timely processing of the large volume of development and subdivision applications that are received by the City so that the statutory timeframes that apply to planning applications can be met.

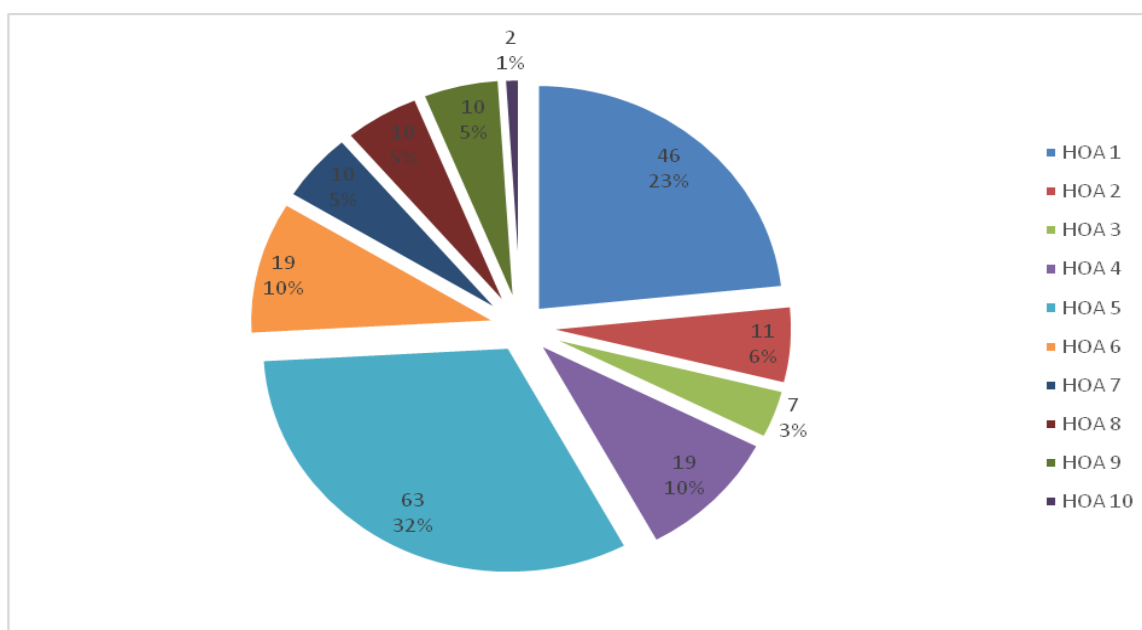
Applications dealt with under delegated authority are subject to rigorous and detailed reporting, checking and cross checking, and peer review in an effort to ensure decisions taken are lawful, proper and consistent.

### Development uptake in the City's HOAs

Since implementation of the City's LHS, the City has received development proposals in all 10 HOAs. Development activity is summarised in the following table:

**Table 1: Total number of Multiple and Grouped Dwelling Development Applications Received and Potential Yield Increase in HOAs (1 February 2016 – 30 September 2017)**

HOA	Development Applications Received (applications)			Potential Yield Increase (dwellings)		
	<i>MDs</i>	<i>GDs</i>	<i>Total (%)</i>	<i>MDs</i>	<i>GDs</i>	<i>Total</i>
1	12	34	46 (23)	82	69	151
2	0	11	11 (5)	-	17	17
3	0	7	7 (4)	-	7	7
4	0	19	19 (10)	-	32	32
5	5	58	63 (32)	32	96	128
6	2	17	19 (10)	11	27	38
7	0	10	10 (5)	-	14	14
8	1	9	10 (5)	12	12	24
9	0	10	10 (5)	-	6	16
10	0	2	2 (1)	-	5	5
Total	20	177	197 (100)	137	295	432



**Figure 1: Total number of Multiple and Grouped Dwelling Development Applications Received (1 February 2016 – 30 September 2017)**

The statistics displayed in the above table and figure demonstrates that HOA1, which incorporates parts of Duncraig (south) and Warwick and HOA5, which incorporates parts of Hillarys, Kallaroo, Craigie and Padbury are the most active HOAs in terms of development applications received, respectively representing 23% and 32% of applications received.

The statistics also demonstrate that grouped dwellings are the predominant development typology being pursued in the City's HOAs, representing 89% and multiple dwellings representing only 11% of applications received.

### **Issues and Options Considered**

This section of the report deals with a number of issues and different options in addressing these under the following headings:

- Development in Housing Opportunity Areas.
- Petition for HOA1 West of Davallia Road.
- Petition for community consultation with the Edgewater community.

#### Development in Housing Opportunity Areas

The City acknowledges the concerns of some residents about the prospect and impact of higher density development in the HOAs.

As mentioned earlier in this report, the City always recognised the need to try and control, as best it could, the potential impact that the increased density would have on existing residents. Therefore, the City sought advice from the DPLH and explored different management actions with the DPLH and the WAPC as part of the initial implementation of the LHS.

Unfortunately, at that time the City was not provided with the direction it sought or the flexibility it needed to develop the scheme or policy provisions needed to constrain multiple dwelling developments and to manage the impacts of density.

More recently, the DPLH has focussed on and prioritised design quality in residential development through the development of *Design WA*, which will ultimately replace the R-Codes.

*Design WA* was released for public comment in October 2016 and although the City had some concerns with the documents at that stage, the City does support the overarching intent of *Design WA* to elevate the priority of design in the decision-making framework for planning applications.

The latest advice received from DPLH is that the documents to be released as the first tranche of *Design WA* will be finalised in the first calendar quarter of 2018. The *Apartment Design Guide* is one of these documents and although the provisions of this document are considered more relevant for larger apartment developments, the provisions will go a long way in addressing some of the concerns currently held about the design quality of some of the developments in HOAs.

The City has also recently been proactively engaging with DPLH and other local governments who are experiencing similar issues with infill development to explore other strategies to address community concerns.

Through this engagement, it has become apparent that:

- the DPLH and the WAPC are unlikely to be supportive of decreasing densities in HOAs, particularly those located close to public transport infrastructure
- the DPLH's position has changed somewhat since the initial implementation of the LHS and there now appears to be a greater appetite for local governments to develop and implement strategies that are specifically tailored to individual local government needs.

In view of this, the issues and implications associated with doing a full review of the City's LHS Strategy in its entirety are discussed below and several other strategies are proposed for Council's consideration.

Council may elect to:

- adopt all strategies outlined with or without modifications
- adopt a selection of the strategies outlined with or without modifications
- not adopt any of the strategies outlined
- or
- adopt alternate strategies as it sees fit.

#### *Review the Local Housing Strategy*

As previously outlined, the State Government has set a target of accommodating 47% of population growth within existing suburbs.

The City proactively sought to manage where this growth occurs and took a strategic approach that enabled residential density to increase in identified areas that were underpinned by amenity and infrastructure such as train stations, activity centres and high frequency bus routes.

This approach was based upon sound planning principles of the time, and these principles remain valid and are supported by the State Government. Therefore, it is suggested that focus and resources be directed toward managing the impacts resulting from the implementation of the LHS, rather than reviewing it in its entirety.

Notwithstanding, Council may elect to review the LHS.

A review of the LHS is likely to take a significant amount of time to complete. The current LHS took approximately seven years from the time the project commenced to when the recommendations were implemented via Amendment No. 73. While a full review of the LHS may not take another seven years, it is conceivable that a review and preparation of a revised LHS could take a substantial amount of time.

During this time, consistent with the legal advice provided to the City, the City will not be able to prevent development from occurring under the current densities and within the existing legislative framework.

It is also important to note that successive State Governments have advocated for increased density around activity centres and public transport routes, particularly train stations. The current State Government's Metronet platform further confirms the State Government's commitment to optimising station infrastructure. As such, if the LHS was to be reviewed and presented to the WAPC for consideration, there is a risk that even greater densities around stations and public transport routes could be imposed upon the City to maximise potential population catchment around train stations located within the City's boundaries.

It is therefore recommended that a full review of the City's LHS not be undertaken at this time.

Instead, it is proposed that Council agrees to progress several other strategies that seek to better inform the community and better manage the impacts of urban infill in the City's HOAs, at the current densities. These strategies have been identified for their degree of effectiveness and the timeframes in which they could be implemented, primarily being short to medium term.

These include the following:

- Amend the consultation procedures for planning proposals.
- Expand the role of the Joondalup Design Reference Panel.
- Prepare a design-led local planning policy for multiple dwellings in the City's HOAs.
- Introduce additional provisions in the City's DPS2 (or Local Planning Scheme).

*Amend the consultation procedures for planning proposals*

It is proposed to take immediate action to change the way in which the City consults on multiple dwelling proposals in the City's HOAs and (in parallel) to develop a Planning Consultation Policy, which will set out how the City will consult on all planning proposals.

Multiple dwelling consultation

The improvements suggested to the way in which the City undertakes consultation for multiple dwellings in HOAs includes the following:

- Write letters to adjoining landowners/occupiers seeking their feedback on matters of discretion that may affect them, as per the R-Codes and current practice.
- Revise the wording of consultation letters to reduce "planning" language and to assist the community to better understand the details of a proposal.
- In addition, notify via letter a broader catchment of surrounding landowners/occupiers who may not be directly affected by a proposal, but may be interested in the proposed development. The extent of this notification will be determined on a case-by-case basis at this time, depending on the location of the site and layout of surrounding streets; however, it is intended that more certainty as to who will be notified will be clarified through development of the Planning Consultation Policy.
- Prepare and distribute a set of Frequently Asked Questions (FAQs) with consultation or notification letters. The FAQs will provide background to the LHS and HOAs and will also provide the community with an understanding of the type of development that could be expected at different density codes. The FAQs will also be made permanently available on the City's website.
- Require the installation of a sign on site for multiple dwelling proposals. This will create visibility of a proposal to the local community. A sign will also serve to alert community members that may not be directly consulted or notified, but may still have an interest in the proposal as they walk, cycle or drive by a site.  
It is intended that the City will fabricate several standard/generic signs that can be re-used to avoid the costs of producing signs for every proposal and to avoid delays in commencing consultation and exceeding statutory decision-making timeframes. Signs typically cost approximately \$800 to fabricate and it is estimated that eight to 10 signs would be required, resulting in a potential budgetary impost to the City of \$6,400 - \$8,000.

- Explore the possibility to make multiple dwelling development proposals and plans available online to provide greater access for interested parties to review and provide comment.

### Planning Consultation Policy

It is proposed to develop a Planning Consultation Policy that will apply to all planning consultation, including individual planning applications as well as for more strategic proposals like activity centre plans or local development plans.

The policy will be mindful of statutory requirements associated with planning consultation, which in some instances include specific wording and platforms for some planning processes and also include maximum time periods for consultation.

In addition to these statutory requirements, the policy will set out additional platforms and consultation strategies that can be implemented.

The intent for the Planning Consultation Policy is to provide certainty and transparency for the community and Council on what and how proposals will be consulted on.

If this recommendation is supported by Council, a Planning Consultation Policy will be drafted and presented to the Policy Committee and then Council for adoption.

### *Expand the role of the Joondalup Design Reference Panel*

As previously outlined, the Joondalup Design Reference Panel (JDRP) is a Council-appointed panel of industry representatives from the Australian Institute of Architects, the Planning Institute of Australia and the Australian Institute of Landscape Architects. The JDRP is convened to provide external, independent design advice on development proposals throughout the City.

The current Terms of Reference for the JDRP include consideration of all new development and major extensions in the City Centre, as well as major development proposals outside of the City Centre, with the exception of single houses and developments of less than 10 grouped or multiple dwellings, and extensions to commercial or mixed-use buildings that do not significantly affect the streetscape.

It is proposed to expand the Terms of Reference to include consideration of multiple dwelling developments in HOAs. In doing so, it is intended that an additional, independent design lens will be applied to most multiple dwelling applications submitted. This will in turn add greater integrity to the approval process and will achieve higher quality design outcomes for multiple dwellings in the City's HOAs.

The expansion of the JDRP Terms of Reference to capture additional multiple dwelling proposals also has synergies with the proposed design-led local planning policy discussed below.

As also previously outlined, there is currently limited statutory weight that can be given to recommendations of the JDRP in decision making on development applications. As part of expanding the role of the JDRP, it is also proposed to initiate an amendment to the City's scheme to include reference to recommendations of the JDRP, which in turn will make these recommendations more binding and give the City greater ability to insist on higher quality design outcomes.

If Council were to adopt both approaches, the City would commence a review of the JDRP's Terms of Reference and prepare a report for Council's consideration.

The City would also commence preparation of a report for Council's consideration which seeks to initiate an amendment to the City's DPS2 to introduce reference to the JDRP.

Broadening the JDRP's Terms of Reference to capture a greater number applications will have a budgetary implication as the increased scope of the JDRP will likely translate to an increase in the number of meetings convened, and therefore an increase in sitting fees for the panel members.

The City currently incurs an annual cost associated with the operation of the JDRP of approximately \$7,000.

Based on the number of multiple dwelling applications lodged since implementation of the City's Local Housing Strategy, it is estimated that the annual costs of operating the JDRP would increase to approximately \$15,000.

It is also noted, and as previously advised to Council as part of its consideration of the City's submission on *Design WA* (CJ005-02/17 refers), that aligning the JDRP with the draft *Design Review Guide* included as part of the suite of documents for *Design WA* could increase the annual costs to upwards of \$48,000.

While this is a significant increase from the current operating cost of the City's current JDRP, this cost is similar to costs currently incurred by design review panels operated by other local governments which range in cost from \$24,000 up to \$90,000.

If Council were to agree that the role of the JDRP be expanded, a subsequent report would be prepared for Council's consideration which would include commentary on funding options that could alleviate some of the costs imposed on the City.

The initiation of a scheme amendment to give more weight to the recommendations of the JDRP would also have a budgetary impost as the City would be responsible for the costs associated with public consultation of the amendment.

#### *Prepare a design-led local planning policy for multiple dwellings in the City's HOAs*

The importance of design quality in planning assessment is being recognised by the State Government through the development of *Design WA* – a suite of design-led policies and guides.

These design-led policies and guides establish guiding principles, such as context, character, functionality, build quality and scale, with a requirement to demonstrate how a development outcome will achieve these principles. This is a somewhat different approach to the current R-Codes where, although good outcomes are the desired goal, the R-Codes seek to achieve this through a set of prescriptive requirements.

As previously outlined, the City raised some concern with the advertised version of the *Design WA* documents during consultation, however does support the principles and intent of *Design WA* to place greater importance on design quality.

Accordingly, it is recommended that a local planning policy be prepared that embraces the principles of *Design WA*, but is tailored to suit the specific challenges and characteristics of the City's HOAs.

It is important to note that the intent of the local planning policy would not be to restrict the ability to develop multiple dwelling developments throughout HOAs, or the density to which they could be developed, but rather to ensure their design is better managed.

The local planning policy would still include typical provisions related to elements such as those included in the City's current *Residential Development Local Planning Policy* (building height, parking and the like), but it is anticipated the policy could also include greater consideration of landscaping, protection of existing vegetation (or inclusion of areas for mature vegetation to be planted) to both lessen impact on adjoining neighbours as well as providing more integrated and higher quality streetscape outcomes.

In view of the design consideration required to inform the policy, coupled with the need to adequately resource the project to ensure implementation as soon as possible, it is recommended that an appropriately qualified consultant be engaged to undertake the tasks associated with preparation of the local planning policy, project managed by the City.

Without a defined scope of works or tenders received for consideration it is not possible to provide an exact figure on the likely budgetary impost of engaging a consultant to prepare a design-led local planning policy, however it is estimated the cost will be in the vicinity of \$50,000 - \$100,000.

#### *Introduce additional provisions into the City's scheme*

As previously outlined, during the finalisation of Amendment No. 73, a number of scheme provisions proposed to be included by the City did not form part of the Minister's final determination of the amendment.

Since Amendment No. 73, there appears to have been a shift in philosophy and now a greater appetite at the State level to accommodate the needs of individual local governments and equip them with the tools necessary to respond to local issues.

Accordingly, it is recommended to undertake an amendment to the City's scheme to introduce additional provisions to better manage and control multiple dwellings in the City's HOAs, which could include priority development standards such as minimum lot frontages and sizes, setbacks, building height, parking and plot ratio, and recognition of recommendations made by the JDRP.

The inclusion of such provisions in the City's scheme will add greater weight to key development criteria that have the most potential to impact surrounding residents and streetscapes.

If Council were to elect to adopt this option, the City would prepare a report for Council's consideration to initiate an amendment to the City's *District Planning Scheme No. 2* (DPS2) to include additional development provisions for multiple dwellings.

This option would have a budgetary implication as the City would be responsible for the costs associated with public consultation.

#### Petition for HOA1 West of Davallia Road

A 236 signature petition was tabled at Council's meeting dated 19 September 2017 (CJ64-09/17 refers) and requested:



*"We, the undersigned all being electors of the City of Joondalup, do respectfully request that Council include the area West of Davallia Road, in Housing Opportunity Area 1, that is currently coded R20/R40 and R20/R60 (as marked on the map included in attached covering letter) to the Amendment 88 to DPS2, providing a density coding of no higher than R20/R30. Should Amendment 88 fail to be approved by WAPC, we request a separate amendment review of the aforementioned area, West of Davallia Road, be drafted for the reasons listed in our covering letter attached. In light of the controversy surrounding the rezoning of said area, we would also like an immediate pause placed on planning approvals of subdivisions that exceed R30 until the matter has been fully resolved."*

There are several options for Council's consideration in relation to the requests contained in the above petition as follows:

- Whether to:
  - include the subject area into Amendment No. 88
  - initiate a separate amendment to DPS2 for the subject area
  - not progress a scheme amendment to reduce the density coding of the subject area.
- Whether to:
  - place an immediate pause on planning approvals for subdivisions that exceed R30
  - not place an immediate pause on planning approvals for subdivisions that exceed R30.

The options are discussed below:

**1**     *Include the area of HOA1 located west of Davallia Road into Amendment No. 88.*

Amendment No. 88 was initiated by Council at its meeting held on 27 June 2017 (CJ086-06/17 refers).

The amendment is considered a 'complex amendment' as it is inconsistent with the City's LHS as well as state policy. Due to its consideration as a 'complex amendment', agreement from the WAPC was required prior to undertaking public consultation. Support from the Environmental Protection Agency (EPA) was also required prior to commencing consultation on scheme amendments.

Agreement to advertise from the WAPC and EPA was received in August 2017. Upon receipt of this advice, the City commenced preparation of consultation materials for Amendment No. 88, however ceased following a meeting with the authors of the subject petition having been informed of the petition's intent to be included in Amendment No. 88.

Public consultation of Amendment No. 88 has since been held in abeyance awaiting Council's decision on how to deal with this petition.

The subject petition does not specify a preference to be included into Amendment No. 88 before it is advertised or after public consultation; however, liaison with the petition authors have indicated both options could be contemplated.

If Council elects to include the area of HOA1 located west of Davallia Road into Amendment No. 88 prior to consultation, Council will need to revoke its earlier decision made on 27 June 2017 (CJ086-06/17 refers) and resolve to initiate an amendment which includes the original Amendment No. 88 area as well as the area the subject of this petition.

The City has discussed this option with DPLH and has been advised that, similar to the original Amendment No. 88 proposal, due to the request being considered a 'complex amendment', an amendment of this nature would require agreement from the WAPC prior to undertaking consultation.

Agreement from the WAPC (and Environmental Protection Authority) to commence public consultation was received approximately seven weeks after Council's decision to initiate the original Amendment No. 88 proposal.

This option would delay the commencement of advertising of the current Amendment No. 88 proposal and is not recommended.

Alternatively, Council may elect to include the area of HOA1 located west of Davallia Road into Amendment No. 88 after consultation has been completed and as part of Council's consideration of the outcomes of advertising.

If this was to occur and Amendment No. 88 was adopted and referred to WAPC with a recommendation to include the afore-mentioned modification the Minister (or other authorised person) may direct that the modifications be re-advertised.

This option, if the City is directed to advertise modifications, would also delay the determination of Amendment No. 88 and would have a greater budgetary impost as duplication of advertising costs would be incurred. This option is therefore also not recommended.

2 *Initiate a separate amendment to down code the area of HOA1 located west of Davallia Road from R20/R40 and R20/R60 to R20/R30.*

Council may elect to initiate a separate amendment to propose the area of HOA1 located west of Davallia Road be down-coded from R20/R40 and R20/R60 to R20/R30.

This option would allow the current Amendment No. 88 to progress to public consultation without further delay or further involvement of the WAPC at this time.

However, initiation of another amendment in an HOA as an ad hoc response to a petition and outside of endorsed planning frameworks is not considered appropriate in the interests of orderly and proper planning and is unlikely to be supported by the DPLH and the WAPC. It could also strengthen the precedent that has arguably already been set by the initiation of Amendment No. 88.

The residents who have lodged this petition have verbally expressed a perception of inequity, given they were not included in the initial petition for the land east of Davallia Road and therefore were not included in Amendment No. 88.

The petition received from a number of Edgewater residents indicates that concerns about development in the HOAs is more widespread in the City and not only confined to HOA1 or the Duncraig residents.

Therefore, it is not considered appropriate or in the interests of orderly or proper planning for the Council to initiate a further amendment in another part of HOA1 as a localised solution to managing the impacts of density as this could strengthen the perception of inequity for other residents who are concerned about density. It would be more appropriate at this time to consider and address the issue at a strategic level and on a City-wide basis.

Notwithstanding the above, if Council considered it appropriate to initiate a new amendment, such a scheme amendment would be a lengthy and complex process as follows:

- Council would need to formally initiate the new scheme amendment.
- The scheme amendment would need to be referred to the Environmental Protection Authority for consideration.
- The scheme amendment would need to be referred to the Western Australian Planning Commission for agreement to advertise.
- Public consultation would need to be undertaken.
- All submissions would need to be considered by Council and Council would need to make a decision whether or not to proceed with the scheme amendment.
- The scheme amendment would then need to be submitted to the WAPC for consideration and to the Minister for Transport, Planning and Lands for determination.

The above process is unlikely to take less than 12 months and would also have budgetary implications as the City would be responsible for covering the costs associated the amendment.

The costs associated with the advertising of scheme amendments are estimated at approximately \$2,700, which could include letters to all owners and placing a notice in the local newspaper and on the City's website.

3 *Not progressing a scheme amendment to reduce the density coding of the subject area*

Instead of electing to include the area of HOA1 located west of Davallia Road in Amendment No. 88 or electing to initiate a separate amendment to down-code the area from R20/R40 and R20/R60 to R20/R30, the Council could elect to do nothing at all and applications will continue to be determined under the current planning framework. As has been demonstrated to date, some members of the community are concerned with the impacts that urban infill is having under the current framework, and the option of 'do nothing' is unlikely to address these concerns.

Alternatively, Council could elect to implement the additional strategies mentioned earlier that seek to better inform the community and better manage the impacts of urban infill, at the existing densities.

4 *Place an immediate pause on planning approvals of subdivisions that exceed R30*

In the case of subdivision, the Western Australian Planning Commission (WAPC) is the decision-making authority. The City is provided an opportunity to review and provide a recommendation on subdivision proposals, as are other agencies such as Water Corporation and Western Power; however, the City has no ability to pause or stop a subdivision proposal from being determined.

The submission that accompanied the petition referenced a report that suggested that the City of Stirling were placing a pause on controversial developments. The report referred to in the petition request is a 'blog' article dated 1 November 2013. The article appears to have been prepared, in part, in relation to Amendment No. 32 to the City of Stirling's *Local Planning Scheme No. 3* which sought to prohibit multiple dwellings on residential zoned lots coded below R60. Further, the article, in relation to Amendment No. 32, is written in the context of encouraging developers to lodge an application immediately to secure a development approval at a higher density.

The article makes reference to: *'...even before these proposed changes are implemented (while they are out for public comment), the council can take them into account when assessing new development applications...'* It is assumed the article is referencing the ability to give some regard to planning documents that are considered 'seriously entertained planning proposals'.

The degree of regard given to 'seriously entertained planning proposals' is subject to a number of 'tests' and, as per the advice received by the City, any new provisions should only be taken in to account in decision-making when there is a high degree of certainty and their introduction is imminent.

Accordingly, it is considered that the contention that the City of Stirling is currently placing a pause on development pending outcomes of a review of the R-Codes, has been misinterpreted.

In addition, the City has sought advice on the ability, legally, to make decisions in this fashion and have been advised that it would only be appropriate to give weight to the provisions of an impending scheme amendment when there is high degree of certainty that the amendment would be approved within an imminent timeframe.

#### Petition for Community Consultation with Edgewater Community

A 246 signature petition was tabled at Council's meeting held on 10 October 2017 (CJ73-10/17 refers) and requested:

*"We, the undersigned all being electors of the City of Joondalup, do respectfully request that Council ensures community consultation with residents in the suburb of Edgewater is a requirement for all DA's lodged with Council and advertisement of any such proposals includes all neighbours of any sites and notification to the Edgewater Community Residents Association Inc. In addition, Council to ensure any DA's must include traffic impact assessments, environmental impact assessments and noise management plans to allow residents and Council to fully assess the impact of any proposal. Council should note that the signatures below are not against development in Edgewater but wish this to be done in an inclusive way and be supported by the local community."*

The area of the City of Joondalup the subject of the petition is the entire suburb of Edgewater.

The petition requests Council consideration of two different issues that are addressed individually below:

- Require community consultation for all development applications lodged within Edgewater and ensures this includes all neighbours and notification to the Edgewater Community Residents Association Inc.
- Require development applications to include traffic impact assessments, environmental impact assessments and noise management plans.

The following are the options for Council's consideration in relation to the requests contained in the above petition:

- Whether to:
  - require community consultation for all development applications lodged within Edgewater and ensure this includes all neighbours and notification to the Edgewater Community Residents Association Inc, and require development applications to include traffic impact assessments, environmental impact assessments and noise management plans
  - not require community consultation for all development applications lodged within Edgewater and not require development applications to include traffic impact assessments, environmental impact assessments and noise management plans.

As outlined earlier, the R-Codes currently set out the procedure for public consultation for residential developments.

Under the R-Codes, the City is only required to consult with adjoining owners and occupiers (sharing a common boundary with the development site) and only then if the proposal does not meet the deemed-to-comply requirements and the City, as decision maker, considers that the discretions sought may adversely impact adjoining owners and occupiers.

One of the key reasons that the R-Codes only require consultation in instances where discretion is sought is that the R-Codes expressly states that the decision-maker shall not refuse a proposal that meets the deemed-to-comply requirements of the R-Codes and the relevant provisions of an applicable local planning scheme or local planning policy.

Accordingly, undertaking consultation on all development applications as requested in the petition, which would include those that meet the deemed-to-comply requirements of the R-Codes, could give rise to a false expectation within the community that a submission on a particular proposal might influence the decision, when in actual fact the City may not have the ability to do anything but approve a proposal for the reasons outlined earlier in this report.

Requiring community consultation for every development application in Edgewater will result in a more complex and protracted process for even the simplest of development applications. This will impact on the resources of the City and significant extra resources will be needed to assess development applications, which will come at a cost to the ratepayer.

In addition, this will impact on service delivery and the ability for the City to meet statutory timeframes for the determination of development applications. This will not only impact developers of larger developments, it would also impact normal residents wanting to erect a carport or do an extension to their home or run a home business.

The petition requests a particular approach to community consultation be undertaken specifically for the suburb of Edgewater and Council could agree to this. However, this would create an imbalance throughout the City of Joondalup whereby one suburb would be subject to a greater degree of community consultation than the remaining suburbs.

This option is therefore not recommended as it is not considered appropriate to make ad hoc decisions with respect to community consultation without first undertaking a broader, more holistic review of how consultation for planning applications is undertaken throughout the entire City of Joondalup.

In relation to the request relating to community consultation contained in the petition, Council could elect to do nothing at all and community consultation will continue to be undertaken in the current fashion. However, as has been demonstrated to date, it is clear that some members of the community are concerned with the degree of community consultation, and an option of 'do nothing' is unlikely to address these concerns.

Instead, the City recognises there is scope to instil more rigour to its consultation methodologies for planning applications and strategies to achieve this have been proposed earlier in this report.

*Require development applications to include traffic impact assessments, environmental impact assessments and noise management plans*

There is no threshold or development type specified in the petition request and therefore it can only be inferred that the requirement for traffic impact assessments, environmental impact assessments and noise management plans is intended to apply to all development applications lodged in Edgewater.

This being the case, the requirement is considered to be onerous and would add an unnecessary burden on the applicant that, in most circumstances, would do little to inform the City in its decision making.

For example, it is considered inappropriate to require such technical studies to accompany a proposal to undertake additions to an existing dwelling (patio, carport or extensions) as it would place an unnecessary burden on the applicant and do little to inform the City in its decision-making.

The City does require the inclusion of additional reports such as traffic impact assessments, noise management plans, refuse management plans and construction management plans for developments that are of a scale where the detail contained within technical reports of this nature is essential or necessary for the City and Council to make an informed decision.

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

<b>Legislation</b>	<i>Planning and Development Act 2005. Planning and Development (Local Planning Schemes) Regulations 2015.</i>
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### **Strategic Community Plan**

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Building and landscape is suitable for the immediate environment and reflect community values.
<b>Policy</b>	<i>Residential Development Local Planning Policy. State Planning Policy 3.1: Residential Design Codes.</i>

## **Risk Management Considerations**

### The City's LHS and proposed management strategies

*Amend the consultation procedures for planning proposals*

One of the options proposed earlier in this report involves broadening the scope of community consultation to notify and engage a broader catchment of residents that may not be directly impacted by a development proposal in HOAs.

If these residents then lodge an objection to the proposal and that proposal is approved despite these objections, there is a risk that certain community members may feel their objections and concerns are not being considered in the decision-making process. It is noted that this may already occur with the current extent of consultation, however if consultation is increased to a broader catchment, it is anticipated that there could be a corresponding increase in this sentiment.

The City proposes to manage this as best possible through including information with any notification letter as well as developing a set of frequently asked questions to address common concerns that have previously raised as part of consultation.

There is also a risk that such an approach may result in a greater number of responses received to each application advertised, increasing the amount of time taken for officers to complete an assessment. In turn, this may impact on service delivery and the ability for the City to meet statutory timeframes for the determination of development applications.

In the absence of an alternative strategy and if community consultation continues to be undertaken in the current fashion, there is a risk that some members of the community will remain concerned about the extent of consultation undertaken as part of development applications.

#### *Expand the role of the Joondalup Design Reference Panel*

In expanding the role of the Joondalup Design Reference Panel (JDRP) to participate in the design review of a greater number of multiple dwellings, there is a risk that this will result in an additional process for such applications and an increase in the amount of reporting undertaken by City officers. This will in turn, increase the amount of overall time taken for officers to deal with an application and consequently may impact on service delivery and the ability for the City to meet statutory timeframes for the determination of development applications.

In addition, there is a risk that expanding the role of the JDRP will lead to an increase in the number of meetings held, resulting in an additional cost to the City.

If the role of the JDRP is left unchanged, there is a risk that some members of the community will remain concerned with the design outcomes of multiple dwellings and the impact on existing neighbourhoods.

#### *Prepare a design-led local planning policy for multiple dwellings in the City's HOAs*

The DPLH is in the process of finalising *Design WA*, which is anticipated to be released in the first calendar quarter of 2018.

The *Apartment Design Guide* forms part of the suite of documents that makes up *Design WA*, and includes a provision that states that any policy prepared prior to the implementation of the *Apartment Design Guide*, is superseded by the *Apartment Design Guide* to the extent of any inconsistency.

Accordingly, there is a risk in the timing of the preparation of a design-led local planning policy for multiple dwellings in the City's HOAs. It is proposed to manage this as best possible by continuing to liaise closely with the DPLH to understand the final provisions to be included as well as the timing for *Design WA*'s release.

If a design-led local planning policy for multiple dwellings in the City's HOAs is not pursued and multiple dwellings continue to be assessed under the City's existing *Residential Development Local Planning Policy*, there is a risk that some members of the community will remain concerned with the built form outcomes of multiple dwellings and their impact on existing neighbourhoods.

Further, if a design-led local planning policy for multiple dwellings in the City's HOAs is not pursued and *Design WA* is introduced, there is a risk that the provisions of the City's *Residential Development Local Planning Policy* will be superseded by those included in the *Apartment Design Guide*. The City raised a number of concerns with the 'as advertised' version of the *Design WA* and if introduced as advertised, the City may be forced to assess applications against provisions it opposed during consultation.

#### *Introduce additional provisions in the City's scheme*

Council adopted draft *Local Planning Scheme No. 3* (LPS3) at its meeting held on 27 June 2017 (CJ089-06/17) and draft LPS3 was subsequently forwarded to the WAPC for consideration for final approval.

There is a risk that if Council elects to initiate an amendment to include additional provisions in the City's scheme for multiple dwellings, it is possible that draft LPS3 will have progressed beyond a point where there is the ability to capture this subject amendment within draft LPS3. If this was to occur, a new amendment would then need to be initiated following the finalisation of LPS3 to include these provisions.

#### Petition for HOA1 West of Davallia Road

The options presented for Council's consideration include the following:

- Include the area of HOA1 located west of Davallia Road in Amendment No. 88.
- Initiate a separate amendment to down code the area of HOA1 located west of Davallia Road from R20/R40 and R20/R60 to R20/R30.  
or
- Not include the area of HOA1 located west of Davallia Road into either Amendment No. 88 or in a separate amendment to down-code the area from R20/R40 and R20/R60 to R20/R30.

Council adopted draft *Local Planning Scheme No. 3* (LPS3) at its meeting held on 27 June 2017 (CJ089-06/17 refers) and draft LPS3 was subsequently forwarded to the WAPC for consideration for final approval.

There is a risk that if Council elects to include the area of HOA1 located west of Davallia Road into Amendment No. 88 and it further delays consultation on or the WAPC's final consideration of Amendment No. 88, it is possible that draft LPS3 will have progressed beyond a point where there is the ability to capture this subject amendment within draft LPS3. If this was to occur, a new amendment would then need to be initiated following the finalisation of LPS3 to request the reduction in the residential coding in the subject areas of HOA1.

This same risk also applies equally to the initiation of a separate scheme amendment to down-code the area of HOA1 located west of Davallia Road from R20/R40 and R20/R60 to R20/R30.



If action to down-code the area of HOA1 located west of Davallia Road, as requested by the petition, is not pursued in any form and, in the absence of any other strategies, there is a risk that some members of the community will remain concerned about the impact of urban infill as development applications will continue to be determined under the existing planning framework.

#### Petition for Community Consultation with Edgewater Community

The options presented for Council's consideration include requiring or not requiring community consultation for all development applications lodged within Edgewater and requiring or not requiring development applications to include traffic impact assessments, environmental impact assessments and noise management plans.

There is a risk that requiring a specific form of consultation within one suburb of the City would create an imbalance where one community is provided with a greater degree of consultation than others and could be viewed as an ad hoc and undesirable approach.

More broadly, by requiring community consultation for all development applications, there is a risk that false expectations could be created within the community that there may be an opportunity to influence a decision when, in actual fact, the City or Council, may not have the ability to do anything but approve a proposal.

Expanding community consultation to include every development application in Edgewater and requiring each development application to be accompanied by supporting technical studies will add a significant resource burden to the City. There is a risk that this may impact on service delivery and the ability for the City to meet statutory timeframes for the determination of development applications.

In the absence of an alternative strategy and community consultation continuing to be undertaken in the current fashion, there is a risk that some members of the community will remain concerned about the degree of consultation undertaken in the City's HOAs.

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

Throughout the report, potential budgetary implications were identified with the following options:

- Include the area of HOA1 located west of Davallia Road in Amendment No. 88.
- Initiate a separate amendment to down code the area of HOA1 located west of Davallia Road from R20/R40 and R20/R60 to R20/R30.
- Amend the consultation procedures for planning proposals.
- Expand the role of the Joondalup Design Reference Panel.
- Prepare a design-led local planning policy for multiple dwellings in the City's HOAs.
- Introduce additional provisions in the City's scheme.

Their individual potential budgetary implications are outlined below:

#### *Include the area of HOA1 located west of Davallia Road in Amendment No. 88*

Council may elect to include the area of HOA1 located west of Davallia Road in Amendment No. 88 following consultation, as part of Council's consideration of the outcomes of advertising.

If this was to occur and Amendment No. 88 was adopted and referred to WAPC with a recommendation to include the aforementioned modification to include the area of HOA1 west of Davallia Road, the Minister (or other authorised person) may direct the modifications be advertised.

If this was to occur, the advertising costs associated with the scheme amendment would effectively be duplicated.

The City, as the proponent is required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the scheme amendment which could include letters to all owners, and placing a notice in the local newspaper and on the City's website.

Costs associated with the advertising of scheme amendments are estimated at approximately \$2,700.

*Initiate a separate amendment to down code the area of HOA1 located west of Davallia Road from R20/R40 and R20/R60 to R20/R30*

Similar to the above, if a separate amendment to down code the area of HOA1 located west of Davallia Road was to be initiated and receive agreement from the WAPC to advertise, the City would be required to cover the costs associated with the scheme amendment process, which are estimated at approximately \$2,700.

*Amend the consultation procedures for planning proposals*

The amendments to the consultation procedures for planning proposals include a recommendation to require a sign to be erected on each multiple dwelling site during the period of public consultation.

It is intended that the City fabricate several standard signs that can be re-used so as to avoid an ongoing cost impost.

Signs typically cost approximately \$800 to fabricate and it is estimated that eight to 10 signs would be required, resulting in a potential budgetary impost to the City of \$6,400 - \$8,000.

It is also noted that the amendments to the consultation procedures for planning proposals includes a recommendation to increase the number of residents that are consulted / notified as part of each multiple dwelling development application, which will result in an ongoing, increased cost to the City for postage. It is not possible to quantify the likely budgetary impost, but it is unlikely to be significant.

*Expand the role of the Joondalup Design Reference Panel*

The City currently incurs an annual cost associated with the operation of the Joondalup Design Reference Panel (JDRP) of approximately \$7,000.

It is anticipated that the number of JDRP meetings would increase if the role of the JDRP was expanded to capture a greater number of multiple dwellings.

Based on the number of multiple dwelling applications lodged since implementation of the City's Local Housing Strategy, it is estimated that the annual costs of operating the JDRP would increase to approximately \$15,000.

It is also noted and as previously advised to Council as part of its consideration of the City's submission on *Design WA* (CJ005-02/17 refers), that aligning the JDRP with the draft *Design Review Guide* included as part of the suite of documents for *Design WA* could increase the annual costs to upwards of \$48,000.

While this is a significant increase from the current operating cost of the City's current JDRP, this cost is similar to costs currently incurred by design review panels operated by other local governments which range from \$24,000 up to \$90,000.

If Council was to agree to the expanded role of the JDRP, a subsequent report would be prepared for Council's consideration which would include commentary on funding options that could alleviate some of the costs imposed on the City.

*Prepare a design-led local planning policy for multiple dwellings in the City's HOAs*

As previously outlined, it is considered that a consultant, under the management of City officers, is best placed to deliver this project. There would therefore be a budgetary impost to pay for the cost of the consultant.

Without a defined scope of works or tenders received for consideration it is not possible to provide an exact figure on the likely budgetary impost; however, it is estimated to be in the vicinity of \$50,000 - \$100,000.

*Introduce additional provisions in the City's scheme*

If Council elects to initiate an amendment to include additional provisions in the City's scheme the City, as the proponent, is required to cover the costs associated with the scheme amendment process.

The costs incurred are for the advertising of the scheme amendment which could include letters to all owners and placing a notice in the local newspaper and on the City's website. Costs associated with the advertising of scheme amendments are estimated at approximately \$2,700.

It is intended that this scheme amendment would also include the proposed amendment to reference the recommendations of the Joondalup Design Reference Panel in decision making. This would achieve some cost efficiencies for the City by requiring a single scheme amendment (and therefore a single cost) for two different management strategies.

## **Regional Significance**

Council's decision and the outcomes of any initiatives pursued have the potential to have broader implications.

The management of urban infill is becoming an increasingly common issue being experienced by local governments throughout metropolitan Perth as each respond to the State Government's target of providing 47% of population growth within existing suburbs.

Accordingly, successful initiatives and lessons learnt are likely to be embraced by other local governments and could also inform future policy making at State level.

## **Sustainability Implications**

### **Environmental**

A key principle of the City's LHS is to enable increased residential densities in appropriate areas. These areas are predominantly located around train stations, high frequency public transport routes and activity centres to reduce car dependency and in turn reduce the environmental impacts of private vehicle use.

Further, applying a strategic approach rather than allowing densification to occur everywhere means that the majority of the City's residential areas cannot be redeveloped and therefore the broader tree canopy throughout the City can be retained.

### **Social**

A key principle of the City's LHS is to provide housing choice and diversity throughout the City's suburbs.

The ability to provide a range of housing types in the City's HOAs, including grouped housing and multiple dwellings, promotes opportunities for ageing in place by allowing existing residents to downsize to smaller properties if desired. Equally, this same housing choice provides opportunities for potential residents to become part of a community they would not otherwise be able to if the choice in housing was limited to single, detached dwellings.

### **Economic**

A number of the City's HOAs are located in close proximity to activity centres. Establishing a framework that supports an increased population in close proximity to activity centres, in turn also provides opportunity for improved commercial viability of these centres.

### **Consultation**

The only option presented in this report which has a direct consultation component that could arise from Council's decision relates to the inclusion of the area of HOA1 located west of Davallia Road into Amendment No. 88.

If Council elects to adopt either option presented, being the inclusion of the area of HOA1 located west of Davallia Road into Amendment No. 88 before or after undertaking public consultation, and subject to the agreement of the WAPC being received, consultation would be undertaken as follows:

- Letters will be sent to all landowners within the scheme amendment area.
- Frequently Asked Questions will be attached to the letter to provide explanation of the issues.
- A notice will be placed in the Joondalup Community newspaper.
- A notice and documents will be placed on the City's website, including an online comment form.
- Documents will be available for viewing at the City's Administration building.
- Letters will be sent to relevant service authorities.
- A notice will be placed through the City's social media platforms.

Consultation related to all other options outlined would be detailed in separate reports presented to Council prior to any consultation occurring.

## COMMENT

Since implementation of the City's *Local Housing Strategy* (LHS), via Amendment No. 73, in February 2016, development is occurring throughout all Housing Opportunity Areas.

It is considered that the overarching principles of the LHS to strategically locate areas of urban infill around public transport and activity centres is sound and remains consistent with State planning policies and best practice planning principles.

It is also considered that allowing a variety of housing typologies, including multiple dwellings, in these areas is an appropriate way of providing housing choice and diversity throughout the City.

Notwithstanding the above, it is clear that there is concern among some community members about the impact that urban infill, particularly multiple dwellings, is having and has the potential to have on the City's neighbourhoods.

This concern has manifested itself in a number of requests to Council to implement location specific action that would undermine the broader intent of the LHS. Rather than adopting an ad hoc approach, it is considered that a more appropriate and effective way of dealing with the issues raised can be achieved through implementation of a number of strategies that seek to both better inform the community and to better manage the impact of urban infill and in particular, multiple dwellings.

## VOTING REQUIREMENTS

Simply Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 DOES NOT SUPPORT the request to include the portion of Housing Opportunity Area 1, located west of Davallia Road into Amendment No. 88 to District Planning Scheme No. 2, to reduce the density coding from R20/R40 and R20/R60 to a density coding of no higher than R20/R30;
- 2 DOES NOT SUPPORT the request to initiate a separate amendment to District Planning Scheme No. 2 to reduce the density coding of the portion of Housing Opportunity Area 1, located west of Davallia Road, from R20/R40 and R20/R60 to a density coding of no higher than R20/R30;
- 3 DOES NOT SUPPORT the request to immediately place a pause on planning approvals of subdivisions that exceed R30 in the portion of Housing Opportunity Area 1, located west of Davallia Road;
- 4 DOES NOT SUPPORT the request that community consultation with residents in the suburb of Edgewater is a requirement for all development applications lodged, and advertisement of any such proposals includes all neighbours of any sites and notification to the Edgewater Community Residents Association Inc;

- 5 DOES NOT SUPPORT the request that all development applications in the suburb of Edgewater must include traffic impact assessments, environmental impact assessments and noise management plans to allow residents and Council to fully assess the impact of any proposal;
- 6 NOTES that the signatories of the petition submitted by the Edgewater Community Residents Association are not against development in Edgewater but wish development to occur in an inclusive way, supported by the local community;
- 7 REQUESTS a review of the City's consultation procedures be undertaken and that a new consultation process be adopted to increase the amount of consultation and notification undertaken on multiple dwelling development applications lodged in the City's Housing Opportunity Areas;
- 8 REQUESTS the preparation of a Planning Consultation Policy to provide greater certainty and transparency regarding consultation undertaken for planning proposals;
- 9 REQUESTS the Terms of Reference of the Joondalup Design Reference Panel be amended to subject a greater number of multiple dwelling proposals to independent design review as part of the City's assessment of the proposals;
- 10 REQUESTS the preparation of a design-led local planning policy for multiple dwellings in the City's Housing Opportunity Areas that requires a higher quality of design and better manages the impact of multiple dwellings on existing residents and streetscapes;
- 11 NOTES that the preparation of a design-led local planning policy for multiple dwellings in the City's Housing Opportunity Areas will be prepared by a consultant, appointed by the City;
- 12 REQUESTS the initiation of an amendment to *District Planning Scheme No. 2* to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes, along with provisions which require regard be given to recommendations made by the Joondalup Design Reference Panel in the determination of planning proposals;
- 13 ADVISES the lead petitioners of its decision.

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

- 1 **REQUESTS a review of the City's consultation procedures be undertaken and that a new consultation process be adopted to increase the amount of consultation and notification undertaken on multiple dwelling development applications lodged in the City's Housing Opportunity Areas;**
- 2 **REQUESTS the preparation of a Planning Consultation Policy to provide greater certainty and transparency regarding consultation undertaken for planning proposals;**
- 3 **REQUESTS the Terms of Reference of the Joondalup Design Reference Panel be amended to subject a greater number of multiple dwelling proposals to independent design review as part of the City's assessment of the proposals;**

- 4 REQUESTS the preparation of a design-led local planning policy for multiple dwellings in the City's Housing Opportunity Areas that requires a higher quality of design and better manages the impact of multiple dwellings on existing residents and streetscapes by focusing on the context and character of the Housing Opportunity Areas as well as the scale, functionality and build quality of new development;
- 5 NOTES that the Chief Executive Officer will need to engage a consultant to prepare the local planning policy outlined in part 4 above;
- 6 REQUESTS the initiation of an amendment to District Planning Scheme No. 2 to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes, including the provisions of draft Amendment No. 73 that were previously deleted by the Western Australian Planning Commission that required a minimum site area of 2,000m<sup>2</sup> for multiple dwelling developments and that required all development at the higher density to comply with the City's *Residential Development Local Planning Policy* or equivalent, along with provisions which require regard be given to recommendations made by the Joondalup Design Reference Panel in the determination of planning proposals;
- 7 DEFERS consideration of the request to include the portion of Housing Opportunity Area 1, located west of Davallia Road into Amendment No. 88 to *District Planning Scheme No. 2*, to reduce the density coding from R20/R40 and R20/R60 to a density coding of no higher than R20/R30, to be dealt with as a separate matter at the Council meeting to be held on 12 December 2017;
- 8 AGREES that all other requests made in the petitions received from the residents in Housing Opportunity Area 1, located west of Davallia Road and the Edgewater Community Residents Association not be progressed at this time;
- 9 ADVISES the lead petitioners of its decision.

AMENDMENT MOVED Cr Dwyer, SECONDED Cr Poliwka that Part 7 be replaced with the following:

- "7 *SUPPORTS the request to include the portion of Housing Opportunity Area 1, located west of Davallia Road into Amendment No. 88 to District Planning Scheme No. 2, to reduce the density coding from R20/R40 and R20/R60 to a density coding of no higher than R20/R30 and NOTES that a report dealing with the revocation of Council's earlier decision to initiate existing Amendment No. 88 and to initiate a replacement amendment will be presented to an upcoming Council meeting;*".

The Amendment was Put and

CARRIED (10/0)

In favour of the Amendment: Mayor Jacob, Crs Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

The original motion as amended being that Council:

- 1 REQUESTS a review of the City's consultation procedures be undertaken and that a new consultation process be adopted to increase the amount of consultation and notification undertaken on multiple dwelling development applications lodged in the City's Housing Opportunity Areas;
- 2 REQUESTS the preparation of a Planning Consultation Policy to provide greater certainty and transparency regarding consultation undertaken for planning proposals;
- 3 REQUESTS the Terms of Reference of the Joondalup Design Reference Panel be amended to subject a greater number of multiple dwelling proposals to independent design review as part of the City's assessment of the proposals;
- 4 REQUESTS the preparation of a design-led local planning policy for multiple dwellings in the City's Housing Opportunity Areas that requires a higher quality of design and better manages the impact of multiple dwellings on existing residents and streetscapes by focusing on the context and character of the Housing Opportunity Areas as well as the scale, functionality and build quality of new development;
- 5 NOTES that the Chief Executive Officer will need to engage a consultant to prepare the local planning policy outlined in part 4 above;
- 6 REQUESTS the initiation of an amendment to District Planning Scheme No. 2 to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes, including the provisions of draft Amendment No. 73 that were previously deleted by the Western Australian Planning Commission that required a minimum site area of 2,000m<sup>2</sup> for multiple dwelling developments and that required all development at the higher density to comply with the City's *Residential Development Local Planning Policy* or equivalent, along with provisions which require regard be given to recommendations made by the Joondalup Design Reference Panel in the determination of planning proposals;
- 7 SUPPORTS the request to include the portion of Housing Opportunity Area 1, located west of Davallia Road into Amendment No. 88 to *District Planning Scheme No. 2*, to reduce the density coding from R20/R40 and R20/R60 to a density coding of no higher than R20/R30 and NOTES that a report dealing with the revocation of Council's earlier decision to initiate existing Amendment No. 88 and to initiate a replacement amendment will be presented to an upcoming Council meeting;
- 8 AGREES that all other requests made in the petitions received from the residents in Housing Opportunity Area 1, located west of Davallia Road and the Edgewater Community Residents Association not be progressed at this time;
- 9 ADVISES the lead petitioners of its decision.

Was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Jacob, Crs Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.



**REASON**

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because the decision is reflective of community desire within the City of Joondalup across a range of housing opportunity areas and particularly Housing Opportunity Area 1 and this is largely consistent with the City of Joondalup position on this matter over a long period of time.

*Cr Taylor left the Chamber at 8.27pm.*

*Cr Chester returned to the Chamber at 8.28pm.*

## **CJ178-11/17      APPOINTMENT OF A DEPUTY MEMBER TO MINDARIE REGIONAL COUNCIL**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 101515
<b>ATTACHMENT</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.

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### **PURPOSE**

For Council to give consideration to appointing an Elected Member to deputise for Cr Russ Fishwick, JP at any meetings of the Mindarie Regional Council held between 15 November and 20 December 2017 and 25 January and 18 February 2018 and Cr Mike Norman between 22 February and 3 March 2018 and 6 April and 13 April 2018.

### **EXECUTIVE SUMMARY**

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- Town of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Cr Mike Norman. The MRC meets bi-monthly, with its next meeting scheduled to be held on Thursday, 14 December 2017 at the Town of Victoria Park.

Cr Russ Fishwick, JP is on approved leave of absence for the periods 15 November and 20 December 2017 and 25 January and 18 February 2018, which includes the next scheduled meeting. Cr Mike Norman has also signaled an intent to request leave of absence between 22 February and 3 March 2018 as well as between 6 April and 13 April 2018. Previous legal advice requires that where the City requires to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

*It is therefore recommended that Council:*

- 1 *in the absence of Cr Russ Fishwick and Cr Mike Norman and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an Elected Member as a deputy member to act on behalf of Cr Russ Fishwick, JP and Cr Mike Norman and represent the City at any meetings of the Mindarie Regional Council to be held between 15 November and 20 December 2017, 25 January and 18 February 2018, 22 February and 3 March 2018 and 6 April and 13 April 2018;*
- 2 *ADVISES the Mindarie Regional Council of its decision.*

## **BACKGROUND**

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- Town of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Cr Mike Norman. The MRC meets bi-monthly, with its next meeting scheduled to be held on Thursday, 14 December 2017 at the Town of Victoria Park.

## **DETAILS**

Cr Russ Fishwick, JP is on approved leave of absence between the periods 15 November and 20 December 2017 and 25 January and 18 February 2018, which includes the next scheduled meeting. Cr Mike Norman has also signaled an intent to request leave of absence between 22 February and 3 March 2018 as well as between 6 April and 13 April 2018. Previous legal advice requires that where the City requires to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

This advice indicated that there is no power for member Councils to appoint permanent deputies to the MRC. Consequently, if the City's appointed member to the MRC is unable to attend the meeting, a nominated deputy cannot just attend in his or her place. Instead, the City needs to appoint a person to act in place of the member on each occasion when the member cannot attend.

## **Issues and options considered**

The options available to the Council are to:

- agree to appoint another Elected Member to act in the place of Cr Fishwick, JP during his absence  
or
- not agree to appoint another member.

## Legislation / Strategic Community Plan / policy implications

### Legislation

The legislation, which is constraining the appointment of deputies, is the *Interpretation Act 1984*.

Section 52(1) and (2) of the *Interpretation Act 1984* states:

*“Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such a power or duty shall also have the power:*

*Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and*

*To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.*

*For the purposes of subsection (1)(b), “cause” includes:*

- *Illness*
- *Temporary absence from the State*
- *Conflict of interest.*

*The key provisions, which create problems for the appointment of deputies, are the word ‘unable’ in subsection 1(b) and the requirement to specify the period of appointment in subsection 1(c)."*

### Strategic Community Plan

#### Key theme

Governance and Leadership.

#### Objective

Strong leadership.

#### Strategic initiative

Seek out City representation on key external and strategic bodies.

#### Policy

Not applicable.

### Risk management considerations

The risk to the City of Joondalup is that if another member is not appointed to represent the City in the absence of Cr Fishwick, JP, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the MRC.

**Financial / budget implications**

Not applicable.

**Regional significance**

The Mindarie Regional Council is the primary Waste Management Authority for a number of metropolitan local government authorities. The City's representation at MRC meetings is of critical importance to the regional management of waste.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

It is considered to be of regional and strategic importance that Council exercises its ability to be represented at each and every meeting of the MRC. It is recommended that a deputy member be appointed to represent the City at any meetings of the Mindarie Regional Council to be held during the periods of Cr Fishwick's leave of absence from 15 November and 20 December 2017 and 25 January and 18 February 2018 as well as Cr Norman's leave of absence between the periods 22 February and 3 March 2018 and 6 April and 13 April 2018.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 in the absence of Cr Russ Fishwick and Cr Mike Norman and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an Elected Member as a deputy member to act on behalf of Cr Russ Fishwick, JP and Cr Mike Norman and represent the City at any meetings of the Mindarie Regional Council to be held between 15 November and 20 December 2017, 25 January and 18 February 2018, 22 February and 3 March 2018 and 6 April and 13 April 2018;
- 2 ADVISES the Mindarie Regional Council of its decision.

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

- 1 In the absence of Cr Russ Fishwick and Cr Mike Norman and in accordance with the provisions of section 52 of the *Interpretation Act 1984*, APPOINTS Mayor Jacob as a deputy member to act on behalf of Cr Russ Fishwick, JP and Cr Mike Norman and represent the City at any meetings of the Mindarie Regional Council to be held between 15 November and 20 December 2017, 25 January and 18 February 2018, 22 February and 3 March 2018 and 6 April and 13 April 2018;**
- 2 ADVISES the Mindarie Regional Council of its decision.**

**The Motion was Put and**

**CARRIED (10/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman and Poliwka.

**CJ179-11/17 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal during the period 20 September to 20 October 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 20 September 2017 to 20 October 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 20 September 2017 to 20 October 2017, as detailed in Attachment 1 to Report CJ179-11/17.*

**BACKGROUND**

For the period 20 September to 10 October 2017, six documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification.	5
Withdrawal of Caveat.	1
Amendments to District Planning Scheme No. 2	3

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.



**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Schedule of Documents Executed by means of affixing the common seal for the period 20 September 2017 to 20 October 2017, as detailed in Attachment 1 to Report CJ179-11/17.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ189-11/17, page 126 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf171114.pdf](#)*

## **CJ180-11/17      CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY 2017 TO 30 SEPTEMBER 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENT</b>	Attachment 1      Corporate Business Plan Quarterly Progress Report for the Period 1 July 2017 to 30 September 2017 Attachment 2      Capital Works Program Quarterly Report for the Period 1 July 2017 to 30 September 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 receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2017 to 30 September 2017 and the *Capital Works Quarterly Report* for the period 1 July 2017 to 30 September 2017.

### **EXECUTIVE SUMMARY**

The City's *Corporate Business Plan 2017-18-2021-22* is the City's five-year delivery program which is aligned to the strategic direction and priorities set within the 10 year *Strategic Community Plan: Joondalup 2022*.

The *Corporate Business Plan* contains the major projects and priorities which the City proposes to deliver over the five year period and also specific milestones for projects and priorities in the first year (2017-18).

The *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2017 to 30 September 2017 provides information on the progress of 2017-18 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ180-11/17.

A *Capital Works Quarterly Report*, which details all projects within the Capital Works Program, is provided as Attachment 2 to Report CJ180-11/17.

*It is therefore recommended that Council RECEIVES the:*

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 July 2017 to 30 September 2017 which is shown as Attachment 1 to Report CJ180-11/17;*
- 2 *Capital Works Quarterly Report for the period 1 July 2017 to 30 September 2017 which is shown as Attachment 2 to Report CJ180-11/17.*

## **BACKGROUND**

The City's *Corporate Business Plan 2017-18–2021-22* demonstrates how the objectives of the City's *Strategic Community Plan* are translated into a five year delivery program.

The *Corporate Business Plan* was endorsed by Council on 15 August 2017 (CJ132-08/17 refers). The plan contains the major projects and priorities for the five year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2017-18 financial year.

The City's *Corporate Reporting Framework* requires the development of quarterly reports against annual projects and priorities which are presented to Council on a quarterly basis.

The City's *Corporate Business Plan* and quarterly reports are in line with the Department of Local Government, Sport and Cultural Industries' *Integrated Planning Framework* which requires planning and reporting on local government activities.

## **DETAILS**

### **Issues and options considered**

The *Corporate Business Plan Quarterly Progress Report* provides information on progress against the milestones for the 2017-18 projects and programs within the *Corporate Business Plan*.

A commentary is provided against each quarterly milestone on the actions completed, and project status is reported via colour coding which indicates if the project has been completed, is on track or slightly behind schedule. Information is also provided on the budget status for each item.

The milestones being reported this quarter are the shaded sections of Attachment 1. 'Business as usual' activities within each key theme have also been separated from strategic projects and programs within the report.

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

#### **Legislation**

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

*"This Act is intended to result in:*

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

## Strategic Community Plan

<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>	The City's Governance Framework recognises the importance of effective communication, policies and practices in Section 7.2.4. Section 10.2 further acknowledges the need for accountability to the community through its reporting framework which enables an assessment of performance against the <i>Strategic Community Plan</i> , <i>Strategic Financial Plan</i> , <i>Corporate Business Plan</i> and Annual Budget.

## Risk management considerations

The *Corporate Business Plan Quarterly Progress Reports* provide a mechanism for tracking progress against milestones for major projects and programs.

## Financial / budget implications

All 2017-18 projects and programs in the *Corporate Business Plan* were included in the *2017-18 Annual Budget*.

## Regional significance

Not applicable.

## Sustainability implications

The projects and programs in the *Corporate Business Plan* are aligned to the key themes in *Joondalup 2022* which have been developed to ensure the sustainability of the City.

The key themes are:

- Governance and Leadership
- Financial Sustainability
- Quality Urban Environment
- Economic Prosperity, Vibrancy and Growth
- The Natural Environment
- Community Wellbeing.

## Consultation

Not applicable.

## COMMENT

The *Corporate Business Plan 2017-18–2020-21* was endorsed by Council at its meeting held 15 August 2017 (CJ132-08/17 refers). A detailed report on progress of the Capital Works Program has been included with the *Corporate Business Plan Quarterly Progress Report*.

This report provides an overview of progress against all of the projects and programs in the *2017-18 Capital Works Program*.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council RECEIVES the:**

- 1      *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2017 to 30 September 2017, which is shown as Attachment 1 to Report CJ180-11/17;**
- 2      *Capital Works Quarterly Report* for the period 1 July 2017 to 30 September 2017, which is shown as Attachment 2 to Report CJ180-11/17.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ189-11/17, page 126 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4agn171121.pdf](#)*

*Cr Taylor returned to the Chamber at 8.30pm.*

## **CJ181-11/17      CUSTOMER SATISFACTION MONITOR 2016-17**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	69609, 101515
<b>ATTACHMENTS</b>	Attachment 1      Customer Satisfaction Monitor 2016-17 Improvement Actions
<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 receive the detailed results of the *2016-17 Customer Satisfaction Monitor*.

### **EXECUTIVE SUMMARY**

The *2016-17 Customer Satisfaction Monitor* is conducted annually to measure the level of overall satisfaction with the City, and its performance in delivering specific services and facilities.

Overall results for the *2016-17 Customer Satisfaction Monitor* continue to reflect high levels of community satisfaction with the City and services delivered to the community.

The 2016-17 Monitor shows an overall satisfaction rating of 83.3%. This compares with 85.8% recorded for the 2015-16 Survey.

Customer satisfaction with services provided by the City in 2016-17 was 88.3% compared to 88.8% in 2015-16, reflecting continuing high levels of satisfaction with services delivered to the community.

The 2016-17 results for value for money from rates remained consistent with the previous year with a rating of 62.6% in 2016-17 compared to 63.7% in 2015-16.

At an individual service level, areas of strong satisfaction include libraries, festivals, events and cultural activities, sport and recreation, graffiti removal, weekly rubbish collection, fortnightly recycling, parks and public open space, street appearance and management and control of traffic on local roads. Areas of lower satisfaction include community consultation on local issues and parking in the City Centre and around schools and railway stations.

76% percent of respondents to the monitor agreed that the City has a good understanding of community needs compared to 76.9% in 2015-16, and 78% of respondents had confidence that the City is planning for the future compared to 78.9% in 2015-16.

The separate survey conducted in relation to planning and building services indicates an increase in overall satisfaction levels from the previous year for building services and planning services. The 2016-17 overall satisfaction rating for building applications was 82.3% compared to 76.6% in 2015-16. The 2016-17 satisfaction rating for planning applications was 78.6% compared to 71.5% in 2015-16.

The City introduced two new questions to the 2014-15 Monitor as follows:

- Satisfaction with Joondalup as a place to live.
- Satisfaction with the Joondalup CBD.

Both questions attracted very high satisfaction ratings in 2016-17 with residents rating satisfaction with Joondalup as a place to live at 97.4% compared to 96.3% in 2015-16 and satisfaction with the Joondalup CBD at 84.9% compared to 84.2% in 2015-16.

The survey also includes a series of questions related to awareness and attendance of specific festivals and events, namely:

- The Valentine Concert
- Little Feet Festival
- The Joondalup Festival
- Music in the Park
- Sunday Serenades Concert Series.

## **BACKGROUND**

Customer Satisfaction Monitors have been conducted on an annual basis since 2000. The most recent survey was conducted by an independent market research company, Research Solutions.

The broad objective of the study is to determine resident perceptions of the facilities and services provided by the City of Joondalup. Specifically, the study measures:

- Overall satisfaction with the City of Joondalup.
- Satisfaction with:
  - Services provided by the City of Joondalup.
  - Value for money provided by rates.
  - City facilities (libraries, sports and recreation centres, parks and public open spaces).
  - City services (festivals, events and cultural activities, graffiti removal, ranger services, rubbish collections (weekly and fortnightly recycling), street appearance, management and control of traffic, city centre parking, residential parking, parking adjacent to schools and railway stations).
  - Community consultation and information about local issues.
  - City understanding of community needs.
  - Joondalup as a place to live.
  - Joondalup CBD.
  - Key issues of concern and suggestions for improvement.

This latest community research was undertaken in May and June 2017 and involved random sampling and telephone interviewing of 619 respondents from within the City of Joondalup. The sample was cross-checked to ensure that it significantly matched the demographic profile and population spread of Joondalup in terms of age, gender and location to obtain a representative sample.

The sampling size for the overall Customer Satisfaction Monitor produces a sampling precision of +/- 4% at the 95% confidence interval – that is, there is a 95% certainty that the results obtained will be within +/- 4% if a census was conducted of all households within the City of Joondalup. This percentage is in accordance with the level specified by the Auditor General.

A separate survey was also conducted of residents who had used the City's building and planning services over the last 12 months. This separate survey of specific applicants was first introduced in 2008-09. Previously this area was included as part of the annual Customer Satisfaction Monitor however the methodology was altered due to minimal numbers of people surveyed having had contact with planning or building services. The smaller sampling size for the separate survey of planning and building applicants (141 building applicants and 131 planning applicants) produces a sampling precision of +/- 6% at the 95% confidence interval.

## DETAILS

Satisfaction levels were recorded from those respondents who felt familiar enough with the service or facility to be able to comment. Respondents expressing dissatisfaction were asked to provide suggestions for improvement.

The overall satisfaction rating in 2016-17 was 83.8% compared to the 2015-16 rating of 85.8%.

Respondents were prompted with a list of services provided by the City, and asked how satisfied they were with the City's performance. To maintain comparability across monitors, the questionnaire was based on the version used in previous years. Changes were made to the monitor in 2012-13, and retained in all subsequent monitors, to provide greater clarity with regard to parking issues – namely the separation of satisfaction with parking into the following areas:

- Parking in the City Centre.
- Parking adjacent to schools.
- Parking adjacent to railway stations.
- Parking in residential areas.

A separate survey of planning and building applicants was conducted to measure specific levels of satisfaction with planning and building services. This survey was aimed at determining the satisfaction of those respondents that had directly used the planning and building services over the previous 12 months and includes questions on overall satisfaction as well as questions related to satisfaction with:

- availability of staff
- willingness of staff to help
- overall outcome of the enquiry
- staff explanation of the process involved
- time taken to deal with the enquiry.



The 2016-17 Monitor results indicate that general satisfaction with all services provided by the City was 88.3% compared to 88.8% in 2015-16.

At an individual service level, the 2016-17 Monitor demonstrated continuing high levels of satisfaction with the majority of services and facilities with some movements compared to the 2015-16 Monitor namely:

- Increase in satisfaction with festivals, events and cultural activities.
- Increase in satisfaction with graffiti removal.
- Increase in satisfaction with parks and public open space.
- Increase in satisfaction with building services.
- Increase in satisfaction with planning services.
- Increase in satisfaction with management and control of traffic on local roads.
- Increase in satisfaction with parking adjacent to railway stations.
- Increase in satisfaction with consulting with the community about local issues.
- Increase in satisfaction with informing the community about local issues.
- Decrease in satisfaction with parking in residential areas.
- Decrease in satisfaction with parking adjacent to schools.

Those service areas maintaining high levels of community satisfaction include:

- libraries
- festivals, events and cultural activities
- sport and recreation
- graffiti removal
- weekly rubbish collection
- fortnightly recycling
- parks and public open spaces
- street appearance
- management and control of traffic on local roads.

76% percent of respondents to the 2016-17 Monitor agreed that the City has a good understanding of community needs compared to 76.9% in 2015-16 and 62.6% of respondents were satisfied with value for money from rates compared to 63.7% in 2015-16.

The questions in the monitor related to the differentiation of satisfaction with parking into four separate areas of City Centre parking, parking adjacent to schools, parking adjacent to railway stations, and residential parking indicates that satisfaction levels for residential parking decreased in 2016-17 at 79.7% compared to 84.1% in 2015-16, satisfaction levels with City Centre Parking attracted a satisfaction rating of 55.8% in 2016-17 compared to 56.3% in 2015-16. The satisfaction rating for parking adjacent to railway stations increased in 2016-17 (62.7%) compared to the 2015-16 rating (51.5%). Satisfaction for parking adjacent to schools decreased in 2016-17 (60.2%) compared to 51.9% in 2015-16.

The following table provides comparisons of satisfaction ratings with Customer Satisfaction Monitors undertaken in the previous five years:

2015-16 Customer Satisfaction Monitor Results							
Service	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Overall Satisfaction	84.1%	87.5%	89.1%	87.8%	89%	85.8%	83.8%
Satisfaction with Services Provided	92%	92.7%	94.1%	92.7%	92.4%	88.8%	88.3%
Value for Money from Rates	66%	66.8%	72.7%	70.7%	72%	63.7%	62.6%
Libraries	95.1%	97.2%	95.6%	95.6%	93.9%	95.2%	96.6%
Festivals, Events and Cultural Activities	93.1%	89.8%	90.5%	88.9%	89.3%	86.6%	90.%
Sport and Recreation	95.6%	94.2%	94.5%	92.2%	95%	91.9%	93.6%
Mobile Security Patrols	66.7%	71.1%	71.0%	69.3%	69.2%	N/A	N/A
Graffiti Removal	92.1%	89.8%	92.5%	90.0%	94.4%	90.9%	94.8%
Ranger Services	78.3%	85.0%	82.0%	82.0%	83%	80.9%	81%
Weekly Rubbish Collection	98.5%	97.4%	97.4%	97.0%	95.2%	95.7%	96.3%
Fortnightly Recycling	89.9%	91.4%	91.8%	89.8%	90.6%	88.6%	87.2%
Parks and Public Open Space	90.8%	93.0%	93.2%	92.4%	94.9%	91.1%	94.8%
Street Appearance	83.4%	88.0%	91.1%	88.3%	91.2%	88.1%	89.3%
Planning	95.2%	84.1%	72.0%	91.3%	70.1%	71.5%	78.6%
Building	94.7%	84.1%	79.0%	90.5%	85.7%	76.6%	82.3%
Management and Control of Traffic on Local Roads	73.5%	81.8%	83.0%	78.5%	82%	81.6%	84.5%
Parking City Centre	45.5%	55.0%	55.0%	54.3%	62.5%	56.3%	55.8%
Parking Residential Areas	76.8%	83.9%	86.1%	81.1%	82.2%	84.1%	79.7%
Parking Adjacent to Schools	N/A	42.7%	61.6%	55.4%	58.1%	60.2%	51.9%
Parking Adjacent to Railway Stations	N/A	N/A	44.9%	38.7%	49.7%	51.5%	62.7%
The City Consults with the Community about Local Issues	67.4%	71.3%	73.9%	63.4%	70.4%	58.2%	65.2%
The City Informs the Community about Local Issues	72.9%	76.0%	77.5%	70.7%	74.9%	64.2%	74.6%
Understand Community Needs	68.8	74.5%	82.2%	78.2%	81%	76.9%	76%

The City introduced a new question in the 2013-14 Monitor related to confidence in the community that the City is planning for the future. In 2016-17, 78% percent of respondents had confidence that the City has plans in place for the future compared to 78.9% in 2015-16.

The City also introduced a number of new questions to the 2014-15 Monitor as follows:

- Satisfaction with Joondalup as a place to live.
- Satisfaction with the Joondalup CBD.

Both questions attracted very high satisfaction ratings with residents rating satisfaction with Joondalup as a place to live at 97.4% (similar to 2015-16 at 96.3%) and satisfaction with the Joondalup CBD at 84.9% compared to 84.2% in 2015-16.

The survey also includes a question related to awareness and attendance of specific festivals and events, namely:

- The Valentine Concert
- Little Feet Festival
- The Joondalup Festival
- Music in the Park
- Sunday Serenades Concert Series.

Awareness and attendance (of those aware of the event) ratings are similar to the 2015-16 results.

### **Issues and options considered**

Although overall satisfaction levels remain high and satisfaction with City services is high, the City will continue to improve service delivery in all areas, with particular focus on those service areas that have lower levels of satisfaction and/or have recorded decreases in satisfaction ratings.

The top line results, shown in Attachment 1, include details of actions taken in 2016-17 to improve service delivery as a result of the 2015-16 results and planned actions and priorities for 2017-18 for all service areas to address the 2016-17 ratings.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Active democracy.

**Strategic initiative** Fully integrate community consultation practices into City activities.

**Policy** *Community Consultation and Engagement Policy*

### **Risk management considerations**

Monitoring levels of customer satisfaction with services provided by the City is essential to assist in the delivery of effective and efficient services to the community.

**Financial/budget implications**

<b>Account no.</b>	531 A5301 3264 0000.
<b>Budget Item</b>	Customer Satisfaction Monitor.
<b>Budget amount</b>	\$ 35,000
<b>Amount spent to date</b>	\$ 35,000
<b>Balance</b>	\$ 0

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Customer satisfaction is a measure of an organisation's sensitivity to customer needs and, from an organisational perspective, is essential for long-term success and sustainability.

**Consultation**

The *2016-17 Customer Satisfaction Monitor* was conducted by surveying 619 residents of the City of Joondalup, and the Planning and Building survey was conducted by surveying 131 planning clients and 141 building clients who had made contact with the City over the past 12 months.

**COMMENT**

The *2016-17 Customer Satisfaction Monitor* results show that overall satisfaction ratings remain high and, in the main, residents are satisfied with the services provided by the City of Joondalup.

The 2016-17 Monitor indicates high satisfaction ratings for questions related to satisfaction with the City as a place to live and satisfaction with the CBD and are encouraging in terms of the City's focus and direction.

Satisfaction levels for informing the community about local issues have significantly increased and whilst satisfaction levels for consulting with the community about local issues have also increased, given the satisfaction rating of 65.2%, this is an area targeted for improvement.

The City will put significant emphasis into implementing improvement strategies, where possible, to address those areas that have recorded lower levels of satisfaction levels from the previous year as well as continuing to look for improvements in all service areas.

A number of improvements to services are planned for 2017-18 with some improvements already underway. These are detailed in Attachment 1 to Report CJ181-11/17.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Norman, SECONDED Cr Dwyer that Council RECEIVES the 2016-17 Customer Satisfaction Monitor Results and Proposed Improvement Actions forming Attachment 1 to Report CJ181-11/17.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf171114.pdf](#)*

**CJ182-11/17      ANNUAL REPORT 2016-17**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	38745, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>2016-17 Annual Report</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to accept the *2016-17 Annual Report*.

**EXECUTIVE SUMMARY**

In accordance with Section 5.53 of the *Local Government Act 1995* the *2016-17 Annual Report* has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's external auditor has completed the audit of Council's Financial Statements for the 2016-17 financial year and these statements are the subject of a separate report to Council. A concise version of the Financial Statements forms part of the *2016-17 Annual Report*.

The *2016-17 Annual Report* forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. At its meeting of 19 September 2017, Council resolved to hold the Annual General Meeting of Electors on 21 November 2017.

*It is therefore recommended that Council BY AN ABSOLUTE MAJORITY ACCEPTS the Annual Report of the City of Joondalup for the financial year 2016-17, forming Attachment 1 to Report CJ182-11/17.*

**BACKGROUND**

The *Local Government Act 1995* requires every local government to prepare an Annual Report. The Annual Report provides progress on the performance, highlights and achievements of the previous financial year to the community and the future outlook. The Annual Report also contains a concise summary of audited financial statements from the previous financial year. It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Annual General Meeting of Electors.

## DETAILS

The *2016-17 Annual Report* has been prepared addressing the highlights and achievements against the six key themes of the City's *Strategic Community Plan: Joondalup 2022*, these are as follows:

- Governance and Leadership.
- Financial Sustainability.
- Quality Urban Environment.
- Economic Prosperity, Vibrancy and Growth.
- The Natural Environment.
- Community Wellbeing.

As in previous years, the *2016-17 Annual Report* includes a range of Global Reporting Initiative (GRI) sustainability disclosures to report against the City's environmental, economic and social performance. The sustainability disclosures are in line with the GRI Sustainability Standard 2016.

The Annual Report also includes measurements against the Strategic Performance Indicators developed within each key theme of *Joondalup 2022*. Measurements are provided against those targets which can be reported.

Reports against statutory requirements are also included in the Annual Report.

### Legislation / Strategic Community Plan / policy implications

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

### 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 to the community.
<b>Policy</b>	Not applicable.

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the annual report:

#### **5.53 Annual reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - a. *a report from the mayor or president;*
  - b. *a report from the Chief Executive Officer;*
  - c. *deleted;*
  - d. *deleted;*
  - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*

- f. *the financial report for the financial year;*
- g. *such information as may be prescribed in relation to the payments made to employees;*
- h. *the auditor's report for the financial year;*
- ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
- hb. *details of entries made under section 5.121 during the financial year in the register of complaints, including –*
  - (i) *the number of complaints recorded in the register of complaints;*
  - (ii) *how the recorded complaints were dealt with; and*
  - (iii) *any other details that the regulations may require; and*
- i. *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

#### **5.54 Acceptance of annual reports**

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\*absolute majority required*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

#### **5.55 Notice of annual reports**

*The Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the annual report for the previous financial year and then any other general business.

#### **Risk management considerations**

Not adopting the *2016-17 Annual Report* will result in non-compliance with the requirements of the *Local Government Act 1995*.

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

Not applicable.

#### **Regional significance**

The *2016-17 Annual Report* sets out the achievements of the City which have significance for the development and growth of the region.



## Sustainability implications

The programs and projects in the *2016-17 Annual Report* are aligned to the key themes in *Joondalup 2022* which have been developed to ensure the sustainability of the City.

The City has included Global Reporting Initiative (GRI) Disclosures in the Annual Report in line with the 2016 GRI Sustainability Standard. This is a best practice sustainability reporting framework for organisations to report on their economic, environmental and social performance.

## Consultation

There is no legislative requirement to consult the community on the preparation of the Annual Report. The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

## COMMENT

In addition to the requirements of the *Local Government Act 1995*, the Annual Report is seen as a key reporting mechanism of the Integrated Planning and Reporting Framework (IPRF) as set out by the Department of Local Government, Sport and Cultural Industries. In accordance with the IPRF, local governments are expected to outline progress towards achieving the objectives of the *Strategic Community Plan* (10-year plan) and the major projects and priorities of the *Corporate Business Plan* over the medium term (five-year period).

The Annual Report is also seen as an essential tool to inform the community and key stakeholders about the City's achievements, challenges and future plans, promote greater community awareness of the City's programs and services, and illustrate the City's commitment to accountable and transparent government.

## VOTING REQUIREMENTS

Absolute Majority.

**MOVED Cr McLean, Seconded Cr May that Council BY AN ABSOLUTE MAJORITY ACCEPTS the Annual Report of the City of Joondalup for the 2016-17 Financial Year, forming Attachment 1 to Report CJ182-11/17.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6agn171121.pdf](#)

*The Manager Planning Services left the Chamber at 8.36pm.*

## **CJ183-11/17 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2017**

<b>WARD</b>	All
<b>RESPONSIBLE ACTING DIRECTOR</b>	Mr Mike Smith Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of September 2017 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of September 2017 Attachment 3 Municipal and Trust Fund Vouchers for the month of September 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 September 2017.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of September 2017 totalling \$19,178,989.77.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for September 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 CJ183-11/17, totalling \$19,178,989.77.*

### **BACKGROUND**

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

## DETAILS

The table below summarises the payments drawn on the funds during the month of September 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 105604 - 105718 & EF065783 – EF066374 Net of cancelled payments.	\$13,537,117.70
	Vouchers 2037A - 2039A & 2044A – 2049A & 2054A – 2065A	\$5,619,322.07
Trust Account	Trust Cheques & EFT Payments 207200 – 207203 & TEF001324 – TEF001341 Net of cancelled payments.	\$22,550
<b>Total</b>		<b>\$19,178,989.77</b>

## Issues and options considered

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

### Option 1

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

### Option 2

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

## Legislation / Strategic Community Plan / policy implications

### Legislation

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

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2017-18 Annual Budget* as adopted by Council at its meeting held on 27 June 2017 (CJ084-06/17 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of Accounts for September 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 CJ183-11/17, totalling \$19,178,989.77.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ189-11/17, page 126 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf171114.pdf](#)*

## **CJ184-11/17      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2017**

<b>WARD</b>	All
<b>RESPONSIBLE ACTING DIRECTOR</b>	Mr Mike Smith Corporate Services
<b>FILE NUMBER</b>	07882,101515
<b>ATTACHMENT</b>	Attachment 1      Financial Activity Statement for the period ended 30 September 2017
<b>AUTHORITY/ DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 30 September 2017.

### **EXECUTIVE SUMMARY**

At its meeting held on 27 June 2017 (CJ084-06/17 refers), Council adopted the Annual Budget for the 2017-18 financial year. The figures in this report are compared to the adopted budget.

The September 2017 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$3,953,052 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 30 September 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 \$375,844 higher than budget, made up of lower operating revenue \$305,283 and lower operating expenditure of \$681,127.

Operating revenue is higher than budget on Interest Earnings \$198,560, Fees and Charges \$185,900 and Contributions, Reimbursements and Donations \$19,378 offset by lower than budget revenue from Grants and Subsidies \$486,872, Profit on Asset Disposals \$114,723, Rates \$82,41 and Other Revenue \$25,113.

Operating Expenditure is lower than budget on Materials and Contracts \$1,712,627, Insurance Expenses \$204,939, Loss on Asset Disposals \$148,643, Utilities \$123,715 and Interest Expenses \$14,609 offset by higher than budget expenditure from Depreciation \$1,116,732 and Employee Costs \$406,674.

The Capital Deficit is \$3,341,782 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$1,467,349, Vehicle and Plant Replacements \$892,291, Capital Works \$364,543 and Loan Repayment Principal \$29,620 and higher than budgeted Capital Grants and Subsidies \$444,736, Capital Contributions \$90,909 and Other Equity Movements \$52,334.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2017 forming Attachment 1 to Report CJ184-11/17.*

## 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 30 September 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 2017-18 adopted budget or has been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones NOTES the Financial Activity Statement for the period ended 30 September 2017 forming Attachment 1 to Report CJ184-11/17.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ189-11/17, page 126 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf171114.pdf](#)*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ185-11/17 - Sports Development Program Round One 2017-18.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is a member of Sorrento Bowling Club.

<b>Name/Position</b>	<b>Cr Sophie Dwyer.</b>
<b>Item No./Subject</b>	CJ185-11/17 - Sports Development Program Round One 2017-18.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Dwyer's spouse is a member of Sorrento Bowling Club.

*Note: While Cr Fishwick was not present at the Council Meeting, he had earlier declared the interest at the Briefing Session held on 14 November 2017.*

## **CJ185-11/17      SPORTS DEVELOPMENT PROGRAM ROUND ONE 2017-18**

<b>WARD</b>	All
<b>RESPONSIBLE ACTING DIRECTOR</b>	Mr Mike Smith Corporate Services
<b>FILE NUMBER</b>	58536, 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 consider funding applications for the City's *Sports Development Program* (SDP) Round One 2017-18.

**EXECUTIVE SUMMARY**

The SDP aims to provide financial assistance to local community sport and recreation organisations for projects, programs and events that benefit the development of sport and recreation and enhance its delivery to residents of the City of Joondalup.

At its meeting held on 15 March 2016 (CJ046-03/16 refers), Council resolved to amalgamate the sport and recreation category of the *Community Funding Program* with the previous SDP. This is the second year of the new SDP.

The City received seven applications from local sport and recreation clubs for the SDP Round One 2017-18 - two large grant applications and five small grant applications.



A panel convened to assess the applications and has recommended that one of the two large grant applications be funded. The five small grant applications are all under \$10,000 and have been considered by the Chief Executive Officer.

Club	Project Title	Requested	Recommended	Rank
Joondalup Brothers Rugby Union Football Club	Coach Development Program	\$16,823	\$10,000	1
Sorrento Bowling Club	Covered Outdoor Area	\$12,000	\$0	2

Should the grant applications be approved as recommended, the balance of \$80,345 will be available for Round Two in February 2018. Round Two normally only allows for small grant applications, however it is recommended that due to the significant funds still available that Council approves large grant applications up to a maximum of \$60,000 with the remaining funds available for small grant applications in round two.

*It is therefore recommended that Council:*

- 1 *APPROVES a grant of \$10,000 to the Joondalup Brothers Rugby Union Football Club for their Coach Development Program, subject to the club entering into a formal funding agreement with the City of Joondalup;*
- 2 *DOES NOT APPROVE a grant of \$12,000 to the Sorrento Bowling Club for their Covered Outdoor Area;*
- 3 *APPROVES the opening of the Sports Development Program Round Two to both large and small grant applications for 2017-18.*

## BACKGROUND

At its meeting held on 15 March 2016 (CJ046-03/16 refers), Council resolved to amalgamate the sport and recreation category of the *Community Funding Program* with the SDP to create the new SDP.

The SDP aims to provide financial assistance to local community sport and recreation organisations for projects, programs and events that benefit the development of sport and recreation and enhance its delivery to residents of the City of Joondalup. Eligible clubs must be:

- incorporated (*Associations Incorporation Act 2015*)
- located within the City of Joondalup and / or servicing its residents
- affiliated with a state sporting association or industry body who are recognised by the Department of Local Government, Sport and Cultural Industries
- represented with an organisation name that reflects the locale in which the organisation operates and in recognition of the level of funding and subsidies afforded to it by the City of Joondalup.

## DETAILS

The City received seven applications from local sport and recreation clubs for the SDP Round One 2017-18: two large grant applications and five small grant applications. Small grant applications which are valued under \$10,000 have been considered by the Chief Executive Officer.

## Large grant applications

### Joondalup Brothers Rugby Union Football Club

The Joondalup Brothers Rugby Union Football Club submitted an application that sought support for a Coach Development Program which the club intends to run from April 2018 to November 2018. The proposed project will include upskilling parent volunteers to become better coaches of rugby skills over a series of six workshops throughout the year. In addition, the club's current processes and procedures for the planning, delivery and training of coaches will also be reviewed.

Joondalup Brothers Rugby Union Football Club has 620 members (421 senior and 199 junior) and participate in the Rugby WA Premier Grade and divisions below. The club plays at HBF Arena, Joondalup and juniors train at Christchurch Park, Currabmine.

The key outcomes of the Coach Development Program include the following:

- Plan, deliver and review a Coach Development Program for junior coaches.
- Deliver six coach education, training and assessment workshops for junior coaches.
- Review and assess junior player pathways.

The cost of the program is outlined in the table below:

<b>Program Items</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Coach Development Program	\$16,823	\$10,000
<b>Total</b>	<b>\$16,823</b>	<b>\$10,000</b>

The Joondalup Brothers Rugby Union Football Club currently has no outstanding grants with the City.

The panel has determined a grant of \$10,000 be recommended for the Joondalup Brothers Rugby Union Club. The panel determined that an amount of \$1,710 that was requested for flights to bring the specialist coach to Perth from his home in Melbourne, was not eligible under section 3.3 of the SDP Application Guidelines as tours or travel costs were identified as items that would not be funded through the SDP.

The panel also determined that a payment of \$15,113 for the Coaching Development Program delivery was not eligible for full funding. Under section 3.4 of the SDP Application Guidelines the maximum grant amount available for the payment of individuals to deliver specialist services is \$5,000 in a financial year. Therefore, it was determined by the panel that an amount of \$10,000 be recommended for funding, with \$5,000 to be made available in 2017-18 and \$5,000 in 2018-19.

Should the Joondalup Brothers Rugby Union Football Club's application be approved for \$10,000, it will be administered by the City as a small grant in line with the SDP Application Guidelines.

### Sorrento Bowling Club

The Sorrento Bowling Club submitted an application that sought support to install a covered outdoor area which the club intends to install between January 2018 to February 2018. The proposed project will provide a covered outdoor area for additional space for members to enjoy meals on a Friday night and community bowls.

The Sorrento Bowling Club has 640 members (640 senior) and participates in the Inter-clubs Pennants league. The club operates from Percy Doyle Reserve, Duncraig.

The key outcomes of the covered outdoor area include the following:

- Increased community participation in lawn bowls.
- Increased club membership and patronage.
- Increased club revenue.
- Provide weather and sun protection for members.

The costs of the program are itemised in the table below:

<b>Program Items</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Timber roof trusses, eaves and gable linings	\$ 6,820	\$ 0
Colourbond roof sheeting and lining	\$ 5,180	\$ 0
<b>Total</b>	<b>\$12,000</b>	<b>\$ 0</b>

The Sorrento Bowling Club currently has no outstanding grants with the City.

The panel recommended not to fund the covered outdoor area as the club is wanting to expand a commercial operation space which does not meet the funding objectives of enhancing the profile and delivery, participation and development pathways of local sport and recreation. The panel recommends the remaining funds be retained for the SDP Round Two which will open in February 2018.

### **Issues and options considered**

The Council may consider each application on its individual merits and approve or not approve as desired.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative**

- Support and encourage opportunities for local volunteering.
- Promote the sustainable management of local organisations and community groups.
- Support and facilitate the development of community leaders.

**Policy** The *Sports Development Program* is conducted in line with the *Community Funding Policy*.

### **Risk management considerations**

Due to the transient nature of sporting club committees, it is possible that a club may find it difficult to maintain and provide reasonable information to complete an acquittal to the standard required in the funding agreement.

This risk is managed by the City being proactive in maintaining contact with sporting clubs who have grant acquittals due to ensure they are completed on time and with the relevant evidence and information.

### **Financial / budget implications**

#### Current financial year impact

<b>Account no.</b>	1.443.A4409.3299.4023 (\$115,000).
<b>Budget Item</b>	Sponsorship.
<b>Budget amount</b>	\$115,000
<b>Amount committed to date (small grant applications)</b>	\$ 24,655 (subject to approval)
<b>Large grant proposed cost</b>	\$ 10,000
<b>Balance</b>	\$ 80,345

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The SDP provides for a positive effect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to sport, leisure and recreational services.

### **Consultation**

The *Sport Development Program* was promoted in the June and July Clubs *in-focus* e-newsletter. Additionally, emails were sent to all local sport and recreation clubs in July providing notice of the round open date and August as a reminder to submit applications before the closing date.

### **COMMENT**

The SDP budget amount of \$115,000 is split into \$80,000 for large grants and \$35,000 for small grants. Large grants are offered in round one with the remaining funds to be utilised for small grants.

Should the grant applications be approved as recommended, the balance of \$80,345 will be available for round two in February 2018. Round two normally only allows for small grant applications, however it is recommended that due to the significant funds still available that Council approves large grant applications up to a maximum of \$60,000 with the remaining funds available for small grant applications in round two.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 APPROVES a grant of \$10,000 to the Joondalup Brothers Rugby Union Football Club for their Coach Development Program, subject to the club entering into a formal funding agreement with the City of Joondalup;
- 2 DOES NOT APPROVE a grant of \$12,000 to the Sorrento Bowling Club for their covered outdoor area;
- 3 APPROVES the opening of the *Sports Development Program* Round Two to both large and small grant applications for 2017-18.

## MOVED Cr Dwyer, SECONDED Cr Hamilton-Prime that Council:

- 1 **APPROVES a grant of \$10,000 to the Joondalup Brothers Rugby Union Football Club for their Coach Development Program, subject to the club entering into a formal funding agreement with the City of Joondalup;**
- 2 **APPROVES a grant of \$12,000 to the Sorrento Bowling Club for the installation of a covered outdoor area at its leased premises at Percy Doyle Reserve, Duncraig, subject to the club entering into a formal funding agreement with the City of Joondalup;**
- 3 **APPROVES the opening of the *Sports Development Program* Round Two to both large and small grant applications for 2017-18.**

**The Motion was Put and**

**CARRIED (9/2)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Jones, May, Norman, Poliwka and Taylor.

**Against the Motion:** Crs Hollywood and McLean.

## REASON

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because providing the grant will support the re-establishment of community bowls in the Sorrento Bowling Club to meet latent demand of approximately 150-200 people within the community who wish to participate in bowls in this game format. Furthermore, attracting younger players will support the long term sustainability of the club by reducing the average age of membership and providing a foundation for penant players and committee members of the future.

## **CJ186-11/17      VALUE ADDING AND REPLACEMENT OF FELLED CITY TREES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	105572, 101515
<b>ATTACHMENT</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 consider the establishment of a City of Joondalup 'Value Adding and Replacement of Felled City Trees' Policy.

### **EXECUTIVE SUMMARY**

At its meeting held on 13 December 2016 (C81-12/16 refers), Council requested the Chief Executive Officer to prepare a report on the establishment of a City policy requiring any large tree which is required to be removed, either by the City or any other agency operating within its borders, to be value-added as sawn timber or quality furniture. Further, that a tree of the same species be planted as near as practicable to the removal site, resulting in a long term minimal net loss of trees and canopy cover.

The City currently has operational processes that are endorsed by the Chief Executive Officer which set out the criteria under which trees may and may not be removed and the replacement procedure that requires the replacement of the tree/s on the basis of canopy replacement.

As the City already has a process in place for the retirement of street trees it can be amended to include a task relating to value adding of felled City trees.

*It is therefore recommended that Council:*

- 1      *NOTES the City has operational processes that are endorsed by the Chief Executive Officer in terms of removal and replacement of trees in certain circumstances;*
- 2      *NOTES that the City will amend the operational processes to include the opportunity to repurpose felled timber for use in the City play space renewal program or, if the timber is not required for this purpose, to offer the timber to wood merchants for use in furniture making or as sawn timber;*
- 3      *DOES NOT SUPPORT the development of a value-adding tree policy in view of parts 1 and 2 above.*

## BACKGROUND

At its meeting held on 13 December 2016 (C81-12/16 refers), the following resolution was made:

*“That Council REQUESTS the Chief Executive Officer prepare a report on the establishment of a City policy requiring any large tree which is required to be removed, either by the City or any other agency operating within its borders, to be valued-added as sawn timber or quality furniture. Further, that a tree of the same species be planted as near as practicable to the removal site, resulting in a long-term minimal net loss of trees and canopy cover.”*

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

*“The community is becoming increasingly concerned about the loss of large mature trees within our City. It is likely that the two objectives outlined in the policy above will ameliorate much of this concern by having felled trees regarded as a valuable and renewable resource. The value adding process worked well with the Masonic Care development and there is no reason to suggest that it could not be effectively applied City wide.*

*The planting element of the policy, operating in tandem with the Leafy City Program, will greatly assist in the on-going preservation of the City’s urban forest.”*

This report considers only those large trees on City owned or managed land and is not applicable to trees located on private property.

## DETAILS

Trees provide a range of benefits to the community, especially in areas of amenity, such as parks and streetscapes including:

- adding to the sense of place within an area by improving its atmosphere and ambience
- helping to create areas that people want to dwell in
- improving air quality
- reducing the effects of wind and sun damage to property and person
- providing habitat to native fauna.

The City is committed to maintaining and developing a rich and diverse urban forest with its parks and streetscapes for the benefit of the whole community and takes every reasonable action to maintain its trees. The City currently has operations processes that are endorsed by the Chief Executive Officer in terms of the removal and replacement of trees in certain circumstances. The City may remove trees under the following criteria:

- The tree is dead, in decline or past its safe useful life.
- The tree has been deemed, by a suitably qualified person, as a hazard to persons or property and no pruning techniques can alleviate the hazard.
- The tree is diseased or damaged past the point of recovery and no remedial treatment will be effective.
- A development approved by the City deems the removal necessary, in which case the developer shall be responsible for the amenity value, removal, replacement and establishment costs of a replacement tree.
- The tree has been planted by a resident without the City’s approval and may be removed at the resident’s expense.
- The tree is deemed by the City to be an inappropriate species for that location.

When a large tree is removed, the loss to the canopy cover may be significant therefore a number of appropriate tree species will be planted as replacement to compensate for the canopy loss. Within five to 10 years the loss of the canopy of the original felled tree would be recovered and every year after that would be an overall increase to the City's canopy cover in that area.

The selected species may not be like for like, as the removed tree species may not have been appropriate for the area in terms of infrastructure/private property damage risk, environmental considerations, and tree growth requirements or in keeping with other adjacent existing avenue species. The local tree canopy cover replacement planting program is also aligned with the tree selection methodology which is outlined in the *Leafy City Program*.

There is now an opportunity for the Chief Executive Officer to amend the operational processes to include the repurposing of felled timber for use in the City playspace renewal program or, if the timber is not required for this purpose, to offer the timber to wood merchants for use in furniture making or as sawn timber.

Based on the above, the development of a value-adding tree policy is not required as the opportunity to value add felled trees can be incorporated into the City's existing procedures.

### **Issues and options considered**

The options available to Council in considering the requirement for a policy are to:

- support the development of a policy  
or
- not support the development of a policy but support amendments to the existing operational processes to include the repurposing of felled timber for use in the City play space renewal program or, if the timber is not required for this purpose, to offer the timber to wood merchants for use in furniture making or as sawn timber. This is the preferred option.

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

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	Not applicable.
<b>Key theme</b>	Quality Urban Environment. The Natural Environment.
<b>Objective</b>	Quality open spaces. Environmental resilience.
<b>Strategic initiative</b>	Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.  Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.
<b>Policy</b>	Not applicable.



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

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

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

The City will need to amend the existing tree pruning tender to accommodate cutting trees into appropriate sizing for handling and transport or storage for timber.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

Using felled timber for the construction of play equipment, furniture or sawn timber is an environmentally responsible and sustainable activity which not only reduces waste but promotes resource efficiency.

#### Social and Economic

Using felled timber in the playground equipment renewal program for low-maintenance nature-play items such as balancing logs, steppers, climbing frames or cubbies will enable the City to provide further play opportunities and support childhood development and recreation to a greater degree in public open space.

### **Consultation**

Not applicable.

### **COMMENT**

Repurposing felled timber to create nature play items would allow the inclusion of additional items to create an increased level of play opportunities and childhood gross-motor skill developmental support.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOTES the City has operational processes that are endorsed by the Chief Executive Officer in terms of removal and replacement of trees in certain circumstances;**
- 2 NOTES that the City will amend the operational processes to include the opportunity to repurpose felled timber for use in the City play space renewal program or, if the timber is not required for this purpose, to offer the timber to wood merchants for use in furniture making or as sawn timber;**
- 3 DOES NOT SUPPORT the development of a value-adding tree policy in view of parts 1 and 2 above.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime.</b>
<b>Item No./Subject</b>	CJ187-11/17 Petitions Regarding the Installation of Toilet Facilities and Additional Car Parking on Broadbeach Park, Hillarys.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime had previously met with the lead petitioner opposing/not supporting the installation of toilets and additional facilities at Broadbeach Park and assisted the residents preparing the petition and answering related questions.

## CJ187-11/17      PETITIONS REGARDING THE INSTALLATION OF TOILET FACILITIES AND ADDITIONAL CAR PARKING ON BROADBEACH PARK, HILLARYS

<b>WARD</b>	South-West	
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services	
<b>FILE NUMBER</b>	01525, 101515	
<b>ATTACHMENT</b>	Attachment 1	Broadbeach Park and Flinders Park location
	Attachment 2	Public toilet facilities per suburb
	Attachment 3	Proximity to public toilet facilities
<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 petitions for and against the installation of toilet facilities and additional car parking facilities in Broadbeach Park and to consider an additional drinking fountain in Flinders Park.

**EXECUTIVE SUMMARY**

A Petition of Electors was received by Council at its meeting held on 27 June 2017 (C37-06/17 refers). The petition requested that Council consider the installation of toilet facilities adjacent to the barbecue and playground area and additional car parking facilities in Broadbeach Park and an additional drinking fountain located near the exercise equipment and cricket nets in Flinders Park.

A second Petition of Electors was received by Council at the same meeting (C38-06/17 refers). The petition requested that Council does not construct toilet facilities adjacent to the barbecue and playground area and additional car parking facilities near the playground and barbecue area in Broadbeach Park.

Broadbeach Park and Flinders Park, Hillarys, are located within the South-West Ward. Broadbeach Park consists of 4.2 hectares of irrigated parkland and Flinders Park consists of 7.8 hectares of irrigated parkland (Attachment 1 refers). The current Parks and Public Open Spaces Classification Framework (PPOSCF), used as an internal management guideline to assist in the planning and provision of park and public open space assets, classifies Broadbeach Park as a District Recreation Park and Flinders Park as a Local Mixed-Use Park.

#### Broadbeach Park – toilets and parking

Public toilets are supported as an optional asset at District Recreational Parks.

The closest public toilet facility to Broadbeach Park is at Kallaroo Foreshore Reserve, which is located 270 metres from Broadbeach Park. Other nearby parks and reserves with public toilets that can cater for long-stay visitors within a 1.5 kilometre radius from Broadbeach Park include the following:

- James Cook Park
- Pinnaroo Point Beach Park
- Hillarys Park (Whitfords Nodes)
- Mawson Park
- Belrose Park.

It should be noted that at Flinders Park a universal access toilet is currently listed in the *Five Year Capital Works Program* for 2020-21.

Broadbeach Park has 15 formal parallel parking bays and informal off-street parking which can cater for a further 71 cars.

#### Flinders Park – drinking fountain

Drinking fountains are supported as an optional asset at Local Mixed-Use Parks. Flinders Park is currently listed for consideration in the *Capital Works Program* for a drinking fountain in 2018-19.

*It is therefore recommended that Council:*

- 1 *DOES NOT SUPPORT the installation of toilet facilities at Broadbeach Park, Hillarys;*
- 2 *DOES NOT SUPPORT the installation of additional car bays at Broadbeach Park, Hillarys;*
- 3 *NOTES that a drinking fountain at Flinders Park, Hillarys is currently scheduled to be installed in 2018-19 as part of the Drinking Fountains Program (PEP2695);*
- 4 *NOTES that a universal access toilet at Flinders Park, Hillarys is currently listed in the Five Year Capital Works Program for construction in 2020-21;*
- 5 *ADVISES the lead petitioners of its decision.*

## BACKGROUND

At its meeting held on 27 June 2017 (C37-06/17 refers), Council received a 420 signature petition from residents of the City of Joondalup requesting Council give consideration to infrastructure improvements on Broadbeach and Flinders Parks in Hillarys. 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:*

*Provide:*

- 1 toilet facilities adjacent to the BBQ and Playground Area (1M, 1F);*
- 2 additional car parking facilities in the Broadbeach Park in the suburb of Hillarys and;*
- 3 an additional drinking fountain located near the exercise equipment and cricket nets in Flinders Park."*

A second Petition of Electors containing 227 signatures was received by Council at the same meeting (C38-06/17 refers). 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:*

*Do not construct:*

- 1 toilet facilities adjacent to the BBQ and Playground Area in Broadbeach Park, Hillarys;*
- 2 additional car parking facilities in Broadbeach Park near the playground and BBQ area in the suburb of Hillarys."*

The City has developed an internal advisory document, the Parks and Public Open Spaces Classification Framework (PPOSCF) which is a key tool used in the planning and provision of park asset infrastructure. The objective of the framework is to achieve transparent decision making that is based on strategic and sustainable planning principles.

By appropriately classifying parks and public open spaces, the City is able to determine where assets should be allocated according to the function, size, geography and catchment of an area. This ensures the community has access to quality park infrastructure that reflects their needs now and into the future.

It also enables assets to be managed into the long-term, taking into account the costs associated with renewing and maintaining park infrastructure to a high standard.

Broadbeach Park is a globular-shaped park consisting of 4.2 hectares of irrigated parkland bounded by Broadbeach Boulevard, Waterston Gardens and Beechwood Gradient. This park is classified in the PPOSCF as a District Recreation Park with a user catchment encouraging medium to short-stay usage for recreational activities. The existing infrastructure at Broadbeach Park includes:

- footpaths
- waste bins
- senior and junior playspaces
- flying fox
- viewing platform/raised deck
- park signs

- benches
- picnic settings and shelters
- barbecue
- drinking fountain
- basketball net and pad
- bore and irrigation.

As per the PPOSCF, the above existing assets fall within the supported and optional assets in a District Recreation Park.

Flinders Park is a linear park with a north-south orientation, consisting of 7.8 hectares of irrigated parkland bounded by Esdale Lane, Meadowbank Gardens, Carradale Glen, Woodville Heights, Broadbeach Road, Centennial Gardens and Flinders Avenue. This park is classified in the PPOSCF as a Local Mixed-Use Park with a user catchment encouraging medium to short-stay usage for recreational activities. The existing infrastructure at Flinders Park includes the following:

- Footpaths.
- Waste bins.
- Benches.
- Security and sports lighting.
- Sports infrastructure (temporary and permanent).
- Signage.
- Playspace.
- Exercise equipment (sit-up bench, push-up bars, cross-trainer and body flexor).
- Irrigation.
- Combination unit (Flinders Community Hall).

As per the PPOSCF, the above existing assets fall within the supported and optional assets in a Local Mixed-Use Park.

## **DETAILS**

### **Broadbeach Park – toilet facilities**

Under the PPOSCF, toilets (free-standing) are supported as an optional asset in District Recreational Parks. The suburb of Hillarys currently has eight parks and reserves with toilet facilities that cater for long-stay visits and recreation which is more public toilet facilities in parks than any other suburb in the City of Joondalup (Attachment 2 refers).

Parks and reserves that are close to Broadbeach Park which cater for long-stay visits with public toilets include the following (Attachment 3 refers):

- Kallaroo Foreshore Reserve.
- Pinnaroo Point.
- Belrose Park.
- James Cook Park.
- Mawson Park.
- Hillarys Beach Park and Whitfords Nodes.

In addition to the facilities above, a universal access public toilet is currently listed in the *Five Year Capital Works Program* in 2020-21, which will be located on the southern end of Flinders Park which connects to Broadbeach Park.

Due to the proximity to Broadbeach Park of the above existing public toilet facilities and the proposed facility at Flinders Park, the City does not support the construction of a public toilet facility in Broadbeach Park.

#### Broadbeach Park – parking facilities

Broadbeach Park has 15 formal parallel parking bays and informal off-street parking which can cater for a further 71 cars. The City's Geographical Information System shows that on average, formal and informal parking is readily available on weekends and as such, the City does not support the construction of additional car parking facilities at Broadbeach Park.

#### Flinders Park – drinking fountain

Under the current PPOSCF, drinking fountains are listed as an optional asset at Local Mixed-use Parks.

There are currently two water taps located on the outside of the community hall building at Flinders Park, however, the building is located on the south side of the oval and the parking facilities, while the cricket practise nets and exercise equipment are located on the north side of the oval.

A drinking fountain at Flinders Park, Hillarys is currently scheduled to be installed in 2018-19 as part of the Drinking Fountains Program (PEP2695).

### **Issues and options considered**

Council may choose to:

- support/not support the installation of toilet facilities at Broadbeach Park, Hillarys
- support/not support the installation of additional car parking facilities at Broadbeach Park, Hillarys
- support/not support the installation of a drinking fountain at Flinders Park, Hillarys or
- a combination of the above options.

The preferred option is to not support the installation of toilet facilities and additional car parking facilities at Broadbeach Park, Hillarys, and support a drinking fountain at Flinders Park, Hillarys.

### **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 toilet facilities and additional car parking facilities on Broadbeach Park, Hillarys.

A drinking fountain at Flinders Park, Hillarys is currently scheduled to be installed in 2018-19 as part of the Drinking Fountains Program (PEP2695).

#### Future financial year impact

<b>Annual operating cost</b>	Toilet building	\$ 13,000
	Parking	Not applicable.
	Drinking fountain	\$ 200

**Estimated annual income** Not applicable.

<b>Capital replacement</b>	Toilet facilities	\$ 77,000
	Parking	\$ 10,000
	Drinking fountain	\$ 8,000

**20 Year Strategic Financial Plan impact** The capital cost for replacement of park assets is included in the *20 Year Strategic Financial Plan*.

**Impact year** 2028-29 – drinking fountain.  
2037-38 – toilet fitting and fixtures.  
2043-44 – parking bays.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Should toilets and parking at Broadbeach Park be approved by Council, community consultation will be required.

### **COMMENT**

The current popularity of Broadbeach Park is due to the playspace renewal in 2015, which draws people from other suburbs. This increased usage will be mitigated in the future with the development of the regional playspace listed in the *Five Year Capital Works Program* at Whitfords Nodes in 2018-19. This is likely to draw long-stay park users away from Broadbeach Park removing the perceived need for the installation of toilets and additional parking.



**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 DOES NOT SUPPORT the installation of toilet facilities at Broadbeach Park, Hillarys;**
- 2 DOES NOT SUPPORT the installation of additional car bays at Broadbeach Park, Hillarys;**
- 3 NOTES that a drinking fountain at Flinders Park, Hillarys is currently scheduled to be installed in 2018-19 as part of the *Drinking Fountains Program* (PEP2695);**
- 4 NOTES that a universal access toilet at Flinders Park, Hillarys is currently listed in the *Five Year Capital Works Program* for construction in 2020-21;**
- 5 ADVISES the lead petitioners of its decision.**

**PROCEDURAL MOTION - ITEM BE REFERRED BACK TO THE CHIEF EXECUTIVE OFFICER**

**MOVED Cr Norman, SECONDED Cr Chester** that Item CJ187-11/17 – Petitions regarding the Installation of Toilet Facilities and Additional Car Parking on Broadbeach Park, Hillarys be REFERRED BACK to the Chief Executive Officer to:

- 1 allow the City to compare the informal recreational usage of the southern end of Flinders Park with the northern end of Broadbeach Park, Hillarys;
- 2 allow the City to assess the impact on the informal recreational use of Broadbeach Park, Hillarys once the Whitfords Nodes Health and Well Being hub is in operation.

**The Procedural Motion was Put and**

**LOST (2/9)**

**In favour of the Procedural Motion:** Crs Chester and Norman.

**Against the Procedural Motion:** Mayor Jacob, Crs Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Poliwka and Taylor.

**The Motion as Moved by Cr Hamilton-Prime, and Seconded by Cr Dwyer was Put and CARRIED (9/2)**

**In favour of the Motion:** Mayor Jacob, Crs Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Poliwka and Taylor.

**Against the motion:** Crs Chester and Norman.

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf171114.pdf](#)*

**CJ188-11/17      CONFIDENTIAL – GIVING OF UNDERTAKING TO  
WA PARLIAMENT JOINT STANDING COMMITTEE  
ON DELEGATED LEGISLATION - CITY OF  
JOONDALUP WASTE LOCAL LAW 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101906
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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This Item was a dealt with later in the meeting following “Motions of which previous notice has been given”, page 130 refers.

## REPORT – AUDIT AND RISK COMMITTEE – 13 NOVEMBER 2017

### CJ189-11/17 2016-17 ANNUAL FINANCIAL REPORT

<b>WARD</b>	All
<b>RESPONSIBLE ACTING DIRECTOR</b>	Mr Mike Smith Corporate Services
<b>FILE NUMBER</b>	106236, 101515
<b>ATTACHMENTS</b>	Attachment 1 2016-17 Annual Financial Report Attachment 2 2016-17 Audit Report Attachment 3 Auditors Report to the Audit Committee (Management Report) for the Financial Year Ended 30 June 2017
<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 and accept the *2016-17 Annual Financial Report* and Auditor's Report.

#### EXECUTIVE SUMMARY

In accordance with Section 6.4 of the *Local Government Act 1995*, the *2016-17 Annual Financial Report* has been prepared and, together with the City's accounts, has been submitted to the City's auditors to conduct their annual audit.

The City's auditors have completed their audit, in accordance with the terms of their engagement and the requirements of Part 7 Division 3 of the *Local Government Act 1995*, and have submitted their audit report. A Concise Financial Report (Financial Statements without supporting notes) will form part of the City's *2016-17 Annual Report*.

The auditors' report and the Annual Financial Report for the 2016-17 financial year are presented to Council for its consideration.

*It is therefore recommended that Council:*

- 1 *BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying audit report for the financial year 2016-17, forming Attachments 1 and 2 to Report CJ189-11/17;*
- 2 *NOTES the Auditor's Management Report for the year ended 30 June 2017 forming Attachment 3 to Report CJ189-11/17 and that there are no deficiencies, irregularities or other matters that the auditor wishes to bring to the attention of Council.*

## BACKGROUND

Section 6.4 of the *Local Government Act 1995* requires local governments to prepare an annual financial report and to submit both the report and its accounts to its auditor by 30 September each year. The City of Joondalup has met those requirements and the City's auditor has completed its audit of the accounts and the *2016-17 Annual Financial Report*.

As has been past practice, a Concise Financial Report has also been prepared for inclusion in the City's *2016-17 Annual Report*. The *2016-17 Annual Financial Report* is included as Attachment 1 to Report CJ189-11/17.

## DETAILS

### Issues and options considered

The preparation of an Annual Financial Report and the submission of the report and the City's accounts to the auditors for audit are statutory requirements of the *Local Government Act 1995*.

The Annual Financial Report needs to be accepted by Council in order to enable the holding of an Annual General Meeting of Electors, at which the City's Annual Report containing the Concise Financial Report will be considered. The Annual Financial Report is also required to be submitted to the Department of Local Government, Sport and Cultural Industries (DLGSC).

### Outcome of the Audit

The audit has been completed with no issues of significance raised and the audit report is unqualified (Attachment 2 refers). The auditor has provided a Report (generally referred to as the Management Report, Attachment 3 refers) incorporating commentary on key financial ratios and advising no additional matters that the auditor wishes to bring to the attention of Council.

The City undertook a detailed assessment of marine assets, including groynes and other coastal infrastructure, during the year which impacted on the value of these assets in the City's books recorded at the beginning of the year. In accordance with accounting standards, this has been brought to book as a prior year correction. There is no impact on the financial results for the year. Some changes have also been effected to form and presentation of current year and corresponding comparative figures from the previous year. There has been no impact on the end of financial year position.

### End of Financial Year Position

The City has finished the financial year with a rate setting statement surplus lower than estimated. An anticipated end of year surplus at 30 June 2017 of \$440,602 was used as the opening balance in the 2017-18 Budget. The final end of year rate setting statement surplus for 2016-17 is \$84,016, being \$356,586 less than estimated.

When comparing the actual end of year result to the estimate shown in the *2017-18 Budget*, in summary terms the \$356,586 variance comprises:

Description	Sub Total	Total
Increased Operating Cash Surplus	\$3,724,510	
Increased Capital Revenue	\$ 281,788	
Reduced Capital Expenditure	\$3,458,800	\$7,465,098
Less: Reduced Net Funding Requirements		(\$7,821,684)
<b>Net Variance</b>		<b>(\$356,586)</b>

There are a number of offsets between revenue, expenditure and funding requirements of which the major ones are the following:

- Profit and loss on asset sales have been impacted by property disposal transactions through Tamala Park land sales, offset by equity transactions.
- Increased operating and capital revenue, including advance receipt of part of the 2017-18 Federal Assistance and Local Roads Grants and decreased capital expenditure for works and plant, the bulk representing carry forwards of \$5,583,894 which are offset by a transfer to the Capital Works Carried Forward Reserve.
- A number of operating and capital reserve funded projects that did not advance as far as anticipated or for which there was no reserve funded expenditure, resulting in lower expenditure offset by a lower draw on reserves.

After allowing for these and other minor offsets the adjusted variance in surplus when compared to the estimated end of year position shown in the 2017-18 Budget is made up of:

Description	Sub Total	Total
Increased Operating Cash Surplus	\$1,130,572	
Reduced Capital Revenue	(\$898,026)	
Reduced Capital Expenditure	\$1,214,252	\$1,446,798
Reduced Net Funding Requirements		(\$1,803,384)
<b>Net Variance</b>		<b>(\$356,586)</b>

The drivers for the net reduced surplus of \$356,586 are spread across both operating and capital. The principal components of this are as follows:

<b>Operating Revenue and Expenditure</b>		
Increased Operating Revenue		\$191,664
Reduced Operating Expenditure		
- Employee Costs	\$229,355	
- Materials and Contracts	\$756,129	\$985,484
Various other operating and non-cash adjustments		(\$46,576)
		<b>\$1,130,572</b>

<b>Capital Revenue and Expenditure</b>		
Reduced capital revenue		
- Capital grants and contributions	(\$945,454)	
- Equity distribution - Tamala Park Regional Council	\$47,428	<b>(\$898,026)</b>
Reduced capital expenditure		
- Capital Works	\$863,372	
- Other capital projects and fleet replacements	\$350,880	<b>\$1,214,252</b>

Reduced funding requirements include \$770,000 in respect of the loan that was expected to be drawn down to fund the refurbishment of the facility housing the Wanneroo-Joondalup SES Unit. The capital and interest repayments on the loan would have been funded by the Department of Fire and Emergency Services (DFES) over a period of time but the City was advised at the end of 2016-17 that this model is no longer necessary, and that the project is being funded fully by a grant which the City has now received in 2017-18.

The operating surplus ratio (0.05) for 2016-17 reflects the City's continuing operating deficit. While the ratio has declined in comparison with the previous financial year, the actual deficit is lower than was anticipated in budget estimates. Operating expenditure in 2016-17 included \$3,749,781 being the remainder of the City's \$4 million contribution to the HBF Arena redevelopment. Excluding the impact of this one-off expense, the operating surplus ratio is (0.02), marginally lower than the previous year. Depreciation, which is a non-cash expenditure, comprises a significant portion of operating costs. The City continues to generate significant cash surpluses from operations, when the impact of depreciation and other non-cash items is excluded.

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

### **Legislation**

Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996* states:

*"A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report."*

Section 5.53 of the *Local Government Act 1995* states:

#### **5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - (f) *the financial report for the financial year;*

Section 5.54 of the *Local Government Act 1995* states:

#### **5.54 Acceptance of annual reports**

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.*

Section 6.4 of the *Local Government Act 1995* states:

#### **6.4 Financial Report**

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
  - (a) *be prepared and presented in the manner and form prescribed; and*
  - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –*
  - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and the annual financial report of the local government for the preceding financial year.*

#### **Strategic Community Plan**

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	Not applicable.

#### **Risk management considerations**

Not applicable.

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

##### Current financial year impact

<b>Account no.</b>	Not applicable.
<b>Budget Item</b>	Closing surplus.
<b>Budget amount</b>	\$440,602
<b>Amount spent to date</b>	\$ 84,016
<b>Proposed cost</b>	Not applicable.
<b>Balance</b>	\$356,586

Future financial year impact

<b>Annual operating cost</b>	Not applicable.
<b>Estimated annual income</b>	Not applicable.
<b>Capital replacement</b>	Not applicable.
<b>20 Year Strategic Financial Plan impact</b>	Subject to application of closing surplus.
<b>Impact year</b>	Not applicable.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

There is no legislative requirement to consult on the preparation of the Annual Financial Report, but the *Local Government Act 1995* requires an Annual General Meeting of Electors to be held and the City's Annual Report, incorporating the Concise Financial Report, to be made available publicly. The full Annual Financial Report will also be publicly available.

**COMMENT**

The Annual Financial Report will be made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at Libraries, Leisure Centres and Customer Service Centres.

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2016-17.

**VOTING REQUIREMENTS**

Absolute Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ189-11/17 (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 13 November 2017.

The committee recommendation is the same as recommended by City officers.



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

- 1 BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying Audit Report for the financial year 2016-17, forming Attachments 1 and 2 to Report CJ189-11/17;**
- 2 NOTES the Auditor's Management Report for the year ended 30 June 2017 forming Attachment 3 to Report CJ189-11/17 and that there are no deficiencies, irregularities or other matters that the auditor wishes to bring to the attention of Council.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10agn171121.pdf](#)*

**C84-11/17****COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -  
[02154, 08122]**

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

**CJ175-11/17, CJ176-11/17, CJ179-11/17, CJ180-11/17, CJ183-11/17 and CJ184-11/17.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**REPORT OF THE CHIEF EXECUTIVE OFFICER**

Nil.

**URGENT BUSINESS**

Nil.

*The Director of Planning and Community Services left the Chamber at 9.16pm.*

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C85-11/17 NOTICE OF MOTION – CR POLIWKA – REVIEW OF PROTOCOLS FOR FINANCIAL AND PROXIMITY INTERESTS**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Poliwka gave notice of his intention to move the following Motion at the Council meeting to be held on 21 November 2017:

***That Council REQUESTS a report from the Chief Executive Officer dealing with a review of the protocols whereby an Elected Member who declares a financial or proximity interest in a matter being listed on the agenda of a Strategy Session or a Briefing Session is permitted to remain in the room while that matter is being presented.***

**REASON FOR MOTION**

Clause 9 of the “Procedures for Briefing Session” states that:

- “9     *Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Briefing Session. When disclosing an interest the following is suggested:*
- (a)     *Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995, the Local Government (Rules of Conduct) Regulations 2007 and the City’s Code of Conduct.*
  - (b)     *Elected Members disclosing a financial interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.*
  - (c)     *Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.”*

Similarly, clause 8 of the Procedures for Strategy Sessions states the same as the above.

It is noted that the last sentence of clause 9 of the Briefing Session and clause 8 of the Strategy Session both state that *“When disclosing an interest the following is suggested.”* A suggestion does not imply that the aforementioned clauses need to be complied with nor does it state that is a requirement pursuant to the *Local Government Act 1995* (the LG Act).

Section 5.65 of the LG Act requires a member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member, the member must disclose the nature of the interest. Section 5.67 of the LG Act states that the member who makes a disclosure under section 5.65 must not participate in, or be present during any discussion or decision-making procedure relating to the matter.

Advice sought from the Department of Local Government, Sport and Cultural Industries indicates that Section 5.67 applies to council meetings or at committee meetings when a council has delegated decision making powers to that committee.

It is therefore apparent that a member does not breach the LG Act where that member participates, or is present during any discussion on a matter he or she has declared a financial or proximity interest.

This would therefore enable members who have such an interest to hear presentations on the matter and that member may add value by offering comments or suggestions for a better outcome on those major developments.

#### **OFFICER’S COMMENT**

A report can be prepared.

**MOVED Cr Poliwka, SECONDED Cr May** that Council REQUESTS a report from the Chief Executive Officer dealing with a review of the protocols whereby an Elected Member who declares a financial or proximity interest in a matter being listed on the agenda of a Strategy Session or a Briefing Session is permitted to remain in the room while that matter is being presented.

**The Motion was Put and**

**LOST (4/7)**

**In favour of the Motion:** Crs Chester, Hamilton-Prime, May and Poliwka.

**Against the Motion:** Mayor Jacob, Crs Dwyer, Hollywood, Jones, McLean, Norman and Taylor.

*The Director of Planning and Community Services returned to the Chamber at 9.18pm.*

**C86-11/17 MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]**

**MOVED Mayor Jacob, SECONDED Cr Dwyer that Council:**

- 1 In accordance with Section 5.23(2)(e)(iii) 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 CJ188-11/17 – Confidential – Giving of Undertaking to WA Parliament Joint Standing Committee on Delegated Legislation – *City of Joondalup Waste Local Law 2017*;**
- 2 PERMITS the following employees to remain in the Chamber during discussion on Item CJ188-11/17 – Confidential – Giving of Undertaking to WA Parliament Joint Standing Committee on Delegated Legislation – *City of Joondalup Waste Local Law 2017* 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 Governance and Strategy, Mr Jamie Parry;**
  - 2.3 Director Planning and Community Development, Ms Dale Page;**
  - 2.4 Director Infrastructure Services, Mr Nico Claassen;**
  - 2.5 Acting Director Corporate Services, Mr Mike Smith;**
  - 2.6 Manager Governance, Mr Brad Sillence;**
  - 2.7 Governance Coordinator, Mr John Byrne;**
  - 2.8 Governance Officer, Mrs Lesley Taylor;**
  - 2.9 Governance Officer, Mrs Sinead McCarthy.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Members of the staff (with the exception of the Chief Executive Officer, Director Governance and Strategy, Director Planning and Community Development, Director Infrastructure Services, Acting Director Corporate Services, Manager Governance, Governance Coordinator, two Governance Offices) and members of the public and press left the Chamber at this point; the time being 9.20pm.*

**CJ188-11/17      CONFIDENTIAL – GIVING OF UNDERTAKING TO  
WA PARLIAMENT JOINT STANDING COMMITTEE  
ON DELEGATED LEGISLATION - CITY OF  
JOONDALUP WASTE LOCAL LAW 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101906
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

This report is confidential in accordance with Section 5.23(2)(e)(iii) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

*a matter that if disclosed, would reveal –*

(iii) *information about the business, professional, commercial or financial affairs of a person.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

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

- 1      NOTES the request from the WA Parliamentary Joint Standing Committee on Delegated Legislation to provide undertakings in relation to the future amendment and enforcement of the *City of Joondalup Waste Local Law 2017*;**
- 2      PROVIDES an undertaking to the WA Parliamentary Joint Standing Committee on Delegated Legislation to:**
  - 2.1      delete clauses 4.3 and 4.4 when next amending the *City of Joondalup Waste Local Law 2017*;**
  - 2.2      not enforce clauses 4.3 or 4.4 of the *City of Joondalup Waste Local Law 2017*;**
  - 2.3      ensure any publicly available copy of the *City of Joondalup Waste Local Law 2017* is accompanied by a copy of the undertakings as described in Parts 2.1 and 2.2 above.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**C87-11/17     MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]**

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

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

*Doors opened at 9.24pm.*

*The Media and Communications Officer entered the Chamber at 9.25pm.*

*No members of the public were present.*

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

CJ188-11/17     Confidential – Giving of Undertaking to WA Parliament Joint Standing Committee on Delegated Legislation - City of Joondalup Waste Local Law 2017

**C88-11/17     RESUMPTION OF ORDER OF BUSINESS – [02154, 08122]**

**MOVED** Mayor Jacob, **SECONDED** Cr Hollywood that Council **RESUMES** the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Jones, May, McLean, Norman, Poliwka and Taylor.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 9.26pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP  
CR KERRY HOLLYWOOD  
CR TOM MCLEAN, JP  
CR PHILIPPA TAYLOR  
CR NIGE JONES  
CR CHRISTOPHER MAY  
CR RUSSELL POLIWKA  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR SOPHIE DWYER