

# minutes

MEETING HELD ON **TUESDAY 31 MARCH 2015**

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## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 31 MARCH 2015.**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

### ANNOUNCEMENT OF VISITORS

Nil.

#### Mayor:

TROY PICKARD

#### Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	<i>Absent from 9.44pm to 9.45pm</i>
CR PHILIPPA TAYLOR	North-Central Ward	<i>Deputy Mayor</i>
CR SAM THOMAS	North-Central Ward	<i>Absent from 7.41pm to 7.43pm</i>
CR LIAM GOBBERT	Central Ward	
CR GEOFF AMPHLETT, JP	Central Ward	
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	
CR JOHN CHESTER	South-East Ward	<i>Absent from 7.41pm to 7.43pm and from 8.45pm to 8.47pm</i>
CR BRIAN CORR	South-East Ward	
CR RUSS FISHWICK, JP	South Ward	<i>Absent 7.41pm to 7.43pm</i>
CR TERESA RITCHIE, JP	South Ward	<i>Absent from 7.23pm to 7.25pm and from 7.41pm to 7.43pm</i>

#### Officers:

MR GARRY HUNT	Chief Executive Officer	
MR MIKE TIDY	Director Corporate Services	
MR JAMIE PARRY	Director Governance and Strategy	
MS DALE PAGE	Director Planning and Community Development	<i>to 9.45pm</i>
MR NICO CLAASSEN	Director Infrastructure Services	
MR BRAD SILLENCE	Manager Governance	
MR JOHN CORBELLINI	Manager Planning Services	<i>to 7.59pm</i>
MR STUART McLEA	Media and Communications Officer	<i>Absent from 9.45pm to 10.02pm</i>
MR JOHN BYRNE	Governance Coordinator	
MRS LESLEY TAYLOR	Governance Officer	
MRS DEBORAH GOUGES	Governance Officer	

There were 17 members of the public and one member of the press in attendance.

**DECLARATIONS OF INTEREST****Disclosures of Financial / Proximity Interest**

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

<b>Name/Position</b>	<b>Cr Teresa Ritchie, JP.</b>
<b>Item No./Subject</b>	CJ029-03/15 – Retrospective Car Park Addition to Edith Cowan University, Lot 504 (270) Joondalup Drive, Joondalup – Reconsideration following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Ritchie is employed by Edith Cowan University on a casual basis.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Chester owns two properties in Housing Opportunity Areas.

<b>Name/Position</b>	<b>Cr Teresa Ritchie, JP.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Ritchie lives adjacent to Local Housing Area No. 6 in Woodvale.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick owns property in Housing Opportunity Area No. 1.

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Thomas lives in a Housing Opportunity Area.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ029-03/15 – Retrospective Car Park Addition to Edith Cowan University, Lot 504 (270) Joondalup Drive, Joondalup – Reconsideration following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is a former student of Edith Cowan University and a Guild President.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime.</b>
<b>Item No./Subject</b>	CJ029-03/15 – Retrospective Car Park Addition to Edith Cowan University, Lot 504 (270) Joondalup Drive, Joondalup – Reconsideration following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime is a student at Edith Cowan University.

<b>Name/Position</b>	<b>Cr Liam Gobbert.</b>
<b>Item No./Subject</b>	CJ030-03/15 – Proposed Increase to Patron Numbers for Recreation Centre at Lot 11 (21) Joondalup Drive, Edgewater.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Employees of the applicant are known to Cr Gobbert.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ031-03/15 - Request to Name Public Open Space - Burns Beach.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood lives in Burns Beach, although nowhere near the area of parks mentioned.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son and daughter own properties in Housing Opportunity Areas.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr resides near a Housing Opportunity Area.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No/Subject</b>	CJ045-03/15 - Petition of Electors Requesting Improvement to Facilities at Granadilla Park, Duncraig.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A relative of Cr Fishwick owns property within close proximity to Granadilla Park, Duncraig.

## **PUBLIC QUESTION TIME**

The following questions were submitted prior to the Council meeting to be held on 31 March 2015:

### **Ms M O'Byrne, Kinross:**

Q1 *Does the City have any plans to provide a pedestrian bridge, or an underpass from Kinross to Burns Beach? If so, in which financial year is the project scheduled?*

A1 There are currently no plans to provide a pedestrian bridge or underpass at this location. The City is assessing the suitability for an at-grade crossing point north of the roundabout with safe pedestrian refuge in the middle.

### **Mr S Turner, Burns Beach:**

Re: *CJ031-03/15 – Request to name Public Open Space – Burns Beach.*

Q1 *Regarding the proposed renaming of Parks in Burns Beach (CJ031-03/15), why have the details of the people nominated not been released to the public?*

A1 Out of respect for the families of the nominees, it has been decided that the names should be withheld so that any discussions around the suitability of the proposed names does not cause offense.

Q2 *The residents of Burns Beach have been waiting a long time for the Burns Beach Master Plan. When will it be released to the public for comment?*

A2 The timing of consultation is yet to be determined; however, it is likely that the City will have a better idea of the timing of consultation within the next few weeks.

### **Mr D Blackburn, Kingsley:**

Re: *Hardstand Verge Treatments where most of the property verge is paved or concreted are observed to be coming more common in violation of the Verge Treatment Guidelines.*

Q1 *What auditing is undertaken to ensure compliance with the Verge Treatment Guidelines?*

A1 Enforcement generally occurs after receipt of a complaint unless there is a safety concern.

Re: *Significant Tree Register.*

Q2 *Has the City reviewed the tree stock on public land for inclusion in the Significant Tree Register?*

A2 The City has reviewed the tree stock on public land and is assessing a short list of trees against the selection criteria for significant trees.

Re: *Planning Scheme Amendment 73 - Local Housing Strategy.*

Q3 *How is building height to be controlled in the commercial, business, mixed-use areas proposed to be rezoned to R40 or R80 under the Local Housing Strategy Scheme Amendment No. 73?*

A3 The City is currently in the process of developing policy provisions in regard to permitted heights within the City of Joondalup, including provisions regarding height within the “Commercial”, “Business” and “Mixed use” zones. Once these policies have been endorsed by Council for the purpose of public consultation the public will be able to view, and make comment, on these proposed provisions.

Q4 *When the existing height policy review is completed will the advertising of it be integrated with the maps of the Local Housing Strategy Housing Opportunity Areas (HOA) so residents can easily relate the proposed permitted building height to their relevant HOA?*

A4 The City is yet to determine the format for consultation on the proposed policies.

Re: *Department of Housing / Australand East Greenwood Development - 68 Mulligan Drive Greenwood.*

Q5 *When will the East Greenwood Development Local Structure Plan be presented to a meeting of Council?*

A5 The City is currently finalising its assessment of the draft structure plan, which is anticipated to be presented to Council before the end of the financial year.

**Mrs M Macdonald, Mullaloo:**

Re: *CJ046-03/15 – Confidential – City of Joondalup Freehold Land – Lots 200, 201 and 202 Kanangra Crescent, Greenwood.  
CJ047-03/15 – Confidential – Status Report on City Freehold Properties including the Proposed Acquisition of Lot 12223 (12) Blackwattle Parade, Padbury.*

Q1 *I refer to Items CJ046-03/15 and CJ047-03/15 which are confidential. Given that the section of the Local Government Act 1995 quoted says “such matters as may be prescribed”, what matters make these Items confidential?*

A1 The *Local Government (Administration) Regulations 1996* prescribes those matters for the purposes of section 5.23(2)(h) of the *Local Government Act 1995*. In accordance with regulation 4A, the report is confidential as it relates to the determination by the local government of a price for the sale or purchase of property by the local government.

*Re: CJ048-03/15 – Confidential – Pinnaroo Point Café/Kiosk – Expression of Interest.*

*Q2 Why is this Item confidential?*

A2 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.*

*Q3 What makes it different from a tender process?*

A3 An Expression of Interest (EOI) process differs from a tender process in that a local government may use an EOI process where it thinks that there is good reason to make a preliminary selection from amongst prospective tenderers.

*Re: Proposed Ocean Reef Marina Development.*

*Q4 Has a report been prepared on the impact of the proposed Ocean Reef Marina on the coast north and south including climate change information, and if so, can I have a copy?*

A4 Coastal processes investigations have been completed as part of the Public Environmental Review of the Ocean Reef Marina development. As required for the Public Environmental Review, a peer review of the resultant report is currently being undertaken.

All required reports will be released for public comment in accordance with the Public Environmental Review process which is coordinated by the Office of Environmental Protection.

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

**Mr A Maxwell, Greenwood:**

*Re: Penistone Park Redevelopment.*

*Q1 What measures and/or assurances can Council give to myself and other local residents to the aesthetics of the proposed carpark that will be replacing the tennis courts located at Penistone Park?*

*Q2 Could angled parking be considered as a parking option at Penistone Park instead of the proposed parallel parking?*

A1-2 Mayor Pickard advised these questions would be taken on notice.

## **PUBLIC STATEMENT TIME**

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

**Mr A Maxwell, Greenwood:**

*Re: Penistone Park Redevelopment.*

Mr Maxwell spoke against the removal of the tennis courts at Penistone Park as he believed the courts were well utilised by the local community.

Mr Maxwell felt that the local community was not aware of the proposal for the tennis courts to be removed and is of the opinion that once the tennis courts are removed the community will question the Council's decision to do so.

**Mr S Turner, Chairman of the Burns Beach Residents Association:**

*Re: C/J031-03/15 - Request to Name Public Open Space - Burns Beach.*

Mr Turner spoke on behalf of the Burns Beach Residents Association in favour of the officer's recommendation to not support the proposal to name three public open space areas and future streets within Burns Beach after late members of the Burns Beach Property Trust.

## **APOLOGIES AND LEAVE OF ABSENCE**

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

Cr Geoff Amphlett, JP      2 May to 10 May 2015 inclusive;  
Cr Brian Corr                26 May to 26 June 2015 inclusive.

**C05-03/15**

### **REQUESTS FOR LEAVE OF ABSENCE – CR KERRY HOLLYWOOD, CR MIKE NORMAN, CR SAM THOMAS, CR CHRISTINE HAMILTON-PRIME AND CR TERESA RITCHIE, JP - [104767]**

Cr Kerry Hollywood requested Leave of Absence from Council duties covering the period 3 April to 20 April 2015 inclusive.

Cr Michael Norman requested Leave of Absence from Council duties covering the period 13 April to 20 April 2015 inclusive.

Cr Sam Thomas requested Leave of Absence from Council duties covering the period 6 May to 8 May 2015 inclusive.

Cr Christine Hamilton-Prime requested Leave of Absence from Council duties covering the period 22 May to 14 June 2015 inclusive.

Cr Teresa Ritchie, JP requested Leave of Absence from Council duties covering the period 28 May to 1 June 2015 inclusive.

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

- 1 Cr Kerry Hollywood 3 April to 20 April 2015 inclusive;**
- 2 Cr Mike Norman 13 April to 20 April 2015 inclusive;**
- 3 Cr Sam Thomas 6 May to 8 May 2015 inclusive;**
- 4 Cr Christine Hamilton-Prime 22 May to 14 June 2015 inclusive;**
- 5 Cr Teresa Ritchie, JP 28 May to 1 June 2015 inclusive.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

## **CONFIRMATION OF MINUTES**

**C06-03/15 MINUTES OF COUNCIL MEETING HELD 17 FEBRUARY 2015**

**MOVED Cr Amphlett, SECONDED Cr Thomas that the Minutes of the Council Meeting held on 17 February 2015 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

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

### **2015 Joondalup Festival**

Mayor Pickard advised that the 2015 Joondalup Festival was held over the weekend of 28 - 29 March 2015, with almost 50,000 people coming from across the Perth metropolitan area to enjoy two days of free fun activities and family-friendly entertainment.

Mayor Pickard commented the festival remains the highlight of the City's calendar of cultural events and it was great to experience perfect weather for the festival. It is sure to be back even bigger and better in 2016.

Mayor Pickard advised the City acknowledged the support of Premier Partner Commonwealth Bank, Key Partners Lakeside Joondalup, Medibank, The Good Guys Joondalup and West Coast Institute, Media Partners Community Newspaper Group, NOVA 937 and Channel 9 Perth, and Partners Lotterywest and Healthway promoting the 'Make Smoking History' message.

Mayor Pickard believed that without the sponsors' contributions this hugely popular annual event could not happen.

### **Business Forum – Joondalup has the Edge**

Mayor Pickard advised this morning the City hosted its first Business Forum for 2015 which was themed 'Joondalup has the Edge'.

Mayor Pickard stated the keynote speaker for this morning's event was The Hon. Dr Hendy Cowan - one of Western Australia's most respected former parliamentarians and the current Chancellor of Edith Cowan University.

Mayor Pickard advised Dr Cowan shared his insight into the City's close working relationship with Edith Cowan University (ECU), the University's support for the City's Digital Strategy, *Community Development Plan* and Economic Development Strategy and examples of innovative research currently being undertaken at ECU.

Mayor Pickard stated local politicians, stakeholders and business leaders were among a record capacity audience of almost 200 in attendance at Joondalup Resort's state-of-the-art Lakeview Ballroom.

### **Easter Blessing of the Roads**

Mayor Pickard advised a Blessing of the Roads Ceremony was held in Joondalup on Saturday 28 March 2015 to coincide with the opening day of the 2015 Joondalup Festival.

Mayor Pickard stated that in partnership with the Cities of Swan and Stirling, the City of Joondalup hosted the annual ceremony in an effort to reduce road trauma over the upcoming Easter long weekend – a period when there is often a spike in serious and fatal crashes.

Mayor Pickard hoped these ceremonies, which are being held across Perth, will compel Western Australians to take care while travelling on the roads as we strive for zero deaths and serious injuries over the Easter long weekend.

On behalf of the City and Council, Mayor Pickard took the opportunity to publicly wish everyone in the City of Joondalup a very Happy Easter.

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

- |             |  |
|-------------|--|
| CJ046-03/15 | Confidential - City of Joondalup Freehold Land - Lots 200, 201 and 202 Kanangra Crescent, Greenwood.   |
| CJ047-03/15 | Confidential - Status Report on City Freehold Properties Proposed for Disposal including the proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury. |
| CJ048-03/15 | Confidential - Pinnaroo Point Café/Kiosk - Expression of Interest.   |

### **PETITIONS**

Nil.

**REPORTS****CJ028-03/15 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

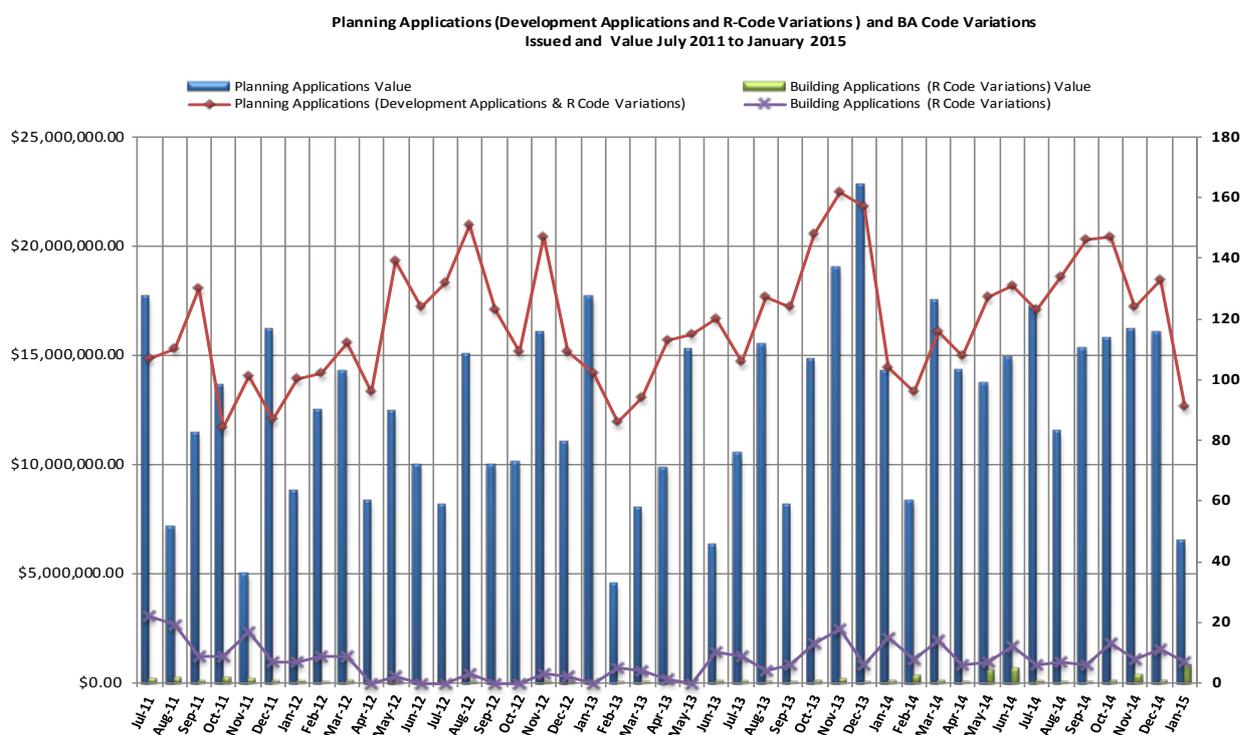
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 21 October 2014 (CJ180-10/14 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of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

**MOVED Cr Amphlett, SECONDED Cr McLean 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 Report CJ028-03/15 during January 2015;**
- 2 Subdivision applications described in Attachment 2 to Report CJ028-03/15 during January 2015;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ028-03/15 during January 2015.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ030-03/15, page 132 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 1 refers*

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

**Disclosure of Financial Interest/Proximity Interest**

<b>Name/Position</b>	<b>Cr Teresa Ritchie, JP.</b>
<b>Item No./Subject</b>	CJ029-03/15 – Retrospective Car Park Addition to Edith Cowan University, Lot 504 (270) Joondalup Drive, Joondalup – Reconsideration following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Ritchie is employed by Edith Cowan University on a casual basis.

*Cr Ritchie left the Chamber at 7.23pm.*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ029-03/15 – Retrospective Car Park Addition to Edith Cowan University, Lot 504 (270) Joondalup Drive, Joondalup – Reconsideration following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is a former student of Edith Cowan University and a Guild President.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime.</b>
<b>Item No./Subject</b>	CJ029-03/15 – Retrospective Car Park Addition to Edith Cowan University, Lot 504 (270) Joondalup Drive, Joondalup – Reconsideration following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime is a student at Edith Cowan University.

**CJ029-03/15 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.

## 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**

#### **Legislation**

*City of Joondalup District Planning Scheme No. 2.  
State Administrative Tribunal Act 2004.*

#### **Strategic Community Plan**

#### **Key theme**

Quality Urban Environment.

#### **Objective**

Quality built outcomes.

#### **Strategic initiative**

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

#### **Policy**

*Development Proposals before the State Administrative Tribunal Policy.*

#### *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 installation 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.

### **OFFICER'S 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.

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

- 1 Pursuant to section 31 of the *State Administrative Tribunal Act 2004* VARIES its decision of 24 June 2014, deleting conditions 2.2, 2.3 and 2.6, and replacing conditions 2.3 and 2.6 as follows:
  - “2.3 *Detailed landscaping plans shall be submitted to the City for approval. These landscaping plans are to indicate the proposed landscaping treatment(s) for the car parking area, and shall;*
    - 2.3.1 *Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;*
    - 2.3.2 *Provide all details relating to paving, treatment of verges and tree planting in the car park;*
    - 2.3.3 *Be based on water sensitive urban design principles to the satisfaction of the City;*
    - 2.3.4 *Be based on Designing out Crime principles to the satisfaction of the City;*
    - 2.3.5 *Show all irrigation design details;”;*
  - “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.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Thomas.

*Cr Ritchie entered the Chamber at 7.25pm.*

*Appendix 3 refers*

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

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Liam Gobbert.</b>
<b>Item No./Subject</b>	CJ030-03/15 – Proposed Increase to Patron Numbers for Recreation Centre at Lot 11 (21) Joondalup Drive, Edgewater.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Employees of the applicant are known to Cr Gobbert.

**CJ030-03/15      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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This Item was dealt with later in the meeting following CJ045-03/15.

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ031-03/15 - Request to Name Public Open Space - Burns Beach.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood lives in Burns Beach, although nowhere near the area of parks mentioned.

## **CJ031-03/15      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 Attachment 3      Nominee information
	<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.

**MOVED Cr Hollywood, SECONDED Cr McLean 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*.**

**AMENDMENT MOVED Cr Norman SECONDED Cr Chester** that the words "or future streets" be removed from the motion and a new part 2 and 3 be added so that the motion reads as follows:

"That Council:

- 1 does NOT SUPPORT the proposal to name three public open space areas 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*;
- 2 ADVERTISES for public comment the proposal to name three future streets within Burns Beach, in accordance with the Geographic Names Committee - *Policies and Standards for Geographical naming in Western Australia*, after late members of the Burns Beach Property Trust as shown at Attachment 2 (Confidential Attachment) to Report CJ031-03/15;

- 3 NOTES a report will be submitted to Council for consideration following the outcome of the public consultation process.”

**The Amendment was Put and**

**LOST (3/10)**

**In favour of the Amendment:** Mayor Pickard, Crs Chester and Norman.

**Against the Amendment:** Crs Amphlett, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Ritchie, Taylor and Thomas.

**The Motion as Moved by Cr Hollywood, and Seconded by Cr McLean was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Ritchie, Taylor and Thomas.

**Against the Motion:** Cr Norman.

*Appendix 5 refers*

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

**Disclosures of Financial Interest/Proximity Interest**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Chester owns two properties in Housing Opportunity Areas.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick owns property in Housing Opportunity Area No. 1.

<b>Name/Position</b>	<b>Cr Teresa Ritchie, JP.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Ritchie lives adjacent to Local Housing Area No. 6 in Woodvale.

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Thomas lives in a Housing Opportunity Area.

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son and daughter own properties in Housing Opportunity Areas.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ032-03/15 – Scheme Amendment No. 73 – Local Housing Strategy Implementation – Consideration following Public Consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr resides near a Housing Opportunity Area.

*Crs Chester, Fishwick, Ritchie and Thomas left the Chamber at 7.41pm.*

### **Explanation – Disclosures of Interest**

The Chief Executive Officer provided an overview in relation to the situation of individual Elected Members who have properties inside a Housing Opportunity Area or those who are external to those areas, and which may be affected by Amendment No. 73.

As per the last time Council considered this item in December 2013, there is an opportunity for Council, in accordance with section 5.68 of the *Local Government Act 1995* that having considered the extent of the interests of those Elected Members who have made declarations under section 5.65 of the *Local Government Act 1995* in relation to this item and to resolve that the interests in each case are trivial or insignificant as to allow those Elected Members to return to the Chamber and participate in any debate and decision-making.

**C07-03/15                    MOTION TO ALLOW DISCLOSING MEMBERS TO PARTICIPATE – [02154, 08122]**

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

- 1        acting in accordance with section 5.68 of the *Local Government Act 1995*;**
- 2        having considered the extent of the interest of Cr John Chester, Cr Russ Fishwick, Cr Teresa Ritchie and Cr Sam Thomas who have made disclosures under section 5.65 of the *Local Government Act 1995* in relation to Item CJ032-03/15;**
- 3        being satisfied that the interest in each case is so trivial or insignificant as to be unlikely to influence Cr John Chester, Cr Russ Fishwick, Cr Teresa Ritchie and Cr Sam Thomas conduct in relation to the matters being considered for Item CJ032-03/15,**

**RESOLVES to allow Cr John Chester, Cr Russ Fishwick, Cr Teresa Ritchie and Cr Sam Thomas to be present and to participate fully in the discussion and decision-making procedures relating to Item CJ032-03/15.**

**The Motion was Put and**

**CARRIED (9/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor.

*Crs Chester, Fishwick, Ritchie and Thomas entered the Chamber at 7.43pm.*

## **CJ032-03/15      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;
- 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)
R20	450	2,250
<b>R20 – Aged and Dependent Persons (including one-third size reduction)</b>	300	1,500
R40	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.

**MOVED Cr Chester, SECONDED Cr McLean 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 Report CJ032-03/15:
  - 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 1001 (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.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 6 refers*

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

*The Manager Planning Services left the Chamber at 7.59pm.*

## **CJ033-03/15      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

<b>Legislation</b>	<i>Environmental Protection Act 1986. Wildlife Conservation Act 1950. Planning and Development Act 2005.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	The Natural Environment.
<b>Objective</b>	Environmental resilience.
<b>Strategic initiative</b>	Identify and respond to environmental risks and vulnerabilities.
<b>Policy</b>	Projects within the <i>YICM Plan 2015-2019</i> are consistent with the objectives within the City's <i>Sustainability Policy</i> and <i>Stormwater Management Policy</i> .

## 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.

**MOVED Cr Chester, SECONDED Cr Corr that Council ENDORSES the *Yellagonga Integrated Catchment Management Plan 2015-2019* shown as Attachment 1 to Report CJ033-03/15.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 7 refers*

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

**CJ034-03/15 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 Report CJ034-03/15.*

**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.

**MOVED Cr Amphlett, SECONDED Cr McLean 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 Report CJ034-03/15.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ030-03/15, page 132 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 8 refers*

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

## **CJ035-03/15      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.

**MOVED Cr Amphlett, SECONDED Cr McLean 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 Report CJ035-03/15;**
- 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.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ030-03/15, page 132 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 9 refers*

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

**CJ036-03/15      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.

**MOVED Cr Amphlett, SECONDED Cr McLean 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.

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ030-03/15, page 132 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

## **CJ037-03/15 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 Report CJ037-03/15, 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

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

### **Risk management considerations**

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal 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.

**MOVED Cr Amphlett, SECONDED Cr McLean 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 Report CJ037-03/15, totalling \$9,860,039.20.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ030-03/15, page 132 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 11 refers*

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

## **CJ038-03/15 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 Report CJ038-03/15.*

## **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.

**MOVED Cr Amphlett, SECONDED Cr McLean that Council NOTES the Financial Activity Statement for the period ended 31 January 2015 forming Attachment 1 to Report CJ038-03/15.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ030-03/15, page 132 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 12 refers*

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

**CJ039-03/15 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, North-Central
<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.

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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 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:

Qualitative Criteria		Weighting
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)	\$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.

Tenderer	Price Ranking	Estimated Total Contract Price	Qualitative Ranking	Weighted Percentage Score
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.

**MOVED Cr McLean, SECONDED Cr Hollywood 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.**

**The Motion was Put and**

**CARRIED (7/6)**

**In favour of the Motion:** Crs Amphlett, Fishwick, Hamilton-Prime, Hollywood, McLean, Ritchie and Thomas.

**Against the Motion:** Mayor Pickard, Crs Chester, Corr, Gobbert, Norman and Taylor.

*Appendix 13 refers*

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

## **CJ040-03/15 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.

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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 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:

Qualitative Criteria		Weighting
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) \$593,931 (b) \$419,659 (c)	1	76.9%
Turf Master Facility Management	1	\$387,040 (a) \$348,336 (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 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.

**MOVED Cr McLean, SECONDED Cr Hollywood** 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.

**The Motion was Put and****LOST (6/7)**

**In favour of the Motion:** Crs Amphlett, Fishwick, Hamilton-Prime, Hollywood, McLean and Ritchie.

**Against the Motion:** Mayor Pickard, Crs Chester, Corr, Gobbert, Norman, Thomas and Taylor.

**MOVED Mayor Pickard, SECONDED Cr Corr that Council:**

- 1**     **DECLINES all tenders received for the provision of median and verge mowing to nominated locations in Zone 2 – Central (Ocean Reef Road to Hepburn Avenue);**
- 2**     **REQUESTS that the Chief Executive Officer arrange to undertake the services in-house, with the level of mowing service currently undertaken in parks and non-active reserves to be reduced sufficiently to accommodate the reallocation of these resources to the mowing of medians and verges;**
- 3**     **REQUESTS the in-house provision of this service be reviewed in 12 months time.**

**C08-03/15**            **PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK – [08122, 02154]**

**MOVED Cr Fishwick, SECONDED Cr Ritchie** that Item CJ040-03/15 – Tender 046/14 Provision of Median and Verge Mowing to Nominated Locations in Zone 2 – Central (Ocean Reef Road To Hepburn Avenue) be REFERRED BACK to the administration to allow a further report to be prepared for Council's consideration.

**The Procedural Motion was Put and**

**LOST (6/7)**

**In favour of the Procedural Motion:** Crs Amphlett, Fishwick, Hamilton-Prime, Hollywood, McLean and Ritchie.  
**Against the Procedural Motion:** Mayor Pickard, Crs Chester, Corr, Gobbert, Norman, Thomas and Taylor.

**The Motion as Moved by Mayor Pickard and Seconded by Cr Corr was Put and**

**CARRIED (7/6)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Corr, Gobbert, Norman, Thomas and Taylor.  
**Against the Motion:** Crs Amphlett, Fishwick, Hamilton-Prime, Hollywood, McLean and Ritchie.

### **Reason**

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which is significantly different to what the officer's recommended is because Council considered it appropriate that an important community service is retained by the City under its own operations.

*Appendix 14 refers*

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

**CJ041-03/15 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 047/14 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:

Qualitative Criteria		Weighting
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.

Tenderer	*Option	Year 1	Year 2	Year 3	Total
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.

Tenderer	Price Ranking	Estimated Total Contract Price	Qualitative Ranking	Weighted Percentage Score
Lawn Doctor	3	\$805,795 (a) \$427,560 (b)	1	76.9%
Turf Master Facility Management	2	\$548,522 (a) \$493,669 (b)	2	74.9%
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.

**MOVED Cr McLean, SECONDED Cr Hollywood** 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 047/14 is applicable for the term of the contract.

**The Motion was Put and****LOST (6/7)**

**In favour of the Motion:** Crs Amphlett, Fishwick, Hamilton-Prime, Hollywood, McLean and Ritchie.

**Against the Motion:** Mayor Pickard, Crs Chester, Corr, Gobbert, Norman, Thomas and Taylor.

**MOVED Mayor Pickard, SECONDED Cr Norman that Council:**

- 1 DECLINES all tenders received for the provision of median and verge mowing to nominated locations in Zone 3 - South (Hepburn Avenue to Beach Road);**
- 2 REQUESTS that the Chief Executive Officer arrange to undertake the services in-house, with the level of mowing service currently undertaken in parks and non-active reserves to be reduced sufficiently to accommodate the reallocation of these resources to the mowing of medians and verges;**
- 3 REQUESTS the in-house provision of this service be reviewed in 12 months time.**

**The Motion was Put and**

**CARRIED (7/6)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Corr, Gobbert, Norman, Thomas and Taylor.

**Against the Motion:** Crs Amphlett, Fishwick, Hamilton-Prime, Hollywood, McLean and Ritchie.

### **Reason**

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which is significantly different to what the officer's recommended is because Council considered it appropriate that an important community service is retained by the City under its own operations.

*Appendix 15 refers*

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

**C09-03/15****CONSIDERATION OF MOTION TO REVOKE DECISION AT THE SAME MEETING – [08122, 02154]**

In accordance with clause 13.3 of the *City of Joondalup Meeting Procedures Local Law 2013* Mayor Pickard advised the meeting of his intention to move a revocation motion for Item CJ039-03/15 – Tender 041/14 - Provision of Median and Verge Mowing to Nominated Locations in Zone 1 – North (Kinross Boundary to Ocean Reef Road).

As Presiding Member, Mayor Pickard was confident in the voting for CJ040-03/15 and CJ041-03/15 and that it reflected the intent of the majority of the members of Council, however was not convinced that this was the case for CJ039-03/15 as there may have been some confusion relative to the foreshadowed motion, and that the previous decision for CJ039-03/15 needed to be re-affirmed through the consideration of a revocation motion of the previous decision.

In accordance with clause 13.2 of the *City of Joondalup Meeting Procedures Local Law 2013*, Mayor Pickard called for the necessary support (being five members of Council) to consider the revocation motion.

Support from one-third of the members of Council to revoke Council's resolution in relation to Item CJ039-03/15 was given by Mayor Pickard, Crs Corr, Chester, Gobbert and Norman.

**MOVED Mayor Pickard, SECONDED Cr Gobbert** that Council BY AN ABSOLUTE MAJORITY REVOKES its earlier decision made in relation to Item CJ039-03/15 – Tender 041/14 - Provision of Median and Verge Mowing to Nominated Locations in Zone 1 – North (Kinross Boundary to Ocean Reef Road) as follows:

*“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.”*

**The Motion was Put and****LOST (6/7)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Gobbert, Norman, Thomas and Taylor.

**Against the Motion:** Crs Amphlett, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean and Ritchie.

**CJ042-03/15 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
	<i>(Please Note: Attachment 3 is confidential and will appear in the official minute book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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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
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.

**MOVED Cr Amphlett, SECONDED Cr McLean 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.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ030-03/15, page 132 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Cr Chester left the Chamber at 8.45pm and returned at 8.47pm.*

*Appendix 16 refers*

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

## **CJ043-03/15      REQUEST FOR ADDITIONAL SUBSIDIES - FACILITY HIRE SUBSIDY POLICY**

<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.

## OFFICER'S 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.

Cr Taylor requested the parts of the recommendation be considered separately.

**MOVED Cr Taylor, SECONDED Cr Thomas that parts 6 and 7 be replaced with the following:**

**“6 DEFERS consideration of the request from the Centre for Cerebral Palsy to allow the administration to provide further clarity on the office location of the centre and subsequent eligibility for the proposed subsidy;”.**

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Thomas and Taylor.

**Against the Motion:** Cr Amphlett.

**MOVED Cr Amphlett, SECONDED Cr Chester that the remainder of the motion read as follows:**

**“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;**
- 7 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.”.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Thomas and Taylor.

## **CJ044-03/15      PETITION OF ELECTORS IN RELATION TO DOGS BEING ALLOWED INTO CRAIGIE OPEN SPACE**

<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**

**Legislation** *Dog Act 1976.*

**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** 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.

**MOVED Cr Amphlett, SECONDED Cr McLean 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.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ030-03/15, page 132 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No/Subject</b>	CJ045-03/15 - Petition of Electors Requesting Improvement to Facilities at Granadilla Park, Duncraig.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A relative of Cr Fishwick owns property within close proximity to Granadilla Park, Duncraig.

## **CJ045-03/15      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.

**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.

**OFFICER'S 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.

**MOVED Cr Fishwick, SECONDED Cr Ritchie that Council:**

- 1 **DOES NOT SUPPORT** the installation of toilet facilities in Granadilla Park, Duncraig;
- 2 **SUPPORTS** the installation of a BBQ facility, shelter, park bench and associated footpath in Granadilla Park, Duncraig;
- 3 **APPROVES** the listing for consideration in the *2015-16 Capital Works Program*, the installation of BBQ facility, shelter, park bench, associated footpath and works;
- 4 **NOTES** that the installation of new play equipment is listed for consideration in the draft *2017-18 Five Year Capital Works Program*;
- 5 **ADVISES** the lead petitioner of Council's decision.

**AMENDMENT MOVED Cr Corr, SECONDED Cr Ritchie that the words "drinking fountain", be inserted after the words "park bench" in Parts 2 and 3 of the motion.**

**The Amendment was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**Against the Motion:** Cr Gobbert.

**The Original Motion as amended, being:**

**That Council:**

- 1 DOES NOT SUPPORT the installation of toilet facilities in Granadilla Park, Duncraig;**
- 2 SUPPORTS the installation of a BBQ facility, shelter, park bench, drinking fountain and associated footpath in Granadilla Park, Duncraig;**
- 3 APPROVES the listing for consideration in the *2015-16 Capital Works Program*, the installation of BBQ facility, shelter, park bench, drinking fountain, associated footpath and works;**
- 4 NOTES that the installation of new play equipment is listed for consideration in the draft *2017-18 Five Year Capital Works Program*;**
- 5 ADVISES the lead petitioner of Council's decision.**

**Was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

### **Reason**

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which is significantly different to what the officer's recommended is because Council considered the absence of such facilities in Duncraig and the value of these facilities to the community warrant its consideration for installation.

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf100315.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Liam Gobbert.</b>
<b>Item No./Subject</b>	CJ030-03/15 – Proposed Increase to Patron Numbers for Recreation Centre at Lot 11 (21) Joondalup Drive, Edgewater.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Employees of the applicant are known to Cr Gobbert.

## **CJ030-03/15      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.

**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:*

- (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 4.8 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.

**MOVED Cr Taylor, SECONDED Cr Thomas 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.**

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**Against the Motion:** Cr Corr.

*Appendix 4 refers*

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

**C10-03/15                    COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -**  
**[02154, 08122]**

**MOVED** Cr Amphlett, **SECONDED** Cr McLean that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

**CJ028-03/15, CJ034-03/15, CJ035-03/15, CJ036-03/15, CJ037-03/15, CJ038-03/15, CJ042-03/15 and CJ044-03/15.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**C11-03/15                    CONSIDERATION OF CHANGE TO ORDER OF BUSINESS – [08122, 02154]**

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

- 1    CJ046-03/15            Confidential - City of Joondalup Freehold Land - Lots 200, 201 and 202 Kanangra Crescent, Greenwood;**
- 2    CJ047-03/15            Confidential - Status Report on City Freehold Properties Proposed for Disposal including the proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury;**
- 3    CJ048-03/15            Confidential - Pinnaroo Point Café/Kiosk - Expression of Interest,**

**to be discussed after “Motions of Which Previous Notice Has Been Given.”**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**REPORTS – STRATEGIC FINANCIAL MANAGEMENT COMMITTEE –  
3 MARCH 2015****CJ046-03/15      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 Item was dealt with later in the meeting following “Motions of Which Previous Notice Has Been Given.”

**CJ047-03/15      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 Item was dealt with later in the meeting following CJ046-03/15.

**CJ048-03/15      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 Item was dealt with later in the meeting following CJ047-03/15.

## REPORTS – POLICY COMMITTEE – 9 MARCH 2015

### CJ049-03/15 REGIONAL COUNCIL REPRESENTATION POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 41196, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Regional Council Representation Policy</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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#### PURPOSE

For Council to consider the adoption of the *Regional Council Representation Policy*.

#### EXECUTIVE SUMMARY

Appointments to regional councils, external bodies and groups, as well as Council formed committees generally occurs following each ordinary local government election, held every two years.

At the Policy Committee meeting held on 1 December 2014, a report was requested on the possibility of developing a policy restricting the timeframe an Elected Member serves on a regional council, to a maximum of four consecutive years, and that any changes in representation should align with each election cycle.

The City of Joondalup is represented by two Elected Members on both the Mindarie Regional Council (MRC) and the Tamala Park Regional Council (TPRC). Based on the request at the Policy Committee, a policy has been developed for Council's consideration.

*It is therefore recommended that Council CONSIDERS the Regional Council Representation Policy, as detailed in Attachment 1 to Report CJ049-03/15.*

#### BACKGROUND

Following local government elections, held every two years, appointments are made by Council to various external boards, groups and bodies, where the City of Joondalup has representation. Appointments are made to two regional councils, namely the MRC and the TPRC.

The purpose of the Mindarie Regional Council is to perform designated functions in connection with waste treatment and disposal.

The MRC manages the disposal of about 315,000 tonnes of waste generated each year by people living in its seven government localities, being the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.

The MRC's vision is to *'set and achieve the standard for minimising the impact of waste on the environment, for the benefit of the regional community.'*

The Tamala Park Regional Council was established for the development of approximately 165 hectares of Lot 118, Mindarie, and represents the interests of seven local governments in the urban development of land south of Somerley, in Perth's northern suburbs. The seven local governments represented by the TPRC are the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.

The regional purpose for which the TPRC is established is:

- a to undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the land
- b to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a) of this clause.

The objectives of the TPRC are:

- a to develop and improve the value of the land
- b to maximise, with prudent risk parameters, the financial return to the participants
- c to balance economic, social and environmental issues
- d to produce a quality development demonstrating the best urban design and development practice.

At its meeting held on 5 April 2005 (CJ050-04/05 refers), Council resolved in part that:

*"in the interests of good governance, AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council."*

At the Council meeting held on 20 September 2005, during discussion on the appointment of representatives to the TPRC (CJ202-09/05 refers), it was recommended that when a report is presented to a future incoming Council, consideration be given to the TPRC and MRC each being represented by either the Mayor or Deputy Mayor, in order that a senior level of representation be maintained.

For this reason it is considered appropriate that representatives to both Regional Councils be appointed simultaneously. However, it should be noted that this is a recommendation of Council, and not a formal resolution (CJ202-09/05 refers).

## **DETAILS**

In view of the request at the Policy Committee meeting held on 1 December 2014, a *Regional Council Representation Policy* has been developed for Council's consideration (Attachment 1 refers).

The policy has been drafted in view of the intent expressed at the Policy Committee, and also includes the direction given by Council at its meeting held on 5 April 2005 (CJ050-04/05 refers).



**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

There is no legislative provision or restriction on how long an Elected Member can serve on a regional council. Therefore it is for Council to consider whether the adoption of the policy as presented, would serve the best interests of the City.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for Report CJ049-03/15 (as detailed below) was resolved by the Policy Committee at its meeting held on 9 March 2015.

The original recommendation as presented by City officers to the Committee is as follows:

*That Council CONSIDERS the Regional Council Representation Policy, as detailed in Attachment 1 to this Report.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

*That Council ADOPTS the Regional Council Representation Policy, as detailed in Attachment 1 to this Report, subject to the following amendments:*

- 1 that the preferred scenario in relation to Part 2.2 – Membership of the Mindarie Regional Council and Part 3.2 – Membership of the Tamala Park Regional Council ensures that two new Elected Members are not appointed at the same time to the Mindarie Regional Council or the Tamala Park Regional Council;
- 2 that the policy be amended to incorporate similar membership rotation of the Development Assessment Panel.

**MOVED Cr Gobbert, SECONDED Cr Chester** *that Council ADOPTS the Regional Council Representation Policy, as detailed in Attachment 1 to Report CJ049-03/15, subject to the following amendments:*

*That Council ADOPTS the Regional Council Representation Policy, as detailed in Attachment 1 to Report CJ049-03/15, subject to the following amendments:*

- 1 *that the preferred scenario in relation to Part 2.2 – Membership of the Mindarie Regional Council and Part 3.2 – Membership of the Tamala Park Regional Council ensures that two new Elected Members are not appointed at the same time to the Mindarie Regional Council or the Tamala Park Regional Council;*
- 2 *that the policy be amended to incorporate similar membership rotation of the Development Assessment Panel.*

**The Motion was Put and**

**LOST (6/7)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Gobbert, Norman, Taylor and Thomas.

**Against the Motion:** Crs Amphlett, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean and Ritchie.

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18agn310315.pdf](#)*

## **CJ050-03/15      REVISED ELECTED MEMBERS' ENTITLEMENTS POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	00428, 18058, 101515
<b>ATTACHMENT</b>	Attachment 1      Revised <i>Elected Members' Entitlements Policy</i> (marked up).
<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 revised *Elected Members' Entitlements Policy*.

### **EXECUTIVE SUMMARY**

The *Elected Members' Entitlements Policy* sets out the support and allowances available to the City's Elected Members and is consistent with the provisions set out in the *Local Government Act 1995* and supporting regulations. As part of the policy, Elected Members are encouraged to attend suitable conferences and training activities to enable them to be more informed and better able to fulfil their duties of office. A written report is to be provided to the City on an Elected Member's return from any interstate or overseas conference.

At the Policy Committee meeting held on 1 December 2014, a report was requested to amend the existing policy, specifically in relation to conference attendances and the requirement for Elected Members to submit a verbal report at the conclusion of the conference. Based on the request at the Policy Committee, the existing policy has been revised for Council's consideration.

*It is therefore recommended that Council CONSIDERS the revised Elected Members' Entitlements Policy, as detailed in Attachment 1 to Report CJ050-03/15.*

### **BACKGROUND**

A new *Elected Members' Entitlements Policy* was adopted by Council at its meeting held on 20 March 2012 (CJ032-03/12 refers) and was subsequently amended by Council, at its meeting held on 24 September 2013, following changes to the *Local Government Act 1995* and associated regulations around the role of the Salaries and Allowances Tribunal regarding the setting of Elected Member allowances and meeting fees (CJ185-09/13 refers).

Included within the policy are provisions around the attendance of Elected Members at conferences and training throughout Australia and overseas. Elected Member attendance at conferences, training programs and seminars are seen as an important mechanism for an Elected Member to develop and maintain skills and knowledge relevant to the role and to enable them to be more informed and better able to fulfil their duties of office. Currently the policy provides an allocation of \$6,900 per year for Elected Members and \$15,100 per year for the Mayor, with any unused allocation being carried forward at the completion of each annual period, however forfeited at the biennial local government elections.

As part of the policy, Elected Members attending an interstate or overseas conference are required to prepare a report on their return on their attendance and benefits to them and the City in general.

## **DETAILS**

In view of the request at the Policy Committee meeting held on 1 December 2014, the *Elected Members' Entitlements Policy* has been amended in section 8, for Council's consideration (Attachment 1 refers).

The policy has been amended to reflect that on return from an interstate or overseas conference, an Elected Member is to give a verbal presentation to other Elected Members at a subsequent strategy session.

## **Issues and options considered**

Council can either:

- adopt the policy as presented
- amend the policy as presented  
or
- decline to adopt the policy and maintain the current process.

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

**Legislation** *Local Government Act 1995.*  
*Local Government (Administration) Regulations 1996.*  
*Salaries and Allowances Tribunal Determinations.*

## **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Effective representation.

**Strategic initiative** Ensure the elected body has a comprehensive understanding of its roles and responsibilities.

**Policy** *Elected Members' Entitlements Policy.*

## **Risk management considerations**

Not applicable.

**Financial / budget implications**

Provision of Elected Member attendance at conferences and seminars is made in the City's annual budget and in line with the levels set within the policy.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

In reviewing the provisions of other local governments relating to Elected Member travel, the need for conference reporting vary with some local governments requiring a written report (such as the Cities of Stirling and Fremantle); both a written and a verbal report (such as the City of Wanneroo), a written report or a verbal report (such as the Cities of Gosnells and Mandurah); or no reporting at all (such as the Cities of Perth, South Perth and Subiaco).

State Government Ministers as well as parliamentary secretaries and government officers are required to provide written reports for overseas travel to either the Premier or Parliament, as the case may be (within two months of the travel occurring).

**COMMENT**

The revised policy is presented for Council's consideration.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for Report CJ050-03/15 (as detailed below) was resolved by the Policy Committee at its meeting held on 9 March 2015.

The original recommendation as presented by City officers to the Committee is as follows:

*That Council CONSIDERS the revised Elected Member's Entitlements Policy, as detailed in Attachment 1 to this Report.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council **ADOPTS** the revised *Elected Members' Entitlements Policy*, as detailed in Attachment 1 to this Report, subject to Part 8 being amended to read as follows:

**“8 Report:**

Upon return from any interstate or overseas Conference and Training event as detailed within this policy, where registration and other associated costs are met by the City of Joondalup, the attending Elected Member is required to:

(a) prepare a written report on their attendance and benefits to them and the City, to be circulated to all Elected Members within one month;

or

(b) present a verbal report on their attendance and benefits to them and the City, at the next available Strategy Session.”.

**MOVED** Cr Gobbert, **SECONDED** Cr McLean that Council **ADOPTS** the revised *Elected Members' Entitlements Policy*, as detailed in Attachment 1 to Report CJ050-03/15, subject to Part 8 being amended to read as follows:

**“8 Report:**

**Upon return from any interstate or overseas Conference and Training event as detailed within this policy, where registration and other associated costs are met by the City of Joondalup, the attending Elected Member is required to:**

**(a) prepare a written report on their attendance and benefits to them and the City, to be circulated to all Elected Members within one month;**

**or**

**(b) present a verbal report on their attendance and benefits to them and the City, at the next available Strategy Session.”.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19agn310315.pdf](#)

## **CJ051-03/15      REVOCATION OF THE LEISURE POLICY AND COMMUNITY DEVELOPMENT POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101263, 101515, 101284
<b>ATTACHMENT</b>	Attachment 1 <i>Leisure Policy</i> Attachment 2 <i>Community Development Policy</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to revoke the *Leisure Policy* and *Community Development Policy* as part of the ongoing policy manual review process.

### **EXECUTIVE SUMMARY**

The *Leisure Policy* and *Community Development Policy* are documents still outstanding in the policy manual review process. Their consideration was deferred, pending the finalisation of a new *Community Development Plan* in 2014-15. The *Community Development Plan 2015-2020* was adopted by Council at its meeting held on 17 February 2015 (CJ002-02/15 refers) and as such, the policies have been viewed within the context of the new strategic direction provided by this plan, *Joondalup 2022* and other relevant planning and policy documents.

The *Leisure Policy* was first introduced by the City of Wanneroo prior to the establishment of the City of Joondalup and has remained unchanged since 1999. It currently outlines the values, roles and outcomes that are to inform the provision of leisure services and facilities within the City. During the 2005 Policy Manual review process, the policy was recommended for consideration as part of a larger issue in the future by the Policy Committee. This review process did not progress, with the Policy Committee instead focusing on the development of higher-level sustainability-based policies relating to community development, economic development, financial planning and public participation in 2005-06.

The *Community Development Policy* was first adopted in 2006 (CJ156-09/06 refers) following the identification of a strategic gap within the City's Policy Framework during the 2005 policy manual review process. In consultation with residents, the policy established the basis upon which community development strategies would be framed, namely, across the broad areas of leisure, youth, families with children, culture, seniors and access and inclusion.

In 2006, Council adopted a *Community Development Strategy 2006-2011*, which incorporated several issue-specific plans relating to the areas outlined above (CJ169-09/06 refers). Council also established in 2008 a strategic position statement pertaining to leisure centre operations, ensuring these facilities are managed in a way that meets all operating costs and achieves self-sufficiency (CJ120-07/08 refers).

In addition to these plans and statements, the City's *Strategic Community Plan 2012-2022: Joondalup 2022* has also provided the strategic context to guide the delivery of services and projects to the community since 2012. Many aspects of *Joondalup 2022* broadly replicate the values and outcomes articulated in the current *Leisure Policy* and have directly informed the current structure and objectives of the *Community Development Plan 2015-2020*, both of which were developed through significant community engagement.

Due to more recent strategic documents superseding the relevance of many unreviewed policies and the imbedding of activities and services into 'business as usual' practices at the City, it is recommended that the current *Leisure Policy* and *Community Development Policy* are revoked by Council to further consolidate the current Policy Manual and reduce duplication across the City's policy and planning frameworks.

*It is therefore recommended that Council:*

- 1 *NOTES that the objectives and the strategic intent of the Leisure Policy and Community Development Policy have been superseded by other documents within the City's policy and planning framework;*
- 2 *REVOKES the Leisure Policy and Community Development Policy as shown in Attachments 1 and 2 to Report CJ051-03/15.*

## **BACKGROUND**

As part of the ongoing review of the City's Policy Manual, the current *Leisure Policy* (Attachment 1 refers) and *Community Development Policy* (Attachment 2 refers) have been reviewed against the following criteria:

- 1 Consistency – with regard to language, style and format.
- 2 Relevance – in terms of new plans and strategies that now supersede previously endorsed positions with existing policies.
- 3 Duplication – identified sections of policies that duplicate other policies, City plans and strategies, local laws, and/or state legislation.
- 4 Operational content – identified sections of policies deemed as being 'too operational' and therefore more appropriate to be incorporated into a City protocol or operational plan.

In recent years, several policies have been revoked by Council in response to the adoption of *Joondalup 2022* in 2012 and any subsequent strategic planning reviews that have superseded their relevance. These include the following:

- *Reserves, Parks and Recreation Grounds Policy* – revoked in March 2013.
- *Centres Strategy Policy* – revoked in June 2013.
- *Sustainability Policy* – revoked in June 2013.
- *Economic Development Policy* – revoked in July 2014.
- *Tennis Court Lighting Standards Policy* – revoked in December 2014.

A review of the *Leisure Policy* and *Community Development Policy* was originally scheduled to occur in alignment with the policies outlined above, however, a delay in the finalisation of a new *Community Development Plan* required a deferral from the schedule. In February 2015, the City's new *Community Development Plan 2015-2020* was adopted by Council and as such, a review of these policies was able to proceed (CJ002-02/15 refers). This report outlines the outcome of this review process.

## DETAILS

### Leisure Policy

The *Leisure Policy* (Attachment 1 refers) was first introduced by the City of Wanneroo prior to the creation of the City of Joondalup in 1999. As part of the City's establishment process, the Commissioners adopted all continuing policies at its first meeting held in July 1999 (CJ213-06/99 refers), including the former City of Wanneroo *Leisure Policy*. The intention of the policy was to outline the City's commitment to delivering a broad range of leisure services, facilities and programs that were underpinned by several value statements. In addition, the policy identifies some of the major roles of the City and the outcomes to be achieved in relation to affording leisure opportunities to the community.

In 2005 a major review of the City's Policy Manual was conducted, which recommended deleting, combining or retaining existing policies or introducing new policies where strategic gaps were identified. The *Leisure Policy* was recommended for retention with further commentary indicating that it would be considered as part of "a larger issue" by the Policy Committee and community consultation in the future (CJ206-10/05 refers). The policy has remained unchanged since it was first adopted by the City during its establishment in 1999.

Over this period the City has:

- developed and implemented a *Leisure Plan* (contained within the former *Community Development Strategy 2006-2011*) containing actions on how to achieve the outcomes of the *Leisure Policy*
- adopted a *Strategic Community Plan 2012-2022: 'Joondalup 2022'* to provide overall strategic direction on City activities, services and projects relating to community wellbeing, financial sustainability and quality urban environments
- endorsed a strategic position statement on the management of leisure centres, to ensure these facilities meet operating costs and remain self-sufficient
- implemented a *Property Management Framework* and supporting policies to maintain the affordability of facilities to the community
- developed a Master Planning Process and Principles to facilitate sustainable project outcomes for recreational facility developments
- recently adopted a *Community Development Plan 2015-2020* that outlines the City's commitment to improving the health and wellbeing of its community in alignment with the long term aspirations contained within *Joondalup 2022*.

As a result of developing the City's strategic planning documents, much of the outcomes contained within the current *Leisure Policy* have been incorporated into the City's general policy and planning framework and form part of "business-as-usual" services delivered to the community. For example, the current policy broadly covers matters pertaining to:

- community health and wellbeing
- access and inclusion
- community spirit
- financial sustainability
- advocacy
- reporting and evaluation
- promotion and awareness
- partnership and stakeholder development
- grant funding.

All of these principles have since been embedded within the City's current strategic planning framework either through asset management, grant funding, marketing, community development or community engagement policies and plans.

As such, the current *Leisure Policy* is considered to be a duplication of existing documents across the City and is recommended for revocation.

### Community Development Policy

The *Community Development Policy* (Attachment 2 refers) was first adopted in 2006 by the Joint Commissioners (CJ156-09/06 refers). It was identified during the 2005 policy manual review process as a strategic gap within the manual and was recommended for development alongside other high-level sustainability-based policies, including, economic development, financial planning and public participation.

The policy aimed to provide a strategic focus for community development activities and services by the City that were framed around several broad areas, including:

- Youth
- Families with children
- Leisure
- Culture
- Seniors
- Access and inclusion.

As identified in the current policy, a *Community Development Strategy 2006-2011* was subsequently adopted in 2006 (CJ169-09/06 refers), containing various sub-plans in alignment with the broad areas outlined above.

Many of the initiatives implemented through the strategy have since become ongoing and permanent features of the City's annual planning process which includes, but is not limited to, community events, youth, recreation and seniors programs and community subsidy initiatives.

The strategic intent and objectives of both policies are now communicated through the objectives of the City's *Strategic Community Plan: 'Joondalup 2022'* and more thoroughly the recently adopted *Community Development Plan 2015-2020* (CJ002-02/15 refers). A contemporary approach was taken in the development of the new plan by creating four issue based themes that address the challenges and drive improvements across the entire community. The four themes are:

- Community Participation
- Leadership
- Assets and Infrastructure
- Community Capacity Building.

As many elements of the existing policies are embedded in the City's annual planning process and the recent development of a more detailed and relevant plan, the current *Community Development Policy* is recommended for revocation.

### Issues and options considered

Council may choose to:

- support the revocation of the *Leisure Policy* and the *Community Development Policy*
- support the revocation of either the *Leisure Policy* or the *Community Development Policy*  
or
- not support the revocation of either the *Leisure Policy* or the *Community Development Policy*.

As there are no significant risks identified in revoking either policy, option one is the preferred option in order to reduce duplication across the City's policy and planning frameworks.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key themes</b>	Community Wellbeing, Quality Urban Environment and Financial Sustainability.
<b>Objective</b>	Community spirit, Quality facilities, Cultural development, Quality built outcomes, Quality open spaces and Active democracy.
<b>Strategic initiative</b>	The <i>Leisure Policy</i> and <i>Community Development Policy</i> align to many strategic initiatives contained across the <i>Strategic Community Plan</i> .
<b>Policy</b>	<i>Community Development Policy</i> and <i>Leisure Policy</i> .

### Risk management considerations

There are no significant risks associated with revoking the *Leisure Policy* and *Community Development Policy*, given the adoption of the *Community Development Plan 2015-2020*, which outlines the City's position, initiatives and actions relating to community development, sport and recreation, leisure, and arts and culture activities. The plan aligns more effectively with the City's overarching strategic document, *Joondalup 2022*.

**Financial / budget implications**

There are no financial implications associated with revoking these policies.

**Regional significance**

The *Leisure Policy* and *Community Development Policy* promoted regional approaches through partnership development and engagement activities. The new *Community Development Plan 2015-2020* includes a number of regional initiatives that support local and neighbouring community challenges.

**Sustainability implications**

Not applicable.

**Consultation**

The *Community Development Plan 2015 – 2020* has been heavily informed through multiple forms of engagement including the Strategic Community Reference Group, key stakeholder groups through two facilitated forums and feedback from the general community on the draft plan. Responses during these engagement activities have led to the development of the plan and the significant support for the themes and strategies. As such it is recommended that consultation is not required to revoke the *Leisure Policy* and *Community Development Policy*.

**COMMENT**

The on-going review of the policy manual has been comprehensive in addressing the issues of consistency, relevance, duplication and the operational nature of some policies. When the *Leisure Policy* and *Community Development Policy* were introduced, they were either inherited or sought to fill a policy and/or strategic gap across the City's policy and planning framework. Since their introduction, the City has further developed and entrenched the services and activities pertaining to sport and recreation, leisure, arts and culture and community development. As such both policies are considered surplus to the City's needs as the recently adopted *Community Development Plan 2015-2020* addresses the existing and emerging challenges in the community relating to these matters.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for Report CJ051-03/15 (as detailed below) was resolved by the Policy Committee at its meeting held on 9 March 2015.

The Committee recommendation is the same as recommended by City officers.

**MOVED Cr Gobbert, SECONDED Cr Amphlett that Council:**

- 1** NOTES that the objectives and the strategic intent of the *Leisure Policy and Community Development Policy* have been superseded by the *Community Development Plan 2015-2020*;
- 2** REVOKES the *Leisure and Community Development Policies* as shown in Attachments 1 and 2 to Report CJ051-03/15.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20agn310315.pdf](#)*

**CJ052-03/15      ARTIFICIAL SHADE IN CITY PLAYGROUNDS**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	41676, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Draft City Playground Shade Policy</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider a draft policy for guiding the provision of artificial shade over playgrounds within the City of Joondalup.

**EXECUTIVE SUMMARY**

The City has maintained a preference for natural shade over built shade structures and has been proactive in providing natural shade (tree planting) to existing playgrounds since 2010. In addition all replacement playgrounds are relocated under existing shade where possible and supplementary tree planting undertaken as required.

A petition was received by Council at its meeting held on 20 May 2014 (C19-05/14 refers) requesting that the City erect shade sails over the larger of the two playground areas at Mawson Park, Hillarys.

A report to Council was prepared and at its meeting held on 18 November 2014 (CJ221-11/14 refers) Council resolved that it:

- 1      *REQUESTS the Policy Committee consider the adoption of a City Playground Shade Policy;*
- 2      *ADVISES the lead petitioner that a decision in relation to the provision of shade sails at Mawson Park, Hillarys will not be made until such time that Council has made a decision based on the Policy Committee's recommendation on part 1 above.*

The provision of shade to playgrounds will remain a significant focus with Perth experiencing high ultraviolet (UV) radiation readings throughout most of the year. Predicted climate change indicates increases in adverse weather conditions into the future.

A draft policy has been developed, taking into consideration ongoing asset management costs to the City, individual duty of care requirements and acknowledgement of the need to provide safe and enjoyable opportunities for play.

The criteria proposed for assessment and selection of parks for a built shade structure considers:

- parks with high patronage by the local and wider community
- existing infrastructure encouraging long stay visits
- exposed locations and soil conditions where trees are difficult to establish
- the option to relocate the new playground under existing shade is not available
- large playgrounds that cannot be effectively shaded by trees.

The short list of parks, as presented at the 7 October 2014 briefing of Elected Members has been reviewed by applying the proposed policy criteria. The following three parks are deemed to meet all the criteria:

- Burns Beach Park, Burns Beach (cost estimate \$45,000 to \$50,000).
- Delamere Park, Currambine (cost estimate \$100,000 to \$120,000).
- Tom Simpson Park, Mullaloo - southern playground (cost estimate \$40,000 to \$45,000).

Mawson Park does not meet all the criteria as modifications can be made to the play space by relocating play items under existing natural shade. Relocating play items reduces the large expanse of rubber soft fall and presents an opportunity to plant strategically placed trees for future natural shade.

If a policy is adopted, a commitment from Council will be required to establish a program with an allocation of funding in the *Capital Works Program*.

The installation of built shade structures on the parks as listed is a substantial financial commitment for the City and no additional parks are recommended for listing in the near future. All future requests for built shade structure installations will be assessed on application in line with the mechanism adopted by Council.

*It is therefore recommended that Council:*

- 1 *ADOPTS the City Playground Shade Policy, as shown in Attachment 1 of Report CJ052-03/15;*
- 2 *APPROVES the introduction of a built shade structure program in the draft Capital Works Program to accommodate the short listed shade structure installations commencing in 2020-21.*

## **BACKGROUND**

The City has maintained a preference for natural shade over built shade structures and in 2010-11 implemented the playground tree planting City wide program to provide shade to existing playgrounds. An internal design guideline was also implemented stipulating that all new and replacement playgrounds are to be located under existing shade trees where possible and the existing shade supplemented with additional trees as required.

During 2014 a Natural Shade Audit (NSA) of playground areas for the City of Joondalup was undertaken by consultants and an action plan drawn up to manage, monitor and maintain the provision of natural shade on parks into the future.

As part of the *Climate Change Strategy 2014 - 2019*, adopted by Council in May 2014, the *Urban Planting Program* stipulates the City undertake '*planting of at least 500 trees in 2014-15, cumulatively increasing by 100 trees per year from 2015-16 to 2018-19, within residential verges, City open spaces, parks, verges and medians*'.

In 2014-15 the tree planting program was included in the *Five Year Capital Works Program* to meet the Urban Planting Program requirements and support implementation of the NSA action plan. The existing playground tree planting City wide program was amalgamated with the new program.

The current PPOSCF does not consider artificial shade installation. The revised PPOSCF, used as a management guideline to assist in the planning and provision of park and public open space assets, provides a draft position statement to prefer natural shade over artificial options. It lists them as optional and the circumstances in which artificial shade structures should be considered within parks is to cover large play spaces that cannot be effectively shaded naturally, or are spaces which experience frequent, ongoing use from community groups and organisations.

There have been approximately 70 recorded requests received by the City for shade sails on various parks over the past three years.

A petition was received by Council at its meeting held on 20 May 2014 (C19-05/14 refers) requesting that the City erect shade sails over the larger of the two playground areas at Mawson Park, Hillarys.

A report to Council was prepared and at its meeting held on 18 November 2014 (CJ221-11/14 refers) Council resolved that it:

- 1 *REQUESTS the Policy Committee consider the adoption of a City Playground Shade Policy;*
- 2 *ADVISES the lead petitioner that a decision in relation to the provision of shade sails at Mawson Park, Hillarys will not be made until such time that Council has made a decision based on the Policy Committee's recommendation on part 1 above.*

## **DETAILS**

Sun protection is not required if the UV Index is less than three. June and July are the only months where Perth, Western Australia, has an average UV Index of two (at noon on a particular day) and in December, January and February the UV Index ranges between 10 and 11.

The effects of climate change predict hotter, drier and windier summers with the number of days over 35°C increasing. Natural shade and the planting of trees can reduce exposure to UV radiation, lowers the ambient air temperatures, reduce evaporation and wind speed. Other attributes of tree planting are the prevention of soil erosion and providing habitat for wildlife.

The provision of trees throughout the City of Joondalup is an important climate change mitigation strategy with shade over playgrounds one of the highest priorities.

### Tree planting program

The tree planting program is intended as a continuous program progressively increasing the tree canopy coverage throughout the City.

The NSA action plan advocates the appropriate placement of trees to augment existing shade around playgrounds. Newly planted trees have a limited impact for approximately the first ten years and the management and nurturing of those trees through to maturity is imperative.

All new and replacement playgrounds are relocated under existing shade where possible. As part of any park improvements, an assessment of the existing trees is undertaken to identify supplementary tree planting opportunities to ensure continuity of shade canopy into the future.

Park playgrounds identified for built shade structures will also integrate shade tree planting. It is anticipated that the mature shade trees will supersede the need for renewal of the built shade structure at the end of its lifespan.

### Existing built shade structures

The City has a total of 231 playgrounds and there are currently 19 locations within the City of Joondalup which have built shade structures over play spaces. Four built shade structures are on parks and the remainder are at community facilities such as kindergartens. Many of the community facilities require built shade structures to meet legislative requirements.

The four parks in the City of Joondalup with existing built shade structures over play spaces are as follows:

- Tom Simpson Park, Mullaloo (northern play space). Shade sails were installed by the City in 2012 as part of the Tom Simpson Park upgrade. This is a regional park in an exposed coastal location with no existing natural shade available.
- Harbour View Park, Hillarys. Shade sails were installed by the Developer in 2000 as part of the initial development of the park. The sail components were replaced by the City in 2005.
- Blackall Park, Greenwood. Shade sails were installed by the City in 2009 in response to requests to Council by residents. BBQ facilities were installed at the same time. At the end of life of the shade sails in Blackall Park, natural shade could be reassessed for removal of the shade sails.
- McIntyre Park, Burns Beach. Shade sails were approved for installation by the City and installed by the developer in 2014-15.

While the City has set a precedent in the past of installing artificial shade over playgrounds, the structures have proven to be costly investments. If rolled out on a larger scale in alignment with the significant number of requests received from the community, the costs would be unaffordable to the community. The capital cost for the installation of shade sails ranges from \$40,000 for an average size play space (Burns Beach Park, Burns Beach) up to \$120,000 for a larger play space (Delamere Park, Currambine). With 231 playgrounds within the City of Joondalup, it is important that effective criteria are developed to determine the circumstances in which artificial shade may be considered.

### Draft Policy

A draft *City Playground Shade Policy* has been developed (Attachment 1 refers). The general position and criteria outlined within the draft policy is as follows:

*“The City is committed to support well-utilised, accessible, open space facilities providing safe opportunities for outdoor activity.*

*Notwithstanding the high capital cost and ongoing management implications of built shade structures, there are some circumstances in the provision of shade, where built shade is a practical solution.”*

In order to guide decision making for shade options over City playgrounds, it is proposed the City’s position be as follows:

*Natural shade is preferred over artificial shade options to maintain the natural amenity of parks and public open spaces.*

*In the development of new playgrounds and renewal of existing playgrounds:*

- *location and design features of the playground should take advantage of existing and appropriate natural shade*
- *if no suitable natural shade exists, appropriate species of trees should be planted in a suitable location that will provide shade*
- *design should take into account materials that are less conducive to heat conduction while maintaining economic whole of life costs benefits.*

*In the management of existing natural shade around playgrounds and planning for tree canopy succession:*

- *undertake infill tree planting around existing playgrounds in strategic locations*
- *identification of trees in decline and undertake tree planting for continuation of tree canopy into the future.*

*If artificial shade is provided over playgrounds within parks and public open spaces, it will be recognised only as an interim solution until a time where natural shade is suitable.*

*Built shade structures will only be considered if all of the following criteria can be satisfied:*

- a) *The playground is known to be subject to regular use; high patronage by the local and wider community attending social, community and sporting events and activities. Included may be smaller parks within areas of high housing density.*
- b) *The playground is located nearby other park amenities that encourages long stay; supporting infrastructure such as BBQ and picnic facilities, sporting facilities and toilets.*
- c) *In locations where the establishment of natural shade is difficult or impossible; insufficient space for healthy development, rocky or poor soil condition and exposed coastal locations.*
- d) *The relocation of new playgrounds under existing natural shade is not possible.*
- e) *Large playgrounds that cannot be effectively shaded by trees; playgrounds with several play items grouped in a large expanse of soft fall.*

*In the instance where the criteria (a - e) are met and artificial shade is provided; at the time of renewal of the artificial shade an assessment is to be completed. If the assessment deems that the natural shade is sufficient, the artificial shade is to be removed from the site.”*

The proposed position has been informed by the draft revised PPOSCF, asset management principles and previous positions of Council.

#### Proposed built shade structures

On completion of the NSA of playgrounds, a report and presentation was made at the 7 October 2014 briefing of Elected Members which included a short listing of high priority parks to be considered for built shade structure installations as follows:

- Burns Beach Park, Burns Beach (cost estimate \$45,000 to \$50,000).
- Delamere Park, Currambine (cost estimate \$100,000 to \$120,000).
- Mawson Park, Hillarys (cost estimate \$100,000 to \$120,000).
- Tom Simpson Park, Mullaloo - southern playground (cost estimate \$40,000 to \$45,000).

The short listing of playgrounds has been reviewed and applied to the draft policy criteria; three of the four playgrounds meet the requirements. Mawson Park does not meet all the criteria as modifications can be made to the play space by relocating play items under existing natural shade. Relocating play items reduces the large expanse of rubber soft fall and presents an opportunity to plant strategically placed trees for future natural shade.

Burns Beach Park, Delamere Park and Tom Simpson Park satisfy all the criteria. Given their high patronage by the community, they are a high priority for the installation of a built shade structures to assist with the provision of shade.

The installation of built shade structures represents a substantial financial commitment for the City and no additional parks are recommended for listing in the near future. All future requests for built shade structure installations will be assessed on application in line with the *City Playground Shade Policy*.

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

Council can either:

- adopt the draft *City Playground Shade Policy*, as shown in Attachment 1
- amend the draft *City Playground Shade Policy*, as shown in Attachment 1
- or
- not proceed with a policy.

Option 1 is the preferred option, based on the alignment of policy criteria to existing asset management principles, practices and previous positions of Council on this matter.

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

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.
<b>Policy</b>	Not applicable.

The development of the *City Playground Shade Policy* is underpinned by the *Climate Change Strategy 2014 - 2019, Project 3.4 - Urban Planting Program*, adopted by Council at its meeting held on 20 May 2014 (CJ067-05/14 refers). This program determines the scope of tree planting within the City of Joondalup for the draft *Five Year Capital Works Program* with funding budgeted accordingly.

**Risk management considerations**

The provision of shade will reduce ultraviolet (UV) radiation exposure and the risk of sunburn and skin cancer to patrons using the park.

**Financial / budget implications**

There is no budget allocation in the current draft *Five Year Capital Works Program* for the installation of built shade structures on parks within the City of Joondalup.

The introduction of a shade structure program to complete the short listed park playgrounds would require a minimum funding allocation of \$120,000 per annum extended over two years. The current draft *Five Year Capital Works Program* is fully allocated therefore it is proposed that commencement of a shade structure program be listed for 2020-21.

Current financial year impact

There is no impact in the current 2014-15 financial year.

Future financial year impact

**Annual operating cost** Removal of shade sails occurs during winter months and the annual cost for an average size installation is \$1,500.

**Capital replacement** Built shade structures end of life is predicted to be 20 years with sails replaced at 7-10 years dependent on location. At the time of renewal of the built shade structure, an assessment is to be completed. If the assessment deems that the natural shade is sufficient, the artificial shade is to be removed from the site.

**20 Year Strategic Financial Plan impact** A built shade structure program is not included in the current adopted *20 Year Strategic Financial Plan*.

**Impact year** 2020-21 and 2021-22.

**Regional significance**

Not applicable.

**Sustainability implications**

Environmental

A balance is required between avoiding an increase in the risk of skin cancer by excessive sun exposure and achieving enough sun exposure to maintain adequate vitamin D levels for healthy bone development. Outdoor activity is encouraged and the provision of shaded play spaces combined with other sun protection practices contributes to a healthier environment for children. Furthermore, the provision of trees is a climate change mitigation strategy as outlined in the *City's Climate Change Strategy 2014-2019*.

Social

The inclusion of built shade structures in addition to the available natural shade will enhance the amenity of public open space by increasing accessibility of outdoor play equipment for a longer period during daylight hours.

Economic

Capital and ongoing maintenance costs for built shade structures are high and have the potential to be a large financial impact for the City.

**Consultation**

Not applicable.

**COMMENT**

As Perth experiences high levels of UV radiation, there is an increasing demand from the community to provide shaded play areas. The provision of natural shade can take eight to 10 years to establish and gain shade value from initial tree planting. However, the provision of built shade structures across all City playgrounds is cost prohibitive and unsustainable and a robust selection process is required.

The adoption of a policy will facilitate the measured delivery of a built shade structure installation program to enhance the existing tree planting program. The provision of natural shade through tree planting remains as the highest priority method for shading the City's playgrounds.

Following Council determination on the draft *City Playground Shade Policy*, a further report will be presented to Council on the request for shade sails for Mawson Park, Hillarys.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ052-03/15 (as detailed below) was resolved by the Policy Committee at its meeting held on 9 March 2015.

The original recommendation as presented by City officers to the Committee is as follows:

*That Council:*

- 1 *ADOPTS the City Playground Shade Policy, as shown in Attachment 1 of this Report;*
- 2 *APPROVES the introduction of a built shade structure program in the draft Capital Works Program to accommodate the short listed shade structure installations commencing in 2020-21.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

*That Council:*

- 1 *ADOPTS the City Playground Shade Policy, as shown in Attachment 1 of this Report for the purposes of public advertising;*
- 2 *APPROVES the introduction of a built shade structure program in the draft Capital Works Program to accommodate the short listed shade structure installations commencing in 2020-21.*

**MOVED Cr Gobbert, SECONDED Cr Amphlett that Council:**

- 1 **ADOPTS the *City Playground Shade Policy*, as shown in Attachment 1 of Report CJ052-03/15 for the purposes of public advertising;**
- 2 **APPROVES the introduction of a built shade structure program in the draft Capital Works Program to accommodate the short listed shade structure installations commencing in 2020-21.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21agn310315.pdf](#)*

## REPORTS – AUDIT COMMITTEE – 9 MARCH 2015

### CJ053-03/15 2014 COMPLIANCE AUDIT RETURN

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	09492, 32481, 101515
<b>ATTACHMENT</b>	Attachment 1 2014 Compliance Audit Return
<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 adopt the City's 2014 Compliance Audit Return (the Return) prior to it being submitted to the Department of Local Government and Communities (DLGC).

#### EXECUTIVE SUMMARY

The DLGC Compliance Audit Return for the period 1 January 2014 to 31 December 2014 has been completed and is required to be adopted by Council before being submitted to the DLGC by 31 March 2015.

*It is therefore recommended that Council:*

- 1 ADOPTS the completed 2014 Local Government Compliance Audit Return for the period 1 January 2014 to 31 December 2014 forming Attachment 1 to Report CJ054-03/15;*
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return as detailed in Part 1 above, to the Department of Local Government and Communities.*

#### BACKGROUND

The 2014 Return was made available to local governments by the DLGC on its website for online completion.

The structure of the return is the same as the previous year and focuses on areas of compliance considered high risk. This incorporates all the statutory requirements prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* prescribe the requirements for local governments when carrying out the compliance audit, reporting to the Audit Committee and Council, and certification and submission of the return to the DLGC.

## DETAILS

The Return contains the compliance categories of:

- commercial enterprises by local governments
- delegation of power / duty
- disclosure of interest
- disposal of property
- elections
- finance
- local government employees
- official conduct
- tenders for providing goods and services.

The Return reveals a high level of compliance with legislation by the City. However under Disclosure of Interest one response indicates non-compliance. This relates to one employee who was overseas on long service leave during the period for completion and submission of annual returns. The employee's annual return was completed and submitted on their return to work.

### Legislation / Strategic Community Plan / policy implications

**Legislation** Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*.

#### 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.

#### Risk management considerations

The risk associated with Council failing to adopt the return would result in non-compliance with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

#### Financial/budget implications

Not applicable.

#### Regional significance

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The responses to the questions in the return were provided by the relevant Managers to their Director for their review and approval before being forwarded to the Internal Auditor for entry on the DLGC website.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for Report CJ053-03/15 (as detailed below) was resolved by the Audit Committee at its meeting held on 9 March 2015.

The Committee recommendation is the same as recommended by City officers.

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

- 1 ADOPTS the 2014 Local Government Compliance Audit Return for the period 1 January 2014 to 31 December 2014 forming Attachment 1 to Report CJ054-03/15;**
- 2 in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, SUBMITS the completed Compliance Audit Return as detailed in Part 1 above to the Department of Local Government and Communities.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22agn310315.pdf](#)*

## **CJ054-03/15      FOUR YEARLY REVIEW OF THE CITY'S FINANCIAL MANAGEMENT SYSTEMS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	17871, 101515
<b>ATTACHMENTS</b>	Attachment 1      Financial Management Systems Audit Report
<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 four yearly review of the City's financial management systems and procedures.

### **EXECUTIVE SUMMARY**

The *Local Government (Financial Management) Regulations 1996* requires the Chief Executive Officer of a local government to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every four financial years) and report to the local government the results of those reviews.

*It is therefore recommended that Council NOTES the results of the review undertaken in 2014 of the City's financial management systems and procedures forming Attachment 1 to Report CJ054-03/15.*

### **BACKGROUND**

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* requires that the Chief Executive Officer of a local government is to “Undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every four financial years) and report to the local government the results of those reviews.”

The last review was undertaken during 2010 and the results reported to Council at its meeting held on 19 October 2010 (CJ179-10/10 refers).

**DETAILS**

The financial management duties of the Chief Executive Officer are provided for in Regulation 5(1) of the *Local Government (Financial Management) Regulations 1996* which states:

*“Efficient systems and procedures are to be established by the Chief Executive Officer of a local government:*

- (a) *for the proper collection of money owing to the local government;*
- (b) *for the safe custody and security of all money collected or held by the local government;*
- (c) *for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);*
- (d) *to ensure proper accounting for municipal or trust –*
  - (i) *revenue received or receivable*
  - (ii) *expenses paid or payable; and*
  - (iii) *assets and liabilities;*

*and*
- (e) *to ensure proper authorisation for the incurring of liabilities and the making of payments;*
- (f) *For the maintenance of payroll, stock control and costing records; and*
- (g) *To assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.”*

Deloitte Touche Tohmatsu was engaged by the City to undertake the review which was completed in November 2014 and a draft report issued to the City on 19 December 2014. The City gathered responses and comments from the appropriate managers which will be incorporated into the final report.

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

**Legislation** Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

**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.

### **Risk management considerations**

The review assists in improving the control environment and reducing the risks associated with the City's financial management systems and procedures. The review also ensures that the City is in compliance with Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

### **Financial / budget implications**

#### Current financial year impact

<b>Account no.</b>	1.210.A2301.3265.0000
<b>Budget Item</b>	Consultancy.
<b>Budget amount</b>	\$50,000
<b>Amount spent to date</b>	\$50,697
<b>Proposed cost</b>	\$22,739
<b>Balance</b>	\$0

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The City provided access to all relevant personnel, information and records to facilitate the auditors in undertaking the review of its financial management systems and procedures.

### **COMMENT**

The review of the City's financial management systems and procedures by Deloitte Touche Tohmatsu concluded as follows:

*"In relation to the nine key financial management functions included in the scope of the assignment, the City appears to have consistently maintained relevant protocols, policies, processes and procedures, which are fundamentally the same as those last assessed in 2010, except for the further enhancements noted at Section 3 of this Report."*

The review identifies further opportunities for strengthening the internal control environment and makes a number of recommendations, five of which have already been actioned. Three observations and associated recommendations relating to payroll are still being clarified. Two recommendations relating to the Chief Executive Officer's credit card are of a relatively minor nature, as stated by the auditors, and the City does not consider it necessary to make the amendments that have been recommended.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for Report CJ054-03/15 (as detailed below) was resolved by the Audit Committee at its meeting held on 9 March 2015.

The Committee recommendation is the same as recommended by City officers.

**MOVED Cr McLean, SECONDED Cr Amphlett that Council NOTES the results of the review undertaken in 2014 of the City's financial management systems and procedures forming Attachment 1 to Report CJ054-03/15.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23agn310315.pdf](#)*

## **CJ055-03/15 STATUS REPORT – COST EFFICIENCY AND SERVICE REVIEWS PROGRAM**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	103906, 101515
<b>ATTACHMENTS</b>	Attachment 1 Independent Appraisal of the City of Joondalup's Cost Efficiencies and Services Review Attachment 2 Progress of Cost Efficiency and Service Reviews Program
<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 independent appraisal of the City's approach to cost efficiencies and services reviews, and the progress of the cost efficiency and service reviews program.

### **EXECUTIVE SUMMARY**

Since July 2013 the City has been undertaking reviews of activities in order to identify areas to reduce costs by eliminating and identifying waste and improving efficiency and effectiveness throughout the City's operations.

*It is therefore recommended that Council NOTES the:*

- 1 independent appraisal of the City's approach to cost efficiencies and services reviews forming Attachment 1 to Report CJ055-03/15;*
- 2 progress of the cost efficiency and service reviews program forming Attachment 2 to Report CJ055-03/15.*

### **BACKGROUND**

The Chief Executive Officer initiated an extensive program of reviews to be undertaken of a number of the City's activities in order to identify opportunities for increasing efficiencies, reducing waste and reducing the costs of the services.

At the Audit Committee meeting held on 4 August 2014 options and alternative mechanisms to review and analyse levels of expenditure of City services and activities were outlined. Deloitte Touche Tohmatsu has subsequently been engaged by the City to undertake an independent appraisal to determine if the City's approach is:

- appropriate and structured
- consistent with relevant standards, guidelines and good practice in the local government sector
- likely to achieve its objectives efficiently and effectively.

At the Audit Committee meeting held on 13 October 2014 the Chief Executive Officer provided an update of the activities relating to the program of cost efficiency and service reviews.

## DETAILS

### Independent Appraisal

Interviews were conducted with the Chief Executive Officer and key staff members to understand the City's approach. The following framing questions were used to inform Deloitte's assessment and recommendations:

- 1 How have services been targeted for review?
- 2 What approach has been taken to identifying improvement opportunities?
- 3 How have improvement opportunities been prioritised for implementation?
- 4 How are the service reviews conducted, managed and delivered?

Deloitte's assessment found:

- The City's approach is appropriate for individual service reviews and broadly in-line with local government guidelines.
- Over the years, the City has embedded a culture and commitment to continuous improvement which is a key enabler to supporting the City's objectives.

Deloitte's recommendations include the following:

- 1 Align organisational resources to effectively manage and deliver business improvement activities across the organisation.
- 2 Adopt a consistent method to be used for subsequent service delivery reviews.
- 3 Strengthen the [City's] existing *Project Management Framework* by establishing appropriate PMO [Project Management Office] processes, tools and templates to effectively deliver and manage multiple service reviews.
- 4 Extend the City's current *Project Management Framework* to include prioritisation of identified opportunities and the capture and management of benefits.

The complete Deloitte report is provided as Attachment 1.

### Progress of the Cost Efficiency and Service Reviews Program

The fieldwork (collection of data, reviewing documentation and interviewing staff members) undertaken by external consultants William Buck has been completed for the following activities:

- City's Fleet Utilisation and Operating Costs.
- Building Maintenance and Cleaning of City Buildings.
- Utility Consumption of City Buildings.
- Selected Civic Events.

The fieldwork for the review of Selected Cultural Events is continuing.

Attachment 2 to this report details the Review Scope, Summary of Findings, Recommendations and Management Comments for the review of City's Fleet Utilisation and Operating Costs.

Management comments from the relevant Business Unit Manager and Director on the recommendations of the remaining reviews are currently being gathered.

The reviews undertaken by internal resources are continuing for the following activities:

- Traffic Management Control.
- Plumbing Services Tender.
- Electrical Services Tender.

### Current Practice

The City currently undertakes reviews of activities as part of normal business practice within all business units. Recent reviews include the following:

- **Leadership Development Program** – one of the program's objectives is to progress the delivery of the City's *Strategic Community Plan* and association program outcomes in an efficient and cost effective way. It has been identified that approximately \$174,000 of savings can be made through continuous improvement practices relating to time wastage and cost savings.
- **Business Unit Manager Budget Presentations** – during February 2015 all Managers were required to present their 2015-16 operating budget to the Executive Leadership Team. Presentations included critical assumptions on which estimates and / or proposals are based; that is customers, volumes, legislative change, significant cost changes. Proposals for any changes to the business (resources, service levels, internal restructuring and process change for example) required details on the impact on the business as usual budget. Managers were also required to include a 2% efficiency saving on materials and contracts.

Savings and additional income of \$108,200 has been identified following a review of utility income and the City's *Property Management Framework* generating new leases.

Next Steps

During February 2015, the City's Business Performance Analyst commenced and will be responsible to:

- 1 review the report from Deloitte to determine which recommendations should be implemented, identify lead and partner business unit/s and develop timeframes for implementation
- 2 develop a system to monitor and gather benefits from recommendations made from the reviews listed above
- 3 finalise reviews undertaken by internal resources (traffic management control, plumbing services tender and electrical services tender)
- 4 determine process improvements and the associated implementation plans for the following activities which were reviewed during 2014:
  - Christmas Decorations.
  - City Building Rental.
  - Domestic and Recycling Collections.
  - Street Lighting (Decorative and Non-Western Power Assets).
  - Street Tree Maintenance.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Continuously strive to improve performance and service delivery across all corporate functions.

**Risk management considerations**

The review of the City's activities will ensure the effective and efficient allocation of resources and service levels. Cost efficiency targets are essential to ensure the City's *20 Year Strategic Financial Plan* and *Strategic Community Plan* is achievable.

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

<b>Account no.</b>	1.210.A2301.3265.0000
<b>Budget Item</b>	Consultancy
<b>Budget amount</b>	\$50,000
<b>Amount spent to date</b>	\$31,630
<b>Proposed cost</b>	\$48,125
<b>Balance</b>	\$16,495

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The Chief Executive Officer and Manager Executive and Risk Services have embarked on contacting local government authorities who were involved in the local government reform process to seek details on whether they had identified any opportunities for efficiency gains that may be relevant to the City.

By undertaking this program of cost efficiency and service reviews it is expected that the following outcomes can be achieved:

- Service and activity improvements.
- Assisting longer-term financial sustainability.
- Ensuring value for money and operational efficiency.
- Service level adjustments.
- Considering alternative modes of service delivery.
- Improved utilisation of available resources.

It is also important to note that when introducing, adjusting or increasing service levels or programs, a cost benefit analysis must be undertaken to determine whether the identified return on investment is realised.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for Report CJ055-03/15 (as detailed below) was resolved by the Audit Committee at its meeting held on 9 March 2015.

The Committee recommendation is the same as recommended by City officers.

**MOVED Cr McLean, SECONDED Cr Amphlett that Council NOTES the:**

- 1 independent appraisal of the City's approach to cost efficiencies and services reviews forming Attachment 1 to Report CJ055-03/15;**
- 2 progress of the cost efficiency and service reviews program forming Attachment 2 to Report CJ055-03/15.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 24 refers*

*To access this attachment on electronic document, click here: [Attach24agn310315.pdf](#)*

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### **CJ056-03/15      EXTENSION TO WANNEROO – JOONDALUP STATE EMERGENCY SERVICES DEPOT AT 21 WINTON ROAD, JOONDALUP**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	101515, 11015, 45934
<b>ATTACHMENT</b>	Attachment 1      Location Plan
<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 a grant application through the Western Australian Treasury Corporation in accordance with the Local Government Grants Scheme to extend the Wanneroo - Joondalup State Emergency Services Unit (WJSES) Depot.

#### **EXECUTIVE SUMMARY**

The WJSES Unit was formed in 1960 and it has been located in the current depot in 21 Winton Road since 1984. The WJSES area of responsibility covers the Cities of Joondalup and Wanneroo; a total area of 78,461ha with an estimated population of 346,061. The WJSES Unit is responsible under the Western Australian Emergency Management Arrangements to be the Hazard Management Agency (HMA) for storms, flooding and tsunami events. They support other HMA's during land and marine searches, bush and urban fires and evacuations.

The City is negotiating a lease agreement with the WJSES on a peppercorn rental basis with the WJSES currently responsible for maintenance and payment of utilities. The facility is over 30 years old, is outdated and lacks functionality. The City has assisted the WJSES with the design and costing of an addition to and refurbishment of the existing facility to accommodate an increase in volunteer numbers and responsibilities. The Local Government Grants Scheme (LGGS) provides a conduit for local governments to request financial support to replace or extend buildings occupied by State Emergency Services Units.

The funding for the proposed extension is shared between the Department of Fire and Emergency Services (DFES) (LGGS) for the construction component and the City for the site works and any upgrade required to the supply of utilities to the facility. The estimated cost of the proposed extension and refurbishment is \$824,000 which includes an estimated contribution by the City of \$95,000 for site works and power upgrades.

*It is therefore recommended that Council:*

- 1 *ENDORSES the lodgement of a grant application in accordance with the Local Government Grants Scheme to extend the Wanneroo – Joondalup State Emergency Services Unit Depot at 21 Winton Road, Joondalup;*
- 2 *APPROVES the funding of the extension of the Wanneroo – Joondalup State Emergency Services Unit Depot at a cost of \$824,000 subject to the application in Part 1 above being successful;*
- 3 *APPROVES a self-supporting loan from the Western Australian Treasury Corporation for \$729,000 to be funded in 2015-16 with the annual principal and the interest to be recouped from the Local Government Grants Scheme;*
- 4 *APPROVES listing for consideration an amount of \$824,000 in the draft 2015-16 Capital Works budget for external works and services.*

## **BACKGROUND**

The Wanneroo State Emergency Services Unit was formed in the early 1960's and the existing facility was completed in 1984. When the City of Joondalup was formed the Wanneroo State Emergency Service became the Wanneroo – Joondalup State Emergency Service. Following the introduction of the Emergency Services Levy (ESL) in 2003 the City of Joondalup administered the ESL Grant funding (now known as the Local Government Grants Scheme) to the WJSES.

In November 2012 the Department of Fire and Emergency Services (DFES) conducted a review of the WJSES facility and determined that there was a need for a new administration area. A notional figure of \$400,000 was available from the 2014-15 LGGS budget to cover the costs of the extension. The City worked with the various stakeholders and presented two options for consideration. Both options were quoted to be less than the \$400,000 based on an option to erect a transportable administration block to be located within the existing property boundary.

Further consultation with WJSES identified that while the lack of administrative space was an issue there was a greater need for an increase in operational areas, namely, a command and control centre, planning areas and training areas for members. The City, following consultation with WJSES and DFES, prepared a second set of design drawings based on an extension to the existing facility. This design will enable the WJSES to conduct operations utilising the Australasian Inter-service Incident Management System (AIIMS).

The justification for the extension to the facility funded by the LGGS Capital Grants budget is as follows:

- The application to extend the existing WJSES facility meets the requirements under the Local Government Grants Scheme (Manual for Capital and Operating Grants 2015-16). The drawings and proposed layout were drafted with regard to the DFES design footprint for a facility with greater than 40 active members (with alterations to fit the unique characteristics of the existing facility).

- In 2014 the WJSES was activated to attend to 97 incidents including 49 call outs for storm damage, 16 requests for support during fire emergencies, 14 incidents where vehicles had collided with dwellings, eight land search events and nine requests to be part of air search activities (Malaysian Airlines MH370). On each occasion the depot was manned to provide operational and administrative support. The length of the deployments varied due to the nature of the incident however some of the major deployments exceeded a number of days in duration.
- There are currently 61 active SES members that attend the depot one night per week for training purposes with a potential 45 future members seeking to join the unit in 2015. The facilities were designed to support a membership of approximately 35 persons. The number of toilets and the size of the amenities room are inadequate for the current membership and do not take into consideration the surge in numbers operating from the facility as experienced in 2010.
- The existing facility does not support the implementation of AIIMS. The structure relies on individuals and groups focussing on key roles. To achieve the principles of AIIMS space is required to enable those individuals/groups to operate effectively. The proposed design of the extensions allows for key roles and appointments to operate outside (but adjacent to) the operations room.
- There is no designated training room in the current facility. In the existing design, training is delivered in the area designated as the operations room and is restricted to the numbers that can occupy the room at a given time. The dual use of the operations room does not enable the unit to establish the operations room for its intended purpose. The proposed extensions will address this issue with an operations room specifically identified.
- A review conducted in 2009 by the DFES District Officer for the North Coastal Metropolitan District considered a number of key areas including functionality, location and comfort. The review identified that from a volunteers (workers) perspective that the area was uncomfortable and difficult to function. The facility was considered an unsafe environment to work in and the amenities were unable to cater for its own and additional support services.

## DETAILS

Following consultation with DFES and WJSES the City is seeking to extend the existing WJSES facility at 21 Winton Road, Joondalup. The LGGS will fund the cost of the extension (excluding any power upgrades and site works) through the ESL. The submission is part of a competitive selection process and the decision is made by the LGGS Capital Grants Committee.

The ESL provides the main source of funds for the operation of State Emergency Service units. ESL provides funds through the LGGS to Local Government via Capital and Operating Grants for authorised SES units within their area of responsibility. The release of capital grants for construction of a new facility or extensions to an existing facility is governed by procedures contained in the DFES *Local Government Grant Scheme - Manual for Capital and Operating Grants*.

For a building grant exceeding \$250,000 the local government enters into a loan arrangement with a financing body (the Western Australian Treasury Corporation is recommended) and pays the principle, interest and guarantee fee of the loan in accordance with the loan repayment schedule.

The local government then forwards a tax invoice to DFES for the amount of the repayment and DFES reimburses the local government for all the loan costs. The net result is zero cost to the local government authority for the construction costs.

A City appointed Quantity Surveyor has provided a cost estimate for the extensions to the WJSES Depot of \$824,000 including the upgrade of utilities and site works. The City will be required to source a loan of \$729,000 for the extensions and independently cover the costs of the site works and upgrade of utilities (estimated to be \$95,000).

The application to extend the existing WJSES facility has been submitted by the City to the LGGS and is subject to Council approval to finance the construction loan through the Western Australian Treasury Corporation.

### **Issues and options considered**

The following issues and options were considered:

- The LGGS will fund the actual construction to extend the facility by meeting the City's loan repayments, however the City is required to contribute the cost of site works and utility upgrades. The estimated cost of \$95,000 to provide the external works and services (site works and utility upgrades) will be listed for consideration in the 2015- 2016 Capital Works budget.
- The *Requests for New or Capital Upgrades to Existing Community Buildings Policy 4.1.4.* states “in recognition of the risks associated with the provision of self-supporting loans or guarantees, the City will not enter into any such agreements with any clubs, community organisations or external organisations”. While the request falls within this policy provisions, it is considered a low risk as the loan will be serviced by the City invoicing the LGGS bi-annually for the loan costs and not the WJSES.

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

#### **Legislation**

*Emergency Management Act 2005.*

*Fire and Emergency Services Act 1998.*

*Local Government Grants Scheme – Manual for Capital and Operating Grants Scheme.*

#### **Strategic Community Plan**

#### **Key theme**

Community Wellbeing.

#### **Objective**

- Quality facilities.
- Community spirit.

- Strategic initiative**
- Support a long-term approach to significant facility upgrades and improvements.
  - Promote the sustainable management of local organisations and community groups.
  - Support and encourage opportunities for local volunteering.
- Policy**
- *Recognition of Volunteers Policy.*
  - *Requests for New or Capital Upgrades to Existing Community Policy.*
  - *Buildings Policy.*

### **Risk management considerations**

The current depot does not support the operation of the Australasian Inter-service Incident Management System utilised across emergency responders in Western Australia. The quality of command and control is impacted by the operating environment.

The current depot no longer meets the occupational and safety needs of the volunteers who form the unit. The ability to respond in an emergency is reliant on the numbers of volunteers who give their time during an emergency to assist the broader community. Without volunteers the capacity and capability of WJSES is severely compromised.

### **Financial / budget implications**

There will be no financial cost on the City during the 2014-15 period.

#### Future financial year impact

**Annual operating cost**      The net annual operating cost on the City will be nil.

**20 Year Strategic Financial Plan impact**      The adopted *20 Year Strategic Financial Plan* does not include the details of the proposed arrangement.

### **Regional significance**

The WJSES was formed in the early 1960s as the Wanneroo State Emergency Services Unit. When the Shire of Wanneroo split into the City of Wanneroo and City of Joondalup in 1999 the unit was re-named as the Wanneroo – Joondalup SES. The administration of the State Emergency Services Unit and the Volunteer Bush Fire Brigade was split between the two new entities and the City of Joondalup assumed the responsibility for the administration of WJSES.

The WJSES area of responsibility covers both Cities boundaries and they have the only qualified Vertical Rescue Team in the Perth metropolitan northern suburbs. During emergencies (like the 2010 storm emergency) the WJSES Depot becomes the Regional Operations Centre.

An increase in the capability and capacity of WJSES would lead to shorter response times to emergencies within the community reducing the risk and threat to the well being of community members across the region.

**Sustainability implications**

The investment in the WJSES depot will improve the units capacity and capability resulting in improvements in the safety of the public environment.

**Consultation**

The City has consulted extensively with WJSES and DFES to prepare the application for the extensions. The consultation involved a number of site inspections, the compilation of design drawings, the completion of engineering reports and a Quantity Surveyors cost estimate.

The submission to DFES for the consideration of the LGGS Capital Grants Committee has been countersigned by the DFES Director for the North Coastal Metropolitan area.

**COMMENT**

The property at 21 Winton Road, Joondalup is on land vested in the City specifically for use by the State Emergency Services. Under the ESL and LGGS the City is responsible for the administration of WJSES. It is acknowledged that the building is dated and the amenities and facilities do not provide for the needs of WJSES today or into the future.

The grant under the LGGS will provide a modern well appointed building at a nominal cost to the City. The process of consultation, submission of the application and the level of cooperation required to complete the build will reinforce the strong relationship that exists between the City and an extremely important and valuable community volunteer organisation.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Pickard, SECONDED Cr Chester that Council:**

- 1 ENDORSES the lodgement of a grant application in accordance with the Local Government Grants Scheme to extend the Wanneroo – Joondalup State Emergency Services Unit Depot at 21 Winton Road, Joondalup;**
- 2 APPROVES the funding of the extension of the Wanneroo – Joondalup State Emergency Services Unit Depot at a cost of \$824,000 subject to the application in Part 1 above being successful;**
- 3 APPROVES a self-supporting loan from the Western Australian Treasury Corporation for \$729,000 to be funded in 2015-16 with the annual principal and the interest to be recouped from the Local Government Grants Scheme; and**
- 4 APPROVES listing for consideration an amount of \$824,000 in the draft 2015-16 Capital Works budget for external works and services.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 25 refers*

*To access this attachment on electronic document, click here: [Attach25agn310315.pdf](#)*

## **CJ057-03/15 TENDER 045/14 - PLUMBING MAINTENANCE SERVICES AND MINOR PLUMBING WORKS OF VALUE LESS THAN \$100,000**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104725, 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 RW & JA Olsen trading as Joondalup Plumbing Services for the provision of plumbing maintenance services and minor plumbing works of value less than \$100,000.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 29 November 2014 through statewide public notice for the provision of plumbing maintenance services and minor plumbing works 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:

- RW & JA Olsen trading as Joondalup Plumbing Services.
- Majestic Plumbing Pty Ltd.
- The Trustee for R W E Robinson Unit Trust trading as Robinson Buildtech.
- Samson (WA) Pty Ltd (Swan's Complete Plumbing).

The submission from RW & JA Olsen trading as Joondalup Plumbing Services represents best value to the City. It has been providing plumbing maintenance services for local governments for many years including the Mindarie Regional Council, the Cities of Wanneroo and Joondalup. It demonstrated a thorough understanding and appreciation of the City's requirements. Joondalup Plumbing Services is a well-established company with significant industry experience and the capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by RW & JA Olsen trading as Joondalup Plumbing Services for the provision of plumbing maintenance services and minor plumbing works of value less than \$100,000 as specified in Tender 045/14 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 a suitably qualified and experienced contractor for the provision of plumbing maintenance services to City owned infrastructure including 150 buildings at various sites located within its boundaries, public showers, drinking fountains, ablutions, and the like. The contractor may also be required to undertake plumbing projects to both new and existing plumbing infrastructure to a value of up to \$100,000 per project.

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 plumbing maintenance services and minor plumbing works 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:

- RW & JA Olsen trading as Joondalup Plumbing Services.
- Majestic Plumbing Pty Ltd.
- The Trustee for R W E Robinson Unit Trust trading as Robinson Buildtech.
- Samson (WA) Pty Ltd (Swan's Complete Plumbing).

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 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	50%
2	Demonstrated Experience in Providing Similar Services	20%
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. However, subsequent to the assessment of the submissions the City was advised that Robinson Buildtech has been placed in liquidation with a liquidator appointed on 11 March 2015. Their submission has therefore not received any further consideration in this report.

### **Qualitative Assessment**

Samson (WA) Pty Ltd (Swan's Complete Plumbing) scored 67.0% and was ranked fourth in the overall assessment. It has demonstrated experience in providing similar services to state and local governments including the Department of Treasury and Finance Building Management and Works, the Department of Housing and the City of Mandurah. It demonstrated a sound understanding of the required tasks. Swan's Complete Plumbing has the capacity required to carry out the services for the City, however it did not address the ability to provide additional staff if required and limited information was provided on the qualifications and skills of its key personnel.

Majestic Plumbing Pty Ltd scored 71.4% and was ranked second in the overall assessment. The company demonstrated a sound understanding of the required tasks. It has in the past completed plumbing maintenance works for the Cities of Perth and Fremantle but period and dates of when works were carried out for the City of Perth were not supplied. Majestic Plumbing has the capacity to undertake the works, however details of its support team including skills of key personnel were not provided.

Joondalup Plumbing Services scored 91.8% and was ranked first in the overall assessment. It has been providing similar plumbing maintenance services for local governments including the Cities of Wanneroo and Joondalup and the Mindarie Regional Council. It demonstrated a thorough understanding and appreciation of the City's requirements. Joondalup Plumbing Services is a well established company with extensive industry experience and the capacity to provide the services to the City.

### **Price Assessment**

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

To provide a comparison of the rates offered by each tenderer, the most commonly used types of labour rates and an estimate of the cost of materials and plant hire were identified and used in the calculation. This is inclusive of maintenance and project works. Historically the split between labour and materials has been approximately equal. The following table provides a summary of the comparison of the estimated expenditure of each tenderer.

The estimate of usage is for assessment purposes only and any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

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

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Joondalup Plumbing Services	\$928,833	\$928,833	\$928,833	<b>\$2,786,499</b>
Majestic Plumbing Pty Ltd	\$1,084,677	\$1,084,677	\$1,084,677	<b>\$3,254,031</b>
Swan's Complete Plumbing	\$1,198,799	\$1,198,799	\$1,198,799	<b>\$3,596,396</b>

During 2013-14, the City incurred \$880,185 for plumbing maintenance services and minor plumbing works.

### **Evaluation Summary**

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

<b>Tenderer</b>	<b>Qualitative Weighted Score</b>	<b>Price Weighted Score</b>	<b>Total Weighted Percentage Score</b>	<b>Ranking</b>	<b>Estimated Contract Price</b>
Joondalup Plumbing Services	41.8%	50%	91.8%	1	<b>\$2,786,499</b>
Majestic Plumbing Pty Ltd	28.6%	42.8%	71.4%	2	<b>\$3,254,031</b>
Swan's Complete Plumbing	28.6%	38.7%	67.3%	3	<b>\$3,596,396</b>

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

### **Issues and options considered**

The City has a requirement for the provision of plumbing maintenance services to City owned infrastructure such as 150 buildings at various sites located within its boundaries, public showers, drinking fountains, ablutions, and the like. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Prior to the issue of this tender, a review of the scope of work and pricing structure was completed and the schedule of rates was amended to include fixed rates for selected services as itemised in Attachment 1.

Analysis has also been undertaken of value for money to the City. Sample jobs throughout the contract have been regularly reviewed for value and appropriateness to the job. The labour rates published by one other local government were compared to those submitted in this tender and were found to be more expensive than the recommended respondent.

In addition, a comparison of plumbing services with five other local governments indicated that of four of the five surveyed, plumbing services is undertaken by an external contractor and is priced by labour and materials with a percentage mark-up.

### **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 the City needs to repair and maintain city's assets to the standards required for public health and safety.

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>	Plumbing maintenance services and minor plumbing works.
<b>Budget amount</b>	\$900,000
<b>Amount spent to date</b>	\$345,373
<b>Proposed cost</b>	\$321,519
<b>Balance</b>	\$233,108

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

**Sustainability implications**

The provision of plumbing services to the City's buildings and assets within parks and reserves assists the City in efficient use of its water resources.

**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 RW & JA Olsen trading as Joondalup Plumbing Services represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Norman that Council ACCEPTS the tender submitted by RW and JA Olsen trading as Joondalup Plumbing Services for the provision of plumbing maintenance services and minor plumbing works of value less than \$100,000 as specified in Tender 045/14 for a period of 40 months at the submitted schedule of rates, applicable for the term of the contract.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 26 refers*

*To access this attachment on electronic document, click here: [Attach26agn310315.pdf](#)*

**URGENT BUSINESS**

Nil.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C12-03/15                    NOTICE OF MOTION NO. 1 – MAYOR TROY PICKARD - CHARITY BINS ON PUBLIC LAND WITHIN THE CITY OF JOONDALUP – [103858]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Mayor Troy Pickard gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 31 March 2015:

***"That the Council REQUESTS the Chief Executive Officer prepare a report to ban the placement of charity clothing bins on public land within the City of Joondalup."***

**REASON FOR MOTION**

The City of Joondalup currently houses 76 charity bins in 19 parks, reserves and facilities, with the prevalence and growth of charity clothing bins becoming an increasing issue for the local community. Some facilities, such as Windermere Park in Joondalup and Craigie Leisure Centre in Craigie, have six charity bins in the one location. The number of charitable organisations and the subsequent placement of their bins is becoming aesthetically unpleasing, with the large bins and resultant overflow of items adversely impacting on the amenity of the City's parks, reserves and facilities for visitors and the local community alike.

While the value to the community and charitable organisations of charity clothing bins is recognised and appreciated, the visual impact of the bins is having an adverse effect and should be redressed. The City currently facilitates approvals for charity clothing bins on private land, such as local shopping centres and petrol service stations, and it is suggested that this practice continue to enable the City to provide the necessary support and guidance to private land owners.

The resultant impact of the City of Joondalup banning the placement of charity clothing bins will positively influence the amenity of the City's parks, reserves and facilities. Opportunities will still be afforded to charitable organisations to place charity clothing bins on private land and the City would continue to provide the necessary support and guidance to ensure this is appropriately managed.

**Officer's Comment**

A report can be prepared.

**MOVED Mayor Pickard, SECONDED Cr Amphlett that Council REQUESTS the Chief Executive Officer prepare a report to ban the placement of charity clothing bins on public land within the City of Joondalup.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

C13-0315

**NOTICE OF MOTION NO. 2 – MAYOR TROY PICKARD – COUNCIL MEETING DATE CHANGES – [08122, 01254]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Mayor Troy Pickard gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 31 March 2015:

***"That Council REQUESTS the Chief Executive Officer prepare a report to change the scheduled Ordinary Council Meeting on Tuesday 18 August 2015 to Monday 17 August 2015 and the scheduled Ordinary Council Meeting on Tuesday 17 November 2015 to Tuesday 24 November 2015."***

**REASON FOR MOTION**

The Cities of Joondalup, Stirling and Wanneroo successfully launched Tri-Cities in late 2014 to actively promote the northern corridor of Perth to the State and Federal Governments. The current ordinary Council Meeting scheduled for 17 August is held at lunchtime to afford an opportunity for local schools to attend and actively engage in the governance of the City of Joondalup. There is limited scope to hold the 2015 Canberra Tri-Cities Event and accordingly the Cities have confirmed this year's event will be held on Wednesday 18 November 2015. In order to enable sufficient time to prepare for the event, it is suggested the Council meeting be brought forward one day to Monday 17 August 2015 at 12 noon.

The Australian Local Government Association initially allocated Tuesday 10 November as the date for the 2015 National Local Roads and Transport Congress and the Council accordingly adopted a meeting date of 17 November 2015 for its ordinary Council Meeting. However, a late change to the Australian Parliamentary sitting schedule resulted in the date of the 2015 National Local Roads and Transport Congress being changed to Tuesday 17 November 2015. The Council has traditionally ensured that no Council meetings are held on the same date as the National Local Roads and Transport Congress to enable an opportunity for interested Elected Members to attend. It is suggested the Council meeting be delayed one week to Tuesday 24 November 2015 to enable interested Elected Members to attend. Additionally, the Mayor of the City of Joondalup and Presiding Member of Council, in his capacity as President of the Australian Local Government Association is required to attend and Chair the 2015 Local Roads and Transport Conference.

While it is not ideal to change the meeting dates of ordinary Council Meetings, providing maximum notice affords the administration and community time to make necessary adjustments.

**Officer's Comment**

A report can be prepared.

**MOVED Mayor Pickard, SECONDED Cr Thomas that Council REQUESTS the Chief Executive Officer prepare a report to change the scheduled Ordinary Council Meeting on Tuesday 18 August 2015 to Monday 17 August 2015 and the scheduled Ordinary Council Meeting on Tuesday 17 November 2015 to Tuesday 24 November 2015.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

C14-03/15

**NOTICE OF MOTION NO. 3 – MAYOR TROY PICKARD – HOMELESSNESS AND SLEEPING ROUGH IN THE NORTHERN CORRIDOR – [78031]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Mayor Troy Pickard gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 31 March 2015:

***"That Council REQUESTS the Chief Executive Officer prepare a report for consideration at a future Council meeting addressing the incidence of homelessness and sleeping rough in the City of Joondalup and the north western corridor. The report should consider, but not be limited to, partnering with an adjoining local government authority to co-host a full-time equivalent shared resource, the allocation of space at an appropriate City facility as a Drop-in Centre, identification of appropriate funds to fit-out a Drop-In Centre and active participation in the Homelessness Action Group to co-ordinate and facilitate relevant State Government Departments and Not-For-Profit organisations."***

**REASON FOR MOTION**

As a result of increased street intimidation in Perth and housing affordability and availability pressures, the incidence of homelessness and people sleeping rough within the Cities of Joondalup and Wanneroo is increasing. The Cities currently participate in the Homelessness Action Group, comprising relevant State Government departments, Not-for-Profit organisations and churches, however the absence of a dedicate resource is limiting the ability to maximise the facilitation of available resources.

A number of local churches currently provide drop-in facilities in the northern corridor, however availability is restricted due to limited resources. Community-based Not-for-Profit groups such as HAND (Homeless, At Risk, Needy and Disadvantaged) and Perth Homeless Support Group are actively engaging people at risk and provide care kits and food bundles to individuals and families in need.

The absence of a drop-in centre and crisis housing (apart from established domestic violence crisis accommodation) in the north-west corridor needs to be addressed by all stakeholders. While the direct provision of crisis housing by the City of Joondalup is problematic, an opportunity exists for the City to allocate under-utilised space in a City-owned facility to Not-For-Profit organisations. The provision of a drop-in space for people in need would provide an opportunity for active community organisations to store supplies and house administration if required. The Heathridge Leisure Centre has a number of suitable rooms with limited usage, such as the Joyce Donnelly Room that could be fitted out to enable external access, linkage to existing toilet facilities, providing relevant Not-For-Profit organisations an appropriate space to operate as well as a safe haven for those people at risk to frequent during the day.

Redressing the incidence of homelessness and people sleeping rough requires a co-ordinated effort in the north-western corridor. A shared resource between the Cities of Joondalup and Wanneroo could act as an important facilitator, actively engaging the numerous State Government agencies and Not-For-Profit groups currently operating in this area and maximise the collective effort. The Cities could also advocate through appropriate Not-for-Profit organisations to provide relevant crisis accommodation in the north-western corridor.

**Officer's Comment**

A report can be prepared.

**MOVED Mayor Pickard, SECONDED Cr Taylor that Council REQUESTS the Chief Executive Officer prepare a report for consideration at a future Council meeting addressing the incidence of homelessness and sleeping rough in the City of Joondalup and the north western corridor. The report should consider, but not be limited to, partnering with an adjoining local government authority to co-host a full-time equivalent shared resource, the allocation of space at an appropriate City facility as a Drop-in Centre, identification of appropriate funds to fit-out a Drop-In Centre and active participation in the Homelessness Action Group to co-ordinate and facilitate relevant State Government Departments and Not-For-Profit organisations.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**C15-03/15                    MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]**

**MOVED** Cr Amphlett, **SECONDED** Cr Thomas that Council:

**1**        in accordance with Sections 5.23(2)(e)(iii) and 5.23(h) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following items:

1.1        CJ046-03/15        Confidential - City of Joondalup Freehold Land - Lots 200, 201 and 202 Kanangra Crescent, Greenwood;

1.2        CJ047-03/15        Confidential - Status Report on City Freehold Properties Proposed for Disposal including the proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury;

1.3        CJ048-03/15        Confidential - Pinnaroo Point Café/Kiosk - Expression of Interest;

**2**        **PERMITS** the following employees to remain in the Chamber during discussion on Items CJ046-03/15, CJ047-03/15 and CJ048-03/15 while the meeting is sitting behind closed doors as detailed in Parts 1.1 to 1.3 above:

- 2.1        Chief Executive Officer, Mr Garry Hunt;
- 2.2        Director Corporate Services, Mr Mike Tidy;
- 2.3        Director Governance and Strategy, Mr Jamie Parry;
- 2.4        Director Infrastructure Services, Mr Nico Claassen;
- 2.5        Manager Governance, Mr Brad Sillence;
- 2.6        Governance Coordinator, Mr John Byrne;
- 2.7        Governance Officer, Mrs Lesley Taylor;
- 2.8        Governance Officer, Mrs Deborah Gouges.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*The Director Planning and Community Development left the Chamber at 9.44pm.*

*Cr McLean left the Chamber at 9.44pm and returned at 9.45pm.*

*Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Infrastructure Services, Manager Governance, Governance Coordinator and two Governance Officers) and members of the public and press left the Chambers at this point; the time being 9.45pm.*

**REPORTS – STRATEGIC FINANCIAL MANAGEMENT COMMITTEE –  
3 MARCH 2015****CJ046-03/15      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 was provided to Elected Members under separate cover. The report is not for publication.

**MOVED Cr Amphlett, SECONDED Mayor Pickard that Council:**

- 1 SUPPORTS the amalgamation of Lots 200, 201 and 202 Kanangra Crescent, Greenwood;**
- 2 REQUESTS the initiation of an amendment to *District Planning Scheme No. 2* for the purpose of public consultation to recode Lots 200, 201 and 202 Kanangra Crescent, Greenwood from R20 to R40;**
- 3 NOTES that the funds derived from the sale of the site will be transferred to the Joondalup Performing Arts and Cultural Facility reserve fund.**

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**Against the Motion:** Cr Corr.

**CJ047-03/15      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>	<p>Attachment 1      Location Plans – Lot 745 (103) Caridean Street, Heathridge and Lot 23 (77) Gibson Avenue, Padbury</p> <p>Attachment 2      Location Plans - Lot 701 (15) Burlos Court, Joondalup and Lot 549 (11) Moolanda Boulevard, Kingsley</p> <p>Attachment 3      Location Plans - Lot 1001 (14) Camberwarra Drive, Craigie and Lots 642/643 (57/59) Marri Road, Duncraig</p> <p>Attachment 4      Lot 12223 (12) Blackwattle Parade, Padbury</p> <p><i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only).</i></p>
<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 was provided to Elected Members under separate cover. The report is not for publication.

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

- 1 NOTES the status report on the progress of the City’s proposed disposal of the seven freehold land sites as at 3 March 2015 as detailed in Report CJ047-03/15;**
- 2 NOTES a report will be submitted to Council on the outcome of the public consultation process regarding the proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury;**
- 3 BY AN ABSOLUTE MAJORITY AMENDS Part 3 of Council’s decision (CJ203-10/14) of 21 October 2014 to read as follows:**  
  
***“3 ENDORSES the subdivision of Lot 701 (15) Burlos Court, Joondalup for the future disposal of Lot 701 (15) Burlos Court, Joondalup;”***
- 4 REQUESTS the initiation of an amendment to District Planning Scheme No. 2 for the purpose of public consultation to recode Lots 642 and 643 Marri Road, Duncraig from R20 to R40;**
- 5 NOTES a further status report on the progress of the City’s proposed disposal of seven freehold land sites will be submitted to the next meeting of the Strategic Financial Management Committee to be held on 14 July 2015;**
- 6 REQUESTS additional information be provided on the suitability of ‘aged or dependent persons’ dwellings’ or otherwise on the remaining lots.**

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**Against the Motion:** Cr Corr.

## **CJ048-03/15      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 was provided to Elected Members under separate cover. The report is not for publication.

### **OFFICER'S RECOMMENDATION**

That Council:

- 1      CONSIDERS the information provided by respondents to Stage Two of the Expression of Interest process and the assessment by the Evaluation Panel contained within the report and DETERMINES that Rock (WA) Pty Ltd T/as White Salt is the preferred respondent for the development of a café/kiosk at Pinnaroo Point;
- 2      REQUESTS the Chief Executive Officer to invite Rock (WA) Pty Ltd T/as White Salt to negotiate a Memorandum of Understanding to facilitate the development of a café/kiosk at Pinnaroo Point;
- 3      REQUESTS the Chief Executive Officer to provide a further report to Council, after negotiating a Memorandum of Understanding, outlining the intended process for the development of a café/kiosk at Pinnaroo Point.

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

- 1 NOTES the information provided by respondents to Stage Two of the Expression of Interest process and the assessment by the Evaluation Panel contained within the report and DETERMINES that Rock (WA) Pty Ltd T/as White Salt is the preferred respondent for the development of a café/kiosk at Pinnaroo Point;**
- 2 REQUESTS the Chief Executive Officer to invite Rock (WA) Pty Ltd T/as White Salt to negotiate a Memorandum of Understanding to facilitate the development of a café/kiosk at Pinnaroo Point;**
- 3 REQUESTS the Chief Executive Officer to provide a further report to Council, after negotiating a Memorandum of Understanding, outlining the intended process for the development of a café/kiosk at Pinnaroo Point.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**C16-03/15                    MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]**

**MOVED** Mayor Pickard, **SECONDED** Cr Hamilton-Prime that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting now be REOPENED TO THE PUBLIC.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*The Media and Communications Officer and member of the press entered the Chamber at this point, the time being 10.02pm.*

In accordance with the Clause 5.2 (6) (a) of the City's *Meeting Procedures Local Law 2013*, Mayor Pickard read aloud the motions in relation to:

CJ046-03/15            Confidential - City of Joondalup Freehold Land - Lots 200, 201 and 202 Kanangra Crescent, Greenwood.

CJ047-03/15            Confidential - Status Report on City Freehold Properties Proposed for Disposal including the proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury.

CJ048-03/15            Confidential - Pinnaroo Point Café/Kiosk - Expression of Interest.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

**C17-03/15                    RESUMPTION OF ORDER OF BUSINESS – [08122, 02154]**

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr McLean that Council **RESUMES** the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 10.06pm the following Elected Members being present at that time:

MAYOR TROY PICKARD  
CR KERRY HOLLYWOOD  
CR TOM MCLEAN, JP  
CR PHILIPPA TAYLOR  
CR SAM THOMAS  
CR LIAM GOBBERT  
CR GEOFF AMPHLETT, JP  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR BRIAN CORR  
CR RUSS FISHWICK, JP  
CR TERESA RITCHIE, JP