

# minutes

MEETING HELD ON **TUESDAY 19 MAY 2015**

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**CITY OF JOONDALUP**

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 19 MAY 2015.**

**DECLARATION OF OPENING**

The Mayor declared the meeting open at 7.03pm.

**ANNOUNCEMENT OF VISITORS****Mayor:**

TROY PICKARD

**Councillors:**

CR KERRY HOLLYWOOD	North Ward
CR TOM McLEAN, JP	North Ward
CR PHILIPPA TAYLOR	North-Central Ward – <i>Deputy Mayor</i>
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
CR BRIAN CORR	South-East Ward
CR RUSS FISHWICK, JP	South Ward
CR TERESA RITCHIE, JP	South Ward

**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	
MR NICO CLAASSEN	Director Infrastructure Services	
MR BRAD SILLENC	Manager Governance	
MR JOHN CORBELLINI	Manager Planning Services	to 7.29pm
MR DANIEL DAVINI	Media Advisor	
MR JOHN BYRNE	Governance Coordinator	
MRS LESLEY TAYLOR	Governance Officer	
MRS DEBORAH GOUGES	Governance Officer	

There were 19 members of the public and one member of the press in attendance.

## DECLARATIONS OF INTEREST

### Disclosures of Financial / Proximity Interest

Nil.

### 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>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ063-05/15 - Access and Inclusion Plan 2015-2017.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son plays cricket on Penistone Park, Greenwood as a member of the cricket club.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ066-05/15 – Proposed <i>Whitford Activity Centre Structure Plan</i> .
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son owns a property within the Banks district.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ066-05/15 – Proposed <i>Whitford Activity Centre Structure Plan</i> .
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	An employee of Urbis is known to Cr Taylor.

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ068-05/15 – Federal Assistance Grants to Local Governments.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is the President of the Australian Local Government Association (ALGA) and President of the Western Australian Local Government Association (WALGA), the initiator of the request.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ076-05/15 – Community Sporting and Recreation Facilities Fund (CSRFF) – Outcome of 2014-15 Annual/Forward Planning Grant Applications.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son plays cricket on Penistone Park, Greenwood as a member of the cricket club.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ076-05/15 - Community Sporting and Recreation Facilities Fund (CSRFF) - Outcome of 2014-15 Annual/Forward Planning Grant Applications.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's wife plays bridge at the Undercroft Bridge Club as a member of the Undercroft Bridge Club.

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is a member of the Marmion Angling and Aquatic Club.

<b>Name/Position</b>	<b>Cr Geoff Amphlett, JP.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Amphlett is a member of the Marmion Angling and Aquatic Club.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is a member of the Marmion Angling and Aquatic Club which will benefit from the development of the car park.

<b>Name/Position</b>	<b>Cr Michael Norman.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is a member of the Marmion Angling and Aquatic Club and coordinator of Friends of Sorrento Beach (that has undertaken revegetation in this area).

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	An employee of consultant, M P Rogers is a relative of Mr Hunt.

## PUBLIC QUESTION TIME

The following questions were submitted prior to the Council meeting on 19 May 2015:

**Mr R Repke, Kallaroo:**

*Re: Ordinary Meeting of Council held on 21 April 2015.*

*Q1 The rule is that members of the public are called to make statements "in the order in which they are registered." The Mayor changed the order at the ordinary Council Meeting held on 21 April 2015. Can he do so, and if not, why has nobody advised him accordingly?*

*A1 While the Council has adopted procedures to guide participation at Council meetings in relation to public statement time, the prevailing law is the City of Joondalup Meeting Procedures Local Law 2013.*

*Clause 14.2 of the City of Joondalup Meeting Procedures Local Law 2013 states that where a matter is not regulated by the Act, the Regulations or the local law, the presiding member is to decide questions relating to the conduct of the meeting.*

*Q2 Given that I had registered as Number 5, had the Mayor kept the rule, I would have been asked to speak. As I intended to speak in favour of the printed text (Mullaloo Surf Life Saving Club) could it not have happened that my statement would have changed the outcome of the vote (7/6)?*

*A2 The question is speculative and cannot be answered.*

*Re: The Cat Act 2011.*

*Q3 How many cats have been registered?*

*A3 At the time of preparing this response there are 4,674 cats registered in the City of Joondalup.*

*Q4 In how many cases have the Rangers been involved in trapping a cat or solving a dispute between neighbours?*

*A4 The City has responded to 39 requests to deal with wandering or feral cats. The City does not track whether these requests relate to disputes between neighbours.*

*Q5 Would the City of Joondalup consider the Cat Act 2011 as effective, or if not, why not?*

*A5 Yes it is effective.*

**Ms D Cameron, Divisional Manager Commercial Operations, Good Samaritan Industries:**

*Re: Review to remove all charity donation bins from public land within the City of Joondalup.*

*Good Samaritan Industries is a landowner in the City of Joondalup, with a property located at 143 Grand Boulevard, Joondalup:*

*Q1 What consultation has been undertaken with the relevant charities to look at what impact the removal of charity bins from public land might have on the groups supported by each charity?*

*Q2 What evidence does Council have that removing charity bins from public land will actually address the underlying social issue of illegal littering?*

*Q3 Has Council considered the option of regulating the placement of charity bins on public land as opposed to banning them?*

*Q4 Is Council prepared to meet with the relevant charities and work collaboratively with a view to determining a mutually beneficial outcome?*

A1 - A4 These questions will be taken on notice.

**Mrs M Zakrevsky, Mullaloo:**

*Re: Contract to spray median strips.*

*Q1 If it is true that Turfmaster has been given a contract to spray median strips, what safeguards are in place that trees and shrubs in the median strips will not be sprayed?*

A1 Turfmaster has a contract to mow arterial roads in the northern zone only. They have not been awarded a contract to spray median strips.

*Q2 For what reasons are median strips, which the City has either paved or planted with trees and shrubs, being sprayed?*

A2 To control grasses and weeds on kerb lines, around infrastructure within City streetscapes including 100 millimetres around trees so that there is no need for whipper snipping which may damage the bark on the trees.

*Q3 Why is the City of Joondalup not using its in-house herbicide spraying team?*

A3 The City is using its own in-house spray teams, but the resources are not adequate to control the weeds during seasonal outbreaks. Turfmaster has not been engaged by the City since 2007 for spraying.

**Mrs M Macdonald, Mullaloo:**

*Re: CJ083-05/15 – Tender 001/15 – Construction Works required to alter and extend the City of Joondalup Car Park, Marmion Foreshore.*

*Q1 The City commissioned the Marmion Angling and Aquatic Club Coastal (MAAC) Hazard Risk Management and Adaptation Plan through M.P. Rodgers to investigate specific coastal hazards and risks associated with the proposed Marmion Foreshore Parking and provide guidance on the appropriate management and adaptation for the land associated with the redevelopment*

*Can I have a copy of this MP Rogers report?*

*A1 The report is not available to members of the public.*

*Q2 The car park has been designed to accommodate the recommendations and a copy of the MAAC Coastal Hazard Risk Management and Adaptation Plan has been forwarded to the Department of Planning for its consideration and comments.*

*What was the Department of Planning's response and did it give approval for the tender to proceed?*

*A2 The Department of Planning has acknowledged that the proposed works are public works not requiring the approval of the Western Australian Planning Commission and is consistent with the MRS reservation of the land for Parks and Recreation. The Department of Planning has therefore indicated support for the tender to proceed.*

*Q3 Has the community and the MAAC been given a copy of this report?*

*A3 The report is not available to members of the public.*

*Q4 Have Councillors seen the report?*

*A4 It is available to Elected Members.*

**Mr M Sideris, Mullaloo:**

*Re: CJ060-04/15 - Request for Funding – Mullaloo Surf Life Saving Club (Facility Refurbishment).*

*Q1 At the last meeting of Council (21 April 2015), a response to questions advised that the Mullaloo Surf Life Saving Club (MSLSC) will continue to hire the hall as per the arrangements under the former lease. As the lessor of the facility, please advise why ratepayers of Mullaloo (and financial contributors to the facility for over 30 years) have been refused hiring access on the grounds that they were NOT members of the MSLSC?*

*A1 The City understands that the club makes the hall at the Mullaloo Surf Life Saving Clubroom available to be hired by the community. The club advises there is no record of the club making refusal.*

**Dr M Apthorpe, Ocean Reef:**

*Re: CJ080-05/15 – Tender 014/15 – Herbicide Application to Nominated Locations.*

*Q1 In relation to recent tenders for herbicide spraying in public places, road median strips, verges, parks and playgrounds what herbicides are permitted to be applied in these areas?*

*A1 Only approved active constituents on the City's Chemical Register are permissible for use. In regards to the tender – Herbicide Application to Nominated Locations, the herbicides (active constituent) involved include:*

- Glyphosate – Parks.*
- Glyphosate plus Oryzalin mix – Streetscapes and kerb lines.*
- Clopyralid – Parks.*

*Q2 Are there any provisions for contractors spray tanks to be sampled by the City and independently tested, to verify that the designated herbicides and their formulations are actually being used?*

*A2 There is no specific requirement for the contractor to supply samples but the City can sample the spray tanks at any time. However, as specified in the Scope of Requirements:*

*“All appropriate MSDS sheets are to be carried in the vehicles and all manufacturer's recommendations including (but not limited to) handling, weather conditions and personal protective equipment adhered to.”*

*The contractor must ensure that the chemicals are applied in a manner that will not cause contamination or harm non-target species.*

*Q3 Are there any provisions in tenders or contracts for coloured dye to be added to herbicide spray, so that people may avoid treading on sprayed surfaces?*

*A3 Dye is not used for public awareness. It is used for the benefit of the spraying operator so they know where they have applied the herbicide in areas of dense vegetation and varied landscape conditions (topography), such as bushland areas.*

*This tender involves the spraying of and around infrastructure, so dye is not required, however, as specified in the Scope of Requirements:*

*“Prior to any application the contractor shall erect a minimum of four (4) signs notifying the public that work is taking place and the signs shall remain erected until the work has been completed. The signs are to be situated in prominent positions from all accessible sides where work is being undertaken. These shall be clearly visible by the public.*

*When spraying from a vehicle, signage must be displayed on the vehicle along with an operating roof-mounted flashing light.”*

- Q4 *Why has the City abandoned the use of coloured dye in herbicide used by its own in-house spraying teams when they are spraying paths, verges, medians and playground areas?*
- A4 As mentioned in Q3, dye is not used for the spraying of and around infrastructure due to the unsightly impact of the coloured dye stains. A chemical will be absorbed by the leaf within 20 minutes to two hours depending on weather conditions. Blue dye can remain visible on a porous surface for up to three weeks. The City's spraying teams also use signage to alert the public of spraying being conducted as per Regulation 89 of the Western Australian Government *Health (Pesticides) Regulations 2011*.
- Q5 *Is the City aware that residents in one suburb have expressed opposition to having herbicide sprayed on their verges close to their houses, so that the contractor for the area has removed coloured dye from his herbicide so that residents will not know what areas have been sprayed?*
- A5 There is insufficient evidence to identify this is a practice occurring within the City of Joondalup.

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

**Dr M Apthorpe, Ocean Reef:**

Re: CJ080-05/15 - Tender 014/15 Herbicide Application to Nominated Locations.

- Q1 *Why has the City of Joondalup continued to spray glyphosate, a herbicide designated as a 'probable carcinogen' on street verges, pathways and median strips?*
- Q2 *Why does the City remove all warning signs to alert the public to the herbicide spraying, immediately after the spraying is finished?*

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

**Mrs M Macdonald, Mullaloo:**

Re: Wolinski Park, Mullaloo and Blackboy Park, Mullaloo.

- Q1 *Why has the grass at both Wolinski Park and Blackboy Park been allowed to deteriorate and why has the lake located at Wolinski Park been fenced?*
- Q2 *Is the City aware that the use of herbicides to treat fleabane is not affective and that fleabane is resistant to such treatment?*

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

**Mrs M Zakrevsky, Mullaloo:**

*Re: CJ080-05/15 - Tender 014/15 Herbicide Application to Nominated Locations.*

*Q1 With regards to my previous question relating to the spraying of median strips, why is this practice still continuing when herbicides penetrate the soil and adversely affect the roots of trees, ultimately leading to their deaths?*

*A1 Mayor Pickard advised this question would be taken on notice.*

**PUBLIC STATEMENT TIME**

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

**Dr M Apthorpe, Ocean Reef:**

*Re: CJ080-05/15 - Tender 014/15 Herbicide Application to Nominated Locations.*

Dr Apthorpe raised her concerns regarding the use of glyphosate to spray footpaths, parks, verges and median strips within the City of Joondalup as she felt the herbicide was having a detrimental affect on human and animal health.

**Mrs M Zakrevsky, Mullaloo:**

*Re: Tenders 041/14, 046/14 and 047/14 - Provision of Median and Verge Mowing to Nominated Locations.*

Mrs Zakrevsky spoke in relation to Tenders 041/14, 046/14 and 047/14 (CJ039-03/15, CJ040-03/15 and CJ041-03/15 refer) which related to the provision of median and verge mowing in nominated locations within the City.

**Mrs E Burggraaf, Padbury:**

*Re: CJ082-05/15 - Results of Community Consultation on the City's Proposed Acquisition of Lot 12223 (12) Blackwattle Parade, Padbury (Reserve 43717).*

Mrs Burggraaf spoke in favour of the proposed motion for the City to install traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury. Mrs Burggraaf believed that this section of road was dangerous and sought Council's support of the officer's recommendation.

**APOLOGIES AND LEAVE OF ABSENCE****Apologies**

Cr Liam Gobbert.  
Cr Sam Thomas.

**C21-05/15****REQUESTS FOR LEAVE OF ABSENCE – CR SAM THOMAS, RUSS FISHWICK, JP, PHILIPPA TAYLOR, LIAM GOBBERT AND CR MIKE NORMAN - [104767]**

Cr Sam Thomas requested Leave of Absence from Council duties covering the period 20 May to 22 May 2015 inclusive.

Cr Russ Fishwick, JP requested Leave of Absence from Council duties covering the period 20 May to 29 May 2015 inclusive.

Cr Philippa Taylor requested Leave of Absence from Council duties covering the period 27 May to 1 June 2015 inclusive.

Cr Liam Gobbert requested Leave of Absence from Council duties covering the period 23 June to 25 June 2015 inclusive and 24 July 2015 to 29 July 2015 inclusive.

Cr Mike Norman requested Leave of Absence from Council duties covering the period 22 July to 9 August 2015 inclusive.

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

- |   |                      |                                     |
|---|----------------------|-------------------------------------|
| 1 | Cr Sam Thomas        | 20 May to 22 May 2015 inclusive;    |
| 2 | Cr Russ Fishwick, JP | 20 May to 29 May 2015 inclusive;    |
| 3 | Cr Philippa Taylor   | 27 May to 1 June 2015 inclusive;    |
| 4 | Cr Liam Gobbert      | 23 June to 25 June 2015 inclusive;  |
|   | Cr Liam Gobbert      | 24 July to 29 July 2015 inclusive;  |
| 5 | Cr Mike Norman       | 22 July to 9 August 2015 inclusive; |

**The Motion was Put and**

**CARRIED (11/0)**

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

## **CONFIRMATION OF MINUTES**

**C22-05/15**

### **MINUTES OF COUNCIL MEETING HELD 21 APRIL 2015**

**MOVED Cr Norman, SECONDED Cr McLean that the Minutes of the Council Meeting held on 21 April 2015 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (11/0)**

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

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

### **National Volunteer Week**

Mayor Pickard commented that National Volunteer Week was held last week, highlighting how important volunteers are for the success of a healthy and vibrant community such as the City of Joondalup.

Mayor Pickard stated the City hosted a civic reception in honour of valued community service groups such as Lions, Probus and Rotary Clubs, Apex, Australian Red Cross, St John Ambulance and Seroptimist International.

Mayor Pickard advised a celebration morning tea was also held at Currambine Community Centre to pay tribute to the volunteers that are the lifeblood of our community, playing an integral role in why Joondalup has been recognised on the world stage for its liveability and engaged and connected community.

Mayor Pickard took the opportunity to publicly acknowledge the dedication and hard work of the City's volunteers which is valued at millions of dollars every year.

### **Community Art Exhibition**

Mayor Pickard announced the 2015 City of Joondalup Community Art Exhibition will be held at Lakeside Joondalup Shopping City Great Space from Sunday 7 to Sunday 21 June 2015.

Mayor Pickard stated this important and popular annual cultural event, now in its 18th year, is open to all residents of the City as well as members of local visual arts associations.

One of the highlights on the City's visual arts calendar, Mayor Pickard commented this year's Community Art Exhibition features the works of 126 artists.

Mayor Pickard commented that thousands of people will have the opportunity to see the works of local artists at Lakeside Joondalup Shopping City during the exhibition. They will also be able to vote for their favourite artwork through the People's Choice Award.

Mayor Pickard advised one contributing artist will be selected to create an artwork for the City's Inside-Out Billboard, at the western end of the Joondalup Library, which will be displayed from September 2015 until March 2016.

**Bramston Park**

Mayor Pickard announced that construction of a new multi-purpose community sporting facility at Bramston Park in Burns Beach will commence early next month.

Mayor Pickard commented that the state-of-the-art facility will not only cater for sporting groups, but will also provide room for community-based meetings and activities for the people of Burns Beach and the surrounding community.

Mayor Pickard stated the population of Burns Beach is expected to more than treble in the decade from 2011 to 2021, and the Bramston Park Community Sport Facility will alleviate a shortage of usable active public open space for organised sporting activities in the City's North Ward.

Mayor Pickard advised that the work is expected to take approximately 12 months to complete and the project received part funding through the State Government's Community Sporting and Recreation Facilities Fund.

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

Nil.

**PETITIONS**

Nil.

**REPORTS****CJ062-05/15 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – MARCH 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 – March 2015 Attachment 2 Monthly Subdivision Applications Processed – March 2015 Attachment 3 Monthly Building R-Code Applications Decision – March 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 March 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

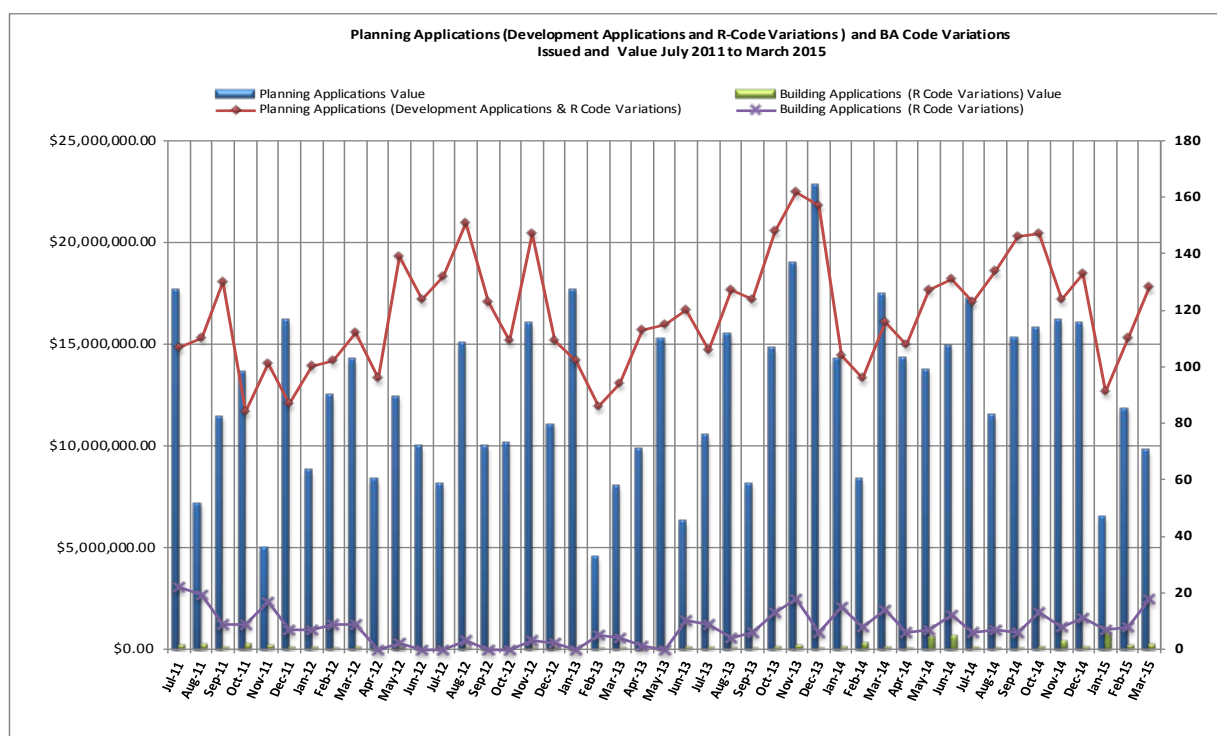
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 21 October 2014 (CJ180-10/14 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of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

## DETAILS

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

Applications determined under delegated authority – March 2015		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	128	\$ 9,769,184
Building applications (R-Codes applications)	18	\$204,889
<b>TOTAL</b>	<b>146</b>	<b>\$ 9,974,073</b>

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



The number of planning applications received during March was 146. (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 March was 290. Of these, 75 were pending additional information from applicants, and 30 were being advertised for public comment.

In addition to the above, 304 building permits were issued during the month of March with an estimated construction value of \$42,148,264.

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

<b>Subdivision referrals processed under delegated authority for March 2015</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	3	2
Strata subdivision applications	1	2

### **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 146 applications were determined for the month of March with a total amount of \$50,204 received as application fees.

All figures quoted in Report CJ062-05/15 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 128 planning applications determined during March 2015 consultation was undertaken for 31 of those applications. R-Codes applications for assessment against the applicable Design Principles, 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 four subdivision applications processed during March 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 Hollywood 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 CJ062-05/15 during March 2015;**
- 2 Subdivision applications described in Attachment 2 to Report CJ062-05/15 during March 2015;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ062-05/15 during March 2015.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf120515.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ063-05/15 - Access and Inclusion Plan 2015-2017.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son plays cricket on Penistone Park, Greenwood as a member of the cricket club.

**CJ063-05/15      ACCESS AND INCLUSION PLAN 2015-2017**

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

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

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

## BACKGROUND

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

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

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

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

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

While in previous AIP's the City has expanded the outcomes to include other members of the community, such as people from culturally and linguistically diverse backgrounds and the elderly, DSC has requested that in future AIP's, the outcomes only refer to people with disability.

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

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

## DETAILS

Approximately 4.2 million Australians (18.5%) are reported as having a disability in the Survey of Disability, Ageing and Carers (SDAC) conducted by the Australian Bureau of Statistics in 2012. The study considers disability to include any impairments, activity limitations and participation restrictions which impede everyday activities for a period of at least six months. The survey further determined that at this time 2.7 million unpaid carers were providing assistance to family or friends in need of help due to disability or age.

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

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

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

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

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

The City provides a progress report to Disability Services Commission (DSC) annually on the progress of the AIP in a reporting format that is mandated by DSC.

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

- A grant of \$43,780 from the Disability Services Commission was sourced to implement the Bits and Bytes project in partnership with WESTN Inc. and a working group of local disability stakeholders. The Bits and Bytes project involved the creation and implementation of a local individualised training program, where 90 adults with a disability developed important life skills in relation to computer technologies alongside other members of the local community. This project is ongoing.
- Two intensive Disability Awareness Training sessions held annually for staff professional development and customer service improvement.

- Significant upgrade works were undertaken at the front entrance of the Craigie Leisure Centre to improve customer access to the facility.
- Coordination and active participation in the northern suburbs Disability Interagency Networking Opportunity (DINO) working group, hosting 12 information and networking sessions which were well attended by local disability stakeholders.
- Provided a total of \$36,450 to 18 local community groups and organisations through the Community Funding Program, in support of projects and activities aimed at increasing the social inclusion and participation of people with a disability and people from CaLD backgrounds.
- AIP objectives were incorporated into the new Strategic Community Plan *Joondalup 2022*, Digital Strategy and Walkability Plan.
- Feedback in relation to access and inclusion was incorporated into the facility upgrade and redevelopment plans for Admiral Park, Hawker Park, Timberlane and Penistone Park Clubrooms, Iluka Sports Complex, Tom Simpson Park and the Beaumaris Community Centre.
- An access and inclusion induction was provided to all new staff members, with 24 training sessions taking place between 2012 and 2014.
- Fifteen people with a disability or from a culturally and linguistically diverse background undertook work experience placements within the City.
- Purchase of emergency evacuation wheelchairs for the City's administration building, Joondalup Library and Civic Chambers.
- As part of the staged implementation of the City's Walkability Plan, new tactile ground indicators have been installed at three locations within the Joondalup CBD, speed limits have been reviewed at key locations to reduce risk to pedestrian movement, and preliminary work has begun on the development of a new signage strategy.
- Significant access upgrades carried out at Delamere Park, Currambine and Mawson Park, Hillarys.

### Issues and options considered

Council can either:

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

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

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

## Legislation / Strategic Community Plan / policy implications

### Legislation

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

### Strategic Community Plan

#### Key theme

Community Wellbeing.

#### Objective

Quality facilities, Community spirit and Community safety.

#### Strategic initiative

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

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

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

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

Promote and support the needs of disadvantaged communities.

### Policy

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

### Risk management considerations

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

### Financial / budget implications

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

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

## **Regional significance**

Not applicable.

## **Sustainability implications**

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

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

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

## **Consultation**

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

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

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

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

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

Thirty eight surveys were completed as part of the consultation.

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

- more effective planning to meet access and inclusion needs in the community
- better community education about access and inclusion barriers and benefits, for example education on good parking practices, such as not parking on footpaths as it blocks access
- increased promotion of City services that have been adapted or created to enhance inclusion
- improvements and upgrades to older facilities, services and buildings, particularly those with high patronage such as libraries and customer service centres.

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

## COMMENT

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

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

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 ADOPTS the *Access and Inclusion Plan 2015-2017* forming Attachment 1 to Report CJ063-05/15;**
- 2 SUBMITS the approved *Access and Inclusion Plan 2015-2017* to the Disability Services Commission.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf120515.pdf](#)*

## **CJ064-05/15      RETROSPECTIVE SOLAR PANEL ADDITIONS TO THE MULLALOO BEACH HOTEL AT LOT 100 (10) OCEANSIDE PROMENADE, MULLALOO**

<b>WARD</b>	North-Central	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	02089, 101515	
<b>ATTACHMENT</b>	Attachment 1	Location plan
	Attachment 2	Development plans
	Attachment 3	Photographs of solar panels
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.	

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### **PURPOSE**

For Council to determine an application for retrospective approval of existing solar panels on the roof of the Mullaloo Beach Hotel at Lot 100 (10) Oceanside Promenade, Mullaloo.

### **EXECUTIVE SUMMARY**

An application has been received for retrospective approval of solar panels that have been installed on the roof of the existing Mullaloo Beach Hotel.

The development is required to be assessed against the *City of Joondalup District Planning Scheme No. 2 (DPS2)*, the *Height of Buildings within the Coastal Area (Non-Residential Zones) Policy*, and the City's *Small Scale Renewable Energy Systems Policy*.

The development does not alter the car parking requirements for the site, and the solar panels are sufficiently set back from the property boundaries to satisfy the requirements of DPS2 in this regard.

The solar panels measure a maximum of 0.6 metres in height above the existing roofline of the building, making the building a maximum height of 13.65 metres above natural ground level. This additional height is a result of stands used to direct those panels on the south facing roof in a northerly direction. The applicant has advised that removing these stands and making all panels flush with the roof line would reduce the effectiveness of the system by 50%, significantly reducing the contribution of the system to the overall power consumption of the hotel.

The panels are not visible from Oceanside Promenade and the open nature of the framework on which the panels on the south-facing portions of roof sit, together with the minimal height of 0.6 metres above the existing approved roof level, helps to minimise the impact of the panels on the adjoining residential properties to the rear (east) of the site. The panels do somewhat interfere with ocean views, however, they do not cause complete loss of views at any point, and the removal of the panels, or their modification so as to sit flush on the southern side of the roof, would not markedly improve the situation in this regard for adjoining properties.

The development is not considered to detract from the building itself, or to impose on the existing streetscape and therefore is considered to satisfy the requirements and objectives of the City's *Small Scale Renewable Energy Systems Policy* and the objectives of the *Height of Buildings within the Coastal Area (Non-Residential Zones) Policy*.

The development also meets the requirements of DPS2, and therefore is recommended for approval.

## BACKGROUND

<b>Suburb/Location</b>	Lot 100 (10) Oceanside Promenade, Mullaloo.
<b>Applicant</b>	Brian McArtney.
<b>Owner</b>	Rennet Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Commercial.
	<b>MRS</b> Urban.
<b>Site area</b>	0.24ha.
<b>Structure plan</b>	Not applicable.

The subject site, commonly referred to as the Mullaloo Beach Hotel is located on Oceanside Promenade in Mullaloo. The site is bound to the west by Oceanside Promenade and Tom Simpson Park and to the north, south and east by existing residential development.

The redevelopment of the subject site was approved by Council at its meeting held on 13 August 2002 (CJ204-08/02 refers). At the time of its approval, the development included the following broad elements:

- basement car parking
- commercial floor space at street level
- replacement of a pre-existing tavern at the first floor level
- three upper levels of accommodation, comprised of five permanent dwellings (multiple dwellings) and 10 short stay apartments (defined as a residential building)
- three levels of decked parking behind the building.

*The Height of Buildings within the Coastal Area (Non-Residential Zones) Policy* was not in place when this application was determined, and the development was found to comply with the requirements of the *State Coastal Planning Policy* at the time.

Various applications have been considered subsequent to that approval, including a change of use from Multiple Dwellings to Residential Building which was approved by Council at its meeting held on 19 February 2008 (CJ022-02/08 refers), signage applications, a cool room addition and reconfiguration of the downstairs restaurant tenancy.

## DETAILS

The application seeks retrospective approval for solar panels that have been installed on the roof of the existing building (Attachment 2 refers).

The development does not generate the need for any additional car parking, and satisfies the minimum setback requirements set out under DPS2. However, the provisions of the *Height of Buildings within the Coastal Area (Non-Residential Zones) Policy* and the City's *Small Scale Renewable Energy Systems Policy* also apply to the development.

The *Height of Buildings within the Coastal Area (Non-Residential Zones) Policy* sets out that *"on land within 300 metres of the horizontal setback datum of a coast, as defined in the Western Australian Planning Commission's Statement of Planning Policy 2.6, buildings shall not exceed 10 metres in height"*.

The solar panel additions that are the subject of this application measure a maximum of 0.6 metres in height above the existing roof of the building (excluding vents, ducts and the like), making the building, inclusive of the solar panels a maximum height of 13.65 metres above natural ground level.

The City's *Small Scale Renewable Energy Systems Policy* applies to the installation of all small scale renewable energy systems within the City of Joondalup. Small Scale Renewable Energy System is defined under this policy as *"a solar energy system of up to 100 kilowatts capacity or a small wind energy system of up to 10 kilowatts capacity"*.

This policy sets out that *"an application for planning approval is required for a solar energy system, except where it is installed on a dwelling in the Residential Zone"*, and that *"solar energy systems should be designed and positioned on rooftops so as not to detract from the building itself or impose on the existing streetscape."*

The applicant's justification states the following:

*"the installation is a 45.6Kw small scale renewable energy system and provides 11.5% of the power needs for the Mullaloo Beach Hotel."*

*The installation is 50% laid directly at the existing roof slope facing north, and 50% is on stands facing north, to achieve maximum sun catching efficiency. If they were installed so that 50% faced north following the roof line and 50% faced south following the roofline there would be a 50% reduction in the efficiency of the system. Clean energy production would be reduced to providing only 5.75% of total hotel consumption."*

*The solar system as installed cannot be seen from street level and does not detract from the streetscape nor does it detract from the building's appearance. It is not presently higher than the maximum roof height allowed. The existing lift tower structure and the kitchen exhaust extraction flue are much higher than the highest point of the panels."*

*The system was installed, as an indication that the owners of the Mullaloo Beach Hotel embrace clean energy principles and looking forward they are very much in favour of reducing the carbon footprint"*.

## Issues and options considered

Council is required to consider the development against the provisions of DPS2, the *Height of Buildings within the Coastal Area (Non-Residential Zones) Policy*, and the City's *Small Scale Renewable Energy Systems Policy*. In doing so, it must determine:

- whether the overall height of the development, being 13.65 metres from natural ground level is appropriate
- whether the solar energy system is designed and positioned on the rooftop so as not to detract from the building itself or impose on the existing streetscape.

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

### Legislation

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

### 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

*Height of Buildings within the Coastal Area (Non-Residential Zones) Policy.*  
*Small Scale Renewable Energy Systems Policy.*

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.*

Clause 6.12 provides the ability for Council to grant approval to developments that are already in existence.

#### 6.12 APPROVAL OF EXISTING DEVELOPMENTS

6.12.1 *The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.*

6.12.2 *An application to the Council for planning approval under subclause 6.12.1 shall be made on such form as the Council provides from time to time.*

6.12.3 *A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of approval under this subclause it is permissible.*

6.12.4 *The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval.*

The *Height of Buildings within the Coastal Area (Non-Residential Zones) Policy* sets out that "on land within 300 metres of the horizontal setback datum of a coast, as defined in the Western Australian Planning Commission's Statement of Planning Policy 2.6, buildings shall not exceed 10 metres in height".

The objective of this policy is "to ensure that the height of all development within the coastal area (non-residential zones) is sympathetic to the protection and enhancement of the amenity and streetscape character of the surrounding area".

It is noted that this policy was not in place when Council granted approval to the redevelopment of the site in 2002.

The City's *Small Scale Renewable Energy Systems Policy* applies to the installation of all small scale renewable energy systems within the City of Joondalup.

This policy states that *"the City supports and encourages the use of small scale renewable energy systems on land or buildings within its district in order to reduce the production of greenhouse gas emissions at a household level. In doing so, it also seeks to balance and protect the quality of the streetscape and amenity (particularly visual and acoustic amenity) of adjoining properties from the impact of these technologies"*.

### **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 paid \$441 (excluding GST) in accordance with the City's Schedule of Fees and Charges, to cover all costs associated with assessing the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

As outlined above, and discussed in the comments section of this report below, the development has been assessed against the provisions and objective of the City's *Small Scale Renewable Energy Systems Policy*.

### **Consultation**

The application was advertised by letter to seven adjoining land owners, and occupiers of three adjoining dwellings that are not owner occupied. The advertising took place for a period of 23 days from 14 April 2014 to 7 May 2014.

A total of three submissions were received, being objections to the development. All three of these submissions were received from persons who were consulted by the City.

The concerns raised in the objections are:

- the solar panels are above the height restrictions and obstruct views, therefore decreasing property values
- the solar panels are an eyesore
- the solar panels that are suspended on framework and not fixed to the roof may not be sufficiently structurally stable to withstand windy conditions.

Additionally, concerns were raised about the appearance of other roof mounted equipment (air conditioning units and kitchen exhaust system), and the noise generated by these. However, it should be noted that these other fixtures do not form part of this application.

## COMMENT

An application has been received for retrospective approval of solar panels that have been installed on the roof of the existing Mullaloo Beach Hotel.

The development does not alter the approved land uses for the site, and complies with the requirements set out in DPS2 for non-residential development.

The objective of the *Height of Buildings within the Coastal Area (Non-Residential Zones) Policy* is “to ensure that the height of all development within the coastal area (non-residential zones) is sympathetic to the protection and enhancement of the amenity and streetscape character of the surrounding area”.

The solar panels are not highly visible from the adjoining street (Oceanside Promenade) due to the height of the existing building above the street, and the positioning of the panels on the roof. As such the streetscape character of the surrounding area is considered not to be adversely impacted by the development.

The policy does not provide a definition for ‘amenity’, however DPS2 defines it as meaning: “all those factors which combine to form the character of the area to residents and passersby and shall include the present and likely future amenity”.

The open nature of the framework on which the panels on the south-facing portions of roof sit, together with the minimal height of 0.6 metres above the existing approved roof level help to minimise the impact of the panels on the adjoining residential properties to the rear (east) of the site. The panels do somewhat interfere with ocean views, however, they do not cause complete loss of views at any point, and the removal of the panels, or their modification so as to sit flush on the southern side of the roof would not markedly improve the situation in this regard for adjoining properties.

The City’s *Small Scale Renewable Energy Systems Policy* applies to the installation of all small scale renewable energy systems within the City of Joondalup.

This policy states that “the City supports and encourages the use of small scale renewable energy systems on land or buildings within its district in order to reduce the production of greenhouse gas emissions at a household level. In doing so, it also seeks to balance and protect the quality of the streetscape and amenity (particularly visual and acoustic amenity) of adjoining properties from the impact of these technologies”.

In considering this application, and the concerns raised in the submissions (which are discussed further below) the City queried what the impact would be on the system if the panels that are currently mounted on stands were to be modified to sit flush on the southern facing portions of roof. The applicant advised that this would reduce the effectiveness of the system by 50%, significantly reducing the contribution of the system to the overall power consumption of the hotel. To require such modifications, understanding their implications on power usage, would contradict this policy statement.

As outlined above, the quality of the streetscape is considered not to be adversely impacted, and the visual impact of the panels themselves is not significant. There is no acoustic amenity issue that arises from the use of these solar panels.

As such it is considered that the development accords with the requirements of the City's *Small Scale Renewable Energy Systems Policy*.

#### Response to submissions

In response to the concerns raised during the consultation process, it is noted that the panels do exceed the height limits set out in the policy regarding coastal building height. However, the panels exceed the approved roof height of the building by only 0.6 metres and given the open nature of the framework that supports the panels, it is considered that the structures are appropriate and meet the objectives and statements of the applicable local planning policies.

It is noted that the submissions received also raised concerns regarding other roof-mounted equipment on the building, including air-conditioning units and kitchen exhausts. The submissions state that alternative designs for these fixtures could reduce the impact on adjoining residential properties. While this may be true, the City cannot require modifications to these other structures as a result of this application.

The structural stability of the solar panels and the associated framework is not subject to assessment as part of this application. However, in the event that this application is approved, the relevant building approvals will also need to be sought, which will deal with such issues.

#### Conclusion

The development meets the requirements of DPS2, and is considered to satisfy the objectives of the applicable policies and therefore is recommended for approval.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 DETERMINES that the objective of *Height of Buildings within the Coastal Area (Non-Residential Zones) Policy* has been met and that the solar panels with a maximum building height of 13.65 metres above natural ground level are appropriate in this instance;**
- 2 APPROVES under Clauses 6.9 and 6.12 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval, dated 6 March 2014, submitted by Brian McArtney, the applicant, on behalf of the owners, Rennet Pty Ltd for a Residential Building, Tavern, Restaurant, Take Away Food Outlet and Shop (solar panel additions – retrospective) at Lot 100 (10) Oceanside Promenade, Mullaloo.**

**The Motion was Put and**

**CARRIED (10/1)**

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

**Against the Motion:** Cr Corr.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf120515.pdf](#)

## **CJ065-05/15      MIDGE MANAGEMENT STRATEGY PARTNERSHIP AGREEMENT**

<b>WARD</b>	All		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	03171, 101515		
<b>ATTACHMENTS</b>	Attachment 1	Midge Management Strategy Partnership Agreement 2015 - 2020	
	Attachment 2	Midge Management Strategy Action Plan 2015 - 2020	
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.		

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### **PURPOSE**

To seek Council's endorsement of a new five year *Midge Management Strategy Partnership Agreement 2015-2020* between the City of Joondalup, the City of Wanneroo and the Department of Parks and Wildlife (DPaW).

### **EXECUTIVE SUMMARY**

The City has had a formal agreement with the City of Wanneroo and the DPaW (formally Department of Environment and Conservation) for managing midge within the wetlands of the Yellagonga Regional Park, since 1999.

The current *Midge Management Strategy Partnership Agreement 2010-2015* is due to expire. A new partnership agreement is necessary to ensure ongoing issues associated with midge management are addressed for local residents.

The new *Midge Management Strategy Partnership Agreement 2015-2020* (the Midge Agreement) maintains the existing objectives for the control and management of nuisance midge and similar roles for each partner agency.

Key changes to the Midge Agreement include a potential trial of the growth inhibitor S-Methoprene for the control of midge at Lake Goollelal and improved communication with local resident groups.

The Midge Agreement complements the *Yellagonga Integrated Catchment Management Plan 2015-2019*.

It is recommended that Council gives approval to formalise a new Midge Management Strategy Partnership Agreement for 2015-2020, subject to a similar commitment from the City of Wanneroo and the DPaW.

It is also recommended that Council notes that an amount up to a maximum of \$61,500 will be listed for consideration each year for the next five years, to fund the Midge Agreement subject to appropriate funding from the City of Wanneroo and the DPaW.

## BACKGROUND

The Yellagonga Regional Park contains a wetland system that includes Lake Goollelal, Walluburnup Swamp, Beenyup Swamp and Lake Joondalup. The water quality of these wetlands is affected by the surrounding catchment area which in turn impacts the prevalence of midge.

A formal agreement between the City of Joondalup, the City of Wanneroo and the former Department of Environment and Conservation has been in place since 1999. The current *Midge Management Strategy Partnership Agreement 2010-2015* is due to expire.

The original agreement was established as residents living in the vicinity of Lake Joondalup were experiencing severe midge issues.

Lake Goollelal was formalised as part of the agreement in 2010, though an informal arrangement for this lake had existed since 2007.

Midge swarming becomes a nuisance to residents living near these wetlands during the summer months. Dense populations of midge can be representative of poor water quality within the wetland. Midge do not present a public health risk.

Actions that have been undertaken as part of the current *Midge Management Strategy Partnership Agreement 2010-15* included:

Midge Activity	Actions
Midge Larvae Monitoring	Midge larvae monitoring was a significant resource allocation associated with partnership activities. Midge larvae monitoring occurred between July and January of each year. Midge larvae monitoring involved up to weekly sampling of Lake Goollelal and Lake Joondalup. Identification of the species of midge was carried out after each sampling event.
Water Monitoring	Information was collected on each midge larvae sampling occasion and included temperature, pH, conductivity and water levels.
Nuisance reduction (Treatment)	Lake Goollelal received duplicate treatments of Gray Bate (Temephos), two weeks apart between November and December of 2011, 2012 and 2013.  Lake Joondalup received a single treatment of Gray Bate during November of 2010, 2011, 2012 and 2013.
Research	A study that investigated the nutrient and metal loads in and out of Beenyup Swamp was undertaken by Edith Cowan University. This followed a smaller nutrient and metal study. In addition to the data collected, the report provided recommendations that included investigation into infrastructure projects that may reduce nutrient levels within the wetlands system. These recommendations were considered in the development of the <i>Yellagonga Integrated Catchment Management Plan 2015-2019</i> .

Midge Activity	Actions
	<p>Additional bores were constructed on the East and West side of Lake Joondalup, to assist with a ground water monitoring project as part of the <i>Yellagonga Integrated Catchment Management Plan</i>.</p> <p>Investigations were made into the feasibility of alternate treatment strategies which included a nutrient stripping product called Phoslock.</p> <p>A study was conducted on the product Gray Bate. This involved the testing of water samples following a treatment of Lake Goollelal and an investigation on the concentrations and dispersal properties of the active ingredient within the water column.</p> <p>Investigation was conducted on the potential use of S-Methoprene as an alternate treatment option.</p> <p>A desktop review and analysis/interpretation of midge and water quality data ranging from 2003-2014 is currently occurring. This includes collation and analysis of midge and water quality data of Lakes Goollelal and Joondalup, identification of population thresholds and/or trigger points and to identify any notable trends in the data.</p>
Public Education	<p>A nuisance midge fact sheet was developed and was updated on the City's website and also made available for hard copy distribution. The City also received more than 230 calls from residents with regard to midge management. Information on managing midge was provided via media releases.</p>

## DETAILS

A new Midge Agreement (Attachment 1 refers) has been prepared that maintains the objectives and scope of previous midge agreements. The midge agreement will operate from the date of signing, until 30 June 2020.

The Midge Agreement also includes a Midge Management Strategy Action Plan (2015-2020) (the Action Plan) that provides a breakdown of midge related activities (Attachment 2 refers).

These include:

- midge larvae monitoring
- water monitoring
- nuisance reduction
- research
- public education.

The main objective of the Midge Agreement is to encourage an effective and sustainable partnership for the purposes of managing nuisance midge within wetlands of the Yellagonga Regional Park, achieved through improving cooperation, communication and collaboration between local and state government.

The Midge Agreement provides for a Midge Steering Group to discuss and make recommendations on any issues associated with midge management. The Midge Steering Group consists of the Principal Environmental Health Officer of the City of Joondalup, the Coordinator Health Services of the City of Wanneroo and the Manager of Regional Parks Unit of the DPaW.

Existing cost sharing arrangements are proposed under the Midge Agreement. The City of Joondalup and City of Wanneroo will each contribute 25% of the total budget and the DPaW will contribute 50% of the total budget.

Key components of the Midge Agreement are as follows:

#### Midge Larvae Monitoring

A midge larvae monitoring program provides quantitative data that can help predict potential adult midge nuisance. This data includes the current trend of midge larvae numbers and midge species identification, which assists in determining when a treatment would be most effective, reducing the overall need for chemical treatment.

The midge larvae monitoring program involves the routine sampling of a number of sites within the wetlands, recording the number of midge larvae present and the subsequent identification of the species of midge using a microscope.

Information obtained from larvae monitoring provides historical data that can also be used to identify trends and improvements.

#### Water Monitoring

Water monitoring involves a sampling program to provide information on the physical and chemical characteristics of the water and to determine the nutrient status and habitat factors influencing the midge population.

Measured characteristics include temperature, pH, conductivity and water levels during each sampling occasion. Sampling of surface water for nutrient analysis will be in consideration of water sampling being undertaken in association with the *Yellagonga Integrated Catchment Management Plan 2015-2019*, to ensure there is no duplication of data.

#### Nuisance Reduction

The only effective method to provide short term relief from adult midge swarms for residents, is by the application of a chemical treatment to the wetlands.

Chemical treatment is a last resort to control midge populations as such action may have a negative impact on the environment. Non target invertebrates can be affected by the application of the chemical. The granular form of the chemical used also contributes to the nutrient load of the wetland.

An opportunity exists for the use of a product known as S-Methoprene for the control of midge. S-Methoprene is a growth regulator that prevents the development of insects and has been found to be effective against midge. The benefit of S-Methoprene is that it is likely to have a lesser negative impact on the existing environment in comparison to other chemical alternatives.

S-Methoprene is currently only registered in Western Australia for use against mosquito. An application was lodged with the Australian Pesticides and Veterinary Medicines Authority (APVMA) in October 2014, for approval of a Minor Use Permit to allow the treatment of Lake Goollelal with S-Methoprene. The application requests a permit to be issued for a five year period. The DPaW received advice from the APVMA on 30 March 2015, that assessment of the application will take another five months. The Midge Steering Group via DPaW, will continue to apply pressure to the APVMA to complete its assessment as soon as possible.

In anticipation that a Minor Use Permit will be issued, the Midge Agreement provides for a trial of S-Methoprene to occur at Lake Goollelal.

Treatment of any wetland would only occur where the Cities of Joondalup and Wanneroo and the DPaW all agree. The criteria for treatment includes a threshold limit of 2,000-5,000 midge larvae per square metre being reached, a demand from residents to treat and an assessment of adult midge swarms by officers of each partner agency, to verify the prevalence of the midge nuisance. All three criteria would need to be met prior to a treatment being undertaken.

Only a portion of a lake would be treated to allow the natural recovery of any non target species that could potentially be affected.

Lake Joondalup is limited to a maximum of four treatments per year and Lake Goollelal is limited to two treatments per year. A trial of S-Methoprene at Lake Goollelal would involve only a single application.

Should a trial of S-Methoprene be successful, the Midge Agreement provides scope for its continued use at Lake Goollelal.

The limit on the number of treatments has been set by the DPaW and takes into consideration the differing nature of the wetlands, the effect of repetitive use of chemical treatment on non target invertebrates, the potential for unintended impacts upon other sections of the Yellagonga wetlands due to the flow of water to Lake Joondalup via Walluburnup Swamp and Beenypup Swamp and the impact of drying at the lakes.

### Research Projects

The Midge Agreement allows for the provision of funding for research projects to gain a better understanding of the factors contributing to seasonal midge plagues. It allows investigation into alternate intervention strategies to reduce the reliance on chemical treatment, and to develop an understanding of the nutrient contributors in the catchment.

Research funding will be utilised for the proposed trial for S-Methoprene during 2015-16, subject to the seasonal midge larvae numbers. Future projects will consider the findings and recommendations of a desk top review for all midge related data that is currently being undertaken with the assistance of Edith Cowan University. Any midge related research activities will be in consideration of the *Yellagonga Integrated Catchment Management Plan 2015-2019*.

Scope is provided for the Midge Agreement to provide support to projects associated with the *Yellagonga Integrated Catchment Management Plan 2015-2019* where there are midge related synergies.

An approach to Council for additional funding for midge research may be required, where S-Methoprene is determined to be successful for controlling midge. The circumstances for additional funding for research would be where Lake Goollelal is treated with S-Methoprene and Lake Joondalup requires the maximum number of treatments in an individual financial year.

#### Public Information and Education

Each partner agency will be responsible for responding to resident concerns regarding midge. This includes information on how to reduce the impact of adult midge and individual measures that can be taken to reduce a residents own impact on water quality. The information provided will be based on fact sheets and guidance notes communicated between the partner agencies to ensure consistency of information.

The Midge Agreement provides funding associated with the production of information packages for local residents.

The Midge Agreement formally recognises the need for representation at the Yellagonga Regional Park Community Advisory Committee Meetings to provide updates of current midge related activities. Updates will include details on the current midge larvae sampling, an indication of current midge larvae numbers and any current investigations or research projects associated with midge.

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

Council may choose to either:

- endorse the Midge Agreement and Action Plan and notes that an amount up to a maximum of \$61,500, will be listed for consideration each year for the next five years.
- not endorse the Midge Agreement and Action Plan but provide recommendations with regard to proposed changes  
or
- not endorse the Midge Agreement and Action Plan.

Option 1 is recommended. Should Council decide not to enter into a new partnership agreement, issues associated with nuisance midge for local residents would likely go unresolved. Any proposed changes to the Midge Agreement would require approval of the City of Wanneroo and the DPaW.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** The Natural Environment.

**Objective** Environmental resilience.

**Strategic initiative** Identify and respond to environmental risks and vulnerabilities.

**Policy** Not applicable.

### Risk management considerations

A community expectation exists that the City will take action to address issues associated with nuisance midge within all wetlands of the Yellagonga Regional Park. If no action is taken, the City could expect a strong negative reaction from the community.

Providing information on the current midge larvae numbers to the public could increase pressure to arrange treatment of the wetland system where the minimum treatment threshold has been reached, regardless of the prevalence of an adult midge nuisance.

The application of a chemical treatment can affect non target invertebrates. The number of treatments are therefore limited and carried out in consultation with the DPaW. Only a proportion of the lake would be treated to allow the natural recovery of any non target species.

In its granular form, the chemical can contribute to the nutrient load of the wetland system. The Midge Agreement through research projects, has a focus in reducing the overall nutrient load by identifying the major nutrient contributors.

A trial using S-Methoprene will likely have a lesser impact on the natural environment.

### Financial / budget implications

The City of Joondalup will need to make an annual contribution to a maximum of \$61,500 for the duration of the Midge Agreement. This is an increase of \$10,250 per year from the previous agreement. This reflects an increase in costs associated with treatment including the hire of a helicopter for aerial application and the cost of chemicals.

An allowance is made for a trial of S-Methoprene to utilise funding associated with research activities.

The total funding amount is based on a maximum number of treatments being undertaken. It is likely that this level of funding for treatments will not be required. This considers that Lake Goollelal has not required treatment three out of the last six years and Lake Joondalup has received no more than two treatments per year in the last six years, with no treatments occurring at Lake Joondalup on two occasions.

A trial for S-Methoprene would be for a single treatment in lieu of duplicate treatments with the current Gray Bate (active ingredient Temephos) product.

The allocation of funds is indicated in the Action Plan. The City of Joondalup contribution would be distributed as follows for each component:

Funding Model A (Includes S-Methoprene Use)		Funding Model B (Current Model)	
Component	Cost to City	Component	Cost to City
Gray Bate (Lake Joondalup - Four applications)	\$32,750	Gray Bate (Lake Joondalup – four applications)	\$32,750
Methoprene (Lake Goollelal – one application)	\$12,750	Gray Bate (Lake Goollelal – two applications)	\$2,750
Aerial Application	\$13,250	Aerial Application	\$15,000
Monitoring Equipment	\$1,500	Research	\$8,250
Public Education	\$1,250	Monitoring Equipment	\$1,500
		Public Education	\$1,250
<b>TOTAL</b>	<b>\$61,500</b>	<b>TOTAL</b>	<b>\$61,500</b>

## **Regional significance**

Residents near the wetland system of the Yellagonga Regional Park are affected by the prevalence of adult midge swarms, particularly those located near Lake Joondalup and Lake Goollelal.

## **Sustainability implications**

The reliance of chemical treatment to control midge is the only effective method to provide short term relief to adult midge swarms for residents but is not environmentally sustainable. Undertaking research, conducting a trial of S-Methoprene, providing education and assisting with improving water quality, are all important for long term environmental, social and economic sustainability.

## **Consultation**

The Midge Agreement and Action plan has been prepared in consultation with officers of the City of Wanneroo and the DPaW. The City of Wanneroo will be seeking similar endorsement by the Wanneroo Council.

No public consultation was undertaken as the Midge Agreement is a partnership that provides a resource commitment between three agencies, for the management of midge within the wetlands of the Yellagonga Regional Park.

## **COMMENT**

The partnership agreement is particularly important to ensure that the impact of adult midge swarms to our residents are reduced.

The Midge Agreement also complements the projects and activities associated with the *Yellagonga Integrated Catchment Management Plan 2015-2019*.

The City has implemented significant projects with the aim of improving the health of the Yellagonga catchment area, including:

- monthly sampling of surface water of the Yellagonga Wetlands that has occurred since 2010, to determine nutrient and metal levels
- undertaking a groundwater monitoring program since 2012
- investigations into major pollutant source points to improve water quality
- a gap analysis and Resource Allocation Strategy schedule was prepared in liaison with the Department of Parks and Wildlife
- implementation of the *Yellagonga Community Awareness Program* and the *Yellagonga Ecotourism Program*
- infrastructure upgrades of sumps to reduce nutrient loading
- conservation maintenance of Neil Hawkins Park
- development and implementation of the City's Water Plan.

Projects associated with the *Yellagonga Integrated Catchment Management Plan 2015-2019* include:

- a *Water Quality Monitoring and Improvement Program* - undertaking surface and groundwater monitoring and investigating recommendations to improve water quality
- a *Water Conservation Project* - improving water efficiencies in the Yellagonga Catchment to minimise nutrient enrichment
- *acid Sulfate Soils Management* - investigating a feasible process to identify likely areas of acid sulfate soils disturbance
- a *Local Biodiversity Project* - seeking collaborative opportunities to enhance vegetation and to improve water quality through biofiltration
- *yellagonga Ecotourism and Community Education* - undertaking community and school education initiatives to encourage a reduction in the use of fertiliser and other contaminants, as well as reduced water consumption in the Yellagonga Catchment
- *stormwater Management* - improving sumps adjacent the Yellagonga Wetlands within the City of Joondalup, and
- *conservation maintenance* - implementing conservation maintenance schedules to enhance vegetation.

The City of Wanneroo has also implemented its own individual projects designed at improving the health of the Yellagonga catchment area.

The inclusion of S-Methoprene as a potential treatment option for Lake Goollelal may provide an improved environmental outcome and is therefore worthwhile pursuing. Should a trial be determined successful, S-Methoprene may be utilised to replace the existing treatment option using the product Gray Bate.

The continuation of the City of Joondalup as a partner agency to the Midge Agreement recognises our role in the shared responsibility for the management of wetlands within the Yellagonga Regional Park and the impact of midge to local residents.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 APPROVES the new *Midge Management Strategy Partnership Agreement 2015-2020* as detailed in Attachment 1 to Report CJ065-05/15, subject to a commitment from the City of Wanneroo and the Department of Parks and Wildlife to participate and provide funding for an equivalent term;**
- 2 NOTES that an amount, up to a maximum of \$61,500, will be listed for consideration each year for the next five years to fund the *Midge Management Strategy Partnership Agreement 2015-2020*, subject to appropriate funding from the City of Wanneroo and the Department of Parks and Wildlife.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf120515.pdf](#)*

## Disclosures of interest affecting impartiality

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ066-05/15 – Proposed <i>Whitford Activity Centre Structure Plan</i> .
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son owns a property within the Banks district.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ066-05/15 – Proposed <i>Whitford Activity Centre Structure Plan</i> .
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	An employee of Urbis is known to Cr Taylor.

**CJ066-05/15      PROPOSED    WHITFORD      ACTIVITY      CENTRE  
STRUCTURE PLAN**

**WARD**

## South-West

**RESPONSIBLE  
DIRECTOR**

Ms Dale Page  
Planning and Community Development

**FILE NUMBER**

105105, 101515

## ATTACHMENTS

Attachment 1	Location plan
Attachment 2	Structure plan map
Attachment 3	Indicative development plan
Attachment 4	Structure plan
Attachment 5	Technical reports
Attachment 6	Model Centre Framework Assessment
Attachment 7	Statutory Provisions Assessment

(Please Note: Attachments 4 and 5 are only available electronically).

### AUTHORITY / DISCRETION

Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

## PURPOSE

For Council to consider a new draft *Whitford Activity Centre Structure Plan*, for the purpose of public advertising.

## EXECUTIVE SUMMARY

At its meeting held on 19 November 2013 (CJ206-11/13 refers), Council resolved to refuse to adopt the draft *Whitford Activity Centre Structure Plan* (WASCP) and not proceed with associated Scheme Amendment No. 63 to the City's *District Planning Scheme No. 2* (DPS2).

The applicant subsequently lodged an application for review of Council's decision with the State Administrative Tribunal (SAT) and the matter has been the subject of ongoing mediation between the City, representatives from Westfield, the Department of Planning, and technical and legal consultants for all parties.

The outcome of the mediation has resulted in the submission to the City of a new draft activity centre structure plan for the Whitford Shopping Centre and surrounding land.

The draft WACSP is based on a maximum retail floor space of 77,500m<sup>2</sup>. It provides for a main street environment on Endeavour Road and improved vehicle connections through the Retail and Endeavour Districts. The draft structure plan also includes provisions relating to building height, setbacks, facade treatments and car parking, as well as key infrastructure upgrades required to facilitate the development of the activity centre.

Preliminary assessment of the draft WACSP has been undertaken. The draft WACSP is generally considered to meet the requirements of the Model Centre Framework set out in *State Planning Policy 4.2 – Activity Centres for Perth and Peel* (SPP 4.2). As such, it is recommended that the draft structure plan be considered satisfactory for the purpose of advertising for public comment.

## BACKGROUND

<b>Suburb/Location</b>	Lot 501 and Lot 6 Whitford Avenue, Hillarys; Lot 503 and Lot 9089 Banks Avenue, Hillarys; Lot 14284 Endeavour Road, Hillarys; Lot 181 St Mark's Drive, Hillarys; various residential lots in Hillarys.
<b>Applicant Owner</b>	Urbis (planning consultants) on behalf of Scentre Group. RE1 Limited and Scentre Management Limited; City of Joondalup; Department for Family and Children's Services; The Anglican School Commission Inc; the Crown; various other individual owners.
<b>Zoning</b>	<b>DPS</b> Commercial; Business; Civic and Cultural; Residential; Private Clubs/Recreation; Local Reserve – Parks and Recreation.
	<b>MRS</b> Urban.
<b>Site area</b>	428,200m <sup>2</sup> .
<b>Structure plan</b>	The subject of this report.

### Previous draft Whitford Activity Centre Structure Plan (2012)

At its meeting held on 19 November 2013 (CJ206-11/13 refers), Council considered the previous draft WACSP and resolved in part that:

“3 Pursuant to Clause 9.4 of the City of Joondalup District Planning Scheme No. 2, **REFUSES TO ADOPT** the Whitford Activity Centre Structure Plan for the following reasons:

3.1 The Retail Sustainability Assessment does not adequately justify the extent of retail floor space proposed under the Whitford Activity Centre Structure Plan, and:

3.1.1 Allowing the Whitford Secondary Activity Centre to develop to 95,000m<sup>2</sup> of shop-retail will undermine the activity centre hierarchy established by State Planning Policy 4.2 – Activity Centres for Perth and Peel;

3.1.2 The proposal will have a negative retail impact on commercial centres within the City of Joondalup and the Cities of Stirling and Wanneroo;

- 3.2 *The Transport Report does not adequately address the transport issues arising from the scale of development proposed under the Whitford Activity Centre Structure Plan, and as a result:*
- 3.2.1 *The proposal will have an adverse impact on the flow and volume of traffic on Whitfords Avenue, Marmion Avenue and the surrounding local streets;*
- 3.2.2 *The proposal does not adequately address the provision of on-site parking for the structure plan area based on the capabilities of the surrounding road network;*
- 3.2.3 *The proposal does not adequately justify the modal shift from private vehicles to other forms of transport such as walking and public transport, which may impact on the expected traffic volumes and parking. The proposal does not demonstrate confirmation of the commitment to public transport improvements and timing of its delivery by the Public Transport Authority;*
- 3.3 *The Whitford Activity Centre Structure Plan does not mandate the requirement for land uses, including commercial office, entertainment, health/community services and residential development to ensure that land use diversity targets for stages of development are met as required under State Planning Policy 4.2 – Activity Centres for Perth and Peel;*
- 3.4 *The Whitford Activity Centre Structure Plan does not adequately demonstrate timing and implementation of various developments and improvements to ensure the outcomes of State Planning Policy 4.2 – Activity Centres for Perth and Peel are achieved;*
- 3.5 *The development provisions set out in Part One of the Whitford Activity Centre Structure Plan are not adequate to be used in the assessment of development applications and determining the appropriateness of development proposed, as outlined at Attachment 5;*
- 3.6 *The Whitford Activity Centre Structure Plan does not detail the requirements, responsibilities and timing for infrastructure upgrades to ensure an appropriate and coordinated approach to the redevelopment within the Whitford Activity Centre”.*

The applicant subsequently requested a review of Council’s decision through the SAT. At its meeting held on 18 November 2014 (CJ222-11/14 refers), Council considered its position in relation to a draft ‘Heads of Agreement’ document submitted to the City as part of the SAT mediation process.

Through mediation a number of issues have been discussed and this has resulted in the submission of a new structure plan for consideration by Council.

#### Scheme Amendment No. 68

Scheme Amendment No. 68 proposed to zone the structure plan area ‘Centre’ and remove the existing ‘R20’ residential density code that currently applies across the site. This is the appropriate zoning to facilitate the implementation of a structure plan for an activity centre. Given the previous structure plan for the activity centre was refused, at its meeting held on 19 November 2013 (CJ206-11/13 refers), Council resolved:

- “1 Pursuant to Regulation 17 (2) of the Town Planning Regulations 1967, DOES NOT WISH TO PROCEED with Amendment No. 68 to City of Joondalup District Planning Scheme No. 2 to zone and rezone the lots within the Whitford Activity Centre Boundary to ‘Centre’ and remove the ‘R20’ residential density code from the lots as indicated in Attachment 2 of Report CJ206-11/13;”

This advice was forwarded to the Western Australian Planning Commission (WAPC) and the amendment has been held pending the outcome of the review of the structure plan through the SAT.

## DETAILS

As a result of the SAT mediation on the previous draft WACSP that was considered and refused by Council in 2013, a new structure plan has been prepared and submitted to the City.

Mediation on the previous structure plan involved consultation between the City, the City’s planning, traffic and economic consultants, the applicant and their consultants as well as representatives from the Department of Planning. The Department of Transport, Public Transport Authority and Main Roads have also been involved in mediation discussions.

The structure plan boundary remains unchanged from the previous structure plan, encompassing the Whitford City Shopping Centre and surrounds, extending to the St Marks School site to the west and residential properties along Banks Avenue and 11 other adjoining residential zoned properties (Attachments 1 and 2 refer).

As with the previous iterations, the draft structure plan addresses elements such as:

- building height
- setbacks
- parking
- vehicle access
- land use
- residential density
- cycle and shared use path networks.

The area is broken into four character districts as follows:

- Retail District.
- Endeavour District.
- Banks District.
- Education and Civic District.

Some of the proposals contained within the draft structure plan include the following:

- A total maximum retail floor space for the structure plan area of 77,500m<sup>2</sup> of which a maximum of 75,000m<sup>2</sup> is permitted in the Retail District.
- A requirement for shop retail development to be provided in the Endeavour District when the shop retail floor space in the Retail District exceeds 55,000m<sup>2</sup>, at a rate of 10% of the additional shop retail floor space in the Retail District.

- A requirement for the following upgrades to take place before specified development can commence operating in the respective district:
  - Whitfords Avenue and Marmion Avenue intersection.
  - Marmion Avenue and Banks Avenue intersection.
  - Road works to allow for a consolidated bus stop on the southern side of Whitfords Avenue, just east of the intersection with Dampier Avenue.
  - Redesign and development of Endeavour Road into a main street.
  - Banks Avenue and Endeavour Road intersection.
  - The redesign of the northern side of Banks Avenue.
- Maximum building heights of:
  - 25 metres (approximately seven storeys) in the Endeavour District and the Education and Civic District.
  - 20 metres (approximately six to seven storeys) in the Retail District.
  - 13.5 metres (approximately three storeys) in the Banks District.
- Residential density of R80 for the Education and Civic, Banks and Retail Districts.
- A requirement for residential dwellings to be provided in the Endeavour District when the shop retail floor space in the Retail District exceeds 55,000m<sup>2</sup>, at a rate of not less than one dwelling for each 500m<sup>2</sup> of additional shop retail floor space in the Retail District.
- A main street environment on Endeavour Road and improved vehicle connections through the Retail and Endeavour Districts.
- A public plaza on Endeavour Road main street and another medium size public open space, west of Endeavour Road in the Endeavour District.

The indicative development plan contained within the structure plan is provided as Attachment 3. The draft WACSP and associated supporting documents are provided as Attachments 4 and 5.

The structure plan has been assessed against the Model Centre Framework outlined in SPP 4.2. The Model Centre Framework provides guidance on the preparation of activity centre structure plans. It addresses elements such as centre context, activity, movement and urban form. The framework is to be considered when preparing and assessing activity centre structure plans.

An assessment summary of the Model Centre Framework and statutory provisions of the proposed structure plan form Attachments 6 and 7 to Report CJ066-05/15.

### **Issues and options considered**

The options available to Council in considering the draft structure plan are:

- determine that the draft WACSP is satisfactory to be advertised in accordance with DPS2
- determine that the draft WACSP should not be advertised and defers consideration until specific matters have been included or addressed by the proponent  
or
- determine that the draft WACSP should not be agreed to or progressed for stated reasons.

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

**Legislation** *District Planning Scheme No. 2.*

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative**

- Planning frameworks promote and support adaptive, mixed- use developments with the active ground floor uses on appropriately zoned sites.
- Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.
- The community is able to effectively age-in-place through a diverse mix of facilitates and appropriate urban landscapes.

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** Activity Centre development.

**Strategic initiative**

- Understand local commercial needs and opportunities.
- Support the development of fresh and exciting decentralised areas of activity.
- Facilitate increased housing density in activity centres.

**Key theme** Governance and Leadership.

**Objective** Active democracy.

**Strategic initiative**

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

**Policy** *State Planning Policy 4.2 Activity Centres for Perth and Peel. Liveable Neighbourhoods.*

**District Planning Scheme No. 2**

Under clause 9.4.1(a) of DPS2, Council may determine that the structure plan is satisfactory, send a copy to the Western Australian Planning Commission, and advertise it under the provisions of clause 9.5 and 6.7 of DPS2.

Under clause 9.4.1(b), Council may determine that the structure plan should not be advertised until specified matters have been included in it or have otherwise been attended to by the proponent.

Under clause 9.4.1(c), Council may determine that the structure plan should not be agreed to for stated reasons.

Should Council determine that the structure plan is satisfactory, the proposal is to be advertised for public comment in accordance with clauses 9.5 and 6.7 of DPS2 for a minimum period of 21 days. Upon completion of the public advertising, Council is required to review all submissions within 60 days and proceed to refuse or adopt the structure plan, with or without further modifications.

#### State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP 4.2)

Under clause 6.4(1) of SPP 4.2, Activity Centre Structure Plans are to be prepared for strategic metropolitan, secondary, district and specialised centres, but not for neighbourhood or local centres.

Under clause 6.3 of SPP 4.2, Activity Centres should be zoned to reflect the activity centre hierarchy. The appropriate zoning classification for a Secondary Centre (such as Whitford) is 'Centre' zone.

Under clause 6.4(2) of SPP 4.2, Activity Centre Structure Plans should be endorsed prior to a major development being approved to ensure a centre's development is integrated, cohesive and accessible. In exceptional circumstances (in the absence of an endorsed activity centre structure plan), any major development must satisfy relevant requirements of the Model Centre Framework. The Model Centre Framework is outlined in Appendix 2 of SPP 4.2 and addresses elements such as centre context, activity, movement and urban form.

Under clause 6.4(3) of SPP 4.2, *The Structure Plan Preparation Guidelines* (which outline the process for the preparation of Activity Centre Structure Plans) should be considered in conjunction with this policy, including the Model Centre Framework and any other applicable regulations.

Under clause 6.4.1(1) of SPP 4.2, Activity Centre Structure Plans for 'secondary centres' must be endorsed by the Western Australian Planning Commission (WAPC).

#### Liveable Neighbourhoods

*Liveable Neighbourhoods* is an operational policy of the Western Australian Planning Commission and is used for the design and assessment of structure plans and subdivision on both greenfield and large urban infill sites. It provides guidance on urban structure elements such as road layout and widths, lot layout and provision of public open space.

#### Local Commercial Strategy

The City's *Local Commercial Strategy* is the basis for preparing and amending the local planning scheme, and for preparing and assessing activity centre structure plans and development applications within centres.

The *Local Commercial Strategy* considers how to:

- support planning decision making by including an assessment of projected retail needs of communities, taking into account proposals in adjacent local government areas
- apply the activity centre hierarchy
- provide sufficient development opportunities to enable a diverse supply of commercial and residential floor space
- provide sufficient development opportunities to enable appropriate distribution of bulk goods and commercial floor space.

### **Risk management considerations**

Should Council refuse to advertise the draft WACSP or requires modifications to the draft WACSP, the applicant may seek a review of the decision with the SAT. Alternatively, the applicant may choose to revert to the previous structure plan, which is the subject of the current review by SAT, and seek SAT's determination on that application.

### **Financial / budget implications**

To date, the SAT proceedings have cost the City approximately \$176,750 in solicitor and consultant fees. This does not include costs associated with officer time. A full hearing is estimated to cost an additional \$100,000.

### **Regional significance**

*Directions 2031 and Beyond* and the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* provide aspirations for the better utilisation of urban land through the establishment of dwelling targets and diversity targets for greenfield, infill and activity centre sites. The draft *Whitford Activity Centre Structure Plan* seeks to achieve a housing target of 739 additional dwellings within the structure plan area. If the structure plan were to be approved, these additional dwellings would assist in delivering aspirations of *Directions 2031 and Beyond* and draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* for the City of Joondalup.

The extent of the proposed retail floor space expansion is important in considering the possible supply of retail floor space within the catchment area. Oversupply may result in impacts on the strategic metropolitan, secondary and district centres within the City and the sub-region.

### **Sustainability implications**

#### Environmental

Under clause 5.5 of SPP 4.2, activity centre structure plans must ensure that planning contributes to the conservation of resources, in particular reduced consumption of energy and water. Building orientation and design should maximise opportunities for passive solar and natural ventilation and the use of renewable sources of energy such as solar panels and wind turbines. The Model Centre Framework provides further design guidelines for the application of sustainable development principles such as maximising renewable energy use and water conservation.

#### Social

The proposed structure plan would facilitate the development of a variety of housing products on lots of variable sizes, ranging from low to high density, thereby providing living choices to meet the various needs of the community.

The provision of a diverse range of land uses, a new community square and main street and improved accessibility to the various land uses within the centre may contribute to a healthier and more connected community.

#### Economic

The proposed structure plan would enable the City to consider future subdivision and development on the site that will provide additional residents to the area who will contribute to supporting the local economy.

It is also anticipated that more employment opportunities will be made available as a result of the range of businesses and services proposed to be facilitated through the draft structure plan. It is hoped that this will provide people with the opportunity to live and work in the same area rather than having to travel outside of the City for work.

### **Consultation**

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days. The previous structure plan was advertised for a period of 60 days due to the structure plan being advertised in conjunction with Scheme Amendment No. 68.

As for other structure plans, such as East Greenwood, should Council resolve to advertise the draft structure plan, it is recommended that advertising be undertaken for a period of 28 days as only the revised structure plan is being considered.

As was undertaken for the previous *Whitford Activity Centre Structure Plan*, advertising is proposed to consist of the following:

- Written notification to land owners within the WACSP area.
- Written notification to land owners within 400 metres of the centre boundary (same extent as for the previous version of the structure plan).
- Written notification to service authorities.
- A notice placed in the Joondalup Community newspaper.
- Signs on the Westfield Shopping Centre site.
- A notice on the City's website.

### **COMMENT**

#### Draft WACSP

SPP 4.2 sets out a Model Centre Framework that activity centre structure plans are to be guided by. The draft WACSP generally addresses all elements of the Model Centre Framework. Key elements of the proposed structure plan are discussed below.

#### Retail Sustainability Assessment

The current floor space of the Whitfords Activity Centre is approximately 50,000m<sup>2</sup>. It should be noted that this does not include an additional 4,600m<sup>2</sup> of retail floor space that was approved for the shopping centre by the Joint Development Assessment Panel in 2014, but is yet to be delivered on site.

The City's *Local Commercial Strategy* provides an indicative retail floor space threshold of 75,000m<sup>2</sup> for the Whitford Activity Centre. The *Local Commercial Strategy*, in line with SPP 4.2, states that any retail floor space proposed above the indicative floor space threshold set out in the *Local Commercial Strategy* must be supported by a suitable retail sustainability assessment. The structure plan proposes a maximum retail floor space of 77,500m<sup>2</sup> for the centre, 2,500m<sup>2</sup> above the indicative retail floor space figure in the City's *Local Commercial Strategy*. A maximum of 75,000m<sup>2</sup> is set for the Retail District, being less than the 95,000m<sup>2</sup> previously proposed.

The applicant has undertaken a retail sustainability assessment to justify the proposed shop retail floor space of 77,500m<sup>2</sup> NLA. This assessment has been reviewed by the City's economic consultant. This review indicates that the retail sustainability assessment complies with the requirements of *State Planning Policy 4.2: Activity Centres* and that the expansion beyond the 75,000m<sup>2</sup> retail floor space scenario outlined in the City's *Local Commercial Strategy*, to 77,500m<sup>2</sup> being only a marginal increase, is unlikely to have any significant impact on surrounding individual centres.

The review notes that with both the expansion of the Whitford City and Lakeside Shopping Centres, the Joondalup centre will continue to trade at an above average level. This supports the assertion of the retail sustainability assessment that the viability and sustainability of Joondalup is unlikely to be unduly impacted by the proposed expansion of Whitfords to 77,500m<sup>2</sup>.

On the basis of the review, it is considered appropriate that 77,500m<sup>2</sup> NLA of retail floor space be accepted as the maximum shop retail floor space figure for the entire structure plan area.

#### Building height

The building heights proposed are not dissimilar to those indicated under the previous structure plan. The maximum building heights vary across the four districts and range between two and seven storeys with the tallest buildings being within the Endeavour District. This provides an opportunity for buildings to be constructed to accommodate a range of dwelling types, as well as land uses which will contribute to the land use diversity of the area.

The maximum height of three storeys in the Banks District will provide for a transition in building height to the existing residential area. For all other districts a combination of building height, setbacks and design will signal the transition between districts and any existing development on the surrounding sites.

The ground floor height (floor to ceiling) of any development is proposed to be a minimum of 4.5 metres in height, which will allow for land uses to change over time.

#### Residential density

A residential density of R80 is proposed for all districts in the structure plan, except the Endeavour District, where a R40 coding is proposed for 'grouped dwellings' and a RAC-0 coding is proposed for 'multiple dwellings'.

The City's draft Scheme Amendment No. 73, which seeks to implement the recommendations of the City's *Local Housing Strategy*, proposes that for land within the 'Commercial', 'Business' or 'Mixed Use' zones with a land area over 1,000m<sup>2</sup> a residential density code of R80 will apply and for lots with a land area under 1,000m<sup>2</sup> a residential density code of R40 will apply. Therefore, under Amendment No. 73 most of the structure plan area would have a residential density code of R80, with the exception of the existing residential lots on the southern side of Banks Avenue. These properties are proposed to be rezoned Mixed Use under Scheme Amendment No. 73, however, due to these lots being less than 1,000m<sup>2</sup> in size, they would be coded R40 unless they are amalgamated.

Applying different density codes across one activity centre is not considered effective for the cohesive redevelopment of the centre as the varying densities will restrict coordinated redevelopment. If the Banks Avenue area is taken as a whole rather than being comprised of individual lots, which is considered appropriate given one single plan has been lodged for the area, the subject sites would be greater than 1,000m<sup>2</sup> and therefore a R80 density code

is considered to be appropriate for the residential lots on the southern side of Banks Avenue. In addition, the lots to the rear of the existing residential lots on Banks Avenue are proposed to be recoded to a dual coding of R20/60 and the structure plan requires that development in the Banks District, on the southern side of Banks Avenue, is to be setback 7.5 metres from the rear boundary. This will ensure an appropriate transition from the existing residential areas to the south to the higher residential development proposed on Banks Avenue by the structure plan.

*Directions 2031 and Beyond* proposes that 47% of new dwellings in Perth are to be provided by infill development. In addition, SPP 4.2 sets a desirable yield of 35 dwellings per gross hectare for secondary centres such as Whitfords. Although the number of dwellings that can be developed in the centre is difficult to quantify, the proposed structure plan indicates that a yield of approximately 739 dwellings is achievable within the structure plan boundary. Predominantly the dwellings are proposed to be located in the Endeavour District with about 639 dwellings of the total 739 proposed in this location. This equates to approximately 17 dwellings per hectare. However, a minimum of 40 dwellings are required to be provided in the Endeavour District with any retail expansion over 55,000m<sup>2</sup> in the Retail District.

Though the structure plan will not deliver the density targets set out in SPP 4.2, it is considered that the proposed density meets the objectives of *Directions 2031 and Beyond*, SPP 4.2 and the City's *Local Housing Strategy*. This is based on the fact that the structure plan proposes the redevelopment of an existing centre that currently has a very low residential density and requires the shopping centre developer to deliver some additional residential dwellings early in the centre's redevelopment in the Endeavour District, when any retail expansion occurs over 55,000m<sup>2</sup>.

#### Land use mix, delivery, intensity and employment targets

As the proposed maximum of 77,500m<sup>2</sup> retail floor space is significantly lower than the previous proposal of 95,000m<sup>2</sup>, it is now likely that the land use diversity and intensity targets could be achieved.

The current land use diversity mix based on 49,900m<sup>2</sup> of retail floor space is 47% and is proposed to increase to 50% by 2026, by which time it is anticipated that 77,500m<sup>2</sup> retail floor space would have been established on site. In addition to the proposed retail floor space, the land use mix is expected to consist of floor space accommodating office/business, recreation, entertainment, health/welfare/community services and other non-retail land uses, as outlined below.

Mix of uses	Existing floor space (m <sup>2</sup> )	2026 floor space (m <sup>2</sup> )
Other retail	8,500	11,500
Office/business	7,800	22,500
Health/welfare/community services	16,200	23,500
Entertainment/recreation/culture	9,500	16,000
Other (including manufacturing/processing/fabrication/storage/distribution and service industry)	2,400	4,500
Total 'mix of uses'	44,400	78,000
Shop retail	49,900	77,500
Total occupied floor space	94,300	155,500
<b>Total diversity ('mix of uses')</b>	<b>47%</b>	<b>50%</b>

The retail and non-retail floor space expansions within the activity centre are anticipated to create an additional 2,448 employment opportunities by 2026 which is almost double the current level of employment opportunities within the centre.

The applicant has indicated that although targets are set for activity centres, the maturation of a centre is ultimately dictated by the economic activity which may be impacted by market forces. This means that although the structure plan will provide opportunity for a range of land uses to be established across the centre it will be up to the market as to what is actually delivered.

### Transport

Mediation on the previous structure plan involved extensive consultation between the applicant, the City and its traffic consultants, the Department of Planning, the Department of Transport, the Public Transport Authority and Main Roads. Consultation with this transport working group has resulted in a number of significant transport proposals for the centre, including upgrades to existing roads and intersections, new vehicle connections and upgrades to the public transport potential for the centre. These proposals are set out in the revised transport report submitted with the structure plan, which is included in Attachment 5.

### Road and Intersection Upgrades

To address the additional traffic that will be generated by the redevelopment of the area and to improve vehicle and bus circulation in and around the centre, the following roads and intersections are required to be upgraded before specified development can commence operating in the respective district:

- Marmion Avenue adjoining the centre, – adding through lanes, turning lanes, lengthening of turning lanes, signal and other upgrades to the intersections with Whitfords Avenue and Banks Avenue.
- Whitfords Avenue between Marmion Avenue and Dampier Avenue - creating a dedicated approach for buses to both the Marmion Avenue and Dampier Avenue intersections to allow rapid movement of buses, adding and lengthening turning lanes and redesigning the intersection with Access Way 1 (internal road in Retail District).
- Banks Avenue - redesign of the northern side of Banks Avenue to widen the footpath for cyclists, redesign of the carriageway to allow on street parking on both sides of the road and upgrading the intersection with Solandar Road and Access Way 10 (internal road in Retail District).
- Endeavour Road – redesign of the road to create a main street with on street parking and cycle lanes on both sides and upgrading the intersection with Banks Avenue to a signalised intersection.

Two new access roads are also proposed through the activity centre. One is to be provided between the eastern boundary of the Endeavour District and the western boundary of the Retail District. The other road is to be provided in the Endeavour District to the west of Endeavour Road and will have the potential to connect with any further access roads in the Education and Civic District.

The access road to the west of Endeavour Road will require a new access point onto Whitfords Avenue. Given its proximity to the signalised intersection at Whitfords Avenue and Endeavour Road the proposal will need to be referred to the Department of Planning for comment.

These improvements are supported by a transport report which has been prepared following discussion with the transport working group established as part of the SAT mediation process. The transport report will be referred to members of the group for comment in the event the structure plan is advertised.

### Consolidated Bus Stop

A key proposal of the transport report and structure plan is to improve public transport to the activity centre by upgrading the bus stop on the southern side of Whitfords Avenue near the intersection with Dampier Avenue. All buses passing the centre will be able to stop at this consolidated bus stop, which is proposed on the southern side of Whitfords Avenue. The structure plan requires that the road works associated with the stop be completed prior to any retail expansion in the Retail District above 55,000m<sup>2</sup> commencing operation. The upgrade is aimed at facilitating safe and convenient public transport access to the centre for users. It is anticipated that the consolidated stop will improve access to the centre by public transport and will encourage visitors to the centre to opt for this mode over car usage.

However, the design of the shopping centre in this location does not currently integrate well with this proposed consolidated bus stop facility. The applicant has been requested to develop a concept demonstrating how the shopping centre could better integrate with this facility by providing more direct access into the centre from this location and creating more external facing activity along this frontage to increase passive surveillance and improved interaction with this facility. The applicant has provided some concept designs illustrating how the existing shopping centre could be upgraded in this location, however, further discussion is required during the advertising period to finalise these concepts and any provisions that need to be included in the structure plan.

In addition, it is essential that pedestrian connectivity be improved across the site so that residents to the south and west can connect legibly from Banks Avenue and Endeavour Road to this facility. Further discussion will also take place with the applicant during the advertising period to address this issue and ensure improved pedestrian connections are provided when the consolidated bus stop commences operation.

### Parking

Parking standards have been proposed for each of the activity centre's districts as follows:

	<b>Car parking standard</b>
<b>Endeavour District.</b>	2.7 bays per 100m <sup>2</sup> of net lettable area (NLA).
<b>Retail District.</b>	4.5 bays per 100m <sup>2</sup> of NLA.
<b>Banks District.</b>	2.7 bays per 100m <sup>2</sup> of NLA.
<b>Education and Civic District.</b>	As per DPS2 (For example: <ul style="list-style-type: none"> <li>• Child care centre - not less than five bays and one bay per staff member and in accordance with the City's <i>Child Care Policy</i>.</li> <li>• Secondary School – two bays per classroom but not less than 10 bays).</li> </ul>

The parking standards for the Endeavour, Retail and Banks District are lower than what is currently required by DPS2, however, they are generally consistent with the proposed standards outlined in the City's Scheme Amendment No. 65 which proposes to reduce the existing parking standards for a number of land uses.

The parking standard of 2.7 bays per 100m<sup>2</sup> of NLA in the Endeavour and Banks District is slightly higher than both the one bay per 50m<sup>2</sup> of NLA proposed by Scheme Amendment No. 65 and the two bays per 100m<sup>2</sup> of NLA prescribed in SPP 4.2 for showroom and office developments. Given only a very small proportion of the floor space in the Endeavour and Banks Districts will be retail (no more than 2,500m<sup>2</sup>), which has a higher parking requirement of five bays per 100m<sup>2</sup> NLA under Scheme Amendment No. 65, a parking standard in between that for offices/showrooms and retail is considered appropriate.

The parking standard for the Retail District has been set at 4.5 bays per 100m<sup>2</sup> of NLA. This is consistent with the parking standards set out under SPP 4.2 of four to five bays per 100m<sup>2</sup> of NLA and slightly below the five bays per 100m<sup>2</sup> of NLA set for shop under Scheme Amendment No. 65. However, the parking standard has been proposed based on the following:

- Improved use of public transport resulting from the improved bus facilities.
- Improved pedestrian and cycle routes resulting from upgrades to Endeavour Road, Banks Avenue, Marmion Avenue and Whitfords Avenue.
- Increased on street parking along Banks Avenue and Endeavour Road.
- Provision of different land uses increasing the number of multipurpose trips (accessing multiple services in one trip) and reducing overall parking demand.
- Road and intersection upgrades that will improve traffic flow around the centre.

#### Staging and Implementation

The structure plan addresses staging of the development of the centre as well as the infrastructure upgrades required to improve the pedestrian and vehicular access in and around the activity centre.

The applicant has indicated that the development of the Whitford Activity Centre will be dependent on market driven demand for services and housing. However, the applicant has stated that there is market opportunity for increasing retail floor space which in some cases had stagnated due to the previous retail floor space caps under DPS2 and anticipates that retail expansion will be the catalyst for further investment in the area.

In order to ensure residential development is provided within the Retail District of the activity centre, provisions have been included in Part 1 of the structure plan that requires one dwelling for every 500m<sup>2</sup> of additional shop/retail NLA over 55,000m<sup>2</sup>. In the longer term, approximately 739 dwellings are anticipated to be provided in the structure plan area.

Infrastructure upgrades for the centre will be required at various stages throughout the development of the Retail District, Endeavour Road District and the northern side of the Banks District. These include the upgrade of intersections, works associated with the development of a consolidated bus stop and the upgrade of Banks Avenue, Endeavour Road and the majority of the existing intersections surrounding the centre. Triggers for the upgrades include the shop retail floor space in the Retail District exceeding 55,000m<sup>2</sup>, any development or subdivision within the Endeavour District and any development or subdivision of land on the northern side of Banks Avenue. This is on the basis of the proposed development either contributing to an increase in traffic in the area or resulting in the need for streetscape improvements.

It is considered that the number of the residential dwellings and extent of infrastructure upgrades, as well as the responsibility and timing of these, is appropriately covered by the structure plan and will allow the City to condition any planning approvals in these districts to require these works to be completed in accordance with timeframes specified in the structure

plan. If a developer or owner fails to comply with these conditions and the requirements of the structure plan the City will have the ability to take enforcement action in accordance with the normal provisions set out under the *Planning and Development Act 2005*.

#### Development Provisions and Local Development Plans

The previous draft WACSP utilised Local Development Plans (LDP) as a mechanism for outlining the built form provisions for some of the districts. In this iteration, LDPs are not proposed and the structure plan itself includes provisions and standards for development or reverts to the requirements of DPS2 or the Residential Design Codes (R-codes).

The draft structure plan has been assessed against the Model Centre Framework within SPP 4.2 and, together with the development provisions and standards contained within the structure plan, are considered to provide a reasonable basis for the future development of the activity centre. An assessment summary of the Model Centre Framework and statutory provisions of the proposed structure plan form Attachments 6 and 7 to Report CJ066-05/15.

While it is considered that the structure plan is appropriate for the purpose of public advertising, the City will liaise closely with the applicant during the advertising period to tighten up the statutory provisions. Any modifications that are needed to the structure plan will then be detailed to Council as recommended modifications following advertising.

#### Proponent and affected landowners

While it is preferable that all property owners within a structure plan area are in support of the plan, it is possible for a single property owner to undertake the structure planning approvals process without the involvement of all landowners. This is due to the fact that a structure plan does not *require* landowners within it to subdivide or redevelop; rather it guides any subdivision and development should it occur. A lot affected by a structure plan can remain undeveloped for as long as the landowner wishes. However, it may impact on how the centre could develop and achieve the desired outcomes of the structure plan.

#### Conclusion

The SAT mediation to date has resulted in a new draft WASCP being lodged with the City. Preliminary assessment of the proposal has been undertaken and it is considered that the new draft *Whitford Activity Centre Structure Plan* is satisfactory for the purposes of public advertising.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Chester, SECONDED Cr Corr that Council:**

- 1 DETERMINES** the draft *Whitford Activity Centre Structure Plan* forming Attachments 4 and 5 to Report CJ066-05/15 is satisfactory pursuant to clause 9.4 of the *City of Joondalup District Planning Scheme No. 2* for the purposes of public advertising;
- 2 ADVERTISES** the draft *Whitford Activity Centre Structure Plan* forming Attachments 4 and 5 to Report CJ066-05/15 in accordance with clause 9.5 of the *City of Joondalup District Planning Scheme No. 2* for public comment for a period of 28 days.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf120515.pdf](#)*

## **CJ067-05/15      HEPBURN HEIGHTS CONSERVATION AREA MANAGEMENT PLAN**

WARD	South-West			
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy			
FILE NUMBER	102082, 101515			
ATTACHMENTS	Attachment 1	Hepburn Heights Conservation Area Management Plan		
	Attachment 2	Community Consultation Summary		
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.			

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### **PURPOSE**

To seek Council's endorsement of the *Hepburn Heights Conservation Area Management Plan*.

### **EXECUTIVE SUMMARY**

The City is responsible for the management of a diverse number of natural areas and undertakes conservation activities to enhance and protect the biodiversity values within these areas in order to reduce the impact of environmental threats.

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. Environmental threats include weeds, plant diseases, fire, non-native fauna species, human impacts and access and infrastructure. In order to provide strategic ongoing management of the City's natural areas and protect native vegetation and ecosystems, natural area management plans are being developed for the City's natural areas.

The *Hepburn Heights Conservation Area Management Plan* has been developed to provide direction for the ongoing management of the Hepburn Heights conservation area (Hepburn Heights) for the next five years. The plan describes the potential environmental impacts, risks and threats that are likely to affect the biodiversity values of the area and proposes management strategies to be implemented over the life of the plan in order to minimise potential impacts.

At its meeting held on 17 February 2015 (CJ011-02/15 refers), Council endorsed the release of the draft *Hepburn Heights Conservation Area Management Plan* for community consultation, for a period of 21 days.

It is proposed that the *Hepburn Heights Conservation Area Management Plan*, included as Attachment 1 to Report CJ067-05/15, be endorsed by Council.

## BACKGROUND

Hepburn Heights is classified as a major conservation area and is ranked in the City of Joondalup's top five bushland natural areas due to the high biodiversity values of the area. Hepburn Heights contains regionally significant plant communities including *Banksia* Low Woodland and has been recognised for its regional environmental significance by being designated as a Bush Forever site by the Western Australian Planning Commission in 2000.

In order to provide strategic ongoing management of Hepburn Heights and protection of native vegetation and ecosystems, the *Hepburn Heights Conservation Area Management Plan* has been developed.

The *Hepburn Heights Conservation Area Management Plan* outlines a framework for the management of the area for the next five years. Flora, fauna and fungi surveys have been undertaken in Hepburn Heights conservation area to inform the development of the management plan.

The objectives of the *Hepburn Heights Conservation Area Management Plan* are to:

- establish a baseline description of the environment to guide future environmental planning and recommended management actions
- outline key environmental threats and the impact they have on conservation and recreation values
- outline management actions to address key environmental threats including monitoring and reporting.

The aim of the *Hepburn Heights Conservation Area Management Plan* is to provide a framework to protect and enhance biodiversity values of the natural area while maintaining appropriate community access and awareness of the natural area.

A number of management actions are included within the plan to address environmental threats including:

- review the zoning of Lot 11900
- consistent weed control and regular monitoring
- undertaking annual fire fuel load assessments
- the installation of directional and interpretive signage
- regular feral animal control
- the implementation of environmental education initiatives
- undertaking follow up flora, fauna and fungi surveys.

## DETAILS

At its meeting held on 17 February 2015 meeting (CJ011-02/15 refers), Council endorsed the release of the draft *Hepburn Heights Conservation Area Management Plan* for targeted stakeholder consultation to adjacent organisational landholders, relevant government agencies, local members and the Friends' of Hepburn and Pinnaroo Bushland.

The City's key stakeholders were notified that the draft *Hepburn Heights Conservation Area Management Plan* was open for public consultation through a formal invitation to provide comment. Information was provided to the general community via the community consultation page on the City's website that included an online feedback form.

Feedback received indicates that the City's stakeholders and community are generally supportive of the strategic direction of the management plan and the recommendations included within the plan. Two submissions were received from community members and stakeholders, as outlined in Attachment 2.

### Issues and options considered

Council can either:

- endorse the *Hepburn Heights Conservation Area Management Plan*
- amend the *Hepburn Heights Conservation Area Management Plan*  
or
- not adopt the *Hepburn Heights Conservation Area Management Plan*.

### Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

#### Strategic Community Plan

**Key Theme** The Natural Environment.

**Objective** Environmental resilience.

**Strategic Initiative** Identify and respond to environmental risks and vulnerabilities.

**Policy** The objectives of the *Hepburn Heights Conservation Area Management Plan* are consistent with the City's *Sustainability Policy*.

The development of natural area management plans is listed as an action within the City's *Biodiversity Action Plan 2009-2019*.

### Risk management considerations

A coordinated and planned approach is required to address issues in natural areas and provide strategies for ongoing long term management. If management plans are not developed to guide the conservation efforts within the City of Joondalup's natural areas, there is a risk that the overall condition of the native bushland areas of the City of Joondalup will become degraded.

The *Hepburn Heights Conservation Area Management Plan* includes a number of management actions to protect the biodiversity values of the conservation area. If the management plan is not endorsed, there are risks associated with the long term protection of the native vegetation and ecosystems that exist with the area.

### Financial/budget implications

Implementation of the *Hepburn Heights Conservation Area Management Plan* has financial implications for the City. A number of the actions proposed are existing actions currently being implemented by the City, or are expansions of processes and programs already in place, and will therefore have limited additional financial implications for the City.

Funds are currently allocated within the City's annual operating budget to implement conservation and maintenance activities at Hepburn Heights, however the implementation of some recommendations from the *Hepburn Heights Conservation Area Management Plan* will have additional budget implications and these will be subject to the City's annual budget approvals process.

Opportunities to apply for grant funding will also be investigated, as they arise.

### **Regional significance**

Bushland within Hepburn Heights is recognised as being regionally significant due to the type of vegetation on site and the limited amount of this vegetation remaining within the Perth metropolitan region.

### **Sustainability implications**

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The development and implementation of the *Hepburn Heights Conservation Area Management Plan* will ensure that measures are taken to address threats within this natural area and provide strategies for ongoing long term management which will result in protection of Hepburn Height's natural environment.

The *Hepburn Heights Conservation Area Management Plan* includes actions that target community education and awareness to ensure that the City of Joondalup community is well-informed regarding the environmental values of Hepburn Heights. The actions proposed will enhance the natural assets of the area while providing the community with passive recreation opportunities.

### **Consultation**

The draft *Hepburn Heights Conservation Area Management Plan* was available for public comment from 23 February 2015 to 16 March 2015. A total of two submissions were received.

Comments provided from community members and stakeholders suggest that the implementation of further environmental management initiatives within the conservation area would be strongly supported. The comments were generally supportive of the proposed management actions, however, some respondents also noted that they would like information included in the plan regarding topics such as:

- timeframes for recommended management actions
- land management and tenure
- rezoning of Lot 11900 as Parks and Recreation
- assessment of site changes over time
- increased feral animal control.

The majority of the feedback from community members and stakeholders was related to feral animal control, weed monitoring and reporting.

Some amendments have been made to the management plan following feedback received during the consultation process. The proposed changes to the *Hepburn Heights Conservation Area Management Plan* are shown in highlighted and strike-through text as included in Attachment 1 to Report CJ067-05/15.

A summary of the feedback received as part of this process is provided in Attachment 2 to Report CJ067-05/15.

## COMMENT

The *Hepburn Heights Conservation Area Management Plan* will inform and prioritise maintenance schedules and *Capital Works Programs* by providing prioritised management recommendations to be implemented within Hepburn Heights over a five year period. The plan will also increase opportunities for the City to apply for grant funding by having a detailed forward schedule of projects to be carried out within Hepburn Heights, and will provide guidance to City employees, contractors and information to Friends' Groups operating within Hepburn Heights.

The implementation of the *Hepburn Heights Conservation Area Management Plan* will allow the City to demonstrate leadership in addressing environmental threats, providing strategic ongoing management of natural areas and raise community awareness regarding the need to protect the biodiversity values of the environment for the future.

The *Hepburn Heights Conservation Area Management Plan* will enable a coordinated best practice approach to the management of the natural area of Hepburn Heights into the future.

The plan will be continually monitored to track the progress of implementation and an annual review will be undertaken each year. A major review will be conducted at the end of the five year period.

## VOTING REQUIREMENTS

Simple Majority.

*Manager Planning Services left the Chamber at 7.29pm.*

## OFFICER'S RECOMMENDATION

That Council ENDORSES the *Hepburn Heights Conservation Area Management Plan* shown as Attachment 1 to Report CJ067-05/15.

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

- 1 ENDORSES the *Hepburn Heights Conservation Area Management Plan* shown as Attachment 1 to Report CJ067-05/15;**
- 2 NOTES that measurable targets will be developed in conjunction with the annual reporting and considered by Council at a future meeting.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf120515.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ068-05/15 – Federal Assistance Grants to Local Governments.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is the President of the Australian Local Government Association (ALGA) and President of the Western Australian Local Government Association (WALGA), the initiator of the request.

## CJ068-05/15      FEDERAL ASSISTANCE GRANTS TO LOCAL GOVERNMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	07122, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

**PURPOSE**

For Council to advocate to the Commonwealth Government and the Australian Local Government Association on the importance of Financial Assistance Grants to local government.

**EXECUTIVE SUMMARY**

During 2014-15, local governments across Australia will receive \$2.3 billion from the Commonwealth Government under its Financial Assistance Grants (FAG) Program which assists local governments with essential community infrastructure projects. The Commonwealth Government has frozen the indexation of FAGs to local governments until 2017-18, which will result in a permanent reduction in the FAG base by 13%, thereby significantly impacting funding towards local government activities and projects.

In view of this, the Australian Local Government Association (ALGA) and state associations have called on local governments to pass a resolution acknowledging the importance of the Commonwealth's FAG program in assisting local governments in providing important infrastructure to their communities. As such local governments should also recognise the importance of funding programs in their publications and annual reports.

*It is therefore recommended that Council:*

- 1 *ACKNOWLEDGES the importance of federal funding through the Financial Assistance Grants program for the continued delivery of City services and infrastructure;*
- 2 *ACKNOWLEDGES that the City of Joondalup will receive approximately \$5.56 million in Federal Assistance Grants in 2014-15;*
- 3 *REQUESTS Federal Assistance Grant funding, and other funding provided by the Federal Government under relevant grant programs, being appropriately identified as Commonwealth grant funding in City publications, including future annual reports;*
- 4 *ADVISES the Australian Local Government Association of its decision.*

## **BACKGROUND**

Since 1974-75 the Commonwealth Government has provided over \$44 billion in Financial Assistance Grants to local governments across Australia which have provided a significant source of funding for essential community infrastructure projects and services. Grants to local governments are currently provided under the *Local Government (Financial Assistance) Act 1995* (Cwlth) and during 2014-15, Western Australian local governments received an aggregated grant payment total of approximately \$282 million. During 2014-15 the City of Joondalup will receive approximately \$5.56 million in FAG funding.

The FAG program consists of two components:

- A general purpose component which is distributed between states and territories according to population.
- An identified local road component which is distributed between states and territories according to fixed historical shares.

Both components of the program are “untied” allowing local governments to spend grant funds received on local priorities and activities. In general terms the City utilises the local road component (totalling approximately \$2.08 million in 2014-15) on capital expenditure programs for road infrastructure projects, whereas the general purpose component (totalling approximately \$3.48 million in 2014-15) is used as a revenue stream to fund operational activities and services for the community (that is it is not used for particular projects or capital expenditure).

The quantum for the grant pool changes annually in line with the changes in population and the Consumer Price Index, so as to maintain its real per capita value. However in the 2014-15 Budget the Commonwealth Government announced that the indexation that applied to the FAG program would be frozen for three years, to the end of the 2016-17 financial year.

## **DETAILS**

ALGA has been advocating to the Commonwealth Government the importance of this funding to local government in service delivery and critical community infrastructures. In view of this ALGA, in its 2015 Federal Budget submission, called on the Commonwealth Government for FAG indexation to be restored immediately and for the government to consider the adequacy of the quantum of FAGs and the indexation methodology used in the

future. It has been suggested that this indexation will result in a permanent reduction in FAG base revenue by 13%, or an estimated \$925 million reduction across Australia.

The association and its state counterparts are rightly concerned with this reduction in funding base for local governments and have called on local governments to support a campaign to maintain FAG program indexation by passing a resolution that acknowledges the importance of such funding to their individual local government activities. However it is also important the local governments recognise this funding source from the Commonwealth Government by promoting and recognising the various projects utilising this funding in City publications, media releases and annual reports.

Many other grant funding programs offered by the State Government are required to publicise the funding source in some way (usually signage at a particular project site. In view of this and in recognition of the importance of FAG program to local governments, publicising the Commonwealth Government's contribution is supported.

### **Issues and options considered**

Council can either:

- support the indexation freeze on FAG funding to local governments  
or
- advocate to the Commonwealth Government to restore the indexation of FAG funding.

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

**Legislation** *Local Government (Financial Assistance) Act 1995 (Cwlth).*

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

**Strategic initiative** Advocate and influence political direction to achieve local and regional development.

**Policy** Not applicable.

#### **Risk management considerations**

Not applicable.

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

The freeze on indexation of the FAG program will impact the City's grant revenue stream until the freeze is lifted in 2017-18.

#### **Regional significance**

Not applicable.

**Sustainability implications**

The indexation or reduction in FAG funding from the Commonwealth Government could potentially impact on the financial sustainability of the City and the ability for it to provide and maintain essential infrastructure and services for the City's community.

**Consultation**

Not applicable.

**COMMENT**

The receipt of FAG funding from the Commonwealth Government provides an important funding stream for the City in delivery services and providing essential community infrastructure. The freeze on indexation of the fund pool for three financial years as announced by the Commonwealth Government will place additional pressure on the City, as well as other local governments, funding services and infrastructure projects into the future.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 ACKNOWLEDGES the importance of federal funding through the Financial Assistance Grants program for the continued delivery of City services and infrastructure;**
- 2 ACKNOWLEDGES that the City of Joondalup will receive approximately \$5.56 million in Federal Assistance Grants in 2014-15;**
- 3 REQUESTS Federal Assistance Grant funding, and other funding provided by the Federal Government under relevant grant programs, being appropriately identified as Commonwealth grant funding in City publications and media releases, including future annual reports;**
- 4 ADVISES the Australian Local Government Association of its decision.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

## **CJ069-05/15      ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY TO 31 MARCH 2015**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENTS</b>	Attachment 1      Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2015 Attachment 2      Capital Works Quarterly Report for the period 1 January to 31 March 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 receive the Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2015.

### **EXECUTIVE SUMMARY**

The Annual Plan contains the major projects and priorities which the City proposes to deliver in the 2014-15 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the *Annual Plan 2014-2015*. The Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2015 is shown as Attachment 1 to Report CJ069-05/15.

A Capital Works Quarterly Report, which details all projects within the *Capital Works Program*, is provided as Attachment 2 to Report CJ069-05/15.

*It is therefore recommended that Council RECEIVES:*

- 1      *the Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2015 forming Attachment 1 to Report CJ069-05/15;*
- 2      *the Capital Works Quarterly Report for the period 1 January to 31 March 2015 forming Attachment 2 to Report CJ069-05/15.*

## BACKGROUND

The City's Corporate Reporting Framework requires the development of an Annual Plan to achieve the objectives of the *Strategic Community Plan*, and progress reports against the Annual Plan to be presented to Council on a quarterly basis.

The City's Annual Plan and quarterly reports are in line with the Department of Local Government and Communities Integrated Planning Framework which requires planning and reporting on local government activities.

## DETAILS

### Issues and options considered

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2014-15 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone.

The milestones being reported this quarter are the grey shaded sections of Attachment 1.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

The *Local Government Act 1995* provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

*"This Act is intended to result in:*

- a) Better decision making by local governments;*
- b) Greater community participation in the decisions and affairs of local governments;*
- c) Greater accountability of local governments to their communities; and*
- d) More efficient and effective government".*

#### 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

The City's Governance Framework recognises the importance of effective communication, policies and practices in Section 7.2.4. Section 10.2 further acknowledges the need for accountability to the community through its reporting framework which enables an assessment of performance against the Strategic Community Plan, Strategic Financial Plan, Annual Plan and Annual Budget.

**Risk management considerations**

The Quarterly Progress Reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

**Financial / budget implications**

All projects and programs in the *Annual Plan 2014-2015* were included in the *2014-2015 Annual Budget*.

**Regional significance**

Not applicable.

**Sustainability implications**

The projects and programs in the Annual Plan are aligned to the key themes in Joondalup 2022 which have been developed to ensure the sustainability of the City.

The key themes are:

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

**Consultation**

Not applicable.

**COMMENT**

The *Annual Plan 2014-2015* was received by Council at its meeting held on 19 August 2014 (CJ138-08/14 refers).

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the 2014-2015 Capital Works Program.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Hollywood that Council RECEIVES:**

- 1 the Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2015, as shown as Attachment 1 to Report CJ069-05/15;**
- 2 the Capital Works Quarterly Report for the period 1 January to 31 March 2015, as shown as Attachment 2 to Report CJ069-05/15.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf120515.pdf](#)*

**CJ070-05/15 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 14 April 2015 to 21 April 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 14 April 2015 to 21 April 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 14 April 2015 to 21 April 2015 executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ070-05/15.*

**BACKGROUND**

During the period 14 April 2015 to 21 April 2015, three documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Licence Agreement	1
Section 70A Notification	1
Amendment	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 Hollywood that Council NOTES the Schedule of Documents covering the period 14 April 2015 to 21 April 2015, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ070-05/15.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf120515.pdf](#)*

## **CJ071-05/15      MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	29094	
<b>ALT FILE NUMBER</b>	101515	
<b>ATTACHMENT</b>	Attachment 1	Minutes of Joondalup Lotteries House Management Committee held on 11 December 2014.
	Attachment 2	Minutes of Joondalup Lotteries House Management Committee held on 19 February 2015.
<i>(Please Note: These minutes are only available electronically).</i>		
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of Joondalup Lotteries House Management Committee held on 11 December 2014.
- Minutes of Joondalup Lotteries House Management Committee held on 19 February 2015.

### **DETAILS**

The following information details those matters that were discussed at these external meetings and may be of interest to the City of Joondalup.

Joondalup Lotteries House Management Committee – 11 December 2014 and 19 February 2015

Meetings of the Joondalup Lotteries House Management Committee were held on 11 December 2014 and 19 February 2015.

The City's representative on the Joondalup Lotteries House Management Committee is the Community Development Coordinator, Julie Forrester.

There were no matters requiring action or decision by the City of Joondalup resolved at either meetings of the Joondalup Lotteries House Management Committee.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

**Strategic initiative** Seek out City representation on key external and strategic bodies.

**Policy** Not applicable.

#### **Risk management considerations**

Not applicable.

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

Not applicable.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

Not applicable.

#### **Consultation**

Not applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Hollywood that Council NOTES the minutes of the:**

- 1 Joondalup Lotteries House Management Committee meeting held on 11 December 2014 forming Attachment 1 to Report CJ071-05/15;**
- 2 Joondalup Lotteries House Management Committee meeting held on 19 February 2015 forming Attachment 2 to Report CJ071-05/15.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*To access this attachment on electronic document, click here: [external minutes120515.pdf](#)*

## **CJ072-05/15 LIST OF PAYMENTS DURING THE MONTH OF MARCH 2015**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of March 2015 totalling \$18,769,059.03.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for March 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 CJ072-05/15, totalling \$18,769,059.03.*

### **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 March 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 100742 - 100906 & EF046345 - EF046966. Net of cancelled payments.  Vouchers 1414A-1415A & 1417A-1420A & 1424A – 1429A.	\$12,194,014.40     \$6,544,099.63
Trust Account	Trust Cheques & EFT Payments 206719–206742 & TEF000155– TEF000186 Net of cancelled payments	    \$30,945.00
<b>Total</b>		<b>\$18,769,059.03</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Amphlett, **SECONDED** Cr Hollywood that Council **NOTES** the Chief Executive Officer's list of accounts for March 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 CJ072-05/15, totalling \$18,769,059.03.

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf120515.pdf](#)*

## **CJ073-05/15      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 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 March 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 Financial Activity Statement for the period ended 31 March 2015.

### **EXECUTIVE SUMMARY**

At its meeting held on 17 February 2015 (CJ027-02/15 refers), Council adopted the Mid Year Budget Review for the 2014-15 Financial Year. The figures in this report are compared to the Revised Budget.

The March 2015 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$10,407,540 for the period when compared to the Revised Budget. This variance does not represent an end of year projection. It represents the year to date position to 31 March 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 revised 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 \$7,333,528 higher than budget, made up of higher operating revenue \$2,356,162 and lower operating expenditure of \$4,977,366.

Operating revenue is higher than budget on Profit on Asset Disposals \$1,648,864, Fees and Charges \$340,246, Rates \$241,185, Interest earnings \$99,092, Contributions, Reimbursements and Donations \$25,899, Other Revenue \$24,004 and Specified Area Rates \$1,572 offset by lower revenue from Grants and Subsidies \$24,700.

Operating Expenditure is lower than budget on Materials and Contracts \$3,462,253, Employee Costs \$1,015,460, Utilities \$219,719, Depreciation and Amortisation \$300,218 and Interest expenses \$706. These are partly offset by higher than budget expenditure on Loss on Asset disposals \$13,741 and Insurance \$7,249.

The Capital Deficit is \$5,212,988 lower than budget primarily owing to lower than budgeted expenditure on Capital Works \$4,599,494 and Capital Projects \$927,715 partly offset by lower than budgeted revenue for Capital Grants and Subsidies \$290,244 as well as higher than budgeted expenditure on Vehicle and Plant Replacements \$23,977.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2015 forming Attachment 1 to Report CJ073-05/15.*

## **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 March 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 revised 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 revised Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Amphlett, **SECONDED** Cr Hollywood that Council **NOTES** the Financial Activity Statement for the period ended 31 March 2015 forming Attachment 1 to Report CJ073-05/15.

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf120515.pdf](#)*

## **CJ074-05/15 SENIORS AND CONCESSION CARD HOLDER DISCOUNTS AT THE JOONDALUP LEISURE CENTRES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09050, 03034, 04185, 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 the discount on memberships, lifestyle courses, single aquatic entry and crèche to seniors, concession card holders and full-time students at the City's leisure centres.

### **EXECUTIVE SUMMARY**

At its meeting held on 28 June 2005 (CJ141-06/05 refers), Council agreed to introduce a 25% discount for concession card or senior card holders who are residents or ratepayers of the City of Joondalup. The discount replaced a 10% discount that was previously offered to ratepayers and residents in 2003 and applies to single aquatic entry, memberships, lifestyle programs and crèche only.

The intent of the discount was to ensure that concession card holders who are residents in the City were offered a discount to utilise the leisure centres to which their rates contributed towards. It was agreed the cost of discounts was a social cost.

At its meeting held on 19 August 2014 (CJ132-08/14 refers), Council reviewed the City's existing strategic position statements and agreed that *"leisure centre operations should aim to be self-sufficient and meet all operating costs."*

In line with the City's position statement the leisure centre fees and charges are set at a level to allow community participation while providing sustainable operations. A comprehensive price review of similar leisure facilities is conducted annually and the City operates in line with industry average for similar services. To support access to the leisure centres, the City currently offers one of the highest average concession discounts in Western Australia.

At its meeting held on 17 February 2015 (C04-02/15 refers), Council requested a report be prepared on offering a 33.33% discount to seniors, aged over 65, who live within the City of Joondalup and are in possession of a Commonwealth seniors health card, or a pensioner concession card, upon entry to any of the City's leisure centres.

The leisure centres currently have 308 members aged 65 years and over, who are entitled to the existing 25% discount. The annual cost to provide the discount equates to \$63,449 per annum. The likely cost to increase the discount from 25% to 33.33% is an additional \$20,000 to \$40,000 per annum, based on current active senior members in the leisure centres.

By maintaining a reasonable level of discount, the City is likely to continue to achieve a number of objectives. This would continue to have a positive effect on the community's access to diverse leisure programs and services.

The level of discount is also reasonable in that it provides a reduction to the concession card holder (a 25% discount on a \$970 multi-access membership would represent a saving of \$242 to the customer) and based on the number of community members who have taken advantage of the option, not overly burden the City's expenditure.

*It is therefore recommended that Council AGREES to retain the current 25% discount on membership, lifestyle programs, single aquatic entry and crèche to full-time students, senior card holders and pension card holders over the age of 60.*

## **BACKGROUND**

At its meeting held on 28 June 2005 (CJ141 – 06/05 refers), Council agreed to introduce a 25% discount for concession card or senior card holders who are residents or ratepayers of the City of Joondalup on membership, lifestyle programs, single aquatic entry and crèche.

The 25% discount replaced a 10% discount that was previously offered in November 2003 following the collapse of the RANS Leisure Management Group who was operating the City's leisure centres at the time. It was agreed that the cost of discounts was a social cost.

The intent of the discount was to ensure that concession card holders who are residents in the City of Joondalup were offered a discount to be able to utilise a range of activities and services at the leisure centres to which their rates contributed towards. The 25% discount applies to single aquatic entry, memberships, lifestyle programs and crèche only.

The City has various strategic position statements that are reviewed biennially to provide an agreed position on strategic matters of interest to the City. At its meeting held on 19 August 2014 (CJ132-08/14 refers), Council reviewed the City's existing strategic position statements and agreed that *"leisure centre operations should aim to be self-sufficient and meet all operating costs."*

The leisure centres currently operate on a 'user pay' principle, however, still require significant financial support from the City to operate. The fees and charges are set at a level to allow community participation while providing sustainable operations. Each year the City conducts an annual price review of similar leisure facilities throughout the state. From a market position the City's leisure centres operate in line with industry averages. To support access to the leisure centres, the City currently offers one of the highest average concession discounts in Western Australia.

The leisure centres have a current total membership base of 3,077, including 308 members aged 65 years and over. This equates to 10% of the leisure centres total membership base.

The 308 members aged 65 years and over comprise of 124 multi-access, 75 gym only, 41 group fitness, 46 platinum fitness members only and 22 Duncraig only.

The ABS Census of Housing and Population 2013 states that 16.2% of the City of Joondalup population is over the age of 60. On current forecast estimates this could reach 24% by 2021.

At its meeting held on 17 February 2015 (C04-02/15 refers), Council requested a report be prepared on offering a 33.33% discount to seniors, aged over 65, who live within the City of Joondalup and hold a Commonwealth Seniors Health Card, or a Pensioner Concession Card, upon entry to any of the City's leisure centres.

## DETAILS

In order to establish a clear industry benchmark on the types of discounts that might be offered to seniors and concession card holders, information has been sought from:

- local government leisure and recreation facilities
- other operations and services offered within the City of Joondalup.

### Local government leisure and recreation facilities

A comparison of discounts with local government authorities has been made on memberships, lifestyle programs and single aquatic entry. The level of discounts offered by other local authorities is outlined in the table below:

Venue	Memberships	Lifestyle Programs	Aquatic Entry
City of Joondalup	25% discount for full-time students, seniors and pension card holders.  City of Joondalup residents only.	25% discount for full-time students, seniors and pension card holders.  City of Joondalup residents only.	25% discount for full-time students, seniors and pension card holders.  City of Joondalup residents only.
City of Melville	20% discount for full-time students and pension card holders.  City of Melville residents only.	No discount.	10% discount for full-time students and pension card holders.  City of Melville residents only.
City of Stirling	15% discount on all full/peak memberships for pension card holders.	No discount.	33% discount for full-time students, senior and concession card holders.
City of Mandurah	20% discount for senior, health care and concession card holders.	No discount.	20% discount for full-time students, senior and concession card holders.
Town of Victoria Park	22% discount for health concession card holders only.  No discount for senior card holders.	No discount	24% discount for health concession card holders only.  No discount for senior card holders.
City of Rockingham.	40% discount for student, senior concession card holders. Operated by Belgravia Leisure.	No discount.	40% discount for seniors. Operated by Belgravia Leisure.

Venue	Memberships	Lifestyle Programs	Aquatic Entry
City of Belmont.	10% for students card holders. 40% for senior/concession card holders. Operated by Belgravia Leisure.	No term programs within the City of Belmont that are run by local government.	30% for student, senior and concession card holders. Operated by Belgravia.
City of Swan.	50% discount for senior and concession card holders.  City of Swan residents only.	No discount.	20% discount senior and concession card holders.  City of Swan residents only.
City of Bayswater.	Bayswater Waves 15% discount for all students and seniors.	No discount.	25% discount to all students, seniors disability card holders.
Town of Vincent.	10% discount on all full/peak memberships for senior card holders.	No discount.	20% discount for students, 35% discount for seniors.
City of Canning.	30% discount for student card holders. 35% discount for senior/disability card holders.	No discount.	22% discount for students, seniors and disability card holders.
City of Gosnells.	10% discount for full-time students, senior and concession card holders.	No discount.	18% discount for full-time students, senior and concession card holders.
Arena Joondalup (State operated facility).	15% discount for full-time students, senior and concession card holders.  10% discount for HBF members.	No discount.	22% discount for full-time students, senior and concession card holders.  5% discount for HBF members.

#### Other City of Joondalup Services Concessions

The City of Joondalup currently offers a number of discounted fees and charges to seniors, students and concession card holders.

#### *Annual Rates – Statutory requirement*

The City provides a 25% concession to senior card holders and a 50% concession to pension card holders, state concession card and both state the federal seniors card holders for local government rates. The City receives a full rebate for the concession discount to annual rates from the state.

#### *Dog Registration Fees – Statutory requirement*

The City provides a 50% discount to seniors for all dog registration fees.

#### *Program Subsidies - Non statutory requirement*

The City currently subsidises the Platinum program at the City of Joondalup leisure centres at a cost of \$72,488 per annum, which equates to a 50% discount for each activity. The program subsidy is a non-statutory requirement and available to City residents and leisure centre members only.

*Subsidised Use – Non statutory requirement*

The City provides free use of its community facilities for senior citizen groups who meet the requirements under the City's *Facility Hire Subsidy Policy*.

**Issues and options considered**

A number of options are possible for the discounted charges. These include:

- agree to retain the current level of discount, 25% for full-time students, pension card holders and senior card holders over the age of 60 or
- increase the discount to 33.33% for seniors over the age of 65, who have a commonwealth seniors health card or a pension concession card, and retain 25% for full-time students and the holder of any concession card issued by either the state or commonwealth government who is 65 or under.

The preferred option is to retain the current level of discount. This option is considered a financially sustainable approach to managing the City's leisure centres in line with the position statement that states *leisure centre operations should aim to be self-sufficient and meet all operating costs*.

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

**Legislation** Section 6.16 to 6.19 of the *Local Government Act 1995*.  
*Competition Principles Agreement*.

**Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative**

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

**Policy** Not applicable.

**Risk management considerations**

The risk to the City of Joondalup in considering increasing senior concession discounts is that research suggests the City has an aging population and current forecast estimates suggest that 24% of the City's population will be over the age of 60 by 2021, as the baby boomers reach the age of 60. The major risk associated with increasing the discount to seniors is that in future years the cost implications to the City may increase considerably.

**Financial / budget implications**

The budget below reflects the budget implications with providing the current 25% discount to residents and ratepayers on memberships, lifestyle programs, single aquatic entry and crèche for seniors, concession card holders and full-time students.

Current financial year impact

<b>Account no.</b>	1.444.A4411.2005.0000.
<b>Budget Item</b>	Internal income – leisure centres discount.
<b>Budget amount</b>	\$190,229
<b>Subsidy YTD (Feb)</b>	\$131,923
<b>Variance YTD</b>	\$ 58,306

For the purpose of this Report, the table below summarises the cost implications associated for senior card members based on a 25% and 33.33% discount. The discount is based on the current 308 active senior membership holders over the age of 65, excluding full time students and other concession card holders.

Membership Type	25% discount	33.33% discount
Multi-access ( <i>124 members @ \$970</i> )	\$30,070	\$40,089
Gym only ( <i>75 members @ \$770</i> )	\$14,437	\$19,248
Group fitness only ( <i>41 members @ \$770</i> )	\$7,892	\$10,522
Platinum member ( <i>46 members @ \$650</i> )	\$7,475	\$9,965
Duncraig only ( <i>22 members @ \$650</i> )	\$ 3,575	\$4,766
<b>Total Discount (subsidy)</b>	<b>\$63,449</b>	<b>\$84,590</b>

Should the City increase the senior concession discount, it should be noted the direct cost based on the current 308 active senior membership holders would be \$21,141 per annum.

Information available does not provide clear indication as to the numbers of seniors within the City that could potentially take advantage of an increased discount at the leisure centres. The further cost implications are estimated between \$20,000 to \$40,000 per annum.

**Regional significance**

The provision of a discount to seniors, concession card holders and full-time students is not considered significant in a regional sense as most local governments offer some sort of discount to various segments of their community.

**Sustainability implications**

The leisure centres operate on a 'user pays' principle, in line with the City's position statement. Any discount offered in the leisure centres is considered a social cost with the discount being reimbursed internally to the leisure centre operations. The fees and charges are set at a level to allow community participation while providing sustainable operations of the leisure centres.

Continuing to offer a discount on selected leisure centre services to seniors will:

- address the diverse and changing needs of the community
- continue to develop a healthy, active and engaged community
- have a positive effect on the City's residents ability to access the leisure centres.

## Consultation

Not applicable.

## COMMENT

The health and fitness industry has changed significantly in the past three years. The introduction of discount fitness models and 24/7 gymnasiums have impacted the City's health and fitness model. The City is introducing a number of strategies to ensure the leisure centres gymnasium remains financially viable and meets customers' expectations.

Total membership income equates to 27% of the overall leisure centre income, subsequently any decision to change the existing fees and charges need to ensure the leisure centres continue to operate in a financially sustainable manner.

Since 2005, the provision of a 25% discount to seniors, concession card holders and full-time students has proven to be advantageous to this segmented market in the community. The discount has seen a solid seniors membership base that has remained stable since the introduction of the 25% discount in 2005.

While the City has no statutory obligation, the provision of discounted service by the leisure centres demonstrates the City's commitment to have active residents who participate in local services.

The determination to continue to offer a 25% discount is based on comparative information from other local governments. The information provided through the research indicated there is a diverse range of discounts offered. To support access to the leisure centres, the City continues to offer one of the highest average concession discounts in Western Australia.

The cost implications to increase the senior concession discount to 33.33% is estimated between \$20,000 to \$40,000 per annum, based on current active senior members in the leisure centres. Increasing the concession discount to 33.33% does not fully align with the City's strategic position statement which indicates that *"leisure centre operations should overall aim to be self sufficient and meet all operating costs."*

By maintaining a reasonable level of discount, the City is likely to continue to achieve a number of objectives. This would continue to have a positive effect on the community's access to diverse leisure programs and services. The level of discount is also reasonable in that it provides a reduction to the concession holder (a 25% discount on a \$970 multi-access membership would represent a saving of \$242 to the customer) and based on the number of community members who have taken advantage of the option, not overly burden the City's expenditure.

## VOTING REQUIREMENTS

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council AGREES to retain the current 25% discount on membership, lifestyle programs, single aquatic entry and crèche to full-time students, senior card holders and pension card holders over the age of 60.

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

- 1**      **AGREES to implement a 33.33% discount to seniors, aged 75 years and above, who live within the district of the City of Joondalup and are in possession of a Commonwealth Seniors Health Card, or a Pensioner Concession Card, upon entry to any of the City's Leisure Centres;**
- 2**      **NOTES the implementation of the discount detailed in Part 1 above will be included as part of the fees and charges included in the Council's 2015-16 annual budget and apply to single aquatic entry, memberships, lifestyle programs and crèche only.**

**The Motion was Put and**

**CARRIED (7/4)**

**In favour of the Motion:** Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Ritchie and Taylor.

**Against the Motion:** Mayor Pickard, Crs Hollywood, McLean and Norman.

**Reason**

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because a discount would encourage the elderly to undertake a healthy lifestyle and hopefully reduce the possibility of degenerative illnesses brought about by an inactive lifestyle. It would also encourage current elderly members to remain as they get older and their source of income reduces.

## **CJ075-05/15      PROPOSED PARKING AMENDMENT LOCAL LAW 2015**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	24185, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>City of Joondalup Parking Amendment Local Law 2015</i> Attachment 2 <i>City of Joondalup Parking Local Law 2013 (with proposed 2015 amendments)</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

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

*It is therefore recommended that Council MAKES the City of Joondalup Parking Amendment Local Law 2015, as detailed in Attachment 1 to Report CJ075-05/15, for the purposes of public advertising.*

### **BACKGROUND**

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

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

Following a national initiative to standardise parking provisions for people with disabilities new *Local Government (Parking for People with Disabilities) Regulations 2014* were gazetted by the State Government and took effect from 1 December 2014. The new regulations will render parts of the *City of Joondalup Parking Local Law 2013* inoperative to the extent they are now inconsistent with the new regulations.

## DETAILS

Having disabled parking related offences in the *Parking Local Law* brings the application of those offences under the provisions of the *Local Government Act 1995*. Section 9.17 of the *Local Government Act 1995* provides that a modified penalty under a local law made under that Act cannot exceed 10% of the maximum fine that could be imposed for that offence by a court. The *Local Government (Parking for People with Disabilities) Regulations 2014* provide for modified penalties of \$300 but the maximum penalty under these regulations is \$2,000 which exceeds the 10% maximum of the *Local Government Act 1995*.

This issue was recently raised by the Joint Standing Committee on Delegated Legislation. It is suggested that the *Local Government (Parking for People with Disabilities) Regulations 2014* should be enforced directly rather than attempting to duplicate these in local laws. Accordingly these offences have been deleted from the proposed *City of Joondalup Parking Amendment Local Law 2015*.

In addition to the new requirements imposed of the *Local Government (Parking for People with Disabilities) Regulations 2014*, there are further minor amendments to improve the *City of Joondalup Parking Local Law 2013* following the first 12 months experience of applying it.

### Detail of amendments

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

- Due to the introduction of the new *Local Government (Parking for People with Disabilities) Regulations 2014* a change will be required due to the replacement of the definition of an 'ACROD sticker' in clause 1.5 with 'disability parking permit'. The term ACROD sticker will also be replaced throughout the local law. Clause 6.15 will be deleted as this refers to disability parking related offences which will be applied directly under these new regulations due to information provided by the Joint Standing Committee on Delegated Legislation. This also requires deleting item 74 in Schedule 2 which is the modified penalty for a disabled parking offence.
- There is a minor change to the definition for 'Parking facilities' which has been amended from the plural to the singular 'Parking facility' because generally in the local law it is referred to in the singular.
- The definition of a thoroughfare, in clause 1.5, is the same as the definition applied in the *Local Government Act 1995*. This definition does not include any specific reference to verges, which form part of the thoroughfare, and creates difficulties

when interpreting offences issued under these provisions. This definition has been amended to include 'a verge' in order to remove any ambiguity regarding these areas.

- Clause 2.2(1)(b) refers to the requirement to park '*wholly within the stall*' in areas where parking stalls have been marked (for example car parks, City Centre on-street bays and the like). This is only applicable where a driver has parked partially within the parking stall but is not applicable where a driver has not parked in any parking stall. This subclause has been amended to replace the word 'the' with the word 'a' to address this issue. A similar amendment is also suggested to subclause 2.2(2) by replacing 'that' with 'a'.
- Clause 3.5(2)(k) relates to parking near intersections and identifies that a 10 metre minimum from the adjacent property line is required. This is a greater distance than that taken from the carriageway edge, which is the requirement of the *Road Traffic Code 2000*. An amendment has been made to this subclause to restore consistency with the *Road Traffic Code 2000* by changing the 10 metre minimum to the carriageway edge in lieu of the property line.
- Clause 3.8 identifies that a vehicle cannot move within a time restricted parking area and remain longer than the maximum permitted time. The presumption is (although it is silent on the subject) that the vehicle may not also park for this same period. This assumption has not been accepted by the Magistrates Court in the prosecution of this type of parking offence. Legal advice recommends that this clause should be amended, to change the words 'shall not move' to 'shall not park or move', in order to address this issue.
- The minimum 2.5 tonne Gross Vehicle Mass (GVM) or laden weight of a vehicle, as shown in Clause 6.9(b) of the verge parking conditions, prevents many widely used passenger four wheel drive and utility vehicles from parking on verges. To enable these types of vehicles to be able to park on permitted verges the word 'GVM' has been replaced with the words 'tare weight' which relates to the unladen weight of a vehicle. Changes have been made in Clause 1.5 - Definitions to also reflect this.
- Clause 9.1 identifies that a person, who is convicted of an offence under the *Parking Local Law*, shall be liable to a penalty not exceeding \$1,000 and \$100 for each day, or part day, if the offence is of a continuing nature. These values are inconsistent, with similar provisions in Section 9.14 of the *Local Government Act 1995*, which allow maximum penalties of \$5,000 and \$500 respectively. Unless these maximum penalties are amended, to be consistent with the *Local Government Act 1995*, this will adversely affect the outcome of successful court prosecutions which often refer to these maximum penalties in determining what may be allowed in these matters.

The above changes are detailed in the Amendment Local Law, included as Attachment 1 to Report CJ075-05/15.

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

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

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

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

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

### **Issues and options considered**

Council can either:

- Option 1 - make the *City of Joondalup Parking Amendment Local Law 2015* as presented for the purposes of public advertising
- Option 2 - make the *City of Joondalup Parking Amendment Local Law 2015* as proposed with any necessary amendments  
or
- Option 3 - not recommend the making of the *City of Joondalup Parking Amendment Local Law 2015* and retain the existing local law.

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

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

#### **Legislation**

*Local Government Act 1995.*

*Local Government (Functions and General) Regulations 1996.*

*Local Government (Parking for People with Disabilities) Regulations 2014.*

#### **Strategic Community Plan**

##### **Key theme**

Governance and Leadership.

##### **Objective**

Corporate capacity.

##### **Strategic initiative**

Not applicable.

##### **Policy**

*Parking Schemes Policy.*

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

### **Risk management considerations**

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

**Financial / budget implications**

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

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

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

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Amphlett, **SECONDED** Cr Hollywood that Council **MAKES** the *City of Joondalup Parking Amendment Local Law 2015*, as detailed in Attachment 1 to Report CJ075-05/15, for the purposes of public advertising.

The Motion was Put and **CARRIED (11/0)** by Exception Resolution after consideration of CJ082-05/15, page 147 refers.

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf120515.pdf](#)*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ076-05/15 – Community Sporting and Recreation Facilities Fund (CSRFF) – Outcome of 2014-15 Annual/Forward Planning Grant Applications.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son plays cricket on Penistone Park, Greenwood as a member of the cricket club.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ076-05/15 - Community Sporting and Recreation Facilities Fund (CSRFF) - Outcome of 2014-15 Annual/Forward Planning Grant Applications.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's wife plays bridge at the Undercroft Bridge Club as a member of the Undercroft Bridge Club.

## CJ076-05/15 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) - OUTCOME OF 2014-15 ANNUAL/FORWARD PLANNING GRANT APPLICATIONS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	02184, 101515
<b>ATTACHMENTS</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.

**PURPOSE**

For Council to consider the options for the projects submitted as part of the Department of Sport and Recreation's 2014-15 Community Sporting and Recreation Facilities Fund (CSRFF), following the recent notification on the City's applications.

**EXECUTIVE SUMMARY**

The Department of Sport and Recreation (DSR) has an annual grant program called the Community Sporting and Recreation Facilities Fund (CSRFF) that has an allocation of \$18.5 million each year for small grants (projects between \$7,500 - \$200,000), annual grants (projects between \$200,001 - \$500,000) and forward planning grants (projects up to \$12 million).

In September 2014, Council considered the projects proposed for the 2014-15 CSRFF application submission and agreed to submit the following three projects:

- Penistone Park redevelopment project (2015-16) - \$907,133 grant requested (total project \$3,528,700).
- Chichester Park floodlighting upgrade project (2015-16) - \$234,015 grant requested (total project \$702,045).
- Ocean Reef Park floodlighting upgrade project (2015-16) - \$167,546 grant requested (total project \$502,640).

In March 2015, the City received notification from DSR on the City's CSRFF applications. The Chichester Park and Ocean Reef Park floodlighting projects received the full amount requested for funding. The Penistone Park redevelopment project did not receive CSRFF support at this time.

As the Chichester Park and Ocean Reef Park floodlighting projects received full CSRFF grant funding, they will proceed as planned for works to be undertaken in 2015-16 as agreed by Council at its meeting held on 16 September 2014 (CJ167-09/14 refers).

As the Penistone Park redevelopment project did not receive any CSRFF grant funding a number of options are possible. These include:

- 1 do not proceed with the project
- 2 proceed with the project and the City to fund the project shortfall (either in the proposed year or a future year)
- 3 postpone the project to a future year of the capital works budget and a further CSRFF application made at that time.

The preferred option is option three which is to postpone the Penistone Park redevelopment project to a future year of the *Five Year Capital Works Program*. The project is considered important to ensure that Penistone Park continues to service the current user groups and the wider local community's needs. The challenges of the site and the facility in relation to storage, drainage, car parking, toilets and sporting infrastructure will be addressed by the redevelopment. Based on the City's current resources and financial capacity to undertake the project, it is recommended that the project be postponed to 2016-17.

Postponing the project would mean the reserve funds allocated for the project in 2015-16 would be retained in the reserve and relisted in 2016-17. The project can be re-submitted for CSRFF consideration again in September 2015 for a contribution in 2016-17.

*It is therefore recommended that Council AGREES to postpone the Penistone Park redevelopment project for consideration in 2016-17 in the Five Year Capital Works Program and a CSRFF application made in September 2015.*

## **BACKGROUND**

The Department of Sport and Recreation (DSR) has an annual grant program called the Community Sporting and Recreation Facilities Fund (CSRFF) that has an allocation of \$18.5 million each year for small grants (projects between \$7,500 - \$200,000), annual grants (projects between \$200,001 - \$500,000) and forward planning grants (projects up to \$12 million).

The CSRFF program aims to increase participation in physical activity through the provision of funding that assists the development of well designed infrastructure for sport and recreation. It also represents a partnership opportunity for community organisations to work with local government authorities and DSR. Applications for funding may be submitted by a community organisation or a local government authority. A CSRFF grant will not exceed one third of the total completed cost of the project, with the remaining funds to be contributed by the applicant's own cash or 'in-kind' contribution, and/or the local government authority.

For the 2014-15 grant funding round, the City had three applications for the forward planning grant round (two City applications and one sporting club application).

#### Penistone Park, Greenwood – proposed redevelopment project – (application by the City)

Penistone Park is located on Penistone Street, Greenwood and has two active sporting fields, a clubroom, floodlighting, car parking, three practice cricket nets, two outdoor basketball courts, two tennis courts, a tennis shelter and a playground.

At its meeting held on 19 August 2014 (CJ146-08/14 refers), Council approved the project subject to a successful CSRFF grant application.

The Penistone Park redevelopment project includes the development of the following:

- New multi-purpose community facility.
- New four lane cricket practice net.
- 3 on 3 basketball pad and tennis hit up wall.
- Additional car parking.
- New playground with connected pathways.
- Barbecue and picnic shelter.

The proposed funding breakdown included:

City of Joondalup (municipal funds) – 2014-15	\$286,710
City of Joondalup (reserve funds) – 2015-16	\$2,334,857
CSRFF grant requested	\$907,133
<b>Total project cost</b>	<b>\$3,528,700</b>

#### Chichester Park, Woodvale – floodlighting upgrade project – (application by the City)

Chichester Park is located on Trappers Drive, Woodvale and has two active sporting fields separated by a large passive space. The active sporting field to the north which adjoins the North Woodvale Primary School is currently under a shared use agreement with the school and is used for AFL and cricket. The active sporting field to the south is utilised for soccer and cricket.

At its meeting held on 16 September 2014 (CJ167-09/14 refers), Council approved the project subject to a successful CSRFF grant application.

This project is considering a floodlight upgrade to the southern field to meet Australian standards for football (all codes) training (50 lux). The park currently has six 12 metre poles each fitted with two 1,000 watt lights, illuminating only isolated sections of the park to a lux level that is under the Australian standard. The proposed project will involve the installation of lights to the southern active sporting field to provide sufficient lighting for training for large ball sports (50 lux). This will include installing six 25-35 metre floodlighting towers each fitted with up to five luminaries.

The proposed funding breakdown included:

City of Joondalup (municipal funds) – 2015-16	\$468,030
CSRFF grant requested	\$234,015
<b>Total project cost</b>	<b>\$702,045</b>

Ocean Reef Park, Ocean Reef – floodlighting and cricket infrastructure upgrade project – (application by the Club)

Ocean Reef Park is located on the corner of Clinker Road and Marina Boulevard, Ocean Reef and has one junior AFL oval and a toilet/change room facility. The oval currently has two 12 metre poles each with two 1,000 watt lights, illuminating only an isolated section to a lux level that is under the Australian standard for large ball sports training.

The Ocean Ridge Junior Football Club submitted an expression of interest to the City for the proposed CSRFF application to upgrade the existing floodlighting infrastructure which will provide them with an additional oval with lighting that meets the Australian standards for large ball training. The club also proposed to relocate the cricket practice nets to fit a full size AFL field onto the site and allow older age groups to utilise the park as well as the younger players.

As per CSRFF guidelines community organisations can submit application through their local government for an eligible project. The group must, as part of their application, agree to joint funding of the project of one-third for each party (the club, the City and the DSR).

At its meeting held on 16 September 2014 (CJ167-09/14 refers), Council approved the project subject to a successful CSRFF grant application.

The proposed project will involve the installation of floodlights to the oval that meet Australian standards for football (all codes) training (50 lux) as well as the relocation of the existing two cricket practice nets. The floodlight works will include installing four 25 metre floodlighting towers each fitted with three luminaries. The cricket infrastructure works will include the removal of the existing two cricket practice nets, remediation works to that site and construction of two new cricket practice nets to the south-eastern side of the oval with stone pitching to provide retaining to the south-eastern bank.

The proposed funding breakdown included:

City of Joondalup (municipal funds) – 2015-16	\$167,546
CSRFF grant requested	\$167,546
Ocean Ridge Junior Football Club contribution	\$167,546
<b>Total project cost</b>	<b>\$502,640</b>

## DETAILS

In March 2015, the City received notification from the DSR on the City's CSRFF applications. The Chichester Park and Ocean Reef Park floodlighting projects received the full amount requested for funding.

The Penistone Park redevelopment project did not receive CSRFF support at this time. It is understood that grant funding for this project was not approved due to the number of CSRFF applications received by the DSR exceeding the available funds. As this project did not receive funding at this time, it is eligible to be submitted for CSRFF grant consideration in the future.

Overall, based on the applications for CSRFF grant funding, there is a shortfall of \$907,133 for the Penistone Park redevelopment project.

### Issues and options considered

As the Chichester Park and Ocean Reef Park floodlighting projects received full CSRFF grant funding, they will proceed as planned for works to be undertaken in 2015-16 as agreed by Council at its meeting held on 16 September 2014 (CJ167-09/14 refers).

As the Penistone Park redevelopment project did not receive any CSRFF grant funding a number of options are possible. These include the following:

- 1 Do not proceed with the project.
- 2 Proceed with the project and the City to fund the project shortfall (either in the proposed year or a future year).
- 3 Postpone the project to a future year of the capital works budget and a CSRFF application made at that time.

The advantages and disadvantages of each option are outlined in the table below:

Option	Advantages	Disadvantages
1 Do not proceed with the project.	<ul style="list-style-type: none"> <li>Existing City funds allocated in 2015-16 are reserve funds and can be retained in the reserve.</li> </ul>	<ul style="list-style-type: none"> <li>Not proceeding with the project would be a lost opportunity to redevelop an ageing building and address the challenges of the site and the facility regarding storage, drainage, car parking, toilets and sporting infrastructure.</li> </ul>
2 Proceed with the project and the City to fund the shortfall.	<ul style="list-style-type: none"> <li>The ageing building would be redeveloped and the challenges of the site and the facility regarding storage, drainage, car parking, toilets and sporting infrastructure would be addressed.</li> </ul>	<ul style="list-style-type: none"> <li>Significant City funds would be required to cover the project shortfall. This would need to be additional municipal funds either reallocated from other projects; or increased rates; or increased reserve use; or loan.</li> </ul>

Option	Advantages	Disadvantages
3 Postpone the project to a future year of the capital works budget and a further CSRFF application made at that time.	<ul style="list-style-type: none"> <li>Existing City funds allocated in 2015-16 are reserve funds and can be retained in the reserve and then used in the future year.</li> <li>The ageing building would be redeveloped and the challenges of the site and the facility regarding storage, drainage, car parking, toilets and sporting infrastructure would be addressed.</li> <li>The project can be submitted again for CSRFF consideration in a future year.</li> </ul>	<ul style="list-style-type: none"> <li>Delay in redeveloping the ageing building and addressing challenges of the site and facility.</li> <li>Further City funds would be required to be relisted for consideration for the project in a future year.</li> </ul>

#### Recommended option

The preferred option is option three which is to postpone the Penistone Park redevelopment project to a future year of the *Five Year Capital Works Program*. The project is considered important to ensure that Penistone Park continues to service the current user groups and the wider local community's needs. The challenges of the site and the facility in relation to storage, drainage, car parking, toilets and sporting infrastructure will be addressed by the redevelopment. Based on the City's current resources and financial capacity to undertake the project, it is recommended that the project be postponed to 2016-17.

Postponing the project would allow the reserve funds allocated for the project in 2015-16 to be retained in the reserve until required in 2016-17.

The other projects that will be in 2016-17 for consideration include three facility refurbishment projects (Undercroft Bridge Clubroom; Duncraig Library; and Flinders Park Community Hall) and two floodlighting projects (Warrandyte Park; and Admiral Park). It is not intended to submit these projects as part of the CSRFF program.

The Penistone Park redevelopment project can be re-submitted for CSRFF consideration again in September 2015 for a contribution in 2016-17. While the City is likely to apply for CSRFF for floodlighting projects and may receive applications from sporting clubs in 2016-17, the Penistone Park project would not compete against another large-scale redevelopment project as the next is not currently listed for consideration until 2019-20.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

- Support a long-term approach to significant facility upgrades and improvements;
- Understand the demographic context of local communities to support effective facility planning;
- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

**Policy** Not applicable.

**Risk management considerations**

Any capital project brings risks in relation to contingencies and over runs against original design. The capital cost estimates that were used to determine project budgets and CSRFF application amounts were based on concept designs and may differ once further detailed designs are undertaken for the projects.

**Financial / budget implications**

If the project was postponed, the reserve fund expenditure proposed in 2015-16 of \$2,334,857 would not be required and would be retained until 2016-17 when the project was resubmitted for another CSRFF application.

If the City were to fund the project shortfall in 2015-16, reallocated or additional municipal, reserve or loan funds would be required. An increase in loan funds would result in negative impacts for all key ratios in the *20 Year Strategic Financial Plan* (Operating Surplus Ratio, Debt Service Coverage Ratio, Asset Sustainability Ratio).

A summary of the financial implication of each option for the Penistone Park redevelopment project is outlined in the table below:

Option	Existing City funds allocated for Penistone Park	Additional funds required in 2015-16	Overall financial impact in 2015-16
1 Do not proceed with the project.	\$2,621,567	\$0	Reserve funds of \$2,334,857 retained.
2 Proceed with the project and the City to fund the shortfall.		\$907,133	Reallocated or increased use of municipal, reserve or loan funds of \$907,133.
3 Postpone the project to a future year of the capital works budget and a further CSRFF application made at that time.		\$0*	Reserve funds of \$2,334,857 retained and used in a future year.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

All developments will consider and minimise impact to important flora and fauna in the area. Facilities will be planned to reduce the impact of the carbon footprint and consider environmental sustainability design features.

#### Social

All projects have included consultation with local residents to ensure that feedback received represents the diverse needs of the City's community. The Penistone Park redevelopment will consider access and inclusion principles and will aim to enhance the amenity of the public space.

#### Economic

One of the main principles of the City's endorsed *Master Planning Framework*, which was used in the planning for all projects, is the development of 'shared' and 'multi-purpose' facilities to avoid their duplication, and to reduce the ongoing maintenance and future capital expenditure requirements.

### **Consultation**

Consultation for all projects was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*.

## COMMENT

The DSR, through the CSRFF program, aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities. The CSRFF provides the City with an excellent opportunity to upgrade community facilities and City infrastructure with the support of the state government and the sporting clubs that will directly benefit from the upgrades.

As the Chichester Park and Ocean Reef Park floodlighting projects received full CSRFF grant funding, they will proceed as planned for works to be undertaken in 2015-16 as agreed by Council at its meeting held on 16 September 2014 (CJ167-09/14 refers).

As the Penistone Park redevelopment project did not receive any CSRFF grant funding the preferred option for the project is option three which is to postpone the project to a future year of the *Five Year Capital Works Program*. Based on the City's current resources and financial capacity to undertake the project, it is recommended that the project be postponed to 2016-17.

This option would provide a further opportunity for the redevelopment of Penistone Park to be undertaken and the park continue to service the current user groups and the wider local community's needs and the challenges of the site and the facility regarding storage, drainage, car parking, toilets and sporting infrastructure are addressed. The project can be re-submitted for CSRFF consideration again in September 2015 for a contribution in 2016-17.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council AGREES to postpone the Penistone Park redevelopment project for consideration in 2016-17 in the *Five Year Capital Works Program* and a CSRFF application made in September 2015.

**MOVED Cr Corr, SECONDED Cr Chester that Council:**

- 1      AGREES to postpone the Penistone Park redevelopment project construction for consideration in 2016-17 in the *Five Year Capital Works Program*;**
- 2      REQUESTS a Community Sporting and Recreation Facilities Fund (CSRFF) application be submitted to the Department of Sport and Recreation in September 2015 requesting a grant contribution to the Penistone Park redevelopment project;**
- 3      AGREES to list \$240,000 for consideration in 2015-16 in the *Five Year Capital Works Program* to prepare the tender documentation for the Penistone Park redevelopment project.**

**The Motion was Put and**

**CARRIED (9/2)**

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

**Against the Motion:** Mayor Pickard and Cr Amphlett.

## CJ077-05/15      REQUEST FOR ADDITIONAL SUBSIDIES – FACILITY HIRE SUBSIDY

<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.

### PURPOSE

For Council to give consideration to apply a fee waiver for facility bookings for the Centre for Cerebral Palsy in 2015.

### EXECUTIVE SUMMARY

At its meeting held on 31 March 2015 (CJ043-03/15 refers), Council considered several requests from community groups for facility hire subsidies and fee waivers greater than what is provided in the *Facility Hire Subsidy Policy*. One of those groups was the Centre for Cerebral Palsy and in relation to their request, Council resolved in part that it:

- “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;*”

*It is therefore recommended that Council:*

- 1      *AGREES to waive 75% of the fees that would apply to the Centre for Cerebral Palsy up to \$6,725 for their 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;*
- 2      *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.*

### 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.”*

Earlier in the year, the City completed the annual bookings for use of its facilities for 2015. Consequently, some groups sought further subsidisation in accordance with the policy, and those requests that were for a value of \$5,000 or more were reported to Council for consideration at the meeting held on 31 March (CJ043-03/15 refers).

One of the groups that requested a fee waiver was the Centre for Cerebral Palsy and Council's decision was as follows:

*“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.”*

#### Centre for Cerebral Palsy

<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>
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.

In their letter to the City requesting a 100% fee waiver, the Centre for Cerebral Palsy noted that their bookings for 2015 at Ellersdale Park Clubrooms and Admiral Park Community Sporting Facility are specifically for 11 children, six of whom do not live within the City of Joondalup. Therefore the group is not eligible for a subsidy due to not meeting the criteria in the *Facility Hire Subsidy Policy* that at least 50% of active members must reside within the

City. In addition, the head office for the Centre for Cerebral Palsy is in Coolbinia, and therefore the group does not meet the criteria that a group must have its primary base of operation within the City of Joondalup to be eligible for a subsidy.

While the group is not eligible for a subsidy, it is noted that the introduction of hire fees may be financially prohibitive for them especially since the group has previously received a 100% subsidy, therefore it is suggested that Council gives consideration to waiving 75% of the fees that would apply for 2015, 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 the request for subsidy / fee waiver
- approve in part the request  
or
- decline the request for subsidy / fee waiver.

### **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.*  
*Property Management Framework.*

### **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. If the City was to grant a 100% fee waiver to the Centre for Cerebral Palsy the City will lose approximately \$8,966.92 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.

### **MOVED Cr Amphlett, SECONDED Cr Hollywood that Council:**

- 1 AGREES to waive 75% of the fees that would apply to the Centre for Cerebral Palsy up to \$6,725 for their 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;**
- 2 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 (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

## **CJ078-05/15      IMPLICATIONS OF ALL CITY CONTROLLED ON AND OFF STREET PARKING BEING MADE FREE ON SATURDAYS**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	29136, 101515
<b>ATTACHMENT</b>	Attachment 1      CBD Saturday Morning Parking Survey
<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 implications following the implementation of free and unrestricted parking of all on-street and off-street parking, operated or managed by the City, on Saturdays in the Joondalup Central Business District (CBD).

### **EXECUTIVE SUMMARY**

At its meeting held on 16 September 2014 (C166-09/14 refers), Council approved the amendment of the Parking Scheme – Joondalup City Centre by removing the requirement to pay, and the time restrictions, for parking on Saturday mornings.

Council also requested that the Chief Executive Officer monitor the changes to the Parking Scheme with a report being submitted to Council at the end of the six month period following their introduction.

Results of a survey conducted over a six month period, identified that less than half of the on-street parking bays were being occupied on Saturday mornings with only a minor proportion of these parked vehicles remaining for an extended period. The ability for customers, residents and visitors to be able to access parking has not been significantly affected by the removal of paid parking and time restrictions on Saturday mornings.

*It is therefore recommended that Council:*

- 1      *APPROVES the retention of the existing amendment to the Parking Scheme – Joondalup City Centre, approved by Council at its meeting held on 16 September 2014, which removed the requirement to pay for parking on Saturday mornings;*
- 2      *APPROVES the retention of the existing amendment to the Parking Scheme – Joondalup City Centre, approved by Council at its meeting held on 16 September 2014, which removed the time restrictions on Saturday morning parking.*

## BACKGROUND

The removal of paid parking, and parking time limit restrictions, on a Saturday morning was regarded as a potential point of difference for marketing the City. Parking on Saturday afternoons and Sundays has always been free and unrestricted.

It was also considered to be a demonstration of the City's willingness to forego short-term financial gain to increase vibrancy and visitation to the CBD and to assist in removing the negative perceptions that the City uses paid parking solely as a revenue raising exercise.

At its meeting held on 16 September 2014 Council resolved to:

- "1 AMEND the Parking Scheme – Joondalup City Centre by removing the requirement to pay for parking on Saturday mornings;*
- 2 REMOVE the existing time restrictions on Saturday morning parking in the city centre;*
- 3 REQUEST the Chief Executive Officer to monitor the changes in Parts 1 and 2 above over six months with a report being submitted to Council at the end of the six months period;*
- 4 REQUEST the Chief Executive Officer to implement an integrated communications campaign to take advantage of the parking restriction changes made in Parts 1 and 2 above to promote the Joondalup City Centre as a destination of choice for visitors on the weekends."*

## DETAILS

Following the implementation of the new parking conditions the City conducted a communications campaign to advise the wider community of the introduction of free parking on weekends in the CBD. Marketing was undertaken between December 2014 and March 2015. Marketing included the use of pull up banners used in the Administration Centre, website news and scrolling banners on the City's website, the City's messages on hold, local news advertisements, bus shelter advertising, advertisements in independent media sources such as Scoop and Experience Perth website as well as posters and fliers and letters to residents and businesses. In all, 26 marketing activities were undertaken. Further marketing will be developed for use in late spring and summer.

In order to identify the potential impact of the removal of parking time limit restrictions, a survey of on-street parking bays in the CBD was conducted on alternate Saturday mornings over a six month period between 27 September 2014 and 28 March 2015. The survey recorded the total number of parked vehicles, observed on each visit to these on-street parking bays, as well as the number of these vehicles which remained parked in excess of the maximum time limit (for example ½hr, 1hr, 2hr) that previously applied to these areas.

The CBD Saturday Morning Parking Survey summarises the survey results (Attachment 1 refers). The table displays the overall average percentage occupancy, of the CBD on-street parking bays, and the overall average percentage 'overstay' of vehicles that remained parked in these areas in excess of the previous parking time limits.

The overall average occupancy was 35.8%. This ranged from a minimum of 5.3% occupancy in McLarty Avenue, near Shenton Avenue, to a maximum of 72.3% occupancy in Boas Avenue, near Davidson Terrace. However in most areas there was less than 50% occupancy of the on-street parking bays.

The overall average occupancy on Saturday mornings, during 2013-14, was 11.4%. The resulting increase in occupancy from 11.4% to 35.8%, following the removal of Saturday morning paid and timed parking restrictions, is not considered to be a level that would significantly impact on the availability of these parking bays for drivers at most times on Saturday mornings.

There was an overall average 'overstay' of 15.3%. Higher levels of this occurred in areas where long term (2Hr) parking time limits previously applied such as Grand Boulevard, south of Boas Avenue, (31.7%) and Reid Promenade, near Lakeside Drive, (24.6%). The lower levels were in areas where short term (1/2Hr, 1Hr) parking time limits previously applied including Davidson Terrace, near Shenton Avenue, (5.1%) and McLarty Avenue, near Shenton Avenue, (7.7%).

### **Issues and options considered**

Following the first six months of free Saturday morning parking the following options have been considered:

#### **Option 1: Restore Paid Parking and Time Restrictions on Saturday Mornings**

Restore the time restrictions so that the previous parking arrangements apply on Saturday mornings.

The removal of paid parking and parking time restrictions on a Saturday morning in the Joondalup CBD was considered as representing a point of difference for marketing the City when compared to those areas that have weekend paid parking which is primarily the Perth and Fremantle CBDs.

The removal of paid parking on Saturday mornings has been supported by the community as demonstrated by the increased occupancy and is considered as a potential benefit for businesses in these areas that trade on Saturday mornings.

By restoring the time restricted and paid parking there may be a belief that further business development could be hindered because it would be more costly for visitors and customers at weekends. There would also likely be adverse media coverage if this option was selected as it would not support the current position that the City is willing to forego short-term financial gain in a bid to increase vibrancy and visitation to the CBD.

This option is not recommended.

#### **Option 2: Retain Free and Unrestricted Parking on Saturday Mornings**

Results of a survey conducted over a six month period, following the removal of paid parking and time restrictions on Saturday mornings, identified that less than half of the on-street parking bays were being occupied on Saturday mornings with only a minor proportion of these parked vehicles remaining for an extended period.

The ability for customers, residents and visitors to be able to access parking has not been significantly affected by the removal of paid parking and time restrictions on Saturday mornings.

This option is recommended.

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

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

**Strategic Community Plan**

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** Primary Centre status.

**Strategic initiative** Provide an efficient and integrated transport network that can support the needs of a high-functioning City Centre.

**Policy** *Joondalup City Centre Car Parking for Commercial Development Policy.  
Parking Schemes Policy.*

**Risk management considerations**

Overall bay occupancy has only increased marginally since the removal of paid parking and time restrictions on Saturday mornings. However this is not significantly impacting on the ability of customers from being able to access parking bays in the vicinity of the business which they are attending.

If paid parking and time restrictions were to be restored on Saturday mornings this would not necessarily provide any significant difference to the current parking habits, or to the overall accessibility of parking, throughout the CBD. It would also not be widely supported by the community, at this time, as there is no perceived difficulty in accessing parking in the CBD during the weekend period.

**Financial / budget implications**

The annual net loss in revenue, from removing Saturday morning paid parking, is approximately \$139,000.

Adjustments were made to the Parking Budget, in the mid-year review, to take account of the impact of the free Saturday morning parking and there are no further implications. There would not be any impact on the current financial budget by the retention of the free parking on weekends.

**Regional significance**

The City of Joondalup is expected to have moderate increases only in population over the next 20 years, with a 12% overall increase, approx 0.5% per year. However the north-west metropolitan region is growing at a much greater rate. As a regional commercial/retail destination this growth will impact on the demand for services within the Joondalup CBD and therefore on the future demand for parking.

**Sustainability implications**

Not applicable.

## **Consultation**

There has been no external consultation in relation to the issue of paid parking on Saturday mornings.

The survey results identified that parts of the on-street CBD parking, immediately adjacent to shops and cafes that were open on Saturday mornings, had a higher level of occupancy than in other areas. However this was not at level which would prevent drivers from being able to access these parking bays for extended periods.

Since the removal of Saturday morning paid parking and time restrictions the City has received only one inquiry from a business owner regarding on-street parking near their premises. This issue was resolved as the business owner was unaware that the change to Saturday morning restrictions had also included the nearby off-street car parks which could also be used by their customers.

## **COMMENT**

Half of the businesses in the Joondalup CBD, that are not in Lakeside Joondalup Shopping City, generally open on Saturday mornings but do not trade past 4.00pm on Saturday afternoons.

Paid parking schemes are primarily intended to regulate access, in a fair and equitable way, to a finite number of parking bays in a particular area. While revenue may be generated as a consequence of the scheme, it is the efficient use of resources on a user pays basis that underpins their establishment. Where there is very little demand, and availability is high, then regulation is not required. This is generally true, at this time, of Saturday and Sunday trading in the City Centre.

The removal of paid parking and parking restrictions on a Saturday morning was considered to be a point of difference for marketing the City when compared to those areas that have weekend paid parking which is primarily the Perth and Fremantle CBDs.

The City's willingness to forego short-term financial gain, to increase vibrancy and visitation to the CBD, has been well received by the community and has assisted in removing the negative perceptions that the City uses paid parking solely as a revenue raising exercise.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 APPROVES the retention of the existing amendment to the Parking Scheme – Joondalup City Centre, approved by Council at its meeting held on 16 September 2014, which removed the requirement to pay for parking on Saturday mornings;**
- 2 APPROVES the retention of the existing amendment to the Parking Scheme – Joondalup City Centre, approved by Council at its meeting held on 16 September 2014, which removed the time restrictions on Saturday morning parking.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf120515.pdf](#)*

## **CJ079-05/15      TENDER 013/15 SUPPLY AND INSTALLATION OF NON CHEMICAL IRON REMOVAL FILTRATION UNITS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104894, 101515
<b>ATTACHMENT</b>	Attachment 1      Tender 013/15 Supply and Installation of Non Chemical Iron Removal Filtration Units 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 Elliotts Irrigation Pty Ltd for the supply and installation of non chemical iron removal filtration units.

### **EXECUTIVE SUMMARY**

Tenders were advertised on Saturday 21 February 2015 through statewide public notice for the supply and installation of non chemical iron removal filtration units. Tenders closed on 11 March 2015. A submission was received from the following:

- SLS Technology Pty Ltd.
- The Trustee for S & E McCulloch Family Trust trading as Glacier Filtration.
- Elliotts Irrigation Pty Ltd.
- Enviropacific Services Pty Ltd.

The submission from Elliotts Irrigation Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has experience in providing similar services for local governments and private organisations including the Cities of Cockburn, Subiaco, Bunbury, Rockingham, Stirling, the Town of Bassendean, LWP Property Group, LD Total and City Gate Properties. Elliotts Irrigation Pty Ltd is a well established company with adequate resources and personnel to complete the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Elliotts Irrigation Pty Ltd for the supply and installation of non chemical iron removal filtration units for a period of three years for requirements as specified in Tender 013/15 for the fixed lump sum of \$255,500 (GST Exclusive) for year one and fixed schedule of rates for years two and three of the contract.*

## **BACKGROUND**

The City has a requirement to engage a contractor to supply and install non chemical iron removal filtration units. Non-chemical iron removal filtration units remove soluble iron from groundwater without the need for large dropout tanks or chemical extraction procedures.

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

## **DETAILS**

Tenders were advertised on Saturday 21 February 2015 through statewide public notice for the supply and installation of non chemical iron removal filtration units for a period of three years. The tender period was for two weeks and tenders closed on 11 March 2015.

### **Tender Submissions**

Submissions were received from the following:

- SLS Technology Pty Ltd.
- The Trustee for S & E McCulloch Family Trust trading as Glacier Filtration.
- Elliotts Irrigation Pty Ltd.
- Enviropacific Services Pty Ltd.

The schedule of items as 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 comprised of three members:

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

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

### **Compliance Assessment**

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

### **Qualitative Assessment**

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:

Qualitative Criteria		Weighting
1	Demonstrated experience in providing similar services	18%
2	Capacity	10%
3	Demonstrated understanding of the required tasks	10%
4	Social and economic effects on the local community	2%
5	Price	60%

Glacier Filtration scored 38% and was ranked fourth in the overall assessment. The company demonstrated experience in providing similar services for Randwick City Council NSW, NSW Department of Sports and Recreation, HOLCIM and Innaco Pty Ltd. It demonstrated some understanding of the requirements. The company has the capacity to provide the services but did not provide its organisational chart and safety records.

SLS Technology Pty Ltd scored 54.8% and was ranked third in the overall assessment. It demonstrated a thorough understanding of the requirements. The company did not demonstrate sufficient experience providing similar services. Nine project examples were submitted as its proof of experience but none in the irrigation water filtration field. It is an established company but did not supply its ability to provide additional resources and personnel and after-hour contacts for emergency requirements.

Enviropacific Services Pty Ltd scored 63.2% and was ranked second in the overall assessment. It demonstrated an understanding of the requirements. It is an established company but did not provide its organisational chart, ability to provide additional resources and personnel, after-hour contacts and safety policy or procedures. The company demonstrated experience providing services to the Wollongong City Council NSW, Australian Rail Track Corporation and Orica, however the examples of work were for water treatment systems not irrigation water filtration.

Elliotts Irrigation Pty Ltd scored 86.2% and was ranked first in the overall assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has experience in providing similar services for local governments and private organisations including the Cities of Cockburn, Subiaco, Bunbury, Rockingham, Stirling, the Town of Bassendean, LWP Property Group, LD Total and City Gate Properties. Elliotts Irrigation Pty Ltd is a well established company with adequate resources and personnel to complete the works for the City.

### 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	Fixed Contract Price Year 1
Elliotts Irrigation Pty Ltd	26.2	60	86.2	1	\$255,500
Enviropacific Services Pty Ltd	18.4	44.8	63.2	2	\$341,900
SLS Technology Pty Ltd	23.1	31.7	54.8	3	\$483,500
Glacier Filtration	21.7	16.3	38.0	4	\$938,000

Based on the evaluation result, the panel concluded that the tender that provides best value to the City is that of Elliotts Irrigation Pty Ltd and is therefore recommended.

Estimated expenditure in years two and three of the contract is not able to be determined. Any future landscape projects will have water filtration as a consideration. The cost of the filtration units will be in accordance with a fixed schedule of rates. Should any additional units be required, the cost of the Contract will exceed the Chief Executive Officer's delegated authority limit applicable to the approval of tenders.

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

The City has a requirement for supply and installation of non chemical iron removal filtration units to various locations within the City. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

#### **Legislation/Strategic 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** Adopt consistent principles in the management and provision of urban community infrastructure.

**Policy** Not applicable.

#### **Risk Management considerations:**

Should the contract not proceed, the risk to the City will be high as the iron contents in water may cause stains in new entry statements and other consequential damages to new and existing infrastructure.

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

#### **Financial/Budget Implications:**

<b>Project Number:</b>	SSE2055
<b>Account no:</b>	CW001752
<b>Cost Code:</b>	W2785
<b>Budget Item:</b>	Streetscape Renewal Program
<b>Budget Amount (2014-15):</b>	\$565,000
<b>Committed:</b>	\$0
<b>Proposed cost (2014-15) for filtration units:</b>	\$255,500
<b>Balance:</b>	\$309,500

The remaining balance is budgeted to be used for design and streetscape works. All figures quoted in this report are exclusive of GST.

**Regional Significance:**

Not applicable.

**Sustainability Implications:**

Iron removal filtration units will reduce the risk of damage to various infrastructure of the City due to iron accumulation.

**Consultation:**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Hollywood that Council ACCEPTS the tender submitted by Elliotts Irrigation Pty Ltd for the supply and installation of non chemical iron removal filtration units for a period of three years for requirements as specified in Tender 013/15 for the fixed lump sum of \$255,500 (GST Exclusive) for year one and fixed schedule of rates for years two and three of the contract.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf120515.pdf](#)*

## **CJ080-05/15      TENDER 014/15 HERBICIDE APPLICATION TO NOMINATED LOCATIONS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104955, 101515
<b>ATTACHMENT</b>	Attachment 1      Schedule of Items Attachment 2      Summary of Tender Submisisions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by The Trustee for B & S Tanasoski Family Trust & The Trustee For G & S Blazeski Family Trust T/as Tiger Pest and Weed Control for herbicide application to nominated locations.

### **EXECUTIVE SUMMARY**

Tenders were advertised on Wednesday 11 March 2015 through statewide public notice for herbicide application to nominated locations for a period of three years. Tenders closed on 26 March 2015. A submission was received from each of the following:

- Sprayking WA Pty Ltd ATF Sprayking WA Unit Trust.
- Sprayking WA Pty Ltd ATF Sprayking WA Unit Trust (Alternative Offer).
- Sanpoint Pty Ltd T/as LD Total.
- The Trustee for B & S Tanasoski Family Trust & The Trustee For G & S Blazeski Family Trust T/as Tiger Pest and Weed Control.
- Turfmaster Pty Ltd T/as Turfmaster Facility Management.

The submission from Tiger Pest and Weed Control represents best value to the City. The company demonstrated a comprehensive understanding and appreciation of the City's requirements. It has experience in providing similar services to Main Roads Western Australia and has also provided its services to the City in 2014-15. It is a well established company with adequate resources, the appropriate licences and personnel to complete the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for B & S Tanasoski Family Trust & The Trustee For G & S Blazeski Family Trust T/as Tiger Pest and Weed Control for herbicide application to nominated locations for a period of three years for requirements as specified in Tender 014/15 at the submitted schedule of rates, and with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.*

## **BACKGROUND**

The City has a requirement to engage a contractor to supply and apply herbicides to nominated locations. This contract is to assist in-house staff during the seasonal peak spraying periods mainly on footpaths, kerb lines, brick paved areas and broadleaf control in some parks.

The last time these services were supplied by contract was by Turfmaster Pty Ltd and that contract ceased on 30 June 2007. The scope of this new tender, however, is different from the previous one. It is narrower in scope and for example does not include the control of vegetation in sumps and Public Access Ways. These services are under taken by the City's own staff.

The City does not have the capacity to provide all of these services. Some services were undertaken by quotation in 2013 and 2014 but it is not possible to continue this arrangement.

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

## **DETAILS**

Tenders were advertised on Wednesday 11 March 2015 through statewide public notice for herbicide application to nominated locations for a period of three years. The tender period was for two weeks and tenders closed on 26 March 2015.

### **Tender Submissions**

Submissions were received from the following:

- Sprayking WA Pty Ltd ATF Sprayking WA Unit Trust.
- Sprayking WA Pty Ltd ATF Sprayking WA Unit Trust (Alternative Offer).
- Sanpoint Pty Ltd T/as LD Total.
- The Trustee for B & S Tanasoski Family Trust & The Trustee For G & S Blazeski Family Trust T/as Tiger Pest and Weed Control.
- Turfmaster Pty Ltd T/as Turfmaster Facility Management.

The schedule of items as 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 comprised three members:

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

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

### **Compliance Assessment**

The following offers received were assessed as fully compliant:

- Sprayking WA Pty Ltd ATF Sprayking WA Unit Trust.
- Sanpoint Pty Ltd T/as LD Total.
- The Trustee for B & S Tanasoski Family Trust & The Trustee For G & S Blazeski Family Trust T/as Tiger Pest and Weed Control.
- Turfmaster Pty Ltd T/as Turfmaster Facility Management.

The following offers were assessed as non compliant:

- Sprayking WA Pty Ltd ATF Sprayking WA Unit Trust (Alternative Offer).

Sprayking WA Pty Ltd proposed an alternative schedule of rates not in accordance with the City requirements and was not considered further.

### **Qualitative Assessment**

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

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

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

LD Total scored 55.4% and was ranked fourth in the qualitative assessment. It demonstrated a good understanding of the requirements. The company has the capacity to perform the services. LD Total demonstrated experience in landscape maintenance services. Current clients include Satterley Property Group and the Cities of Wanneroo, Kwinana and Stirling. It also previously held the Iluka landscape maintenance contract with the City. Weed control and broad acre spraying were included in the scope of these contracts; however no contract was exclusively for herbicide application.

Turfmaster Facility Management scored 61.8% and was ranked third in the qualitative assessment. It demonstrated the capacity to perform the services. The company also demonstrated a good understanding of the requirements. Turfmaster Facility Management stated it has prior experience in City-wide and selective weed control to infrastructure and public open spaces. A list of clients was provided in the company profile which included the Cities of Wanneroo, Canning, Gosnells, Stirling, Swan, Cockburn, Vincent and Rockingham. It was not indicated what services are provided to those clients and no period and dates of contracts were supplied.

Tiger Pest and Weed Control scored 63.4% and was ranked second in the qualitative assessment. It demonstrated a comprehensive understanding of the requirements. The company has experience providing similar services to Main Roads Western Australia and performed services for the City in 2014-15. The organisation has the capacity to perform the services.

Sprayking WA Pty Ltd scored 66.2% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the requirements and has the capacity to perform the services for the City. The company also demonstrated substantial experience in performing similar services for Programmed Property Services and the Cities of South Perth, Kwinana, Canning, Subiaco, Bunbury and Mandurah and the Shire of Murray.

Given the minimum acceptable qualitative score of 60%, Sprayking WA Pty Ltd, Tiger Pest and Weed Control and Turfmaster Facility Management qualified for stage two of the assessment.

### Price Assessment

Having assessed the compliant submissions against the specified criteria in detail and with the clarification of any issues, the panel carried out a comparison of the rates offered by the tenderers in order to assess value for money to the City.

To provide an estimated expenditure over the contract term, seven scheduled items and their typical usage based on historical data have been used in the calculation.

Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Tiger Pest and Weed Control	\$126,777	\$147,575	\$152,002	<b>\$426,354</b>
Sprayking WA Pty Ltd (Conforming)	\$158,797	\$233,086	\$240,079	<b>\$631,962</b>
Turfmaster Facility Management Option 2*	\$190,380	\$223,901	\$230,618	<b>\$644,900</b>
Turfmaster Facility Management Option 1*	\$208,426	\$242,489	\$249,763	<b>\$700,678</b>

\*Turfmaster Facility Management Option 1 uses Glyphosate 360 and Option 2 Glyphosate 570.

There was no expenditure in 2013-14 for these services.

## Evaluation Summary

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

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Estimated Contract Price Year 1</b>	<b>Estimated Total Contract Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Sprayking WA Pty Ltd (Conforming)	2	\$158,797	\$631,962	1	66.2%
Tiger Pest and Weed Control	1	\$126,777	\$426,354	2	63.4%
Turfmaster Facility Management (Option 1)	4	\$208,426	\$700,678	3	61.8%
Turfmaster Facility Management (Option 2)	3	\$190,380	\$644,900	3	61.8%

Based on the evaluation result, the panel concluded that the tender that provides best value to the City is that of Tiger Pest and Weed Control and is therefore recommended.

## Issues and options considered

Herbicide application is required to effectively manage seasonal weed infestations within public open spaces and streetscapes. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

## Legislation / Strategic Community Plan / policy implications

### Legislation

A statewide public tender was advertised, opened and evaluated in accordance with Clause 11(1) 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

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

#### Policy

Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City will not be able to manage seasonal weed infestations within City streetscapes and open spaces.

The tender specifications are very clear on the requirements covering the spraying of herbicides not to cause any contamination or harm to non-target species. This includes the use of City of Joondalup approved herbicides only, spraying under certain weather conditions, compliance with Manufacturers Safety Data Sheets and application rates to be in accordance with label/manufacturers recommendations. It further includes specific actions to be taken in the event of a spill or contamination of a site. These requirements in the tender assist the City in its monitoring of the contract and ensuring compliance with the requirements.

It is considered that the contract will represent a low risk to the City. The recommended tenderer is a well-established organisation with significant industry experience, the appropriate licences and capacity to provide the services to the City.

### **Financial / budget implications**

#### Current financial year impact

<b>Account no.</b>	External contractors 3359 (6440).
<b>Budget Item</b>	Various Parks and Streetscapes.
<b>Budget amount</b>	\$ 150,000
<b>Amount spent to date</b>	\$ 73,393
<b>Proposed cost</b>	\$ 31,694
<b>Balance</b>	\$ 76,607

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The effective management of seasonal weeds enhances the amenity of public open spaces and streetscapes.

### **Consultation**

Not applicable.

### **COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer submitted by Tiger Pest and Weed Control represent best value to the City.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council ACCEPTS the tender submitted by The Trustee for B & S Tanasoski Family Trust & The Trustee for G & S Blazeski Family Trust T/as Tiger Pest and Weed Control for herbicide application to nominated locations for a period of three years for requirements as specified in Tender 014/15 at the submitted schedule of rates, and with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf120515.pdf](#)*

## **CJ081-05/15      REPORT TO PURCHASE LOT 489 GRAND BOULEVARD AND LOT 536 DAVIDSON TERRACE, JOONDALUP**

WARD	North					
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services					
FILE NUMBER	54023, 101515					
ATTACHMENT	Attachment 1	Site	Plan	showing	Lot	489
		Grand Boulevard				
	Attachment 2	Site	Plan	showing	Lot	536
		Davidson Terrace				
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.					

### **PURPOSE**

For Council to consider the purchase from Western Power of Lot 489 Grand Boulevard and Lot 536 Davidson Terrace, Joondalup to maximise future development on adjoining City owned Lot 456 (104) McLarty Avenue, and Lot 522 (9) Davidson Terrace Joondalup respectively.

### **EXECUTIVE SUMMARY**

The opportunity to purchase Lot 489 Grand Boulevard and Lot 536 Davidson Terrace, Joondalup currently owned by Western Power and registered in the name of Electricity Networks Corporation adjoining the City owned Lot 456 (104) McLarty Avenue and Lot 522 (9) Davidson Terrace Joondalup respectively has now presented itself. Purchase of each of the sites will allow better planning for internal car park operation, improve visual treatment to surroundings, and maximise financial return to the City over the life of any future development. Western Power has agreed to sell the sites to the City at the mid-point value noted in a valuation carried out by Mc Gees Property on behalf of the City:

- \$ 26,297 for Lot 489 Grand Boulevard
- \$ 29,812.50 for Lot 536 Davidson Terrace.

Existing rights of access to Lot 489 sub-station facility and to Lot 536 sub-station facility by Western Power are to be preserved in favour of Western Power.

*It is therefore recommended that Council:*

- 1     *AGREES to purchase Lot 489 Grand Boulevard, Joondalup at a cost of \$26,297.00;*
- 2     *AGREES to purchase Lot 536 Davidson Terrace, Joondalup at a cost of \$29,812.50;*
- 3     *AUTHORISES the Chief Executive Officer to finalise the purchase of the sites detailed in Part 1 and Part 2 above by arranging transfer and preserving existing rights of access by Western Power to the sub-station facilities by granting an Easement in Gross to be registered in favour of Western Power.*

## **BACKGROUND**

At its meeting held on 11 December 2012 (CJ283-12/12 refers), Council agreed to proceed to develop a multi storey car park on the Boas Avenue, Joondalup site. Adjoining the site was Lot 537 (83) Boas Avenue owned by Western Power and containing a sub-station. The business case that was presented to Council for its consideration prior to the agreement to construct the multi storey car park proposed building around the adjoining lot and sub-station.

Subsequently on 19 November 2013 (CJ220-11/13 refers), Council approved the purchase of Lot 537 (83) Boas Avenue, Joondalup from Western Power at a cost of \$31,500. Acquiring and combining Lot 537 (83) with the City's Lot 535 (93) Boas Avenue enabled a car park design that improved the circulation of traffic through the car park. The number of parking bays on the levels above the site and the general facade of the building will realise greater uniformity.

There are currently two other City car parks that have adjoining Western Power owned Lots with sub-stations similar to the situation that existed on the Boas Avenue site. There is now an opportunity to purchase Lot 489 Grand Boulevard and Lot 536 Davidson Terrace, Joondalup currently owned by Western Power and adjoining the City owned Lot 456 (104) McLarty Avenue and Lot 522 (9) Davidson Terrace Joondalup respectively.

## **DETAILS**

### **Lot 489 Grand Boulevard**

The land is legally described as an estate in fee simple being Lot 489 on Plan 17996, wholly contained in Certificate of Title Volume 1902 Folio 582. The subject Lot 489 comprises a small rectangular shaped landholding with an area of 47m<sup>2</sup>. The land is registered in the name of the Electricity Networks Corporation.

Adjoining the City owned Lot 456 (104) McLarty Avenue on the north-east corner is a high voltage sub-station on Lot 489 Grand Boulevard owned by Western Power.

### **Lot 536 Davidson Terrace**

The land is legally described as an estate in fee simple being Lot 536 on Plan 19634, wholly contained in Certificate of Title Volume 2032 Folio 221. The subject Lot 536 comprises a small rectangular land holding with an area of 53m<sup>2</sup>. The land is registered in the name of the Electricity Networks Corporation.

Adjoining the City owned Lot 522 (9) Davidson Terrace on the south-west corner is a high voltage sub-station on Lot 536 Davidson Terrace owned by Western Power.

Consultation with Western Power on Lot 489 and Lot 536 has taken place for the purpose of acquiring each lot adjoining City owned land to enhance future development on the City owned properties.

Western Power has now offered to sell both Lots to the City while preserving existing access rights to the sub-station facility currently enjoyed by Western Power.

A professional valuer was commissioned by the City to provide a valuation of Lot 489 Grand Boulevard owned by Western Power and Lot 536 Davidson Terrace owned by Western Power. The valuer provided an upper value of \$28,050 and a lower value of \$24,544 for Lot 489. Western Power have accepted this range and offered to sell at the mid-point value of \$26,297 for Lot 489. The valuer provided an upper value of \$31,800 and a lower value of \$27,825 for Lot 536. Western Power have accepted this range and offered to sell at the mid-point value of \$29,812.50 for Lot 536.

The proposed purchase of lots 489 and 536 are not major land transactions for the purpose of Section 3.59 of the *Local Government Act 1995*.

Purchase of each of the sites will allow better planning for internal car park operation, improve visual treatment to surroundings, and maximise financial return to the City over the life of any future development.

### **Issues and options considered**

There are two options available to Council:

- agree to the purchase of the sites  
or
- not agree to the purchase of the sites.

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

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

#### **Strategic Community Plan**

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** Primary Centre status.

**Strategic initiative** Pursue the construction of multi-storey car park facilities within the Joondalup City Centre to facilitate greater accessibility.

**Policy** Not applicable.

### **Risk management considerations**

Should the City not purchase Lot 489 Grand Boulevard and Lot 536 Davidson Terrace from Western Power the opportunity to develop an improved design with better circulation and increased income generation for the life of future development would be lost.

The option of not proceeding to purchase the sites was considered and would result in having a detrimental impact on planning and car bay numbers, design aesthetics, and operation of any future development. The ability to generate increased income over the life of any development would be reduced.

**Financial / budget implications**

Cost of purchase from Western Power is \$26,297 for Lot 489 Grand Boulevard and \$29,812.50 for Lot 536 Davidson Terrace. The purchases will be funded in 2014-15 by the Multi Storey Car Park project currently under construction.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Current on grade car parking exists on each of the City's sites adjoining the Western Power Lots servicing local and regional accessibility. The ability to acquire the Western Power Lots adjoining the City owned sites will greatly enhance the availability of increased car parking from future Multi-Storey car parking development to attract more people to the City.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation and negotiation with Western Power was undertaken to acquire Lot 489 Grand Boulevard and Lot 536 Davidson Terrace Joondalup owned by Western Power in order to integrate these sites each of which has a standalone high voltage sub-station with adjoining City owned on ground car park on Lot 456 (104) McLarty Avenue and Lot 522 (9) Davidson Terrace Joondalup. In order to effect a transfer of each of the sites Western Power are prepared to sell the sites to the City.

The City obtained an Indicative Valuation Advice on each of the Lots in order to negotiate potential acquisition. Western Power has offered to transfer and sell the sites to the City at the mid-point valuation between highest and lowest values.

**COMMENT**

Council now has the opportunity to purchase Lot 489 Grand Boulevard and Lot 536 Davidson Terrace, Joondalup currently owned by Western Power for the sums of \$26,297 and \$29,812.50 respectively. Purchase of each of the sites will allow better planning for internal car park operation, improve visual treatment to surroundings, and maximise financial return to the City over the life of any future development.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1      AGREES to purchase Lot 489 Grand Boulevard, Joondalup at a cost of \$26,297;**
- 2      AGREES to purchase Lot 536 Davidson Terrace, Joondalup at a cost of \$29,812.50;**
- 3      AUTHORISES the Chief Executive Officer to finalise the purchase of the sites detailed in Part 1 and Part 2 above by arranging transfer and preserving existing rights of access by Western Power to the sub-station facilities by granting an Easement in Gross to be registered in favour of Western Power.**

**The Motion was Put and CARRIED (11/0) by Exception Resolution after consideration of CJ082-05/15, page 147 refers.**

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

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf120515.pdf](#)*

## **CJ082-05/15 RESULTS OF COMMUNITY CONSULTATION ON THE CITY'S PROPOSED ACQUISITION OF LOT 12223 (12) BLACKWATTLE PARADE, PADBURY (RESERVE 43717)**

<b>WARD</b>	South-West		
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO		
<b>FILE NUMBER</b>	55022, 101515		
<b>ATTACHMENT</b>	Attachment 1	Location Plan - Lot 12223, (12) Blackwattle Parade, Padbury (Reserve 43717)	
	Attachment 2	Survey Analysis Report	
	Attachment 3	Location Plan - St Stephen's Early Learning Centre	
<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 results of the community consultation process on the City's proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury (Attachment 1 refers) and the community's opinion on the potential capital improvement projects that the funds from the sale of the site could be allocated to.

### **EXECUTIVE SUMMARY**

At its meeting held on 24 June 2014 (CJ104-06/14 refers), amongst other matters, Council accepted in principle the concessional purchase price conditionally offered by the Department of Lands (DoL) to the City for Lot 12223, (12) Blackwattle Parade, Padbury (Lot 12223). Should Lot 12223 be acquired at a concessional rate, the City would then rezone it and sell it at market value to fund community projects in the local area. At its meeting held on 24 June 2014, Council also authorised public advertising of the proposal to allow Council to gauge residents' opinion on the acquisition of the site, in addition to proposed options for local capital improvement projects.

Consultation was undertaken for 30 days in accordance with the City's *Community Consultation and Engagement Policy and Protocol*. The City consulted directly with all ratepayers and residents that lived within a 500 metre radius of Lot 12223. Members of the public and stakeholders wishing to comment were also encouraged to complete a survey form online via the City's website.

The consultation not only asked for the level of support on the proposed acquisition, but on three capital improvement options for the area, including a project that had Council's preference. The consultation also provided opportunities for comments and suggestions on community projects.

The City received a total of 197 valid responses from 744 households surveyed during the consultation period, equating to a response rate of 26.7%. Analysis of the responses from the consultation (Attachment 2 refers) indicated that 88.8% of respondents supported the proposed acquisition with 71.3% of respondents supporting Council's preferred community project of the installation of traffic signals at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury. The two other options of upgrading the existing landscaping along Hepburn Avenue and the upgrading the infrastructure in Fernwood Park, Padbury were also supported by respondents (55.8% and 46.7% respectively). Attachment 2 to Report CJ082-05/15 provides details on alternative suggestions by respondents. The outcome of the consultation indicates significant support for the acquisition of Lot 12223 with the installation of traffic signals at Walter Padbury Boulevard and Hepburn Avenue, Padbury intersection also being well supported.

As part of the offer to the City, the Department of Lands advised that the Department of Planning's (DoP) support is required for the acquisition to proceed. The acquisition has been supported by the DoP subject to the proceeds of the proposed future sale by the City being spent on community projects in line with the definition of "Community Purposes" under *District Planning Scheme No. 2 (DPS2)*:

***Community Purpose:*** means the use of premises designed or adapted primarily for the provision of education, social, cultural and recreational facilities and services by organisations involved in activities for community benefit.

The DoP advised that projects connected with parking, traffic and pedestrian issues were not considered to fall within the above definition. In this regard, the City's intent of selling Lot 12223 to fund traffic treatment works at Walter Padbury Boulevard and Hepburn Avenue, Padbury would not fall under the definition of "Community Purposes". Further liaison with the DoP is necessary to clarify its position with regard to the proposed projects supported by the community through the consultation process.

Main Roads Western Australia (MRWA) was consulted on the proposed installation of traffic lights at the Walter Padbury Boulevard and Hepburn Avenue, Padbury intersection. MRWA considers traffic signals at this intersection are not appropriate in view of low traffic volume and low crash rate ranking on Walter Padbury Boulevard, Padbury. MRWA's support is required for the installation of traffic signals.

The community has provided support for the acquisition of Lot 12223 and three community projects and some of those projects are contrary to the definition of "Community Purposes" under DPS2. This includes, the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury which is a project that had a 71.3% support rate from the community.

For this proposal to proceed, it is recommended that the Chief Executive Officer now pursues clarification from the Ministers for Planning and Land on the conditions provided to the City by their departments. The main aim of this communication would be to secure the City's acquisition of Lot 12223 at \$88,000 and at the same time convey the community's level of support for the three capital improvement projects for the local area. It is also recommended that the Chief Executive Officer liaises with the Commissioner for Main Roads WA regarding the support by Council and the community for the installation of traffic lights at the Walter Padbury Boulevard and Hepburn Avenue, Padbury intersection.

*It is therefore recommended that Council:*

- 1 NOTES the outcome of the community consultation process by the City supports the acquisition of Lot 12223 (12) Blackwattle Parade, Padbury;*
- 2 AUTHORISES the Chief Executive Officer to negotiate with the relevant State Government departments in order to secure the City's acquisition of Lot 12223 (12) Blackwattle Parade, Padbury at a cost of \$88,000;*
- 3 SUPPORTS the creation of a specific reserve account in the City's Trust Fund for community projects in the vicinity of Lot 12223 (12) Blackwattle Parade, Padbury in line with the definition of "Community Purposes" under District Planning Scheme No. 2;*
- 4 NOTES the level of support from the community consultation process for the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury, the upgrading to the existing landscaping along Hepburn Avenue and the upgrading of the infrastructure in Fernwood Park, Padbury.*

## **BACKGROUND**

Lot 12223 is a vacant Crown land site managed by City on behalf of State Government with the purpose detailed on the Management Order as being for 'Community Purposes'.

At the Council meeting held on 28 June 2011 (C22-06/11 refers), two petitions from residents were tabled with an accumulated total of 117 signatures. The petitions were similar in content and requested that the City address parking, traffic and pedestrian issues that have occurred since the opening of the St Stephen's Early Learning Centre (ELC) during February 2011.

St Stephen's ELC is based on Lot 12816 (9) Brookmount Ramble, Padbury (Attachment 3 refers).

The petitions requested that the City implement short term cost-effective initiatives to alleviate the local parking and vehicular movement issues. As a long term solution, the petitions detailed that a business case should be submitted to the DoL requesting that the City be allowed to acquire Lot 12223. Once the City owned the site in freehold, it could be rezoned to a commercial type zoning and sold. The sale proceeds could then be used to alleviate traffic congestion and improve community safety, security and amenities to this part of Padbury. The premise of this request was that the City would acquire Lot 12223 from the DoL at a concessional rate.

### Advice - The Department of Lands (DoL)

The City made contact with the DoL and it was agreed that the City could submit a business case requesting the acquisition of the site at a concessional rate. On receipt of the City's business case, the DoL gave its conditional support to the City's acquisition of the site at a cost of \$88,000 (excl GST). Community support was one of the conditions and that the proceeds from the sale of the site are to be placed in a trust account that on request by the DoL has an auditable trail available of how the funds have been used.

With regard to it assessing the community's support, the DoL required that Lot 12223 was required to be signposted to indicate the intended change of use, advertised in the local newspaper for a public comment period of 30 days and nearby landholders would need to be advised by mail. A summary of the public advertising undertaken would then need to be provided to the DoL, in order to demonstrate to the Minister of Lands the level of community support for the proposal.

A further condition was that the proposal requires the support of the DoP.

#### Advice - The Department of Planning

The City submitted a copy of the business case to the DoP and the advice received was that the DoP did not object to the sale of Lot 12223 to the City, noting that a right of carriageway over the existing driveway for the benefit of the adjacent shopping centre will be required.

A further condition determined that the proceeds from the sale of the site are to be placed in a reserve fund and used for community purposes as defined under DPS2, which is as follows:

***Community Purpose:*** means the use of premises designed or adapted primarily for the provision of education, social, cultural and recreational facilities and services by organisations involved in activities for community benefit.

The DoP advised that spending the proceeds to address parking, traffic and pedestrian issues in the area is not considered to be in accordance with the intent of the community purpose definition. With regard to this condition, the DoL advised that should the City wish to use the funds on parking, traffic and pedestrian issues, it will need to liaise with the DoP in order to obtain the removal of this condition to these uses before the acquisition can proceed.

With regard to the locality in which the sales proceeds can be applied, the DoP advised that it had no definite policy position on the definition of 'locality' but made the comment that if a community purpose site was developed on Lot 12223, it would have attracted residents from both the northern and southern side of Hepburn Avenue, Padbury.

At its meeting held on 24 June 2014 (CJ104-06/14 refers), Council resolved that it:

- "1 ACCEPTS in principle the Department of Lands offer to cancel Reserve 43717, Lot 12223 (12) Blackwattle Parade, Padbury and dispose of it to the City at a cost of \$88,000 (exclusive of GST) subject to the outcome of a 30-day public advertising period;
- 2 REQUESTS the Chief Executive Officer to pursue clarification from the Minister for Planning and the Minister for Lands regarding the conditions provided to the City on how the proceeds on the proposed disposal of the site should be utilised;
- 3 AUTHORISES the advertising of the proposal to purchase Reserve 43717 for 30 days in accordance with the Department of Lands requirements;
- 4 NOTES the preference for the proceeds of the sale of Lot 12223 (12) Blackwattle Parade, Padbury is to resolve traffic ingress/egress issues to Hepburn Heights by the installation of traffic lights at the junction of Walter Padbury Boulevard and Hepburn Avenue, Padbury."

With regard to part 2 above, prior to consulting with the Ministers for Planning and Land, the outcome of the community consultation was to be assessed.

## DETAILS

### Consultation

Consultation for the project was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol* for a 30-day period undertaken from 24 February 2015 to 26 March 2015.

The consultation was advertised through the following methods:

- Direct mail out to residents and owners living within a 500-metre radius of Lot 12223 included a cover letter, a frequently asked questions document and a comment form for return.
- Site signage - one sign was erected on the subject property for 30 days outlining the details of the consultation.
- Website - information and comment forms were available on the community consultation page of the City's website during the consultation period.
- A public notice providing information in two local community newspapers.
- Information on the proposal available at all City libraries and customer service centres.

The City collected a total of 199 responses over the 30-day advertised consultation period. Of those responses, 197 were deemed valid of which 92.4% of respondents lived within a 500-metre radius of the site.

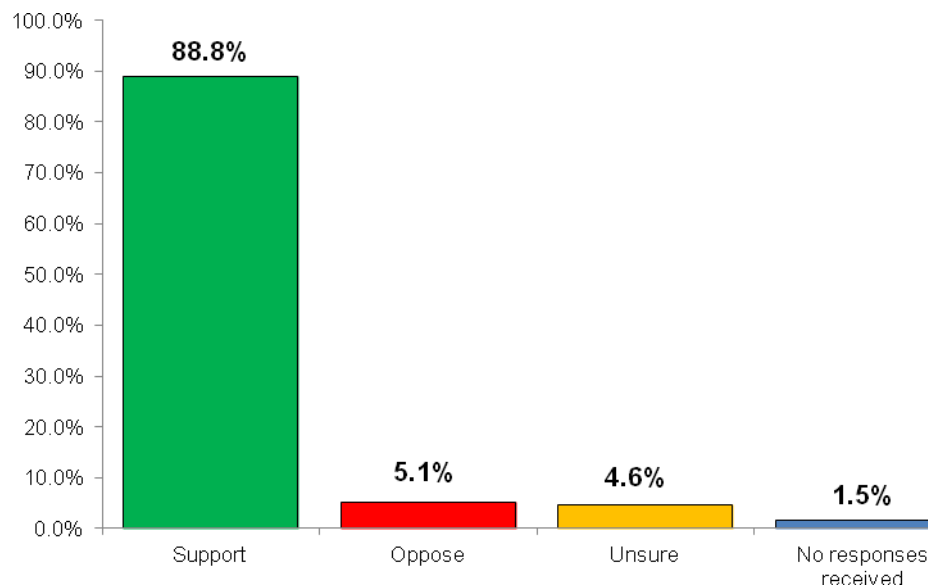
The response rate for the survey was 26.7%. A sample size of 199 households from a possible 744 responses achieves a confidence rating of 95% (that is, this result encompasses the true population 95% of the time) with a 6% margin of error. As such, the response rate achieved through the survey is considered statistically reliable.

A summary of the full consultation analysis report (Attachment 2 refers) is detailed below.

### Acquisition

From the 197 respondents, 175 residents (88.8%) supported the acquisition with ten (5.1%) opposing respondents. Lack of support for the acquisition by the ten respondents related to their opposition to the installation of traffic lights and three of the ten opposing respondents provided additional comments. These comments were that Lot 12223 should remain as bush; that the site's original purpose should remain; and that some parents of the children attending St Stephen's Primary School are not using the correct access/egress causing traffic issues at peak times.

**Figure 1 – Summary of the level of support that respondents had towards the proposal to acquire Lot 12223 from the State Government**



### Capital Improvement Projects

Respondents were asked to indicate whether they would be supportive of three potential capital improvement projects, should the acquisition of land be supported. The installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury was indicated as Council's preferred project as determined at its meeting held on 24 June 2014 (CJ104-06/14 refers). The consultation also offered the respondents an opportunity to provide their own suggested projects for consideration.

Information on the three projects and the results are detailed below:

Option Detailed	Support	Oppose	Unsure	No Response
<b>Option A:</b> Installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury to resolve ingress/egress traffic issues	144 (73.1%)	43 (21.8%)	6 (3.0%)	4 (2.0%)
<b>Option B:</b> Upgrade the existing landscape along Hepburn Avenue, Padbury	110 (55.8%)	42 (17.7%)	29 (14.7%)	23 (11.7%)
<b>Option C:</b> Upgrade the current infrastructure at Fernwood Park	92 (46.7%)	39 (19.8%)	43 (21.8%)	23 (11.7%)

The details of other projects and comments suggested by residents can be seen in Attachment 2 and were mainly related to traffic matters. Options suggested with support of comparative significance were the installation of a traffic island/roundabout at either the junction of Walter Padbury Boulevard and Hepburn Avenue, Padbury with 20 (12.9%) supporters, or Lilburne Road and Hepburn Avenue, Duncraig with 9 (5.8%) supporters.

Option A was the most supported project with commentary suggesting that the installation of traffic lights would ease the traffic congestion in the area. There were comments from 26 residents (16.8%) that suggested that traffic lights would worsen the traffic flow in the area, and believed it would be a waste of money considering traffic was only an issue during peak periods.

### **Issues and options considered**

The results indicated a significant level of support for the proposed acquisition of Lot 12223, though some concerns were raised regarding the future use of the site and the traffic and noise an alternative use would generate.

The main project supported by local residents is the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury. This project has a support rate of 73.1%, however, the use of the funds for this project does not have the support of the DoP. Additionally, the DoL has advised that if the funds from the proposed sale are intended for traffic, parking and pedestrian issues in the area, the DoP needs to withdraw its opposition before the acquisition can proceed.

An additional issue with regard to the installation of traffic lights is that MRWA considers traffic signals at this intersection are not appropriate in view of low traffic volume and low crash rate ranking on Walter Padbury Boulevard. MRWA advised that there are other nearby intersections such as Lilburne Road that may have a higher priority for treatment both from a road hierarchy point of view and access needs. MRWA suggests that the City considers developing its own strategic road network plans to provide balanced and effective transport operations aligned with future needs. MRWA's preference is for the City not to examine intersections in isolation but as part of a transport corridor plan.

Based on there being significant support the proposed acquisition and the installation of traffic lights at Walter Padbury Boulevard and Hepburn Avenue, Padbury, the options are:

- to petition the relevant state government agencies and ministers to allow the acquisition to proceed immediately with the community projects to be funded from the sale of the site to be approved at a later date
- to endeavour to proceed with the purchase of the site by petitioning the relevant state government agencies and ministers to concede to the community's and Council's preference to install traffic signals at the junction of Hepburn Avenue and Walter Padbury Boulevard, Padbury
- to proceed with the purchase of the site noting that any funds received by the City on the future sale of Lot 12223 can only be used for "Community Purposes" as defined by the City's *District Planning Scheme No. 2*. This action in order to meet the conditions imposed by the DoL and DoP recognising that traffic lights and possibly the upgrade of landscaping to Hepburn Avenue are not projects that necessarily can be achieved from the sale proceeds of Lot 12223  
or
- not to proceed with the acquisition of the site.

The acquisition itself has a high level of community support (88.8%). Based on the foregoing and the potential of the funds achieved from the sale being of great benefit to the local community, a course of action might be for the City to approach the DoL and the DoP to endeavour to ensure that it can secure the acquisition of the site. As detailed in part 2 of Council's resolution of 24 June 2014, the Chief Executive Officer could also liaise with the Ministers of Planning and Land in order to clarify the conditions that were provided to the City on how the proceeds of the sale of the site should be utilised.

If the acquisition can be secured, the City would have the opportunity to potentially negotiate with the relevant State Government agencies thereafter with regard to the projects that the community has supported.

### **Legislation**

The administration of Crown land is governed by *The Land Administration Act 1997* allowing the Minister for Lands to approve Crown land dealings.

Sections 3.58 and 3.59 of the *Local Government Act 1995*, together with the *Local Government (Functions and General) Regulations 1996* determine how a local government may dispose of property.

### **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**

*Sustainability Policy.*

### **Risk management considerations**

There is a risk that Council's and the community's preference for the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury may not proceed due to the position of the MRWA.

To secure the proposed acquisition of Lot 12223 the City will be required to meet DoP's condition that projects funded from the proceeds of the sale of the property, must meet the intent of the definition for "Community Purposes" detailed under District Planning Scheme No. 2.

Should the proposal progress and the City purchases Lot 12223, it is considered there is minimal risk where the DoP's support for the rezoning is concerned. The DoP is fully aware of the City's overall proposal and has provided its conditional support on the acquisition of the site.

### **Financial / budget implications**

The DoL has advised that should the proposal receive community support and Council recommends acquisition of the site, the purchase price of \$88,000 is required. This amount has been included in the 2014-15 budget to be funded from the Strategic Asset Management Reserve. The funds will be returned to the Reserve from the sales proceeds once the site is disposed of. The balance funds from the sale will then be allocated to a specific reserve account for community projects in the vicinity of Lot 12223 (12) Blackwattle Parade, Padbury in line with the definition of "Community Purposes" under DPS2.

There will be some acquisition costs related to this proposal for land surveying, a rezoning application, advertising fees, settlement fees and legal advice.

**Regional significance**

Not applicable.

**Sustainability implications**

Disposal of City land that was acquired for community purposes should not be undertaken without there being a nominated purpose. Council and petitioners local to the St. Stephen's ELC have indicated their preference for how the funds should be used. The DoP has conditioned its approval that the funds should be spent on community purposes that align with the City's definition of 'Community Purpose' under DPS2.

DPS2's community purpose definition highlights services that relate to '*education, social, cultural and recreational*', therefore the services proposed being accessible to all sectors of the community would be considered as being socially sustainable.

**Consultation**

Consultation for the project was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*.

The results of the community consultation that was undertaken from 24 February 2015 to 26 March 2015.

The full analysis of results can be viewed in Attachment 2. To be a valid response, the respondent must include their name and address on the survey form being returned to the City.

**COMMENT**

The result of the community consultation has indicated that there is high level of support for this acquisition. A level of support has also been provided for the three projects detailed in the information that was provided to residents within a 500-metre radius of Lot 12223 during the consultation period.

The preferred community project is for traffic lights to be installed at the junction of Walter Padbury Boulevard and Hepburn Avenue, Padbury. MRWA does not support this action and traffic lights cannot be installed without its support.

Advice from the DoL is that, should the City wish to apply the funds from the proposed sale of Lot 12223 for parking, traffic and pedestrian issues, the approval of the DoP for these types of uses will first be required before the acquisition occurs.

The options supported by the community in this report do not fully utilise the potential proceeds the City could receive from the future sale of the lot. Therefore it is recommended that the purchase of the lot proceeds and the use of the funds on projects, supported by the DoL and DoP be negotiated and confirmed at a later stage.

The most appropriate course of action which is in line with part 2 of Council's resolution of 24 June 2014 is for the Chief Executive Officer to contact the Ministers for Planning and Land to clarify their position on the conditions provided to the City.

## VOTING REQUIREMENTS

Simply Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the outcome of the community consultation process by the City supports the acquisition of Lot 12223 (12) Blackwattle Parade, Padbury;
- 2 AUTHORISES the Chief Executive Officer to negotiate with the relevant State Government departments in order to secure the City's acquisition of Lot 12223 (12) Blackwattle Parade, Padbury at a cost of \$88,000;
- 3 SUPPORTS the creation of a specific reserve account in the City's Trust Fund for community projects in the vicinity of Lot 12223 (12) Blackwattle Parade, Padbury in line with the definition of "Community Purposes" under *District Planning Scheme No. 2*;
- 4 NOTES the level of support from the community consultation process for the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury, the upgrading to the existing landscaping along Hepburn Avenue and the upgrading of the infrastructure in Fernwood Park, Padbury.

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

- 1 **NOTES the outcome of the community consultation process by the City supports the acquisition of Lot 12223 (12) Blackwattle Parade, Padbury;**
- 2 **AUTHORISES the Chief Executive Officer to negotiate with the relevant State Government departments in order to secure the City's acquisition of Lot 12223 (12) Blackwattle Parade, Padbury at a cost of \$88,000;**
- 3 **following acquisition of Lot 12223 (12) Blackwattle Parade, Padbury REQUESTS the Chief Executive Officer to submit a report to Council to amend the zoning from "Civic and Cultural" to a commercial type zoning in order to facilitate the site's eventual sale;**
- 4 **SUPPORTS the creation of a specific reserve account in the City's Trust Fund for community projects in the vicinity of Lot 12223 (12) Blackwattle Parade, Padbury in line with the definition of "Community Purposes" under *District Planning Scheme No. 2* in which the sale proceeds of Lot 12223 (12) Blackwattle Parade, Padbury are to be allocated to;**
- 5 **NOTES the level of support from the community consultation process for the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury, the upgrading to the existing landscaping along Hepburn Avenue and the upgrading of the infrastructure in Fernwood Park, Padbury;**

- 6 REQUESTS the Chief Executive Officer to develop an advocacy plan to gain support from the relevant State Government departments to use the funds from the sale of the land for Council and the community's preferred option to install traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.**

**The Motion was Put and**

**CARRIED (10/1)**

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

**Against the Motion:** Cr Chester.

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf120515.pdf](#)*

**C23-05/15****COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -  
[02154, 08122]**

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

**CJ062-05/15, CJ063-05/15, CJ065-05/15, CJ068-05/15, CJ069-05/15, CJ070-05/15, CJ071-05/15, CJ072-05/15, CJ073-05/15, CJ075-05/15, CJ077-05/15, CJ078-05/15, CJ079-05/15 and CJ081-05/15.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**REPORT OF THE CHIEF EXECUTIVE OFFICER****Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is a member of the Marmion Angling and Aquatic Club.

<b>Name/Position</b>	<b>Cr Geoff Amphlett, JP.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Amphlett is a member of the Marmion Angling and Aquatic Club.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is a member of the Marmion Angling and Aquatic Club which will benefit from the development of the car park.

<b>Name/Position</b>	<b>Cr Michael Norman.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is a member of the Marmion Angling and Aquatic Club and coordinator of Friends of Sorrento Beach (that has undertaken revegetation in this area).

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ083-05/15 - Tender 001/15 - Construction works required to alter and extend the City of Joondalup car park, Marmion Foreshore.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	An employee of consultant, M P Rogers is a relative of Mr Hunt.

## **CJ083-05/15      TENDER    001/15    -    CONSTRUCTION    WORKS REQUIRED TO ALTER AND EXTEND THE CITY OF JOONDALUP CAR PARK, MARMION FORESHORE**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104689, 101515
<b>ATTACHMENT</b>	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 alternative tender submitted by Ertech Pty Ltd for the construction works required to alter and extend the City of Joondalup car park located to the north of the Marmion Angling and Aquatic Club.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 28 March 2015 through statewide public notice for the construction works required to alter and extend the City of Joondalup car park located to the north of the Marmion Angling and Aquatic Club. Tenders closed on 21 April 2015. A submission was received from each of the following:

- Ertech Pty Ltd (conforming offer).
- Ertech Pty Ltd (alternative offer).
- Scott Construction & Development Pty Ltd.

The submission from Ertech Pty Ltd represents best value to the City. The company has extensive experience in completing similar projects for state and local governments including Yanchep (Brazier Road) construction for the City of Wanneroo and foreshore coastal defences construction for the City of Busselton. It demonstrated a thorough understanding of the City's requirements. Ertech Pty Ltd is well established with significant industry experience and the capacity to undertake the work for the City.

*It is therefore recommended that Council ACCEPTS the alternative tender submitted by Ertech Pty Ltd for the construction works required to alter and extend the City of Joondalup car park located to the north of the Marmion Angling and Aquatic Club as specified in Tender 001/15 for the fixed lump sum of \$2,103,877 (GST Exclusive) with practical completion of works within six months from possession of site.*

## **BACKGROUND**

The City has a requirement to engage an experienced and suitably resourced contractor for the construction works required to alter and extend the City car park located to the north of the Marmion Angling and Aquatic Club.

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 construction works required to alter and extend the City of Joondalup car park located to the north of the Marmion Angling and Aquatic Club was advertised through statewide public notice on 28 March 2015. The tender period was for three weeks and tenders closed on 21 April 2015.

### **Tender Submissions**

A submission was received from each of the following:

- Ertech Pty Ltd (conforming offer).
- Ertech Pty Ltd (alternative offer).
- Scott Construction & Development Pty Ltd.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

### **Evaluation Panel**

The evaluation panel comprised three members:

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

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

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 65%.

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

Qualitative Criteria		Weighting
1	Demonstrated Experience in Completing Similar Projects	40%
2	Demonstrated understanding of the required tasks	35%
3	Capacity	20%
4	Social and economic effects on the local community	5%

### Compliance Assessment

The following submissions were assessed as compliant:

- Ertech Pty Ltd (conforming offer).
- Ertech Pty Ltd (alternative offer).

The submission from Scott Construction & Development Pty Ltd was assessed as partially compliant. Scott Construction & Development did not fully address the selection criteria. The submission was included for further assessment on the basis that clarifications could be sought from Scott Construction & Development, if shortlisted for consideration.

### Qualitative Assessment

Scott Construction & Development Pty Ltd scored 33.7% in the qualitative assessment. The company demonstrated limited experience and the capacity required to carry out the works. Examples of works did not include piling contracts. However, it recently completed civil works including pavement and retaining walls for ATCO Australia, sub-division for LandCorp and Joondalup Drive widening for the City of Wanneroo. It demonstrated some understanding of the City's requirements. Safety, after-hours contacts for emergency requirements and the ability to provide additional personnel, if required were not addressed.

Ertech Pty Ltd (conforming and alternative offers) scored 78.7% in the qualitative assessment. The company demonstrated a thorough understanding of the City's requirements. It has extensive experience in completing similar projects for state and local governments. Numerous examples of works included Augusta boat harbour civil works construction for the Department of Transport, Yanchep (Brazier Road) construction for the City of Wanneroo and foreshore coastal defences construction for the City of Busselton. Ertech Pty Ltd is well established with significant industry experience and the capacity to undertake the work for the City.

Given the minimum acceptable qualitative score of 65%, Ertech Pty Ltd (conforming and alternative offers) qualified for stage two of the assessment.

### Price Assessment

The panel carried out a comparison of the lump sum prices offered by the shortlisted tenderer and other tenderers in order to assess value for money to the City.

Tenderer	Lump Sum Price (ex GST)
Ertech Pty Ltd (conforming offer)	\$2,103,877
Ertech Pty Ltd (alternative offer)	\$2,103,877

The above lump sum prices include a provisional sum of \$59,000 that may be required for signage, landscaping, in ground services (hydraulics), security - installation of conduits for possible future CCTV installation, excavation of rock and timber stair from car deck to beach.

### Evaluation Summary

Tenderer	Fixed Lump Sum	Weighted Percentage Score
Ertech Pty Ltd (conforming offer)	\$2,103,877	78.7%
Ertech Pty Ltd (alternative offer)	\$2,103,877	78.7%
Scott Construction & Development Pty Ltd	Failed to meet the acceptable score (Tendered fixed lump sum price was \$2,438,259)	33.7%

Ertech Pty Ltd was shortlisted for further detailed assessment of both its conforming and alternative offers.

Ertech Pty Ltd's alternative offer is for a construction system that will reduce considerably the temporary problems / inconveniences (caused by construction equipment occupying part of West Coast Drive as part of the conforming offer) with pedestrian and vehicular traffic flow on West Coast Drive.

The City sought clarifications and advice from the City's consultant (structural engineer) on the soil nail construction details in Ertech's alternative offer. It was confirmed as an acceptable method of construction.

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

### Issues and options considered

The City has a requirement for the construction works required to alter and extend the City of Joondalup car park located to the north of the Marmion Angling and Aquatic Club. 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

<b>Legislation</b>	A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i> , 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.
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### Strategic Community Plan

<b>Key theme</b>	Community Wellbeing.
<b>Objective</b>	Quality facilities.
<b>Strategic initiative</b>	Support a long-term approach to significant facility upgrades and improvements.
<b>Policy</b>	Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City will not be able to commence construction works on time for state funding.

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>	MPP 2027
<b>Budget Item</b>	Alter and extend the City of Joondalup car park located to the north of the Marmion Angling and Aquatic Club.
<b>Budget amount</b>	\$ 2,400,000
<b>Amount spent to date</b>	\$ 124,587
<b>Commitments</b>	\$ 7,634
<b>Proposed cost</b>	\$ 2,103,877
<b>Balance</b>	\$ 163,902

All amounts quoted in this Report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The City commissioned the Marmion Angling and Aquatic Club Coastal (MAAC) Hazard Risk Management and Adaptation Plan through M.P. Rodgers to investigate specific coastal hazards and risks associated with the proposed Marmion Foreshore Parking and provide guidance on the appropriate management and adaptation for the land associated with the redevelopment. The report recommended that the car park should not extend further seaward than its current location, that a coastal monitoring program is implemented and that a seawall be constructed should monitoring provide evidence of an unacceptable increase in the current risk of beach erosion. The car park has been designed to accommodate the recommendations and a copy of the MAAC Coastal Hazard Risk Management and Adaptation Plan has been forwarded to the Department of Planning for its consideration and comments.

### **Consultation**

The City has consulted with MAAC representatives and the Department of Planning and prepared a notification of works including a letter and FAQ sheet that will be distributed to residents within a 200 metre radius of the works.

### **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 Ertech Pty Ltd represents best value to the City.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Fishwick, SECONDED Mayor Pickard that Council ACCEPTS the alternative tender submitted by Ertech Pty Ltd for the construction works required to alter and extend the City of Joondalup car park located to the north of the Marmion Angling and Aquatic Club as specified in Tender 001/15 for the fixed lump sum of \$2,103,877 (GST Exclusive) with practical completion of works within six months from possession of site.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf120515.pdf](#)*

## **C24-05/15                      PROPOSAL FOR LEVYING DIFFERENTIAL RATES FOR THE 2015-16 FINANCIAL YEAR**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104673, 101515
<b>ATTACHMENTS</b>	Attachment 1      Objects of and reasons for proposed differential rates for the 2015-16 financial year
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider a proposal for the setting of differential rates for the draft Budget for the 2015-16 Financial Year.

### **EXECUTIVE SUMMARY**

As part of the process for the 2015-16 budget it is proposed to continue to apply differential rating introduced in 2008-09. In accordance with section 6.36 of the *Local Government Act 1995* Council is required to determine the differential rates to be advertised prior to consideration of the budget.

It is recommended that the proposed differential rates be advertised and public submissions, sought in accordance with section 6.36 of the *Local Government Act 1995* (the Act).

### **BACKGROUND**

To set the rates for its budget, Council determines the total rate revenue it needs, in accordance with section 6.2 of the Act, and sets a rate in the dollar that will generate that revenue. The individual property valuations determine what proportion of the total rate requirements are met by each property owner. This proportion will change when a valuation changes.

Differential rates were first introduced in 2008-09 to maintain the distribution of the rate burden between the classes of residential, commercial and industrial property following a revaluation. The relativities between the differentials have been adjusted at subsequent revaluations in 2011-12 and 2014-15.

In addition to a differential between classes of property the City has applied a differential between improved and vacant land within each of the classes of residential, commercial and industrial property. The City is keen to promote and encourage the development of vacant land. This can be done through a number of positive initiatives and in this regard the City makes a significant contribution to encourage and promote economic development. It can

also be done by actively discouraging the holding of vacant and undeveloped land. In respect of the latter a higher differential rate imposed on vacant land than the rate applicable for improved land acts as an inducement to develop vacant land.

## DETAILS

### Differential Rates

Section 6.33 of the Act makes provision for the City to be able to levy differentials based on a number of criteria.

- “(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
  - (b) a purpose for which the land is held or used as determined by the local government; or*
  - (c) whether or not the land is vacant land; or*
  - (d) any other characteristic or combination of characteristics prescribed.”*

Section 6.33 of the Act also permits Council to levy differentials such that the highest is no more than twice the lowest differential. A greater difference in differentials may be used but requires Ministerial approval.

### **Issues and options considered**

There is no general property revaluation applicable in 2015-16 and there are several broad approaches for how the City might apply an increase in rates for the 2015-16 Budget.

### Rate in the Dollar

There are three options for determining how the rate in the dollar may be set.

### Option One – Do not Differentially Rate and Revert to a General Rate

The differential rate was introduced in 2008-09 to compensate for the distortions caused by higher residential property valuation increases compared to commercial and industrial property valuations. These relativities have been adjusted at subsequent revaluations.

The differentials for commercial and industrial property have been maintained at a higher level than the residential differential rate and reverting back to a general rate would significantly increase the rate burden falling on residential property owners with a reduction to commercial and industrial property owners.

This option is not recommended.

### Option Two – Apply a Differential Rate as a Percentage Based on the Differentials Set in 2014-15

While there has been no change in legislative requirements impacting on the application of differential rating in the City of Joondalup and no general revaluation to apply in 2015-16 it is suggested that the differentials for vacant property need to be reconsidered. While the differential for vacant commercial and industrial property has been twice the lowest differential to discourage the holding of property in a vacant or undeveloped state the differential for vacant residential property has been set at less than twice the lowest differential.

In view of this it is suggested that applying a general percentage increase across all differentials based on those set in 2014-15 is not the most appropriate course.

This option is not recommended.

### Option Three – Apply a Differential Rate but Re-assess What They Should Be

The original driver for setting a differential rate was firstly to maintain the proportion of rate revenue derived from each of residential, commercial and industrial property. Secondly applying a higher differential rate for vacant property was introduced to discourage the holding of vacant or undeveloped property.

The differential for commercial and industrial vacant property that has been applied for a number of years has been set at a rate twice the lowest differential rate that applies to residential improved property.

When differential rating was implemented in 2008-09 residential vacant property was rated the same as residential improved property. A change to apply a higher rate for residential vacant property was introduced in 2011-12 when the valuation method for vacant property was changed. The differential applied however was less than double the lowest differential rate that has been applied to commercial and industrial vacant property.

With the intention of discouraging the holding of property in a vacant or undeveloped state it is reasonable to expect that residential vacant property should be treated in the same way as vacant commercial and industrial property.

It is proposed therefore to increase the differential rate for residential vacant property to twice the lowest differential rate, to be at the same level as that of commercial and industrial vacant property.

This option is recommended.

### Minimum Payments

The Act provides that a local government may set a minimum payment for rates. That is regardless of the result of the rate calculation determined by multiplying the rate in the dollar by the valuation, no property should be assessed for rates at an amount below the minimum payment. The rate in the dollar and minimum payment will together determine the minimum property valuation, below which the property will be subject to the minimum payment.

The Act does not provide any guidance as to what is an appropriate value for the minimum payment or how it might be determined. In essence it is whatever the local government may determine. The general philosophy is that every ratepayer should make a reasonable contribution to the services and facilities that a local government provides. There is no

requirement for the local government to justify or substantiate the minimum payment although there is a statutory limit prohibiting a minimum being set so high that more than 50% of properties in each differential rating category would be on the minimum. The percentage of properties in the City of Joondalup on the minimum in 2014-15 is well below this threshold in each differential rating category.

There are two options.

#### Option Four – Re-Assess the Setting of Minimum Payments

The minimum payment that the City has been applying each year has not been based on any formula or criteria but simply represents what the City has determined is reasonable as a minimum payment.

By way of comparison in the table below for the current 2014-15 financial year, the City's minimum payment for residential improved of \$797 is middle of the road compared to eight of the larger metropolitan local governments by population.

<b>Local Government</b>	<b>Residential Improved Minimum Payment 2014-15 \$</b>
City of Cockburn	683
City of Stirling	790
City of Joondalup	797
City of Swan	845
City of Gosnells	875
City of Rockingham	949
*City of Melville	1,160
*City of Wanneroo	1,205

*\*Minimum rate includes rubbish charge*

In the absence of any specific guidelines and given that the City of Joondalup's minimum payment is well within industry norms the option of re-assessing the setting of minimum payments is not recommended.

#### Option Five – Apply Increases in Line with the Increases in Rates

It is considered that applying increases to the minimum payment that is in line with the respective increases in the rate in the dollar provides the most consistent and equitable approach. It is suggested however that if the recommendation to increase the differential for vacant residential property to the equivalent of the differential for vacant commercial and industrial property is accepted then vacant residential property should also have the same minimum as vacant commercial and industrial property.

This option is recommended.

#### Draft 2015-16 Budget Rate Revenue Requirement

The draft 2015-16 Budget is in the final stages of preparation. Workshops have been held with Elected Members and a draft overall position considered. A summary of the overall position is set out below:

**Current draft 2015-16 Budget Position**

Operating Revenue (excluding General Rates)	\$49.792m
Plus Capital Revenue	\$17.043m
Plus Operating Adjustments for Depreciation etc	\$27.767m
Plus Net Funding and Transfers	<u>\$14.347m</u>
	\$108.949m
Less Operating Expenditure	(\$150.098m)
Less Capital Expenditure	<u>(\$ 51.376m)</u>
	(\$92.525m)
Plus Surplus Brought Forward (estimated)	\$ 0.990m
Less Surplus Carried Forward	<u>(\$ 0.000m)</u>
Rate Setting Statement Deficit to be made up from General Rates	(\$91.535m)

This represents an overall Rate Increase of 3.9%.

It is recommended that the City base its rate in the dollar on option three and its minimum payment on option five with rates applying to each property category based on the following criteria:

- That differential rates apply to residential, commercial and industrial improved property based on 3.9% compared to 2014-15.
- That the differential rate applied to vacant residential property be increased to twice the lowest differential rate similar to the differentials applying to commercial and industrial vacant property.
- That the differential rate on commercial and industrial vacant property continue to be set at twice the lowest differential rate.
- An increase in the minimum payment for all residential, rural, commercial and industrial property of 3.9% in line with the overall City rate increase except for the minimum for residential vacant property which is to be the same as that for commercial and industrial vacant property.

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

Section 6.33 of the *Local Government Act 1995* sets out the provisions in relation to differential rating. The City is able to apply separate rates in the dollar for different categories of properties based on zoning, land use, whether they are improved or unimproved and any other characteristic or combinations of characteristics prescribed.

Section 6.36 of the Act requires that if the City is going to apply differential rating it must advertise the differentials it intends to apply with local public notice for a minimum 21 days and invite submissions in relation to the proposed differentials. A document is required to be made available for inspection by electors and ratepayers that describes the objects of, and reasons for, each proposed rate and minimum payment (Attachment 1 refers). The City is then required to consider any submissions received and may make a final resolution in relation to the setting of the rates in the dollar and the adoption of the budget.

**Strategic Community Plan**

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

**Risk management considerations**

Provided the statutory provisions are complied with there are no risk management issues for applying a differential rate.

**Financial/budget implications**

The application of differential rating is about apportioning the rate revenue that is required between different categories of property. There are no budget implications from just applying differential rating. The City could derive exactly the same total revenue by applying a general rate to all categories of property. The intention with proposing a differential rate however is to maintain the general proportion of rate revenue derived from each category of residential, commercial and industrial property.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The proposed differential rating has been discussed at budget workshops by Elected Members and the Executive Management Team. The recommendations of this report reflect the feedback from those discussions.

The proposed differential rates are required to be advertised and public submissions sought. An advertisement will be placed in *The West Australian*, local newspapers as well as notice boards and the website for 21 days.

**COMMENT**

The differential rates and minimum payments that have been recommended will deliver an overall rate increase of 3.9% except for residential vacant property where the differential is increasing to twice the lowest differential. This is in line with feedback from the Budget Workshops held to date.

The various differential rates and minimum payments maintains the City's historical approach to apportioning the rate burden between the respective categories of residential, commercial and industrial as well as between vacant and developed residential, commercial and industrial property.

The recommendation relates only to undertaking the prescribed advertising for public submissions on the proposed differential rates and minimum payments. Adopting the recommendation does not commit the Council to the differential rates and minimum payments proposed. Council is required to consider any public submissions received, prior to making its final determination. Adopting the recommendation also does not represent any commitment in relation to the adoption of the 2015-16 Budget.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 APPLIES differential rates for the draft Budget for the 2015-16 Financial Year;**
- 2 ADVERTISES in accordance with section 6.36 of the *Local Government Act 1995* for public submissions on the proposed differential rates as set out in the table below and makes available to the public Attachment 1 to Report C24-05/15 setting out the objects and reasons for the differential rates:**

	Rate in \$	Minimum Payment
<b>General Rate - GRV</b>		\$
Residential Improved	0.051849	828
Residential Vacant	0.103698	846
Commercial Improved	0.063443	846
Commercial Vacant	0.103698	846
Industrial Improved	0.058035	846
Industrial Vacant	0.103698	846
<b>General Rate - UV</b>		
Residential	0.009432	828
Rural	0.009386	828

- 3 REQUESTS a further report be presented to Council to consider:**
  - 3.1 any public submissions in relation to the proposed differential rates;**
  - 3.2 the adoption of the Budget for the 2015-16 Financial Year after the close of public submissions.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18min190515.pdf](#)

**URGENT BUSINESS**

Nil.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 7.57pm the following Elected Members being present at that time:

MAYOR TROY PICKARD  
CR KERRY HOLLYWOOD  
CR TOM McLEAN, JP  
CR PHILIPPA TAYLOR  
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