

# agenda

## Briefing Session

A BRIEFING SESSION WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

**ON** **TUESDAY 13 OCTOBER 2020**

**COMMENCING AT** **6.30pm**

**GARRY HUNT**  
Chief Executive Officer  
9 October 2020

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

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Residents and / or ratepayers  
of the City of Joondalup are  
requested to lodge questions  
in writing by 9.00am on

**Monday 12 October 2020**

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

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

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

## IMPORTANT INFORMATION

### ATTENDANCE AT MEETING DURING COVID-19 PANDEMIC

Following advice from the State Government and the Department of Health WA in relation to COVID-19 (Coronavirus) pandemic, public attendance at the City of Joondalup meetings has been restricted.

To maintain the required physical distancing between people during this time, the maximum public attendance at meetings has been capped at 55 people (37 in the Chamber and 18 in the adjoining lobby). Any members of the public wishing to attend the meeting above this limit will unfortunately not be able to attend.

To manage expectations, members of the public wishing to attend the meeting and ask up to two questions and / or to make a public statement, can register their own interest from 9.00am to 4.00pm on the day of the meeting by emailing [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au) or contacting the City on 9400 4313. Registration priority will be given on a first come first serve basis for members of the public wishing to ask questions and/or make a public statement.

Members of the public can only register themselves and cannot submit a request on behalf of others.

Attendance priority will be given to those persons listed in a submitted and approved Deputation Request (at Briefing Sessions only) followed by members of the public wishing to ask up to two verbal questions and/or to make a verbal public statement.

Members of the public wishing to only attend the meeting to observe the proceedings, will be placed on a waiting list and permitted to attend where seats remain vacant after consideration of the above attendee requests.

Any member of the public attending the meeting in person without registration will not be given access unless there is space available. However the audio of proceedings of Council meetings are streamed live at <https://www.joondalup.wa.gov.au/kb/resident/live-council-meeting-audio-feed>.

To ensure capacity is not compromised, entry to the City's premises will be restricted following 30 minutes past the scheduled start time of the meeting. Members of the public approved to attend are therefore encouraged to arrive at the meeting well before the scheduled start time of the meeting.

For your health and safety, members of the public are reminded to:

- follow the direction of the Presiding Members and City employees when attending meetings
- maintain 1.5 metre separation between themselves and other members of the public while attending meetings
- use the hand sanitiser that is provided by the City at the venue
- not attend meetings should they feel unwell or if they have been in contact with a known COVID-19 case, or been overseas in the previous two weeks.

*Further information can be provided by contacting the Governance Coordinator on 9400 4369.*

## BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

### INTRODUCTION

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

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

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

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

### PURPOSE OF BRIEFING SESSIONS

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

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

### PROCEDURES FOR BRIEFING SESSIONS

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

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all elected members, members of the public and external advisors (where appropriate).
- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those elected members present may select one from amongst themselves to preside at the Briefing Session.

- 5 There is to be no debate among elected members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All elected members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Good governance principles recommend that elected members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following provisions apply:
  - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's *Code of Conduct*.
  - (b) Elected members disclosing a financial interest or a proximity interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
  - (c) The remaining elected members may agree that an elected member disclosing a financial or proximity interest may participate in discussion on the matter if the remaining elected members agree:
    - (i) is so trivial or insignificant as to be unlikely to influence the disclosing elected member's conduct in relation to the matter  
or
    - (ii) is common to a significant number of electors and ratepayers of the City,and a record of that agreement is to be made in the notes kept for the Briefing Session.
  - (d) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

### Questions asked Verbally

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

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

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

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

Written questions should be sent via email to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

## **DISCLAIMER**

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

## **PROCEDURES FOR PUBLIC STATEMENT TIME**

The following procedures for the conduct of Public Statement Time at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

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

## **PROCEDURES FOR DEPUTATIONS**

The following procedures for the conduct of Deputations at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

- 1 Prior to the agenda of a Briefing Session being discussed by elected members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.



- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer through the on-line form on the City's website by close of business on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to report listed in the agenda of the Briefing Session. The City will confirm with the person if a deputation request is approved including any limitations that apply.
- 4 Any visual presentation in support of the deputation (such as a PowerPoint presentation) must be received by the City by 12.00 noon of the day of the Briefing Session. No other information or material will be distributed to elected members at the Briefing Session.
- 5 A deputation may consist of no more than five people, only three of which may address the Briefing Session. Other parties of the Deputation may be called on by the elected members to respond to questions should they so wish.
- 6 A maximum time of one hour will be set aside for all deputations at Briefing Sessions. Each deputation can address the Briefing Session up to a maximum period of 15 minutes (including time for elected member questions) however the Presiding Member may reduce this time where the number of approved deputations would exceed the maximum one hour limit set aside for deputations.
- 7 A person that forms part of a deputation is prevented from making a public statement at the Briefing Session on the same matter.

To request an opportunity to make a Deputation Complete the [Deputation Request Form](#).

### **RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION**

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

## CIVIC CENTRE EMERGENCY PROCEDURES

The City of Joondalup values the health and safety of all visitors to City of Joondalup facilities. The following emergency procedures are in place to help make evacuation of the City of Joondalup Civic Centre safe and easy.

### Alarms

The City of Joondalup emergency system has two alarm tones:

- Alert Tone (Beep... Beep... Beep)
- Evacuation Tone (Whoop...Whoop...Whoop)

#### On hearing the Alert Tone (Beep... Beep... Beep):

- DO NOT EVACUATE ON THIS TONE.
- Remain where you are.
- All designated Fire Wardens will respond and assess the immediate area for danger.
- Always follow instructions from the designated Fire Wardens.

#### On hearing the Evacuation Tone (Whoop...Whoop...Whoop):

- Evacuate the building immediately as directed by a Fire Warden or via the nearest safe exit.
- Do not use lifts.
- Remain calm and proceed to the designated Assembly Area (refer to site plan below).
- People with impaired mobility (those who cannot use the stairs unaided) should report to a Fire Warden who will arrange for their safe evacuation.
- Do not re-enter the building until authorised to do so by Emergency Services.



## TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
	<b>OPEN AND WELCOME</b>		xi
	<b>DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY</b>		xi
	<b>DEPUTATIONS</b>		xi
	<b>PUBLIC QUESTION TIME</b>		xi
	<b>PUBLIC STATEMENT TIME</b>		xi
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>		xi
	<b>REPORTS</b>		<b>1</b>
1	DEVELOPMENT AND SUBDIVISION APPLICATIONS - AUGUST 2020	ALL	1
2	AMENDED GREENWOOD LOCAL DEVELOPMENT PLAN – LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD	SOUTH-EAST	5
3	PROPOSED AMENDMENT TO ILUKA LOCAL DEVELOPMENT PLAN NO. 1 AT LOT 648 (3) MYKONOS VIEW, ILUKA – CONSIDERATION FOLLOWING PUBLIC CONSULTATION	NORTH	11
4	PROPOSED CHANGE OF USE TO ‘UNLISTED USE (CONTAINER DEPOSIT PREMISES)’ AT LOT 61 (5) WINTON ROAD, JOONDALUP	NORTH	21
5	PETITION REQUESTING THE INSTALLATION OF LIGHTING AT MIRROR PARK SKATE PARK	NORTH-CENTRAL	33
6	EXECUTION OF DOCUMENTS	ALL	43
7	DRAFT 10 YEAR STRATEGIC FINANCIAL PLAN 2020 (2019-20 TO 2028-29)	ALL	46
8	CORPORATE BUSINESS PLAN REVIEW 2020-21 TO 24-25	ALL	63
9	LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2020	ALL	69
10	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2020	ALL	72
11	TENDER 018/20 – SUPPLY AND APPLICATION OF TURF ENHANCEMENT PRODUCTS AND / OR TOP DRESSING	ALL	78

ITEM NO.	TITLE	WARD	PAGE NO.
12	TENDER 020/20 PROVISION OF TRAFFIC MANAGEMENT AND CONTROL SERVICES	ALL	85
13	TENDER 021/20 – PROVISION OF PAVEMENT PROFILING SERVICES	ALL	93
14	TENDER 025/20 – CLEANING OF STORMWATER DRAINAGE PIPES AND STRUCTURES	ALL	99
15	DOG CONTROL MEASURES – HILLARYS BEACH PARK	ALL	105
16	PETITION IN RELATION TO CLIFFORD COLEMAN PARK	SOUTH	109
17	PETITION IN RELATION TO SHERINGTON ROAD, GREENWOOD	SOUTH-EAST	117
	<b>REPORTS – POLICY COMMITTEE – 5 OCTOBER 2020</b>		<b>123</b>
18	AMENDMENT TO RISK MANAGEMENT POLICY	ALL	123
19	BUSINESS CONTINUITY POLICY	ALL	126
20	REVIEW OF INVESTMENT POLICY	ALL	131
21	DRAFT JOONDALUP DESIGN REVIEW PANEL LOCAL PLANNING POLICY	ALL	139
22	DRAFT ADVERTISEMENTS LOCAL PLANNING POLICY	ALL	149
	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>		<b>157</b>
	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		<b>157</b>
	<b>CLOSURE</b>		<b>157</b>

### **LATE ITEMS / ADDITIONAL INFORMATION**

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

[AdditionalInformation201013.pdf](#)

## **CITY OF JOONDALUP – BRIEFING SESSION**

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 13 October 2020** commencing at **6.30pm**.

### **ORDER OF BUSINESS**

**OPEN AND WELCOME**

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

**DEPUTATIONS**

**PUBLIC QUESTION TIME**

**PUBLIC STATEMENT TIME**

**APOLOGIES AND LEAVE OF ABSENCE**

## REPORTS

### ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – AUGUST 2020

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

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority during August 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 August 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during August 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 23 June 2020 (CJ079-06/20 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 August 2020 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	14	15
Strata subdivision applications	50	65
<b>TOTAL</b>	<b>64</b>	<b>80</b>

Of the 64 subdivision referrals, 49 were to subdivide in housing opportunity areas, with the potential for 65 additional lots.

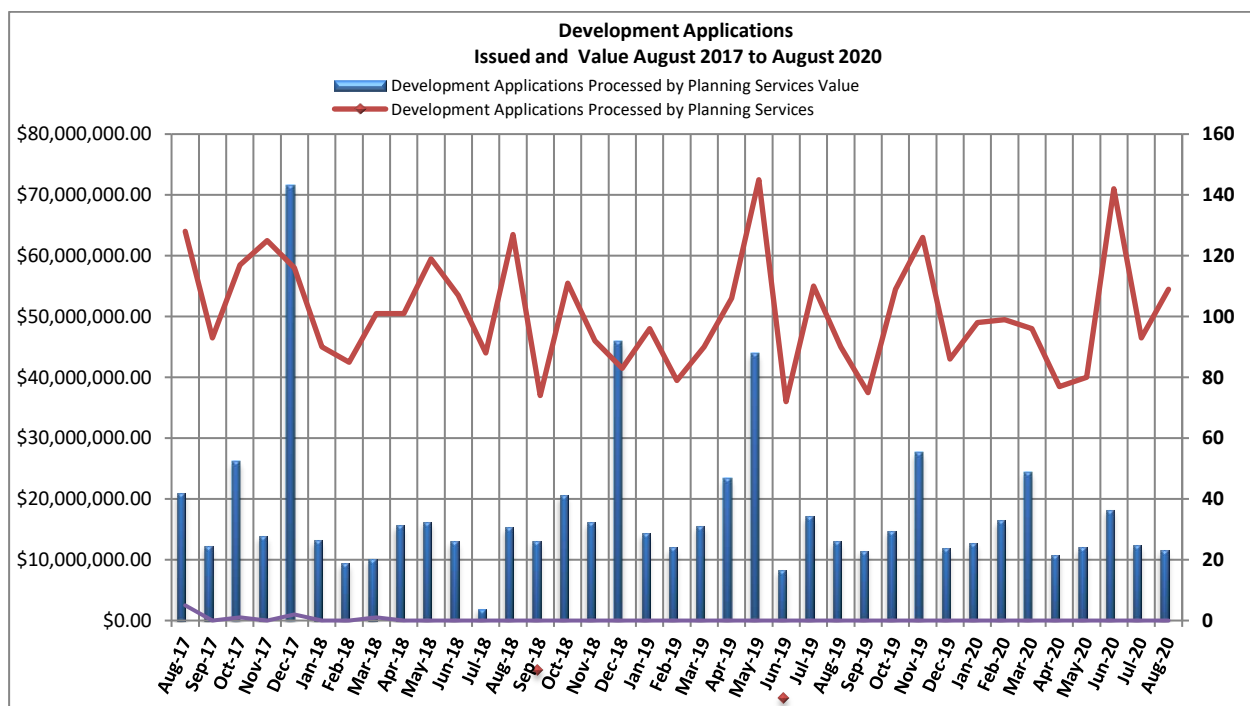
### Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	109	\$11,480,027
<b>TOTAL</b>	<b>109</b>	<b>\$11,480,027</b>

Of the 109 development applications, 13 were for new dwelling developments in housing opportunity areas, proposing a total of 12 additional dwellings.

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



The number of development applications received during August 2020 was 143.

The number of development applications current at the end of August was 238. Of these, seven were pending further information from applicants and 12 were being advertised for public comment.

In addition to the above, 258 building permits were issued during the month of August with an estimated construction value of \$23,677,352.

### **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 109 development applications were determined for the month of August with a total amount of \$47,190.24 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 August 2020;**
- 2 subdivision applications described in Attachment 2 to this Report during August 2020.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf201013.pdf](#)*

## **ITEM 2                    AMENDED GREENWOOD LOCAL DEVELOPMENT PLAN – LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	104828, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location Plan Attachment 2    Current Local Development Plan Attachment 3    Amended Local Development Plan
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider proposed amendments to the *Greenwood Local Development Plan* at Lot 9867 (83) Mulligan Drive, Greenwood.

### **EXECUTIVE SUMMARY**

The *Greenwood Structure Plan* was approved by the Western Australian Planning Commission (WAPC) on 15 February 2016 and provides guidance for the development of the former East Greenwood Primary School site. At its meeting held on 17 August 2015 (CJ132-08/15 refers), Council approved the *Greenwood Local Development Plan* (Greenwood LDP) with subsequent modifications approved by Council on 18 October 2016 and 10 December 2019.

At its meeting held on 10 December 2019 (CJ163-12/19 refers), Council approved the modifications including (amongst other changes) provisions permitting boundary walls to both side boundaries to provide for terrace-style development for specific lots fronting the public open space and external streets.

The applicant has now requested the application of these boundary wall provisions to the lots on the south side of Assembly Way and the public open space. This provision does not presently apply to these lots in the current Greenwood LDP. The proposed amendment will mean that developments on these additional lots that include boundary walls in accordance with the Greenwood LDP provisions will not require a planning application.

It is considered that the proposed amendments are of a minor nature and therefore do not change the intent of the existing Greenwood LDP. In addition, the proposed amendments will only affect future development internal to the Greenwood LDP area.

It is recommended that Council supports the proposed amendments to the Greenwood LDP and does not require the proposal to be advertised.

## BACKGROUND

<b>Suburb/Location</b>	Lot 9867 (63) Mulligan Drive, Greenwood.
<b>Applicant</b>	Roberts Day on behalf of Frasers Property Australia and Department of Communities.
<b>Owner</b>	Housing Authority.
<b>Zoning</b>	<b>LPS 3</b> Urban Development.
	<b>MRS</b> Urban.
<b>Site area</b>	38,636.4m <sup>2</sup> .
<b>Structure plan</b>	<i>Greenwood Local Structure Plan.</i>

Lot 9867 (63) Mulligan Drive, Greenwood is located in the eastern part of Greenwood between Cockman Road and Wanneroo Road. The site abuts Cockman Park to the south. The land surrounding the subject site is zoned 'Residential' and consists primarily of low density, single-storey dwellings (Attachment 1 refers).

The East Greenwood Primary School was considered surplus to the requirements of the Department of Education, and in 2010 the site was zoned 'Urban Development' and the school buildings were demolished and removed in mid-2011.

At its meeting held on 17 August 2015 (CJ132-08/15 refers), Council resolved that the *Greenwood Structure Plan* was satisfactory, subject to modifications, and approved the Greenwood LDP. The *Greenwood Structure Plan* was approved by the Western Australian Planning Commission on 15 February 2016. At its meeting held on 18 October 2016 (CJ159-10/16 refers), Council approved the modifications to the Greenwood LDP.

Subdivision approval was granted by the WAPC on 15 April 2016 for 104 residential lots and three public open space lots. A revised subdivision plan was subsequently approved by the WAPC on 2 October 2019 for 84 residential lots and three public open space lots. The revised subdivision plan increased lot sizes and width and slightly modified the lot layout.

The Greenwood LDP was then modified to reflect the changes to the subdivision, allow boundary walls to both side boundaries for specific lots surrounding the public open space and external streets to create terrace-style development, reduce the number of three-storey multiple dwelling sites, modify the depth of the tree protection zone and remove the restriction on the number of ancillary dwellings that could be provided in the development (Attachment 2 refers). At its meeting held on 10 December 2019 (CJ163-12/19 refers), Council adopted the modified Greenwood LDP.

The applicant has advised that potential purchasers of the lots have requested access to the boundary wall provisions to both side boundaries for the lots on the south side of Assembly Way as per other lots in the Greenwood LDP area. This will streamline the approval and development process by removing the need for planning approval (subject to meeting the requirements of the Greenwood LDP) for more lots internal to the site and not readily visible from existing dwellings surrounding the structure plan area.

## DETAILS

The City has received an application for minor amendments to the existing Greenwood LDP (Attachment 3 refers) primarily relating to boundary wall provisions. The proposed amendments include the following:

- Allow two storey boundary walls to both side boundaries for most of the southern lots fronting Assembly Way (marked with a triangle on Attachment 3).
- Allow Lots 30 and 31 to have a two-storey boundary wall to the shared boundary between the two lots and a two-storey boundary wall to the shared rear boundary with Lot 29, providing walls are behind the setback line.

- Update the annotation on the Greenwood LDP legend to mark boundary walls with a triangle rather than a dashed line.
- Remove the 'Nil Frontage Primary Street' annotation from the legend and provision table.

The boundary wall provisions remain the same in regard to the permitted height and length of those walls.

#### Boundary walls to lots along Assembly Way

The applicant has provided the following justification in support of the amendment:

*“Standard single storey front loaded house designs intended for the 10 metres and 8.5 metres wide lots have boundary walls to one or both sides. Expanding the existing approved Nil Boundary Wall provisions to cover these lots will provide access to these development standards.”*

Under the current Greenwood LDP, there are no specific provisions for boundary walls for the lots on the southern side of Assembly Way. Therefore, any boundary walls are to be in accordance with *State Planning Policy 7.3 Residential Design Codes - Volume 1 (R-Codes)*. The deemed-to-comply provisions allow walls no higher than 3.5 metres with an average height of three metres for two thirds the length of the boundary and to one side boundary only. Any deviation to this provision triggers the need for a planning application. The amendment proposes to allow these lots to have boundary walls in accordance with those currently allowed under the Greenwood LDP for the lots surrounding the public open space (two storeys to both side boundaries behind the setback line).

The extension of the boundary wall provisions to both side boundaries to include the lots on the south side of Assembly Way is considered appropriate as there are no changes to the boundary wall provisions in regard to height and length. These lots are internal to the site and therefore the additional boundary walls will not affect the external streetscape and will not create an adverse impact on any adjoining residents.

The tree protection zone which backs onto the existing external residential area restricts development immediately adjacent to these lots, therefore the proposed housing will continue to be setback from the adjoining dwellings.

#### Boundary walls for Lots 30 and 31

The applicant has provided the following justification in support of the amendment:

*“Boundary walls are permitted under the R-codes for these lots, however, only to one side and only for a single storey wall. Given the compact size of the lots, that they have a shared boundary with the two-storey terrace housing and have a permitted two storey maximum building height, it was considered appropriate to allow two storey boundary walls for these lots.”*

Two storey boundary walls between these two lots (Lots 30 and 31) and the rear lot (Lot 29) are considered appropriate as this is in keeping with the existing two storey boundary wall provisions for the remainder of the street and will allow appropriate development of these small lots.

The proposed modifications to the boundary wall provisions for Lots 30 and 31 are also internal to the site and will not affect the external streetscape or any external residents.

Updated plan annotation for the boundary wall provision

The applicant has provided the following justification in support of the amendment:

*“The previously approved plan annotation for ‘Nil Boundary Walls’ was dashed lines along lot boundaries. This could cause confusion as it may be incorrectly construed as mandating the boundary with the nil setback. To avoid confusion when implementing this provision, it is clearer and simpler to have one type of lot symbol to show which lots have access to the provision, paired with the clarifications of the text provisions in the table.”*

The modification of the annotation from a dashed line to a triangle on the Greenwood LDP is considered to be a minor formatting change for ease of reference and is therefore considered appropriate.

Remove the ‘Nil Frontage Primary Street’ annotation from the legend and the provision table

The applicant has provided the following justification in support of the amendment:

*“The ‘Nil Frontage Primary Street’ provision was carried over from the LDP approved in 2016, however, it is not shown anywhere on the approved 2019 LDP and is therefore no longer applicable.”*

The removal of the nil frontage primary street annotation is considered to be a minor formatting change to rectify an anomaly as it no longer refers to any provisions on the Greenwood LDP and was not removed when the Greenwood LDP was previously updated. It is therefore considered appropriate.

**Issues and options considered**

The options available to Council in considering the Greenwood LDP are to:

- approve the Greenwood LDP
- require the applicant who prepared the Greenwood LDP to:
  - modify the plan in the manner specified by the local government
  - resubmit the modified plan to the local government
 or
- refuse to approve the Greenwood LDP.

**Legislation / Strategic Community Plan / Policy implications**

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

**Strategic Community Plan**

**Key theme**                        Quality Urban Environment.

**Objective**                        Quality built outcomes.

**Strategic initiative**        Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.

**Policy**                                *Planning Consultation Local Planning Policy.*

### *Planning and Development (Local Planning Schemes) Regulations 2015*

Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) outlines the process for determining Local Development Plans (LDP).

Once the local government has accepted an LDP, the local government must advertise the LDP within 28 days for a minimum period of 14 days. However, the local government may decide not to advertise the LDP if it is satisfied that the LDP is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.

Following consideration of a proposed LDP, the local government must either approve, require modifications or refuse to approve the LDP.

When an area is covered by an approved local development plan, the local government must have due regard to, but is not bound by, the local development plan when deciding an application for development approval.

#### **Risk management considerations**

Should Council resolve not to approve the amended Greenwood LDP, the new boundary wall provisions will not be implemented and the R-Codes will apply which may result in an increase in the number of planning applications lodged which would otherwise have been exempt from the need for planning approval.

The applicant has a right of appeal through the *State Administrative Tribunal Act 2004* should Council refuse the amended Greenwood LDP or approve the Greenwood LDP subject to conditions/modifications that the applicant does not support.

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

The applicant has paid fees of \$2,640.81 (including GST) for assessment of the amended Greenwood LDP.

#### **Regional significance**

The *Perth and Peel @ 3.5 million* land use planning and infrastructure frameworks aim to accommodate 3.5 million people by 2050. The *North-West Sub-regional Planning Framework* sets out proposals to achieve a more consolidated urban form whilst meeting long term housing requirements.

It establishes minimum infill dwelling targets to 2050. The proposed redevelopment of the former East Greenwood Primary School site, through the implementation of the Greenwood LDP (and *Greenwood Structure Local Plan*), will provide at least 84 additional dwellings. These additional dwellings will assist in delivering the State Government's dwelling targets for the City of Joondalup.

#### **Sustainability implications**

The Greenwood LDP will facilitate residential development of the site which will accommodate additional residents who will contribute to the local economy and utilise existing infrastructure such as bus and rail systems, reducing the need for additional services to be provided.

The provisions of the Greenwood LDP have been developed with consideration of tree retention in private and public open space.

## Consultation

The LPS Regulations outline the consultation requirements for various planning proposals and state that the local government may decide not to advertise a LDP if it is satisfied that the LDP will not adversely affect any residents within or adjacent to the LDP area.

In relation to LDPs, the City's *Planning Consultation Local Planning Policy* also states that Council may decide not to advertise an amendment to a local development plan if the amendment is of a minor nature. The policy considers a 'minor amendment' to include the correction of typographical and formatting errors, updates to legislation references but does not include amendments to development provisions.

Although amendments to the development provisions within the Greenwood LDP are proposed, in this instance, the proposed amendments are considered to be minor as they are internal to the site and will not have an adverse impact on any external residents or affect the streetscape outside of the Greenwood LDP area. Therefore, advertising of the proposal is not considered necessary on this occasion.

## COMMENT

The proposed amendments to the Greenwood LDP are considered to be appropriate as they are minor in nature and do not fundamentally alter the intentions of the *Greenwood Structure Plan* or the existing Greenwood LDP. The current boundary wall provisions are proposed to be applied to some additional lots within the Greenwood LDP area, however there are no changes to the boundary wall provisions in regard to height and length of those walls. In addition, the proposed amendments will only affect future development internal to the Greenwood LDP area and will not affect the existing external streetscape or residential properties.

On the above basis, it is recommended that Council resolves not to advertise the amended Greenwood LDP and approves the amended Greenwood LDP.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 pursuant to clause 50 (3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES not to advertise the amended *Greenwood Local Development Plan*;
- 2 pursuant to clause 52 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the amended *Greenwood Local Development Plan* as outlined in Attachment 3 to this Report.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf201013.pdf](#)

### **ITEM 3                    PROPOSED AMENDMENT TO ILUKA LOCAL DEVELOPMENT PLAN NO. 1 AT LOT 648 (3) MYKONOS VIEW, ILUKA – CONSIDERATION FOLLOWING PUBLIC CONSULTATION**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	48934, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location Plan Attachment 2    Proposed amended <i>Iluka Local Development Plan No. 1</i> Attachment 3    Schedule of Modifications Attachment 4    Summary of Submissions Attachment 5    Amended <i>Iluka Local Development Plan</i> following Consultation
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

#### **PURPOSE**

For Council to consider proposed amendments to the *Iluka Local Development Plan No. 1* at Lot 648 (3) Mykonos View, Iluka, following public consultation.

#### **EXECUTIVE SUMMARY**

Lot 648 (3) Mykonos View, Iluka, is the remaining lot to be developed within the *Iluka Local Development Plan No. 1* area (Iluka LDP) which forms part of the Iluka Local Centre. Conditional subdivision approval has been granted by the Western Australian Planning Commission (WAPC) for the site to be strata-titled into 13 residential lots. A condition of the WAPC approval requires that the Iluka LDP be amended, and approved, to include specific provisions to support the future development on the 13 lots.

The site is subject to the provisions of the *Iluka Structure Plan* and is zoned 'Commercial' under that plan. The *Iluka Structure Plan* was modified in 2018 to better capture land use permissibility at the subject site and the adjoining southern parcel of land, Lot 650 (99) O'Mara Boulevard. Two local development plans were also developed in conjunction with the amendments to the *Iluka Structure Plan* to provide a greater level of detailed guidance for the two parcels of land.

The proposed amendments to the Iluka LDP were advertised for public comment for a period of 21 days, closing on 24 August 2020. Eighteen submissions including two late submissions were received, consisting of one submission of support, one neutral submission and 16 submissions of objection. Concern was raised with some of the proposed built form outcomes, however, it is noted that the amended Iluka LDP will allow development at a reduced scale than what could be developed under the current Iluka LDP.



Concern was also raised in relation to visitor car parking, however given a condition of the subdivision approval granted by the WAPC addresses this issue, it is considered that visitor parking has already been managed.

Following the close of advertising, the applicant has proposed a number of modifications to the Iluka LDP to address the comments made during the submission period and to also ensure that the proposed amendments to the Iluka LDP can be approved by Council and do not require further referral to the WAPC for approval. In addition to the modifications undertaken by the applicant, it is recommended that a number of additional minor modifications to the Iluka LDP are made, none of which are considered to fundamentally change the intended built form outcome.

*It is therefore recommended that Council supports the proposed amendments to the Iluka Local Development Plan No. 1, subject to modifications.*

## BACKGROUND

<b>Suburb/Location</b>	Lot 648 (3) Mykonos View, Iluka.
<b>Applicant</b>	Dynamic Planning and Developments Pty Ltd.
<b>Owner</b>	Agem Pg 33 Pty Ltd.
<b>Zoning</b>	<b>LPS 3</b> Urban Development.
	<b>MRS</b> Urban.
<b>Site area</b>	0.2757 hectares.
<b>Structure plan</b>	<i>Iluka Structure Plan.</i>

The subject site originally formed part of Lot 9040 (98) O'Mara Boulevard, Iluka and is zoned 'Commercial' R80 within the *Iluka Structure Plan*. In 2019, the original parcel of land was subdivided to create Lot 648 (3) Mykonos View (the subject site), Lot 647 (11) Mykonos View and Lot 649 (98) O'Mara Boulevard.

The subject site is bounded by Mykonos View to the north and Calis Avenue to the east. Twenty-three multiple dwellings are currently being constructed to the immediate west of the subject site on Lot 647. Iluka Plaza – a mixed commercial development – has recently completed construction along the southern boundary on Lot 649 (Attachment 1 refers).

At its meeting held on 20 February 2018 (CJ005-02/18 refers), Council resolved to support an amendment to the *Iluka Structure Plan* which sought to provide more details around land use permissibility by rezoning the subject site and the adjoining southern parcel of land at Lot 9040 (99) O'Mara Boulevard from 'Centre' to 'Commercial'. In addition, Council resolved to approve two local development plans, *Local Development Plan No. 1* (LDP No. 1) and *Local Development Plan No. 2* (LDP No. 2), for these lots to provide more detailed guidance for development of the sites.

An application for a 13 lot residential strata subdivision, accessed via a common property rear access way, was approved with conditions by the WAPC in June 2020. A condition of approval requires that LDP No. 1 be amended to facilitate an appropriate development outcome on the site.

## DETAILS

An application to amend the Iluka LDP (Attachment 2 refers) has been submitted for the 13 residential strata lots, as required by a condition of subdivision approval, to provide guidance on the development outcome for the site. The amendments to the Iluka LDP seek to vary some of the deemed-to-comply provisions of *State Planning Policy 7.3 Residential Design Codes (R-Codes)*.

A number of deemed-to-comply provisions of the R-Codes can be varied with approval only required from the local government, however there are also some that can only be varied with the approval from the WAPC. The version of the Iluka LDP advertised for public comment includes variations to the deemed-to-comply provisions of the R-Codes that requires approval from both the local government and the WAPC.

If subsequent development proposals comply with the requirements of the Iluka LDP and the rest of the deemed-to-comply requirements of the R-Codes, further planning approval will not be required.

The provisions proposed within the amended Iluka LDP, as advertised, are as follows:

- A two metre minimum and three metre maximum primary street building setback to all lots, excluding Lots 6 to 8.
- A two metre minimum and 13 metre maximum primary street building setback to Lots 6 to 8.
- A secondary street building setback of nil and corner truncation minimum setback of one metre and maximum of three metres.
- A nil side boundary setback to a length of 26 metres and a maximum height of seven metres with a minimum face brick standard.
- A minimum open space requirement of 25%.
- A two storey building height requirement (minimum and maximum).
- One metre garage setback from rear access way.
- A major opening to provide surveillance over the secondary street (Calis Avenue) and access way.
- An outdoor living area minimum of 16m<sup>2</sup>, with a four metre minimum dimension and at least two-thirds of the area without permanent roof cover.
- An appropriate treatment to restrict overlooking into an adjoining property.
- A three square metre bin storage area within garages, with waste collection to occur within the location illustrated on the plan.
- A fire rated wall to the south, east and western boundaries of the existing transformer with no construction to occur within the transformer easement without prior consent from Western Power.
- A combination of masonry and palisade fencing along Mykonos View.
- Vehicle access to the lots from Calis Avenue.

Following the close of the public advertising period, the applicant has proposed a number of modifications to the advertised version of the Iluka LDP in response to the comments received, as well as removing the variations to the deemed-to-comply provisions of the R-Codes which require WAPC approval.

The City has prepared a schedule of proposed modifications to the Iluka LDP which are considered appropriate to improve and clarify the proposed provisions (Attachment 3 refers).

The following outlines the details of the provisions, the applicant's justification in italics and recommended modifications to the Iluka LDP.

### **Boundary setbacks**

The applicant's justification is as follows:

*“The proposed development setback provisions seek to replace the existing Residential Design Code development standards by introducing a minimum and maximum setback which will ensure that a consistent streetscape is provided along Mykonos View. Lot 7, being impacted by the Western Power transformer and necessary clearance requirements, is subject to a much greater minimum and maximum primary street setback requirement.*”

*The setback combined with an appropriate treatment of the transformer will ensure that the resultant built form on this lot will not be unnecessarily constrained. In addition, due to the length of the lot an appropriate internal floor plan is able to be achieved which will create a logical and functional living arrangement.*

*The nil boundary setbacks that have been proposed, which will be read in conjunction with the boundary wall provisions, will facilitate a terrace style built form outcome which is considered appropriate for the approved lot dimensions. In addition, by restricting the length of the allowed boundary wall to 20m [sic], it will ensure that each lot will provide a necessary amount of private outdoor living area within the applicable lot boundary.”*

#### Officer comment

The current Iluka LDP requires a two metre minimum street setback to a building, with no maximum setback requirement. The minimum two metre minimum street setback is retained, however the amended Iluka LDP introduces a three metre maximum building setback. This is considered appropriate to ensure a consistent streetscape is provided. The residential lots located opposite the site do not front Mykonos View and are permitted a 1.5 metre secondary street setback. In addition, the adjoining multiple dwelling development at Lot 647 (11) Mykonos View are currently under construction with a building setback of 1.1 metres to 2.5 metres to Mykonos View. Therefore, the proposed setback will align with the built form as intended by the structure plan and with the forming streetscape.

Lots 6 to 8 are subject to an increased front setback provision to account for the existing transformer site. The maximum setback of 13 metres will allow for an outdoor living area to be provided in front of the dwelling to make effective use of the area on the lot where no building can. To ensure clarity around this provision, it is suggested that this provision be modified slightly to read:

- *“Lots 6-8: Primary street setback maximum shall be 13m as measured from the street boundary of Lots 1-5 and 9-12.”*

Lot 13 is a corner lot, and while a nil building setback is proposed to be permitted to Calis Avenue, any dwelling constructed on Lot 13 will require street surveillance via major openings, ensuring that a nil setback will not result in a blank façade to Calis Avenue. Any major openings included along this elevation will be setback from existing houses on the eastern side of Calis Avenue at a distance of at least twice the minimum privacy setback requirements of the R-Codes. The proposed setback will also align with the adjoining commercial development on Lot 649 (98) O'Mara Boulevard, providing for a consistent setback along this frontage.

The subdivision of the site has been approved with lot widths of six metres. Building to side lot boundaries will ensure that the internal areas of the future dwellings are maximised. The resultant built form outcome is terraced style housing with boundary wall heights and lengths having little to no impact on each of the dwellings as they will abut one another. The north facing aspect will ensure that solar access into the dwellings is able to be achieved with no overshadowing impacts on adjoining and adjacent residential properties. The maximum length of 20 metres will ensure that outdoor living spaces will be able to be provided with access to direct sunlight and ventilation.

It is considered appropriate, however, that the provision be modified to clarify that the boundary wall provisions relate to 'side' lot boundaries, rather than just a 'boundary' as currently drafted.

## Building height

The applicant's justification is as follows:

*“The proposed building heights are consistent with both the subdivision approval condition which requires a minimum building height of two (2) storeys and also the existing LDP which permits a maximum building height of three (3) storeys. Whilst the LDP permits a building height of three (3) storeys we have elected to limit the building height of grouped dwellings to two (2) storeys to ensure that the resultant built form considers the impact on adjoining residents. The intended development outcome is two storey terrace style townhouses.”*

### Officer comment

The conditional subdivision approval for the site required that the amended Iluka LDP include a minimum building height of two storeys to ensure a functional and consistent built form could be provided given the narrow lot widths proposed. The amended Iluka LDP proposes a building height minimum/maximum of two storeys.

The current Iluka LDP for the site and the *Iluka Structure Plan* permit a maximum building height of three storeys to a height of 10.5 metres. Submissions received during consultation indicated concern with the provision as it does not provide a maximum height described in metres. Without the inclusion of a height limit in metres, dwellings could be constructed higher than intended under the provision.

To address the submissions received during consultation, the applicant proposes to modify the amended Iluka LDP to read:

- *“A maximum building height of two (2) storeys or 8.5m shall be provided.”*

The current Iluka LDP allows a maximum building height of 10.5 metres. The proposed maximum height of 8.5 metres represents a reduction in the scale of development on the site. The proposed modification to the Iluka LDP is supported, although, to avoid any doubt as to the maximum height permitted, it is recommended that the wording be amended to:

- *“A maximum building height of two (2) storeys and 8.5m shall be provided.”*

## Surveillance

The applicant's justification is as follows:

*“To ensure that adequate surveillance of the secondary street (Calis Avenue) and also the common property access way is achieved, the LDP requires that the dwellings provide a major opening from a habitable room facing toward these areas. This will ensure that an appropriate level of passive surveillance over the common property and Calis Avenue is achieved.*

*In addition to the passive surveillance, it is also noted the required major opening and any others that are being proposed will act to break up the façade of the dwelling on Lot 13 to ensure that the appearance of the Calis Avenue streetscape is protected.”*

### Officer comment

The provision as proposed will ensure that a major opening is provided to the secondary street from Lot 13 to Calis Avenue and over the common property access way. In doing so, the major openings will assist in alleviating building bulk concerns. It is also noted that any major opening in the elevation fronting Calis Avenue will be setback at a distance of at least twice the minimum privacy requirements of the R-Codes to properties on the eastern side of Calis Avenue.

## **Open space, visual privacy and outdoor living areas**

The amended Iluka LDP proposes provisions for open space, visual privacy and outdoor living areas. Modifications to these provisions of the R-Codes are required to be approved by the WAPC. The applicant has since requested that these provisions be deleted from the amended Iluka LDP.

As a consequence of the above proposed modification, development on these lots will need to meet the deemed-to-comply provisions of the R-Codes in the same way they would have in the absence of the amended Iluka LDP or, where those provisions are not met, assessed against the design principles through the development application process. No objection is raised to the proposed modification to remove these provisions from the Iluka LDP and, by consequence, revert requirements for open space, visual privacy and outdoor living areas back to the existing requirements of the R-Codes.

## **Garage setback and waste storage**

The applicant's justification is as follows:

*“The proposed LDP plan illustrates where the proposed bin storage will occur. Whilst these are shown external to the garages on the plan, it is noted that the garage will be increased in size to include the respective bin stores. This location is considered to be appropriate as it will be screened from the streetscape and other public areas and it will not impact vehicle manoeuvring.”*

### Officer comment

The applicant has indicated that it is intended for bins to be stored within individual garages and placed within the one metre setback area in front of the garage, where they will be collected by a third party and placed on the verge for collection.

The proposed location of the bin collection areas on the verge have been reviewed by the City's technical officers and are considered appropriate. The specific details of the waste arrangements will need approval from the City separately and it is therefore proposed that provision 5.4.4 be modified to read:

- *“C4.6 Bins – Waste collection is to occur in the location illustrated on the plan, and in accordance with a waste management plan approved by the City.”*

## **Transformer site**

The applicant's justification is as follows:

*“The installation of a fire wall around the transformer will ensure that the built form of Lots 6-8 will be able to maximise the lot area available for meaningful development. This fire wall combined with the minimum and maximum setback provisions for Lot 7 will provide a space between the transformer and the dwelling for meaningful landscaping and an appropriate pedestrian entry point.”*

### Officer comment

The amended Iluka LDP requires a fire rated wall to be provided to the transformer site although, as noted by some submitters, the provision does not address the aesthetics of this wall. The applicant has provided advice that a 1.8 metre high masonry fence around the transformer would meet the requirements for an appropriate wall around the transformer, although the northern (street facing) side would be unfenced. The applicant proposes a modification to the Iluka LDP as follows:

- “Rendered masonry fencing shall be constructed around the transformer on the southern, eastern and western sides. The proposed fencing is able to be solid to a height of 1.8m.”

Given the particular requirements for a wall around the transformer, the proposed modification is considered appropriate as it specifies an appropriate material and maximum height.

Fencing to the remainder of the Mykonos View frontage is proposed to be a combination of masonry and palisade fencing which will tie in with the fencing of the broader Iluka estate.

### **Vehicle access**

The existing Iluka LDP notates a preferred secondary vehicle access point along Calis Avenue. The amended Iluka LDP includes the provision of an additional access point at the Calis Avenue frontage to reflect the location conditionally approved by the WAPC as part of the subdivision.

### **Planning approval for grouped dwellings**

Under the City of Joondalup *Local Planning Scheme No. 3* (LPS3), the land use 'Grouped Dwelling' is not exempt from the need to obtain planning approval, as is the case for 'Single Houses' which meet the deemed-to-comply requirements.

The inclusion of this provision within the amended Iluka LDP means that planning approval will not be required for the dwellings if they meet the provisions of both the amended Iluka LDP and deemed-to-comply provisions of the R-Codes. Planning approval will continue to be required in the event of non-compliance with any aspect of the Iluka LDP.

### **Other modifications proposed**

A number of other modifications are proposed by the City and included within the schedule of modifications (Attachment 3 refers) as follows:

- Modifying the reference to “Iluka Local Centre” to clarify that the amended Iluka LDP specifically relates to the subject site only.
- Modifying the lot plan to orientate north to align with the plan included within the original Iluka LDP.
- Updating the reference from *District Planning Scheme No. 2* to *Local Planning Scheme No. 3*.

Additional modifications proposed by the applicant following consultation and further assessment include the following:

- Removal of the landscaping strip to the common property access leg to align with the infrastructure design for the site, which will ensure sufficient vehicle manoeuvrability.
- Removal of design element 5.3.3 Parking as this has been satisfied through the subdivision approval issued by the WAPC where a condition has been applied requiring the provision of parking embayments within the Mykonos View road reserve.

### **Issues and options considered**

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the options available to Council regarding the proposed amendments to the existing *Iluka Local Development Plan* include:

- approve the Local Development Plan
- require the applicant who prepared the Local Development Plan to:
  - modify the Local Development Plan

- resubmit the modified Local Development Plan to the local government for approval
- or
- refuse to approve the Local Development Plan.

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

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

### **Strategic Community Plan**

**Key theme**                              Quality Urban Environment.

**Objective**                                Quality built outcomes.

**Strategic initiative**                Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.

**Policy**                                      *State Planning Policy 3.1: Residential Design Codes.*

### *Planning and Development (Local Planning Schemes) Regulations 2015 - Local development plans*

Local Development Plans (LDP) are determined by the local government in accordance with schedule 2, part 6, clause 52(1) of the Regulations, and must do so within 60 days from the last day of public consultation.

The local government has the ability to approve, require modifications or refuse the LDP taking into account the submissions received during advertising.

When an area is covered by a local development plan that has been approved by a local government, the local government must have due regard to, but is not bound by, the local development plan when deciding an application for development approval.

Clause 7.3.1 of the R-Codes allow LDP's to amend or replace some deemed-to-comply provisions as set out in Part 5 of the R-Codes. Those deemed-to-comply standards which are unable to be amended and are not listed, may be done so with the approval of the WAPC where it can be demonstrated that it is warranted due to a specific need related to that locality, is consistent with the objectives and design principles of the R-Codes and can be properly implemented and audited by the decision-maker.

### **Risk management considerations**

The applicant has a right of appeal through the *State Administrative Tribunal Act 2004* should Council determine to refuse the Iluka LDP, not determine the Iluka LDP within 60 days from the last day of advertising or approve the Iluka LDP subject to conditions/modifications that the applicant does not support.

It is noted that if an amended Iluka LDP is not approved, the condition of the subdivision approval issued by the WAPC will not be met, and therefore it is unlikely that the proposal in its current form could proceed. In this event, the development standards for the site would revert back to the current Iluka LDP and structure plan requirements, including the ability to develop a variety of residential (that is multiple dwellings) and non-residential land uses (that is commercial) up to three storeys (or 10.5 metres) in height.

**Financial / budget implications**

The applicant has paid fees of \$4,704.92 (including GST) for assessment of the Iluka LDP. The applicant is also responsible for the cost of advertising the proposed amended Iluka LDP.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The proposed amendments to the Iluka LDP were advertised for public comment for a period of 21 days, closing on 24 August 2020, by way of:

- 218 letters to landowners and occupiers within the vicinity of the subject site
- a notice and documents placed on the City's website.

Eighteen submissions, representing 15 households, were received during the advertising period including two late submissions. Of the submissions received, 16 were opposed to the amended Iluka LDP, one was neutral and one supportive of the proposed amendments.

The neutral and supporting submissions stated that the development of this site should not be mixed use, be residential only and that terrace housing would be acceptable to this development. It was also commented that additional street parking should be provided for visitors along Mykonos View.

The submissions opposing the proposed amendments to the Iluka LDP cited concerns regarding visitor parking, increased traffic, nonspecific height limitations, loss of views, restricted solar access and the resultant built form that the amendments would facilitate. Attachment 4 outlines the submissions received, the applicant's response to those submissions as well the City's comment.

**COMMENT**

The proposed amendments to Iluka LDP No. 1 aim to provide for an appropriate development outcome on the 13 lot strata subdivision as required by the conditional subdivision approval granted by the WAPC. In capturing these as part of an Iluka LDP, certainty is provided for all parties including the developer, future purchasers, the local government and the surrounding community that given the nature of the lots, a consistent and appropriate built form can be achieved for the lots.

It is considered appropriate that the proposed Iluka LDP be modified to address a number of issues raised through consultation, as well as to improve the wording of some of the provisions. It is therefore recommended that Council approves the amended Iluka LDP, subject to modifications.

**VOTING REQUIREMENTS**

Simple Majority.



## RECOMMENDATION

### That Council:

- 1 Pursuant to clause 52 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **REQUIRES** the applicant to modify the proposed amended *Iluka Local Development Plan No. 1* included as Attachment 2 to this Report, as outlined within the schedule of modifications included as Attachment 3 to this Report;
- 2 Pursuant to clause 52 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **APPROVES** the amended *Iluka Local Development Plan No. 1* included as Attachment 2 to this Report subject to the local development plan being modified in accordance with the schedule of modifications included in Attachment 3 to this Report as outlined in Part 1 above.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf201013.pdf](#)

## **ITEM 4                    PROPOSED CHANGE OF USE TO ‘UNLISTED USE (CONTAINER DEPOSIT PREMISES)’ AT LOT 61 (5) WINTON ROAD, JOONDALUP**

<b>WARD</b>	North Ward
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	81002, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location Plan Attachment 2    Development Plans Attachment 3    Applicant Report
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to determine a development application for a change of use to an ‘unlisted use (container deposit premises)’ at Lot 61 (5) Winton Road, Joondalup.

### **EXECUTIVE SUMMARY**

Legislation to implement a Container Deposit Scheme (CDS) in Western Australia was passed by State Parliament in March 2019. The scheme complements existing kerbside recycling services and provides for a refund to be paid to any person who returns an eligible beverage container through the scheme.

The scheme was launched on 1 October 2020 under the banner ‘Containers for Change’.

An application for development approval has been received for a change of use to an ‘unlisted use (container deposit premises)’ at Lot 61 (5) Winton Road, Joondalup. (subject site). It is noted that the proposed ‘office’ within tenancy 1 is a permitted (“P”) land use and in this instance is exempt from planning approval.

The subject site is zoned ‘Centre’ under the City’s *Local Planning Scheme No. 3 (LPS3)* and is located within the ‘City Centre’ precinct under City’s *Joondalup Activity Centre Plan (JACP)*.

The scale, activities and infrastructure associated with the container deposit aspect of the proposal means that it is not considered a ‘reverse vending machine’ or a ‘container collection cage’ and is therefore not exempt under the City’s *Container Deposit Scheme Infrastructure Local Planning Policy* recently adopted by Council. Additionally, there is no alternative land use listed under *Table 3b – Joondalup Activity Centre Zoning Table* of LPS3 which the operations can reasonably fall within, and therefore in accordance with clause 18(4) of LPS3, is considered an ‘unlisted use’.

The application was advertised in accordance with clause 18(4)(b) of LPS3 and the City's *Planning Consultation Local Planning Policy* for a period of 14 days between 21 August 2020 and 4 September 2020. Advertising included letters to 11 surrounding landowners/occupiers and a notice on the City's website. Three submissions were received by the City during the consultation period, being one objection and two letters of support.

The application is required to be determined by Council as the development includes an 'unlisted use'.

It is considered that the proposal is consistent with the relevant objectives and satisfies the applicable development provisions of LPS3 and the JACP. It is therefore recommended that the application be approved, subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 61 (5) Winton Road, Joondalup.
<b>Applicant</b>	Rowe Group.
<b>Owner</b>	Auto Joondalup Pty Ltd.
<b>Zoning</b>	<b>LPS 3</b> Centre.
	<b>MRS</b> Urban.
<b>Site area</b>	2,491.42m <sup>2</sup> .
<b>Structure plan</b>	<i>Joondalup Activity Centre Plan.</i>

### Container Deposit Scheme

Legislation to implement a CDS in Western Australia was passed by State Parliament in March 2019. The scheme complements existing kerbside recycling services and provides for a refund to be paid to any person who returns an eligible beverage container through the scheme.

The scheme was launched under the banner of 'Containers for Change' and commenced on 1 October 2020.

### Container Deposit Scheme Infrastructure Local Planning Policy

In May 2019, the Western Australian Planning Commission (WAPC) released a *Position Statement: Container Deposit Scheme Infrastructure (Position Statement)* and a model local planning policy, which sets out exemptions from the need to obtain development approval for certain infrastructure associated with the CDS.

At its meeting held on 18 August 2020 (CJ120-08/20 refers), Council resolved to adopt the City's *Container Deposit Scheme Infrastructure Local Planning Policy (CDSILPP)* consistent with the model planning policy included within the WAPC's Position Statement. This policy exempts small-scale CDS infrastructure from the need to obtain planning approval. However, in this instance, the proposed change of use is of a scale and nature which means that it is not exempt under the provisions of the CDSILPP, and therefore requires planning approval prior to commencing onsite.

### Subject proposal

The subject site accommodates an existing factory/warehouse building with an incidental office and associated car parking. The subject site is bound by Winton Road to the west, Joondalup Drive to the east and existing commercial buildings to the north and south (Attachment 1 refers).

The City has considered that the operations associated with the proposed container deposit premises do not fall with any of the definitions typically associated with this type of development. The scale, in activities and infrastructure associated with the proposal mean it is not a 'reverse vending machine' or container deposit cage', additionally its operations do not comfortably fit the definition of an 'Industry – Light' land use. As a result, it is recommended that the Council consider the proposed land use as an 'unlisted use'.

The City clarified this approach with the Department of Planning, Lands and Heritage (DPLH) prior to the formal submission of the development application, who confirmed that there was no objection in classifying this particular operation as an 'unlisted use' in this instance.

The subject site is zoned 'Centre' under LPS3 and is located within the 'City Centre' precinct under JACP. An 'unlisted use' is to be determined by the local government in accordance with clause 18(4) of LPS3 through the consideration of an application for development approval.

## DETAILS

The proposed development consists of the following:

- A recyclable container deposit premises which pays a refund to persons who return eligible beverage containers. The existing office is to remain and be used independently of the container deposit premises.
- The container deposit premises includes the manual collection, counting, sorting and storage of recyclable containers.
- 15 car parking bays allocated to the container deposit premises, six bays allocated to the existing office tenancy and one shared ACROD bay. In addition, informal/overflow car parking is proposed to the rear of the property.
- A total of 10 staff members onsite, with six staff members sorting approximately 60,000 containers per day.
- Opening hours between 8.30am to 4.30pm, Monday to Saturday only.
- A maximum of three heavy vehicle (truck) collections of the recyclable containers each day between 7.30am to 8.30am.

The development plans and applicant report are provided in Attachments 2 and 3 to this Report.

### Planning Assessment

The City has completed an assessment of the proposal and the application is considered to comply with all relevant provisions under the JACP. The key issues associated with the consideration of this application are included below:

#### *Land use*

A 'container deposit recycling centre' (CDRC) as specified under the WAPC's Position Statement is typically considered an 'Industry – Light' land use. This is due to the operations, scale and infrastructure associated with a CDRC having the potential to impact on the amenity of surrounding properties/businesses.

The definition of 'Industry' and 'Industry – Light' under LPS3 are as follows:

*“industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any the following purposes:*

- (a) *The storage of goods;*
- (b) *The work of administration or accounting;*
- (c) *The selling of goods by wholesale or retail;*
- (d) *The provisions of amenities for employees,*
- (e) *Incidental purposes;”*

**“industry – light** means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.”

Based on advice received from DPLH, the proposed CDRC is unlikely to have the same level of impact on amenity as a typical CDRC mainly due to the manual processing of materials onsite and subsequent scale and amount of materials proposed onsite, and noted that the ‘Industry – Light’ land use is not appropriate in this instance.

Further, the WAPC’s Position Statement outlines the typical characteristics of a CDRC in terms of scale, operation, appearance and suitability within certain zones. In this instance, the proposal is not consistent with the characteristics of a CDRC under clause 5.2.3.6 of the Position Statement as summarised below:

- the operations do not involve any machinery or equipment for the automated collection, sorting and storage of containers onsite, and therefore is not typical of a traditional CDRC. In this instance processing will be completed manually by the staff onsite which will reduce any potential amenity impacts on surrounding landowners as would otherwise be generally expected with an ‘Industry - Light’ land use
- the number of containers processed is likely to be less than a typical CDRC due to the manual operations onsite
- the site is not co-located with multiple other land uses where reciprocal vehicle trips can be shared and is not part of a ‘big box’ commercial precinct
- a CDRC is a suitable form of development/use within mixed business/service commercial and light industry areas, however, may be considered in a city centre area. Being that the subject site is located within the ‘City Centre’ precinct, consideration needs to be given to the appropriateness of the CDRC in this instance
- the DPLH position statement allows for some CDRC to be considered as a ‘use not listed’ under the relevant local planning scheme.

As a result of the above, it is considered appropriate that the proposal be treated as an ‘unlisted use (container deposit premises)’ under LPS3 and therefore needs to be considered against the applicable objectives of the JACP to determine its suitability.

#### *Objectives of the Joondalup Activity Centre Plan*

In considering the appropriateness of the ‘unlisted use (container deposit premises)’ an assessment is required against the applicable general objectives and ‘City Centre’ precinct objectives under the JACP.

The proposal is considered to meet the following objectives as outlined below:

- The proposal relates to the occupancy of a vacant building and therefore increases the intensity of the land and local employment currently generated from the site.
- No external modifications are proposed to the existing warehouse/factory building, and therefore the built form is not changing. Further, this ensures that the future development potential of the land is not compromised through any extensions/alterations of the building or the land.

- The portion of land adjoining Joondalup Drive is proposed to remain vacant (to be utilised as over-flow and staff parking) so as not to impact the future development potential and allow for high density inner-city development along this corridor in the future.
- The site is located in an area which is transitioning from service commercial uses to future high intensity, mixed-used land, and is located on the periphery of the 'City Centre' precinct. Considering the context of the site, the proposed use can be managed to ensure it does not have a significant impact on surrounding businesses or the redevelopment of the surrounding area.

As a result, it is considered that the proposal meets the relevant objectives of the JACP.

### *Parking*

In accordance with clause CC7 – *Car Parking & Access* under the 'City Centre' Precinct Development Standards of the JACP, car parking for non-residential land uses is to be calculated at a rate of one car bay per 75m<sup>2</sup> of net lettable area (NLA) and 10% of the required car bays is to be replaced by two motorcycle/scooter bays (and the car bay requirement reduced accordingly).

In addition, clause 1.4.7 and Table 2 of the General Development Standards under the JACP, requires bicycle parking at a rate of one employee space per 200m<sup>2</sup> NLA and one visitor space per 1,000m<sup>2</sup> NLA for an 'office' land use. The container deposit premises is not a use listed under Table 2, and therefore no bicycle spaces are required for this tenancy.

The existing office tenancy includes 96m<sup>2</sup> NLA and the proposed container deposit premises tenancy includes 482m<sup>2</sup> NLA (tenancy 1 and 2 respectively, as shown in Attachment 2 to this Report), equating to a total of 578m<sup>2</sup> NLA onsite. As a result, the following is required onsite:

- Seven (6.7) car parking bays.
- Two motorcycle/scooter bays.
- One employee bicycle space and one customer bicycle space.

The applicant is proposing a total of 22 car parking bays, two motorcycle/scooter bays and two bicycle parking spaces onsite.

Of the 22 car parking bays proposed onsite, six bays are allocated to Tenancy 1 (the existing office tenancy), 15 bays are allocated to Tenancy 2 (the proposed container deposit premises) and one shared ACROD parking bay is provided for both tenancies. Another 14 informal car parking bays can be accommodated in the gravel hard-stand area (adjacent Joondalup Drive) for staff and over-flow parking. The two motorcycle/scooter bays and two bicycle bays are also intended to be shared between the tenancies. As a result, a surplus of 15 formal car parking bays is proposed onsite, plus the gravel over-flow parking area at the rear of the site.

In light of the above, the proposal complies with the applicable car, motorcycle/scooter and bicycle parking requirements under JACP.

### *Noise*

The City's technical officers have reviewed the proposal in order to consider the potential noise emissions generated by the development. As the counting, sorting and collection of recyclable materials is contained within the building, the noise emissions are likely to comply with the relevant noise level targets under the *Environmental Protection (Noise) Regulations 1997*.

To confirm noise level targets can be achieved and ensure noise mitigation measures are implemented, it is recommended that a condition of planning approval is included to require the submission and approval of a Noise Management Plan within 28 days of commencing operations onsite. This will enable the applicant to record accurate decibel readings during operation and ensure any mitigation measures will address the actual noise emissions generated by the activities onsite.

As a result, should Council approve the application it is recommended that a condition is included which requires the preparation and approval of a Noise Management Plan to address any noise impacts on surrounding properties.

### Issues and options considered

Council may determine an application for development approval by:

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

### Legislation / Strategic Community Plan / Policy implications

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

### Strategic Community Plan

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

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

**Policy**                          Not applicable.

### Local Planning Scheme No. 3

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

- *"To designate land for future development as an activity centre.*
- *To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy."*

Clause 18(4) of LPS3 states that a use not listed can be considered in the following circumstances:

*"(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table:*

- (a) Determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government;*

- (b) *Determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- (c) *Determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.”*

#### 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.”*

### Joondalup Activity Centre Plan

The objectives of the 'City Centre' precinct are as follows:

#### *"1.5.1.1 City Centre Objectives*

- a) *Encourage the highest intensity of mixed-use development and the greatest concentration of employment intensive land uses.*
- b) *Support mixed-use development along Joondalup Drive and Grand Boulevard to form intense inner-city development corridors.*
- c) *Establish the Joondalup Drive/Grand Boulevard and Shenton Avenue/Grand Boulevard intersections as the primary gateways into the city centre.*
- d) *Improve connectivity from Joondalup Trian / Bus Stations to surrounding precincts.*
- e) *Establish a local mobility hub at the Collier Pass city square to improve connectivity between Joondalup Trian Station and other precincts within the JAC.*
- f) *Establish a series of interconnected, functional and unique squares that form part of an integrated pedestrian network.*
- g) *Provide car parking in negotiation with Lakeside Shopping Centre as the major generator in the City Centre.*
- h) *Reinforce Central Walk (north-south) and Boas Avenue (east-west) as the primary pedestrian spines by activating buildings at ground floor uses.*
- i) *Encourage the amalgamation of smaller lots into larger parcels to optimise redevelopment potential."*

### **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 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The implementation of the State Government's Container Deposit Scheme will assist in reducing litter and landfill, increase the number of eligible containers which are recycled, provide benefits for social/community organisations and provide opportunities for employment.

## Consultation

The application was advertised for a period of 14 days in accordance with clause 18(4)(b) of LPS3 and the *Planning Consultation Local Planning Policy*. Advertising commenced on 21 August 2020 and concluded on 4 September 2020. Consultation was undertaken in the following manner:

- A letter was sent to 11 landowners and/or occupiers surrounding the subject site.
- Development plans and information were made available for public viewing on the City's website and at the City's Administration Building.

A total of three submissions were received, two supporting and one objecting to the proposal. The key concerns raised during public consultation, along with the applicant's response to each issue, are summarised in the table below:

No.	Issues Raised	Applicant Response	City Comment
1	Concern with the number of vehicle movements to and from the site.	<p>Given the site will operate between the hours of 8.30am and 4.30pm, it is anticipated vehicle movements to and from the site will be staggered throughout the day, having minimal impact on the surrounding land uses and transport network.</p> <p>The site also provides significantly more parking bays than required. Therefore, we do not foresee any issues relating to access being restricted in peak periods and / or overflow into the surrounding road network.</p>	<p>The applicant has adequately demonstrated that service vehicles (that is trucks) can enter and exit the site to collect the containers without any manoeuvring or access issues.</p> <p>In addition, a surplus of 14 car parking bays is proposed onsite, along with an overflow car parking area.</p>
2	The impact of noise emissions from trucks and industrial processing onsite.	<p>It is noted, no industrial processing will be undertaken at the site. The collection of containers will occur internally to the facility and will be manually sorted.</p> <p>Trucks will be accessing the site between the hours of 7.30am and 8.30am, prior to being open to the public. These hours are consistent with the 'daylight hours' outlined in the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>	<p>The City's technical officers have reviewed the information provided by the applicant in considering the potential noise emissions generated from the premises.</p> <p>Due to operation of the facility being manual handling and sorting internal to the building, with no equipment/machinery proposed, noise emissions are likely to be adequately mitigated through conditions.</p>

No.	Issues Raised	Applicant Response	City Comment
		Given the above, we are of the view the noise emissions should not be of concern to the City.	Should Council resolve to approve the development application, it is recommended that a condition is included which requires a Noise Management Plan be submitted and approved to record noise emissions and implement any mitigation measures necessary to achieve the applicant noise level targets.
3	This is the wrong location for such a business and is not compatible with the objectives of the 'City Centre' precinct.	<p>As outlined within the development application letter, the use does not undermine the objectives of the City Centre for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal seeks to activate an existing vacant factory warehouse at the site;</li> <li>• No changes to the built form are proposed;</li> <li>• The site is not located within the retail core of the City Centre precinct and is a more suitable location for the proposed use;</li> <li>• The operation of a new renewal scheme within the City of Joondalup is not inconsistent with the objectives of the City Centre precinct.</li> </ul>	<p>The City is satisfied that the use of the existing vacant building (with no external modifications being proposed) does not impact the future development potential of the area.</p> <p>It also can be managed through conditions of approval to limit any amenity impacts on surrounding properties/businesses.</p>

### COMMENT

As outlined above, it is considered that the proposed unlisted use is appropriate in the context of its location and meets the applicable development provisions under LPS3 and JACP.

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 24 April 2020 submitted by Rowe Group for the proposed unlisted use (Container Deposit Premises) at Lot 61 (5) Winton Road, Joondalup, subject to the following conditions:

- 1 this approval relates to the change of use to ‘unlisted use (container deposit premises)’ for Tenancy 2 only as shown on the approved plans and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;
- 2 the proposed container deposit premises shall not operate beyond 8.30am to 4.30pm, Monday to Saturday (excluding public holidays);
- 3 a Noise Management Plan shall be submitted to the City for approval within 28 days of commencing operations onsite. The Noise Management Plan shall be to the satisfaction of the City and include measures to address noise emissions including (but not limited to) delivery/pick-up times, number of deliveries, operating hours and other associated noise impacts to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*. Implementation of any noise mitigation measures shall be in accordance with the approved Noise Management Plan;
- 4 no industrial machinery/equipment shall be used for the collection, counting, sorting, crushing, storage or any other processing of recyclable materials onsite;
- 5 the car and motorcycle/scooter parking bays shown on the approved plans, excluding the over-flow parking area, are to be designed and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of tenancy. These bays are to be thereafter maintained to the satisfaction of the City;
- 6 bicycle parking facilities shall be provided as shown on the approved plans in accordance with the Australian Standard for Off-street Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. The bicycle parking area shall be installed and maintained to the satisfaction of the City.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf201013.pdf](#)

**ITEM 5    PETITION REQUESTING THE INSTALLATION OF LIGHTING AT MIRROR PARK SKATE PARK**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	22103, 101515
<b>ATTACHMENTS</b>	Attachment 1    Community    Consultation    Outcomes Report
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to:

- note the outcomes of community consultation on a proposal to install lighting at Mirror Park Skate Park
- consider the installation of lighting and change in operational hours at Mirror Park Skate Park.

**EXECUTIVE SUMMARY**

Mirror Park Skate Park was officially opened on 14 December 2012 and has proven to be a highly popular recreation facility for all ages, mainly young people.

At its meeting held on 19 November 2019 (C146-11/19 refers), Council received a petition, containing 164 signatures, requesting that Council investigate lighting options for the skate park.

Subsequently, at its meeting held on 19 May 2020 (CJ055-05/20 refers), Council agreed to undertake community consultation in relation to the potential installation of lighting and extension of operating hours of Mirror Park Skate Park. Community consultation was undertaken between 6 July 2020 and 2 August 2020.

The City collected 599 valid responses throughout the 28-day consultation period. Twenty-one responses were received from residents and ratepayers within a 200-metre radius of the skate park, one response was received from a previous petitioner, and 174 responses were received from Community Engagement Network members. A further 407 community members, who were not directly engaged, also provided feedback.

Just under 90% of respondents indicated they either “support” or “strongly support” the proposal. Of the 21 residents and ratepayers within a 200-metre radius of the skate park, 12 indicated that they either “oppose” or “strongly oppose” the installation of lighting.

Additional comments from those respondents who offered general support for the proposal stated that lighting would help to encourage healthy lifestyles, exercise, social interactions and/or reduce “screen time”, and that lighting would help to prevent injury and be safer for users.

Of those respondents who indicated that they “oppose” or “strongly oppose” the installation of lighting, comments included the view that lighting would cause/exacerbate anti-social behaviour, drug use, littering, vandalism and/or gang activity, and that lighting would generate/exacerbate noise.

This report provides the results of the community consultation; outlines the benefits and challenges of installing lighting at the Mirror Park Skate Park; and recommends that Council approves the installation of lighting and an extension of the operating hours of the skate park.

## **BACKGROUND**

Mirror Park Skate Park opened in December 2012 after three years of community consultation and planning. Since opening, the skate park is heralded as a successful community facility that is used by people of all ages and abilities for wheeled-sports activities. It is a facility that encourages physical activity, is a place for social gatherings and an ideal location for community events such as skate, BMX and scooter competitions.

Prior to the opening of the skate park, in August 2012, a report including commentary on associated infrastructure that is either necessary or desirable for a larger scale skate facility, including CCTV and lighting was presented to Council (CJ147-08/12 refers). The key points raised regarding CCTV and lighting are as follows:

- Standard lighting is not essential for the operation of CCTV, but greatly assists the performance of CCTV.
- To maximise the use of the proposed skate park itself to include periods of low light and evening use, standard lighting would be necessary (preferably set to an automatic timer).
- Extended use of the skate park into the evenings could result in noise issues for neighbours. If standard lighting were to be used the City would need to consider hours of operation and other noise mitigation measures.
- Underground infrastructure required to support standard lighting should be included in the initial construction phase, leaving it open for the addition of standard lighting following consideration of a further report to Council six months after the completion of the facility.

The final design did not include lighting itself but did include basic infrastructure to include lighting at a later stage, should it be required.

A report was presented to Council in June 2013 (CJ093-06/13 refers) to receive an update on the usage of Mirror Park Skate Park since its opening in December 2012 and to approve the installation of lighting and changing the hours of operation at the skate park. Two petitions were tabled at the same Council meeting (C30-06/13 and C31-06/13 refer), both against the installation of lighting.

Council deferred consideration of the proposal to install lighting to the skate park at that time and requested the Chief Executive Officer provide a further report on the proposal to install lighting at the Mirror Park Skate Park in 12 months.

In June 2014, Council received a follow-up report on the implementation and review of the City's *Skate Park Facility Management Plan* as it relates to the Mirror Park Skate Park, and to consider the installation of lighting and change of hours of operation at the skate park (CJ085-06/14 refers). Two petitions were tabled at the same Council meeting (C24-06/14 and C26- 06/14 refer), one for and one against the installation of lighting.

Council considered the report and resolved to extend the hours of operation of the facility but did not agree to installation of lighting.

At its meeting in November 2019, Council received a petition, containing 164 signatures, requesting that Council investigate lighting options for the skate park (C146-11/19 refers). Subsequently, at its meeting in May 2020 (CJ055-05/20 refers), Council resolved that it:

- 1 *AGREES to undertake community consultation in relation to the potential installation of lighting and extension of operating hours of Mirror Park Skate Park;*
- 2 *NOTES that direct consultation (letters) will occur with adjoining residents that are 200 metres away from the boundary of the skate park itself, not residents who are 200 metres away from the boundary of (broader) Mirror Park;*
- 3 *NOTES that an email will be sent to all members of the City's Community Engagement Network (CEN), instead of only to those members of the CEN who reside in Ocean Reef and Mullaloo (as referenced in Report CJ055-05/20);*
- 4 *NOTES that the outcomes of community consultation will be analysed and presented in a report back to the Council, ahead of Council making a final decision on the installation of lighting;*
- 5 *ADVISES the lead petitioner of its decision to undertake community consultation in relation to the potential installation of lighting and extension of operating hours of Mirror Park Skate Park.*

## **DETAILS**

### **Consultation**

The community was invited to provide feedback on the proposal to install lighting at Mirror Park Skate Park, Ocean Reef from 6 July 2020 to 2 August 2020. Feedback was sought by way of a comment form to determine the overall level of community support for the proposal.

Stakeholders identified and contacted directly by the City included:

- residents and ratepayers within a 200-metre radius of Mirror Park Skate Park (108)
- Community Engagement Network Members (3,220)
- previous petitioners (four)
- Mirror Park user groups (four).

Additional stakeholders, including skate park visitors and interested residents and ratepayers living further than 200 metres from the skate park, were also indirectly engaged by the City via the following methods:

- Webpage linked through the "Community Consultation" section of the City's website, visible from 6 July 2020 to 2 August 2020.
- Signage erected at Mirror Park skate park from 6 July 2020 to 2 August 2020.

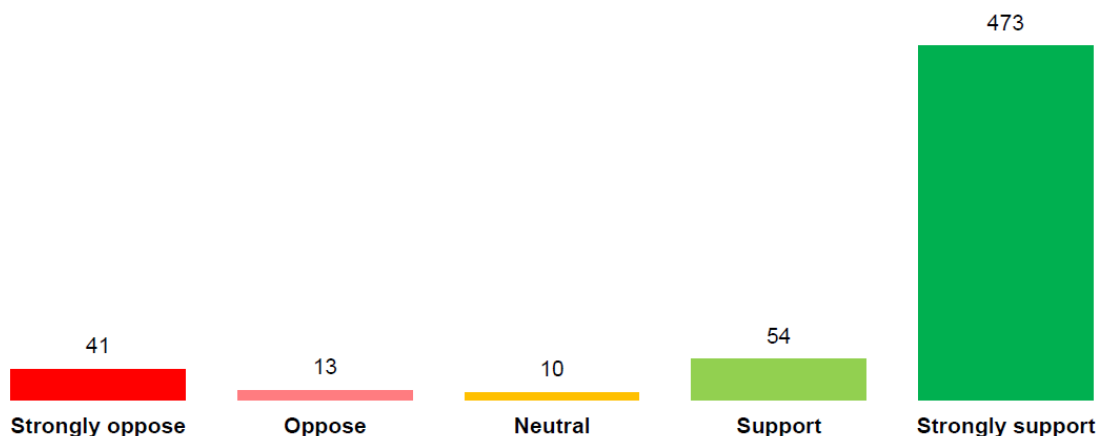


- Joondalup Voice article published in the *Joondalup Times* community newspaper on 9 July 2020, available online and emailed to subscribers of the Joondalup Voice eNewsletter on 9 July 2020.
- Y-Lounge article emailed to subscribers of the Y-Lounge eNewsletter on 16 July 2020.
- E-screen displays visible on the e-screens located at the City’s customer services centres, libraries and Craigie Leisure Centre from 6 July 2020 to 2 August 2020.
- Poster displayed at the City’s youth centres from 20 July 2020 to 2 August 2020.
- City of Joondalup telephone on-hold message live from 6 July 2020 to 2 August 2020.
- Facebook post published through the City’s Facebook account on 6 July 2020.
- Facebook posts published through the City’s Youth Services Facebook account 6 July 2020 and 27 July 2020.
- Twitter post published through the City’s Twitter account on 6 July 2020.
- Instagram post published through the City’s Youth Services Instagram account 7 July 2020.
- Facebook advertisements visible from 6 July 2020 to 2 August 2020.
- Instagram advertisements visible from 6 July 2020 to 2 August 2020.
- In-person communication with young people by the City’s Community Youth Team during their regular programming from 6 July 2020 to 2 August 2020.

The City collected 599 valid responses throughout the 28-day advertised consultation period. A total of 21 responses were received from residents and ratepayers within a 200-metre radius of Mirror Park Skate Park, one response was received from a previous petitioner, and 174 responses were received from Community Engagement Network members. A further 407 community members who were not directly engaged also provided feedback.

Respondents were asked to indicate their level of support for the installation of lighting at Mirror Park Skate Park on a five-point scale from “strongly oppose” to “strongly support”.

Just under 90% of respondents indicated that they either “support” or “strongly support” the proposal. Of the 21 residents and ratepayers within a 200-metre radius of Mirror Park Skate Park, 12 indicated that they either “oppose” or “strongly oppose” the installation of lighting.



Of the respondents who were opposed to the installation of lighting, key reasons cited were:

- noise
- anti-social behaviour
- drug use
- littering/ vandalism.

Of the respondents who supported the installation of lighting, key reasons cited were:

- will encourage healthy lifestyles/exercise/social interactions/ community spirit/reduce “screen time”
- will spread usage/reduce congestion in busy skate park
- will be good for people who work/go to school during the day
- will be good for older skater as younger skaters would leave earlier.

Full details of the consultation including specific responses and comments are detailed in Attachment 1.

### **Benefits of and challenges in installing lighting**

Mirror Park Skate Park is a popular facility which is frequently used above its recommended capacity for both users and spectators.

The current hours of operation of the skate park are:

- 7.00am to 7.00pm Monday to Saturday, and 9.00am to 7.00pm on Sunday and public holidays during the period 1 October to 30 April
- 7.00am to 5.30pm Monday to Saturday, and 9.00am to 5.30pm on Sunday and public holidays during the period 1 May to 30 September.

There is a diverse mix of ages and abilities that use the skate park; including before school, after school, on weekends and in school holidays. The skate park has been extremely popular with young children who are learning to skateboard, scooter or BMX. Whilst desirable, an effect of this popularity is that older, more experienced users must be very mindful of the younger users who are often not aware of skate park etiquette and have not developed spatial awareness of others.

Experienced users of the skate park have expressed concerns for the younger more inexperienced users and the potential for collision. The culture of the facility is that experienced and older users are diligent to prevent collisions with children, often trying to educate them to prevent accidents. However, there have been some misunderstandings between older users, young children and their parents over usage and turn-taking.

A solution proposed by users of the park is to install lighting to allow the park to be used after dusk. This would increase time available to older users to use the park into the evening after younger users have left. The introduction of lighting to increase the available hours of the facility could potentially spread the usage of the park and ease congestion and parking issues further.

However, in deciding whether to install lighting at the skate park, Council would need to consider that extended use of the skate park into the evenings may result in noise issues for neighbours and Council would need to carefully consider the hours of operation to minimise impact on neighbours.

A review has been conducted of all complaints and requests for action received by the City in relation to the skate park since the beginning of 2013.

A total of 241 complaints/requests has been logged. Of the 241 complaints/requests received, 214 (89%) were received from the same five residents and 121 complaints/requests (50%) were received from a single resident.

Most of the complaints/requests relate to use of the skate park out of hours; noise from the skate park; lighting of the skate park with car headlights; and real/perceived anti-social behaviour.

Whilst the complaints/requests are largely contained to a few residents, the number of complaints/requests received does nonetheless indicate there are some impacts on the nearby neighbours as a result of people using the skate park early in the morning and late at night.

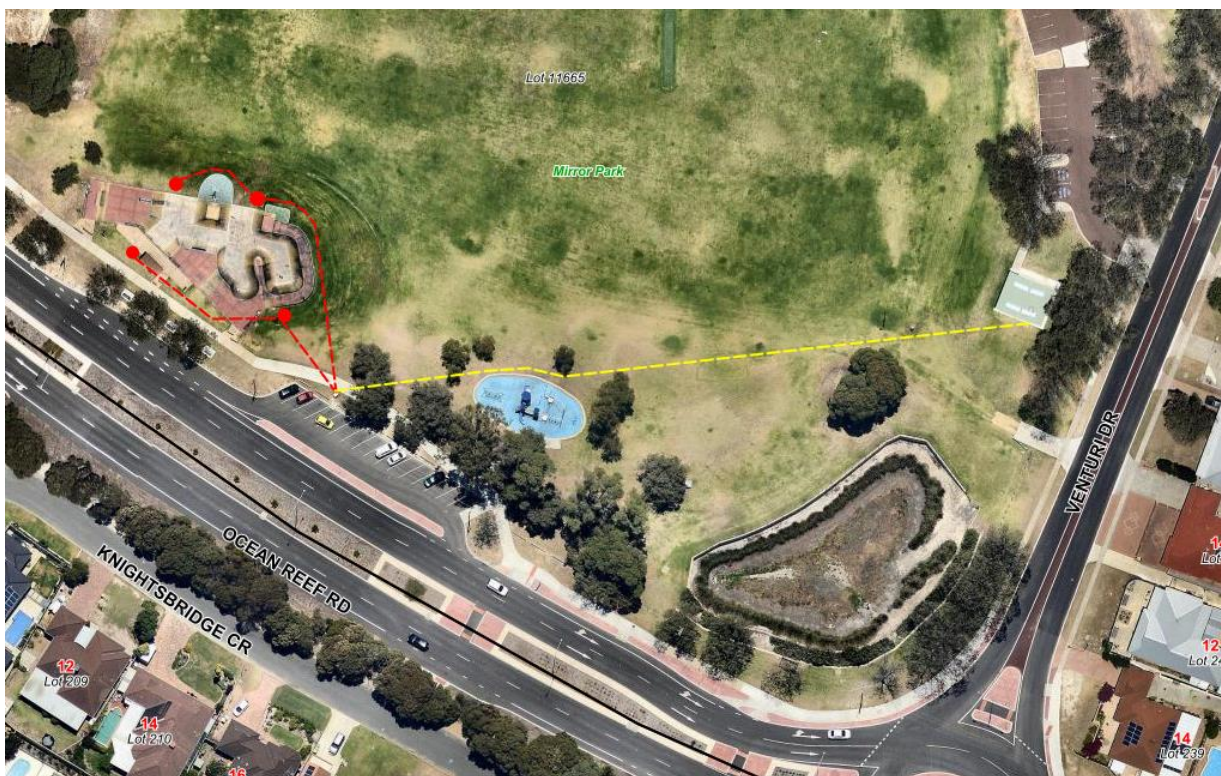
Arguably, if lighting was installed at the skate park and the hours of operation were extended marginally, this could result in a decline in lighting of the skate park by car-headlights (which may have more negative impact on neighbours than well-placed lights at the skate park); a reduction in anti-social behaviour that typically occurs after dark; and possibly the reduction of complaints about people using the skate park out of hours.

### Technical considerations

Appropriate underground infrastructure has already been installed at the skate park as part of the CCTV component. Installing lights on top of the CCTV poles on customised pole brackets to match the existing infrastructure was explored as an option in 2014, but it was considered that the poles would not be able to cater for the required additional load of any proposed new lights.

The proposed new lighting requires the City to install four 10 metre poles, each with a 1.5Kw LED fitting in the approximate locations shown in the image below. The existing supply of power to the cabinet would also need to be upgraded to cater for the increased load of the new lights.

The image below shows where the poles would be (in red) and where the cabling to connect with existing infrastructure would be located (in yellow).



The lighting would be LED and connected to the City's Central Lighting system and would begin to dim ten minutes before park closure to warn users the lights will be switched off.

## Issues and options considered

The following options have been identified for consideration:

### **1 Keep the existing opening times and not install lighting.**

This option would save on the costs of installing lighting and ongoing running costs. It would address the concerns of those residents who are in opposition to the proposal, particularly the 12 residents within 200 metres of the facility who were 'opposed' or 'strongly opposed' to the lighting.

However, this option would not address: documented high use of the facility; opportunity to improve safety by enabling a time when young children are less likely to be using it; extended daily usability of the facility; or the significant expressed community support for lighting, including seven respondents who live within 200 metres who, through the community consultation, indicated they 'strongly support' or 'support' lighting.

### **2 Install lighting and extend opening hours until 9.30pm Thursday through Sunday and on School Holidays; and until 8.00pm Monday to Wednesday.**

This option allows for extended hours each day, and longer hours at peak periods. It acknowledges that some nearby residents were not in favour of lighting by offering an 8.00pm finish on three nights of the week.

However, this inconsistency of times is more complicated to communicate to users and may lead to misunderstandings.

### **3 Install lighting and extend opening hours every day until 9.30pm as suggested in the Frequently Asked Questions included in the community consultation.**

The recently approved lighting at Mirror Park Sports Oval is approved to 9.30pm on a nightly basis, so the times would be consistent. Lighting the oval would match a community desire for lighting and address the benefits lighting could bring in terms of safety and usability.

This option does not; however, address the concerns expressed by some respondents, including the 12 residents who are in opposition to the lighting.

### **4 Install lighting and extend opening hours until 9.00pm every day, finishing 30 minutes prior to the time proposed in the consultation.**

This option allows for extended hours that are the same day to day. It proposes a 9.00pm closure which is 30 minutes earlier than the consultation proposal in acknowledgement that there was some opposition to the installation of lighting at the skate park. This would encourage participants to end their wheeled sports activity prior to the football club finishing for the night. It offers considerable support to skate park users wanting extended hours and also encourages skate park users to be vacating at a reasonable time.

In consideration of the high community usage of Mirror Park Skate Park, the multiple petitions both for and against lighting, and the results of the recent community consultation regarding lighting at Mirror Park Skate Park, it is considered that Options 3 or 4 are preferred.

## Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Environmental Protection (Noise) Regulations 1997.*

### Strategic Community Plan

- Key theme**
- Quality Urban Environment.
  - Community Wellbeing.
- Objective**
- Quality open spaces.
  - Quality facilities.
  - Community spirit.
- Strategic initiative**
- Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.
  - Understand the demographic context of local communities to support effective facility planning.
  - Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

### Risk management considerations

There are a number of risk management considerations with skate park management. These include the potential for personal injury, infrastructure failure, anti-social behaviour, graffiti, vandalism and noise.

Given the high usage of the skate park by young people of all ages and different levels of skating experience and spatial awareness, there is likely to be a greater risk of collision and injury if lighting is not installed.

Anti-social behaviour, graffiti, vandalism and infrastructure failure can be mitigated through presence of the City's Youth Team at the park two days per week, passive surveillance, increased lighting and existing City processes for complaints regarding noise, anti-social behaviour, graffiti and vandalism at any City owned or managed facility. Issues will be managed through the implementation of the City's *Skate Park Facility Management Plan* which assigns regular rubbish and graffiti removal schedules and reporting by City officers of maintenance needs of the facility.

It should also be noted that incidences of anti-social behaviour, graffiti and vandalism could be discouraged through the installation of lighting.

In terms of noise, the City has an obligation to ensure that the *Environmental Protection (Noise) Regulations 1997* (the Regulations) are met. The Regulations determine an assigned level for permitted noise that is relative to the time of day. The assigned level is reduced at 7.00pm and again at 10.00pm. The assigned level considers influencing factors such as the proximity of major roads and secondary roads, as well as all land use within 450 metres.

If required, the City can investigate noise issues associated with the use of the skate park and determine whether noise meets the assigned level or is considered unreasonable. Unreasonable noise would be determined by a sound level assessment and also consider the nature, frequency and duration of the noise.

Should a noise issue be identified, the City could implement noise mitigation measures including additional monitoring and engagement by the City's Youth Officers or regular patrols by City Rangers. Where it is identified that unreasonable noise is ongoing and cannot be effectively controlled, the City could consider restricting the times of operation.

## Financial / budget implications

The estimated cost to install lighting at the Mirror Park Skate Park is shown in the table below.

Item	Cost
Visible lighting fully installed (including project management) and commissioned.	<b>\$49,500</b>
Updates to existing signage (etched wording in concrete blade wall) to denote opening times and explaining light operation.	<b>\$ 3,000</b>
<b>Total Cost</b>	<b>\$52,500</b>

This City does not currently have funds listed in the *2020-21 Capital Works Budget* for this purpose.

If Council is supportive of installing lighting and amending signage at the skate park, it is proposed that \$52,500 be listed for consideration in the *2021-22 Capital Works Program* for this purpose.

It is anticipated that the ongoing electricity costs for the lighting would be in the vicinity of \$1,560 annually.

All amounts quoted in this report are exclusive of GST.

## Regional significance

The Mirror Park Skate Park was planned as a local level rather than a regional skate facility.

## Sustainability implications

Social sustainability is enhanced through the development of resilience and empowerment in young people, their families and members of the community.

The installation of lighting, and subsequent extended hours of use, enables greater social return on the existing asset by increasing useful hours of skate park operation each day. By increasing the opening times of Mirror Park Skate Park, more young people will be able to use the park and express themselves in a positive, healthy and active way.

Further to this, the recent consultation includes numerous comments which are related to social sustainability. Full comments can be viewed in Attachment 1.

## COMMENT

There is identified community support (via petitions and the consultation) for lighting at Mirror Park Skate Park and the addition will bring benefits for users of the facility.

Addition of lighting would arguably even have some benefit for nearby neighbours as the lighting may be less invasive than the current occasional, unauthorised use of car headlights to light the skate park. Also, the addition of lighting to increase the authorised hours of the skate park may deter anti-social behaviour after dark.

However, the addition of lighting and the consequent extension of hours of the skate park, may have some negative impact on residents in close proximity.

To establish whether the benefits would outweigh the impacts, or vice-versa, the City undertook a thorough community consultation, considered all previous petitions, reviewed the *2011 Acoustic Report* for the proposed Mirror Park Skate Park and considered the *Skate Park Facility Management Plan* which addresses ongoing site management, signage, waste and graffiti removal and responding to complaints.

It is considered that information garnered through investigation by the City, coupled with analysis of the community consultation results, determines that the community benefits will outweigh any detrimental effects of installing lighting the facility.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1** NOTES the outcomes of the community consultation undertaken between 6 July and 2 August 2020 in relation to the proposed installation of lighting at Mirror Park Skate Park as described in Attachment 1 to this Report;
- 2** APPROVES the installation of lighting at Mirror Park Skate Park;
- 3** LISTS for consideration in the *2021-22 Capital Works Program* an amount of \$52,500 to cover the purchase and installation costs of lighting, the updating of existing signage at the Mirror Park Skate Park and includes \$1,560 (excluding GST) in the operational budget to cover annual electricity costs;
- 4** Following the installation of the lighting, APPROVES the operating times of Mirror Park Skate Park as being Monday to Saturday 7.00am to 9.30pm and Sunday and Public Holidays 9.00am to 9.30pm;
- 5** ADVISES the lead petitioner of its decision.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf201013.pdf](#)

## ITEM 6 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents sealed by affixing the Common Seal during the period 1 September 2020 to 23 September 2020
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 1 September 2020 to 23 September 2020.

### EXECUTIVE SUMMARY

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

*It is therefore recommended the Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 1 September 2020 to 23 September 2020, as detailed in Attachment 1 to this Report.*

### BACKGROUND

For the period 1 September 2020 to 23 September 2020, 19 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Deed of Extension of Lease	1
Deed of Renewal of Lease	1
Lease	2
Section 70A Notification	10
Caveat	1
Deed of Variation of Contract of Sale of Land by Offer and Acceptance	1
Licence Agreement	1
Transfer of Land	1
Restrictive Covenant	1



**DETAILS****Issues and options considered**

Not applicable.

**Legislation / Strategic Community Plan / Policy implications**

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Demonstrate accountability through robust reporting.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**Current financial year impact

Not applicable.

Future financial year impact

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

**That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 1 September 2020 to 23 September 2020, as detailed in Attachment 1 to this Report.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf201013.pdf](#)*

## **ITEM 7                      DRAFT 10 YEAR STRATEGIC FINANCIAL PLAN 2020 (2019-20 TO 2028-29)**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	108316, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedules Attachment 2    Draft <i>10 Year Strategic Financial Plan 2020 2019-20 to 2028-29</i>
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to note the draft *10 Year Strategic Financial Plan 2020* (10 Year SFP) for the period 2019-20 to 2028-29 and *Guiding Principles 2020*.

### **EXECUTIVE SUMMARY**

The new plan included in this document covers the years 2019-20 to 2028-29 and is referred to as the draft 10 Year SFP. The previous plan covered the years 2018-19 to 2037-38 and was adopted by Council at its meeting held on 20 August 2019 (CJ108-08/19 refers).

In 2020 the City has experienced unprecedented economic and financial change as well as a revaluation of all rateable properties. The City has prepared a budget for 2020-21 which has responded positively to these circumstances providing relief to most households and businesses with a lower rates charge than in 2019-20. This has resulted in a budget with an operating deficit of \$9.2 million instead of the \$0.1 million surplus that was projected in the previous Strategic Financial Plan (SFP).

The large operating deficit is manageable because the City is in a strong cash position, but it is not sustainable in the long-term. If the City continued with the same assumptions as the previous SFP the operating deficit would continue to be unsustainable and inconsistent with the adopted guiding principles. The 10 Year SFP has therefore evaluated how the deficit could be addressed and how the targets in the guiding principles could be achieved, either by using aggressive assumptions or applying moderate changes. The moderate assumptions are considered more consistent with the guiding principles and propose to achieve a balanced operating budget by 2024-25, an improvement of \$9.2 million from 2020-21.

The key changes that are proposed as part of the draft 10 Year SFP are as follows:

- Ten year plan instead of 20 years.
- Operating Surplus target reduced from 2% to a target of 0% to 1%.
- 2024-25 – aim for moderate improvements and a balanced operating budget by 2024-25.

*It is therefore recommended that Council:*

- 1 *NOTES the Draft 10 Year Strategic Financial Plan 2020 (2019-20 to 2028-29) as at Attachment 2 to this Report;*
- 2 *NOTES the Guiding Principles 2020 as included in Appendix 1 of Attachment 2 to this Report.*

## **BACKGROUND**

The new plan included in this document covers the years 2019-20 to 2028-29 and is referred to as the draft 10 Year SFP. The previous plan referred to throughout this document covered the years 2018-19 to 2037-38 and was adopted by Council in August 2019. The draft 10 Year SFP aligns with the adopted budget 2020-21 and is also based on issues that arose during the recent budget workshops with elected members.

### 10 Year SFP instead of 20 Year SFP

The City normally prepares a long-term financial plan for a period of 20 years but proposes to reduce that to 10 years temporarily due to the extraordinary economic conditions and the uncertainty of forecasting. The Department of Local Government, Sport and Cultural Industries (DLGSCI) have issued a guideline and Advisory Standard to support the development of longterm financial management plans. These guidelines suggest a forecasting period of 10 years for the long-term financial plan. The change in the City's forecasting from 20 years to 20 years continues to along with the DLGSCI guidelines.

### Disclaimer

The following disclaimer is included within the 10 Year SFP to ensure readers understand where the 10 Year SFP is positioned within Council's decision-making process. *"Readers of the 10 Year SFP should note that the document is used predominantly as a planning tool."* As such it is based on many assumptions and includes several projects and proposals that in some cases:

- have been approved by Council and are in progress
- have been considered by Council, but are yet to receive final approval
- have only been considered by Elected Members at a strategy level
- have only been considered by Officers
- are operational in nature and based on the continued provision of services and maintenance of City assets and infrastructure in accordance with management and other plans.

Any of the assumptions and any of the projects or proposals not already approved could prove to be inaccurate both as to likely requirement, timing and financial estimates or may not come to pass at all. They have, however, been included based on the best available information and knowledge to hand at this point in time in relation to likely requirement, timing and financial estimates. The noting of the 10 Year SFP by Council does not constitute a commitment or agreement to any of the projects or proposals that have not already been approved or the financial estimates and projections.

At the time of presenting the 10 Year SFP for consideration, there may be projects and plans under review that have different assumptions to those included in the 10 Year SFP. The 10 Year SFP is updated annually, and therefore revised assumptions can be included in future updates of the 10 Year SFP. It is not considered best practice to delay the noting of the SFP in order to include updated projections for new projects because this results in the delayed SFP encroaching into the next planning cycle for the next SFP. In any case, the impacts of projects are not critical to the long-term projections.

Ten years is a long period for financial forecasting, and it needs to be emphasised that the outer years have a lot more uncertainty than the earlier years. The 10 Year SFP strives to achieve the following:

- Years one to five – High level of accuracy, albeit dependent on the key assumptions.
- Years six to 10 – Moderate/minor level of accuracy.

#### How the draft 10 Year SFP is produced

There are four sets of assumptions that the draft 10 Year SFP is based on, as summarised below. The following assumptions are explained in more detail in the plan itself (Attachment 2 refers):

#### 1 External Environment:

- Demographics.
- Economic indicators.
- Housing Strategy.
- Business Growth.

#### 2 Operating Income and Expenses:

- Each line item of income and expenses is split into two, the “base” and “growth”
- “Base” income and expenses are based on the Budget for 2020-21. Escalation factors (percentage increases) are then applied to each individual service item.
- “Growth” changes then capture all other changes not currently included in the base, for example:
  - one-off issues within the base. If the baseline (such as the budget) has one-off issues that would not be repeated in future years, then these would need to be included in the forward projections
  - volume changes based on changes to services, approved projects and planned projects. Where information is available from a feasibility study or business case or a decision by Council, then this information is used
  - legislation or any other change not captured in the base such as proposed increase to the superannuation guarantee from 9.5% to 12%.

#### 3 Capital Expenditure:

- *Five Year Capital Works Program 2020-21 to 2024-25* is embedded into the draft 10 Year SFP.
- Forecast for the outer years (2025-26 to 2028-29) for each of the programs have been made.
- Other ‘business as usual’ capital programs (Information technology, fleet, and parking) have been forecast.
- Major Projects – based on feasibility studies or Council papers. Projects which have not been subject to any review by elected members are excluded, a list of excluded projects is provided later in the report.
- Escalation factors (such as percentage increases) are then applied to each individual project.

#### 4 Funding:

- Each program or project has been separately assessed, to identify whether the project is funded by either:
  - municipal funds
  - specific reserves
  - strategic asset management reserve
  - disposal proceeds
  - borrowings.

The critical assumptions for the plan are the percentage increases to the base income and expenses as these percentage increases are recurring and have a bigger on-going impact than one-off capital expenditure. For example, a lower rate increase in one year will affect each year of the plan thereafter.

The 10 Year SFP is prepared in consultation with all Business Units within the City. Additionally, external agencies are involved where necessary.

### Schedules (Attachment 1 refers)

Attachments 1.1 to 1.8 are the detailed schedules. Each of these attachments is explained in the table below.

Table 1 – Attachments 1.1 to 1.8 – Detailed Schedules

No	Report	Purpose
1.1	10 Year Plan - Rate Setting Projections	<ul style="list-style-type: none"> <li>Operating statement, capital expenditure, funding.</li> </ul>
1.2	Key Ratios Summary	<ul style="list-style-type: none"> <li>Summary of the Key Ratios achieved versus previous plan.</li> <li>Other key indicators are also summarised.</li> <li>Graphs of key indicators.</li> </ul>
1.3	Assumptions	<ul style="list-style-type: none"> <li>Economic Indicators and external environment.</li> <li>Escalation assumptions applied for operating income and operating expenditure.</li> <li>Also includes other key assumptions, such as costs of borrowing.</li> </ul>
1.4	Major Project Assumptions	<ul style="list-style-type: none"> <li>List of major projects.</li> <li>Source of funds and estimated timescales for completion</li> </ul>
1.5	Capital Expenditure (Capex) by Year – excluding escalation	<ul style="list-style-type: none"> <li>Summary of all capital requirements, both for existing programs and new projects.</li> </ul>
1.6	Capital Expenditure (Capex) by Year – including escalation	<ul style="list-style-type: none"> <li>Summary of all capital requirements, both for existing programs and new projects.</li> </ul>
1.7	Project Funding Estimates	<ul style="list-style-type: none"> <li>Funding summary to explain how projects are funded.</li> </ul>
1.8	Reserves	<ul style="list-style-type: none"> <li>Projected reserve balances and movements.</li> </ul>

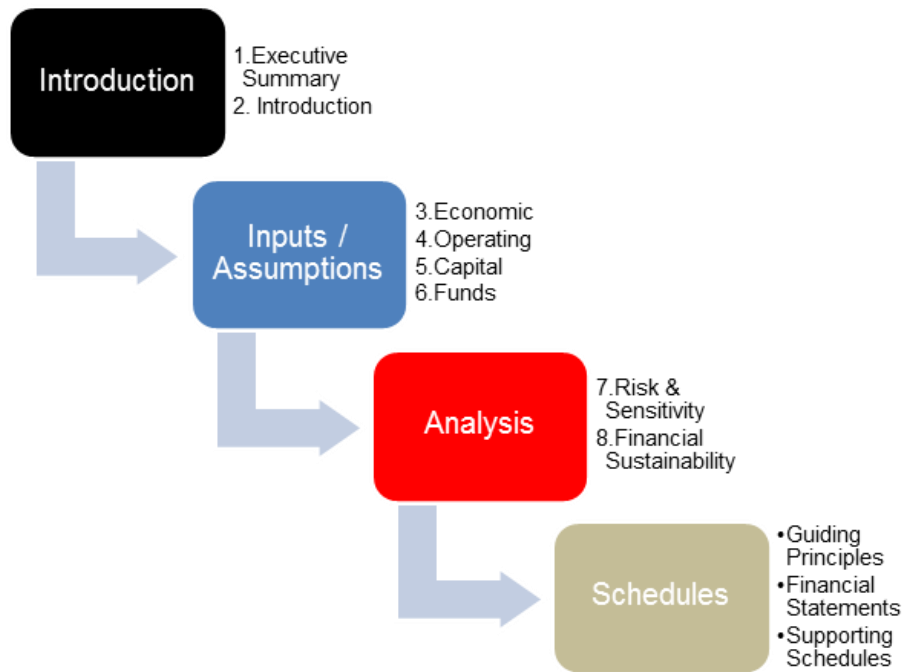
All attachments included in the schedules have forecast values for 10 years, including the following:

- year one is the 2019-20 forecast
- year two is the adopted budget for 2020-21
- year three to 10 are the projections for future years.

### Format and Content of the 10 Year SFP (Attachment 2 refers)

The draft 10 Year SFP follows the same content and structure as the previous plan. The draft 10 Year SFP complies with the DLGSCI Integrated Planning and Framework. The draft 10 Year SFP comprises of eight sections with financial statements and supporting schedules, the chart below summarises the contents of the plan:

Chart 1 – Contents of the Draft 10 Year SFP



Guiding Principles 2020

The draft 10 Year SFP has been developed using a set of guiding principles. These are reviewed annually and were last adopted by Council at its meeting held on 20 August 2019 (CJ108-08/19 refers). The proposed *Guiding Principles 2020* are shown at Appendix 1 of Attachment 2.

Ideally, there should not be much change year to year on the Guiding Principles, and indeed there are just two changes proposed this year which take account of the unique circumstances in budgeting and financial planning this year.

Table 2 – Proposed Changes to Guiding Principles (Attachment 2 refers)

Page	Change	Details
37	<b>Operating Results and Operating Surplus Ratio - Last bullet point (4)</b>	<p>Last year’s guiding principles reduced the target from 5% to 2%, the intent was that the City only need to strive for a moderate operating surplus and 2% was deemed to be moderate. However, the financial modelling has indicated that if the City were to achieve 2% surpluses on an ongoing basis this would result in unnecessary high cash surpluses. It is proposed that the City should still continue to strive for a moderate target and should strive for a balanced operating budget (zero percent) or no more than 1%. This would still be adequate to provide cash surpluses to support capital expenditure requirements both now and in the future.</p> <p>In reality the actual ratio will vary year to year due to one-off impacts. In 2020-21 the ratio will be a deficit of 6.5% and it will take several years with moderate steps to improve this and achieve a balanced operating budget, this will be difficult enough without striving for a 2% surplus.</p>

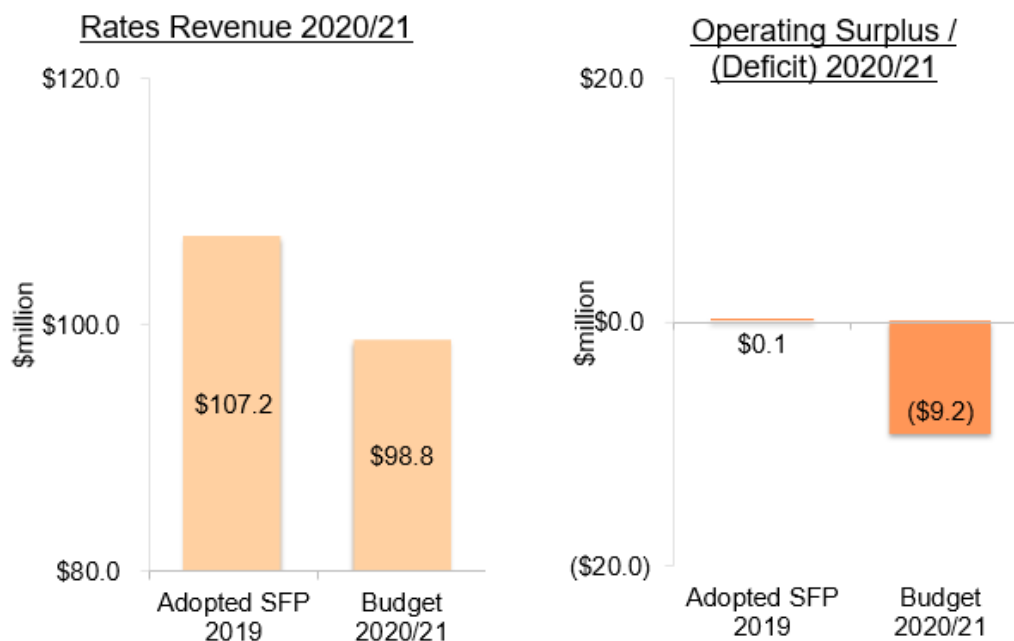
Page	Change	Details
37	<b>Process</b> <b>- Last bullet point (5)</b>	A new bullet point has been added to indicate that the SFP may be prepared for a period of either 10 or 20 years

## DETAILS

### The Economic turmoil and Impacts on the 10 Year SFP

In 2020 the City (and the world) has experienced unprecedented economic and financial change and the City has also been faced with implementing tri-annual revaluations which have resulted in large reductions in Gross Rental Values. The City has responded to these challenges by developing a unique budget that reduces rates income by \$5.9 million compared to the forecast 2019-20 income and provides a reduction to the majority of residents and businesses.

The first chart below to the left shows that the estimated rates income in 2020-21 of \$98.8 million is \$8.4 million less than the \$107.2 million that the City was intending to raise in 2020-21, as per the SFP adopted in 2019. Prior to the pandemic the City was planning for a balanced operating budget in 2020-21 of approximately \$0.1 million but has now planned for a deficit of \$9.2 million (6.5% deficit), shown on the chart to the right below.



The City is able to withstand a large operating deficit because the City's assets are still relatively young and therefore spends less on renewals than depreciation. The City is in a strong cash position and has developed a flexible budget that could withstand further shocks. However, the \$9.2 million operating deficit is unsustainable in the long-term so the City will need to address this by either applying:

- **Rates** - increases to base rates which are more than the increases in expenses.
- **Reduction in services** – as determined by Council.

A reduction in services has the potential to address the gap, but the 10 Year SFP does not speculate on which services, or indeed if services, can be reduced, this has to be determined by Council and included in the annual budget or in another council report.



### Balanced Operating Budget 2024-25

The guiding principles state the intent to have a balanced operating budget, or preferably a surplus. The guiding principles also state that this should be considered in the context of the economy, new projects, existing assets/services and applying rate increases that keep pace with increase in expenses.

If the City wanted to remedy the situation in 2021-22 an 11% increase in rates would be needed. In the current social and economic climate, it is believed that an 11% increase in one year is not achievable, appropriate or responsible. As such other assumptions within the plan will also need to be modified.

As indicated through the budget process the draft 10 Year SFP has been prepared on the basis of moderate improvements and to meet the guiding principle of a balanced operating budget by 2024-25. This is the key guiding principle that is used for some of the critical assumptions explained in next few paragraphs.

### Economic Outlook

The projections for Perth CPI, Wages Price Index are used as an indicator in several critical assumptions as will be explained in the next section. At this time of the year there would normally be revised economic projections within the Federal and State Budgets, normally in May of each year, although both budgets have been deferred till October due to the economic turmoil. The City has referred to the most recent economic projections by the Western Australian Department of Treasury (pre COVID-19), and adjusted taking into account the current economic situation. Reference has also been made to other data, for example “The Conversation” has issued a forecast on 28 June 2020 based on 22 leading economists from 16 universities in seven states, on average the forecasts expect historically weak economic growth in all but one of the next five years, with growth dwindling over time.

Three scenarios are prepared in the table below; a best case, worst case and realistic scenarios. The difference in projections between the best case and worst case indicates the great uncertainty.

The worst case may materialise if the economy cannot recover quickly or effectively enough and/or if there is a second wave and further shutdowns. The best case may materialise if the economy rebounds strongly. The realistic scenario for Consumer Price Index (CPI) is based on the premise that there will continue to be reductions in prices of many goods and services in the next couple of years which will depress the overall index, and the depressed economic conditions will also result in higher unemployment and potentially very low wages price index. Each of the scenarios assume that there will be gradual improvements in the medium term consistent with Treasury forecasts.

The realistic scenario has been used in the draft 10 Year SFP as the basis for the critical assumptions explained in the next paragraph. The realistic scenario is conservative but deemed prudent as there continues to be economic uncertainty in relation to borders remaining closed, there are spikes in cases in some states/countries and some parts of the economy are still largely frozen (for example international and inter-state travel).

Economic Outlook	2020/21	2021/22	2022/23	2023/24	2024/25
	%	%	%	%	%
<b>Unemployment (Joondalup)</b>					
Best Case	8.0%	6.5%	5.5%	5.0%	4.5%
Worst Case	15.0%	11.0%	9.5%	7.5%	6.5%
Realistic	10.0%	8.0%	6.5%	5.5%	5.0%
<b>Perth CPI</b>					
Best Case	1.00%	1.50%	1.75%	2.25%	2.75%
Worst Case	(2.50%)	(1.25%)	(0.25%)	0.00%	0.50%
Realistic	<b>0.00%</b>	<b>0.25%</b>	<b>0.75%</b>	<b>1.00%</b>	<b>1.25%</b>
<b>Wages Price Index Perth</b>					
Best Case	1.50%	2.00%	2.00%	2.50%	3.00%
Worst Case	(2.00%)	(1.00%)	0.00%	0.25%	0.75%
Realistic	<b>0.00%</b>	<b>0.50%</b>	<b>1.00%</b>	<b>1.25%</b>	<b>1.50%</b>

### Cost Indexes Affecting Local Government

There are a variety of different cost indexes that affect the services provided by local government, these include the following factors:

- Wages Price Index.
- Road and Bridge Construction.
- Non Residential Building.
- Machinery and Equipment.
- Electricity and Street Lighting.
- Perth CPI.

These six factors are consolidated and defined as the “Local Government Cost Index” (LGCI) and the LGCI is recognised within Local Government as the most representative overall measure of cost increases. Each of the six items above are separately considered within the draft 10 Year SFP and a separate projection is applied to relevant costs, for example a separate estimate is made for utilities whilst employment expenses refer to the Wages Price Index.

### Critical Assumptions - Base Income and Expenses Percentage Increases (Attachment 1.3)

The most critical assumptions in the operating projections are the percentage changes to existing income and expenses, these assumptions have the biggest impact because of the recurring impact, for example, a 1% increase or decrease to rates equates to approximately \$1 million income that forms part of the base revenue in future years.

The chart below shows the summary assumptions assumed to 2024-25. The economic indicators in previous section are used as the starting point, as follows:

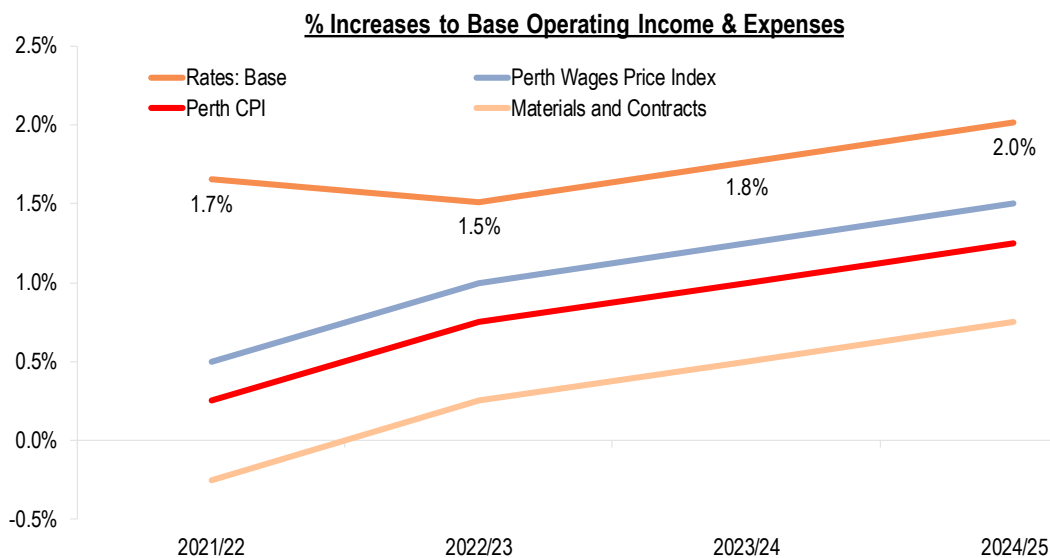
- **Materials and Contracts** - An increase of 0.5% less than Perth CPI.
- **Employment costs** - The increases in salaries and wages are determined by Enterprise agreements and are subject to negotiation. The increases need to strike the right balance by being affordable, suitable taking account of economic conditions but ensure that the City continues to retain suitably qualified and experienced staff. A zero percent increase is applied in 2020-21 with a previously agreed pay increase deferred till 2021-22 for most employees. The SFP then assumes from 2022-23 that employment increases will increase in line with Wages Price Index.

- **Rates** - An increase of 0.85% above expenses (the sum of materials/contracts and employment costs) is used up to 2024-25. This would result in a total increase in rates of 7% from 2021-22 to 2024-25 an average of 1.75% per year.

The increases to Rates are higher than expenses so that income can grow more than expenses and help the City address the operating deficit. Likewise, an assumption for 'Materials and Contracts' to be lower than Perth CPI also helps slow down increases in expenses whilst income grows.

It is vital to emphasise that it is not the absolute number for each assumption that is critical to the financial projections but the difference between the assumptions in relation to rates increasing by more than expenses. These assumptions are applied to the existing base income and expenses and assume no change in services. If the City reduced/removed some services and reduced its costs permanently then this would alleviate the need to apply rates increases that are higher than increases in expenses or higher than CPI.

The assumptions are not fixed, the rate increases for example are approved as part of the annual budget each year.

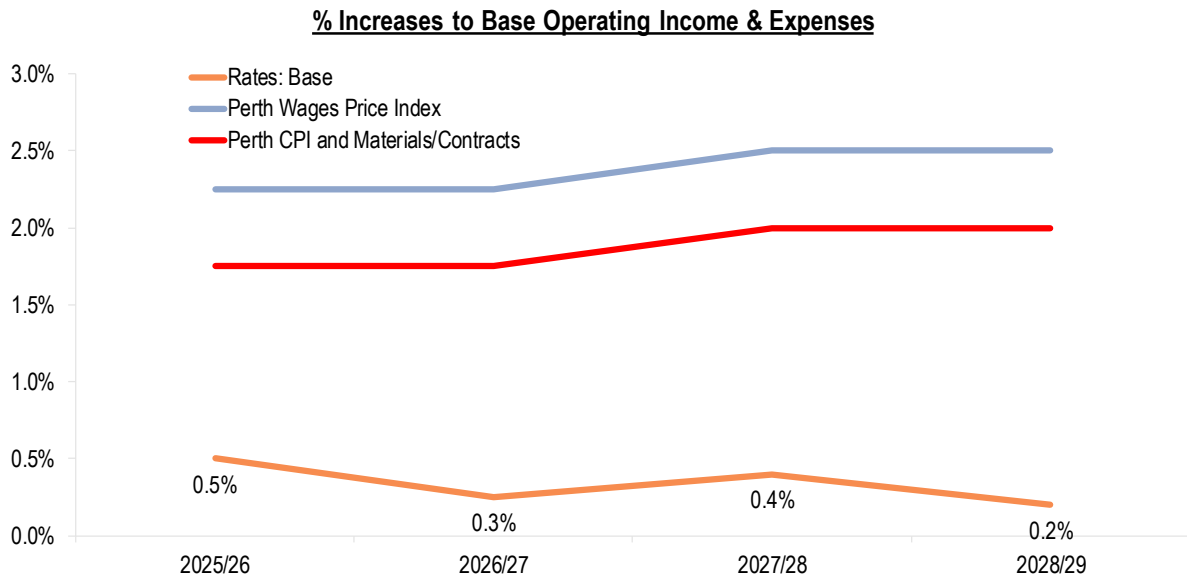


Attachment 1.3 provides more details of other assumptions, including the different assumptions for 'Fees and Charges', each of which has been reviewed separately, some of the items may increase at the discretion of the City (for example sports/recreation fees), but other fee revenue can be volatile and outside of the City's control (such as Dog/Cat registration income).

#### Outer Years (2025-26 to 2028-29)

If the City achieved a balanced operating budget by 2024-25 it would be in a very strong position. Rates increases thereafter could be lower than increases in expenses, an average rate increase of 0.3% per year as shown on the chart below.

The assumptions would achieve an operating surplus of zero percent to 1%. The modelling has also indicated that if the City were to strive for a 2% operating surplus this would result in unnecessarily high cash surpluses over and above the amounts required for reserves. A more modest target of zero percent to 1% would still put the City in a very strong financial position.



### Operating Projections (Section 4 of Attachment 2) Summary

Section 4.3 and 4.4 (Attachment 2 refers) explain how the operating projections could improve from a deficit of \$9.2 million in 2020-21 to a balanced budget by 2024-25. The table below summarises the following estimated changes in operating results:

- 1 **One-offs \$2.6 million** – the 2020-21 budget has several one-off assumptions that are not assumed to be repeated in future years, for example \$0.5 million in one-off rates rebate.
- 2 **Rates Growth \$2.1 million** – additional rates revenue from new dwellings (for example Lot 9000 The Department of Housing) and commercial growth. The assumptions are based on the most up-to-date assumptions (such as development applications) at the time the plan is prepared.
- 3 **Projects Net Impact of zero** - the net impact from new depreciation, new expenses and new income is zero, this comprises of:
  - \$1.4 million benefit of Craigie Leisure Centre Refurbishments
  - (\$1.1 million) cost with new depreciation and expenses caused by the Capital Works Program
  - (\$0.3 million) cost with other projects.
- 4 **Investment Earnings \$1.3 million** - the City may earn \$2.4 million in 2024-25 which is \$1.3 million more than the \$1.1 million within the 2020-21 budget.
- 5 **Interest on Borrowings \$0.2 million** - this will reduce as existing borrowings are repaid.
- 6 **Other (legislation) (\$0.8 million)** - Superannuation Guarantee increase from 9.5% to 12% This increase is still legislated and therefore still included in the 10 Year SFP, but it is possible that the increase may be deferred due to the economic volatility.
- 7 **Critical Assumptions \$3.8 million** - improvement due to the critical assumptions in relation to the percentage increases to base income and expenditure as explained in earlier paragraphs (such as rates increases 0.85% more than expenses).

Improvements in Operating Results	20/21 \$ms	24/25 \$ms	Difference \$ms
1 One-off items in 2020/21 budget adjusted to future years		2.6	2.6
2 Rates Growth (Commercial & Residential)	0.3	2.3	2.1
3 Projects - additional operating expenses, depreciation and income		(0.0)	(0.0)
4 Investment Earnings	1.1	2.4	1.3
5 Interest on Borrowings	(0.4)	(0.2)	0.2
6 Other		(0.8)	(0.8)
7 Critical Assumptions			
- Rates Income & Fees/Charges	146.2	156.4	10.2
- Expenses (Employment Expenses, Materials/Contracts, Utilities, Depreciation)	(156.3)	(162.7)	(6.4)
<b>Operating Surplus / (Deficit)</b>	<b>(9.2)</b>	<b>0.0</b>	<b>9.2</b>

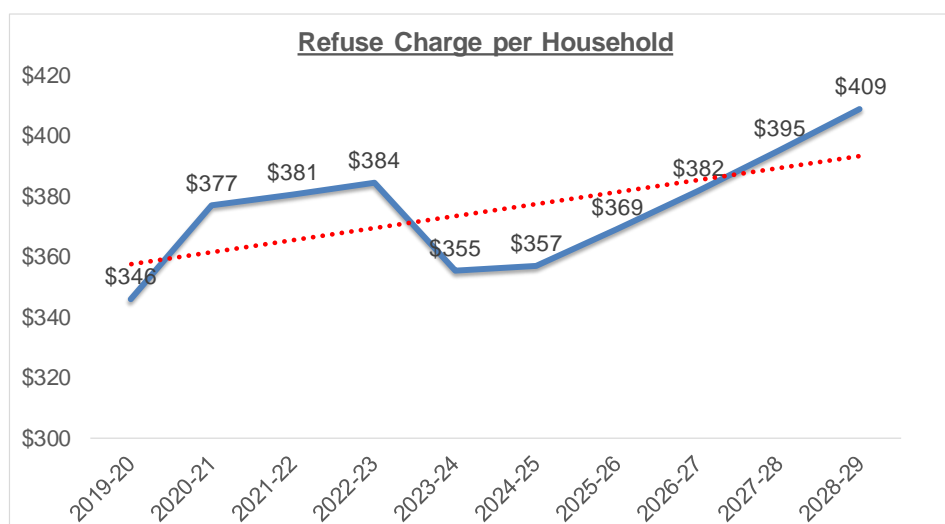
In summary lines one to six above are estimated to provide an overall improvement of \$5.4 million and the critical assumptions (line seven) are required to make up the remaining \$3.8 million improvement.

#### Refuse Charge and Waste Expenditure

Waste expenditure will increase in the next few years and therefore the refuse charge per household will need to increase. There are several reasons for the increases such as:

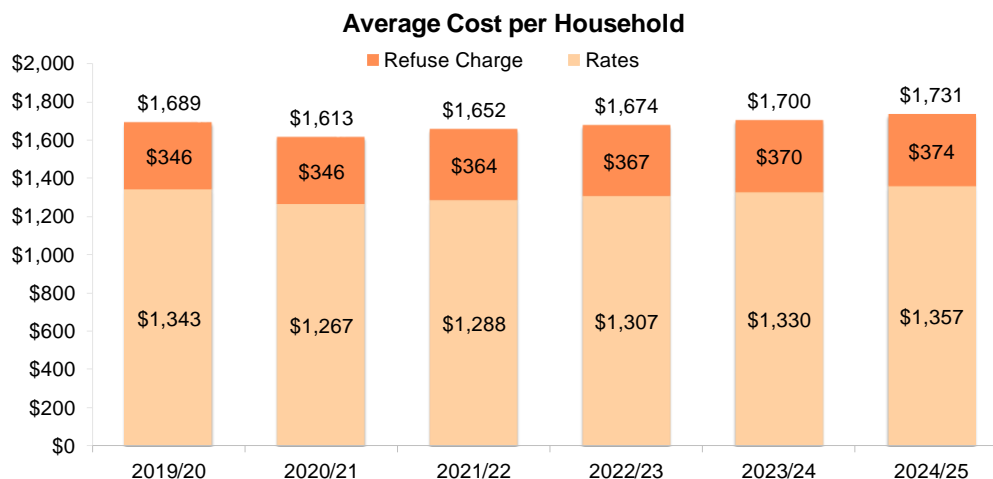
- recycling cost per tonne will increase to more than \$100 per tonne
- Mindarie Regional Council Gate Fee to increase due to City of Wanneroo and other local governments moving to three bins service
- food organics introduction in 2024-25 will have a significant cost.

The graph below is based on detailed modelling and assumes that refuse charges match the movements in waste expenditure. The graph indicates fluctuated increases and reductions, these volatile movements should be avoided so the red line indicates a smoother path. The 10 Year SFP has therefore assumed from 2021-22 that \$364 is applied to refuse charges (this was the pre COVID-19 assumption for 2020-21) and progressive increases towards \$382 in 2026-27, and further increases thereafter.



### Average Cost per Household

The chart below summarises the projected average cost per household, combining rates and refuse charges. This shows that the average cost at 2024-25 of \$1,731 would be just \$42 (2.5%) more than 2019-20. So, whilst the rates increases included from 2021-22 to 2024-25 may appear to be high in comparison to cost increases, they are only just making up the large reduction in 2020-21.



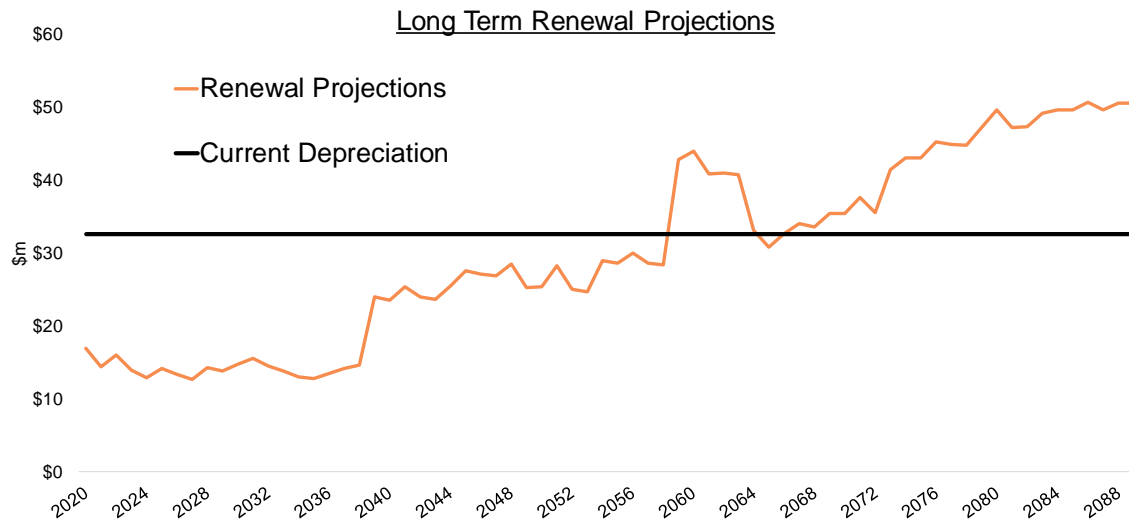
### Capital Expenditure

The 10 Year SFP includes the projected expenditure for the *Capital Works Program 2020-21* to 2024-25, as well as crucial major projects. The 2020-21 capital works program includes \$6.3 million of projects accelerated from future years which has reduced the expenditure in future years. The 10 Year SFP has reinstated the \$6.3 million back into 2021-22 and 2022-23 because it is assumed that the City would not want to move from a very large program one year to a very small program the next year. The projects that would make up the reinstated \$6.3 million will be identified as part of the 2021 budget process. Attachment 1.5 shows the \$6.3 million in line 16 of Table A1.

The City will need to consider the affordability of upgrades and new capital expenditure because it results in new depreciation which hinders the objective of a balanced operating budget.

### Long Term Renewals will increase

The chart below shows that in the long-term there will be a requirement for renewal expenditure to be higher than depreciation to maintain existing service levels and infrastructure for the community. The City needs to plan for this additional expenditure and in 2019 set up an asset renewal reserve. There should have been a transfer into the asset renewal reserve in June 2020, although this was postponed in April 2020 to provide cash flexibility for the budget. If all goes to plan in 2020-21 there will be a sizeable cash surplus that will allow for a transfer back into the asset renewal reserve. In addition, the projections within the 10 Year SFP indicate that this reserve can be grown at adequate levels so that future generations will not be expected to pay unsustainable rate increases to fund renewal expenditure.



## Issues and Scenarios considered

### Scenarios

Three scenarios for improving the operating projections have been evaluated in the draft 10 Year SFP (Section 7.2). The moderate plan for improvement as explained earlier (0.85% rate increase per year more than expenses) have been used as the basis of the draft 10 Year SFP and schedules.

### Options

Due to the current economic volatility it is not proposed to adopt the draft 10 Year SFP this year, but to note it instead. Council's options are as follows:

- note the 2020 draft 10 Year SFP, without any further changes
- note the 2020 draft 10 Year SFP with changes  
or
- do not note the 2020 draft 10 Year SFP at this stage, pending further changes.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

Section 5.56(i) of the *Local Government Act 1995* provides that:

*"A local government is to plan for the future of the district."*

#### Strategic Community Plan

##### Key theme

Financial Sustainability.

##### Objective

Effective management.

##### Strategic initiative

- Manage liabilities and assets through a planned, long-term approach.
- Balance service levels for assets against long-term funding capacity.

##### Policy

*Strategic Financial Plan – Guiding Principles.*

## Risk management considerations

The plan is based on many assumptions. There is a risk that those assumptions may not come to pass, however, the draft 10 Year SFP is a planning tool and the City is not committed to anything in the plan by virtue of endorsing the document. Periodic reviews and updates of the plan will ensure that it remains a relevant and useful document to manage the City's financial affairs into the future.

### Projects not included in the 10 Year Strategic Financial Plan

There are several projects which have been subject to some discussion, but not included as they do not have finalised plans adopted by Council.

Projects discussed but not included are:

- 1 **Sorrento Surf Life Saving Club Redevelopment** – a business case has been submitted by the Club, reviewed by the City and presented to elected members. The City is currently developing the concept design, and will report back to Council, before the project can be included in the 10 Year SFP.
- 2 **Joondalup City Centre Development** - the project costs are included, but no other capital costs or financial impacts are included at this stage until the project is developed further. A draft Order of Magnitude Business Case was presented to the Major Projects and Finance Committee in 2019.
- 3 **Ocean Reef Marina** - the project costs are included but no other capital costs or financial impacts are included. The City has prepared initial estimates for the impacts to the City and presented to the Major Projects and Finance Committee in March 2020 although there is significant volatility with the projections and subject to review and negotiation with DevelopmentWA and other stakeholders before they can be included in the SFP.
- 4 **Cafes/Kiosks/Restaurants** - the draft 10 Year SFP includes capital expenditure for projects at Pinnaroo Point and Burns Beach, although the recurring income and expenses are not yet included in the draft 10 Year SFP – these will be included in subsequent updates once the commencement of lease income is known.
- 5 **BMX, Skate and Outdoor Youth Recreation Strategy** - as per Council's resolution (CJ067-05/17 refers) a draft strategy is being developed. It is not viable to include any potential impacts of this strategy in the draft 10 Year SFP until it has been considered by Council.
- 6 **Housing Opportunity Areas and Infrastructure** - the increased density and new dwellings may result in requirements for new or upgrade infrastructure at some future stage, for example community facilities, parks. This may be identified as part of the annual update of the *Five Year Capital Works Program* (such as the *Park Amenity Improvement Program*) or potentially as a project but before any other expenditure is included in the 10 Year SFP there needs to be scoping and options evaluation.
- 7 **Works Operations Centre (WOC) Tenure Review** - at the request of Council, the City is currently reviewing options for changing the tenure for the WOC. Preliminary work has been completed but it is too early in the process to make any assumptions in the 10 Year SFP.
- 8 **Woodvale Community Facilities** – a community needs and facility study is being prepared by external consultants engaged by the City, this has not yet been completed or presented to elected members so there are no impacts to be included yet.



- 9 Heathridge Park** – a community needs and facility study has been prepared by external consultants engaged by the City and preliminary impacts reported to Major Projects and Finance Committee earlier in 2020. The financial projections require further enhancement before they can be included in the 10 Year SFP.
- 10 Craigie Leisure Centre Refurbishments Phase Two** – the 10 Year SFP includes the impacts of Phase One which were approved by Council in December 2019. Phase Two will be assessed as part of the design of Phase One and preliminary estimates will be available in 2021. Once these have been presented to elected members, they may be included in the 10 Year SFP.

The above list of projects not currently included in the 10 Year SFP may initially appear to provide a significant risk to the SFP if they are subsequently included. However, six of the ten projects above (Items one, two, four, seven, eight and nine) would be expected to provide a net benefit (or no worse than break-even) to the City so it is prudent for the City to exclude the projects at this point. In any case it is the critical assumptions explained earlier (changes to operating projections) that have the biggest impact on forward projections, not one-off projects. Furthermore, the SFP is updated annually and can take account of any projects that have matured and should be included.

### **Financial / budget implications**

The draft 10 Year SFP represents projections and estimates, based on many assumptions and is a primary planning tool for the development of future budgets. Adoption or noting of the draft 10 Year SFP, however, does not constitute a commitment or agreement by the City to the projects and proposals it contains, or the financial estimates and projections included in the draft 10 Year SFP.

The 10 Year SFP is used as a reference point to the annual Budget for the following year.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The draft 10 Year SFP represents the primary and key strategic financial planning document for the City and has a direct bearing on planning for the financial sustainability of the City.

### **Consultation**

The draft 10 Year SFP has been prepared after extensive consultation with City Business Units, the Executive Leadership Team and elected members.

### **COMMENT**

The draft *10 Year Strategic Financial Plan 2019-20 to 2028-29* (Attachment 2 refers), sets out a significant program of works and projects for the City of Joondalup over the next 10 years. These are in keeping with the Joondalup 2022 vision for the City: “*A global City: bold, creative and prosperous*”.

Although the program is ambitious, it is achievable with financial discipline and the draft 10 Year SFP maps out how this can be done.

### Why prepare a long-term financial plan during volatile economic uncertainty

It is extremely difficult to predict how the economy locally and nationally will fare in the next six months and difficult to know how many years before some level of normality returns. It may therefore appear unnecessary or confusing to prepare a long-term financial plan in the midst of this uncertainty. However, it is more vital than ever to do so, so that the City is clear on the long-term impacts of the 2020-21 budget and importantly the options available to Council to achieve a balanced operating budget within five years. The 2020-21 budget has resulted in a large operating deficit of \$9.2 million and the draft 10 Year SFP has demonstrated that this is manageable, albeit gradual improvements are required over time.

There is also a risk that the volatile economic conditions may result in new data arising which may appear to render the draft 10 Year SFP obsolete at time of being reviewed, or just after it is noted. Indeed, the 2020 Federal and State budgets have been delayed until October 2020, just at the same time that the 10 Year SFP is proposed for noting. New data should not necessarily delay the plan being noted because the City is already into the next planning cycle for the 2021 SFP and 2021-22 budget so all new data can be considered as part of the next planning cycle. The draft 10 Year SFP has already been delayed by several months due to the priorities of the 2020-21 budget process. It is therefore considered appropriate to complete the draft 10 Year SFP for this year which will also allow priorities to turn towards the next planning cycle.

### \$3.8 million improvement in base income/expenses required by 2024-25 (Critical Assumptions)

Based on the premise that the City would strive to achieve a balanced operating budget, by 2024-25, the draft 10 Year SFP indicates that improvements of \$9.2 million are required. This \$9.2 million improvement is based on two groups of changes as follows:

- \$5.4 million of other changes (rates growth, investment earnings, superannuation increase, projects).
- \$3.8 million improvement based on the percentage increases to base income and expenditure (such as rates increases 0.85% more than expenses).

To some extent the \$5.4 million improvement will be achieved naturally, based on external factors (for example, new rates assessments) and decisions already taken (such as increased income from Craigie Leisure Centre refurbishments). However, the \$3.8 million improvement in base income and expenses must be achieved through key decisions to either increase rates income by more than increases in expenses and/or by reducing services.

In other words, if the City reduced services and saved \$3.8 million in expenses it would only need to increase rates by the same level as the increases in costs of services to ensure that a balanced budget is achieved by 2024-25.

## **VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **NOTES** the draft *10 Year Strategic Financial Plan* for the period 2019-20 to 2028-29 as at Attachment 2 to this Report;
- 2 **NOTES** the *Guiding Principles 2020* as included at Appendix 1 of Attachment 2 to this Report.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf201013.pdf](#)

## **ITEM 8                      CORPORATE BUSINESS PLAN REVIEW 2020-21 – 2024-25**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	52605, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Corporate Business Plan 2020-21 to 2024-25</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to adopt the *Corporate Business Plan 2020-21 to 2024-25*.

### **EXECUTIVE SUMMARY**

The *Corporate Business Plan 2020-21 to 2024-25* (Corporate Business Plan) translates the City's *Strategic Community Plan, Joondalup 2022* (Strategic Community Plan) into a five-year delivery program and contains the major projects and priorities which the City proposes to deliver over the five-year period.

In accordance with the *Local Government (Administration) Regulations 1996*, the City is required to review its Corporate Business Plan annually and submit to Council for adoption.

In addition to the usual format, the Corporate Business Plan incorporates additional content aimed at providing greater context on the City of Joondalup and the environment in which the City operates, highlights priority actions, and gives greater access to information about City's operations. The aim of the revised format is also to provide the community a greater awareness and understanding on the role of the Corporate Business Plan and the City's delivery program.

*It is therefore recommended that Council BY AN ABSOLUTE MAJORITY adopts the Corporate Business Plan 2020-21 to 2024-25 as shown in Attachment 1 to this Report.*

### **BACKGROUND**

All local governments are required to produce a plan for the future under Section 5.56 (1) of the *Local Government Act 1995*. The minimum requirement to meet the intent of the plan for the future is the development of a Strategic Community Plan and a Corporate Business Plan.

In October 2012 (CJ210-10/12 refers) Council adopted the City's first Corporate Business Plan in accordance with the *Local Government (Administration) Regulations 1996*. The Regulations were amended in August 2011, requiring all local governments to prepare a Strategic Community Plan and Corporate Business Plan by 30 June 2013.

The Regulations also required local governments to review their Corporate Business Plan annually, with modifications to be considered and adopted by Council by an absolute majority decision.

Since October 2012, the City has reviewed and updated its Corporate Business Plan annually in line with current projects and priorities and in line with major and minor reviews of the Strategic Community Plan.

Requirements from the Department of Local Government, Sport and Cultural Industries in developing a Corporate Business Plan are relatively flexible with no specific template offered. The *Integrated Planning and Reporting (IPFR) – Framework and Guidelines* (September 2016) and the IPFR Advisory Standard outline the minimum recommended content.

The City's Strategic Financial Plan should:

- be a minimum of four years
- identify strategies, services, priorities and major projects in alignment with the Strategic Community Plan
- demonstrate the capacity of the local government to deliver the plan
- be reviewed annually with year one in alignment with the Annual Budget
- align with a local government's informing strategies of the *Workforce Plan*, *Asset Management Strategy*, Long-Term Financial Plan and financial assumptions
- be adopted by Council by absolute majority.

## DETAILS

The Corporate Business Plan is a document which provides a medium-term delivery plan for the Strategic Community Plan and contains the services, projects and programs to be undertaken over a five-year period which are aligned with the *Strategic Financial Plan*, *Asset Management Strategy* and *Workforce Plan*.

### Format and Content

As in previous years, the City's *Corporate Business Plan 2020-21 to 2024-25* includes the following.

- Clear articulation of the roles and responsibilities of Council and the organisation in developing and adopting the Corporate Business Plan – pages 11-12.
- Information explaining the relationship between the Strategic Community Plan, Corporate Business Plan (*Strategic Financial Plan*, *Asset Management Strategy*, *Workforce Plan*, and the *IT Strategic Plan*) – pages 17-19.
- Strategic priorities for 2020-21 which highlight the alignment of transformational projects in the Strategic Community Plan and the achievement of key objectives and strategic initiatives over the next five years – pages 21-25.
- A Projects and Activities section within each key theme which contains a brief description of the key projects and programs that the City proposes to deliver in the 2020-21 financial year – pages 38-111.

This section also includes quarterly milestones which are set for each project and program to be delivered. A report will be presented to Council at the end of each quarter detailing progress against these milestones. Progress against the *Capital Works Program 2020-21* will be provided with the quarterly reports.

- Detailed financial information including the following:
  - Financial Summary – pages 112-114.
  - Capital Expenditure – excluding escalation - pages 115-117.
  - Rate Setting Projections- pages 118-120.
  - General Financial Projection Assumptions – pages 121-124.

## New Content

The following sections in the *Corporate Business Plan* are new or have been modified:

- **Foreword by the Mayor and Chief Executive Officer:** The IPFR *Framework and Guidelines* September 2016 recommend that a foreword is included. This introduces the context and provides a general commentary on the social, financial and environmental impacts on the organisation and the delivery program included in the Corporate Business Plan – pages 6-7.
- **City Profile:** This provides an overview of the City of Joondalup, including geographical location, local economy, population, City assets and infographics with relevant statistics. This provides greater context on the current environment in which the City operates - pages 8-10.
- **Greater Clarification on the role of the Corporate Business Plan:** Information on the role of the *Corporate Business Plan* has been expanded to provide the community with greater awareness and information on how the City plans and delivers its priorities – page 13.
- **Reports against the Corporate Business Plan:** An explanation of the various reports included within the City's IPFR demonstrates how the City reports on the achievements within the Corporate Business Plan and demonstrates accountability to the community – page 16.
- **Risk Management:** An outline is provided on how projects and programs within the Corporate Business Plan are subject to identification and management of risk and how consideration of risk is incorporated within City systems and processes – page 19.
- **Impact of COVID-19:** The potential impact of the 2020 global pandemic on City services, projects and programs during 2020-21 is highlighted. While services, projects and programs are planned with specific milestones for each quarter, a level of uncertainty exists within the social, economic and financial environment which may affect the delivery of planned activities during the year – page 20.
- **Priority Projects and Programs for 2020-21:** Focus is given to some of the planned major projects programs which will have a significant impact on the City's infrastructure and urban environment and which will contribute to the quality of life for the community in 2020-21.
- **Outline of City Services:** Greater information has been provided on City services and sub-services (projects and programs) within each key theme of the Corporate Business Plan. Service information provided in previous plans was presented via a Directorate and Business Unit structure rather than by Strategic Community Plan key theme - pages 27-36.

Costs and Full Time Equivalent (FTE) staffing levels associated with each service have been provided to provide greater clarity and transparency. This also includes information on whether there is an FTE change in 2020-21 compared with the previous year.

### Issues and options considered

Council may choose to:

- adopt the *Corporate Business Plan 2020-21 to 2024-25*, as shown in Attachment 1 of this Report  
or
- adopt the *Corporate Business Plan 2020-21 to 2024-25*, as shown in Attachment 1 of this Report, subject to further amendments.

### Legislation / Strategic Community Plan / Policy implications

**Legislation**                      Section 5.56 of the *Local Government Act 1995*.  
Section 19Da of the *Local Government (Administration) Regulations 1996*.

### Strategic Community Plan

**Key theme**                      Governance and Leadership.

**Objective**                      For the community to have confidence and trust in the City that it can deliver services effectively and transparently.

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

**Policy**                              Not applicable.

### Risk management considerations

It is a legislative requirement for the City to review its Corporate Business Plan annually and submit modifications to Council for adoption by an absolute majority. A failure to achieve this in a timely manner could result in a circumstance of non-compliance.

Identification and management of risk relating to services, projects and programs are integrated within the City's systems and processes.

### Financial / budget implications

The annual review of the Corporate Business Plan provides an opportunity for the City to reassess forecasted timeframes in accordance with resourcing strategies to ensure the sustainable delivery of projects.

The financial information contained within the revised Corporate Business Plan is drawn directly from the draft *Strategic Financial Plan 2019-20 to 2028-29* and *Capital Works Program 2020-21 to 2024-25*.

It should be noted that the draft *Strategic Financial Plan 2019-20 to 2028-29* is also being presented to the Council meeting in October 2020 for information. It is possible that the values included in the schedules may change following presentation to Council. Any changes will then be reflected in the final *Corporate Business Plan 2020-21 to 2024-25*.

## Regional significance

Many of the projects in the Corporate Business Plan have regional significance and highlight the importance of regional planning and cooperation in managing and responding to future challenges within the north metropolitan region.

## Sustainability implications

The Corporate Business Plan demonstrates the operational capacity of the City to achieve its aspirational outcomes and objectives over the medium term. Project planning and prioritisation within the Corporate Business Plan is based on the City's ambition to deliver services sustainably and affordably.

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

The following are the key themes:

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

## Consultation

Community consultation is not required for annual the review of the Corporate Business Plan however, a public notice is required by legislation following the adoption of any changes to the Corporate Business Plan by Council.

## COMMENT

It is important that the City provides the community with a clear plan of the projects and activities it intends to deliver. The City's Corporate Business Plan provides a useful tool for measuring performance over the medium term (five-years), and against the priority projects and programs in the first year where specific milestones are provided for each quarter.

Measuring performance on the timely delivery of projects and programs enables the community to assess the City's achievements against the Corporate Business Plan and the Strategic Community Plan.

The City's *Corporate Business Plan 2020-21 to 2024-25* is in line with the Department of Local Government, Sports and Cultural Industries' *Integrated Planning and Reporting Framework and Guidelines* which set out the requirements for local governments to undertake planning and reporting.

The revised format has been developed with the aim of providing greater context on the City and the environment in which it operates. Additional content also highlights priority actions, gives the community greater access to information on City's operations and provides the community a greater understanding on the role of the Corporate Business Plan and the City's delivery program.



## **VOTING REQUIREMENTS**

Absolute Majority.

## **RECOMMENDATION**

**That Council BY AN ABSOLUTE MAJORITY ADOPTS the *Corporate Business Plan 2020-21 to 2024-25*, as shown in Attachment 1 to this Report.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf201013.pdf](#)*

## **ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2020**

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of August 2020, totalling \$11,806,929.77.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for August 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 \$11,806,929.77.*

### **BACKGROUND**

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

### **DETAILS**

The table below summarises the payments drawn on the funds during the month of August 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.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 110256 - 110287 & 110290 - 110316 & 110318 - 110331 EF087065 - EF087310 & EF087319 - EF087559 Net of cancelled payments. Vouchers 2874A – 2882A	\$7,313,905.01 \$4,483,807.96
	Bond Refund Cheques & EFT Payments 110288 & 110289 & 110317 EF087311 - EF087318 Net of cancelled payments.	\$9,216.80
<b>Total</b>		<b>\$11,806,929.77</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk management considerations**

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

### **Financial / budget implications**

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

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

Changes in the treatment of bonds received and repaid, from being held in the Trust Fund to now being reflected in the Municipal Fund, have arisen from a directive by the Office of the Auditor General.

### **COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2020-21 Budget* as adopted by Council at its meeting held on 30 June 2020 (JSC07-06/20 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 August 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 \$11,806,929.77.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf201013.pdf](#)*

## **ITEM 10                    FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2020**

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

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 August 2020.

### **EXECUTIVE SUMMARY**

At its meeting held on 30 June 2020 (JSC07-06/20 refers), Council adopted the *2020-21 Annual Budget*. The figures in this report are compared to the adopted budget.

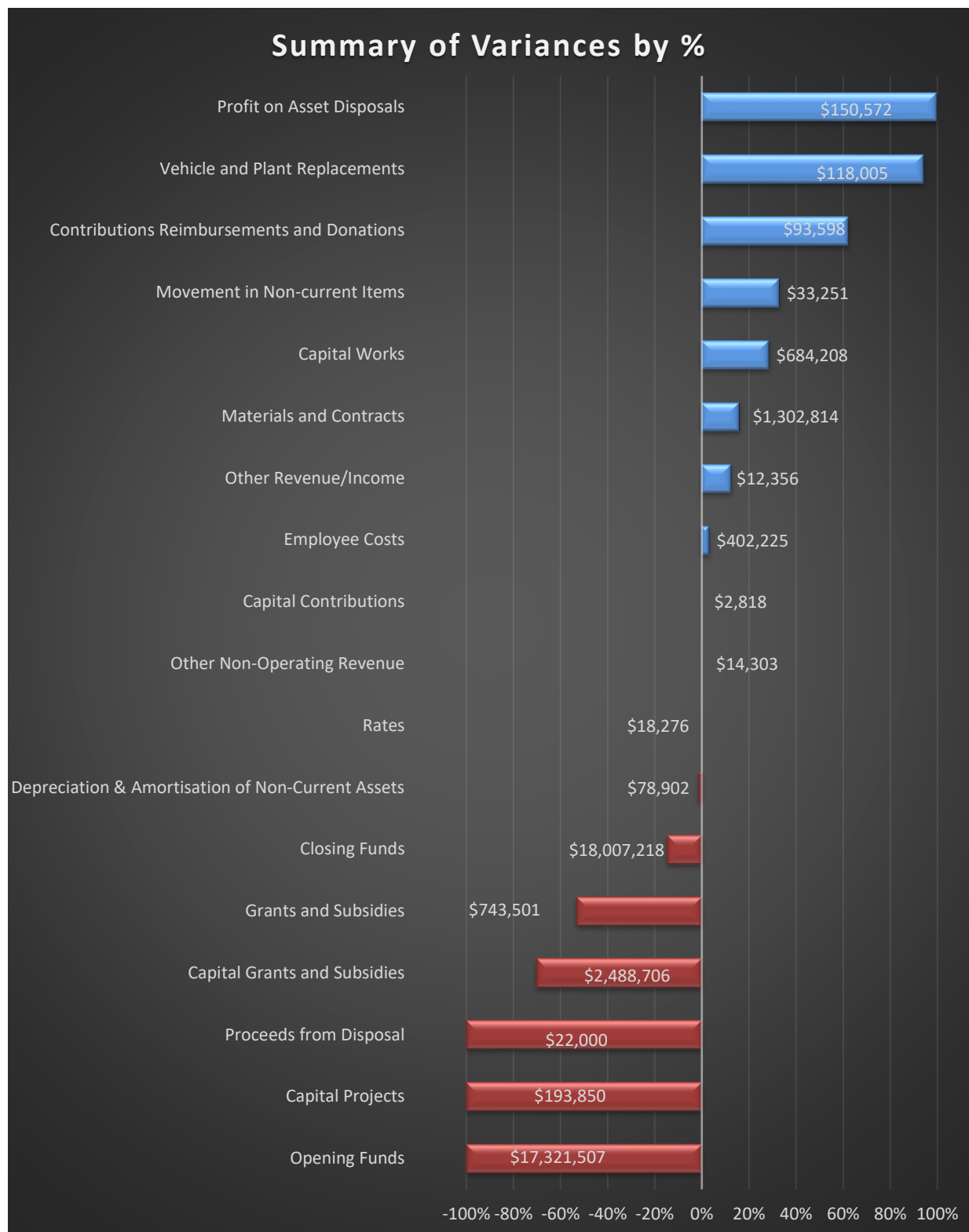
The August 2020 Financial Activity Statement Report shows an overall unfavourable variance of (\$18,007,219) from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 August 2020 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of the *2019-20 Annual Financial Statements*.

There are a number of factors influencing the unfavourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in August and the finalisation of 2019-20 end of year process which has meant that the opening funds total is currently not included, however the closing surplus at 30 June 2020 is expected to offset this variance. The notes in Attachment 3 to this Report identify and provide commentary on the individual key material revenue and expenditure variances to date.

The COVID-19 pandemic impacted the City with the closure of leisure and library facilities in late March. Revenue from leisure centres and facility bookings have improved since COVID-19 restrictions eased but are still lower than pre COVID-19 levels. In addition, reduction in economic activity and implementation of social distancing measures has resulted in a fall in the City's parking revenues.

The key elements of the variance are summarised below:



The significant variances for August were:

**Materials and Contracts**

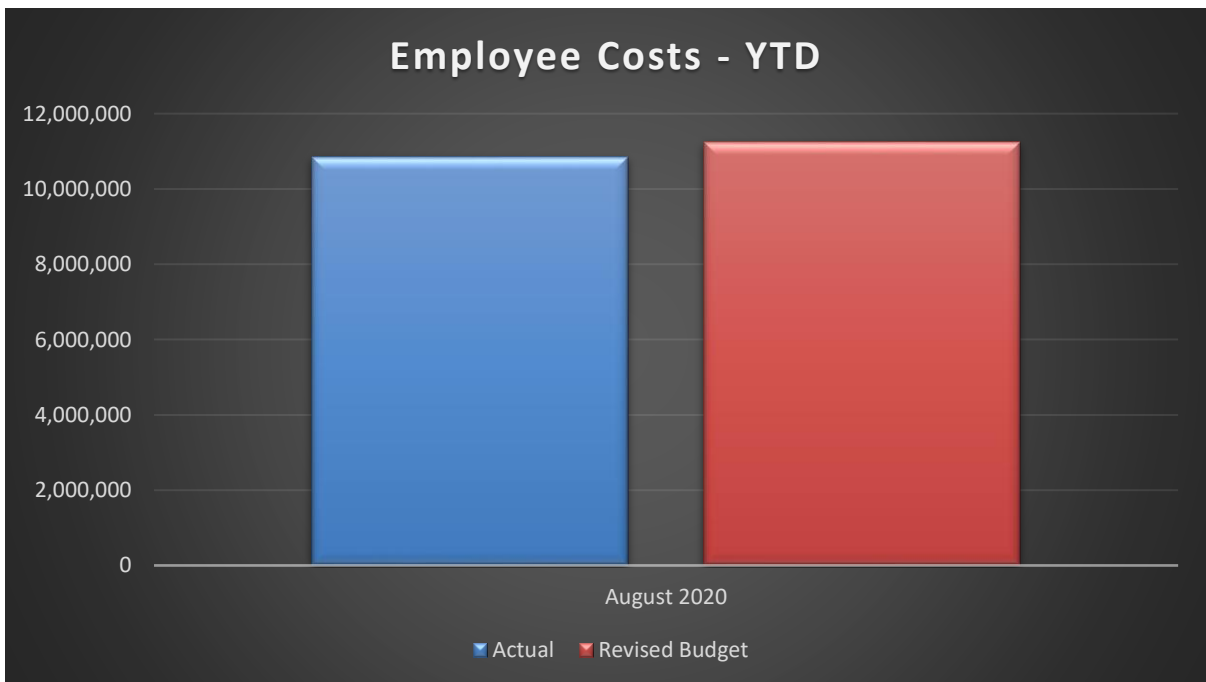
**\$1,302,814**



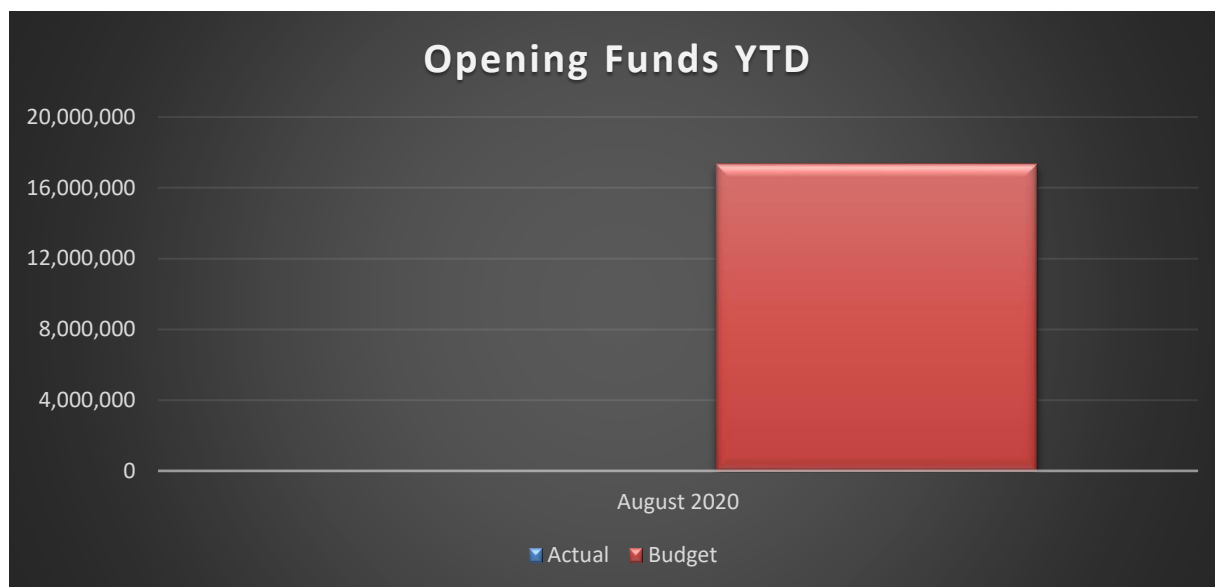
Materials and Contracts expenditure is \$1,302,814 below budget. This is spread across a number of different areas including External Service Expenses \$657,267, Travel Vehicles and Plant \$93,662 and Books & Publications \$91,907.

**Employee Costs**

**\$402,226**



Employee Costs Expenditure is \$402,226 below budget. Favourable variances predominantly arose from vacancies in varies areas.

**Opening Funds****(\$17,321,507)**

Opening Funds for August 2020 is \$17,321,507 below budget. The variation in the Closing Funds for the period ended 30 June 2020 is prior to finalisation of the end of year position that is currently in progress. The final balance will be available after the Financial Statements for 2019-20 have been audited.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 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 31 August 2020 is appended as Attachment 1 to this Report.

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

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.



## Strategic Community Plan

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	Not applicable.

## Risk management considerations

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

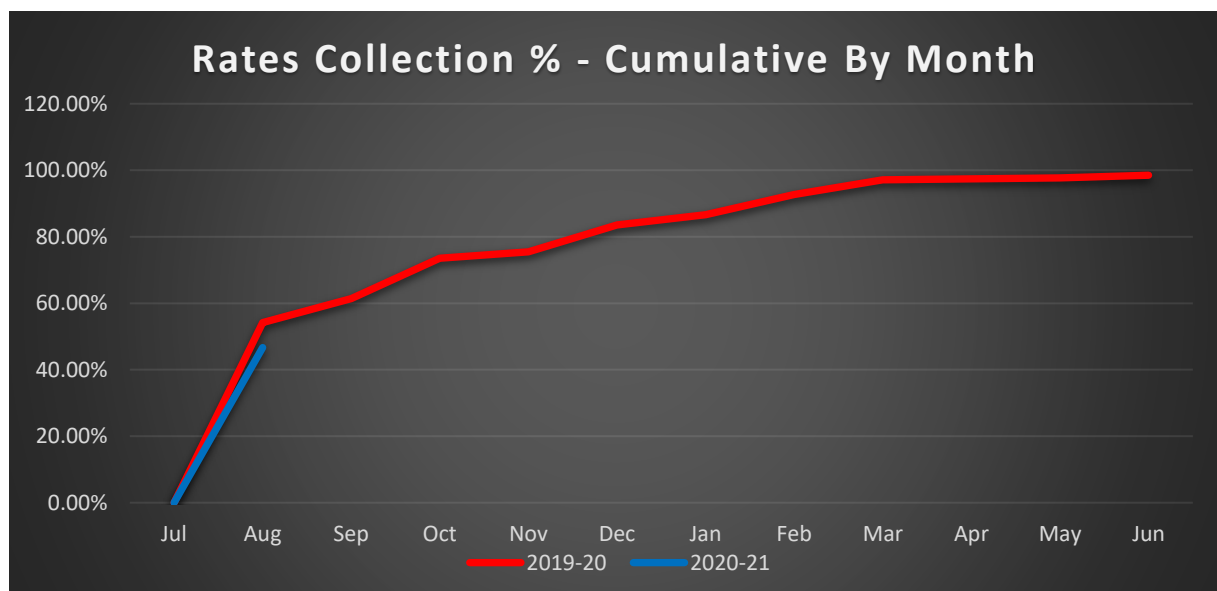
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

## 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*.

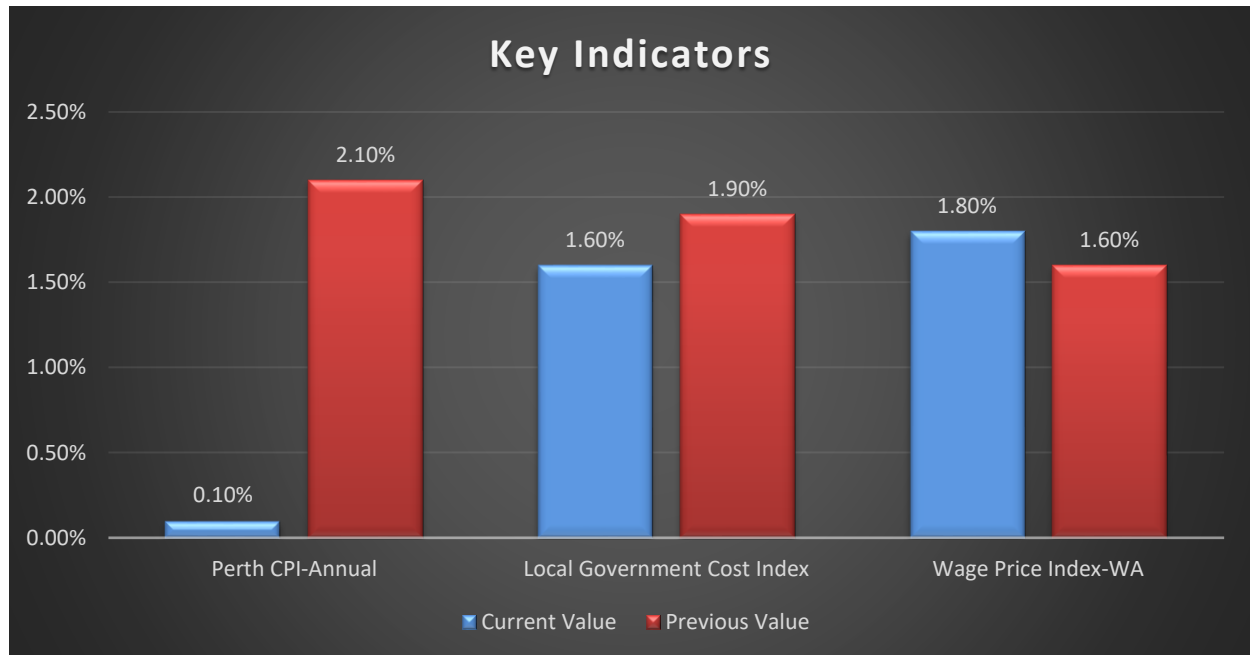
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) is lower than prior year at the end of August.

### **Economic Indicators**



During August the Perth CPI for the second quarter of 2020 was released. This saw a significant fall that has been reflected across all other capital cities. It is expected that inflation will rebound in quarter three but remain subdued going forward.

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 uncertainty about key indicators as this latest data may not have the full impact of the pandemic restrictions and measures incorporated, particularly due to the effect of measures taken by the Commonwealth government to minimise unemployment impacts.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2020-21 adopted 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 31 August 2020 forming Attachment 1 to this Report.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf201013.pdf](#)

## **ITEM 11                    TENDER 018/20 SUPPLY AND APPLICATION OF TURF ENHANCEMENT PRODUCTS AND / OR TOP DRESSING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	108741, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by The Trustee for Parker Trust trading as Lawn Doctor for the supply and application of turf enhancement products and / or top dressing.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 25 July 2020 through state-wide public notice for the supply and application of turf enhancement products and/or top dressing. Tenders closed on 13 August 2020. A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Green Options Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.
- The Trustee for Parker Trust trading as Lawn Doctor.
- The Trustee for Turfmaster Unit trust trading as Turf Master Facility Management.
- Turf Care WA Pty Ltd.

The submission from The Trustee for Parker Trust trading as Lawn Doctor represents best value to the City. It has a sound understanding and appreciation of the City's requirements and has extensive experience providing similar services to the Department of Education, Curtin University and local government authorities Cities of Bayswater, Melville, Fremantle, Gosnells and Canning. It is well established with proven capacity to provide the goods and services to the City. It was the previous provider for the supply and application of turf enhancement products to the City between 2001 and 2017.

*It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for Parker Trust trading as Lawn Doctor for the supply and application of turf enhancement products and / or top dressing as specified in Tender 018/20 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement to engage an appropriately qualified and experienced contractor to supply specific turf enhancement products and top dressing to various parks and landscaped areas within the City as and when required. The scope also includes the application of products and top-dressing as listed in Attachment 1 to this Report, provision of signage, and the reporting of fungicide treatments.

The City has a single contract in place with Turf Master Facility Management which expires on 2 October 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 application of turf enhancement products and / or top dressing was advertised through state-wide public notice on 25 July 2020. The tender period was for two weeks and tenders closed on 13 August 2020.

### **Tender Submissions**

A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Green Options Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.
- The Trustee for Parker Trust trading as Lawn Doctor.
- The Trustee for Turfmaster Unit trust trading as Turf Master Facility Management.
- Turf Care WA Pty Ltd.

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

A summary of the tender submissions including the location of each 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 submissions in accordance with the City's evaluation process in a fair and equitable manner.

### **Evaluation Method and Weighting**

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

The 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 pass score was set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in providing similar services	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

### Compliance Assessment

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

### Qualitative Assessment

Green Options Pty Ltd scored 41.5% and was ranked sixth in the qualitative assessment. It provided an extensive list of high profile contracts it has been awarded across Australia to demonstrate its experience however the detail provided was too brief to enable comparison against the City's scope of works. It provided an organisation chart to demonstrate its capacity showing managerial positions but did not nominate staff or provide sufficient information for the turf renovation team to highlight operational skills that will be brought to the City's contract. An extensive list of plant and equipment was submitted, however the age of the machinery and its location in Australia were not evident. The company provided a generic response for its methodology giving no explanation for how it would program the works, assign personnel or provide any indication for the length of each task.

Turf Master Facility Management scored 62.4% and was ranked fifth in the qualitative assessment. It stated that it has been a supplier to a range of local government authorities, including the City to demonstrate its experience, but included very little detail to ascertain the exact nature of the scope of works provided to those clients. It is the City's incumbent supplier for these services. It provided a brief statement for key supervisory staff to illustrate their experience and limited information to demonstrate the capabilities of equipment operators. The ability to provide additional plant and equipment was not specifically addressed. It demonstrated a good understanding of the City's requirements by detailing its methodology and approach to scheduling the works, with timeframes for activities noted based upon allocated personnel and machinery.

Environmental Industries Pty Ltd scored 65.6% and was ranked fourth in the qualitative assessment. It demonstrated good experience in carrying out landscape maintenance for large scale projects citing eight recent contracts it had undertaken with similar scopes of works for the Cities of Wanneroo, Kalamunda, Fremantle, Stirling and Vincent, DM Roads, CPB Contracting and Salini Impreglio. Whilst it did not include an organisation structure, it did provide profile information for key supervisory personnel and operational staff to demonstrate their capabilities. The ability to provide additional resources was addressed. It provided an explanation of its approach to demonstrate its understanding of the City's requirements, but provided little detail for fertilising and top dressing, and omitted the length of time it will take to conduct each task.

LD Total scored 66.3% and was ranked third in the qualitative assessment. It submitted its organisation structure and details for key personnel who have appropriate skills, qualifications, length of service and experience to undertake the works. A specialised list of plant and equipment was submitted however it was uncertain whether the machinery has flotation tyres. It addressed the ability to mobilise extra staff at short notice and provided out of hours details. It demonstrated good experience in providing similar services and cited five contracts it currently undertakes for the Cities of Rockingham, Wanneroo, Kwinana, Mandurah and Satterley Property Group. It demonstrated reasonable understanding of the required tasks and provided an overview of its methodology for the contract. Items such as business hours were contrary to the requirements of the tender and the hours to undertake each task was not evident based upon the machinery allocated for each activity.

Turf Care WA Pty Ltd scored 73% and was ranked second in the qualitative assessment. It demonstrated substantial experience in providing similar services listing 24 recent contracts it has completed. Examples noted which were comparable to the City's contract were for UWA, and the Cities of Perth, Stirling and Wanneroo. It submitted a comprehensive methodology for how it will manage the City's contract. Full details of the plant and equipment to be utilised on the contract were submitted and information for the turf supervisory team was sighted highlighting their qualifications and experience to demonstrate capability. It was not, however, certain who would be undertaking the operator's role and what skills they will bring to the City's contract. The ability to provide additional resources was addressed.

Lawn Doctor scored 81.2% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the requirements by providing details of how it will schedule the works and the outcomes it will achieve each day. The company demonstrated extensive experience in providing similar services stating that it has serviced 76 local government authorities, with contracts currently in place with the Cities of Bayswater, Melville, Fremantle, Gosnells and Canning. It submitted an organisational structure and comprehensive information for all proposed staff including their qualifications and experience to demonstrate their capabilities. The allocation of additional resources was addressed with suitable plant and equipment assigned to the City's contract. Lawn Doctor was the previous service provider for the supply and application of turf enhancement products for the City of Joondalup between 2001-2017.

Given the minimum acceptable qualitative score of 50%, Environmental Industries Pty Ltd, LD Total, Lawn Doctor, Turf Master Facility Management and Turf Care WA Pty Ltd qualified for stage two of the assessment.

### **Price Assessment**

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

The estimated expenditure over a three year period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rate offered by each tenderer has been applied to actual historical usage data of 19 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 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 1.5% CPI increase was applied to the rates in years two and three.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
The Trustee for Parker Trust trading as Lawn Doctor	\$223,345	\$226,696	\$230,096	\$680,137
The Trustee for Turfmaster Unit trust trading as Turf Master Facility Management	\$240,260	\$243,863	\$247,522	\$731,645
Environmental Industries Pty Ltd	\$316,084	\$320,825	\$325,638	\$962,547
Turf Care WA Pty Ltd	\$327,898	\$332,816	\$337,808	\$998,522
Sanpoint Pty Ltd trading as LD Total	\$482,976	\$490,221	\$497,574	\$1,470,771

During 2019-20, the City incurred \$243,585 for the supply and application of turf enhancement products and top dressing which included \$13,180 for iron and manganese liquid to be used in recreational areas, and a separate requirement for signage, which was not included in the current tender.

### Evaluation Summary

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

<b>Tenderer</b>	<b>Weighted Percentage Score</b>	<b>Qualitative Ranking</b>	<b>Estimated Total Comparative Price</b>	<b>Price Ranking</b>
The Trustee for Parker Trust trading as Lawn Doctor	81.2%	1	\$680,137	1
The Trustee for Turfmaster Unit trust trading as Turf Master Facility Management	62.4%	5	\$731,645	2
Environmental Industries Pty Ltd	65.6%	4	\$962,547	3
Turf Care WA Pty Ltd	73%	2	\$998,522	4
Sanpoint Pty Ltd trading as LD Total	66.3%	3	\$1,470,771	5

Based on the evaluation result the panel concluded that the tender from The Trustee for Parker Trust trading as Lawn Doctor provides value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement for the supply and application of turf enhancement products and top dressing to various sporting ovals and landscaped areas within the City. The City does not have the internal resources to provide the required goods and services and requires the appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / Policy implications

#### Legislation

A state-wide 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 \$250,000.

#### Strategic Community Plan

#### Key theme

Quality Urban Environment.

<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	To have a green space which is attractive and well utilised which enriches the lives of the community.
<b>Policy</b>	Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be moderate as the City will not be able to maintain its sporting grounds and provide quality playing surface for sporting groups.

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

### **Financial / budget implications**

#### Current financial year impact

<b>Account no.</b>	633 Various Parks and Streetscape.
<b>Budget Item</b>	Supply and application of turf enhancement products and top dressing.
<b>Budget amount</b>	\$ 360,000
<b>Amount spent to date</b>	\$ 1,314
<b>Proposed cost</b>	\$ 115,181 (existing contract)
	\$ 148,897 (new contract)
<b>Balance</b>	\$ 94,608

All amounts quoted in this report are exclusive of GST.

The balance above is based upon an estimate of expenditure calculated on historical usage of the most commonly used items and an assumption that the historical pattern of usage is maintained. There is no guarantee that this will eventuate, and actual costs will be incurred on actual usage in future. The balance does not, therefore, represent a saving against budget at this time.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The supply and application of turf enhancement products and top dressing maintains the health of turf, reduces the need for water and enhances the amenity of public open space.

### **Consultation**

Not applicable.

### **COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by The Trustee for Parker Trust trading as Lawn Doctor represents best value to the City.



## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by The Trustee for Parker Trust trading as Lawn Doctor for the supply and application of turf enhancement products and top dressing as specified in Tender 018/20 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf201013.pdf](#)*

## **ITEM 12                    TENDER    020/20    PROVISION   OF   TRAFFIC MANAGEMENT AND CONTROL SERVICES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	108752, 101515
<b>ATTACHMENT/S</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by Advanced Traffic Management (WA) Pty Ltd for the provision of traffic management and control services.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 25 July 2020 through state-wide public notice for the provision of traffic management and control services. Tenders closed on 11 August 2020. A submission was received from each of the following:

- Advanced Traffic Management (WA) Pty Ltd.
- Contra-Flow Pty Ltd.
- The Trustee for TMSW Unit Trust.
- QTM Pty Ltd (Quality Traffic Management).
- Vigilant Traffic Management Group Pty Ltd.
- Carrington's (WA) Pty Ltd trading as Carrington's Traffic Services.
- WARP Pty Ltd.
- Welstand Services Pty Ltd (LGC Traffic Management).
- PAR Traffic Solutions Pty Ltd.
- Altus Traffic Pty Ltd.
- The Trustee for Site Traffic Management Services Trust (Site Traffic Management Services).
- Overwatch Traffic Services Pty Ltd.

The submission from Advanced Traffic Management (WA) Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience providing similar services to various local governments in WA including the Cities of Wanneroo, Rockingham and Nedlands. Advanced Traffic Management (WA) Pty Ltd is well established with significant industry experience and capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Advanced Traffic Management (WA) Pty Ltd for the provision of traffic management and control services as specified in Tender 020/20 for a period of two years with an option for a further two plus 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 temporary traffic management and control services to provide for the safe movement of traffic and the protection of persons and property through and around the work and event sites within the City.

The extent of work includes traffic management planning, design, installation, maintenance and removal of temporary traffic control devices, controllers, signposting, lights, barriers and any other items required for both routine activities and works.

The City has a single contract in place with Quality Traffic Management Pty Ltd which expires 6 November 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 provision of traffic management and control services was advertised through statewide public notice on 25 July 2020. The tender period was for two weeks and tenders closed on 11 August 2020.

### **Tender Submissions**

A submission was received from each of the following:

- Advanced Traffic Management (WA) Pty Ltd.
- Contra-Flow Pty Ltd.
- The Trustee for TMSW Unit Trust.
- QTM Pty Ltd (Quality Traffic Management).
- Vigilant Traffic Management Group Pty Ltd.
- Carrington's (WA) Pty Ltd trading as Carrington's Traffic Services.
- WARP Pty Ltd.
- Welstand Services Pty Ltd (LGC Traffic Management).
- PAR Traffic Solutions Pty Ltd.
- Altus Traffic Pty Ltd.
- The Trustee for Site Traffic Management Services Trust (Site Traffic Management Services).
- Overwatch Traffic Services Pty Ltd.

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

A summary of the tender submissions including the location of each 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 operational expertise and involvement in supervising the contract.

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

## Evaluation Method and Weighting

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

The 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. Due to the simple nature of the proposed works, the predetermined minimum acceptable qualitative score for this tender was therefore set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

## Compliance Assessment

The following offers received were assessed as fully compliant:

- Advanced Traffic Management (WA) Pty Ltd.
- Contra-Flow Pty Ltd.
- The Trustee for TMSW Unit Trust.
- QTM Pty Ltd (Quality Traffic Management).
- Vigilant Traffic Management Group Pty Ltd.
- Carrington's Traffic Services.
- PAR Traffic Solutions Pty Ltd.
- Site Traffic Management Services.

The following offers received were assessed as partially compliant:

- WARP Pty Ltd.
- LGC Traffic Management.
- Altus Traffic Pty Ltd.
- Overwatch Traffic Services Pty Ltd.

WARP Pty Ltd did not indicate whether it warrants unconditional compliance with the specification or acknowledges the City's right to further research and examine the financial viability of the tenderer.

LGC Traffic Management did not indicate its agreement to comply with the conditions included in the tender or warrants unconditional compliance with the specification.

Altus Traffic Pty Ltd and Overwatch Traffic Services Pty Ltd though indicated yes to critical assumptions, did not provide details or specify critical assumptions made.

These Submissions were included for further assessment on the basis that clarifications could be sought from WARP Pty Ltd, LGC Traffic Management, Altus Traffic Pty Ltd and Overwatch Traffic Services Pty Ltd, if shortlisted for consideration.

### **Qualitative Assessment**

Overwatch Traffic Services Pty Ltd scored 31.1% and was ranked twelfth in the qualitative assessment. The company did not fully demonstrate the capacity required to carry out the services. It did not specifically address the ability to provide additional personnel and resources, though it stated the company has a 24 hour emergency response team that is contactable through its field supervisor afterhours. It did not demonstrate experience providing similar services to the City's requirements. Examples of works did not include term contracts for local governments. Also, period and dates or when these works were carried out for its clients were not stated. It did not demonstrate sufficient understanding of the required tasks. It submitted a very brief response with limited information on the proposed methodology in carrying out the services for the City.

Site Traffic Management Services scored 42.3% and was ranked eleventh in the qualitative assessment. It demonstrated some understanding of the required tasks. It has experience providing traffic management services to various organisations in WA, however, examples of works included mainly project works for private organisations with no term contracts or services that involved local governments. It did not provide sufficient information demonstrating the capacity required to undertake the works. Specialised equipment that will be used to provide the services was not fully addressed.

Altus Traffic Pty Ltd scored 44.6% and was ranked tenth in the qualitative assessment. The company demonstrated experience providing traffic management services and control services to various organisations. Examples, however, did not include sufficient information on scope of works, outcomes or similarity to the City's requirement or works carried out for local governments. It has the capacity required to carry out the works. It did not fully demonstrate its understanding of the required tasks. Its proposed approach was general with limited information on how the services will be carried out for the City.

PAR Traffic Solutions Pty Ltd scored 44.8% and was ranked ninth in the qualitative assessment. The company submitted a brief response demonstrating experience providing traffic management services to local governments including the Shires of Jarrahdale / Serpentine and York, Town of Victoria Park and the Cities of Joondalup, Armadale, Wanneroo, Melville and Swan. These and other examples provided were mainly individual project works with no term contracts and limited information on scope, outcomes or similarity to the City's requirement. It has sufficient capacity to provide the services though the number of full-time employees was not stated. Its Submission included a basic methodology statement demonstrating its understanding of the required tasks. It did not outline the process of engagement or tasks to be carried out.

LGC Traffic Management scored 49.3% and was ranked eighth in the qualitative assessment. The company demonstrated its understanding of the required tasks. It did not fully demonstrate experience or the capacity required to undertake the works. Examples of works were provided however, most of these were project works on a smaller scale to the City's requirements. Also, limited details on the scope of works undertaken and while periods were provided, dates of contracts for almost all projects were not supplied. The panel noted no in-house engineers or roadworks traffic manager accredited personnel were cited and also some equipment that will be required to carry out the services was not listed, such as lighting towers.

WARP Pty Ltd scored 51.4% and was ranked seventh in the qualitative assessment. The company demonstrated experience providing traffic management services to various organisations in WA, however, examples included mainly individual projects undertaken for the Cities of Belmont, Rockingham, Perth and Gosnells. It submitted a general response demonstrating its understanding of the required tasks. The proposed methodology was very basic with general information on how it would carry out the required tasks. It did not fully demonstrate the capacity required to provide the services. The number of fulltime employees in its WA office was not stated. Also, its structure of business and details of key personnel including their qualifications and industry experience were not provided.

Carrington's Traffic Services scored 55.3% and was ranked sixth in the qualitative assessment. The company has sufficient capacity to carry out the works. It demonstrated experience providing traffic management services to private and public sector including the Cities of Subiaco, South Perth and Melville. However, the panel noted the company only carried out 22 jobs for the City of Subiaco since 2017 and its experience with local governments providing for extensive programs is limited. It submitted a brief response demonstrating its understanding of the required tasks. The methodology statement provided was generic with little focus on how the company would carry out the required tasks.

Vigilant Traffic Management Group Pty Ltd scored 55.8% and was ranked fifth in the qualitative assessment. The company demonstrated its understanding of the required tasks. It has sufficient capacity and experience to provide the services. It indicated the company currently works with the City of Vincent and has previous contracts with the Cities of Stirling, Wanneroo and Bayswater. However, period and dates of contracts or when these works were carried out for its clients were not supplied.

QTM Pty Ltd scored 72.4% and was ranked fourth in the qualitative assessment. The company has extensive experience providing similar services to local governments including the Town of Bassendean, the Shire of Augusta, the Cities of Cockburn and Kwinana. It is the City's incumbent supplier. It demonstrated a thorough understanding of the required tasks. It has sufficient capacity to undertake the works and though limited information was submitted on specialised equipment that will be used to carry out the services, a list of vehicles was supplied under the insurance schedule.

The Trustee for TMSW Unit Trust scored 73% and was ranked third in the qualitative assessment. It demonstrated a sound understanding of the required tasks. It has extensive experience providing traffic management services to private and public sectors including DM Roads and the Cities of Gosnells and Armadale. These were services provided mainly under panel contracts arrangements. Though it has the capacity required to carry out the works, indicating all its depots operates 24/7 and relocation of staff can occur afterhours, its remoteness in relation to the City posed a concern as the depots are located in Maddington, Bunbury and Albany.

Contra-Flow Pty Ltd scored 76.3% and was ranked second in the qualitative assessment. The company demonstrated the capacity and experience required to provide the services. It has been providing similar services to WA local governments including the Cities of Bayswater, Swan, Town of Claremont, Stirling, Melville and Canning. It demonstrated a sound understanding of the required tasks.

Advanced Traffic Management (WA) Pty Ltd scored 85.5% and was ranked first in the qualitative assessment. The company has extensive experience providing similar services to various local governments in WA including the Cities of Wanneroo, Rockingham and Nedlands. It demonstrated a thorough understanding and appreciation of the City's requirements. Advanced Traffic Management (WA) Pty Ltd is well established with significant industry experience and capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 50%, Advanced Traffic Management (WA) Pty Ltd, Contra-Flow Pty Ltd, The Trustee for TMSW Unit Trust, QTM Pty Ltd, Vigilant Traffic Management Group Pty Ltd, Carrington's Traffic Services and WARP Pty Ltd qualified for stage two of the assessment.

### Price Assessment

The panel carried out a comparison of the submitted rates offered by those that passed the stage one evaluation to assess value for money to the City.

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

The rates are fixed for the first year of the contract but are subject to a price variation in year two and also three, four and five (if the optional extension of two plus one year terms were exercised) of the contract to a maximum of the Consumer Price Index (CPI) for the preceding year. For estimation purposes, a 1.5% CPI increase was applied to the rates in year two, three, four and five.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Total</b>
Advanced Traffic Management (WA) Pty Ltd	\$770,225	\$781,778	\$1,552,003
The Trustee for TMSW Unit Trust	\$818,404	\$830,680	\$1,649,084
Carrington's Traffic Services	\$820,308	\$832,613	\$1,652,921
QTM Pty Ltd	\$823,353	\$835,704	\$1,659,057
WARP Pty Ltd	\$829,262	\$841,701	\$1,670,963
Contra-Flow Pty Ltd	\$838,766	\$851,347	\$1,690,113
Vigilant Traffic Management Group Pty Ltd	\$904,239	\$917,803	\$1,822,042

During 2019-20, the City incurred \$854,192 for traffic management and control services. The City is expected to incur in the order of \$1,552,003 over the two-year contract period and \$3,968,402 over five years should the City exercise the extension option.

## Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Advanced Traffic Management (WA) Pty Ltd	85.5%	1	\$1,552,003	1
The Trustee for TMSW Unit Trust	73%	3	\$1,649,084	2
Carrington's Traffic Services	55.3%	6	\$1,652,921	3
QTM Pty Ltd	72.4%	4	\$1,659,057	4
WARP Pty Ltd	51.4%	7	\$1,670,963	5
Contra-Flow Pty Ltd	76.3%	2	\$1,690,113	6
Vigilant Traffic Management Group Pty Ltd	55.8%	5	\$1,822,042	7

Based on the evaluation result the panel concluded that the tender from Advanced Traffic Management (WA) Pty Ltd provides best value to the City and is therefore recommended.

## Issues and options considered

The City has a requirement for the provision of temporary traffic management and control services to provide for the safe movement of traffic and the protection of persons and property through and around the work and event sites within the City. 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 \$250,000.

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Integrated spaces.

**Strategic initiative** Improve the interface between the urban and natural environments.

**Policy** Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as traffic management services are a legislative requirement and safety to the public is paramount.

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



**Financial / budget implications**

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Traffic management and control services.
<b>Budget amount (estimated)</b>	\$ 900,000
<b>Amount spent to date</b>	\$ 145,958
<b>Proposed cost</b>	\$ 473,985
<b>Balance</b>	\$ 280,057

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 Advanced Traffic Management (WA) Pty Ltd represents value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Advanced Traffic Management (WA) Pty Ltd for the provision of traffic management and control services as specified in Tender 020/20 for a period of two years with an option for a further two plus 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 12 refers*

To access this attachment on electronic document, click here: [Attach12brf201013.pdf](#)

## **ITEM 13                    TENDER 021/20 PROVISION OF PAVEMENT PROFILING SERVICES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	108793, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by Dowsing Group Pty Ltd for the provision of pavement profiling services.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 12 August 2020 through state-wide public notice for the provision of pavement profiling services. Tenders closed on 27 August 2020. A submission was received from each of the following:

- Dowsing Group Pty Ltd.
- West Coast Profilers Pty Ltd.

The submission from Dowsing Group Pty Ltd represents best value to the City. It has a sound understanding and appreciation of the City's requirements and has experience providing similar services to the City of Stirling, Georgiou Group Pty Ltd and Asphaltech Pty Ltd. It is well established with proven capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Dowsing Group Pty Ltd for the provision of pavement profiling services as specified in Tender 021/20 for a period of three years, with an option for a further two years, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

### **BACKGROUND**

The City has a requirement to engage an appropriately qualified and experienced contractor to provide pavement profiling services within the City as and when required. The scope also includes sweeping, removal and disposal of materials.

The City has a single contract in place with West Coast Profilers Pty Ltd which expires on 9 November 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 provision of pavement profiling services was advertised through state-wide public notice on 12 August 2020. The tender period was for two weeks and tenders closed on 27 August 2020.

### Tender Submissions

A submission was received from each of the following:

- Dowsing Group Pty Ltd.
- West Coast Profilers Pty Ltd.

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

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

### Evaluation Panel

The evaluation panel comprised three members:

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

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

### Evaluation Method and Weighting

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

The 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 pass score was set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

## Compliance Assessment

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

## Qualitative Assessment

Dowsing Group Pty Ltd scored 78.9% and was ranked second in the qualitative assessment. It provided an extensive list of high profile contracts it has been awarded and submitted specific detail for three recent projects it has completed for Georgiou Group Pty Ltd, Asphaltech Pty Ltd and City of Stirling which were comparable to the City's scope of works. It demonstrated capacity by providing an organisation chart and included details highlighting qualifications, skills and experience for key personnel. The company intends to utilise the services of two sub-contractors and addressed its ability to supply additional resources. It operates its own fleet which the Evaluation Panel considered sufficient to fulfil the contract. It demonstrated an in-depth understanding of the required tasks and has achieved accreditation in *AS 4801:2001*, *ISO 14001:2015* and *ISO 9001:2015 for Occupational Health and Safety, Environment and Quality Management* systems respectively.

West Coast Profilers Pty Ltd scored 81.4% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the required tasks and provided details for how it will schedule the works. The company demonstrated extensive experience in providing similar services stating that it has serviced 17 local government authorities, with recent contracts noted for the Cities of Stirling, Kwinana and Swan, plus projects for Downer Group Profiling. It demonstrated its capacity by submitting an organisational structure and qualifications / experience for key personnel, however details for operators and their associated licences / certifications to operate machinery were omitted. The allocation of additional resources was addressed with suitable plant and equipment allocated to the City's contract. West Coast Profilers Pty Ltd has been the incumbent supplier to the City since 2014.

Given the minimum acceptable qualitative score of 50%, both Dowsing Group Pty Ltd and West Coast Profilers Pty Ltd qualified for stage two of the assessment.

## Price Assessment

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

The estimated expenditure over a three-year period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rate offered by each tenderer has been applied to actual historical usage data of 13 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 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 1.5% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Dowsing Group Pty Ltd	\$265,298	\$269,278	\$273,317	\$807,893
West Coast Profilers Pty Ltd	\$291,306	\$295,675	\$300,111	\$887,092

During the year 2019-20 the City incurred \$320,655 for the provision of pavement profiling services which included \$26,930 attributed to an 18% surcharge paid for project work conducted out of normal business hours. To enable a direct comparison of the previous expenditure against the estimated costs for year one of the new contract, this item has been deducted, with the revised expenditure being \$293,725.

It is anticipated that over the next three years the City will incur expenditure of \$807,893 during the contract period, and up to \$1,366,888 over a five-year contract period, if the two-year extension option is exercised.

### Evaluation Summary

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

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Ranking
Dowsing Group Pty Ltd	78.9%	2	\$807,893	1
West Coast Profilers Pty Ltd	81.4%	1	\$887,092	2

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

### Issues and options considered

The City has a requirement for pavement profiling services within the City on an as required basis for road preparation for capital road resurfacing works and general maintenance. 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 state-wide 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 \$250,000.

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Integrated spaces.

**Strategic initiative** Provide for diverse transport options that promote enhanced connectivity.

**Policy** Not applicable.

## Risk management considerations

Should the contract not proceed, the risk to the City will be high as this is an essential service that is required to ensure timely road preparation for capital road resurfacing works and general maintenance.

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

## Financial / budget implications

### Current financial year impact

<b>Account no.</b>	Various Capital Resurfacing and Operations Codes.
<b>Budget Item</b>	Pavement profiling services.
<b>Budget amount</b>	\$ 333,000
<b>Amount spent to date</b>	\$ 16,919
<b>Proposed cost</b>	\$ 139,968 (existing contract)
	\$ 176,865 (new contract)
<b>Balance</b>	\$ (752.00)

All amounts quoted in this report are exclusive of GST.

The balance above is based upon an estimate of expenditure calculated on historical usage of the most commonly used items and an assumption that the historical pattern of usage is maintained. There is no guarantee that this will eventuate, and actual costs will be incurred on actual usage in future.

## Regional significance

Not applicable.

## Sustainability implications

A requirement of this contract is for all removed profiled material to be recycled. This material can be reused as road base and reduces the amount of waste materials going to landfill.

## Consultation

Not applicable.

## COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Dowsing Group Pty Ltd represents best value to the City.

## VOTING REQUIREMENTS

Simple Majority.

## **RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by Dowsing Group Pty Ltd for the provision of pavement profiling services as specified in Tender 021/20 for a period of three years, with an option for a further two years, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf201013.pdf](#)*

## **ITEM 14                    TENDER 025/20 CLEANING OF STORMWATER DRAINAGE PIPES AND STRUCTURES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	108889, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by Drainflow Services Pty Ltd for the cleaning of stormwater drainage pipes and structures.

### **EXECUTIVE SUMMARY**

Tenders were advertised on Wednesday 12 August 2020 through statewide public notice for the cleaning of stormwater drainage pipes and structures. Tenders closed on 1 September 2020. A submission was received from each of the following:

- Drainflow Services Pty Ltd.
- Suez Recycling and Recovery Pty Ltd (conforming offer).
- Suez Recycling and Recovery Pty Ltd (alternative offer).

The submission from Drainflow Services Pty Ltd represents best value to the City. The company demonstrated extensive experience providing similar services to fifteen local governments in WA including the Cities of Armadale, Canning and Mandurah and the Shire of Kalamunda. It also has provided similar services to the City prior to the current Contractor. It demonstrated a very good understanding of the project requirements and has the capacity in terms of personnel and equipment to undertake the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Drainflow Services Pty Ltd for the cleaning of stormwater drainage pipes and structures as specified in Tender 025/20 for a period of two years, with an option for a further two plus 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 cleaning of stormwater drainage pipes and structures including stormwater pollutant traps and pits of sand, silt and other deleterious materials. The general cleaning requirements applicable to all structures are inclusive of the following:



- Lifting the cover of drainage structure.
- High pressure jetting to free solids if required.
- Vacuum clearing of liquids and debris to the satisfaction of the City.
- Disposal of waste at a registered waste disposal site.
- Documented reports for cleaning of the structure as detailed in clause 2.6.
- To ensure site safety when works are in progress, structures are to be either barricaded or temporary covers are to be used.
- All covers shall be replaced immediately on completion of the cleaning works to ensure security.

The City currently has a single contract for the service with Cleanflow Environmental Solutions, which will expire on 23 November 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 cleaning of stormwater drainage pipes and structures was advertised through statewide public notice on 12 August 2020. The tender period was for three weeks and tenders closed on 1 September 2020.

### **Tender Submissions**

A submission was received from each of the following:

- Drainflow Services Pty Ltd.
- Suez Recycling and Recovery Pty Ltd (conforming offer).
- Suez Recycling and Recovery Pty Ltd (alternative offer).

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

A summary of the tender submissions including the location of each 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 submissions in accordance with the City's evaluation process in a fair and equitable manner.

### **Evaluation Method and Weighting**

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

The 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 pass score was set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

### Compliance Assessment

The offer received from Drainflow Services Pty Ltd was assessed as fully compliant.

The following offers received were assessed as partially compliant:

- Suez Recycling and Recovery Pty Ltd (conforming offer).
- Suez Recycling and Recovery Pty Ltd (alternative offer).

Suez Recycling and Recovery Pty Ltd.'s (conforming offer) primary vehicle servicing the contract does not meet the City's minimum vacuuming capacity.

Suez Recycling and Recovery Pty Ltd.'s (alternative offer) primary vehicle servicing the contract does not meet the City's minimum vacuuming capacity. It also proposed numerous amendments to the conditions of contract, including, price basis, insurance requirements, limitation of liability and variations.

The submissions were included for further assessment on the basis that clarification could be sought from Suez Recycling and Recovery Pty Ltd on both submissions should either offer represent best value to the City.

### Qualitative Assessment

Suez Recycling and Recovery Pty Ltd (conforming and alternative offers) scored 52.8% and was ranked equal second in the qualitative assessment. The company demonstrated some understanding of the required tasks. The company is the current supplier of shutdown services for Degremont (Saltwater Desalination Plant) and the ongoing service provider for major shutdowns and IS maintenance works for Tronox. It also provides labour and equipment (Contract Industrial Services) to KCGM on an ad-hoc basis. Period and dates or duration of these works were not supplied. It did not demonstrate experience undertaking similar services for local government clients. It stated its services team comprises of 12 personnel for day to day works and provided a project organisation chart but nominated only two front-line employees to be engaged for the contract. It did not fully demonstrate that it has the capacity to provide the services.

Drainflow Services Pty Ltd scored 76.4% and was ranked first in the qualitative assessment. The company has extensive experience providing similar services including educting, pressure water jetting and pipe CCTV inspection to the Cities of Armadale, Canning and Mandurah and the Shire of Kalamunda. It previously was the City's contractor for cleaning of stormwater drainage pipes and structures. It demonstrated a very good understanding and appreciation of the City's requirements. It described basic methods on how it will approach cleaning of pipes, clearing gullies, manholes and soakwells, suburb cleans and disposal of materials.

It stated the company will not be using subcontractors and that all works be completed by its own team of operators. It is well established with significant industry experience and sufficient capacity to complete the works.

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

### Price Assessment

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

The estimated expenditure over a 12-month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of 31 most commonly used scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained.

The rates are fixed for the first year of the contract but are subject to a price variation in year two of the contract to a maximum of the percentage change in the Perth CPI (All Groups) for the preceding year. For estimation purposes, a 1.5% CPI increase was applied to the rates in year two.

Tenderer	Year 1	Year 2	Total
Drainflow Services Pty Ltd	\$152,650	\$154,940	\$307,590
Suez Recycling & Recovery Pty Ltd (Alternative Offer)	\$323,765	\$328,622	\$652,387
Suez Recycling & Recovery Pty Ltd (Conforming Offer)	\$647,531	\$657,244	\$1,304,775

During the last financial year 2019-2020, the City incurred \$180,849 for the cleaning of stormwater drainage pipes and structures and is expected to incur in the order of \$307,590 over the two year contract period and up to \$786,493 over a five-year Contract period, should the City exercise the extension options.

### Evaluation Summary

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

Tenderer	Evaluation Score	Qualitative Rank	Estimated Total Comparative Price	Price Rank
Drainflow Services Pty Ltd	76.4%	1	\$307,590	1
Suez Recycling & Recovery Pty Ltd (Alternative Offer)	52.8%	2	\$652,387	2
Suez Recycling & Recovery Pty Ltd (Conforming Offer)	52.8%	2	\$1,304,775	3

Based on the evaluation result the panel concluded that the tender from Drainflow Services Pty Ltd provides best value to the City and is therefore recommended.

## Issues and options considered

The City has a requirement for the cleaning of stormwater drainage pipes and structures including stormwater pollutant traps and pits of sand, silt and other deleterious materials. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

## Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$250,000.

## Strategic Community Plan

**Key theme** The Natural Environment.

**Objective** Environmental resilience.

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

**Policy** *Stormwater Management Policy.*

## Risk management considerations

Should the contract not proceed, the risk to the City will be high as this is an essential service that is required to ensure the cleaning maintenance schedule of stormwater drainage system is maintained and to minimise the risk of localised flooding.

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

## Financial / budget implications

<b>Account no.</b>	Various Maintenance accounts.
<b>Budget Item</b>	Cleaning of stormwater drainage pipes and structures.
<b>Budget amount</b>	\$ 250,000
<b>Amount spent to date (current Contract)</b>	\$ 60,428
<b>Proposed cost (current Contract to 30-Nov-20)</b>	\$ 30,142
<b>Proposed cost (new Contract)</b>	\$ 89,046
<b>Balance</b>	\$ 70,384

The balance does not represent a saving at this time, as the final cost of the project may include variations arising due to the work sites, the extent of which is not currently known.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**Environmental

The services are an integral component in maintaining the City's storm water drainage systems and reducing the risk of flooding.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Drainflow Services Pty Ltd.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Drainflow Services Pty Ltd for the cleaning of stormwater drainage pipes and structures as specified in Tender 025/20 for a period of two years, with an option for a further two plus 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 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf201013.pdf](#)*

## **ITEM 15                    DOG CONTROL MEASURES – HILLARYS BEACH PARK**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	04132, 02656, 101515
<b>ATTACHMENT</b>	Attachment 1    Map of Hillarys Beach Park
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider prohibiting dogs within Hillarys Beach Park, Hillarys.

### **EXECUTIVE SUMMARY**

At its meeting held on 16 September 2014 (CJ169-09/14 refers) Council resolved to specify areas as places where dogs are prohibited at all times pursuant to section 31(2B) (a) of the *Dog Act 1976*. Central Node Foreshore Reserve, Hillarys (Reserve 39497) was included as an area where dogs were prohibited. Since then, as part of an overall review of dog control measures within the City of Joondalup an anomaly was identified. Hillarys Beach Park (R40802), to the south of the area referred to as Central Node Foreshore Reserve, (Whitfords Nodes) is a separate reserve. As the notice specifically listed reserves by reserve numbers, not listing the separate reserve number means the status is ambiguous even though the common name at that time appeared to prevent dogs being in that area. This is an oversight, all of Central Node Foreshore Reserve, including Hillarys Beach Park has been considered as an area where dogs are prohibited. The review currently underway has confirmed all other designations as being as previously believed.

The recent activation of Hillarys Beach Park, following the opening of the Health and Wellbeing Hub has increased the number of visitors to the area. To enable the City to enforce the commonly held understanding that dogs are prohibited in this area the anomaly is required to be addressed.

*It is therefore recommended that Council:*

- 1        BY AN ABSOLUTE MAJORITY determines its intention to SPECIFY Hillarys Beach Park, identified as Hillarys Beach Park R40802; Lot/Plan 12379481 as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the Dog Act 1976;*
- 2        APPROVES the advertising by local public notice of its intention to specify the area detailed in Part 1 above, in accordance with section 31(3C) of the Dog Act 1976.*

## BACKGROUND

Central Node Foreshore Reserve, more commonly known as Whitfords Nodes is made up of four reserves, Pinnaroo Point Beach Park (Lot 500 Reserve 39497), Hillarys Beach Park (Lot 500 Reserve 40802), Hillarys Coastal Reserve (Lot 15445 Reserve 47831) and Hillarys Coastal Reserve (Lot 5392 Reserve 23563) (Attachment 1 refers). It is a large coastal foreshore area stretching from Hillarys Boat Harbour in the south to the Northshore Drive parking station to the north, bounded predominantly by Whitfords Avenue to the east. It is made up by a large area of natural bushland, one small community park to the north and one large community park in the south and the animal exercise beach in the middle.

Pinnaroo Point Beach Park located to the north of Hillarys Foreshore Reserve is a small park with play equipment, shelters, toilet and changerooms and water fountain. Hillarys Beach Park to the south is a much larger park with ample car parking, large shaded playground, undercover picnic settings, barbecues, drink fountains and the Health and Wellbeing Hub comprising fitness staircase, running tracks and outdoor exercise equipment. Hillarys animal exercise beach is approximately 900 metres of beach that dogs are able to access seven days a week and horses have access to the north portion of the beach from daybreak to midday, Monday to Saturday.

In 2013 and 2014 the *Dog Act 1976* was amended removing the need for dog area specifications to be included in a local law and requiring that declarations be made by Council resolution. The designations Council made at its meeting held on 16 September 2014 (CJ169-09/14 refers) reflected what was previously in the local law and did not include Hillarys Beach Park Lot 500 (511) Whitfords Avenue, being Reserve 40802 as a dog prohibited reserve, although the area designated was referenced by its common name.

## DETAILS

Following commencement of a review into the current dog control measures in the City of Joondalup the omission of Hillarys Beach Park as its own reserve within Central Node Foreshore Reserve being designated as a dog prohibited area was identified. The City's position that dogs are prohibited in Hillarys Beach Park has been in place since at least 1999 and is the broader community understanding. This has been affirmed through the City's website and signage within the park.

Hillarys Beach Park has been transformed into the Whitfords Nodes Health and Wellbeing Hub. The City completed two stages of construction to include a large shaded public playground for the enjoyment of children aged between two and 12 years old, undercover picnic settings, benches and barbecues, new tree planting, an improved irrigation system, drink fountains and universal access footpaths. The second stage saw a new fitness staircase, running tracks, outdoor exercise equipment, drink fountains, picnic shelters and park furniture, activating this park for the community to enjoy. These upgrades have seen an increase in the number of patrons visiting the park. The advice to the community has continued to be that dogs are prohibited in this area.

Hillarys Beach Park hosts several events each year including Markets by the Sea, Multiple Sclerosis Western Australia Ocean Ride and is scheduled to host several large music concerts. Permitting dogs in any capacity has the potential to negatively impact the visitor experience with potential for incidents of undesirable behaviour of dog owners and their dogs, the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles.

## Issues and options considered

### Option 1 – No change to the current designation

Not designating this park as dog prohibited could allow the park to become a dog exercise area and could increase the likelihood of conflict between dogs and humans in one of the City's busiest parks. The ambiguity could see dogs being permitted in the park during the City's events which could impact on visitor experience will be adversely impacted with potential for incidents of undesirable behaviour of dog owners and their dogs, the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles.

This option is not recommended.

### Option 2 – Designate Hillarys Beach Park Dog Prohibited

Maintaining the current position as understood by the community and promoted by the City that this park is dog prohibited and reduces the potential conflict in the park that has undergone substantial activation through playspace upgrades and significant investment in the installation of the Health and Wellbeing Hub.

This option is recommended.

### Option 3 – Designate Hillarys Beach Park as Dogs on Leash

Designating the park as dogs being required to be on leash at all times would incur additional cost such as providing dog waste bags, additional bins and other maintenance costs. In addition, the proximity of the beaches and dune system, will create management issues.

This option is not recommended.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** *Dog Act 1976.*

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

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

**Policy** Not applicable.

### **Risk management considerations**

There are no risk management considerations associated with the officer's recommendation.

### **Financial / budget implications**

There are no financial implications associated with the officer's recommendation.



**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The City is required to advertise Council's intention to specify Hillarys Beach Park (R40802) by local public notice for a period of 28 days. A further report will be provided to Council at the conclusion of the advertising period enabling it to proceed to specify Hillarys Beach Park as described in this Report, in accordance with the *Dog Act 1976*.

**COMMENT**

It is suggested that the most practical approach to continue to administer the community's understanding and Council's original intent that dogs are not permitted within Hillarys Beach Park is to designate the Reserve as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the *Dog Act 1976*.

**VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION**

That Council:

- 1 **BY AN ABSOLUTE MAJORITY** determines its intention to **SPECIFY** Hillarys Beach Park, identified as Hillarys Beach Park R40802; Lot/Plan 12379481 as a place where dogs are prohibited at all times pursuant to section 31(2B)(a) of the *Dog Act 1976*;
- 2 **APPROVES** the advertising by local public notice of its intention to specify the area detailed in Part 1 above, in accordance with section 31(3C) of the *Dog Act 1976*.

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf201013.pdf](#)

## ITEM 16                    PETITION IN RELATION TO CLIFFORD COLEMAN PARK

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENT / S</b>	Attachment 1    Clifford Coleman Park Location Attachment 2    Proximity to Nearest Housing Opportunity Area Attachment 3    Amenities within walkable distance
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to consider the petition in relation to Clifford Coleman Park, Marmion.

### EXECUTIVE SUMMARY

A Petition of Electors was received by Council at its meeting held on 19 May 2020 (C33-05/20 refers). The petition requested that Council invest in the improvement of Clifford Coleman Park, Marmion including the installation of irrigation, shaded picnic tables and the provision of rubbish bin and dog litter bags. The cover letter included a request for the installation of a water fountain or shower and that the improvement of Clifford Coleman Park be considered under the City's new *Park Amenity Program*.

The new *Park Amenity Program* in the City's *Five Year Capital Works Program* has been specifically created in order to improve park amenity and provide better recreational opportunities, focusing on local recreational parks that fall within or adjacent to Housing Opportunity Areas (HOA) to compensate for the loss of backyard space associated with higher density housing development.

Clifford Coleman Park is neither within, nor close to any of the HOAs, therefore, cannot be considered for irrigation or park improvement under the *Park Amenity Program*. The surrounding residential fabric to Clifford Coleman Park has a good level of backyard space and residents are within walkable distance to Braden Park, an irrigated district park located just 230 metres away.

*It is therefore recommended that Council:*

- 1 *DOES NOT SUPPORT the Petition of Electors request to upgrade Clifford Coleman Park;*
- 2 *NOTES that the residential area surrounding Clifford Coleman Park is within a walkable distance of Braden Park, an irrigated district recreation park, which already has a high level of infrastructure provision which will be further upgraded in 2020-21;*
- 3 *NOTES that the City has recently renewed the bollards surrounding the park and will consider further tree planting opportunities for the next planting season;*
- 4 *NOTES that the identification of parks to be included within the City's Park Development Programs forms part of the annual budget process;*
- 5 *ADVISES the lead petitioner of its decision.*

## **BACKGROUND**

The City of Joondalup has over 370 parks and reserves covering 588 hectares. The *Parks Classification Framework* was developed to guide the City in the effective management of its parks and public open spaces and is a key tool used in the planning and provision of park asset infrastructure at the City.

By appropriately classifying parks and public open spaces, the City is able to determine where assets should be allocated according to the function, size, geography and catchment of an area. This ensures the community has access to quality park infrastructure that reflects their needs now and into the future. It also enables assets to be managed into the long-term, taking into account the costs associated with renewing and maintaining park infrastructure to a high standard.

The City's objective with regard to parks and public open spaces are articulated in *Strategic Community Plan: Joondalup 2022*, as follows:

*Quality Urban Environment: To have urban and green spaces which are attractive, well-utilised and enrich the lives of the community.*

*The Natural Environment: To develop an appreciation for local natural assets by providing appropriate access to natural areas.*

*Community Wellbeing: To provide facilities of the highest quality which reflect the needs of the community now and into the future."*

The *Parks and Public Open Spaces Classification Framework* facilitates the achievement of these objectives by:

- applying a strategic approach to the planning and development of public open spaces
- employing quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity
- adopting consistent principles in the management and provision of urban community infrastructure
- building an effective interface between humans and the natural environment
- supporting a long-term approach to significant facility upgrades and improvements
- understanding the demographic context of local communities to support effective facility planning

- employing facility design principles that will provide for longevity, diversity and inclusiveness
- imbedding safety principles into asset management and design.

To simplify the tasks of managing all parks and public open spaces within the City's boundaries, similar spaces are classified into groups to provide a logical and strategic approach to park asset provision and maintenance levels of service (irrigation, turf and landscaping). Specifically, for parks, the following classifications are used:

Classification		Example
Sports Parks	Regional	Percy Doyle Reserve
	District	Iluka Open Space
	Local	Emerald Park
Mixed Use Parks	Local	Mawson Park
Recreational Parks	Regional	Tom Simpson Park
	District	Delamere Park
	Local	George Sears Park

To facilitate the improvement to and renewal of parks and reserves, Council has adopted the following programs as part of its annual budget and *Five Year Capital Works Program*:

- *Landscape Master Plan.*
- *Park Revitalisation Program.*
- *Park Amenity Improvement Program.*

#### Landscape Master Plan Program

To assist in achieving compliance with its water allocation, the City developed and implemented the *Landscape Master Plan 2009-19* (LMP) in alignment with the initiatives contained within the *Water Conservation Plan 2009-10* (WCP). The LMP not only focused on groundwater usage but also the quality of public open spaces and streetscape provision. The aims and principles of the LMP include the following:

- Provide an image for the City in its central business district (CBD) and entry points of high visibility that demonstrate the use of colour and indigenous species that exemplify the biodiversity of Joondalup.
- Provide more opportunities for passive recreational pursuits in public open space and 'natural' bushland ecosystems.
- Increase active and passive recreational opportunities within attractive and functional landscapes incorporating expanses of irrigated turf, maintained native garden beds and rehabilitating more natural bushland areas.
- Provide an effective response to the issue of climate change through reducing overall water consumption patterns across the City where appropriate.
- Provide attractive created landscapes and maintained native garden beds around key community facilities.
- Provide a wide range of purpose-built sporting grounds based mostly on areas of irrigated turf where community utilisation can be maximised.
- Provide attractive and functional streetscapes for instance verges and medians.
- Ensure that the City's town planning scheme and development plans for commercial and residential development reflect the principles of landscape master planning.
- Ensure community awareness and engagement occurs during planning and implementation processes.

The LMP program focuses on replacing the aged, inefficient irrigation infrastructure in the City's large sports parks. In addition, hydrozoning principles were adopted whereby the oval playing surface received the highest water allocation and adjacent areas received a more moderate allocation to no allocation (dry or mulched areas). As a result of the LMP water conservation principles, the City has substantially reduced its groundwater consumption by an average of 10% or 411,000 kilolitres over the past five years.

Although a focus of the individual LMP projects was to achieve irrigation efficiencies, it also included improvements to the overall park amenity which was achieved by upgrading the park infrastructure with the installation of universal access paths, playspace renewals, picnic facilities, barbecues and drinking fountains where appropriate.

The last four parks included under this program are as follows:

- Macdonald Park LMP (2016-17 and 2017-18).
- Juniper LMP (2018-19).
- Moolanda LMP (2019-20 and 2020-21).
- Ocean Reef LMP (2021-22 and 2022-23).

### Park Revitalisation Program

The aims and principles as outlined in the LMP have already been used to inform the City's *Park Revitalisation Program* which aims to transform old and tired local recreation parks into aesthetically pleasing spaces by modifying the landscape to optimise the City's ground water use and existing infrastructure assets. The creation of ecozoned areas, integrated path networks, reflective spaces and active zones promotes an expanded use of the park by residents.

The first two projects under this program were improvements at George Sears Park, Greenwood in 2018-19 and at Macaulay Park, Duncraig in 2019-20. Poseidon and Wandina Park are scheduled for completion in the current financial year.

### Park Amenity Improvement Program

The City's *Park Amenity Improvement Program* was specifically created in order to improve park amenity and provide better recreational opportunities. This will be achieved by focusing on local recreation parks that fall within or adjacent to a HOA to compensate for the loss of backyard space associated with dense housing development. The program includes providing irrigated turf areas to the selected park which may have no irrigation. Although the City's current water license is fully allocated, water savings have been achieved through the *Landscape Masterplan Program*. The City's intent is to utilise these water savings to create irrigated areas in these parks.

The first two projects identified for this program are Churton Park, Warwick (2020-21) and Newcombe Park, Padbury (2021-22).

## **DETAILS**

At its meeting held on 19 May 2020 (C33-05/20 refers), Council received a 113-signature petition from residents requesting Council to invest in the improvement of Clifford Coleman Park, Marmion.

The wording on the petition was as follows:

*“We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council invest in the improvement of Clifford Coleman Park in Marmion. The park is a great community asset but is in need of attention to improve its aesthetics and functionality. Below is a list of improvements the Friends of Clifford Coleman Park would like to see actioned:*

- 1 Installation of sprinklers to irrigate the park and keep the grass green all year round.*
- 2 Installation of shaded picnic tables so there is somewhere to sit and enjoy the park.*
- 3 Provision of rubbish bin and dog litter bags.*

*We the undersigned believe these improvements will greatly improve the aesthetics and use of the park without being a significant capital expenditure for Council.”*

The cover letter submitted with the petition, additionally requested for a water fountain or shower (for beach users) and that the improvement of Clifford Coleman Park be considered under the City’s new *Park Amenity Improvement Program*.

Clifford Coleman Park, Marmion is a small (2,800m<sup>2</sup>) non-irrigated local recreation park located on the corner of West Coast Drive and Troy Avenue directly across the road from the beach access to the Marmion Foreshore Reserve and within 230 metres walking distance of Braden Park, a district recreation park (Attachment 1 refers). It is comprised of two separate parcels of crown land under the care and control of the City of Joondalup. The Management Order for both parcels contains a condition that the land must be used for the designated purpose of “vehicle parking”. This condition is in alignment with the limitation contained in the Certificate of Titles of these parcels of land.

The existing infrastructure at Clifford Coleman Park includes signage (park name) and bollard perimeter fencing which is consistent with the asset provision specified for the local recreation parks as per the *Parks Classification Framework* and in line with the condition in the Management Orders limiting the use of this public open space.

The City has undertaken some minor park improvements in 2019-20 by removing the dumped limestone rubble, undertaking tree maintenance, relocating the park signage to a more prominent location on West Coast Drive and the renewal of the bollard perimeter fencing.

With regard to the petitioners’ request for the installation of irrigation, it must be noted that the City uses groundwater from superficial (shallow) aquifers in the Gngangara Groundwater System to irrigate parks and public open space (POS). Groundwater usage accounts for 98% of the City’s corporate water use. The City has three groundwater licenses with set allocation limits which the City is obliged to comply with. To assist in achieving compliance, the City developed and implemented the City’s *Water Plan*. The City further developed and implemented the *Landscape Master Plan 2009-2019 (LMP)* as detailed in the background to this report.

Any water savings that have been achieved through the implantation of the City’s LMP are intended to be used to:

- irrigate the Ocean Reef Marina development
- irrigate the proposed Quarry Park development
- irrigate dry local recreation parks falling within or adjacent to HOAs as per the City’s *Park Amenity Improvement Program*.

As Clifford Coleman Park is neither within nor close to any HOAs (Attachment 2 refers), irrigating this park is not supported.

With regard to the request for shaded picnic tables and the provision of rubbish bin and dog litter bags, none of these assets are listed as supported assets for local recreation parks. Bins with dog litter bags have been provided across the road from Clifford Coleman Park at the beach access location. Picnic shelters (shaded picnic tables) are provided 100 metres to the north west of Clifford Coleman Park on the coastal foreshore and 230 metres to the north east at Braden Park (Attachment 3 refers). These amenities are all within walkable distance of residences around Clifford Coleman Park, therefore further infrastructure in this area is not supported.

The request for a water fountain or shower, referred to in the cover letter only, is also not supported on this classification of park. The provision of showers and drinking fountains are better located adjacent to coastal foreshore parks at key beach access points.

The nearby Braden Park, a district recreation park, within the 400 metre walkable catchment, provides adequate recreational infrastructure including a play space, picnic shelters, barbecue, path network, drinking fountain, benches and irrigated turf. At its meeting held on 19 May 2020 (CJ063-05/02 refers), Council considered a report in relation to the Braden Park playspace renewal and resolved to bring forward this project for construction in 2020-21 with an increase in the overall budget to \$140,000 to include the following additional items:

- Installation of a 3-on-3 basketball pad.
- Path linkage to the pedestrian crossing located on Cliff Street.
- Bench seat replacement.
- Installation of line marking on the existing paths to establish a quasi bike skills track.

These additions will further add to the recreational offerings to the local area.

### **Issues and options considered**

Council can either:

#### Option 1

Support the installation of irrigation, shelters and dog bins with litter bags at Clifford Coleman Park.

It must be noted that installing irrigation at Clifford Coleman Park would limit the City's ability to provide irrigated areas to dry parks in HOA.

#### Option 2

Not support the installation of irrigation, shelters and dog bins with litter bags at Clifford Coleman Park.

This is the recommended option.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

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

**Policy**                      Not applicable.

### **Risk management considerations**

The City needs to carefully manage its ground water allocation. The Department of Water has indicated that the City's allocation will be impacted by a 10% reduction over the next five to 10 years.

The City has received advice from the Department of Water that it will not receive any extra allocation of water for key projects such as the Ocean Reef Marina and Quarry Park developments as such these will need to be incorporated into the City's existing licences.

The above highlights the importance of identifying the parks for development through the *Park Amenity Program* to make the best use of the City's limited water resource.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

The residents surrounding Clifford Coleman Park have access to irrigated recreational parkland at Braden Park, which at 230 meters away is within the 400 metre walkable catchment. The irrigation of Clifford Coleman Park would erode the City's limited water savings which would negatively impact the City's ability to provide irrigated turf areas to dry parks in HOA areas. This is significant as residents of the HOA dense residential fabric will have limited or no backyard space, therefore parks in these areas will become increasingly important for providing recreational turf areas.

### **VOTING REQUIREMENTS**

Simple Majority.



**RECOMMENDATION****That Council:**

- 1 DOES NOT SUPPORT the Petition of Electors request to upgrade Clifford Coleman Park;**
- 2 NOTES that the residential area surrounding Clifford Coleman Park is within a walkable distance of Braden Park, an irrigated district recreation park, which already has a high level of infrastructure provision which will be further upgraded in 2020-21;**
- 3 NOTES that the City has recently renewed the bollards surrounding the park and will consider further tree planting opportunities for the next planting season;**
- 4 NOTES that the identification of parks to be included within the City's *Park Development Programs* forms part of the annual budget process;**
- 5 ADVISES the lead petitioner of its decision.**

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16brf201013.pdf](#)

## **ITEM 17                    PETITION IN RELATION TO SHERINGTON ROAD, GREENWOOD**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENT / S</b>	Attachment 1    Locality Plan and Traffic Count Locations Attachment 2    Concept Plan Garfield Way Pedestrian Refuge Island
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to consider the petition in relation to Sherington Road, Greenwood.

### **EXECUTIVE SUMMARY**

A Petition of Electors was received by Council at its meeting held on 19 May 2020 (C32-05/20 refers). The petition requested that Council “*install or construct traffic calming measures on Sherington Road, Greenwood*”.

To confirm the extent of the traffic issue, a technical assessment of Sherington Road was undertaken. The assessment was based the City's *Traffic Management Investigation and Intervention Guidelines*. The assessment revealed that Sherington Road is not considered to have a technical issue and therefore infrastructure changes to the road carriageway is difficult to justify.

Notwithstanding, Sherington Road provides direct pedestrian access to Greenwood Primary School. To improve the road safety situation for vulnerable road users such as school students a pedestrian refuge island is proposed for the intersection with Garfield Way.

*It is therefore recommended that Council:*

- 1        *NOTES the traffic assessment results for Sherington Road, Greenwood as detailed in this Report;*
- 2        *SUPPORTS the City undertaking speed awareness initiatives including “Please Slow Down Consider Our Kids” bin sticker roll-out and temporary installation of a speed radar display board on Sherington Road, Greenwood;*
- 3        *LISTS for consideration an amount of \$70,000 in the City's Five Year Capital Works Program for the installation of a pedestrian refuge island at the intersection of Garfield Way and Sherington Road, Greenwood as shown on Attachment 2 to this Report;*
- 4        *ADVISES the lead petitioner of its decision.*

## BACKGROUND

At its meeting held on 19 May 2020 (C32-05/20 refers), Council received a 48 signature petition from residents requesting Council to “*install or construct traffic calming measures on Sherington Road, Greenwood*”.

Sherington Road is classified as a “Access Road” under Main Roads WA Metropolitan Functional Road Hierarchy which runs between Blackall Drive and Cockman Road (Attachment 1 refers). The road has an existing two metre wide flush median treatment to control traffic movements and separate traffic flows. This two metre flush median was installed following the East Greenwood traffic study that was undertaken in 1998-99, the purpose of the treatment being to separate traffic flows and narrow the carriageway to modify the speed environment.

## DETAILS

The technical assessment results include the following:

### Traffic Volumes

The single carriageway road is classified as an “Access Road” under Main Roads WA Metropolitan Functional Road Hierarchy and is designed to carry a maximum desirable traffic volume of 3,000 vehicles per day (vpd).

The results of the seven-day traffic count survey undertaken in July 2020 revealed that traffic volumes on Sherington Road ranged between 865 vpd east of Ranleigh Way to 1,417 vpd south of Blackall Drive. The results of the traffic survey for Sherington Road confirmed that traffic volumes are well within acceptable limits for a road of this classification. The traffic volumes stated above are based on an average weekday traffic count.

The results of the July 2020 traffic count survey are consistent with the survey of May 2008, indicating that traffic volumes on Sherington Road have remained relatively steady within this period.

### Traffic Speeds

The urban speed limit of 50km/h applies to Sherington Road. A seven-day traffic count survey was undertaken in July 2020 at three locations on Sherrington Road (Attachment 1 refers) which confirmed the 85th percentile traffic speeds ranged between 48km/h west of Cookman Road to 59 km/h east of Ranleigh Way.

The 85<sup>th</sup> percentile traffic speed is the speed that 85 percent of the vehicles are travelling at or less and is considered the industry standard for road design and traffic assessments.

Although the 85% traffic speeds are slightly higher than desirable, the speeds are consistent with many other access roads within the City’s jurisdiction and are considered to be within acceptable limits.

### Crash Analysis

A review of the Main Roads WAs most recent five-year crash history for Sherington Road to December 2019 revealed that there were three reported crashes in the previous five-year period. The crashes occurred at the intersections with Blackall Drive, Ranleigh Way and Cockman Road at the intersections. Of these crashes, one was property damage and two required medical attention.

A look at these accidents indicates no specific pattern in terms of the type, day and consistency of the accidents which would usually give direction to a suitable treatment to mitigate against. The accident types include a rear-end, and two incidents of vehicles attempting to enter one lane (side swipe). While road geometry plays a role in all crashes, the typical layout of the sites in question do not lend themselves to this being a significant factor, and other factors such as driver error, such as distraction or vehicle condition could be contributing factors which the City cannot address.

### Traffic Investigation and Intervention Guidelines

An assessment of the Sherington Road based on the City's Traffic Management Investigation and Intervention Guidelines confirmed a warrant score of 31. Based on the warrant score being lower than 50, the road is considered to have a "Minor Technical Problem" and therefore a structural traffic management solution is not required in accordance with the guidelines.

This warrant score was compiled based on the values which would generate the highest score for the road; which combined accidents along its total length as well as the highest volume and speeds recorded, as opposed to speeds and accidents per section of road. This was done in an effort to give a 'worse case' scenario. Of the resultant score, two thirds were attributed to the values generated from the crash data and the highest 85<sup>th</sup> percentile speed and put it on par with roads of similar layout, length and volume.

While the road can still be considered for future action it should be considered alongside other sites identified, with budget priority given to those with a higher warrant score.

### Pedestrian Movements

Although not strictly part of the petition, pedestrian movements are always considered in all transport decisions, particularly in regard to safety. It was identified that no intersections along Sherington Road's side streets have pedestrian refuge islands which split the traffic lanes at the intersections. These typically serve two purposes; first is to provide a physical space for pedestrians to break their crossing into two halves and to offer a degree of protection.

The second purpose is to minimise and prevent corner cutting from vehicles off adjoining roads. The presence of the island means that vehicles cannot maintain speed through the corner and must slow down before the turn. This has the effect of reducing front on collisions of vehicles that may take a corner wide and slowing vehicles off the more prominent street, in this case Sherington Road.

In this instance, an island treatment at the intersection of Garfield Way's southern leg and Sherington Road is proposed for this effect. This location was selected because this intersection is approximately half-way along the length of Sherington Road, and as such has a greater prospect of slowing vehicles as opposed to a treatment Blackall Drive to the north or Cockman Road in the south east. More importantly, the nearby Greenwood Primary School has an access path which connects to Garfield Way in its north eastern corner. It was determined that an island at this intersection would offer a safer crossing point for a concentration of children walking to and from the north eastern catchment before dispersing more as they are away from the school.

Although not a treatment proposed solely to mitigate travel speeds on Sherington Road, it may assist in this regard while improving pedestrian safety near the school and a concept plan can be found at Attachment 2 to this Report.

## Issues and options considered

Traffic management options that need to be considered for Sherington Road consist of two options:

<b>Option One – No action by City, Enforcement by WA Police</b>	
No change to Sherington Road carriageway, median and intersection treatments. This is not the preferred option. A request to WA Police to enforce 50km/h speed limit on Sherington Road.	
Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Police will need to enforce compliance to the speed limit and road rules.</li> <li>No infrastructure changes required and therefore no capital works funding required.</li> </ul>	<ul style="list-style-type: none"> <li>Does not fully address the perceived traffic concerns for residents of Sherington Road.</li> </ul>

<b>Option Two – Enforcement, education and engineering</b>	
Request WA Police to enforce 50km/h speed limit on Sherington Road. Undertake road safety initiatives to raise awareness to speeding on Sherington Road. Example being “Please Slow Down Consider Our Kids” bin stickers plus temporary installation of radar speed board to further raise awareness. Install intersection pedestrian refuge island at Garfield Way as shown in Attachment 2.	
Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Installation of intersection splitter island at the intersection with Garfield Way (south) to control traffic turning movements and provide safe pedestrian crossing within the school precinct.</li> <li>Proactive measures to raise awareness to speeding and therefore reduces the potential for vehicle crashes.</li> </ul>	<ul style="list-style-type: none"> <li>Capital works funding is required for intersection improvements at Garfield Way.</li> <li>Relies on driver behaviour to further improve Sherington Road's use.</li> </ul>

## Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Road Traffic Code 2000.*

### Strategic Community Plan

**Key theme**                        Quality Urban Environment.

**Objective**                        Integrated spaces.

**Strategic initiative**            Adopt consistent principles in the management and provision of urban community infrastructure.

**Policy**                                Not applicable.

### Risk management considerations

On this basis, to confirm the extent of the traffic issue, a technical assessment of Sherington Road was undertaken.

The assessment is based the City's Traffic Management Investigation and Intervention Guidelines. The assessment revealed that Sherington Road is not considered to have a minor technical issue and therefore infrastructure changes to this road would be difficult to justify at this time and amongst other competing priorities.

In accordance with the City's Risk Framework, the risk to the public in terms of safety is no greater than any other road in the City and because the crash types form no discernible pattern is not something which can be easily addressed.

There is reputational risk for the City should nothing be done, and crashes persist, but this could be countered by this risk to the City spending its limited budget undertaking works in this location instead of another location with a higher priority.

### **Financial / budget implications**

Council may choose to:

- take no action (Enforcement by WA Police) this option will have no financial impact to the City  
or
- list an amount of \$70,000 in the City's *Five Year Capital Works Program* (Enforcement, Education and Engineering).

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

The existing central median treatment on Sherington Road was designed to control traffic movements, separate traffic flows and reduce traffic speeds in addition to providing two stage crossing opportunities for pedestrians is still considered to be an appropriate treatment as based on the July 2020 Traffic Count Survey confirming the road is functioning within acceptable limits.

A road safety improvement identified as part of the investigation is to install a pedestrian refuge island at the intersection of Sherrington Road and Garfield Way which would assist in controlling traffic movements and improve pedestrian safety when crossing at this location to access Greenwood Primary School.

### **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1** NOTES the traffic assessment results for Sherington Road, Greenwood as detailed in this Report;
- 2** SUPPORTS the City undertaking speed awareness initiatives including “*Please Slow Down Consider Our Kids*” bin stickers roll out and temporary installation of a speed radar display board on Sherington Road, Greenwood;
- 3** LISTS for consideration an amount of \$70,000 in the City’s *Five Year Capital Works Program* for the installation of a pedestrian refuge island at the intersection of Garfield Way and Sherington Road, Greenwood as shown on Attachment 2 to this Report:
- 4** ADVISES the lead petitioner of its decision.

*Appendix 17 refers*

To access this attachment on electronic document, click here: [Attach17brf201013.pdf](#)

## REPORTS – POLICY COMMITTEE – 5 OCTOBER 2020

### ITEM 18 AMENDMENT TO RISK MANAGEMENT POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	49586, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Risk Management Policy – Amended</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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#### PURPOSE

For Council to consider and adopt the proposed amendments to the City's *Risk Management Policy*.

#### EXECUTIVE SUMMARY

The City's *Risk Management Policy* has been reviewed in light of changes to the Australian Standard *AS ISO 31000:2018 Risk Management – Guidelines* (which supersedes *AS/NZS ISO 31000:2009*) and improvements to the City's risk management practices.

*It is therefore recommended that Council ADOPTS the amended Risk Management Policy forming Attachment 1 to this Report.*

#### BACKGROUND

The City's risk management arrangements continue to be reviewed and improved to provide an integrated and consistent approach across the City for the identification, assessment and treatment of risks.

The *Risk Management Policy* outlines the City's commitment and approach to managing risks. Risks are to be recorded, analysed and reported, based on the context of the individual risk and the risk portfolio it belongs to. The policy was first adopted by Council at its meeting held on 24 September 2013 (Item CJ190-09/13 refers).

The amendments to the *Risk Management Policy* will assist with improving the City's risk maturity level, as assessed by Deloitte in 2019 as part of the Chief Executive Officer's three yearly review of the appropriateness and effectiveness of the City's systems, in regard to risk management, internal control and legislative compliance (Item CJ035-03/20 refers).



## DETAILS

Australian Standard *AS ISO 31000:2018 Risk Management – Guidelines* aims to deliver a clearer, shorter and more concise guide (compared to *AS/NZS ISO 31000:2009*) that will help organisations use risk management principles to improve planning and make better decisions.

The main changes to the Australian Standard include:

- review of the principles of risk management, which are the key criteria for its success
- focus on leadership by top management who should ensure that risk management is integrated into all organisational activities, starting with the governance of the organisation
- greater emphasis on the iterative nature of risk management, drawing on new experiences, knowledge and analysis for the revision of process elements, actions and controls at each stage of the process
- streamlining of the content with greater focus on sustaining an open systems model that regularly exchanges feedback with its external environment to fit multiple needs and contexts.

The amended *Risk Management Policy* better defines the City's risk management approach and outcomes, as well as updating risk management terminology, and will allow for amendments to the City's *Risk Management Framework*.

### Issues and options considered

Council can either:

- adopt the amended *Risk Management Policy* as presented
- adopt the amended *Risk Management Policy* with further amendments  
or
- not adopt the amended *Risk Management Policy*.

### Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Local Government (Audit) Regulations 1996.*

#### Strategic Community Plan

**Key theme**                      Governance and Leadership.

**Objective**                      Corporate capacity.

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

**Policy**                              *Risk Management Policy.*

### Risk management considerations

The amendments are necessary to bring the City's *Risk Management Policy* in line with the revised Australian Standard and to provide better guidance to integrate risk management into activities and functions performed by the City.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The City continually reviews its systems of internal control to ensure they remain sound and that a strong attitude towards legislative compliance persists. A number of initiatives are currently ongoing to enhance the effectiveness of risk management systems that will enable the City to achieve the target state of 'integrated' as described in the Deloitte Risk Intelligence Maturity Model.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 5 October 2020.

The committee recommendation is the same as recommended by City officers.

**RECOMMENDATION**

**That Council ADOPTS the amended *Risk Management Policy* forming Attachment 1 to this Report.**

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18brf201013.pdf](#)

## ITEM 19 BUSINESS CONTINUITY POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	49586, 101515
<b>ATTACHMENT</b>	Attachment 1 Draft <i>Business Continuity Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to adopt a new *Business Continuity Policy*.

### EXECUTIVE SUMMARY

A review of the City's *Consolidated Business Continuity Plan* has been completed, which recommended a new approach be undertaken by the City in defining critical services with an understanding of the consequences of not delivering them within certain timeframes. Individual business continuity action plans would then be developed by the responsible risk owners and service providers as part of risk mitigation.

The rationale for this change is to be able to demonstrate organisational resilience by planning to mitigate risk events that disrupt services, which will differentiate from emergency management that seeks to protect life and assets.

To demonstrate the City's commitment to business continuity, both internally and externally, a *Business Continuity Policy* has been developed which defines the objective of business continuity and the approach the City will follow to ensure this is met.

*It is therefore recommended that Council ADOPTS the Business Continuity Policy forming Attachment 1 to this Report.*

### BACKGROUND

Implementation of an effective Business Continuity Plan relies on commitment from management at all levels to fully support and ensure adequate participation in the development of such a plan.

Through the use of risk management processes, risks to business continuity will be continually monitored at strategic and operational level using the best knowledge available at the time.

The nature of risk management is to review information regularly, including when known changes occur, to assess the ongoing impact which is the essence of business continuity. Using the risk management approach, the City will be conducting risk assessments on services with the understanding of which services are critical, and through expertise the risk events that need to be planned for, that could disrupt service delivery.

## DETAILS

Australian Standard *AS/NZS 5050:2010 (Business continuity – Managing disruption-related risks)* recommends that an organisation develops a business continuity policy which should “clearly state the organisation’s objectives for, and commitment to, the management of disruption-related risks”. The draft *Business Continuity Policy* is designed to align to this and make a statement on the City’s objectives, commitment and approach to effective business continuity planning.

The policy includes:

### 1 Application

The Business Continuity Policy and any associated frameworks, guidelines and protocols, apply to all elements of the City’s operations regardless of location and function.

### 2 Definitions

“**business continuity management**” developing and maintaining plans of action that enable the response to disruptive risk events to allow continuation of critical service delivery with the minimum amount of disruption or impact.

“**control strategies**” activities implemented that aim to prevent the occurrence of a disruptive risk event or that will mitigate the impact of one should it occur.

“**crisis management**” planned response to an event that is not disaster or emergency related.

“**critical services**” services identified as essential for the survival of the organisation following a disruptive risk event.

“**disruptive risk event**” event that disrupts the ability to provide business as usual services that is sustained and/or noticeably interrupting service.

“**emergency management**” planned immediate response to disaster situations that threaten life and/or property (assets).

### 3 Statement

The City is committed to demonstrating organisational resilience by planning to mitigate risk events that disrupt services. Effective business continuity management helps to prevent and mitigate the severity of potential business interruptions on the City and its stakeholders and fully restore operations in the most efficient manner following an interruption. The City’s Business Continuity Program will reflect good practice and sound corporate governance and be consistent with the *AS/NZS 5050:2010 Business Continuity – Managing Disruption-Related Risks*.

### 4 Details

#### 4.1 **Business Continuity Approach**

The following applies to the City’s approach to business continuity:

- a. The Council, Chief Executive Officer and Directors are committed to ensuring that effective risk management provides the foundation to a comprehensive Business Continuity Program.
- b. The Business Continuity Program seeks to ensure that timely and effective communication takes place to ensure disruption to community services are both communicated and minimised, and where necessary incorporate emergency procedures that protect both life and assets.
- c. Business as usual will be returned to with the least amount of disruption to service possible for any given disruptive risk event.
- d. The Business Continuity Program is integrated into any City arrangements, as required, to allow services to return to normal.

#### **4.2 Business Continuity Management**

Support from the Council, Chief Executive Officer and Directors is required to embed business continuity throughout the City.

City plans, frameworks or protocols that are linked to business continuity must be identified along with when and how they are used.

#### **4.3 Risk and Business Impact Analysis**

A review of business activities must identify critical services that are required to be maintained, along with determination of acceptable outage times and resources required to return to business as usual. Risk registers must reflect potential disruptive risk events, their causes and proactive control strategies that are part of the Business Continuity Plan, strategic and/or operational risk registers.

#### **4.4 Response Options**

Appropriate disruptive risk event response options and associated resource requirements will be presented to the Chief Executive Officer and/or Directors for their approval.

#### **4.5 Response Plans**

Plans are developed and maintained as a requirement to respond to a disruptive risk event to maintain business continuity. These plans are part of the processes needed for incident notification and subsequent action taken to ensure delivery of critical services.

#### **4.6 Train, Exercise and Maintain**

All employees require an awareness of business continuity and those with specific roles require training on how to fulfil responsibilities. Regular testing exercises (at least annually) are required to provide updates on gaps and improvements. To maintain the program validity, internal reviews of the documented processes will occur regularly (at least every six months) to ensure capture of changing responsibilities and risk issues.

**Issues and options considered**

Council can either:

- adopt the new *Business Continuity Policy* as presented
- adopt the new *Business Continuity Policy* with further amendments  
or
- not adopt the new *Business Continuity Policy*.

**Legislation / Strategic Community Plan / Policy implications**

**Legislation**                      *Local Government (Audit) Regulations 1996.*

**Strategic Community Plan**

**Key theme**                      Governance and Leadership.

**Objective**                      Corporate capacity.

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

**Policy**                              *Risk Management Policy.*  
*Business Continuity Policy.*

**Risk management considerations**

To maintain business continuity the City must be able to anticipate and adapt to changes, to avoid either a disruption or failure to service delivery. Effective management of the City's risks, including those that arise from the possibility of disruptive risk events, will be strengthened through the new *Business Continuity Policy*.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The implementation of the *Business Continuity Policy* requires the identification of critical services by their consequence, also known as a Business Impact Analysis. This will allow the City to assess the consequence of non-delivery of services, as defined by the *Corporate Business Plan*, and will be included in the City's new *Business Continuity Plan*.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 5 October 2020.

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

*That Council ADOPTS the new Business Continuity Policy forming Attachment 1 to this Report.*

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

*That Council ADOPTS the ~~new~~ Business Continuity Policy forming Attachment 1 to this Report.*

## RECOMMENDATION

**That Council ADOPTS the *Business Continuity Policy* forming Attachment 1 to this Report.**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf201013.pdf](#)*

## ITEM 20                      REVIEW OF INVESTMENT POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Investment of Available Funds Policy</i> Attachment 2    CJ067-05/19 Review of City's <i>Investment Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider the review of the City's *Investment Policy*.

### EXECUTIVE SUMMARY

At its meeting held on 20 May 2014 (CJ034-03/14 refers), Council adopted the City's *Climate Change Strategy 2014-2019*. The strategy has dual objectives, namely:

- 1        to continue to reduce the City's greenhouse gas emissions
- 2        to implement strategies to ensure the City's preparedness to adapt to current and future impacts of climate change.

Following a motion at the Annual General Meeting of Electors held on 10 December 2019, Council resolved at its meeting on 18 February 2020 (CJ008-02/20 refers) that the Chief Executive Officer include the following matters in a review of the City's *Investment Policy*:

- Consideration of climate change concerns.
- Consideration of expansion of the *Investment Policy* to cover all investments made by the City with the intention of being profit-producing, including proposals for the expenditure of funds from the Tamala Park land income.

The purpose of the City's *Investment Policy* is to manage investment of available funds not required by the City at a specific time in a manner consistent with legislation and prudent consideration of risk, while ensuring that liquidity requirements are met.

Investment of available funds is not part of the spectrum of activities contemplated under the *Climate Change Strategy 2014-2019* and this does not link to either of the objectives of the current strategy.

The *Investment Policy* specifically addresses only investment of funds available to the City at any given time over and above those required for immediate outlay and does not incorporate treatment of investments as expenditure of funds intended to achieve specific objectives, which would be subject to consideration by Council as part of budget deliberations.



*It is therefore recommended that Council:*

- 1 *APPROVES a change of name of the policy to “Investment of Available Funds Policy” forming Attachment 1 to this Report;*
- 2 *NOTES Council’s resolution dated 21 May 2019 (CJ067-05/19 refers), wherein Council resolved to make no changes to the Investment Policy forming Attachment 2 to this Report;*
- 3 *NOTES that no other changes are proposed to the Investment of Available Funds Policy.*

## **BACKGROUND**

The City’s *Investment Policy* governs the investment of any money that may not be immediately required by the City from time to time, as well as funds held within the City’s restricted reserves and trust accounts. The current policy was developed and initially adopted by Council at its meeting held on 15 April 2008 (CJ052-04/08 refers). Council subsequently adopted two significantly revised policies at its meetings held on 24 September 2013 (CJ187/09-13 refers) and 15 March 2016 (CJ048-03/16 refers). The last review of the policy occurred at its meeting held on 21 May 2019 (CJ067-05/19).

The current *Investment Policy* sets out the following:

- Investment objectives.
- Delegated authority to invest.
- Types of authorised and prohibited investments.
- Prudential requirements for engagement of investment advisors.
- Policy guidelines for the management and diversification of risk.
- Financial reporting.

The Department of Local Government, Sport and Cultural Industries developed an *Investment Policy Local Government Operational Guideline* that was published in 2008. The primary features of this guideline are already incorporated in the current policy and facilitate compliance with the requirements of Regulation 19C of the *Local Government (Financial Management) Regulations 1996* that prescribes the parameters for investment of money by local governments.

## **DETAILS**

Section 6.14(1) of the *Local Government Act 1995* empowers local governments to invest money that is not immediately required in the same manner as trust funds under the *Trustees Act 1962*. Regulation 19C(2) of the *Local Government (Financial Management) Regulations 1996* prescribes, in relation to such investment of money by a local government, that the local government may not do any of the following:

- *“Deposit with an institution except an authorised institution;*
- *Deposit for a fixed term of more than 3 years;*
- *Invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
- *Invest in bonds with a term to maturity of more than 3 years;*
- *Invest in a foreign currency.”*

An authorised institution under this Regulation is either an Authorised Deposit-taking Institution (ADI) as defined in the *Banking Act 1959* or the Western Australian Treasury Corporation (WATC).

Security of investments is the primary consideration when managing public funds, as outlined in the City's *Investment Policy*. Preservation of capital, liquidity and return on investments are the overriding principles that underpin the *Investment Policy*.

## Issues and options considered

### 1 *Consideration of climate change concerns*

The City's *Climate Change Strategy 2014-2019* recognises that climate change is an important issue for local government. The strategy states:

*“Climate change is an important emerging issue for local government. Climate change will affect a number of areas that local government is responsible for including infrastructure, health services, water management, emergency management and the natural environment.”*

The City has identified several challenges that climate change currently poses and will pose into the future impacting on both the City's activities and on the wider City of Joondalup community. The *Climate Change Strategy 2014-2019* outlines the following City's overarching objectives regarding climate, which include:

- To reduce the City's greenhouse gas emissions through:
  - effective energy management and improved energy efficiency
  - increased use of renewable energy and alternative fuels
  - the strategic purchase of carbon offsets.
- To improve the City's understanding of climate change scenarios and impacts, to identify related risks to City's activities and infrastructure and to put in place appropriate strategies to minimise these risks.
- To support and encourage the community to reduce greenhouse gas emissions and to prepare and adapt to climate change.

The strategy incorporates specific targets for the City to achieve including emission reduction targets for the organisation. The City has reduced total corporate greenhouse gas emissions by 30.2% in 2018-19 as compared to the baseline year of 2012-13.

In considering the various initiatives that have been adopted globally to combat climate change, such as the Paris Agreement of 2015, there are a number of related objectives common to such initiatives that generally all include the following key aim of limiting global temperature increases by reducing greenhouse gas emissions.

Several sources identify a key contributor to greenhouse gas emissions to be the use of fossil fuel-based energy. As a consequence, it is considered that moving away from fossil fuels to more renewable energy sources is likely to contribute to reduction in greenhouse gas emissions. The various policy positions that relate to this, therefore, consider that a key element of reducing/discouraging the use of fossil fuels is to divert financing away from projects that produce fossil-fuel based energy to projects that seek to generate energy from renewable energy sources.

The scale of investment required in most energy projects generally cannot be achieved without debt financing, as opposed to depending solely on equity financing. It is thus considered that restricting the availability of debt financing for fossil-fuel related industries will limit investment in such industries and projects and, consequently, contribute to lower fossil fuel use and thus lower greenhouse gas emissions.

At the 2015 Paris Agreement, a large number of global banks including several Australian banks, committed to significantly increasing energy efficiency lending in their portfolios. In practice, this means that the banking industry itself is taking measures to achieve commitments under the Paris Agreement by increasing the proportion of their lending portfolios that is allocated to renewable energy projects and, thereby, reducing the level of funding to fossil fuel-based energy initiatives. A number of the financial institutions that are party to the Paris Agreement are currently reflected in the City's portfolio of investments.

At its meeting held on 21 May 2019 (CJ067-05/19 refers), Council considered a review of the *Investment Policy*. In this review, the City specifically considered the matter of the City divesting funds from Authorised Deposit Taking institutions that invested in fossil fuel industries. The City undertakes multiple activities that require the use of energy generated directly or indirectly from fossil fuels, for example fuel for vehicles, natural gas at various community facilities including public barbeques. While the City has endeavoured to increase the use of renewable electricity by installing photovoltaic panels at various City buildings and facilities, efficient running of these and other City infrastructure is still dependent on energy supplied to the City by external parties. The greater part of these energy supplies, including electricity and gas, are still generated from fossil fuel sources although the market is pursuing renewable energy in greater measure. The City is not in a position to influence the choice of energy sources.

Council resolved at this meeting that no change be made to the *Investment Policy* to incorporate divestment from financial institutions that invested in fossil fuel industries. While the City can clearly take a position on investment in fossil fuel industries by financial institutions, the City still has a statutory responsibility to manage its public funds in a prudent manner on behalf of the wider community.

The report also noted that the City is required by the *Local Government Act 1995* and associated regulations to only invest funds with institutions authorised under the legislation. Given that that the City is thus constrained to invest virtually exclusively in term deposits with ADI's, the report concluded, in particular, that ceasing investment in financial institutions that continued to invest in fossil fuels would not assist the City in achieving its *Climate Change Strategy* goals and would, in fact, force the City into placing a higher proportion of available funds with institutions carrying higher credit risk, contrary to the purpose of the *Investment Policy* to minimise investment risk and ensure capital preservation.

The primary purpose of the *Investment Policy* is still to ensure that the City's available funds are invested securely and are available to meet liquidity requirements and to maintain the City's fundamental obligation to ensure preservation of capital in handling public funds.

The City may undertake a number of activities to address climate change concerns that impact the City and the community; however, the pecuniary aspect of such activities is limited to the extent and manner in which public funds are expended by the City. Investing of the City's available funds is not a consideration that has any impact on such activities. The implementation of the City's *Climate Change Strategy* has included the following actions to reduce greenhouse gas emissions:

- Environmental building audits to identify energy efficiency improvements.
- Increasing the use of renewable energy by installing photovoltaic systems (solar panels) on City-owned buildings. The City now has 18 buildings with photovoltaic systems.
- Installing a battery backup system at two City buildings to store energy from the existing photovoltaic cells on the building.
- Installing solar hot water systems on City-owned buildings. The City now has 10 buildings with solar hot water systems.
- Several City buildings have had lighting and air-conditioning systems synchronised with building alarm panels meaning that when the building is armed, all lighting and air-conditioning is switched off automatically.
- Older high energy use lighting is being replaced throughout all City-owned buildings, with highly efficient, and low energy use LED lighting.
- Street lighting in the Joondalup City Centre is being replaced with multi-function light poles to incorporate LED energy saving luminaires.
- Offsetting 100% of greenhouse gas emissions produced from the City's vehicle fleet each year.
- Providing electric vehicle charging stations within the Reid Promenade Car Park.
- Community education initiatives to raise awareness on climate change and greenhouse gas emissions, including the delivery of community workshops and free eco audits for residents and schools.

Since May 2019 industry efforts to transition to more renewable sources of energy have gathered pace. Several financial institutions have indicated that investments in fossil fuels are expected to significantly decline through natural market changes over the next few years.

The legislative requirements and the City's obligation to manage public funds prudently, make it difficult for the City to undertake a course of action related to placement of available funds that detracts from the primary objectives of capital preservation and risk minimisation.

The City continues to be responsible to manage its investments in accordance with legislation and to pursue the primary goals of the investment policy to be prudent in its management and minimise risk when placing funds with financial institutions.

## **2 Consideration of expansion of the Investment Policy to cover all investments made by the City with the intention of being profit-producing, including proposals for expenditure of funds from the Tamala Park land income**

The *Investment Policy* is specifically about how the City invests funds that may be available at any given time over and above immediate requirements. The only return on investment contemplated in the policy is the return on funds placed with authorised institutions in accordance with the parameters in the portfolio.

Consideration of profit-producing investments as a measure would form part of the consideration of expenditure of funds on particular activities or projects. For any project, activity or suite of activities, Council may determine any number of Key Performance Indicators (KPIs) to assess the outcome of such activities on which public funds have been expended. These KPIs may include specific measures of Return on Investment (ROI) which may include a requirement for a particular activity to deliver commercial returns, including a requirement to be profit-producing.

Investment of available funds, which is the activity addressed by the *Investment Policy*, does not accommodate consideration of expenditure, or application, of City funds as that is not its purpose. KPIs linked to such expenditure cannot reasonably be incorporated into the *Investment Policy*. It may be more appropriate that a separate policy or position paper address the requirement for expenditure of funds to deliver certain defined outcomes.

It is, however, noted that the name of the policy may contribute to some ambiguity about its purpose, if considered before referring to the policy objectives contained within the document.

It is therefore appropriate that the policy name be amended to *Investment of Available Funds Policy* to better reflect its purpose.

### **3 Consideration of overall portfolio limits and counterparty credit framework**

Even before the onset of the COVID-19 pandemic, interest rates on terms deposits were trending downwards, as reflected in the RBA Cash Rate which fell below 1% in October 2019 and, subsequently, at the onset of the COVID-19 pandemic reduced to the historical low of 0.25% in March 2020. The economic disruption caused by the pandemic restrictions on normal business activity, which is expected to persist into the immediate future, has further deteriorated term deposit returns.

At 31 July 2020, the City's year to date return on its investment portfolio was 1.42%. Although this is well ahead of the benchmark prescribed in the *Investment Policy*, this figure is boosted by the effect of term deposits entered into earlier at interest rates higher than they are currently. Interest rates on term deposits placed by the City in August 2020 ranged between 0.60% and 0.80%.

The portfolio limits in the *Investment Policy* reflect the City's low appetite for risk in the placement of available funds, which is appropriate for an entity that handles public funds. The policy prescribes that the funds may be placed only with financial institutions that enjoy a credit profile of at least a Long-Term rating of A as well as at least a Short-Term rating of A-2, using Standard & Poor's ratings definitions (see Appendix 1 to the *Investment of Available Funds Policy*).

While BBB credit ratings (long-term) are still considered within the economic community to be "investment grade", these come with an increased susceptibility to adverse circumstances and economic conditions compared to A and higher-rated institutions. It is considered that the current economic environment in the COVID-19 era is likely to significantly affect the banking sector and, consequently, credit risk of these institutions.

It is therefore arguable that this could result in BBB rated financial institutions being more risky than they were before the onset of COVID-19. The Australian Government's Financial Claims Scheme (FCS) currently guarantees up to \$250,000 in monies placed by a deposit-holder with a single ADI<sup>1</sup>. The City's portfolio of several million dollars cannot avoid placement of funds well in excess of this \$250,000 threshold with a single ADI.

It is therefore in the public interest that the City minimise exposure to more risky ADIs as much as possible and continue the current position of placing funds only with ADIs rated at least A (long term).

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<sup>1</sup> Financial Claims Scheme, Australian Prudential Regulatory Authority (APRA), <https://www.apra.gov.au/financial-claims-scheme-0>

Counterparty limits currently prescribed in the policy allow the portfolio to be diversified away from over-reliance on any particular ADI. With a maximum of 25% of the overall portfolio allowed to be placed with a single AA-rated ADI, in practice the City could place its entire portfolio with just 4 AA-rated institutions. The investment portfolio at 30 August 2020 shows that funds are spread across nine financial institutions.

If credit ratings downgrades were to result in an inadequate number of AA and A rated ADIs for the City to invest with, the current policy would correctly prevent the City from placing funds with ADIs that may have fallen to a long-term BBB rating or below. Currently, the risk of this occurring is not considered high due to the relative strength of the Australian banking sector. However, if this did occur, the City would not be able sufficiently diversify the portfolio under the current portfolio limits and would need to refer the Policy to Council and seek approval for an appropriate amendment to accommodate higher risk ADIs.

It is considered appropriate not to relax the current portfolio limits at this time.

It is also noted that the existing counterparty limits in the *Investment Policy* already have the effect of funds being placed with financial institutions that are considered to not invest in the fossil fuel industry<sup>2</sup>, as is reported in the Investment Summary that is included as an appendix to the monthly Financial Activity Statement placed before Council.

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

**Legislation**                      *Local Government Act 1995.*  
    *Trustees Act 1962.*  
    *Local Government (Financial Management) Regulations 1996.*  
    *Australian Accounting Standards.*

### **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**

There are significant risks involved in the management of the City's investment portfolio. The *Investment Policy* sets out provisions for compliance and governance that are designed to diversify and mitigate these risks. In addition to the policy there are internal processes and procedures governing investment activities and these are subject to both internal and external audit.

### **Financial / budget implications**

There are no financial/budget implications from the officer's recommendation.

### **Regional significance**

Not applicable.

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<sup>2</sup> The categorisation of financial institutions that do and do not invest in fossil fuels is taken from publications by Marketforces, which is an activist group. Its classifications have been not been independently verified by the City

## Sustainability implications

Financial sustainability is imperative to the future growth and development of the City of Joondalup. The City's *Investment Policy* maintains the conservative approach to the City's investments which is a critical element of the long-term financial sustainability of the City. This is even more important in the current economic climate exacerbated by the impact of the COVID-19 pandemic.

## Consultation

Not applicable.

## COMMENT

The *Investment Policy* has been reviewed in light of existing economic conditions and legislative requirements, including consideration of specific matters raised at the Annual General Meeting of Electors on 10 December 2019. This review preserves the City's prudent approach to investment as currently practised, which is considered most appropriate for the wider community on whose behalf the City places available funds with financial institutions.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 5 October 2020.

The committee recommendation is the same as recommended by City officers.

## RECOMMENDATION

That Council:

- 1 **APPROVES** a change of name from the *Investment Policy* to *Investment of Available Funds Policy* forming Attachment 1 to this Report;
- 2 **NOTES** Council's resolution dated 21 May 2019 (CJ067-05/19 refers), wherein Council resolved to make no changes to the *Investment Policy* forming Attachment 2 of this Report;
- 3 **NOTES** that no other changes are proposed to the *Investment of Available Funds Policy*.

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf201013.pdf](#)

## ITEM 21 JOONDALUP DESIGN REVIEW PANEL LOCAL PLANNING POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	103712, 101515
<b>ATTACHMENTS</b>	Attachment 1 Draft <i>Joondalup Design Review Panel Local Planning Policy</i> Attachment 2 Draft Terms of Reference for the Joondalup Design Review Panel Attachment 3 Design Review Comparison Table
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider the draft *Joondalup Design Review Local Planning Policy* for the purposes of public advertising.

### EXECUTIVE SUMMARY

At its meeting held on 21 November 2017 (CJ177-11/17 refers), Council resolved to request an amendment to the Local Planning Scheme to give greater weight to comments made by the Joondalup Design Reference Panel (JDRP) as part of decision-making on planning applications. In addition, it was requested that the terms of reference be amended to subject a greater number of multiple dwelling proposals to the JDRP. At its meeting held on 17 April 2018 (CJ056-04/18 refers), Council adopted the updated terms of reference.

At its meeting held on 21 May 2019 (CJ049-05/19 refers), Council resolved to amend *Local Planning Scheme No. 3 (LPS3)* to give greater statutory weight to the JDRP by including it as a matter for due regard. This amendment was subsequently approved by the Minister, subject to modifications in early 2020. These modifications included the requirement for a local planning policy to be prepared to outline details of the JDRP and matters to be reviewed by the panel.

The City has prepared a draft local planning policy (Attachment 1 refers), aligning with the *Design Review Guide* released by the State Government in March 2019 as a part of *Design WA* stage one. The *Design Review Guide* outlines a best practice model for the establishment and operation of design review panels. The process provides for independent expert advice for significant proposals, undertaking a qualitative assessment to ensure that developers deliver improved project outcomes.

The draft *Joondalup Design Review Panel Local Planning Policy (LPP)* outlines:

- the role of the panel
- the types of planning proposals that can be considered
- when in the process a planning proposal can be considered



- fees applicable to the design review process
- pre-lodgement requirements.

The policy captures one of the main changes between the current panel and the proposed JDRP, which is that planning proposals can be referred to the panel for design review pre-lodgement. In doing so, it is expected that any suggestions, feedback and other modifications can be made or incorporated early in the design process to avoid further delays and costs at a later stage.

It is also intended that the City's terms of reference will also be modified (Attachment 2 refers) to better align with the suggested provisions of the State Government's *Design Review Guide*. The modified terms of reference will be formally presented to Council for adoption following consultation of the draft LPP to ensure any changes that may arise as a result of consultation, which may also impact on the contents of the terms of reference, are captured.

It is recommended that Council supports the draft *Joondalup Design Review Panel Local Planning Policy* for the purposes of consultation for a period of 21 days.

## **BACKGROUND**

### Establishment of design review at the City of Joondalup

The City's Joondalup Design Advisory Panel was established by Council at its meeting held on 30 September 2008 (CJ213-09/08 refers), with the first panel members appointed on 16 June 2009 by Council (CJ142-06/09 refers). The terms of reference have been modified throughout the years to reflect changes in titles, the introduction of the State Government's Development Assessment Panel and to capture larger infill developments associated with the *Local Housing Strategy*.

### Modification to panel name

In 2011 the State Government implemented the Development Assessment Panel (DAP) system and established a number of 'Joint Development Assessment Panels'. To avoid confusion between the Joondalup Design Advisory Panel (JDAP) and the Joint Development Assessment Panels (also using the acronym 'JDAP'), the panel was renamed to the Joondalup Design Reference Panel (JDRP).

It is now intended to again rename the panel to ensure consistency with the terminology of the State Government's *Design Review Guide* and other local government panels, by modifying the name of the panel by replacing "Reference" with "Review".

It is considered that the change in name will ensure that decision-makers, such as DAP members and Elected Members are aware that the panel has been developed and operates in a manner consistent with the *Design Review Guide*.

### Design Review and the City's Housing Opportunity Areas

As part of its strategic approach to better managing the impact of infill development in Housing Opportunity Areas, Council at its meeting held on 21 November 2017 resolved, in part, as follows (CJ177-11/17 refers):

"...3 *REQUESTS the Terms of Reference of the Joondalup Design Reference Panel be amended to subject a greater number of multiple dwelling proposals to independent design review as part of the City's assessment of the proposals;...*"

“...6 *REQUESTS the initiation of an amendment to District Planning Scheme No. 2 to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes, including the provisions of draft Amendment No. 73 that were previously deleted by the Western Australian Planning Commission that required a minimum site area of 2,000m<sup>2</sup> for multiple dwelling developments and that required all development at the higher density to comply with the City’s Residential Development Local Planning Policy or equivalent, along with provisions which require regard be given to recommendations made by the Joondalup Design Reference Panel in the determination of planning proposals;...*”

In response to these requests the City immediately went about modifying the terms of reference, requiring that all multiple dwelling developments be referred to the JDRP for review. The City also recommended that independent design review be undertaken of grouped dwelling developments consisting of five or more dwellings. At its meeting held on 17 April 2018 (CJ056-04/18 refers), Council amended the terms of reference in line with the City’s recommendation.

Subsequently, at its meeting held on 25 May 2019 (CJ049-05/19 refers), Council resolved to amend LPS3 to include a provision to give statutory weight to the advice from the JDRP in considering a development application. This amendment was subsequently approved by the Minister, subject to modifications. The modifications require the City to have a local planning policy that details the operation of the JDRP and the matters in which they will be consulted. This amendment was gazetted and came into effect on 18 February 2020.

### Design WA

In 2015, the Western Australian Planning Commission (WAPC) endorsed a project, later named “Design WA”, to improve the quality of design and development of the built environment. Separate to this, in May 2018, the Department of Planning, Lands and Heritage released the “Modernising WA’s Planning System Green Paper”. The green paper was an independent review of the Western Australia’s planning system and outlined key planning reform principles. Following a review of the draft project and associated policy against the proposed planning reform, Stage one of Design WA was released in May 2019.

Stage one of Design WA consists of *State Planning Policy 7.0 – Design of the Built Environment (SPP7.0)*, *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments* and the Design Review Guide. SPP7.0 addresses design quality and built form outcomes in Western Australia and applies to the preparation, review and assessment of a range of planning proposals. In addition, the policy provides 10 design principles which have been developed to inform the design, review and decision-making processes for built environment proposals.

The *Design Review Guide* sets a best practice model for the establishment of new design review panels. The guide contains ‘model’ terms of reference and report templates for agendas and minutes to assist and provide consistency for local governments. The model documents have been considered in the development of the City’s draft LPP.

### **DETAILS**

The aim of the draft LPP is to outline the role and purpose of the JDRP and the matters on which the panel will provide feedback.

The draft LPP contains the following:

- Objectives and statements outlining the importance of design review as part of the planning process.
- Role and purpose of the Design Review Panel.
- Proposals that are required to be referred to the panel and timing for review, including development applications and other planning proposals such as structure plans, activity centre plans, local planning policies and scheme amendments.
- Matters to be considered by the panel when providing feedback, being the local planning framework and the 10 design principles of SPP7.0.
- A fee structure for design review.
- Linking the operation of the panel to the draft amended Terms of Reference.

In conjunction with the LPP, it is also proposed that the current terms of reference be updated to better reflect the State's *Design Review Guide* and the City's needs in relation to design review. The draft terms of reference are provided in Attachment 2 to this Report for information. Council adoption of the amended terms of reference will be sought following consultation on the draft LPP to ensure any changes that may arise as a result of consultation which may also impact on the contents of the terms of reference are captured.

A comparison of the proposed JDRP, the current JDRP and the model outlined in the *Design Review Guide* is provided in Attachment 3 to this Report.

### Key features of the Joondalup Design Review Panel

#### *Purpose of design review*

The purpose of design review is to provide independent expert advice on the design quality of planning proposals to the City. The panel does not have a decision-making function. The feedback from the panel is guided by the City's relevant planning framework and the 10 principles of good design outlined in SPP7.0.

The purpose of the panel under the draft LPP and terms of reference is consistent with the City's current panel; however, has been updated to reflect the changes to the planning framework through Design WA stage one.

#### *Planning proposals to be considered*

The State Government's *Design Review Guide* stipulates that design review is typically applied to proposals that are significant – due to their size, use, location and/or community impact.

The *Design Review Guide* suggests a threshold for design review which reflects this, recommending mandatory design review for large scale projects that meet the State Government's Development Assessment Panel (DAP) threshold and apartment developments of 10 or more. Discretionary design review is identified for all other types of development.

In relation to development applications, the City's current panel goes beyond the mandatory threshold requirements identified in the *Design Review Guide*, requiring review of the following:

- All multiple and grouped dwellings of five or more outside of the City Centre and 10 or more within the City Centre.
- New commercial and mixed use buildings (no cost threshold).
- Major extensions to existing buildings that have a significant impact on the street.
- Other developments that are likely to impact the street.

Recognising the stronger focus through planning reform on the design of developments as a key consideration in assessing applications, it is proposed to expand the current planning proposals to be reviewed by the panel to also include the following:

- Activity centre plans, structure plans, local development plans, local planning policies and scheme amendments that would benefit from review.
- Mandatory DAP applications. It is noted that nearly all mandatory DAP applications would be considered by the current panel.
- All opt-in DAP applications, except extensions to existing buildings that do not impact on the street or site works.
- Information submitted as a condition of development approval where the City considers input from the Panel Chairperson (or delegate) would be beneficial (for example schedule of colours or materials or landscaping plan). This would be most likely to occur if there is a substantial change to a component of the design from that which was identified in the original design review process.
- Any other planning proposal that in the opinion of the City would benefit from design review.

#### *Timing of review*

As per the suggestions in the State Government's *Design Review Guide*, it is proposed that planning proposals will be reviewed prior to an application being formally lodged with the City. This ensures applicants are able to take best advantage of the feedback received at a time when there is more flexibility to the design and scope of a project. It is recommended within the *Design Review Guide* that a minimum of three design reviews take place, however the timing and benefit of this could be dependent on the scale of the development.

The current panel has been established with an intent to only review planning proposals following formal lodgement. However, in line with the *Design Review Guide*, the draft policy provides scope for planning proposals to be reviewed multiple times, but most importantly, prior to formal lodgement, as follows:

- Mandatory review prior to lodging an application for planning proposals that meet the thresholds for review.
- Additional review following lodgement, where considered appropriate.
- Review of information submitted as part of conditions of approval by the Panel Chairperson or delegate where considered appropriate (for example schedule of colours and materials or landscaping plan).

#### Terms of reference modifications

The design review panel is required to operate in accordance with the terms of reference endorsed by Council.

The draft amended terms of reference are provided in Attachment 2 to this Report for information and context only at this stage. Council adoption of the draft amended terms of reference will be sought following consultation on the draft LPP to ensure any changes that may arise as a result of consultation which may also impact on the contents of the terms of reference are captured.

Proposed changes to the terms of reference are outlined below.

#### *Panel membership*

In line with the State's *Design Review Guide*, it is proposed to expand the membership of the design review panel. Currently the panel comprises three specialist members, with the CEO or delegate as Chairperson.

The new panel will consist of the following members:

- Presiding Member.
- Panel Chairperson.
- Deputy Chairperson.
- Up to four other specialist members.

The draft terms of reference set out that a pool of up to 10 specialist members shall be selected by Council following an expression of interest process. These members are required to have the necessary specialist skills and qualifications, including expertise in architecture, landscaping and planning or other relevant discipline. A Panel Chairperson and Deputy Chairperson will then be selected from this group.

It is proposed to retain the CEO or nominee as the Presiding Member, to manage the City's administration of the meeting.

For each panel meeting a maximum of six members will be selected from the specialist group, with these members selected on the basis of the types of expertise required for a particular application. For example, a multiple dwelling proposal will likely require expertise from architecture, landscaping and planning. By comparison a larger more significant project, such as an activity centre plan may require expertise in urban design and traffic engineering.

#### *Meeting frequency and format*

It is proposed to maintain the current meeting cycle of monthly meetings, with the option for additional meetings, as required. Where there are no proposals to be considered by the panel, the meeting will be vacated. The format of the meeting is proposed to align with the recommendations of the State's *Design Review Guide*, noting that the key components of the meeting are similar to the current panel meeting format.

Templates for officer reports, meeting agendas and minutes are provided within the *Design Review Guide*. It is proposed to retain the City's current report agenda and officer report formats. This report template includes all information required under the template in the *Design Review Guide*, but expands further to incorporate more background and information on the proposal to ensure panel members are better informed of the planning proposal prior to a briefing by City officers at the meeting. The current panel members (including those that sit on various other design review panels) have commended this additional level of detail being provided prior to the meeting.

It is however proposed to adopt the meeting minute formats of the *Design Review Guide* as this better aligns with the purpose of the panel. In particular, the feedback from the panel will be structured against the 10 design principles of SPP7.0, outlining whether the development is supported, not supported or if amendments are required. In addition, the *Design Review Guide* recommends that these minutes are provided as an attachment to reports to Council or DAPs to inform the decision-making process. Using the minutes template will also ensure consistency, not only within the City, but with other local governments, in particular for DAP reports where most local governments have now commenced use of this template as an attachment to the report.

### *Panel member fees*

The *Design Review Guide* outlines that remuneration should reflect the expertise of the panel member and time taken to prepare and participate in meetings, recommending this be based per hour or per meeting.

The City has on average two to three planning proposals reviewed at each meeting, with meetings taking on average between two to three hours. Given the frequency of meetings and applications being reviewed, it is recommended that panel members be paid per meeting.

In consideration of advice from the Office of the Government Architect and through comparison with fee structures of other local governments, the recommended remuneration per meeting is:

- Panel Chairperson: \$500
- Panel members: \$400

Additional remuneration is proposed for the Panel Chairperson as they are also responsible for coordinating the feedback from the panel members and reviewing minutes.

It is noted that the current panel members are paid \$250 per meeting. However, this is significantly lower than the market rate and is not recommended by the Office of the Government Architect. Having a fee too low risks the City not being able to attract the appropriate level of expertise required for the panel, potentially undermining the purpose and effectiveness of the panel. The City in addition proposes to incorporate the provision of attendance of panel members at SAT matters, as required, subject to a mutually agreed hourly rate.

Proposed remuneration fees will be captured within the City's *Schedule of Fees and Charges*, with Council resolution to be sought on this matter at a later date following completion of advertising of the draft LPP.

### *Funding arrangements*

Three funding models are set out in the State's *Design Review Guide*, being local government funded, proponent funded or a balance between local government and proponent funded.

Currently the City funds the design review panel, at a cost of approximately \$10,000 per year. To assist in covering the cost of the panel and acknowledging the benefit that developers receive from the design review process, it is recommended that a fee be introduced for planning proposals required to undergo design review.

Based on the remuneration for panel members provided above, on the basis that each meeting would comprise a Chairperson and three other panel members, each meeting will cost \$1,700 for panel members, with an additional \$25 for administration expenses.

It is proposed that the design review panel is funded as much as possible by the proponent. Based on three applications per meeting, this would equate to a cost of \$575 per development proposal.

Further, whilst the City expects that developments will be presented to the panel pre-lodgement, there is no statutory provision that can compel this to occur. To ensure that there is an incentive to proponents to seek advice from the panel pre-lodgement, the City proposes the following fee structure:

Proposals presented pre-lodgement	\$575
Proposals presented post-lodgement that have not previously been presented to the panel	\$1,150
Subsequent panel referrals	\$575

It is noted that depending on the number of applications received, less than three applications may be referred to a meeting, meaning the City would also need to cover part of the cost of this meeting. It is therefore recommended that the City would continue to budget an amount of \$10,000 for the first financial year to accommodate any costs of the JDRP that is not able to be recouped through applicant fees. This would be reviewed for subsequent years, in conjunction with the applicant fees.

The terms of reference will be formally presented to Council for consideration following consultation of the draft LPP.

### Issues and options considered

Council has the option to either:

- advertise the draft *Joondalup Design Review Local Planning Policy*, without modifications
- advertise the draft *Joondalup Design Review Local Planning Policy*, with modifications or
- not support the advertising of the draft *Joondalup Design Review Local Planning Policy*.

In the event Council adopts a final version of the draft LPP following advertising and concurrently supports the draft terms of reference, the City will undertake an expression of interest process for members of the panel. A subsequent report will then be presented to Council to formally appoint the panel members.

### Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Planning and Development (Local Planning Scheme) Regulations 2015.*  
*Local Planning Scheme No. 3.*

### Strategic Community Plan

**Key theme**                        Quality Urban Environment.

**Objective**                        Quality built outcomes.

**Strategic initiative**            For the City's commercial and residential areas to be filled with quality buildings and appealing streetscapes.

**Policy**                                *State Planning Policy 7: Design of the Built Environment.*

### Risk management considerations

In May 2019 Council resolved to amend LPS3 to introduce feedback from JDRP as a statutory matter for consideration in the decision-making process for planning matters (CJ049-05/19 refers).

In approving the amendment to LPS3 to introduce Minister required a local planning policy to be prepared to outline the details of the panel and the types of matters to be reviewed.

In not proceeding with the local planning policy there is a risk that the process to establish statutory weight for the JDRP will not be closed out and will ultimately reduce the amount of due regard that can be given to panel recommendations and feedback as part of the decision-making process for planning proposals.

### **Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Ongoing funding for the JDRP will be partially funded by developers through fees. However, depending on the number of proposals referred to the JDRP at a meeting, the City may still be required to partially fund the meeting. It is therefore recommended that the City continues to budget \$10,000 for the panel.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The role of the JDRP is to consider matters within the planning framework, in particular the 10 design principles of SPP7.0, including consideration of the sustainability aspects of a planning proposal.

### **Consultation**

The deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* as well as the City's *Planning Consultation Local Planning Policy* require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The policy is proposed to be advertised for 21 days as follows:

- A notice published in the local newspaper.
- Letter sent to registered resident and ratepayer groups.
- Letter sent to the Office of the Government Architect, the Department of Planning, Lands and Heritage and relevant industry bodies.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

If, in the opinion of the City, the policy is inconsistent with any State planning policy, then notice of the proposed policy is also required to be given to the Western Australian Planning Commission. The proposed policy is not considered to be inconsistent with any State planning policy.

### **COMMENT**

The draft LPP aims to provide guidance on the role and purpose of the JDRP, the types of applications that will be subject to design review and the matters that will be considered by the panel. The policy aligns with the State Government's *Design Review Guide* and will seek to ensure that feedback is provided early in the design process. In conjunction with the terms of reference, the LPP will allow for a panel that meets State Government expectations and that continues to provide advice and recommendations that inform planning decisions.

It is recommended that Council advertise the draft *Joondalup Design Review Panel Local Planning Policy* for public comment for a period of 21 days.



## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 5 October 2020.

The committee recommendation is the same as recommended by City officers.

## **RECOMMENDATION**

**That Council in accordance with clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft *Joondalup Design Review Panel Local Planning Policy*, as shown in Attachment 1 to this Report, for a period of 21 days.**

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf201013.pdf](#)*

## ITEM 22                    DRAFT   ADVERTISEMENTS   LOCAL   PLANNING POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	01907, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Current Signs Local Planning Policy</i> Attachment 2 <i>Draft Advertisements Local Planning Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For Council to consider a draft *Advertisements Local Planning Policy* for the purposes of public advertising, which will replace the existing *Signs Local Planning Policy*.

### EXECUTIVE SUMMARY

A review of all advertising signage in the City of Joondalup has been undertaken to:

- explore the issues the City and its stakeholders currently experience in relation to signage and matters that influence the City's position on advertising signage
- make recommendations to establish a clear, aligned approach to signage across all relevant regulatory and strategic instruments and City activities.

The review has identified a series of recommended amendments to the existing *Signs Local Planning Policy* (Signs LPP) in order to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City's position regarding some sign types currently prohibited by the policy.

A draft *Advertisements Local Planning Policy* (Advertisements LPP) has been prepared to replace the existing Signs LPP.

It is therefore recommended that Council supports the draft Advertisements LPP (Attachment 2 refers) for the purposes of consultation for a period of 21 days.

## BACKGROUND

Advertising signage in the City of Joondalup is currently guided and regulated by the Signs LPP and the *Local Government and Public Property Local Law 2014* (local law). The Signs LPP guides private signage, typically located on private property, with the local law regulating signage in public spaces and thoroughfares.

A review of all advertising signage in the City of Joondalup has been undertaken to explore the issues that the City and its stakeholders currently experience in relation to signage and matters that influence the City's position on advertising signage. The review has led to recommendations to establish a clear, aligned approach to signage across all relevant regulatory and strategic instruments and City activities. The following key issues and opportunities explored by the review include:

- Demand for business visibility:
  - businesses not visible from major thoroughfares/activity areas are demanding opportunities to enhance visibility to passing pedestrians and cars through portable signs, as wall signs are not directed towards passing trade
  - proliferation of branding signs in commercial areas can make signs less effective, and impact on visual amenity
  - use of temporary signs for promotional sales and events
  - policy restriction of portable signs restricts “quirky” kerb appeal and place activation.
- Technology and digital messaging:
  - role of the current directional signs program, considering the availability of technology and digital wayfinding
  - digital advertising can support the growth of Joondalup as a smart city
  - digital sign technology may increase demand for private third-party advertising.
- Advertising as a revenue source:
  - sponsorship and advertising revenue may reduce reliance on rates revenue for services delivery to the community.
- Signs in residential areas:
  - display of small home improvements and renovations signs
  - home business signs.

Several issues identified in the review, in particular business visibility, are already being actively addressed by the City's investment into economic development plans, business support initiatives, and the Place Activation Strategy currently in development. This includes dovetailing of business support and buy local campaigns to increase business visibility, for example the Joondalup Business Catalogue.

The placement of signs within road verges and thoroughfares is controlled by the local law which does not currently permit advertising signs to be placed in these areas. However, the City is currently reviewing its local law framework and, as part of its statutory review, any changes to the provisions within the local law can be considered as part of that review, based on the issues identified in the signage review.

Amendments required to the Signs LPP in response to the issues identified in the signage review have resulted in the preparation of the draft Advertisements LPP.

## DETAILS

Advertising signs and devices regulated by the Signs LPP fall within the definition of “advertisements” under the *Planning and Development (Local Planning Schemes) Regulations 2015*. Aligning the policy title with this definition is recommended to provide clarity. Therefore, instead of amending the *Signs LPP*, a new Advertisements LPP is proposed. Adoption of the Advertisements LPP following advertising will revoke the existing Signs LPP.

The revisions to the City’s approach to signage provided within the draft Advertisements LPP seek to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City’s position regarding signs currently prohibited by the policy.

### Objectives specific to locality types

The draft Advertisements LPP acknowledges that the role and accepted level of advertising differs across the City based on the expected level of amenity and commercial functions of the City’s various zones. The draft policy defines locality types for the purpose of defining exemptions and provisions for signage in the different areas of the City. These locality types are:

Neighbourhood localities	<ul style="list-style-type: none"> <li>• Joondalup Activity Centre:               <ul style="list-style-type: none"> <li>- Lakeside Residential precinct</li> </ul> </li> <li>• Residential Zone</li> <li>• Rural Zone</li> </ul>
Activity Centre localities	<ul style="list-style-type: none"> <li>• Joondalup Activity Centre:               <ul style="list-style-type: none"> <li>- City Centre precinct</li> <li>- Learning and Innovation precinct</li> <li>- Health and Wellness precinct</li> </ul> </li> <li>• Commercial zone</li> <li>• Centre zone</li> <li>• Mixed Use zone</li> <li>• Private Community Purpose zone</li> </ul>
Service Commercial localities	<ul style="list-style-type: none"> <li>• Joondalup Activity Centre:               <ul style="list-style-type: none"> <li>- Joondalup Edge precinct</li> <li>- Joondalup West precinct</li> </ul> </li> <li>• Service Commercial Zone</li> <li>• Light Industry Zone</li> </ul>

The draft Advertisements LPP provides specific objectives for each locality type, enabling consideration of the particular nature and amenity of each to guide decision making. Development standards and a listing of permitted or prohibited signs are structured based on the locality types, informed by the locality objectives.

### Exemption pathway

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), development approval is not required for works and uses which are specified as being exempt under a local planning policy. The draft Advertisements LPP introduces a streamlined “exemption pathway” for signs that meet acceptable development standards, in addition to the list of exempt signs already provided in the current Signs LPP. This applies to specified on-building signs and temporary use of banners.

The additional exemptions in the Advertisements LPP would remove the unnecessary formality for businesses of having to apply for development approval for advertising signs that meet acceptable policy standards. The exemption pathway may also encourage the use of fewer and more appropriate signs, as businesses may look to avoid the time and costs of a development approval by complying with the policy provisions.

As a result of the exemption pathway, signs that do not comply with policy provisions will be subject to a merit-based, discretionary assessment. In addition to providing locality specific objectives, the policy objectives and design principles of the current Signs LPP have been reviewed, amended and included within the Advertisements LPP to provide a comprehensive set of objectives and principles to guide discretionary assessment and decision making when it is required.

### Digital and animated signs

Policy provisions are proposed to address the specific amenity and safety implications of illuminated, variable, and animated content signs.

The proposed provisions utilise methodology provided within Main Roads Western Australia’s *Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves* (as amended), as relevant to digital and variable content signs. The proposed policy provisions would operate to prohibit variable or animated content within locations that pose an unacceptable risk to road users, being vital decision-making points in the road network. The policy provisions provide guidance for variable content signs in low risk areas and provide for the submission of road safety audit reports in locations where signs may be acceptable; however, there is an increased risk as a result of increased speed limits and road volumes. The proposed provisions provide greater ability for the City to consider road safety when assessing applications for digital, variable content signs.

### Portable signs

Portable signs (such as sandwich boards or A-frame signs) are currently prohibited by the existing Signs LPP in all areas of the City, except Light Industrial zoned land along Canham Way in Greenwood. The draft Advertisements LPP proposes greater flexibility for their use on private land, based on the locality within which they are proposed.

The draft LPP recommends:

Neighbourhood localities	Maintaining the prohibition on portable signs to protect residential amenity.
Activity centre localities	Permitting one portable sign per business on private land where there is not an existing freestanding sign that advertises the business.
Service commercial localities	Permitting one portable sign per business on private land, reflecting the core commercial function of these areas.

Portable signs on private land, where permitted by the draft Advertisements LPP and subject to meeting policy provisions regarding safety, will not require development approval. Any other or additional portable signs will continue to be prohibited by the LPP to avoid a general proliferation of signs, and encourage the use of permanent, high quality signs for advertising purposes.

The issue of business demand for portable signs in verges, where these signs cannot be accommodated on private land due to nil building setbacks in city centre areas, cannot be resolved by amendments to the draft Advertisements LPP. The current local law maintains a general prohibition of advertising signs in thoroughfares. The City is currently undertaking a review of all local laws; the issue will be considered as part of that process.

#### Portable variable message board signs

Portable variable message board signs are currently prohibited in all areas of the City, as they are a potential traffic hazard and can impact upon local amenity.

As their use for business advertising purposes is typically short-term, requiring development approval for their temporary use is unlikely to meet business demands, as the development approval process can take up to two months and has costs associated. However, the safety and amenity risks associated with use of these signs makes a general policy exemption for these signs inappropriate.

The *Planning and Development (Local Planning Schemes) Regulations 2015* include a temporary works exemption from development approval which might be used by businesses for temporary signs, including temporary use of portable variable message boards. The draft Advertisements LPP seeks to manage the potential safety issues associated with temporary use of portable variable message boards under the temporary works exemption, by enabling their use under the exemption for longer than the 48 hours, once per year afforded by the Regulations. This agreement for time extension would be subject to meeting specific standards regarding their location and content to manage risk to road users and local amenity. This is similar to the approach utilised by the City to regulate temporary use of sea containers, with written planning advice (a formal request) provided so that the City can confirm that the safety standards are complied with.

#### Roof signs

Roof signs are currently prohibited in all areas of the City. Recognising the planning intention for the City Centre precinct of the Joondalup Activity Centre to be a vibrant, city area, the draft Advertisements LPP recommends removing the prohibition of roof signs in that area only, with development provisions included to ensure that roof signs add interest and vibrancy to Joondalup's skyline, without adversely affecting the amenity of residents.

#### Bunting

Bunting as an advertising device is currently prohibited in all areas of the City. The draft Advertisements LPP proposes removing this general prohibition, with the use of advertising bunting considered through a merit-based, discretionary development approval pathway.

#### **Issues and options considered**

Council has the option to either:

- advertise the draft Advertisements LPP without modifications
- advertise the draft Advertisements LPP with modifications
- or
- not support the advertising of the draft Advertisements LPP.

**Legislation / Strategic Community Plan / Policy implications**

**Legislation**                      *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**                              *Signs Local Planning Policy (to be revoked by Advertisements Local Planning Policy).*

**Risk management considerations**

Risks associated with exempting development approval for certain signs that present potential hazard due to their materials or location can be reduced by establishing a process by which written planning advice (a formal request) so that the City can confirm that the specific standards are complied with.

Any alleged non-compliance can be investigated and acted upon by the City should a complaint be received for any advertising signs that do not comply with the relevant provisions of the *Advertising LPP*.

The draft LPP includes specific provisions regarding traffic hazards associated with variable message signs, therefore providing a risk management approach to assessing the amenity and safety risks of digital signs.

**Financial / budget implications**

There will be a minor loss of revenue, should proposed advertising signs meet the provisions of the revised policy and not require planning approval.

In terms of costs associated with public advertising and notice of any final adoption of the revised policy, the approximate cost of this process will be \$1,000.

**Regional significance**

Not applicable.

**Sustainability implications**Social

The introduction of key policy provisions regarding the amenity and safety of digital signs address a current policy gap and will assist the City to consider safety of road users when assessing applications for digital, animated, and variable content signs.

## Economic

Several local businesses and the Joondalup Business Association have raised concerns regarding the City's current approach to portable signs. Whilst not all these issues, including portable signs on thoroughfares, can be addressed through a local planning policy, the additional flexibility and exemption pathway provided within the draft LPP will support local business and economic vibrancy.

## **Consultation**

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The draft Advertisements LPP is proposed to be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A letter sent to the Joondalup Business Association.
- Emails sent to all registered resident and ratepayer groups in the City.
- Emails sent to all members of the City's Community Engagement Network.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

If, in the opinion of the City, a local planning policy is inconsistent with any State planning policy, then notice of the proposed policy is to be given to the Western Australian Planning Commission. The revised policy is not considered to be inconsistent with any State planning policy.

## **COMMENT**

The draft Advertisements LPP aims to provide clarity as to the City's expectations in respect to appropriate advertising signs from a planning perspective, whilst providing greater flexibility for businesses. It is recommended that Council advertise the draft Advertisements LPP for public comment for a period of 21 days.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 5 October 2020.

The committee recommendation is the same as recommended by City officers.



**RECOMMENDATION**

**That Council, in accordance with clauses 3 and 4 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the *Advertisements Local Planning Policy*, as shown in Attachment 2 to this Report, for a period of 21 days.**

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22brf201013.pdf](#)*

**REPORT OF THE CHIEF EXECUTIVE OFFICER**

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**CLOSURE**



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

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

<b>Name / Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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**

<b>Name / Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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

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