

# agenda

## Briefing Session

A BRIEFING SESSION WILL BE HELD IN  
CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

**ON** TUESDAY, 10 MARCH 2015

**COMMENCING AT** 6.30pm

**GARRY HUNT**  
Chief Executive Officer  
6 March 2015

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

*This document is available in alternate formats upon request*



**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on **Tuesday, 10 March 2015**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

### INTRODUCTION

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

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

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

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

### PURPOSE OF BRIEFING SESSIONS

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

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

### PROCEDURES FOR BRIEFING SESSIONS

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

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate among Elected Members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Briefing Session. When disclosing an interest the following is suggested:
  - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's *Code of Conduct*.
  - (b) Elected Members disclosing a financial interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
  - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 11 Elected Members have the opportunity to request the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Briefing Session.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

### Questions asked verbally

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

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.

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

#### **DISCLAIMER**

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

### **PROCEDURES FOR PUBLIC STATEMENT TIME**

The following procedures for the conduct of Public Statement Time at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

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

### **PROCEDURES FOR DEPUTATIONS**

- 1 Prior to the agenda of a Briefing Session being discussed by Elected Members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.
- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer by 4.00pm on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to matters listed on the agenda of the Briefing Session.
- 4 Other requirements for deputations are to be in accordance with clause 5.10 of the *City of Joondalup Meeting Procedures Local Law 2013* in respect of deputations to a committee.

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

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

## TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
1	<b>OPEN AND WELCOME</b>		x
2	<b>DECLARATIONS OF FINANCIAL INTEREST /INTEREST THAT MAY AFFECT IMPARTIALITY</b>		x
3	<b>DEPUTATIONS</b>		x
4	<b>PUBLIC QUESTION TIME</b>		x
5	<b>PUBLIC STATEMENT TIME</b>		x
6	<b>APOLOGIES AND LEAVE OF ABSENCE</b>		x
7	<b>REPORTS</b>		1
1	DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – JANUARY 2015 – [07032]	All	1
2	ACCESS AND INCLUSION PLAN 2015-2017 – [71568]	All	6
3	RETROSPECTIVE CAR PARK ADDITION TO EDITH COWAN UNIVERSITY, LOT 504 (270) JOONDALUP DRIVE, JOONDALUP – RECONSIDERATION FOLLOWING STATE ADMINISTRATIVE TRIBUNAL MEDIATION – [05802]	North	13
4	PROPOSED INCREASE TO PATRON NUMBERS FOR RECREATION CENTRE AT LOT 11 (21) JOONDALUP DRIVE, EDGEWATER – [104437]	North-Central	23
5	REQUEST TO NAME PUBLIC OPEN SPACE - BURNS BEACH – [01474]	North	31
6	SCHEME AMENDMENT NO. 73 - LOCAL HOUSING STRATEGY IMPLEMENTATION - CONSIDERATION FOLLOWING PUBLIC CONSULTATION – [103924]	All	38
7	YELLAGONGA INTEGRATED CATCHMENT MANAGEMENT PLAN 2015-2019 – [72568]	All	53
8	EXECUTION OF DOCUMENTS – [15876]	All	58
9	STATUS OF PETITIONS – [05386]	All	60
10	PETITION OF ELECTORS IN RELATION TO RESIDENTIAL PARKING PERMITS IN JOONDALUP CBD – [24185]	North	63
11	PROPOSED PARKING LOCAL LAW AMENDMENT – [24185]	All	67
12	LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2015 – [09882]	All	72
13	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2015 – [07882]	All	75
14	TENDER 041/14 - PROVISION OF MEDIAN AND VERGE MOWING TO NOMINATED LOCATIONS IN ZONE 1 - NORTH (KINROSS BOUNDARY TO OCEAN REEF ROAD) – [104613]	North	78

ITEM NO.	TITLE	WARD	PAGE NO.
15	TENDER 046/14 PROVISION OF MEDIAN AND VERGE MOWING TO NOMINATED LOCATIONS IN ZONE 2 - CENTRAL (OCEAN REEF ROAD TO HEPBURN AVENUE) – [104745]	North-Central, Central	84
16	TENDER 047/14 PROVISION OF MEDIAN AND VERGE MOWING TO NOMINATED LOCATIONS IN ZONE 3 - SOUTH (HEPBURN AVENUE TO BEACH ROAD) – [104744]	South-West, South-East and South	90
17	TENDER 044/14 BUILDING MINOR WORKS AND MAINTENANCE OF VALUE LESS THAN \$100,000 – [104708]	All	96
18	REQUEST FOR ADDITIONAL SUBSIDIES - FACILITY HIRE SUBSIDY POLICY – [101271]	All	103
19	PETITION OF ELECTORS IN RELATION TO DOGS BEING ALLOWED INTO CRAIGIE OPEN SPACE – [44236]	Central	111
20	PETITION OF ELECTORS REQUESTING IMPROVEMENT TO FACILITIES AT GRANADILLA PARK, DUNCRAIG – [08096]	South	114
	<b>REPORTS – STRATEGIC FINANCIAL MANAGEMENT COMMITTEE – 3 MARCH 2015</b>		119
21	CONFIDENTIAL - CITY OF JOONDALUP FREEHOLD LAND - LOTS 200, 201 AND 202 KANANGRA CRESCENT, GREENWOOD – [63627]	South-East	119
22	CONFIDENTIAL - STATUS REPORT ON CITY FREEHOLD PROPERTIES PROPOSED FOR DISPOSAL INCLUDING THE PROPOSED ACQUISITION OF LOT 12223 (12) BLACKWATTLE PARADE, PADBURY – [63627]	All	120
23	CONFIDENTIAL - PINNAROO POINT CAFÉ/KIOSK - EXPRESSION OF INTEREST – [102656]	South-West	121
8	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>		122
9	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		122
10	<b>REPORTS REQUESTED BY ELECTED MEMBERS</b>		122
11	<b>CLOSURE</b>		122

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

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

[AdditionalInformation100315.pdf](#)

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

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 10 March 2015** commencing at **6.30pm**.

### **ORDER OF BUSINESS**

- 1 OPEN AND WELCOME**
  
- 2 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**
  
- 3 DEPUTATIONS**
  
- 4 PUBLIC QUESTION TIME**
  
- 5 PUBLIC STATEMENT TIME**
  
- 6 APOLOGIES AND LEAVE OF ABSENCE**

#### **Leave of Absence previously approved**

Cr Mike Norman	21 March to 28 March 2015 inclusive;
Cr Liam Gobbert	14 March to 22 March 2015 inclusive;
Cr Geoff Amphlett, JP	2 May to 10 May 2015 inclusive;
Cr Brian Corr	26 May to 26 June 2015 inclusive.

## 7 REPORTS

### ITEM 1 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – JANUARY 2015

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07032, 101515
<b>ATTACHMENTS</b>	Attachment 1 Monthly Development Applications Determined – January 2015 Attachment 2 Monthly Subdivision Applications Processed – January 2015 Attachment 3 Monthly Building R-Code Applications Decision – January 2015
<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.

#### EXECUTIVE SUMMARY

Clause 8.6 of *District Planning Scheme No. 2* (DPS2) allows Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, *Residential Design Codes* (R-Code) applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed on a two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies the following applications determined by the administration with delegated authority powers during January 2015 (Attachments 1, 2 and 3 refer):

- 1 Planning applications (applications for planning approval (development applications) and R-Code applications).
- 2 Subdivision applications.
- 3 Building R-Code applications.

**BACKGROUND**

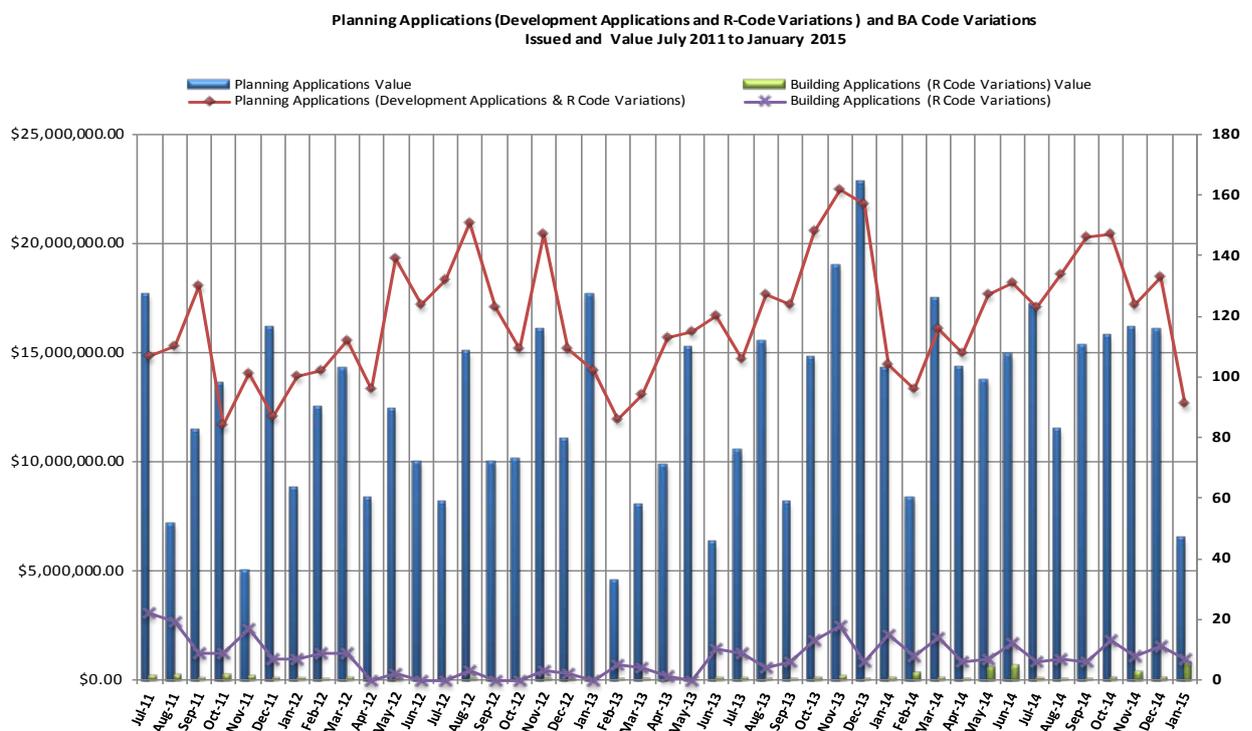
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 21 October 2014 (CJ180-10/14 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority manual.

**DETAILS**

The number of applications determined under delegated authority during January 2015, is shown in the table below:

Applications determined under delegated authority – January 2015		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	91	\$ 6,455,502
Building applications (R-Codes applications)	7	\$778,399
<b>TOTAL</b>	<b>98</b>	<b>\$ 7,233,901</b>

The total number and value of planning and building R-Code applications determined between July 2011 and January 2015 is illustrated in the graph below:



The number of planning applications received during January was 93. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of planning applications current at the end of January was 292. Of these, 71 were pending additional information from applicants, and 46 were being advertised for public comment.

In addition to the above, 182 building permits were issued during the month of January with an estimated construction value of \$27,848,660.

The number of subdivision and strata subdivision referrals processed under delegated authority during January 2015 is shown in the table below:

<b>Subdivision referrals processed under delegated authority for January 2015</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	6	11
Strata subdivision applications	1	4

#### **Issues and options considered**

Not applicable.

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

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

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

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

Clause 8.6 of DPS2 permits development control functions to be delegated to persons or committees. 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 98 applications were determined for the month of January with a total amount of \$36,645 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

Of the 91 planning applications determined during January 2015 consultation was undertaken for 33 of those applications. R-Codes applications for assessment against the applicable Design Principles (previously known as Performance Criteria), which are made as part of building applications, are required to include comments from adjoining landowners. Where these comments are not provided, the application will remain the subject of an R-Codes application, but be dealt with by Planning Approvals. The seven subdivision applications processed during January 2015 were not advertised for public comment.

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to this Report during January 2015;**
- 2 Subdivision applications described in Attachment 2 to this Report during January 2015;**
- 3 Building Residential Design Code applications described in Attachment 3 to this Report during January 2015.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf100315.pdf](#)*

**ITEM 2                      ACCESS AND INCLUSION PLAN 2015-2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	71568, 101515
<b>ATTACHMENT</b>	Attachment 1      City of Joondalup Access and Inclusion Plan 2015-2017
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to endorse the *Access and Inclusion Plan 2015-2017*.

**EXECUTIVE SUMMARY**

The *Disability Services Act 1993* (the Act), requires public authorities to ensure that their services, buildings and information are accessible to people with disabilities. Actions and strategies relating to access are required to be managed by an Access and Inclusion Plan (AIP).

The City's *Access and Inclusion Plan 2012-2014* expired in December 2014 and a new Access and Inclusion Plan for the period 2015-2017 has been prepared. Council endorsement of this plan is sought, prior to submitting the plan to the Disability Services Commission (DSC). The format of the AIP in terms of the outcomes and reporting requirements is provided in template form by the DSC and this is the format that the City's proposed new AIP follows.

It is therefore recommended that Council adopts the *Access and Inclusion Plan 2015-2017*.

**BACKGROUND**

The Act requires public authorities to ensure their services, buildings and information are accessible to people with disabilities. This is managed through an AIP.

The City recognises that diverse members of the community experience access and inclusion issues. These members include people with disabilities and their families and carers; people from diverse backgrounds and cultures; the elderly; and people who experience other access and inclusion issues, such as parents with prams.

To include all elements of the local community, the City has developed an AIP that incorporates and expands upon the standard seven outcome requirements as determined by the Disability Services Commission. The City's AIP has an additional outcome that focuses on the area of community education. The outcome areas provide a framework for translating the principles and objectives of the Act into tangible and achievable results. The eight desired outcomes of the City's AIP are as follows:

- 1 People with disability and from culturally and linguistically diverse (CaLD) backgrounds have the same opportunities as other people to access the services of, and any events organised by the City.
- 2 People with disability have the same opportunities as other people to access the buildings and other facilities of the City.
- 3 People with disability and from CaLD backgrounds receive information from the City in a format that will enable them to access the information, as readily as other people are able to access it.
- 4 People with disability and people from CaLD backgrounds receive the same level and quality of service from the staff of the City as other people receive from the staff of the City.
- 5 People with disability and people from CaLD backgrounds have the same opportunities as other people to make complaints to the City.
- 6 People with disability and people from CaLD backgrounds have the same opportunities as other people to participate in public consultation by the City.
- 7 People with disability and people from CaLD backgrounds have the same opportunities as other people to be employed by the City.
- 8 Provide information, opportunities and encouragement to raise awareness in the community regarding disability, access and inclusion.

In accordance with requirements of the Act, the City's AIP will continue to be reviewed at least every five years. The format of the AIP in terms of the outcomes and reporting requirements is provided in template form by the DSC and this is the format that the City's proposed new AIP follows.

An *Access and Inclusion Implementation Plan 2015-2017* will be developed to ensure that the desired outcomes of the AIP are translated into practical and measurable actions. This will be an internal City document and will outline which business unit area will be responsible for each action.

Planning for the future is imperative since the number of people with access and inclusion requirements is predicted to increase significantly over the next 15 years. The City wants residents to be able to live in the City of Joondalup for as long as they wish to do so, and to enable people of all abilities to continue to participate successfully in local community life.

## **DETAILS**

Four point two million Australians (18.5%) reported having a disability in the Survey of Disability, Ageing and Carers (SDAC) conducted by the Australian Bureau of Statistics in 2012. The study considers disability to include any impairments, activity limitations and participation restrictions which impede everyday activities for a period of at least six months. The survey further determined that at this time 2.7 million unpaid carers were providing assistance to family or friends in need of help due to disability or age.

Of the just under one in five Australians (18.5%) who reported that they have a disability, 88% had an impairment that restricted "*their ability to perform communication, mobility or self care activities, or a restriction associated with schooling or employment*" (Australian Bureau of Statistics, 2011).

The likelihood of having or acquiring a disability increases with age. For example 87% of people aged 90 years and over have some form of disability, whereas in the population group aged between 0-4 years only 3.7% of people have a disability.

In 15 years time the number of West Australians with a disability is expected to increase from just fewer than one in five people (18.5%) to one in four people (25%). Much of this expected increase can be attributed to the ageing population, particularly the baby boomers, developing disabilities after the age of 65 years. The needs of this population group are considered as part of both the City's draft *Access and Inclusion Plan 2015-2017* and *Community Development Plan 2015-2020*.

Based on figures sourced from Survey of Disability, Ageing and Carers 2012 (ABS), 24,600 or 14.68% of the population in the City of Joondalup currently have a core activity limitation associated with communication, mobility or self-care for which they require regular assistance. A further 5,800 people or 3.4% of the population have a disability that restricts schooling or employment opportunities but do not limit their daily core activities.

The outcome areas of the *Access and Inclusion Plan 2015-2017* are consistent with those of the *Access and Inclusion Plan 2012-2014*, as are the majority of the overarching strategies that support these.

The City provides a progress report to Disability Services Commission (DSC) annually on the progress of the AIP. The reporting format is set out by DSC and includes a table to indicate the progress of the outcome areas in number format. The final report for the *Access and Inclusion Plan 2012-2014*, submitted to DSC in July 2014, is outlined below:

	<b>Number of strategies/ initiatives planned</b> (Strategies/ initiatives planned whether implemented or not).	<b>Strategies/ initiatives completed</b> (Strategies / initiatives that were completed. Include on-going strategies).	<b>Overall how effective have your completed strategies/initiatives been in enhancing access and inclusion on a scale of 1-4?</b>  Please rate each completed strategy / initiatives using the rating scale below.																	
<b>Outcome 1</b>	21	21	3	3	3	3	3	3	3	3	3	3	4	3	3	3	3	3	3	3
			3	3	3	1														
<b>Outcome 2</b>	26	22	3	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
			3	3	3	3	3													
<b>Outcome 3</b>	18	16	4	3	3	2	2	3	3	3	3	3	3	3	3	4	3	3	3	
<b>Outcome 4</b>	3	2	3	3																
<b>Outcome 5</b>	2	2	3	3																
<b>Outcome 6</b>	4	4	3	3	3	3														
<b>Outcome 7</b> (Raise community awareness of access & inclusion)	11	10	2	3	3	3	3	3	3	3	3	3	3							
<b>Outcome 8</b> (Employment & Recruitment)	13	13	3	3	3	3	3	3	3	3	3	1	4	3	3	3				

Some of the main highlights achieved during the implementation of the *Access and Inclusion Plan 2012-2014* include the following:

- A grant of \$43,780 from the Disability Services Commission was sourced to implement the Bits and Bytes project in partnership with WESTN Inc. and a working group of local disability stakeholders. The Bits and Bytes project involved the creation and implementation of a local individualised training program, where 90 adults with a disability developed important life skills in relation to computer technologies alongside other members of the local community. This project is ongoing.
- Two intensive Disability Awareness Training sessions held annually for staff professional development and customer service improvement.
- Significant upgrade works were undertaken at the front entrance of the Craigie Leisure Centre to improve customer access to the facility.
- Coordination and active participation in the northern suburbs Disability Interagency Networking Opportunity (DINO) working group, hosting twelve information and networking sessions which were well attended by local disability stakeholders.
- Provided a total of \$36,450 to 18 local community groups and organisations through the Community Funding Program, in support of projects and activities aimed at increasing the social inclusion and participation of people with a disability and people from CaLD backgrounds.
- AIP objectives were incorporated into the new Strategic Community Plan *Joondalup 2022*, Digital Strategy and Walkability Plan.
- Feedback in relation to access and inclusion was incorporated into the facility upgrade and redevelopment plans for Admiral Park, Hawker Park, Timberlane and Penistone Park Clubrooms, Iluka Sports Complex, Tom Simpson Park and the Beaumaris Community Centre.
- An access and inclusion induction was provided to all new staff members, with 24 training sessions taking place between 2012 and 2014.
- Fifteen people with a disability or from a culturally and linguistically diverse background undertook work experience placements within the City.
- Purchase of emergency evacuation wheelchairs for the City's administration building, Joondalup Library and Civic Chambers.
- As part of the staged implementation of the City's Walkability Plan, new tactile ground indicators have been installed at three locations within the Joondalup CBD, speed limits have been reviewed at key locations to reduce risk to pedestrian movement, and preliminary work has begun on the development of a new signage strategy.
- Significant access upgrades carried out at Delamere Park, Currambine and Mawson Park, Hillarys.

### **Issues and options considered**

Council can either:

- adopt the new *Access and Inclusion Plan 2015-2017*  
or
- not adopt the new *Access and Inclusion Plan 2015-2017*.

The City is required by the *Disability Services Act 1993*, to have an Access and Inclusion Plan that ensures its services, buildings and information are accessible to people with disabilities.

Non-adherence to the relevant legislative requirements could result in action against the City by the Disability Services Commission, the Australian Human Rights Commission and individuals. Given this, it is recommended that Council adopt the new *Access and Inclusion Plan 2015-2017*.

## Legislation / Strategic Community Plan / policy implications

### Legislation

*Disability Services Act 1993.*  
*Equal Opportunity Act 1994.*  
*Disability Discrimination Act 1992 (Cwth).*  
*Carers Recognition Act 2004.*  
*Access to Premises Standards (2010).*

### Strategic Community Plan

#### Key theme

Community Wellbeing.

#### Objective

Quality facilities, Community spirit and Community safety.

#### Strategic initiative

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

Understand the demographic context of local communities to support effective facility planning.

Build a community that works in partnership with government and non-government organisations to achieve real and long lasting improvements in safety and wellbeing.

Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

Promote and support the needs of disadvantaged communities.

### Policy

*Access and Equity Policy.*  
*Community Consultation and Engagement Policy.*

### Risk management considerations

It is a legislative requirement that the City has an Access and Inclusion Plan. Non-adherence to the relevant legislative requirements could result in action against the City by the Disability Services Commission, the Australian Human Rights Commission and individuals.

### Financial / budget implications

It is expected that there will be budget implications in respect to the implementation of the *Access and Inclusion Plan 2015-2017*, particularly with regard to accessibility improvements to City facilities. Improvements to City facilities will be subject to the requirements of the (disability) Access to Premises Standards, and will need to be considered during the determination of future capital works budgets.

Any new projects and/or activities that emanate from the plan will be encapsulated within the relevant annual business and budgetary planning processes undertaken by the City. This provides for decision-making on resource allocations to be made as part of the overall budget process on an annual basis.

External grant funding and partnership opportunities will be sought for programs and projects that align with actions in the *Access and Inclusion Implementation Plan 2015-2017*.

## Regional significance

Not applicable.

## Sustainability implications

In planning for better access the City positions itself as a strong and progressive local government, responsive to the changing needs of its local community as well as national and state government legislative and policy requirements.

Aside from ethical considerations, everyone benefits from improved accessibility which enhances opportunities for all residents to access information, facilities, local businesses, employment, education, events and services, and to connect with the broader community.

Accessibility equates to usability and supports the efficiency and effectiveness of customer service delivery to the maximum number of current and future residents. A focus on increasing accessibility improves a city's 'liveability' and enables people to comfortably remain in, and contribute to, their local community throughout their life cycle irrespective of ability.

## Consultation

Targeted consultation took place during November and December 2014 for the purpose of determining priority areas of focus for the new *Access and Inclusion Plan 2015-2017*.

The consultation process was designed to maximise input from a range of organisations, groups, individuals and local residents likely to be affected by, or have an interest in the development of a new Access and Inclusion Plan.

The methodology included development of a survey instrument and individual interviews with interested community members.

The consultation was advertised in community newspapers, customer service centres, libraries and on the City's website. Surveys were also distributed upon request to the general public and in soft copy form to the following groups and organisations:

- Culturally and Linguistically Diverse (CaLD) organisations and interest groups including the Northern Suburbs Multicultural Reference Group (NOMUC) membership.
- Disability service providers and community groups including the northern suburbs Disability Interagency Networking Opportunity group membership which comprises agencies such as Community Vision, the Centre for Cerebral Palsy, Intework, Carers WA, Disability Services Local Area Coordinators.
- Older people through local seniors clubs.
- Young people through the City's youth website and Facebook page.

Thirty eight surveys were completed as part of the consultation.

Feedback from this process indicates that while progress has definitely been made in relation to improving access and inclusion, much can still be done to improve the quality of life for City residents, in particular through:

- more effective planning to meet access and inclusion needs in the community
- better community education about access and inclusion barriers and benefits, for example education on good parking practices, such as not parking on footpaths as it blocks access

- increased promotion of City services that have been adapted or created to enhance inclusion
- improvements and upgrades to older facilities, services and buildings, particularly those with high patronage such as libraries and customer service centres

The feedback received from the consultation has been incorporated into the development of new targets for the *Access and Inclusion Plan 2015-2017* and the corresponding implementation plan.

## COMMENT

The City continues to comply with the Disability Services Commission legislative requirements and the new *Access and Inclusion Plan 2015-2017* provides an opportunity to document the continuation of programs and practices already being undertaken by the City.

Planning for the future is imperative since the number of people with access and inclusion requirements is predicted to significantly increase over the next 15 years. The *Access and Inclusion Plan 2015-2017* will enable the City to address issues of access and inclusion in a strategic manner, in line with identified community priorities and a planned allocation of resources.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 ADOPTS the *Access and Inclusion Plan 2015-2017* forming Attachment 1 to this Report;**
- 2 SUBMITS the approved *Access and Inclusion Plan 2015-2017* to the Disability Services Commission.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf100315.pdf](#)

### **ITEM 3                    RETROSPECTIVE CAR PARK ADDITION TO EDITH COWAN UNIVERSITY, LOT 504 (270) JOONDALUP DRIVE, JOONDALUP – RECONSIDERATION FOLLOWING STATE ADMINISTRATIVE TRIBUNAL MEDIATION**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	05802, 101515
<b>ATTACHMENT</b>	Attachment 1    Location plan Attachment 2    Alternative car park concept plan Attachment 3    Previously approved development plans
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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#### **PURPOSE**

For Council to reconsider conditions imposed on the retrospective development approval issued for a car park addition to Edith Cowan University at Lot 504 (207) Joondalup Drive, Joondalup following State Administrative Tribunal (SAT) mediation.

#### **EXECUTIVE SUMMARY**

At its meeting held on 24 June 2014 (CJ083-06/14 refers), Council considered a retrospective application for planning approval for a 186 bay car park addition to the north-western corner of the Edith Cowan University site, adjacent to the intersection of Joondalup Drive and Grand Boulevard.

The development was approved subject to a number of conditions, including conditions 2.2 and 2.6 which read as follows:

*“2.2    The lodging of detailed landscape plans for approval to the satisfaction of the City for car parking areas the subject of this application, specifically:*

*2.2.1    The landscape strip areas inside the property boundary abutting Joondalup Drive and Grand Boulevard;*

*2.2.2    One shade tree per four car bays for the two middle car park rows;*

2.6 *the 23 car bays currently located within three metres of the Grand Boulevard boundary are to be reconfigured from a perpendicular parking arrangement to a parallel parking arrangement and are to set back from the lot boundary to the satisfaction of the City, to enable the creation of additional area for the purposes of landscaping between the car parking bays and the lot boundary. This area between the Grand Boulevard boundary and the car park shall be designed, developed and maintained as landscaping of a sufficient height and density to screen the car park from the street, to the satisfaction of the City. Details of the modifications to the car park and landscaping shall be submitted to the City for approval within 30 days of the date of this decision, and works shall be completed within 60 days of the City's approval."*

The proponent sought a review through the SAT of Council's decision and the above conditions. The SAT has subsequently invited Council to reconsider its decision in light of an alternative car park concept plan and further information received during the SAT mediation process.

The alternative car park concept plan proposes that fifteen existing perpendicular parking bays be removed and replaced with six parallel parking bays to enable a greater landscaping strip width to be provided along the lot boundary. However, the applicant has not proposed additional shade trees for the two middle car parking rows as required under condition 2.2, citing issues relating to CCTV surveillance coverage, irrigation and because they consider the car park to be temporary.

It is considered that the proposed reconfiguration of the car park will facilitate the provision of sufficient landscaping to screen the car park from the street. As such, it is recommended that condition 2.6 be amended to reflect this proposed reconfiguration. As the applicant will not be able to undertake the required modifications to the car park until the semester break in June 2015, it is considered appropriate to advise the applicant that these works be completed within 120 days from the date of the City's approval, rather than 60 days as previously required by this condition.

The City considers that the issues relating to CCTV surveillance and irrigation are not insurmountable. Therefore, the lack of shade trees within the two middle car park rows is only considered acceptable subject to the car park being time limited. However, the applicant has confirmed that they are not willing to support a condition requiring the removal of the car park within a specified timeframe as they are unable to commit to a date when the car park will be made redundant to their needs. As the current ratio of one shade tree per 31 car bays is not considered sufficient to soften the appearance of the car park from the street or provide adequate shade and shelter, it is considered that condition 2.2 remains appropriate and should not be modified.

It is therefore recommended that Council vary its previous decision by replacing condition 2.6 with the alternative wording set out in the recommendation section below.

## **BACKGROUND**

<b>Suburb/Location</b>	Lot 504 (270) Joondalup Drive, Joondalup.
<b>Applicant</b>	Dennis Nguyen.
<b>Owner</b>	Edith Cowan University.
<b>Zoning</b>	<b>DPS</b> Centre. <b>MRS</b> Central City Area.
<b>Site area</b>	9.2918 Hectares.
<b>Structure plan</b>	<i>Joondalup City Centre Development Plan and Manual.</i> <i>Draft Joondalup City Centre Structure Plan.</i>

Edith Cowan University is located within the southern portion of the Joondalup Centre City area. The subject site is bound by Kendrew Crescent to the north, Joondalup Drive to the south-west, Grand Boulevard to the north-west and Lakeside Drive to the east. The car park that is the subject of this application is located in the north-western corner of the university campus, adjacent to the intersection of Hodges Drive/Grand Boulevard and Joondalup Drive (Attachment 1 refers).

The site is zoned 'Centre' under the *City of Joondalup District Planning Scheme No. 2* (DPS2) and is subject to the provisions of the *Joondalup City Centre Development Plan and Manual* (JCCDPM). Under the JCCDPM the site is located within the 'Campus' district. In addition to the requirements of the JCCDPM, regard is also required to be given to the draft *Joondalup City Centre Structure Plan* (JCCSP) where the site is subject to the provisions of the 'City Fringe' district.

Edith Cowan University has prepared a Joondalup Campus Master Plan that details the building pads for future buildings and an indicative staging plan to help guide all future major development at the campus. Under this master plan, the subject car park is considered to be temporary as the site is designated as having a landmark building established on it in the future. However, there is currently no fixed timeframe for the development of this building.

The subject 186 bay car park was constructed in early 2011 prior to receiving the necessary approvals from the City. A retrospective application for development approval was presented to Council at its meeting held on 24 June 2014 (CJ083-06/14 refers). The proposed development was approved subject to a number of conditions, including conditions 2.2 and 2.6 which read as follows:

- "2.2 The lodging of detailed landscape plans for approval to the satisfaction of the City for car parking areas the subject of this application, specifically:*
- 2.2.1 The landscape strip areas inside the property boundary abutting Joondalup Drive and Grand Boulevard;*
- 2.2.2 One shade tree per four car bays for the two middle car park rows;*
- 2.6 the 23 car bays currently located within three metres of the Grand Boulevard boundary are to be reconfigured from a perpendicular parking arrangement to a parallel parking arrangement and are to set back from the lot boundary to the satisfaction of the City, to enable the creation of additional area for the purposes of landscaping between the car parking bays and the lot boundary. This area between the Grand Boulevard boundary and the car park shall be designed, developed and maintained as landscaping of a sufficient height and density to screen the car park from the street, to the satisfaction of the City. Details of the modifications to the car park and landscaping shall be submitted to the City for approval within 30 days of the date of this decision, and works shall be completed within 60 days of the City's approval."*

The applicant subsequently lodged an application for review of conditions 2.2 and 2.6 above. Through the SAT mediation process, the applicant has provided further information and amended plans and the City has been invited to reconsider its decision in light of this information and the proposed modifications.

## DETAILS

The car park currently satisfies all of the requirements of DPS2, the JCCDPM and the draft JCCSP with the exception of the width of the landscape strip adjacent to Grand Boulevard and the number of shade trees provided for the car park. Conditions 2.2 and 2.6 of the abovementioned approval were applied to address these areas of non-compliance. Pursuant to the provisions of the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005* the applicant has sought a review of these conditions through the SAT.

An amended car park plan has been provided to the City as a result of the SAT process (Attachment 2 refers). This plan indicates that 15 perpendicular car bays will be removed and replaced with six parallel bays, with only three perpendicular bays remaining with a setback less than three metres to the lot boundary adjacent to Grand Boulevard.

The above reconfiguration of the car park has been put forward by the applicant as part of a proposal that includes an agreement not to provide shade trees in the two middle car park rows. In support of this, the applicant has provided a letter outlining the impracticality of providing these additional shade trees, as is summarised below:

*“Urbis, on behalf of ECU, have investigated the existing CCTV camera layout to identify potential planting locations for trees. From the assessment it is apparent that the coverage of CCTV in the northern portion of the car park is good, whilst coverage in the southern portion is poor. The area to the south where the camera coverage is limited would not be able to accommodate any additional planting.*

*Landscape architects have advised that any trees within the central island would not be feasible without a permanent irrigation supply. There is no irrigation source in the vicinity of the subject area and it would not be feasible to bring it to the site for the purpose of any trees in the centre island...*

*Finally, it is noted that the entire car park area is considered to be ‘temporary’ as the site is designated as having a landmark building established on it in the future. On this basis, it is expected that trees will not have time to mature to a point where they are providing viable shade, before they are required to be removed.”*

### Issues and options considered

Council, in reconsidering its previous decision in accordance with section 31 of the *State Administrative Tribunal Act 2004* has the discretion to:

- affirm the decision
- vary the decision
- or
- set aside the decision and substitute its new decision.

It should be noted that the overall development itself has been previously granted approval and is not the subject of this report. This request relates only to the reconsideration of certain conditions. As such, Council may essentially choose to either retain the conditions as imposed on its previous approval, or to vary that decision by applying new or substitute conditions.

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

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2. State Administrative Tribunal Act 2004.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Building and landscape is suitable for the immediate environment and reflect community values.
<b>Policy</b>	<i>Development Proposals before the State Administrative Tribunal Policy.</i>

*City of Joondalup District Planning Scheme No. 2*

Clause 4.5 of DPS2 allows standards or requirements to be varied by Council.

**4.5 Variations to site and development standards and requirements**

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
  - (b) *Have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
  - (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Clause 4.12 of DPS2 sets out the landscaping requirements for non residential buildings.

#### 4.12 *Landscaping Requirements for Non Residential Buildings*

4.12.1 *A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.*

4.12.2 *When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area of the total development site referred to in the previous subclause.*

4.12.3 *Landscaping shall be carried out on all those areas of a development site which are not approved for buildings accessways, storage purposes or a car parking with the exception that shade street shall be planted and maintained by the owners in car parking areas at the rate of one tree for every four (4) car parking bays, to the Council satisfaction.*

Clause 6.8 of DPS2 sets out the matters to be considered by Council when determining an application for planning approval.

#### 6.8 *Matters to be considered by Council*

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent;*
- (k) *any other matter which in the opinion of the Council is relevant.*

Section 31 of the *State Administrative Tribunal Act 2004* sets out:

31. *Tribunal may invite decision-maker to reconsider decision*

- (1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may:*
  - (a) *affirm the decision; or*
  - (b) *vary the decision; or*
  - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.*

*Development Proposals before the State Administrative Tribunal Policy*

The City's *Development Proposals before the State Administrative Tribunal Policy* deals with the high level principles under which development proposals before the SAT should be considered by the City to inform administrative processes and procedures.

The objective of this policy is as follows:

*To ensure that development matters that are brought before the State Administrative Tribunal and involve the City of Joondalup, are dealt with in an open and accountable manner.*

**Risk management considerations**

The proponents are currently exercising their right of review against conditions imposed through Council's previous decision, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. Should Council resolve to retain the current conditions of approval as imposed, or to apply alternate conditions that are not satisfactory to the applicant, the matter will continue to proceed through the SAT process.

**Financial / budget implications**

The applicant paid \$2,250 (excluding GST) in accordance with the City's *Schedule of Fees and Charges*, to cover all costs associated with assessing the original application for the development.

No additional fees were paid for the reconsideration of this proposal.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

## Consultation

The initial proposal was not advertised for public comment as the variations to DPS2 were not considered to impact the surrounding landowners. As such, no consultation was undertaken with regard to the amended plans provided through the SAT process.

## COMMENT

The applicant seeks a review of two conditions applied to the retrospective approval granted for a 186 bay car park at Edith Cowan University, Joondalup in light of amended plans and further justification received during the SAT mediation process.

### Landscape Strip

DPS2 requires a three metre wide landscape strip to be designed, developed and maintained to the satisfaction of the City where a car parking area abuts a street. However, the existing car park features a landscape strip that varies in width from nil to 28 metres along the Grand Boulevard frontage. As parts of the landscape strip were not considered wide enough to adequately screen the car park from the street without the aid of verge vegetation, the car park was approved subject to condition 2.6. This condition required the 23 car bays currently located within three metres of the Grand Boulevard boundary to be reconfigured to enable the creation of additional areas of landscaping.

The applicant has provided an amended car parking concept plan proposing that 15 perpendicular bays be replaced with six parallel bays, enabling a landscape strip of at least three metres in width to be constructed along the lot boundary adjacent to these parallel bays. While a small area of landscaping will have a minimum width of 1.6 metres, which is less than the three metres required under DPS2, this area will be wide enough to provide landscaping to screen this part of the car park. For the most part, the DPS2 requirement for a three metre wide landscape strip has now been met. It is, therefore, considered that this reconfiguration will enable the creation of an area of landscaping within the lot boundary that will adequately screen the car park from the street. As such, it is recommended that condition 2.6 be amended to reflect this proposed reconfiguration.

It is important to note that, under the *Planning and Development Act 2005*, the City may only give written direction for works to be executed to an unauthorised development. Therefore, the part of condition 2.6 that details the timeframe for the required works to the car park to be undertaken has been removed and repositioned as an advice note. As the applicant has stated that the above modifications to the car park cannot be completed until the semester break in June, it is considered appropriate to advise that the works be completed within 120 days from the date of the City's approval, rather than 60 days as previously required by this condition.

### Shade Trees

Condition 2.2 requires the provision of one shade tree per four car bays in the two middle car park rows, resulting in a rate of one tree per 9.3 bays for the site. The City recognises that the provision of these shade trees will have consequences for the current CCTV surveillance coverage and requires a permanent irrigation supply to be established in the central islands. However, the need for additional CCTV cameras and the instillation of irrigation is not considered an adequate justification for not providing shade trees to the car park.

The applicant has also stated that the car park is temporary and that as a result the shade trees may never mature to a point where they can provide adequate shade and shelter to the car park. It is important to note that the City requires all car park shade trees to be advanced trees, with a minimum height of 1.5 metres. Therefore, an immediate level of shade and visual amenity would be provided to the two middle car park rows with the provision of these shade trees.

The claim that the car park is temporary is supported by the University's Joondalup Campus Master Plan, which designates the site as having a landmark building established on it in the future. However, there is currently no requirement for the car park to be removed within a specified period of time. The City has discussed with the applicant the possibility of granting only a temporary approval for the car park, which would ensure it was removed within a specified timeframe. However, the applicant has confirmed that they are not supportive of such a condition as they are unable to commit to a specific timeframe for the development of this landmark building and, therefore, cannot guarantee when the car park will be surplus to their needs.

Given the applicant is unwilling to support a temporary approval for the car park and the inclusion of shade trees will provide immediate benefit in terms of shade and improved visual amenity from Grand Boulevard, it is not considered appropriate to remove condition 2.2 from the approval. Furthermore, without this condition, shade trees will only be provided at a rate of one tree per 31 bays. This ratio is not considered sufficient to reduce the impact of the car park on the street interface or provide adequate shade and shelter to users of the car park.

It is therefore considered that the requirement for one shade tree per four car bays to be provided for the two middle car park rows is necessary and that condition 2.2 should not be modified.

### Conclusion

It is recommended that Council, pursuant to section 31 of the *State Administrative Tribunal Act 2004*, vary its previous decision by replacing condition 2.6 with the alternative wording set out in the recommendation below.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

**1 Pursuant to section 31 of the *State Administrative Tribunal Act 2004* VARIES its decision of 24 June 2014, deleting condition 2.6, and replacing this condition as follows:**

**“2.6 The 15 northernmost car bays currently located within three metres of the Grand Boulevard boundary are to be reconfigured from a perpendicular parking arrangement to a parallel parking arrangement and are to be set back a minimum of three metres from the lot boundary, as indicated on the Alternative Car Park Concept plan;”;**

- 2 ADVISES the applicant that all other conditions of approval as set out in the decision letter for approval DA10/1242 dated 14 July 2014 remain effective;**
- 3 ADVISES the applicant that the area between the Grand Boulevard boundary and the car park shall be designed, developed and maintained as landscaping of a sufficient height and density to screen the car park from the street, to the satisfaction of the City. Details of the modifications to the car park and landscaping shall be submitted to the City for approval within 30 days of the date of this decision, and works shall be completed within 120 days from the date of the City's approval.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf100315.pdf](#)*

## **ITEM 4                    PROPOSED INCREASE TO PATRON NUMBERS FOR RECREATION CENTRE AT LOT 11 (21) JOONDALUP DRIVE, EDGEWATER**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	104437, 101515
<b>ATTACHMENT</b>	Attachment 1    Location plan Attachment 2    Development plans
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to determine an application for an increase in patron numbers for a 'Recreation Centre' at Lot 11 (21) Joondalup Drive, Edgewater.

### **EXECUTIVE SUMMARY**

An application has been received to increase the number of persons permitted at any given time at a 'Recreation Centre' at Lot 11 (21) Joondalup Drive, Edgewater.

The site is zoned 'Urban' under the Metropolitan Region Scheme and 'Business' under the *City of Joondalup District Planning Scheme No. 2 (DPS2)* and is more commonly referred to as "Joondalup Gate". The land use 'Recreation Centre' is a discretionary "D" use within the 'Business' zone.

The subject site is also subject to the provisions of the draft *Joondalup City Centre Structure Plan (JCCSP)* where it falls within the 'Gateway' district. Due regard is given to this document as a 'seriously entertained planning proposal.' Under the draft JCCSP, the provisions specific to the district are the same as those for the 'Business' zone under DPS2.

The proposed increase in patron numbers from 100 persons to 140 persons will increase the amount of car parking required to accommodate the overall development. This will increase the existing car parking shortfall at the site from 68 bays to 94 bays or 36% under the current car parking standards under DPS2. Under Amendment No. 65 to DPS2 (Amendment No. 65), the car parking standard for 'Showroom' is proposed to be reduced. If this amended car parking standard was to be applied to the overall development which consists of a number of showrooms and pharmacy, a 46 bay shortfall would result. A reciprocal parking and access agreement is currently in place over 218 car bays located on a portion of Lot 10, being the former 'Bunnings' site.

It is considered that the increase in numbers to the recreation centre is appropriate in this instance given the reciprocity between the subject tenancy and existing land uses and between the subject site and Lot 10 adjoining the development.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 11 (21) Joondalup Drive, Edgewater.
<b>Applicant</b>	TPG Town Planning and Urban Design.
<b>Owner</b>	Joondalup Gate Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Business.
	<b>MRS</b> Urban.
<b>Site area</b>	1.07 ha.
<b>Structure plan</b>	Draft <i>Joondalup City Centre Structure Plan</i> .

The subject site, commonly referred to as “Joondalup Gate” is bound by Ocean Reef Road to the south, Joondalup Drive to the east, the former Bunnings site to the west and an existing substation to the north (Attachment 1 refers).

The site consists of three buildings identified as S1, S2 and S3, with ‘Showrooms’ being the dominant use class within these. At its meeting held on 20 August 2013 (CJ151-08/13 refers), Council resolved to support an application for a change of use within tenancy five in building S2 from showroom to medical centre and shop (pharmacy). This change in use resulted in a car parking shortfall of 68 bays or 28.82%.

An application for a change of use from ‘Showroom’ to ‘Recreation Centre’ was subsequently approved under delegated authority on 15 August 2014 within tenancies eight to 14, in building S2. That application sought to change the land use for the purposes of a 24 hour gymnasium. A condition of approval was placed over the development limiting the tenancy to a maximum of 100 persons in attendance at any one time. This application warranted the same amount of car parking as required for a showroom development, and as such did not result in any changes to the existing car parking shortfall.

### Amendment No. 65

Scheme Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by updating and modernising standards; correcting minor deficiencies and anomalies; and introducing provisions which will provide clarity and certainty for applicants and decision makers. In relation to this development, it is noted that the car parking standard for ‘Showrooms’ is proposed to be modified.

As the amendment has been adopted by Council at its meeting held on 25 June 2013 (CJ088-06/13 refers) and forwarded to the Department of Planning, it has been given due regard during the assessment of this application as a ‘seriously entertained planning proposal’.

## DETAILS

The application seeks approval to increase the number of persons permitted within an approved ‘Recreation Centre’ (Attachment 2 refers). The subject tenancy, which is located within tenancies eight to 14 of building S2 at “Joondalup Gate”, currently has approval for a maximum of 100 persons to occupy the gymnasium at any given time. This application seeks to increase the number of persons permitted to 140.

The applicant advises however that it is expected that an average of approximately 55 females and 45 males would utilise the gym through regular trading hours, with the numbers generally spread over a 24 hour period. The gymnasium itself incorporates the following facilities:

- An indoor group training room with capacity for 40 persons.
- An indoor cycle room with capacity for 31 persons.
- An indoor crèche with an expected occupancy of 10 to 15 persons.
- Main gym area with capacity for up to 100 persons.
- Toilet and change room facilities.
- Front lobby and reception area.

The increase in the number of persons proposed to utilise the gym will require a higher number of car parking bays and will result in an increase to the existing car parking shortfall across the site. The site however is subject to a reciprocal right of access and parking agreement with the adjoining Lot 10, being the former Bunnings site. This agreement relates to 218 bays of the 336 bays on Lot 10. Upon applying the current car parking standards contained within DPS2 and the proposed parking standards contained within Amendment No. 65, the following car parking requirements would result:

Building number (NLA)	Land use	Car parking required under DPS2	Car parking required under Amendment No. 65
S1 (1,566m <sup>2</sup> ) (T2 – T3)	Showroom (1:30m <sup>2</sup> NLA)	52.2	31.32
S2 (1,230m <sup>2</sup> ) (T6 – T7)		40.82	24.5
S3 (603m <sup>2</sup> ) (T16 – T18)		20.26	12.06
S2 – T5	Medical centre 1,472m <sup>2</sup> 5 per practitioner (15 practitioners) Shop (Pharmacy) 7 per 100m <sup>2</sup> Shop 100m <sup>2</sup>	85  7	85  5
<b>S2 – T8 – T14</b>	<b>RECREATION CENTRE</b> 1: 2.5 persons based on facility capacity 140 person capacity	<b>56</b>	<b>56</b>
		261.28 (262)	213.88 (214)
<b>TOTAL BAYS PROVIDED ON LOT 11</b>		<b>168</b> (94 bay shortfall)	<b>168</b> (46 bay shortfall)
Lot 10 – Hardware Store		288	288
<b>TOTAL BAYS PROVIDED ON LOT 10</b>		<b>336</b> (48 bay surplus)	<b>336</b> (48 bay surplus)
Total bays required for Lot 11 and Lot 10		550	497
<b>TOTAL BAYS PROVIDED (LOT 11 &amp; LOT 10)</b>		<b>504</b> (46 bay shortfall)	<b>504</b> (7 bay surplus)

The proposed increase in patronage will increase the car parking shortfall under DPS2 across the subject site, resulting in a 94 bay shortfall (36%). It is noted that in applying the car parking standards under Amendment No. 65, the 'Recreation Centre' would result in a car parking shortfall of 46 car bays (21.4%). Given the reciprocal agreement in place between Lot 11, being the subject site and Lot 10, due regard has also been given to the number of car bays required to accommodate the developments on both sites.

Should the current DPS2 car parking standards be applied, a car parking shortfall of 46 bays (8.3%) results across the two sites. However a surplus of seven bays results across the two lots upon applying the car parking standards of Amendment No. 65.

### Issues and options considered

Council is required to consider whether the proposed car parking shortfall is appropriate or not.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- refuse the application
- or
- defer determination of the application if it is considered that additional information or a more detailed investigation of the proposal is required.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Building and landscape is suitable for the immediate environment and reflect community values.
<b>Policy</b>	Not applicable.

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

Clause 4.5 of DPS2 allows for certain standards and requirements of the scheme to be varied by Council.

#### **4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

*4.5.1 Except for development in respect of which the Residential Design Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*

- (c) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
- (d) have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (c) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (d) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Clause 4.8 of DPS2 sets out the requirements for the provision of car parking.

#### 4.8 CAR PARKING STANDARDS

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

Clause 6.8 sets out the matters to be considered by Council when determining an application for planning approval.

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

### **Risk management considerations**

The proponent 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 \$147 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

As the application is for an increase in the number of persons accommodated within a recreation centre only there are not considered to be any sustainability implications.

### **Consultation**

The application was advertised to one adjoining land owner, being the owner of the adjoining Lot 10, for a period of 21 days from 20 January 2015 to 10 February 2015. No submissions were received.

### **COMMENT**

The application seeks approval for an increase in the number of persons permitted to attend a 'Recreation Centre.' The 24 hour gymnasium was approved by the City on 15 August 2014 within tenancies eight to 14. As part of that application, approval was sought and granted for a maximum of 100 persons to utilise the gymnasium. The number of persons approved under that application did not result in any changes to the existing number of car bays required at the site. The maximum number of persons is now proposed to increase to 140. This number will result in an increase to the existing car parking shortfall at the subject site from 68 bays to 94 bays (36%).

Council is required to determine whether the 168 car bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 168 car parking bays is appropriate
- determine that the provision of 168 car parking bays is not appropriate  
or
- determine that a cash-in-lieu payment of \$34,323 per bay is required for the shortfall in car parking being \$3.22 million for the 94 car bay shortfall as a result of this development. This is discussed further below.

The 'Recreation Centre' is occupied by an established fitness chain who will occupy the space for the purposes of a 24 hour gym. It is anticipated that the average patronage will be approximately 55 females and 45 males. Typically uses of this nature generate a peak trading period prior to and after the standard working hours of 9.00am to 5.00pm.

The subject site currently consists of a number of 'Showroom' tenancies and most recently the addition of a 17 practitioner 'Medical Centre' and 'Shop' (pharmacy) approved by Council at its meeting held on 20 August 2013 (CJ151-08/13 refers). In considering the subject site as whole, it would be expected that the gym would predominantly reach capacity at times when the remaining showroom developments would either not be open for trading or not be at capacity. It is noted that during those peak evening periods when the showrooms are closed, sufficient car parking would be available at the subject site to accommodate both the 'Medical Centre' and 'Recreation Centre' during peak evening periods. In addition, should the parking standards set out in Amendment No. 65 be applied, the overall car parking shortfall would be less, resulting in a shortfall of 46 bays (21.4%).

While the car parking shortfall exceeds the requirements of both DPS2 and Amendment No. 65, the proposed development has also been considered with due regard to the adjoining Lot 10, being the currently vacant site previously occupied by the Bunnings hardware store. The two sites are party to a reciprocal parking and access agreement which allows Joondalup Gate car parking rights over 218 car bays. Legal advice provided by the applicant states that the subject site "...is entitled to have the car bays within the easement area considered when determining whether there are adequate bays available."

The adjoining Lot 10 has a valid planning approval for 'Hardware Store' which is based on a car parking standard of one bay per 30m<sup>2</sup> Net Lettable Area (NLA). The site has been vacant for a period of approximately two years and no development applications have been received by the City for consideration during that time. It is considered unlikely that a land use would operate at the former hardware store at an intensity that would require a more onerous car parking standard than the 1 per 30m<sup>2</sup> NLA currently approved. In considering the current car parking standard applicable to the hardware store and the car parking standards proposed under Amendment No. 65, an overall surplus in car parking of seven bays will result across Lots 10 and 11.

Should the application be approved and cash-in-lieu payment required, an amount of \$3,226,362 will be payable. Any cash funds received must be used by the City to provide for additional parking in the immediate locality. However, given the reciprocity between land uses and the provision of sufficient car parking across both the subject site and the adjoining Lot 10 to service the development, it is considered that sufficient parking is provided to cater for the proposed increase in patronage at the recreation centre.

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

## **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1 EXERCISES** discretion under clauses 4.5.1 and 4.8 of the *City of Joondalup District Planning Scheme No. 2* and determines that:
  - 1.1** Car parking provision of 168 bays in lieu of 262 bays,  
is appropriate in this instance;
- 2 APPROVES** under Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval, dated 1 September 2014, submitted by TPG – Town Planning, Urban Design & Heritage, the applicant, on behalf of the owners, Joondalup Gate Pty Ltd for an increase to patron numbers to a Recreation Centre at Lot 11 (21) Joondalup Drive, Edgewater subject to the following condition:
  - 2.1** A maximum of 140 persons, including employees, shall be permitted on the premises at any given time.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf100315.pdf](#)

## **ITEM 5                      REQUEST TO NAME PUBLIC OPEN SPACE - BURNS BEACH**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	01474, 101515
<b>ATTACHMENT</b>	Attachment 1    Location plan Attachment 2    Location plan with allocation of proposed names (Confidential Attachment) Attachment 3    Nominee information (Confidential Attachment) <i>(Please Note: Attachments 2 and 3 are confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

### **PURPOSE**

For Council to consider a request to name three areas of public open space, or future streets, within the Burns Beach development after late members of the Burns Beach Property Trust.

### **EXECUTIVE SUMMARY**

Peet Limited, on behalf of the Burns Beach Property Trust, has requested consideration of a proposal to name three parks within the Burns Beach area in honour of three of its late members. As an alternative, the proposal also requests consideration of the names for future streets within the estate. The request outlines a brief history of the life achievements for each of the nominees.

Two of the three areas of public open space that have been suggested already have names allocated (Southport and Beachside Parks) with the third area of public open space still to be developed. It is usual procedure that once the City has a management order over a portion of public open space, formal naming approval is applied for through the Geographic Names Committee.

In accordance with the City's *Naming of Public Facilities Policy*, it is preferred that public open space be named after an adjacent street for ease of identification. Southport and Beachside Parks currently conform with this policy. Any departure from this policy is referred to Council for consideration. All park and street naming proposals must be approved by Landgate's Geographic Names Committee, which has a set of policies and standards for geographical naming in Western Australia.

Although it is acknowledged that the nominated people have a long association with the Burns Beach Property Trust, in this instance, it is not considered that the proposal meets the criteria set out in the City's *Naming of Public Facilities Policy* or the Geographic Names Committee guidelines.

*It is therefore recommended that Council does NOT SUPPORT the proposal to name three public open space areas or future streets within Burns Beach after late members of the Burns Beach Property Trust as shown at Attachment 3 (Confidential Attachment) as the proposal does not meet the criteria of City Policy – Naming of Public Facilities, or the Geographic Names Committee – Policies and Standards for Geographical Naming in Western Australia.*

## BACKGROUND

<b>Suburb/Location</b>	Beachside Park - Reserve 51149 (63) Beachside Drive, Burns Beach. Southport Park – Reserve 48839 (29) Southport Loop, Burns Beach. 'POS 3' (not yet developed) – north of Reefview Rise, Burns Beach.
<b>Applicant</b>	Peet Limited.
<b>Owner</b>	Crown Land.
<b>Zoning</b>	<b>DPS</b> Urban Development.
	<b>MRS</b> Urban.
<b>Site area</b>	Beachside Park: 6,447m <sup>2</sup> . Southport Park: 7,114m <sup>2</sup> . 'POS 3': 4,700m <sup>2</sup> (approximately).
<b>Structure plan</b>	<i>Burns Beach Structure Plan.</i>

## DETAILS

Peet Limited, on behalf of the Unitholders Advisory Committee of the Burns Beach Property Trust, has requested the City to consider a proposal to name three parks within the Burns Beach area in honour of three of its late members.

The location of the parks is shown at Attachment 1 with the proposed allocation of names to the parks shown at Attachment 2 (Confidential Attachment). The names of the nominated individuals as well as the applicant's outline of the nominees' involvement with the Burns Beach area and brief history of the achievements of each person is shown at Attachment 3 (Confidential Attachment).

The following justification is provided as part of the request:

*Their involvement at Burns Beach goes back to late 1969 when a syndicate was being put together to acquire the 1,614 acre property that was at that time farmed by the Hall family. Over 600 people invested in this large syndicate and five people were named as Trustees to act in the best interests of the 600+ investors. They were three of the five Trustees and served as Trustees and members of the Unitholders Advisory Committee until 2013.*

*The syndicate comprised mostly "Mums and Dads" and also a number of farmers from Quairading, a wheat belt farming community... They encouraged many locals to invest for their future retirement in this beachside development which had so much potential, albeit many years down the track. The Quairading group purchased 84 of the 807 syndicate interests.*

*Although the original projections for the development were based on a start five years from the acquisition of the property, it was in fact 20 years before the first blocks were marketed. This was the beginning of the Kinross suburb.*

*The original promoter of the syndicate retired in 1976, and Peet Ltd were appointed as the Project Managers. (The Nominees) played key roles during this changeover including arranging finance, an investment structure and an operating structure during the time of a severe credit squeeze. (One of the Nominees) provided unsecured finance for several months to assist cash flow difficulties. The Trustees from this time on met regularly to ensure development was handled in a timely way and in strict accordance with Council and Environment conditions.*

*(The Nominees) arranged and chaired the annual meetings of our members and we regularly had attendances of 150-200. It was becoming like a family and everyone seemed to take a special interest in seeing the Burns Beach area take shape. They considered that all syndicate investors should have an opportunity to express their point of view. They were paid a nominal fee for their services.*

*They dedicated their lives to many community activities and they supported to the hilt our vision of building a quality suburb with modern planning and all the necessary amenities. Their community service attitude can be further gauged from the summary below of their various involvements with community activities.”*

### **Issues and options considered**

The issue to be considered by Council is the assessment of the proposed names against the City’s and the Geographic Names Committee’s naming policies.

The options available to Council in considering the request are to:

- support the use of the proposed names to name the suggested parks and advertise the proposal for public comment
- support the use of the proposed names to name future streets and advertise the proposal for public comment  
or
- not support the use of the proposed names.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Adopt consistent principles in the management and provision of urban community infrastructure.

**Policy** Geographic Names Committee - *Policies and Standards for Geographical naming in Western Australia.*  
*Naming of Public Facilities Policy.*

Geographic Names Committee - Policies and Standards for Geographical naming in Western Australia

The above guidelines state in part:

*“6.2 Naming of parks or reserves under 1ha*

*Names commemorating or construed to be commemorating living persons shall not be considered for parks or reserves with an area over 1ha.*

*If a park or reserve is to be named in honour of a person, they should have either had a direct long-term association with the area, or have made a significant contribution to the area of the proposed park or reserve, or the State. Association or contribution can include:*

- Two or more terms of office on a local government council;*
- Twenty or more years association with a local community group or service club;*
- Twenty or more years of association or service with a local or State government agency or organisation;*
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community or area;*
- Service to the community or organisation must have been voluntary; and*
- Given and surname combinations may be acceptable.*

*Former ownership of land is not an acceptable reason for proposing a name, unless previous criteria apply.”*

*“6.4 Renaming of parks and reserves*

*Names chosen for parks and reserves are expected to be enduring, the renaming of these features is discouraged. If the renaming of a park or reserve is proposed due to exceptional circumstances, the request shall be put to the GNC (Geographic Names Committee) for consideration where the merits of the submission will be evaluated.*

*Evidence of substantial community support for and change of name must be provided.”*

In regard to the naming of streets, the guidelines state:

*3.8.1 Use of personal names*

*Proposals to assign a name to commemorate an individual shall only be considered if:*

- such application is in the public interest;*
- there is evidence of broad community support for the proposal;*
- the person has been deceased for at least two years;*
- where the applicant requesting the new name is not an immediate relative, written permission of the family is obtained;*
- the person being honoured by the naming has had either some direct and long-term association, 20 or more years, with the feature or has made a significant contribution to the area in which it is located;*
- the proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is located. If the person has not been directly associated with the area the name shall not be considered.*

As for parks, the guidelines state that prior or current ownership of land does not confer the right or entitlement to apply a commemorative name to a street.

#### City Policy – Naming of Public Facilities

The above policy states:

- *“the City supports a consistent approach to the naming of public facilities within its district which is guided by State Government standards. As such, the naming of all City streets, reserves and buildings shall be named in accordance with Landgate’s Geographic Names Committee Guidelines*
- *that parks and reserves shall be named after an adjacent boundary road, where possible, to facilitate ease of identification*
- *Notwithstanding the approach outlined above, exceptions may be permitted with the prior approval of Council.”*

#### **Risk management considerations**

There is a risk that supporting park or street names that are not in accordance with the relevant naming guidelines and policies will set a precedent for other requests in the future.

In the event that Council supports the proposed park/street names, these may not be supported by the Geographic Names Committee.

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

The Geographic Names Committee guidelines require that there be broad community support for the proposal. Public advertising of the proposal would therefore need to be undertaken which is likely to cost approximately \$5,000, but would be covered by the applicant.

Should Council and the Geographic Names Committee support the proposed park names, two parks would be renamed and signage would need to be replaced to reflect the new names at an approximate cost of \$1,490 per sign.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

Not applicable.

#### **Consultation**

In the event that Council supports the proposed park/street names, community consultation would be undertaken to assess the community support for the proposal, as outlined by the Geographic Names Committee guidelines, and would include:

- notifying residents within 100 metres of the parks in writing
- notifying the Burns Beach Ratepayers Association
- a notice placed in the *Joondalup Weekender*
- a sign placed on each park
- a notice on the City’s website.

Any consultation would be carried out by the City at the cost of the applicant.

## COMMENT

From the information provided, it is clear that the nominated individuals had a long association with Burns Beach via the Burns Beach Property Trust. Consideration of the proposed names against the Geographic Names Committee guidelines is provided below:

- *Two or more terms of office on a local government council:*

Not applicable.

- *Twenty or more years association with a local community group or service club:*

The information provided outlines various involvements in community groups in country Western Australia and metropolitan areas of Perth. It is considered that 'local' could reasonably mean within the (now) City of Joondalup. In this instance the nominees' community involvement does not include activities within the City.

- *Twenty or more years of association or service with a local or State government agency or organisation:*

Not applicable.

- *Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community or area:*

While it could be interpreted that the development of the Burns Beach estate has provided substantial long-term improvements for the community, it is considered that this guideline is more applicable to the championing of or for natural areas or a specific facility (a community centre), rather than a residential development.

- *Former ownership of land is not an acceptable reason for proposing a name, unless previous criteria apply:*

The nominated individuals were part of the Burns Beach Property Trust, the owners of the Burns Beach estate land.

Overall, while the efforts of the nominated people in promoting the development of Burns Beach and the Burns Beach Property Trust is recognised, it is not considered that the proposed naming meets the City's *Naming of Public Facilities Policy*, or meets the criteria established by the Geographic Names Committee. It is therefore recommended that the proposed naming not be supported for the naming of parks or streets within Burns Beach.

In the event that Council supports the proposed park names, it is required that there be broad community support as outlined by the Geographic Names Committee guidelines, requiring community consultation to be undertaken. A further report to Council would be required to outline the results of the community consultation.

## VOTING REQUIREMENTS

Simple Majority.

**RECOMMENDATION**

**That Council does NOT SUPPORT the proposal to name three public open space areas or future streets within Burns Beach after late members of the Burns Beach Property Trust as shown at Attachment 3 (Confidential Attachment) as the proposal does not meet the criteria of City's *Naming of Public Facilities Policy*, or the Geographic Names Committee – *Policies and Standards for Geographical Naming in Western Australia*.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf100315.pdf](#)*

## **ITEM 6                    SCHEME AMENDMENT NO. 73 - LOCAL HOUSING STRATEGY IMPLEMENTATION - CONSIDERATION FOLLOWING PUBLIC CONSULTATION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	103924, 101515
<b>ATTACHMENTS</b>	Attachment 1    Advertised scheme amendment wording Attachment 2    Proposed coding changes for Housing Opportunity Areas with modifications Attachment 3    Existing coding with amendment areas and scheme amendment coding for amendment areas with modifications Attachment 4    Proposed scheme amendment zoning changes Attachment 5    Proposed scheme amendment text with modifications Attachment 6    Schedule of submissions Attachment 7    Consent to advertise from Western Australian Planning Commission Attachment 8    Scheme amendment process flowchart
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider the adoption of proposed Scheme Amendment No. 73 to *District Planning Scheme No. 2 (DPS2)* following public consultation.

### **EXECUTIVE SUMMARY**

The City's *Local Housing Strategy (LHS)* contains seven recommendations.

Some of the recommendations will be implemented via this amendment to DPS2 as they need to be applied to development at subdivision stage. Subdivision applications are determined by the Western Australian Planning Commission (WAPC) and provisions relating to subdivision must be incorporated into DPS2 in order for them to be able to be implemented effectively - ahead and independently of the development application and/or building approval processes.

Other recommendations are not appropriate to be included as provisions in DPS2 and these will need to be dealt with through policy provisions which are currently being developed and will be presented for consideration within the next few months.

The LHS recommendations that can be implemented via DPS2 are explained in this report. The scheme text is technical and legal by requirement, but essentially is being used to:

- update the Scheme Maps to reflect the recommendations of the LHS;
- introduce development criteria for dual coded areas;
- introduce a density bonus to encourage the amalgamation of lots for the development of aged and dependent persons' dwellings;
- increase the density code applicable to 'Commercial', 'Mixed Use' and 'Business' zoned lots; and
- introduce minimum residential densities for development on large opportunity sites.

Following the endorsement of the LHS by the Western Australian Planning Commission (WAPC) on 12 November 2013, Council at its meeting held on 10 December 2013 (CJ236-12/13 refers) resolved to proceed with advertising the proposed scheme amendment for a period of 42 days.

Subsequently, the scheme amendment was forwarded to the WAPC, via the Department of Planning, for consent to advertise. Consent was granted on 12 October 2014, with advertising commencing on 29 October 2014 for 42 days. Advertising concluded on 10 December 2014 with 33 submissions received during this period and an additional four submissions received after the conclusion of this period.

Of the submissions received, 29 were from members of the community. Eleven of these were in support of the proposal, four were comments and 14 were objections. In addition, eight submissions were received from service authorities. The key issues raised through the public consultation period include the following:

- Requests for modifications to the HOAs, including increases to the proposed densities and inclusion of additional properties into the HOAs.
- Objections to the proposed increases to the residential density of "Mixed Use", "Commercial" and "Business" zoned lots.
- Comments received from Department of Education and Water Corporation.
- Comments from the WAPC and Department of Housing regarding the proposed restrictions to multiple dwellings.
- Other general comments received from WAPC on the proposed dual density provisions.

As a result of the comments from the WAPC, modifications to the wording of the scheme amendment are proposed. No changes to the Housing Opportunity Areas (HOA) are proposed, however the scheme amendment maps have been updated to reflect changes to the density and zoning of lots which are subject to separate scheme amendments.

It is recommended that Council adopts proposed Scheme Amendment No. 73, subject to modifications, and forwards the proposed amendment to the WAPC for consideration.

## **BACKGROUND**

The City advertised the first draft of its LHS to all residents of the City of Joondalup in mid 2010. After taking the comments raised in over 7,000 submissions into account, Council adopted the draft LHS at its meeting held on 15 February 2011 (CJ006-02/11 refers) and forwarded it to the Western Australian Planning Commission for endorsement.

The State Government's Department of Planning gave preliminary advice to the City in January 2012 that the draft strategy needed to respond more strongly to the State's strategic planning documents. The Department of Planning provided specific advice to the City in April 2012 about the changes needed to be made. These changes were made to the draft strategy and once the City had some confidence that the Department of Planning would be satisfied with the changes, a revised strategy was put to Council for adoption. At its meeting held on 16 April 2013 (CJ044-04/13 refers), Council resolved to adopt the draft revised LHS and requested the preparation of a report for Council to consider the initiation of a scheme amendment to implement the recommendations of the LHS.

The draft LHS was subsequently forwarded to the WAPC via the Department of Planning for endorsement. On 12 November 2013, the WAPC resolved to support the LHS as a basis for guiding future amendments to DPS2.

At its meeting held on 10 December 2013, following the endorsement of the LHS by the WAPC on 12 November 2013, Council resolved as follows:

*"That Council pursuant to Part 5 of the Planning and Development Act 2005 and regulations 13 and 25 of the Town Planning Regulations 1967, PROCEEDS with Amendment No. 73 to the City of Joondalup District Planning Scheme No. 2 as outlined at Attachments 1, 3 and 4 to Report CJ236-12/13, for the purposes of public advertising for a period of 42 days."*

Subsequent to this the scheme amendment was forwarded to the WAPC, via the Department of Planning, for consent to advertise. Consent was granted on 12 October 2014 with advertising commencing on 29 October 2014 for 42 days. Advertising of the scheme amendment concluded on 10 December 2014.

## **DETAILS**

The purpose of the scheme amendment is to progress the implementation of the majority of the recommendations of the LHS by way of amendments to the scheme zoning and coding maps and the addition of new provisions within DPS2. The LHS recommendations and the manner in which they are to be addressed within DPS2 are provided below:

### Recommendation 1

*Accept the Housing Opportunity Areas shown on the Local Housing Strategy Plan Map in Section 10.4 as areas suitable for higher residential density codings in the new District Planning Scheme.*

Scheme amendment proposal:

The Housing Opportunity Areas shown within the LHS are the basis for the proposed amendments to the DPS2 maps, included in Attachments 2 and 3.

### Recommendation 2

*Use the proposed new residential densities and zonings in each of the Housing Opportunity Areas described in Section 10.5 as the basis for new density codings and rezonings in the new District Planning Scheme. The rest of the City is unchanged.*

Scheme amendment proposal:

The new residential densities and zonings have been reflected in the proposed amendments to the Residential Density Code Map (Attachment 3 refers) and Scheme Maps (Attachment 4 refers). No changes to the Housing Opportunity Areas (HOA) are proposed, however, the maps have been updated to reflect changes to the density and zoning of lots which are subject to separate scheme amendments (Attachments 3 and 4 refer).

### Recommendation 3

*As part of the District Planning Scheme review process, develop design provisions to ensure development at the higher density of the dual density code will enhance/maintain streetscapes and incorporate environmentally responsible design.*

Scheme amendment proposal:

Development criteria for dual coded areas are proposed to be included in both DPS2 as well as in policies. The provisions proposed for inclusion in DPS2 promote good design at the subdivision stage, including setting a minimum 10 metre lot frontage, requiring vehicular access from a laneway (where applicable) and restricting multiple dwellings to larger lots. As subdivision applications are determined by the WAPC, provisions relating to subdivision must be incorporated into DPS2 in order for them to be able to be implemented effectively - ahead and independently of the development application and/or building approval processes.

The consolidation of vehicular access has not been proposed as a scheme provision. Despite this being a desirable objective, it would restrict the ability of landowners to create green title subdivisions, unless easements were entered into over the shared vehicular access, which would create a significant administrative burden for the City and landowners. The issue of the number of crossovers and separation distances between crossovers for lots created from the same parent lot will be addressed through policy provisions that will control the form of strata developments proposed.

Other provisions which aim to enhance/maintain streetscape and promote environmentally responsible design at the development application stage of the process are also proposed to be implemented through policy provisions. The WAPC is not responsible for determining residential development applications and therefore provisions relating to this stage of the process are most appropriately provided through the City's own local planning policies as well as through other Council policies.

### Recommendation 4

*Scheme and/or policy provisions to be developed to encourage amalgamation and development of between two and four residential lots for aged persons' housing in appropriate locations and to encourage the inclusion of universal access design elements and environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of lots located in Housing Opportunity Areas and the Joondalup City Centre.*

Scheme amendment proposal:

Currently, in accordance with the *Residential Design Codes*, a one-third reduction to the applicable lot size is granted to developments of five or more aged or dependent persons' dwellings. At a density coding of R20, a minimum development site of 1,500m<sup>2</sup> is required in order to develop five aged or dependent persons' dwellings, considering the minimum average lot size (with the one-third reduction) is 300m<sup>2</sup>.

To encourage the amalgamation and development of lots for aged or dependent persons' dwellings, it is proposed that the minimum size of a development site required to develop five aged or dependent persons' dwellings be reduced further to 1,100m<sup>2</sup>. This would allow a minimum average lot size of 220m<sup>2</sup> in accordance with the R40 standard under the codes.

This is proposed to be achieved by allowing a density increase from R20 to R40 to be awarded to developments of five or more aged and dependent persons' dwellings on lots of 1,100m<sup>2</sup> and above. A table comparing the required average lot sizes at the different densities is provided below:

	Average lot size (m <sup>2</sup> )	Minimum required lot size (m <sup>2</sup> ) (Five dwellings)
<b>R20</b>	450	2,250
<b>R20 – Aged and Dependent Persons (including one-third size reduction)</b>	300	1,500
<b>R40</b>	220	1,100

The DPS2 amendment also proposes a provision stating that the bonus will not apply where the development takes the form of multiple dwellings. Universal access design and environmentally responsible design are proposed to be specifically encouraged through local planning policies and other Council policy provisions.

#### Recommendation 5

- (a) *Replace the residential coding of R20 which currently applies to all commercial and mixed use land over 1,000sqm with R80, and develop scheme and/or policy provisions to encourage the incorporation of environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre.*
- (b) *Replace the residential coding of R20 which currently applies to all commercial and mixed use zoned land under 1,000sqm with R40, and develop scheme and/or policy provisions to encourage the incorporation of environmentally responsible design into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre.*

Scheme amendment proposal:

In order to implement this recommendation, the existing density coding for 'Commercial', 'Business' and 'Mixed Use' zoned lots is proposed to be removed from the scheme maps, and wording is proposed to be included in DPS2 to outline the applicable density code depending on the size of the lot.

The incorporation of environmentally responsible design elements is proposed to be encouraged through local planning policies and other Council policies.

#### Recommendation 6

*Scheme provisions should be considered and/or Council's height policies should be reviewed to allow additional height on:*

- (i) *large parcels of land being developed for aged persons' accommodation such as retirement villages*

(ii) *large parcels of land with a density code of R60 and higher.*

Height is currently controlled through existing policies, including the *Height and Scale of Buildings within Residential Areas* policy and the *Height of Buildings within the Coastal area (Non-Residential Zones)* policy. As such, this recommendation is proposed to be implemented through the subsequent review of these policies.

### Recommendation 7

*As part of the District Planning Scheme review process, develop provisions for large opportunity sites which sets a minimum 'target' density in line with government policy. The requirements will apply to large opportunity sites across the whole City with the exception of the City Centre.*

Scheme amendment proposal:

The State Government's *Directions 2031 and Beyond* document sets a density target of 15 dwellings per gross urban zoned hectare for greenfield developments. This equates to just under 25 dwellings per site hectare, or an average lot size of 400m<sup>2</sup>, which is a much easier target to regulate and track through the subdivision process.

Considering the above, it is proposed that a minimum residential density of 25 dwellings per site hectare be required for the development of lots one hectare or greater within the 'Residential' zone, as well as for development within the 'Urban Development' zone where a structure plan is required to be prepared. Site hectare is the total site area of a subdivision proposal less deductions for non-residential uses including streets, laneways, open space and community facilities and is the simplest way to implement density requirements.

Definitions for the terms 'battleaxe site' and 'site hectare' are proposed to be included in DPS2.

### Existing approved and initiated scheme amendments

A number of amendments to DPS2 have been approved, initiated, or are under consideration subsequent to Council's resolution to advertise amendment No. 73. The following properties are to be removed from this amendment:

- Camberwarra Primary School – 34 Currajong Crescent, Craigie.
- 98 Ellersdale Avenue, Warwick.
- 14 Camberwarra Drive, Craigie.

The modified Scheme Amendment Residential Density Code map, which excludes the above properties, is included as Attachment 3.

### **Issues and options considered**

The options available to Council in considering the scheme amendment proposal are to:

- adopt the proposed amendment
- adopt the proposed amendment, with modification  
or
- refuse to adopt the proposed amendment.

In all of the above options, the proposal is forwarded to the WAPC for the Minister for Planning's determination.

## Legislation / Strategic Community Plan / policy implications

**Legislation** *Planning and Development Act 2005.  
Town Planning Regulations 1967.*

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Housing infill and densification is encouraged and enabled through strategic, planning approach in appropriate locations.  
  
The community is able to effectively age-in-place through a diverse mix of facilities and appropriate urban landscapes.

**Policy** *State Planning Policy 3.1: Residential Design Codes of Western Australia (R-Codes).*

### Planning and Development Act 2005 and Town Planning Regulations 1967

Part 5 of the *Planning and Development Act 2005* along with the *Town Planning Regulations 1967* enables a local government to amend a local planning scheme and sets out the process to be followed.

At its meeting held on 10 December 2013 (CJ236-12/13 refers), Council resolved to initiate the scheme amendment and adopted it for the purposes of public advertising. The proposed amendment was then referred to the *Environmental Protection Authority (EPA)* to decide whether or not a formal review was necessary. The EPA did not consider that Amendment No. 73 should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and as such the amendment was advertised for public comment.

Upon closure of the advertising period, Council is required to consider all submissions received and to either adopt the amendment, with or without modifications, or refuse to adopt the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

The process flow chart for amendments to DPS2 is included as Attachment 8.

### Residential Design Codes of Western Australia (R-Codes)

The R-Codes stipulate development standards for residential development which includes aged and dependent persons' dwellings.

### Risk management considerations

Without the provisions contained within the proposed scheme amendment the City will be unable to implement the recommendations of the LHS. Furthermore, without controls in place subdivision and development would occur in an ad hoc manner, which has the potential to have greater impact on surrounding landowners.

The proposed provisions outline the City's expectations/approach to subdivision at higher density which provides certainty for landowners and developers as to the form of development required.

## Financial / budget implications

The City, as the applicant, is required to cover the costs associated with the scheme amendment process. The cost incurred to date for the advertising of the amendment in the relevant newspapers, is \$2,234.

If a suitably qualified engineer is engaged to undertake an assessment of the long term water and sewer reticulation upgrades needed for the HOAs, this would cost the City approximately \$50,000. The need for this assessment is discussed further in the comment section of this report.

## Regional significance

Implementation of the *Local Housing Strategy* will enable the expansion of the current residential population of the City and the north-west corridor in line with the requirements of *Directions 2031 and Beyond* and the associated draft sub-regional strategy.

## Sustainability implications

The increase in the range of residential densities (up to R80) within the City of Joondalup will provide a greater choice of housing and variety of lot sizes which can cater for a greater range of household types from single persons to large families. The provision of varied lot sizes and dwelling types can also deliver an increase in affordable housing choices. This will also improve social sustainability as it can assist residents to stay in their community while changing housing type to meet their needs throughout their life.

The increased density of the HOAs within appropriate walkable catchments will assist in reducing dependency on private vehicles and encourage alternative modes of transport such as walking and cycling. This has potential health (social) and energy consumption (environmental) benefits.

## Consultation

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 10 December 2014. Consultation included:

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

During the consultation period 33 submissions were received with four additional submissions received after the conclusion of the consultation period. A schedule of submissions is provided as Attachment 6.

The key issues raised through public consultation, and explored in greater detail in the comment section below, include the following:

- Requests for modifications to the HOAs, including increases to the proposed densities and inclusion of additional properties into the HOAs.
- Objections to the proposed increases to the residential density of "Mixed Use", "Commercial" and "Business" zoned lots.
- Comments received from the Department of Education and the Water Corporation.
- Comments from the WAPC and Department of Housing regarding the proposed restrictions to multiple dwellings.
- Other general comments received from WAPC on the proposed dual density provisions.

## COMMENT

As mentioned above, 33 submissions were received during the consultation period with four additional submissions received after the conclusion of the consultation period. The key issues raised throughout these submissions, as well as discussion regarding the comments received from service authorities and the WAPC in their consent to advertise the proposed scheme amendment, are addressed below.

### Requests for modifications to the HOAs

Three submissions were received requesting additional properties be included within the scheme amendment. In addition, one submission was received requesting the densities within Heathridge be increased; one submission was received requesting two lots within Duncraig be increased from R20/R40 to R20/R60; and another submission was received requesting a general increase to the number of properties proposed to be coded R20/R60 around train stations.

#### *Properties along eastern side of Dorchester Avenue, Warwick*

Of the three submissions received requesting additional properties to be included within the scheme amendment, two of these submissions requested the properties along the eastern side of Dorchester Avenue, Warwick, be included (submissions 28 and 29 within Attachment 6 refer). These lots are adjacent to HOA1 and HOA2, however, do not fall within the selection criteria for either HOA. In regards to HOA1 the selection criteria included a 400 metre walkable catchment around the Warwick Station and a 400 metre walkable catchment around the Warwick Secondary Centre. In relation to HOA2 the selection criteria was based on a 400 metre walkable catchment around the Greenwood Village Centre. The lots requested for inclusion fall outside these walkable catchment areas. It is therefore not recommended that these lots be included within Scheme Amendment No. 73.

#### *Properties on Timbercrest Rise*

In addition to the above, a request was received to include both sides of Timbercrest Rise up to Trappers Drive, Woodvale, within Scheme Amendment No. 73 at an R20/R40 code (submission 15 within Attachment 6 refers). The eastern side of Timbercrest Rise is included in HOA6 along with a portion of the western side. This HOA was developed based on proximity to Whitfords Station as well proximity to local shopping and high frequency bus services within the area. These houses were requested to be included as they are generally older than the dwellings which are included within the HOA and therefore would benefit from redevelopment. It is noted that ageing housing stock was not one of the selection criteria for this HOA. It is therefore recommended that these lots not be included within Scheme Amendment No. 73.

#### *Heathridge Density Code*

One submission was received requesting that the area being re-coded in Heathridge (HOA9 under the LHS) be increased from R20/R30 to R20/R40 (submission 2 within Attachment 6 refers). HOA9 was based on proximity to high frequency bus routes along Marmion Avenue and Hodges Drive. At the proposed R20/R30 a total of 838 properties (94%) within the HOA will be able to potentially develop a second dwelling. It is considered that the current proposed density allows for adequate development opportunity and as this HOA is not in the immediate vicinity of a train station it is considered that an R20/R40 density is not appropriate.

*Properties on Ripley Way, Duncraig, for inclusion*

A submission was received, after the conclusion of the advertising period, requesting Lot 2 (31) and Lot 192 (33) Ripley Way, Duncraig, which are currently proposed to increase in density to R20/R40, be increased to R20/R60 (submission 37 within Attachment 6 refers). It was requested that these properties be increased to R20/R60 on the basis that the properties to the south and east of these properties are proposed to be recoded to R20/R60. HOA4, and the proposed various densities, were based on certain selection criteria, as well as an attempt to maintain consistency of densities. The selection criterion for the proposed R20/R60 density in this location was a 400 metre walkable distance from the Greenwood Station. The point at which the proposed density changes from R20/R60 to R20/R40 was chosen at the point where Ripley Way changes directions. As changing the proposed density of 31 and 33 Ripley Way, Duncraig, would affect the consistency of density along the southern portion of Ripley Way, the City does not recommend Council implement changes to the proposed density of these two lots.

*General request for increase to density*

An additional submission was received that requested that the areas proposed to increase in density to R20/R60 be expanded (submission 12 within Attachment 6 refers). The HOAs which include portions proposed to be recoded to R20/R60 are based on certain criteria including a walkable catchment around train stations. It is considered that the expansion of these areas is not appropriate at this time.

Increased residential density of 'Mixed Use', 'Commercial' and 'Business' zoned lots

Eight submissions were received objecting to the increases in residential density proposed to all 'Mixed Use', 'Commercial' and 'Business' zoned lots. In accordance with the LHS, the scheme amendment proposes to code such lots R40 where they are less than 1,000m<sup>2</sup> and R80 where they are over 1,000m<sup>2</sup>. The submissions raised concerns that there was a lack of consultation on these proposed increased densities, a lack of information regarding permitted heights for development on these properties, and that higher density development may impact on existing streetscapes and amenity (submissions 17, 18, 21, 22, 23, 25, 26 and 32 within Attachment 6 refers).

The proposed increases to the residential density of 'Commercial', 'Business' and 'Mixed use' zoned lots formed part of recommendation 5 of the LHS. The LHS was previously extensively consulted on in 2010 and again in 2013. The proposed higher densities also accord with *State Planning Policy 4.2 – Activity Centres Policy for Perth and Peel* which encourages medium and high density in centres.

In relation to the concerns raised regarding the height of these developments and the potential impact they could have, the City is finalising the development of new height policies, which will be in place prior to the gazettal of the scheme amendment by the State Government. These policies will shortly be presented to the Policy Committee and Council, seeking approval to advertise them for public comment. At that point in time, the community will be able to make further submissions regarding these matters. In addition, development on these sites will require a development application. Where development does not comply with the requirements set out in the Scheme and/or policies, consultation will also be undertaken.

Given that policy provisions will be in place to control for building heights and that each proposal will be assessed on its merits at the development application stage to ensure they do not create negative impacts on the amenity of the surrounding areas, it is recommended that the intent of the amendment remain unchanged.

A minor modification to this clause is proposed to ensure that any subsequently approved scheme amendment that imposes a different density code on a 'Mixed Use', 'Commercial' and 'Business' land can be included on the scheme map.

### Capacity of School Sites

The Department of Education's initial correspondence indicated that, based on the maximum take up rate of the higher density, they had concerns that current schools would not be able to cope with the projected increase in student population (submission 31 within Attachment 6 refers). Furthermore, due to limited available land, additional primary school sites would not be possible within the HOAs. However, following further discussions, the Department advised that it would be possible to accommodate the additional population through the expansion of existing schools. It was advised that in some instances this may require development to extend on to school ovals.

It is also important to note that the Department of Planning required that the current LHS refer to an anticipated take up rate of 85% through to 2031. It is this take up rate that forms the basis of the Department of Education's concern. The City, in its initial draft LHS did not envisage such a high take up rate. Instead, it was considered that a take up rate of 35% to 2031 would be more realistic. On the basis of a more realistic 35% take up rate to 2031, the Department of Education has more comfort that it will still be able to meet the educational needs of the community.

### Reticulated Water and Sewer Network

The Water Corporation expressed concerns during the consultation period regarding potential future upgrades to the local sewerage and water reticulation network. The Water Corporation advised that further investigation is required into any potential future upgrades which may result from the increase to residential density as well as the funding and management of these upgrades. It was recommended that the City engage a suitably qualified engineer to assess the need and extent of future upgrades (submission 14 within Attachment 6 refers).

Further discussions with the Water Corporation identified that there is no government agency clearly responsible for managing future reticulation service upgrades that result from increases to residential densities. Options for future funding could include a local development contribution scheme administered by the local government, a metropolitan wide improvement scheme administered by the WAPC, or a contribution scheme administered by the Water Corporation similar to the existing 'headworks' contribution scheme.

The cost of engaging a suitably qualified engineer to assess the need and extent of future upgrades required by the scheme amendment, as initially recommended by the Water Corporation, is approximately \$50,000. The City of Wanneroo, as part of the process of implementing its LHS, engaged such an engineer to perform the study, as was requested by the Water Corporation. This study proved to be a theoretical exercise only and though it identified areas which may potentially require upgrades in the long term, it was not absolute, due to the many variables associated with sewer and water reticulation usage. The report was presented to the Water Corporation who advised that the potential upgrades identified would likely not be required. The Water Corporation based this conclusion on their detailed understanding of their reticulation network and identified the potential for additional capacity to be created within the existing network, which was not identified or considered in the engineers report.

Given the experience of the City of Wanneroo, it is considered that the Water Corporation is best placed to both assess and plan for the future upgrades necessary to the water and sewer reticulation network. The Department of Planning also advised the City of Wanneroo that they did not support the establishment of a development contribution scheme for reticulation upgrades as it could not be undertaken in accordance with the nexus requirements of the State Government's *State Planning Policy 3.5 – Development Contributions*. Given this, it is not recommended that the City undertake the assessment of the reticulation infrastructure upgrades requested by the Water Corporation or consider establishing a developer contributions scheme for reticulation infrastructure upgrades.

However, it should be noted that, as identified by the Water Corporation, the existing water and sewer reticulation network may require upgrade to accommodate the ultimate additional number of dwellings that could result from this scheme amendment. The Water Corporation has confirmed that this is not an immediate, short or even medium term issue, but that in the long term some areas may reach capacity and require upgrades. The Water Corporation has made it clear that upgrades to water and sewerage reticulation are the responsibility of developers and not local governments. If the system reaches capacity and an upgrade is required the Water Corporation will simply not support further subdivision in that area until that upgrade is completed, either by the State Government or the developer. Given the breadth of this issue, it is likely that the State Government will introduce a process to ensure the funding of upgrades to water and sewerage reticulation is secure and paid for by developers, similar to the current contributions paid for by subdividers to the Water Corporation for headwork upgrades.

In addition to the above, the Water Corporation recommended that the odour buffer around Beenyup Waste Water Treatment Plant (WWTP) be formalised in the City's planning controls, such as a local planning policy or local planning scheme. In relation to this matter the City has taken into consideration previous comments made by the Water Corporation and no increases to density are proposed within 500m of the Beenyup WWTP.

#### Restrictions on Multiple Dwellings

The submission on Scheme Amendment No. 73 from the Department of Housing and the letter from the WAPC granting consent to advertise, expressed concerns regarding the proposal to prohibit 'Multiple Dwellings' on lots less than 2,000m<sup>2</sup> (submission 13 within Attachment 6 refers). The Department of Housing felt that this provision may inhibit small suburban scale multiple dwellings that have been successfully delivered on lots less than 1,000m<sup>2</sup>. The WAPC felt that the development of multiple dwellings should not be limited, in particular within areas coded R20/R60.

The provision restricting multiple dwellings to large lots aims at ensuring that multiple dwellings are developed only where a lot can appropriately accommodate this form of development and thereby minimise the impact of the development on the surrounding properties. It is therefore recommended that this provision remain.

#### Dual Code Provisions

As part of the WAPC's consent to advertise the scheme amendment, as well as within separate correspondence with officers at the WAPC, several areas of concern with the proposal were identified (Attachment 7 refers). The WAPC requested the City give detailed consideration to these provisions post advertising.

#### *Subdivision and development approval at higher density*

One of the concerns identified by the WAPC was regarding the general wording of clause 4.3.4 and clause 4.3.5 which states:

*“4.3.4 Within areas where a dual density code applies as depicted on the Residential Density Code Map, the base R20 density code shall apply. This may, at the discretion of the local government, be increased to the higher code specified, subject to the requirements of the relevant local planning policy and the following criteria being met...”*

*4.3.5 Development on a lot that has been subdivided/strata titled at the higher code shall comply with the requirements of the relevant local planning policy.”*

The WAPC requested modifications to this wording to ensure it retained the control to determine subdivision applications and the applicable density within dual coded areas. The WAPC felt that the proposed provision would restrict, or purport to restrict, the WAPC's power to determine applications for the subdivision of land and therefore did not consider it appropriate within a local planning scheme. The WAPC recommended the following alternative wording be considered:

*“4.3.4 Within areas where a dual code applies as depicted on the Residential Density Code Map, the base R20 density code shall apply, unless it is determined that the higher code is acceptable having regard to clause 4.3.5.*

*4.3.5 The City may approve development or support subdivision at the higher code where the requirements of the relevant local planning policy and the following criteria are met...”*

It is considered that the provisions of clause 4.3.4 should apply to both subdivision applications approved by the WAPC and development applications approved by the City in order to achieve the desired streetscape outcomes. This, along with the original clause 4.3.5, will maintain consistency between the two types of approvals and avoid subdivisions being approved for lots which are then unable to be developed in accordance with the City's requirements. It is noted that the WAPC is required to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme. Given this, it is considered that the alternative wording maintains the intention regarding this clause and that the alternative wording be adopted.

#### *Minimum lot frontage*

In addition to the above, the WAPC expressed concerns regarding the proposed dual coding criteria of clause 4.3.4 (a), (c) and (d). The WAPC advised that in relation to point (a) of clause 4.3.4, which requires lots have a minimum frontage of 10 metres at the street boundary and front setback line, was not appropriate and may hinder the achievement of density outcomes.

This provision is considered essential to achieving appropriate streetscape outcomes. By requiring a minimum frontage of 10 metres, opportunities to reduce garage dominated streetscapes, provide adequate room for landscaping and on street parking bays, and generally improve the overall vehicle and pedestrian access to the area are maintained. Without this subdivision requirement, narrow lots, which do not have rear laneway access, will likely be created, leading to streets dominated by garages, crossovers and vehicles, without any space for landscaping or pedestrians.

### *Pedestrian access*

Point (c) of clause 4.3.4 requires pedestrian access be provided to a lot which does not have a frontage to the public street. This provision is in line with Planning Bulletin 33 and is required to provide residents with access to postal services, visitors, rubbish collection and public utilities. The WAPC advised that this provision should be outlined in policy, and not set as a scheme provision to ensure individual sites and situations can be assessed on their merits. It is considered that as the provision of a pedestrian access will need to be addressed at the subdivision stage and the provision is in keeping with Planning Bulletin 33 it should remain a scheme provision. Some modifications to the wording of this provision are proposed, however, to improve its clarity.

Considering the above, it is recommended that the proposed Amendment No. 73 be adopted subject to modifications, as shown in Attachments 3, 4 and 5, and the documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

**1 Pursuant to Regulation 17(2) of the Town Planning Regulations 1967, ADOPTS Amendment No. 73 to the City of Joondalup District Planning Scheme No. 2, subject to the following, as contained in Attachments 3, 4 and 5 to this Report:**

**1.1 Modifying point three so clauses 4.3.1 and 4.3.2 read as follows:**

***“4.3.1 Unless a density code is specified on the Residential Density Code Map, for lots with a land area of less than 1,000m<sup>2</sup> within the Commercial, Business or Mixed Use zone on the Scheme Map the applicable density code is R40.***

***4.3.2 Unless a density code is specified on the Residential Density Code Map, for lots with a land area of 1,000m<sup>2</sup> or more within the Commercial, Business or Mixed Use zone on the Scheme Map the applicable density code is R80.”;***

**1.2 Modifying point five to include a new clause 4.3.4 to read *“Within areas where a dual code applies as depicted on the Residential Density Code Map, the base R20 density code shall apply, unless it is determined that the higher code is acceptable having regard to clause 4.3.5.”;***

**1.3 Modifying point five to renumber clause 4.3.4 to read 4.3.5 and for the clause to read *“The City may permit development or support subdivision at the higher code subject to the requirements of the relevant local planning policy and the following criteria being met:***

***(a) With the exception of battleaxe sites, the width of any lot, excluding an access leg to rear lot(s), shall be a minimum of 10 metres at both the primary street boundary and the lot frontage;***

- (b) *Lots which abut a laneway shall take their vehicular access from the laneway, with the exception of retained dwellings;*
- (c) *Where sole vehicular access is via a laneway and a lot does not have access to another street pedestrian access shall be provided to the main street. The pedestrian access shall be 1.5 metres wide, unless an existing dwelling is retained in which a minimum width of one metre is acceptable;*
- (d) *Multiple dwellings shall not be developed on a lot less than 2,000m<sup>2</sup>”;*

1.4 **Modifying point five to renumber clause 4.3.5 to read 4.3.6;**

1.5 **Modifying point 11 to remove the following lots:**

- 1.5.1 **Lot 12811 (34) Currajong Crescent, Craigie;**
- 1.5.2 **Lot 921 (98) Ellersdale Avenue, Warwick;**
- 1.5.3 **Lot 9006 (14) Camberwarra Drive, Craigie;**

**2 AUTHORISES the affixing of the Common Seal and signing of the documents;**

**3 Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, FORWARDS Amendment No. 73 to the City of Joondalup *District Planning Scheme No. 2*, and Council’s decision to the Western Australian Planning Commission for consideration;**

**4 NOTES that policies regarding design criteria, including height, will be considered and advertised at a later date and these policies will be in force prior to the scheme amendment coming in to place.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf100315.pdf](#)*

## ITEM 7                      YELLAGONGA                      INTEGRATED                      CATCHMENT MANAGEMENT PLAN 2015-2019

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Director Governance and Strategy
<b>FILE NUMBER</b>	72568, 101515
<b>ATTACHMENT</b>	Attachment 1    Yellagonga    Integrated    Catchment Management Plan 2015-2019 Attachment 2    Draft Yellagonga Integrated Catchment Management Plan 2015-2019 Community Consultation Summary Attachment 3    Draft Yellagonga Integrated Catchment Management Plan 2015-2019 Analysis – Community Feedback
<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 City of Joondalup and City of Wanneroo joint *Yellagonga Integrated Catchment Management Plan 2015-2019*.

### EXECUTIVE SUMMARY

Following community consultation, the Cities of Joondalup and Wanneroo joint *Yellagonga Integrated Catchment Management (YICM) Plan 2015-2019* has been amended for presentation to Council (Attachment 1 refers).

The *YICM Plan 2015-2019* contains numerous projects to be implemented over a five year period up to June 2019 that aim to improve the health of the Yellagonga Catchment Area. The plan includes seven joint projects with the City of Wanneroo, five City of Joondalup individual projects and six City of Wanneroo individual projects. These projects are designed to address key threats that provide the basis of the following key focus areas:

- Water Quality.
- Water Quantity.
- Urban Planning and Development.
- Biodiversity.
- Community and Partnerships.

The *YICM Plan 2015-2019* identifies an annual reporting process to be undertaken by both Cities to track the progress and effectiveness of the plan's projects.

It is proposed that the *YICM Plan 2015-2019*, as shown in Attachment 1, is adopted by Council.

## BACKGROUND

The Cities of Joondalup and Wanneroo joint *YICM Plan 2015-2019* has been developed to replace the *YICM Plan 2009-2014*. The development of the original *YICM Plan 2009-2014* was an action of the City's *Environment Plan 2007-2011*.

The *YICM Plan 2015-2019* provides a holistic and long term strategic framework to improve catchment health and protect the diverse values of the Yellagonga Regional Park.

At its meeting held on 11 November 2014 (CJ212-11/14 refers), Council endorsed the release of the draft *YICM Plan 2015-2019* for community consultation, for a period of 26 days.

## DETAILS

The draft *YICM Plan 2015-2019* was provided to key stakeholders including the Department of Parks and Wildlife, Department of Water, local Members of Parliament and Friends of Yellagonga Regional Park. The general public also had the opportunity to comment on the draft plan which was promoted via a media release, the community newspaper and on the City's website.

The City of Joondalup received 10 submissions and the City of Wanneroo received three submissions from the community and stakeholders. Comments received through the consultation process have been collaboratively incorporated into the *YICM Plan 2015-2019* by the two Cities, where appropriate. Changes that have been made to the draft plan following consultation are shown in highlighted text in Attachment 1, while community feedback and the City's responses are shown in Attachment 2. Attachment 3 provides further qualitative and quantitative analysis of the community feedback.

Feedback received indicates that the City's stakeholders and community are generally supportive of the strategic direction and integrated approach of the draft plan.

Most of the suggestions received from community feedback fall under specific projects of the draft plan and are proposed to be investigated collaboratively with the Yellagonga Catchment Working Group (comprising of officers from the Cities of Joondalup and Wanneroo, the Department of Parks and Wildlife and the Department of Water, where required). Further liaison regarding specific components of projects is proposed to occur through the Department of Parks and Wildlife facilitated Yellagonga Regional Park Community Advisory Committee with representatives from the Friends of Yellagonga Regional Park.

Projects of the draft *YICM Plan 2015-2019* may be structured at a higher level than some detailed actions recommended through community feedback. For example, conservation maintenance schedules of the two Cities and Department of Parks and Wildlife provide the detail of weed and pest animal control not specified to the same extent in the draft plan. Recommended actions from community feedback, however, have been noted and will be investigated collaboratively by the management agencies to ensure appropriate priority and attention is given to what has been emphasised as important for the conservation of Yellagonga Regional Park.

Public comments provided to the Cities of Joondalup and Wanneroo have been utilised to make amendments to the draft *YICM Plan 2015-2019* in liaison with the City of Wanneroo.

The Community Consultation Summary in Attachment 2 details community comments that require a response, and provides the City's response which may have involved an amendment to the draft plan or discussion with the City of Wanneroo and Department of Parks and Wildlife.

A quantitative and qualitative analysis of community feedback on the draft *YICM Plan 2015-2019* is provided in Attachment 3 and includes a summary of the aspects that respondents liked, suggested changes or improvements and further comments about the draft plan.

Significant amendments to the draft *YICM Plan 2015-2019* as a result of the consultation process include the following:

- Water Quality Monitoring and Improvement Program: Water quality improvement initiatives have been added to the Water Quality Monitoring Program.
- Vegetated Bund Construction Project: Further emphasis has been made on seeking expertise to investigate the feasibility of the vegetated bund at the recommended site prior to any potential construction.
- Water Conservation Project: An investigation of the bore approval and monitoring process and achieving higher minimum lake water levels through groundwater efficiencies have been added to the Project Scope.
- Local Biodiversity Project: Further flora and fauna species detail has been added to the Project Scope.
- Strategic Partnerships: The seeking of collaborative opportunities to partner with key stakeholders on conservation initiatives for Yellagonga Regional Park has been added to the Project Scope.

### Issues and options considered

#### Option 1:

Council may choose to either:

- endorse the *YICM Plan 2015-2019* with amendments as shown in highlighted text within Attachment 1
- endorse the *YICM Plan 2015-2019* without any amendments
- endorse the *YICM Plan 2015-2019* with further amendments  
or
- not endorse the *YICM Plan 2015-2019*.

Option 1 is preferred as the document currently reflects the feedback received from stakeholders during the public consultation period.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Environmental Protection Act 1986.*  
*Wildlife Conservation Act 1950.*  
*Planning and Development Act 2005.*

#### Strategic Community Plan

#### Key theme

The Natural Environment.

#### Objective

Environmental resilience.

#### Strategic initiative

Identify and respond to environmental risks and vulnerabilities.

#### Policy

Projects within the *YICM Plan 2015-2019* are consistent with the objectives within the City's *Sustainability Policy* and *Stormwater Management Policy*.

### **Risk management considerations**

A range of impacts threaten the long-term viability of Yellagonga Regional Park including the drying climate trend, water consumption, poor water quality, invasive flora and fauna species, wildfires, disease spread, urban encroachment, stormwater drainage, habitat degradation and fragmentation.

The development and implementation of the *YICM Plan 2015-2019* will provide ongoing guidance for the City and its key stakeholders in delivering initiatives that address the threats to the Yellagonga Regional Park and aim to improve the health of the Yellagonga Catchment Area.

### **Financial / budget implications**

Implementation of the *YICM Plan 2015-2019* has financial implications for the City. Funds to implement projects within the plan will be subject to the City's annual budget approval process. Projects identified as existing within the plan are approved within existing service levels and have budgets allocated within existing operating budgets.

A number of new projects within the *YICM Plan 2015-2019* have no additional requirements beyond existing staff resources. New projects that are dependent on outcomes of studies or investigations, such as the Vegetated Bund Construction Project will be subject to detailed costing and the City's budget approval process prior to being implemented.

### **Regional significance**

Yellagonga Regional Park has significant regional value through being a regional park and Bush Forever site and is jointly managed by the Cities of Joondalup and Wanneroo and the Department of Parks and Wildlife.

### **Sustainability implications**

Environmental management of the Yellagonga Catchment is a key component of a sustainable community. This wetland asset provides a number of social and environmental services to the community including amenity, recreational opportunities, air quality improvement, biodiversity and cultural values and is an important haven for hundreds of species of fauna and flora.

### **Consultation**

Council endorsed the release of the draft *YICM Plan 2015-2019* for community consultation, for a period of 26 days at the 18 November 2014 meeting (CJ212-11/14 refers). This report outlines the process and outcomes of the community consultation with regard to the City's draft *YICM Plan 2015-2019*.

The *YICM Plan 2015-2019* is a joint initiative of the Cities of Joondalup and Wanneroo with projects to be delivered both jointly and individually to protect the wetlands of the Yellagonga Regional Park. Liaison will continue with the third park co-manager, the Department of Parks and Wildlife, and key stakeholders including the Yellagonga Regional Park Community Advisory Committee, Friends of Yellagonga Regional Park, Edith Cowan University and the Department of Water.

## COMMENT

Although significant progress has been made by the City in implementing the *YICM Plan 2009-2014*, the threats and issues impacting on the Yellagonga Catchment Area require further long term management strategies and commitment and collaboration from the Cities of Wanneroo and Joondalup and the Department of Parks and Wildlife to achieve ongoing, conservation gains across the Yellagonga Catchment Area.

The *YICM Plan 2015-2019* has been developed to provide the park's co-managers with a comprehensive and integrated framework required to manage the Yellagonga Catchment Area in a collaborative and sustainable manner to ensure the long term protection of Yellagonga Regional Park for future generations.

A substantial amount of community feedback has been provided to the two Cities on the draft *YICM Plan 2015-2019* through the community consultation process. This community feedback has been extensively considered, noted for further collaborative discussion and/or added to the *YICM Plan 2015-2019*.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council ENDORSES the *Yellagonga Integrated Catchment Management Plan 2015-2019* shown as Attachment 1 to this Report.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf100315.pdf](#)

## ITEM 8 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 23 January 2015 to 17 February 2015.
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 23 January 2015 to 17 February 2015 (Attachment 1 refers).

### EXECUTIVE SUMMARY

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

*It is therefore recommended that Council NOTES the Schedule of Documents covering the period 23 January 2015 to 17 February 2015 executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.*

### BACKGROUND

During the period 23 January 2015 to 17 February 2015, nine documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Lease Agreement	3
Legal Agreement	1
Withdrawal of Caveat	1
Removal of Section 70A Notification	1
Application for Discharge	1
Deed of Surrender of Easement	1
Application for Title	1

### Issues and options considered

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Schedule of Documents covering the period 23 January 2015 to 17 February 2015, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf100315.pdf](#)

## ITEM 9 STATUS OF PETITIONS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENT</b>	Attachment 1 Status of Petitions – 15 July 2014 to 18 November 2014
<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 status of outstanding petitions.

### BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions.

As part of that report, it was advised that quarterly reports would be presented to Council in the future.

### DETAILS

#### Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 15 July 2014 to 18 November 2014, with a comment on the status of each petition.

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

**Legislation** *City of Joondalup Meeting Procedures Local Law 2013.*

#### Strategic Community Plan

**Key Themes** Governance and Leadership.

**Objective** Active democracy.

#### Strategic Initiatives

- Fully integrate community consultation practices into City activities.
- Optimise opportunities for the community to access and participate in decision-making processes.
- Adapt to community preferences for engagement formats.

**Policy Implications**

Each petition may impact on the individual policy position of the City.

**Risk Management Considerations**

Failure to give consideration to the request of the petitioners and take the appropriate actions may impact on the level of satisfaction of the community.

**Financial/Budget Implications**

Individual requests made by the way of petitions may have financial implications.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The list of petitions is presented to Council for information, detailing the actions taken to date and the actions proposed to be undertaken for those petitions that remain outstanding.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council NOTES:**

- 1 the status of outstanding petitions submitted to Council during the period 15 July 2014 to 18 November 2014, forming Attachment 1 to this Report;**
- 2 that a report in relation to the petition requesting that the chicane between 113 and 115 Clontarf Street, Sorrento be replaced with a speed hump similar to what has been constructed between 23 and 25 Clontarf Street, Sorrento was presented to Council at its meeting held on 9 December 2014 (CJ241-12/14 refers);**
- 3 that a report in relation to the petition requesting that Council improve the facilities available for visitors at Granadilla Park, Duncraig is proposed to be presented to Council at its meeting to be held on 31 March 2015;**

- 4 that a report in relation to the petition requesting that Council reconsider its previous decision to prohibit dogs from Craigie Open Space (CJ169-09/14 refers) and to now allow dogs on a leash to utilise this area while still conserving the wildlife is proposed to be presented to Council at its meeting to be held on 31 March 2015;
- 5 that a report in relation to the petition requesting that Council make an adjustment to the City's *Parking Local Law 2013* to allow City of Joondalup residential parking permit vehicles exempt from parking time restrictions in the street adjacent to the premises so issued is proposed to be presented to Council at its meeting to be held on 31 March 2015.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf100315.pdf](#)

## **ITEM 10                    PETITION OF ELECTORS IN RELATION TO RESIDENTIAL PARKING PERMITS IN JOONDALUP CBD**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	24185, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider a petition of electors wishing to change the *City of Joondalup Parking Local Law 2013* (the Parking Local Law) to provide for certain parking time exemptions to apply to residential parking permits.

### **EXECUTIVE SUMMARY**

At its meeting held on 18 November 2014 (C61-11/14 refers), Council received a petition signed by 68 residents who seek to have the Parking Local Law amended:

*“To make an adjustment to the City’s Parking Local Law 2013 to allow the City of Joondalup Residential Parking Permit vehicles exempt from parking time restrictions in the street adjacent to the premises so issued.”*

The Parking Local Law does not allow any vehicle to remain in the same place on the street for longer than 24 hours. To vary the permit conditions for the petitioners would be inconsistent with the intent of the local law and would discriminate against other residents in other areas of the City of Joondalup.

*It is therefore recommended that Council:*

- 1        DECLINES the petition of electors seeking to amend the City of Joondalup Parking Local Law 2013 to allow City of Joondalup Residential Parking Permit vehicles to be exempt from parking time restrictions in the streets nominated on the permit; and*
- 2        ADVISES the lead petitioner of Council’s decision.*

## BACKGROUND

In 2008 the City implemented paid parking in the CBD of Joondalup. As a result there was a move by commuters into local residential streets to avoid the parking fees. This movement by commuters had a negative impact on the amenity of local residents and the City received a petition asking for residential parking permits to be introduced. As a consequence, the City implemented “Authorised Parking” zones for residents, Monday to Friday, 9.00am to 5.00pm. At the same time the City also implemented resident/visitor parking permits, the effect of which was to authorise residents and their visitors to utilise the street for occasional parking but to exclude commuters.

Residents in these areas were granted a total allocation of up to five free residential and/or visitor parking permits following extensive public consultation in early 2009. The permits were provided to assist those residents to park in proximity to their properties, Monday to Friday, 9.00am to 5.00pm. Based on complaints by some residents that vehicles were being parked continuously for days and even weeks, the City conducted several patrols in February 2014 along the eastern side of Lakeside Drive and adjacent streets to the east. During the patrol survey period, 18 vehicles were consistently found to be staying longer than 24 hours. As a result, 14 cautions were issued.

In July the City re-investigated this issue to determine if compliance had improved. It had not, so more regular patrols were undertaken specifically to identify if vehicles were staying longer than 24 hours. Since July, the City has issued infringements for this offence on Lakeside Drive and in streets behind (to the east of) Lakeside Drive. Some of the infringements have been issued as a result of continued complaints by residents and some have been issued as a result of patrol activity.

## DETAILS

An analysis of the petition is shown below:

Primary street address	Number of properties	Number of petitioners
Lakeside Drive	34	49
Thornbill Meander	5	6
Boas Avenue	3	4
Teal Lane	3	4
Tern Ridge	3	5

Some owners of vehicles who have received infringements have expressed dissatisfaction to the City. It is important that a fair and equitable access be preserved for all drivers using public streets. It is not reasonable for drivers to consider a public street as an extension of private property for residents who happen to live in that street and are unable to garage or park their vehicles on their own property.

The provisions of the Parking Local Law also assist the City in locating abandoned vehicles in a timely way. In 2013–14 the City responded to 736 reports of abandoned vehicles, of which 129 had an address in the suburb of Joondalup. During the same period the City impounded a total of 138 vehicles.

**Issues and options considered**

There are two options that can be considered. The first option is to grant the petitioners' request to amend the Parking Local Law to allow holders of residential parking permits to park for as long as they wish in the street where they live. This would create an unfair and inequitable access to what can be a limited parking supply, particularly in inner city streets such as Lakeside Drive where the majority of the petitioners reside.

This option is not recommended.

The second option is to maintain the Parking Local Law provision to require vehicles not to stay in one place for more than 24 hours. This would ensure fair and equitable access for all drivers, whether residents or not. It would also assist City officers to continue to quickly identify vehicles which may be abandoned.

This option is recommended.

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

**Legislation** *City of Joondalup Parking Local Law 2013.*

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Integrated spaces.

**Strategic initiative** Understand issues arising from the interaction between current transport modes.

**Policy** *Parking Schemes Policy.*

**Risk management considerations**

If the petition were to be granted there would be a risk that some residents would leave their vehicles for extended periods on the street which would significantly disadvantage other drivers from using what should be publicly available parking spaces. It would also hinder the timely identification of abandoned vehicles which would continue to occupy parking spaces and so limiting access for ordinary users.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

It is not reasonable for vehicle owners to presume to leave their vehicles on a public street for an extended period of time. Public streets are not an extension of private property and should not be used in that way. Vehicle owners should make their own arrangements to park or store their vehicles for extended periods and not rely upon the City to provide that service by the use of public streets. It is acknowledged that this may be more difficult for owners living in an inner city environment than it is for people living in suburban areas; however it still remains the owner's responsibility to garage or store their vehicles lawfully.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1** **DECLINES** the petition of electors seeking to amend the *City of Joondalup Parking Local Law 2013* to allow City of Joondalup Residential Parking Permit vehicles to be exempt from parking time restrictions in the streets nominated on the permit;
- 2** **ADVISES** the lead petitioner of Council's decision.

**ITEM 11                    PROPOSED PARKING LOCAL LAW AMENDMENT**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	24185, 101515
<b>ATTACHMENT</b>	Attachment 1    Draft <i>City of Joondalup Parking Amendment Local Law 2015</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to make the *City of Joondalup Parking Amendment Local Law 2015* for the purpose of public advertising.

**EXECUTIVE SUMMARY**

At its meeting held on 16 July 2013 (CJ129-07/13 refers), Council adopted the *City of Joondalup Parking Local Law 2013* and this has been in operation since 2 September 2013. The local law provides for the regulation, control and management of parking within the district.

New disability parking regulations were gazetted by the state government which took effect on 1 December 2014. The new regulations render parts of the *City of Joondalup Parking Local Law 2013* inoperative to the extent they are inconsistent with the new regulations.

The proposed *City of Joondalup Parking Amendment Local Law 2015* seeks to ensure the City's parking local law remains valid and consistent with statutory legislation. There are also some other minor changes to improve operational efficiencies and enforcement that have been identified during the first year of operation of the *City of Joondalup Parking Local Law 2013*.

*It is therefore recommended that Council MAKES the City of Joondalup Parking Amendment Local Law 2015, as detailed in Attachment 1 to this Report, for the purposes of public advertising.*

**BACKGROUND**

At its meeting held on 16 July 2013 (CJ129-07/13 refers), Council adopted the *City of Joondalup Parking Local Law 2013*. The purpose of the local law was to provide for the regulation, control and management of parking within the district.

The *City of Joondalup Parking Local Law 2013* was developed following a comprehensive review of the former *City of Joondalup Parking Local Law 1998*. Consideration was given to the *WALGA Parking and Parking Facilities Model Local Law 2010* with necessary amendments to suit the specific needs of the City. The current local law was published in the *Government Gazette* on 16 August 2013 and has been in operation since 2 September 2013.

The Department of Local Government and Communities advised all local governments in Circular 28-2014 (dated 19 September 2014), that the *Local Government (Parking for People with Disabilities) Regulations 2014* will replace the current *Local Government (Parking for Disabled Persons) Regulations 1988*, following a national initiative to standardise parking provisions for people with disabilities.

## DETAILS

The *Local Government (Parking for People with Disabilities) Regulations 2014* were published in the *Government Gazette* (No. 159) on 10 October 2014 and took effect from 1 December 2014. The new regulations will render parts of the *City of Joondalup Parking Local Law 2013* inoperative to the extent they are now inconsistent with the new regulations.

### Detail of amendments

The following points detail the changes proposed to the *City of Joondalup Parking Local Law 2013* and the reasoning behind those changes:

- Due to the introduction of the new *Local Government (Parking for People with Disabilities) Regulations 2014* a change will be required due to the replacement of the definition of an 'ACROD sticker' in clause 1.5 with 'disability parking permit'. An increase to the modified penalty (from \$120 to \$300) in Schedule 2 will also be required due to the new regulations. The term ACROD sticker will also be replaced throughout the local law.
- The definition of a thoroughfare, in clause 1.5, is the same as the definition applied in the *Local Government Act 1995*. This definition does not include any specific reference to verges, which form part of the thoroughfare, and creates difficulties for some drivers when interpreting offences issued under these provisions. This definition has been amended to include 'a verge' in order to remove any ambiguity regarding these areas.
- Clause 2.2(1)(b) refers to the requirement to park '*wholly within the stall*' in areas where parking stalls have been marked (for example car parks, City Centre on-street bays and the like). This is only applicable where a driver has parked partially within the parking stall but is not applicable where a driver has not parked in any parking stall. This subclause has been amended to replace the word 'the' with the word 'a' to address this issue. A similar amendment is also suggested to subclause 2.2(2) by replacing 'that' with 'a'.
- Clause 3.5(2)(k) relates to parking near intersections and identifies that a 10 metre minimum from the adjacent property line is required. This is a greater distance than that taken from the carriageway edge, which is the requirement of the *Road Traffic Code 2000*. An amendment has been made to this subclause to restore consistency with the *Road Traffic Code 2000* by changing the 10 metre minimum to the carriageway edge in lieu of the property line.

- Clause 3.8 identifies that a vehicle cannot move within a time restricted parking area and remain longer than the maximum permitted time. The presumption is (although it is silent on the subject) that the vehicle may not also park for this same period. This assumption has not been accepted by the Magistrates Court in the prosecution of this type of parking offence. Legal advice recommends that this clause should be amended, to change the words ‘ shall not move’ to ‘shall not park or move’, in order to address this issue.
- The minimum 2.5 tonne Gross Vehicle Mass (GVM) or laden weight of a vehicle, as shown in Clause 6.9(b) of the verge parking conditions, prevents many widely used passenger four wheel drive and utility vehicles from parking on verges. To enable these type vehicles to be able to park on permitted verges the word ‘GVM’ has been replaced with the words ‘tare weight’ which relates to the unladen weight of a vehicle.

The above changes are detailed in the Amendment Local Law, included as Attachment 1 to this Report.

The procedure for making local laws is detailed in the *Local Government Act 1995* (the Act) is a specific legislative process that must be adhered to in order for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

Section 3.12(2) of the Act states that the first action in the process of making a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this is achieved by ensuring that:

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting*
- (b) *the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*

In view of this the **purpose** of this local law is to amend certain provisions within the *City of Joondalup Parking Local Law 2013*.

The **effect** of this local law is to better clarify the provisions relating to the control of parking throughout the district.

### **Issues and options considered**

Council can either:

- make the *City of Joondalup Parking Amendment Local Law 2015* as presented for the purposes of public advertising
- make the *City of Joondalup Parking Amendment Local Law 2015* as proposed with any necessary amendments  
or
- not recommend the making of the *City of Joondalup Parking Amendment Local Law 2015* and retain the existing local law.

Option 1 is the preferred option considering the introduction of the new *Local Government (Parking for People with Disabilities) Regulations 2014* and the identified operational changes.

## Legislation / Strategic Community Plan / policy implications

### Legislation

*Local Government Act 1995.*  
*Local Government (Functions and General) Regulations 1996.*  
*Local Government (Parking for People with Disabilities) Regulations 2014.*

### Strategic Community Plan

#### Key theme

Governance and Leadership.

#### Objective

Corporate capacity.

#### Strategic initiative

Not applicable.

#### Policy

*Parking Schemes Policy.*

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law making process will take approximately four months.

### Risk management considerations

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the JSCDL.

### Financial / budget implications

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the *2014-15 Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

The proposed amendments reflect the new requirements imposed by the *Local Government (Parking for People with Disabilities) Regulations 2014* and legal advice received, and decisions of the Magistrates Court, relating to court prosecutions of parking related matters identified during the first 12 months of operation of the local law.

Should Council decide to make the *City of Joondalup Parking Amendment Local Law 2015* for the purposes of public advertising, statutory advertising and consultation with all members of the public will occur, as follows:

- Giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the state
  - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centres
  - advertising on the City's website.
- Providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made.

## COMMENT

The proposed *City of Joondalup Parking Amendment Local Law 2015* is a refinement of the current *City of Joondalup Parking Local Law 2013*, taking into account issues identified during the first 12 months of operation of the local law, and the introduction of the *Local Government (Parking for People with Disabilities) Regulations 2014*.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council MAKES the *City of Joondalup Parking Amendment Local Law 2015*, as detailed in Attachment 1 to this Report, for the purposes of public advertising.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf100315.pdf](#)

## ITEM 12 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2015

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882
<b>ALT FILE NUMBER</b>	101515
<b>ATTACHMENT</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of January 2015 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of January 2015 Attachment 3 Municipal and Trust Fund Vouchers for the month of January 2015
<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 January 2015.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2015 totalling \$9,860,039.20.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2015 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$9,860,039.20.*

### 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 January 2015. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 100199-100509 & EF045215 – EF045738 Net of cancelled payments	\$5,826,519.31
	Vouchers 1391A & 1396A – 1402A	\$4,008,212.12
Trust Account	Trust Cheques & EFT Payments 206682-206701& TEF000113– TEF000132 Net of cancelled payments	\$25,307.77
<b>Total</b>		<b>\$9,860,039.20</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2014-15 Annual Budget as adopted by Council at its meeting held on 24 June 2014 (CJ080-06/14 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for January 2015 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$9,860,039.20**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf100315.pdf](#)*

## **ITEM 13                      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2015**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENT</b>	Attachment 1      Financial Activity Statement for the period ended 31 January 2015
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 January 2015.

### **EXECUTIVE SUMMARY**

At its meeting held on 24 June 2014 (CJ080-06/14 refers), Council adopted the Annual Budget for the 2014-15 Financial Year. The figures in this report are compared to the Adopted Budget.

The January 2015 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$17,769,218 for the period when compared to the Adopted Budget. This variance does not represent an end of year projection. It represents the year to date position to 31 January 2015. There are a number of factors influencing the favourable variance but it is predominantly due to the timing of revenue and expenditure compared to the budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$4,643,749 higher than budget, made up of higher operating revenue \$1,799,507 and lower operating expenditure of \$2,844,242.

Operating revenue is higher than budget on Rates \$326,801, Profit on Asset Disposals \$1,525,561, Interest Earnings \$440,119, Other Revenue \$175,248, Grants and Subsidies \$24,045 and Specified Area Rates \$13,060 offset by lower revenue for Fees and Charges \$576,928 and Contributions, Reimbursements and Donations \$128,398.

Operating Expenditure is lower than budget on Materials and Contracts \$5,328,345, Loss on Asset Disposals \$1,064,486, Utilities \$374,346, Employee Costs \$874,437, Insurance Expenses \$35,952 and Interest Expenses \$1,128. These are partly offset by higher than budget expenditure on Depreciation and Amortisation \$4,834,453.

The Capital Deficit is \$11,125,449 lower than budget primarily owing to lower than budgeted expenditure on Capital Works \$8,304,099, Capital Projects \$1,028,518 and Motor Vehicle Replacements \$831,530 as well as higher revenue from Equity Distribution \$1,083,333 and Capital Contributions \$316,076 partly offset by lower than budgeted revenue for Capital Grants and Subsidies \$438,106.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2015 forming Attachment 1 to this Report.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 January 2015 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* as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk management considerations**

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

### **Financial / budget implications**

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

In accordance with Section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*, which was made available for public comment.

### **COMMENT**

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2014-15 Adopted Budget or have been authorised in advance by Council where applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 January 2015 forming Attachment 1 to this Report.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf100315.pdf](#)*

## **ITEM 14                    TENDER 041/14 - PROVISION OF MEDIAN AND VERGE MOWING TO NOMINATED LOCATIONS IN ZONE 1 - NORTH (KINROSS BOUNDARY TO OCEAN REEF ROAD)**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104613, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in Zone 1 – North (Kinross Boundary to Ocean Reef Road) for option (a), and should the Trustee for Turfmaster Unit Trust Trading as Turf Master Facility Management be the successful tenderer for Tender 046/14 – Zone 2 – Central (Ocean Reef Road to Hepburn Avenue) and Tender 047/14 Zone 3 – South (Hepburn Avenue to Beach Road), option (c) will be applicable.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 29 November 2014 through statewide public notice for the provision of median and verge mowing to nominated locations in Zone 1 – North (Kinross Boundary to Ocean Reef Road) for a period of three years. Tenders closed on 18 December 2014. A submission was received from each of the following:

- The Trustee for Parker Family Trust trading as Lawn Doctor.
- The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.

The submission from The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management represents best value to the City. It has proven industry experience and the capacity required to provide the mowing services for the City. It has been providing mowing services to local governments for many years including the Town of Cambridge, Cities of Stirling and Cockburn. It demonstrated a thorough understanding of the required tasks.

*It is therefore recommended that Council ACCEPTS the tender submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in Zone 1 – North (Kinross Boundary to Ocean Reef Road), option (a), as specified in Tender 041/14 for a period of three years at the submitted schedule of rates, applicable for the term of the contract, and should the Trustee for Turfmaster Unit Trust Trading as Turf Master Facility Management be the successful tenderer for Tender 046/14 – Zone 2 – Central (Ocean Reef Road to Hepburn Avenue) and Tender 047/14 Zone 3 – South (Hepburn Avenue to Beach Road), option (c) as specified in Tender 041/14 is applicable for the term of the contract.*

## **BACKGROUND**

The City has a requirement for the provision of verge and median mowing at nominated locations throughout the City of Joondalup. In an effort to test the maturity of the market, the City advertised three tenders for these works, in distinct geographical zones, with a view of determining whether the City would receive best value for money by zoning the works, or whether best value would be achieved by having one tenderer to perform all the mowing requirements.

In view of this Zone 1 – North (Kinross Boundary to Ocean Reef Road) is one of three geographical zones within the City of Joondalup that was advertised for tender.

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 median and verge mowing to nominated locations in Zone 1 – North (Kinross Boundary to Ocean Reef Road) was advertised through statewide public notice on 29 November 2014. The tender period was for two weeks and tenders closed on 18 December 2014.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for Parker Family Trust trading as Lawn Doctor.
- The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.

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

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

### **Evaluation Panel**

The evaluation panel was composed of three members being:

- one with tender and contract preparation skills
- two with the appropriate operational expertise and involvement in supervising the contract.

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

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 60%.

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

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

### **Compliance Assessment**

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

### **Qualitative Assessment**

Turf Master Facility Management scored 74.9% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding of the required tasks. It has been providing mowing services to local governments for many years including the Town of Cambridge, Cities of Stirling and Cockburn. It has proven industry experience and the capacity required to provide the mowing services for the City.

Lawn Doctor scored 76.9% and was ranked first in the qualitative assessment. It has extensive experience in providing turf maintenance and mowing services to private organisations and local governments including the Cities of Stirling, Swan, Armadale, Melville and Gosnells. It has the capacity to undertake the works. It demonstrated a thorough understanding of the City's requirements.

Given the minimum acceptable qualitative score of 60%, Lawn Doctor and Turf Master Facility Management 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.

To provide an estimated expenditure over a 12 month period, the number of mowing events per calendar year for each of the items were identified and used in the calculation.

The rates are applicable for the term of the Contract.

<b>Tenderer</b>	<b>* Option</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Lawn Doctor	(a)	\$360,359	\$360,359	\$360,359	<b>\$1,081,076</b>
	(b)	\$286,342	\$286,342	\$286,342	<b>\$859,026</b>
	(c)	\$242,221	\$242,221	\$242,221	<b>\$726,662</b>
Turf Master Facility Management	(a)	\$132,830	\$132,830	\$132,830	<b>\$398,491</b>
	(c)	\$119,547	\$119,547	\$119,547	<b>\$358,642</b>

\* Option: (a) if Zone 1 only is awarded, (b) if Zones 1 and 2 (RFT 046/14) are awarded and (c) If Zones 1, 2 and 3 (RFT 047/14) are awarded.

Options (b) and (c) can only be considered if the tenders for zones 1 and 2 or zones 1, 2 and 3 are accepted as a group.

Turf Master Facility Management's offer did not include option (b).

### **Evaluation Summary**

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

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Estimated Total Contract Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Lawn Doctor	2	\$1,081,076 (a) \$859,026 (b) \$726,662 (c)	1	76.9%
Turf Master Facility Management	1	\$398,491 (a) \$358,642 (c)	2	74.9%

Based on the evaluation result the panel concluded that the tender from Turf Master Facility Management for option (c) provides best value to the City and is therefore recommended.

While Lawn Doctor scored 76.9% and was ranked first in the qualitative assessment, it is 171% (\$682,585) more expensive when appointed for Zone 1 only or 102% (\$368,020) more expensive, if Zones 1, 2 and 3 are awarded, when compared to Turf Master Facility Management.

There is an overall financial benefit to the City for awarding all three zones to Turf Master Facility Management. The next best combination would be awarding Zones 1 and 2 to Turf Master Facility Management and Zone 3 to Lochness Landscape Services Southwest at an additional cost of \$58,284.

### **Issues and options considered**

The City has a requirement for the provision of median and verge mowing to nominated locations in Zone 1 – North (Kinross Boundary to Ocean Reef Road). The City does not have the internal resources to provide the required level of mowing services and requires the appropriate external contractor to undertake the works.

## Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Establish landscapes that are unique to the City and provide statements within prominent network areas.

**Policy** Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City does not have the resources to achieve the level of service required for median and verge mowing and any delay in appointing a contractor will have considerable impact on the mowing program.

It is considered that the contract will represent a low risk to the City as the recommended tenderer has proven industry experience and the capacity required to provide the services to the City.

### Financial / budget implications

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Median and verge mowing to nominated locations.
<b>Budget amount</b>	\$571,252 (all three zones).
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$138,536 (all three zones).
<b>Balance</b>	\$432,716

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

Not applicable.

## COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for option (c) represents best value to the City.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council ACCEPTS the tender submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in Zone 1 – North (Kinross Boundary to Ocean Reef Road), option (a), as specified in Tender 041/14 for a period of three years at the submitted schedule of rates, applicable for the term of the contract, and should the Trustee for Turfmaster Unit Trust Trading as Turf Master Facility Management be the successful tenderer for Tender 046/14 – Zone 2 – Central (Ocean Reef Road to Hepburn Avenue) and Tender 047/14 Zone 3 – South (Hepburn Avenue to Beach Road), option (c) as specified in Tender 041/14 is applicable for the term of the contract.**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf100315.pdf](#)

## **ITEM 15                    TENDER 046/14 PROVISION OF MEDIAN AND VERGE MOWING TO NOMINATED LOCATIONS IN ZONE 2 - CENTRAL (OCEAN REEF ROAD TO HEPBURN AVENUE)**

<b>WARD</b>	North-Central, Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104745, 101515
<b>ATTACHMENT</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in Zone 2 – Central (Ocean Reef Road to Hepburn Avenue) for option (a), and should the Trustee for Turfmaster Unit Trust Trading as Turf Master Facility Management be the successful tenderer for Tender 041/14 Zone 1 – North (Kinross Boundary to Ocean Reef Road) and Tender 047/14 Zone 3 – South (Hepburn Avenue to Beach Road), option (c) will be applicable.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 29 November 2014 through statewide public notice for the provision of median and verge mowing to nominated locations in Zone 2 – Central (Ocean Reef Road to Hepburn Avenue) for a period of three years. Tenders closed on 18 December 2014. A submission was received from each of the following:

- The Trustee for Parker Family Trust trading as Lawn Doctor.
- The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.

The submission from the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management represents best value to the City. It has proven industry experience and the capacity required to provide the mowing services for the City. It has been providing mowing services to local governments for many years including the Town of Cambridge, Cities of Stirling and Cockburn. It demonstrated a thorough understanding of the required tasks.

*It is therefore recommended that Council ACCEPTS the tender submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in Zone 2 – Central (Ocean Reef Road to Hepburn Avenue), option (a), as specified in Tender 046/14 for a period of three years at the submitted schedule of rates, applicable for the term of the contract, and should the Trustee for Turfmaster Unit Trust Trading as Turf Master Facility Management be the successful tenderer for Tender 041/14 Zone 1 – North (Kinross Boundary to Ocean Reef Road) and Tender 047/14 Zone 3 – South (Hepburn Avenue to Beach Road), option (c) as specified in Tender 046/14 is applicable for the term of the contract.*

## **BACKGROUND**

The City has a requirement for the provision of verge and median mowing at nominated locations throughout the City of Joondalup. In an effort to test the maturity of the market, the City advertised three tenders for these works, in distinct geographical zones, with a view of determining whether the City would receive best value for money by zoning the works, or whether best value would be achieved by having one tenderer to perform all the mowing requirements.

In view of this Zone 2 – Central (Ocean Reef Road to Hepburn Avenue). Zone 2 – Central (Ocean Reef Road to Hepburn Avenue) is one of three geographical zones within the City of Joondalup that was advertised for tender.

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 median and verge mowing to nominated locations in Zone 2 – Central (Ocean Reef Road to Hepburn Avenue) was advertised through statewide public notice on 29 November 2014. The tender period was for two weeks and tenders closed on 18 December 2014.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for Parker Family Trust trading as Lawn Doctor.
- The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.

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

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

### **Evaluation Panel**

The evaluation panel was composed of three members being:

- one with tender and contract preparation skills
- two with the appropriate operational expertise and involvement in supervising the contract.

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

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 60%.

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

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

### **Compliance Assessment**

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

### **Qualitative Assessment**

Turf Master Facility Management scored 74.9% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding of the required tasks. It has been providing mowing services to local governments for many years including the Town of Cambridge, Cities of Stirling and Cockburn. It has proven industry experience and the capacity required to provide the mowing services for the City.

Lawn Doctor scored 76.9% and was ranked first in the qualitative assessment. It has extensive experience in providing turf maintenance and mowing services to private organisations and local governments including the Cities of Stirling, Swan, Armadale, Melville and Gosnells. It has the capacity to undertake the works. It demonstrated a thorough understanding of the City's requirements.

Given the minimum acceptable qualitative score of 60%, Lawn Doctor and Turf Master Facility Management 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.

To provide an estimated expenditure over a 12 month period, the number of mowing events per calendar year for each of the items were identified and used in the calculation.

The rates are applicable for the term of the Contract.

Tenderer	* Option	Year 1	Year 2	Year 3	Total
Lawn Doctor	(a)	\$263,714	\$263,714	\$263,714	<b>\$791,143</b>
	(b)	\$197,977	\$197,977	\$197,977	<b>\$593,931</b>
	(c)	\$139,886	\$139,886	\$139,886	<b>\$419,659</b>
Turf Master Facility Management	(a)	\$129,013	\$129,013	\$129,013	<b>\$387,040</b>
	(c)	\$116,112	\$116,112	\$116,112	<b>\$348,336</b>

\* Option: (a) if Zone 2 only is awarded, (b) if Zones 1 (RFT 041/14) and 2 are awarded and (c) If Zones 1, 2 and 3 (RFT 047/14) are awarded.

Options (b) and (c) can only be considered if the tenders for zones 1 and 2 or zones 1, 2 and 3 are accepted as a group.

Turf Master Facility Management's offer did not include option (b).

### Evaluation Summary

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

Tenderer	Price Ranking	Estimated Total Contract Price	Qualitative Ranking	Weighted Percentage Score
Lawn Doctor	2	\$791,143 (a)	1	76.9%
		\$593,931 (b)		
		\$419,659 (c)		
Turf Master Facility Management	1	\$387,040 (a)	2	74.9%
		\$348,336 (c)		

Based on the evaluation result the panel concluded that the tender from Turf Master Facility Management for option (c) provides best value to the City and is therefore recommended.

While Lawn Doctor scored 76.9% and was ranked first in the qualitative assessment, it is 104% (\$404,103) more expensive when appointed for Zone 2 only or 20% (\$71,323) more expensive, if Zones 1, 2 and 3 are awarded, when compared to Turf Master Facility Management.

There is an overall financial benefit to the City for awarding all three zones to Turf Master Facility Management. The next best combination would be awarding Zones 1 and 2 to Turf Master Facility Management and Zone 3 to Lochness Landscape Services Southwest at an additional cost of \$58,284.

### Issues and options considered

The City has a requirement for the provision of median and verge mowing to nominated locations in Zone 2 – Central (Ocean Reef Road to Hepburn Avenue). The City does not have the internal resources to provide the required level of mowing services and requires the appropriate external contractor to undertake the works.

## Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Establish landscapes that are unique to the City and provide statements within prominent network areas.

**Policy** Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City does not have the resources to achieve the level of service required for median and verge mowing and any delay in appointing a contractor will have considerable impact on the mowing program.

It is considered that the contract will represent a low risk to the City as the recommended tenderer has proven industry experience and the capacity required to provide the services to the City.

### Financial / budget implications

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Median and verge mowing to nominated locations.
<b>Budget amount</b>	\$571,252 (all three zones)
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$138,536 (all three zones)
<b>Balance</b>	\$432,716

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

Not applicable.

## COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for option (c) represents best value to the City.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council ACCEPTS the tender submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in Zone 2 – Central (Ocean Reef Road to Hepburn Avenue), option (a), as specified in Tender 046/14 for a period of three years at the submitted schedule of rates, applicable for the term of the contract, and should the Trustee for Turfmaster Unit Trust Trading as Turf Master Facility Management be the successful tenderer for Tender 041/14 – Zone 1 – North (Kinross Boundary to Ocean Reef Road) and Tender 047/14 Zone 3 – South (Hepburn Avenue to Beach Road), option (c) as specified in Tender 046/14 is applicable for the term of the contract.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf100315.pdf](#)*

## **ITEM 16                    TENDER 047/14 PROVISION OF MEDIAN AND VERGE MOWING TO NOMINATED LOCATIONS IN ZONE 3 - SOUTH (HEPBURN AVENUE TO BEACH ROAD)**

<b>WARD</b>	South-West, South-East and South
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104744, 101515
<b>ATTACHMENT</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in Zone 3 – South (Hepburn Avenue to Beach Road) for option (a), and should the Trustee for Turfmaster Unit Trust Trading as Turf Master Facility Management be the successful tenderer for Tender 041/14 Zone 1 – North (Kinross Boundary to Ocean Reef Road) and Tender 046/14 Zone 2 – Central (Ocean Reef Road to Hepburn Avenue), option (b) will be applicable.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 29 November 2014 through statewide public notice for the provision of median and verge mowing to nominated locations in Zone 3 – South (Hepburn Avenue to Beach Road) for a period of three years. Tenders closed on 18 December 2014. A submission was received from each of the following:

- The Trustee for Parker Family Trust trading as Lawn Doctor.
- The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.
- The A J Morley Family Trust & The J & L Troiano Family Trust trading as Lochness Landscape Services Southwest.

The submission from the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management represents best value to the City. It has proven industry experience and the capacity required to provide the mowing services for the City. It has been providing mowing services to local governments for many years including the Town of Cambridge, Cities of Stirling and Cockburn. It demonstrated a thorough understanding of the required tasks.

*It is therefore recommended that Council ACCEPTS the tender submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in Zone 3 – South (Hepburn Avenue to Beach Road), option (a), as specified in Tender 047/14 for a period of three years at the submitted schedule of rates, applicable for the term of the contract, and should the Trustee for Turfmaster Unit Trust Trading as Turf Master Facility Management be the successful tenderer for Tender 041/14 Zone 1 – North (Kinross Boundary to Ocean Reef Road) and Tender 046/14 Zone 2 – Central (Ocean Reef Road to Hepburn Avenue), option (b) as specified in Tender 046/14 is applicable for the term of the contract.*

## **BACKGROUND**

The City has a requirement for the provision of verge and median mowing at nominated locations throughout the City of Joondalup. In an effort to test the maturity of the market, the City advertised three tenders for these works, in distinct geographical zones, with a view of determining whether the City would receive best value for money by zoning the works, or whether best value would be achieved by having one tenderer to perform all the mowing requirements.

In view of this Zone 3 – South (Hepburn Avenue to Beach Road) is one of three geographical zones within the City of Joondalup that was advertised for tender.

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 median and verge mowing to nominated locations in Zone 3 – South (Hepburn Avenue to Beach Road) was advertised through statewide public notice on 29 November 2014. The tender period was for two weeks and tenders closed on 18 December 2014.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for Parker Family Trust trading as Lawn Doctor.
- The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.
- The A J Morley Family Trust & The J & L Troiano Family Trust trading as Lochness Landscape Services Southwest.

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

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

### **Evaluation Panel**

The evaluation panel was composed of three members being:

- one with tender and contract preparation skills
- two with the appropriate operational expertise and involvement in supervising the contract.

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

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 60%.

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

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

### **Compliance Assessment**

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

### **Qualitative Assessment**

Lochness Landscape Services Southwest scored 68.7% and was ranked third in the qualitative assessment. It demonstrated experience in providing similar services. It is currently providing mowing services to the City of Rockingham and the Town of Victoria Park. It demonstrated a sound understanding of the required tasks and has the capacity to carry out the services.

Turf Master Facility Management scored 74.9% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding of the required tasks. It has been providing mowing services to local governments for many years including the Town of Cambridge, Cities of Stirling and Cockburn. It has proven industry experience and the capacity required to provide the mowing services for the City.

Lawn Doctor scored 76.9% and was ranked first in the qualitative assessment. It has extensive experience in providing turf maintenance and mowing services to private organisations and local governments including the Cities of Stirling, Swan, Armadale, Melville and Gosnells. It has the capacity to undertake the works. It demonstrated a thorough understanding of the City's requirements.

Given the minimum acceptable qualitative score of 60%, Lawn Doctor, Turf Master Facility Management and Lochness Landscape Services Southwest 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.

To provide an estimated expenditure over a 12 month period, the number of mowing events per calendar year for each of the items were identified and used in the calculation.

The rates are applicable for the term of the contract.

<b>Tenderer</b>	<b>*Option</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Lawn Doctor	(a)	\$268,598	\$268,598	\$268,598	<b>\$805,795</b>
	(b)	\$142,520	\$142,520	\$142,520	<b>\$427,560</b>
Turf Master Facility Management	(a)	\$182,841	\$182,841	\$182,841	<b>\$548,522</b>
	(b)	\$164,556	\$164,556	\$164,556	<b>\$493,669</b>
Lochness Landscape Services Southwest	(a)	\$157,800	\$157,800	\$157,800	<b>\$473,400</b>

\*Option: (a) if Zone 3 only is awarded, (b) if Zones 1 (RFT 041/14), 2 (RFT 046/14) and 3 are awarded.

Option (b) can only be considered if the tenders for zones 1, 2 and 3 are accepted as a group.

Lochness Landscape Services Southwest's offer did not include option (b).

## Evaluation Summary

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

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Estimated Total Contract Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Lawn Doctor	3	\$805,795 (a)	1	76.9%
		\$427,560 (b)		
Turf Master Facility Management	2	\$548,522 (a)	2	74.9%
		\$493,669 (b)		
Lochness Landscape Services Southwest	1	\$473,400 (a)	3	68.7%

Based on the evaluation result the panel concluded that the tender from Turf Master Facility Management for option (b) provides best value to the City and is therefore recommended.

While Lawn Doctor scored 76.9% and was ranked first in the qualitative assessment, it is 46% (\$257,273) more expensive when appointed for Zone 3 only, when compared to Turf Master Facility Management.

There is an overall financial benefit to the City for awarding all three zones to Turf Master Facility Management. The next best combination would be awarding Zones 1 and 2 to Turf Master Facility Management and Zone 3 to Lochness Landscape Services Southwest at an additional cost of \$58,284.

### Issues and options considered

The City has a requirement for the provision of median and verge mowing to nominated locations in Zone 3 – South (Hepburn Avenue to Beach Road). The City does not have the internal resources to provide the required level of mowing services and requires the appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Establish landscapes that are unique to the City and provide statements within prominent network areas.

**Policy** Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City does not have the resources to achieve the level of service required for median and verge mowing and any delay in appointing a contractor will have considerable impact on the mowing program.

It is considered that the contract will represent a low risk to the City as the recommended tenderer has proven industry experience and the capacity required to provide the services to the City.

### Financial / budget implications

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Median and verge mowing to nominated locations in Zone 3 – South (Hepburn Avenue to Beach Road).
<b>Budget amount</b>	\$571,252 (all three zones)
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$138,536 (all three zones)
<b>Balance</b>	\$432,716

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for option (b) represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by the Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in Zone 3 – South (Hepburn Avenue to Beach Road), option (a), as specified in Tender 047/14 for a period of three years at the submitted schedule of rates, applicable for the term of the contract, and should the Trustee for Turfmaster Unit Trust Trading as Turf Master Facility Management be the successful tenderer for Tender 041/14 Zone 1 – North (Kinross Boundary to Ocean Reef Road) and Tender 046/14 Zone 2 – Central (Ocean Reef Road to Hepburn Avenue), option (b) as specified in Tender 046/14 is applicable for the term of the contract.**

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf100315.pdf](#)

## **ITEM 17                    TENDER 044/14 BUILDING MINOR WORKS AND MAINTENANCE OF VALUE LESS THAN \$100,000**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104708, 101515
<b>ATTACHMENT</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions Attachment 3    Summary of Rates

*(Please Note: Attachment 3 is 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.
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### **PURPOSE**

For Council to accept the tender submitted by The Trustee for Devereux Family Trust trading as Devco Builders for the provision of building minor works and maintenance of value less than \$100,000.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 29 November 2014 through statewide public notice for the provision of building minor works and maintenance of value less than \$100,000 for a period of 40 months. Tenders closed on 16 December 2014. A submission was received from each of the following:

- The Trustee for Devereux Family Trust trading as Devco Builders.
- C.P.D. Group Pty Ltd trading as CPD Group.
- M Construction (WA) Pty Ltd.
- Q Contracting Pty Ltd.
- The Trustee for R W E Robinson Unit Trust trading as Robinson Buildtech.
- The Trustee for Macbond Trust trading as Westcoast Construction & Demolition.
- Walcott Industries Pty Ltd.
- Hyde Family Trust The trading as HS Hyde & Son.
- Trademarque Homes Pty Ltd trading as TMGRP Construction.
- Orixon Pty Ltd.
- The Trustee for M R Hoskins Family Trust trading as A E Hoskins & Sons.

The submission from The Trustee for Devereux Family Trust trading as Devco Builders represents best value to the City. It has extensive experience in completing similar projects for state and local governments including the Cities of Swan, Bayswater and Wanneroo. It demonstrated a thorough understanding and appreciation of the City's requirements. It is the City's current contractor for building minor works and maintenance services. Devco Builders is well established and has the capacity to carry out the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for Devereux Family Trust trading as Devco Builders for the provision of building minor works and maintenance of value less than \$100,000 as specified in Tender 044/14 for a period of 40 months at the submitted schedule of rates, applicable for the term of the contract.*

## **BACKGROUND**

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake building minor works and maintenance to the City's existing assets and associated facilities from time to time.

The contractor will be allocated work arising over and above the work conducted by the in-house building maintenance team.

Each individual project shall have an inclusive total value less than or equal to \$100,000 (Exclusive of GST).

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 building minor works and maintenance of value less than \$100,000 was advertised through statewide public notice on 29 November 2014. The tender period was for two weeks and tenders closed on 16 December 2014.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for Devereux Family Trust trading as Devco Builders.
- C.P.D. Group Pty Ltd trading as CPD Group.
- M Construction (WA) Pty Ltd.
- Q Contracting Pty Ltd.
- The Trustee for R W E Robinson Unit Trust trading as Robinson Buildtech.
- The Trustee for Macbond Trust trading as Westcoast Construction & Demolition.
- Walcott Industries Pty Ltd.
- Hyde Family Trust The trading as HS Hyde & Son.
- Trademarque Homes Pty Ltd trading as TMGRP Construction.
- Orixon Pty Ltd.
- The Trustee for M R Hoskins Family Trust trading as A E Hoskins & Sons.

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

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

### **Evaluation Panel**

The evaluation panel was composed of four members being:

- one with tender and contract preparation skills
- three with the appropriate operational expertise and involvement in supervising the contract.

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

### **Evaluation Method and Weighting**

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

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

<b>Qualitative and Price Criteria</b>		<b>Weighting</b>
1	Price	55%
2	Demonstrated Experience in Providing Similar Services	15%
3	Capacity	15%
4	Demonstrated understanding of the required tasks	10%
5	Social and economic effects on the local community	5%

### **Compliance Assessment**

All submissions received were assessed as compliant and remained for further consideration.

### **Qualitative Assessment**

A E Hoskins & Sons scored 50.7% and was ranked eleventh in the overall assessment. The company did not demonstrate an understanding of the required tasks. It indicated it currently has a maintenance contract with the Town of Cambridge. It also provides adhoc maintenance service to the Cities of Stirling and Canning. No other examples of works were provided. The panel is not confident A E Hoskins & Sons has the capacity required to undertake the works. It did not address the ability to provide additional personnel if required and its safety statistics were not provided.

Orixon Pty Ltd scored 54.8% and was ranked tenth in the overall assessment. The company appears to have the capacity required to provide the works based on its experience, however it did not address its number of fulltime employees, details of specialised equipment and safety statistics. It demonstrated some understanding of the City's requirements. It has experience in undertaking similar projects for various organisations including Spotless Defence, Department of Finance Building Management and Works and Jones Lang Lasalle. However, the panel noted the examples of works provided did not include local government projects.

TMGRP Construction scored 58.8% and was ranked ninth in the overall assessment. The company demonstrated limited experience completing projects of a similar size and nature to the City's requirement. It has carried out maintenance works in secure areas at various hospitals. Two examples of works were provided and both were small refurbishment projects for Genesis Healthcare. Also, it submitted a brief response and the information provided was limited to demonstrate its understanding of the City's requirements. It is likely it has the capacity to provide the works; however it did not address the ability to provide additional staff and limited information on its equipment and briefly addressed its safety systems.

HS Hyde & Son scored 63.7% and was ranked eighth in the overall assessment. It has the capacity to carry out the works. It has been undertaking general carpentry and workshop repairs for Wes Trac and Komatsu Australia Pty Ltd. It has also been providing general building maintenance services for the Department of Finance Building Management and Works. It demonstrated an understanding of the required tasks. The panel noted examples of works provided did not include local government projects.

Walcott Industries Pty Ltd scored 65.1% and was ranked seventh in the overall assessment. The company is currently undertaking building minor works and maintenance services for the Cities of Stirling and Bayswater. Examples of works were provided but all were small projects with two to three month duration. It has also in the past completed a small project for the City. It demonstrated an understanding of the required tasks and has sufficient capacity to perform the works.

Westcoast Construction & Demolition scored 65.7% and was ranked sixth in the overall assessment. It demonstrated an understanding of the required tasks. It stated it provides minor works and maintenance services to private organisations and governments but these did not include any local government projects. Also, its response was brief and did not provide the scope of work or when these works were carried out. The company's response addressing capacity was brief. It did not address time in business, a specific list of equipment or safety statistics.

Robinson Buildtech scored 65.8% and was ranked fifth in the overall assessment. It has extensive experience in completing similar projects for various local governments including the Cities of Melville, Stirling, Perth and Canning. The company has the capacity to carry out the works. It demonstrated a sound understanding of the City's requirements.

Q Contracting Pty Ltd scored 72.3% and was ranked fourth in the overall assessment. The company demonstrated some experience in completing similar projects for Australia Post and CBRE Perth but no experience in work for local governments. It has also completed other projects for large private organisations including Brookfield Multiplex, Cooper and Oxley and Charter Hall but the scope of works for these projects was not supplied. It demonstrated some understanding of the City's requirements providing a general work process for capital works and maintenance. The company's response addressing capacity did not include a specific list of its equipment or copies of its safety procedures.

M Construction (WA) Pty Ltd scored 72.6% and was ranked third in the overall assessment. The company demonstrated a sound understanding of the required tasks. It has a small number of staff with the company utilising the services of subcontractors to ensure projects are completed. Limited information was supplied on its support team and equipment. It has experience in completing similar building minor works and maintenance projects for various organisations including the Department of Housing, the City of Canning and Defence Housing Australia.

CPD Group scored 73.7% and was ranked second in the overall assessment. The company has the capacity and experience required to carry out the works. It has recently completed similar refurbishment works for the Cities of Cockburn and Rockingham and general building repairs for the City of Mandurah. CPD Group demonstrated a thorough understanding of the required tasks.

Devco Builders scored 76.4% and was ranked first in the overall assessment. It has extensive experience in completing similar projects for state and local governments including the Cities of Swan, Bayswater and Wanneroo. It demonstrated a thorough understanding and appreciation of the City's requirements. It is the City's current contractor for building minor works and maintenance services. Devco Builders is well established and has the capacity to complete the works for the City.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City.

The works undertaken during the contract would be based upon an hourly labour rate and the cost of materials with each tenderer submitting a percentage mark-up for materials and plant hire. The work will consist of two components:

- capital projects not exceeding \$100,000 in value
- reactive maintenance.

Due to the unknown nature of the works, it is not possible to calculate an estimated expenditure over the life of the contract. However, a direct comparison of the most commonly utilised rates for labour, materials and plant hire mark-up was undertaken.

A summary of the rates submitted is provided in confidential Attachment 3.

The rates offered by the tenderers are applicable for the term of the contract.

During 2013-14, the City incurred \$950,437 building minor works and maintenance of value less than \$100,000. The current budget for these services is \$1,000,000. This is not anticipated to change in years two and three of the contract and the projected expenditure over the 40 months contract period will be in the order of \$3,300,000.

### Evaluation Summary

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

Tenderer	Qualitative Weighted Score	Price Weighted Score	Total Weighted Percentage Score	Ranking
Devco Builders	36.4%	40.0%	76.4%	1
CPD Group	30.5%	43.2%	73.7%	2
M Construction (WA) Pty Ltd	25.8%	46.8%	72.6%	3
Q Contracting Pty Ltd	18.5%	53.8%	72.3%	4
Robinson Buildtech	30.3%	35.5%	65.8%	5

<b>Tenderer</b>	<b>Qualitative Weighted Score</b>	<b>Price Weighted Score</b>	<b>Total Weighted Percentage Score</b>	<b>Ranking</b>
Westcoast Construction & Demolition	21.3%	44.5%	65.7%	6
Walcott Industries Pty Ltd	26.8%	38.4%	65.1%	7
HS Hyde & Son	24.2%	39.6%	63.7%	8
TMGRP Construction	17.5%	41.3%	58.8%	9
Orixon Pty Ltd	20.4%	34.4%	54.8%	10
A E Hoskins & Sons	20.4%	30.3%	50.7%	11

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

### **Issues and options considered**

The City has a requirement for the provision of building minor works and maintenance to the City's existing assets and associated facilities from time to time. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

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

#### **Legislation**

A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

#### **Strategic Community Plan**

##### **Key theme**

Community Wellbeing.

##### **Objective**

Quality facilities.

##### **Strategic initiative**

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

##### **Policy**

Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be high as building maintenance and refurbishment works will be delayed and the City will not be able to complete capital works on time.

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

**Financial / budget implications**

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Building minor works and maintenance.
<b>Budget amount</b>	\$ 1,000,000
<b>Amount spent to date</b>	\$ 577,883
<b>Proposed cost</b>	\$ 346,000
<b>Balance</b>	\$ 76,117

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The maintenance and refurbishment of City facilities will enhance their visual appeal and improve the quality of the amenities available for use by the community.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by The Trustee for Devereux Family Trust trading as Devco Builders represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by The Trustee for Devereux Family Trust trading as Devco Builders for the provision of building minor works and maintenance of value less than \$100,000 as specified in Tender 044/14 for a period of 40 months at the submitted schedule of rates, applicable for the term of the contract.**

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16brf100315.pdf](#)

## ITEM 18                      REQUEST FOR ADDITIONAL SUBSIDIES - FACILITY HIRE SUBSIDY POLICY

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	101271, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to give consideration to apply additional subsidies for the hire of City facilities.

### EXECUTIVE SUMMARY

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

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

The *Facility Hire Subsidy Policy* was reviewed after its initial period in operation and Council adopted a revised version at its meeting held on 9 December 2014 (CJ243-12/14 refers). The revised policy stipulates that groups must have their primary base of operation within the City of Joondalup to be eligible for a subsidy. It also provides authority for the Chief Executive Officer to waive facility hire booking fees up to the value of \$5,000.

The City has recently completed the annual bookings for use of its facilities for 2015. Consequently, some groups have sought further subsidisation in accordance with the policy, and those requests that are for a value of \$5,000 or more are listed below for Council's consideration.

- Lions Club of Whitford.
- Kallaroo Embroidery Club.
- Northern Districts Bridge Club.
- Centre for Cerebral Palsy.

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

## BACKGROUND

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

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

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

## DETAILS

At its meeting held on 9 December 2014 (CJ243-12/14 refers), Council adopted a revised policy relating to subsidised use of City facilities that is to:

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

The policy applies to all local not-for-profit community groups and groups from educational institutions hiring City-managed facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre - Craigie. The policy applies to organised groups only (does not apply to individuals) and they must have their primary base of operation within the City of Joondalup to be eligible for a subsidy.

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

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

The process the City follows when booking facilities for regular hire groups is via two ways, being:

- annual users
- seasonal users.

Annual users are those groups who hire a City facility for a calendar year, where a seasonal user is a group that books either for a winter or summer season, which are regarded traditional sports seasons.

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

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

*Additional subsidies will be provided for the following:*

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

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

The City has recently completed the annual bookings for use of its facilities for 2015. Consequently, some groups have sought further subsidisation in accordance with the policy, and those requests that are for a value of \$5,000 or more are listed below for Council’s consideration.

- Lions Club of Whitford.
- Kallaroo Embroidery Club.
- Northern Districts Bridge Club.
- Centre for Cerebral Palsy.

Lions Club of Whitford

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy per week</b>	<b>Potential additional cost</b>
Gibson Park Community Facility	Community Service and Charitable Groups - Groups that operate to raise funds for charity and/or provide volunteer-based community services to the community.	100% up to a maximum of 10 hours per week.	25	15 hrs /wk	\$19,784.61

The Lions Club of Whitford is one of four Lions Clubs that hire the Gibson Park Community Facility. The Gibson Park Community Facility was built with the main purpose to house the Lions Clubs that operate within the City of Joondalup, while also providing an additional facility that would be accessible to the community. The other three Lions Clubs (Duncraig, Kingsley and Ocean Reef) operate within the allocated subsidised hours as per the policy for this facility.

The group has booked 1,300 hours for 2015, averaging 25 hours per week, to enable it to conduct regular meetings and undertake the necessary work in preparing for many of its charitable fundraising events. The current booking request covers the club's known projects for 2015, but does not include additional charity work that they need to undertake with various requests received throughout the year. In previous years these requests have amounted to approximately 260 hours.

It is understood that one of the challenges faced by the group when wanting to access their storage facilities to allow members to undertake their work is that they cannot access the toilets. This therefore requires them to book the function area, so they can undertake their work within their storage areas and gaining access to the toilet facilities without disturbing another user group.

The group has requested the City provide an extension of their subsidy from 10 hours per week to include all existing bookings plus bookings for new projects that will likely eventuate throughout the year.

The group, along with other Lions Clubs provide valuable services to the community in assisting many charities, community groups and other people in need. Limiting access to the Gibson Park Community Facility may restrict the club's ability to provide these services. Consequently, it is suggested that Council give consideration to extending the club's 100% subsidy from 10 hours to 30 hours per week for 2015 only, to cover their existing bookings as well as any additional bookings that arise from special requests, as mentioned above.

In 2014, Council approved to extend their 100% subsidy from 10 hours per week to 30 hours per week.

#### Kallaroo Embroidery Group

<b>Facility hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Flinders Park Community Centre	N/A	N/A	3.8	N/A	\$5,508.00

The Embroiders Guild of WA operates from a facility in Ardross, however in recent times has established two groups in the northern suburbs, the Kallaroo Embroidery Group and Thread Magic.

The Kallaroo Embroidery Group has more than 50% of members as City of Joondalup residents and is a not-for-profit group under the affiliation with the Embroiders Guild of WA.

Previously, the group has been classified as an “Other Not-for-Profit Community Group”, and was entitled to a 50% subsidy on a continuous basis. Council then approved a waiver of the remaining 50% so that the group was not required to pay, as prior to the original Facility Hire Subsidy being adopted in November 2012 the group was considered a seniors group and was not charged for their facility hire.

Under the current Facility Hire Subsidy policy the group is not eligible for any subsidy as their primary base of operation is in Ardross, outside the City of Joondalup.

The group has requested it continue to receive 100% subsidy. It is recommended that rather than classify the group as eligible for a subsidy, that the City considers waiving 75% of the fees that would apply, with the group to be advised that the waiver will reduce by 25% each year - 2016 (50% waiver), 2017 (25% waiver) and 2018 (0% waiver) - unless the group's status changes and they become eligible for a subsidy.

#### Northern Districts Bridge Club

<b>Facility hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Seacrest Park Community Sporting Facility	Other Not-For-Profit Community Groups – All other groups defined as not-for-profit community groups as per this policy.	50% (continually)	8.0	N/A	\$5,825.25

The Northern Districts Bridge Club relocated to the Joondalup area from the City of Wanneroo approximately seven years ago and has hired Sorrento Hall (until 2012) and then the Seacrest Park Community Sporting Facility for eight hours per week.

The Northern Districts Bridge Club is a not-for-profit group with more than 50% of members residing within the City of Joondalup, however, is not exclusive to those persons 55 years and older (although the Club has indicated that all its members are over 55). Previously, the group has utilised City facilities at 100% subsidy, however with the revised policy they are classified as an “Other Not-for-Profit Community Group”, and would be entitled to a 50% subsidy on a continuous basis.

The group has requested it continue to receive 100% subsidy. It is recommended that the request is not approved as the City has other similar groups who also receive a 50% subsidy and they pay the remaining 50%, and therefore providing a 100% subsidy for Northern Districts Bridge Club would mean inconsistent application of the policy to similar groups. There are two other bridge clubs in the City of Joondalup and both pay the appropriate fees in accordance with the policy and fees and charges schedule.

In 2014, this group requested additional subsidy to 100% for eight hours per week. Council did not approve their request for additional subsidy however did approve a fee waiver.

Council could consider phasing in the requirement for the group to pay the 50% of fees by waiving an additional 25% in 2015 with the 50% fees to apply in 2016.

Centre of Cerebral Palsy

Facility hired	Classification within Policy	Extent of subsidy	Average number of hours booked per week	Number of hours exceeding subsidy	Potential additional cost
Ellersdale Park Clubrooms & Admiral Park Community Sporting Facility	N/A	N/A	7.2	N/A	\$8,966.92

The Centre for Cerebral Palsy has previously booked City facilities on a regular basis and was eligible for a 100% subsidy as a Charitable Group. However the group is no longer eligible for a subsidy as it does not meet the criteria in the revised policy relating to at least 50% of active members residing within the City of Joondalup, nor does it have its primary base of operation within the City of Joondalup.

The group has requested a 100% waiver of the facility hire fees.

It is recommended that rather than classify the group as eligible for a subsidy, that the City considers waiving 75% of the fees that would apply, with the group to be advised that the waiver will reduce by 25% each year - 2016 (50% waiver), 2017 (25% waiver) and 2018 (0% waiver) - unless the group's status changes and they become eligible for a subsidy.

**Issues and options considered**

The Council may:

- approve each of the requests for additional subsidies on a case by case basis
- approve in part each of the requests on a case by case  
or
- decline the request for additional subsidies on a case by case basis.

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

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

**Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

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

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

**Risk management considerations**

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

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

### **Financial / budget implications**

The cost to the City across all levels of subsidised use of City facilities is approximately \$1.3 million dollars. If the City was to extend the subsidies and waive the fees proposed for additional usage of City facilities for these groups, the City will lose approximately \$40,111.78 in income for 2014-15 and 2015-16.

### **Regional significance**

Requests for subsidised use only apply to users of City facilities that have a minimum of 50% members being resident to the City of Joondalup, and groups who have their primary base of operation within the City of Joondalup.

### **Sustainability implications**

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

### **Consultation**

Not applicable.

### **COMMENT**

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

One of the objectives of the *Property Management Framework* was to stop groups booking facilities on a just-in-case situation. Such bookings then prevent other groups/individuals from gaining access to those facilities.

### **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1**     **AGREES to extend the 100% subsidised use to the Lions Club of Whitford to a maximum of 30 hours per week;**
- 2**     **DOES NOT AGREE to the request from the Kallaroo Embroidery Club for 100% subsidy;**
- 3**     **AGREES to waive 75% of the fees that would apply to the Kallaroo Embroidery Club up to \$4,131 for 2015 bookings, with the group to be advised that the waiver will reduce by 25% each year - 2016 (50% waiver), 2017 (25% waiver) and 2018 (0% waiver) - unless the group's status changes and they become eligible for a subsidy;**
- 4**     **DOES NOT AGREE to the request from the Northern Districts Bridge Club for an additional subsidy to 100%;**
- 5**     **AGREES to waive an additional 25% of the fees that would apply to the Northern Districts Bridge Club up to \$2,926.13 for 2015 bookings only, with the group to be advised that no additional subsidy above the 50% provided by the policy will be approved in 2016;**
- 6**     **DOES NOT AGREE to the request from the Centre for Cerebral Palsy for 100% subsidy;**
- 7**     **AGREES to waive 75% of the fees that would apply to the Centre for Cerebral Palsy up to \$6,725.19 for 2015 bookings, with the group to be advised that the waiver will reduce by 25% each year - 2016 (50% waiver), 2017 (25% waiver) and 2018 (0% waiver) - unless the group's status changes and they become eligible for a subsidy; and**
- 8**     **NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year/season and a new application must be made in each following year/season.**

## **ITEM 19                    PETITION OF ELECTORS IN RELATION TO DOGS BEING ALLOWED INTO CRAIGIE OPEN SPACE**

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<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	44236, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider a petition seeking to amend the specification of Craigie Open Space under the *Dog Act 1976* which currently prohibits dogs and instead to allow dogs on leads to be walked in the reserve.

### **EXECUTIVE SUMMARY**

At its meeting held on 16 September 2014 (CJ169-09/14 refers), Council by an absolute majority, specified that among other things, Craigie Open Space Reserve numbers 38362 and 32858 be specified as a “places where dogs are prohibited at all times” area. On 18 November 2014 (C60-11/14 refers), the City received a petition bearing 51 signatures, 49 from within the City of Joondalup seeking to have this specification changed and instead to allow dogs to be walked on leads in Craigie Open Space.

Craigie Open Space is ranked in the City's top five natural bushland areas due to the high biodiversity values of the site. Craigie Open Space has been recognised for its regional environmental significance by being designated as a Bush Forever site. Craigie Open Space contains a wildlife sanctuary for quenda, a conservation dependent priority five species. To ensure the protection of the biodiversity in Craigie Open Space, it is recommended that Council does not support the request.

### **BACKGROUND**

At its meeting held on 24 June 2014 (CJ096-06/14 refers), Council resolved by absolute majority to advertise its intention to specify all dog prohibited and dog exercise areas. There were five responses to the public advertising, none of which related to Craigie Open Space.

The City approved the protection of native fauna, through the erection of suitable fencing around Craigie Open Space, in 2009, to assist in keeping out feral animals that could be harmful to fauna. In September 2010, the City received a draft feasibility study related to the establishment of Craigie Open Space as a wildlife sanctuary, both to preserve existing fauna and to gradually introduce other endangered, threatened or priority species that are endemic to the area. At its meeting held on 16 November 2010 (CJ202-11/10 refers), Council supported development of a wildlife sanctuary in Craigie Open Space.

The intention of creating a wildlife sanctuary at Craigie Open Space was to provide a safe predator free environment for the translocation of Quenda, a Department of Parks and Wildlife Priority five species. Priority five means conservation dependent species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

A Craigie Open Space Management Plan will be developed in 2016-17 to provide strategic ongoing management of the site and protect native vegetation, fauna and ecosystems.

## **DETAILS**

On 18 November 2014 (C60-11/14 refers), Council received a petition bearing 51 signatures, 49 from within the City of Joondalup requesting that Council *“Reconsider their decision to prohibit dogs from Craigie Open Space. We all enjoy using the area to exercise our dogs on a regular basis and the majority of people that use the area are dog walkers. Please consider enforcing a dogs on lead regulation instead so that we can continue to utilise the area while still conserving wildlife”*.

Domestic animals such as dogs can cause damage to the City’s natural environment, particularly when exercised unleashed within natural areas. Dogs can chase and harass native fauna often resulting in stress and harm to the animals. Dogs are a potential predator of Quenda. While there are likely to be a good proportion of responsible dog owners, there is a chance that some dog owners would walk their dogs off the leash within the wildlife sanctuary which could cause harm to Quenda. Dogs can also cause stress to Quenda, even if on a lead within the wildlife sanctuary.

City officers have conducted regular patrols of Craigie Open Space and have positioned temporary CCTV installations. Officers have found no dog owners in the area and the CCTV footage has been clear of suspect activity. There have been no other complaints from users of Craigie Open Space about the dog prohibition. This suggests there is good compliance and general acceptance in the community with the “no dogs” specification.

## **Issues and options considered**

One option is to allow the petitioners’ request and to advertise Council’s intention to specify Craigie Open Space to be “dogs on leads at all times”. Allowing dogs, even on a lead, into Craigie Open Space would compromise the safety of the native fauna, including the priority species of Quenda. This option is not recommended.

The second option is to not allow the petitioners request in order to maintain the ecological integrity of the wildlife sanctuary at Craigie Open Space and significantly improve the safety for native fauna and allow the opportunity to introduce further threatened or priority species to increase the biodiversity on site.

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

<b>Legislation</b>	<i>Dog Act 1976.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.

**Strategic initiative** Adopt consistent principles in the management and provision of urban community infrastructure.

**Policy** Not applicable.

**Risk management considerations**

There is a risk that if Council accedes to the petitioners' request that the native fauna in the wildlife sanctuary could be compromised. There is also a risk that it would set a precedent for other areas currently specified as "dogs prohibited" to be requested via petition for a change to their status.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The wildlife sanctuary at Craigie Open Space provides an excellent example of how endangered and priority species can be protected in developed urban areas. Having established the sanctuary in November 2010, it is appropriate to enhance the level of protection of native species which is now afforded by the specification of dogs are prohibited at all times.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1 DECLINES the petition of electors seeking to allow dogs to be walked on leads in Craigie Open Space;**
- 2 ADVISES the lead petitioner of Council's decision.**

## **ITEM 20                    PETITION            OF            ELECTORS            REQUESTING IMPROVEMENT TO FACILITIES AT GRANADILLA PARK, DUNCRAIG**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	08096, 101515
<b>ATTACHMENT</b>	Attachment 1    Granadilla Park location map Attachment 2    Granadilla Park aerial map Attachment 3    Granadilla Park existing infrastructure
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider the petition requesting infrastructure improvements on Granadilla Park, Duncraig inclusive of toilet facilities, BBQ's and new play equipment.

### **EXECUTIVE SUMMARY**

A Petition of Electors was received by Council at its meeting held on 21 October 2014 (C52-10/14 refers). The petition requested that Council consider the installation of BBQ and toilet facilities and new play equipment on Granadilla Park, Duncraig.

Granadilla Park, Duncraig is located within the South Ward and consists of approximately 3.6 hectares of irrigated parkland (Attachment 1 refers). The park is linear in shape with an east-west orientation (Attachment 2 refers).

Existing infrastructure on Granadilla Park includes (Attachment 3 refers):

- basketball ring and pad
- large combination play unit
- double swing
- four way rocker
- junior slide
- two spring critters.

The current *Parks and Public Open Spaces Classification Framework* (PPOSCF) and the revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets, classifies Granadilla Park as a local park and local recreation park respectively. The only asset supported on this classification of park, is park name signage. Optional assets are listed as:

- irrigation
- path network
- picnic structures
- play equipment
- seating (benches)
- security lighting
- sports infrastructure (recreational).

BBQ and toilet facilities are supported for installation on recreation parks that encourage long-stay picnicking activities and attracting patrons living outside the local area. The City supports the provision of this type of infrastructure on regional recreation parks or local mixed-use parks.

The existing play equipment on Granadilla Park has been prioritised for replacement in 2017-18 and listed for consideration in the *Five Year Capital Works Program* accordingly.

*It is therefore recommended that Council:*

- 1 *DOES NOT SUPPORT the installation of BBQ or toilet facilities in Granadilla Park, Duncraig;*
- 2 *NOTES that the installation of new play equipment is listed for consideration in the 2017-18 Five Year Capital Works Program;*
- 3 *ADVISES the lead petitioner of Council's decision.*

## **BACKGROUND**

A Petition of Electors, including 84 eligible signatures, was received by Council at its meeting held on 21 October 2014 (C52-10/14 refers). The petition requested that Council consider the following improvements to the facilities on Granadilla Park, Duncraig:

- Installation of BBQ facilities.
- Installation of toilet facilities.
- Installation of new play equipment.

Granadilla Park, Duncraig is located within the South Ward (Attachment 1 refers) and consists of approximately 3.6 hectares of irrigated parkland with considerable natural shade provided by existing well established trees. The park is linear in shape (average width is approximately 100 metres) with an east-west orientation comprising three Lots; 9240, 9241 and 10918 and bounded by Granadilla Street, Nicholli Street, Langholm Place, Cumnock Place and Poynter Avenue (Attachment 2 refers).

The topography of Granadilla Park shows a low lying area to the eastern boundary which serves as a catchment for storm water outlets.

Existing infrastructure on Granadilla Park includes (Attachment 3 refers):

- basketball ring and pad
- large combination play unit
- double swing
- four way rocker
- junior slide
- two spring critters.

The basket ball ring is located towards the western end of the park, the large combination unit and swings are centrally located on the park and three play items form a separate small play space located midway between the large play space and the eastern boundary.

All parks are classified under the City's *Parks and Public Open Spaces Classification Framework* (PPOSCF). The current PPOSCF and the revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets, outlines the classification of all parks within the City of Joondalup and determines the type of infrastructure supported within each classification (for example, playgrounds and sporting infrastructure).

Granadilla Park, Duncraig, is classified as a local park in the City's PPOSCF and in the revised PPOSCF it is classified as a local recreation park. Local parks are designed for short stay usage for recreational activities and generally cater to the needs of the community within the suburb.

In 2012 the City of Joondalup completed a condition audit on all play equipment on parks within the City. The audit results have provided a prioritised list for replacement from category 1 through to category 13; Granadilla Park falls into category 3 and has been listed for consideration in the draft *2017-18 Five Year Capital Works Program*.

## **DETAILS**

The existing and revised PPOSCF provide guidelines as to the level and type of infrastructure appropriate for the classification of the park. The only asset supported in this classification is park name signage. Optional assets are listed as:

- irrigation
- path network
- picnic structures
- play equipment
- seating (benches)
- security lighting
- sports infrastructure (recreational).

BBQ facilities are supported in recreational spaces that facilitate long stay usage and contain complimentary picnicking infrastructure. Local parks are designed for short stay usage for recreational activities and generally cater to the needs of the community within the suburb.

Free standing toilet facilities are provided in the acknowledgement of distances people travel to attend popular recreation parks that encourage long-stay picnicking activities. The City supports the provision of toilet facilities in regional recreation parks or local mixed-use parks.

Replacement of the existing play equipment in Granadilla Park has been listed for consideration in the draft *2017-18 Capital Works Program*. Prior to the commencement of each financial year the *Capital Works Program* is subject to review and possible changes.

## **Issues and options considered**

Council may either:

- support the request  
or
- not support the request.

It is recommended that Council not support the request for the following reasons:

- Based on the existing and revised PPOSCF, the classification of Granadilla Park does not support the installation of BBQ or toilet facilities.
- Granadilla Park is not located within a designated Housing Opportunity Area and would not be prioritised for additional enhancement on the premise of local high density living.
- The only activity registered on this park for the past two years is a single personal trainer.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

**Policy** Not applicable.

#### **Risk management considerations**

Not applicable.

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

The replacement of play equipment is listed for consideration in the draft *2017-18 Five Year Capital Works Program*.

#### Current financial year impact

There is no impact on the current *2014-15 Capital Works Program*.

**Capital cost** Indicative costs for the replacement play equipment on Granadilla Park play space is \$110,000.

**Annual operating cost** No additional maintenance costs will be incurred on replacement of the play equipment.

#### Future financial year impact

**Annual operating cost** The annual operating cost is covered as part of the *Parks Operational Budget* for the specific park and no additional ongoing costs will be incurred.

**Capital replacement** The replacement of play equipment will remain part of the play equipment replacement program with indicative date for future replacement is 2033-34.

**20 Year Strategic Financial Plan impact** The capital cost for replacement play equipment is included in the *20 Year Strategic Financial Plan*.

**Impact year** 2017-18.

**Regional significance**

Not applicable.

**Sustainability implications**

Environmental

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

Based on the existing and revised PPOSCF, the installation of the requested BBQ and toilet facilities at Granadilla Park, Duncraig is not recommended.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1 DOES NOT SUPPORT the installation of BBQ or toilet facilities in Granadilla Park, Duncraig;**
- 2 NOTES that the installation of new play equipment is listed for consideration in the draft 2017-18 Five Year Capital Works Program;**
- 3 ADVISES the lead petitioner of Council's decision.**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf100315.pdf](#)*

**REPORTS – STRATEGIC FINANCIAL MANAGEMENT COMMITTEE –  
3 MARCH 2015****ITEM 21                    CONFIDENTIAL   -   CITY   OF   JOONDALUP  
FREEHOLD LAND - LOTS 200, 201 AND 202  
KANANGRA CRESCENT, GREENWOOD**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	63627, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan of Lots 200, 201 and 202 Kanangra Crescent, Greenwood and surrounding Public Open Space Attachment 2    Photographs of subject lots
	<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.

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This report is confidential in accordance with section 5.23(2)(h) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*The determination by the local government of a price for the sale or purchase of property by the local government.*

A full report is provided to Elected Members under separate cover. The report is not for publication.

**ITEM 22                    CONFIDENTIAL - STATUS REPORT ON CITY FREEHOLD PROPERTIES PROPOSED FOR DISPOSAL INCLUDING THE PROPOSED ACQUISITION OF LOT 12223 (12) BLACKWATTLE PARADE, PADBURY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	63627, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location Plans – Lot 745 (103) Caridean Street, Heathridge and Lot 23 (77) Gibson Avenue, Padbury Attachment 2    Location Plans - Lot 701 (15) Burlos Court, Joondalup and Lot 549 (11) Moolanda Boulevard, Kingsley Attachment 3    Location Plans - Lot 1001 (14) Camberwarra Drive, Craigie and Lots 642/643 (57/59) Marri Road, Duncraig Attachment 4    Lot 12223 (12) Blackwattle Parade, Padbury
	<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.

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This report is confidential in accordance with section 5.23(2)(h) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*The determination by the local government of a price for the sale or purchase of property by the local government.*

A full report is provided to Elected Members under separate cover. The report is not for publication.

**ITEM 23                      CONFIDENTIAL - PINNAROO POINT CAFÉ/KIOSK -  
EXPRESSION OF INTEREST**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER</b>	102656, 101515
<b>ATTACHMENTS</b>	Attachment 1    Conceptual development plans - The Rock (WA) Pty Ltd T/as White Salt Attachment 2    Conceptual development plans – The Fig Group
	<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.

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This Report is confidential in accordance with section 5.23(2)(e)(iii) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*A matter that if disclosed would reveal information about the business, professional, commercial or financial affairs of a person.*

A full report is provided to Elected Members under separate cover. The report is not for publication.

**8 REPORT OF THE CHIEF EXECUTIVE OFFICER**

**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10 REPORTS REQUESTED BY ELECTED MEMBERS**

**11 CLOSURE**



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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

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

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



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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

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

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



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

