

# minutes

## Ordinary Meeting of Council

MEETING HELD ON

TUESDAY 18 OCTOBER 2022

### **Acknowledgement of Traditional Custodians**

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

*This document is available in alternate formats upon request*

## TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</b>		<b>iv</b>
	<b>DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY</b>		<b>iv</b>
	<b>PUBLIC QUESTION TIME</b>		<b>vii</b>
	<b>PUBLIC STATEMENT TIME</b>		<b>xiii</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>		<b>xvi</b>
C119-10/22	REQUESTS FOR LEAVE OF ABSENCE – CR JOHN RAFTIS, CR JOHN LOGAN AND CR NIGE JONES		xvi
	<b>CONFIRMATION OF MINUTES</b>		<b>xvi</b>
C120-10/22	MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 20 SEPTEMBER 2022		xvi
	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>		<b>xvii</b>
	<b>IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>		<b>xviii</b>
C121-10/22	MOTION TO CHANGE THE ORDER OF BUSINESS		xviii
	<b>PETITIONS</b>		<b>xviii</b>
C122-10/22	PETITION IN RELATION TO THE CITY OF JOONDALUP PROVIDING FUNDING FOR CCTV AND FIXING THE BROKEN LIGHTING IN THE UNDERPASS AT WHITFORDS WEST PARK, KALLAROO		xviii
C123-10/22	PETITION IN RELATION TO THE CITY OF JOONDALUP APPROVING THE SORRENTO BOWLING CLUB TO INSTALL A SELF-SERVICE CLUB TAB INSIDE ITS CLUBROOM FACILITIES		xviii
	<b>ELECTION OF DEPUTY MAYOR</b>		<b>xx</b>
	<b>DECLARATION OF ELECTED MEMBER</b>		<b>xx</b>
	<b>ADDRESS BY DEPUTY MAYOR</b>		<b>xx</b>
	<b>REPORTS</b>		<b>1</b>
CJ163-10/22	DEVELOPMENT AND SUBDIVISION APPLICATIONS – AUGUST 2022	ALL	1
CJ164-10/22	PROPOSED UNLISTED USE (DAY RESPITE SERVICE) AT LOT 221 (17) WELLARD GROVE, WOODVALE	CENTRAL	5

ITEM NO.	TITLE	WARD	PAGE NO.
C124-10/22	PROCEDURAL MOTION – THAT THE ITEM BE DEFERRED		17
CJ165-10/22	PROPOSED MODIFICATIONS TO APPROVED RESTAURANT / CAFÉ AT LOT 1436 (59) BEACHSIDE DRIVE, BURNS BEACH	NORTH	20
CJ166-10/22	DRAFT SORRENTO PRECINCT STRUCTURE PLAN	SOUTH-WEST	39
CJ167-10/22	EXECUTION OF DOCUMENTS	ALL	64
CJ168-10/22	ADVOCACY FRAMEWORK	ALL	67
CJ169-10/22	MINUTES OF REGIONAL COUNCILS	ALL	73
CJ170-10/22	APPLICATION TO INSTALL A MEMORIAL BENCH AT SIR JAMES MCCUSKER PARK ILUKA IN MEMORY OF LATE MR IAN MCLENNAN	NORTH	76
CJ171-10/22	HEALTH AMENDMENT LOCAL LAW 2021 - UNDERTAKING	ALL	81
CJ172-10/22	LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2022	ALL	85
CJ173-10/22	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2022	ALL	88
CJ174-10/22	INVITATION TO JOIN THE PANEL OF PRE-QUALIFIED SUPPLIERS 027/22 SUPPLY AND DELIVERY OF PRECAST STORMWATER DRAINAGE PRODUCTS	ALL	94
CJ175-10/22	TENDER 032/22 PROVISION OF TRAFFIC MANAGEMENT AND CONTROL SERVICES	ALL	101
CJ176-10/22	TENDER 033/22 – PROVISION OF DOG AND CAT (ANIMAL) HOLDING FACILITIES	ALL	108
CJ177-10/22	CONFIDENTIAL - PERTH FESTIVAL 2023 - PARTNERSHIP PROPOSAL	ALL	115/153
CJ178-10/22	2022-23 BUDGET AMENDMENT – CAPITAL WORKS PROGRAM PROJECTS CARRIED FORWARD FROM 2021-22	ALL	116
CJ179-10/22	DUFFY HOUSE – COMMUNITY CONSULTATION OUTCOMES	CENTRAL	122
	<b>REPORT – MAJOR PROJECTS COMMITTEE – 27 SEPTEMBER 2022</b>		<b>135</b>
CJ180-10/22	DRAFT 10 YEAR STRATEGIC FINANCIAL PLAN 2022 (2021-22 TO 2030-31)	ALL	135
<b>C125-10/22</b>	<b>COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION</b>		<b>146</b>

ITEM NO.	TITLE	WARD	PAGE NO.
	<b>REPORTS – CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE - 27 SEPTEMBER 2022</b>		<b>149</b>
CJ181-10/22	CONFIDENTIAL CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW	ALL	147/156
CJ182-10/22	CONFIDENTIAL - SALARY REVIEW – CHIEF EXECUTIVE OFFICER	ALL	148/159
	<b>REPORTS OF THE CHIEF EXECUTIVE OFFICER</b>		<b>149</b>
	<b>URGENT BUSINESS</b>		<b>149</b>
	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		<b>149</b>
C126-10/22	NOTICE OF MOTION NO.1 – CR RUSS FISHWICK – RENAMING OF WARWICK HOCKEY CENTRE THE TROY PICKARD HOCKEY CENTRE		149
<b>C127-10/22</b>	<b>MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC</b>		<b>152</b>
CJ177-10/22	CONFIDENTIAL - PERTH FESTIVAL 2023 - PARTNERSHIP PROPOSAL	ALL	153/115
CJ181-10/22	CONFIDENTIAL CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW	ALL	156/147
CJ182-10/22	CONFIDENTIAL - SALARY REVIEW – CHIEF EXECUTIVE OFFICER	ALL	159/148
<b>C128-10/22</b>	<b>MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC</b>		<b>161</b>
<b>C129-10/22</b>	<b>MOTION TO RESUME ORDER OF BUSINESS</b>		<b>161</b>
	<b>ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING</b>		<b>153</b>
	<b>CLOSURE</b>		<b>162</b>

## CITY OF JOONDALUP

COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 18 OCTOBER 2022

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

HON. ALBERT JACOB, JP

*absent from 9.19pm to 9.24pm*

#### Councillors:

CR TOM MCLEAN, JP	North Ward	<i>absent from 9.09pm to 9.11pm</i>
CR ADRIAN HILL	North Ward	
CR NIGE JONES	North Central Ward	<i>absent from 9.04pm to 9.08pm</i>
CR DANIEL KINGSTON	North Central Ward	<i>absent from 9.06pm to 9.09pm</i>
CR RUSSELL POLIWKA	Central Ward	<i>absent from 9.04pm to 9.07pm</i>
CR CHRISTOPHER MAY	Central Ward	<i>absent from 7.52pm to 7.54pm</i>
	<i>absent from 9.10pm to 9.14pm</i>	
CR SUZANNE THOMPSON	South Ward	
CR RUSS FISHWICK, JP	South Ward	
CR JOHN RAFTIS	South-West Ward	<i>absent from 9.04pm to 9.06pm</i>
CR CHRISTINE HAMILTON-PRIME, JP	South-West Ward	<i>absent from 10.18pm to 10.19pm</i>
CR JOHN LOGAN	South-East Ward	
CR JOHN CHESTER	South-East Ward	

#### Officers:

MR JAMES PEARSON	Chief Executive Officer	<i>absent from 11.06pm to 11.11pm</i>
MR JAMIE PARRY	Director Governance and Strategy	
MR CHRIS LEIGH	Director Planning and Community Development	
		<i>absent from 9.28pm to 9.30pm</i>
		<i>absent from 10.46pm to 11.11pm</i>
MR NICO CLAASSEN	Director Infrastructure Services	
		<i>absent from 10.46pm to 11.11pm</i>
MR MAT HUMFREY	Director Corporate Services	<i>absent from 10.46pm to 11.11pm</i>
MR LUKE WILLCOCK	Manager Economic Development and Advocacy	<i>to 9.20pm</i>
MS CATHRINE TEMPLE	Manager Planning Services	<i>to 9.17pm</i>
MRS KYLIE BERGMANN	Manager Governance	
MR DANIEL DAVINI	Media Advisor	<i>to 9.59pm</i>
MRS VIVIENNE STAMPALIJA	Governance Coordinator	<i>absent from 10.46pm to 11.11pm</i>
MRS DEBORAH GOUGES	Governance Officer	<i>to 10.46pm</i>
MS AVRIL SCHADENDORF	Governance Officer	<i>absent from 9.59pm to 10.01pm</i>
		<i>absent from 10.28pm to 10.32pm</i>
		<i>to 10.46pm</i>

There were 38 members of the public and no member of the press in attendance.

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

### Disclosures of Financial Interest / Proximity Interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

<b>Name / Position</b>	<b>Hon. Mayor Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ170-10/22 - Application to install a Memorial Bench at Sir James Mccusker Park Iluka in Memory of Late Mr Ian McLennan.
<b>Nature of Interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Mayor Jacob is the joint owner of a property across the road. Mayor Jacob also knew and had many dealings with Mr McLennan over the years.

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Item No. / Subject</b>	CJ181-10/22 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Item No. / Subject</b>	CJ182-10/22 – Confidential - Salary Review – Chief Executive Officer.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

### Disclosures of Interest affecting Impartiality

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member / employee is also encouraged to disclose the nature of their interest.

<b>Name / Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No. / Subject</b>	C123-10/22 - Petition in Relation to the City of Joondalup Approving the Sorrento Bowling Club to Install a Self-Service Club Tab Inside its Clubroom Facilities.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Russ Fishwick is a member at the Sorrento Bowling Club.

<b>Name / Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Residents of Wellard Grove are known to Mayor Jacob.

<b>Name / Position</b>	<b>Cr John Chester.</b>
<b>Item No. / Subject</b>	CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is a long-standing member of Alzheimer's WA.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ164-10/22 – Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Christine Hamilton's father had dementia and the application deals with services provided by Alzheimer's WA.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ166-10/22 - Draft Sorrento Precinct Structure Plan.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Stuart Hawkins who provided a deputation is known to Cr Hamilton-Prime.

<b>Name / Position</b>	<b>Cr John Chester.</b>
<b>Item No. / Subject</b>	CJ179-10/22 – Duffy House – Community Consultation Outcomes
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is a committee member of the Friends of Yellagonga and the Department of Biodiversity, Conservation and Attractions (DBCA) Community Advisory Committee for the Regional Park.

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	CJ179 – Duffy House - Community Consultation Outcomes
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Kingston is the secretary of the Friends of Yellagonga Regional Park which performs activities in the Regional Park.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ179-10/22 Duffy House – Community Consultation Outcomes
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Friends of Yellagonga which is an interested party in Duffy House and the Park.

<b>Name / Position</b>	<b>Mr Jamie Parry, Director Governance and Strategy.</b>
<b>Item No. / Subject</b>	CJ181-10/22 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry's employment relationship with the Chief Executive Officer.

<b>Name / Position</b>	<b>Mr Jamie Parry, Director Governance and Strategy.</b>
<b>Item No. / Subject</b>	CJ182-10/22 – Confidential - Salary Review – Chief Executive Officer.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry's employment relationship with the Chief Executive Officer.

<b>Name / Position</b>	<b>Mr Mat Humfrey, Director Corporate Services.</b>
<b>Item No. / Subject</b>	Notice of Motion No.1 – Cr Russ Fishwick – Renaming of Warwick Hockey Centre the Troy Pickard Hockey Centre.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Humfrey is a member of the Whitford Hockey Club.

## PUBLIC QUESTION TIME

The following summarised questions were submitted prior to the Council meeting:

**Amanda Stephens, Woodvale:**

Re: *CJ164-10/22 Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.*

Q1 *In the last five years, 18 developments classed as 'Unlisted Use' have been received by the City of Joondalup, for each application received, please list what usage/business these were for?*

Q2 *Can you also list, for each one, were these approved or rejected?*

A1&2 The table below summarises the nature, address and decision outcomes of 'unlisted use' applications processed by the City over the past five years:

Application Reference	Application Description	Address	Decision	Decision maker
DA17/1352	UNLISTED USE (upgrades and extension to existing telecommunications infrastructure)	3L Shoran Court, Ocean Reef	Approved	Council
DA17/1472	UNLISTED USE (abstraction bore and collector main)	Lysander Park, Heathridge	Approved	WAPC
DA18/0161	USE NOT LISTED (special care facility - additions)	15 Chessell Drive, Duncraig	Approved	Council
DA18/0196	UNLISTED USE (Outside School Hours Care and Vacation Care)	8 Elcar Lane, Joondalup	Approved	Council
DA18/0305	UNLISTED USE (bicycle hire)	33 Collier Pass	Approved	Council
DA18/0321	UNLISTED USE (production bore installation and associated infrastructure)	Beldon Park, Beldon	Approved	WAPC
DA18/0441	USE NOT LISTED (construction of bore main)	44L Nanika Crescent, Joondalup	Approved	WAPC
DA18/0615	UNLISTED USE (helipad addition)	Joondalup Resort	Approved	Council
DA18/0891	UNLISTED USE (Neerabup sewer line)	47 Clydebank Crescent, Kinross	Approved	WAPC
DA18/1373	UNLISTED USE (footpath, retaining and battering)	1551 Marmion Avenue, Burns Beach	Approved	WAPC
DA19/0603	UNLISTED USE (extension of time (bridge addition))	350 Hodges Drive, Joondalup	Approved	Council
DA20/0015	USE NOT LISTED (early works associated with Ocean Reef Marina)	Ocean Reef Boat Harbour	Approved	Council



Application Reference	Application Description	Address	Decision	Decision maker
DA20/0016	USE NOT LISTED (forward works associated with Ocean Reef Marina)	Ocean Reef Boat Harbour	Approved	WAPC
DA20/0137	USE NOT LISTED (breakwater construction - Ocean Reef Marina)	Ocean Reef Boat Harbour	Approved	JDAP
DA20/0138	USE NOT LISTED (breakwater construction - Ocean Reef Marina)	Ocean Reef Boat Harbour	Approved	JDAP
DA20/0548	USE NOT LISTED (earthworks - ocean reef marina)	Ocean Reef Boat Harbour	Approved	WAPC
DA20/0710	UNLISTED USE (change of use - container deposit premises)	5 Winton Road, Joondalup	Approved	Council
DA22/0398	USE NOT LISTED (batters work and clearing)	1551 Marmion Avenue, Burns Beach	Approved	Council

### M Sideris, Mullaloo:

*Re: City of Joondalup Coastal Monitoring 2021-22 Data Report R1668 – Pinnaroo Point Café.*

*Q1 The recently published City of Joondalup Coastal Monitoring 2021-22 Data Report R1668 identified and confirmed the section of Pinnaroo Point coastline had substantially changed over the last few years and this Report introduced new relevant additional reference data information.*

*Please advise why the City of Joondalup Pinnaroo Point Coastal Hazard Risk Management and Adaptation Planning Report R788 Rev 1 July 2016 has not been updated and revised to reflect these, as required by the Department of Planning Lands and Heritage policy advice?*

*A1 Consistent with the Department of Planning, Lands and Heritage's Coastal Hazard Risk Management and Adaptation Planning Guidelines future revision and updates of Coastal Hazard Risk Management and Adaptation Plans (CHRMAP) can be coordinated to coincide with local planning strategies and schemes, the release of IPCC assessment reports, legislation, policy and policy guideline change.*

*Q2 In a recent response provided by the City, whilst there has been an increase in the recession of the vegetation line, the management of erosion issues at Pinnaroo Point is ongoing and management actions are implemented and reviewed on an ongoing basis, in alignment with the recommendations of the City's coastal engineering consultants, can the City please detail the above stated management actions?*

*A2 The City continues to monitor coastal erosion at Pinnaroo Point through the annual Coastal Monitoring Program. The City also recently engaged M P Rogers & Associates to conduct severe storm monitoring at Pinnaroo Point and Hillarys Animal Beach after the severe storm event in July and August 2022. The City continues to conduct the annual Sand Bypassing Program from Sorrento Beach to Hillarys Beach Park to address the recession identified at Hillarys Beach Park and Pinnaroo Point, consistent with the recommendations of the City's coastal engineering consultants.*

Q3 *With regards to the Business Case Proposal for Pinnaroo Point Café Development City of Joondalup 2016, as submitted to the Department of Planning, Lands and Heritage (DPLH), stated and identified that the Lot 501 development proposal was for a Café and was to include a tavern within the single-story development.*

*Can the City please advise when the amended to the Expression of Interest (Stage 1) was considered and endorsed by Council to include a tavern within the Café design?*

A3 The development proposal in the 2016 Business Case submitted to the Department of Planning, Lands and Heritage consisted of a kiosk with an associated alfresco area, a café with covered and alfresco areas, an upstairs bar/lounge area and a separate function area. This concept plan was endorsed by Council at its meeting held on 15 December 2015 (CJ225-12/15 refers).

Q4 *With regards to the Business Case Proposal for Pinnaroo Point Café Development City of Joondalup 2016, as submitted to the Department of Planning, Lands and Heritage (DPLH), stated and identified that the Lot 501 development proposal was for a café and was to include a tavern within the single-story development.*

*Can the City please advise when Council considered and endorsed the café - tavern design as submitted?*

A4 Please refer to the answer to Question 3 above.

Re: *Confidential Reports.*

Q5 *There are a number of reports on the Council meeting agenda that have been identified as Confidential. Can the City please advise the City Policy so as to identify when these and previous Confidential Reports will be considered to be "No longer Confidential" and released into the public domain?*

A5 The City of Joondalup does not have a City policy that provides direction in relation to confidential reports as is suggested. The City is guided by legislation in relation to access of local government information to members of the public.

In accordance with the *Local Government Act 1995* (Act), section 5.23 (2) the Council may close the meeting or parts of the meeting to members of the public, if the meeting or part of the meeting deals with matters of a confidential nature. In relation to the three confidential reports listed on the Council meeting agenda to be held on 18 October 2022, the confidentiality of the reports relate to sections 5.23 (2) (a), (c) and (e):

- (a) matters affecting an employee or employees
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person.

It is further stated in Regulation 14 (1), (2) of the *Local Government (Administration) Regulations 1996* that agendas including confidential reports are not made available to the public, if in the CEO's opinion the meeting or part of the meeting is closed to members of the public. This is also reinforced in section 5.94 (n)(p) and 5.95 (1)(3)(7) of the Act, where it states that a person's right to inspect information referred to in any confirmed minutes of Council and Committee meetings; does not extend to the inspection of information where that section of the meeting or part of the meeting to which the information refers was closed to members of the public.

In accordance with section 5.23 (2) of the Act it is the Council which may close the meeting or parts of the meeting to members of the public, as such the information enclosed in previous and current confidential reports (where the Council has agreed to close the meeting) will not be made available to the public in accordance with legislation.

**M Kwok, Ocean Reef:**

*Re: Use of Glyphosate near schools and brush cutting weeds.*

**Q1** *Does the City use pesticide for weed control within 50 meters from schools in locations such as median strips? (Photo: outside Ocean Reef Senior High School 16.10.22)*



**A1** No. The City does not use herbicides for weed control within 50 metres from schools. Although the Council decision of 14 December 2021 (CJ184-12/12 refers) only referenced kerblines and footpaths, the City also included medians within 50 metres of schools in its tender for non-chemical weed control. This area is therefore included in the performance based non-chemical weed control contract.

**Q2** *Road verge wild oats are heavily seeded, these weeds are known to be resistant to Glyphosate. Coastcare Friends group would manually remove these weeds and bag them. Glyphosate is used by wheat farmers as desiccant to dry the crop, same practice in suburbia would increase fire risks from the dried grass.*

*Would the City consider brush cutting rather than spraying with glyphosate which does not kill seeds?*



**A2** The City's preference is to control weeds before seed set and where this is not possible will treat weeds and follow up by brush cutting.

- Q3 *Assuming City Staff is responsible for weed control along public access ways, why was glyphosate (Weedmaster Duo - 21.09.2022) used on wild radish that are seeded, instead of manually removing these weeds? The seeds will add to the seed bank and more weeds will emerge over the next seven years.*

*See photos from a concerned resident, Public Access Way off Pitonga Way Greenwood.*



- A3 Refer A2 above.

Re: *Council Resolution - CJ 064-05/21 Minutes of the Annual General Meeting of Electors Held on 23 March 2021.*

- Q4 *Part 11 Motion No.10:*

11.3 *SUPPORTS the City phasing out the use of glyphosate and other pre-emergent and residual chemicals deemed as confirmed carcinogens or otherwise detrimental to human health in public areas by 31 December 2025, except for the use in:*

11.3.1 *sump sites and other areas not accessible by the public;*

11.3.2 *natural areas (where it is required for conservation purposes in removing invasive exotic weeds), ovals and playing fields and road reserves and medians (where no footpath is present).*

*Has the City formulated a plan to action the above council resolution?*

- A4 In developing the *draft Weed Management Plan 2022 - 2032* previous Council decisions, outcomes of the Strategic Community Reference Group meeting in May 2021, and community concerns regarding herbicide use have all been considered and management actions included where appropriate.

- Q5 *If yes, please describe the plan.*

- A5 Refer A4 above.

**The following summarised questions were submitted verbally at the Council meeting:****R Lavender, Woodvale:**

*Re: CJ179-10/22 - Duffy House – Community Consultation Outcomes.*

Q1 What kind of commercial interest and investment does the City envisage in relation to the use of Duffy House?

A1 The Director Infrastructure Services advised that the City does not envisage anything, but will be seeking expressions of interest that businesses may have, which will then be assessed by Council following that process.

Q2 Will members of the public have any input with regards to the businesses that are interested?

A2 The Director Infrastructure Services advised the objective of the consultation process was to seek guidance from the community and that the information gathered would be taken into consideration when a final decision is made, adding that there would be no further opportunities for the community to participate following that process.

Mayor Jacob advised that what is being considered by Council, in broad terms, is the possibility of a small heritage café or small hospitality business using the existing building, adding that it wouldn't involve building new structures, except maybe the possibility of returning the verandas at the back of Duffy House to take advantage of the views.

Mayor Jacob stated that any decision for an operator would have a level of engagement with the public.

**D Clune, Woodvale:**

*Re: CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.*

Q1 Last week the applicant was asked to provide a matrix as to why they chose this particular site, was that matrix provided to the City?

A1 Mayor Jacob advised that yes, the City was provided with a range of criteria that was applied when considering the site.

**S Apps, Woodvale:**

*Re: CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.*

Q1 As Alzheimer's WA are classified as a not-for-profit organisation, does this mean that they will not pay any rates on any proposal at Wellard Grove?

A1 The Director Corporate Services advised that there is a chance that could occur, adding that the City would determine this issue based on a range of information such as ownership, current charitable status, how the property is acquired, the zoning that applies to the site, as well as the charitable use of the organisation that owns it.



- Q2 Does that mean that even though Alzheimer's WA charge an hourly rate of between \$26 and \$28 for their respite services, which if you work out for 12 people equates to between \$11,000 to \$13,000 income per week, and between \$500,000 to \$600,000 per year where no rates would be paid?
- A2 The Director Corporate Services advised that the City would have to consider the revenue that would be coming in as well as what the cost of running that service is, and what the surplus funds were, when deciding the application.

## **PUBLIC STATEMENT TIME**

**The following summarised statements were submitted verbally at the Council Meeting:**

### **A Stephens, Woodvale:**

*Re: CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.*

Ms Amanda Stephens expressed concerns over the possibility that any organisation may take the property with no further approval from the City being required, adding that care providers for conditions such as drug dependency, anti-social behaviour and severe mental illness may take over the property in the future.

Ms Stephens noted inconsistencies in the submission, which led her to questioning the viability of the business and the possibility of the business model needing to change due to potential funding cuts.

Ms Stephens urged Elected Members to give due consideration to the submission as approval of the application would cause a lasting change to the heart and soul of Wellard Grove.

### **T Anderson, Woodvale:**

*Re: CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.*

Mr Terry Anderson, on behalf of the Residents' Group, asked that the City reject the application as it is for a "community purpose" and as such is not appropriate for a residential area. Alternatively, Mr Anderson asked that the City defer the decision until provided with a policy that accurately reflects the "community purpose" usage in a residential area, and if this cannot be achieved the application should be rejected.

Mr Anderson drew comparisons to the Woodvale Social Club (WSC), as the services provided were part of "community purpose" zoning, not R20 residential zoning, and included activities for people with dementia.

Mr Anderson asserted that the proposed location at 17 Wellard Grove, could not be easily modified in the way the business may need in order to evolve as their needs change.

**M Berberick, Woodvale:**

*Re: CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.*

Ms Megan Berberick voiced concerns over future operations at Wellard Grove, stating that an R20 site being indefinitely turned into an 'Unlisted Use' site was firmly opposed due to the potential for future businesses to purchase the site from the applicant without need for approval.

Ms Berberick proposed that if the City rejects the application, the 4x2 family home could return to the market for a family to purchase.

Ms Berberick requested consideration be given to the lasting impacts that will be left in the hands of residents of Wellard Grove.

**W Harding, Subiaco:**

*Re: CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.*

Mr Warren Harding, chair of Alzheimer's WA, explained the reasoning behind choosing the site at Wellard Grove, adding that Joondalup was chosen as there is a disproportionate prevalence of dementia in the northern corridors, particularly the cities of Joondalup and Stirling, as well as the increasing rise of younger onset dementia, which occurs under 65.

Mr Harding described the Wellard Grove location as a local, residential setting in an established neighbourhood community, noting that the benefits included it being located on a quiet, low-speed street, close to park land, as well as an aged care facility.

Mr Harding explained that the property was chosen, out of some 12 properties viewed, for being single storey, accessible, impeccably clean, with garden access, open plan living and a safe and covered outdoor area.

**G Stickland, Craigie:**

*Re: Notice of Motion No.1 – Cr Russ Fishwick – Renaming of Warwick Hockey Centre the Troy Pickard Hockey Centre.*

Mr Graham Stickland spoke in favour of renaming the Warwick Hockey Centre to the Troy Pickard Hockey Centre. Mr Stickland acknowledged that Troy Pickard recognised and appreciated the value and contributions made by all organisations and provided programmes and support to both young and young at heart in the community.

Mr Stickland noted that even today, Troy Pickard's example provides great lessons to current members in the Council on how to listen to and support residents and all the active community groups in the City of Joondalup.

**R Repke, Kallaroo:**

*Re: CJ176-10/22 - Tender 033/22 – Provision of Dog and Cat (Animal) Holding Facilities.*

Mr Rainer Repke supported the renewal of the contract for the Dog and Cat Holding Facility, adding that he had been involved in the modernisation of Cat Haven in Shenton Park 50 years ago. Mr Repke noted that at that time 12,000 cats per year were received and 10,000 were killed.

Mr Repke stated that the City of Joondalup had a role in the improvement of the welfare of dogs and cats.

**S Hawkins, Sorrento:**

*Re: CJ166-10/22 - Draft Sorrento Precinct Structure Plan.*

Mr Stuart Hawkins, on behalf of the Marmion, Sorrento, Duncraig Progress and Ratepayers' Association Inc., spoke in opposition to the Draft Sorrento Precinct Structure Plan.

Mr Hawkins emphasised that redevelopment must not result in poor planning outcomes to the detriment of Sorrento residents. Mr Hawkins looked forward to a unanimous and consistent decision that will afford both Council and the Sorrento community with the strongest possible position when the matter is later determined by the Western Australian Planning Commission.

Mr Hawkins expressed understanding of an alternate motion to be put to Elected Members by Cr Hamilton-Prime, that is consistent with Council's 2017 determination, as well as Council's recent September 2022 determination for the application. Mr Hawkins advised that the alternate motion is supported in full by the Marmion, Sorrento, Duncraig Progress and Ratepayers' Association Inc.

Mr Hawkins urged Elected to support the alternate motion.

**G Kendall, Kallaroo:**

*Re: Safety of Pedestrians – North Shore Kallaroo.*

Mr Garth Kendall expressed concern over the safety of pedestrians and cyclists on North Shore Drive, Kallaroo, explaining that it is difficult to cross the road as it is curved, and vehicles can travel at 70km or greater.

Mr Kendall suggested that Council install a round-about at the intersection, as well as at the carpark and reduce the speed limit in the area.



## **APOLOGIES AND LEAVE OF ABSENCE**

### **Leave of Absence Previously Approved**

Cr Nige Jones            1 November 2022 inclusive.

### **C119-10/22            REQUESTS FOR LEAVE OF ABSENCE – CR JOHN RAFTIS, CR JOHN LOGAN AND CR NIGE JONES**

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Poliwka that Council **APPROVES** the following requests for Leave of Absence from Council duties for:

- 1        Cr John Raftis covering the periods 19 to 30 October 2022 and 19 to 31 December 2022 inclusive;**
- 2        Cr John Logan 18 to 27 November 2022;**
- 3        Cr Nige Jones covering the period 29 November to 6 December 2022 inclusive.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

## **CONFIRMATION OF MINUTES**

### **C120-10/22            MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 20 SEPTEMBER 2022**

**MOVED** Cr Jones, **SECONDED** Cr May that the Minutes of the Ordinary meeting of Council held on 20 September 2022 be **CONFIRMED** as a true and correct record.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

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

### Invitation Art Prize

Mayor Jacob announced the City of Joondalup's most prestigious arts prize, the Invitation Art Prize (IAP) exhibition, is currently being held at Westfield Whitford City.

Mayor Jacob revealed that Emma Buswell received wide acclaim as well as local and national media coverage as the overall winner of the IAP for her artwork titled, *The sometimes luxury handbag and other suburban fables*.

Mayor Jacob advised that Emma used hand-woven glass beads, embroidery, natural pigment and polymer and food materials on paper to recreate the humble Coles roast chicken, adding that the City will be acquiring the artwork for its art collection.

Mayor Jacob noted that the IAP continues until Sunday 23 October at Westfield Whitford City, and encouraged all City of Joondalup residents to attend.

Mayor Jacob stated that more information is available at the City's website [joondalup.wa.gov.au](http://joondalup.wa.gov.au).

### Little Feet Festival

Mayor Jacob advised that Perth's most popular festival for children 12 and under returns to the grounds of Edith Cowan University on Sunday for the City of Joondalup's Little Feet Festival.

Mayor Jacob stated that the theme in 2022 is 'Things That Go', with a program inspired by all things transport for spectacular day of free, family-friendly fun.

Mayor Jacob informed that there will be plenty of arts and crafts on offer, as well as a range of educational shows and interactive workshops and stage performances that are sure to capture the imagination.

Mayor Jacob noted that the 2022 Little Feet Festival is supported by Major Partner St Stephen's School and will be held from 11.00am to 4.00pm on Sunday 23 October at ECU Joondalup's Pines Picture Gardens.

Mayor Jacob stated that more information is available at [joondalup.wa.gov.au](http://joondalup.wa.gov.au).

### Festival of Motoring Coming Soon

Mayor Jacob announced that excitement is building in Joondalup and across Perth with the Joondalup Festival of Motoring less than two weeks away.

Mayor Jacob advised that event organisers recently announced the 2.4km motorsport track around the Joondalup CBD for the inaugural Joondalup Sprint, which will be held on Sunday 30 October.

Mayor Jacob informed that the Festival of Motoring is inspired by iconic international motoring festivals, incorporating the motoring theme into a varied programme of motorsport, art, culinary and entertainment activities.

Mayor Jacob stated that the Joondalup Festival of Motoring is a free family friendly event to be held from Friday 28 to Sunday 30 October, owned and managed by JH Management and proudly supported by the City of Joondalup as Major Sponsor.

Mayor Jacob advised that more information for the Joondalup Festival of Motoring can be found at [jfom.com.au](http://jfom.com.au).

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

- CJ177-10/22 - Perth Festival 2023 – Partnership Proposal.
- CJ181-10/22 – Chief Executive Officer Concluded Annual Performance Review.
- CJ182-10/22 – Salary Review – Chief Executive Officer.

### C121-10/22 MOTION TO CHANGE THE ORDER OF BUSINESS

**MOVED Mayor Jacob, SECONDED Cr Kingston that Council, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of:**

- 1.1 CJ177-10/22 - Perth Festival 2023 – Partnership Proposal;
- 1.2 CJ181-10/22 – Chief Executive Officer Concluded Annual Performance Review;
- 1.3 CJ182-10/22 – Salary Review – Chief Executive Officer;

**to be discussed after “Motions of which previous notice has been given”.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

## PETITIONS

### PETITION IN RELATION TO THE CITY OF JOONDALUP PROVIDING FUNDING FOR CCTV AND FIXING THE BROKEN LIGHTING IN THE UNDERPASS AT WHITFORDS WEST PARK, KALLAROO

A 26 signature petition has been received from residents of the City of Joondalup requesting the City provides funding for CCTV and fixing the broken lighting in the underpass at Whitfords West Park, Kallaroo.

### PETITION IN RELATION TO THE CITY OF JOONDALUP APPROVING THE SORRENTO BOWLING CLUB TO INSTALL A SELF-SERVICE CLUB TAB INSIDE ITS CLUBROOM FACILITIES

A 95 signature petition has been received from residents of the City of Joondalup requesting the City approves the Sorrento Bowling Club installing a self-service ClubTAB inside its clubroom facility.

**MOVED Cr Fishwick, SECONDED Cr May that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and subsequent reports presented to Council for consideration:**

- 1 Petition requesting the City provides funding for CCTV and fixing the broken lighting in the underpass at Whitfords West Park, Kallaroo;**
- 2 Petition requesting the City approves the Sorrento Bowling Club installing a self-service ClubTAB inside its clubroom facility.**

It was requested that each part of the Motion be voted upon separately.

**C122-10/22                    PETITION IN RELATION TO THE CITY OF JOONDALUP PROVIDING FUNDING FOR CCTV AND FIXING THE BROKEN LIGHTING IN THE UNDERPASS AT WHITFORDS WEST PARK, KALLAROO**

**MOVED Cr Fishwick, SECONDED Cr May that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and subsequent reports presented to Council for consideration:**

- 1 Petition requesting the City provides funding for CCTV and fixing the broken lighting in the underpass at Whitfords West Park, Kallaroo;**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

**C123-10/22                    PETITION IN RELATION TO THE CITY OF JOONDALUP APPROVING THE SORRENTO BOWLING CLUB TO INSTALL A SELF-SERVICE CLUB TAB INSIDE ITS CLUBROOM FACILITIES**

**MOVED Cr Fishwick, SECONDED Cr May that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and subsequent reports presented to Council for consideration:**

- 2 Petition requesting the City approves the Sorrento Bowling Club installing a self-service ClubTAB inside its clubroom facility.**

**The Motion was Put and**

**CARRIED (11/2)**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Raftis and Thompson.

**Against the Motion:** Crs Chester and Poliwka.

## **ELECTION OF DEPUTY MAYOR**

Mayor Jacob advised that the following two nominations had been received and accepted for the position of Office of the Deputy Mayor from Cr John Logan and Cr John Raftis, in accordance with clause 8(3) of Schedule 2.3 of the *Local Government Act 1995*.

- Cr John Chester nominated Cr John Logan. Cr John Logan accepted the nomination.
- Cr Suzanne Thompson nominated Cr John Raftis. Cr John Raftis accepted the nomination.

There being no further nominations, Mayor Jacob declared the nominations closed and advised that as two nominations for the position of Deputy Mayor were made, in accordance with clause 8(5) of Schedule 2.3 of the *Local Government Act 1995*, Elected Members were required to vote on the matter by secret ballot.

Once ballot papers had been placed into the ballot box by the 13 Elected Members, the counting of votes was undertaken by the Chief Executive Officer and Manager Governance.

Following the vote by secret ballot and the counting of votes conducted in accordance with clause 8(7) of Schedule 2.3 of the *Local Government Act 1995*, Mayor Jacob declared Cr John Logan elected to fill the Office of Deputy Mayor until the start of the first meeting of the Council after the next Ordinary Local Government Election.

*Cr May left the Chamber at 7.52pm and returned at 7.54pm.*

## **DECLARATION OF ELECTED MEMBER**

Cr John Logan then made a Declaration of Elected Member for the position of Deputy Mayor before Mayor Hon. Albert Jacob, JP.

## **ADDRESS BY DEPUTY MAYOR**

Cr Logan acknowledged Cr Christine Hamilton-Prime for all her good work as Deputy Mayor for the past year, as well as acknowledging his wife, his fellow Elected Members and City Officers.

Cr Logan stated that he would give 110% while in the role of Deputy Mayor and will work in the interests of the vast majority of City of Joondalup residents and ratepayers and would bring everything to the role that he possibly can.

## REPORTS

### CJ163-10/22 DEVELOPMENT AND SUBDIVISION APPLICATIONS – AUGUST 2022

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	07032, 101515
<b>ATTACHMENTS</b>	Attachment 1 Monthly Development Applications Determined – August 2022 Attachment 2 Monthly Subdivision Applications Processed – August 2022
<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 2022.

#### 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 2022 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during August 2022 (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 28 June 2022 (CJ092-06/22 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 2022 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	0	0
Strata subdivision applications	5	6
<b>TOTAL</b>	<b>5</b>	<b>6</b>

Of the subdivision referrals, five were to subdivide in housing opportunity areas, with the potential for six additional lots.

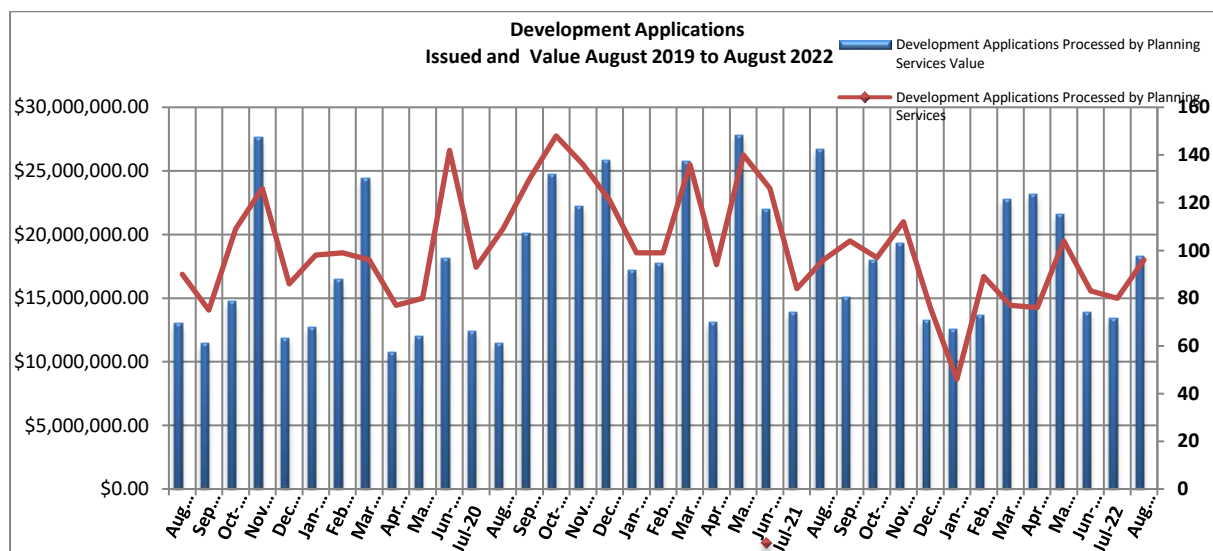
### Development applications

The number of development applications determined under delegated authority during August 2022 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	96	\$18,273,382

Of the 96 development applications, nine were for new dwelling developments in housing opportunity areas, proposing a total of nine additional dwellings.

The total number and value of development applications determined between August 2019 and August 2022 is illustrated in the graph below:



The number of development applications received during August 2022 was 107.

The number of development applications current at the end of August was 209. Of these, 25 were pending further information from applicants and 13 were being advertised for public comment.

In addition to the above, 232 building permits were issued during the month of August with an estimated construction value of \$22,635,084.

### **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**                      Place.

**Outcome**                      Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**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 96 development applications were determined for the month of August with a total amount of \$57,722.83 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.

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

- 1 development applications described in Attachment 1 to Report CJ163-10/22 during August 2022;**
- 2 subdivision applications described in Attachment 2 to Report CJ163-10/22 during August 2022.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ180-10/22, page 146146 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf221011.pdf](#)

**Disclosures of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Residents of Wellard Grove are known to Mayor Jacob.

<b>Name / Position</b>	<b>Cr John Chester.</b>
<b>Item No. / Subject</b>	CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is a long standing member of Alzheimers WA.

## CJ164-10/22 PROPOSED UNLISTED USE (DAY RESPITE SERVICE) AT LOT 221 (17) WELLARD GROVE, WOODVALE

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	66467, 101515
<b>ATTACHMENTS</b>	Attachment 1 Location plan Attachment 2 Applicant's response to submissions Attachment 3 Applicant's planning report Attachment 4 Applicant's community engagement fact sheet and FAQ sheet
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

**PURPOSE**

For Council to determine a development application for an Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.

**EXECUTIVE SUMMARY**

An application for development approval has been received for an Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale.

The subject site is zoned 'Residential' under the City's *Local Planning Scheme No. 3* (LPS3). Non-residential development in the Residential zone is subject to the requirements of the City's *Non-residential Development in the Residential Zone Local Planning Policy*.

'Day Respite Service' is not a use listed under LPS3 and is therefore classified as an 'unlisted use'. The delegations extended to the City for decision-making on planning applications does not include 'unlisted uses' and as such Council is required to determine the application, including deciding whether the proposed use is appropriate in the Residential zone.

As part of its assessment the City has considered the objectives of the Residential zone, and other non-residential uses which are listed in LPS3 and can be considered in the Residential zone, such as child care (Child Care Premises) and aged care (Residential Aged Care Facility) uses. These types of non-residential developments in the Residential zone are typically purpose built and of a larger scale. In this instance the 'Day Respite Service' is proposed to be accommodated within the existing dwelling at 17 Wellard Grove, requiring no external modifications. Consideration of the City's *Non-residential Development in the Residential Zone Local Planning Policy* has also been included as part of the City's assessment.

Potential impacts associated with a non-residential development have been assessed, which include car parking, waste management, deliveries and hours of operation; and it is considered that these are able to be suitably managed to avoid an unreasonable impact on the amenity of the surrounding residences.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 221 (17) Wellard Grove, Woodvale.
<b>Applicant</b>	Element.
<b>Owner</b>	Marc Cameron Taylor.
<b>Zoning</b>	<b>LPS</b> Residential R20
	<b>MRS</b> Urban.
<b>Site area</b>	920.1m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is currently occupied by a single house, adjoins single storey dwellings to the north, south and west and Wellard Grove, a cul-de-sac, to the east. Gascoyne Park is located 20 metres to the south of the site (Attachment 1 refers).

## DETAILS

The proposed development comprises the following:

- A change of use from 'Single House' to 'Day Respite Service', which is an 'Unlisted Use' under LPS3.
- Day use for the purpose of providing low-level personal care to persons living with dementia (visitors), including activities (such as art and craft, mobility exercises), outings, and meals.
- Capacity for 12 visitors attending the centre for day respite (persons with dementia) and three carers at any one time.
- Visitors will be picked up each day from their place of residence and brought to the 'Day Respite Service' by the carers in two people movers, leaving in the afternoon on the same day.

- Hours of operation between 8.30am – 4.00pm Monday to Friday only (excluding public holidays).
- Parking for up to two private, unmarked, eight seated people movers on the subject site during the hours of operation.

### Planning assessment

The City has undertaken a technical assessment against the development standards and provisions of LPS3 and the City's *Non-residential Development in the Residential Zone Local Planning Policy*. Matters relating to land use, car parking, deliveries, hours of operation and waste management are included in this assessment and are covered in detail below.

### Land use

The subject site is zoned 'Residential' under LPS3. Certain land uses are permissible in different zones as a way to ensure amenity is appropriately managed. Table 3b of LPS3 lists the various land uses and zones within the local government area and categorises those uses as being permitted, discretionary or not permitted.

There are times where a proposed use of a site does not match the definition of any of the land uses listed in the scheme. When this happens the scheme, under clause 18(4), recognises these as 'unlisted uses', as is the case for the proposed Day Respite Service. The relevant objectives of the scheme are then used in order to determine whether the land use is appropriate. The relevant objectives of the 'Residential' zone under LPS3 are as follows:

- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

During public consultation, submissions were received regarding whether 'Day Respite Service' is the most appropriate land use classification, as submitters considered existing land use 'Community Purpose' listed in LPS3 to adequately describe the proposal. The applicant has addressed these concerns in detail in Attachment 2, with the key elements of their justification summarised as follows:

- 'Community Purpose' uses that have been considered in the past by the City are larger scale uses for broader community use including a performing arts theatre, chapel and gymnasium (attached to a school), adaptation of a building for an environmental centre/museum, and function rooms/community hall.
- The service provided by Alzheimer's WA relates to personal care, rather than "educational, social, cultural or recreational ... services" requiring skilled and qualified carers providing personal care needs. While the home provides an element of structured social interaction, its primary purpose is providing personal and specialised care for people with specific cognitive needs, so that their full-time carers can have a day's break.
- The dwelling does not require any external modifications and will appear as a home rather than an institutionalised building. The activities that will occur inside the home are the same activities one would expect within a family home including eating, gardening, sitting, reading, viewing, crafts and the like.
- The term 'respite' is referenced within the land use definition of 'Residential Aged Care Facility' under LPS3, however in this context is referring to respite in addition to aged care, which as defined under LPS3 must include on-site accommodation.

Through its assessment the City gave consideration to land uses defined in LPS3 and whether the intended use of the site aligns with any. In reviewing those land uses potentially applicable to the proposal, the City considered the following:

- Community Purpose.
- Residential Aged Care Facility.
- Unlisted Use (Day respite Service).

As outlined below, while the proposal has some elements of a number of land uses, it does not comfortably fit within one particular, defined use.

The 'Community Purpose' land use is defined as:

*“a premises designed or adapted primarily for the provision of educational, social, cultural or recreational facilities or services by organisations involved in activities for community benefit.”*

It is acknowledged that the proposal could be construed as including an element of 'social service' and benefits a portion of the community. However, the primary function of the proposal is to provide low-level day care for people living with dementia within a residential environment, enabling them to live independently at home for longer and an opportunity to connect with others in similar circumstances in a people-centred environment.

A 'Residential aged care facility' is defined as:

*“a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet nursing and personal care of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.”*

The definition of 'Residential Aged Care Facility' while including reference to 'respite', has a primary purpose of providing ongoing, overnight care for residents, in addition to visits from treating specialists on an as-needed basis. In this instance, the proposal is a day use facility only accommodating visitors, whose primary place of care (which may be a Residential Aged Care Facility) is located elsewhere.

From a land use consideration, the proposal also has some characteristics similar to a 'Child Care Premises', in that it involves the dropping off and picking up of attendees and provides a care service throughout a prescribed period of the day. It is however noted that for obvious reasons the proposal is not appropriately classified as a 'Child Care Premises'.

Therefore, as the primary purpose of the facility is providing care to aged persons throughout the day, it is considered that the proposal cannot be comfortably defined as either a 'Community Purpose' or 'Residential Aged Care Facility'. As there are no appropriate use classes in LPS3 that suitably define the intended use, it is appropriate to consider the proposal as an 'unlisted use'.

In consideration of the nature and scale of the intended use as outlined in the below assessment, it is considered that the 'Day Respite Service' is an appropriate land use for the Residential zone and it is consistent with the relevant objective being, *'to provide a range of non-residential uses, which are compatible with and complementary to residential development'*.

### Parking Management

The development will use two eight seated people movers which will provide transportation to and from the site for the 12 visitors and three carers on a daily basis. The applicant has specified that no regular visitation will occur, except in emergency or compassionate circumstances. Infrequent visitations, up to two to three times a year, would be held to provide a morning tea for carers or volunteers.

Submissions were received during consultation regarding potential parking issues, including additional parking resulting from cleaners, cooks, volunteers, family members and friends attending the site. The submissions raised in this regard, and the applicant's responses are included in Attachment 2 to Report CJ164-10/22.

The majority of services are intended to be operated by the carers on-site each day, which includes regular cooking, cleaning and running activities for up to 12 visitors. The car parking needs for the site resulting from additional services are summarised in the table below:

<b>Service</b>	<b>Car parking requirement</b>
Gardening	The applicant has stated that a gardener may visit the site on an occasional basis.
Hairdressing	Supervised outings to hairdressers may occur on an infrequent basis.
Cleaning	It is proposed that the carers on-site would perform general cleaning duties. Periodic additional cleaning is proposed to occur on an occasional basis.
Deliveries	Delivery of goods for meals is proposed to occur once a week, not dissimilar to a Coles or Woolworths weekly family delivery.
Therapy/medical	The applicant has confirmed that no therapy/medical services are proposed to occur at the site.

The two people movers are proposed to be parked in the existing garage while on-site throughout the day. The City's planning assessment has confirmed that another vehicle in addition to the people movers could be accommodated on-site within the existing driveway.

Provided that additional services including gardening, deliveries and cleaning can be scheduled to occur at different times, it is considered that the existing garage and driveway are suitable for accommodating the proposed people movers and an additional vehicle without impacting the verge or street. Additionally, the frequency of additional services outlined in the table above is limited to once a week and could be suitably managed to ensure there is no overlap between additional vehicles being present at the site.

Should the application be approved, it is recommended that a condition is included requiring the submission of an operations management plan to the City for approval, outlining how parking for the additional services will be managed.

### Waste

The applicant has proposed that waste will be collected utilising the City's waste collection service, which collects general waste weekly and recycling fortnightly. With regard to waste generation, the applicant has confirmed that food waste will be minimal with only morning/afternoon tea and lunch being provided each day. Additionally as visitors are of a low-care need, there will not be high care medical waste generation at the site.

The applicant has confirmed that another Alzheimers WA centre, Ella's House in Mandurah (15-17 visitors) operates utilising two general waste bins collected weekly, and two recycling bins collected fortnightly. The City has reviewed the waste proposal and confirmed that the City is able to service the proposal with two 240 litre waste bins and a 360 litre recycling bin via verge collection.

Should the application be approved, it is recommended that a condition is included requiring the submission of a waste management plan to the City, to ensure that there is no adverse impact on neighbours resulting from waste storage.

City of Joondalup Non-residential Development in the Residential Zone Local Planning Policy

No external changes to the existing residential dwelling are proposed as part of the application. The City's policy includes car parking standards for use classes listed in Table 3b of LPS3. As outlined earlier as the proposal is for an 'Unlisted Use', a parking ratio is not defined in the policy and Council is therefore required to determine the appropriate car parking standard having regard to the specifics of the proposal.

The following summarises the parking needs and requirements of the use:

- People using the service will be collectively transported directly to and from the subject site from their local homes each day.
- This will occur by using two eight-person people movers to transport staff and up to 12 visitors.
- The two people movers will be parked on-site, within an existing garage where they will remain for the day.
- There is additional space between the garage and the front property boundary to accommodate an additional vehicle for infrequent and occasional visitation by gardening or cleaning staff.
- No new crossovers are proposed as part of this application.
- Staff parking is not required, as staff will be travelling to the subject site in the people movers mentioned.

Considering the above, the existing infrastructure (such as double garage and driveway) can accommodate the car parking needs of the proposal, including occasional visitors (gardeners, cleaners and the like) without resulting in traffic congestion and parking in the street. Should the application be approved it is recommended that a condition is included requiring the submission of an operations management plan to the City, detailing how parking of any additional visitors/deliveries will be managed to ensure all parking is contained on-site.

During consultation submissions received raised concerns with the people movers reversing into the street when the *Non-residential Development in the Residential Zone Local Planning Policy* requires vehicles to enter and exit a site in forward gear. This policy requirement is intended to guide the design of car parking and vehicle access points for non-residential development in the Residential zone, which can include uses with high traffic movements into and out of a site such as a Child Care Premises and Residential Aged Care Facility. In this instance, reversing into the street is considered to be acceptable as:

- the vehicle access and parking locations associated with the existing dwelling are not proposed to be altered
- the size of the vehicles attending the site are domestic in nature
- the number of vehicle movements are minimal and generally no greater than that of a residential dwelling
- the nature of the street, being a cul-de-sac, is a low speed, low volume traffic environment.

## 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).*

### 10-Year Strategic Community Plan

**Key theme**                      Environment.

**Outcome**                      Clean and sustainable - you are supported to minimise waste and live sustainably in a clean environment.

**Policy**                              *Non-residential Development in the Residential Zone Local Planning  
Policy.*

### Local Planning Scheme No.3

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

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

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

Clause 67(2) 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;*
- (fa) *any local planning strategy for this Scheme endorsed by the Commission;*
- (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 –*
  - (i) *the compatibility of the development with the desired character of its setting; and*
  - (ii) *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) *any advice of a Design Review Panel.*

#### *Non-residential Development in the Residential Zone Local Planning Policy*

The overall policy objectives for the *Non-residential Development in the Residential Zone Local Planning Policy* are as follows:

- *To provide development standards for non-residential development in the Residential Zone.*
- *To ensure that non-residential development is compatible with and complements the character of the surrounding residential area.*
- *To ensure that non-residential development does not have a negative impact on the surrounding residential amenity.*

#### **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*.

#### **Regional significance**

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

The application was advertised for a period of 28 days, commencing on 2 September 2022 and concluding on 30 September 2022. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers within a 200 metre radius of the subject site, being a total of 139 properties in the vicinity.
- A sign installed on the site.
- Development plans and information were made available for public viewing on the City's website and at the City's administration building.

51 submissions were received, with 49 objecting to the proposal and two in support. The key concerns raised during public consultation are as follows:

- The application appears to have understated the amount of parking needed. In addition to the people movers, there will be therapists, volunteers, staff running the classes, cleaners carers, cooks, gardeners, hairdressers, family members and friends visiting the site.
- Additional vehicle movements from deliveries.
- The proposal fits under the definition of 'Community Purpose' under LPS3 which is an 'X' use in the Residential zone.
- The people movers listed in the application could be two small buses.
- For non-residential development in the Residential zone, vehicles are required to enter and exit the site in a forward gear.
- Operation of the centre is scheduled between 8:30am to 4:00pm, however cleaners will be required outside of these hours.
- The service accommodates up to 18 people daily utilising the service. The waste will be far greater than an ordinary residential house.
- Potential for further amendments and intensification of the use following initial approval.
- Potential for residents wandering.
- The dwelling is unfit for the purpose suggested in the application.

A full summary of the submissions, and the applicant's response, is provided in Attachment 2.

As outlined in the 'Details' section of the report, it is considered that the concerns raised during public consultation, such as land use classification, parking requirements and vehicle movements, are addressed through information that clarifies the nature and scale of the intended use. Further, concerns that relate to potential ongoing amenity can also be addressed through the setting of appropriate conditions, including the requirement for an operations management plan.

It is also noted that the applicant undertook its own community engagement prior to the City commencing consultation, which included an outline of the development proposal and FAQ sheet. These are provided in Attachment 4.

## COMMENT

As outlined above, it is considered that the proposed Unlisted Use (Day Respite Service) is an appropriate land use within the Residential zone, meets the relevant objectives of LPS3 for non-residential development and provides adequate parking provision for the number of visitors and carers attending the site.

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

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S 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 27 July 2022 submitted by Element for the proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale, subject to the following conditions and advice notes:

- 1 This approval relates to the change of use to Unlisted Use (Day Respite Service) only 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 An Operations Management Plan shall be submitted to and approved by the City prior to the commencement of development. The Operations Management Plan shall include, but not limited to:
  - 2.1 Transport arrangements for users and staff members to and from the site;
  - 2.2 Parking arrangements, including the total number, of any vehicles attending the site;
  - 2.3 The timing and parking of any vehicles visiting the site in addition to the two people movers permitted;
  - 2.4 A waste management plan indicating the method of storage and collection of waste;
  - 2.5 The timing and frequency of additional services such as cleaning and gardening required outside of the hours of operation;
  - 2.6 The timing, frequency and nature of any deliveries associated with the operation;the site shall be managed in accordance with the approved plan;
- 3 All parking for the use is to be accommodated on-site and accessed from an approved, constructed vehicle crossover;
- 4 A maximum of 12 persons utilising the service and three carers on the premises at any one time;

- 5 The hours of operation shall be between 8:30am to 4:30pm Monday to Friday only;
- 6 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 7 All development shall be contained within the property boundaries.
- 8 Advice notes:
  - 8.1 The applicant/owner is advised that verge treatments are required to comply with the City's Street Verge Guidelines. A copy of the Guidelines can be obtained at <https://www.joondalup.wa.gov.au/verge-treatments/>;
  - 8.2 The applicant is advised that this change of use may affect the Building's Classification under the Building Code of Australia, and approval under the *Building Act 2011* may also be required prior to commencing operation;
  - 8.3 Any additional signage may be the subject of a separate development application.

**MOVED Cr Thompson, SECONDED Cr May that Council:**

- 1 **APPROVES** under Clause 68(2) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 27 July 2022 submitted by Element for the proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale, subject to the following conditions and advice notes:
  - 1.1 This approval relates to the change of use to Unlisted Use (Day Respite Service) only 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;
  - 1.2 An Operations Management Plan shall be submitted to and approved by the City prior to the commencement of development. The Operations Management Plan shall include, but not limited to:
    - 1.2.1 Transport arrangements for users and staff members to and from the site;
    - 1.2.2 Parking arrangements, including the total number, of any vehicles attending the site;
    - 1.2.3 The timing and parking of any vehicles visiting the site in addition to the two people movers permitted;
    - 1.2.4 A waste management plan indicating the method of storage and collection of waste;
    - 1.2.5 The timing and frequency of additional services such as cleaning and gardening required outside of the hours of operation;
    - 1.2.6 The timing, frequency and nature of any deliveries associated with the operation;

The site shall be managed in accordance with the approved plan;

- 1.3 All parking for the use is to be accommodated on-site and accessed from an approved, constructed vehicle crossover;
  - 1.4 A maximum of 12 persons utilising the service and three carers on the premises at any one time;
  - 1.5 The hours of operation shall be between 8.30am to 4.00pm Monday to Friday only (excluding public holidays);
  - 1.6 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
  - 1.7 All development shall be contained within the property boundaries;
  - 1.8 Advice notes:
    - 1.8.1 The applicant/owner is advised that verge treatments are required to comply with the City's Street Verge Guidelines. A copy of the Guidelines can be obtained at <https://www.joondalup.wa.gov.au/verge-treatments/>;
    - 1.8.2 The applicant is advised that this change of use may affect the Building's Classification under the Building Code of Australia, and approval under the *Building Act 2011* may also be required prior to commencing operation;
    - 1.8.3 Any additional signage may be the subject of a separate development application;
- 2 REQUESTS the Chief Executive Officer to prepare a report to investigate options for the development of a planning framework that more specifically considers uses such as day respite facilities along with services and accommodation of a similar nature.

**C124-10/22 PROCEDURAL MOTION – THAT THE ITEM BE DEFERRED**

**MOVED Cr Poliwka, SECONDED Cr Kingston** that Item CJ164-10/22 - Proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale be DEFERRED to the February 2023 Council Meeting.

**The Motion was Put and**

**LOST (4/9)**

**In favour of the Motion:** Crs Jones, Kingston, Poliwka and Raftis.

**Against the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Logan, May, McLean and Thompson.

It was requested that Part 2 of the Motion be voted on separately.

**MOVED Cr Thompson, SECONDED Cr May that Council:**

- 1 APPROVES under Clause 68(2) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 27 July 2022 submitted by Element for the proposed Unlisted Use (Day Respite Service) at Lot 221 (17) Wellard Grove, Woodvale, subject to the following conditions and advice notes:**
  - 1.1 This approval relates to the change of use to Unlisted Use (Day Respite Service) only 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;**
  - 1.2 An Operations Management Plan shall be submitted to and approved by the City prior to the commencement of development. The Operations Management Plan shall include, but not limited to:**
    - 1.2.1 Transport arrangements for users and staff members to and from the site;**
    - 1.2.2 Parking arrangements, including the total number, of any vehicles attending the site;**
    - 1.2.3 The timing and parking of any vehicles visiting the site in addition to the two people movers permitted;**
    - 1.2.4 A waste management plan indicating the method of storage and collection of waste;**
    - 1.2.5 The timing and frequency of additional services such as cleaning and gardening required outside of the hours of operation;**
    - 1.2.6 The timing, frequency and nature of any deliveries associated with the operation;**

**The site shall be managed in accordance with the approved plan;**
  - 1.3 All parking for the use is to be accommodated on-site and accessed from an approved, constructed vehicle crossover;**
  - 1.4 A maximum of 12 persons utilising the service and three carers on the premises at any one time;**
  - 1.5 The hours of operation shall be between 8.30am to 4.00pm Monday to Friday only (excluding public holidays);**
  - 1.6 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;**
  - 1.7 All development shall be contained within the property boundaries;**

**1.8 Advice notes:**

**1.8.1 The applicant/owner is advised that verge treatments are required to comply with the City's Street Verge Guidelines. A copy of the Guidelines can be obtained at <https://www.joondalup.wa.gov.au/verge-treatments/>;**

**1.8.2 The applicant is advised that this change of use may affect the Building's Classification under the Building Code of Australia, and approval under the *Building Act 2011* may also be required prior to commencing operation;**

**1.8.3 Any additional signage may be the subject of a separate development application;**

**The Motion was Put and**

**CARRIED (7/6)**

**In favour of the Motion:** Crs Chester, Fishwick, Hamilton-Prime, Hill, Logan, McLean and Thompson.

**Against the Motion:** Mayor Jacob, Crs Jones, Kingston, May, Poliwka and Raftis.

**MOVED Cr Thompson, SECONDED Cr May that Council:**

**2 REQUESTS the Chief Executive Officer to prepare a report to investigate options for the development of a planning framework that more specifically considers uses such as day respite facilities along with services and accommodation of a similar nature.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf221011.pdf](#)*



## **CJ165-10/22 PROPOSED MODIFICATIONS TO APPROVED RESTAURANT / CAFÉ AT LOT 1436 (59) BEACHSIDE DRIVE, BURNS BEACH**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	22589, 101515
<b>ATTACHMENTS</b>	Attachment 1 Location Plan Attachment 2 Development Plans and perspectives Attachment 3 Planning Justification Report Attachment 4 Traffic Statement Attachment 5 On-street parking proposal (2107-SK-102 Issue G). Attachment 6 Applicant's statement addressing SPP7.0 Attachment 7 Waste Management Plan Attachment 8 Environmentally Sustainable Design Checklist
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

### **PURPOSE**

For Council to determine a planning application to modify previous approvals in relation to the design and number of on-street parking embayments, for a 'Restaurant/Cafe' at Lot 1436 (59) Beachside Drive, Burns Beach.

### **EXECUTIVE SUMMARY**

Council approved a "Restaurant/Café" and associated works at its meeting held on 26 June 2018 (CJ086-06/18 refers). Architectural modifications to the development were subsequently approved under delegated authority on 10 March 2021, with the conditions of approval remaining largely unchanged. A subsequent application was lodged to amend condition number 3, by extending the approved operating hours from 6.00am – 8.00pm to 6.00am – 10pm, Monday - Sunday. Council approved the change to operating hours at its meeting held on 17 August 2021 (CJ110-08-21 refers). The two most recent approvals for the development remain valid.

As the original condition for the number of on-street car parking bays was included as part of the decision made by Council, the subject application to modify this condition is required to be determined by Council.

The subject site is zoned "Urban Development" under the City's *Local Planning Scheme No. 3* (LPS3) and is subject to the "Lunch Bar and Restaurant/Café Precinct" provisions of the Burns Beach Structure Plan (BBSP).

The application was advertised for a period of 14 days, commencing on 9 September 2022 and concluding on 23 September 2022. A total of 50 valid submissions were received, being 34 in support, 12 objecting, and 4 neutral to the proposal.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 1436 (59) Beachside Drive, Burns Beach.
<b>Applicant</b>	Space Collective Architects.
<b>Owner</b>	Rising Mining Pty. Ltd.
<b>Zoning</b>	<b>LPS</b> Urban Development.
	<b>MRS</b> Urban.
<b>Site area</b>	500m <sup>2</sup> .
<b>Structure plan</b>	Burns Beach Structure Plan.

The subject site is located within the BBSP area. The site is currently incorporated into Beachside Park, and is bound by Beachside Drive to the east, Beachside Park to the north and west, and the Burns Beach Foreshore Reserve to the south (Attachment 1 refers).

The BBSP was initially adopted by Council and certified by the Western Australian Planning Commission (WAPC) in 2005. The structure plan applies to 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue. The land is zoned “Urban Development” under LPS3. The structure plan facilitates the development of a residential housing estate, which is continuing to be developed.

The site was originally identified as the “Beach Shop/Lunch Bar and Restaurant Precinct” in the structure plan. On 27 March 2007 (CJ059-03/07 refers), Council endorsed Amendment 1 to the structure plan, which further restricted the use of the land by deleting the “Shop” land use and modifying the name of the precinct to “Lunch Bar and Restaurant/Café Precinct”. As a result of the amendment, the permissible land uses in this precinct are restricted to “Lunch Bar” and/or “Restaurant/Café”.

On 26 June 2018 (CJ086-06/18 refers), Council approved a planning application for a “Restaurant”, subject to conditions. Condition 4 of this approval requires the construction of 30 on-street parking bays within the Beachside Drive and Grand Ocean Entrance road reserves, to the specification of the City. These parking requirements stem from the now rescinded *District Planning Scheme No. 2 (DPS2)*, which included parking ratios for certain land uses. This condition was carried over to the approvals issued in March 2021 and August 2021, which modified the design of the restaurant and the opening hours respectively.

## DETAILS

The applicant seeks to modify the design of the proposal, with the overall scale of the building being similar to that approved by Council in March 2021, a reduction in the number of guests. More specifically, while the internal seating area is to remain similar to that approved previously, the outdoor seating area has been reduced to 41 patrons, resulting in a maximum of 119 guests at any one time. This modifies condition number 2 of DA20/0792, which allows for a maximum of 163 guests at any given time.

The proposed development consists of the following:

- Design changes to the approved single storey building, which consists of a 109m<sup>2</sup> café/restaurant, 62m<sup>2</sup> kitchen and 28m<sup>2</sup> services area, including toilets.
- An alfresco area located to the north-eastern side of the building, accessed via bifold doors which can open the extent of the building, creating a mixture of indoor/outdoor dining.
- A maximum capacity of 119 patrons, which includes a maximum of 78 patrons inside, and 41 patrons outside, reduced from a maximum number of 163 patrons as approved previously.
- A contemporary roof design with cantilevered canopies to the north-eastern alfresco and the south-western elevation.
- Landscaping to all sides of the building, consisting of small shrubs, which is proposed to integrate with the existing landscaping of Beachside Park.
- Pedestrian and cyclist accessibility via the existing path networks along Beachside Drive, Beachside Park and Burns Beach Foreshore Reserve.
- Construction of 18 on-street car parking bays in the road reserve along Beachside Drive and Grand Ocean Entrance in addition to the 35 existing bays, resulting in a total of 53 bays on-street parking embayments within 200 metres of the site.

The proposed development plans and perspectives are included in Attachment 2 to Report CJ165-10/22.

#### Joondalup Design Review Panel (JDRP)

The proposal was presented to the JDRP on 16 March 2022, prior to the formal application being received in May 2022. A summary of the JDRP comments, as well as the applicant's response to these items is included in the table below.

Summary of Design Reference Panel comment	Summary of Applicant response
<p>General Comments:</p> <ul style="list-style-type: none"> <li>• The proposal will introduce a welcome community amenity to the site.</li> <li>• The architectural response to the environment context, including climatic conditions, solar aspect and the views and vistas is commended.</li> <li>• The building form and style is a good design response to the local context.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> </ul>
<p>Principle 1 – Context and character</p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p> <p>Comments:</p> <ul style="list-style-type: none"> <li>• Starting to develop a very good design outcome.</li> <li>• Fits in with contemporary aesthetic of Burns Beach.</li> <li>• Responds well to climate and views.</li> </ul> <p>Recommendation 1: The Panel recommends further consideration of how the design sits in the landscape of rolling dunes through a cross-sectional study and additional perspective studies as the building will be viewed in the round.</p>	<ul style="list-style-type: none"> <li>• A site section showing the relationship of the proposal with its context (existing playground, public open space, rolling dunes and the beach) is added. Refer to 'Appendix C – Architectural Drawings' (SC03-02). Additional perspective study is added. Refer to 'Context: Relationship with Landscape'.</li> </ul>

Summary of Design Reference Panel comment	Summary of Applicant response
<p>Principle 2 – Landscape quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p> <p>Comments:</p> <ul style="list-style-type: none"> <li>The opening up of the northern facade and views through the building north-south provides a good connection through the to the open space. These connections should be built on in the external space designs.</li> <li>The landscape plan is not fully developed as yet and is presently constrained by the lot boundaries.</li> <li>The landscape and external space design needs to interact with the surrounding open space and take a more holistic approach.</li> </ul> <p>Recommendation 2: The Panel recommends that the landscape design should look at the broader site more holistically, considering the relationship of the proposal to the wider parkland adjacent. This should include more detailed design attention to the alfresco zones and seating zones and how they interface with the adjacent playground and other aspects of the public open space. The Panel also recommends that the landscape response should be as bold as the building design and could be an exemplar of contemporary coastal planting.</p>	<ul style="list-style-type: none"> <li>A more detailed landscape concept is added. Refer to 'Landscape Quality: Landscape Package'.</li> </ul>
<p>Principle 3 – Built form and scale</p> <p>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p> <p>Comments:</p> <ul style="list-style-type: none"> <li>The proposal will introduce an appropriate built form and scale adjacent to the public open space and nearby residential properties.</li> </ul> <p>Recommendation 3: N/A</p>	<ul style="list-style-type: none"> <li>No action required.</li> </ul>
<p>Principle 4 – Functionality and build quality</p> <p>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</p>	<ul style="list-style-type: none"> <li>Kitchen layout (with future tenant's input) and seating area layout now shown on plan. Bin room now included with layout shown on plan. Refer to 'Appendix C – Architectural Drawings'.</li> </ul>

Summary of Design Reference Panel comment	Summary of Applicant response
<p>Comments:</p> <ul style="list-style-type: none"> <li>The bi-fold doors access alfresco areas to south and north will provide flexible and functional options depending on day/time.</li> <li>Integration and screening of the services facilities within mezzanine is commended.</li> <li>The waste management strategy and delivery areas are not yet clear.</li> <li>The squaring off of the kitchen area improves the use of the internal space and should be considered also for the pointed wall of the restroom.</li> </ul> <p>Recommendation 4: The Panel recommends that further detail including fit out and furniture layouts would assist in understanding the functionality of the building. Further clarity on waste management strategies and deliveries would be beneficial. The squaring off of the toilet area could also improve functionality.</p>	
<p>Principle 5 - Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</p> <p>Comments:</p> <ul style="list-style-type: none"> <li>The proposal responds to climatic conditions enabling passive solar response and cross ventilation.</li> </ul> <p>Recommendation 5: The Panel would like to see further consideration of environmentally sustainable design principles as the design progresses.</p>	<ul style="list-style-type: none"> <li>Refer to 'Sustainability: ESD Principles'.</li> </ul>
<p>Principle 6 - Amenity</p> <p>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</p> <p>Comments:</p> <ul style="list-style-type: none"> <li>Good amenity for the users of the building through flexibility of design to respond to local conditions.</li> <li>Many visitors will be using bikes, so they need to be provided for.</li> <li>The 'back of house' faces south on Beachside Drive which will be an important view from the road and will be a critical interface for pedestrians and cyclists.</li> <li>The east façade has been modelled in an interesting way but may still be too bland, especially for the residents to the east.</li> </ul>	<ul style="list-style-type: none"> <li>East façade has been improved with face prick wall (pull/push pattern to create interest) and an additional opening. Refer to 'Amenity: Interface' and 'Appendix C – Architectural Drawings (SC02-02)'.</li> </ul>

Summary of Design Reference Panel comment	Summary of Applicant response
<p>Recommendation 6: The Panel recommends that the 'back of house' resolution will be critical for amenity. More detail is needed on how this will function without being visually intrusive. Further consideration of the east façade presentation would be beneficial for the adjacent resident amenity.</p>	
<p>Principle 7 – Legibility</p> <p>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</p> <p>Comments:</p> <ul style="list-style-type: none"> <li>It is not yet clear how the proposal links in with existing movement networks, or how the proposal considers people accessing the site from the principle shared path via bicycle.</li> </ul> <p>Recommendation 7: The Panel recommends that the proposal considers in more detail its interface with principle shared path and the legibility of bike parking and pedestrian entries.</p>	<ul style="list-style-type: none"> <li>Street bike-parking now shown on plan. Legibility of pedestrian entries has been reinforced with heavy landscaping to the south and a more refined alfresco design. Refer to 'Landscape Quality: Landscape Package'.</li> </ul>
<p>Principle 8 – Safety</p> <p>Good design optimises safety and security, minimising the risk of personal harm and easily identifiable elements to help people find their way around.</p> <p>Comments:</p> <ul style="list-style-type: none"> <li>The interface between the building's southern entry path and the cycle path could be unsafe in terms of pedestrian and cyclist interaction due to the proximity and geometry of the proposal. This interface needs to be dealt with safely and legibly.</li> <li>Well considered night-time lighting will be important to ensure safety and amenity.</li> </ul> <p>Recommendation 8: The interface between the building's southern entry path and the cycle path should be designed safely and legibly. Consideration and development of the lighting design will be important as the design progresses.</p>	<ul style="list-style-type: none"> <li>The interface of the southern part of the site has been refined to address safety concerns. Refer to 'Safety: Pedestrian Safety'.</li> </ul>
<p>Principle 9 – Community</p> <p>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interactions.</p>	<ul style="list-style-type: none"> <li>No action required</li> </ul>

Summary of Design Reference Panel comment	Summary of Applicant response
<p>Comments:</p> <ul style="list-style-type: none"> <li>The proposal is a welcome amenity that will be fully accessible and facilitate social interactions for the local community.</li> </ul> <p>Recommendation 9: N/A</p>	
<p>Principle 10 – Aesthetics</p> <p>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</p> <p>Comments:</p> <ul style="list-style-type: none"> <li>Broadly, the clarity in the architectural form is commended and demonstrates an improvement on previous schemes.</li> <li>The building style with minimal modern crisp lines is striking.</li> <li>The use of polycarbonate will require careful design development to ensure durability in the public facing and aggressive coastal environment.</li> <li>The colour palette is subtle and appropriate to the context of with blues, greens greys and whites, but perhaps a focal colour could be introduced.</li> </ul> <p>Recommendation 10: The panel commends the design form and style but recommends further consideration of the detailed fixing of the polycarbonate cladding to ensure it is appropriate for the coastal environment. Some further development of the colour palette and materiality would benefit the proposal particularly through perspective studies.</p>	<ul style="list-style-type: none"> <li>Detail drawing of polycarbonate cladding is included. Refer to 'Aesthetics: Polycarbonate Cladding'.</li> </ul>

### Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, the BBSP and *State Planning Policy 7 – Design of the Built Environment (SPP7)*. As outlined above, the planning framework under which the original approval was issued has since changed, most notably the revocation of DPS2 and subsequent gazettal of LPS3. The following assessment has been completed against the current planning framework.

The City's LPS3 does not contain specific development standards for the subject site, instead the structure plan outlines the planning considerations for the area. The structure plan defines a number of precincts, with the subject site being located within the 'Lunch Bar and Restaurant/Café Precinct'. The objectives of this precinct are discussed below.

### Land use

The subject site is zoned "Urban Development" under the provisions of LPS3. Table 3 of LPS3 outlines the relevant use classes against the applicable zone, instead stipulating use class permissibility the "Urban Development" zone refers to the approved structure plan.

The approved BBSP differentiates the structure plan area into precincts, each precinct outlines the preferred land uses and applicable development standards. The subject site is located in the “Lunch Bar and Restaurant/Café Precinct”, more specifically in public open space 6 (POS 6). The objective of the precinct states:

*A lunch bar and restaurant/cafe are permitted within POS 6 as shown on the Structure Plan. The development of a lunch bar and a restaurant/cafe is proposed to provide for opportunities for the local population and visitors to the area to enjoy the coastal environment and to increase the vibrancy of the area as a destination beyond day light hours.*

During community consultation submissions were received regarding the appropriateness of the proposed “Restaurant/Café”. Submissions have been summarised and responded to in the Consultation section of the report below. Although concerns were raised regarding the land use, the current subject planning application is for the modifications to the design of the building, the reduction in patrons and the reduction in on-street parking, which were conditioned as part of the previous planning approvals. A ‘restaurant/café’, as proposed, is a permissible land use, with Council having determined that the use of the land is appropriate through the approval of previous planning applications.

A supporting Planning Report (Attachment 3 refers) was submitted with the application. The applicant provided justification for the appropriateness of the proposed development in the context of the site’s proximity to the beach and surrounding residential area. The building is oriented to maximise views to the park with non-active spaces interfacing with residential dwellings.

The proposed “Restaurant/Café” will provide increased surveillance and vibrancy to Beachside Park and the Burns Beach Foreshore Reserve, which are identified as being part of POS 6. The “Restaurant/Café” is intended to serve the local population and provide incidental service to visitors of the area. South of the subject site, adjacent the main Burns Beach swimming beach, a larger café attached to the “Burns Beach Sunset Village” serves the regional population and visitors to the area. This portion of beach is the main swimming beach for the estate and contains the required supporting infrastructure, such as toilets and changerooms.

Given that the proposed use is permissible and is considered by the JDRP to be of a scale suitable to the residential location, it is considered that the objectives of the BBSP are met. The proposed “Restaurant/Café” provides opportunities for the local population and visitors to the area to enjoy the coastal environment and increases the vibrancy of the area as a destination beyond day light hours. It is therefore considered that the proposed development is appropriate within this context.

### Design and Amenity

The proposed amendment seeks to reduce the total number of guests from 163 guests maximum at any one time, to 119 guests at any one time.

The proposed development is single storey, with an overall building footprint of 218.83m<sup>2</sup>, which is larger than the 186m<sup>2</sup> development approved by Council in March 2021. Although the building footprint has increased by approximately 32m<sup>2</sup>, the number of patrons has decreased, with the external alfresco area being smaller (approximately 40m<sup>2</sup> – 50m<sup>2</sup>) than the two developments approved previously. The overall seating capacity is proposed at 119 patrons, a reduction from the previous approvals, which includes a condition capping the number of patrons to a maximum of 163 at any one time.



During the consultation period the City received submissions concerned about the possibility of noise impacting on the residential amenity. The submissions and the City's response is provided below in the 'Consultation' section of the report.

While it is noted that the internal floor area has increased, this is primarily due to the increased capacity inside the building, which will assist in reducing the impact of noise to surrounding residential dwellings. The orientation of the active portions of the building to the north-eastern side of the development, and therefore away from residential properties, will mitigate the impact on nearby houses. All services, including the bin storage area and air conditioning units are concealed within the building, either within the roof space or within the walls of the proposal. This ensures that the external fixtures do not detract from the overall amenity of the streetscape, as viewed from the adjacent residential properties or the public realm.

Any noise generated from the restaurant is subject to compliance with the *Environmental Protection (Noise) Regulations 1997*. In addition to the *Environmental Protection (Noise) Regulations 1997*, conditions of the existing approval require management plans (noise, waste and delivery management) be prepared and approved by the City. These management plans will set out specific parameters for activities of the restaurant to further control noise to protect the amenity of the surrounding landowners / occupants.

It is therefore considered that the design of the development is consistent with the objectives of the BBSP and will not result in an adverse impact on the surrounding dwellings amenity.

#### Car parking

The original application was assessed under DPS2 which included a car parking requirement of one bay per four persons accommodated for a 'Restaurant/Café' (41 bays for 163 patrons). Council's approval of this application included a condition requiring provision of an additional 30 on-street parking bays, which, in addition to the existing 35 car parking bays would result in a total 65 on-street parking bays.

Condition 4 of the approval of DA20/0792 reads:

*"A total of 30 on-street parking bays shall be installed within the Beachside Drive and Grand Ocean Entrance road reserves to the specification of the City. Detailed engineering drawings shall be submitted to the City for approval prior to commencement of development. These on-street car bays shall be constructed and be publicly available prior to occupation of the development at the cost of the applicant."*

Typically, parking for a commercial land use, such as a restaurant, within commercially zoned land would be based on a specified ratio. The *City's Commercial Mixed Use and Service Commercial Zone Local Planning Policy* sets out a ratio of one bay per four people accommodated for a 'Restaurant' land use.

The BBSP recognises the unique nature of the subject site and provides a flexible approach to determining carparking needs, while still recognising the use of the site, and the possible increase in parking demand generated by the proposal.

The "Lunch Bar and Restaurant/Café Precinct" provides an objective directly related to car parking, which states:

*"The provision of on-street car parking and parking areas in the vicinity of the precinct, together with the fact that the precinct is in a highly accessible area for pedestrians and cyclists, on site car parking for the lunch bar and restaurant/cafe should be minimised. The number of car bays required on site will be determined by Council and assessed against the merits of the specific case as part of a development application."*

As such Council can determine the appropriate number of parking bays to be provided. In doing so, as part of the existing approval, Council took into account the existing 35 on-street parking bays in the immediate vicinity and included a condition requiring an additional 30 on-street parking bays.

The current proposal is to reduce guest numbers from 163 guests to 119 guests, a reduction of 44 guests to the site at any one time. Based on the commercial ratio for a restaurant, the demand in parking will be reduced by 11 bays. In applying this reduction to the condition of the existing approval, 19 additional bays are required for the scale of Restaurant not proposed in lieu of the previously approved 30 bays.

The most suitable place to locate these additional 19 bays is by extending existing embayment areas along Beachside Drive and along the northern side of Grand Ocean Entrance. While the southern side of Grand Ocean Entrance also presents as an option, the narrower verge on this side of the road increases the potential conflict that may arise between cyclists using the cycle lane, motorists using the embayments and pedestrians using the footpath.

Collectively, there is the capacity to accommodate six additional bays along Beachside Drive and 12 bays along the northern side of Grand Ocean Entrance, resulting in a total of 18 bays in addition to the existing 35 bays in the immediate vicinity.

The existing 35 on-street bays were developed some years ago to provide publicly accessible parking for Beachside Park and surrounding laneway lots, which by their nature are not able to informally accommodate visitor parking on site.

A Traffic Statement has been submitted with the application which concludes that in the peak operating period 26 vehicles would visit the premises per hour, with the remainder walking or cycling to the site. Additionally, the Traffic Statement suggests that visitors who are parking in the area for other activities, such as visiting the beach, may use the premises incidentally and therefore not generate an individual trip specifically for the "Restaurant/Café".

Recognising the accessibility to the site by means other than by car, the potential for multi-purpose trips to the precinct coupled with the total number of parking bays (53) that will be available in the immediate vicinity of the site, it is considered that the amount of parking represents a balanced and appropriate outcome.

#### Planning in Bushfire Prone Areas

The subject site is located within a Bushfire Prone Area and is therefore subject to assessment against *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP3.7). As part of the original application (DA17/1306), the City had due regard to the provisions of SPP3.7, as set out in Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The intent of SPP3.7 is to assist in determining appropriate land use planning in relation to bushfire prone areas and ensuring the necessary bush fire protection measures are incorporated into the development.

It is noted that the Structure Plan was adopted by Council and certified by the Western Australian Planning Commission (WAPC) in 2005, 10 years prior to the gazettal of SPP3.7, and lists a 'Restaurant' as a permitted land use within the site.

A Bushfire Assessment was included as part of the original submission, and was consequently approved, with the following conditions:

“7. A notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants’ expense, and lodged with the City of Joondalup for execution prior to commencement of development, and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:

*‘This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner’.*

8. A bushfire Emergency Evacuation Plan in accordance with Australian Standard – Planning for emergencies in facilities (AS 3745-2010) shall be submitted to the City and approved by the Department of Fire and Emergency Services prior to the occupation of the development.”

It was considered that the bushfire risk applied to the development can be effectively managed and that necessary bush fire protection measures are incorporated into the development through the implementation of the BMP and through the recommended conditions of approval, including the preparation and approval of a Bushfire Emergency Evacuation Plan. Therefore the 'Restaurant' is consistent with the intent of SPP3.7. No changes are proposed to these conditions.

### 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).*

### 10-Year Strategic Community Plan

**Key theme** Place.

**Objective** Well-planned and adaptable - you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy** *Environmentally Sustainable Design Policy.  
State Planning Policy 7.0 – Design of the Built Environment (SPP7).  
State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7).*

### Local Planning Scheme No. 3

Clause 16 (2) of LPS3 sets out the objectives for development within the “Urban Development” zone:

- *To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.*

- *To provide for a range of residential densities to encourage a variety of residential accommodation.*
- *To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.*

#### 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 (other than an application on which approval cannot be granted under subclause (1)), 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;*
- (fa) *any local planning strategy for this Scheme endorsed by the Commission;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure 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 —*
  - (i) *the compatibility of the development with the desired future character of its setting; and*

- (ii) *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.*

### Burns Beach Structure Plan

The objectives of the Lunch Bar and Restaurant/Café Precinct are:

*A lunch bar and restaurant/cafe are permitted within POS 6 as shown on the Structure Plan. The development of a lunch bar and a restaurant/cafe is proposed to provide for opportunities for the local population and visitors to the area to enjoy the coastal environment and to increase the vibrancy of the area as a destination beyond day light hours.*

*The provision of on-street car parking and parking areas in the vicinity of the precinct, together with the fact that the precinct is in a highly accessible area for pedestrians and cyclists, on site car parking for the lunch bar and restaurant/cafe should be minimised. The number of car bays required on site will be determined by Council and assessed against the merits of the specific case as part of a development application.*

*The BBSP outlines the permissible land uses within this precinct as follows:*

- *Lunch Bar.*
- *Restaurant / café.*

No other land uses are permissible in this Precinct.

### State Planning Policy 7 Design of the Built Environment

*State Planning Policy 7 – Design of the Built Environment sets out the below objectives:*

- 1 *A consistent framework to define the desired design quality outcomes from the planning and design of built environment projects across the State.*
- 2 *A coordinated strategy of design quality mechanisms to achieve design outcomes that meet government and community expectations, including:*
  - *Design Principles – performance-based approach to policy*
  - *Design review – skilled evaluation expertise*
  - *Design skills – skilled design expertise*
- 3 *Timely and efficient review of planning and development proposals against the Design Principles.*

### State Planning Policy 3.7 – Planning in Bushfire Prone Areas

- 6.7 *Strategic planning proposals, subdivision or development applications in areas where an extreme BHL and / or BAL-40 or BAL-FZ applies.*

*Strategic planning proposals, subdivision or development applications which will result in the introduction or intensification of development or land use in an area that has or will, on completion, have an extreme BHL and/or BAL-40 or BAL-FZ will not be supported unless:*

- (a) *the proposal is considered to be minor development to which policy measure 6.7.1 applies; or*
- (b) *the proposal is considered to be unavoidable development to which policy measure 6.7.2 applies.*

*SPP 3.7 definitions:*

*High-risk land use: A land use which may lead to the potential ignition, prolonged duration and / or increased intensity of a bushfire. Such uses may also expose the community, fire fighters and the surrounding environment to dangerous, uncontrolled substances during a bushfire event. Examples of what constitutes a high-risk land use are provided in the Guidelines.*

*Vulnerable land use: A land use where persons may be less able to respond in a bushfire emergency. Examples of what constitutes a vulnerable land use are provided in the guidelines.*

### **Risk management considerations**

The applicant has a right of review against 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 the assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The applicant has completed the City's Environmentally Sustainable Design Checklist (Attachment 9 refers) to the extent that it is applicable to the development. The applicant has indicated that the following characteristics are factored into the development:

- Natural landforms and topography.
- Northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west.
- Passive shading of glass.
- Advanced glazing solutions.
- Low energy technologies (such as energy efficient lighting, energy efficient heating and cooling and the like).
- Natural and/or fan forced ventilation.
- Water efficient technologies (such as dual-flush toilets, water efficient showerheads).
- Low-VOC products (such as paints, adhesives, carpet and the like).

### **Consultation**

The application was advertised for a period of 14 days in accordance with the City's *Planning Consultation Local Planning Policy*. Advertising commenced on 9 September 2022 and concluded on 23 September 2022. Consultation was undertaken in the following manner:

- A letter outlining the details of the development proposal was sent to those within a 200 metre radius of the site, and to all those that lodged submissions on previous applications.
- A sign erected on the subject site.
- A notice was placed on the City's website.

A total of 50 valid submissions were received, being 34 in support, 12 objecting, and four neutral to the proposal.

The key concerns raised during public consultation for the subject application received are similar to the previous feedback the City has received. In this regard, the applicant's response from the previously considered applications has been provided below, alongside the City's comments. The outcomes from community consultation are summarised below:

The following summarises the comments raised in submissions opposing the proposal:

- Inconsistency of the proposal with the intended use of the land.
- Traffic impacts and safety of pedestrians.
- Adequacy of parking and vehicle accessibility.
- Noise from patrons and operation of the restaurant.
- Negative impacts on the streetscape.
- Competition with the existing Burns Beach Café.
- Negative impact on property values.

The City's responses to the concerns raised are summarised below:

- *Inconsistency of the proposal with the intended use of the land.*

Under the structure plan, the land use 'Restaurant' is a permissible land use for the "Lunch Bar and Restaurant / Café Precinct" and as outlined previously in the report, the proposal is consistent with the objectives of the precinct. The purpose of this report is to consider modifications to the design of the building, and to modify conditions in relation to guest numbers and on-street parking. The use has been approved by Council as part of the prior approvals.

- *Traffic impacts and safety of pedestrians.*

The applicant submitted a Traffic Statement as part of the application, which has provided details in relation to the existing and proposed traffic generation as part of the proposed application for a restaurant/cafe on the subject site (attachment 4 refers). The proposed 'Restaurant' is expected to generate 131 vehicle movements per day (vpd). Beachside Drive and Grand Ocean Parade provides access to the subject site. Beachside Drive is identified as a higher order access street in the structure plan. Higher order access streets are expected to experience an indicative daily traffic flow of 1,000 to 3,000vpd. It is noted that a maximum traffic flow of 3,000vpd is appropriate to maintain residential amenity. Beachside Drive has a projected demand of less than 300vpd once Burns Beach is fully developed. The proposed 'Restaurant' is projected to generate an additional 131vpd. This totals 431vpd and is consistent with the indicative daily traffic flow.

Grand Ocean Entrance is identified as a Neighbourhood Connector in the structure plan. Neighbourhood Connectors are expected to experience an indicative daily traffic flow of 3,000vpd to 7,000vpd. Grand Ocean Parade has a projected demand of 2,000vpd at the western end and 6,930vpd on the eastern end, adjacent to Marmion Avenue.

The additional 131vpd generated by the proposal will increase traffic volumes to a total of 2,131vpa at the west and 7,061vpd adjacent to Marmion Avenue. With reference to the traffic report, the WAPC Transport Assessment Guidelines for Developments (WAPC guidelines) considers that an increase of less than 10% in traffic capacity is unlikely to have a material impact on any particular section of the road. Considering that the 7,061vpd is projected adjacent Marmion Avenue resulting in a 0.15% increase in traffic capacity to this section of the road, the projected increase is consistent with the WAPC guidelines.

Established footpaths are provided throughout the Burns Beach Estate providing ample opportunities for pedestrians and cyclists to commute to the proposed 'Restaurant.'



Therefore, the expected vehicle movements generated by the proposed 'Restaurant' is shown to not impact residential amenity or pedestrian safety. The City has reviewed the submitted Traffic Statement and supports the findings.

- *Adequacy of parking and vehicle accessibility.*

The proposed 'Restaurant' will be supported by existing and additional on-street car parking. The structure plan stipulates that there are opportunities for on-street car parking in the vicinity of the subject site and any on-site car parking should be minimised. Noting this, the provision of 18 additional on-street parking embayments is considered appropriate to accommodate for the use and the resultant increase in parking demand in the area. The design of on-street car parking and vehicle accessibility is in accordance with Australian Standard for Parking Facilities On-Street Parking (AS/NZS2890.5 1993).

During the course of construction of the on-street car parking, any removal or modifications to existing service infrastructure and landscaping within the streetscape will be reinstated and / or repaired at the cost of the applicant where applicable, to the satisfaction of the City.

Any illegal verge parking is managed by the City on a case-by-case basis under the *Local Government Act 1995* and the *City of Joondalup Parking Local Law 2013*.

- *Noise from patrons and operation of the restaurant.*

It is noted that some level of noise emitted from the proposed 'Restaurant' is inevitable. Any noise emitted from the site will be subject to a Noise Management Plan and compliance with the *Environmental Protection (Noise) Regulations 1997* to ensure the operations of the proposed 'Restaurant' do not result in an undue amenity impact to the surrounding occupiers and/or landowners.

- *Negative impacts on the streetscape.*

As detailed within the 'Details' section of this report, the overall appearance of the development is considered to be of a good design and appropriate to its location. The proposed building responds positively to the surrounding natural and built environment, including Beachside Park, the adjacent Reserve and the surrounding existing residential development.

The JDRP are generally supportive of the design and the comments and suggestions made by panel have been adequately addressed.

Submissions raised concerns regarding the provision of on-street car parking bays along Grand Ocean Entrance and the visual impact these will create. The number of patrons for the restaurant is being reduced as part of the proposal which allows the number of parking bays to be proportionately reduced. A review of the roads in the immediate area indicates the most appropriate place to locate the additional (but reduced) parking is by extending existing embayment areas along Beachside Drive and along the northern side of Grand Ocean Entrance. This means the southern side of Grand Ocean Entrance is not required to be modified and the streetscape of this side of the road can remain as it currently is.

- *Competition with the existing Burns Beach Café.*

Competition with surrounding businesses is not a valid land use planning consideration and cannot be taken into account in assessment and determination of this development application. It is further noted that the subject site was originally identified as the 'Beach Shop / Lunch Bar and Restaurant Precinct' in the structure plan which was subject to community consultation and adopted by Council in 2005.

- *Negative impact on property values.*

Potential impact on property values is not a valid land use planning consideration and the City is unable to take this issue into consideration in the assessment and determination of this development application. As previously discussed, the subject site was originally identified as the 'Beach Shop / Lunch Bar and Restaurant Precinct' in the structure plan which was subject to community consultation and adopted by Council in 2005.

The key points raised in support of the proposal are outlined as follows:

- We are confident the business will operate in a way that has limited impact to neighbouring properties.
- The concept and design are attractive and will be a welcome addition for the residents of Burns Beach.
- This is a much-needed facility for the area.
- The proposal promotes liveability and provides a gathering place for local residents to meet within walking distance of their homes.
- Will be a great asset to the suburb and provide somewhere for coffee while going to the beach or the park.
- The main people using the restaurant will be locals, and therefore there shouldn't be an impact on parking in the area.
- Burns Beach is poorly serviced by food and beverage outlets, and the café/restaurant will be a welcome addition to the area.

## **COMMENT**

As outlined above, it is considered that the modifications to the proposed "Restaurant/Café" meet the objectives and requirements of the BBSP, relevant local planning policies and Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*) and the intent of SPP3.7 and LPS3.

The concerns raised during consultation are acknowledged. In relation to the concerns that relate to potential amenity impacts of the proposal, it is considered that the scale of the development is similar to the previously approvals and will not result in adverse impacts on amenity.

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

## **VOTING REQUIREMENTS**

Simple Majority.

*Cr Jones, Cr Poliwka and Cr Raftis left the Chamber at 9.04pm*

*Cr Raftis entered the Chamber at 9.06pm.*

**MOVED Cr Hill, SECONDED Cr McLean 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 2 May 2022, submitted by Space Collective Architects, for modifications to previous planning approvals for a 'Café / Restaurant' at Lot 1436 (59) Beachside Drive, Burns Beach, subject to the following conditions:**

- 1 This approval relates to modification of DA20/0792 (as amended) only, as indicated on the approved plans. DA20/0792 approved on 10 March 2021, and DA21/0422 approved on 26 August 2021 remain valid approvals and all conditions and advice notes of those approvals as amended remain applicable, except where modified by a condition below;**
- 2 A maximum of 119 guests shall be accommodated on the premises at any given time;**
- 3 Eighteen additional on-street parking bays shall be installed within the Beachside Drive and Grand Ocean Entrance road reserves to the specification of the City. Detailed engineering drawings shall be submitted to the City for approval prior to commencement of development. These on-street car bays shall be constructed and be publicly available prior to occupation of the development at the cost of the applicant;**
- 4 Signage shall:**
  - 4.1 use low illumination that does not flash, pulsate or chase;**
  - 4.2 not include fluorescent, reflective or retro reflective colours;**
  - 4.3 relate to the associated business and not contain any obscene or vulgar material;**
  - 4.4 be established and thereafter maintained to a high standard;**

**to the satisfaction of the City.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May, McLean, Raftis and Thompson.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf221011.pdf](#)*

**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ166-10/22 - Draft Sorrento Precinct Structure Plan.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Stuart Hawkins who is providing a deputation is known to Cr Hamilton-Prime.

**CJ166-10/22 DRAFT SORRENTO PRECINCT STRUCTURE PLAN****WARD**

South-West

**RESPONSIBLE DIRECTOR**Mr Chris Leigh  
Planning and Community Development**FILE NUMBER**

110166, 101515

**ATTACHMENTS**

Attachment 1 Location plan  
Attachment 2 Sorrento Precinct Structure Plan map  
Attachment 3 Sorrento Precinct Structure Plan  
Attachment 4 Applicant justification for the Sorrento Precinct Structure Plan  
Attachment 5 Comparison of built form controls with the current Sorrento Activity Centre Plan  
Attachment 6 Consultation map  
Attachment 7 Schedule of submissions  
Attachment 8 Schedule of modifications

*(Please note: Attachments 1 to 8 are only available electronically)***AUTHORITY / DISCRETION**

Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider the draft Sorrento Precinct Structure Plan and provide a recommendation to the Western Australian Planning Commission.

**EXECUTIVE SUMMARY**

The draft Sorrento Precinct Structure Plan (SPSP) has been prepared and submitted by Planning Solutions (planning consultants) on behalf of the property owners WCD Pty Ltd, who own the majority of lots within the Sorrento Activity Centre.

The draft SPSP is intended to replace the current Sorrento Activity Centre Plan (SACP) that was approved by the Western Australian Planning Commission (WAPC) in 2018 to guide redevelopment of the activity centre. The draft SPSP has the following key differences with the SACP:

- The inclusion of Lot 145 (2) Drakes Walk, Sorrento within the precinct plan boundary.
- Amending the density from R80 to R-AC3 and reducing the dwelling target from 77 to 75 dwellings.
- Increasing the maximum height from five storeys to six storeys with an option for an additional two storeys where there is a demonstrated community benefit.
- Modifying the built form requirements, largely based on a consolidated development across the majority of the activity centre.
- Updating references to reflect the development requirements of *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes Vol 2)*.
- Aligning the format with *State Planning Policy 7.2 Precinct Design* and providing additional co-consultant inputs in support of the changes.

In July 2022, a development application for an eight storey mixed use development was lodged with the State Development Assessment Unit (SDAU), a section of the Department of Planning Lands and Heritage (DPLH), and will be determined by the WAPC. The draft SPSP has been prepared to support this proposed redevelopment. At its meeting held on 20 September 2022 (CJ048-09/22 refers), Council considered the development application and resolved to advise the WAPC that the development was not supported.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), structure plans are determined by the WAPC. Therefore, while this report addresses the assessment of the structure plan from the City's perspective and considers submissions received during the advertising process, Council's role is to make a recommendation to the WAPC.

The draft SPSP was advertised for public comments from 14 July to 26 August 2022, with the consultation being undertaken concurrently with the development application. A total of 464 submissions from the general public and five submissions from service authorities were received. Of the submissions from the general public, there were 134 submissions of support, 115 submissions of support with changes, and 215 objections.

Following assessment of the draft SPSP, and in consideration of the submissions received, it is recommended that a number of modifications be made to the draft SPSP as outlined at Attachment 8. These modifications are to ensure the scale of future development is appropriate for the locality, principally through limiting the maximum height of any development to six storeys, and to improve the clarity and workability of the document.

It is recommended that Council advises the WAPC that it supports the draft SPSP, subject to the modifications outlined at Attachment 8. It is also recommended that Council requests the WAPC revoke the current SACP in the event that the SPSP is approved.

## BACKGROUND

<b>Suburb/Location</b>	Lot 145 (2) Drakes Walk, Sorrento. Lots 146 (4) and 147 (2) Padbury Circle, Sorrento. Lots 2 (130), 148 (136A-136B), 149 (134) and 800 (128) West Coast Drive, Sorrento.
<b>Applicant Owner</b>	Planning Solutions. Lot 2 (130), Lot 149 (134) and Lot 148 (136A-136B) West Coast Drive, Lot 147 (2) and Lot 146 (4) Padbury Circle – WCD Pty Ltd. Lot 800 (128) West Coast Drive – Bass Management Pty Ltd. Lot 145 (2) Drakes Walk – George M Rafferty.
<b>Zoning</b>	<b>LPS</b> Centre. <b>MRS</b> Urban.
<b>Site area</b>	7,378m <sup>2</sup> .

**Structure plan**        *Sorrento Activity Centre Plan.*  
*Draft Sorrento Precinct Structure Plan.*

Subject site

The Sorrento Activity Centre comprises seven lots as detailed above. The activity centre currently consists of a residential dwelling, liquor store and two restaurants to the north, the Sorrento Commercial Centre in the centre and a BP service station to the south (Attachment 1 refers). The area to the east of the site is residential development with a density code of R20, predominately comprising two storey single houses. Immediately adjoining the site is a vacant residential lot to the south east and a two storey residential dwelling to the north east (density code of R20). The Sorrento foreshore and beach is to the west.

Current Sorrento Activity Centre Plan

The SACP is currently the primary planning instrument for the assessment of development applications within the activity centre.

At its meeting held on 21 April 2015 (CJ051-04/15 refers), Council considered two scheme amendments and the draft SACP and resolved to proceed to advertising the scheme amendments and structure plans, subject to modifications being undertaken prior to consultation commencing.

At its meeting held on 21 March 2017 (CJ022-03/17 refers), Council considered the scheme amendments and draft SACP following consultation and resolved to advise the WAPC that it supported the scheme amendments and draft structure plan subject to modifications. These modifications included reducing the six storey maximum building height to a four storey maximum building height.

The draft SACP was subsequently approved by the WAPC on 18 September 2018, with a minimum height of three storeys, and a maximum height of five storeys central to the activity centre on West Coast Drive and The Plaza (Lots 2, 148 and 149). The Minister for Planning also approved a modification to the associated scheme amendments to include Lot 145 (2) Drakes Walk within the activity centre boundary, however this lot was not included within the SACP.

Since the approval of the SACP, the only major development approved within the activity centre has been the redevelopment of the BP Service Station at Lot 800 to a maximum height of two storeys. The service station was approved by the Development Assessment Panel at its meeting on 18 November 2019, notwithstanding that it did not meet several requirements of the SACP, including the height being less than the minimum three storeys designated for that site.

In accordance with the LPS Regulations, the SACP is valid until 18 September 2028. After this time, the WAPC may extend or revoke its approval.

Development application for eight storey mixed use development in the Sorrento Activity Centre

Concurrent to the lodgement of the draft SPSP, the applicant is also progressing a development application with the WAPC for an eight storey mixed use development. This development is across all lots in the activity centre, with the exception of Lot 800 (BP service station), and generally reflects the development outcome proposed through the draft SPSP.

The State Government introduced a new development application process for significant projects as part of its COVID-19 economic recovery plans. The *Planning and Development Act 2005* (as amended by the *Planning and Development Amendment Act 2020*), introduced Part 17 that grants the WAPC temporary decision-making powers to determine proposals with a development cost of \$20 million or more in metropolitan Perth. The WAPC is supported in its decision-making process by a new team, the State Development Assessment Unit, within DPLH.

The local government's role in the development application is as a referral agency only, providing a submission for consideration by the WAPC which makes the final decision on the application. The SDAU is responsible for all other aspects of the development application process, including lodgement, community consultation and analysis of submissions, and coordinating design review by the State Design Review Panel.

At its meeting on 20 September 2022 (CJ048-09/22 refers), Council considered its submission to the WAPC and resolved to advise the WAPC as follows:

*That Council:*

- 1 *ADVISES the Western Australian Planning Commission that in relation to the development application WAPC ref SDAU-049-21 for the proposed eight storey mixed use development at Lot 145 (2) Drakes Walk, Lots 146 (4) and 147 (2) Padbury Circle and Lots 2 (130), 148 (136A-136B) and 149 (134) West Coast Drive, Sorrento:*
  - 1.1 *While the building design is of high quality and redevelopment of the area is welcomed, the proposal is NOT SUPPORTED for the following reasons:*
    - 1.1.1 *The consideration of the development application prior to the draft Sorrento Precinct Structure Plan is premature and not orderly and proper planning;*
    - 1.1.2 *The proposed height is out of context with the immediately surrounding residential area in which it is situated and if implemented will have a significant adverse impact on the streetscape and residential character of the local area, overlooking into nearby private residential areas, and overshadowing of adjoining properties and foreshore;*
    - 1.1.3 *The proposed eight storey building height and setback to the south western boundary of nil to the fifth storey does not meet the requirements of the Sorrento Activity Centre Plan and future development of the adjoining site (Lot 800 (2) Raleigh Road) could result in loss of views for residential properties to the east;*
    - 1.1.4 *Matters relating to the works within the verge, traffic and interface with adjoining residential properties to the east have not been adequately addressed to ensure the development does not adversely affect the area;*
  - 1.2 *Prior to the application being considered by the Western Australian Planning Commission, the following additional information should be provided by the applicant:*
    - 1.2.1 *Further detail on the interface between the landscape podium and residential property to the south east (Lot 155 (3) Raleigh Road) to determine the impact of the proposed 0.5 metre setback on the residential property;*

- 1.2.2 Further detail on the impact of visual privacy from the landscaping podium to the eastern boundary and balcony of the three bedroom dwelling closest to the north eastern boundary to determine the impact on adjoining residential properties (Lot 155 (3) Raleigh Road and Lot 2 (4) Drakes Walk) in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments;
- 1.2.3 Modelling demonstrating that a 12 metre long service vehicle can manoeuvre appropriately through the site;
- 1.2.4 Further traffic modelling for alternative treatment options for The Plaza and Raleigh Road intersections with West Coast Drive to improve performance levels be undertaken. This should include SIDRA analysis for alternative treatments including a roundabout at The Plaza and West Coast Drive intersections;
- 1.2.5 Details of potential tree species to be planted on the upper levels and depth of deep soil areas;
- 1.2.6 An arborist report for the Sheoak verge tree indicated to be retained to confirm that it is suitable for retention and will not be impacted during and post construction;
- 1.2.7 Alternative design for works within the public realm that would meet the requirements of the City of Joondalup;
- 1.2.8 A Coastal Hazard Risk Map and Adaptation Plan being undertaken as required under the City of Joondalup Coastal Local Planning Policy;
- 1.3 REAFFIRMS Council's previous decision of 21 March 2017 in relation to the Sorrento Activity Centre Plan recommending that the height of buildings on Lots 147-149, Lot 2 and Lot 800 be limited to a maximum of four storeys, and SUPPORTS the Western Australian Planning Commission's final decision of May 2018 that the number of storeys for this local centre be limited to four storeys with a fifth storey element, focused around The Plaza and western frontage, which together determined the following maximum acceptable height limits for the site to be appropriate:

LOT	MAXIMUM HEIGHT	BUILDING LEVELS
Lot 146	10.6 metres	3 storeys
Lot 147 Lot 800	13.5 metres	4 storeys
Lot 2 Lot 148 Lot 149	17.0 metres	5 <sup>th</sup> storey element

- 1.4 PROVIDES 'without prejudice' conditions and advice notes, as outlined in Attachment 12 to this Report, in the event the Western Australian Planning Commission supports the application;
- 1.5 CONSIDERS that the previously approved maximum acceptable heights for the site remain appropriate and sufficient to facilitate redevelopment of the site.
- 1.6 CONSIDERS that, in relation to Lot 145 which did not form part of the Sorrento Activity Centre Plan when considered by Council in March 2017, the maximum building height should be limited to three storeys (10.6 metres) as the lot directly adjoins an existing residential property and noting that the suggested height is consistent with the previous decision for Lot 146.



1.7 *PROVIDES technical advice regarding traffic, landscaping, waste and environmental health matters, as outlined in Attachment 13 to this Report, to be considered as part of the assessment;*

2 *NOTES the City of Joondalup submission comprises Council's resolution, conditions and advice notes (Attachment 12 refers) and technical advice (Attachment 13 refers).*

Council's submission on the development application was required to be provided to the WAPC by 23 September 2022. Given this submission deadline and the timing for assessment and consultation on the draft SPSP, it was necessary for the development application to be considered by Council ahead of Council's consideration of the draft SPSP.

## DETAILS

The draft SPSP has been prepared and submitted by Planning Solutions (planning consultants) on behalf of the property owners WCD Pty Ltd, who own the majority of lots within the activity centre. The draft SPSP is intended to replace the current SACP and provide a new planning framework for the development of the activity centre.

The format of the structure plan is consistent with format required under *State Planning Policy 7.2 Precinct Design*. Part 1 is the statutory planning section that sets out the zonings, density code and land uses applicable to the land, and provides the framework for the assessment of development applications through objectives and development provisions. Part 2 is the explanatory report and technical appendices, which provides the background, description of the site, context, opportunities and constraints, design philosophies and principles.

The draft SPSP outlines the vision for Sorrento Activity Centre as follows:

*The Sorrento Activity Centre will be a vibrant and sustainable mixed-use hub, aiming to reintroduce elements of the natural environment back into the site and contribute positively to the local community, while supporting a high quality residential and commercial development outcome that responds to the coastal foreshore context.*

The draft SPSP and technical appendices are provided at Attachments 2 and 3.

The key differences between the current SACP and draft SPSP are as follows:

- The inclusion Lot 145 (2) Drakes Walk, Sorrento within the precinct plan boundary.
- Amending the density from R80 to R-AC3 and reducing the dwelling target from 77 to 75 dwellings.
- Increasing the maximum height from five storeys to six storeys with an option for an additional two storeys where there is a demonstrated community benefit.
- Modifying the built form requirements, largely based on a consolidated development across the majority of the activity centre.
- Updating references to reflect the development requirements of *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes Vol. 2)*.
- Aligning the format with *State Planning Policy 7.2 Precinct Design* and providing additional co-consultant inputs in support of the changes.

The applicant's justification for the need for a new planning framework and vision is provided in Attachment 4 to Report CJ166-10/22.

Given the extent of differences between the SACP and draft SPSP, the draft SPSP has been considered a new structure plan, with the intention that the SACP will be revoked in the event the draft SPSP is approved by the WAPC.

It is also noted that, notwithstanding that the development application for the redevelopment of the Sorrento Activity Centre is progressing concurrently with the draft SPSP, the draft SPSP must be considered on its own merit as, in the event the development application is refused or an approval is not acted upon, the SPSP would still provide the planning framework that any other development proposal would be assessed against.

### Zoning and land use

The structure plan proposes a 'Mixed Use' zone for the majority of the sites, with Lot 800 (BP service station) proposed to remain 'Commercial'. The draft SPSP also states that land use permissibility shall be in accordance with the Table 3 Zoning Table of *Local Planning Scheme No. 3 (LPS3)*, with the following modifications specific to the Sorrento Activity Centre:

Land use	Proposed SPSP	Current LPS3 permissibility	
		Mixed Use zone	Commercial zone
Liquor Store – small	P (permitted)	X (not permitted)	P
Multiple Dwelling	P	D (subject to approval)	D
Restaurant/Café	P	D	P
Shop	P	D	P
Small Bar	P	D	P
Fast food outlet	X	X	P
Night club	X	X	D
Restricted premises	X	X	P

Concern is raised that applying the 'Mixed Use' zoning to Lot 145 (2) Drakes Walk does not provide an appropriate buffer from commercial activities in the activity centre to the adjoining low density residential sites, particularly given the intention to alter the land use permissibility and make more commercial land uses permitted within the activity centre. It is considered appropriate that Lot 145 (2) Drakes Walk be zoned 'Residential', similar to the approach of the current SACP.

Applying the 'Mixed Use' zone to the remaining area is considered appropriate given the intended development of these sites with a higher proportion of residential dwellings (in the form of multiple dwellings) relative to commercial area.

Retaining Lot 800 (BP service station) as a 'Commercial' zone is considered appropriate given the existing lower development intensity on this site, including a building height of two storeys. 'Service Station' is also a discretionary 'D' use in the 'Commercial' zone and not permitted 'X' use in the 'Mixed Use' zone and is therefore considered a more appropriate zoning based on the current land use. It is acknowledged that if approved, the structure plan will be valid for 10 years from the date of approval by the WAPC, and it is likely given its recently redevelopment, the BP service station will remain for the life of the structure plan. Should this site be redeveloped the impact on adjoining residential properties will be mitigated due to the ground level difference, two storey height limit and green landscaping buffer required between the properties.

The changes to land uses permissibility are required to be included in Table 8 of LPS3 as structure plans are not intended to circumvent scheme requirements in this manner. The applicant has not submitted a proposed amendment to LPS3, and therefore the current LPS3 provisions relating to land uses in the Sorrento Activity Centre will be slightly inconsistent with the intent of the structure plan.

In relation to zoning and land use, the following modifications are recommended to the draft SPSP:

- The proposed zoning of Lot 145 (2) Drakes Walk is changed from 'Mixed Use' to 'Residential'.
- The proposed modifications to land use permissibility are removed from the structure plan, with the applicant separately progressing an amendment to LPS3.

### Residential density

The Residential Activity Centre (R-AC) codes are residential density codes under the R-Codes Vol. 2 that allows for a variety of residential development within activity centres. The R-AC codes control the number and type of dwellings that are developed within mixed use activity centres and is the appropriate density code to consider for the Sorrento Activity Centre. The R-AC codes range from R-AC4 (neighbourhood centre) to R-AC1 (higher density urban centres).

The draft SPSP proposes a residential density code of R-AC3 with an indicative dwelling yield of 75 dwellings. Under the current SACP, the activity centre currently has a density code of R80 with an indicative dwelling yield of the 77 dwellings.

The R-AC3 density code is identified for a medium-rise urban centre, with the streetscape context and character described as being part of a denser urban centre under the R-Codes Vol. 2:

- *Context: High density urban centres are largely commercial centres with some residential development. Excellent multi-modal transit services and include POS and high concentration of community infrastructure. High density may include the CBD, city centre, strategic metropolitan centres, secondary centres, inner-city urban corridors, and designated special centres and station precincts.*
- *Character: High density urban centres are characterised by podium and tower developments that support highly activated and pedestrianised street frontages. New residential development should contribute to an attractive, dynamic and liveable city environment.*

The Sorrento Activity Centre is classified as a local centre under the City's *Local Commercial Strategy*, with the immediate context being low scale residential development. It is considered that the proposed R-AC3 density code is not compatible with this. Rather a density code of R-AC4 would be more appropriate, identified for a neighbourhood centre with the streetscape character and context described under the R-Codes Vol. 2 as:

- *Context: A local or neighbourhood centre within a low-medium rise residential area. Neighbourhood centres should be located within a short walk of transport and other amenities and include built form and uses that activate the street. Land uses within a neighbourhood centre may include residential, community facilities, local shopping and commercial activities.*
- *Character: Neighbourhood centres have a compact and cohesive urban form that complements the surrounding residential character in scale and style. New development should contribute to the public realm by enhancing and activating the streetscape and contributing to creating a distinct and appealing character for the centre.*

The R-AC4 controls under the R-Codes Vol. 2 are similar to R80, with some differences to support the context of residential development being delivered as part of a mixed use development. A comparison of the key primary controls between the density codes is provided in the table below.

	<b>R80 (current SACP) Medium rise residential</b>	<b>R-AC3 (proposed) Medium rise urban centres</b>	<b>R-AC4 (recommended) Neighbourhood centres</b>
<b>Height</b>	4 storeys	6 storeys	3 storeys
<b>Street setbacks</b>	2 metres	2 metres or nil for the ground floor commercial	
<b>Boundary setbacks</b>	3 metres 3 metres to the rear boundary	Nil Nil to the rear boundary	Nil 6 metres to the rear boundary
<b>Boundary walls</b>	2 storeys for two- thirds the boundary length	3 storeys	2 storeys
<b>Plot ratio</b>	1.0	2.0	1.2

These built form controls are default provisions within the R-Codes Vol. 2 and can be amended through the structure plan to suit the local context and intended development outcome. This is considered necessary for the Sorrento Activity Centre, with the appropriate modifications for building height, setbacks and plot ratio discussed further below.

It is recommended that the draft SPSP be modified to apply a density code of R-AC4.

#### Built form requirements

A comparison of the built form requirements between the current SACP compared to the draft SPSP is provided in Attachment 5.

At the time of the preparation of the SACP, the activity centre was comprised of fragmented ownership. Therefore, the built form requirements of the SACP took into consideration that sites could be individually developed over a period of time. WCD Pty Ltd now owns the majority of the centre and the proposed built form requirements within the draft SPSP would facilitate a single development across the sites noting that it contemplates Lot 800 (BP service station) not being redeveloped. The proposed built form requirements generally reflect the development application that will be determined by the WAPC, noting that feedback received as part of the development application process (including design review) has resulted in some refinements to the final design.

Residential development is required to be in accordance with the R-Codes Vol. 2 except where the draft SPSP sets out alternative requirements. In this case, as residential development in the activity centre will comprise multiple dwellings, the R-Codes Vol. 2 is the primary planning control for residential development, with the draft SPSP outlining requirements for building height and building setbacks. Other development controls within the draft SPSP include ground floor activation, landscaping, parking and access, street setbacks and materials and finishes.

The draft SPSP requires development to comply with the built form layout in Plan 2 (below), with further built form requirements proposed to address matters such as street activation, interface with adjoining properties and residential amenity.



### *Building height and community benefit incentives*

The draft SPSP proposes a height of six storeys across lots facing West Coast Drive and The Plaza, with an additional two storeys (maximum eight storeys) where community benefit incentives, as outlined in the draft SPSP, are delivered. Building height is proposed to be tiered away from adjoining residential properties in accordance with the built form controls map above. The SPSP includes an elevation plan (Plan 4 within Attachment 3 refers) that outlines the height of development in metres, with an eight storey building being 29.8 metres in height.

The majority of submissions received raised concerns with the building height and development being out of character with the area. The submissions varied in terms of what would be considered a more appropriate height, suggesting maximum heights of between two and six storeys.

Under the planning framework, development incentives are a method through which additional development potential or flexibility (such as additional plot ratio and/or building height) is offered in exchange for tangible community benefit, such as public amenities, cultural and recreation facilities or affordable and/or accessible housing. Guidance on relevant considerations is set out in the *SPP7.2 Precinct Design Guidelines*, stating community benefit is the public good that a proposal delivers as indicated by (but not limited to) the following:

- *Productivity – does the proposal contribute to increasing and or/diversifying employment and the local economy and improving equal opportunity?*
- *Quality of life – does the proposal provide new, or improve on existing services like education, healthcare, community facilities that could improve quality of life for community members?*
- *Environmental sustainability – does the proposal contribute to a sustainable urban environment through improvements to air and water quality, reduced emissions or protecting/enhancing vegetation?*
- *Infrastructure development – does the proposal provide needed, or improve on existing infrastructure such as transport, utilities and recreation that benefits the local area?*

- *Equity and social inclusion – does the proposal help address issues of poverty, social isolation and contribute towards the creation of equitable communities through improved opportunities for minority and vulnerable groups?*

The applicant has included statements in Part 2 of the draft SPSP stating the following:

- *The existing car bays within the road reserve of The Plaza will be removed and replaced by the 10 additional non-residential public parking bays on-site, in addition to meeting the minimum requirement for commercial bays required under LPS3, to accommodate peak seasonal demand for the beachside activity centre.*
- *As part of the community engagement process, participants expressed a strong desire for public realm improvements (particularly to The Plaza and West Coast Drive), public parking, and environmentally sustainable outcomes, this has informed the community benefit incentives.*
- *Overall, the existing pedestrian and cycling infrastructure surrounding the subject site is average for all users. Pedestrian crossings across West Coast Drive need improvements as it can be difficult for pedestrians to safely cross the road. Future development applications should take this into account and seek to improve pedestrian / cycling accessibility, this can be achieved by adding incentives for community benefits into this PSP.*

The community benefit incentives to qualify for the additional two storeys outlined in the draft SPSP are as follows:

- Public realm works within The Plaza including shade trees, alfresco dining areas and improved connections between Geneff Park and the beach by way of high-quality landscaping.
- Public realm works on West Coast Drive including foot showers, dog water fountains, shade trees and high-quality landscaping.
- A minimum of 10 public car parking bays on-site (in addition to the required commercial bays).
- Certification that development achieves a minimum 5-star Green Star environmental sustainability rating.
- Provision of underground power for the subject site and adjoining street frontages.
- Relocation of the bus stop on West Coast Drive to north of The Plaza (subject to approval of the Public Transport Authority).

The following comments are made in relation to the development incentives:

Community benefit incentive	City comment
<p>Public realm works, including:</p> <ul style="list-style-type: none"> <li>• within The Plaza: shade trees, alfresco dining areas and improved connections between Geneff Park and the beach by way of high-quality landscaping.</li> </ul>	<p>The landscaping concept plan in the draft SPSP is consistent with the concept plan provided with the development application considered by Council at its meeting on 20 September 2022 (CJ048-09/22 refers).</p> <p>As assessed through the development application, the following comments were made in relation to the community benefit upgrades within The Plaza and West Coast Drive:</p> <ul style="list-style-type: none"> <li>• The following proposed works on the verge are not supported: <ul style="list-style-type: none"> <li>○ Permanent structures, including retaining walls and decking. The critical purpose of road verges is to accommodate above and below ground services, pedestrian safe refuge, and pedestrian movement.</li> </ul> </li> </ul>

Community benefit incentive	City comment
<ul style="list-style-type: none"> <li>• within West Coast Drive: including foot showers, dog water fountains, shade trees and high-quality landscaping;</li> </ul> <p>Clause 5.9(c) states that in order to satisfy this community benefit, landscaping and paving treatments within The Plaza should be upgraded to a high quality, in accordance with the Landscape Concept Plan.</p>	<p>The construction of permanent structures will conflict and compromise these primary functions. Furthermore, the construction of decks for adjacent commercial use effectively privatises the verge which is a public environment. This raises concerns regarding the City's responsibility regarding public liability and indemnity in these now "private" areas.</p> <ul style="list-style-type: none"> <li>○ Showers are not supported on the east side of West Coast Drive as this creates public risk as beach users are required to cross the road to access this facility. Currently there is adequate provision of beach showers at Sorrento Foreshore Park to accommodate beach users.</li> </ul> <ul style="list-style-type: none"> <li>• No trees are permitted within the truncation area of The Plaza and West Coast Drive as this conflicts with traffic sightline requirements.</li> <li>• The purpose of a footpath is to provide pedestrian thoroughfare along the road and provide a step-up safety refuge from the road. The footpath curvilinear design also does not provide an unencumbered pedestrian thoroughfare along West Coast Drive. The proposed footpath design also does not provide a step-up safety refuge from the road as it is set back behind planted beds, thus facilitating only the commercial building front.</li> <li>• Trees are to be set back a minimum of 1 metre from back of kerb (2 metres is preferred) to reduce kerb and road damage from roots and allow the growth of an uncompromised tree canopy.</li> <li>• The Plaza Road median is managed and maintained by the City. It has been paved to accommodate safe pedestrian refuge and crossing. Treatment and maintenance of this area does not fall under the responsibility of the developer. The City will not consider the landscaping of this median as it will impede pedestrian safety and the City's bore license is currently fully allocated, therefore planting cannot be supported in this location.</li> </ul> <p>There is also the need to upgrade the intersection of West Coast Drive and The Plaza (discussed below), which will also have implications on future public realm upgrades.</p> <p>As such, the community benefit cannot be practically delivered as currently proposed in the landscape concept plan.</p> <p>Notwithstanding that the public realm community benefits may not be delivered, the draft SPSP includes other requirements for the public realm under Section 5.9 which require:</p> <ul style="list-style-type: none"> <li>• Adjacent verge and footpath areas should be upgraded to a high quality, to facilitate space activation.</li> <li>• The area fronting The Plaza and West Coast Drive is to be a highly activated area, accommodating activities such as alfresco dining, seating, and passive recreation areas.</li> </ul>

Community benefit incentive	City comment
	<p>This means that there would be a requirement to upgrade the public realm and have activated frontages for the development, irrespective of whether the community incentive is sought for the additional height. However, it is noted that the extent of public realm upgrades that is undertaken would not be to the scale that would be expected under the community benefit incentive.</p>
<p>A minimum of 10 additional public car parking bays on-site (in addition to the required commercial bays under the draft SPSP)</p>	<p>Currently 14 bays are provided within The Plaza verge. Under the SACP these bays are not required to be replaced.</p> <p>The provision of additional parking on-site above the required amount will assist in reducing demand for overflow parking during the summer period. However, providing these bays on-site privatises the parking compared to being provided within the verge area and thereby reduces the broader benefit to the community. The 10 additional bays being on-site is also less than the 14 bays currently within The Plaza verge area.</p> <p>It is also noted that the development application did not meet the minimum number of commercial bays (proposing a shortfall of one bay) and the location of the additional four on-street bays on West Coast Drive was not supported by the City due to safety risks.</p>
<p>Certification that development achieves minimum 5-star Green Star environmental sustainability rating;</p>	<p>The R-Codes Vol. 2 indicates that providing a building that achieves a significantly higher sustainability target than required by the National Construction Code may be considered a community benefit incentive.</p> <p>As a multiple dwelling development, irrespective of pursuing a community benefit offset, energy efficiency is also a requirement of the R-Codes Vol. 2, and SPP7 requires consideration of sustainability measures to be addressed. It is however noted that the proposed 5-star Green Star rating exceeds that required under these planning policies and therefore may be suitable to be considered as an additional community benefit.</p> <p>Notwithstanding, while energy efficiency is a desirable outcome, the broader community benefit through providing a more energy efficient building as it relates to additional building height is unclear.</p>
<p>Provision of underground power for the subject site and adjoining street frontages;</p>	<p>It is unclear on whether this requirement proposes to provide underground power to the verge immediately in front of the activity centre (ie. West Coast Drive), or also those on the opposite side of The Plaza and Padbury Circle.</p> <p>The engineering servicing report provided as part the structure plan states:</p> <p><i>There are existing low voltage overhead aerials along West Coast Drive and an overhead light connection on the subject site's side of The Plaza. Future development will likely be required to provide underground power supply and augment the lighting.</i></p>



Community benefit incentive	City comment
	It is unclear on whether the requirement to address overhead powerlines would be a requirement of Western Power irrespective of the additional height that would be sought. Furthermore, providing underground power to the West Coast Drive frontage primarily serves to improve the amenity of the subject development rather than surrounding sites. As such, it is unclear as to the extent this serves as a broader community benefit.
Relocation of the bus stop on West Coast Drive to north of The Plaza (subject to approval of the Public Transport Authority).	<p>The relocation of the bus stop will improve the frontage for the activity centre, improving outlook from the ground floor.</p> <p>It is unclear on whether the relocation of the bus stop is a better outcome in terms of patronage numbers and usage as no further justification has been provided on this element. Therefore, it is unclear as to the extent this serves as a broader community benefit.</p> <p>The relocation is also subject to further investigation and therefore it is uncertain on whether it can be delivered.</p>

While some of the incentives outlined in the draft SPSP may deliver benefits to the community, the extent of benefit needs to be weighed against the amenity impact of the 'bonus' two storeys in height (from six storeys to eight storeys).

The maximum height of five storeys in the SACP was considered appropriate due to the low position of the site and the steep slope up to the adjoining residential properties at the rear, resulting in a future development that could 'sit' within the landscape. A five storey building height also results in overshadowing that would not extend to the beach, with some overshadowing of the foreshore dunes at 9am in winter, autumn and spring. The other built form controls provided a building envelope that could extend this maximum height closer to street boundaries than what could occur under the draft SPSP.

While the positioning of the building mass, including stepping back the maximum building height from the street and adjoining properties, does reduce the potential impact of future development, a building height to eight storeys is still considered to result in a development that will be out of context with the immediately surrounding area and will disrupt the streetscape. The building height also results in the shadow extending further into the foreshore and beach for morning periods during winter.

The extent of community benefit that would be delivered as part of the incentives is minimal and is not considered to outweigh the adverse amenity impact that will result from the additional two storeys. It is therefore considered that the building height be a maximum of six storeys at Lots 2, 147, 148 and 149 West Coast Drive as indicated in Plan 2 of the draft SPSP. Given the change in building mass, resulting in a narrower stepped building and lower building height closer to the residential properties and Lot 800 (BP service station), the six storeys is considered appropriate.

Lot 145 (2) Drakes Walk is proposed to allow a maximum height of four storeys within three metres of the adjoining residential boundary. This is not considered an appropriate transition to the lower density residential area. Given the level difference between the sites, with the activity centre being lower than the adjoining residential property, a maximum height of three storeys is considered more appropriate. This is consistent with the principle within the current SACP whereby the building height within the activity centre is limited to the three storeys where it adjoins the residential site on Padbury Circle.

Taking the above modifications into account, the distribution of building height across the remainder of the centre, including a six storey element, building height of three storeys to Lot 145 Drakes Walk and two storeys to Lot 800 (BP service station) is considered appropriate. The stepping of the building height and limiting the building height on Lot 800 (BP Service Station) improves access to views for residential properties to the east, reduces the impact of building mass on the street and minimises the extent of overshadowing of the foreshore.

In relation to building height, it is recommended the draft SPSP be modified to:

- remove the additional two storey height associated with the delivery of proposed community benefits, with there being a maximum building height of six storeys within the building footprint as indicated on Plan 2
- lot 145 (2) Drakes Walk be a maximum of three storeys.

#### *Setback to the adjoining residential property*

The draft SPSP sets out development provisions relating to building setbacks, however the provisions conflict in regard to the setback to the adjoining residential boundaries. The built form controls plan (Plan 2) indicates the landscaping podium with a nil setback to Lot 155 (3) Raleigh Road. However, a 3 metre green (landscape) buffer is indicated on the ground floor plan (Plan 3). Clause 5.6 also states that buildings directly abutting the residential zone shall have a minimum ground level setback of 2 metres, therefore conflicting with both Plan 2 and Plan 3.

It is therefore recommended that the draft SPSP be modified to ensure that a three metre setback be maintained for buildings directly abutting the residential zone, consistent with the current SACP.

For residential development, matters such as visual privacy and overshadowing are to be in accordance with the R-Codes Vol. 2. As the adjoining residential zone has a density code of R20, the requirements applicable are by reference to this lower density code and therefore require a greater setback for visual privacy and a lesser amount of permitted overshadowing. For example, a balcony is required to have a 7.5 metre setback rather than a 6 metre setback permitted at R-AC4. The requirements of the R-Codes Vol. 2 are considered an appropriate mechanism to deal with these other built form controls.

#### *Plot ratio*

Plot ratio is the ratio of a floor area relative to the site area and is used as a mechanism to establish the building mass within a broadly defined envelope under the R-Codes Vol. 2.

The draft SPSP proposes plot ratio to be in accordance with the R-Codes Vol. 2. The proposed density of R-AC3 allows a maximum plot ratio of 2.0, however as it is recommended that the density be modified to R-AC4, this would allow a maximum plot ratio of 1.2. It is noted that the SACP specifies that no maximum plot ratio requirement is applicable.

The overall building mass of a development is also controlled by other requirements, such as building height, setbacks, open space/landscaping and building separation. The plot ratio specified in the R-Codes Vol. 2 is a default provision and can be amended through the structure plan to suit the local context and intended development outcome.

The provisions of the draft SPSP defines a very specific building envelope, including building height and setbacks, that serve to provide more detailed controls for the building envelope than what would otherwise be applicable under the R-Codes Vol. 2. It is noted that the development outcome envisaged by the draft SPSP would be unable to be delivered at a plot ratio of 1.2.

However, given the specific building envelope provided under the structure plan and together with the other requirements of the R-Codes Vol. 2 that would be applicable (such as landscaping and building separation), it is considered that plot ratio as an additional control is not required, remaining consistent with the approach taken for the current SACP.

It is therefore recommended that the draft SPSP be modified to state that plot ratio is not applicable.

### *Parking*

The draft SPSP proposes car parking consistent with the current SACP, the R-Codes Vol. 2 and the City's local planning policies. This requires:

- residential parking at rate of 0.75 bay for single bedroom dwellings and one bay per dwelling for two plus bedroom dwellings
- residential visitor parking at a rate of one bay per four dwellings up 12 dwellings and one bay per eight dwellings for the 13<sup>th</sup> dwelling and above
- non-residential parking at a rate of one per 20m<sup>2</sup> net lettable area.

A large number of submissions commented on the lack of provision of parking, and impact this will have on the surrounding area. It is noted that the provision of parking is consistent with the R-Codes Vol. 2 and the City's local planning policies. It is also noted that development within the activity centre is only required to provide parking for residents and visitors to the site; it is not required to provide parking for beach users or people undertaking other activities in the area. Locating car parking within the building screened from the public realm will assist in identifying the parking being provided is for the subject site(s) and not general public parking.

The car parking provisions within the draft SPSP are consistent with the existing planning framework and are therefore considered to be appropriate and no modifications in relation to parking ratios are recommended.

The draft SPSP has identified the provision of 10 additional public car parking bays on-site as one of the community incentives that would be provided for an eight storey building. As outlined above, the building height to eight storeys is not supported, and, in the event that the WAPC agrees with this recommendation, there would not be a mechanism within the draft SPSP to require this additional parking. It is noted that as part of future upgrades to The Plaza, the City will be investigating providing additional on-street parking as part of those works which would contribute to additional public car parking in the area.

### Traffic

A traffic impact assessment (TIA) was submitted with the draft SPSP. It is considered that the traffic modelling undertaken is appropriate and demonstrates that, while there will be an expected increase in traffic, overall the road network will still function, except for some performance issues at the intersections with West Coast Drive.

The assessments of the intersection of The Plaza and Raleigh Road with West Coast Drive confirm that while the majority of approaches to these intersections will operate within acceptable limits once fully developed, there is potential for significant delays during peak periods for right turn movements, especially at the The Plaza and West Coast Drive intersection. For this intersection, the modelling in the TIA demonstrates that the right turn movement will result in a poor level of service.

The TIA suggests improvement to the West Coast Drive and The Plaza intersection by widening the median on West Coast Drive for vehicle storage, however this is not the City's preference. The draft SPSP also outlines significant upgrades to The Plaza to create a shared zone. Some of these upgrades are in response to community benefit incentives for an eight storey building. Given the impact on traffic performance identified in the TIA, there is further need for the treatment of this area to be considered based on road safety and performance levels. Other options that need to be considered include a roundabout and on-street parking to ensure that the area remains functional. This will require further discussions with the developer and other key stakeholders to identify and agree on the most appropriate treatments, and these will need to be implemented as part of the development application process. To ensure that this is highlighted as a consideration for the development application process, it is recommended that the draft SPSP be modified to acknowledge that there will be the need for infrastructure upgrades as part of the development of the activity centre.

As outlined above, the eight storey height is not supported and therefore the corresponding community benefit incentive relating to public realm upgrades would not form part of the draft SPSP in the event that the WAPC agrees with this position. While other development provisions will still require the developer to upgrade the verge and footpath areas to a high quality to facilitate space activation, the extent of public realm upgrades that is undertaken may not be to the scale that would be expected under the community benefit incentive.

### State Planning Policies

#### *State Planning Policy 7.2 Precinct Design and associated guidelines*

SPP7.2 is the primary state planning policy that guides the considerations, content, and format of a structure plan. This policy provides the planning framework for establishing the development of precincts such as activity centres, mixed use areas and public transit stations. It has been designed to accommodate a wide range of scenarios, with requirements not always applicable depending on the scale of centre and its context.

It is considered that the draft SPSP addresses the requirements of SPP7.2 to the extent applicable to being an existing urban local centre in a low density suburban context. However, there are some areas that may be applicable and do not appear to have been addressed and it is recommended the following is outlined in the recommendation to the WAPC:

- Incorporation of local Aboriginal knowledge, concepts and stories of place: the draft SPSP states there are no sites of significance within the activity centre, however there does not appear to have been further consideration of incorporating Aboriginal cultural elements as part of any future development of the activity centre.
- Analysis and demonstration of utilities and services that may be required in the public realm.

#### *State Planning Policy 2.6 State Coastal Planning Policy*

In regard to coastal hazard risk management and adaptation planning (CHRMAP), SPP2.6 states that this should be undertaken by the responsible management authority and/or proponent prior to proposed development.

Part 1 of the draft SPSP does not require a CHRMAP to be undertaken prior to development. Part 2 advises that coastal hazards are minimised by the centre's separation from the beach by way of a road and other public infrastructure. Notwithstanding this, it is recommended that a provision be provided in Part 1 to ensure all requirements of SPP2.6 are addressed.

It is noted that this matter was also raised as part of consideration of the SACP and it was requested by the City that the requirement for SPP2.6 be addressed in Part 1. This was subsequently removed by WAPC on the basis that any coastal adaptation planning for the area would be addressed by a broader Coastal Hazard Risk Management and Adaptation Plan and accordingly, a site specific coastal hazard assessment was not required, and the requirement was removed from the SACP. Notwithstanding the position of the WAPC, it is still considered appropriate for the requirement to be included in the recommendation for the WAPC to consider.

SPP2.6 also outlines when considering building height and bulk controls within 300 metres of the coast regard should be given to the theme of a locality as well as existing built form, topography and landscape character of the surrounding area. The building height and other built form controls, incorporating the recommended modifications, is considered to provide an appropriate framework for future development that considers these requirements.

### Local Planning Framework

#### *Local Commercial Strategy*

The City's *Local Commercial Strategy* identifies a recommended shop/retail floorspace threshold of 1,500m<sup>2</sup> net lettable area (NLA) for the Sorrento Local Centre, similar to what is currently provided on-site.

The draft SPSP does not intend to exceed this. In the event a development application is received that demonstrates the shop/retail NLA exceeding, a retail needs assessment would need to be undertaken (in accordance with *State Planning Policy 4.2 – Activity Centres* for Perth and Peel) to demonstrate the additional floor space does not compromise the hierarchy of centres.

### Editorial changes required

In addition to the changes discussed above, a number of editorial changes are required to the draft SPSP to correct grammatical errors, formatting errors and to generally make the structure plan easier to read and understand. These changes will not alter the content or detail of the structure plan. The editorial changes are incorporated in the schedule of modifications in Attachment 8.

### **Issues and options considered**

The options available to Council in considering the draft Sorrento Precinct Structure Plan are:

- recommend the WAPC approves the draft Sorrento Precinct Structure Plan without modifications, and in the event the Sorrento Precinct Structure Plan is approved, revoke the Sorrento Activity Centre Plan
- recommend the WAPC approves the draft Sorrento Precinct Structure Plan with modifications, and in the event the Sorrento Precinct Structure Plan is approved, revoke the Sorrento Activity Centre Plan  
or
- recommend the WAPC not approve the draft Sorrento Precinct Structure Plan.

Subsequent to providing a recommendation to the WAPC, the draft SPSP will be assessed by the Department of Planning, Lands and Heritage (DPLH) and a report prepared for consideration by the WAPC, including a recommendation on whether the draft SPSP should be approved (with or without modifications) or refused. Should the SPSP be supported subject to modifications, these modifications will need to be undertaken by the applicant prior to the SPSP formally taking effect.

If approved, the draft SPSP would then provide the appropriate framework for consideration of the redevelopment of the activity centre. The proposed development requirements align with the development application for an eight storey mixed use development that is currently being processed by the SDAU and which will also be determined by the WAPC.

Under the *Planning and Development Act 2005*, the development application for the redevelopment of the Sorrento Activity Centre is considered 'significant development', consequently the WAPC does not need to have regard to the planning framework in making its decision on the development application, and the draft SPSP does not need to be determined ahead of a decision on the development application. In effect, this circumvents the usual planning process that would be followed to achieve orderly and proper planning. Consistent with the City's submission on the development application, it is recommended that the advice to the WAPC on the draft SPSP request that the structure plan be considered prior to the development application, and in the event that it is supported, any modifications to the draft SPSP be reflected in the final development application to be determined by the WAPC.

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

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

### **10-Year Strategic Community Plan**

**Key theme**                        Place.

**Outcome**                        Well-planned and adaptable - you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy**                              *Coastal Local Planning Policy.*  
    *Residential Development Local Planning Policy.*  
    *State Planning Policy 4.2 Activity Centres for Perth and Peel.*  
    *State Planning Policy 2.6 State Coastal Planning Policy.*  
    *State Planning Policy 7.0 Design of the Built Environment.*  
    *State Planning Policy 7.2 Precinct Design.*

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

#### *Process for a new structure plan*

The process for assessing and determining structure plans is controlled by the LPS Regulations. Under the LPS Regulations, the local government must advertise the structure plan within 28 days of accepting a structure plan for assessment.

Within 60 days of the close of advertising, the local government must prepare a report for the WAPC including the local government's consideration of submissions, schedule of any proposed modifications, assessment of the structure plan and a recommendation on whether the structure plan should be approved by the WAPC. This 60 day timeframe may be extended where the WAPC agrees.

Within 120 days of receiving the structure plan, the WAPC must consider the structure plan and report and either approve the structure plan with or without modifications or refuse to approve the activity centre plan. This 120 day timeframe may be extended where the applicant agrees.

In accordance with the LPS Regulations, structure plans no longer have statutory effect, but are still an instrument that parties are required to have 'due regard' to. The LPS Regulations also limits the lifespan of a structure plan to 10 years, commencing from the day the WAPC approves the plan.

#### *Process for revoking a structure plan*

An existing structure plan may be revoked by the WAPC if a new structure plan is approved for the area to which the structure plan to be revoked relates. In the event the draft SPSP is approved by the WAPC, the SACP will become redundant. Therefore, as part of Council's recommendation it is considered appropriate to request the WAPC revoke the SACP in the event the draft SPSP is approved.

### **Risk management considerations**

In accordance with the LPS Regulations, the City has until 25 October 2022 to provide its recommendation to the WAPC. Should Council defer a decision beyond this date and an extension is not granted by the WAPC, the structure plan may be determined by the WAPC without Council's input.

### **Financial / budget implications**

The applicant has paid fees of \$13,887.53 (including GST) for the assessment of the structure plan.

### **Regional significance**

Although the Sorrento Activity Centre is a local centre, given its location on the coast adjacent to the Sorrento foreshore and beach, the redevelopment has the potential to create a regionally attractive coastal node.

### **Sustainability implications**

#### Environmental

Any redevelopment of the site will be required to address sustainability requirements of the planning framework, including SPP7.0 and SPP7.3 R-Codes Vol. 2 (for multiple dwellings/mixed use). The draft SPSP includes the requirement for development to achieve a minimum 5 star green rating as a development incentive for the additional height.

As discussed, the additional building height is not considered appropriate and therefore development incentives would not be a requirement to deliver, although there is nothing preventing the applicant from delivering sustainability measures above the minimum requirements outlined in planning policies and building legislation.

External to the site, redevelopment of the activity centre will increase overshadowing of the adjoining foreshore and beach, with overshadowing of dune vegetation. The overshadowing diagrams in Part 2 of the draft SPSP demonstrate that this predominately occurs during winter months for a short period of the day. Given the minimal time that overshadowing will occur it is expected to have negligible impact to the vegetation.

#### Economic

The redevelopment of the centre will provide additional local employment opportunities as well as additional residents who would contribute to the local economy.

## Social

The draft SPSP includes requirements for activation of the ground floor and improvements to the public realm. These improvements will contribute to the public amenity of the area and support social interactions within and around the site.

## **Consultation**

In accordance with the requirements of the LPS Regulations and the City's *Planning Consultation Local Planning Policy*, the draft SPSP was advertised for public comment from 14 July to 26 August 2022 by way of:

- letters to 474 the owners and occupiers of nearby properties (Attachment 6 refers)
- an email to the Marmion Sorrento Duncraig Progress and Ratepayers Association
- an email to the City's Engagement Network
- a notice published on the City and DPLH websites and social media accounts
- a notice in the local newspaper
- two signs on site.

As the timing for the SDAU undertaking consultation on the development application and the City undertaking consultation on the draft SPSP coincided, a joint consultation process was undertaken. The co-branded advertising provided the ability for submissions to be made on the development application, the draft SPSP, or both, through the advertising period.

A total of 464 submissions from the general public and five submissions from service authorities were received on the draft SPSP. Of the submissions from the general public, there were 134 submissions of support, 115 support with changes and 215 objections.

The key themes raised in the submissions were:

- the building height is excessive
- the development is out of character with the area
- impact from the increase in traffic and lack of parking
- the amenity impact of the development on the area and adjoining properties
- support redevelopment of the area.

The summary of submissions and the applicant and City's response is provided at Attachment 7 to Report CJ166-10/22.

## **COMMENT**

The proposed structure plan, together with the provisions of relevant state and local planning policies, create the planning framework to guide the redevelopment of the centre.

Following assessment of the draft SPSP and in consideration of submissions received, it is recommended that a number of modifications be made to ensure future development of the centre is appropriate for its context and improve the clarity and workability of the document.

It is recommended that Council advises the WAPC that it supports the draft SPSP subject to the modifications outlined in Attachment 8.

## **VOTING REQUIREMENTS**

Simple Majority.



**OFFICER'S RECOMMENDATION**

That Council:

- 1 Pursuant to clause 20 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:
  - 1.1 SUPPORT the draft Sorrento Precinct Structure Plan, subject to:
    - 1.1.1 in relation to building height:
      - 1.1.1.1 The reference to community benefit and associated additional 'bonus' height being deleted as the additional height if implemented will have an adverse impact on the streetscape, adjoining properties and foreshore;
      - 1.1.1.2 The proposed height limit on Lot 145 (2) Drakes Walk to be modified to be a maximum of three storeys (10.6 metres) as the lot directly adjoins an existing residential property;
    - 1.1.2 The zoning of Lot 145 (2) Drakes Walk be modified to 'Residential' as the lot directly adjoins an existing residential property and noting that the zoning is consistent with the previous development for Lot 146;
    - 1.1.3 The residential density be modified to R-AC4, being the appropriate density code for a neighbourhood centre under *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*;
    - 1.1.4 The setback to the eastern boundary (adjoining the existing residential properties) be modified to be a minimum of three metres, with the setback area to comprise a landscape buffer;
    - 1.1.5 Other modifications as specified in Attachment 8 to Report CJ166-10/22;
  - 1.2 FORWARD its recommendations, schedule of recommended modifications and schedule of submissions to the Western Australian Planning Commission for consideration and determination;
- 2 REQUESTS that, in accordance with clause 28 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Western Australian Planning Commission revoke the Sorrento Activity Centre Plan in the event the Sorrento Precinct Structure Plan is approved by the Western Australian Planning Commission;
- 3 REQUESTS that the Western Australian Planning Commission make a decision on the draft Sorrento Precinct Structure Plan prior to a decision on the development application for the eight storey mixed use development in the Sorrento Activity Centre (SDAU-049-21 refers), and the development application be amended to reflect any modifications to the development requirements of the draft *Sorrento Precinct Structure Plan*;
- 4 NOTES the submissions received and ADVISES the submitters of Council's recommendations to the Western Australian Planning Commission.

*Cr Kingston left the Chamber at 9.06pm and returned at 9.09pm.*

*Cr Poliwka entered the Chamber at 9.07pm.*

*Cr Jones entered the Chamber at 9.08pm.*

*Cr McLean left the Chamber at 9.09pm and returned at 9.11pm.*

*Cr May left the Chamber at 9.10pm and returned at 9.14pm.*

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

- 1** **CONSIDERS** that the proposed height is out of context with the immediately surrounding residential area in which it is situated and if implemented will have a significant adverse impact on the streetscape and residential character of the local area, overlooking into nearby private residential areas, and overshadowing of adjoining properties and foreshore;
- 2** **REAFFIRMS** Council's previous decision of 21 March 2017 in relation to the *Sorrento Activity Centre Plan* recommending that the height of buildings on Lots 147-149, Lot 2 and Lot 800 be limited to a maximum of four storeys, and **SUPPORTS** the Western Australian Planning Commission's final decision of May 2018 that the number of storeys for this local centre be limited to four storeys with a fifth storey element, focused around The Plaza and western frontage, which together determined the following maximum acceptable height limits for the site to be appropriate:

<b>LOT</b>	<b>MAXIMUM HEIGHT</b>	<b>BUILDING LEVELS</b>
Lot 146	10.6 metres	3 storeys
Lot 147 Lot 800	13.5 metres	4 storeys
Lot 2 Lot 148 Lot 149	17 metres	5th storey element

- 3** **CONSIDERS** that the previously approved maximum acceptable heights for the site remain appropriate and sufficient to facilitate redevelopment of the site;
- 4** **CONSIDERS** that, in relation to Lot 145 which did not form part of the *Sorrento Activity Centre Plan* when considered by Council in March 2017, the maximum building height should be limited to three storeys (10.6 metres) as the lot directly adjoins an existing residential property and noting that the suggested height is consistent with the previous decision for Lot 146;
- 5** **CONSIDERS** that the proposed community benefit proposed by the Applicant is not sufficient to justify any additional 'bonus' height being granted, noting several of the proposed community benefit items would normally be required to meet the City's expectations, or are for the benefit of the residential and commercial tenancies within rather than for the community;

From a planning perspective, any proposed additional 'bonus' height would have height that is out of context with the immediately surrounding residential area resulting in a significant adverse impact on the streetscape and residential character of the local area, overlooking into nearby private residential areas, and overshadowing of adjoining properties and foreshore (refer Part 1, above);

**6 Pursuant to clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:**

**6.1 SUPPORT the draft Sorrento Precinct Structure Plan, subject to:**

**6.1.1 in relation to building height:**

**6.1.1.1 The reference to community benefit and associated additional 'bonus' height being deleted and the maximum acceptable height limits be modified as follows:**

LOT	MAXIMUM HEIGHT	BUILDING LEVELS
Lot 145 Lot 146	10.6 metres	3 storeys
Lot 147 Lot 800	13.5 metres	4 storeys
Lot 2 Lot 148 Lot 149	17 metres	5th storey element

**6.1.2 The zoning of Lot 145 (2) Drakes Walk be modified to 'Residential' as the lot directly adjoins an existing residential property and noting that the zoning is consistent with the previous development for Lot 146;**

**6.1.3 The residential density be modified to R-AC4, being the appropriate density code for a neighbourhood centre under *State Planning Policy 7.3 - Residential Design Codes Volume 2 - Apartments*;**

**6.1.4 The setback to the eastern boundary (adjoining the existing residential properties) be modified to be a minimum of three metres, with the setback area to comprise a landscape buffer;**

**6.1.5 Other modifications as specified in Attachment 8 to Report CJ166-10/22;**

**6.2 FORWARD its recommendations, schedule of recommended modifications and schedule of submissions to the Western Australian Planning Commission for consideration and determination;**

**7 REQUESTS that, in accordance with clause 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Western Australian Planning Commission revokes the *Sorrento Activity Centre Plan* in the event the Sorrento Precinct Structure Plan is approved by the Western Australian Planning Commission;**

**8 REQUESTS that the Western Australian Planning Commission make a decision on the draft Sorrento Precinct Structure Plan prior to a decision on the development application for the eight storey mixed use development in the Sorrento Activity Centre (SDAU-049-21 refers), and the development application be amended to reflect any modifications to the development requirements of the draft Sorrento Precinct Structure Plan;**

**9 NOTES the submissions received and ADVISES the submitters of Council's recommendations to the Western Australian Planning Commission.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

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

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is to remain consistent with the previous Council decision.

Due to the size of the Attachments, they have been uploaded in Parts as follows:

[Attachments 1, 2, 4, 5, 6, 7 and 8](#)

[Attachment 3](#)

## CJ167-10/22 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Signing and Common Seal Register - extract for between 1 September and 19 September 2022
<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 between 1 September and 19 September 2022.

### 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 Signing and Common Seal Register for between 1 September and 19 September 2022 as detailed in Attachment 1 to Report CJ167-10/22.*

### BACKGROUND

For between 1 September and 19 September 2022, four documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Withdrawal of Caveat	2
Replacement Agreement	1
Removal of Existing & Replacement with new Section 70A Notification	1

### DETAILS

#### Issues and options considered

Not applicable.

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

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

**10-Year Strategic Community Plan**

**Key theme** Leadership.

**Objective** Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

**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.

**MOVED Cr Jones, SECONDED Cr Thompson that Council NOTES the Signing and Common Seal Register for between 1 September and 19 September 2022, as detailed in Attachment 1 to Report CJ167-10/22.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ180-10/22, page 146146 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf221011.pdf](#)

**CJ168-10/22      ADVOCACY FRAMEWORK**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBER</b>	109714, 101515
<b>ATTACHMENTS</b>	Attachment 1      Advocacy Framework Attachment 2      Strategic Position Statements December 2020
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to:

- endorse the adoption of the Advocacy Framework (Attachment 1 refers) to identify those priorities which offer the greatest beneficial outcomes for the City's residents and businesses
- note the incorporation and review of the Strategic Position Statements (Attachment 2 refers) within the Advocacy Framework.

**EXECUTIVE SUMMARY**

The City of Joondalup's Advocacy Framework (Framework) sets out the process for developing our advocacy priorities which allow the City to influence decisions involving external stakeholders to deliver beneficial outcomes for residents and businesses in the district. The advocacy priorities are informed by the City's *10-Year Strategic Community Plan - Joondalup 2032* (Joondalup 2032), which articulates the vision for the City and our community.

This report addresses the process for the development of the Framework, how the advocacy priorities are determined, the replacement of the Strategic Position Statements with advocacy priorities and how they are ranked to be included in the City's advocacy approach.

The City already uses elements of the proposed Framework, such as alignment with internal planning regimes, consultation processes, and marketing and promotional tools.

*It is therefore recommended that Council ENDORSES the Advocacy Framework provided as Attachment 1 to Report CJ168-10/22 and NOTES the incorporation and review of the Strategic Position Statements in alignment with the Advocacy Framework.*



## BACKGROUND

Advocacy is the process of influencing others to create beneficial outcomes for the City's residents and businesses. It is aimed directly or indirectly at decision makers to make positive changes to public policy or resourcing for our community. Advocacy can be undertaken by the City solely, or in partnership with other stakeholders. It can be done as a series of small, discrete and related actions, on a large scale, as part of a plan, or opportunistically.

Strong relationships are critical to the City's advocacy activities and effective advocacy requires clear understanding of the issues or challenges, and the strategies required to lead to beneficial outcomes.

Advocacy is a means of influencing key decision-makers to commit funds, other resources or political and other support towards specific projects or the overall objectives of the City. It is one of the underlying principles of investment attraction. The use of advocacy to achieve outcomes has long been a central tenet of business, local, state and federal governments.

Overwhelmingly, local communities want their local government to advocate on their behalf. A study by the Australian Centre for Excellence in Local Government and University of Technology Sydney found 96% of people "agreed government should be advocating for needs of my local community".

However, until more recently local governments have tended to advocate without strategic direction. Many local government areas (LGAs) now have strategic level advocacy documents to guide their efforts to win support from external decision makers, for example the City of Wanneroo Council recently approved an Advocacy Plan.

Successful advocacy results in:

- funding to implement priority projects and initiatives
- beneficial changes in Government policy
- promoting community issues
- stronger ties with our strategic partners
- greater confidence and trust in the City
- a more capable and resilient community
- strong leadership at the Local, State and Federal levels.

The City's past approach to advocacy has generated in recent years the following positive outcomes for Joondalup:

- Creating a global talent pipeline to meet increased demand for cyber security workers.
- Advocating to develop the Ocean Reef Marina, a premier waterfront precinct.
- Developing the Whitfords Node Park in Hillary's.
- Attracting a significant State Government agency and its workers to the CBD.
- Stimulating the economy during COVID-19.

As more local government (LGAs) develop economic development capability and use advocacy in a systematic manner, ad hoc approaches will not serve the City well against increased and well-organised competition. Notwithstanding this competition, there will be opportunities to collaborate and partner with other LGAs to achieve mutually beneficial outcomes.

A City of Joondalup Advocacy Framework has been developed to provide a strategic approach to the City's advocacy activities to ensure evidence-based decision making, greater stakeholder engagement and the development of processes to maximise opportunities for support and investment into the City.

By adopting an Advocacy Framework, the City of Joondalup is introducing a consistent and systematic approach to defining advocacy priorities, focusing its efforts and resources and quantifying outcomes.

## DETAILS

### Advocacy Framework

The Advocacy Framework sets out how the City will use a variety of methods and techniques to pursue its advocacy priorities. This includes planned and opportunistic activities such as making submissions, funding applications, direct lobbying, delegations, face to face meetings, correspondence and media activities and promotional campaigns.

The advocacy priorities are informed by the *10-Year Strategic Community Plan - Joondalup 2032* (Joondalup 2032), which articulates the vision for the City and our community and sets out goals and outcomes.

Advocacy will support the achievement of the City's community, environmental, place, economic and leadership goals, through:

- public and private sector investment
- physical, digital and social infrastructure
- Federal and State Government policies
- economic and job growth.

The overall vision of the Advocacy Framework is *to positively influence decisions that shape the City of Joondalup to be a liveable, smart, future-focussed and connected community with diverse opportunities for residents, businesses and visitors.*

The City is already using elements that form part of the proposed Advocacy Framework, such as alignment with internal planning regimes, consultation processes, and marketing and promotional tools. For example, the use of marketing and promotional tools (Fact Sheets; Economic Profiles) to target key audiences (Federal and State Governments; Private Sector) in the last 12 months alone has included the following:

- Mayoral delegations:
  - Canberra (June 2021).
  - Canberra, Sydney and Adelaide (June 2022).
  - Canberra, Melbourne (September 2022).
- State Government local members briefing (June 2021 and September 2022).
- Federal Government local members budget requests (March/April 2022).
- Visiting Ministers and Parliamentary Secretaries:
  - Minister for Innovation and ICT; Medical Research (April 2022).
  - Parliamentary Secretary for International Education (April 2022).
- Visiting Consuls-General:
  - Indonesia (Dec 2021).
  - India (March 2022).
- Visiting WA Government Trade Commissioners:
  - ASEAN and North Asia (Oct 2021).
  - India and Gulf (March 2022).
- Deputy Mayor delegate on WA trade mission to India (July 2022).
- Business functions:
  - Joondalup Business Forums (July 2021 and June 2022).
- Individual distribution to potential new businesses and investors.
- Establishment of the Joint Economic Development Initiative (JEDI).

The Advocacy Framework will guide the process for identifying the City's advocacy priorities. With its large but plateauing population, the City of Joondalup must balance priority projects that align with residents' priorities and raise the City's profile in local, regional, national and international marketplaces to attract public and private sector investment.

The City will also leverage existing strong relationships built over numerous years with major stakeholders as well as establishing new ones. This Framework will set out the methods and tools to develop this culture. Strong, consistent positions and awareness of community aspirations will also support the City to successfully advocate for the community. The Framework covers:

- knowledge of the City's demographic, social, community and economic credentials
- understanding the City's position as the service epicentre of a much larger region
- sectors, precincts, clusters and hubs driving business and industry growth
- critical drivers and guiding principles aligned to the Strategic Community Plan
- identifying and measuring advocacy success.

#### Review of Strategic Position Statements

It is important to note the City has, over the years, adopted several Strategic Position Statements (Attachment 2 refers). In the absence of a formal approach to advocacy the statements have assisted in focusing efforts toward its vision and goals.

Council has agreed in the *2022-23 Corporate Business Plan* to:

- review the Strategic Position Statements in collaboration with the Elected Members with the view to incorporating these into the Advocacy Framework
- present the outcomes of the review and recommendations to Elected Members seeking endorsement.

It is proposed to prioritise the Strategic Position Statements utilising the proposed Advocacy Framework. In this way each statement within the Strategic Position Statements would be reviewed, and if required updated, in quarter 2 of 2022-23. These would then be prioritised and presented to Elected Members for consideration, along with all other advocacy priorities as identified below. This will ensure the alignment with the proposed endorsement of the Advocacy Framework by Council.

Following endorsement of the Advocacy Framework the City will consider all the proposed advocacy priorities and use the proposed matrix ranking to allow the City to focus its efforts and resources. The advocacy priorities to be considered as part of these processes include:

- the City's existing Capital Works priorities
- the existing Strategic Position Statements
- those strategic priorities considered by Elected Members at strategic planning sessions
- other identified priorities as they arise.

These priority rankings would then be presented to Elected Members for consideration and review to ensure alignment with the Strategic Community Plan and the community expectations.

## Issues and options considered

Council can either:

- not approve the Advocacy Framework and continue to review and update the Strategic Position Statements. This may limit the ability to respond quickly to opportunities as they arise and restrict the focused and consistent approach to the delivery of advocacy or
- approve the Advocacy Framework.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** Not applicable.

### 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcomes** Proactive and represented - you are confident that the City is advocating on your behalf for initiatives that benefit the community.

**Policy** Not applicable.

## Risk management considerations

The lack of a unified approach and commitment to advocate for priorities in the region will have negative implications on successful influence on state and federal government support to local and regional development. By using an approved framework there is a lower risk any priority will be criticised for perceptions of bias which are not in the City's best interest.

## Financial / budget implications

There are no financial implications associated with the development of the Advocacy Framework other than costs provided in the operational budget. Individual advocacy priorities will have associated costs which will be aligned with the *10 Year Strategic Financial Plan* or aligned to state or federal government focus. A key element of the Advocacy Framework will be increased focus on seeking funding opportunities to implement advocacy priorities.

## Regional significance

If implemented, the Advocacy Framework will have regional impact. Some individual advocacy priorities have the potential for regional collaboration which demonstrates unity and allows a stronger case at larger scale to be made to state and federal government policy makers and funding organisations.

The City of Wanneroo released an Advocacy Plan in June 2022.

## Sustainability implications

For long term sustainable development of the region, advocacy must be embedded in the City's activities and interactions at all levels and the Framework will set out the methods and tools to develop that culture. Strong, consistent positions and awareness of community aspirations will also support the City to successfully advocate for our community. Individual advocacy priorities will have sustainability implications. Using an Advocacy Framework ensures that sustainability considerations are assessed on a priority-by-priority basis.

## Consultation

Significant consultation was undertaken to inform the development of the City's *10 Year Strategic Community Plan - Joondalup 2032* and this has been considered in the development of the Advocacy Framework.

Consultation will be undertaken through active engagement with community to understand their aspirations and needs through the development of individual advocacy priorities as required. Moreover, the City will focus on being positioned as a partner with federal and state governments through local Members of Parliament.

## COMMENT

The City of Joondalup Advocacy Framework aims to provide a strategic and consistent approach to the delivery of advocacy activities for the City and the community in order to maximise opportunities and achieve identified priorities.

Council approval for the priority assessment process and incorporation of Strategic Position Statement priorities will allow the City to have a single and focused approach to advocacy.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 **ENDORSES** the Advocacy Framework provided as Attachment 1 to Report CJ168-10/22;
- 2 **NOTES** the incorporation and review of the Strategic Position Statements in alignment with the Advocacy Framework.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Manager Planning Services left the Chamber at 9.17pm.*

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf221011.pdf](#)*

**CJ169-10/22 MINUTES OF REGIONAL COUNCIL MEETINGS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	41196, 03149, 101515
<b>ATTACHMENT</b>	Attachment 1 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 18 August 2022  Attachment 2 Mindarie Regional Council – Ordinary Council Meeting Minutes – 25 August 2022  <i>(Please note: Attachments 1 and 2 are only available electronically)</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

---

**PURPOSE**

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

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Ordinary Minutes of the Tamala Park Regional Council meeting held on 18 August 2022.
- Ordinary Minutes of the Mindarie Regional Council meeting held on 25 August 2022.

**DETAILS****Tamala Park Regional Council Ordinary Council Meeting – 18 August 2022**

An ordinary meeting of the Tamala Park Regional Council was held on 18 August 2022.

At the time of this meeting Cr Nige Jones was Council's representatives at the Tamala Park Regional Council meeting, and Cr Chester was an apology for the meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup (Attachment 1 refers).

**Mindarie Regional Council Ordinary Council Meeting – 25 August 2022**

An ordinary meeting of the Mindarie Regional Council was held on 25 August 2022.

At the time of this meeting Cr Christopher May and Cr Adrian Hill (as alternate member) were Council's representatives at the Mindarie Regional Council meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup (Attachment 2 refers).

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

**Legislation** Not applicable.

**10-Year Strategic Community Plan**

**Key theme** Leadership.

**Outcome** Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

**Policy** Not applicable.

**Risk Management Considerations**

Not applicable.

**Financial / Budget Implications**

Not applicable.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Thompson that Council NOTES the minutes of:**

- 1 the ordinary meeting of the Tamala Park Regional Council held on 18 August 2022 forming Attachment 1 to Report CJ169-10/22;**
- 2 the ordinary meeting of the Mindarie Regional Council held on 25 August 2022 forming Attachment 2 to Report CJ169-10/22.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ180-10/22, page 146146 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*To access this attachment on electronic document, click here: [RegionalMinutes221011.pdf](#)*



**Disclosure of Proximity Interest**

<b>Name / Position</b>	<b>Hon. Mayor Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ170-10/22 - Application to install a Memorial Bench at Sir James Mccusker Park Iluka in Memory of Late Mr Ian McLennan.
<b>Nature of Interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Mayor Jacob is the joint owner of a property across the road. Mayor Jacob also knew and had many dealings with Mr McLennan over the years.

*Mayor Jacob left the Chamber at 9.19pm and the Deputy Mayor assumed the Chair.*

## **CJ170-10/22      APPLICATION TO INSTALL A MEMORIAL BENCH AT SIR JAMES MCCUSKER PARK ILUKA IN MEMORY OF LATE MR IAN MCLENNAN**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	100385, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Memorials in Public Reserves Policy</i>
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider installing a memorial bench at Sir James McCusker Park, Iluka in memory of the late Mr Ian McLennan as per the *Memorial in Public Reserves Policy*.

**EXECUTIVE SUMMARY**

The City has received an application from Ms Sheila Daly on behalf of Iluka Homeowners Association requesting the installation of a memorial bench in memory of the late Mr Ian McLennan. The application is supported by Mrs Susan McLennan, wife of the late Mr Ian McLennan. The application for installation of a memorial bench has been submitted and assessed in accordance with the *Memorials in Public Reserves Policy* (Attachment 1 refers) under the Significant Person Memorial category.

*It is therefore recommended that Council:*

- 1 *APPROVES the application received from Ms Sheila Daly to place a memorial bench within Sir James McCusker Park, Iluka in honour of the late Mr Ian McLennan;*
- 2 *REQUIRES that the memorial be installed and maintained in accordance with the Conditions of the Memorials in Public Reserves Policy.*

## **BACKGROUND**

Council adopted the revised *Memorials in Public Reserves Policy* at its meeting held on 13 December 2016 (CJ228-12/16 refers), The policy provides guidance on the installation of memorials in public reserves within the City of Joondalup and considers applications under the following two categories:

- temporary memorials for people who have died in tragic circumstances
- permanent memorials for *Significant Persons* that is a person who has contributed significantly to the local Joondalup community.

## **DETAILS**

The City has received an application from Ms Sheila Daly on behalf of Iluka Homeowners Association requesting the installation of a memorial bench in memory of the late Mr Ian McLennan. As a requirement of the application, the application is supported by a family member, Mrs Susan McLennan, wife of the late Mr Ian McLennan.

The application for a memorial, has been submitted in accordance with the *Memorials in Public Reserves Policy* (Attachment 1 refers) under the *Significant Person Memorial* category.

In their application, the applicant has provided details of Mr Ian McLennan's contribution to the community. It is said that Mr Ian McLennan:

- *became involved with the Iluka Homeowners Association when he moved into the suburb. His mission was to connect the community, encourage the younger generations to take pride in their suburb and build strong relationships with the City of Joondalup and local councillors. He did this for almost 20 years*
- *volunteered his time and knowledge to ensure that the suburb of Iluka stood out as being a special community and he freely shared his expertise, spending many hours ensuring that the association operated within its constitution and ran smoothly*
- *worked closely with the City of Joondalup to ensure that the SAR was managed appropriately to achieve the best end result.*
- *instigated the events at Easter and Halloween getting fully involved as the Easter Bunny and Iluka Wizard.*

It is further said that:

- *the drive and enthusiasm that Ian exhibited, working continuously to ensure that Iluka was maintained to the highest standard, allowing it to become the standout suburb it is today*
- *the Iluka Homeowners Association committee strongly believes that rarely does a resident hold such a passion and vision for a suburb and the community that they are prepared to sacrifice time and energy for such a long period of time.*

Under section 2.2.3 (b) Design and Specification of the Policy, eligible applications require the approval of the Chief Executive Officer as to the design and location of the memorial. Subject to approval of the Chief Executive Officer above, eligible applications must then be considered and approved by Council as per section 2.3.1.(d) of the Policy.

Applications are considered on a variety of factors. Factors may include, but are not limited to the following:

- Length of time contributed to a cause/s or service/s within the local community.
- Level of impact of the contributions to the local community and any sustained outcomes achieved.
- Capacity in which contributions were made (volunteer or paid positions).
- Connection or association to a particular location in which the memorial is being requested for installation.
- Demonstrated support for the application from the family, external organisations, and other relevant parties.

Note: These are not deemed as criteria that must be met, but rather a range of information that will assist Council in the application process.

An internal review panel evaluates all applications against the Policy to ensure consistency in the process and a collaborative approach to apply a diverse perspective to all applications.

This application was evaluated against the Policy and submitted for Directorial review the Director Infrastructure Services reviewed and endorsed the panel's recommendations on 5 January 2022. In accordance with section 2.2.3 (b) Design and Specification of the Policy, an approval was sought from the Chief Executive Officer as to the design and location of the memorial. The Chief Executive Officer approved and endorsed all recommendations on 14 March 2022.

### **Memorial Type and Location**

It is proposed to install a park bench in memory of Mr Ian McLennan. The proposed location for the park bench is the Northern end of Sir James McCusker Park, Iluka.

### **Issues and options considered**

Council has the option to:

- approve the installation of a memorial bench under the category of *Significant Person* or
- not approve the installation of the memorial bench.

The application is in accordance with the *Memorials in Public Reserves Policy* and is similar in nature to previously approved memorials for Ethel Margaret Goble-Garrett (approved 25 May 2010, CJ082-05/10 refers), Christopher McBride (approved 15 February 2011, CJ025-02/11 refers) and Norma Rundle (approved 25 June 2013, CJ083-05/13 refers).

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

**Legislation** Not applicable.

### **10-Year Strategic Community Plan**

**Key theme** Community.

**Outcomes** Inclusive and connected - you enjoy local services and programs that cater for different ages, abilities and backgrounds.

**Policy** *Memorials in Public Reserves Policy.*

### **Risk management considerations**

City Policy, *Memorials in Public Reserves*, Conditions for *Significant Person* Memorials, details the following set of conditions to minimise risk associated with the installation of memorial including:

- Installation on Crown Land vested in the management of the City, and reserved for the purposes of recreation, public open space, or road reserves.
- Installation where there is a minimal impact on the local amenity and surrounding residents.
- Applicants are responsible for the ongoing maintenance of their memorial.
- If the memorial is disturbed through works either by the City or external contractors working for another Government Department, the memorial is to be removed at the expense of the party undertaking the works and returned to the family. Re-installation is subject to approval by the City's Chief Executive Officer.
- If the ongoing maintenance of a memorial is neglected, the City reserves the right to remove the memorial and return it to the family, and reinstallation will require a recommencement of the application process.

### **Financial / budget implications**

The *Memorials in Public Reserves Policy* requires that all capital and maintenance associated with the memorial are borne by the applicant.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The City has discussed the request for installation of a memorial bench with Mrs Susan McLennan and Ms Sheila Daly. They have advised that in accordance with the Policy, they fully support the application and will meet the Policy conditions.

### **COMMENT**

The application from Ms Sheila Daly and Mrs Susan McLennan demonstrates that Mr Ian McLennan was extremely dedicated to the local community, and it is considered that a permanent memorial comprising of a plaque on a memorial bench would be a fitting way to recognise his contributions.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 APPROVES the application received from Ms Sheila Daly to install a bench within Sir James McCusker Park, Iluka in honour of the late Mr Ian McLennan;**
- 2 REQUIRES that the memorial be installed and maintained in accordance with the Conditions of the *Memorial in Public Reserves Policy*.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Manager Economic Development and Advocacy left the Chamber at 9.20pm.*

*Mayor Jacob entered the Chamber at 9.24pm and resumed the Chair.*

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf221011.pdf](#)*

## CJ171-10/22 HEALTH AMENDMENT LOCAL LAW 2021 - UNDERTAKING

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	00432, 101515, 00432
<b>ATTACHMENTS</b>	Attachment 1 Letter from Joint Standing Committee on Delegated Legislation dated 21 September 2022
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to provide an undertaking to the Joint Standing Committee on Delegated Legislation (JSCDL) advising how the *Food Standards Code* can be accessed by the public free of charge.

### EXECUTIVE SUMMARY

On 15 March 2022, Council adopted the *City of Joondalup Health Amendment Local Law 2021* (CJ036-03/22 refers). Following adoption of the *City of Joondalup Health Amendment Local Law 2021*, the following actions were undertaken:

- The adopted local law was signed and sealed and published in the *Government Gazette* on 5 August 2022.
- A copy of the adopted local law sent to the Minister for Local Government on 11 August 2022.
- A copy of the adopted local law sent to the Minister for Health on 11 August 2022.
- Local public notice given in *PerthNow* on 11 August 2022.
- Local public notice given on notice boards at the City's offices and libraries, on the City's website and social media platforms.
- A copy of the adopted local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material sent to JSCDL on 15 August 2022.

Following receipt of the adopted local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material, the JSCDL wrote to the City on 21 September 2022 requesting the City of Joondalup provide an undertaking advising how the *Food Standards Code* can be accessed by the public free of charge (Attachment 1 refers).

*It is therefore recommended that Council:*

- 1 *NOTES the letter received from the Joint Standing Committee on Delegated Legislation dated 21 September 2022;*
- 2 *UNDERTAKES to advise the Joint Standing Committee on Delegated Legislation, within six months, how the Food Standards Code referred to in the City of Joondalup Health Amendment Local Law 2021 can be accessed by the public free of charge.*

## BACKGROUND

On 21 September 2022 the JSCDL wrote to the City requesting the City of Joondalup provide an undertaking advising how the *Food Standards Code* can be accessed by the public free of charge (Attachment 1 refers).

New clause 7.11(2)(b) of the *City of Joondalup Health Amendment Local Law 2021* provides as follows:

- (2) *The keeper of a lodging house must provide in that lodging house a kitchen which –*
- (b) *may be required by the local government to comply with any of the requirements of Standard 3.2.3 of the Food Standards Code.*

As this standard has been adopted as part of the Local Law, the JSCDL have advised that residents should be able to access it easily and without charge. This derives from the principle that citizens should be able to access the law.

The Explanatory Memorandum did not indicate whether the City has copies of the *Food Standards Code* that can be accessed free of charge, and the JSCDL were unable to locate copies of the *Food Standards Code* on the City's website.

In that regard, the JSCDL have requested an undertaking from the City to advise how the *Food Standards Code* can be accessed free of charge by the public.

The undertaking should be given in the form of a letter signed by the Mayor. The JSCDL have requested the undertaking to be provided by 5.00pm on Friday 21 October 2022.

## DETAILS

The *Food Standards Code* and supporting information is currently provided on the City's website on the page '[Starting a new food business](#)'.

However, given the JSCDL were unable to locate the *Food Standards Code* on this page, it is suggested that an additional link be provided on the '[Adopted local laws](#)' page, so that the same dot point that lists the *Health Local Law 1999* includes a reference to the *Food Standards Code*.

## Issues and options considered

Council can either:

- agree to the undertaking to advise the JSCDL within six months of how the *Food Standards Code* can be accessed by the public free of charge
- or
- not agree to the undertaking to advise the JSCDL within six months of how the *Food Standards Code* can be accessed by the public free of charge.

Option 1 is the preferred option.

Failing to provide the undertaking to the JSCDL may result in a Notice of Motion to disallow the *City of Joondalup Health Amendment Local Law 2021*.

## Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Health (Miscellaneous Provisions) Act 1911.*  
    *Public Health Act 2016.*  
    *Local Government Act 1995.*  
    *City of Joondalup Health Local Law 1999.*

### 10-Year Strategic Community Plan

**Key theme**                      Leadership.

**Outcome**                      Capable and effective – you have an informed and capable Council backed by a highly-skilled workforce.

**Key theme**                      Community.

**Outcome**                      Healthy and safe – you feel healthy and safe in your local community.

**Policy**                          Not applicable.

### Risk management considerations

Should Council fail to provide an undertaking to the JSCDL by 5.00pm on Friday 21 October 2022, the JSCDL may recommend disallowance of the *City of Joondalup Health Amendment Local Law 2021*.

### Financial / budget implications

There are no costs associated with putting an additional link to the *Food Standards Code* on the City's website.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. This has been undertaken and included the following:

- Giving local public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the district
  - displaying public notices at the City of Joondalup Administration centre and public libraries
  - advertising on the City's website
  - advertising through the City's Community Engagement Network
  - advertising through the City's social media platforms.



- Providing a copy of the notice and a copy of the proposed local law to the Ministers responsible for the Act under which the proposed local law is being made (being the Minister for Local Government and the Minister for Health).

## COMMENT

The *City of Joondalup Health Amendment Local Law 2021* has been progressed to specifically amend certain provisions within the *City of Joondalup Health Local Law 1999* and the effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Health Local Law 1999*.

The undertaking requested from the JSCDL is to advise how the *Food Standards Code* can be accessed free of charge by the public. This request can be easily actioned.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 **NOTES** the letter received from the Joint Standing Committee on Delegated Legislation dated 21 September 2022;
- 2 **UNDERTAKES** to advise the Joint Standing Committee on Delegated Legislation, within six months, how the *Food Standards Code* referred to in the *City of Joondalup Health Amendment Local Law 2021* can be accessed by the public free of charge.

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ180-10/22, page 146146 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf221011.pdf](#)

## **CJ172-10/22 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2022**

<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 Delegate Municipal Payment List for the month of August 2022 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds for the month of August 2022) Attachment 3 Municipal and Trust Fund Vouchers for the month of August 2022
<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 2022.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of August 2022, totalling \$13,319,845.60.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for August 2022 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ172-10/22, totalling \$13,319,845.60.*

### **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 2022. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ172-10/22.

The vouchers for the month are appended as Attachment 3 to Report CJ172-10/22.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112525 - 112552 & EF103556 - EF103891 & EF103903 - EF103905 & EF103907 - EF104190 Net of cancelled payments	\$8,572,740.41
	Vouchers 3353A – 3364A	\$4,724,715.49
	Bond Refund Cheques & EFT Payments EF103545 - EF103555 & EF103892 - EF103902 & EF103906 Net of cancelled payments.	\$22,389.70
<b>Total</b>		<b>\$13,319,845.60</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.

### 10-Year Strategic Community Plan

#### Key theme

Leadership.

#### Outcome

Accountable and financially-sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

#### 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 City of Joondalup *2022-23 Budget* as adopted by Council at its meeting held on 28 June 2022 (CJ104-06/22 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Raftis, SECONDED Cr Hamilton-Prime that Council NOTES the Chief Executive Officer's list of accounts for August 2022 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ172-10/22, totalling \$13,319,845.60.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf221011.pdf](#)*

## **CJ173-10/22 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2022**

<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').

---

### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 August 2022.

### **EXECUTIVE SUMMARY**

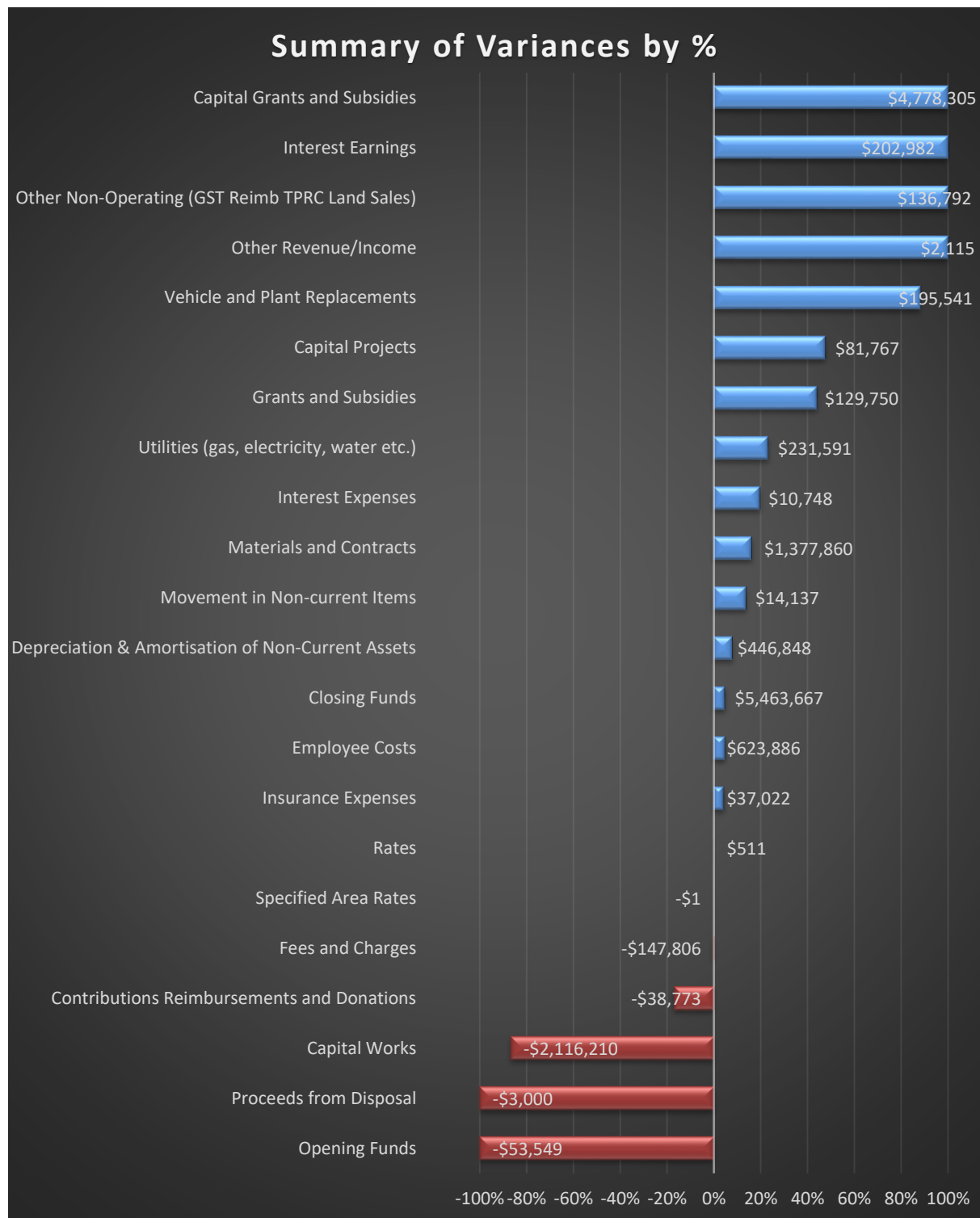
At its meeting held on 28 June 2022 (CJ104-06/22 refers), Council adopted the *2022-23 Annual Budget*. Council subsequently amended the budget at its meeting held on 16 August 2022 (CJ132-08/22 refers). The figures in this report are compared to the amended budget.

The August 2022 Financial Activity Statement Report shows an overall favourable variance of \$5,463,667 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 2022 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of the *2021-22 Annual Financial Statements*.

There are a number of factors influencing the favourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in August and the finalisation of 2021-22 end of year process which has meant that the opening funds total is currently not included. The notes in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

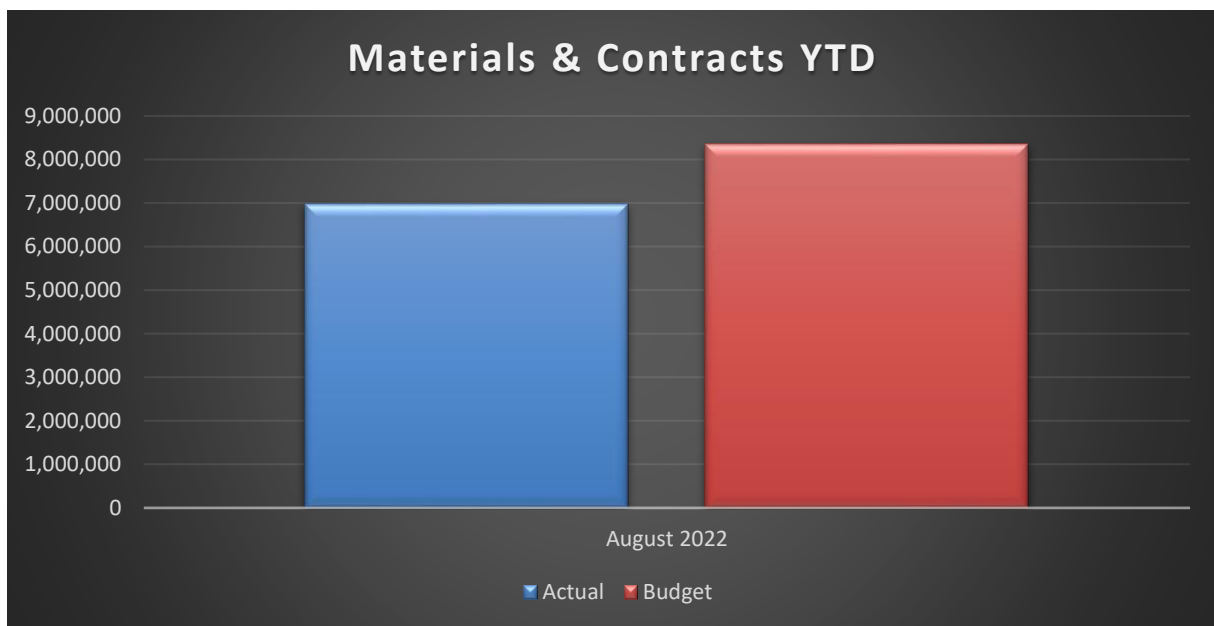
The key elements of the variance are summarised below:



The significant variances for August were:

**Materials and Contracts**

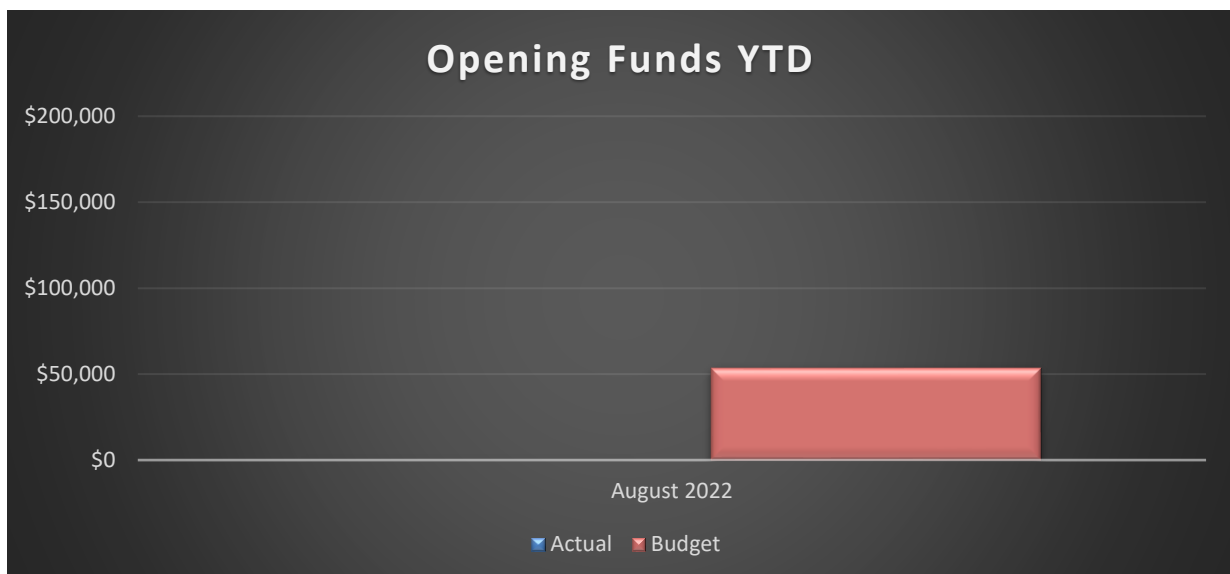
**\$1,377,860**



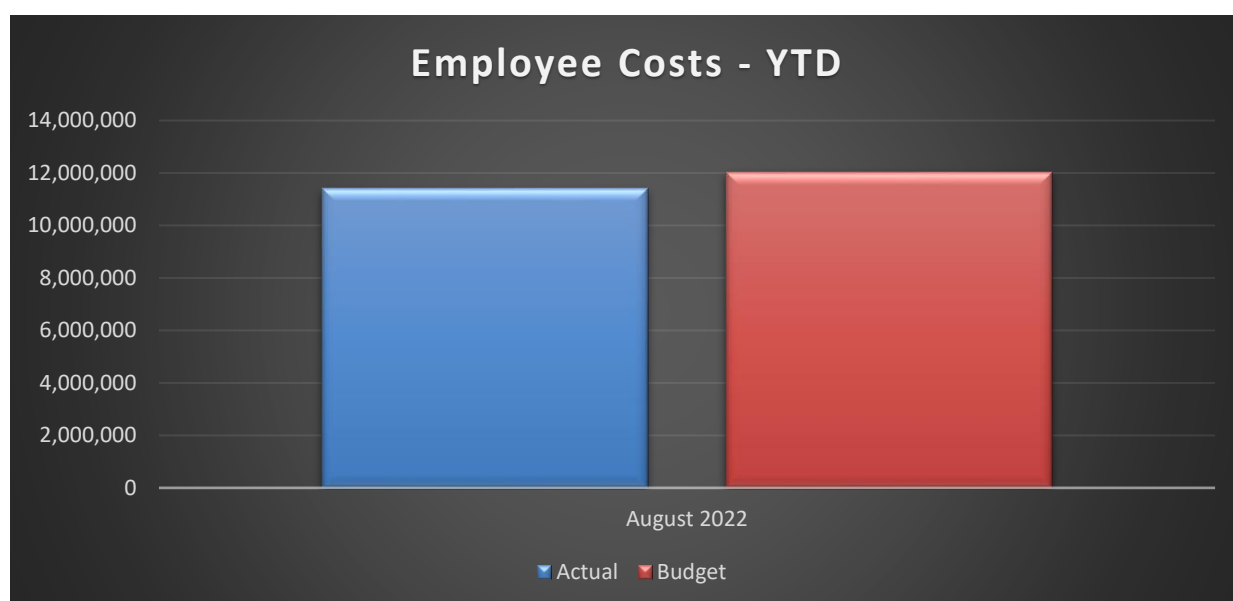
Materials and Contracts expenditure is \$1,377,860 below budget. This is spread across a number of different areas including External Service Expenses \$674,120, Waste Management \$333,933 and Computing \$236,687.

**Opening Funds**

**(\$53,549)**



Opening Funds for August 2022 is \$53,549 below budget. The variation in the Closing Funds for the period ended 30 June 2022 is prior to end of year finalisations being processed. The final balance will be available once the Financial Statements for 2021-22 have been audited.

**Employee Costs****\$623,886**

Employee Costs expenditure is \$623,886 below budget. Favourable variances predominantly arose from vacancies in various areas.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2022 forming Attachment 1 to Report CJ173-10/22.*

**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 2022 is appended as Attachment 1.

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

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

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



## 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcome** Responsible and financially-sustainable.

### 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

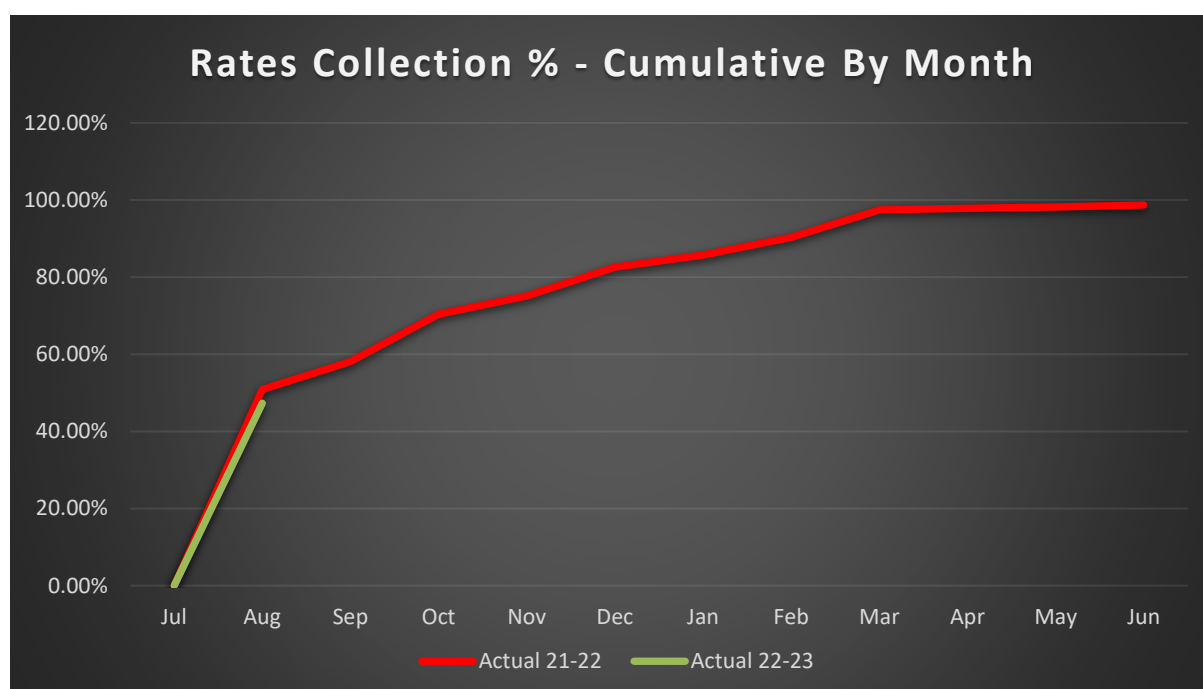
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

### 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*.

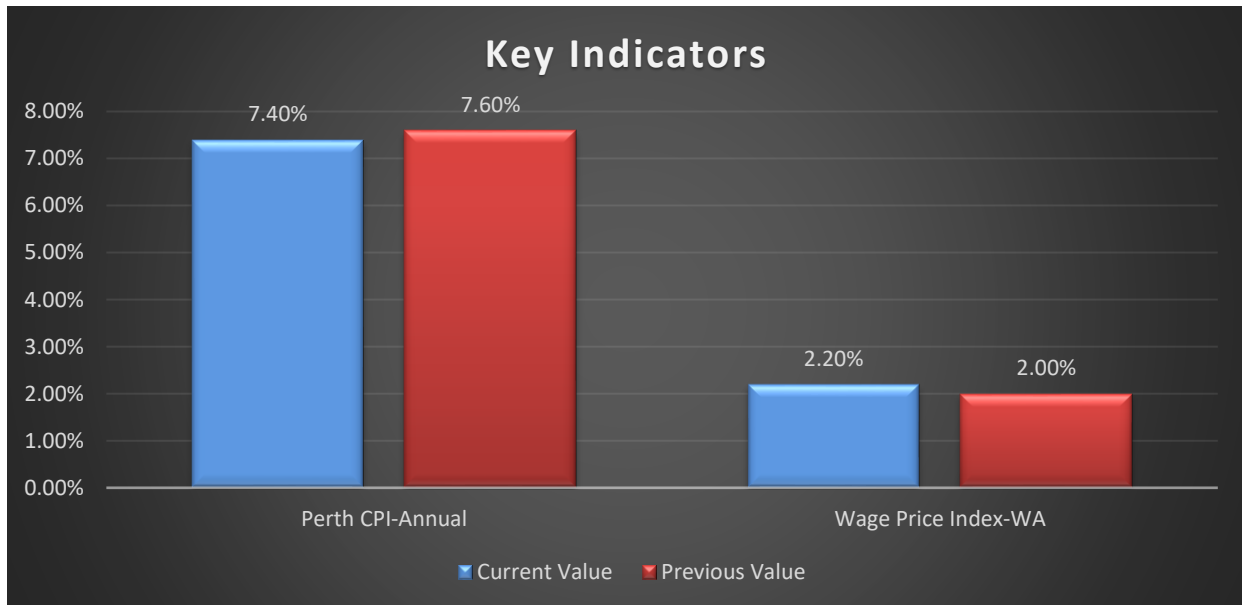
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) is marginally lower than the previous financial year at the end of August, but substantially in line with the pattern for the past several years.

### **Economic Indicators**



During July, the Perth CPI for the second quarter of 2022 was released. Perth saw a slightly lower increase in CPI compared to the national average, reflecting slightly slower rises in the prices of dwellings and automotive fuel.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2022-23 adopted budget (as amended) or has been authorised in advance by Council where applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Thompson that Council NOTES the Financial Activity Statement for the period ended 31 August 2022 forming Attachment 1 to Report CJ173-10/22.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ180-10/22, page 146146 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf221011.pdf](#)

## **CJ174-10/22 INVITATION TO JOIN THE PANEL OF PRE-QUALIFIED SUPPLIERS 027/22 SUPPLY AND DELIVERY OF PRECAST STORMWATER DRAINAGE PRODUCTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	110354, 101515
<b>ATTACHMENTS</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Submissions Attachment 3 Confidential Summary  <i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</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 accept the offers submitted by Access Icon Pty Ltd, Holcim (Australia) Pty Ltd, and TC Precast Pty Ltd to join the panel of pre-qualified suppliers for the supply and delivery of precast stormwater drainage products.

### **EXECUTIVE SUMMARY**

Invitations were advertised on 6 August 2022 through state-wide public notice and published by Tenderlink for the supply and delivery of precast stormwater drainage products. Invitations closed on 24 August 2022. A submission was received from each of the following:

- Access Icon Pty Ltd (Cascada Group).
- Holcim (Australia) Pty Ltd trading as Humes.
- TC Precast Pty Ltd (Hydra Storm).

The submissions from Access Icon Pty Ltd, Holcim (Australia) Pty Ltd, and TC Precast Pty Ltd represent best value to the City. All companies demonstrated experience in supplying and delivering precast stormwater drainage products to local government agencies, have the capacity in terms of personnel and equipment to carry out the works, and provided a methodology which showed understanding of the required tasks.

*It is therefore recommended that Council ACCEPTS the offers submitted by:*

- 1 Access Icon Pty Ltd (Cascada Group);
- 2 Holcim (Australia) Pty Ltd trading as Humes subject to negotiation of contract terms;
- 3 TC Precast Pty Ltd (Hydra Storm);

*to join the panel of pre-qualified suppliers for the supply and delivery of precast stormwater drainage products as specified in Invitation 027/22, for a period of three years, at the submitted schedule of rates, with prices fixed for the first 12 months.*

## **BACKGROUND**

The City has a requirement for the supply and delivery of precast stormwater drainage pipes and fittings which includes:

- stormwater drainage pipes - various sizes and type of jointing
- liners, covers, bases and step irons suitable for gullies, manholes, soakwells
- universal side entry systems
- gross pollutant traps.

A panel of Pre-qualified Suppliers (Panel) is therefore required to provide goods on an 'as and when' required basis. A minimum of two (2) Panel Members will be invited to join the Panel.

The City had a single contract in place with Holcim (Australia) Pty Ltd trading as Humes which expired on 31 May 2022.

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

## **DETAILS**

The Invitation for the supply and delivery of precast stormwater drainage products was advertised through state-wide public notice and published by Tenderlink on 6 August 2022. The invitation period was for two weeks, and invitations closed on 24 August 2022.

### **Submissions**

A submission was received from each of the following:

- Access Icon Pty Ltd (Cascada Group).
- Holcim (Australia) Pty Ltd trading as Humes.
- TC Precast Pty Ltd (Hydra Storm).

The schedule of items listed in the invitation is provided in Attachment 1 to Report CJ174-10/22.

A summary of the submissions including the location of each supplier is provided in Attachment 2 to Report CJ174-10/22.

A confidential summary is provided in Attachment 3 to Report CJ174-10/22.

## Evaluation Panel

The evaluation panel comprised three members:

- one with contract preparation skills
- two 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 invitation 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 supplier to satisfactorily deliver the services.

The standard minimum acceptable qualitative score for invitations at the City is 50%, but the specific circumstances of invitation 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	50%
2	Demonstrated experience in providing similar services	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

## Compliance Assessment

All Submissions received were assessed as partially compliant and remained for further consideration on the basis that clarification could be sought should they qualify for stage two assessment.

- Access Icon Pty Ltd did not comply with the specification with four products offered that differed from the City's requirements
- Holcim (Australia) Pty Ltd did not comply with the City's conditions of tendering and contract seeking deviations to the contract terms encompassing; limitations to liability and indemnity, inclusion of specific force majeure clauses, and changes to liability for defects
- TC Precast Pty Ltd did not include registration / licence information or critical assumption information. Its price was conditional upon review and acceptance of final contract documents.

Based upon the above findings, all three offers from Access Icon Pty Ltd, Holcim (Australia) Pty Ltd and TC Precast Pty Ltd remained for further consideration.

## **Qualitative Assessment**

Holcim (Australia) Pty Ltd scored 51.4% and was ranked third in the qualitative assessment. It has a large team of experienced staff available to service the City's scope of works with most having suitable qualifications. It has nominated a sub-contractor with appropriate licences to undertake deliveries and has relevant industry experience with custom stormwater solutions performed for the Alkimos Wastewater Scheme, Fiona Stanley Hospital and the Pluto LNG project in Karratha. The company was also the previous supplier to the City for the supply and delivery of precast stormwater drainage products. It demonstrated a basic understanding of the required tasks with generic statements submitted supported by quality, safety and health, and environmental policies, with no detail provided for how it will receive and deliver orders. Compliance with relevant Australian Standards was noted within the submission.

TC Precast Pty Ltd scored 52.2% and was ranked second in the qualitative assessment. It demonstrated very good experience in providing similar services, having supplied precast products for the Cities of Wanneroo and Fremantle, RJ Vincent and Co., and Georgiou Group, and it has supported wastewater upgrades and below water table projects. Four key persons with appropriate industry experience were allocated to the City's scope of works, however details of qualifications held and memberships to professional / business associations were not sighted. It demonstrated a reasonable understanding of the required tasks, providing details for how the products will comply with Australian Standards. Its process for despatching goods and undertaking deliveries was defined.

Access Icon Pty Ltd scored 63.1% and was ranked first in the qualitative assessment. Its nominated key personnel have suitable experience and qualifications, with the sub-contractor holding an appropriate high risk licence. The company demonstrated very good experience in providing similar services, having manufactured and delivered precast concrete products for both the Wanneroo Road Duplication, and the Wanneroo Road / Joondalup Drive Intersection upgrade, and supplying / delivering precast stormwater drainage products to the Cities of Stirling, Kalamunda and Mandurah. It demonstrated an adequate understanding of the required tasks submitting details for how it maintains minimum stock levels and despatches / delivers items to customers.

Given the minimum acceptable qualitative score of 50%, Access Icon Pty Ltd, Holcim (Australia) Pty Ltd and TC Precast Pty Ltd qualified to progress to the stage two assessment.

## **Price Assessment**

The panel carried out a comparison of the rates offered from Access Icon Pty Ltd, Holcim (Australia) Pty Ltd and TC Precast Pty Ltd in order 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 offers, the indicative rates submitted by each supplier have been applied to actual historical usage data of 27 scheduled items. This provides a value of each offer for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. There is no guarantee that this will transpire, with any future mix of requirements being based upon demand and subject to change in accordance with the operational needs of the City.

The rates are fixed for the first 12 months of the Panel. This is subject to change in years two and three when panel members will be requested to submit their revised rates. For estimation purposes, a 4.5% CPI increase was applied to the rates in years two and three.

Respondent	Estimated Comparative Price (Excluding GST)			
	Year 1	Year 2	Year 3	Total Years 1-3
Access Icon Pty Ltd	\$397,616	\$415,509	\$434,206	\$1,247,331
Holcim (Australia) Pty Ltd	\$353,198	\$369,092	\$385,701	\$1,107,991
TC Precast Pty Ltd	\$285,927	\$298,794	\$312,239	\$896,960

During 2021-22, the City incurred \$265,633 for the supply and delivery of precast stormwater drainage products. The City requested a total of 86 products be supplied and delivered under the scope of works however none of the three offers received provided prices for all 86 items listed. The estimated comparative price has therefore been calculated based upon products that can be supplied by all companies.

The schedule of rates for 27 items offered under this request (which were the only items purchased during 2021-22) have been compared against the rates applied under the City's previous contract using actual historical data. The proposed new panel rates represent a 50% increase (Access Icon Pty Ltd), a 33% increase (Holcim (Australia) Pty Ltd), and 8% increase (TC Precast Pty Ltd) when compared to the City's previous contracted rates. It is for noting that there was no CPI increase applied during the previous contract, which commenced on 1 June 2019 and ended on 31 May 2022.

### Evaluation Summary

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

Offer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Access Icon Pty Ltd	1	63.1%	\$1,247,331	3
TC Precast Pty Ltd	2	52.2%	\$896,960	1
Holcim (Australia) Pty Ltd	3	51.4%	\$1,107,991	2

Based on the evaluation result the panel concluded that the offers from Access Icon Pty Ltd, Holcim (Australia) Pty Ltd, and TC Precast Pty Ltd provide best value to the City. It is therefore recommended that all three companies be appointed to the Panel of Pre-qualified Suppliers for the supply and delivery of precast stormwater drainage products.

### Issues and options considered

The City has a requirement for the supply and delivery of precast stormwater drainage pipes and fittings. The City does not have the internal resources to provide the goods / services and requires an appropriate external contractor to undertake the works.

The City requested a price for 86 products, however, all three companies were unable to provide a price for the total number of items required. It is envisaged, therefore, that by having a panel arrangement in place, the City has the benefit of selecting products subject to each supplier's availability.

It is for noting that the following offers attract additional fees under the specified circumstances:

- Humes – orders will attract a fee where the order weighs less than five tonnes.
- Hydra Storm – orders will attract a fee where the order weighs less than three tonnes.

As the City rarely incurs these costs, with most items procured as stock items in bulk quantities, these additional rates should not apply.

Negotiation is required with Holcim (Australia) Pty Ltd to determine the extent of liability and consequential loss that is acceptable between the parties.

### **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.

### **10-Year Strategic Community Plan**

**Key Theme** Environment.

**Outcome** Responsible and efficient – you benefit from a responsible and efficient use of natural resources.

**Policy** Not applicable.

### **Risk Management Considerations**

Should the panel not proceed, the risk to the City will be moderate as the City will experience delays in completing its capital works which may increase the risk of localised flooding issues due to limited availability of storm water drainage products.

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

### **Financial / Budget Implications**

#### Current financial year impact

<b>Account no.</b>	Various capital and maintenance accounts.
<b>Budget Item</b>	Precast stormwater drainage products.
<b>Budget amount</b>	\$250,000
<b>Proposed cost</b>	Not applicable.
<b>Balance</b>	Not applicable.

No contracts have been entered into at this time. Contracts will be established on the basis of prices quoted from panel members during the term of the panel. Maximum spend in 2022-23 is dictated by the budget available.

All amounts quoted in this report are exclusive of GST.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

This requirement is an important part in preserving the City's natural environmental assets in line with the City's *Environment Plan* to implement improved stormwater management and water quality processes.



**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 offers submitted by Access Icon Pty Ltd, Holcim (Australia) Pty Ltd and TC Precast Pty Ltd represent best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Thompson that Council ACCEPTS the offers submitted by:**

- 1 Access Icon Pty Ltd (Cascada Group);**
- 2 Holcim (Australia) Pty Ltd trading as Humes subject to negotiation of contract terms;**
- 3 TC Precast Pty Ltd (Hydra Storm);**

**to join the panel of pre-qualified suppliers for the supply and delivery of precast stormwater drainage products as specified in Invitation 027/22 for a period of three years, at the submitted schedule of rates, with prices fixed for the first 12 months.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ180-10/22, page 146146 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf221011.pdf](#)*

## **CJ175-10/22 TENDER 032/22 PROVISION OF TRAFFIC MANAGEMENT AND CONTROL SERVICES**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services	
<b>FILE NUMBER</b>	110288, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions
	Attachment 3	Confidential Tender Summary
	<i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</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 accept the tender submitted by QTM Pty Ltd for the provision of traffic management and control services.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 6 August 2022 through statewide public notice and published by Tenderlink for the provision of traffic management and control services. Tenders closed on 23 August 2022. A submission was received from each of the following:

- Advanced Traffic Management (WA) Pty Ltd.
- WARP Pty Ltd.
- Contra-flow Pty Ltd.
- QTM Pty Ltd.
- Altus Traffic Pty Ltd.
- Welstand Services Pty Ltd (LGC Traffic Management).
- Evolution Traffic Management Pty Ltd.

The submission from QTM Pty Ltd represents best value to the City. The company demonstrated a sound understanding of the required tasks. It has been providing traffic management services to various local governments in WA for many years. Numerous examples of works were provided including the Shire of Augusta – Margaret River, the Cities of Cockburn and Kwinana. It has in the past provided similar services for the City. QTM Pty Ltd is well established with sufficient industry experience and proven capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by QTM Pty Ltd for the provision of traffic management and control services as specified in Tender 032/22 for a period of two years with the option of two further terms of one year each, 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 traffic management and control services 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 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 contract in place with Advanced Traffic Management (WA) Pty Ltd which expires on 6 November 2022.

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 and published by Tenderlink on 6 August 2022. The tender period was for two weeks and tenders closed on 23 August 2022.

### **Tender Submission**

A submission was received from each of the following:

- Advanced Traffic Management (WA) Pty Ltd.
- WARP Pty Ltd.
- Contra-flow Pty Ltd.
- QTM Pty Ltd.
- Altus Traffic Pty Ltd.
- Welstand Services Pty Ltd (LGC Traffic Management).
- Evolution Traffic Management Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ175-10/22.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ175-10/22.

A confidential tender summary is provided in Attachment 3 to Report CJ175-10/22.

### **Evaluation Panel**

The evaluation panel comprised four members, being:

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

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. The City has a requirement for traffic management and control services to ensure safety levels are observed when conducting works in the public environment. To ensure the selected contractor possesses the necessary knowledge, experience and capacity to deliver the services required under the contract, the predetermined minimum acceptable qualitative score for this requirement was therefore set at 60%.

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.
- WARP Pty Ltd.
- Contra-flow Pty Ltd.
- QTM Pty Ltd.
- Altus Traffic Pty Ltd.
- LGC Traffic Management.

The offer from Evolution Traffic Management Pty Ltd was assessed as non-compliant. Evolution Traffic Management Pty Ltd did not submit a response adequately addressing the qualitative criteria and the information provided in its submission was insufficient to enable assessment of its offer.

This submission is deemed to be non-conforming and was not considered further.

Based on the findings above, all other submissions received were assessed as compliant and remained for further consideration.

## Qualitative Assessment

LGC Traffic Management scored 52% and was ranked sixth in the qualitative assessment. It has sufficient capacity to undertake the works. It did not fully demonstrate experience providing similar services. Four references of works were provided. These included the City of Albany panel contract, Town of Bassendean direct works, Western Power and Axiis Contracting Pty Ltd. Limited details on the scope of works carried out, outcomes or similarity to the City's requirement were supplied. It submitted a brief response demonstrating its understanding of the required tasks.

Altus Traffic Pty Ltd scored 56.6% and was ranked fifth in the qualitative assessment. The company demonstrated an understanding of the required tasks. It has sufficient capacity to carry out the services. It has been providing traffic management and engineering services to various organisations in WA including Western Power, Downer Mouchel Main Roads and BMD Constructions. It also referenced works carried out for local government agencies including the Cities of Greater Geraldton, Cockburn, Fremantle, Perth, Swan and Joondalup events. However, very limited information was supplied on scope of works, outcomes or similarity to the City's requirement.

QTM Pty Ltd scored 62% and was ranked fourth in the qualitative assessment. The company has been providing traffic management services to various local governments in WA for many years. Numerous examples of works were provided including the Shire of Augusta – Margaret River and the Cities of Cockburn and Kwinana. It has in the past completed similar services for the City. It demonstrated a sound understanding of the required tasks. QTM Pty Ltd is well established with sufficient industry experience and proven capacity to provide the services to the City.

Contra-flow Pty Ltd scored 63.6% and was ranked third in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has been providing similar services to various local governments in WA including the Cities of Armadale, Bayswater, Canning, Fremantle and Stirling and the Town of Claremont. It demonstrated sufficient capacity to undertake the works.

WARP Pty Ltd scored 71% and was ranked second in the qualitative assessment. The company demonstrated the capacity required to provide the services. It has significant experience providing similar traffic management services to private and public organisations including the Cities of Belmont and Gosnells. It demonstrated a thorough understanding of the required tasks.

Advanced Traffic Management (WA) Pty Ltd scored 72.9% 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 Albany and Rockingham. It is the City's incumbent supplier. It demonstrated a sound understanding of the City's requirements. It is well established with significant industry experience and proven capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 60%, Advanced Traffic Management (WA) Pty Ltd, WARP Pty Ltd, Contra-flow Pty Ltd and QTM 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 or projected 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 in years three to four (should the two optional one year extension terms be exercised) of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 4.5% CPI increase was applied to the rates in years two to four.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Total</b>
QTM Pty Ltd	\$1,015,049	\$1,060,726	\$2,075,775
Advanced Traffic Management (WA) Pty Ltd	\$1,134,751	\$1,185,815	\$2,320,566
* Contra-flow Pty Ltd	\$1,141,915	\$1,193,301	\$2,335,216
* WARP Pty Ltd	\$1,182,271	\$1,235,473	\$2,417,744

\* Contra-flow Pty Ltd and WARP Pty Ltd did not submit prices for all scheduled items (10 in total) under Optional Schedule C: Traffic Control Signal Works.

During 2021-22, the City incurred \$1,057,430 for traffic management and control services. The City is expected to incur in the order of \$2,075,775 over the two-year contract period and \$4,342,572 over four years should the City exercise both extension options.

### **Evaluation Summary**

<b>Tenderer</b>	<b>Weighted Percentage Score</b>	<b>Qualitative Ranking</b>	<b>Estimated Total Comparative Price</b>	<b>Price Rank</b>
QTM Pty Ltd	62%	4	\$2,075,775	1
Advanced Traffic Management (WA) Pty Ltd	72.9%	1	\$2,320,566	2
Contra-flow Pty Ltd	63.6%	3	\$2,335,216	3
WARP Pty Ltd	71%	2	\$2,417,744	4

Based on the evaluation result the panel concluded that the tender from QTM 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 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 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.

### **10-Year Strategic Community Plan**

**Key theme** Community.

**Outcome** Artistic and creative - you celebrate, support and participate in art and events in your local area.

<b>Key theme</b>	Place.
<b>Outcome</b>	Connected and convenient - you have access to a range of interconnected transport options.
<b>Policy</b>	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 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 accounts.
<b>Budget Item</b>	Traffic management and control services.
<b>Budget amount</b>	\$ 1,100,000
<b>Amount spent to date</b>	\$ 280,971
<b>Proposed cost</b>	\$ 761,287
<b>Balance</b>	\$ 57,742

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 submissions in accordance with the City's evaluation process and concluded that the offer submitted by QTM Pty Ltd represents best value to the City.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Thompson that Council ACCEPTS the tender submitted by QTM Pty Ltd for the provision of traffic management and control services as specified in Tender 032/22 for a period of two years with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ180-10/22, page 146146 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf221011.pdf](#)*



## **CJ176-10/22 TENDER 033/22 – PROVISION OF DOG AND CAT (ANIMAL) HOLDING FACILITIES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	110365, 101515
<b>ATTACHMENTS</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Submissions Attachment 3 Confidential Tender Summary  <i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</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 accept the tender submitted by Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) for the provision of dog and cat (animal) holding facilities.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 6 August 2022 through state-wide public notice and published by Tenderlink for the provision of dog and cat (animal) holding facilities. Tenders closed on 24 August 2022. A submission was received from each of the following:

- Hanrob North Perth Pty Ltd.
- Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated).

The submission from Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements with its submitted methodology and approach to service delivery in accordance with the City's specifications. Its submission outlined the qualifications and relative experience of key personnel and the company's experience in completing equivalent scopes of works for the City since 2001. The company is well established with appropriate industry experience.

*It is therefore recommended that Council ACCEPTS the tender submitted by Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) for the provision of dog and cat (animal) holding facilities as specified in Tender 033/22, for a period of three years, with two options to extend the term of the contract by one year each, at the submitted schedule of rates, with any price variations subject to the annual percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for a contractor to provide cat and dog (animal) holding facilities in accordance with the specification.

The scope of the requirements shall consist of, but not be limited to the following:

- Providing holding facilities for dogs and cats for the periods identified in the *Dog Act 1976* and *Cat Act 2011*.
- Caring for dogs and cats while in the holding facilities by providing access to food / water / exercise.
- Conducting microchipping and sterilisation.
- Providing veterinary care as appropriate in consultation with the City.
- Allowing access to the holding facility for members of the public to reclaim their animal.
- Providing euthanasia and disposal services.

The Contractor shall also be responsible for collecting fees on behalf of the City from owners reclaiming their animal, maintaining accurate records, and timely reporting.

The City currently has a single contract in place with Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) which expires on 17 November 2022.

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 dog and cat (animal) holding facilities was advertised through state-wide public notice and published by Tenderlink on 6 August 2022. The tender period was for two weeks, and tenders closed on 24 August 2022.

### **Tender Submissions**

A submission was received from each of the following:

- Hanrob North Perth Pty Ltd.
- Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated).

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ176-10/22.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ176-10/22.

A confidential tender summary is provided in Attachment 3 to Report CJ176-10/22.

### **Evaluation Panel**

The evaluation panel comprised three members:

- one with tender and contract preparation skills
- two 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 55%.

The Contractor must confirm ability to provide the services when applying, including having holding facilities of the size required to accommodate both cats and dogs, access to veterinary services / euthanising / disposal of cats and dogs, collection and receipt of payments on behalf of the City, capability of sterilising and microchipping animals prior to release. These elements are non-negotiable, and the City will not accept an offer that does not demonstrate sufficient experience, resources and understanding of all these essential elements.

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

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Capacity	50%
2	Demonstrated experience in providing similar services	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

### **Compliance Assessment**

The following offer received was assessed as partially compliant:

- Hanrob North Perth Pty Ltd. The company was not fully compliant in the areas of specification and quality assurance. It is seeking a minimum five year contract term which is not in accordance with the three year contract term proposed by the City. The submission was included for evaluation on the basis that further clarification could be sought should it qualify for stage two assessment.

The following offer received was assessed as fully compliant:

- Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated).

Based upon the above findings, both offers from Hanrob North Perth Pty Ltd and Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) remained for further consideration.

### **Qualitative Assessment**

Hanrob North Perth Pty Ltd scored 42.5% and was ranked second in the qualitative assessment. It has been recently acquired by West Coast Pet Care which provides pet transfer options, grooming, doggie day care and a dog training program. Details of its facility were noted which includes the ability to accommodate 20 dogs and 10 cats. Qualifications and industry experience were not specifically stated for key personnel and the ability to provide additional resources was not addressed. It has been managing Federal Government Detector Dog Transport and Training, with greyhound rehabilitation programs provided predominantly within Queensland and New South Wales. It did not demonstrate sufficient experience in managing impounded animals or providing rehabilitation services in Western Australia. It demonstrated a basic understanding of the required tasks with a brief summary provided to describe how it will undertake the service.

Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) scored 73.9% and was ranked first in the qualitative assessment. It is a well-established organisation with a facility capable of holding dogs and cats in accordance with the City's and legislative requirements. Details of persons who will be available in an emergency were noted and it addressed the requirement to provide alternative accommodation if needed. It holds the relevant qualifications and licences and has assigned an appropriate level of qualified and experienced staff to undertake the services. It demonstrated a thorough understanding of the required tasks submitting comprehensive standard operating procedures covering all aspects of handling, care and treatment of animals. The completion of relevant paperwork on behalf of the City was acknowledged and agreed upon, and protocols for managing zoonotic diseases and control mechanisms were noted. It has been providing dog impoundment services to the City since 2001.

Given the minimum acceptable qualitative score of 55%, Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) qualified to progress to the stage two assessment.

### **Price Assessment**

The panel carried out a comparison of the rates offered by the tenderer against current rates in order 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 tender, the tendered rates have been applied to actual historical usage data for 21 scheduled items. This provides a value of the tenderer for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. There is no guarantee that this will transpire, as any future mix of requirements will be based upon demand and are subject to change in accordance with the operational needs of the City.

The rates are fixed for the first 12 months of the contract but are subject to a price variation in years two to five of the contract (subject to the City exercising the extension options) to a maximum of the CPI for the preceding year. For estimation purposes, a 4.5% CPI increase was applied to the rates tendered for years two to five.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Estimated Total Price</b>
Current Rates	\$88,672	\$92,662	\$96,832	<b>\$278,166</b>
Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated)	\$122,436	\$127,946	\$133,704	<b>\$384,086</b>

During 2021 the City incurred \$88,672 for the provision of dog and cat (animal) holding facilities. It is anticipated that the City will incur an estimated expenditure of \$384,086 during the three-year contract term, on the basis it requires similar quantities to 2021, and up to \$669,814 over five years, should the City exercise both one-year extension options.

The schedule of rates for 21 items offered under this Request (which were the only items purchased during 2021-22) have been compared against the rates under the City's current contract using actual historical data. The proposed new rates represent a 13% increase when compared to the City's existing contracted rates. It is for noting that there has been no application for a CPI increase since the current contract commenced in November 2019.

RSPCA WA has also introduced new items within the proposed schedule of rates totalling \$22,000 (arising from sedation fees and entering care fees to benefit the welfare of the animal), which has resulted in the estimated contract price increasing by 38% when compared to existing expenditure.

### **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 Rank</b>
Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated)	73.9%	1	\$384,086	1

Based on the evaluation result the panel concluded that the offer from Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) provides best value to the City and is therefore recommended.

### **Issues and options considered**

The City has a requirement for the dog and cat (animal) holding facilities. The City does not have the internal resources to provide the required services and requires an appropriate external contractor to undertake the services.

## 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.

### 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcome** Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

**Policy** Not applicable.

### Risk Management Considerations

Should the contract not proceed, the risk to the City will be extreme. The City is required under the provisions of the *Dog Act 1976* and *Cat Act 2011* to provide dog and cat housing facilities that will including the housing, reclaim and disposal of dogs and cats as required.

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 to provide the services to the City.

### Financial / Budget Implications

#### Current financial year impact

<b>Account no.</b>	345 A3412 3363 0000 (Poundage Fees). 345-A3412 3368 0000 (Veterinary Services).
<b>Budget Item</b>	Poundage Fees.
<b>Budget amount</b>	\$ 95,000
<b>Amount spent to date</b>	\$ 7,096
<b>Proposed cost</b>	\$ 21,000 (Existing Contract) 75,474 (New Contract)
<b>Balance</b>	(\$ 8,570)

The projected expenditure for this service is subject to change and is dependent on the quantity and type of requirements throughout the Contract period. Changes to budget, if required, will be undertaken in the mid-year budget review.

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 submissions in accordance with the City's evaluation process and concluded that the offer submitted by Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Thompson that Council ACCEPTS the tender submitted by Royal Society for The Prevention of Cruelty to Animals Western Australia (Incorporated) for the provision of dog and cat (animal) holding facilities as specified in Tender 033/22, for a period three years, with two options to extend the term of the contract by one year each, at the submitted schedule of rates, with any price variations subject to the annual percentage change in the Perth CPI (All Groups).**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ180-10/22, page 146146 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf221011.pdf](#)*

**CJ177-10/22      CONFIDENTIAL - PERTH FESTIVAL 2023 -  
PARTNERSHIP PROPOSAL**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	110229, 101515
<b>ATTACHMENTS</b>	Attachment 1    Letter from Perth Festival Noongar Advisory Circle Attachment 2    Perth Festival <i>Djoondal</i> event presentation Attachment 3    Perth Festival event proposal Attachment 4    Perth Festival Marketing overview Attachment 5    Perth Festival budget details Attachment 6 <i>Djoondal</i> site plan Attachment 7    Perth Festival 2022 impact report Attachment 8    Perth Festival large-scale events summary
<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.

---

This Item was dealt with later in the meeting, after 'Motions of Which Previous Notice has been Given', page 153 refers.



## **CJ178-10/22      2022-23 BUDGET AMENDMENT – CAPITAL WORKS PROGRAM PROJECTS CARRIED FORWARD FROM 2021-22**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	103876, 101515
<b>ATTACHMENTS</b>	Attachment 1    List of Capital Works Projects
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to approve amendments to the *2022-23 Budget* reflecting 2021-22 capital works projects carried forward into 2022-23 financial year and additional funding considerations.

### **EXECUTIVE SUMMARY**

The *2021-22 Capital Works Program (CWP)* was 89% completed as of 30 June 2022. A number of projects were in the final stages of completion at that date, some awaiting final supplier invoices while others either relate to phase three of the *Local Roads and Communities Infrastructure Program (LRCI)*, are designated multi-year projects or are those projects with works delayed into 2022-23. The funds unspent in 2021-22 in respect of these projects are required to be carried forward into 2022-23 financial year to facilitate the associated expenditure required to complete the projects.

*It is therefore recommended that Council:*

- 1      *APPROVES additional expenditure on the following projects as listed:*
  - 1.1      *FPR2268 Marmion Avenue – Edinburgh to Burns Beach Footpath Renewal \$175,000;*
  - 1.2      *LTM2126 Electra Street Intersection Treatment \$40,744;*
  - 1.3      *PDP2343 Ocean Gate Bore Renewal \$70,000;*
  - 1.4      *PDP2361 Gascoyne Park Iron Filter Installation \$70,000;*
  - 1.5      *SWD2001 Stormwater Drainage Upgrades \$50,000;*
  
- 2      *INCREASES the 2022-23 Capital Works Budget expenditure by \$9,109,065;*
  
- 3      *INCREASES the 2022-23 Non-operating Grant, Subsidies and Contributions Budget revenue by \$2,886,078 comprising additional non-operating grant revenue of \$2,596,456 and non-operating contributions revenue of \$289,622;*

- 4 *INCREASES the 2022-23 Budget Transfers from Cash-Backed Reserves by \$3,382,700 to be drawn from the Capital Works Carried Forward Reserve, comprising \$2,511,294 from unspent funds to be carried forward at 30 June 2022 and additional transfers from funds held in the Reserve \$871,406;*
- 5 *INCREASES the 2022-23 Budget Transfers from Cash-Backed Reserves by \$2,102,338 to be drawn from the Asset Renewal Reserve;*
- 6 *INCREASES the 2022-23 Budget Transfers from Cash-Backed Reserves by \$707,505 to be drawn from the Strategic Asset Reserve.*

## **BACKGROUND**

Each year, as part of the end of financial year process, the City reviews the status of projects in the Capital Works Program and considers if unspent funds are required to be carried forward into the next financial year, to complete or continue projects commenced in the prior year. Projects that require this treatment at the end of 2021-22 have been identified and thus require amendments to the *2022-23 Budget*. Analysis has identified the extent to which funds unspent in 2021-22 are required to be held over to be expended in 2022-23 and are detailed further below. This report also identifies certain projects where existing budget allocations are insufficient, for which additional budget funding is now required in order to progress and complete the projects.

## **DETAILS**

### **Capital Works projects to be carried forward from 2021-22**

The CWP is largely completed, however approximately 72 projects have been identified that will continue into 2022-23. Several of these are multi-year projects for which work was already budgeted to continue in 2022-23. The extent of expenditure in 2021-22 has varied from earlier estimates, requiring a change in the expenditure amounts previously factored into the 2022-23 Budget.

Expenditure on these projects in 2022-23 is proposed to be funded by a combination of:

- municipal funding (that is funds from rates levied) allocated to CWP projects not fully expended in 2021-22 and being carried forward into 2022-23
- reserve funds allocated to CWP projects not fully expended in 2021-22 and retained in the specific reserves to be applied in 2022-23
- grant funds received in 2021-22 but not fully expended and, therefore, to be recognised as capital revenue in the 2022-23 year to the extent unspent in the previous year
- grant funds expected in 2021-22 but not received, which are now expected to be received in 2022-23
- projects in respect of which actual expenditure in 2021-22 varied from earlier 2021-22 end-of-year forecasts and which, therefore, require amendment to 2022-23 budget expenditure and funding brought forward estimates to accommodate actual results.

Budgeted capital works expenditure in 2022-23 requires amendment as a result. Typically, in past years, such amendments were affected as part of the mid-year budget review which only occurs in February of the next year, being eight months into the financial year. At its meeting held on 21 September 2021 (CJ139-009/21 refers), Council considered a report seeking amendments to the 2021-22 Budget to enable works to be progressed in a timely manner. Amendments are again being sort earlier than the mid-year budget review in line with the process undertaken in 2021-22.

As listed in Attachment 1 to this Report, a total of 72 projects require budget amendments as follows, which are funded by monies unspent in the previous financial year, as follows:

Total increase in capital works budget 2022-23	<b>\$ 9,109,065</b>
Funded by:	
Unspent Municipal funds carried forward from 2021-22	\$ 2,511,294
Unspent Contributions carried forward from 2021-22	\$ 30,444
<i>Unspent Funds to be carried forward into 2022-23</i>	<u>\$ 2,541,738</u>
Additional Grant revenue to be added in 2022-23	\$ 2,596,456
Additional Contribution revenue in 2022-23	<u>\$ 289,622</u>
<i>Additional capital revenue in 2022-23</i>	<u>\$ 2,886,078</u>
Additional transfer from Capital Works Carried Forward Reserve	\$ 871,406
Additional transfer from Strategic Asset Reserve	\$ 707,505
Additional transfer from Asset Renewal Reserve	<u>\$ 2,102,338</u>
<i>Additional transfers from reserves in 2022-23</i>	<u>\$ 3,681,249</u>
Total funding	<b><u>\$ 9,109,065</u></b>

Key projects requiring amendments include the following:

- Joondalup Drive/Hodges Drive Intersection Upgrade \$1,324,970 comprising \$1,130,170 grant funding and \$194,800 unspent funds from the Asset Renewal Reserve.
- Whitfords Avenue/Gibson Avenue Intersection Upgrade \$766,802 from a combination of \$428,000 unspent municipal funds carried forward, \$218,802 grant funding and \$120,000 in unspent funds from the Asset Renewal Reserve.

### Capital Works projects which require additional budget allocation

Included in the above are certain capital works projects that will require additional budget to be allocated in order to complete the project to the original project scope. These additional funds have been identified following completed detailed design, which have resulted in additional budget requirements to complete the projects due to current market rates, supply chain pressures and current economic environment. The total amount of additional budget required is estimated to be \$405,744 which is included in the carry forward amount above:

Project Number	Project Description	2021-22 Unspent Budget \$	Additional Budget Required \$	Total Estimated Budget \$	Source of additional funds
FPR2268	Marmion Avenue – Edinburgh to Burns Beach Footpath Renewal	195,131	175,000	370,131	Asset Renewal Reserve
LTM2126	Electra Street Intersection Treatment	3,046	40,744	43,790	Surplus Muni
PDP2343	Ocean Gate Bore Renewal	107,379	70,000	177,379	Asset Renewal Reserve
PDP2361	Gascoyne Park Iron Filter Installation	0	70,000	70,000	Asset Renewal Reserve

Project Number	Project Description	2021-22 Unspent Budget \$	Additional Budget Required \$	Total Estimated Budget \$	Source of additional funds
SWD2001	Stormwater Drainage Upgrades	0	50,000	50,000	Asset Renewal Reserve
<b>TOTAL</b>		<b>305,556</b>	<b>405,744</b>	<b>711,300</b>	

### Issues and options considered

Council can choose to:

Option 1 – Not amend the *2022-23 Budget*.

Council can choose not to amend the *2022-23 Adopted Budget*. This would restrict the City's ability to incur the necessary capital works expenditure in 2022-23 given that this is additional to the current budget.

This option is not recommended.

Option 2 – Amend the *2022-23 Budget*.

Amending the *2022-23 Adopted Budget* as proposed will enable the City to progress these projects and incur the necessary expenditure to complete the identified works.

This option is recommended.

### Legislation / Strategic Community Plan / Policy implications

#### Legislation

Section 6.8 of the Local Government Act 1995.

- “(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency
- 1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.”

\* Absolute majority required

### 10-Year Strategic Community Plan

#### Key theme

Leadership.

#### Outcome

Responsible and financially-sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

#### Policy

Not applicable.

**Risk management considerations**

The City's ability to complete capital works projects from 2021-22 carrying over into the current financial year will be constrained without appropriate budget amendments to authorise the necessary expenditure. This expenditure is to be met primarily from funds unspent in the previous financial year and as well as additional grant funding, so overall expenditure on these is not expected to exceed current project budgets. Additional budget expenditure required for certain projects can be met from funds held in reserve or surplus from projects completed in 2021-22.

**Financial / budget implications**

The total additional capital works expenditure required in 2022-23 is \$9,109,065 (Attachment 1 refers). This includes \$2,596,456 in additional grants and \$289,622 contributions revenue with the balance to be met from municipal and reserve funds retained from the previous financial year.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The proposed budget amendments will allow the City to incur the necessary expenditure to complete projects being carried over from the previous financial year and will allow the *2022-23 Budget* to more accurately reflect current revenue and expenditure estimates.

**VOTING REQUIREMENTS**

Absolute Majority.

**MOVED Mayor Jacob, SECONDED Cr May that Council by AN ABSOLUTE MAJORITY:**

- 1 APPROVES additional expenditure on the following projects as listed below:**
  - 1.1 FPR2268 Marmion Avenue – Edinburgh to Burns Beach Footpath Renewal \$175,000;**
  - 1.2 LTM2126 Electra Street Intersection Treatment \$40,744;**
  - 1.3 PDP2343 Ocean Gate Bore Renewal \$70,000;**
  - 1.4 PDP2361 Gascoyne Park Iron Filter Installation \$70,000;**
  - 1.5 SWD2001 Stormwater Drainage Upgrades \$50,000;**
- 2 INCREASES the 2022-23 Capital Works Budget expenditure by \$9,109,065;**
- 3 INCREASES the 2022-23 Non-operating Grant, Subsidies and Contributions Budget revenue by \$2,886,078 comprising additional non-operating grant revenue of \$2,596,456 and non-operating contributions revenue of \$289,622;**
- 4 INCREASES the 2022-23 Budget Transfers from Cash-Backed Reserves by \$3,382,700 to be drawn from the Capital Works Carried Forward Reserve, comprising \$2,511,294 from unspent funds to be carried forward at 30 June 2022 and additional transfers from funds held in the Reserve \$871,406;**
- 5 INCREASES the 2022-23 Budget Transfers from Cash-Backed Reserves by \$2,102,338 to be drawn from the Asset Renewal Reserve;**
- 6 INCREASES the 2022-23 Budget Transfers from Cash-Backed Reserves by \$707,505 to be drawn from the Strategic Asset Reserve.**

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

**Against the Motion:** Cr Raftis.

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13agn221018.pdf](#)

## **CJ179-10/22      DUFFY HOUSE – COMMUNITY CONSULTATION OUTCOMES**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	81629, 101515
<b>ATTACHMENTS</b>	Attachment 1      Duffy House Site Concept Plan Attachment 2      Consultation Outcomes Report – Duffy House Site Concept Plan Attachment 3      Duffy House – Revised Site Plan and Land Transfer
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to consider the outcomes of community consultation on a draft Site Concept Plan at Duffy House, Woodvale.

### **EXECUTIVE SUMMARY**

In May 2021, Council endorsed a Site Concept Plan for Duffy House and requested the Chief Executive Officer to undertake community consultation on the plan (CJ066-05/21 refers).

From 22 July to 19 August 2021, the City conducted community consultation to determine the level of support for the key features of the Site Concept Plan and the potential activity options that may be supported at the site.

A total of 429 valid responses were collected throughout the 28-day advertised consultation period, with 86 (or 20%) received from residents and ratepayers living within Woodvale and properties within 500 metres of the Duffy House site.

Of the 11 key features identified in the Site Concept Plan the most supported included rehabilitation planting (83.2% support), pedestrian/cycle paths (70.6% support), Noongar 'six season' garden (67.6% support) and entry corridor with feature tree planting (67.1% support).

Key features with a lower level of support included overflow parking (45.9% support), commercial activation (52% support) and edible garden linked to the commercial activity (49.1%).

With regard to the 11 potential activity options identified for the site, the most supported were for more passive options including linkages to future heritage trails across Yellagonga Regional Park (69.4% support), picnicking (64.8% support), cultural activities and events (62.2% support) and bush tucker tours (61.3% support).

Activity options with a lower level of support included weddings (41% support), art gallery / studio space (48.5% support) and alfresco dining (51.5% support).

From the feedback received, there appears to be general support for the development and rehabilitation of the site in a manner that supports passive and cultural activities. Larger scale events, commercial activation and additional parking to facilitate increased use of the site received lower levels of support, suggesting there is a community expectation for small-scale activation opportunities.

Following the completion of the consultation process, the 2021 State Government election resulted in funds being committed towards several projects across Yellagonga Regional Park, including a path connection from Whitfords Avenue north through to the Duffy House site, to be delivered by the Department of Biodiversity, Conservation and Attractions (DBCA). Main Roads WA (MRWA) also approached DBCA during this period to identify suitable revegetation sites for project offsets, including areas in and around Duffy House.

Reporting back to Council on the outcomes of the community consultation process was therefore delayed, to enable the effective alignment of these projects and further scoping and consultation to be undertaken with State Government stakeholders. This also extended to discussions with the Department of Planning, Lands and Heritage (DPLH) to identify an appropriate land curtilage and access easement for Duffy House to transfer a portion of the property to the City under a Management Order that accommodated the various projects proposed for the site (Attachment 3 refers).

To support the delivery of works by DBCA throughout 2022-23 and 2023-24, it is recommended that Council supports amending the 2022-23 budget by \$65,000 to install conservation fencing around the portion of the site identified for transfer to the City. It is also recommended that an additional \$75,000 is listed for consideration in the 2023-24 budget to install a concrete path connection from Duffy Terrace to the proposed DBCA path alignment and undertake road widening works that will support future activation opportunities at the site.

Prior to progressing any works beyond those suggested, and based on the outcomes of community consultation, it is also recommended the City pursue an Expression of Interest (EOI) process to test the market for potential commercial interest and investment in the site that reflects the scale of activation supported by the community.

*It is therefore recommended that Council:*

- 1 *NOTES the results of the community consultation process as detailed in Attachment 2 to Report CJ179-10/22;*
- 2 *NOTES the progress of restoration and site works completed by the City since 2019 at the Duffy House site with the \$300,000 (GST inclusive) in grant funding received from the Western Australian Planning Commission;*
- 3 *NOTES the projects identified for delivery by the Department of Biodiversity, Conservation and Attractions within the vicinity of Lot 69 (108) Duffy Terrace in Woodvale, throughout 2022-23 and 2023-24, including the construction of a path connection from Whitfords Avenue north towards Duffy House and revegetation planting and fencing installations on behalf of Main Roads WA;*
- 4 *SUPPORTS the City progressing works to install conservation fencing, construction of a connecting path from Duffy Terrace and widening of the existing entry road as indicatively as provided in Attachment 3, to support the works planned by the Department of Biodiversity, Conservation and Attractions as per Part 3 above;*



- 5 *BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 budget by the addition of \$65,000 to the Capital Works Expenditure Budget to install conservation fencing as per Part 4 above;*
- 6 *SUPPORTS listing for consideration in the 2023-24 budget an amount of \$75,000 to progress path and entry road works as per Part 4 above;*
- 7 *SUPPORTS the transfer of a portion of land at Lot 69 (108) Duffy Terrace in Woodvale from the State of Western Australia with a Management Order in favour of the City of Joondalup, as indicatively shown in Attachment 3 to Report CJ179-10/22;*
- 8 *REQUESTS the Chief Executive Officer to progress an Expression of Interest process to determine the potential commercial interest and investment from the market to progress future activation opportunities at the Duffy House site.*

## BACKGROUND

<b>Suburb/Location</b>	Lot 69 (108) Duffy Terrace, Woodvale.
<b>Applicant</b>	Not applicable.
<b>Owner</b>	Western Australian Planning Commission.
<b>Zoning</b>	<b>DPS</b> Park and Recreation.
	<b>MRS</b> Parks and Recreation.
<b>Site area</b>	5.23ha.
<b>Structure plan</b>	Not applicable.

### Draft Site Concept Plan

In May 2021, a draft Site Concept Plan for Duffy House (Attachment 1 refers) was presented to Council seeking its endorsement for the purposes of community consultation (CJ066-05/21 refers). The plan was developed on the basis of:

- a *Market Demand Analysis of Commercial Opportunities* report prepared by external consultants, RPS Group, in 2019 to assess the viability of activation options at the site
- feedback from the DPLH and DBCA.

The plan provides a basic spatial overview of the current property boundaries from which Duffy House and the broader site is encompassed and is separated into various “zones” to illustrate where the concentration of activities and uses are likely to occur, with a general description of the physical development required to support potential activities. They include the following:

- Modest building development to support a commercial operation (for example, café / restaurant).
- Further restoration of Duffy House to support community / commercial activities.
- Entry corridor and feature tree enhancements.
- Rehabilitation planting.
- Noongar “six-season” garden.
- Pedestrian and cycle paths.
- Heritage interpretations (for example, “Old Dairy” site).
- Overflow parking and road widening.
- “Pop up” event space.
- Themed play space.

Based on the feedback received from key stakeholders, the following activity options were identified for consideration through the community consultation process:

- Seasonal market events.
- Weddings.
- Alfresco dining.
- Cycling connections.
- Picnicking.
- Cultural activities and events.
- Edible garden linked to commercial activity.
- Linkages to future heritage trails across Yellagonga Regional Park.

Following Council's endorsement of the plan, community consultation materials were prepared and released for public feedback.

## **DETAILS**

### Community Consultation

From 22 July to 19 August 2021, the City conducted community consultation to determine the level of support for the key features of the draft Site Concept Plan at Duffy House and the potential activity options that may be supported at the site.

A total of 655 stakeholders were directly engaged, including:

- residents/landowners of properties within 500 metres of the Duffy House site (434)
- community Engagement Network members residing in Woodvale (197)
- Friends of Yellagonga Regional Park
- Woodvale Waters Residents Association
- City of Joondalup Reconciliation Action Plan Reference Group members (13)
- Local Members of Parliament (seven)
- Wanneroo and Districts Historical Society
- Duffy family members.

The City also broadly advertised the consultation to the general public via the following methods:

- Signage installed on-site.
- City of Joondalup website.
- Promotional e-newsletters (Arts-in-Focus and Libraries).
- Facebook, Twitter and Instagram posts.
- E-screen displays at Customer Service Centres, Libraries and Craigie Leisure Centre.
- Joondalup Voice.
- ABC radio interview.

### Response Rate

The consultation process saw the City collect a total of 429 valid responses, with 86 received from residents and ratepayers from Woodvale and properties within 500 metres of the Duffy House site. The overall response rate was 16.7% from stakeholders directly engaged, with an additional 322 responses received from indirect engagement activities.

Approximately 81% of respondents reside in suburbs located in the City of Joondalup, with the highest percentage of respondents by suburb (38%) received from residents within Woodvale.

### Survey Outcomes

The survey released during the consultation process sought feedback on the following:

- Level of support for the key features of the Duffy House Site Concept Plan, including:
  - entry corridor, including feature tree planting
  - rehabilitation planting
  - Noongar 'six season' garden
  - tree decking around existing feature tree
  - pedestrian/cycle paths
  - 'Old Dairy' heritage interpretation
  - overflow parking
  - 'pop up' event space
  - play space and cultural activity, incorporating a cultural heritage theme
  - commercial activation, including further restoration of Duffy House and modest building development
  - edible garden linked to commercial activity.
  
- Level of support for potential activity options for the Duffy House site, including:

Within Duffy House:

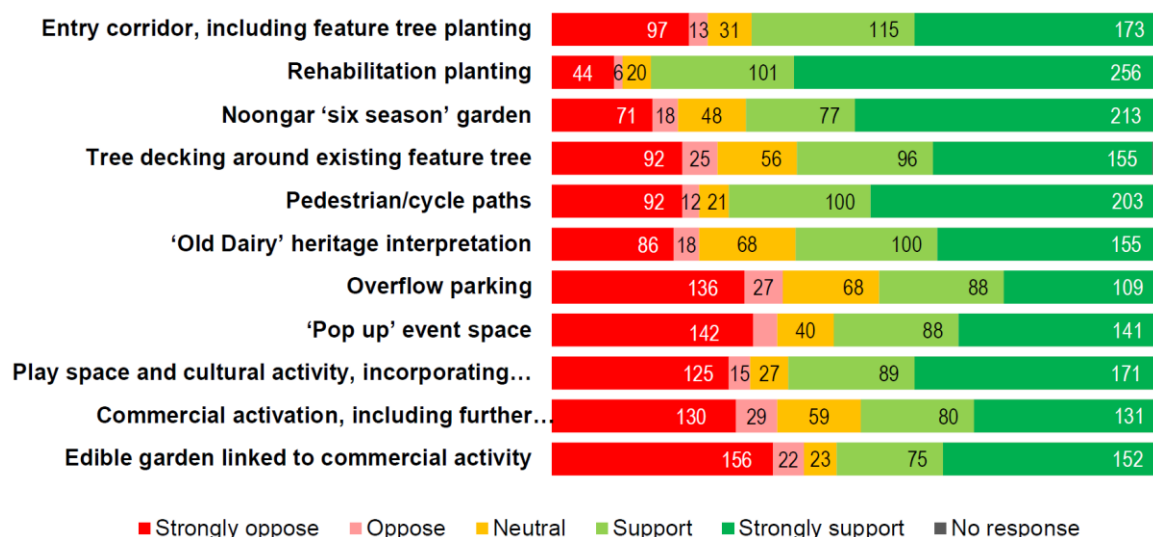
- commercial café / restaurant / wine bar
- art gallery / studio space
- museum / heritage display.

Across the wider site:

- seasonal market events
- weddings
- alfresco dining
- cycling connections
- picnicking
- cultural activities and events
- bush tucker tours
- linkages to future heritage trails across Yellagonga Regional Park.

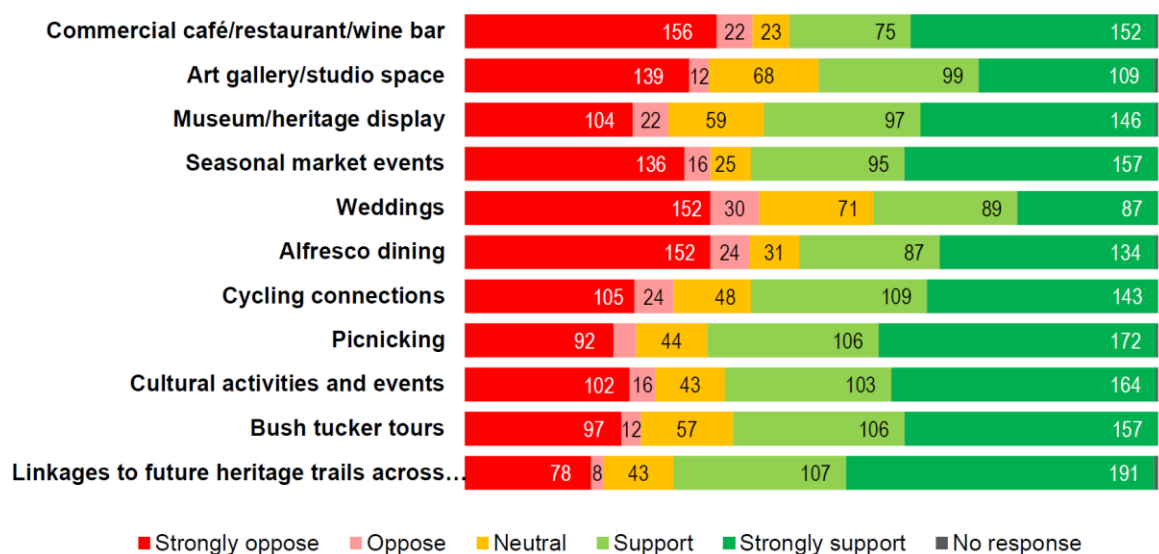
Of the key features identified in the Site Concept Plan the most supported included rehabilitation planting (83.2% support), pedestrian/cycle paths (70.6% support), Noongar 'six season' garden (67.6% support) and entry corridor with feature tree planting (67.1% support).

Key features with a lower level of support included overflow parking (45.9% support), commercial activation (52% support) and edible garden linked to the commercial activity (49.1%).



With regard to the potential activity options identified for the site, the most supported were for more passive options including linkages to future heritage trails across Yellagonga Regional Park (69.4% support), picnicking (64.8% support), cultural activities and events (62.2% support) and bush tucker tours (61.3% support).

Activity options with a lower level of support included weddings (41% support), art gallery / studio space (48.5% support) and alfresco dining (51.5% support).



Respondents were also asked if they had any further comments on the Site Concept Plan, of which 302 provided comments on a variety of matters, as shown below:

Do you have any comments about the Duffy House Site Concept Plan?	N*	%
Concerned about impact on natural areas/wildlife/prefer to leave it as a natural space	102	33.8%
Support the concept plan (in general)	72	23.8%
Oppose the concept plan (in general)	59	19.5%
Do not support commercialisation	35	11.6%
New café/restaurant is greatly wanted/needed	16	5.3%
Would like additional /alternative infrastructure included	13	4.3%
Concerned about road/pathway safety with increased activity/traffic	12	4.0%
Support protecting Duffy House	11	3.6%

<b>Do you have any comments about the Duffy House Site Concept Plan?</b>	<b>N*</b>	<b>%</b>
<b>Concerned about privacy/noise pollution/security/antisocial behaviour</b>	11	3.6%
<b>New café/restaurant is not wanted/needed</b>	10	3.3%
<b>Plant native trees only</b>	9	3.0%
<b>Project will have economic/social benefits/good for the community</b>	7	2.3%
<b>Do not support wedding/events</b>	7	2.3%
<b>Concerned about increased amount of cars with insufficient car parking planned</b>	6	2.0%
<b>More parking is not wanted/needed</b>	4	1.3%
<b>Other/miscellaneous comment</b>	43	14.2%
<b>Total comments</b>	<b>302</b>	<b>70.4%</b>

*\*Numbers may not add up to total, as respondents may have addressed more than one subject.*

Overall, noting the high response rate of 81% from City of Joondalup residents and ratepayers, it would appear that only moderate support for broad activation of the Duffy House site has been demonstrated through the community consultation process. The general views of respondents were to support more passive activities and smaller-scale works to rehabilitate and landscape the site, provide greater path connections and opportunities for cultural activities and events that celebrate the heritage of the area, both pre- and post-European settlement.

Concerns surrounding commercial activation, impacts on wildlife and increased traffic were raised as the main reasons for opposing elements of the proposed Site Concept Plan and potential activity options.

#### Site Concept Plan

From the feedback received, the potential impacts on the draft Site Concept Plan would extend to scaling back opportunities for overflow parking and event areas, removing the edible garden linked to the commercial activity within Duffy House and reconsidering the layout and development in and around the building facility if a commercial opportunity were not pursued.

#### Proposed State Government Works

Following the State Government Election in 2021, several projects across Yellagonga Regional Park received funding commitments from the State Government and are currently in the planning stages by DBCA in consultation with major stakeholders, including the City of Joondalup.

The most relevant project within this location includes a new path connection from Whitfords Avenue north through to the Duffy House site, with the proposed alignment still in development by DBCA. At this stage the path is proposed to support passive access opportunities as a walking trail constructed from crushed limestone, that has linkages to a future heritage trail across Yellagonga Regional Park. Detailed design and construction for the new path is currently scheduled for 2023-24 by DBCA.

In addition to this project, DBCA were also approached by MRWA in 2021 seeking appropriate revegetation sites for approximately 7 hectares of Carnaby Black Cockatoo foraging habitat to offset construction work being undertaken along the Mitchell Freeway. Given the significant portions of degraded vegetation along Duffy Terrace, and the City's intentions within its draft Site Concept Plan to rehabilitate the area, portions of land abutting the northern boundary of the Duffy House site and within the southern portion of the site were identified for potential revegetation planting by DBCA on behalf of MRWA.

The City provided in principle support for the revegetation planting in 2021, subject to further detailed site planning, and has continued liaising with DBCA on the proposal throughout 2022. In September 2022, an indicative Site Plan was prepared by the City (Attachment 3 refers) to support discussions between DBCA and MRWA for revegetation planting, the installation of temporary fencing to protect the planted areas during their establishment years and footpath connections into the Duffy House site. The City also provided an indicative alignment for conservation fencing to demarcate the portion of land for potential future transfer to the City by the State Government, and the alignment of a path connection from Duffy Terrace to the proposed DBCA path (as shown in Attachment 3). The plan also allows for the current entry road to be widened to allow for traffic flow in both directions.

DBCA have indicated their intention to progress rehabilitation planting over the 2022-23 winter period, requiring the installation of fencing to protect the area at the same time. To support these works, it is recommended the City installs conservation fencing that will abut these areas and remain as a permanent demarcation of the land to be managed by the City in the future. After several years of establishment, the DBCA fencing will be removed. To achieve this, a budget amendment would be required for the 2022-23 period, at an estimated cost of \$65,000 for the installation of approximately 803 metres of 1.5 metre high conservation fencing. The height of the fencing is guided by DBCA to manage the movement of kangaroos throughout the site, mitigating their access into revegetated areas and onto the entry road and Duffy House areas. It is intended that access between the areas would be facilitated through the installation of a spring-loaded gate.

### Completed Works

Between 2019-2021, the City progressed the following works with the \$272,728 (excluding GST) in grant funding awarded by the WAPC:

- installation of security fencing
- partial demolition and remedial works to the Old Dairy
- installation of power, water and future communication supplies
- roof replacement, structural repairs, new window installation, flooring repairs and internal painting to Duffy House
- construction of carpark, single access road and surrounding bollards.

In order to relinquish the City's obligations under the WAPC grant, the City is currently undertaking non-redundant works to the Duffy House building that are scheduled for completion by November 2022. This is to allow for further consideration of the timing, funding and extent of works to the broader site in the future. The recent works have included the installation of a verandah, building access boardwalk and electrical and lighting connections within the facility.

### Future Management Order

At its meeting held on 12 December 2018 (CJ233-12/18 refers), Council resolved, inter alia:

*"2 REQUESTS the Chief Executive Officer to negotiate a future management arrangement for Duffy House within the Western Australian Planning Commission."*

Since 2019, the City has held various discussions with DPLH regarding future management options for the site. A decision was made in 2020 to delay negotiations until the extent of potential development of the site was identified through a Site Concept Plan that was subject to community consultation. This would enable an appropriate land curtilage to be identified based on the extent of works likely to progress.

In the interim, the City has accessed the site for the purposes of undertaking restoration and development works via an access permit granted by the WAPC on an annual basis.

Recent discussions with the DPLH have indicated support for the City to prepare a deposited plan for an area of the current property (being Lot 69 (108) Duffy Terrace, Woodvale), in order to create a new Lot that will be transferred to the State of WA as Crown Land with a Management Order established for the City. The area shown in blue in Attachment 3, outlines the area of the proposed new Lot as negotiated with DBCA, as the land manager responsible for the properties either side of the new Lot.

This will enable DBCA to manage the revegetated areas along Duffy Terrace and for the proposed new limestone path and Old Dairy ruins associated with Duffy House to be fully contained within DBCA-managed land. The City will manage the infrastructure associated directly with Duffy House and provide additional activation space along the northern portion of the property, that may be subject to further development in the future (as shown in the draft Site Concept Plan).

### **Issues and options considered**

In relation to the proposed works, Council can either:

- support the installation of conservation fencing, construction of a connecting path from Duffy Terrace and widening of the entry road into the Duffy House site
- propose alternative works  
or
- not support any further investment in capital works at the site at this point in time.

In relation to the proposed portion of land for future transfer to the City, Council can either:

- support the portion of land as indicatively shown in Attachment 3 of Report CJ179-10/22  
or
- propose an alternate portion of land.

It is not recommended that Council refuse to accept any portion of land, given the original grant funding awarded to the City by the WAPC in 2019, was conditional upon the City accepting future management of Duffy House.

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

**Legislation** Not applicable.

#### **10-Year Strategic Community Plan**

**Key Theme** Community.

**Outcome** Cultural and diverse – you understand, value and celebrate the City's unique Aboriginal and other diverse cultures and histories.

**Key Theme** Leadership.

**Outcome** Engaged and informed – you are able to actively engage with the City and have input into decision-making.

**Policy** *Community Consultation Policy.*

**Risk management considerations**

Not applicable.

**Financial / budget implications**

The City has no funding remaining from the original grant of \$272,728 (excluding GST) awarded by the WAPC in 2019, that will require acquittal prior to May 2023.

There are no additional funds budgeted in the City's forward *Capital Works Program* towards the delivery of this project. Previous cost estimates suggested funding of up to \$1,064,060 (excluding GST) to deliver the full scope of works identified in the draft Site Concept Plan that was released for community consultation. It is noted that elements of this plan will now be delivered by DBCA, including planting works and elements of the path connection into the Duffy House site.

In discussions with representatives of the WAPC, it has been confirmed that no additional grant funding would be provided under the current *Area Assistance Grant Scheme* and the City would need to seek alternative funding mechanisms, including its own reserves, to further activate the site.

As previously indicated, should Council agree to progress works to install conservation fencing around the proposed land curtilage for the City, a budget amendment of \$65,000 will be required for 2022-23 to align with the winter planting period scheduled by DBCA.

If supported, a connecting path from Duffy Terrace and widening of the entry road would require listing for consideration \$75,000 within the 2023-24 budget to align with the path works proposed by DBCA.

Any further works would not be recommended until an Expression of Interest process was completed and potential external investment was considered and assessed.

Operationally, the City currently incurs only minor expenditure for periodic cleaning and grass slashing in and around the building surrounds of Duffy House, of approximately \$5,000 per annum.

**Regional significance**

Duffy House is located within a Regional Open Space area with a cultural heritage value that is aligned to the history of both the Cities of Joondalup and Wanneroo and first nations people.

**Sustainability implications**

The draft Site Concept Plan was prepared through initial consultation with key land managers, being the DPLH and DBCA, as the current owner and manager of the site.

The plan takes into consideration broad direction for the protection and enhancement of the conservation, recreation and landscape values of Yellagonga Regional Park, as provided in through the Yellagonga Regional Park Management Plan.

Potential activation opportunities have also been informed by consultant investigations into activities that are most likely to attract a commercial operator and support community demands for recreational, environmental and cultural and heritage outcomes in the area.



## Consultation

This report presents the outcomes of community consultation conducted by the City on a draft Site Concept Plan for the Duffy House site.

## COMMENT

Since 2009, Duffy House has been identified by Council for its cultural significance to the broader Joondalup and Wanneroo area. In 2015, the Western Australian Planning Commission acquired the property from the Duffy family and sought to identify a government stakeholder willing to provide a long-term solution for the site.

After a period of negotiation and advocacy, Council agreed in June and December 2018 to accept future management of the site and to undertake restoration works that were to be funded through a grant scheme awarded to the City by the WAPC (CJ112-06/18 and CJ233-12/18 refers).

Since this time, the City has progressed significant restoration works across the site and negotiated extensively with State Government stakeholders to ensure alignment with future infrastructure and revegetation plans throughout Yellagonga Regional Park, and to form an agreement on the future management responsibilities of the subject land and surrounding properties.

Community consultation has revealed a desire for some activation of this site, of which the City proposes to continue exploring through an Expression of Interest process that is cognisant of the types of development and activities supported by the community.

## VOTING REQUIREMENTS

Absolute Majority.

*The Director Planning and Community Development left the Chamber at 9.28pm and returned at 9.30pm.*

## MOVED Cr May, SECONDED Cr Poliwka that Council:

- 1 **NOTES the results of the community consultation process as detailed in Attachment 2 to Report CJ179-10/22;**
- 2 **NOTES the progress of restoration and site works completed by the City since 2019 at the Duffy House site with the \$300,000 (GST inclusive) in grant funding received from the Western Australian Planning Commission;**
- 3 **NOTES the projects identified for delivery by the Department of Biodiversity, Conservation and Attractions within the vicinity of the Duffy House site throughout 2022-23 and 2023-24, including the construction of a path connection from Whitfords Avenue and revegetation planting and fencing installations on behalf of Main Roads WA;**

- 4 **SUPPORTS** the City progressing works to install conservation fencing, construction of a connecting path from Duffy Terrace and widening of the existing entry road as indicatively shown in Attachment 3 to Report CJ179-10/22, to support the works planned by the Department of Biodiversity, Conservation and Attractions as per Part 3 above;
- 5 **BY AN ABSOLUTE MAJORITY AMENDS** the *2022-23 Budget* by the addition of \$65,000 to the Capital Works Expenditure Budget to install conservation fencing as per Part 4 above;
- 6 **SUPPORTS** listing for consideration in the 2023-24 Budget an amount of \$75,000 to progress path and entry road works as per Part 4 above;
- 7 **SUPPORTS** the transfer of a portion of land at Lot 69 (108) Duffy Terrace in Woodvale from the State of Western Australia with a Management Order in favour of the City of Joondalup, as indicatively shown in Attachment 3 to Report CJ179-10/22;
- 8 **REQUESTS** the Chief Executive Officer to progress an Expression of Interest process to determine the potential commercial interest and investment from the market to progress activation opportunities at the Duffy House site.

**AMENDMENT MOVED** Cr Thompson, **SECONDED** Cr May that Part 8 of the Motion be **AMENDED** to read as follows:

- 8 ***REQUESTS the Chief Executive Officer to progress an Expression of Interest process to determine the potential commercial interest and investment from the market to progress activation opportunities at the Duffy House site that may generate revenue for the City.***

The Amendment was Put and

**CARRIED (13/0)**

In favour of the Amendment: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

The Original Motion as amended being:

That Council:

- 1 **NOTES** the results of the community consultation process as detailed in Attachment 2 to Report CJ179-10/22;
- 2 **NOTES** the progress of restoration and site works completed by the City since 2019 at the Duffy House site with the \$300,000 (GST inclusive) in grant funding received from the Western Australian Planning Commission;
- 3 **NOTES** the projects identified for delivery by the Department of Biodiversity, Conservation and Attractions within the vicinity of the Duffy House site throughout 2022-23 and 2023-24, including the construction of a path connection from Whitfords Avenue and revegetation planting and fencing installations on behalf of Main Roads WA;

- 4 **SUPPORTS** the City progressing works to install conservation fencing, construction of a connecting path from Duffy Terrace and widening of the existing entry road as indicatively shown in Attachment 3 to Report CJ179-10/22, to support the works planned by the Department of Biodiversity, Conservation and Attractions as per Part 3 above;
- 5 **BY AN ABSOLUTE MAJORITY AMENDS** the *2022-23 Budget* by the addition of \$65,000 to the Capital Works Expenditure Budget to install conservation fencing as per Part 4 above;
- 6 **SUPPORTS** listing for consideration in the 2023-24 Budget an amount of \$75,000 to progress path and entry road works as per Part 4 above;
- 7 **SUPPORTS** the transfer of a portion of land at Lot 69 (108) Duffy Terrace in Woodvale from the State of Western Australia with a Management Order in favour of the City of Joondalup, as indicatively shown in Attachment 3 to Report CJ179-10/22;
- 8 **REQUESTS** the Chief Executive Officer to progress an Expression of Interest process to determine the potential commercial interest and investment from the market to progress activation opportunities at the Duffy House site that may generate revenue for the City.

was Put and

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf221011.pdf](#)

## REPORT - MAJOR PROJECTS AND FINANCE COMMITTEE - 27 SEPTEMBER 2022

### CJ180-10/22 DRAFT 10 YEAR STRATEGIC FINANCIAL PLAN 2022 (2021-22 TO 2030-31)

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	109884, 101515
<b>ATTACHMENTS</b>	Attachment 1 Schedules Attachment 2 Draft 10 Year Strategic Financial Plan 2022 (2021-22 to 2030-31)
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

#### PURPOSE

For Council to note the draft *10 Year Strategic Financial Plan 2022* (10 Year SFP) for the period 2021-22 to 2030-31 and *Guiding Principles 2021*.

#### EXECUTIVE SUMMARY

The new plan included in this document covers the years 2021-22 to 2030-31 and is referred to as the draft 10 Year SFP. The previous plan covered the years 2020-21 to 2029-30 and was noted by Council at its meeting held on 20 July 2021 (*CJ106-07/21 refers*).

The draft 10 Year SFP has been updated with the adopted budget for 2022-23 and has referred to the most up-to-date economic projections. A simplistic assumption that rates will increase in line with Perth CPI has been made, but this is subject to review as part of the annual budget process.

Australia and the rest of the world are currently in economic turmoil, with rising escalation, rising interest rates and geo-political tensions. The Federal government have recently (28 July 2022) issued updated projections which are more volatile than the pre-election forecasts by the previous government in March 2022. Escalation is assumed to peak at 7.75% by December 2022 and may take a couple of years before returning to “normal” levels.

The rising escalation and interest rates will bring pressure to households and businesses alike so the City will have to take this account as part of the next budget deliberation.

The draft 10 Year SFP as presented in Attachment 2 only includes major projects that are approved. There are 18 major projects in the pipeline that are not yet approved and not included in the SFP. It has therefore been necessary to evaluate the projections both with the full list and also excluding those projects not yet approved. This analysis has also re-evaluated the affordability of the Capital Works program and recommends expenditure of \$20.5 million per year, which is \$6.5 million less than indicated on existing spending levels.

*It is therefore recommended that Council:*

- 1 *NOTES the draft 10 Year Strategic Financial Plan 2022 (2021-22 to 2030-31) as at Attachment 2 to Report CJ180-10/22;*
- 2 *NOTES the Guiding Principles 2022 as included in Appendix 1 Attachment 2 to Report CJ180-10/22.*

## **BACKGROUND**

The new plan included in this document covers the years 2021-22 to 2030-31 and is referred to as the draft 10 Year SFP. The previous plan referred to throughout this document covered the years 2020-21 to 2029-30 and was presented to Council in July 2021 (*CJ106-07/21 refers*). The draft 10 Year SFP aligns with the adopted budget 2022-23.

### 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 understand 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 adoption of the 10 Year Strategic Financial Plan 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 adoption of the 10 Year SFP in order to include updated projections for new projects because this results in the delayed 10 Year SFP encroaching into the next planning cycle for the next Strategic Financial Plan. 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 – Higher level of accuracy, albeit dependent on the key assumptions.
- Years six to 10 – Moderate/minor level of accuracy.

The table summarises what the SFP is and is not:

✓	<b>GUIDE</b>	SFP is a guiding plan only
✓	<b>NOTED</b>	Plan only needs to be updated each year or noted
✗	<b>MANDATORY</b>	There is no legislative requirement to adopt it
✗	<b>BUDGET</b>	Assumptions in SFP do not automatically set the budget
✗	<b>RATES</b>	Rates increases in SFP are only a guide
✗	<b>PROJECTS</b>	SFP does not commit the City to projects
✗	<b>PRECISE</b>	The SFP is not expected to be a precise forecast, it's a guide
✗	<b>ASSET PLAN</b>	SFP will evaluate affordability which may not align with Asset Plan

### 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 2022-23. 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 to 12%.

#### 3 Capital Expenditure / Major projects:

- Major Projects – only those projects that are approved by Council are included. Major Projects which have not been approved by elected members are excluded, a list of excluded projects is provided later in the report.
- *Capital Works Program (CWP)* – an assessment of the affordability of the CWP is made with reference to the operating cashflow and full pipeline of major projects. Note that the values for the CWP shown in the SFP may be different to the desired requirements of the *Asset Management Plans* or discretionary programs currently applied within the CWP.

- Other 'business as usual' capital programs (Information technology, fleet and parking) have been forecast.
- Escalation factors (such as percentage increases) are then applied to each individual project or program

#### 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 plan is prepared in consultation with all Business Units within the City. Additionally, external agencies are involved where necessary.

#### Guiding Principles 2022

The draft 10 Year SFP has been developed using a set of guiding principles. These are reviewed annually and were last presented to Council at its meeting held on 20 July 2021. The proposed *Guiding Principles 2022* are shown at Appendix 1 Attachment 2. There are no changes proposed in 2022.

#### Attachment 1 - Schedules

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>• <b>Operating statement, capital expenditure, funding.</b></li> </ul>
1.2	Key Ratios Summary	<ul style="list-style-type: none"> <li>• <b>Summary of the Key Ratios achieved versus previous plan.</b></li> <li>• <b>Other key indicators are also summarised.</b></li> <li>• <b>Graphs of key indicators.</b></li> </ul>

No	Report	Purpose
1.3	Assumptions	<ul style="list-style-type: none"> <li>• <b>Economic Indicators and external environment.</b></li> <li>• <b>Escalation assumptions applied for operating income and operating expenditure.</b></li> <li>• <b>Also includes other key assumptions, such as costs of borrowing.</b></li> </ul>
1.4	Major Project Assumptions	<ul style="list-style-type: none"> <li>• <b>List of major projects.</b></li> <li>• <b>Source of funds and estimated timescales for completion</b></li> </ul>
1.5	Capital Expenditure (Capex) by Year – excluding escalation	<ul style="list-style-type: none"> <li>• <b>Summary of all capital requirements, both for existing programs and new projects.</b></li> </ul>
1.6	Capital Expenditure (Capex) by Year – including escalation	<ul style="list-style-type: none"> <li>• <b>Summary of all capital requirements, both for existing programs and new projects.</b></li> </ul>
1.7	Project Funding Estimates	<ul style="list-style-type: none"> <li>• <b>Funding summary to explain how projects are funded.</b></li> </ul>
1.8	Reserves	<ul style="list-style-type: none"> <li>• <b>Projected reserve balances and movements.</b></li> </ul>

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

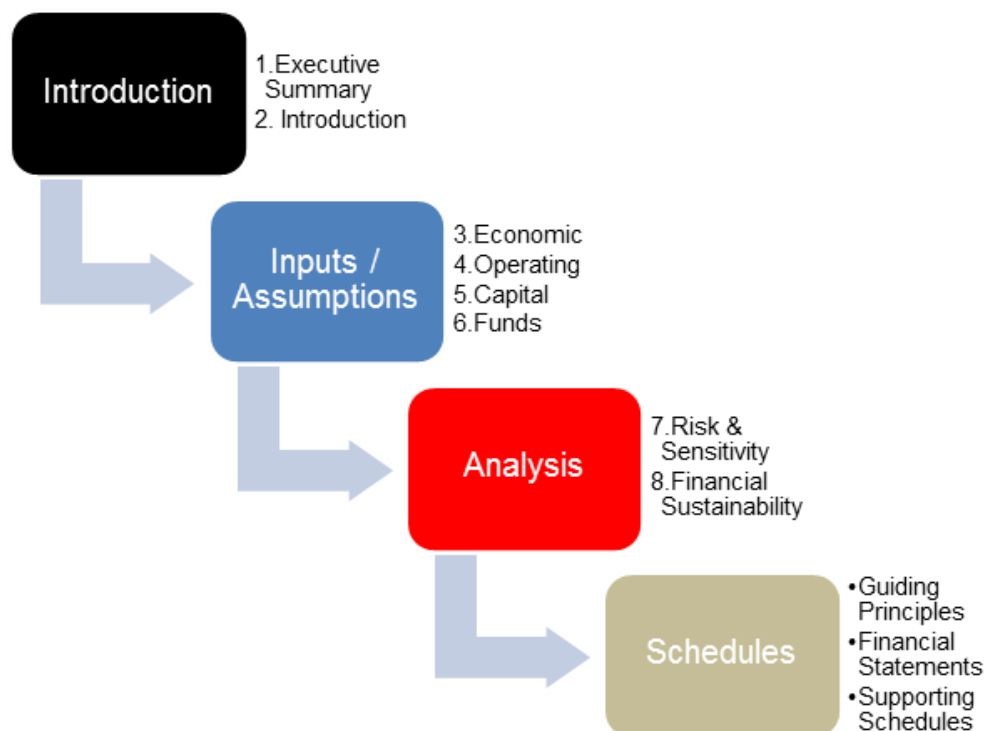
- year one is the 2021-22 forecast
- year two is the adopted budget for 2022-23
- year three to 10 are the projections for future years.

#### Format and Content of the Plan (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 *Department of Local Government, Sport and Cultural Industries 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



## DETAILS

### Assumptions

The key assumptions of the draft 10 Year SFP are summarised below, with reference to the relevant section of the plan itself:

- **Economy** – there are volatile economic conditions and rising cost of living increases. Meanwhile there are very low levels of unemployment and high numbers of job vacancies. Section 3 of Attachment 2 summarises the key economic projections that are used as reference points for the draft 10 Year SFP.
- **City financial health** – the City has a positive operating cashflow and reserves. However, the City has an operating deficit including depreciation. This is not a major concern at this point because the City does not need to spend as much on renewals as the depreciation expense. Financial Statement 1 of Appendix 2 provides details of the existing operating position. The City has established an Asset Renewal Reserve to help fund the expense of higher renewals in later years.
- **Rate increases** – an assumption has been made that these will increase in line with Perth CPI. Supporting Schedule 1 of Appendix 2 provides details of the increases for rates and other items below.
- **Materials and Contracts** – each item is reviewed separately, the default for most of them is Perth CPI
- **Refuse charges and Waste Expenditure** – a separate long-term financial model has been prepared that evaluates potential increases required in refuse charges to keep pace with expenditure. This analysis indicates that increases to Refuse Charge are not required every year.
- **Salaries and Wages** – from 2025-26 onwards these are assumed to increase in line with Perth Wages Price Index but for 2023-24 and 2024-25 a lower increase of 2.75% is assumed.

- **Fees and Charges** – each of the items are separately evaluated, some increase with Perth CPI but 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).
- **Major projects** – 13 projects are included as listed in Supporting Schedule 3. The operating impacts of the projects are included where relevant. There are 18 major projects not yet advanced enough to be included, these are listed later in this report.
- **Rates growth** – an assessment of new income from new dwellings and business growth is prepared and included in the model. Attachment 1 summarises this.

### Outcomes

The key outcomes of the updated SFP are as follows:

- **Operating projections** – steady improvements with a deficit of just over \$2 million at 2030-31. Attachment 1.1 provides more details. Section 4 of Attachment 2 provides more details of the operating projections and an explanation of the improvements assumed within the next five years.
- **Reserves** – these would potentially grow to over \$171 million by 2030-31 due to the surplus operating cash. However, this is based only on the projects included in the draft 10 Year SFP. If the full pipeline of major projects was included the reserves would reduce to circa \$40 million. This is explained further in section 7 of Attachment 2. The depletion of the reserves may initially be perceived as a negative outcome for the City but would in overall terms would be a better outcome for the Community with social and economic benefits, and many of the major projects would provide recurring financial benefits providing opportunity for the reserves to build up again thereafter.
- **Capital Works Program** – the analysis has indicated that \$20.5 million (excluding escalation) is affordable. This is based on the full pipeline of major projects being approved and all other assumptions above. The \$20.5 million is adequate to cover required renewals and some upgrade, this level would return the City to pre-covid expenditure but is much lower than is indicated in the *Five Year Capital Works Program 2022-23 to 2026-27*.

### **Issues and Scenarios considered**

#### Scenarios

The draft 10 Year SFP has been prepared with numerous scenarios, including but not limited to, the following:

- **Major projects** – the draft 10 Year SFP only includes projects approved, but separate analysis has continually been undertaken to consider the potential impact of projects not yet approved.
- **Capital Works Program** – a scenario was prepared with \$27 million per year and the full pipeline of major projects. This failed to provide a balanced cash budget and as a result the recommendation for expenditure of \$20.5 million per year to ensure a balanced cash budget can be achieved.

#### **Options**

Council's options are as follows:

- note the 2022 draft 10 Year SFP, without any further changes
- note the 2022 draft 10 Year SFP with changes  
or
- do not note the 2022 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.”*

### 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcome** Accountable and financially-sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

**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.

#### Economic volatility

Australia and the rest of the world are currently in economic turmoil, with rising escalation, rising interest rates and geo-political tensions. The Federal government have recently (28 July 2022) issued updated projections which are more volatile than the pre-election forecasts by the previous government in March 2022. Escalation is assumed to peak at 7.75% by December 2022 and may take a couple of years before returning to “normal” levels.

The rising escalation and interest rates will bring pressure to households and businesses alike so the City will have to take this account as part of the next budget deliberation.

#### Employment Costs

One of the most significant risks for the City, and indeed many organisations at present, is the uncertainty of Wages Growth and Enterprise Agreements. The City has four Enterprise Agreements with the workforce, all of which have now expired, and are subject to negotiation. There is a risk that the outcomes of the negotiation are higher increases to salaries and wages than included in the draft 10 Year SFP.

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

There are several projects which have been subject to some investigation but are not included or only partially included as they do not have finalised plans adopted by Council.

The following projects are not yet included in the SFP:

- 1 Joondalup Performing Arts and Cultural Facility** – Council resolved in 2017 not to proceed with the proposals at that time. As requested by Council, the City will be re-evaluating this project in 2023-24, and until such time the project cannot be included in the draft 10 Year SFP due to the uncertainty of approval, cost or time.

- 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. This project is paused due to lack of resource.
- 3 **Percy Doyle Skate Park** – a business case has been presented to Council and the adopted budget for 2022-23 has approved \$200,000 to develop concept plans for new facilities at Percy Doyle Reserve. The outcomes of this will be presented back to Council and if approved the costs will be included.
- 4 **Urban Bike Trails** – a separate business case is being prepared and once this is presented and an option agreed this can also be included in future updates.
- 5 **Underground Power and Streetlighting Strategy** – Council resolved in December 2021 to adopt the project philosophy and parameters and advocacy position and to note the preliminary financial evaluation. The City is currently preparing two business cases to test the process, one project to convert an area from Western-Power owned street lights to City-owned street lights, and a separate business case to convert an area from overhead power to underground power. Once the business cases are presented, and if approved the SFP can be updated.
- 6 **Waste Regional Infrastructure** – the City continues to work with Mindarie Regional Council on evaluating changes to waste management in accordance with the State directives. This includes FOGO (Food Organics and Garden Organics) and Waste to Energy. These initiatives may result in requirement for investment, but this can only be determined once business cases are developed.
- 7 **Works Operations Centre (WOC) Tenure Review** –the City is currently reviewing options for changing the tenure for the WOC. This may involve a buy-out of the current lease arrangement, but this would provide ongoing annual savings. This can only be included in the SFP once there is some further certainty on the potential impacts and timing. This project is paused due to lack of resource.
- 8 **Woodvale Community Facilities** – a community needs and facility study was prepared by external consultants in 2020 which evaluated the proposals from adjacent landowner. While this project has the potential to provide some limited financial benefits there are significant community impacts that need considered and as the City has commenced an overall review of community facilities as part of a Social Needs and Feasibility Study. This project is paused due to lack of resource.
- 9 **Warwick Community Facilities** – a community needs and facility study was prepared in 2020 which evaluated the potential opportunity for consolidating the existing three buildings into one building which would provide recurring financial benefits and release surplus land. This project is paused due to lack of resource.
- 10 **Libraries and Community Development** – the City will be undertaking a review of library needs and community development, this may result in proposals that need to be included in the SFP at some future stage.
- 11 **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 in 2020. Further options are being prepared, an update to the financial evaluation and a business case. Once the business case has been adopted by Council the project can be included in the SFP.

- 12 **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 project plan has been prepared.
- 13 **Edgewater Quarry Masterplan** – Council noted the draft concept plans but did not progress it further.
- 14 **Coastal Hazard Risk Management and Adaption planning** – analysis currently being prepared.
- 15 **Ocean Reef Marina Commercial Development** – the City is currently preparing a business case for the development of commercial facilities, and potential public facilities, on the area referred to as the Club-site. This is dependent on the area being transferred to the City.
- 16 **Percy Doyle Master Plan** – values were included in previous versions of the SFP but these are considered mostly obsolete and were not adopted by Council.
- 17 **Duffy house** – City has taken responsibility for the maintenance of the building and has already undertaken some initial improvement of the site. A feasibility study has been prepared for potential uses of the site but no decision to proceed has been approved.
- 18 **Neil Hawkins Park redevelopment** – some of the infrastructure at the site is due for renewal within the next few years so this presents an opportunity to re-evaluate the opportunities for enhancing the park such as café / kiosk. Preliminary work has commenced on the options evaluation and business case, however this has been suspended until the land tenure options at the park are resolved.

As mentioned for several of the projects above, it is not intended to include the projects in the SFP until there is some greater certainty with the project, that is, a business case and a timeline. The City could attempt to include some indicative placeholders for these projects in the SFP so as to gauge the overall financial impacts if, or when, the projects are approved but this approach will create unrealistic expectations of project delivery, and therefore a project should only be included when there is a clear timeline and scope. As the SFP is updated annually there is sufficient opportunity each year for projects to be included as they progress.

It may appear to be a significant risk to the SFP to omit these projects if they are then subsequently included. However, the financial model has assessed the overall impacts to the City if the full pipeline was eventually included, albeit with indicative impacts for some projects. Ten of the 18 projects not yet included would provide a recurring financial benefit anyway so the eventual inclusion will improve the overall recurring financial projections. It is the critical assumptions (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**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for Report CJ180-10/22 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 27 September 2022.

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

- 1** NOTES the draft 10 Year Strategic Financial Plan 2022 (2021-22 to 2030-31) as at Attachment 2 to Report CJ180-10/22;
- 2** NOTES the Guiding Principles 2022 as included in Appendix 1 of Attachment 2 to Report CJ180-10/22.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach 15agn22 1018.pdf](#)

**C125-10/22                    COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION**

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

**CJ163-10/22, CJ167-10/22, CJ169-10/22, CJ171-10/22, CJ173-10/22, CJ174-10/22, CJ175-10/22 and CJ176-10/22.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

## REPORTS – CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE - 27 SEPTEMBER 2022

### Disclosure of Financial Interest

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Item No. / Subject</b>	CJ181-10/22 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

### Disclosure of interest affecting Impartiality

<b>Name / Position</b>	<b>Mr Jamie Parry, Director Governance and Strategy.</b>
<b>Item No. / Subject</b>	CJ181-10/22 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry's employment relationship with the Chief Executive Officer.

## CJ181-10/22 CONFIDENTIAL CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	74574, 108783
<b>ATTACHMENT</b>	Attachment 1 Chief Executive Officer Confidential Concluded Annual Performance Review Report Attachment 2 Chief Executive Officer KPI's for 2022-23 Attachment 3 Clauses 11-13 CEO Employment Contract  <i>(Please Note: The Report and Attachments are Confidential and will appear in the official Minute Book only)</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.

This Item was dealt with later in the meeting, after 'Motions of Which Previous Notice has been Given', page 156153 refers.



**Disclosure of Financial Interest**

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Item No. / Subject</b>	CJ182-10/22 – Confidential - Salary Review – Chief Executive Officer.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

**Disclosure of interest affecting Impartiality**

<b>Name / Position</b>	<b>Mr Jamie Parry, Director Governance and Strategy.</b>
<b>Item No. / Subject</b>	CJ182-10/22 – Confidential - Salary Review – Chief Executive Officer.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry's employment relationship with the Chief Executive Officer.

## CJ182-10/22      CONFIDENTIAL - SALARY REVIEW – CHIEF EXECUTIVE OFFICER

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	74574, 108783
<b>ATTACHMENTS</b>	Attachment 1      2022 Salaries and Allowances Tribunal determination (distributed under separate cover)  <i>(Please Note: The Report and Attachments are Confidential and will appear in the official Minute Book only.)</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.

---

This Item was dealt with later in the meeting, after 'Motions of Which Previous Notice has been Given', page 159 refers.

## REPORTS OF THE CHIEF EXECUTIVE OFFICER

Nil.

## URGENT BUSINESS

Nil.

## MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### Disclosure of Interest affecting Impartiality

<b>Name / Position</b>	<b>Mr Mat Humfrey, Director Corporate Services.</b>
<b>Item No. / Subject</b>	Notice of Motion No.1 – Cr Russ Fishwick – Renaming of Warwick Hockey Centre the Troy Pickard Hockey Centre.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Humfrey is a member of the Whitford Hockey Club.

C126-10/22

### **NOTICE OF MOTION NO.1 – CR RUSS FISHWICK – RENAMING OF WARWICK HOCKEY CENTRE THE TROY PICKARD HOCKEY CENTRE**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russ Fishwick has given notice of his intention to move the following Motion at the Council meeting to be held on 18 October 2022:

***That the Council REQUESTS the Chief Executive Officer to prepare a report for consideration at the 13 December 2022 meeting of Council on renaming the Warwick Hockey Centre the Troy Pickard Hockey Centre in honour of former City of Joondalup Mayor Troy Pickard.***

### REASON FOR MOTION

Troy Pickard was the Mayor of the City of Joondalup for 11 years from 2006 until 2017 and was an inspirational and passionate leader and a great ambassador for the City of Joondalup and local government.

Mayor Pickard accomplished and made significant contributions during his tenure and served the peak State and National local government bodies as President of Western Australian Local Government Association and President of the Australian Local Government Association.

His professional dealings with the media and large forums resulted in intelligent articulate and passionate commentary on whatever the topic of the day may be. In doing so he raised the profile of the City of Joondalup and local government, ensuring awareness of the roles, responsibilities, and the importance of this tier of government which is closest to the community.

As Mayor of the City of Joondalup, he championed investment in new community facilities across our City and secured State Government support for the Ocean Reef Marina and lobbied for commitments for other key City projects. He was tenacious in his approach in securing investment in our City from State and Federal Governments.

One of the projects that he was the catalyst for its development was the \$6.3 million Warwick Hockey Centre which was officially opened on Sunday 7<sup>th</sup> July 2017. The Centre features an international standard blue synthetic pitch, two grass pitches, clubroom facilities, floodlighting and a spectator viewing area.

The City of Joondalup funded \$4.5 million of the project and received \$1.2 million from the State Government through its Community Sporting and Recreation Facilities Fund, while Whitford Hockey Club contributed \$600,000.

Mayor Pickard was also a keen and enthusiastic hockey player and played with the Whitford Club. It would therefore be a fitting tribute to rename the Warwick Hockey Centre in acknowledgment of the achievements of our late former Mayor Troy Pickard accomplished for the City.



*Sport and Recreation Minister Mick Murray, Whitford Hockey Club Treasure David Moroney and Mayor Troy Pickard unveil the official plaque at the opening of the Warwick Hockey Stadium on 7<sup>th</sup> July 2017.*

#### **OFFICER'S COMMENT**

A report can be prepared.

**MOVED Cr Fishwick, SECONDED Mayor Jacob that Council REQUESTS the Chief Executive Officer to prepare a report for consideration at the 13 December 2022 meeting of Council on renaming the Warwick Hockey Centre the Troy Pickard Hockey Centre in honour of former City of Joondalup Mayor Troy Pickard.**

**The Motion was Put and**

**CARRIED (9/4)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Logan, May and McLean.

**Against the Motion:** Crs Kingston, Poliwka, Raftis and Thompson.

**C127-10/22                    MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC**

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

- 1** in accordance with Section 5.23(2)(a)(c) and (e)(ii) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following item:
  - 1.1** CJ177-10/22 - Perth Festival 2023 – Partnership Proposal;
  - 1.2** CJ181-10/22 – Chief Executive Officer Concluded Annual Performance Review;
  - 1.3** CJ182-10/22 – Salary Review – Chief Executive Officer;
  
- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Item CJ177-10/22 - Perth Festival 2023 – Partnership Proposal, while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
  - 2.1** Chief Executive Officer, Mr James Pearson;
  - 2.2** Director Corporate Services, Mr Mat Humfrey;
  - 2.3** Director Governance and Strategy, Mr Jamie Parry;
  - 2.4** Director Planning and Community Development, Mr Chris Leigh;
  - 2.5** Director Infrastructure Services, Mr Nico Claassen;
  - 2.6** Manager Economic Development and Advocacy, Mr Luke Willcock;
  - 2.7** Manager Governance, Mrs Kylie Bergmann;
  - 2.8** Coordinator Governance, Mrs Vivienne Stampalija;
  - 2.9** Governance Officer, Mrs Deborah Gouges;
  - 2.10** Governance Officer, Ms Avril Schadendorf;
  
- 3** **PERMITS** the following employees to remain in the Chamber during discussion on Item CJ181-10/22 – Chief Executive Officer Concluded Annual Performance Review while the meeting is sitting behind closed doors as detailed in Part 1.2 above:
  - 3.1** Chief Executive Officer, Mr James Pearson;
  - 3.2** Director Governance and Strategy, Mr Jamie Parry;
  - 3.3** Manager Governance, Mrs Kylie Bergmann;
  
- 4** **PERMITS** the following employees to remain in the Chamber during discussion on Item CJ182-10/22 – Salary Review – Chief Executive Officer while the meeting is sitting behind closed doors as detailed in Part 1.3 above:
  - 4.1** Director Governance and Strategy, Mr Jamie Parry;
  - 4.2** Manager Governance, Mrs Kylie Bergmann.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Community Development, Director Infrastructure Services, Manager Governance, Coordinator Governance and Governance Officers) and members of the public and press left the Chamber at this point; the time being 9.59pm.*

## CJ177-10/22      **CONFIDENTIAL - PERTH FESTIVAL 2023 - PARTNERSHIP PROPOSAL**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	110229, 101515
<b>ATTACHMENTS</b>	Attachment 1    Letter from Perth Festival Noongar Advisory Circle Attachment 2    Perth Festival <i>Djoondal</i> event presentation Attachment 3    Perth Festival event proposal Attachment 4    Perth Festival Marketing overview Attachment 5    Perth Festival budget details Attachment 6 <i>Djoondal</i> site plan Attachment 7    Perth Festival 2022 impact report Attachment 8    Perth Festival large-scale events summary
<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.

This report is confidential in accordance with Section 5.23(2)(c) and (e)(ii) of the *Local Government Act 1995*, Which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*
- (e)(ii) *a matter that if disclosed, would reveal information that has a commercial value to a person.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

### OFFICER'S RECOMMENDATION

That Council BY ABSOLUTE MAJORITY:

- 1      AGREES to partner with the Perth Festival to deliver '*Djoondal*' to be held on 10 February to 12 February 2023;
- 2      GIVES CONSIDERATION to provide a financial contribution to the hosting of the event '*Djoondal*' of an amount to the maximum of \$210,000 subject to:
  - 2.1    The event being held at Lot 1, Lake Joondalup, Yellagonga Regional Park (Pindar's Tree);

- 2.2 Perth Festival undertaking a comprehensive outreach with businesses in the event area to be involved in the event;
- 2.3 The Perth Festival entering a funding agreement with the City of Joondalup to include the following criteria (not limited):
  - 2.3.1 Logo on promotional material;
  - 2.3.2 event specific local, regional and state wide advertising;
  - 2.3.3 event specific program and activity signage;
  - 2.3.4 event webpage;
  - 2.3.5 Perth Festival Impact Report;
    - 2.3.5.1 Recognition on event specific media releases and publicity kit and social media promotions;
    - 2.3.5.2 Opportunity to provide 30 second TVC for rotation at Lotterywest Films;
    - 2.3.5.3 Verbal acknowledgment at launch of the event;
    - 2.3.5.4 Demonstrated evidence that the event brought visitors to the region and the impact on the local economy;
    - 2.3.5.5 Complimentary ticketing to Perth Festival events;
- 3 APPROVES the funding detailed in Part 2 above be charged to the Arts Development Scheme, noting adjustment being required at 2022-23 Mid Year Budget Review.

*The Governance Officer entered the Chamber at 10.01pm.*

*Cr Hamilton-Prime left the Chamber at 10.18pm and returned at 10.19pm.*

*The Governance Officer left the Chamber at 10.28pm and returned at 10.32pm.*

**MOVED Cr Thompson, SECONDED Cr Poliwka that Council BY ABSOLUTE MAJORITY:**

- 1 **AGREES to partner with the Perth Festival to deliver ‘Djoondal’ to be held on 10 February to 12 February 2023;**
- 2 **GIVES CONSIDERATION to provide a financial contribution to the hosting of the event ‘Djoondal’ of an amount to the maximum of \$210,000 subject to:**
  - 2.1 **The event being held at Lot 1, Lake Joondalup, Yellagonga Regional Park (Pindar’s Tree);**
  - 2.2 **Perth Festival undertaking a comprehensive outreach with businesses in the event area on how they can be involved in the event, including pre event entertainment and a drop off/pick up location within the City Centre;**
  - 2.3 **The Perth Festival entering a funding agreement with the City of Joondalup to include the following criteria (not limited):**
    - 2.3.1 **Logo on promotional material;**
    - 2.3.2 **event specific local, regional and state wide advertising;**
    - 2.3.3 **event specific program and activity signage;**

- 2.3.4 event webpage;
- 2.3.5 Perth Festival Impact Report:
  - 2.3.5.1 Recognition on event specific media releases and publicity kit and social media promotions;
  - 2.3.5.2 Opportunity to provide 30 second TVC for rotation at Lotterywest Films;
  - 2.3.5.3 Verbal acknowledgment at launch of the event;
  - 2.3.5.4 Demonstrated evidence that the event brought visitors to the region and the impact on the local economy;
  - 2.3.5.5 Complimentary ticketing to Perth Festival events;

- 3 APPROVES the funding detailed in Part 2 above be charged to the Arts Development Scheme, noting adjustment being required at 2022-23 Mid Year Budget Review.**

**The Motion was Put and**

**CARRIED (11/2)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Kingston, May, McLean, Poliwka, Raftis and Thompson.

**Against the Motion:** Crs Jones and Logan.

*The Director Corporate Services, Director Planning and Community Development, Director Infrastructure Services, Coordinator Governance and Governance Officers left the Chamber at 10.46pm.*



**Disclosure of Financial Interest**

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Item No. / Subject</b>	CJ181-10/22 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

**Disclosure of interest affecting Impartiality**

<b>Name / Position</b>	<b>Mr Jamie Parry, Director Governance and Strategy.</b>
<b>Item No. / Subject</b>	CJ181-10/22 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry’s employment relationship with the Chief Executive Officer.

## CJ181-10/22      CONFIDENTIAL    CHIEF   EXECUTIVE   OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	74574, 108783
<b>ATTACHMENT</b>	Attachment 1    Chief Executive Officer Confidential Concluded Annual Performance Review Report Attachment 2    Chief Executive Officer KPI’s for 2022-23 Attachment 3    Clauses 11-13 CEO Employment Contract  (Please Note:    The Report and Attachments are Confidential and will appear in the official Minute Book only)
<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.

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, Which permits the meeting to be closed to the public for business relating to the following:

(a)    a matter affecting an employee or employees.

A full report was provided to Elected Members under separate cover. The report is not for publication.

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

- 1 **ADOPTS the Chief Executive Officer Recruitment and Performance Review Committee's Confidential Concluded Annual Performance Review Report as in Attachment 1 to Report CJ181-10/22 and endorses the overall rating of "met or exceeded the performance requirements" set by Council for the period ending 30 June 2022;**
- 2 **ADOPTS the Key Performance Indicators for the 2022-23 review period as detailed in Attachment 2 to Report CJ181-10/22;**
- 3 **REQUESTS the Chief Executive Officer prepare a report on the potential development of efficiency and effectiveness measures for the City of Joondalup services.**

**AMENDMENT MOVED Cr Raftis, SECONDED Cr Poliwka that an additional Part BE ADDED to the Motion to read as follows:**

- "4 *REQUESTS the Chief Executive Officer prepare a report providing clarity:*
- 4.1 *with regard to clause 11.6(b) of the Chief Executive Officer Employment Contract which refers to Elected Members addressing their views on the "CEO's performance of his or her duties under this contract" and how it enables Elected Members to refer to performance of those duties which are referred to in clauses 3.1 to 3.3 ("CEO Duties") as part of their review, whilst then having the review conducted by the Chief Executive Officer Recruitment and Performance Review Committee limited under clause 11.6(c) to judging the Chief Executive Officer's performance "against the Key Performance Indicators current during the relevant period of review";*
  - 4.2 *on the process for the ongoing review of the Chief Executive Officer's performance under clause 11.12 of the Chief Executive Officer Employment Contract and the potential for the above review of duties under the contract to be conducted by the Chief Executive Officer Recruitment and Performance Review Committee under this clause."*

**The Amendment was Put and**

**LOST (4/9)**

**In favour of the Amendment:** Crs Kingston, Poliwka, Raftis and Thompson.

**Against the Amendment:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Logan, May and McLean.

It was requested if Part 3 of the Motion could be voted on separately.

**That Council:**

- 1 **ADOPTS the Chief Executive Officer Recruitment and Performance Review Committee's Confidential Concluded Annual Performance Review Report as in Attachment 1 to Report CJ181-10/22 and endorses the overall rating of "met or exceeded the performance requirements" set by Council for the period ending 30 June 2022;**
- 2 **ADOPTS the Key Performance Indicators for the 2022-23 review period as detailed in Attachment 2 to Report CJ181-10/22;**

**The Motion was Put and**

**CARRIED (10/3)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Logan, May, McLean and Thompson.

**Against the Motion:** Crs, Kingston, Poliwka and Raftis.

**That Council:**

- 3 REQUESTS the Chief Executive Officer prepare a report on the potential development of efficiency and effectiveness measures for the City of Joondalup services.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

**Disclosure of Financial Interest**

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Item No. / Subject</b>	CJ182-10/22 – Confidential - Salary Review – Chief Executive Officer.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

**Disclosure of interest affecting Impartiality**

<b>Name / Position</b>	<b>Mr Jamie Parry, Director Governance and Strategy.</b>
<b>Item No. / Subject</b>	CJ182-10/22 – Confidential - Salary Review – Chief Executive Officer.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry's employment relationship with the Chief Executive Officer.

*The Chief Executive Officer left the Chamber at 11.06pm.*

## **CJ182-10/22      CONFIDENTIAL - SALARY REVIEW – CHIEF EXECUTIVE OFFICER**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	74574, 108783
<b>ATTACHMENTS</b>	Attachment 1      2022 Salaries and Allowances Tribunal determination (distributed under separate cover)  <i>(Please Note: The Report and Attachments are Confidential and will appear in the official Minute Book only.)</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.

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, Which permits the meeting to be closed to the public for business relating to the following:

(a) *a matter affecting an employee or employees.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

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

- 1 ACKNOWLEDGES that the Salaries and Allowances Tribunal has determined (7 April 2022) that the Local Government Band Classifications have been increased by 2.5% effective from 1 July 2022;**
- 2 ADOPTS the Chief Executive Officer’s total reward package for the 2022 salary review to be an increase of 5.7% being \$381,107 effective from 1 July 2022.**

**The Motion was Put and**

**CARRIED (8/5)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Logan, May and McLean.  
**Against the Motion:** Crs Jones, Kingston, Poliwka, Raftis and Thompson.

**C128-10/22                    MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC**

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

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Doors opened at 11.11pm.*

*No members of the public or press were present.*

*The Chief Executive Officer, Director Corporate Services, Director Planning and Community Development, Director Infrastructure Services and Coordinator Governance entered the Chamber at 11.11pm.*

**C129-10/22                    MOTION TO RESUME ORDER OF BUSINESS**

**MOVED Mayor Jacob, SECONDED Cr Hill that Council RESUMES the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

## **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Cr Raftis signalled his intention to submit a Notice of Motion to the Council Meeting to be held on Tuesday 15 November 2022, in relation to making the SAR Agreements publicly available.

## **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 11.12pm the following Elected Members being present at that time:

HON. ALBERT JACOB, JP  
CR TOM MCLEAN, JP  
CR ADRIAN HILL  
CR NIGE JONES  
CR DANIEL KINGSTON  
CR RUSSELL POLIWKA  
CR CHRISTOPHER MAY  
CR SUZANNE THOMPSON  
CR RUSS FISHWICK, JP  
CR JOHN RAFTIS  
CR CHRISTINE HAMILTON-PRIME, JP  
CR JOHN LOGAN  
CR JOHN CHESTER