

# agenda

## Briefing Session

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

**ON TUESDAY 10 MAY 2016**

**COMMENCING AT 6.30pm**

**GARRY HUNT**  
Chief Executive Officer  
6 May 2016

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

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on **Monday 9 May 2016**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## BRIEFING SESSIONS

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

### INTRODUCTION

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

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

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

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

### PURPOSE OF BRIEFING SESSIONS

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

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

### PROCEDURES FOR BRIEFING SESSIONS

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

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

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

### Questions asked verbally

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

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

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

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

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

#### **DISCLAIMER**

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

## PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

## PROCEDURES FOR DEPUTATIONS

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

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

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

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

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

[Additional Information160510.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 10 May 2016** commencing at **6.30 pm**.

### ORDER OF BUSINESS

#### 1 OPEN AND WELCOME

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

#### 3 DEPUTATIONS

#### 4 PUBLIC QUESTION TIME

#### 5 PUBLIC STATEMENT TIME

The following statement was made at the Briefing Session held on 12 April 2016.

**Mr R Repke, Kallaroo:**

*Re: Item 13 – Status Report on City Freehold Properties Proposed for Disposal and a Proposed Crown Land Acquisition.*

Mr Repke expressed his appreciation at the proposed retention of the tuart tree on Lot 23 (77) Gibson Avenue, Padbury by the intended purchaser of the site.

#### 6 APOLOGIES AND LEAVE OF ABSENCE

##### Leave of Absence Previously Approved:

|                      |                                    |
|----------------------|------------------------------------|
| Cr Russ Fishwick, JP | 26 April to 6 June 2016 inclusive; |
| Cr Nige Jones        | 7 June to 9 June 2016 inclusive.   |

## 7 REPORTS

### ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – MARCH 2016

|                               |  |  |  |
|-------------------------------|--|--|--|
| <b>WARD</b>                   | All  |  |  |
| <b>RESPONSIBLE DIRECTOR</b>   | Ms Dale Page<br>Planning and Community Development   |  |  |
| <b>FILE NUMBER</b>            | 07032, 101515  |  |  |
| <b>ATTACHMENT</b>             | Attachment 1   | Monthly Development Applications Determined – March 2016 |  |
|                               | Attachment 2   | Monthly Subdivision Applications Processed – March 2016  |  |
| <b>AUTHORITY / DISCRETION</b> | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). |  |  |

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority during March 2016.

#### EXECUTIVE SUMMARY

Schedule 2 (deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide for Council to delegate powers under a local planning scheme to the Chief Executive Officer (CEO), who in turn has delegated them to employees of the City.

The purpose of delegating certain powers to the CEO and officers is to facilitate the timely processing of development and subdivision applications. The framework for the delegations of those powers is set out in resolutions by Council and is reviewed every two years, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during March 2016 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during March 2016 (Attachment 2 refers).

#### BACKGROUND

Schedule 2 clause 82 (deemed provisions for local planning schemes) of the Regulations enables Council to delegate powers under a local planning scheme to the CEO, and for the CEO to then delegate powers to individual employees.

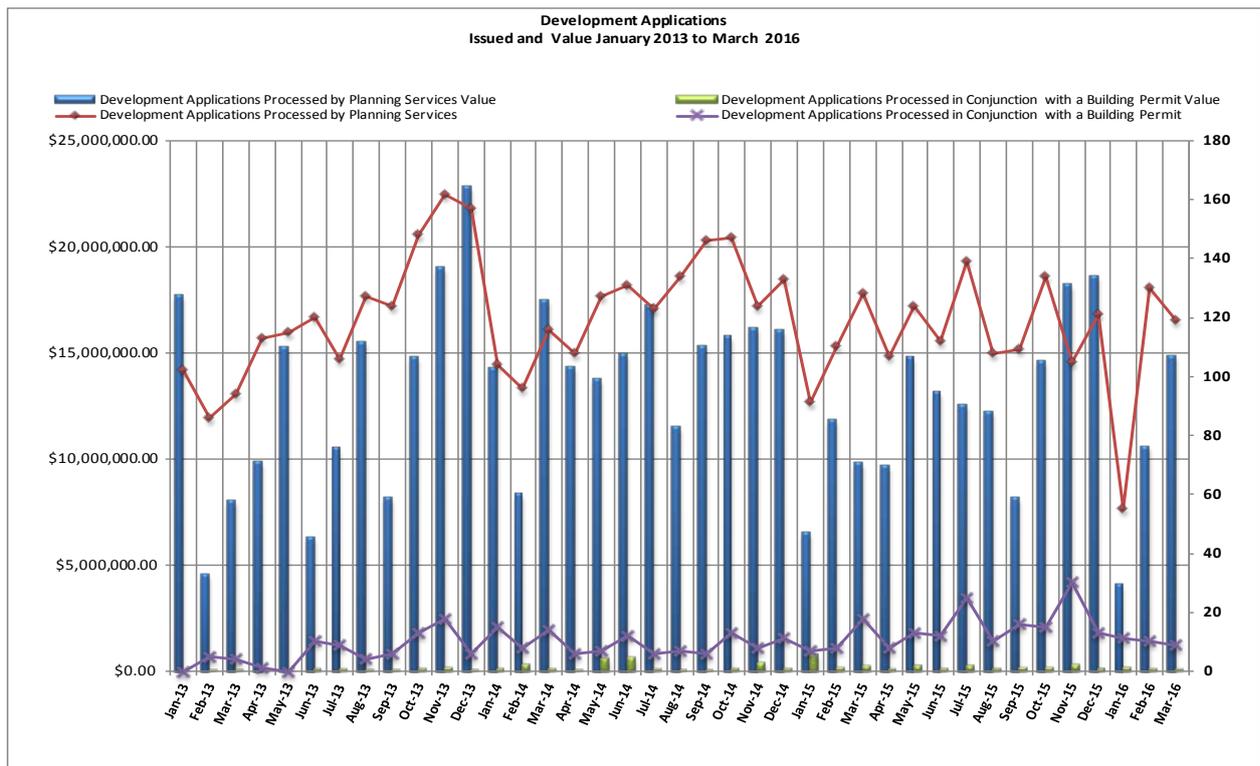
At its meeting held on 6 October 2015 (CJ167-10/15 refers), Council considered and adopted the most recent Town Planning Delegations, necessitated by the Regulations taking effect from 19 October 2015.

**DETAILS**

The number of development applications determined under delegated authority during March 2016 is shown in the table below:

| Development Applications determined under delegated authority – March 2016 |            |                      |
|--|------------|----------------------|
| Type of Application  | Number     | Value (\$)           |
| Development applications processed by Planning Services                    | 119        | \$ 14,846,272        |
| Development applications processed by Building Services                    | 9          | \$74,536             |
| <b>TOTAL</b>   | <b>128</b> | <b>\$ 14,920,808</b> |

The total number and value of development applications determined between January 2013 and March 2016 is illustrated in the graph below:



The number of development applications received during March was 123. (This figure does not include any development applications to be processed by building as part of the building permit approval process).

The number of development applications current at the end of March was 257. Of these, 62 were pending additional information from applicants and seven were being advertised for public comment.

In addition to the above, 242 building permits were issued during the month of March with an estimated construction value of \$32,908,949.

The number of subdivision and strata subdivision referrals processed under delegated authority during March 2016 is shown in the table below:

| <b>Subdivision referrals processed under delegated authority<br/>for March 2016</b> |               |  |
|---|---------------|--|
| <b>Type of referral</b>   | <b>Number</b> | <b>Potential additional<br/>new lots</b> |
| Subdivision applications  | 1             | 1  |
| 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. Planning and Development (Local Planning Schemes) Regulations 2015.*

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

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

Schedule 2 clause 82 of the Regulations permits the local government to delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties. Development applications were determined in accordance with the delegations made under Schedule 2 clause 82 of the Regulations.

All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

### **Risk management considerations**

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

**Financial / budget implications**

A total of 128 development applications were determined for the month of March with a total amount of \$57,896 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 Development applications described in Attachment 1 to this Report during March 2016;**
- 2 Subdivision applications described in Attachment 2 to this Report during March 2016.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf160510.pdf](#)

## **ITEM 2                    EXISTING DISPLAY VILLAGE LOCATED OVER VARIOUS LOTS IN ROMANO CRESCENT AND O'MARA BOULEVARD, ILUKA**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | North   |
| <b>RESPONSIBLE DIRECTOR</b>   | Ms Dale Page<br>Planning and Community Development  |
| <b>FILE NUMBER</b>            | 103779  |
| <b>ATTACHMENTS</b>            | Attachment 1    Location plan<br>Attachment 2    Development plan<br>Attachment 3    Consultation map   |
| <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 a new development approval for an existing display village located over various lots in Romano Crescent and O'Mara Boulevard, Iluka.

### **EXECUTIVE SUMMARY**

An application for a new development approval has been received for an existing display village. The village comprises of a 'Land Sales Office' on Lot 1733 (3) Romano Crescent, and five 'Display Home' sites on Lots 1613 (23), 1614 (21), 1616 (17), 1617 (15) and 1812 (10) Romano Crescent, Iluka. Car parking facilities for the 'Land Sales Office' and each 'Display Home' are also located on Lot 1600 (1) Romano Crescent and Lot 1601 (47) O'Mara Boulevard (Attachment 1 refers).

Previous approvals for each 'Display Home' and for the 'Land Sales Office' have lapsed and the applicant is now seeking a new development approval for the display village (including the associated car parking) for three years, until 19 April 2019.

The sites are zoned 'Urban Development' under the *City of Joondalup District Planning Scheme No. 2* (DPS2), and are subject to the requirements of the *Iluka Structure Plan*. Under the structure plan the sites are within the 'Residential' zone, with a residential density code of R20. The car park is considered incidental to land uses 'Land Sales Office' and 'Display Home' which are permitted ("P") uses within the 'Residential' zone.

Under DPS2 any car park is to provide a minimum area of 8% landscaping, a landscaping strip of at least three metres in width along all street boundaries, and one shade tree for every four car parking bays. The existing car park provides no on-site landscaping, and as such requires determination by Council.

Given the car parks are temporary and landscaping of the street verges abutting Romano Crescent and O'Mara Boulevard, Iluka are to be improved the reduced on-site landscaping is not considered to be detrimental to the amenity of the locality.

DPS2 requires five on-site car parking bays for a 'Land Sales Office' and each 'Display Home'. No car parking bays are to be provided on-site for the 'Land Sales Office' and each 'Display Home', with car parking provided on Lot 1600 (1) Romano Crescent and Lot 1601 (47) O'Mara Boulevard, Iluka. The technical on-site shortfall is considered appropriate given the car parking arrangement does not impact on the operation of the land sales office or display homes given it abuts the car parking site, and the car parking being provided on a separate lot provides an improved streetscape appearance for the land sales office and display homes.

It is recommended that the application for development approval for the display village be approved, subject to conditions.

## BACKGROUND

|                        |  |
|------------------------|--|
| <b>Suburb/Location</b> | Lots 1600 (1), 1613 (23), 1614 (21), 1616 (17), 1617 (15), 1733 (3) and 1812 (10) Romano Crescent, Iluka.<br>Lot 1601 (47) O'Mara Boulevard, Iluka.  |
| <b>Applicant Owner</b> | Roberts Day.<br>Roman Catholic Archbishop of Victoria Square, Perth and Davidson Pty Ltd, J-Corp Pty Ltd, Jennifer Joan Felt, Hamed Sharafizad, Arthur and Iva Trandos, Elio Galante, Barry Hegarty. |
| <b>Zoning</b>          | <b>DPS:</b> Urban Development.<br><b>MRS:</b> Urban.   |
| <b>Site area</b>       | The lots vary in size from 600m <sup>2</sup> to 650m <sup>2</sup> .  |
| <b>Structure plan</b>  | <i>Iluka Structure Plan.</i>   |

The subject sites are located in a developed residential area on Romano Crescent and O'Mara Boulevard, Iluka (Attachment 1 refers).

The sites are zoned 'Urban Development' under DPS2, and are subject to the requirements of the *Iluka Structure Plan*. Under the structure plan the sites are within the 'Residential' zone, with a residential density code of R20. The car parks are considered incidental to the 'Land Sales Office' and 'Display Home' which are permitted ("P") uses within the 'Residential' zone.

Individual development approvals for the original 12 display homes on Romano Crescent, serviced by the temporary car parks and 'Land Sales Office', have now lapsed. Seven of these display homes are now considered private residences. The remaining five display homes intend to remain operational and are located on Lots 1613 (23), 1614 (21), 1616 (17), 1617 (15) and 1812 (10) Romano Crescent, Iluka (Attachment 1 refers).

Development approval for the 'Land Sales Office' and associated temporary car parking has also lapsed. The temporary car park constructed on Lots 1602 and 1603 (45 and 43) O'Mara Boulevard, Iluka is no longer required due to the reduction in the number of display homes and does not form part of this development application (Attachments 1 and 2 refer). The developer is in the process of removing this car park.

## DETAILS

This application seeks approval for the existing 'Land Sales Office' at Lot 1733 (3) Romano Crescent, and each 'Display Home' on Lots 1613 (23), 1614 (21), 1616 (17), 1617 (15), 1812 (10) Romano Crescent, Iluka. This includes the associated car parking on Lot 1600 (1) Romano Crescent and Lot 1601 (47) O'Mara Boulevard, Iluka.

The car park on Lot 1600 (1) Romano Crescent and Lot 1601 (47) O'Mara Boulevard, Iluka provides a total of 43 bays, inclusive of one disabled car bay, and is intended to service the land sales office on Lot 1733 (3) Romano Crescent, Iluka and five existing display homes on various lots on Romano Crescent (Attachments 1 and 2 refer).

This application also includes upgrading the car park through the installation of new lockable gates, extension of the wooden bollards to further restrict access to the car park, and new verge landscaping.

Access to the car parks will be restricted and managed to prevent misuse outside operating hours of the land sales office and display homes, being from 1.00pm to 5.00pm on Monday, Wednesday, Saturday and Sunday only.

The applicant is seeking development approval for three years, after which time the land sales office and display homes will be required to cease operation and the car park removed, if a new approval has not been issued by that time.

### Car parking

In accordance with DPS2, five on-site car parking bays are required for a 'Land Sales Office' and five on-site car parking bays are required for each 'Display Home', with a total of 30 bays required for this display village. A total of 43 car parking bays are provided on Lots 1600 (1) Romano Crescent and 1601 (47) O'Mara Boulevard, Iluka to service the display village, being an overall surplus of 13 car bays. It is considered however that as no car parking for these land uses is available on the individual 'Land Sales Office' and 'Display Home' lots there is a technical shortfall of five on-site car parking bays for each lot.

### Landscaping

The car park does not meet the requirements of DPS2 with regard to the landscaping on-site. Under DPS2 any car park is to be provided with a minimum area of 8% landscaping, a three metre wide landscape strip adjacent to street boundaries, and one shade tree for every four car parking bays. The car park provides no on-site landscaping, however landscaping of the adjacent verge areas abutting O'Mara Boulevard and Romano Crescent will be improved through this application.

### **Issues and options considered**

Council must consider whether the landscaping for the car park, and the technical on-site car parking shortfall for the 'Land Sales Office' and each 'Display Home' are appropriate in consideration of the provisions of DPS2.

Council may determine an application for development approval by:

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

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

|                                 |  |
|---------------------------------|--|
| <b>Legislation</b>              | <i>City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).</i>   |
| <b>Strategic Community Plan</b> |  |
| <b>Key theme</b>                | Quality Urban Environment.<br>Governance and Leadership.   |
| <b>Objective</b>                | Quality built outcomes.<br>Corporate capacity.   |
| <b>Strategic initiative</b>     | Buildings and landscaping is suitable for the immediate environment and reflect community values.<br>Continuously strive to improve performance and service delivery across all corporate functions. |
| <b>Policy</b>                   | Not applicable.  |

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

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

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

- 4.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 64 of the deemed provisions and*
  - (b) have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and*

- (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

#### 4.8 CAR PARKING STANDARDS

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

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

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

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

*In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development of the subject of the application —*

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*

- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, maneuvering and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*

- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

### **Risk management considerations**

The applicant has a right to seek a review of any planning decision made under the *Planning and Development Act 2005* and the *State Administrative Tribunal Act 2004*.

### **Financial / budget implications**

The applicant has paid fees of \$147 (excluding GST) in accordance with the City's Schedule of Fees and Charges for the assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The application was advertised for a period of 14 days, from 24 November to 8 December 2015. Consultation was undertaken in the following manner:

- A letter outlining the nature of the proposal was sent to land owners of 10 neighbouring properties and one occupant of property who is not an owner (Attachment 4 refers).
- Details of the application including development plans were made available on the City's website.
- Development plans and submission documentation were made available at the City's administration building.

Two submissions were received, both being objections.

The concerns raised from the submissions were in relation to the misuse and mismanagement of the car parks, and are summarised as follows:

- Car parks are seldom used for their purpose, being used for general car parking at all hours, including being used by tradesmen, learner drivers, buses and youths for skateboarding.
- Occurrences of anti-social behaviour including vandalism by hoon drivers and youths.
- The car park is in disrepair with the gates continuously broken.

## COMMENT

### Land use

The car park is considered incidental to and part of the land uses 'Land Sales Office' and 'Display Home'.

Under the *Iluka Structure Plan*, land use permissibility is as per the 'Residential' zone under DPS2. 'Land Sales Office' and 'Display Home' are permitted ("P") land uses within the zone, and therefore the associated car park is considered appropriate.

### Car park

The car park on Lots 1600 (1) Romano Crescent and 1601 (47) O'Mara Boulevard, Iluka provides adequate parking to service the 'Land Sales Office' and five display homes in the immediate locality.

While no landscaping has been provided within the boundaries of the temporary car parks and the landscaping requirements of DPS2 are not being met, the applicant will be improving the current verge landscaping abutting Romano Crescent and O'Mara Boulevard, Iluka which will positively contribute to the streetscape.

Furthermore, given the temporary nature of the car parks any established landscaping would be required to be removed at the expiration of the approval, unless further approval is sought.

Should the application be approved, a condition of approval is recommended that detailed landscaping plans be provided to the City for approval within 14 days of the date of the decision letter, with landscaping to be installed within 30 days of the approval of the landscaping plan.

### Response to submissions

The concerns raised from submissions were in relation to the misuse and mismanagement of the car parks.

The applicant and owner have been notified of the broken gate, and are required to replace the gate with a suitable barrier to restrict access outside operating hours. The new gate shall be in working order and secured outside of the operating hours of the 'Land Sales Office' to prevent access. To reinforce this, should the application be approved a condition of approval is recommended requiring access to the car parks to be restricted outside of the car park opening hours, being 1.00pm to 5.00pm on Monday, Wednesday, Saturday and Sunday only.

The development application only includes the 'Land Sales Office', five display homes and associated temporary car parking on Lot 1600 (1) Romano Crescent and Lot 1601 (47) O'Mara Boulevard, Iluka. The excess car parking over Lots 1602 (45) and 1603 (43) O'Mara Boulevard, Iluka is no longer required and the developer is in the process of removing this car park.

The City has not received any complaints regarding anti-social behaviour occurring within the car park.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **APPROVES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval submitted by Roberts Day on behalf of the owners, Roman Catholic Archbishop of Victoria Square, Perth and Davidson Pty Ltd for 'Land Sale Office' on Lot 1733 (3) and 'Display Homes' and associated car park on Lots 1600 (1), 1613 (23), 1614 (21), 1616 (17), 1617 (15), and 1812 (10) Romano Crescent, and Lot 1601 (47) O'Mara Boulevard, Iluka, subject to the following conditions:
  - 1.1 The approval period for the 'Land Sales Office' and 'Display Home' is limited to 19 April 2019 in accordance with clause 72 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - 1.2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
  - 1.3 The car parking bays, driveways and access points shown on the approved plans are to be maintained in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002) to the satisfaction of the City;
  - 1.4 The opening hours for the 'Land Sales Office' and 'Display Home' are from 1.00pm to 5.00pm on Monday, Wednesday, Saturday and Sunday only;
  - 1.5 Access to the car park shall be restricted through a mechanism which prevents access at all times outside of the opening hours set out under condition 1.4;
  - 1.6 Detailed landscaping plan(s) shall be submitted to the City within 14 days of the date of the decision letter. These landscaping plans are to indicate the landscaping treatments of the adjoining road verges to the car park, and shall:
    - 1.6.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
    - 1.6.2 Provide all details relating to landscaping and treatment of verges;
    - 1.6.3 Show spot levels and/or contours of the site;
    - 1.6.4 Be based on water sensitive urban design principles to the satisfaction of the City;

**1.6.5 Be based on Designing Out Crime principles to the satisfaction of the City;**

**1.6.6 Show all irrigation design details;**

**Landscaping and reticulation shall be established in accordance with the landscaping plan(s), Australian Standards and best trade practice within 30 days of the landscaping plan being approved by the City, and thereafter maintained to the satisfaction of the City;**

**2 NOTES that at the expiration of the approval period specified in 1.1 above, the car parks will be required to be removed and the verge and kerbing reinstated, unless a further approval is obtained from the City.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf160510.pdf](#)

## ITEM 3 EXECUTION OF DOCUMENTS

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy  |
| <b>FILE NUMBER</b>            | 15876, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1 Documents executed by affixing the Common Seal for 12 April 2016.   |
| <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 12 April 2016 (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 for 12 April 2016 executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.*

### BACKGROUND

On the 12 April 2016, one document was executed by affixing the Common Seal. A summary is provided below:

| Type                       | Number |
|----------------------------|--------|
| Application for New Title. | 1      |

### Issues and options considered

Not applicable.

### Legislation / Strategic Community Plan / policy implications

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

**Strategic Community Plan**

|                             |  |
|-----------------------------|--|
| <b>Key theme</b>            | Governance and Leadership.   |
| <b>Objective</b>            | Corporate capacity.  |
| <b>Strategic initiative</b> | Demonstrate accountability through robust reporting that is relevant and easily accessible by the community. |
| <b>Policy</b>               | Not applicable.  |

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Schedule of Documents for 12 April 2016, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf160510.pdf](#)*

## ITEM 4 MINUTES OF EXTERNAL COMMITTEES

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy  |
| <b>FILE NUMBER</b>            | 41196, 03149   |
| <b>ATTACHMENTS</b>            | Attachment 1 Minutes of Tamala Park Regional Council special meeting held on 3 March 2016.<br>Attachment 2 Minutes of Mindarie Regional Council meeting held on 14 April 2016.<br><br><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 Tamala Park Regional Council special meeting held on 3 March 2016.
- Minutes of Mindarie Regional Council meeting held on 14 April 2016.

### DETAILS

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

#### **Tamala Park Regional Council special meeting – 3 March 2016.**

A special meeting of the Tamala Park Regional Council was held on 3 March 2016.

At the time of this meeting Cr John Chester and Cr Kerry Hollywood were Council's representatives on the Tamala Park Regional Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Tamala Park Regional Council meeting:

#### 9.1 CEO Performance Review 2014-15

It was resolved by the Tamala Park Regional Council as follows:

*“That the Council:*

- 1 *ADOPTS the 2015 Annual Appraisal Report, dated 28 January 2016, submitted by John Phillips Consulting;*
- 2 *ENDORSES the rating of “Meets Expectations” for the review period 2014-15;*
- 3 *ENDORSES the performance criteria and indicators for the October 2016 review;*
- 4 *ENDORSES commencement of the 2016 appraisal process by 12 August 2016, with the appraisal to be completed before the October 2016 ordinary Council meeting;*
- 5 *APPROVES a variation of the CEO’s remuneration package to \$355,597.00, which includes a bonus of \$4,255.00.*

#### **Mindarie Regional Council meeting – 14 April 2016**

A meeting of the Mindarie Regional Council was held on 14 April 2016.

At the time of this meeting Cr Russ Fishwick JP and Cr Mike Norman were Council’s representatives on the Mindarie Regional Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Mindarie Regional Council meeting:

#### 9.4 Mindarie Regional Council Strategic Action Plan – Waste Precinct Planning

It was resolved by the Mindarie Regional Council as follows:

*“That the Council:*

- 1 *confirm its support for the development of a Waste Precinct and the associated projects/contracts required to accommodate the Waste Precinct as detailed in this report;*
- 2 *be presented with further reports on each of the projects and consultant engagements associated with the Waste Precinct as detailed in this report;*
- 3 *confirm that the projects and engagements detailed in (2) above will be managed in line with the requirements of the “Proposals and Projects” clause detailed in the legal compliance section of this report;*
- 4 *write to the member Councils informing them of its decision to support the development of the Waste Precinct and impress on them the need to either:*
  - (i) *approve, in a timely manner, the draft Establishment Agreement as presented to them in correspondence, from the Mindarie Regional Council dated 15 February 2016; or*

- (ii) *adopt amendments to the current Constitution;*

*as the changes are required to enable the Mindarie Regional Council to enter into negotiations and contracts associated with the infrastructure required for the Waste Precinct.*

#### 9.5 Tamala Park Recycling Redevelopment Project

It was resolved by the Mindarie Regional Council as follows:

*“That the Council:*

- 1 (a) *note the reallocation of \$85,451 worth of capital expenditure earmarked for building projects in the 2015-16 budget to Phase 1 – Recycling Redevelopment Project (road realignment), as approved by Council in the half yearly budget review in February 2016;*
- (b) *approve the use of \$19,354 of the capital expenditure savings achieved on the purchase of a landfill compactor in the 2015-16 budget to fund the remaining shortfall on Phase 1 – Recycling Redevelopment Project (road realignment);*
- 2 *consider approval of the funding required for Phase 2 of the Recycling Redevelopment Project, as indicated in the Detail and Financial sections of this report, at the Budget Workshop to be held on 14 April 2016.*

#### 14.2 Waste to Energy Opportunity

It was resolved by the Mindarie Regional Council as follows:

*“That the Council:*

- 1 *authorise the Chief Executive Officer (CEO) to enter into formal discussions with the Phoenix Group on a without prejudice basis to determine if an agreement could be reached that would enable disposal of up to 140,000 tonnes of municipal solid waste to its Waste to Energy Facility located in Kwinana;*
- 2 *receive a further report from the CEO on the outcome of the discussions detailed in (1) above.*

#### **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.

**RECOMMENDATION**

**That Council NOTES the minutes of the:**

- 1 Tamala Park Regional Council special meeting held on 3 March 2016 forming Attachment 1 to this Report;**
- 2 Mindarie Regional Council meeting held on 14 April 2016 forming Attachment 2 to this Report.**

*To access this attachment on electronic document, click here: [ExternalMinutes160510.pdf](#)*

## **ITEM 5 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY TO 31 MARCH 2016**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy   |
| <b>FILE NUMBER</b>            | 20560, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1 Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2016.<br>Attachment 2 Capital Works Program Quarterly Report for the period 1 January – 31 March 2016. |
| <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 2016 and the Capital Works Quarterly Report for the period 1 January to 31 March 2016.

### **EXECUTIVE SUMMARY**

The Annual Plan contains the major projects and priorities which the City proposes to deliver in the 2015-16 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the *Annual Plan 2015-2016*. The Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2016 is shown as Attachment 1 to this Report.

A Capital Works Quarterly Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to this Report.

*It is therefore recommended that Council RECEIVES the:*

- 1 *Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2016 which is shown as Attachment 1 to this Report;*
- 2 *Capital Works Quarterly Report for the period 1 January – 31 March 2016 which is shown as Attachment 2 to this Report.*

### **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 2015-16 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 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 government 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 2015-2016* were included in the *2015-16 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 2015-2016* was received by Council at its meeting held on 17 August 2015 (CJ136-08/15 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 *2015-16 Capital Works Program*.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council RECEIVES the:**

- 1 Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2016, shown as Attachment 1 to this Report;**
- 2 Capital Works Quarterly Report for the period 1 January – 31 March 2016, shown as Attachment 2 to this Report.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf160510.pdf](#)

## ITEM 6                      SCHEDULED CLOSURE OF THE HILLARYS HORSE BEACH

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | South-West  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy   |
| <b>FILE NUMBER</b>            | 100932, 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 confirm the scheduled closure of the Hillarys Horse Beach.

### EXECUTIVE SUMMARY

At its meeting held 21 September 2010 (CJ158-09/10 refers), Council endorsed a *Beach Management Plan* in response to several coastal-related petitions received by the City throughout 2009. One of the issues presented by way of a petition was the perceived inadequacy of carparking facilities at the Hillarys Dog Beach.

Following significant community consultation, the *Beach Management Plan* sought to resolve this issue by prohibiting the exercising of horses on the adjacent beach and reconfiguring the horse-float carpark to allow for a greater number of car bays for dog beach users.

In adopting the *Beach Management Plan*, Council also resolved to phase-out the closure of the horse beach over a four year period by applying restrictions over its use by horse owners and requested the City to engage the City of Wanneroo in the possible establishment of a horse beach within its district.

During this period, the City has been in close liaison with the City of Wanneroo and understands the establishment of a horse beach is unlikely to be progressed, following the finalisation of a feasibility study into the matter.

The City has continued to implement the current restrictions over the use of the Hillarys Horse Beach since the four year phase-out period ended in September 2014.

It is therefore recommended that Council confirms its commitment to close the Hillarys Horse Beach.

## BACKGROUND

At its meeting held on 21 April 2009 (C25-04/09 refers), Council received a 1,700-signature petition requesting the extension of the current dog beach southwards to at least the designated access path at Whitfords Nodes Carpark, noting the beach area to Hillarys Groyne was under-utilised. The petitioners also requested, among other things, the following concerns to be addressed:

- The overcrowding at the dog beach.
- The lack of parking facilities and security of vehicles at the dog beach.

It was the City's view that in order to resolve these concerns, and other beach-related issues, a holistic review of coastal activities was required that would be achieved through the development of a *Beach Management Plan*.

The draft *Beach Management Plan* was developed and released for a six week public comment period between February and April 2010 and proposed the following issue statement in response to the petitioner's request (CJ027-02/10 refers):

|                          |   |
|--------------------------|---|
| <b>Issue</b>             | Inadequate car parking at the current animal exercise beach car park in Hillarys.   |
| <b>Issue Statement 5</b> | <p>The City acknowledges that current car parking facilities at the Hillarys Dog Beach have reached capacity during peak summer periods. To maintain the amenity of the area, the following approaches to car parking solutions should be preferred:</p> <ul style="list-style-type: none"> <li>• Maximising car parking spaces within the existing car park footprint at the Hillarys Dog Beach; and</li> <li>• <u><i>Prohibiting horse exercising on the beach area south of Pinnaroo Point and reconfiguring the horse float car park to accommodate a greater number of car bays for dog owners.</i></u></li> </ul> |

Within the consultation survey, responses to the following statements were sought to confirm the basis upon which the above issue statement was developed:

- 1 The current carparking facilities at the Hillarys Dog Beach are inadequate for the number of people owning dogs in the area. (Strongly agree, agree, unsure, disagree or strongly disagree).
- 2 The Hillarys Horse Beach Carpark is under-utilised and should be made available for others to use. (Strongly agree, agree, unsure, disagree or strongly disagree).
- 3 It is important that the City provides areas on the beach for horses to be exercised. (Strongly agree, agree, unsure, disagree or strongly disagree).

Two data sources were collected to compare the views of the City of Joondalup community ("random sample") to regular beach users ("general public"). The results for these questions were as follows:

| Statement  | Random Sample  | General Public   |
|--|--|--|
| The current carparking facilities at the Hillarys Dog Beach are inadequate for the number of people owning dogs in the area. | <ul style="list-style-type: none"> <li>• 43% agree (380 people responded to this question).</li> </ul> | <ul style="list-style-type: none"> <li>• 68% agree (4,173 people responded to this question).</li> </ul> |
| The Hillarys Horse Beach Carpark is under-utilised and should be made available for others to use.                           | <ul style="list-style-type: none"> <li>• 56% agree (351 people responded to this question).</li> </ul> | <ul style="list-style-type: none"> <li>• 56% agree (2,295 people responded to this question).</li> </ul> |
| It is important that the City provides areas on the beach for horses to be exercised.  | <ul style="list-style-type: none"> <li>• 54% agree (362 people responded to this question).</li> </ul> | <ul style="list-style-type: none"> <li>• 62% agree (2,602 people responded to this question).</li> </ul> |

The results indicated general support for all three statements across the data sets, with some difference in opinion in the perceived adequacy of carparking at the Hillarys Dog Beach. Interestingly, while a majority of respondents believed the Horse Beach Carpark to be under-utilised, a larger number of respondents also agreed that it was important for the City to provide areas on the beach for horses to be exercised. A 438-signature petition was also received during the consultation period, requesting the Council to consider the retention of the Hillarys Horse Beach (C12-04/10 refers).

To further explore the results of the consultation process, a stakeholder information session was held in August 2010 to discuss, among other matters within the *draft Beach Management Plan*, the proposed closure of the Hillarys Horse Beach. The lead petitioner identified above was invited to represent horse beach users at this session. Consideration of potential restrictions over the horse beach was raised during this forum, based on current beach usage patterns by horse owners.

Following the completion of the engagement processes above, a draft *Beach Management Plan* was presented to Council at its meeting held on 21 September 2010 (CJ158-09/10 refers) for adoption. The original Issue Statement 5 was retained within the draft plan, however, the City recommended a two year phase-out period in the closure of the horse beach, allowing access to the beach by horses on Monday to Saturday from daybreak to midday. This recommendation reflected the feedback received from horse owners during the consultation process.

After some discussion, Council resolved to increase the phase-out period to four years and requested the City to engage the City of Wanneroo in the potential establishment of a horse beach within its district. Council's decision in part was as follows:

- “5 Council ENDORSES Option 2, (being the application of a phase-out period to the closure of the Horse Beach over a four-year period, allowing access to the beach by horses on Monday-Saturday from daybreak-midday, after which, the area reverts to a Dog Beach), as the preferred implementation approach for Issue Statement 5 within the Draft Beach Management Plan, as it relates to the closure of the Hillarys Horse Beach;
- 8 in relation to the closure of the Horse Beach in Part 5 above, the City of Joondalup ENGAGES with the City of Wanneroo to provide ongoing advice with regard any proposal to establish a suitable area along the City of Wanneroo coastline for the provision of a horse exercise area.”

This report provides an overview of activities achieved to date in implementing the restrictions over the horse beach, usage and compliance data collected between 2010-11 and 2015-16 and options for Council's consideration in the future of the Hillarys Horse Beach.

## DETAILS

To give effect to the decision of Council on the phase-out of the horse beach, the following implementation activities were pursued in 2010-11:

- An amendment to the City's *Animals Local Law 1999* was pursued to legally demarcate the permissible area for the exercising of horses on the beach and apply day and time restrictions over the beach's use by horse owners.
- New compliance signage was installed on the beach and within the carpark to define the boundaries of the horse exercise area and educate horse owners on the new restrictions prior to entering the beach.
- The horse-float carpark was reconfigured through new line markings to accommodate more car bays for dog owners, while still providing six horse float bays for horse owners.
- New Beach Ranger positions were created to provide a dedicated, daily coastal enforcement regime over the summer period for all new *Beach Management Plan* activity changes. This included enforcement over the new horse beach restrictions.
- A "Coastal Incident Reporting Hotline" was established to enable requests and incidences to be effectively captured and reported.
- An awareness campaign was pursued over the 2010-11 summer period to communicate the new beach use changes across the City's coastline. This included the distribution of beach activity flyers, posters and website materials.
- The City of Wanneroo was contacted to offer assistance in the development of its *Coastal Management Plan* and the consideration of establishing a horse beach within its district.

### Compliance Statistics

As a result of these actions, the following data has been collected between 2010-11 and 2015-16 on horse and dog-related activities.

| <b>Beach Activity – Reported Incidences</b>     | <b>2010-11</b> | <b>2011-12</b> | <b>2012-13</b> | <b>2013-14</b> | <b>2014-15</b> | <b>2015-16<br/>(up to Apr 2016)</b> | <b>Total</b> |
|---|----------------|----------------|----------------|----------------|----------------|-------------------------------------|--------------|
| Horse being exercised outside designated hours. | 0              | 8              | 3              | 2              | 4              | 4                                   | <b>21</b>    |
| Dog being exercised outside designated area.    | 147            | 163            | 149            | 63             | 78             | 106                                 | <b>706</b>   |

The results indicate limited compliance issues with horse owners following the introduction of the new restrictions. Any issues that have arisen relate to a minority of horse owners wanting to use the beach outside of the designated hours, which is managed on a regular basis by City Rangers.

The figures also demonstrate changes in the behaviour of dog owners over time, with high levels of compliance peaking in 2013-14 and slowly reducing over the past two years. Factors influencing improved compliance from 2010-11 to 2013-14 included the introduction of a dedicated enforcement regime throughout summer and increased community awareness of permissible dog exercising areas. Over time, increased congestion at the Hillarys Dog Beach and additional patrols along the coastline has contributed to higher numbers of reported non-compliance by dog owners.

With regard to conflicts between horses and dogs, there have been two reported incidences over the past six years (December 2011 and 2012) that were caused by dog owners not having their dogs under effective control when entering the horse beach area.

### Beach Parking

In terms of parking; desktop aerial photography, vehicle count results and anecdotal patrol information have indicated varying degrees of use of the dog beach and horse beach carparks. As with most of the coastline, peak usage times will vary according to the weather and holiday periods, with noticeable overcrowding usually occurring over long weekends and on hot days. Only two complaints regarding carpark overcrowding have been received over the past six years, both of which occurred on very hot days of between 37 and 40 degrees celsius (March 2012 and November 2013), when beach use was at its peak.

Vehicle count information collected throughout February and March 2016 (including the Labour Day Public Holiday on 7 March 2016) confirms utilisation times with the average daily number of vehicle counts increasing from 481 per day to 1,505 on a public holiday. The only recorded period in which both carparks were over-capacity was between 10.00am and 11.00am on a public holiday. At all other times the carparks were under-capacity (although still well-utilised) during the peak times of mid-morning and early evening. While individual days throughout the year may see the dog beach carpark reach or exceed capacity, the adjoining horse float carpark still remains under-utilised during these times. This is despite the reconfiguration of the carpark in 2010 to provide increased car bays for dog owners.

The under-utilisation of the horse float carpark may be attributed to a variety of factors, including the following:

- A perception of reduced safety within the horse float carpark in comparison to the dog beach carpark, as there is lower levels of passive surveillance in this location.
- A greater level of activity occurring in the dog beach carpark, such as the provision of toilet facilities, dog washing services, coffee vans and the opportunity for social interaction with other dog owners.
- Habitual use patterns of some dog owners to always park in the same location when attending the dog beach.
- A lack of information and on-site signage to proactively encourage the use of the horse float carpark when the dog beach carpark is at capacity.

### Dog Beach Requests

Over the past six years, several inquiries have been received by the City requesting an additional dog beach or extension of the existing dog beach. There have also been recent discussions on the City's social media platforms campaigning for more beach space within the City to exercise dogs.

To date, the City has referred all members of the public to its website for information on permissible dog exercise areas and has indicated that the matter was considered in the development of the City's *Beach Management Plan* in 2010.

Throughout February 2016, the City received two petitions requesting the consideration of:

- an additional dog beach within Burns Beach, containing 178 signatures
- an amendment to the *Beach Management Plan* to reduce congestion at the existing dog beach, containing 110 signatures.

This indicates a continued demand for beach areas that accommodate dog exercising within the City of Joondalup. A report in response to the petitions will be presented to Council following a decision on the closure of the Hillarys Horse Beach, as the future of this section of beach provides important contextual information in the consideration of the petitioners' requests for additional dog beach exercising spaces within the City of Joondalup.

#### City of Wanneroo Feasibility Study

Since 2010, the City has been in ongoing discussions with the City of Wanneroo with regard to the potential establishment of a horse beach within its district. Between 2010 and 2012, the City of Wanneroo developed a *Coastal Management Plan* to provide a similar overarching framework for the management of its coastline, as the City of Joondalup's *Beach Management Plan* achieved.

Community consultation undertaken by the City of Wanneroo in 2011 demonstrated that 71% of the community supported the provision of a horse beach within the area, however, opinions were divided on a preferred location, with most support going to the Tamala Park option. The result of this process was a recommendation to undertake a feasibility study into the potential establishment of a horse beach within the Tamala Park area.

Between 2012 and 2014, the City of Wanneroo commissioned a feasibility study to consider the environmental impacts and suitability of a horse beach at Tamala Park. The recommendations of the report are yet to be made publicly available, however, given the extent of infrastructure required and the absence of a Council decision, it is unlikely that a horse beach will be established within the City of Wanneroo within the foreseeable future.

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

The current situation presents a combination of issues for the City, namely:

- The horse float carpark has demonstrated continued under-utilisation, despite the provision of additional car bays in 2010.
- Both the City of Joondalup and City of Wanneroo consultation results indicated majority support from the community to provide beach areas for the exercising of horses within the region.
- The City of Wanneroo is unlikely to progress the establishment of a horse beach within its region, and if it does, it will not come to fruition for several years. In addition, the recommendations of the feasibility study are yet to be publicly released.
- If a horse beach remains within the City of Joondalup, there is limited capacity for the reconfiguration of the existing dog beach and horse float carparks to improve utilisation and safety outcomes.

In response to these issues, the following options are presented for Council's consideration.

**Option 1: Retain the Hillarys Horse Beach**

- This would involve no further reconfiguration of the horse-float carpark and retaining the current line-markings to accommodate horse floats.
- The *Beach Management Plan* would need to be amended to reflect the retention of the Hillarys Horse Beach.

This option is not recommended, as it opposes Council's original decision in 2010 to phase-out the closure of the Hillarys Horse Beach. It also reduces opportunities for the City to reconfigure both carparks to improve access for dog owners, who are the predominant users of this section of coastline.

**Option 2: Close the Hillarys Horse Beach and reconfigure the horse-float carpark and dog beach carpark**

- A local law amendment would be required to give effect to the closure of the horse beach.
- The reconfiguration of the carparks would involve new line-markings and median alterations to accommodate additional car bays for dog owners and remove the provision of carparking for horse floats.
- Additional works could be pursued to improve the perceived safety of the area, such as increased signage, upgrading accessible bays and vehicle speed reduction mechanisms to encourage higher utilisation of the space by dog owners.

This option is recommended as it supports Council's previous decision in relation to the closure of the Hillarys Horse Beach and provides the opportunity for additional car bays to be created for dog owners. If supported, further design opportunities to improve path connectivity and passive surveillance within the area may also be considered.

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

Legislation

The designation of the horse beach within the City of Joondalup's boundaries is provided for under the *City of Joondalup Animals Local Law 1999*. Should Council decide to remove the horse beach from within the City of Joondalup district, the provisions within the *Animals Local Law 1999* will require amendment.

Amending or repealing provisions contained within a local law must follow the local law statutory process stipulated under the *Local Government Act 1995*. This would require an amendment local law to remove the relevant provisions, requiring four to six months to complete the process, following a decision of Council.

**Legislation** *City of Joondalup Animals Local Law 1999.*

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

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

**Policy** Not applicable.

### **Risk management considerations**

Should the closure of the Hillarys Horse Beach be pursued, there is a risk that horse advocates will undertake a significant campaign to lobby for the beach's retention. This is due to the general assumption that the City of Wanneroo would commit to establishing a horse beach within its district during the phase-out period applied by the City of Joondalup.

While this has not yet occurred, the City has articulated for several years its intention to close the Hillarys Horse Beach and confirming this decision will provide an opportunity for alternate locations along the metropolitan coastline to be considered in districts outside of the City of Joondalup.

### **Financial / budget implications**

#### Current financial year impact

No funds are budgeted for this project in the 2015-16 financial year.

#### Future financial year impact

The draft *Capital Works Program 2016-17–2020-21* lists for consideration \$105,000 in 2017-18 to undertake carparking improvements within the horse and dog beach carparks. This includes line-marking, median reconfigurations and the movement of light poles to accommodate new car bays.

If the closure of the Hillarys Horse Beach is supported by Council, the earliest opportunity for construction works to be implemented would be in 2017-18 as a local law amendment would be required to give effect to the closure, which would occur within 2016-17.

### **Regional significance**

The provision of a horse beach within the City of Joondalup is a regional issue that impacts on a variety of coastal users and stakeholders, including the following:

- Local and regional dog owners that use the Hillarys Dog Beach and would like to see additional carparking provided at the current facility.
- City of Joondalup residents who own horses that are agisted regionally and use the current Hillarys Horse Beach.
- Non-resident horse owners within the region who use the current Hillarys Horse Beach.
- The City of Wanneroo as a potential funder and facility manager of a new regional horse beach, if pursued.

### **Sustainability implications**

The purpose of the *Beach Management Plan* is to provide for the sustainable use and management of the City's coastline. The implementation of management strategies for animal beach exercising activities seeks to achieve this outcome, by containing the extent to which dogs and horses can access and utilise beach areas, due to their capacity to adversely impact on this sensitive environment.

There is also a risk that encouraging greater use and access to the beach by dog owners, (through the closure of the horse beach) may increase potential environmental damage to this coastal area. However, this would likely be offset by continued enforcement regimes implemented by the City at present.

### **Consultation**

Consultation with the City of Wanneroo was pursued continuously throughout the four year phase-out period for the Hillarys Horse Beach.

Given the extensive amount of consultation undertaken in the development of the City's *Beach Management Plan* in 2010, it is not recommended that further consultation be pursued in the closure of the horse beach if supported, but rather, a communication campaign to inform beach users of the impending closure.

### **COMMENT**

Since 2010, the regional community has been aware of the City of Joondalup's intention to close the Hillarys Horse Beach in order to improve carparking opportunities for visitors to this popular coastal site. While the City of Wanneroo is yet to commit to the establishment of a horse beach within its district, the City of Joondalup is under increasing pressure to provide improved opportunities for the significant number of dog owners within its community. These opportunities are dependent on the future use of the Hillarys Horse Beach site, which impacts on the options available to the City in reconfiguring the carparks.

Current users of the Hillarys Horse Beach have had six years to prepare for the impending closure of the facility, which at present, only provides for 160 metres of the beach for horse exercising activities six days a week before midday. Despite the limitations and restrictions over the beach's use, its continued availability has significant impacts on future uses of the site due to the requirement for horse float access. If closed, the City and community would be provided with an opportunity to reconsider how this space may be better configured and activated for use by the broader community.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 SUPPORTS Option 2 to close the Hillarys Horse Beach and reconfigure the existing horse and dog beach carparks;**
- 2 NOTES the requirement for the *City of Joondalup Animals Local Law 1999* to be amended in order to give effect to the closure of the Hillarys Horse Beach;**
- 3 REQUESTS the Chief Executive Officer to prepare a report for Council to initiate amendments to the *City of Joondalup Animals Local Law 1999*, with the purpose of removing provisions that provide permissible areas for the exercising of horses on City of Joondalup beaches.**

## **ITEM 7 LIST OF PAYMENTS DURING THE MONTH OF MARCH 2016**

|                               |  |  |
|-------------------------------|--|--|
| <b>WARD</b>                   | All  |  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services   |  |
| <b>FILE NUMBER</b>            | 09882  |  |
| <b>ALT FILE NUMBER</b>        | 101515   |  |
| <b>ATTACHMENT</b>             | Attachment 1   | Chief Executive Officer's Delegated Municipal Payment List for the month of March 2016 |
|                               | Attachment 2   | Chief Executive Officer's Delegated Trust Payment List for the month of March 2016     |
|                               | Attachment 3   | Municipal and Trust Fund Vouchers for the month of March 2016                          |
| <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 2016.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of March 2016 totalling \$21,106,875.41.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for March 2016 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$21,106,875.41.*

### **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 2016. 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<br>102921 - 103054 & EF054014 – EF054706<br>Net of cancelled payments. | \$13,815,135.57        |
|                   | Vouchers 1619A - 1642A  | \$7,261,389.84         |
| Trust Account     | Trust Cheques & EFT Payments<br>206951 - 206962 & TEF000635 – TEF000668<br>Net of cancelled payments.   | \$30,350.00            |
| <b>Total</b>      |   | <b>\$21,106,875.41</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 2015-16 Annual Budget as adopted by Council at its meeting held on 23 June 2015 (CJ085-06/15 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for March 2016 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$21,106,875.41.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf160510.pdf](#)

## **ITEM 8                      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2016**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 07882, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1      Financial Activity Statement for the period ended 31 March 2016  |
| <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 2016.

### **EXECUTIVE SUMMARY**

At its meeting held on 16 February 2016 (CJ027-02/16 refers), Council adopted the Mid Year Budget Review for the 2015-16 financial year. The figures in this report are compared to the revised budget.

The March 2016 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$5,406,118 for the period when compared to the revised budget. This variance does not represent the end of year position. It represents the year to date position to 31 March 2016. 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 \$3,289,527 higher than budget, made up of higher operating revenue \$1,446,332 and lower operating expenditure of \$1,843,195.

Operating revenue is higher than budget on Rates \$124,382, Specified Area Rates \$2,042, Grants and Subsidies \$34,821, Profit on Asset Disposals \$1,315,639, Interest Earnings \$59,911 and Other Revenue \$62,709, partly offset by lower than budget revenue from Contributions, Reimbursements and Donations \$42,478 and Fees and Charges \$110,693.

Operating Expenditure is lower than budget on Materials and Contracts \$1,994,236, Utilities \$172,198, Loss on Asset Disposals \$150,176 and Interest expenses \$7,468. These are partly offset by higher than budget expenditure on Employee Costs \$430,323, Depreciation and Amortisation \$29,233 and Insurance Expenses \$21,327.

The Capital Deficit is \$3,654,926 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$1,481,269, Capital Works \$2,809,960 and Vehicle and Plant Replacements \$374,843 along with higher than budgeted Capital Contribution revenue \$27,273, offset by lower than budgeted revenue for Capital Grants and Subsidies \$205,086 and Equity Distribution TPRC \$833,333.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2016 forming Attachment 1 to this Report.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 March 2016 is appended as Attachment 1.

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

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

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

### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk management considerations**

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

**Financial / budget implications**

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2015-16 revised budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 March 2016 forming Attachment 1 to this Report.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf160510.pdf](#)*

## **ITEM 9                    SPECIFY DOGS MAY BE EXERCISED ON A LEASH AROUND THE PERIMETER OF MAWSON PARK, HILLARYS**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | South-West  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 06098, 101515   |
| <b>ATTACHMENT</b>             | Attachment 1    Map of Mawson Park.   |
| <b>AUTHORITY / DISCRETION</b> | Legislative - includes the adoption of local laws, planning schemes and policies. |

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### **PURPOSE**

For Council to consider that dogs may be exercised on a leash on a perimeter portion of Mawson Park, Hillarys.

### **EXECUTIVE SUMMARY**

At its meeting held on 23 November 2015 (C72-11/15 refers), Council requested the Chief Executive Officer to prepare a report on the ability to allow or permit dogs to be exercised on a leash in an area around the outer perimeter of Mawson Park, Hillarys which follows the line of and includes the outer most footpath closest to the perimeter of the park where dogs are currently prohibited from being exercised.

At its meeting held on 15 March 2016 (CJ038-03/16 refers), Council considered a report which provided options for dogs to be exercised at Mawson Park and resolved to advertise for public comment that a portion of Mawson Park Hillarys, comprising the footpath and the verge areas between the footpath and kerb be specified as areas where dogs be permitted to be exercised on a leash, with the remainder of Mawson Park, Hillarys retaining the dogs prohibited at all times specification.

The public comment period closed on 5 May 2016. No comments were received. It is recommended that Council revoke part 1.3 of its decision of 16 September 2014 (CJ169-09/14 refers), which specified the whole of Mawson Park as dogs prohibited, and makes a new specification for dogs to be permitted to be exercised on a leash on specified areas at Mawson Park Hillarys.

### **BACKGROUND**

Mawson Park is a large community park (9.25 hectares) located in Hillarys. It is bounded by Mawson Crescent to the north and east, Flinders Avenue to the south and Newport Gardens and private residential property to the west (Attachment 1 refers).

The northern half of the park is grassed and wooded with pedestrian paths. It has an important local fresh water lake for native fauna. The southern half of the park is an active recreation park used to a small extent at various times for junior AFL, softball and soccer as well as varied casual hire.

Mawson Park has been a dog prohibited park within the City of Joondalup since the City was gazetted. Prior to that it was a dogs prohibited park when that location was part of the former City of Wanneroo. Mawson Park was determined most recently by Council at its meeting held on 16 September 2014 (CJ169-09/14 refers) to be dogs prohibited as a result of amendments to the *Dog Act 1976* (the Act) which required all prohibited areas of the City to be re-specified in accordance with section 33 of the Act.

With the current specification of dogs prohibited, dog owners wishing to walk their dogs adjacent to the park can choose to walk on portions of the verge of the park, which is part of the carriageway outside the park and therefore permitted. The carriageway verge, however, is not a consistent width around the park and has car parking on the verge. Dog walkers therefore risk accidentally entering into the park perimeter while walking their dogs.

## **DETAILS**

At its meeting held on 15 March 2016 (CJ038-03/16 refers), Council resolved to advertise for public comment a proposal to specify Mawson Park, Hillarys, (Reserve 33401 and Lot 1020) being the whole of Reserve 33401 and Lot 1020 excluding that portion between the road reserve commencing at the junction of Newport Gardens and Mawson Crescent in the north west of the park and the southern edge of the footpath in Mawson Park immediately adjacent to Mawson Crescent, easterly then southerly on Mawson Crescent, with the excluded portion being that between the road reserve of Mawson Crescent and the western edge of the footpath in Mawson Park immediately adjacent to Mawson Crescent, then westerly on Flinders Avenue, with the excluded portion being that between the road reserve of Flinders Avenue and the northern edge of the footpath in Mawson Park immediately adjacent to Flinders Avenue, then northerly adjacent to the boundary with 71 Flinders Avenue and 25 and 27 Newport Gardens to the point where the path exits onto Newport Gardens, with the excluded portion being that between the property boundaries of 71 Flinders Avenue and 25 and 27 Newport Gardens and the eastern edge of the footpath in Mawson Park immediately adjacent to 71 Flinders Avenue and 25 and 27 Newport Gardens, as a place where dogs are prohibited at all times pursuant to section 31(2B)(a) of the Act.

The resulting ribbon corridor around Mawson Park where dogs could be exercised on a leash will be delineated by signage to make it absolutely clear to dog walkers where they may safely go.

The proposal was advertised in the Joondalup Weekender, in City libraries, the Administration Centre, Customer Service Centres and on the City's web site. Public comments on the proposal closed on 5 May 2016. There were no comments received.

## **Issues and options considered**

Council may either:

- implement the proposal which would make the described outer perimeter portion of Mawson Park, Hillarys a place where dogs may be walked on a leash  
or
- retain Mawson Park Hillarys as a dog prohibited area.

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

|                                 |   |
|---------------------------------|---|
| <b>Legislation</b>              | <i>Dog Act 1976.</i>  |
| <b>Strategic Community Plan</b> |   |
| <b>Key theme</b>                | Quality Urban Environment.  |
| <b>Objective</b>                | Quality open spaces.  |
| <b>Strategic initiative</b>     | Apply a strategic approach to the planning and development of public open spaces. |
| <b>Policy</b>                   | Not applicable.   |

**Risk management considerations**

There is a risk that if a corridor is marked out around the perimeter of Mawson Park that dog owners may ignore the prohibition within the park and choose to take their dogs deeper into the park, let the dog off the lead and allow it to run into the park or they may inadvertently lose control of dog which enters into the prohibited area. The current prohibition makes it relatively straightforward to identify when a dog owner is ignoring prohibitions.

There is potential for conflict between dog owners and other park users when there is poor compliance. It may also result in other park users incorrectly contacting the City when they believe there is non-compliance occurring, but a dog owner is actually complying.

To mitigate against these risks it is proposed to provide additional signage or where appropriate modify the location of existing signage to ensure that park users and dog owners are adequately informed where the boundary of the dogs on leash permitted area is.

**Financial / budget implications**

There is no specific budget allocation within the City Rangers budget to install signage at this location however there is a general signage budget.

Current financial year impact

|                             |  |
|-----------------------------|--|
| <b>Account no.</b>          | 344 A3404 3283 0000  |
| <b>Budget Item</b>          | Not applicable.  |
| <b>Budget amount</b>        | Not applicable.  |
| <b>Amount spent to date</b> | Not applicable.  |
| <b>Proposed cost</b>        | A double-sided sign on a post costs approximately \$160 to supply and install. A number of double sided signs would be required at an estimated cost of approximately \$4,000. |

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

## **Sustainability implications**

The City has undertaken significant work in the park to improve water quality and to revegetate the aquatic environment. Of particular importance is maintaining the quality of the water within the lake to ensure a healthy environment for aquatic species. This location is an important wetland area and allowing dogs into a portion of the park where there is likelihood that they will escape effective control and contaminate the aquatic systems is an acknowledged risk.

## **Consultation**

Following the Council meeting held on 15 March 2016 (CJ038-03/16 refers), the intention to specify a portion of Mawson Park as an area where dogs may be exercised on a leash was advertised for public comment in the Joondalup Weekender, in City Libraries, at the Administration and Customer Service Centres and on the City's website.

There were no comments received.

## **COMMENT**

Council has identified in its deliberations on this matter that many dog walkers in the area already use the perimeter footpath around Mawson Park, Hillarys to move north or south along Mawson Crescent and the proposed specification establishes a clear way of continuing this practice that will be compliant with the Act. Sufficient signage will need to be installed to assist dog walkers to understand that they must stay on the path or the verge and not stray into the park, nor release their dogs from their leash.

## **VOTING REQUIREMENTS**

Absolute Majority.

## **RECOMMENDATION**

**That Council BY AN ABSOLUTE MAJORITY:**

**1 REVOKES Part 1 (1.3) of its decision of 16 September 2014 (CJ169-09/14 refers) as follows:**

**“1 BY AN ABSOLUTE MAJORITY SPECIFIES the following areas as places where dogs are prohibited at all times pursuant to section 31(2B)(a) of the Dog Act 1976:**

**1.3 Mawson Park, Hillarys, being Reserve No. 33401;”;**

- 2 SPECIFIES that portion of Mawson Park, Hillarys, (Reserve 33401 and Lot 1020) being the whole of Reserve 33401 and Lot 1020 excluding that portion between the road reserve commencing at the junction of Newport Gardens and Mawson Crescent in the north west of the park and the southern edge of the footpath in Mawson Park immediately adjacent to Mawson Crescent, easterly then southerly on Mawson Crescent, with the excluded portion being that between the road reserve of Mawson Crescent and the western edge of the footpath in Mawson Park immediately adjacent to Mawson Crescent, then westerly on Flinders Avenue with the excluded portion being that between the road reserve of Flinders Avenue and the northern edge of the footpath in Mawson Park immediately adjacent to Flinders Avenue, then northerly adjacent to the boundary with 71 Flinders Avenue and 25 and 27 Newport Gardens to the point where the path exits onto Newport Gardens, with the excluded portion being that between the property boundaries of 71 Flinders Avenue and 25 and 27 Newport Gardens and the eastern edge of the footpath in Mawson Park immediately adjacent to 71 Flinders Avenue and 25 and 27 Newport Gardens, as a place where dogs are prohibited at all times pursuant to section 31(2B)(a) of the *Dog Act 1976*;**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf160510.pdf](#)

## **ITEM 10                    TENDER 003/16 - SUPPLY AND DELIVERY OF PRECAST STORMWATER DRAINAGE PRODUCTS**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 105631, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1    Schedule of Items<br>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 Holcim (Australia) Pty Ltd trading as Humes for the supply and delivery of precast stormwater drainage products.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 16 March 2016 through statewide public notice for the supply and delivery of precast stormwater drainage products. Tenders closed on 5 April 2016. A submission was received from each of the following:

- Holcim (Australia) Pty Ltd trading as Humes.
- Reinforced Concrete Pipes Australia (WA) Pty Ltd trading as RCPA (WA) Pty Ltd.

The submission from Holcim (Australia) Pty Ltd trading as Humes represents value to the City. The company has been supplying stormwater drainage products to WA local governments for many years including the Cities of Armadale, Belmont, Canning, South Perth and Joondalup. Humes is a well established company with industry experience and proven capacity to provide the goods and services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Holcim (Australia) Pty Ltd trading as Humes for the supply and delivery of precast stormwater drainage products as specified in Tender 003/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

### **BACKGROUND**

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

- stormwater drainage pipes - various sizes and type of jointing
- liners, covers, bases and step irons suitable for gullies, manholes and soakwells

- universal side entry systems
- gross pollutant traps.

The City currently has a contract with Holcim (Australia) Pty Ltd trading as Wembley Cement which expires on 26 April 2016. Wembley Cement has provided a high level of service throughout the term of its contract. Wembley Cement has changed its trading name to Humes.

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

## **DETAILS**

The tender for the supply and delivery of precast stormwater drainage products was advertised through statewide public notice on 16 March 2016. The tender period was for three weeks and tenders closed on 5 April 2016.

### **Tender Submissions**

A submission was received from each of the following:

- Holcim (Australia) Pty Ltd trading as Humes.
- Reinforced Concrete Pipes Australia (WA) Pty Ltd trading as RCPA (WA) Pty Ltd.

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

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

### **Evaluation Panel**

The evaluation panel comprised four members:

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

The panel carried out the assessment of 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 50%.

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

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

### Compliance Assessment

All submissions were assessed as compliant.

### Qualitative Assessment

RCPA (WA) Pty Ltd scored 46.6% in the qualitative assessment. The company demonstrated experience in supplying stormwater drainage products to local governments including the Cities of Cockburn, Fremantle and Swan. The scope of works, period and dates of these contracts were not provided. It did not fully demonstrate its understanding of the City's requirement or the capacity required to provide the services. The number of full-time employees and copies of its safety policy and statistics were not supplied.

Humes scored 60.3% in the qualitative assessment. The company submitted a brief response to demonstrate its understanding of the required tasks. The company has been supplying stormwater drainage products to WA local governments for many years including the Cities of Armadale, Belmont, Canning, South Perth and Joondalup. Humes is a well established company with industry experience and proven capacity to provide the goods and services to the City.

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

### Price Assessment

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

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

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

| Tenderer                       | Year 1    | Year 2    | Year 3    | Total     |
|--------------------------------|-----------|-----------|-----------|-----------|
| Humes                          | \$239,967 | \$244,766 | \$249,661 | \$734,394 |
| City's existing contract rates | \$210,322 | \$214,528 | \$218,819 | \$643,668 |

During 2014-15, the City incurred \$212,617 for precast stormwater drainage products.

### Evaluation Summary

| Tenderer          | Price Ranking                       | Total Estimated Contract Price | Qualitative Ranking | Weighted Percentage Score |
|-------------------|-------------------------------------|--------------------------------|---------------------|---------------------------|
| Humes             | N/A                                 | \$734,394                      | 1                   | 60.3%                     |
| RCPA (WA) Pty Ltd | Failed to meet the acceptable score |                                |                     | 46.6%                     |

RCPA (WA) Pty Ltd did not submit prices for 37 items (out of 66 items).

Humes submitted prices for all items with the exception of item 1a (its supplier for this product is no longer in business).

Based on the evaluation result the panel concluded that the tender from Holcim (Australia) Pty Ltd trading as Humes provides value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement for the supply and delivery of precast stormwater drainage products. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the work.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

#### Strategic Community Plan

##### Key theme

The Natural Environment.

##### Objective

Environmental resilience.

##### Strategic initiative

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

##### Policy

Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City needs precast concrete drainage products including pipes, liners, fittings and gross pollutants traps as required to carry out various maintenance and capital works projects.

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 proven capacity to provide the services to the City.

**Financial / budget implications**

|                             |   |
|-----------------------------|---|
| <b>Account no.</b>          | Various maintenance and capital works accounts. |
| <b>Budget Item</b>          | Precast stormwater drainage products.           |
| <b>Budget amount</b>        | \$ 230,000                                      |
| <b>Amount spent to date</b> | \$ 152,467                                      |
| <b>Proposed cost</b>        | \$ 19,997                                       |
| <b>Balance</b>              | \$ 57,536                                       |

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

This contract is an important part in preserving the City's natural environmental assets in line with its Environment Plan to implement improved stormwater management and water quality processes.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Holcim (Australia) Pty Ltd trading as Humes represents value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Holcim (Australia) Pty Ltd trading as Humes for the supply and delivery of precast stormwater drainage products as specified in Tender 003/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf160510.pdf](#)

## ITEM 11                    TENDER 004/16 - LAYING OF BRICK PAVERS

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 105632, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1    Schedule of Items<br>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 Tapps Contracting Pty Ltd for the laying of brick pavers.

### EXECUTIVE SUMMARY

Tenders were advertised on 16 March 2016 through statewide public notice for the laying of brick pavers. Tenders closed on 5 April 2016. A submission was received from each of the following:

- Tapps Contracting Pty Ltd.
- HCC (Aust) Pty Ltd.
- The Trustee for AL & MC Trew Family TrusT trading as ABM Landscaping.
- Affirmative Paving.
- J Barrett Constructions Pty Ltd.

The submission from Tapps Contracting Pty Ltd represents best value to the City. The company has in the past successfully completed similar paving works for local governments including the Cities of Wanneroo, Stirling and Belmont. It is the City's current contractor for brick paving. It demonstrated an understanding of the City's requirements. Tapps Contracting Pty Ltd is a well established company with industry experience and proven capacity to undertake the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Tapps Contracting Pty Ltd for the laying of brick pavers as specified in Tender 004/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for the laying of brick pavers within the City of Joondalup as required for various capital works projects and for general reactive streetscape maintenance.

The City currently has a contract with Tapps Contracting Pty Ltd which expires on 29 April 2016. Tapps Contracting Pty Ltd has provided a satisfactory level of service throughout the term of its contract.

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 laying of brick pavers was advertised through statewide public notice on 16 March 2016. The tender period was for two weeks and tenders closed on 5 April 2016.

### **Tender Submissions**

A submission was received from each of the following:

- Tapps Contracting Pty Ltd.
- HCC (Aust) Pty Ltd.
- The Trustee for AL & MC Trew Family TrusT trading as ABM Landscaping.
- Affirmative Paving.
- J Barrett Constructions Pty Ltd.

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

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

### **Evaluation Panel**

The evaluation panel comprised three members:

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

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

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 50%.

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

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

### Compliance Assessment

J Barrett Constructions Pty Ltd was assessed as partially compliant. J Barrett Constructions Pty Ltd did not address some of the selection criteria. The submission was included for further assessment on the basis that clarifications could be sought from J Barrett Constructions Pty Ltd, if shortlisted for consideration.

All other submissions were assessed as compliant.

### Qualitative Assessment

J Barrett Constructions Pty Ltd scored 20.2% in the qualitative assessment. The company did not fully demonstrate experience and the capacity to provide the services. Examples of works were mainly one-off commercial paving projects for Rio Tinto (Wickham houses), Broad and Leighton's Contracting (Kings Square Perth CBD) and Leighton's Contracting (Elizabeth Quay). Its business structure, the number of full-time employees, copies of its safety policy and statistics were not supplied. In addition, it did not submit a response to demonstrate its understanding of the required tasks.

Affirmative Paving scored 61.5% in the qualitative assessment. It demonstrated experience in providing similar services to public and private organisations including LD Total, Crown Casino, Public Transport Authority, the Cities of Wanneroo and Bunbury. Though it submitted only a brief response and limited information to demonstrate its understanding of the City's requirements, it has the capacity required to provide the services.

ABM Landscaping scored 69.9% in the qualitative assessment. It demonstrated a sound understanding of the City's requirements. Numerous examples of works were provided and these included paving projects for Downer EDI Works (Karratha City Centre) and the City of Swan (Reid Highway/Lord Street intersection and James Street upgrade). It has industry experience and the capacity to carry out the works.

HCC (Aust) Pty Ltd scored 71.1% in the qualitative assessment. The company has industry experience and sufficient capacity to undertake the works. It has been providing paving services to local and state governments. Examples of works included brick paving projects for Main Roads WA and the Cities of Fremantle and Stirling. It demonstrated a thorough understanding and appreciation of the City's requirements.

Tapps Contracting Pty Ltd scored 71.5% in the qualitative assessment. The company has in the past successfully completed similar paving works for various local governments including the Cities of Wanneroo, Stirling, Belmont, Nedlands and Subiaco. It is the City's current contractor for brick paving. It demonstrated its understanding of the City's requirements. Tapps Contracting Pty Ltd is well established with industry experience and proven capacity to undertake the works for the City.

Given the minimum acceptable qualitative score of 50%, all tenderers, with the exception of J Barrett Constructions Pty Ltd, qualified to progress to the stage two assessment.

### Price Assessment

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

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

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

| Tenderer                  | Year 1    | Year 2    | Year 3    | Total       |
|---------------------------|-----------|-----------|-----------|-------------|
| Tapps Contracting Pty Ltd | \$567,948 | \$579,306 | \$590,893 | \$1,738,147 |
| HCC (Aust) Pty Ltd        | \$785,865 | \$801,582 | \$817,614 | \$2,405,062 |
| ABM Landscaping           | \$637,163 | \$649,906 | \$662,904 | \$1,949,973 |
| Affirmative Paving        | \$724,760 | \$739,256 | \$754,041 | \$2,218,057 |

During 2014-15, the City incurred \$567,940 for laying of brick pavers.

### Evaluation Summary

| Tenderer                        | Price Ranking  | Total Estimated Contract Price | Qualitative Ranking | Weighted Percentage Score |
|---------------------------------|--|--------------------------------|---------------------|---------------------------|
| Tapps Contracting Pty Ltd       | 1  | \$1,738,147                    | 1                   | 71.5%                     |
| HCC (Aust) Pty Ltd              | 4  | \$2,405,062                    | 2                   | 71.1%                     |
| ABM Landscaping                 | 2  | \$1,949,973                    | 3                   | 69.9%                     |
| Affirmative Paving              | 3  | \$2,218,057                    | 4                   | 61.5%                     |
| J Barrett Constructions Pty Ltd | Failed to meet the acceptable score (total estimated price tendered was \$2,346,211) |                                |                     | 20.2%                     |

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

### Issues and options considered

The City has a requirement for the laying of brick pavers within the City of Joondalup as required for various capital works projects and for general reactive streetscape maintenance. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

## Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

### 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.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City needs an established contractor to lay brick pavers as required for various capital works projects and for general reactive streetscape maintenance.

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

### Financial / budget implications

|                             |   |
|-----------------------------|---|
| <b>Account no.</b>          | Various maintenance and capital works accounts. |
| <b>Budget Item</b>          | Laying of brick pavers.                         |
| <b>Budget amount</b>        | \$ 600,000                                      |
| <b>Amount spent to date</b> | \$ 431,210                                      |
| <b>Proposed cost</b>        | \$ 47,329                                       |
| <b>Balance</b>              | \$ 121,461                                      |

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Tapps Contracting Pty Ltd for the laying of brick pavers as specified in Tender 004/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf160510.pdf](#)

## 8 REPORT OF THE CHIEF EXECUTIVE OFFICER

## 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### **NOTICE OF MOTION – CR JOHN LOGAN – PEACE AND REFLECTION PRECINCT – LOT 971 (52) CREANEY DRIVE, KINGSLEY – [11367, 02154]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Cr John Logan has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday 17 May 2016:

***“That Council REQUESTS the Chief Executive Officer to prepare a report on the establishment of a “peace and reflection precinct” on Lot 971 (52) Creaney Drive Kingsley.”***

#### **Reason for Motion**

This community-driven initiative envisages that the bushland site provide a quiet place of contemplation for local residents to be able to reflect on a range of tragic events.

The proposal's proponents would appreciate the City officer's report include an investigation into the concept, costing and funding options associated with installing a number of generic plaques along a walk-through, taking into consideration access for the elderly and infirm members of the community.

It is acknowledged by the proponents that any project must not impinge on The Returned and Services League events and activities in the City of Joondalup. Rather, the site would provide a simple yet unique opportunity for local people to reflect on matters close to the heart.

The Kingsley and Greenwood Residents' Association, the local Lions Club and the major stakeholders of the Kingsley Memorial Clubrooms are among the community parties which support the call for a report into the establishment of a peace and reflection precinct at Lot 971 (52) Creaney Drive, Kingsley.

#### **Officer's Recommendation**

A report can be prepared.

**10 REPORTS REQUESTED BY ELECTED MEMBERS**

**11 CLOSURE**



**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

|                               |   |
|-------------------------------|---|
| <b>Name/<br/>Position</b>     |   |
| <b>Meeting<br/>Date</b>       |   |
| <b>Item No/<br/>Subject</b>   |   |
| <b>Nature of<br/>Interest</b> | Financial Interest *<br>Interest that may affect impartiality*<br><span style="float: right;"><i>* Delete where<br/>not applicable</i></span> |
| <b>Extent of<br/>Interest</b> |   |
| <b>Signature</b>              |   |
| <b>Date</b>                   |   |

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*

**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

To: **CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

|                               |   |
|-------------------------------|---|
| <b>Name/<br/>Position</b>     |   |
| <b>Meeting<br/>Date</b>       |   |
| <b>Item No/<br/>Subject</b>   |   |
| <b>Nature of<br/>Interest</b> | Financial Interest *<br>Interest that may affect impartiality*<br><span style="float: right;"><i>* Delete where<br/>not applicable</i></span> |
| <b>Extent of<br/>Interest</b> |   |
| <b>Signature</b>              |   |
| <b>Date</b>                   |   |

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

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**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

| <b>TITLE</b><br><i>(Mr/Mrs/Ms/Dr)</i> | <b>FIRST NAME</b> | <b>SURNAME</b> | <b>ADDRESS</b> |
|---------------------------------------|-------------------|----------------|----------------|
|                                       |                   |                |                |

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

| <b>TITLE</b><br><i>(Mr/Mrs/Ms/Dr)</i> | <b>FIRST NAME</b> | <b>SURNAME</b> | <b>ADDRESS</b> |
|---------------------------------------|-------------------|----------------|----------------|
|                                       |                   |                |                |

**STATEMENT**

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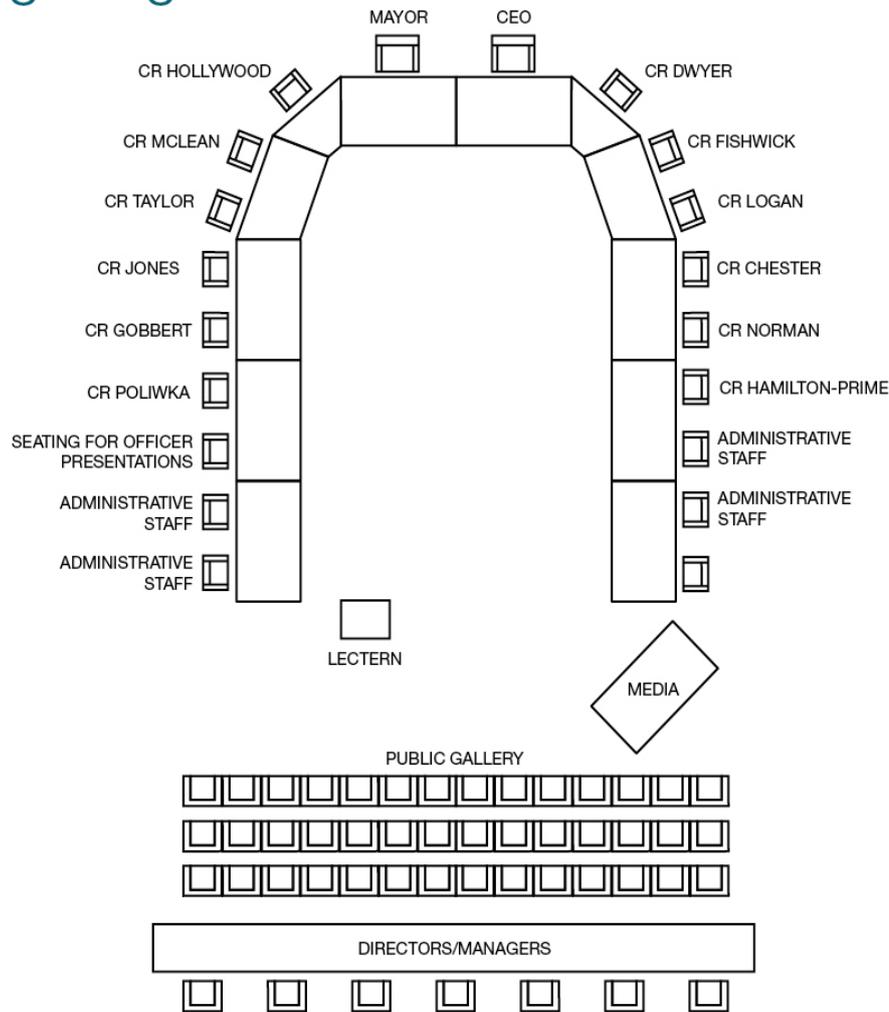
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**Please note that:**

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- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

# Conference Room 1 – Briefing Session Seating Diagram



## Mayor

- 1 His Worship the Mayor, Troy Pickard (Term expires 10/17)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/17)  
3 Cr Tom McLean, JP (Term expires 10/19)

### North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/17)  
5 Cr Nige Jones (Term expires 10/19)

### Central Ward

- 6 Cr Liam Gobbert (Term expires 10/17)  
7 Cr Russell Poliwka (Term expires 10/19)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/17)  
9 Cr Mike Norman (Term expires 10/19)

### South-East Ward

- 10 Cr John Chester (Term expires 10/17)  
11 Cr John Logan (Term expires 10/19)

### South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/17)  
13 Cr Sophie Dwyer (Term expires 10/19)