

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD BY
ELECTRONIC MEANS

ON TUESDAY 14 APRIL 2020

COMMENCING AT 6.30pm

GARRY HUNT
Chief Executive Officer
9 April 2020

joondalup.wa.gov.au

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by 9.00am on Monday 13 April 2020

Answers to those questions received within that timeframe will, where practicable, be distributed to elected members prior to the Briefing Session, and published on the City's website

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

Questions in Writing

- 1 Questions raised at a Briefing Session must relate to a report contained in the agenda.
- 2 The City will accept a maximum of five (5) written questions per person. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 3 Questions lodged by 9.00am on the day immediately prior to the scheduled meeting will be responded to. These questions, and their responses, will be distributed to Elected Members at the meeting and where possible published on the City's website prior to the meeting.
- 4 The Mayor shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Mayor will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.
- 5 The Mayor may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 6 Written questions unable to be responded to at a Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 7 Other questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 8 For the purposes of the record, the name and suburb of the member of the public that has asked a question will be detailed.
- 9 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information Act 1992 (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Written Public Statements

- 1 Written public statements will be accepted before a meeting by emailing the Mayor (Mayor.Jacob@joondalup.wa.gov.au) who will distribute any statement received to other elected members before the meeting. Public statements must be received by 9.00am on the day of the meeting.
- 2 Members of the public may also wish to contact the City's administration at info@joondalup.wa.gov.au or contact an individual Elected Member directly.

Written Deputations

- 1 Written deputation will be accepted at the Briefing Session by emailing the Mayor (Mayor.Jacob@joondalup.wa.gov.au) who will distribute any information or material received to other elected members before the meeting.
- 2 All deputation information must be received by the Mayor by 9.00am on the day of the scheduled meeting.

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information200414.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held by electronic means on **Tuesday 14 April 2020** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

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

DEPUTATIONS

The Mayor will advise Elected Members if any deputation material has been received.

PUBLIC QUESTION TIME

The following question was submitted to the Briefing Session held on 10 March 2020:

Ms N Dark, Iluka:

Re: Item 6 - Status of Petitions.

In relation to the petition requesting that all possible steps to prevent the proposed installation of Optus small cell radio-communication facilities in Iluka, including those on Romano Crescent:

- 12.1 *the City can confirm that a formal Withdrawal Notice has been received from Optus confirming they will not proceed with the deployment of works in this location.*
- Q1 *Could it please be confirmed which "location" Optus has confirmed will not be subject to the installation of small cell radio-communication facilities, is this all proposed locations in Iluka, or just the two on Romano Crescent?*
- A1 All cabling works associated with the Land Access and Activity Notice (LAAN) EO11882549 received from Optus on 26 November 2019, have been withdrawn. This includes works associated with the following proposed small cell sites contained within the suburb of Iluka, on both City of Joondalup and Western Power owned infrastructure:

- Corner of Marmion Avenue and Burns Beach Road, adjacent 47 Boynton Gardens.
- Burns Beach Road, adjacent 29 Galveston Loop.
- 35 Ocean Parade.
- 81 Romano Crescent.
- 45 Romano Crescent.

The Mayor will advise Elected Members if any public questions have been received.

PUBLIC STATEMENT TIME

The following summarised statements were made at the Briefing Session held on 10 March 2020:

Mr R Repke, Kallaroo:

Re: Item 14 - Draft Planning Consultation Local Planning Policy - Consideration Following Advertising.

Mr Repke spoke in relation to the Draft Planning Consultation Local Planning Policy and spoke against discretions being allowed in the planning process.

Mr Repke stated that with discretions as part of the planning process, building applications are approved without the discretions being regulated or externally audited. Mr Repke commented that discretions were in favour of developers and not concerned residents and advised in order to achieve openness, fairness and transparency, discretions need to be eliminated from the planning process.

Mr M Moore, Edgewater:

Re: Item 2 - Proposed Child Care Premises (Change of Use from Single House) at Lot 47 (23) Currambine Boulevard, Currambine.

Mr Moore spoke in support of the proposed Child Care Centre at Lot 47 (23) Currambine Boulevard, Currambine.

Mr Moore commented on the bushfire risk attached to the application stating the land immediately north of the proposed Child Care Centre was undeveloped land and not bushland. Mr Moore advised if the owner of the undeveloped property managed their property correctly during bush fire season there would be no risk.

The Mayor will advise Elected Members if any public statements have been received.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

| | |
|-----------------------------|--------------------------------------|
| Cr John Chester | 18 March to 22 April 2020 inclusive; |
| Cr John Raftis | 25 March to 22 April 2020 inclusive; |
| Cr Kerry Hollywood | 25 March to 30 April 2020 inclusive; |
| Cr John Logan | 26 April to 3 May 2020 inclusive; |
| Cr Suzanne Thompson | 16 April to 21 April 2020 inclusive; |
| Cr Christine Hamilton-Prime | 1 May to 8 June 2020 inclusive. |

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – FEBRUARY 2020

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 07032, 101515 |
| ATTACHMENTS | Attachment 1 Monthly Development Applications Determined – February 2020 Attachment 2 Monthly Subdivision Applications Processed – February 2020 |
| AUTHORITY / DISCRETION | Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting') |

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during February 2020.

EXECUTIVE SUMMARY

Schedule 2 (deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide for Council to delegate powers under a local planning scheme to the Chief Executive Officer (CEO), who in turn has delegated them to employees of the City.

The purpose of delegating certain powers to the CEO and officers is to facilitate the timely processing of development and subdivision applications. The framework for the delegations of those powers is set out in resolutions by Council and is reviewed annually, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during February 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during February 2020 (Attachment 2 refers).

BACKGROUND

Clause 82 of schedule 2 (deemed provisions for local planning schemes) of the Regulations enables Council to delegate powers under a local planning scheme to the CEO, and for the CEO to then delegate powers to individual employees.

At its meeting held on 25 June 2019 (CJ078-06/19 refers) Council considered and adopted the most recent Town Planning Delegations.

DETAILS

Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during February 2020 is shown in the table below:

| Type of subdivision referral | Number of referrals | Potential additional new lots |
|---------------------------------|---------------------|-------------------------------|
| Subdivision applications | 3 | 4 |
| Strata subdivision applications | 10 | 12 |
| TOTAL | 13 | 16 |

Of the 13 subdivision referrals, eight were to subdivide in housing opportunity areas, with the potential for 10 additional lots.

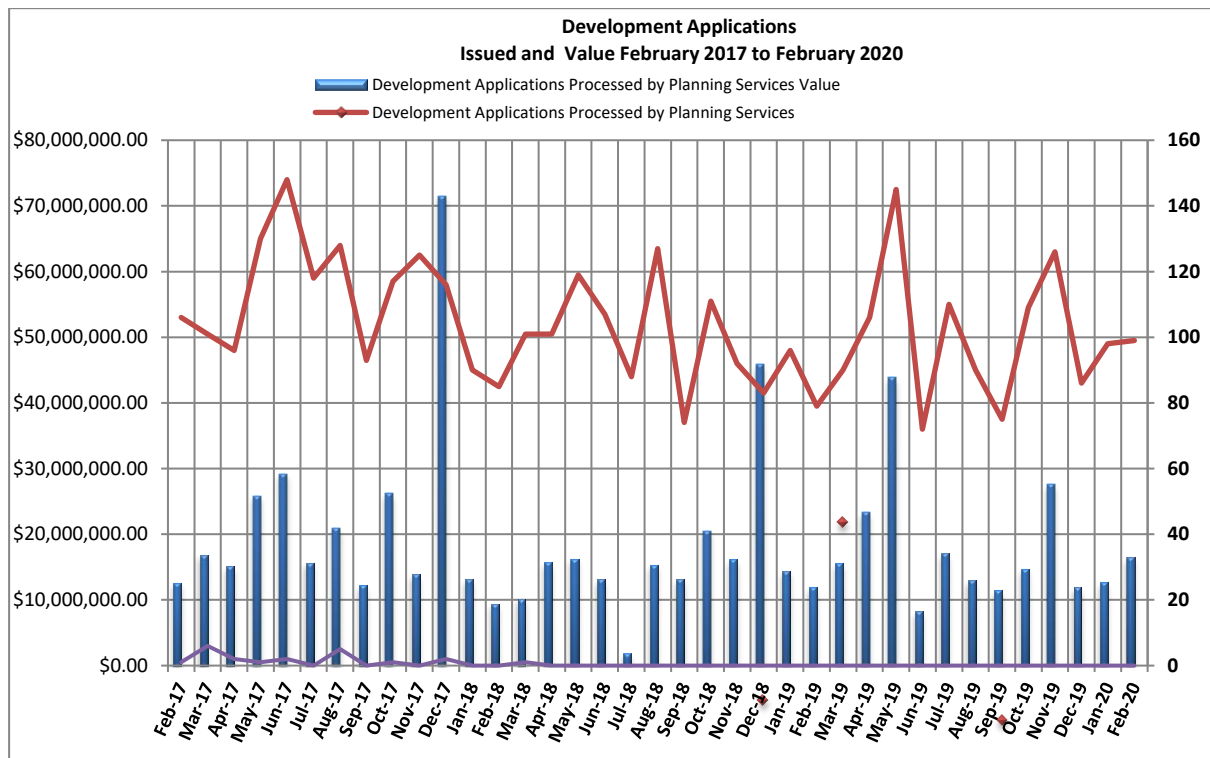
Development applications

The number of development applications determined under delegated authority during February 2020 is shown in the table below:

| | Number | Value (\$) |
|---|--------|--------------|
| Development applications processed by Planning Services | 99 | \$16,454,725 |
| TOTAL | 99 | \$16,454,725 |

Of the 99 development applications, 19 were for new dwelling developments in housing opportunity areas, proposing a total of 27 additional dwellings.

The total number and value of development applications determined between February 2017 and February 2020 is illustrated in the graph below:



The number of development applications received during February 2020 was 85.

The number of development applications current at the end of February was 178. Of these, five were pending further information from applicants and 18 were being advertised for public comment.

In addition to the above, 204 building permits were issued during the month of February with an estimated construction value of \$24,292,138.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

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

Clause 82 of schedule 2 of the Regulations permits the local government to delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties. Development applications were determined in accordance with the delegations made under Clause 82 of schedule 2 of the Regulations.

All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Risk management considerations

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

Financial / budget implications

A total of 99 development applications were determined for the month of February with a total amount of \$61,392.51 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Consultation may be required by the provisions of the R-Codes, any relevant policy and / or LPS3 and the Regulations.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 Development applications described in Attachment 1 to this Report during February 2020;**
- 2 Subdivision applications described in Attachment 2 to this Report during February 2020.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf200414.pdf](#)

ITEM 2 PROPOSED CONSULTING ROOMS (CHANGE OF USE) AT LOT 206 (126) COOLIBAH DRIVE, GREENWOOD

| | |
|-------------------------------|---|
| WARD | South-East |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 22545, 101515 |
| ATTACHMENTS | Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Applicant's submission |
| AUTHORITY / DISCRETION | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

PURPOSE

For Council to determine a development application for Consulting Rooms (change of use) at Lot 206 (126) Coolibah Drive, Greenwood.

EXECUTIVE SUMMARY

An application for development approval has been received for Consulting Rooms (change of use) at Lot 206 (126) Coolibah Drive, Greenwood.

The subject site was approved as a 'Doctor's Surgery' on 19 March 1979 under the former Shire of Wanneroo's *Town Planning Scheme No. 1* and only one practitioner is permitted under this previously approved land use.

It is now proposed that two practitioners (chiropractors) operate from the premises. No modifications are proposed to the building, landscaping and parking areas. However, the additional practitioner means the premises would be considered as consulting rooms and application of the parking requirements for this new land use category results in a two car bay shortfall on the subject site.

The subject site is zoned 'Residential' with a density code of R20/R40 under the City's *Local Planning Scheme No. 3 (LPS3)*, with the land use 'Consulting Rooms' being an 'A' use in this zone. The development is primarily subject to the requirements of LPS3 and the *Consulting Rooms Local Planning Policy (Consulting Rooms Policy)*.

The City advertised the application for a period of 14 days, commencing on 13 February 2020 and concluding on 27 February 2020. A total of three submissions were received, being one objection and two non-objections.

The application is required to be determined by Council as a parking shortfall of more than 10% is proposed.

It is considered that the development satisfies the requirements of LPS3 and the *Consulting Rooms Policy* and it is therefore recommended the application is approved, subject to conditions.

BACKGROUND

| | |
|------------------------|--|
| Suburb/Location | Lot 206 (126) Coolibah Drive, Greenwood. |
| Applicant | Urbanista Town Planning. |
| Owner | Rechichi Family Pty Ltd. |
| Zoning | LPS Residential. |
| | MRS Urban. |
| Site area | 808.71m ² . |
| Structure plan | Not applicable. |

The subject site is bound by Coolibah Drive to the east and residential dwellings to the north and south (Attachment 1 refers). To the rear (west) of the site is a large vacant property zoned Residential – restricted use (aged and dependent dwellings).

The subject site was approved as a 'Doctor's Surgery' on 19 March 1979 (30/821) under the (former) Shire of Wanneroo's *Town Planning Scheme No. 1*. This approval restricted the premises to one practitioner with eight car parking bays provided at the rear of the site. As the applicant is now seeking to operate with two practitioners, a development application is required.

The City's LPS3 does not include the land use 'Doctor's Surgery'. Both the previously approved and proposed uses are considered to meet the definition of 'Consulting Rooms' in LPS3. This land use is a discretionary 'A' use within the Residential zone of LPS3, requiring public consultation.

DETAILS

The proposed development comprises the following:

- Two practitioners (chiropractors) operating from the site at any given time.
- Eight existing car parking bays on site.
- Hours of operation between 8.00am and 6.00pm Monday to Friday and 9.00am to 5.00pm Saturdays.
- Driveway configuration to remain as existing, allowing for two-way vehicle access.

The development plans are located at Attachment 2 and the applicant's cover letter is included as Attachment 3.

Land Use

As the property is proposed to be used by a maximum of two health practitioners (chiropractors) at any given time, the activities on site will be consistent with the land use 'Consulting Rooms' under the City's LPS3. The definition of the land use 'Consulting Rooms' is as follows:

“consulting rooms means premises used by no more than two health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.”

As the land use 'Consulting Rooms' is an 'A' use in the Residential zone, the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with Clause 64, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The intended land use is considered appropriate in this instance as it generally meets the requirements of the City's *Consulting Rooms Policy* in respect to operating hours, location and the residential appearance of the existing building.

It is also noted that use of the subject site is compatible with the character and amenity of the immediate area which includes Coolibah Plaza Shopping Centre (approximately 50 metres away) and West Greenwood Primary School (approximately 70 metres away)

Car Parking and Vehicle Access

In accordance with the *Consulting Rooms Policy*, five bays are required per practitioner and therefore 10 car bays are required on site. The proposed change of use results in a two-bay shortfall on site, as there are eight bays in-lieu of the 10 bays required.

The parking configuration on site is not altering from what was previously approved, with eight car bays at the rear of the site. The existing bays do not include an ACROD bay, but because the on-site parking is not altering, there is no planning requirement to request an ACROD bay in this instance. Additionally, no building works are proposed. However, should any future works on site require a building permit, the provision for an accessible bay may be required in accordance with the *Building Code of Australia*.

As only two practitioners are to operate at any given time, the parking provided on site is considered appropriate to allow for patient and staff parking. For example, if there are two practitioners and a receptionist on site, with two patients being seen at any given time, there will be an additional three bays available for other patients arriving early for the next scheduled appointment.

With respect to vehicle access, the original approval issued in 1979 did not provide for two-way access into the subject site. Access in and out of the parking area at the rear of the building was through an open carport structure. Over time, the driveway width has been increased to create sufficient space for two-way access. Vehicles are now able to enter the rear parking area through the carport structure and exit on the outer side between the side boundary and the carport. While it is acknowledged that two chiropractors may result in an increase to the number of persons entering / exiting the site, compared with the previous approval, the provision of two-way access and directional signage can accommodate the additional vehicle numbers associated with the proposed consulting rooms. It is therefore recommended that the driveway be marked with directional signage to ensure patrons utilise the existing carport as a thoroughfare to the rear parking area, and the portion of driveway to the north of the carport be utilised for vehicles exiting the site.

In light of the above, it is considered that there is adequate parking and access to accommodate the additional parking / traffic generated by the extra practitioner, subject to a condition of approval requiring appropriate two-way access for vehicles on site.

Landscaping

The landscaping requirements of the *Consulting Rooms Policy* are generally met, although not directly applicable in this instance due to the landscaping areas having already been established through the original approval and development of the site.

The existing site provides a significant amount of landscaping between the building and the street boundary, as well as between the southern boundary and the building. No changes are proposed to the car parking configuration, however there is sufficient space for the provision of two trees to provide adequate shade to the car parking area.

In addition to the shade trees, the existing side setback area between the driveway and northern lot boundary would benefit from additional landscaping. The additional landscaping on this boundary will provide a clear separation between the driveway and the boundary. The landscaping will also provide for a more attractive view from the street. This area is a minimum of 1.3 metres in width which is considered more than capable of accommodating adequate landscaping.

It is therefore recommended that a condition of approval is included to require the provision of two shade trees and additional landscaping to improve the aesthetics and provide additional shade to the rear car parking area.

Issues and options considered

Council is required to determine whether the proposed development is appropriate and meets the relevant requirements of the City's LPS3. Council may determine an application for development approval by either:

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

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Quality built outcomes.

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

Policy *Consulting Rooms Local Planning Policy (Consulting Rooms Policy).*

Local Planning Scheme No.3

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

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

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 64 of Schedule 2 of the Regulations sets out the requirements for advertising applications.

- (1) *An application for development approval must be advertised under this clause if the proposed development -*
 - (a) *relates to the extension of a non-conforming use; or*
 - (b) *relates to a use if –*
 - (i) *the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and*
 - (ii) *the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;*

or

 - (c) *does not comply with a requirement of this Scheme; or*
 - (d) *is a development for which the local government requires a heritage assessment to be carried out under Clause 11(1); or*
 - (e) *is of a type that this Scheme requires to be advertised.*
- (2) *The local government may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(c) if the local government is satisfied that the departure from the requirements of this Scheme is of a minor nature.*
- (3) *The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways –*
 - (a) *by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;*
 - (b) *by publishing a notice of the proposed use of development in a newspaper circulating in the Scheme area including a state that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;*
 - (c) *by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government on a specified day being a day not less than 14 days from the day on which the notice is published;*

- (d) *by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.*
- (4) *Notice referred to in subclause (3) must be in the form of the “Notice of public advertisement of planning proposal” set out in clause 86(3) unless the local government specifies otherwise.*
- (5) *If an application for development approval is advertised under this clause the local government –*
- (a) *must make the application and material accompanying it available for public inspection during business hours at the offices of the local government; and*
- (b) *may publish the application and the material accompanying it on the website of the local government.*

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.*

Consulting Rooms Local Planning Policy

The objectives of this policy are:

- *to provide development standards for consulting rooms that assist in facilitating appropriate development in close proximity to local users of the facility*
- *to ensure the location, design and siting of consulting rooms does not have a negative impact on residential amenity by way of inappropriate built form, parking or traffic*
- *to prevent the conglomeration of consulting rooms in residential areas.*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$295.00 (excluding GST) for assessment of the application in accordance with the City's Schedule of Fees and Charges.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application was advertised for a period of 14 days, commencing on 13 February 2020 and concluding on 27 February 2020. Consultation was undertaken in the following manner:

- Twenty four letters were sent to surrounding landowners / occupants, including the tenants of Coolibah Plaza Shopping Centre.
- A notice and a copy of the development plans were placed on the City's website and made available at the City's administration building.

A total of three submissions were received during the consultation period, being one objection and two non-objections.

The following table outlines the main issues raised during public consultation, along with the applicant's response and the City's comments, which are summarised below:

| | Issue raised | Applicant's response | Officer's comments |
|---|--|--|---|
| 1 | Development plans are incorrect and do not accurately reflect the driveway configuration. | Amended development plans provided to reflect the current driveway configuration. | The development plans correctly reflect the existing configuration of the driveway. The aerial image of the site shows the driveway on the boundary. However, the driveway is a minimum of 1.3 metres from the side boundary. The setback does not compromise vehicle access within the site, as the driveway is sufficiently wide to accommodate two-way access. |
| 2 | Insufficient space for two additional bays on site and inadequate vehicle manoeuvring area. The lack of parking on site will also result in patrons parking at the nearby shopping centre. | In accordance with the City's policy, five car bays are required for each practitioner, therefore a total of 10 car bays for the subject proposal. The existing eight on site car bays are considered adequate as this allows for each practitioner to use a car bay and for two patients to use the car bays per practitioner, where appointments are 'back-to-back'. This reasonable assumption then leaves a surplus of two car bays which could be used by support staff or additional patients. | An additional two car bays are not proposed on site, with a two-bay shortfall being proposed by this application. The shortfall of two bays on site is not considered to create any parking issues on site. The parking and vehicle manoeuvring area is not proposed to alter from the original development approval. |

| | Issue raised | Applicant's response | Officer's comments |
|---|---|---|--|
| 3 | Traffic concerns, particularly due to proximity to school and the large driveway. | The eight car bays are considered sufficient to cater for the needs of the development. Unless a school child has walked to the site and enters the site on foot, there will be no need to walk down the driveway to access the building. In addition, it is unlikely that a young school child will attend the practice without an adult present. | The additional practitioner is not considered to significantly increase the traffic within the immediate locality, particularly given the site is close to a local shopping centre. The driveway and crossover widths are not altering from that currently on site. |
| 4 | Impact of vehicles veering into side boundary having an impact on adjoining property. | The entry of the consulting rooms is located at the rear of the site and is directly accessed from the rear car park. | The driveway is set back from the side (northern) boundary by 1.3 metres. It is considered that landscaping within this setback area will ensure vehicles remain on the dedicated driveway. Additionally, as a formal entry and exit of the site is to be delineated established, vehicles will not be required to pull close to the side boundary to allow another vehicle to pass. |

It is considered that the justification and amended plans provided by the applicant adequately address the concerns raised by the objector. The site plan has been modified to reflect the existing driveway configuration on site and includes directional markings to increase the safety of vehicles entering / exiting the site. The area between the driveway and side boundary is conditioned to be landscaped and will ensure vehicles remain on the driveway and discourage them veering into the side boundary and dividing fencing.

COMMENT

As outlined above, it is considered that the additional practitioner proposed as part of the change of use will not adversely impact the amenity of the local area. It is considered that there will be minimal impact on parking and traffic, and that the safety of vehicles entering and exiting the site will be improved through a recommended condition of approval.

The application is therefore recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **APPROVES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 29 January 2020 submitted by Urbanista Town Planning for the proposed consulting rooms at Lot 206 (126) Coolibah Drive, Greenwood, subject to the following conditions:

- 1 This approval relates to the change of use to ‘Consulting Rooms’ and associated works only and development shall be in accordance with the approved plan(s), any supporting formation and conditions of approval. It does not relate to any other development on the lot;
- 2 All development shall be contained within the property boundaries;
- 3 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 4 The driveway is to be marked to accommodate two-way vehicle access onsite and direct visitors / staff to the rear parking area by including:
 - 4.1 directional line markings onsite to ensure vehicles enter the site through the carport and exit the site on the northern side of the carport;
 - 4.2 ‘no parking’ line markings are included within the carport;
- 5 A minimum of two bicycle parking spaces shall be provided on-site. Bicycle parking facilities shall be provided in accordance with the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to the City for approval prior to the commencement of development;
- 6 Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) and shall:
 - 6.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 6.2 Be based on water sensitive urban design principles to the satisfaction of the City;
 - 6.3 Include a total of two shade trees adjacent the car parking area;
 - 6.4 Include additional landscaping along the northern lot boundary adjacent the driveway;

- 6.5 Be based on ‘Designing out Crime’ principles to the satisfaction of the City;**
- 6.6 Show all irrigation design details;**
- 7 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice within 90 days from the approval of the landscaping plan and thereafter maintained to the satisfaction of the City;**
- 8 No more than two practitioners or professionals generating their own patient load shall be permitted to operate from the premises at any given time;**
- 9 The operating hours shall be restricted to 8.00am and 6.00pm Monday to Friday, and 9.00am and 5.00pm Saturdays.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf200414.pdf](#)

ITEM 3 PROPOSED SEVEN MULTIPLE DWELLINGS AT LOT 472 (41) TWICKENHAM DRIVE, KINGSLEY

| | |
|-------------------------------|---|
| WARD | South-East |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 27311, 101515 |
| ATTACHMENTS | Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Building perspectives Attachment 4 Landscaping plan Attachment 5 Waste management plan Attachment 6 Transportation noise assessment Attachment 7 BAL Assessment Attachment 8 Applicant's planning report Attachment 9 Summary of submissions against design elements of SPP7.3 Attachment 10 Summary of City's SPP7.3 assessment |
| AUTHORITY / DISCRETION | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

PURPOSE

For Council to determine a development application for seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley.

EXECUTIVE SUMMARY

An application for development approval has been received for seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley.

The proposed development is three storeys, comprising two dwellings on the ground floor and second floor, with three dwellings on the first floor.

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

The application was advertised for a period of 21 days by way of letters to surrounding land owners / occupiers, a sign on site and notice on the City's website, concluding on 23 December 2019. Eighteen submissions were received, being 17 objections and one submission in support of the proposal.

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

It is considered that the proposed development does not satisfy the requirements of LPS3, SPP7.3 or RDLPP. It is therefore recommended that the application be refused.

BACKGROUND

| | |
|------------------------|--|
| Suburb/Location | Lot 472 (41) Twickenham Drive, Kingsley. |
| Applicant | Danmar Developments. |
| Owner | Damien and Kristin Paterson. |
| Zoning | LPS Residential, R20/R60. |
| | MRS Urban. |
| Site area | 730m ² . |
| Structure plan | Not applicable. |

The site is currently occupied by a single storey, detached dwelling. The subject site is bound by single storey residential development to the east, south and west with Twickenham Drive to the north-west (Attachment 1 refers). Whitfords train station is located within 400 metres of the lot to the west.

The development site and surrounding properties are zoned 'Residential' under the City's LPS3, with a density coding of R20/R60 and are located within Housing Opportunity Area No. 6 (HOA6). New development in surrounding streets comprises single and two storey grouped dwellings (predominantly two and three dwellings on a site), and a two-storey multiple dwelling development, comprising seven dwellings.

The subject site also falls within a Bushfire Prone Area due to the bushland area to the west of the site. The Bushfire Attack Level (BAL) assessment provided identifies the site as being BAL-19.

Draft new development standards for development in Housing Opportunity Areas

At its meeting held on 20 August 2019 (CJ099-08/19 refers), Council endorsed draft new development standards for Housing Opportunity Areas (HOAs) for the purposes of public consultation. The draft new standards are contained in both the draft *Development in Housing Opportunity Areas Local Planning Policy* and associated draft Scheme Amendment No. 5. Consultation commenced on 28 November 2019 and concluded on 16 January 2020.

At its Special Council Meeting held on 24 March 2020 (JSC02-03/20 refers), Council considered the submissions received and resolved to proceed with the scheme amendment and local planning policy, subject to modifications, and forward the documents to the Western Australian Planning Commission (WAPC) for consideration. The WAPC may grant approval to the local planning policy, with or without modifications or elect not to grant approval. The WAPC will make a recommendation on the scheme amendment, which is required to be approved by the Minister.

Draft scheme amendments and policies can be given weight even though they are not operative, once they become 'seriously entertained'. In Western Australia, this usually occurs after advertising is completed.

However, the weight that can be placed on a seriously entertained planning proposal differs and, generally the further towards approval a planning proposal is (that is how certain and how imminent), the more seriously entertained it is considered to be, and the more weight it can be given in decision-making.

The City has previously sought advice in relation to HOAs and changes to the planning framework that require some level of State Government approval (as is the case in this instance). In this context, the advice concludes that only after approval has been provided by the decision-maker (that is the WAPC or the Minister), therefore providing a high degree of certainty and imminence, should any changes be given substantial weight in decision-making.

Therefore, the current application is required to be assessed wholly on the current planning framework.

DETAILS

The proposed development comprises the following:

- Seven multiple dwellings within a three-storey building. All dwellings are two bedrooms.
- A pitched roof design with render, contrast render and face brick elements incorporated into the façade.
- Common property vehicular access point from Twickenham Drive.
- Pedestrian entry from Twickenham Drive (via stairs) and common stairwell adjacent to the car parking area.
- Nine car parking bays located on site. Seven residential car parking bays and two visitor car parking bays are located behind the dwelling.
- Bin storage area is located in the south-west corner of the site.

The development plans and supporting information for the development are provided at Attachments 2 – 8.

Joondalup Design Reference Panel

The proposal was presented to the Joondalup Design Reference Panel (JDRP) on 17 July 2019, and amended plans were presented on 18 December 2019. A summary of the JDRP comments, as well as the applicant's response to these items is included in the tables below:

17 July 2019 (comments based on previously assessed set of plans)

| JDRP comment | Applicant's response |
|--|--|
| The orientation of the development is appropriate, taking advantage of the northern aspect and access to direct sunlight. | This is a key aspect of the design, in providing solar access to all living and private outdoor space areas, views to trees / bushland, interaction with the public realm and passive surveillance of the street and entry points. |
| Outlook for Unit 1 (Bed 1 and kitchen) and Unit 2 (Bed 2) covered by upper floor. This will impact the amenity and liveability of these units. | Ground floor units have been reconfigured to eliminate this issue, with outlook for Unit 1 bedrooms to private outdoor areas and the street, and Unit 2 bedrooms outlook to significant landscaping and private outdoor area. |

| JDRP comment | Applicant's response |
|--|--|
| The communal open space is not located in the best location. It should include a northern aspect and not be integrated with the car park or bin store. | Agreed. Extra public space, provisions for informal seating and visitor bike parking provided at pedestrian access point to improve public interaction. |
| The acceptable outcomes for eastern setbacks have not been met on the ground floor and should be investigated. | Design amended to achieve required setbacks. |
| Surveillance is not provided to the internal pathway. | Full height, slim line windows provided to Unit 1 and 2 living rooms, along with side lite windows to entry doors to provide surveillance. Entry walkway secured with access gate. |
| The landscape appears to fit in with the surrounding development. The size of the development limits areas and locations of landscaping. | Area of landscaping and deep soil areas (DSA) increased and consolidated along east side and front setback. |
| More information on landscaping is required. Plant numbers and density should be increased. | Landscaping design provided, with increased density, amended species list and site positioning to suit solar aspect. |
| Upper floors and accessway will limit light and therefore the landscaping underneath upper floors and within the central corridor will have questionable survival. | Amount of overhang reduced, landscaping areas under upper floors reallocated and consolidated with other DSA. |
| The façade to the east is harsh. | Balcony store rooms shifted to rear corridors, ameliorating bulk at north-east corner. Three metre wide landscaping strip along east side with medium size trees to soften east elevation. |
| The development is poor aesthetically. The pitched roof on the third storey is overpowering and accentuates height. | Development façade now amended to better suit street appearance. The building finishes include a ground floor with face brick work tied in with the surrounding homes and clean contrasting coloured rendered walls to the first and second floors. This approach encompasses both old and new homes within the street. The pitch of the roof will not be visible when looking from the path / road due to its reduced pitch. This will reduce its overpowering nature and will not accentuate the height. Balconies are now separated giving the façade better vertical separation and articulation along the entire façade boundary. |
| Additional information on finishes should be provided. | Finishes are identified on the revised elevations. |
| There is a problem with the overhang and associated structures (Unit 3). | Amount of overhang reduced, with associated beams and columns deleted and / or set well back from the street front. |

| JDRP comment | Applicant's response |
|---|--|
| It is noted that the development is a three storey walk up and therefore no lift is proposed. This will have a significant impact on the usability (that is how do people get furniture to third level?). | Stair width increased from 1,200mm to 1,500mm, 'U' shaped configuration to reduce run of steps to be negotiated. |
| Residential parking is not covered. | Cover provided to all resident parking. |
| Cross ventilation needs highlight / louvres which are always open to allow ventilation. | Ground floor is provided with front fencing to courtyards along with awning windows to provide security to openings. The upper floor windows are naturally secure being up high. Extra windows have been added to provide cross ventilation where practicable. |
| Surveillance from Unit 3 (while compliant) could incorporate some form of screening. | Privacy screen to Unit 3 added. |
| Air conditioner units need to be screened but also not impact usability of the balcony. | Air conditioning unit areas screened and relocated to a secluded section of the balcony to alleviate any hindrance in balcony usability. |

18 December 2019 (comments based on revised design)

| JDRP comment | Applicant's response |
|---|---|
| The updated design is better than what was previously presented. The elevations have been improved. | The improved elevation allows contemporary design and character to the upper floors while plinthed on a face brick ground floor base. The proposed structure encompasses the existing street facade features and architecture while in keeping with current design trends. |
| The landscape plan is generally improved with consolidated landscaping. More detail is needed in relation to pedestrian movements, deep root zones and the like. | Landscape plans and renders updated to reflect the required information. Stepping blocks incorporated to the eastern landscaping portion, connecting pedestrian movements from the carpark gate to paved path. |
| The kitchen windows for Units 4 and 6 face landing areas for other units. This could lead to unwanted interactions between visitors of one unit and residents of another. | Kitchen windows to Units 4 and 6 removed. New fixed window reinstated to living area for security and landing visual surveillance. |
| Question regarding the access for residents – there is to be intercom access to the front and rear. The JDRP queried whether the ground floor units could have their own entry to the street. | Intercom access to all units will be provided with electric latched front and rear gates to the central access walkway. It was decided not to incorporate the stairs and private entry gate to the ground floor unit courtyards. This is due to site levels and a reduction in much needed landscape area. |

| JDRP comment | Applicant's response |
|---|---|
| The bedroom windows to the upper units facing north have no shading device (awning) and it was suggested that something be added. | Adequate internal window treatments are provided which will shade any direct northern sun from the internal living / habitable rooms. The architectural facade achieving a flush minimalistic appearance will be compromised if canopy shading devices are attached the façade and will not be a desirable outcome. |
| The beams over the driveway unit appears clumsy and could have structural impacts coming over the bin store. | Structural columns are required and have been placed to adequately maintain the loads above. They also frame the driveway access point giving incoming vehicles a visual point of entry. |
| The JDRP requested that the colorbond fencing for the bin store be replaced with something a little more upmarket. | The colorbond fencing to the bin store was removed to allow for a 25% visually permeable vertical slat infill, keeping the access way and façade appealing and consistent. |

Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, SPP7.3 and City's RDLPP.

Local Planning Scheme No. 3.

Minimum lot frontage requirement.

Clause 26 (5) of LPS3 requires multiple dwelling sites to have a minimum site width of 20 metres at the street boundary. The subject site has a lot frontage of 34.5 metres at the street boundary, and therefore meets this requirement.

Land use

The subject site is zoned 'Residential' under LPS3 with a residential density coding of R20/R60. The land use of 'Multiple Dwelling' is a discretionary or 'D' land use in the Residential zone.

The discretionary land use permissibility for multiple dwellings applies to every lot in the entire residential zone, across all suburbs of the City. Multiple dwellings are not appropriate to be built on every residential lot in the City and that is why the land use permissibility in the City's scheme requires the exercise of discretion in deciding which lots are appropriate for multiple dwelling development and which are not. The City, as part of Scheme Amendment No. 73 to former *District Planning Scheme No. 2 (DPS2)*, recoded certain properties, including the subject site, to allow for the provision of higher density development in certain areas. It was through this action that the City exercised its discretion and decided that multiple dwellings were considered acceptable on certain lots by virtue of the higher density code allocated to them. The relevant standards of the former DPS2 have been transferred through to LPS3.

One of the objectives of the residential zone is to provide for a range of housing and a choice of residential densities to meet the needs of the community, which the proposed development, and the Housing Opportunity Areas more broadly, does in a local government area that is characterised primarily by detached, single houses.

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)

SPP7.3 provides the primary built form controls for multiple dwellings. The policy is performance-based, broken up into different design elements (for example building height, visual privacy and solar access). For each design element there are element objectives that are required to be met, in addition to the overall policy objectives. A development that satisfies these objectives is considered to meet the requirements and therefore should not be refused against the policy.

To assist in guiding the assessment against the element objectives, acceptable outcomes and design guidance is provided. These are more specific measurable requirements for each design element. SPP7.3 makes it clear that these acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway, and while meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.

State Planning Policy 7 Design of the Built Environment (SPP7) is an overarching policy that establishes 10 broad principles of good design that are applicable to all planning proposals. These principles have been used to establish the policy objectives and element objectives of SPP7.3. Through a proposal meeting the objectives of SPP7.3 it is also considered to meet the requirements of SPP7.

A summary of the City's assessment against SPP7.3 is included in Attachment 10.

The key design elements and the design elements related to the primary concerns raised during consultation are discussed in more detail below.

Building height

Element 2.2 Building height objectives state:

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

The acceptable outcomes suggest a building height of three storeys is appropriate in areas with an R60 density. While the development is three storeys and meets the height suggested, the scale of the development is not considered to meet the element objectives.

The surrounding area is currently transitioning from an R20 density to higher density development of R40 and R60, with the current streetscape still comprising predominantly single storey dwellings.

The setbacks to the east for the main three storey building element, while meeting the suggested acceptable outcome, present a three-storey façade with little visual relief on the upper floors as viewed from the street and surrounding properties. The design and scale of the building for the eastern aspect of the building is therefore not considered to appropriately transition between the R20 and R60 density.

Contrasting this, the western façade includes a transition to the existing single storey scale by way of stepped development allowing a gradual increase in height between ground and upper floors. A large setback has also been provided to the three-storey element from the rear boundary to provide sufficient separation between the adjoining sites currently developed at the R20 density.

Given the treatment of the eastern façade the development is not considered to respond to the existing and transitioning character of predominantly single storey neighbouring developments. It is therefore considered that the building height does not achieve the element objectives.

Street setbacks

Element 2.3 Street setback objectives state:

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

The acceptable outcomes suggest a minimum setback of two metres and average setback of four metres from the primary street to achieve the element objectives. These acceptable outcomes are derived from the RDLPP. SPP7.3 Vol. 2 acknowledges that many local governments have pre-existing local planning policies in place that preceded its introduction in May 2019. In recognition of this, SPP7.3 Vol. 2 allows certain (but not all) standards of pre-existing local planning policies to continue and carry across as part of the assessment criteria of multiple dwellings. To that end, the street setback provisions of the City's RDLPP become the 'acceptable outcome'.

The building setbacks to Twickenham Drive at each level are as follows:

- Ground floor: 1.25 metres to 4.47 metres, with an average of 3.7 metres.
- First floor: 2 metres to 6 metres, with an average setback of 3.5 metres
- Second floor: 2 to 8.6 metres, with an average setback of 4.5 metres.

The site is located on a bend of Twickenham Drive, opposite natural vegetation and the Whitfords Avenue road reserve. The existing dwelling to the east faces Harrow Weald Way, with a solid colorbond fence to Twickenham Drive. Given the immediate street context there is not a clearly defined street setback provided by the two adjacent properties and, being located on a bend, the proposed stepping of the building and articulation is considered to complement the existing area and provide for sufficient landscaping between the building and street.

The protrusion into the two metre minimum setback is for the ground floor entry feature element used to show the street number. This protrudes into the suggested street setback for 0.97m², being a minor portion of the overall building facade. The element adds to the pedestrian connectivity of the area and helps to define the pedestrian entrance of the building. Given the minor nature of the protrusion and integration with the overall building façade, the feature is considered appropriate in the context of the immediate Twickenham Drive streetscape as outlined above.

The proposed design, including retaining along the front boundary and provision of balconies facing the street, will provide for clear transition between the public and private realm while also providing passive surveillance from the upper floors. The proposal incorporates openings to habitable spaces at the ground and upper floors which provide surveillance to the street, whilst also ensuring privacy of residents can be maintained.

Given the above, the proposal is considered to achieve the element objectives for street setbacks.

Side and rear setbacks

Element 2.4 Side and rear setbacks objectives state:

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

The acceptable outcomes suggest:

- the development should comply with the side and rear setbacks set out in Table 2.1, except where modified by the local planning framework and / or a greater setback is required to address 3.5 Visual Privacy (A2.4.1)
- development be set back to achieve element 2.7 *Building Separation*, 3.3 *Tree Canopy*, 3.5 *Visual Privacy* and 4.1 *Solar and daylight access* objectives (A2.4.2).

Table 2.1 suggests a three metre minimum setback and 3.5 metre average setback where the building length exceeds 16 metres. The development does not meet the suggested acceptable outcomes as outlined below:

| <u>Elevation</u> | <u>Proposed setback</u> |
|---|---|
| Eastern (side) boundary. | |
| <ul style="list-style-type: none"> • Ground floor | One metre minimum (carport) and 2.38 metre average. |
| Western (side) boundary. | |
| <ul style="list-style-type: none"> • Ground floor (arbour) | 0.45 metre minimum. |
| <ul style="list-style-type: none"> • First floor | 2.76 metre minimum. |
| Southern (rear) boundary. | |
| <ul style="list-style-type: none"> • Ground floor (carport). | 0.73 metre minimum. |

The bulk of the building has been positioned on the eastern side, with setbacks of between three metres and 3.7 metres at each level. The eastern façade provides no transition between the ground and upper floors which is not consistent with existing streetscape pattern or separation to neighbouring properties, particularly for the third floor element.

The building on the western boundary transitions from a two-storey element to the three storey element by way of a 6.34 metre separation between the first and second floors. The transition from two storey to three storeys from this boundary and positioning of the main building, including the setback from the rear of 11.4 metres is considered to provide sufficient separation and transition between the sites, that does not impose on the dwelling and outdoor living area of the adjoining site. The three arbour structures are 0.3 metres wide and predominantly screened by a standard dividing fence between the properties.

The building closest to the rear (southern) boundary is a flat roof carport, set back 0.73 metres, with the main building and bulk of the development proposing a setback of 11.4 metres from the rear boundary. The subject site is approximately 1.1 metres below the adjoining property to the west and one metre below the adjoining property to the south. Given this, the impact of the flat roof carport is reduced and will not be visually dominant from either property. The setback from the rear boundary to the main building is considered to provide an appropriate separation and transition between the sites.

The setbacks of the building provide for appropriate landscaping treatments across the site, including two medium and a mix of small trees as discussed further below.

While the setbacks to the rear and western boundary are considered appropriate, the treatment of the eastern façade is not considered to provide appropriate separation and transition, particularly for the height proposed. Therefore, the element objectives have not been met.

Plot ratio

Element 2.5 Plot ratio objective states:

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

A plot ratio of 0.8 is suggested under the acceptable outcomes, with the development proposing a plot ratio of 0.8. The 0.8 plot ratio area equates to 584m², with 583.5m² proposed.

Even though the proposed development achieves the acceptable outcome in relation to plot ratio, the overall bulk of the development is still not considered to achieve the element objectives.

The proposed building mass and setbacks provide limited articulation in the building façade, particularly to the eastern boundary, resulting in an overall massing of the third floor that does not appropriately respond to the current and transitioning nature of the area. Due to the site being situated among an established streetscape which predominantly comprises single storey houses and, given the setbacks and treatment to the eastern boundary, the building bulk as it presents to adjoining properties and as viewed from the street is considered inappropriate.

Tree canopy and deep soil areas and landscape design

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

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

Element 4.12 - Landscape design objectives state:

- O 4.12.1 *Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.*
- O 4.12.2 *Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.*
- O 4.12.3 *Landscape design includes water efficient irrigation systems and, where appropriate incorporates water harvesting or water re-use technologies.*

The acceptable outcomes suggest 10% of the site as deep soil area is appropriate, with either one large tree and small trees, or two medium trees as appropriate. The proposed development provides 11.1% of the site as deep soil area, with two medium trees and also small trees proposed within these areas.

The existing vegetation on site includes some small trees less than four metres in height (excluding three pencil pines abutting the current driveway). These trees do not meet the minimum requirements under SPP7.3 for retention or the minimum height requirements for small trees suggested under SPP7.3 and are proposed to be removed as part of the development. Notwithstanding the loss of these trees, the increase in the size of trees and resultant tree canopy coverage proposed by the development would be an improvement from the current site conditions.

The deep soil areas are located in the street setback and eastern setback areas of the site. The areas in the street setback area allow for trees to mature and for canopy coverage of the adjacent verge area.

The landscape design contributes to the visual appeal of the development as viewed from the street as small trees, a medium tree and various shrubs are located between the building and the street. The species proposed are considered appropriate for the location and will provide an attractive outlook from habitable rooms of the dwellings, while also enhancing the streetscape. In addition to the landscaping on site, verge landscaping will also incorporate planting of four trees as per the landscape plan (Attachment 4 refers).

The applicant has identified that the rootable area for the medium tree along the western boundary would encroach to the driveway area. To protect the tree as well as ensure minimal impact on the driveway area, a structural soil cell system would need to be incorporated. Should the application be approved, the landscaping plan would need to include details of a structural soil cell system to ensure protection of this tree and the driveway.

Considering the above, the overall landscape design for the site, which includes both medium and small trees is acceptable, and the species selected are considered to support long term canopy coverage within the site. As such, the proposal achieves the element objectives pertaining to tree canopy, deep soil areas and landscape design.

Communal open space

Element 3.4 Communal open space objectives state:

- O 3.4.1 *Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.*
- O 3.4.2 *Communal open space is safe, universally accessible and provides a high level of amenity for residents.*
- O 3.4.3 *Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.*

The acceptable outcome suggests an informal seating area (for communal use) be provided within deep soil or landscaped areas of the site.

An informal seating area is proposed next to the pedestrian accessway and street boundary, facing Twickenham Drive, with verge trees to provide shade. The location of the informal seating area allows for passive surveillance of the street. The seating is also located to have minimal impact on habitable rooms of the proposed dwellings and neighbouring properties.

In view of the above, the development achieves the element objectives for communal open space.

Visual privacy

Element 3.5 - Visual Privacy objective states:

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

The acceptable outcomes suggest major openings (windows) be set back from adjoining properties at a distance of 4.5 metres to bedrooms, studies and open walkways, six metres to habitable rooms other than bedrooms and studies (such as living rooms), and 7.5 metres to unenclosed private open space areas (such as balconies).

The proposed development achieves the acceptable outcome with the setbacks of unscreened windows and balconies meeting the suggested minimum setback. Screening has also been provided to some habitable rooms and balconies in accordance with the requirement to minimise the potential of overlooking.

During consultation, some concerns were raised regarding loss of privacy to adjacent properties. The building has been designed and orientated to minimise direct overlooking to habitable rooms and private outdoor living areas, both within the site and neighbouring properties, without relying heavily on high sill windows and permanent screening. With regards to rooms that have potential views over an adjoining property's pool area, screening devices have been included which would limit the potential overlooking to small corners within bedrooms of Unit 3 which are unlikely to be used.

The acceptable outcomes also suggest balconies should be unscreened for at least 25% of their perimeter. All units have at least four metres of unscreened balcony which meets the acceptable outcome.

Each dwelling contains major openings to a habitable room which allow natural sunlight and ventilation into the dwelling. The orientation of the dwellings optimises the northern aspect of the site with highlight windows included to allow for sunlight penetration into the habitable rooms whilst ensuring the privacy of adjoining residents is maintained.

Given the above, the proposed development is considered to achieve the element objectives pertaining to visual privacy.

Car and bicycle parking

Element 3.9 - Car and bicycle parking objectives state:

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

The acceptable outcomes suggest the provision of seven resident bays, two visitor bays and four bicycle bays for the development. The application proposes seven resident bays, two visitor bays and five bicycle bays.

The number of bays provided for the dwellings and visitors is considered appropriate given the proximity of the site to Whitfords train station and high frequency bus routes on Whitfords Avenue, which provide access to services and amenities, as well as local employment opportunities. During community consultation, concerns were raised that the number of bays did not meet the needs of the proposed residents and that two or more vehicles would be needed for each dwelling. The suggested acceptable outcomes are appropriate given the site is one of the closest areas to the Whitfords train station.

Visitor parking is located to the rear of the site screened from the street and not located behind any security barriers.

The proposal includes a trim deck roofed structure for the vehicles to the rear of the site. The acceptable outcomes suggest that all parking structures should be integrated into the building design. The parking structure is not considered integrated by design or materials, however due to the site being lower than the surrounding lots this structure will not be highly visible from adjoining properties. Also, being at the rear of the site the structure will not impact the streetscape. The two-degree roof pitch will also minimise glare reflecting into adjoining properties.

Given the above, the proposed development is considered to achieve the element objectives pertaining to car and bicycle parking.

Solar and daylight access

Element 4.1 - Solar and daylight access objectives state:

- O 4.1.1 *In climate zones 4, 5 and 6 - the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- O 4.1.2 *Windows are designed and positioned to optimise daylight access for habitable rooms.*

O 4.1.3 *The development incorporates shading and glare control to minimise heat gain and glare:*

- *from mid-spring to autumn in climate zones 4, 5 and 6*
- *year-round in climate zones 1 and 3.*

The acceptable outcome suggests a minimum of 70% of dwellings should have living rooms and private open space areas receiving at least two hours direct sunlight per day, and a maximum of 15% of dwellings receiving no direct sunlight. All units have a northern aspect and receive at least two hours of direct sunlight per day and therefore the development achieves the acceptable outcome in this regard. All habitable rooms have access to at least one window (including sliding doors).

The proposal does not include shading devices on the northern façade (facing Twickenham Drive) contrary to the acceptable outcomes and feedback received by the JDRP. The applicant has advised that the inclusion of awnings over the windows for Units 4, 5 and 7 would impact on the aesthetic of the facade.

Based on the commentary received from the JDRP it is considered that shading devices should be provided. On this basis, should the application be approved, it is recommended a condition be placed on the approval to address this requirement.

Waste management

Element 4.17 - Waste management objectives state:

O4.17.1 *Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents*

O4.17.2 *Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.*

A Level 1 *Waste Management Plan* (Attachment 5 refers) was provided in accordance with the acceptable outcomes of SPP7.3. The applicant has also provided waste storage calculations as part of the development plans (Attachment 2 refers). It is noted that these calculations are conservative with reduced bin sizes possible (general waste and green waste being reduced from 360 litre bins to 240 litre bins). The management of the bins will be the responsibility of the Strata Manager and could either be done by a caretaker or the responsibility passed to the individual units. To ensure future occupants are aware of waste responsibilities, they will be advised of the waste management practices and responsibilities by the Strata Manager on occupation.

The proposed waste storage area is integrated in the western elevation of the building, next to the driveway. The location is considered to have minimal impact on the amenity of residents and the streetscape as the storage area is integrated within the building and away from entries to dwellings.

As part of its review, the JDRP recommended an alternative treatment to the colorbond fence to screen the bin store area. Updated plans have been provided indicating open style fencing with a vertical slat infill. This is not considered to meet the intent of the JDRP comment with the open style fencing not screening the bin area. A more appropriate treatment would be a fence with a brick or rendered finish to match the remaining building. Should the development be approved, it is recommended a condition be imposed requiring an alternative fence design to screen the bin store and to address the JDRP feedback.

Waste collection is proposed to be from the verge, with a maximum of six bins being located on the verge at any one time. Of the six bins, a maximum of four bins will be collected at one time (being the general waste bins), with the remaining two (that is recycling or green waste) being collected at a separate time by a separate truck. As a result, the amount of time required to collect these bins is not considered to pose an unacceptable safety risk to road users. However, the City's preference is for waste collection for multiple dwelling developments to occur on site. While collection from the verge is possible, there is the potential for this to have streetscape impacts. For this reason, it is considered that the element objectives have not been met.

During the consultation period, concerns were raised regarding the number of bins which would be located on the verge on collection day, and that the bin storage area was inadequate for the required number of bins. The bin store is large enough to accommodate the eight bins required with the bins needed being smaller than those identified on the plans.

Issues and options considered

Council is required to determine whether the proposed development of seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley is appropriate.

Council may determine an application for development approval by either:

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

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *Residential Development Local Planning Policy (RDLPP).
Environmentally Sustainable Design Policy.
State Planning Policy 7 Design of the Built Environment (SPP7).
State Planning Policy 7.3 Residential Design Codes Volume 2 –
Apartments (SPP7.3).
State Planning Policy 3.7 (SPP3.7).
State Planning Policy 5.4 (SPP5.4).*

Local Planning Scheme No.3

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

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

Clause 26 (5) of LPS3 states:

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

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

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

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 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.*
- (zc) *Include any advice of a Design Review Panel.*

Residential Development Local Planning Policy

The overall objectives of this policy are to encourage the following:

- *An improved streetscape outcome, which is attractive and enhances and complements the visual character, bulk and scale of the surrounding built form.*
- *High quality built development outcomes in relation to building design and site layout.*
- *Residential subdivision and development with safe, functional and attractive access arrangements in and out of sites, which contribute to the overall aesthetics of developments.*
- *New development that is designed having regard to the issue of crime prevention and surveillance of the street and housing entrances.*
- *Varying density development, inclusive of development within dual density coded areas that are integrated into the surrounding built environment.*

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

The overall policy objectives for multiple dwellings are:

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

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

- *To encourage design that is responsive to site, size and geometry of the development site.*
- *To allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives.*

- *To ensure clear scope for scheme objectives to influence the assessment of proposals.*
- *To ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.*

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 was prepared by the WAPC and gazetted on 7 December 2015. SPP3.7 outlines how development and / or land uses should address bushfire risk in Western Australia, and it applies to all land which has been designated as a bushfire prone area. In accordance with Clause 6.2 (a), development applications within a designated bushfire prone area that have a Bushfire Attack Level (BAL) rating above BAL-LOW are to comply with the relevant provisions of SPP3.7.

In accordance with Clause 6.5, a BAL Assessment has been prepared by an accredited BAL Assessor for the proposal (Attachment 7 refers). This BAL assessment identifies a BAL rating of BAL- 19.

Should the application be approved, a condition imposing a notification on the title is recommended. Any subsequent building permit will be required to meet the relevant Australian Standards for construction of buildings in bushfire prone areas.

State Planning Policy 5.4 – Road and rail noise (SPP5.4)

SPP5.4 was prepared by the WAPC and gazetted on 6 September 2019. The purpose of SPP5.4 is to minimise the adverse impact of road and rail noise on noise-sensitive land-use and / or development within the specified trigger distance of strategic freight and major traffic routes.

In accordance with clause 4.1, and the distance to the Mitchell Freeway road reserve, the site is subject to the requirements of the policy. As such a Transportation Noise Assessment (Attachment 6 refers) has been provided. The assessment identifies where further controls are necessary to meet the relevant targets associated with noise including measures for roofs to include insulation below roof sheeting, doors to be solid timber core with acoustic seals and windows to have minimum glass thickness depending on the locations. These requirements do not impact the external appearance of the building.

It is noted the Transportation Noise Assessment was completed in June 2019, prior to the latest iteration of SPP5.4. It has been identified by the applicant's acoustic engineer that the update of SPP5.4 has not changed the reporting or the requirements of the report.

Should the application be approved, a condition enforcing the requirements of the Transportation Noise Assessment and requirement for a notification on the title is recommended.

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$4,110 (excluding GST) for assessment of the application in accordance with the City's Schedule of Fees and Charges.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Development includes the following:
 - Retention of natural landforms and topography.
 - Northerly orientation of daytime living / working areas with large windows, and minimal windows to the east and west.
 - Passive shading of glass.
 - Sufficient thermal mass in building materials for storing heat.
 - Insulation and draught sealing.
 - Floor plan zoning based on water and heating needs and the supply of hot water.
- Development is to incorporate the following:
 - Low energy technologies and / or
 - Natural and / or fan forced ventilation.
- Development is to incorporate water efficient technologies.
- Recyclable materials.
- Low-VOC products.

Consultation

The application was advertised for a period of 21 days, commencing on 29 November 2019 and concluding on 23 December 2019. An additional week was added to the normal consultation timeframe as the consultation took place close to the Christmas public holidays.

Consultation was undertaken in the following manner:

- A letter was sent to owners / occupiers of 78 properties in the vicinity of the subject site.
- A sign was installed on site.
- Development plans and information were made available for public viewing on the City's website and at the City's administration building.

At the conclusion of the consultation period, 18 submissions were received, being 17 objections and one submission in support.

The key concerns raised during the consultation period include the following:

- Bulk and scale of the development, including that the building height is not in keeping with the surrounding area.
- Insufficient car parking bays on the site.
- Access to the site on the bend is dangerous and will be made worse by street parking.
- Poor landscaping quality and areas around the site.
- Visual privacy concerns to surrounding developments.
- The increase in traffic and safety concerns within the street and surrounding road networks.
- The development benefits only the developer and provides nothing for the community.
- The applicant's report references are incorrect and discuss other developments which demonstrate a disregard in relation to the impact on the residents.

A detailed summary of the submissions against the specific design elements of SPP7.3, and general comments on the development is provided at Attachment 9.

COMMENT

The proposal has been assessed against the element objectives of SPP7.3. Having regard to the element objectives, it is considered that the development does not achieve a number of these, as outlined in the assessment above.

The application is therefore recommended for refusal for the reasons set out in the recommendation.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council REFUSES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 21 May 2019 submitted by Danmar Developments for the proposed seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley, for the following reasons:

- 1 The proposal does not satisfy the element objectives of 2.2 Building Height of *State Planning Policy 7.3*, as the building height does not respond appropriately to the existing and desired character of the local area;
- 2 The proposal does not satisfy the element objectives of 2.4 Side and rear setbacks of *State Planning Policy 7.3*, as the setbacks do not provide adequate separation between neighbouring properties and the development does not provide an appropriate transition between sites with different intensity of development;
- 3 The proposal does not satisfy the element objectives of 2.5 Plot ratio of *State Planning Policy 7.3*, as building bulk and scale of the development is inconsistent with the existing and planned character of the area;
- 4 The proposal does not satisfy the element objectives of 4.17 Waste management of *State Planning Policy 7.3*, as the waste collection location proposed does not minimise negative impacts on the streetscape.

Appendix 3 refers

To access this attachment on electronic document, click here:

[Attachments1-4.pdf](#)

[Attachments5-7.pdf](#)

[Attachments8-10.pdf](#)

ITEM 4 STRATEGIC COMMUNITY REFERENCE GROUP – APPOINTMENT OF CENTRAL WARD COMMUNITY MEMBER REPRESENTATIVE

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

PURPOSE

For Council to appoint a new Central Ward community member representative for the Strategic Community Reference Group.

EXECUTIVE SUMMARY

On 4 March 2020, the City received a resignation from a Central Ward community member representative on the City's Strategic Community Reference Group, which has now created a vacancy.

Community member representatives were recently appointed by Council at its meeting on 18 February 2020 (CJ005-02/20 refers), following public advertising of the new available positions in January 2020. During this public advertising period, the City received 10 nominations for the Central Ward, of which two community member representatives were appointed.

Council is now requested to consider the nominations provided at Attachment 2 (Confidential) to this Report and subsequently appoint one community member representative to fill the vacant Central Ward position on the Strategic Community Reference Group.

BACKGROUND

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

In accordance with the Strategic Community Reference Group Terms of Reference, the terms for community members concluded in October 2019 in line with the ordinary Council election cycle. Public advertising of the nomination process commenced on 10 December 2019 and closed on 20 February 2020. Notices were placed on the City's website, in the local newspaper, through the social media networks and through the City's Community Engagement Network. A letter of invitation was also sent directly to all resident / ratepayer associations, providing an opportunity for active community members to offer their nomination on the Strategic Community Reference Group.

The City received a total of 68 valid nominations and a subsequent report was presented to Council to appoint two new community member representatives per ward to the Strategic Community Reference Group.

DETAILS

During this public advertising period, the City received 10 nominations for the Central Ward community member representative position on the City's Strategic Community Reference Group. At its meeting held on 18 January 2020 (CJ005-02/20 refers), Council appointed Louise Bettison and Fay Gilbert as the Central Ward community member representatives.

On 4 March 2020, the City received a resignation email from Louise Bettison as a Central Ward community member representative, which has now created a vacancy. Following the resignation, the City contacted the remaining seven nominees to confirm whether they were still interested in a position on the Strategic Community Reference Group, of which five expressed interest.

Issues and options considered

Council is requested to assess the remaining nominations and appoint one community member representative to fill the vacant Central Ward position on the Strategic Community Reference Group.

Council can either:

- accept all nominations and appoint one community member representative for the Central Ward
- or
- not accept the nominations and commence a new expression of interest process.

Given the recent consideration of Strategic Community Reference Group nominations, it is the preferred option to select from the existing nominations based on the number and quality received in the expression of interest process recently completed.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective To have a community that actively engages with the City to achieve consensus and legitimacy in decision-making.

Strategic initiative Fully integrate community consultation practices into City activities.

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

Adapt to community preferences for engagement formats.

Policy *Community Consultation Policy.*

Risk management considerations

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

Financial / budget implications

Due to the number of nominations received during the recent public advertising period, the pool of community member representative nominations remains relevant. Therefore, no additional costs for advertising and promotions are required to advertise the vacancy.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

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

COMMENT

The Strategic Community Reference Group provides a unique mechanism for community representatives and subject experts providing advice to Council on a range of issues of importance to the community. The high number and quality of applications received is evidence of the success of the Group.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPOINTS one community member representative for the Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 2 to this Report.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf200414.pdf](#)

ITEM 5 REVIEW OF PROCEDURES FOR STRATEGY SESSIONS, BRIEFING SESSIONS, COUNCIL / COMMITTEE MEETINGS AND ELECTRONIC MEETINGS

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 08122, 101515 |
| ATTACHMENTS | Attachment 1 Procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings (marked-up). |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider amendments to the procedures for Strategy Sessions, Briefing Sessions and Council Meetings, including new procedures for electronic meetings.

EXECUTIVE SUMMARY

At its meeting held on 18 December 2007 (CJ264-12/07 refers), Council initially adopted its procedures for Strategy Sessions, Briefing Sessions and Council Meetings to provide information on their purpose and certain procedural matters relating to public question time, public statement time and deputations. Council made further adjustments to the procedures at its meetings held on 17 March 2009 (CJ047-03/09 refers) and 19 November 2013 (CJ213-11/13 refers) which have remained in effect since that time.

With the changes introduced to the *Local Government (Administration) Regulations 1996* in relation to the ability for local governments to hold Council and committee meetings by electronic means, the adopted procedures around public question time, public statement time and deputations will need to change, as most of the current procedures are not workable in an electronic environment. There are also a range of other changes that needs to be made to reflect the current operations of the procedures and there is opportunity therefore for such changes to also be made.

It is therefore recommended that Council ADOPTS the revised Procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings as detailed in Attachment 1 to this Report.

BACKGROUND

At its meeting held on 18 December 2007 (CJ264-12/07 refers) Council initially adopted its procedures for Strategy Sessions, Briefing Sessions and Council Meetings to provide information on their purpose and certain procedural matters relating to public question time, public statement time and deputations. Council made further adjustments to the procedures around public question time and public statement time at its meeting held on 17 March 2009 (CJ047-03/09 refers).

At its meeting held on 28 August 2013 (CJ159-08/13 refers), Council adopted the *City of Joondalup Meeting Procedures Local Law 2013* to replace the former *City of Joondalup Standing Orders Local Law 2005*. The *City of Joondalup Meeting Procedures Local Law 2013* (Meeting Procedures) came into effect on 28 October 2013 and is intended to result in:

- better decision-making by the Council and its committees
- the orderly conduct of meetings dealing with Council business
- better understanding of the process of conducting meetings
- more efficient and effective use of time at meetings.

The Meeting Procedures apply to meetings of Council, committees and electors and do not apply to Strategy Sessions and Briefing Sessions, as they are not formal decision-making processes of Council. In view of this, the current procedures for Strategy Sessions, Briefing Sessions and Council Meetings provide a sound mechanism to detail the procedures and processes for the conduct and proceedings at these particular sessions. The current procedures, last reviewed by Council at its meeting held on 19 November 2013 (CJ213-11/13 refers), have remained in effect since that time.

In March 2020, following the public health state of emergency declared as a result of the COVID-19 outbreak, the Minister for Local Government, Sport and Cultural Industries introduced changes to the *Local Government (Administration) Regulations 1996* which granted local governments the ability to conduct Council and committee meetings by electronic means during a declared public health emergency or state of emergency. Prior to these changes, instantaneous communication for meetings was permitted in certain circumstances and parameters, but only via telephone.

DETAILS

In accordance with regulation 14D of the *Local Government (Administration) Regulations 1996* a Council or Committee meeting may be held by electronic means:

- (a) if:
- (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the City's district; and
 - (ii) because of the public health emergency or state of emergency, the Mayor or Council considers it appropriate for the meeting to be held by electronic means
- or
- (b) if:
- (i) a direction is issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* that prevents the meeting from being held in person; and
 - (ii) the Mayor or Council authorises the meeting to be held by electronic means.

The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communications as determined by the Mayor or Council, with the Chief Executive Officer being consulted before such determination is made.

In view of this, a new section has been introduced to the procedures (as detailed in Attachment 1) that implement a range of changes (as summarised below), when a declaration is made to conduct meetings by electronic means:

- **Questions in Writing**

The City will accept a maximum of five written questions per person, which is the current standard in place for in-person meetings (however currently restricted to residents and / or ratepayers only). No questions in person will be accepted at electronic meetings. Questions lodged by 9.00am on the day immediately prior to the scheduled meeting will be responded to and these questions, and their responses, will be distributed to elected members at the meeting, and where possible published on the City's website prior to the meeting.

- **Public Statement Time**

The ability to make a public statement at a meeting being held by electronic means poses a range of difficulties. However, written public statements will be accepted before a meeting by emailing the Mayor who will distribute any statement received to other elected members before the meeting. Public statements must be received by 9.00am on the day of the meeting.

- **Deputations (Briefing Sessions only)**

Similar to public statements, only written deputations will be accepted at the Briefing Session by emailing the Mayor who will distribute any information or material received to other elected members before the meeting. Deputation information must be received by 9.00am on the day of the scheduled Briefing Session.

Other than the main changes being made to the procedures around electronic meetings, there are a number of other changes being made to reflect current practices for in-person meetings, as well as to improve overall good governance arrangements for declarations of interests at Strategy Sessions and Briefing Sessions.

Issues and options considered

Council can either:

- adopt the revised procedures as presented
- adopt the revised procedures as presented with further amendments
or
- retain the current procedures.

Legislation / Strategic Community Plan / policy implications

| | |
|---------------------------------|--|
| Legislation | <i>Local Government Act 1995. Local Government (Administration) Regulations 1996. Local Government (Rules of Conduct) Regulations 2007. City of Joondalup Meeting Procedures Local Law 2013.</i> |
| Strategic Community Plan | |
| Key theme | Governance and Leadership. |
| Objective | Active democracy. |
| Strategic initiative | Optimise opportunities for the community to access and participate in decision-making processes. |
| Policy | Not applicable. |

As a result of the public health State of emergency that has been declared across Western Australia, in respect of COVID-19, the Minister for Local Government, Sport and Cultural Industries introduced new provisions to the *Local Government (Administration) Regulations 1996* as follows:

“14C. Attendance by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))

- (1) *In this regulation —*
meeting means —
- (a) *an ordinary meeting of the council; or*
 - (b) *a special meeting of the council; or*
 - (c) *a meeting of a committee of the council; or*
 - (d) *a meeting of an audit committee of a local government.*
- (2) *A member of a council or committee may attend a meeting by electronic means if —*
- (a) *a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
 - (b) *because of the public health emergency or state of emergency, the member is unable, or considers it inappropriate, to be present in person at a meeting; and*
 - (c) *the member is authorised to attend the meeting by electronic means by —*
 - (i) *the mayor; or*
 - (ii) *the president; or*
 - (iii) *the council.*
- (3) *A person who attends a meeting by electronic means is taken to be present at the meeting.*

14D. Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))

(1) In this regulation —

meeting means —

- (a) an ordinary meeting of the council; or
- (b) a special meeting of the council; or
- (c) a meeting of a committee of the council; or
- (d) a meeting of an audit committee of a local government.

(2) A meeting may be held by electronic means —

(a) if —

- (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and
- (ii) because of the public health emergency or state of emergency, the mayor, president or council considers it appropriate for the meeting to be held by electronic means;

or

(b) if —

- (i) a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and
- (ii) the mayor, president or council authorises the meeting to be held by electronic means.

(3) The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by —

- (a) the mayor; or
- (b) the president; or
- (c) the council.

(4) The CEO must be consulted before a determination is made under subregulation (3).

14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2))

(1) In this regulation —

electronic meeting means a meeting held by electronic means under regulation 14D.

(2) If a council or a committee is to hold an electronic meeting, the council or committee is taken to have complied with the requirement to give notice of the place of the meeting under section 5.5 and regulation 12 if the local government gives notice that the meeting will be conducted by electronic means.

(3) If a council or a committee holds an electronic meeting —

- (a) a person who attends the meeting by the electronic means determined under regulation 14D(3) is taken to attend the meeting for the purposes of the Act and these regulations; and

- (b) *the meeting is open to the members of the public under section 5.23(1) if —*
 - (i) *the council or committee complies with the requirement to make the unconfirmed minutes of the meeting available for public inspection under regulation 13; or*
 - (ii) *the council or committee publicly broadcasts the meeting on a website; or*
 - (iii) *the meeting or a broadcast of the meeting is otherwise accessible to the public.*

- (4) *If a council or a committee holds an electronic meeting, section 5.24 is modified so that the council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if —*
 - (a) *the council or committee provides a means to submit a question prior to the meeting; and*
 - (b) *the council or committee determines at the meeting —*
 - (i) *to respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the council or committee; or*
 - (ii) *that, given the public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting.*

- (5) *If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be —*
 - (a) *tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means; and*
 - (b) *made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.*

The provisions around public question time are detailed in the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*. These legislative provisions set the minimum standards that local governments must apply in respect to public question time and the minimum level of public participation at meetings. However, where a meeting is held by electronic means, changes to the *Local Government (Administration) Regulations 1996* (as detailed above) have modified those requirements.

Risk management considerations

Should Council not adopt relevant procedures for the conduct of meetings, the transparency and integrity of the City's decision-making processes may be questioned.

Financial/budget implications

There are no financial implications associated with this Report.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Although electronic meetings must follow the legislative provisions as well as the City's adopted *Meeting Procedures Local Law 2013*, arrangements for electronic meetings pose a range of challenges, in terms of what business is conducted; the lack of ability to attend electronic meetings in person; and the overall governance arrangements that must occur to support the decision-making process. The amendments to the *Local Government (Administration) Regulations 1996* recognise some of these difficulties and changes have been made accordingly.

Electronic meetings need to:

- be lawful and consistent with the legislative provisions in which local governments operate
- allow members of the community to be involved in the decision-making process being cognisant that electronic meetings operate with a range of limitations
- reflect the good governance practices that are enshrined in the City's operations and decision-making activities.

In this regard, electronic meetings need new practices that may differ from traditional in-person meetings. It is prudent therefore that the adopted procedures change to include provisions that are conducive to working in an electronic environment. There are also a range of other changes that needs to be made to reflect the current operations of the procedures and there is opportunity therefore for such changes to also be made.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADOPTS the revised Procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings as detailed in Attachment 1 to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf200414.pdf](#)

ITEM 6 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2020

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBER | 09882, 101515 |
| ATTACHMENTS | Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of February 2020 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of February 2020 Attachment 3 Municipal and Trust Fund Vouchers for the month of February 2020 |
| AUTHORITY / DISCRETION | Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). |

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of February 2020.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of February 2020, totalling \$11,772,356.47.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for February 2020 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$11,772,356.47.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of February 2020. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

The vouchers for the month are appended as Attachment 3 to this Report.

| FUNDS | DETAILS | AMOUNT |
|-------------------|---|------------------------|
| Municipal Account | Municipal Cheques & EFT Payments 109581 - 109683 & EF083593 – EF084102 Net of cancelled payments. | \$7,049,538.97 |
| | Vouchers 2741A & 2743A - 2755A | \$4,718,174.08 |
| Trust Account | Trust Cheques & EFT Payments 207440 – 207443 & TEF001765 – TEF001766 Net of cancelled payments. | \$4,643.42 |
| Total | | \$11,772,356.47 |

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 *2019-20 Annual Budget* as adopted by Council at its meeting held on 25 June 2019 (CJ073-06/19 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for February 2020 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$11,772,356.47.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf200414.pdf](#)

ITEM 7 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 29 FEBRUARY 2020

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

PURPOSE

For Council to note the Financial Activity Statement for the period ended 29 February 2020.

EXECUTIVE SUMMARY

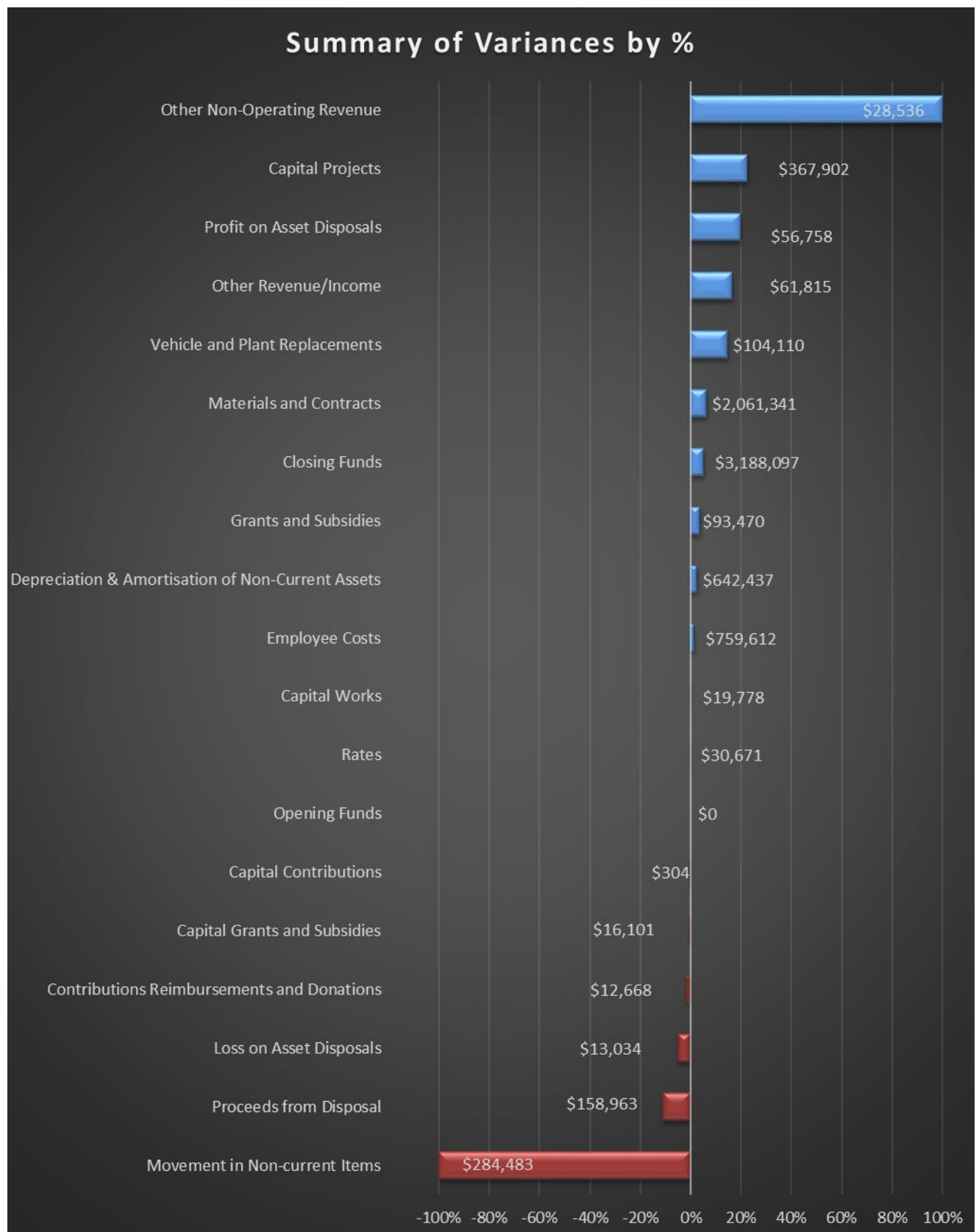
At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the Annual Budget for the 2019-20 financial year. Council subsequently revised the budget at its meeting held on 18 February 2020 (CJ018-02/20 refers). The figures in this report are compared to the revised budget.

The February 2020 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$3,188,097 for the period when compared to the revised budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 29 February 2020 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 Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

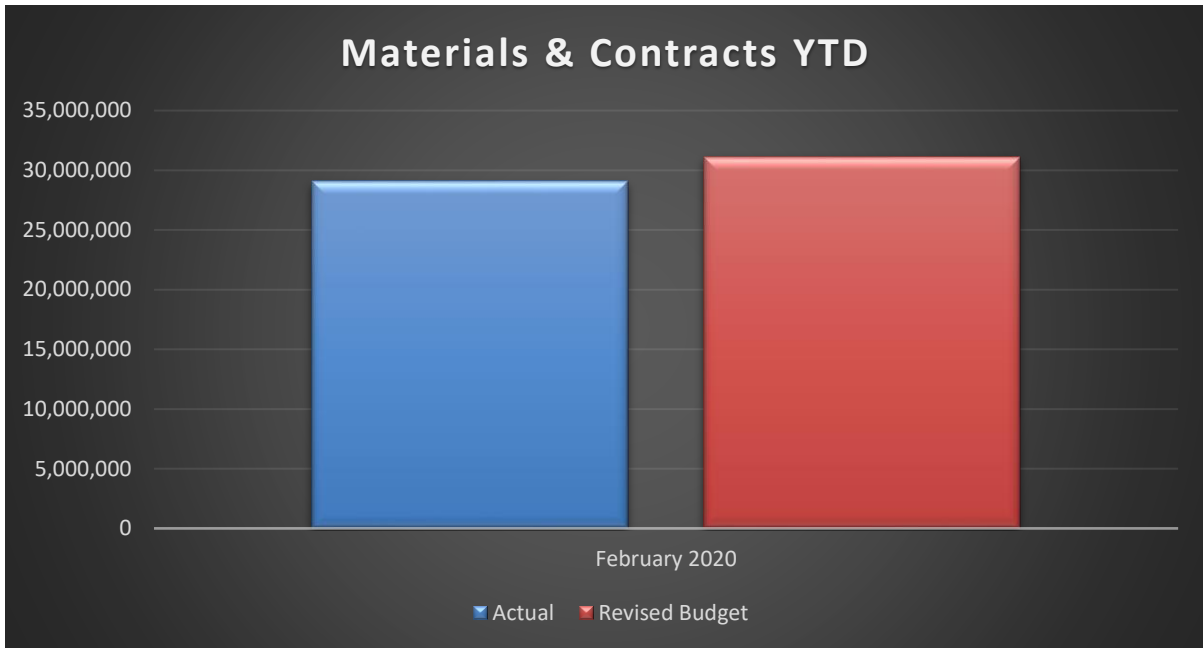
The key elements of the variance are summarised below:



The significant variances for February were:

Materials & Contracts

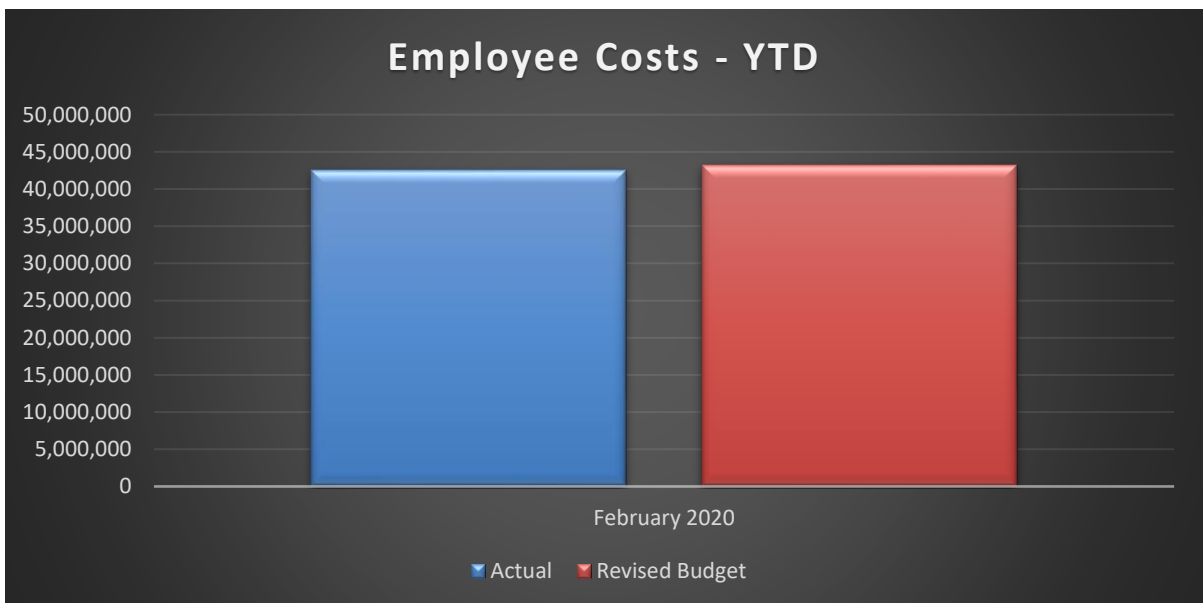
\$2,061,341



Materials and Contracts expenditure is \$2,061,341 below budget. This is spread across a number of different areas including favourable timing variances for External Service Expenses \$986,488, Professional Fees & Costs \$262,528 and Public Relations, Advertising and Promotions \$195,247.

Employee Costs

\$759,612



Employee Costs expenditure is \$759,612 below budget. Favourable variances predominantly arose from vacancies in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 29 February 2020 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 29 February 2020 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

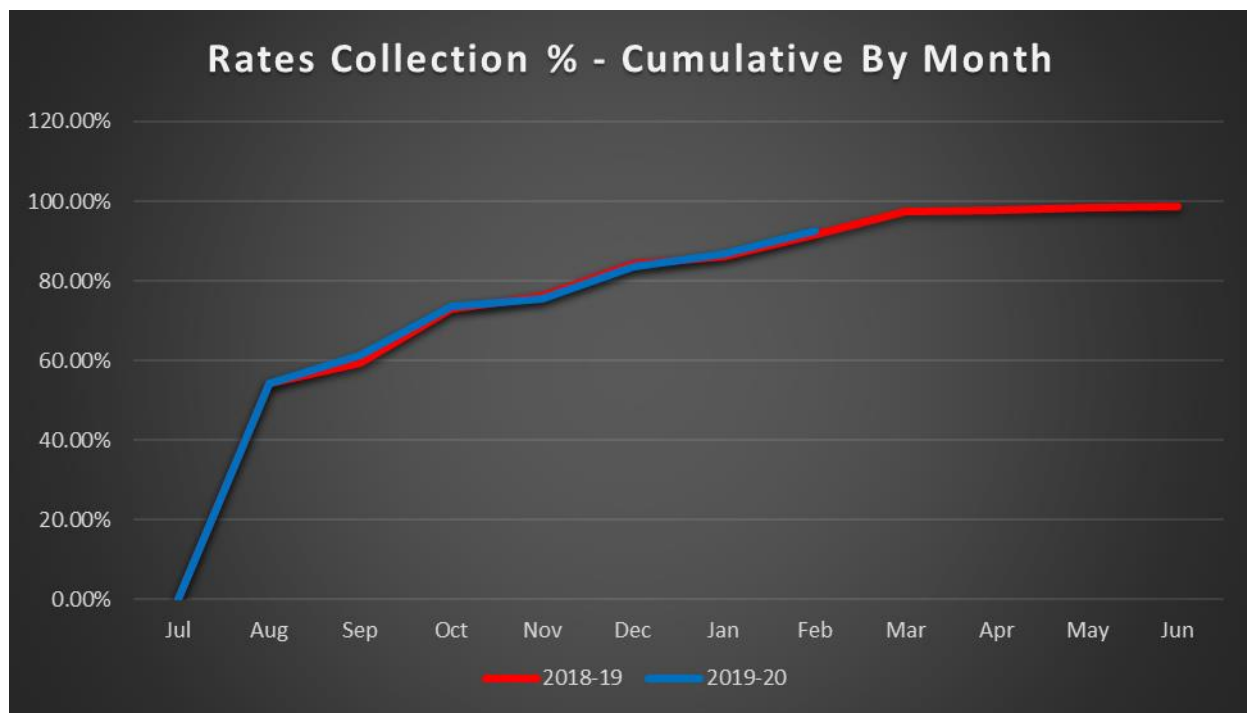
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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

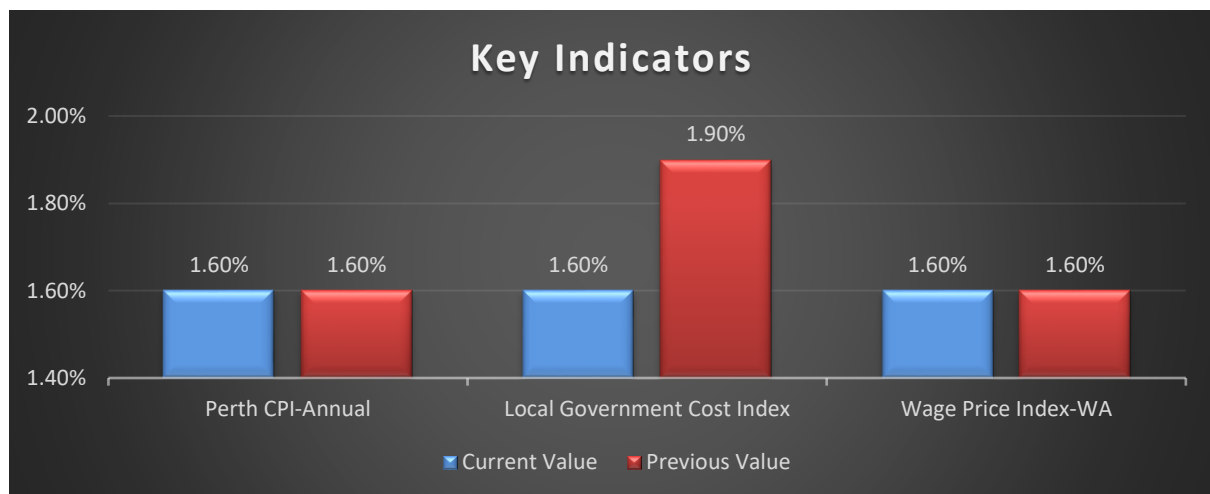
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) continues on par with the prior year at the end of February. This trend was expected to continue to the end of the financial year. In the current environment, this appears increasingly unlikely.

Economic Indicators



Wage inflation data remained unchanged in December Quarter but continues to lag the national wage price index which is 2.2% for the same period. The Local Government Cost Index is lower mainly driven by reduced electricity and street lighting costs.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2019-20 revised budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 29 February 2020 forming Attachment 1 to this Report.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf200414.pdf](#)

ITEM 8 TENDER 005/20 - SUPPLY AND DELIVERY OF PRE-MIX CONCRETE

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBER | 108553, 101515 |
| ATTACHMENTS | Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submission |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

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

EXECUTIVE SUMMARY

Tenders were advertised on Saturday 8 February 2020, through statewide public notice for the supply and delivery of pre-mix concrete. Tenders closed on Tuesday 25 February 2020. A submission was received from the Trustee for Ransberg Unit Trust T/As WA Premix.

The submission from the Trustee for Ransberg Unit Trust T/As WA Premix represents best value to the City. The company demonstrated a good understanding of the City's requirements and has the capacity to provide the services to the City. It has in the past provided pre-mix concrete to the City of Joondalup since 2017 and is well established with industry experience and proven capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for Ransberg Unit Trust T/As WA Premix for the supply and delivery of pre-mix concrete for a period of three years for requirements as specified in Tender 005/20 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement for the supply and delivery of pre-mix concrete.

The City currently has a single contract for the service with WA Premix, which will expire on 27 April 2020.

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

DETAILS

The tender for the supply and delivery of pre-mix concrete was advertised through statewide public notice on 8 February 2020. The tender period was for two weeks and tenders closed on 25 February 2020.

Tender Submission

A submission was received from the Trustee for Ransberg Unit Trust T/As WA Premix.

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

A summary of the tender submission, including the location of the tenderer is provided in Attachment 2 to this Report.

Evaluation Panel

The evaluation panel comprised four members:

- One with tender and contract preparation skills.
- Three with the appropriate technical expertise and involvement in supervising the contract.

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

Compliance Assessment

The offer received from WA Premix was fully compliant and was considered for further evaluation.

Qualitative Assessment

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

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

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

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

WA Premix scored 68.8% in the qualitative assessment. The company demonstrated an understanding and appreciation of the City's requirements and has established itself as a reliable supplier of premixed concrete. The company is the City's current supplier of pre-mix concrete since 2017 and has been providing similar services to many private and public organisations including the City of Cockburn for over 14 years and recently servicing the City of Gosnells. It has the capacity in terms of equipment, fleet and personnel to meet the City's requirements.

Given the minimum acceptable score of 50%, WA Premix qualified for stage two of the assessment.

Price Assessment

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

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates offered by the tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of the tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur, and actual costs will be paid on the actual usage in future.

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

| Tenderer | Year 1 | Year 2 | Year 3 | Total |
|------------------|-----------|-----------|-----------|------------------|
| WA Premix | \$140,950 | \$143,769 | \$146,645 | \$431,364 |
| Current contract | \$146,196 | \$149,121 | \$152,103 | \$447,420 |

During the last financial year 2018-19, the City incurred \$146,196 for the supply and delivery of pre-mix concrete.

Evaluation Summary

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

| Tenderer | Price Ranking | Estimated Total Comparative Price | Qualitative Ranking | Evaluation Score |
|-----------|---------------|-----------------------------------|---------------------|------------------|
| WA Premix | N/A | \$431,364 | N/A | 68.8% |

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

Issues and options considered

The supply and delivery of pre-mix concrete is required for the maintenance of footpaths and other concrete works within the City. The City does not have the internal resources to supply the required goods / services and as such requires an appropriate external service provider.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated spaces.

Strategic initiative Enable safe, logical and accessible pedestrian movements throughout public spaces.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be moderate, as the pre-mix concrete is needed for the maintenance of footpaths and other concrete works within the City and unavailability may result in maintenance delays, increasing the safety risk to members of the public.

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

Financial / budget implications

| | |
|-----------------------------|---|
| Account no. | 632-R3122-3327-6404 and 632-R3127-3327-6411 |
| Budget Item | Pre-mix Concrete |
| Budget amount | \$ 110,000 (6404) |
| | \$ 7,000 (6411) |
| Amount spent to date | \$ 126,521 |
| Proposed cost | \$ 23,492 |
| Balance | \$ (33,013) |

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The proposed project will ensure continuation of the supply of pre-mix concrete, needed for the maintenance of footpaths and other concrete works within the City.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by the Trustee for Ransberg Unit Trust T/As WA Premix represents value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by The Trustee for Ransberg Unit Trust T/As WA Premix for the supply and delivery of pre-mix concrete for a period of three years for requirements as specified in Tender 005/20 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf200414 .pdf](#)

ITEM 9 TENDER 007/20 - PROVISION OF CLEANING SUPPLIES

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBER | 108561, 101515 |
| ATTACHMENTS | Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submission |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to accept the tender submitted by Statewide Cleaning Supplies Pty Ltd for the provision of cleaning supplies.

EXECUTIVE SUMMARY

Tenders were advertised on 25 January 2020 through statewide public notice for the provision of cleaning supplies. Tenders closed on 12 February 2020. A submission was received from Statewide Cleaning Supplies Pty Ltd.

The submission from Statewide Cleaning Supplies Pty Ltd represents value to the City. The company demonstrated a sound understanding of the required tasks. It has experience providing cleaning supplies to various government agencies across WA including the City of Canning. Statewide Cleaning Supplies Pty Ltd is well established, with sufficient industry experience and capacity to provide the goods and services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Statewide Cleaning Supplies Pty Ltd for the provision of cleaning supplies as specified in Tender 007/20 for a period of three years with an option for a further two one year terms at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for the provision of cleaning supplies to nominated delivery points within the City of Joondalup. The cleaning supplies consist of, but are not limited to, cleaning products and washroom paper products. Where a brand name is specified for a product, the contractor may propose equivalent products of similar quality and value (substitute products will not be accepted without the written approval of the superintendent). Tenderers were required to submit supplier product name/code, unit of issue and rate per unit for each of the items.

The City had a single contract in place via quotation under the state government common use arrangement (CUA) with Winc Australia Pty Limited which expired. Cleaning supplies are now being provided via direct quotation through Statewide Cleaning Supplies for an interim period until a new contract is in place.

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

DETAILS

The tender for the provision of cleaning supplies was advertised through statewide public notice on 25 January 2020. The tender period was for two weeks and tenders closed on 12 February 2020.

Tender Submission

A submission was received from Statewide Cleaning Supplies Pty Ltd.

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

A summary of the tender submission including the location of the tenderer is provided in Attachment 2 to this Report.

Evaluation Panel

The evaluation panel comprised three members:

- One with tender and contract preparation skills.
- Two with the appropriate operational expertise and involvement in supervising the contract.

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

Evaluation Method and Weighting

The comprehensive weighting method of tender evaluation (includes weighting to each selection criterion and price) was selected to evaluate the offer for this requirement.

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

| Qualitative Criteria | | Weighting |
|----------------------|---|-----------|
| 1 | Price | 50% |
| 2 | Capacity | 20% |
| 3 | Demonstrated understanding of the required tasks | 15% |
| 4 | Demonstrated experience in providing similar services | 10% |
| 5 | Social and economic effects on the local community | 5% |

Compliance Assessment

The offer received was fully compliant and was considered for further evaluation.

Qualitative Assessment

Statewide Cleaning Supplies Pty Ltd scored 78.1% in the overall assessment. The company demonstrated a sound understanding of the required tasks. It has experience providing cleaning supplies to various government agencies across WA including the City of Canning. Statewide Cleaning Supplies Pty Ltd is well established with sufficient industry experience and capacity to provide the goods and services to the City.

Price Assessment

The panel carried out a comparison of the rates offered by the tenderer and the 2018-19 contract rates in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates offered by the tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of the tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur and actual costs will be paid on the actual usage in future.

The rates are fixed for the first year of the contract but are subject to a price variation in years two and three and also four and five (if the optional extension of two one year terms were exercised) of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two, three, four and five.

| Tenderer | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Total |
|-------------------------------------|----------|----------|----------|----------|----------|-----------|
| Statewide Cleaning Supplies Pty Ltd | \$73,055 | \$74,516 | \$76,007 | \$77,527 | \$79,077 | \$380,182 |

During 2018-19, the City incurred \$72,249 for cleaning supplies.

Evaluation Summary

| Tenderer | Qualitative Weighted Score | Price Weighted Score | Total Weighted Percentage Score | Estimated Total Comparative Price | |
|-------------------------------------|----------------------------|----------------------|---------------------------------|-----------------------------------|-----------|
| | | | | 3 years | 5 years |
| Statewide Cleaning Supplies Pty Ltd | 28.1% | 50% | 78.1% | \$223,578 | \$380,182 |

Based on the evaluation result the panel concluded that the tender from Statewide Cleaning Supplies Pty Ltd provides value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the provision of cleaning supplies to nominated delivery points within the City of Joondalup. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative Support a long-term approach to significant facility upgrades and improvements.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the City is unlikely to be receiving value added services if the City does not engage a contractor that specialises in cleaning supplies including ongoing support with updated product information, advice and training as required.

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

Financial / budget implications

| | |
|-----------------------------|--------------------|
| Account no. | Various accounts |
| Budget Item | Cleaning supplies. |
| Budget amount | \$ 65,000 |
| Amount spent to date | \$ 49,125 |
| Proposed cost | \$ 12,644 |
| Balance | \$ 3,231 |

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Statewide Cleaning Supplies Pty Ltd represents value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Statewide Cleaning Supplies Pty Ltd for the provision of cleaning supplies as specified in Tender 007/20 for a period of three years with an option for a further two one-year terms at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf200414.pdf](#)

ITEM 10 AMENDMENT TO REVISED BUDGET 2019-20 - TRANSFERS TO RESERVES

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBER | 107783, 101515 |
| ATTACHMENTS | Attachment 1 20 Year Strategic Financial Plan Guiding Principles 2019 |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to approve amendments to the City's revised Budget 2019-20 pertaining to transfers into specific reserves and the Guiding Principles for the development of the 2020-21 budget.

EXECUTIVE SUMMARY

At its meeting held on 18 February 2020 (CJ018-02/20 refers), Council adopted the City's Revised Budget for 2019-20. The revised Budget includes certain transfers into restricted reserves to further the purposes for which those reserves were established.

In the current environment where significant disruption to economic activity has occurred as a result of measures taken by government to combat the COVID-19 pandemic, there is a high level of uncertainty about key revenue streams such as fees and charges, as well as liquidity in the upcoming budget year 2020-21.

To facilitate a stronger opening funds position for 2020-21, in the event that revenue and cashflow are significantly impacted, and enable more robust budgeting for 2020-21, it is appropriate to minimise or eliminate discretionary transfers to specific reserves in 2019-20 to retain these funds in surplus and offset possible shortfalls in 2020-21. This will constitute an amendment to the revised Budget 2019-20.

At its meeting held on 20 August 2019 (CJ108-08/19 refers), Council adopted the Guiding Principles for the 2020-21 Budget (Attachment 1 refers). The Guiding Principles provide the instructions to staff for the preparation of the budget, including an indication on rate increases and changes to the fees and charges. The principles are developed in accordance with the *20 Year Strategic Financial Plan*.

Clearly the events of recent weeks will have a significant impact on the preparation of the 2020-21 Budget. Council will be asked to consider a range of initiatives to assist residents and businesses with the financial impact of the COVID-19 pandemic, as well as assisting the community in the recovery phase. These impacts were not foreseeable when the Guiding Principles were considered by Council.

BACKGROUND

The City's revised Budget for 2019-20 was adopted by Council at its meeting held on 18 February 2020 (CJ018-02/20 refers).

The revised Budget 2019-20 includes a number of transfers into specific reserves as follows:

| Reserve | Transfer in (MYR 19-20) | Notes |
|---|-------------------------|---|
| Capital Works Carried Forward Reserve.. | \$100,000 | Estimate based on expected project progress. |
| Waste Management Reserve | \$986,841 | Surplus from operations as well as balance of Better Bins grant received in 2019-20. |
| Cash in-lieu of Parking. | \$121,321 | Transfer from Parking Facility Reserve. |
| Asset Renewal Reserve. | \$8,230,658 | Transfer to fund reserve for future renewals. |
| Tamala Park Land Sales Reserve. | \$500,000 | Being estimated dividend from Tamala Park Regional Council in respect of land sales at Catalina Estate. |
| SAR Iluka Reserve. | \$1,053 | Estimated surplus from operations in Iluka SAR area. |
| Strategic Asset Reserve. | \$2,790,418 | Estimated proceeds from sale of City land at 15 Burlos Court* and 20 Kanangra Crescent. |
| Non-Current Long Service Leave Reserve. | \$100,000 | Estimated to cover anticipated increase in non-current long service leave liability. |
| Parking Facility Reserve. | \$2,108,618 | Estimated surplus from parking operations, before offset by transfers out of reserve to cover Reid Promenade Car Park loan repayments (capital and interest) and transfer to Cash in-lieu of Parking. |
| All reserves – interest | \$1,382,769 | Estimated interest on average reserve balances for the year 2019-20. |
| Total transfers | \$16,321,678 | |

Of these, transfers into the following reserves may be considered discretionary rather than necessary as a result of operations:

- Strategic Asset Reserve.
- Asset Renewal Reserve.
- Tamala Park Land Sales Reserve.

DETAILS

Issues and options considered

Due to the disruptions that have arisen out of the actions taken by State and Federal Governments to combat the COVID-19 pandemic, the City has had to close leisure centres and libraries. Within the community, significant business interruption has resulted from the requirement for various businesses and venues to close, without a clear end point in sight, which is exacerbated by spiking unemployment as a result.

Revenue from leisure centres and facility bookings will be virtually non-existent as long as the current COVID-19 measures remain in place, expected to be for at least the remainder of the financial year. In addition, reduction in economic activity and social distancing measures has resulted in a fall in parking revenues as well.

In this context, the City's revenue stream in 2020-21 is likely to be significantly impacted due to the disruption to business and employment within the community. In addition, Council will be asked to reconsider the level rates and charges, which will also have an impact on the City's revenues. It is unclear when the City may be able to reopen leisure facilities and resume normal operations, including parking. Even if business resumes activity, it is unclear when this is likely to be and the longer current restrictions remain, the worse the economic outlook becomes.

In order to mitigate the likely impact on revenues in 2020-21, the City has considered a variety of measures. One of these is to limit transfers into reserves in 2019-20 to only those necessary for operations to continue or which are absolutely necessary. In other words, estimated opening funds for the 2020-21 Annual Budget should include funds that would otherwise have been transferred into these reserves.

The total of discretionary transfers identified in the revised Budget 2019-20 are:

| Reserve | Transfers in | Subject to |
|--------------------------------------|---------------------|---|
| Strategic Asset Reserve | \$ 2,790,418 | Land sales taking place*. |
| Asset Renewal Reserve | \$ 8,230,658 | End of Year position. |
| Tamala Park Land Sales Reserve | \$ 500,000 | Dividends received from Tamala Park Regional Council. |
| Total Discretionary Transfers | \$11,521,076 | |

* At the time of this report, the sale of land at 15 Burlos Court is considered unlikely to occur prior to 30 June 2020 as an offer accepted earlier by the City has now been withdrawn. Any transfer into the Strategic Asset Reserve would have been correspondingly reduced at the end of the financial year.

Transfer to the other reserves are considered necessary for operations to continue, especially in the following instances:

Waste Management Reserve

The bulk of the transfer into the reserve comprises the final tranche of the 'Better Bins' project grant of \$708,000 that has been received following the completion of the project in the previous financial year. The City used its own funds to complete the project ahead of the receipt of this final grant amount. It is considered appropriate that these funds be transferred into the Reserve. The balance of the transfer is the estimated surplus from waste management operations. If no surplus results, no transfer will take place.

Parking Facility Reserve

A significant part of the transfer into the reserve offsets a transfer out of the reserve to fund the repayment (principal and interest) of the Reid Promenade Car Park loan to the Western Australian Treasury Corporation, currently expected to be approximately \$1,009,542. The balance of the transfer to reserves constitutes estimated surplus from operations. However, in the current environment where parking fee revenue has decreased and may continue to be below par over the remainder of the financial year, the actual surplus may be considerably less. If no net surplus results from parking operations, there will be no net transfer into the Reserve.

Withholding transfers into the above reserves in 2019-20 and holding these funds as part of closing funds at 30 June 2020 will allow the City to use this as opening funds for the 2020-21 Annual Budget, to mitigate the impact of lower revenues that are expected.

The City is also developing a range of options for Council to consider when the 2020-21 Budget is presented. None of the options currently being developed accord with the Guiding Principles previously adopted by Council. In light of the rapidly changing situation and with only three months remaining in the current financial year, staff have begun the work towards developing these options, which endorsement is now being sought from Council for.

At this stage we do not have sufficient data to detail options, we have instead sought to provide an indication of what could be considered – and the recommendation provides Council with the ability to endorse the current direction or provide staff with alternatives.

The City is not currently seeking delegations of authority to the Chief Executive Officer in addition to those presently in force, as existing delegations of authority are considered adequate at this time. If this position requires revision, appropriate reports will be placed before Council for consideration.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 6.11(2) of the *Local Government Act 1995* requires a local government to give public notice of any change to the purpose of a reserve account; or if using funds in a reserve account for another purpose.

Neither of these is contemplated in this report, as consideration is to withhold transfers into specific reserves in the revised budget. It is not required to give public notice of this.

Strategic Community Plan

| | |
|-----------------------------|--|
| Key theme | Financial Sustainability. |
| Objective | Effective Management. |
| Strategic initiative | Manage assets and liabilities through a planned, long-term approach. |
| Policy | Not applicable. |

Risk management considerations

Withholding transfers into the Strategic Asset and Asset Renewal Reserves risks reducing the amount of funds available for future asset additions and renewals respectively. However, the immediate risk to the City is the budgetary impact of lower revenues in 2020-21 that could result in a significant curtailing of both capital and operating activities. It is not financially prudent in these circumstances to continue with discretionary transfers into reserves in 2019-20.

Developing a Budget without Guiding Principles does raise the risk of Council not supporting the budget when it is presented for consideration. However, the current environment suggests that this risk is acceptable and if communication via the workshop process remains open, the risk can be appropriately mitigated.

Financial / budget implications

Closing funds in the revised Budget 2019-20 will increase by \$11,521,076. This is expected to increase opening funds in 2020-21 by a corresponding amount, subject to final 2020-21 budgetary considerations.

All amounts quoted in this report are exclusive of GST.

It is highly probable that the budget that will be ultimately adopted by Council will cause a long-term financial impact to the City. However, we will be aware of these impacts and will be able to put in place plans to recover the position in future financial years. As the City has been actively addressing the operating deficit issues over the last decade, Council has a range of options that would not be present if still dealing with a large, existing deficit.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The proposed withholding of discretionary transfers to reserves is necessary in the current climate to limit the amount of funds that are held within restricted reserves at 30 June 2020. This will allow the City to deploy these funds towards mitigation of revenue shortfalls in 2020-21 by including them in estimated opening funds for 2020-21.

It is considered financially prudent to minimise funds put aside into reserves at this time.

The City is currently working as quickly as possible to measure the full financial impact on the City of the current crisis. This data will then be used to recast the operating budget for the 2020-21 year, and then provide options for Council to consider as the budget preparation process continues.

Given the current situation, it is considered prudent to set aside the Guiding Principles adopted by Council at its meeting held on 20 August 2019 (CJ108-08/19 refers) for the preparation of the 2020-21 budget.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **BY AN ABSOLUTE MAJORITY APPROVES** the amendment of the revised Budget 2019-20 to not include a transfer of \$2,790,418 into the Strategic Asset Reserve;
- 2 **BY AN ABSOLUTE MAJORITY APPROVES** the amendment of the revised Budget 2019-20 to not include a transfer of \$8,230,658 into the Asset Renewal Reserve;
- 3 **BY AN ABSOLUTE MAJORITY APPROVES** the amendment of the revised Budget 2019-20 to not include a transfer of \$500,000 into the Tamala Park Land Sales Reserve;
- 4 In accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996* PROVIDES a copy of the 2019-20 annual budget review, as amended by parts 1 through to 3 above, and its determination to the Department of Local Government, Sport and Cultural Industries;
- 5 NOTES that the Guiding Principles for the development of the 2020-21 budget adopted at its meeting held on 20 August 2019 will be set aside;
- 6 ENDORSES the development of the 2020-21 Budget with the following assumptions:
 - 6.1 0% increase in rate revenue for 2020-21;
 - 6.2 a 0% increase in fees and charges (including Waste Charges);
 - 6.3 no interest being applied to instalments or payment plans;
 - 6.4 a significant reduction in late payment interest (to be waived once accounts are being paid under a payment plan);
 - 6.5 targeted measures to assist residents and businesses that have been significantly affected by the COVID-19 pandemic or the restrictions imposed to contain the virus.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf200414.pdf](#)

ITEM 11 PENALTY INTEREST ON UNPAID RATES

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBER | 03089, 101515 |
| ATTACHMENTS | Attachment 1 Write Off of Monies, Register of Delegation of Authority |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider amending penalty interest rates on overdue rates.

EXECUTIVE SUMMARY

In adopting the City's Annual Budget for 2019-20 at its meeting held on 25 June 2019 (CJ073-06/19 refers), Council determined the rate of penalty interest to be charged on overdue rates and service charges.

The City is currently not charging penalty interest on overdue rates balances for March and April 2020. It is proposed, in view of the prevailing economic circumstances as a result of the actions taken to combat the COVID-19 pandemic, that this position be extended for the remainder of the 2019-20 financial year to provide further relief to ratepayers with overdue rates balances.

BACKGROUND

Council set the penalty interest rate on overdue rates for 2019-20 when adopting the City's Annual Budget for 2019-20 (CJ073-06/19 refers).

The ongoing COVID-19 pandemic has resulted in a series of measures that have greatly constrained and reduced economic activity in the State, which has already resulted in significant negative consequences for employment and personal finances generally.

Historically the City has received high rate collection for several years now, in the current environment this is likely to change, although current data is insufficient to reasonably estimate the extent of this. Projections indicate that the impact on businesses and individuals is likely to be considerable if the current cessation of activity continues for an extended period of time.

DETAILS

Section 6.51 of the *Local Government Act 1995* provides for local governments to impose interest rates in respect of rates arrears. Regulation 70 of the *Local Government (Financial Management) Regulations 1996* prescribes the maximum penalty interest rate that local governments may set in respect of s6.51.

In adopting the City's Annual Budget for 2019-20, Council resolved to set the penalty interest rate on unpaid rates and charges at 11% per annum.

Interest is calculated on a simple interest basis only.

Penalty interest is not applied to the following:

- Deferred rates.
- Instalments not yet due under the two / or four / payment instalment options.
- The portion of rates levied in the year that are due from registered pensioners / seniors (these may be paid at any time prior to 30 June without attracting interest.
- The portion of rates levied in the year from registered pensioners / seniors that are subject to a State Government rebate.

At 31 March 2020, the City has collected approximately 95% of rates issued in 2019-20. In normal circumstances, the collection rate for the year would be expected to be between 98% and 99% by 30 June 2020, consistent with prior years.

It is expected, if the present limitations on economic activity persist, that the March 2020 rates collection levels is unlikely to be improved on.

In the current environment that has arisen from significantly reduced economic activity and the consequent impact on business and employment, the City has determined it appropriate to provide relief to ratepayers with outstanding balances by not applying penalty interest charges during the months of March and April 2020. This is achieved by writing off penalty interest raised, under delegated authority to the Chief Executive Officer for Write-Off of Monies (Attachment 1 refers). This position is subject to review in April 2020. Based on present estimates of economic activity, it is likely that the present conditions will persist at least until the end of this financial year.

In these circumstances, it is considered appropriate that the current position of no penalty interest being applied to outstanding rates and charges be extended to May and June 2020.

Legislation / Strategic Community Plan / Policy implications

Legislation

Section 6.51 of the *Local Government Act 1995*:

- (1) *A local government may at the time of imposing a rate or service charge resolve to impose interest (at the rate set in its annual budget) on –*
- (a) *A rate or service charge (or any instalment of a rate or service charge); and*
 - (b) *Any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.*

- (2) *The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.*

Strategic Community Plan

| | |
|-----------------------------|--|
| Key theme | Financial Sustainability. |
| Objective | Effective management. |
| Strategic initiative | Manage liabilities and assets through a planned, long-term approach. |
| Policy | Not applicable. |

Risk management considerations

Not applicable.

Financial / budget implications

Current financial year impact

The revised Budget 2019-20 includes revenue from penalty interest for the year of \$395,284. Revenue from penalty interest year to date to 29 February 2020 is \$315,948. If no penalty interest is applied from March to June 2020, the City will forego \$79,336 in revenue compared to the Revised Budget.

This amount is not considered to materially impact the City's financial position.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

In the present environment, the City's responsibility to the community necessitates actions such as that proposed herein. It provides a measure of relief to ratepayers finding themselves in unfortunate financial circumstances due to the COVID-19 pandemic, for the remainder of the financial year.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY:

- 1 ENDORSES the current position that no penalty interest be accrued during March and April 2020 against outstanding rates and services charges balances;**
- 2 EXTENDS this position of no penalty interest on outstanding rates and services charges to May and June 2020.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf200414.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

REPORTS REQUESTED BY ELECTED MEMBERS

CLOSURE



**DECLARATION OF
FINANCIAL INTEREST / INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

| | |
|-------------------------------|---|
| Name / Position | |
| Meeting Date | |
| Item No/ Subject | |
| Nature of Interest | Financial Interest * Proximity Interest* Interest that may affect impartiality* <i>* Delete where not applicable</i> |
| Extent of Interest | |
| Signature | |
| Date | |

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*



**DECLARATION OF
FINANCIAL INTEREST / INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

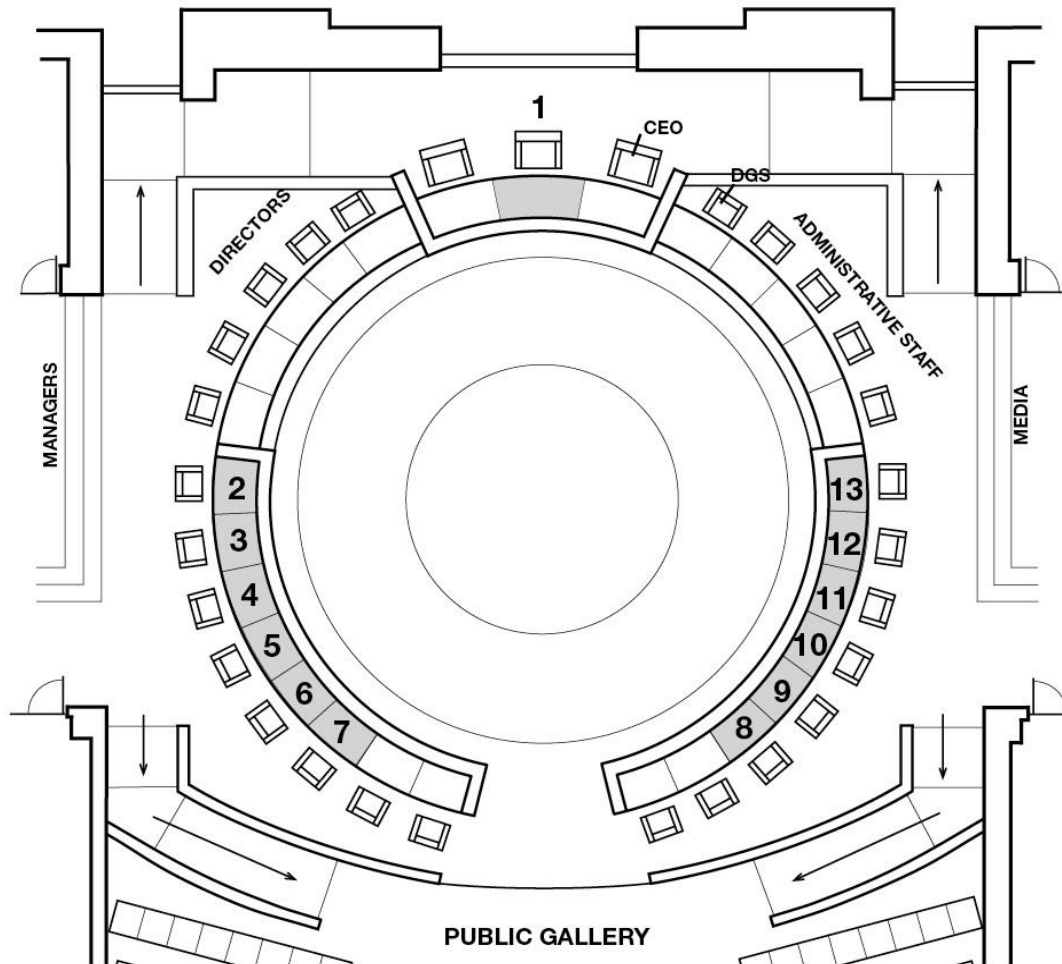
| | |
|-------------------------------|--|
| Name / Position | |
| Meeting Date | |
| Item No/ Subject | |
| Nature of Interest | Financial Interest * Proximity Interest* Interest that may affect impartiality* <i>* Delete where not applicable</i> |
| Extent of Interest | |
| Signature | |
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- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*

Council Chamber – Seating Diagram



Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/21)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/21)
- 3 Cr Tom McLean, JP (Term expires 10/23)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
- 5 Cr Nige Jones (Term expires 10/23)

Central Ward

- 6 Cr Christopher May (Term expires 10/21)
- 7 Cr Russell Poliwka (Term expires 10/23)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
- 9 Cr John Raftis (Term expires 10/23)

South-East Ward

- 10 Cr John Chester (Term expires 10/21)
- 11 Cr John Logan (Term expires 10/23)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
- 13 Cr Suzanne Thompson (Term expires 10/23)