

# agenda

## Briefing Session

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

**ON TUESDAY 9 AUGUST 2016**

**COMMENCING AT 6.30pm**

**GARRY HUNT**  
Chief Executive Officer  
5 August 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 8 August 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 Information160809.pdf](#)

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

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 9 August 2016** commencing at **6.30 pm**.

### **ORDER OF BUSINESS**

#### **OPEN AND WELCOME**

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

#### **DEPUTATIONS**

#### **PUBLIC QUESTION TIME**

#### **PUBLIC STATEMENT TIME**

#### **APOLOGIES AND LEAVE OF ABSENCE**

##### **Apology**

Mayor Troy Pickard.

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

Cr Liam Gobbert	29 August to 4 October 2016 inclusive;
Cr Sophie Dwyer	11 September to 16 September 2016 inclusive;
Cr Sophie Dwyer	6 November to 11 November 2016 inclusive.

## REPORTS

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

<b>WARD</b>	All		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	07032, 101515		
<b>ATTACHMENTS</b>	Attachment 1	Monthly Development Determined – June 2016	Applications
	Attachment 2	Monthly Subdivision Processed – June 2016	Applications
<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 June 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 officers under delegated authority powers during June 2016 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during June 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 28 June 2016 (CJ091-06/16 refers) Council considered and adopted the most recent Town Planning Delegations.

**DETAILS**

Subdivision referrals

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

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	7	6
Strata subdivision applications	14	25
<b>TOTAL</b>	<b>21</b>	<b>31</b>

Of the 21 subdivision referrals, 13 were to subdivide in housing opportunity areas, with the potential for 14 additional lots.

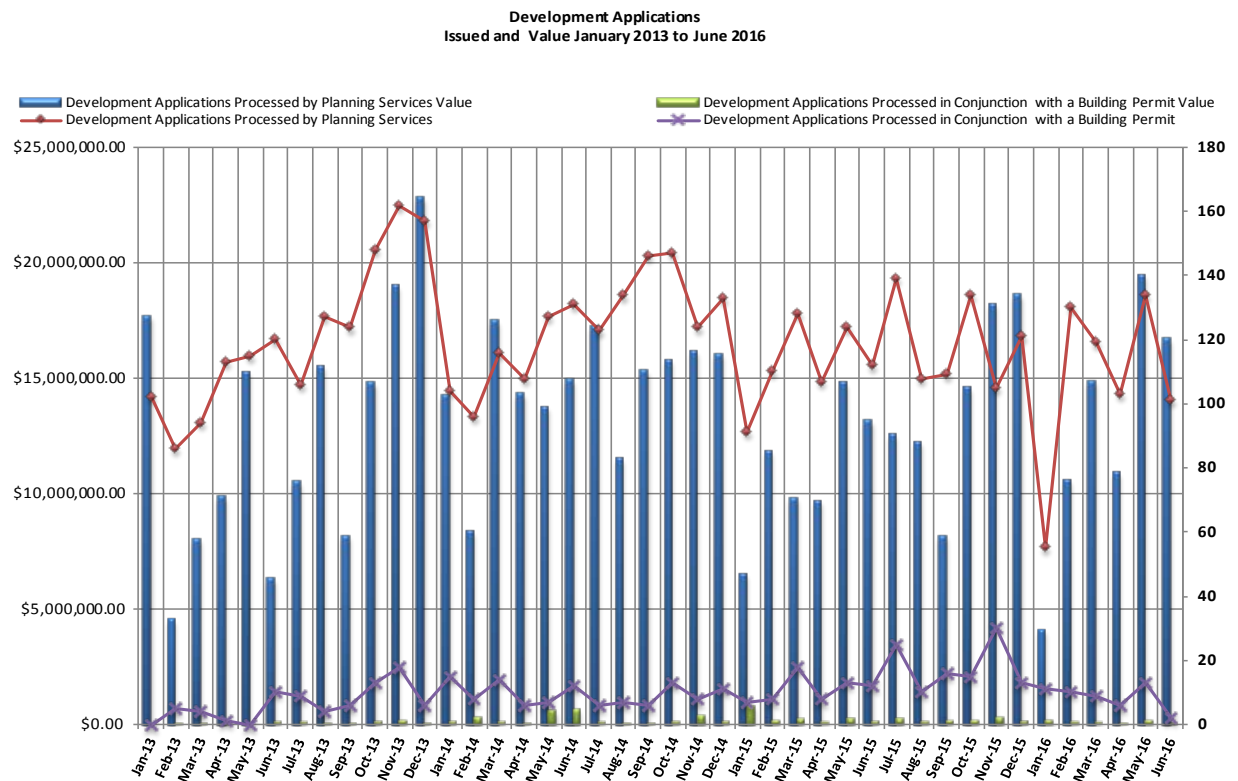
Development applications

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

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	101	\$ 16,676,915
Development applications processed by Building Services	2	\$ 36,500
<b>TOTAL</b>	<b>103</b>	<b>\$ 16,713,415</b>

Of the 103 development applications, two were for grouped dwelling developments in housing opportunity areas, proposing a total of five additional dwellings.

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



The number of development applications received during June was 127. (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 June was 240. Of these, 80 were pending additional information from applicants and 21 were being advertised for public comment.

In addition to the above, 259 building permits were issued during the month of June with an estimated construction value of \$24,894,439.

### **Issues and options considered**

Not applicable.

### **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.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	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 103 development applications were determined for the month of June with a total amount of \$52,593 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 June 2016;**
- 2 Subdivision applications described in Attachment 2 to this Report during June 2016.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf160809.pdf](#)



## **ITEM 2                    PROPOSED MODIFICATIONS TO THE OPERATIONS OF THE POYNTER FARMERS MARKET AT RESERVE 34149 (39) POYNTER DRIVE, DUNCRAIG (POYNTER PRIMARY SCHOOL)**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07584, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Poynter Farmers Market Charter Attachment 3    Poynter Farmers Market Rules Attachment 4    Uloth traffic and parking assessment
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

### **PURPOSE**

For Council to determine an application for development approval that proposes to modify the operation of the existing Poynter Farmers Market at Poynter Primary School, Duncraig.

### **EXECUTIVE SUMMARY**

An application for development approval has been received that proposes modifications to the existing Poynter Farmers Market that operates fortnightly within the quadrangle at Poynter Primary School in Duncraig.

The subject site is zoned 'Urban' under the *Metropolitan Region Scheme (MRS)* and reserved for 'Public Purpose – Primary School' under the *City's District Planning Scheme No. 2 (DPS2)*. In previous approvals, the market has been considered consistent with the reservation of the site as the markets are operated by the Poynter Primary School Parents and Citizens Association (P&C). Funds raised from the markets continue to contribute towards resources for students attending the school.

The P&C now seek development approval to allow an increase in the number of stalls permitted from 20 to 30, and for the use of amplified sound and buskers.

The development application was advertised via a letter to 70 adjoining and nearby landowners and residents for a period of 14 days, from 7 June 2016 to 21 June 2016. A total of 22 submissions were received in relation to the proposed development, inclusive of three late submissions, being 21 objections and one no objection. The concerns raised were generally in regard to the potential increase in traffic to the area, parking of vehicles on the verge and noise that amplified sound may generate.

At its meeting held on 15 December 2015 (C75-12/15 refers), Council received a 34 signature petition requesting that Council approves the expansion of additional stalls at Poynter Farmers Market. The petition has also been taken into consideration during the assessment of this application.

It is considered that the modifications proposed will not detrimentally impact the amenity of nearby residents and that the markets can be managed so as to appropriately minimise the impact of any potential increase in traffic and parking. As such, it is recommended that the application be approved subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Reserve 34149 (39) Poynter Drive, Duncraig.		
<b>Applicant</b>	Poynter Primary School Association Inc (P&C).		
<b>Owner</b>	Department of Education School Resourcing and Budgeting Directorate.		
<b>Zoning</b>	<b>DPS</b>	Public Use – Primary School (Reserve).	
	<b>MRS</b>	Urban.	
<b>Site area</b>	42,117m <sup>2</sup> .		
<b>Structure plan</b>	Not applicable.		

The subject site is bound by Poynter Drive to the east, Griffell Way to the north and Lionel Court to the west. Existing residential properties adjoin the southern boundary. The market operates from within the quadrangle of Poynter Primary School, located within the middle of the site (Attachment 1 refers).

An application for a farmers market was refused by Council at its meeting held on 15 September 2009 (CJ200-09/09 refers). Following this decision, a review of the matter was sought through the State Administrative Tribunal (SAT) and a modified proposal presented back to Council at its meeting held on 16 February 2010 (CJ006-02/10 refers). The modified proposal was refused on the grounds that the market would have an adverse impact on the amenity of surrounding residents and the locality by way of additional traffic, noise and general disruption. The matter was subsequently approved by the SAT on 25 June 2010, with the market commencing fortnightly operation in February 2011.

An application to modify the operation of the market was approved by Council at its meeting held on 11 October 2011 (CJ174-10/11 refers). That application sought to allow greater flexibility for the market by allowing the stalls to operate from any location within the quadrangle; changes to the types of stalls permitted to allow for 25% of the stalls to offer non-food products; and allowance of powered sites at the market.

In late 2012 an application was submitted to the City to further modify the market, seeking an increase in the amount of stalls from 20 to 30, including one additional community stall, an increase in the stall numbers to 35 for three special occasions annually, and the ability to use amplified sound. Following community consultation in February 2013, the application was withdrawn by the applicant.

Since the 2011 approval, and in accordance with the conditions of that approval, the City has received and granted requests for amplified sound to support buskers on eight separate occasions. Since the last consultation undertaken by the City in 2013 no complaints have been recorded in relation to traffic, parking or noise.

In April 2016, the Department of Building Management and Works (on behalf of the Department of Finance), retrospectively approved the conversion of the netball courts adjoining Griffell Way, to a car parking area. Consultation undertaken indicated that, among other concerns from adjacent residents, the car park was only being constructed to support the activities of the market. This car park is not proposed to be utilised for the purposes of parking for the market and does not form part of this application.

## DETAILS

The applicant proposes to modify the operation of the current Poynter Farmers Market as follows:

- An increase in the amount of stalls from 20 to 30 stalls, including one additional community stall.
- Use of a portable amplifier or megaphone for public safety and announcements, and for use by an occasional busker within the quadrangle.
- Formalise the on-street parking along Griffell Way and the use of the school oval for parking as overflow parking when all on-site marked parking bays are occupied.

The applicant has submitted a modified Poynter Farmers Market Charter and Poynter Farmers Market Rules, which were conditions of the original and all subsequent approvals. The charter and rules set out exactly how the market will be operated. The proposed modified charter is provided as Attachment 2 and the proposed modified rules are included as Attachment 3.

### Car parking and traffic

No car parking standard is listed within Table 2 of DPS2 for markets, however a standard of one bay per 20m<sup>2</sup> GLA and one bay per stallholder was previously applied in considering the original application for the market. As the area of the market is not proposed to change, the use of this standard would see the amount of car parking increase by ten bays, based only on the number of stallholders, as shown below:

	Amount	Parking Requirement	Parking Provided
Stallholder Parking (1 bay per stallholder)	30 stallholders	30 bays	30 bays provided on the school oval.
Customer Parking (1 bay per 20m <sup>2</sup> GLA)	496m <sup>2</sup> GLA	24.8 bays	40 bays are provided within the eastern car park accessed from Poynter Drive.
<b>Total</b>		55 bays	70 bays

It is noted that the 40 on-site bays does not include the car park on the netball courts as this does not form part of this application.

The original development approval for the markets required that overflow parking from the market be directed to Granadilla Park in the first instance. However, the P&C have acknowledged that this process has been difficult to manage and that many customers opt to park along Griffell Way despite signage and parking attendants proactively monitoring parking. As such, this application seeks to formalise the use of the 24 on-street embayments located within the Griffell Way road reserve, 13 on-street embayments located within the Poynter Drive road reserve and the use of the school oval to cater for additional parking as required.

The applicant intends to continue to provide signage and parking attendants at each market day with customers to be directed to:

- the 40 bay eastern car park accessed off Poynter Drive in the first instance
- on-street bays located along Poynter Drive and Griffell Way should the above reach capacity
- overflow parking to be directed onto the school oval.

In support of the application, a traffic and parking assessment was undertaken by Uloth and Associates on Saturday 13 February 2016. The date of this assessment coincided with the market fifth anniversary where permission was granted by the City for an additional 10 stalls (30 stalls in total) to operate and found that parking was being appropriately managed through the use of signage and parking attendants.

### Noise and amplification

Under the current approval, amplification is only permitted where separate written approval has been obtained by the City. The City has supported numerous requests from the market for amplified sound, generally for the use by buskers on special occasion market days. The applicant seeks to formalise the use of amplification and whilst this may not be used on every market day, it will provide the market with some flexibility should they wish to engage a student to play at the market without the need to obtain separate written approval from the City.

### **Issues and options considered**

Council must consider whether the increase in stalls, the use of amplified sound and the use of Griffell Way and Poynter Drive embayment's and the school oval for overflow parking is appropriate.

Council may determine an application for development approval by:

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

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

#### **Legislation**

*City of Joondalup District Planning Scheme No. 2.  
Planning and Development (Local Planning Schemes)  
Regulations 2015 (the Regulations).  
Metropolitan Region Scheme (MRS).*

#### **Strategic Community Plan**

#### **Key theme**

Quality Urban Environment.  
Community Wellbeing.

#### **Objective**

Quality built outcomes.  
Community spirit.

- Strategic initiative**
- Buildings and landscaping is suitable for the immediate environment and reflect community values.
  - To have proud and active residents who participate in local activities and services for the betterment of the community.

**Policy** *State Planning Policy 3.7 – Planning in Bushfire Prone Areas.*

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

The subject site has been identified as being located within a bushfire prone area on the Map of Bushfire Prone Areas prepared by the Department of Fire and Emergency Services. The map indicates that only the south-west corner of the site is located within the area. The applicant has prepared a Bushfire Attack Level – Basic assessment which identifies that the site is at a low risk. Given this, no further action is required to be undertaken in accordance with the policy.

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

As the subject site is a Local Reserve, the provisions of Clauses 2.3.2, 2.3.3 and 2.3.4 apply.

**2.3.2 Use of Local Reserves**

*Any Local Reserve not owned by or vested in the local government may be used:*

- (a) *For the purposes for which the land is reserved under the Scheme;*
- (b) *Where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that authority;*
- (c) *For the purpose for which it was used at the Gazettal Date unless the land in the meantime has become vested in a public authority, or unless such use has been changed with the approval of the local government; or*
- (d) *For any purpose approved by the local government but in accordance with any conditions imposed by the local government;*

*but shall not be used otherwise or for any other purpose.*

**2.3.3 Development of Local Reserves**

*Unless the proposed development is a public work exempted by the Act, or the written approval of the local government is first obtained, no person shall:*

- (a) *Demolish or damage any building or works;*
- (b) *Remove or damage any tree;*
- (c) *Excavate, spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved;*
- (d) *Construct, extend or alter any building or structure other than a boundary fence;*
- (e) *Carry out or commence to carry out any other development on any Local Reserve.*

#### 2.3.4 *Application for Planning Approval on Local Reserves*

2.3.4.1 *The local government may consider applications for Planning Approval for land within a Local Reserve but shall have due regard to the ultimate purpose intended for the Local Reserve and the matters set out in Clause 67 of the deemed provisions (“Matters to be Considered by the local government”).*

2.3.4.2 *Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.*

2.3.4.3 *To the extent that it is reasonable to do so, the local government shall apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the local government shall for that purpose stipulate the zone most relevant for comparison.*

2.3.4.4 *Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned, and where the circumstances permit, the local government may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.*

2.3.4.5 *The local government shall, in the case of land reserved for the purposes of a public authority, consult with that authority before giving its approval.*

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 local government.*

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 local government shall determine the parking standard. The local government 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)

Under Clause 2.3.4 of DPS2, the local government is required to take into account the provisions of Clause 67 of the deemed provisions (“Matters to be considered by the local government”) in determining an application for development approval on a local reserve.

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, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following -*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

### **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 via a letter to 70 adjoining and nearby landowners and residents for a period of 14 days, from 7 June 2016 to 21 June 2016. A total of 22 submissions were received in relation to the proposed development, inclusive of three late submissions, being 21 objections and one no objection.

The key issues arising from consultation are as follows:

- The market is already sustainable and does not need to be any bigger.
- The ability for the City to consider the application.
- Use of megaphone and amplified sound will increase noise, noise pollution and be generally disruptive.
- More stalls will see an increase in traffic and increased congestion.
- Verge parking and parking on the oval will detrimentally impact on adjoining properties and on the visual amenity of green spaces.
- Stallholders currently arrive early with a general disruption on market days.
- Concerns that increases to the market will continue, with the current operation considered to be of a scale and frequency that strikes an appropriate balance.
- Elected Member conflict of interest.

These comments are further addressed within the comments section below.

In support of the application, the P&C provided a 34 signature petition in support of the changes to the market. Of these 34 signatures, 17 were residents of Duncraig. The petition was received by Council at its meeting held on 15 December 2015 (C75-12/15 refers).

## COMMENT

### Land Use

The market has previously been considered an appropriate land use, consistent with the reservation of the site. It is operated by the P&C with funds raised directly contributing to the school.

### Stall numbers

The applicant initially sought approval for an increase in the number of stalls permitted from 20 to 30 stalls, with an additional five stalls on special occasions. Following the concerns raised during community consultation, the applicant has modified the number of stalls, with no more than 30 to operate on any market day, including special occasions. They have also indicated that the intention is not to provide 30 stalls on each market day, but rather the approval of 30 will provide them with flexibility to have additional stalls.

Comments received during community consultation raised concerns that an increase in the number of market stalls would be for commercial gain and was not for the benefit of the school. The P&C has advised that an increase in stall numbers will enable the markets to compete with other similarly operated farmers markets located in the northern suburbs, which have been set up since the conception of the Poynter Farmers Market. The Poynter Farmers Market Charter (Attachment 2 refers) also sets out that the market is to provide funds for the purposes of the P&C.

It is anticipated by the P&C that the additional stalls will enhance the variety on offer and will not significantly increase the number of additional customers to the market. In addition, it is considered by the P&C that the market will assist in maintaining their existing customer base and provide additional contribution to the educational resources and learning programs for the students of the school.

A condition of development approval in 2011 required that no more than 25% of the stalls shall sell non-food related products. As this requirement is not proposed to be modified by the applicant and has not been incorporated into the amended Poynter Farmers Market Charter (Attachment 2 refers), it is recommended that a similar condition be applied should the application be approved.

As the modifications proposed to the operation of the market will increase the number of stalls to a maximum of 30, the P&C has indicated that no further applications will be lodged for additional stalls on special occasions. It is noted that through the *Local Government and Public Property Local Law 2014* the City can refuse to support any increase in stall numbers for special occasions should an application be lodged.

### Traffic and parking

While the intent of the market is to maintain the existing customer base, the applicant has engaged the services of a suitably qualified traffic consultant to review the likely impacts on the existing road network. The report included traffic counts undertaken on 13 February 2016. These counts coincided with the fifth year anniversary market day, where an additional 10 stalls operated on one day (30 stalls in total). These additional stalls were exempt from the requirement for development approval, as they occurred on only one occasion in a period that was less than 48 hours in a 12 month period. However, a Street Market Permit was still required from the City in accordance with the *Local Government and Public Property Local Law 2014*.

Some of the key findings of the traffic and parking assessment undertaken by the applicant's traffic consultant include the following:

- the existing operations are very well managed to ensure that the available on-site car parking is being fully utilised
- on-street, verge and overflow parking is well controlled to ensure that any impact on adjoining residential properties is minimised
- traffic flows experienced are below the maximum volumes specified under Liveable Neighbourhoods and will remain below the maximum even if the surveyed traffic generation of the market was to increase by 50 per cent.

The City also undertook separate traffic counts on Poynter Drive (north of Glenbar Road) over the same weekend of the fifth anniversary market, with the numbers found to be comparable to those provided within the traffic and parking assessment.

The existing school site currently provides 41 car bays, with 40 of these able to be utilised for market parking, and the remaining one bay set aside to enable turning movements within the car park. Access to this car park is from Poynter Drive. It is intended that this car park will remain the primary car park for the market customers, with parking attendants and signage to direct customers there in the first instance.

The original approval for the market required that customers be directed to Granadilla Park in the instance that the car park on Poynter Drive reached capacity. However, the parking attendants have found that many customers to the markets have taken to using the existing on-street embayment's located along Griffell Way and Poynter Drive when the school car park is at capacity. Given that these bays are located within the road reserve adjoining the school, it is considered reasonable to allow market customers to utilise these bays.

Traffic counts undertaken by the consultant indicated that vehicle trips on Griffell Way increased from 401 trips (on a no market Saturday) to 1,053 trips. By comparison it is noted that Griffell Way on an average weekday carries 821 vehicles per day. The report confirms that even on the special occasion market day, vehicle trips for Griffell Way were under the maximum capacity of 3,000 vehicles defined in the State Government's *Liveable Neighbourhoods* policy. Even if an assumption was made on a worst case increase in traffic of 50% were to be applied, the volume of traffic would still be below 3,000 vehicles.

As a part of the original application in 2010, the traffic consultant engaged by the applicant as part of the SAT review indicated that as a result of the market the Saturday traffic flow would likely see an increase to approximately 2,637 vehicles per day on Poynter Drive. In comparison the total number of vehicle trips recorded by the traffic consultant on the special market day was 2,137. This remains less than the amount of traffic that was anticipated under the 2010 SAT approval.

The majority of objections received during the consultation indicated that the additional stalls would increase traffic and the parking demand, and increase noise as a result. Concerns were also raised in regard to damage to verges and that the increase was at the expense of local residents. The traffic consultant found that the traffic generated by the markets was well under the road capacity. The consultant also noted that the parking along both the Griffell Way and Poynter Drive was also well managed and timed such that no vehicles were observed to park so as to obstruct or damage residential verges.

A number of residents of both Jope Place and Lionel Court objected to parking and traffic during the consultation period, particularly in relation to verge parking on Lionel Court. Following community consultation the P&C made modifications to the proposal to remove the allowance for verge parking on the road reserve, with the exception of the on-street embayments. The P&C also liaised with the school and obtained permission for the market to use the school oval should the need arise for further overflow car parking. On market days, signage will be installed along Lionel Court and adjoining residential verges to deter parking in this area.

Given the modifications proposed to the parking arrangement and the results of the traffic and parking assessment, the potential increase in traffic and parking is considered appropriate given the measures in place, and ensures an increase in stall numbers does not have a detrimental impact on adjoining or nearby landowners.

#### Noise and amplification

The P&C has applied for the use of amplified sound and megaphones to be used in the event of an emergency and to support the use of buskers on market days. The intent is for students of the school to play music at the market. In accordance with the conditions of the current market approval, the P&C currently apply to the City on an ad-hoc basis for the use of amplified sound, in particular during special event market days. Formal approval of the use of buskers will mean that separate written approval is not required to be made to the City on each occasion.

During the consultation period a number of the objections made reference to the use of amplified sound being generally disruptive. In considering the request made by the market, a review was undertaken of the City's records which identified that no complaints had been received from adjoining or nearby landowners in relation to noise from the market, including on those days where separate permission had been granted for the use of amplified sound since the market had commenced operation.

### Response to submissions

In addition to the concerns discussed above, two objections received stated that this application was not consistent with the original decision made by the SAT and that the correct approvals process was not being followed. As this is a new application, the modifications are not required to be presented back to the SAT unless the applicant should be aggrieved by the decision made on this matter, as set out under the *Planning and Development Act 2005* and *State Administrative Tribunal Act 2004*.

Comments were made in relation to the City not actively ensuring that the market was operating in accordance with the Poynter Farmers Market Rules and Poynter Farmers Market Charter. However, in line with the concerns surrounding amplified sound, no complaints have been received by the City requesting an inspection or querying the previous conditions of approval.

Two comments were also made in relation to the potential for Elected Members to have a conflict of interest in considering the application. A decision in respect to an Elected Member's level of interest which may cause a conflict, rests with the particular Elected Member and them alone. In such instances where a conflict arises, disclosure is to be made in accordance with the *Local Government Act 1995* or the *Local Government (Rules of Conduct) Regulations 2007*.

### Conclusion

The development provides the locality with the opportunity for engagement and a sense of community that is not afforded to many other local communities. The proposed development application, which proposes an expansion in stall numbers from 20 to 30, has been assessed giving due regard to the potential impacts on both adjoining and nearby residents and the locality. It is considered that the P&C has sufficiently demonstrated that such an increase will be well managed, will not see a substantial increase to the road network that would result in a detrimental impact on the locality and will improve the management of parking on market days.

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

## **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 Poynter Primary School P&C Association Inc. on behalf of the owners, Department of Education School Resourcing and Budgeting Directorate, for 'Markets (Retail)' on Reserve 34149 (39) Poynter Drive, Duncraig, subject to the following conditions:**

- 1.1 The development shall be carried out in accordance with the Poynter Farmers Market Charter dated 19 July 2016 and Farmers Market Rules dated 28 June 2016. The following parts of the Poynter Farmers Market Charter and Farmers Market Rules shall not be altered without further approval from the City:
    - 1.1.1 Poynter Farmers Market Charter Part 2 Operating Times;
    - 1.1.2 Poynter Farmers Market Charter Part 3 Stalls;
    - 1.1.3 Poynter Farmers Market Charter Part 4 Vehicle and Traffic Management;
    - 1.1.4 Farmers Market Rules Part 1 Location and time;
    - 1.1.5 Farmers Market Rules Part 4 Stallholder and produce eligibility;
    - 1.1.6 Poynter Farmers Market Charter Part 9 Noise;
    - 1.1.7 Attachment C Market Map;
  - Modifications to other parts of the Poynter Farmers Market Charter and Farmers Market Rules do not require further approval from the City;
  - 1.2 A maximum of 25% of stalls operating on any given occasion are permitted to offer non food products;
- 2 ADVISES the lead petitioner of Council's decision.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf160809.pdf](#)

### **ITEM 3                    PROPOSED SCHEME AMENDMENT NO. 86 TO DISTRICT PLANNING SCHEME NO. 2 – MODIFICATION TO THE BOUNDARY OF DISTRICT PLANNING SCHEME NO. 2 TO ENABLE THE DEVELOPMENT OF OCEAN REEF MARINA**

<b>WARD</b>	North-Central	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	04171, 101515	
<b>ATTACHMENT</b>	Attachment 1	Location plan
	Attachment 2	Scheme amendment map
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.	

#### **PURPOSE**

For Council to consider initiating an amendment to *District Planning Scheme No. 2* (DPS2) to modify the existing scheme boundary to include land for the development of the Ocean Reef Marina and to zone a portion of this land 'Urban Development'.

#### **EXECUTIVE SUMMARY**

As part of the progression of the Ocean Reef Marina project it is necessary for DPS2 to be amended to align with the boundary proposed under *Metropolitan Region Scheme* (MRS) amendment 1270/41 that is currently being progressed.

The new area to be included within the scheme boundary, that is proposed to be zoned 'Urban' under the MRS, is proposed to be zoned 'Urban Development' under DPS2. It is noted that the area proposed to be zoned 'Urban' under the MRS Amendment that currently falls within the DPS2 boundaries, will be zoned 'Urban Development' automatically as part of that MRS amendment process. The 'Urban Development' zone will facilitate a structure plan for the Ocean Reef Marina.

It is recommended that Scheme Amendment No. 86 be initiated for the purpose of advertising for public comment for 42 days, after which further consideration can be given to the proposal by Council.

#### **BACKGROUND**

<b>Suburb/Location</b>	Ocean Reef.	
<b>Applicant</b>	City of Joondalup.	
<b>Owner</b>	Crown Land.	
<b>Zoning</b>	<b>DPS</b>	Not applicable.
	<b>MRS</b>	'Waterways' and 'Parks and Recreation' reservation.
<b>Site area</b>	44.46ha.	

**Structure plan** Not applicable.

The Major Projects Committee at its meeting held on 13 June 2016 resolved that it:

- 1 *NOTES the Ocean Reef Marina Project Status Report;*
- 2 *NOTES that a report will be presented to Council for the initiation of an amendment to District Planning Scheme No. 2 to:*
  - 2.1 *modify the scheme boundary to reflect the proposed Metropolitan Region Scheme Amendment 1270/41 – Ocean Reef Marina Development;*
  - 2.2 *zone ‘Urban Development’ the areas that fall outside of District Planning Scheme No. 2 that are proposed to be zoned ‘Urban’ under the proposed Metropolitan Region Scheme Amendment 1270/41 – Ocean Reef Marina Development;*
- 3 *NOTES that a report will be presented to Council for the initiation of an amendment to the City’s district boundary to incorporate the Ocean Reef Marina development.*

A request to amend the MRS was lodged with the Western Australian Planning Commission (WAPC) in April 2014. This MRS amendment will apply to the existing land within the MRS area that is currently reserved for ‘Parks and Recreation’ and will zone it ‘Urban’.

The MRS amendment also applies to new land that will be created as part of the marina development, part of which is proposed to be zoned ‘Urban’ with the remainder proposed to be reserved ‘Parks and Recreation’ and ‘Waterways’ under the MRS.

The City has requested that the area proposed to be zoned ‘Urban’ under the MRS Amendment that currently falls within the DPS2 boundaries be zoned ‘Urban Development’ automatically as part of the MRS amendment process.

The MRS amendment along with the Ocean Reef Marina Negotiated Planning Outcome is currently being reviewed and assessed by the Department of Planning, the Office of the Environmental Protection Authority, and the Department of Parks and Wildlife.

To support the MRS amendment, a number of environmental assessments have been undertaken including coastal vulnerability and bushfire attack level assessments. The MRS amendment has also been referred to the Environmental Protection Authority as part of the amendment process.

It is also noted that an amendment to the local government boundary of the City of Joondalup is necessary to accommodate the development of the Ocean Reef Marina, and this issue is addressed in a separate report on this agenda.

## **DETAILS**

The amendment to DPS2 proposes to modify the scheme boundary to include land for the development of Ocean Reef Marina. The amendment extends the scheme boundary to reflect the proposed Metropolitan Region Scheme Amendment 1270/41 – Ocean Reef Marina Development, by including the areas proposed to be reserved ‘Parks and Recreation’; the areas proposed to be zoned ‘Urban’; as well as the internal area of the marina, proposed to be reserved ‘Waterways’. The amendment also proposes that the areas proposed to be zoned ‘Urban’ under the proposed Metropolitan Region Scheme Amendment 1270/41 – Ocean Reef Marina Development, be zoned ‘Urban Development’ under DPS2. Attachment 2 of this report refers.

It is currently intended that the amendment to DPS2 will be advertised at the same time as the MRS amendment 1270/41 as part of an overall consultation strategy for the Ocean Reef Marina project.

### Issues and options considered

The issue to be considered by Council at this time is the suitability of the change to the scheme boundary and the proposed 'Urban Development' zone.

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

- to proceed to advertise the amendment to the local planning scheme without modification
- to proceed to advertise the amendment to the local planning scheme with modifications
- or
- not to proceed to advertise the amendment to the local planning scheme at this time.

### Legislation / Strategic Community Plan / policy implications

**Legislation** *Planning and Development Act 2005.  
Planning and Development (Local Planning Schemes) Regulations 2015.*

#### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Planning frameworks promote and support adaptive, mixed-use developments with active ground floor uses on appropriately zoned sites.

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

**Objective** Destination City.

**Strategic initiative** Facilitate the establishment of major tourism infrastructure.

**Policy** Not applicable.

#### *Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015*

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) enables a local government to prepare or amend a local planning scheme and sets out the process to be followed. When the Metropolitan Region Scheme (MRS) is amended, the local planning scheme must also be amended to ensure it is consistent with the MRS.

Under the Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the WAPC has not established a position on the boundary of DPS2 or the zoning of the land to be zoned 'Urban' under the MRS through an endorsed Local Planning Strategy or an approved MRS amendment, the proposal is considered to be a complex amendment. Complex amendments are required to be referred to the WAPC prior to advertising. The WAPC must examine the documents and advise the City if any modifications are required prior to advertising being undertaken.



Additionally, should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is necessary. Should the EPA decide that an environmental review is not required, and notify the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

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

### **Risk management considerations**

The amendment to DPS2 relates to land that is not currently contained within the City's local government boundary. An application is required to modify the local government boundary, which is the subject of a separate report on this agenda. However, there is a risk in progressing an amendment to DPS2 in an area that is not within the City's current local government boundary. This is because the *Planning and Development Act 2005* is not clear if a DPS2 amendment can occur over land outside of local government boundaries. It is possible that re-initiation and re-advertising of this DPS2 amendment will be required after the district boundary has changed and before the DPS2 amendment could be finalised.

In addition, if the request to modify the local government boundary is not supported there is a risk the amendment may need to be modified or will not proceed.

Similarly, the land subject to this amendment is also subject to MRS amendment 1270/41. If for any reason the MRS amendment is not supported or supported with modifications there is the risk that the amendment to DPS2 will need to be modified or reinitiated.

Before the amendment can be advertised, the City is required to refer it to the WAPC. The WAPC must examine the documents and advise the City if any modifications are required. In light of the above, there is also the risk that, when the amendment is referred to the WAPC, modifications will be required before the amendment is able to be advertised.

### **Financial / budget implications**

The City, as the proponent is required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the scheme amendment which includes letters to service authorities, placing a notice in the local newspaper and on the City's website. The total cost of advertising is estimated to be \$640. A notice will also be placed in the *Government Gazette* in the event that the scheme amendment is approved.

#### Current financial year impact

<b>Account no.</b>	220-C1001.
<b>Budget Item</b>	Ocean Reef Marina.
<b>Budget amount</b>	\$ 882,313
<b>Amount spent to date</b>	\$ 12,911
<b>Proposed cost</b>	\$ 640
<b>Balance</b>	\$ 868,762

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

The initiation of the scheme amendment is key in the progression of the Ocean Reef Marina project.

It is anticipated that the development of the Ocean Reef Marina will become a significant tourist destination and a key focal point within the northern Perth corridor.

### **Sustainability implications**

Progression of the project will facilitate a number of studies and reports that address key issues pertaining to sustainability such as economic feasibility and environmental sustainability. A number of studies have also been undertaken to support the MRS Amendment which is required to be reviewed by the Environmental Protection Authority.

### **Consultation**

As outlined above, the amendment is considered to be a complex amendment. Before a complex amendment can be advertised, the City is required to refer it to the WAPC. The WAPC must examine the documents and advise the City if any modifications are required prior to advertising being undertaken.

Should Council initiate the scheme amendment, it is required to be advertised for public comment for 42 days. It is currently intended that the scheme amendment will be advertised at the same time as the MRS amendment as part of an overall consultation strategy for the Ocean Reef Marina project. However, for this local planning scheme amendment, comments will only be sought regarding the suitability of the amendment to the DPS2 boundary and the 'Urban Development' zone. In considering the amendment post consultation, only comments relating to the scheme amendment are able to be considered by Council.

It is proposed that advertising will be by way of:

- a notice placed in the Joondalup Community newspaper
- a notice placed on the City's website
- documents displayed at the City's Administration building
- letters to relevant service authorities.

### **COMMENT**

In order to progress with the Ocean Reef Marina project it is necessary to undertake the modification to the DPS2 boundary to include and appropriately zone the land to align with the MRS amendment. This will be followed by the development of a structure plan which will guide the future development and subdivision of the area.

There is a risk in progressing this DPS2 amendment ahead of the MRS Amendment and local government boundary amendment, as changes to the final form of these amendments and/or legal restriction may result in the need for re-initiation and/or re-advertising of the DPS2 amendment. However, given the desirability of presenting all possible detailed information on the Ocean Reef Marina project to the public at the same time, it is recommended that the amendment to DPS2 be initiated now with the aim of it being advertised concurrently with the MRS Amendment. This will depend on the WAPC providing their advice on any modifications to the DPS2 amendment in a timely manner.

This approach provides the community with an open and transparent planning framework and ample context against which submissions can be made.

It is therefore recommended that the proposed amendment be initiated for the purpose of public consultation.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1** pursuant to section 75 of the *Planning and Development Act 2005* and Regulation 35 (1) of *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to proceed to advertise Scheme Amendment No. 86 to *City of Joondalup District Planning Scheme No. 2* to modify the scheme boundary and zone a portion of the area 'Urban Development', in accordance with the map included at Attachment 2 to this Report;
- 2** pursuant to Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES that Scheme Amendment No. 86 is a complex amendment as it is not yet included in the Metropolitan Region Scheme or any local planning strategy adopted by the Western Australian Planning Commission;
- 3** NOTES that Scheme Amendment No. 86 is to be submitted to the Western Australian Planning Commission under Regulation 37(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to advise of any modifications prior to advertising, and the Environmental Planning Authority, under section 81 of the *Planning and Development Act 2005*, to determine whether an environmental review is required under the *Environmental Protection Act 1986*;
- 4** NOTES that subject to referral and response from the Western Australian Planning Commission and the Environmental Protection Authority, and any actions required by those parties, Scheme Amendment No. 86 will be advertised for 42 days.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf160809.pdf](#)

## **ITEM 4                      PROPOSAL TO CHANGE THE DISTRICT BOUNDARY OF THE CITY OF JOONDALUP**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	04171, 101515
<b>ATTACHMENT</b>	Attachment 1     Site Plan – Proposed District Boundary Amendment
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to consider a proposal to make a submission to the Local Government Advisory Board (LGAB) seeking a change to the City of Joondalup's district boundary at the Ocean Reef Boat Harbour to include the proposed Ocean Reef Marina development.

### **EXECUTIVE SUMMARY**

The current City of Joondalup district boundary at the existing Ocean Reef Boat Harbour follows the water line around the shore and groynes (refer dotted blue line on Attachment 1). The internal water body in the harbour including the finger jetties are not within the City of Joondalup or any other local government.

It is proposed that the City seek a change to its district boundary to include the proposed Ocean Reef Marina development. There is a statutory process for seeking a district boundary change and this will require a submission to the LGAB. The proposed boundary change will incorporate the proposed shoreline, northern and southern breakwaters, jetties, marina water body and boat pens of the Ocean Reef Marina development (refer solid red line on Attachment 1) as indicated on the current concept plan.

*It is therefore recommended that Council:*

- 1     *APPROVES in principle the proposal to change the City of Joondalup district boundary at the existing Ocean Reef Boat Harbour to include the proposed Ocean Reef Marina development;*
- 2     *REQUESTS the Chief Executive Officer to issue a direct invitation to the Department of Transport (Marine and Harbours) and the Department of Parks and Wildlife seeking comments the proposal as outlined in Part 1 above;*
- 3     *REQUESTS the Chief Executive Officer to provide a further report to Council detailing comments received from the Department of Transport and the Department of Parks and Wildlife prior to making a final determination to submit a proposal to the Local Government Advisory Board to change the City of Joondalup district boundary at the existing Ocean Reef Boat Harbour.*

## BACKGROUND

The City is undertaking the preparation of a structure plan for the Ocean Reef Marina based on the current concept plan. The City is also pursuing an amendment to the *Metropolitan Region Scheme* (MRS) Boundary and intends to amend the boundary of the *City's District Planning Scheme No. 2* (DPS2) to incorporate the proposed marina. The marine components of the Ocean Reef Marina are also being formally assessed by the Environmental Protection Authority through a *Public Environmental Review* (PER).

In order for the Ocean Reef Marina structure plan to be formally considered and adopted by Council and the Western Australian Planning Commission, the area of the structure plan must be within the City's district boundary.

The current City of Joondalup district boundary at the existing Ocean Reef Boat Harbour, the site of the proposed Ocean Reef Marina, follows the water line around the shore and groynes. It does not include the internal water body or the finger jetties. Therefore, portions of the proposed Ocean Reef Marina will fall outside of the City's existing district boundary.

At its meeting held on 13 June 2016, it was agreed that the Major Projects Committee *inter alia* (Item 1: Ocean Reef Marina Project Status Report refers):

“3 *NOTES that a report will be presented to Council for the initiation of an amendment to the City's district boundary to incorporate the Ocean Reef Marina development.*”

At the same meeting it was also noted that a report will be presented Council for the initiation of an amendment to DPS2. Amendments to the DPS2 boundary can only be initiated for areas that fall within the City's district boundary.

## DETAILS

Section 2.1 of the *Local Government Act 1995* (the Act) sets out the requirements for a change to a local government district boundary as follows:

### 2.1 *State divided into districts*

- (1) *The Governor, on the recommendation of the Minister, may make an order:*
  - (a) *declaring an area of the State to be a district;*
  - (b) *changing the boundaries of a district;*
  - (c) *abolishing a district; or*
  - (d) *as to a combination of any of those matters.*
- (2) *Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect;*
- (3) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Schedule 2.1 of the Act sets out the detailed processes to be followed in relation to proposals for changes to districts and Clause 2 deals with making a proposal as follows:

2. *Making a proposal:*

(1) *A proposal may be made to the Advisory Board by:*

- (a) *the Minister;*
- (b) *an affected local government;*
- (c) *2 or more affected local governments, jointly; or*
- (d) *affected electors who:*
  - (i) *are at least 250 in number; or*
  - (ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to:*

- (a) *set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments;*
- (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- (c) *comply with any regulations about proposals.*

Clause 3 of Schedule 2.1 sets out how proposals are dealt with. While the LGAB may be required to undertake a formal inquiry into a proposal, subclause (3) does provide for proposals that are determined to be of a minor nature and that do not require public submissions to be invited. Clause 3 is as follows:

3. *Dealing with proposals:*

(1) *The Advisory Board is to consider any proposal.*

(2) *The Advisory Board may, in a written report to the Minister, recommend\* that the Minister reject a proposal if, in the Board's opinion:*

- (a) *the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made:*
  - (aa) *where the proposal was made by affected electors under clause 2(1)(d), that the majority of those electors no longer support the proposal; or*
  - (b) *the proposal is frivolous or otherwise not in the interests of good government.*

*\* Absolute majority required.*

(3) *If, in the Advisory Board's opinion, the proposal is:*

- (a) *one of minor nature; and*
- (b) *not one about which public submissions need to be invited,*

*the Board may, in a written report to the Minister, recommend\* that the Minister reject the proposal or that an order be made in accordance with the proposal.*

*\* Absolute majority required.*

(4) *Unless it makes a recommendation under subclause (2) or (3), the advisory Board is to formally inquire into the proposal.*

## Issues and options considered

In order for the Ocean Reef Marina Structure Plan to be considered and adopted by Council and the WAPC, the structure plan area must fall within the City's district boundary. Without an amendment to the City's district boundary the structure plan process cannot proceed and the Ocean Reef Marina will not progress to construction.

## Legislation / Strategic Community Plan / policy implications

**Legislation** The *Local Government Act 1995* Section 2.1(2) provides that in relation to creating, changing the boundaries of and abolishing districts Schedule 2.1 has affect.

## Strategic Community Plan

**Key theme** Economic prosperity, vibrancy and growth.

**Objective** Destination City.

**Strategic initiative**

- Facilitate the establishment of major tourism infrastructure.
- Encourage diverse accommodation options.

**Policy** Not applicable.

## Risk management considerations

Proceeding with a proposal to amend the City of Joondalup's district boundary is relatively low risk.

The amendment appears consistent with the LGAB Guiding Principles specifically the following points:

- Economic factors - by ensuring that relevant land and developments are valued and rated and that services are delivered by the City of Joondalup consistent with other land and developments in the City.
- History of the Area – the existing Ocean Reef Boat Harbour is currently within the City's boundary.

The amendment would also be consistent with other similar marine developments which are wholly contained within a district boundary:

- Mindarie Keys (City of Wanneroo).
- Mandurah Ocean Marina (City of Mandurah).
- Bunbury Waterfront Development (City of Bunbury).
- Fremantle, Challenger, Fishing Boat and Success Harbours (City of Fremantle).

## Financial / budget implications

Financial and budget implications in relation to making a submission for the proposed boundary change are minor. Assistance will be sought from a consultant in regard to the issues and requirements and preparation of a submission to the LGAB. The anticipated cost is approximately \$6,000 - \$7,000 which will be funded from the 2016-17 Ocean Reef Marina capital budget. Details of this budget are provided below.

Current financial year impact

<b>Account no.</b>	220-C1001.
<b>Budget Item</b>	Ocean Reef Marina.
<b>Budget amount</b>	\$ 882,313
<b>Amount spent to date</b>	\$ 50,582
<b>Proposed cost</b>	\$ 7,000
<b>Balance</b>	\$ 824,731

Note: The 2016-17 approved budget includes income of \$500,000 (State Government financial contribution).

**Annual operating cost** Not applicable.

**Estimated annual income** Not applicable.

**Capital replacement** Not applicable.

**20 Year Strategic Financial Plan impact** Not applicable.

**Impact year** Not applicable.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The *Local Government Act 1995* sets out in Schedule 2.1 the need for the LGAB to undertake an inquiry in relation to a district boundary proposal unless it determines that the proposal is of minor nature. A formal inquiry would require notice to affected electors, affected local governments and effected electors of other local governments.

There is no stipulation as to the consultation required to be made by a local government prior to it submitting a proposal. It is open to a local government to make its own determination as to whether or not it wishes to do so. If the LGAB determines that the proposal is not of a minor nature it is obliged to conduct its own inquiry even if the local government has already undertaken its own consultation.

Given that the proposed amendment does not deal with a common district boundary with any other local government it is not proposed that the City consult other local governments or their electors. Further, as the proposed amendment does not impact on existing residents or property, it is not proposed that the City undertake community consultation.

The Department of Transport (Marine and Harbours) is potentially the government agency who will have management responsibility for the Ocean Reef Marina and as such will be directly impacted and should be afforded the opportunity to comment on the proposal. It is therefore proposed that the Department of Transport (Marine and Harbours) be invited to comment on the amendment.



Further, part of the area impacted by the boundary amendment is currently within the Marmion Marine Park. Therefore it is proposed by the Department of Parks and Wildlife, as administrators of the Marmion Marine Park, be invited to comment on the amendment.

## COMMENT

The current alignment of the City of Joondalup district boundary does not incorporate the proposed Ocean Reef Marina. This means that the *Ocean Reef Marina Structure Plan* cannot be adopted by the City or the WAPC. A change to the City's district boundary is therefore required.

It is recommended that the most appropriate approach to defining a new boundary is to encompass all components of the Ocean Reef Marina as defined in the current concept plan (Attachment 1 refers).

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **APPROVES** in principle the proposal to change the City of Joondalup district boundary at the existing Ocean Reef Boat Harbour to include the proposed Ocean Reef Marina development;
- 2 **REQUESTS** the Chief Executive Officer to issue a direct invitation to the Department of Transport (Marine and Harbours) and the Department of Parks and Wildlife seeking comments the proposal as outlined in Part 1 above;
- 3 **REQUESTS** the Chief Executive Officer to provide a further report to Council detailing comments received from the Department of Transport and the Department of Parks and Wildlife prior to making a final determination to the Local Government Advisory Board to submit a proposal to change the City of Joondalup district boundary at the existing Ocean Reef Boat Harbour.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf160809.pdf](#)

## ITEM 5 MINUTES OF EXTERNAL COMMITTEES

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 101515
<b>ATTACHMENTS</b>	Attachment 1 Minutes of the Mindarie Regional Council meeting held on 7 July 2016.  <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').

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### 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 the Mindarie Regional Council meeting held on 7 July 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.

#### **Mindarie Regional Council meeting – 7 July 2016**

A meeting of the Mindarie Regional Council was held on 7 July 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:

#### 11.3 Budget Approval - Financial Year 2016/17

It was resolved by the Mindarie Regional Council as follows:

*“That the Council:*

- (i) adopt the Budget for the Mindarie Regional Council for 2016/17 financial year.*

- (ii) endorse the on-going strategy of deferred payment of operational surpluses, as approved by Council at its August 2005 meeting, for the 2005/06 financial year and future years to meet its on-going capital requirements.
- (iii) approve the use of an on-going overdraft facility of \$1 million to manage cashflow 'short falls' during the 2016/17 financial year and future years.
- (iv) approve the Capital Budget Program of \$16,593,900 for 2016/17 as follows:

New Capital Expenditures

	\$
Buildings	370,000
Office furniture and equipment	117,900
Computer equipment	224,500
Plant and equipment	194,500
Infrastructure	1,573,000
Vehicles	582,000
	<u>3,061,900</u>

Carried Forward Capital Expenditures

	\$
Waste facility precinct	6,000,000
Waste facility infrastructure	4,000,000
Cell lining	3,000,000
Recycling redevelopment – I	153,000
Environmental ute	30,000
Fire ute	54,000
Fire truck	200,000
Wood chipper	60,000
Forklift	35,000
	<u>13,532,000</u>
Total Capital expenditure	<u>16,593,900</u>

- (v) approve that \$430,362 will be transferred from the Operating Surplus to the Site Rehabilitation Reserve.
- (vi) approve that \$5,000,000 will be transferred from the Operating Surplus to the Reserve for Capital Expenditure.
- (vii) approve that \$5,528,900 be transferred from the Reserve for Capital Expenditure to Operating Surplus to fund capital expenditures.
- (viii) approve that any funds required for carbon abatement projects be transferred from the Carbon Abatement Reserve to the Operating Surplus.
- (ix) approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the respective reserves.”

16.1 Tender Assessment – Provision of Recycling and Pick Up/Drop Off of Mattresses – 13/133

It was resolved by the Mindarie Regional Council as follows:

*“That the Council:*

1. *Award the Tender for the provision of Recycling and Pick-Up/Drop-Off of Mattresses (Tender Number: 13/133) to:
  - i. *Great Lakes Community Resources T/A Soft Landing; and*
  - ii. *Recycle WA Pty Ltd.**
2. *Advise the member councils of the successful tenderers and the opportunities provided by this tender for various services associated with mattress pick up and recycling within the Region.*
3. *Advise the tenderers accordingly.”*

16.2 Tender Assessment – Land Use and Feasibility Study for the post closure of the Tamala Park Waste Management Facility Site at Lot 9005 on Deposited Plan 76936 1700 Marmion Avenue Tamala Park– 13/132

It was resolved by the Mindarie Regional Council as follows:

*“That the Council:*

1. *Award the Tender Land Use and Feasibility Study for the Post Closure of the Tamala Park Waste Management Facility Site At Lot 9005 On Deposited Plan 76936 1700 Marmion Avenue Tamala Park (Tender Number: 13/132) to The Planning Group (TPG) Pty Ltd.*
2. *Advise the tenderers accordingly.”*

14.1 Stage 2 Phase 3 - Geosynthetic Liner Failure

It was resolved by the Mindarie Regional Council as follows:

*“That the Council:*

1. *Approve the use of up to \$132,500 from the MRC’s cash balance to cover the cost of the repairs, and improvements, to the damage to the 5<sup>th</sup> Layer of the Geosynthetic liner system.*
2. *Pursue every avenue to recover the costs detailed in 1. above from either the contractor, Ertech or the designer, Golder or both.*
3. *Authorise the Chief Executive Officer to engage solicitors, Castledine Gregory to assist in any mediation or other legal actions required to recover costs, including legal and administration costs if possible, from the party or parties liable for the failure of the 5<sup>th</sup> Layer of the Geosynthetic liner system.”*

**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 Mindarie Regional Council meeting held on 7 July 2016 forming Attachment 1 to this Report.**

To access this attachment on electronic document, click here: [EXTERNAL MINUTES160809.pdf](#)

## ITEM 6 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 5 July 2016 to 18 July 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 the period 5 July 2016 to 18 July 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 the period 5 July 2016 to 18 July 2016 executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.*

### BACKGROUND

During the period 5 July 2016 to 18 July 2016, seven documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Termination Deed	1
Lease Agreement	2
Access Deed	1
Deed of Renewal	1
Licence Agreement	1
Grant Agreement	1

### Issues and options considered

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Schedule of Documents for the period 5 July 2016 to 18 July 2016, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf160809.pdf](#)*

## ITEM 7                      ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2016

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENTS</b>	Attachment 1    Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2016 Attachment 2    Capital Works Program Quarterly Report for the period 1 April – 30 June 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').

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### PURPOSE

For Council to receive the Annual Plan Quarterly Progress Report for the period 1 April to 30 June 2016 and the Capital Works Quarterly Report for the period 1 April to 30 June 2016.

### EXECUTIVE SUMMARY

The Annual Plan contains the major projects and priorities which the City proposed 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 April to 30 June 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 April – 30 June 2016 shown as Attachment 1 to this Report;*
- 2     *Capital Works Quarterly Report for the period 1 April – 30 June 2016 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 grey shaded sections of Attachment 1. It should be noted that the colour coding represents the status of the project or program for the year. For example, the colour blue indicates that all milestones for the year have been completed.

As this is the final quarterly progress report for the *Annual Plan 2015-2016*, the following provides an overall summary of significant achievements for the financial year.

### Governance and Leadership

- Annual Customer Satisfaction Survey conducted.
- Adoption of three new Strategic Position Statements relating to homelessness, economic development international activity and the Tri-Cities Alliance.
- A significant number of policies reviewed and new policies developed.
- Local Government elections conducted.
- The following Local Laws developed or reviewed:
  - *Parking Local Law.*
  - *Local Government and Public Property Amendment Local Law 2015.*
  - *Waste Local Law.*
  - *City of Joondalup Animals Amendment Local Law 2016.*
- A delegation, led by His Worship the Mayor, Troy Pickard, to Jinan, China, to celebrate the 10 year anniversary of the Sister City Relationship.
- A delegation from the Jinan Municipal People's Government, China, received.
- Annual review of the Delegated Authority Manual conducted.
- Meetings of the Strategic Community Reference Group conducted.
- Community consultation on the following projects conducted:
  - *James Cook Park Landscape Masterplan* project.
  - The draft *Residential Development Local Planning Policy.*
  - The draft *Height of Non-Residential Buildings Local Planning Policy.*
  - Ellersdale Park – proposed upgrades.
  - The draft *Waste Management Plan 2015-2020.*
  - Oceanside Promenade – proposed upgrades.
  - The draft *Bike Plan 2016-2021.*
  - The draft *Telecommunication Local Planning Policy.*
  - Robertson Road Cycleway – proposed upgrades.
  - Fish Cleaning Station – Ocean Reef Boat Harbour, Ocean Reef.
  - Forrest Park – proposed redevelopment.
  - Oceanside Promenade – stage 2 works.

- Mullaloo Beach Toilets - sewer upgrades.
- The draft *Burns Beach Masterplan*.
- Proposed dog control measures.
- An increase in the level of communication via Facebook and Twitter which has now reached an online following of more than 19,200 people.

### **Financial Sustainability**

- Capital Works Projects completed including:

New or upgraded park equipment in:

- Whitfords Park East – Hillarys.
- Ridge Park – Edgewater.
- Sorrento Foreshore – Sorrento.
- Otago Park – Greenwood.
- Albacore Park – Sorrento.

Traffic management upgrades along:

- Marmion Avenue and Shenton Avenue.
- Marybrook Road – Heathridge.
- Doveridge Drive – Duncraig.
- Roche Road – Duncraig.
- Wandoo Road – Duncraig.

Road preservation and resurfacing along:

- Wanbrow Way – Duncraig.
- Strathyre Drive – Duncraig.
- Half Penny Lane – Iluka.
- Coolibah Drive – Greenwood.
- Marmion Avenue – Heathridge.
- Ocean Reef Road – Woodvale.
- Cringle Street – Ocean Reef.

Stormwater drainage upgrades in:

- Barlee Place – Edgewater.
- Blackall Drive – Greenwood.
- Parkinson Place – Hillarys.

New or resurfaced paths along:

- Hilton Park – Duncraig.
- Ocean View Road and Stillwater Way – Edgewater.
- Poynter Drive and Ardtalla Court – Duncraig.
- Kallaroo Place and Koolama Place – Kallaroo.
- Tellen Street and Triton Place – Mullaloo.
- Allenswood Road and Annato Street Greenwood.

Major building works commenced or completed including:

- Floating jetties at Ocean Reef Boat Harbour – Ocean Reef.
- Refurbishment of the Iluka Sports Complex – Iluka.
- Completion of the multi-storey car park – Joondalup.
- Construction of the Marmion foreshore parking facility.
- Refurbishment of the community facilities at Bramston Park – Burns Beach.
- Dualling of Ocean Reef Road, Ocean Reef nearing completion.
- Dualling of Whitfords Avenue, Kallaroo.

### Quality Urban Environment

- Preparation of the draft LPS3 policies to support the *Local Planning Scheme No 3*.
- Approval of the Scheme Amendment No. 73 by the Minister for Planning.
- Commencement of a *Major Road Network Plan*.
- Endorsement by Council of the City's *Bike Plan 2015-2020*.
- Implementation of actions from the *Walkability Plan 2013-2018*.
- Completion of the Priority Two Entry Statements along Connolly Drive, Whitfords Avenue, Hepburn Avenue, Warwick Road and Ocean Reef Road.

### Economic Prosperity, Vibrancy and Growth

- Official launch of the LINK Website.
- Meeting held with Austrade representatives in Shanghai in September 2015 to discuss opportunities to promote the Investment Attraction Prospectus.
- Completed construction of the City Centre multi-storey car park.
- Continued development and planning for a significant event – Kaleidoscope.
- Continued progress on the Ocean Reef Marina Project.
- Continued progress on the proposal for cafes, kiosks and restaurants at Pinnaroo Point.
- Continued promotion of the Innovation Fund aimed at small businesses and entrepreneurs.
- Delivery of two Business Forums at the Joondalup Resort, Connolly.
- Implementation of actions from the *Economic Development Strategy*.

### The Natural Environment

- Implementation of actions in line with the *Climate Change Strategy*.
- Implementation of actions from the *Yellagonga Integrated Catchment Management Plan 2015-2019*.
- Implementation of actions from the *Environment Plan 2014-2019*.
- Activities delivered as part of the City's *Think Green – Environmental Education Program* including a Sustainable Gardens Workshop, Creatures of the Night Stalks in Neil Hawkins Park, Nyungar Bushtucker and Cultural Heritage Tours, delivery of Eco Home Audits, and the delivery of the Capture Nature Photography Competition.
- On-going commitment to achieving sustainable water management by the successful implementation of actions from the City's *Water Plan*, including retaining Waterwise Council accreditation.
- Delivery of the Adopt a Coastline Project.
- Progression with the development of the *Weed Management Plan*.
- Endorsement by Council of the *Sorrento Foreshore Bushland Reserve Management Plan*.
- Endorsement by Council of the *Waste Management Plan 2015-2020*.

### Community Wellbeing

- Creation of a new City Ranger service.
- Official opening of the Warwick Stadium Expansion Project.
- Commencement of construction of the Warwick Hockey Centre Project.
- Installation of public art in Central Walk, Joondalup.
- Citizenship Ceremonies conducted at which approximately 1,800 residents became Australian Citizens.

- Delivery of a comprehensive program of cultural events throughout the year, including:
  - NAIDOC Week.
  - Joondalup Festival.
  - Summer Concert Series – Music in the Park.
  - Valentine’s Concert.
  - Joondalup Eisteddfod.
  - Sunday Serenades.
  - Community Invitation Art Award Exhibition.
  - Community Art Exhibition.
  - Little Feet Festival.
  - Inside-Out Billboard Art Project.
- Delivery of a range of youth programs, including Snap! Youth Music Festival, 2015 Defeat the Beat, and skate park competitions at Mirror Park and Kinross Skate Park.
- Delivery of a range of community based events including Art of Ageing events, the Neighbourhood BBQ Program, and school holiday programs.
- Completion or commencement of major and minor upgrades at community facilities including Bramston Park Sporting Facility, Burns Beach and Timberlane Clubrooms, Woodvale.
- Implementation of actions in line with the *Community Development Plan*.
- Funding of approximately \$103,400 distributed to community groups as part of the *Community Funding Program*.
- Implementation of actions in line with the *Community Safety and Crime Prevention Plan*.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

The *Local Government Act 1995* provides a framework for the operations of local governments in Western Australia.

Section 1.3 (2) states:

*“This Act is intended to result in:*

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

#### Strategic Community Plan

##### Key theme

Governance and Leadership.

##### Objective

Corporate capacity.

##### Strategic initiative

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

##### Policy

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

**Risk management considerations**

The quarterly progress reports against the Annual Plan, provides 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 April – 30 June 2016, shown as Attachment 1 to this Report;**
- 2 Capital Works Quarterly Report for the period 1 April – 30 June 2016, shown as Attachment 2 to this Report.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf160809.pdf](#)*

## ITEM 8                      CORPORATE BUSINESS PLAN REVIEW – 2016-17 TO 2020-21

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	52605, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Corporate Business Plan 2016-17 to 2020-2021</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to adopt the *Corporate Business Plan 2016-17 to 2020-2021* as shown in Attachment 1 of this Report.

### EXECUTIVE SUMMARY

In accordance with the *Local Government (Administration) Regulations 1996* (the Regulations), the City is required to review its *Corporate Business Plan* annually and submit any modifications to Council for adoption.

The *Corporate Business Plan* demonstrates how objectives within the City's *Strategic Community Plan 2012-2022* are translated into a five year delivery program.

The Corporate Business Plan requires adoption by Council by an absolute majority and local notice is required to be given following Council adoption of the plan.

It is recommended that Council adopts the *Corporate Business Plan 2016-17 to 2020-21* as shown in Attachment 1 by an absolute majority.

### BACKGROUND

All local governments are required to produce a plan for the future under section 5.56(1) of the *Local Government Act 1995*. The minimum requirement to meet the intent of the plan for the future is the development of a Strategic Community Plan and a Corporate Business Plan.

In October 2012 (CJ210-10/12 refers) Council adopted the City's first *Corporate Business Plan* in accordance with the *Local Government (Administration) Regulations 1996*. The Regulations were amended in August 2011, requiring all local governments to prepare a *Strategic Community Plan* and *Corporate Business Plan* by 30 June 2013. The Regulations also require local governments to review their *Corporate Business Plan* annually, with any modifications to be considered and adopted by Council by an absolute majority decision.

Since October 2012, the City has annually developed and reviewed a *Corporate Business Plan* to demonstrate how the objectives of its *Strategic Community Plan 2012-2022: Joondalup 2022* are translated into a five year delivery program.

The City's first *Corporate Business Plan* was adopted by Council in October 2012 alongside *Joondalup 2022*. It is a major plan within the Department of Local Government and Communities' (DLGC) *Integrated Planning and Reporting Framework* and aims to translate the strategic direction articulated within *Joondalup 2022* into deliverable projects and actions over a five year period.

The DLGC released a guideline and advisory standard in 2011 to assist local governments in developing their first suite of integrated planning documents, including the *Corporate Business Plan*. Feedback on the level of compliance achieved against these standards was first provided to local governments in September 2014. The guidelines are currently under review by the DLGC.

Requirements from the DLGC in developing a *Corporate Business Plan* are relatively flexible, with no specific template offered. Basic requirements are that the plan is:

- a minimum of four years
- identifies priorities and projects that are listed in alignment with the *Strategic Community Plan*
- demonstrates to be within the capacity of the local government to deliver (that is, it gives consideration to resourcing requirements).

The major review of the City's *Corporate Business Plan* in 2016 has been conducted with the aim of improving the plan's content and the manner in which information is displayed and offered to the community. This is particularly timely, as the DLGC works towards introducing greater transparency measures for local governments, which may impact on the level of detail expected within *Corporate Business Plan* in the future.

Since its introduction in 2012, the *Corporate Business Plan* has been subject to two reviews by the City, with each review attempting to improve upon previous versions:

**2013-14:** Involved the revision of project timeframes and the removal of duplications and low-level projects.

**2014-15:** Involved the revision of project timeframes and the incorporation of financial and capital information, as suggested by the DLGC in its 2014 compliance assessment. (This was achieved by attaching financial summaries for the 2015-16 – 2019-20 period to demonstrate alignment with the *20 Year Strategic Financial Plan* and *Capital Works Program*).

This report demonstrates the outcome of the review process for 2015-16 undertaken in accordance with the legislative requirements.

## DETAILS

The *Strategic Community Plan* is the City's highest level plan and sets out the City's vision, aspirations and objectives for a 10 year period. The *Strategic Community Plan* is currently undergoing a major review to confirm its continuing relevance to the priorities of the community and key stakeholders. Any changes to the *Strategic Community Plan* will be reflected in the annual review of the *Corporate Business Plan* in 2017.



The *Corporate Business Plan* translates the Council's and community's long-term aspirations into a five year program of projects, services and activities that are aligned with the Strategic Financial Plan, Asset Management Plans, and Workforce Plan.

The 2015-16 review of the *Corporate Business Plan* considers the following:

### Major Changes Proposed

Changes to the format and structure of the *Corporate Business Plan*, as shown in Attachment 1 include the following:

- Inclusion of basic information explaining the relationship between resourcing plans and the *Corporate Business Plan (20 Year Strategic Financial Plan, Asset Management, Workforce Plan, Information and Communications Technology)* – pages 6-7.
- Incorporation of strategic priorities at the front of the document to highlight the alignment of transformational projects in *Joondalup 2022* and the achievement of key objectives and strategic initiatives over the next five years – pages 8-9.
- Clear articulation of the roles and responsibilities of Council and the organisation in developing and adopting the *Corporate Business Plan* – pages 10-11.
- Creation of a “service delivery” section of the *Corporate Business Plan*, grouped by Directorate. The purpose of this new section is to include the following:
  - “Business-as-usual” activities and their relationship to achieving strategic initiatives within *Joondalup 2022*.
  - The ability to illustrate projected service level changes at a Business Unit level – pages 12-22.
- Revision of the projects and activities section of the *Corporate Business Plan* in order to:
  - separate “business-as usual” activities that are currently reported quarterly or annually, from strategic projects linked directly to *Joondalup 2022*
  - incorporate quarterly milestones from the *Annual Plan* into the *Corporate Business Plan*
  - highlight the relationship between strategic projects and activities and a variety of objectives within *Joondalup 2022* – pages 24-54.
- Incorporation of detailed financial information including the following:
  - Financial Summary – pages 55-56.
  - Capital Expenditure - pages 57-58.
  - Operating Income and Expenses – page 59.
  - Rate Setting Estimates – page 60.
  - General Financial Projection Assumptions – pages 61–62.
- Strategic Community Plan References – pages 63 – 66.

### **Issues and options considered**

Council may choose to:

- adopt the *Corporate Business Plan 2016-17 to 2020-21*, as shown in Attachment 1 of this report  
or
- adopt the *Corporate Business Plan 2016-17 to 2020-21*, as shown in Attachment 1 of this report, subject to further amendments.

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

**Legislation** Section 5.56 of the *Local Government Act 1995*.  
*Local Government (Administration) Regulations 1996*.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** For the community to have confidence and trust in the City that it can deliver services effectively and transparently.

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

**Policy** Not applicable.

**Risk management considerations**

It is a legislative requirement for the City to review its *Corporate Business Plan* annually and submit any modifications to Council for adoption by an absolute majority. A failure to achieve this in a timely manner could result in a circumstance of non-compliance.

**Financial / budget implications**

The annual review of the *Corporate Business Plan* provides an opportunity for the City to reassess forecasted timeframes in accordance with resourcing strategies to ensure the sustainable delivery of projects.

The financial information contained within the revised *Corporate Business Plan* is drawn directly from the *20 Year Strategic Financial Plan* and draft *Capital Works Program 2016-17 – 2020-21*.

**Regional significance**

Many of the projects in the *Corporate Business Plan* have regional significance and highlight the importance of regional planning and cooperation in managing and responding to future challenges within the north metropolitan region.

**Sustainability implications**

The *Corporate Business Plan* demonstrates the operational capacity of the City to achieve its aspirational outcomes and objectives over the medium term. Project planning and prioritisation within the plan is based on the City's ambition to deliver services sustainably and affordably.

**Consultation**

There is no community consultation component required in the review of the *Corporate Business Plan*; however, a public notice is required by legislation following the adoption of any changes to the plan by Council.

## COMMENT

The City's *Corporate Business Plan* has provided a useful tool for discussing and adjusting whole-of-organisation project timeframes over a medium-term horizon, enabling the identification of priorities and upcoming capacity issues.

The major review of the plan in 2015-16 has provided an opportunity to improve the application and integration of the *Corporate Business Plan* from the perspective of the City, Council and community.

The *Corporate Business Plan* contains the major projects and priorities which the City proposes to deliver over a five year period. Specific milestones are provided for projects and priorities in the first year and these will be subject to quarterly progress reports to Council.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

**That Council, BY AN ABSOLUTE MAJORITY ADOPTS the *Corporate Business Plan 2016-17 to 2020-21*, as shown in Attachment 1 to this Report.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf160809.pdf](#)

## **ITEM 9 COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATIONS – 2017-18 ANNUAL AND FORWARD PLANNING GRANT ROUND**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	22209, 101515
<b>ATTACHMENT</b>	<p>Attachment 1 Floodlight Design – Warrandyte Park</p> <p>Attachment 2 Cost Estimate – Warrandyte Park</p> <p>Attachment 3 Concept Design – Forrest Park</p> <p>Attachment 4 Cost Estimate – Forrest Park Redevelopment of Playing Fields</p> <p>Attachment 5 Floodlight Design – Forrest Park</p> <p>Attachment 6 Cost Estimate – Forrest Park – Sports Floodlighting</p> <p>Attachment 7 Analysis of Warrandyte Park, Craigie Sports Floodlighting Project Survey</p> <p>Attachment 8 Analysis of Forrest Park, Padbury Improvement Project Survey</p> <p>Attachment 9 Site Map – Forrest Park and Bambara Primary School</p>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to consider applications for the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund 2017-18 annual and forward planning grant round.

### **EXECUTIVE SUMMARY**

The Department of Sport and Recreation has allocated \$12 million for the Community Sporting and Recreation Facilities Fund (CSRFF) 2017-18 grant round, a figure greater than the 2016-17 (\$7 million) allocation but still considerably lower than previous years (\$20 million in 2015-16 funding round).

The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity through the provision of funding that assists the development of well planned and designed infrastructure. The City of Joondalup is required to assess and rank all applications received from sport and recreation clubs located within the City as well as any City projects, prior to their submission.

The City has prepared one project and has received one application from a local sporting club for consideration within the 2017-18 annual/forward planning round.

Warrandyte Park, Craigie – Sports Floodlighting Upgrade – (application by the City)

The City currently has \$700,000 listed for consideration within 2017-18 of the *Five Year Capital Works Program* for the Warrandyte Park, Sports Floodlighting Upgrade project along with \$233,333 listed as revenue through the CSRFF program. The City has designed and prepared the project with a proposed budget of \$554,655 to construct the sports floodlighting to meet the Australian Standard for football (all codes) training and competition. A second option for the project was also prepared to only floodlight the park to meet the relevant training standard (not competition) at a cost of \$528,583. The DSR has provided comment that competition level floodlighting is not a high priority for the CSRFF program, so the City is proposing to only seek one third of the lesser training level lighting cost through the CSRFF grant of \$176,194 while still undertaking the competition level of lighting.

<b>Total Project Cost:</b>	<b>\$ 554,655 (excluding GST)</b>
City of Joondalup Contribution:	\$ 378,461 (excluding GST)
CSRFF Grant requested:	\$ 176,194 (excluding GST)

Forrest Park, Padbury – Improvement Project – (application by the club)

This project has been initiated by the Joondalup United Football Club (JUFC) and as such there is currently no funding listed within the *Five Year Capital Works Program*. Should Council support the project funds will need to be listed for consideration within the *Five Year Capital Works Program*.

Since 2014 the Joondalup United Football Club has been utilising Forrest Park to host their State League level fixtures. The club previously utilised Beldon Park which does not meet the venue requirements set by Football West for that level of competition.

Since the relocation of the club to Forrest Park the JUFC has been in further discussions with the City in regards to a proposal to redevelop Forrest Park to better suit their needs with a view of the JUFC relocating to Forrest Park as their “home” ground.

In conjunction with the club, the City has prepared a project that would enable a second soccer pitch to be constructed at Forrest Park to better suit the requirements of the JUFC. Two options for the project have been prepared.

Option A includes relocating the existing sports floodlighting to be reused within the new playing fields. This project has been costed at \$532,790 (ex GST). Of the total project budget, the City has received feedback from the DSR that only \$380,869 is eligible for funding through CSRFF. The club has committed to a one third contribution of the redevelopment of the playing field which results in the cost sharing of the project as below:

- City Contribution – \$264,904 (excluding GST).
- DSR CSRFF Grant – \$126,930 (excluding GST).
- Club Contribution - \$140,930 (excluding GST).

Option B includes replacing the existing sports floodlighting with new sports floodlighting that meets the relevant Australian Standards for training and competition. This option has been costed at a total of \$929,424 (ex GST). Of the total project budget, the City has received feedback from the DSR that only \$723,196 is eligible for funding through CSRFF. The club has committed to a one third contribution of the redevelopment of the playing field which results in the cost sharing of the project as below:

- City Contribution – \$553,440 (excluding GST).
- DSR CSRFF Grant – \$241,065 (excluding GST).
- Club Contribution - \$134,918 (excluding GST).

The City already has funds listed for consideration at Forrest Park within the Five Year *Capital Works Program* for the replacement of the playground (\$110,000) as well as a Sports Floodlighting Upgrade (\$400,000), both in 2019-20. Council could choose to bring these projects forward to 2017-18 to assist in the funding of this project.

The City has consulted with the community and park user groups in regards to the project with overall feedback being in support of the proposal (between 73% - 82% support or strongly support). The level of support for the project from those residents who reside within 200 metres of the park is lower overall with support for the project components between 40% and 60%. The three AFL clubs that currently utilise Forrest Park have also expressed concerns in regards to the project as it may require their relocation to other facilities (MacDonald Park South) to accommodate the JUFC usage. All of the AFL clubs have made comment that they don't believe that MacDonald Park South meets their current requirements and would require infrastructure works to better suit their needs.

Due to the uncertainty of the relocation efforts for the three existing AFL users of Forrest Park, it is recommended that the Council defer a decision on the Forrest Park Improvement project for a further 12 months, allowing the City to further investigate the project in its entirety including the relocation of the three AFL clubs.

Applications for annual and forward planning grants must be received by the DSR by 16 September 2016.

*It is therefore recommended that Council:*

- 1 *NOTES the findings of the community consultation process undertaken for the Warrandyte Park, Craigie floodlighting project;*
- 2 *ENDORSES an application to the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$176,194 (ex GST) to part fund the upgrade of the sports floodlighting at Warrandyte Park, Craigie;*
- 3 *NOTES the findings of the community consultation process undertaken for the Forrest Park, Padbury floodlighting project;*
- 4 *DEFERS the consideration of the Forrest Park Improvement Project for a further 12 months;*
- 5 *REQUESTS the Chief Executive Officer to prepare a report for the Forrest Park Improvement Project that considers relocation requirements for the existing users of Forrest Park;*
- 6 *ENDORSES the ranking and rating of the Community Sporting and Recreation Facilities Fund application below:*

<i>Applicants Rank</i>		<i>Applicants Rating</i>
1	<i>Warrandyte Park, Craigie – Sports Floodlighting Upgrade.</i>	<i>Well planned and needed by the local government.</i>

## **BACKGROUND**

The Department of Sport and Recreation's (DSR) Community Sporting and Recreation Facilities Fund (CSRFF) program aims to increase participation in sport and recreation with an emphasis on physical activity through the provision of funding that assists the development of well planned and designed infrastructure.

Applications for funding may be submitted by a community organisation or a local government and will not exceed one third of the total completed cost of the project, with the remaining funds to be contributed by the applicant, and/or the local government.

In 2013, the City made the decision to project manage all CSRFF projects itself whether they are City or club submitted projects. This was decided to ensure all projects met the City's purchasing protocols as well as the standards of construction and fit out that the City holds.

The state government allocates funds across three grant categories; small, annual and forward planning. A total of \$12 million is allocated for the 2017-18 funding rounds. This amount has increased from \$7 million available in 2016-17, however is still substantially less than what was available in 2015-16 (\$20 million).

The City of Joondalup is required to place a priority ranking (where there are multiple applications) and rating on applications for projects that fall within its boundaries based on the following criteria:

- Well planned and needed by the local government.
- Well planned and needed by the applicant.
- Needed by the local government, more planning required.
- Needed by the applicant, more planning required.
- Idea has merit, more preliminary work needed.
- Not recommended.

The DSR places a strong emphasis on a planned approach towards CSRFF applications.

## **DETAILS**

The City has prepared one project and has received one application from a local sporting club for consideration within the 2017-18 annual/forward planning round.

The City has assessed the projects, and developed a project summary and recommendation as part of the assessment process.

### **Warrandyte Park, Craigie – Sports Floodlighting Upgrade – (application by the City)**

Warrandyte Park located on Warrandyte Drive, Craigie is approximately 8.1 hectares in size and is classified as a 'Local Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park has two active sporting fields, a community sporting facility, sports floodlighting, car parking and a playground.

Warrandyte Park consists of three full size soccer pitches and two smaller junior size soccer pitches. The northern "lower" field consists of one full size senior soccer pitch (94 metres x 68 metres). The southern "upper" field consists of two full size pitches that only just meet the minimum requirements (90 metres x 45 metres) and two smaller junior size pitches (59 metres x 44 metres & 40 metres x 26 metres).

The park is heavily utilised during winter due to the number of pitches available for both seniors and juniors. The current winter users are Whitford City Football Club (juniors and seniors) and the Perth City Football Club (seniors).

The Council considered the existing sports floodlighting provision at Warrandyte Park within the Active Reserve and Community Facility Review presented to Council at its meeting held on 15 July 2014 (CJ116-07/14 refers). The City has determined to seek funds through the CSRFF to assist with upgrading its floodlighting infrastructure. The locations identified for floodlighting upgrades have been prioritised with a focus on upgrading facilities that are a club's primary base of operations.

The City currently has \$700,000 listed for consideration within the *Five Year Capital Works Program* for 2017-18 for the Warrandyte Sports Floodlighting Project with \$233,333 identified within the project as revenue from a CSRFF grant.

The City has prepared a design (Attachment 1 refers) and cost estimate (Attachment 2 refers) for the sports floodlighting upgrade to ensure the project meets the relevant Australian Standards including Sports Floodlighting (Football – All Codes) training and competition and the Control of the Obtrusive Effects of Outdoor Lighting.

Two options have been prepared for the project:

Option one – training standard

- Council could choose to construct sports floodlighting to meet the standards for football (all codes) training only. This has been costed at \$528,583.

Option two – competition standard

- Council could choose to upgrade the sports floodlighting to meet the standards for football (all codes) training and competition. This would provide an opportunity for the existing soccer clubs to be able to host night fixtures. Option two has been costed at \$554,655.

The DSR has provided comment on the proposal that competition standard floodlighting is not a priority of the CSRFF grant, so they would not contribute to the upgrade of the lighting from a training standard to meet the competition standard. By increasing the level of the floodlighting to meet the competition standard the user groups may choose to fixture night games at the fields. By fixturing night matches the club can better spread usage of the park as well as host more home games.

Due to the low cost of the project compared to the budgeted funds it is recommended that the City approve the sports floodlighting to meet the competition standards with a CSRFF application to be prepared to fund only the lower training level of infrastructure.

<b>Total Project Cost:</b>	<b>\$ 554,655 (excluding GST)</b>
City of Joondalup Contribution:	\$ 378,461 (excluding GST)
CSRFF Grant requested:	\$ 176,194 (excluding GST)

The total project cost listed above includes amounts for preliminaries, contingency and escalation to June 2017.

Assessment Summary

Assessment Criteria	Evidence Provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input	✓		
Management planning	✓		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Co-ordination	✓		
Potential to increase Physical activity	✓		
Sustainability	✓		



### Recommendation Summary

Ranking: 1 (of 1).  
Rating: Well planned and needed by the applicant.  
Funding request: \$ 176,194 (excluding GST)

### **Forrest Park, Padbury – Improvement Project – (application by a club)**

Forrest Park located on Forrest Drive, Padbury is approximately 3.1 hectares in size and is classified as a 'Local Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park has an active sporting field, a community sporting facility, sports floodlighting, street verge parking and a playground.

Forrest Park consists of an AFL field (150 metres x 89 metres) which is below the size required for a full size field (135 metres x 110 metres minimum). The park has been used as a senior and junior AFL field however after exemptions from the WA Football Commission for the three AFL clubs including the Whitfords Junior Football Club (WJFC), Whitfords Amateur Football Club (WAFC) and the Northern Warriors Veterans Football Club (NWVFC).

There is a portion of the Forrest Park open space area that is crossed over by the Bambara Primary School boundary. The area that crosses over is on the north east corner of the site, approximately 0.3 hectares in size and is identified in Attachment 9. The City currently maintains the area which includes a portion of the active playing fields, the existing playground, irrigation and sports floodlighting. Further discussions will be required with the Department of Education in regards to the ongoing tenure of the area both in regards to the ongoing management/maintenance of the area as well as future usage arrangements.

In 2011 the City completed works on the new Forrest Park Community Sporting Facility at a cost of approximately \$1.1 million. The project was part funded through the Federal Government Regional and Local Community Infrastructure Program.

Since discussions began a number of years ago, the Joondalup United Football Club (JUFC) has requested consideration of the City for a new "home" facility for the club to base itself from. Currently the club utilises a number of facilities for their junior and senior teams to train from but do not have a home ground and facility. The club's main home presently is Beldon Park which only has toilets, change rooms, a small storage allocation, an umpire's room and a small kiosk. The club also uses Prince Regent Park as a training venue due to the high level of sports floodlighting however the venue only has a small toilet block with no change rooms, storage or kiosk.

In 2014 after a promotion into the State League Division One competition the JUFC requested access to Forrest Park for their State League teams (League, Reserves and U/18's) as their existing facilities (Beldon Park and Charonia Park) did not meet the facility requirements set out by Football West for that level of competition.

The City was able to accommodate the relocation of the state league teams at Forrest Park on Saturday afternoons as well as the installation of new soccer goals at the park. The club also undertook some work at the facility to develop a store room into an umpire's room that meets the league requirements. These modifications still allowed the AFL clubs to operate from the park as they had done previously.

The discussions with the club in regards to a new home, evolved into a discussion to redevelop Forrest Park to better suit the club's needs. Forrest Park was identified as a suitable site due to it already having a Community Sporting Facility that would meet the club and the league's facility requirements as well as sports floodlighting that while not meeting the Australian Standards provides a general level of floodlighting across the park. The club requested that should Forrest Park be a proposed new home, that the City give consideration to a redevelopment of the park to accommodate a second soccer pitch. This re-development would allow the club to relocate their home games from Beldon Park and Charonia Park to Forrest Park on a Saturday accommodating more junior and senior teams at the same venue on the same day.

As Forrest Park was identified as the preferred location, the club submitted an "Expression of Interest" application within the City's process for consideration of a CSRFF application. A proposal for the project was then developed which included the following site works to redevelop the Forrest Park site to accommodate a second soccer pitch:

- Remove soil and re-level the north-west and south-west corners of the park to accommodate the second pitch.
- Construct retaining walls along the north-west and south-west corners of the park to a height of 1 metre (limestone blocks) including the construction of a 1.2 metre high chain link fence to provide fall protection from the retaining wall.
- Relocate the existing playground from its current north-east location to the western side of the park.
- Construction of a new path network linking the new playground location with the existing path network.
- Relocate the existing sports floodlighting to suit the new field configuration.
- Install new vehicular barriers/bollards to Austin Way frontage.
- Relocate sub surface drainage infrastructure.
- Remove eight mature native eucalypt trees to be replaced by 12 semi-mature tuart trees.

All of these works are required to be able to accommodate the two soccer pitches at Forrest Park. The concept design for the project showing the pitch locations, proposed location of the playground, path networks and so on has been attached (Attachment 3).

Cost estimates for the project have also been prepared for the playing field redevelopment (Attachment 4 refers).

As this project has been initiated by the club the City does not have any funds currently listed for consideration within the *Five Year Capital Works Program* to undertake the works. There are currently four projects listed within the *Five Year Capital Works Program* for consideration in the coming years at Forrest Park, including:

- 2016-17 – Additional Car parking - \$120,000 (not included as part of this project)
- 2016-17 – Sump Beautification - \$150,000 (not included as part of this project)
- 2019-20 – New Playground Equipment - \$110,000
- 2019-20 – Sports Floodlighting Upgrade - \$400,000 (includes \$133,333 revenue from CSRFF).

Should Council choose to support the project, funds would need to be listed for consideration within the *Five Year Capital Works Program*. Council could also choose to bring forward the playground and sports floodlighting projects in the *Five Year Capital Works Program* to assist in the funding of the project.

The City has costed the project at a total of \$532,790 (excluding GST). This includes a breakdown of costs as outlined below:

- Redevelopment of playing field - \$422,790 (excluding GST).
- Relocation and Renewal of Playground - \$110,000 (excluding GST).

Of the total project budget, the City has received feedback from the DSR that only \$380,869 is eligible for funding through CSRFF (playground, path networks and some landscaping not eligible). The club has committed to a one third contribution of the redevelopment of the playing field not including the playground works. This results in the cost sharing of the project as below:

- City Contribution – \$264,904
- DSR CSRFF Grant – \$126,956
- Club Contribution - \$140,930

The City has prepared a second option for the project that would look to bring forward the sports floodlighting upgrade project listed in the Capital Works Program for 2019-20 forward to 2017-18. This option would result in the existing sports floodlighting being replaced with new sports floodlighting that meets the Australian Standards for Sports Floodlighting Football (All Codes) Training and Competition. The additional sports floodlighting works have been costed at \$414,669 with a cost saving of \$18,035 identified within the playing ground redevelopment as savings as the relocation of the existing sports floodlighting is no longer required.

The City has costed the project at a total of \$929,424 (excluding GST). This includes a breakdown of costs as outlined below:

- Redevelopment of playing field - \$404,755 (excluding GST).
- Sports Floodlighting to meet Australian Standards - \$414,699 (excluding GST).
- Relocation and Renewal of Playground - \$110,000. (excluding GST).

A floodlight design (Attachment 5 refers) and cost estimate (Attachment 6 refers) for the floodlight upgrade have been prepared for the project.

Of the total project budget, the City has received feedback from the DSR that only \$723,196 is eligible for funding through CSRFF (playground, path networks, some landscaping and upgrade to competition standard floodlighting not eligible). The club has committed to a one third contribution of the redevelopment of the playing field not including the playground and sports floodlighting works. This results in the cost sharing of the project as below:

- City Contribution – \$553,440 (excluding GST).
- DSR CSRFF Grant – \$241,065 (excluding GST).
- Club Contribution - \$134,918 (excluding GST).

It is recommended that should Council support the Forrest Park Improvement project that the second option (including upgraded sports floodlighting) be the preferred option. This has been outlined below.

<b>Total Project Cost:</b>	<b>\$ 929,424 (excluding GST)</b>
City of Joondalup Contribution:	\$ 553,440 (excluding GST)
CSRFF Grant requested:	\$ 241,065 (excluding GST)
Club (JUFC) Contribution	\$ 134,918 (excluding GST)

The total project cost listed above includes amounts for preliminaries, contingency and escalation to June 2017.

#### Assessment Summary.

Assessment Criteria	Evidence Provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input	✓		
Management planning	✓		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Co-ordination	✓		
Potential to increase Physical activity	✓		
Sustainability	✓		

#### Recommendation Summary

Should Council choose to support the project, the recommendation summary below is required to be endorsed as part of the CSRFF process.

Ranking: 2 (of 2).  
 Rating: Well planned and needed by the applicant.  
 Funding request: \$241,065 (excluding GST).

Along with discussions with the JUFC in regards to a possible move to Forrest Park, the City received a request from the WAFC in early 2015 for a possible change to their park usage where the WAFC as well as the WJFC would relocate some of their usage from Forrest Park to MacDonald Park South. MacDonald Park South is currently utilised by the Whitford Hockey Club, however the club will be relocating to the Warwick Hockey Centre resulting in their being no winter tenant at MacDonald Park South from 2017.

The City supports this relocation however the playing of matches on the MacDonald Park, South is hindered by a potential full size AFL field laying over the turf cricket wicket block that is located on the southern oval. The Whitford and District Cricket Club (WDCC) and the City are parties to an agreement where the City provides financial assistance to the club for their management of the turf wicket facilities at MacDonald Park (Agreement for the Maintenance of Turf Cricket Wicket Facilities). The City facilitated some discussions between the WAFC and the WDCC in regards to the two clubs formalising an agreement for the use of MacDonald South for matches. The two clubs entered into a Memorandum of Understanding that allowed the WAFC to play up to 10 games over the wicket block each year, in return for an annual maintenance contribution. The City was not a party to these discussions, negotiations or the signing of the agreement.

The City met with the WJFC, the WAFC and the NWVFC in regards to the proposed Forrest Park project to discuss the impact on each club and their desire to relocate to MacDonald Park South.

Both WJFC and WAFC in-principally support a move to MacDonald Park South, however are cautious of committing to such a move due to a lack of equitable infrastructure. The WJFC is concerned in regards to the lack of access of suitable playing fields. The WAFC is concerned about the lack of playing space as well as change rooms at Fleur Freame Pavilion with their only being four change rooms available, of which one is used by the umpires. To be able to host two games being run concurrently the club would need access to a minimum of five change rooms with four being used by the four teams and one change room for the umpires. Presently Fleur Freame Pavilion has four change rooms, of which two do not meet the requirements under the league rules for a team change room (too small).

The NWVFC has expressed a concern about their continued access to MacDonald Park as a result of any move with the WJFC in particular growing their numbers annually. The NWVFC train two nights a week but do not play regular fixtures at Forrest Park. The club hosts one tournament style fixture each season, with the club previously using Seacrest Park, Percy Doyle Reserve or MacDonald Park to host. These fixtures run all day 10am to 6pm and host all of Perth's veteran's football teams for the one day.

All three AFL clubs have also expressed concerned about the lack of sports floodlighting available on MacDonald Park, South. The southern park is currently floodlit by five floodlight poles of which each holds two 1,000 watt floodlights providing a general level of lighting across the north and western sides of the park, however not only does it not meet the Australian Standards but it would also not meet the same level of lighting available at Forrest Park.

There is a level of uncertainty from the three AFL clubs as well as the City as to how a relocation to MacDonald Park, South may occur. The concerns raised by the WJFC and WAFC in regards to access to MacDonald South for game fixtures as well as the associated infrastructure (floodlighting and change rooms) would need to be addressed in full before any of the three clubs would fully support a relocation.

Should the AFL clubs not be able to relocate some if not all of their bookings from Forrest Park to alternative venues there would not be sufficient time and space available for JUFC to extend their bookings at Forrest Park to take advantage of the improved facilities.

### **Issues and options considered**

The assessment and ranking of these applications is important in terms of the City's strategic approach to these projects.

Council may choose to endorse or not to endorse any CSRFF applications being submitted for consideration.

#### Forrest Park, Padbury – Improvement Project

There are a number of options available for the ongoing management of the Forrest Park project.

- Option 1 – Endorse the project

Council can endorse the Forrest Park Improvement project as it has been prepared, listing funds for consideration within 2017-18 of the *Five Year Capital Works Program* and endorsing an application to the CSRFF program to assist in the funding of the project. Within this option two other options would need to be considered.

## Option 1-A

- Relocate the existing sports floodlighting at Forrest Park; or

## Option 1-B

- Upgrade the sports floodlighting to meet the Australian Standards for training and competition.

Should this option be endorsed, it is unknown how the three existing AFL clubs would be able to fully relocate their current activities from Forrest Park to MacDonald Park South to provide JUFC additional access to the park over and above what they already use. All three AFL clubs have noted that this is their least favoured option.

- Option 2 – Do not endorse the project.

Council could choose to not endorse the project and leave all existing user groups in place with no plans to provide a second pitch for JUFC at Forrest Park. This would ensure the status quo remains and all user groups continue to operate as they have previously. This option would not address the concerns from the JUFC in regards to their lack of a suitable home facility for them to operate from. It is expected that should this option be endorsed that the JUFC may begin a push for the development of a new Community Sporting Facility at an alternative location to meet their requirements.

- Option 3 – Defer a decision for 12 months.

Council could choose to defer a decision on Forrest Park for a further 12 months, allowing the City to undertake further discussions with all user groups and in particularly the AFL clubs about possible relocations. This would allow the City to fully consider the consequences of any relocations and what infrastructure may be required to facilitate that move. The project can then be considered in its entirety including any associated works required due to the relocation of the impacted AFL clubs with all works being considered for a future CSRFF application. This would also allow the City to further consider other possible locations for the Joondalup United Football Club that may better suit their requirements.

Option 3 is the preferred option for the ongoing management of the Forrest Park project. The deferral of the Forrest Park project from 2016 to 2017 is not expected to affect its likelihood of receiving funding through CSRFF.

### Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

#### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** The assessment process undertaken for the CSRFF program is in line with the following:

- *Asset Management Policy.*
- *Community Funding Policy.*
- *Community Consultation and Engagement Policy.*

## Risk management considerations

Any capital project brings risks in relation to contingencies and over runs against original design. The capital cost estimate is based on concept designs with margins, contingencies and cost escalations included as recommended by the quantity surveyors. Final project costs may differ once further detailed designs are undertaken for the project or when the project goes to tender in a competitive market.

## Financial / budget implications

The City currently has the Warrandyte Park sports floodlighting project listed for consideration for 2017-18 within the *Five Year Capital Works Program*. The project has been designed and costed and is expected to be delivered under the budgeted amount.

The Forrest Park project should it be endorsed by Council is estimated to cost \$929,424 (including sports floodlighting upgrade). The DSR has advised that only \$723,196 of this amount is eligible for CSRFF funding, which means the maximum amount the City can apply for would be \$241,065.

The City currently has two projects listed for consideration in 2019-20 of the *Five Year Capital Works Program* that could be brought forward to assist in the funding of this project.

The Playspace Renewal project (PEP2718) has \$110,000 listed for consideration and the Floodlighting Upgrade (STL2072) has \$400,000 listed for consideration with \$133,333 listed as CSRFF revenue attached to the project.

Should Council endorse the Forrest Park Improvement Project, it would need to:

- bring forward the Playspace Renewal project (PEP2718) from 2019-20 to 2017-18
- bring forward the Floodlighting Upgrade (STL2072) from 2019-20 to 2017-18 (Option 1-B only)
- increase the expenditure amount listed for the Floodlighting Upgrade (STL2072) from \$400,000 to \$414,669 (Option 1-B only)
- decrease the revenue amount listed for the Floodlighting Upgrade (STL2072) from \$133,333 to \$122,287 (Option 1-B only)
- list for consideration within the 2017-18 of the Five Year Capital Works Program the Redevelopment of Forrest Park at a cost of \$404,755 including revenue of \$253,697.

The JUFC has provided a written commitment to the City in regards to their cash contribution to the project of up to \$140,930 (excluding GST) or \$155,023 (including GST). The club also provided documentation to show evidence of the club's capacity to service this financial commitment. The City has assessed this evidence and while the club can show significant cash reserves, these do not currently meet the financial contribution required. The club has provided a summary on how the club's cash reserves may grow over the next two years, (when the cash contribution would be required) however there is insufficient information to provide a high level of confidence.

Should Council endorse the project and the club is required to provide the financial contribution they have agreed to there is a risk to the City that the club may not be able to pay in full the agreed contribution amount.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**Warrandyte Park, Craigie – Sports Floodlighting Upgrade – (application by the City)

Community consultation was conducted for 21 days from 1 June to 22 June 2015 for the Warrandyte Park floodlighting project. The consultation provided the local community with an opportunity to provide feedback on the proposed floodlighting upgrade project at Warrandyte Park. Consultation packs were mailed to all residents within a 200 metre radius of the park (303 households) and to all park user groups.

The City received a total of 35 valid responses. Respondents were asked to indicate a level of support for the proposed upgrade of sports floodlighting to meet the Australian Standard for football (all codes) to amateur competition standard. Of the responses received, 34 (or 97%) indicated that they either Strongly Supported or Supported the works as proposed.

*Additional Comments*

The respondents who indicated that they did not support the new floodlighting proposed noted that they did support a level of lighting at the park for local family use and that they were concerned about the level of car parking currently available.

Those that supported the project provided the comments below:

- Support sport and an increase in physical activity (10 responses).
- Provide for increase security through more use of the park (eight responses).
- Concerned about the amount of car parking available (two response).
- Concerned about increased electricity usage and maintenance costs (one response).

A comprehensive community consultation report has been included as Attachment 7.

Forrest Park, Padbury – Proposed Improvement Project

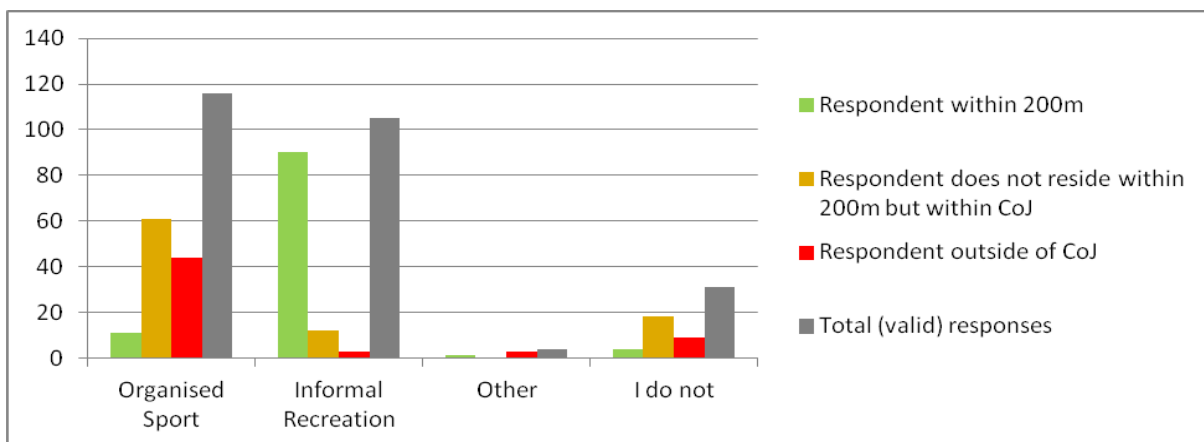
Community consultation was conducted for 21 days from 13 June to 4 July 2016 for the Forrest Park project. The consultation provided the local community with an opportunity to provide feedback on the proposed improvement project at Forrest Park. Consultation packs were mailed to all residents within a 200 metre radius of the park (372 households) and to all park user groups. The consultation period was also promoted through the City's social media pages, the Community Newspapers as well as via two site signs posted at Forrest Park throughout the consultation period.

The City received a total of 251 valid responses through the consultation period. Of these 251 responses 61 (24.3%) were received through hard copy survey and 190 (75.7%) through the online survey. 100 (39.8%) responses were received for residents within 200 metres of Forrest Park, 91 (36.3%) were received from residents within the City of Joondalup (but outside of the 200m radius) and 60 (23.9%) from respondents who reside outside of the City of Joondalup. 138 (55%) respondents identified that they were not affiliated with one of the park user groups. 117 respondents identified that they were affiliated with a park user group, these have been identified below.



Identified user groups	Responses	
	N	%
Member of Whitford Junior Football Club	11	4.4%
Member of Whitford Amateur Football Club	3	1.2%
Member of Northern Warriors Veterans Football Club	6	2.4%
Member of Joondalup United Football Club	96	38.2%
Member of Pirates Softball Club	1	0.4%
Status not identified/None of these groups	138	55.0%
<b>Total (valid) responses</b>	<b>251</b>	<b>101.6%</b>

Of the 251 valid responses received, 116 respondents stated that they utilised Forrest Park for organised sport. Most notably, 12.1% of the responses received were from respondents who identified that they do not currently utilise Forrest Park in any form. This data is summarised in the table below.



Respondents were asked to indicate a level of support for the three components of the proposed project, being the redevelopment of the playing field, sports floodlighting and relocation of playground. Of the responses received, the majority indicated support for the works as shown in the chart below.

	Strongly Support	Support	Unsure	Oppose	Strongly Oppose
Additional playing field (soccer)	59.8%	13.6%	6.4%	4.4%	16.0%
Sports floodlighting upgrade (training standard)	63.8%	18.7%	5.2%	2.8%	9.6%
Sports floodlighting upgrade (competition standard)	61.0%	14.4%	6.8%	3.6%	14.3%
Replace and relocate existing playground	56.9%	18.4%	11.2%	2.4%	11.2%

Of the results above, 100 valid responses were from residents who reside within 200 metres of Forrest Park, Padbury. These responses to the four questions have been separated and identified below.

	Strongly Support	Support	Unsure	Oppose	Strongly Oppose
Additional playing field (soccer)	21%	27%	13%	9%	30%
Sports floodlighting upgrade (training standard)	25%	32%	13%	6%	24%
Sports floodlighting upgrade (competition standard)	21%	22%	16%	7%	34%
Replace and relocate existing playground	33%	19%	17%	5%	26%

#### *Additional Comments*

Respondents were invited to provide a comment in regards to the proposed project. A total of 149 individual respondents provided 258 comments. The comments have been summarised below.

	Responses	
	N	%
Positive for sporting clubs/Joondalup United Football Club	52	34.9%
Park to remain for local use	24	16.1%
Concerned about increase in noise	19	12.8%
Concerned about increase in lighting	19	12.8%
Request improved facilities at MacDonald Park to accommodate AFL clubs	17	11.4%
Positive for community	15	10.1%
Concerned about increase in traffic	15	10.1%
Against removal of Trees	13	8.7%
Concerned about impact on dog walkers	12	8.1%
Concerned about increase in parking issues	12	8.1%
Concerned about alcohol use/increase in liquor license	11	7.4%
Concerned about proposed playground location	11	7.4%
Concerned for impact on current user groups	10	6.7%
Concerned about an increase in sport usage of the park	7	4.7%
Concerned about night games	6	4.0%
Concerned about current and future littering	5	3.4%
Concerned about the number of dogs off leash at the park	4	2.7%
Concerned about new parking proposed	3	2.0%
Concerned about new fences/retaining walls	3	2.0%
<b>Total (valid) responses</b>	<b>149</b>	<b>173.2%</b>

#### *Responses from Park User Groups and a Local Residents Association*

The City received formal responses to the community consultation from all five current user groups (Whitford Junior Football Club, Whitford Amateur Football Club, Northern Veterans Football Club, Joondalup United Football Club and the Pirates Softball Club) as well as a response from the Whitfords Ratepayers Association. These responses have been identified below.

	<b>Additional Playing Field</b>	<b>Floodlighting (Training)</b>	<b>Floodlighting (Competition)</b>	<b>Relocate Playground</b>
Whitford Junior Football Club	Support	Support	Support	Support
Whitford Amateur Football Club	Strongly Support	Strongly Support	Strongly Support	Strongly Support
Northern Warrior Veterans Football Club	Strongly Oppose	Strongly Oppose	Strongly Oppose	Strongly Oppose
Joondalup United Football Club	Strongly Support	Strongly Support	Strongly Support	Strongly Support
Pirates Softball Club	Strongly Support	Strongly Support	Strongly Support	Support
Whitfords Ratepayers Association	Strongly Oppose	Support	Strongly Oppose	Support

All current user groups (excluding Joondalup United Football Club) commented within their submission that they request consideration for additional facilities should their usage at Forrest Park be impacted as a result of the project.

The NWVFC have strongly opposed all components of the proposed project, however they have made comment that they are concerned about the security of their tenure at Forrest Park as a result of the project and that should their concerns be addressed they would support the project.

The comments received within the response from the Whitfords Ratepayers Association reflect the comments received within the general consultation, with concerns raised about increased sport usage increasing issues with traffic, noise, parking issues, litter, antisocial behaviour and the like.

A comprehensive community consultation report has been included as Attachment 8.

## **COMMENT**

The DSR, through the CSRFF, aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities. The CSRFF provides the City with an excellent opportunity to upgrade community facilities and City infrastructure with the support of the State Government (Department of Sport and Recreation) and the community organisations that will directly benefit from the upgrades.

As a result of the discussions with the three AFL clubs that currently utilise Forrest Park it is recommended that a decision on the Forrest Park project be deferred for a further 12 months. This will allow for further discussions with all park user groups to assess what requirements they may have to allow for a smooth transition from Forrest Park to MacDonald Park. Additional time will also allow for further discussions to be had about alternative relocation opportunities for the AFL clubs.

Should Council choose that Forrest Park, Padbury is not the preferred location for the JUFC to operate from other venues may be considered. Any other potential location would need to be assessed to determine its suitability for the level of competition that the JUFC is competing at, as well as the general facility availability and usage levels by other groups.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOTES the findings of the community consultation process undertaken for the Warrandyte Park, Craigie floodlighting project;**
- 2 ENDORSES an application to the Department of Sport and Recreation’s Community Sporting and Recreation Facilities Fund program for \$176,194 (excluding GST) to part fund the upgrade of the sports floodlighting at Warrandyte Park, Craigie;**
- 3 NOTES the findings of the community consultation process undertaken for the Forrest Park, Padbury floodlighting project;**
- 4 DEFERS the consideration of the Forrest Park Improvement Project for a further 12 months;**
- 5 REQUESTS the Chief Executive Officer to prepare a report for the Forrest Park Improvement Project that considers relocation requirements for the existing users of Forrest Park;**
- 6 ENDORSES the ranking and rating of the Community Sporting and Recreation Facilities Fund application below:**

<b>Applicants Rank</b>		<b>Applicants Rating</b>
<b>1</b>	<b>Warrandyte Park, Craigie – Sports Floodlighting Upgrade.</b>	<b>Well planned and needed by the local government.</b>

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf160809.pdf](#)

## **ITEM 10                    PERMIT DOGS TO BE WALKED ON A LEASH AROUND THE PERIMETER OF MAWSON PARK, HILLARYS**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	06098, 101515
<b>ATTACHMENTS</b>	Attachment 1    Map of Mawson Park Attachment 2    Proposed Dog Control Measures Consultation Analysis Report
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider the exercising of dogs on a leash on the 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 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. At its meeting held on 17 May 2016 (CJ074-05/16 refers), Council deferred the decision pending further consultation.

The further consultation has been undertaken by targeted letter drop to residents within approximately 100 metres of the park, and with local signage in the park, advertising the proposal and seeking feedback. The consultation period closed on 1 July 2016. 114 valid responses were received, with 98 responses in support and 13 responses not in support of the proposal. There were three responses which were “undecided”.

Should Council wish to proceed with this proposal, it will be necessary for Council to revoke Part 1 (1.3) of its decision at its meeting held on 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 dog 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 dog 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 17 May 2016 (CJ074-05/16 refers), Council resolved to defer a decision and undertake further consultation on the proposal to specify 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 resulting ribbon corridor around Mawson Park where dogs could be exercised on a leash will be delineated by signage to make it clear to dog walkers where they may safely be permitted to exercise their dog.

The further consultation involved a letter to residents who lived within approximately 100 metres of the park, with a feedback form to be returned to the City. Local signage was also installed around the park advertising the proposal and inviting feedback via the City's website. The proposal was also advertised in the *Joondalup Weekender*, on noticeboards at City libraries, the administration centre, customer service centres and on the City's web site. Public comments on the proposal closed on 1 July 2016.

## 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 the 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 a general budget allocation within the City Rangers budget for signage.

Current financial year impact

<b>Account no.</b>	344 A3404 3283 0000.
<b>Budget Item</b>	Not applicable.
<b>Budget amount</b>	\$2,500
<b>Amount spent to date</b>	Nil.
<b>Proposed cost</b>	A double-sided sign on a post costs approximately \$160 to supply and install. The minimal amount of new signage possible will be installed.

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 a likelihood that they will escape effective control and contaminate the aquatic systems is an acknowledged risk.

## Consultation

Following the Council meeting held on 17 May 2016 (CJ074-05/16 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 by letter, inviting comment, to residents who lived within approximately 100 metres of the park, with a feedback form to be returned to the City. Local signage was also installed around the park advertising the proposal and inviting feedback via the City's website. The proposal was also advertised in the *Joondalup Weekender*, on notice boards at City libraries, the administration centre, customer service centres and on the City's website. Public comments on the proposal closed on 1 July 2016. 114 valid responses were received, with 98 responses (86%) in support and 13 responses (11.4%) not in support of the proposal. There were three responses which were "undecided".

The main concerns raised by respondents are shown in the table below.

Comments	Responses	
	N	%
Concern for increase in dog poo if dogs are permitted.	8	14.0%
Concern for safety from dogs.	7	12.3%
Concern that dog owners will not abide by the new rules.	6	10.5%
Concern for the impact on current wildlife within the park.	5	8.8%
Believe dog owners currently take dogs into the park already.	5	8.8%
Concern for children's safety from dogs.	4	7.0%
Believe that current dog restrictions are not being enforced.	3	5.3%
Would like the park to have no dog restrictions.	3	5.3%
Believes there are plenty of other places for people to walk dogs.	2	3.5%
Believe dog owners already currently walk dogs on the perimeter paths.	2	3.5%
Believe dog poo bags need to be placed within the park.	2	3.5%
Believe the park will not be enjoyable if dogs are permitted.	2	3.5%
Concern for extra pedestrian traffic near property.	2	3.5%
Concern for increase of dogs off leads if dogs are permitted.	2	3.5%



## 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. Additional bins and dog poo dispensers will be installed to coincide with the new signage.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

**That Council BY AN ABSOLUTE MAJORITY:**

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

***“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 9 refers*

To access this attachment on electronic document, click here: [Attach9brf160809.pdf](#)

## ITEM 11 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2016

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

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of June 2016 totalling \$18,902,697.59.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for June 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 \$18,902,697.59.*

### 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 June 2016. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 103379 - 103580 & EF056049 – EF056777 Net of cancelled payments.	\$ 14,061,814.39
	Vouchers 1698A - 1715A & 1717A – 1719A	\$ 4,810,983.20
Trust Account	Trust Cheques & EFT Payments 206980 - 206992 & TEF000734 – TEF000772 Net of cancelled payments.	\$ 29,900.00
	<b>Total</b>	\$ 18,902,697.59

### 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 June 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 \$18,902,697.59.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf160809.pdf](#)

## **ITEM 12                    FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2016 (SUBJECT TO END OF YEAR FINALISATION)**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENT</b>	Attachment 1    Financial Activity Statement for the period ended 30 June 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 (subject to end of year finalisation) for the period ended 30 June 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 June 2016 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$15,958,958 for the period when compared to the revised budget. This variance does not represent the end of year position as end of year adjustments are still to be finalised. 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.

The variance can be summarised as follows:

The operating deficit is \$9,915,101 lower than budget, made up of higher operating revenue \$1,856,204 and lower operating expenditure of \$8,058,897.

Operating revenue is higher than budget on Rates \$146,472, Specified Area Rates \$2,557, Grants and Subsidies \$85,418, Profit on Asset Disposals \$1,184,599, Interest Earnings \$165,283, Other Revenue \$437,951 and Contributions, Reimbursements and Donations \$9,048, partly offset by lower than budget revenue from Fees and Charges \$175,123.

Operating Expenditure is lower than budget on Materials and Contracts \$5,746,452, Employee Costs \$1,115,055, Utilities \$389,121, Depreciation and Amortisation \$2,491,958 and Interest expenses \$23,288. These are partly offset by higher than budget expenditure for Loss on Asset Disposals \$1,668,858 and Insurance Expenses \$38,119.

The Capital Deficit is \$8,252,459 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$2,323,565, Vehicle and Plant Replacements \$716,032, Capital Works \$8,325,734 and Loan Principal Repayments \$116,656, partly offset by lower than budgeted revenue from Equity Distribution TPRC \$781,656, Capital Grants and Subsidies \$2,156,936 and Capital Contributions \$290,945.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 June 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 30 June 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. The results presented in the Financial Activity Statement are prior to the regular end of year finalisation and audit and the final results will not be known until after end of year adjustments and entries are processed, including reserve movements.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement (subject to end of year finalisation) for the period ended 30 June 2016 forming Attachment 1 to this Report.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf160809.pdf](#)*

## **ITEM 13                      TENDER                      009/16                      REFURBISHMENT                      OF UNDERCROFT BRIDGE CLUB**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105720, 101515
<b>ATTACHMENT</b>	Attachment 1      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 Hickey Constructions Pty Ltd for the refurbishment of Undercroft Bridge Club.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 28 May 2016 through statewide public notice for the refurbishment of Undercroft Bridge Club. Tenders closed on 16 June 2016. A submission was received from each of the following:

- Adrina Project Management Pty Ltd.
- Access Without Barriers Pty Ltd trading as AWB Building Co.
- Geared Construction Pty Ltd.
- The Trustee for the Devereux Family Trust trading as Devco Builders.
- Hickey Constructions Pty Ltd.
- Linebay Holdings Pty Ltd t/as Connolly Building Company.
- Solution 4 Building Pty Ltd.

The submission from Hickey Constructions Pty Ltd represents best value to the City. It demonstrated experience in completing similar new and refurbishment projects for local governments including the Cities of Bayswater and Wanneroo and Perth Surf Life Saving Club (SLSC). It demonstrated an understanding of the project requirements and has sufficient capacity to complete the works.

*It is therefore recommended that Council:*

- 1      *ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the refurbishment of the Undercroft Bridge Club as specified in Tender 009/16 for the fixed lump sum of \$447,073 (Tender Option 1) (GST Exclusive) and schedule of rates for additions/deletions, with practical completion of works by 17 February 2017;*
- 2      *APPROVES the Chief Executive Officer to negotiate minor variations to the contract with Hickey Constructions Pty Ltd, to remove the proposed verandah extension and moveable wall, as specified in Tender 009/16;*



- 3 *NOTES that any potential over expenditure to deliver the project will be funded through identified savings from 2016-17 capital works projects.*

## BACKGROUND

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake the works for the refurbishment of Undercroft Bridge Club.

Due to budget restrictions, Tender 009/16 asked for three price options (fixed lump sum) from the Tenderers based on the floor covering options below:

<b>Tender Option 1</b>	<b>Tender Option 2</b>	<b>Tender Option 3</b>
New carpet in extension only	New carpet in extension and hall. Retain tiles in foyer and meeting room	New carpet in extension and hall as well as foyer and meeting room. Remove existing tiles in foyer and meeting room and make good to existing.

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 refurbishment of Undercroft Bridge Club was advertised through statewide public notice on 28 May 2016. The tender period was for two weeks and tenders closed on 16 June 2016.

### Tender Submissions

A submission was received from each of the following:

- Adrina Project Management Pty Ltd.
- Access Without Barriers Pty Ltd trading as AWB Building Co.
- Geared Construction Pty Ltd.
- The Trustee for the Devereux Family Trust trading as Devco Builders.
- Hickey Constructions Pty Ltd.
- Linebay Holdings Pty Ltd t/as Connolly Building Company.
- Solution 4 Building Pty Ltd.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

### Evaluation Panel

The evaluation panel comprised three members:

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

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

## Evaluation Method and Weighting

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

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

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

## Compliance Assessment

All offers were assessed as compliant.

## Qualitative Assessment

Connolly Building Company scored 38.2% in the qualitative assessment. The company did not demonstrate sufficient experience to undertake the works. Only one project example (refurbishment works for Belgrade Village retirement home and community hall) was supplied. It did not demonstrate adequate understanding of the required tasks. It provided a workable methodology and construction program but did not supply the schedule of estimated monthly claims. The company has the capacity to undertake the work but provided limited details of its key personnel.

Geared Constructions Pty Ltd scored 43.8% in the qualitative assessment. It demonstrated an understanding of the City's requirements. The company completed three similar projects for Mesh Property Group, Westpac Northbridge branch and the City of Stirling but periods and dates were not provided for any of the contracts. The submission did not provide information on the company's number of full time employees, its ability to supply additional resources and personnel and its safety records.

AWB Building Co scored 45.3% in the qualitative assessment. It did not demonstrate sufficient experience completing similar projects. Out of six project examples provided, refurbishment of Wireless Hill Museum building for the City of Melville and V Block refurbishment of Sir Charles Gairdner Hospital were similar in scope. Project costs of the previously completed projects were not supplied. The company has the capacity to carry out the works but did not demonstrate an understanding of the requirements. The submission made reference to a City of Rockingham project and provided little information on the methodology of construction and more about the management of the contract.

Adrina Project Management Pty Ltd scored 50% in the qualitative assessment. The company demonstrated experience completing similar refurbishment and extension projects for private and local government organisations including Oldham Community Centre Multipurpose Room extension for the City of Wanneroo and refurbishment works of Yokine Bowling Club and Nollamara Community Centre for the City of Stirling. It did not demonstrate an understanding of the City's requirements. The construction method statement supplied was for a different project and the schedule of estimated monthly claims was not supplied. The company has the capacity to carry out the works but current commitments of the company were not supplied.

Solution 4 Building scored 55.2% in the qualitative assessment. The company demonstrated an understanding of the required tasks. It demonstrated considerable experience completing refurbishment projects for local governments and private organisations including refurbishment works of Noranda Bowling Club and Lightning Park Recreation Centre for the City of Bayswater, refurbishment works of Jim Satchell Recreation Centre for the City of Stirling, Collie Hospital upgrade works for Silver Chain, Port Hedland Civic Centre roof replacement works for the Town of Port Hedland and Waminda Aged Care Facility refurbishment works for Swancare. The company has the capacity to carry out the works but did not address its ability to provide additional personnel and resources and safety statistics.

Devco Builders scored 57.5% in the qualitative assessment. It demonstrated extensive experience completing similar new and refurbishment projects for local governments and private organisations including refurbishment of Centenary Park for the City of Belmont, refurbishment works of Bull Creek library for the City of Melville, Loton Park refurbishment for the City of Vincent, refurbishment works to Woodvale Community Centre, Sorrento Community Hall, Duncraig Library, Craigie Leisure Centre, Robin Park, Korella Park and Iluka Sports Complex for the City of Joondalup and refurbishment of Maguire Pavilion for the City of Swan. The company has the capacity to undertake the project but did not demonstrate sufficient understanding of the City's requirements. It submitted a generic methodology for the project but did not provide monthly progress claims schedule and provisional construction program to carry out the works.

Hickey Constructions Pty Ltd scored 58.1% in the qualitative assessment. It demonstrated an understanding of the project requirements and has the required capacity to complete the works for the City. It demonstrated experience completing similar projects for local governments and private organisations including Perth SLSC fitout project, Corporate Office alteration works to His Majesty's Theatre for Perth Theatre Trust, refurbishment and upgrades to the aquatic facilities at Maylands Waterland and refurbishment of gatehouse building of Mayland Brickworks for the City of Bayswater and refurbishment of the reception area of Kingsway Indoor Sports Centre for the City of Wanneroo.

Based on the minimum acceptable score (50%), Hickey Constructions, Devco Builders, Solution 4 Building and Adrina Project Management qualified for stage 2 (price) assessment.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage 2 to assess value for money to the City.

Tenderer	Total (GST Exclusive)		
	Tender Option 1	Tender Option 2	Tender Option 3
Hickey Constructions	\$447,073	\$455,816	\$462,666
Solution 4 Building	\$461,016	\$472,898	\$484,548
Devco Builders	\$498,959	\$512,679	\$519,780
Adrina Project Management	\$498,765	\$517,352	\$528,573

### Evaluation Summary

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

Tenderer	Total Contract Price (GST excl)			Price Rank			Qualitative Rank	Evaluation Score
	Tender Option 1	Tender Option 2	Tender Option 3	Tender Option 1	Tender Option 2	Tender Option 3		
Hickey Constructions	\$447,073	\$455,816	\$462,666	1	1	1	1	58.1%
Solution 4 Building	\$461,016	\$472,898	\$484,548	2	2	2	2	55.2%
Devco Builders	\$498,959	\$512,679	\$519,780	4	3	3	3	57.5%
Adrina Project Management	\$498,765	\$517,352	\$528,573	3	4	4	4	50%

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of Hickey Constructions Pty Ltd (Option 1) and is therefore recommended.

### Issues and options considered

#### Issues

The City has identified the need to refurbish the Undercroft Bridge Club. The City does not have the internal resources to provide the services and, as such, requires an appropriate external contractor to undertake the works.

The tender process has revealed that prices offered for all contract options exceed the project budget and CEO's delegated authority to accept the tender, by over \$50,000 (CJ224-12/15 refers). The options presented in the tender relate only to the extent of carpeting installed throughout the building and do not incorporate the potential exclusions negotiated with the Undercroft Bridge Club during the scoping of works. These included the removal of the verandah extension and moveable wall to reduce the overall project costs, if required. As the specifications within the tender documents do not isolate these works, the City is unable to negotiate their removal outside of a decision of Council. As such, the following options are presented for Council's consideration:

#### Options

Option 1 - Decline all offers and re-tender with a reduction in specifications.

This option would require:

- all current offers to be declined
- the tender documents to be redrafted to reduce the specifications by removing the requirement for a verandah extension and moveable wall
- re-advertising the request for tender.

While this option would enable a reduction in the contract prices offered, the project would likely be delayed by 12 months due to the restricted relocation options for the Undercroft Bridge Club during the construction period. Arrangements are currently in place to relocate members to the Percy Doyle Football-Teeball Clubroom from October – March 2016. If the tender process is re-initiated it is unlikely that the necessary commencement and completion dates would be achievable, requiring the project to be recommenced after the 2017 football-teeball season.

As such, this option is not recommended.

Option 2 - Accept the tender submitted by Hickey Constructions Pty Ltd for Tender Option 1 and provide authority for the CEO to negotiate minor variations to the contract in order to remove from scope the proposed verandah extension and moveable wall.

This option would require:

- acceptance of the preferred respondent's Tender Option 1 offer
- negotiation of variations to the contract with Hickey Constructions Pty Ltd to remove items from the current specifications
- the identification of contingency funds from savings in 2016-17 capital works projects, in case the variations to the contract price are insufficient to bring the price within budget and/or further variations are identified during the construction period.

Due to the CEO's limited delegated authority (\$393,547) and the advertised tender not identifying additional price options to reduce specifications, Council approval is required to negotiate variations to the advertised tender.

The benefit of this option is that significant project delays are avoided. However, there remains a risk that the negotiated reduction in scope may not bring the contract price within budget. It also means that the project will have little or no contingency funds should further variations arise during construction. It is therefore recommended that savings identified in capital works projects throughout 2016-17 are allocated to the Undercroft Bridge Club Refurbishment Project to cover any budget shortfalls and to provide sufficient contingency (a 10% / \$40,000 contingency is considered appropriate).

This option is recommended.

### **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**

Community Wellbeing.

##### **Objective**

Quality facilities.

##### **Strategic initiative**

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

##### **Policy**

Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be moderate as there is a community expectation for the refurbishment works of Undercroft Bridge Club.

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

**Financial / budget implications**

<b>Project number</b>	MPP2061.
<b>Cost Code</b>	CW002588.
<b>Budget Item</b>	Refurbishment of Undercroft Bridge Club.
<b>Budget amount</b>	\$ 394,000
<b>Commitment</b>	\$ 0
<b>Proposed cost</b>	\$ 447,073
<b>Contingencies</b>	\$ 0
<b>Balance</b>	(\$ 53,073)

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**Environmental

The facility refurbishment project is planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

Social

The project has included consultation with existing user groups to ensure that feedback received represents their needs. Furthermore, any refurbishment works will consider access and inclusion principles and will aim to enhance the amenity of the public space.

**Consultation**

Consultation was undertaken with existing user groups of the Undercroft Bridge Club during the site and needs analysis stage of the project. In addition, the City also consulted with users during the concept design stage of the project.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer submitted by Hickey Constructions Pty Ltd (Tender Option 1) represents best value to the City.

To ensure the timely completion of the project and effective management of budgeted funds, it is important that the tender is able to proceed with approved options for reducing the scope of works for non-critical items. Whilst this may not definitively ensure the project is completed within budget, it will manage the extent of potential overspend.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 ACCEPTS** the tender submitted by Hickey Constructions Pty Ltd for the refurbishment of the Undercroft Bridge Club as specified in Tender 009/16 for the fixed lump sum of \$447,073 (Option 1) (GST Exclusive) and schedule of rates for additions/deletions, with practical completion of works by 17 February 2017;
- 2 APPROVES** the Chief Executive Officer to negotiate minor variations to the contract with Hickey Constructions Pty Ltd, to remove the proposed verandah extension and moveable wall, as specified in Tender 009/16;
- 3 NOTES** that any potential over expenditure to deliver the project will be funded through identified savings from 2016-17 capital works projects.

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf160809.pdf](#)*

## **ITEM 14                    TENDER 021/16 CIVIL WORKS FOR OCEAN REEF ROAD AND JOONDALUP DRIVE INTERSECTION UPGRADE**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105857, 101515
<b>ATTACHMENT</b>	Attachment 1    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by TRACC Civil Pty Ltd for civil works for Ocean Reef Road and Joondalup Drive intersection upgrade.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 28 May 2016 through statewide public notice for the civil works for Ocean Reef Road and Joondalup Drive intersection upgrade. Tenders closed on 16 June 2016.

A submission was received from each of the following:

- Ertech Pty Ltd.
- Curnow Group Pty Ltd.
- Jaxon Civil Pty Ltd.
- The Trustee for the Dowsing Family Trust trading as Dowsing Group.
- D.B Cunningham Pty Ltd trading as Advantearing - Civil Engineers.
- Ralmana Pty Ltd trading as RJ Vincent and Co.
- TRACC Civil Pty Ltd.
- MACA Civil Pty Ltd.

The submission from TRACC Civil Pty Ltd represents best value to the City. The company demonstrated considerable experience in completing similar projects including the Beeliar Drive duplication for the City of Cockburn, Lord Street redevelopment works for Dockwest Pty Ltd, Mundijong Road extension for the City of Rockingham and Gillmore Avenue dual carriageway construction for the City of Kwinana. It demonstrated a good understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.



*It is therefore recommended that Council ACCEPTS the tender submitted by TRACC Civil Pty Ltd for civil works for Ocean Reef Road and Joondalup Drive intersection upgrade as specified in Tender 021/16 for the fixed lump sum of \$1,427,778 (GST Exclusive) and completion of the works within 16 weeks from possession of the site.*

## **BACKGROUND**

This requirement is to undertake the civil works for Ocean Reef Road and Joondalup Drive intersection upgrade.

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**

Tenders were advertised on 28 May 2016 through statewide public notice for a fixed lump sum contract to undertake the civil works for Ocean Reef Road and Joondalup Drive intersection upgrade. The tender period was for two weeks and tenders closed on 16 June 2016.

### **Tender Submissions**

A submission was received from each of the following:

- Ertech Pty Ltd.
- Curnow Group Pty Ltd.
- Jaxon Civil Pty Ltd.
- The Trustee for the Dowsing Family Trust trading as Dowsing Group.
- D.B Cunningham Pty Ltd trading as Advantearing - Civil Engineers.
- Ralmana Pty Ltd trading as RJ Vincent and Co.
- TRACC Civil Pty Ltd.
- MACA Civil Pty Ltd.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

### **Evaluation Panel**

The evaluation panel comprised four members:

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

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

## Compliance Assessment

The following offers were assessed as compliant:

- Ertech Pty Ltd.
- Curnow Group Pty Ltd.
- Jaxon Civil Pty Ltd.
- The Trustee for the Dowsing Family Trust trading as Dowsing Group.
- D.B Cunningham Pty Ltd trading as Advanteering - Civil Engineers.
- Ralmana Pty Ltd trading as RJ Vincent and Co.
- TRACC Civil Pty Ltd.

The submission from MACA Civil Pty Ltd was assessed as non-compliant. The submission proposed Insurance Bonds in place of Bank Guarantees as security for this contract, did not agree to clauses of the limit of liquidated damages, indemnity by Principal and delay of disruption costs. The Submission also proposed the liability to be limited to the insurable risk.

## Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 60%.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in completing similar projects	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

Advanteering – Civil Engineers scored 51.7% and was ranked seventh in the qualitative assessment. The company demonstrated experience completing similar projects. Six project examples were provided to support its experience and these included Brookton Highway/Holden Road intersection works (2014) for Main Roads WA, Museum Street enhancement works (2016) for the City of Perth and Hillarys Car park extension (2013) for Transfield Services. The company did not demonstrate sufficient understanding of the project requirements. It submitted a generic construction methodology with a provisional program. The company is resourced and has the capacity to complete the work but did not provide after hours contacts for emergency requirements.

RJ Vincent and Co scored 53.3% and was ranked sixth in the qualitative assessment. The company demonstrated an understanding of the project requirements and extensive experience completing similar road construction projects including Bertram Road duplication (2012) for the City of Kwinana, Butler Railway bridges construction (2013) for Public Transport Authority, Lenore Road upgrade (2016) for the City of Wanneroo, Lord Street roundabout construction (2012) for Stockland and construction of Jindalee intersection on Marmion Avenue (2012) for Satterley Property Group. The company has the capacity to complete the project; however its response did not provide a list of specialised equipment, after hours contacts for emergency requirements or the ability to provide additional personnel and resources.

Curnow Group scored 54% and was ranked fifth in the qualitative assessment. It supplied a provisional program and methodology demonstrating an understanding of the requirements. It did not demonstrate sufficient experience completing similar projects. Out of seventeen project examples submitted, only Carnarvon City Heart and Fascine redevelopment (for the Shire of Carnarvon) and Cambridge Street redevelopment (for the Town of Cambridge) projects are similar to the Ocean Reef Road and Joondalup Drive intersection upgrade project. The company has the capacity to complete the work but did not provide information on its years in business or after hours contacts for emergency requirements.

Dowsing Group scored 58.3% and was ranked fourth in the qualitative assessment. The company is resourced and has the capacity to complete the work. The company demonstrated experience completing road construction and concrete works projects including civil works for Oceanside Promenade for the City of Joondalup (ongoing), Forrest Square car station civil works (2016) for the City of Subiaco, Hillview Terrace intersection upgrade (2015) and Lathlain Place Street revitalisation project (2014) for the Town of Victoria Park. However, these projects are not of similar complexity in a high volume traffic environment. It supplied a provisional program and methodology demonstrating an understanding of the requirements.

TRACC Civil scored 62.2% and was ranked third in the qualitative assessment. The company demonstrated considerable experience completing similar projects including Beeliar Drive duplication for the City of Cockburn, Lord Street redevelopment works for Dockwest Pty Ltd, Mundijong Road extension for the City of Rockingham and Gillmore Avenue dual carriageway construction for the City of Kwinana. It demonstrated a good understanding of the project requirements with a detailed construction methodology. The company is resourced and has the capacity to undertake the work.

Jaxon Civil scored 63.5% and was ranked second in the qualitative assessment. The company demonstrated experience in completing similar projects including Cockburn Road widening and intersection modifications, Beeliar Drive carriageway duplication from Hammond Road to Durnin Avenue, intersection modifications at North Lake Road and Bibra Lake Drive, North Lake Road duplication from Midgegooroo Avenue to Hammond road and intersection modifications at North Beach Road. The company has sufficient resources to complete the project. It demonstrated a thorough understanding of the required tasks supported by a detailed ten staged construction methodology and a well documented provisional construction program.

Ertech Pty Ltd scored 70.4% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the scope of works through a detailed staged construction methodology specific to this project, pictorial representation highlighting work and traffic areas and a well documented preliminary construction program. It demonstrated considerable experience in completing similar carriageway duplications including the Catalina Marmion Avenue intersection civil works completed in 2013 for Tamala Park Regional Council, Beeliar Drive improvement works completed in 2013 for Perron Investments, Connolly Drive duplication (2009), Whitfords Avenue carriageway duplication (2016) and Ocean Reef Road carriageway duplication (ongoing) for the City of Joondalup and Mirrabooka Regional Centre improvement works for the City of Stirling (ongoing). It has sufficient resources to complete the project.

Based on the minimum acceptable score (60%), Ertech Pty Ltd, Jaxon Civil Pty Ltd and TRACC Civil Pty Ltd qualified for stage 2 (price) assessment.

## Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage 2 to assess value for money to the City.

Tenderer	Lump sum Price
Ertech Pty Ltd	\$1,819,943
Jaxon Civil Pty Ltd	\$1,880,699
TRACC Civil Pty Ltd	\$1,427,778

## Evaluation Summary

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

Tenderer	Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
TRACC Civil Pty Ltd	\$1,427,778	1	62.2%	3
Ertech Pty Ltd	\$1,819,943	2	70.4%	1
Jaxon Civil Pty Ltd	\$1,880,699	3	63.5%	2

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of TRACC Civil Pty Ltd and is therefore recommended.

## Issues and options considered

Civil works are required to complete the Ocean Reef Road and Joondalup Drive intersection upgrade. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

## Legislation / Strategic Community Plan / policy implications

### Legislation

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

### Strategic Community Plan

#### Key theme

Quality Urban Environment.

#### Objective

Integrated spaces.

#### Strategic initiative

Provide for diverse transport options that promote enhanced connectivity.

#### Policy

Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the City may lose its funding from the Metropolitan Regional Roads Group for the project.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is an established company with considerable industry experience and has the capacity to complete the works for the City within the required 16 week timeframe.

### Financial/budget implications

The project and tender specifications incorporate the actual intersection upgrade along with resurfacing works adjoining the intersection that are to be completed at the same time. The total project budget includes all these activities.

Project number	RDC2017	RPR2806	RPR2791	RPR2792	RPR2793
<b>Cost code</b>	W2898	W3241	W3228	W3229	W3230
<b>Budget Item</b>	Ocean Reef Road / Joondalup Drive Intersection Upgrade	Ocean Reef Road - Joondalup Drive to Freeway (Westbound)	Ocean Reef Road - Freeway to Joondalup Drive	Ocean Reef Road - Joondalup to Edgewater Drive	Joondalup Drive - Ocean Reef Road to Wedgewood Drive
<b>Budget amount</b>	\$1,543,000	\$123,438	\$100,000	\$75,000	\$120,000
<b>Total Budget Amount</b>	\$ 1,961,438				
<b>Committed</b>	\$ 0				
<b>Amount spent to date</b>	\$ 0				
<b>Proposed cost</b>	\$ 1,427,778				
<b>Contingency</b>	\$ 0				
<b>Balance</b>	\$ 533,660				

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

The Ocean Reef Road and Joondalup Drive intersection upgrade will assist in regulating the flow of increased traffic through the area for the Edgewater multi storied car park.

### Consultation

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by TRACC Civil Pty Ltd.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by TRACC Civil Pty Ltd for civil works for Ocean Reef Road and Joondalup Drive intersection upgrade as specified in Tender 021/16 for the fixed lump sum of \$1,427,778 (GST Exclusive) and completion of the works within 16 weeks from possession of the site.**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf160809.pdf](#)

## **ITEM 15                    TENDER 022/16 CIVIL WORKS FOR OCEANSIDE PROMENADE, MULLALOO FROM WEST VIEW BOULEVARD TO OCEAN REEF ROAD**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105858, 101515
<b>ATTACHMENT</b>	Attachment 1    Summary of Tender Submissions Attachment 2    Consultation Analysis
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by Ertech Pty Ltd for the civil works for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 28 May 2016 through statewide public notice for the civil works for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road. Tenders closed on 16 June 2016. A submission was received from each of the following:

- All Civils (WA) Pty Ltd.
- All Earth Group Pty Ltd.
- BCL Group Pty Ltd.
- Curnow Group Pty Ltd.
- CQ & JM Dowsing ATF for the Dowsing Family Trust trading as Dowsing Group.
- D.B Cunningham Pty Ltd trading as Advantearing - Civil Engineers.
- Ertech Pty Ltd.
- Jaxon Civil Pty Ltd.
- Ralmana Pty Ltd trading as RJ Vincent & Co.
- TRACC Civil Pty Ltd.
- West Coast Profilers.

The submission from Ertech Pty Ltd represents best value to the City. The company demonstrated considerable experience completing similar projects for Tamala Park Regional Council, Perron Investments and the Cities of Joondalup and Stirling. It demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

*It is therefore recommended that Council:*

- 1 *NOTES the soft landscaping design has been amended to exclude any new trees along the western verge of the Oceanside Promenade carriageway between West View Boulevard and Ocean Reef Road, as a result of the feedback from those residents who were consulted;*
- 2 *ACCEPTS the tender submitted by Ertech Pty Ltd for the civil works for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road as specified in Tender 022/16 for the fixed lump sum of \$865,453 (GST exclusive) and completion of the works by 2 December 2016.*

## **BACKGROUND**

This requirement is to undertake the civil works for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road.

Stage 1 works on Oceanside Promenade between Warren Way and West View Boulevard commenced in April 2016 and are scheduled for completion in August 2016. The works consist of the installation of on-street parking bays, raised median treatment, landscaping and the provision of pedestrian and pathway facilities.

The proposed Stage 2 works on Oceanside Promenade between West View Boulevard and Ocean Reef Road relate to this tender and include the installation of on-street parking bays along the western verge, the installation of a flush red asphalt median, raised median islands, the provision of new pedestrian crossings and pathways.

The purpose of the Stage 2 traffic treatments is to limit informal parking during summer peak periods, control traffic movements and improve the pedestrian road safety along this section of Oceanside Promenade. All works will be within the road reserve and there will be no encroachment on the adjacent bushland.

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**

Tenders were advertised on 28 May 2016 through statewide public notice for a fixed lump sum contract to undertake the civil works for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road. The tender period was for two weeks and tenders closed on 16 June 2016.

### **Tender Submissions**

A submission was received from each of the following:

- All Civils (WA) Pty Ltd.
- All Earth Group Pty Ltd.
- BCL Group Pty Ltd.
- Curnow Group Pty Ltd.
- CQ & JM Dowsing ATF for the Dowsing Family Trust trading as Dowsing Group.
- D.B Cunningham Pty Ltd trading as Advantearing - Civil Engineers.



- Ertech Pty Ltd.
- Jaxon Civil Pty Ltd.
- Ralmana Pty Ltd trading as RJ Vincent & Co.
- TRACC Civil Pty Ltd.
- West Coast Profilers.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

### **Evaluation Panel**

The evaluation panel comprised three members:

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

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

### **Compliance Assessment**

All offers were assessed as compliant.

### **Qualitative Assessment**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 60%.

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

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

West Coast Profilers scored 34.1% and was ranked eleventh in the qualitative assessment. The company did not demonstrate an understanding of the requirements with a generic methodology with limited information regarding work flow and staging of works. The company did not demonstrate experience in completing similar projects. Six of its submitted seven project examples were below \$300,000 and were small scale profiling and civil works for various local governments. The submission provided limited information on the organisational structure of the company, qualification and experience of its key personnel and specialised equipment and no information on its period of time in business, number of full time employees, after hours contacts, its ability to provide additional resources and personnel and safety records of the company.

BCL Group scored 45.8% and was ranked tenth in the qualitative assessment. The company demonstrated experience completing similar projects including Main Street upgrade for the Shire of Laverton, Main Street upgrade for the Shire of Morawa and civil works for Whitfords Node roundabout for the City of Joondalup. The company is resourced but did not demonstrate sufficient understanding of the project requirements. It submitted a generic methodology without any provisional program.

All Earth Group scored 46.3% and was ranked ninth in the qualitative assessment. The company is resourced to complete the works for the City but did not demonstrate sufficient understanding of the project requirements with a generic methodology and no provisional program. It also did not demonstrate sufficient experience completing similar projects. Out of four project examples submitted, only road widening works between Centenary Avenue and Manning Road completed in 2014 for the City of South Perth is similar in scope and traffic management complexity to the Oceanside Promenade project.

Curnow Group scored 50.8% and was ranked eighth in the qualitative assessment. The company demonstrated experience completing similar projects including Northbridge Piazza Road reconstruction for the City of Perth, Carnarvon City Heart and Fascine redevelopment for the Shire of Carnarvon and Cambridge Street redevelopment for the Town of Cambridge. The company has sufficient resources to undertake the work but did not demonstrate adequate understanding of the project requirements submitting only a generic methodology to complete the work.

RJ Vincent scored 54.1% and was ranked seventh in the qualitative assessment. It demonstrated an adequate understanding of the project requirements. The company is resourced and has the capacity to complete the work but did not specifically address the after-hours contacts for emergency requirements and its ability to provide additional personnel and resources. The company demonstrated extensive experience completing similar road construction projects including Bertram Road duplication (2012) for the City of Kwinana, Butler Railway bridges construction (2013) for Public Transport Authority, Lenore Road upgrade (2016) for the City of Wanneroo, Lord Street round about construction (2012) for Stockland and construction of Jindalee intersection on Marmion Avenue (2012) for Satterley Property Group.

Advanteering – Civil Engineers scored 56.2% and was ranked sixth in the qualitative assessment. The company demonstrated experience completing similar projects including Brookton Highway/Holden Road intersection works (2014) for Main Roads WA, Museum Street enhancement works (2016) for the City of Perth and Hillarys Car park extension (2013) for Transfield Services. The company demonstrated an adequate understanding of the project requirements and has the capacity to undertake the work.

All Civils WA scored 56.4% and was ranked fifth in the qualitative assessment. The company demonstrated an understanding of the project requirements. It did not clearly demonstrate the capacity to undertake the work. The company demonstrated some experience completing similar projects including Marmion Avenue-Shenton Avenue roundabout construction for the City of Joondalup (as a sub-contractor only) and Hordern Street intersection works for the Town of Victoria Park.

Jaxon Civil scored 58.3% and was ranked fourth in the qualitative assessment. The company demonstrated experience completing similar projects including Cockburn Road widening and intersection modifications, Beeliar Drive carriageway duplication from Hammond Road to Durnin Avenue, intersection modifications at North Lake Road and Bibra Lake Drive, North Lake Road duplication from Midgegooroo Avenue to Hammond road and intersection modifications at North Beach Road. The company demonstrated the capacity to undertake the work for the City. The company however only provided a brief methodology statement and program, which did not clearly demonstrate how it would deliver this project taking into consideration the site constraints.

Dowsing Group scored 58.5% and was ranked third in the qualitative assessment. The company is resourced and has the capacity to complete the work. It demonstrated an understanding of the project requirements with a project specific methodology and a provisional project program. It demonstrated experience completing similar projects including civil works for Oceanside Promenade for the City of Joondalup (ongoing), Forrest Square car station civil works (2016) for the City of Subiaco, Hillview Terrace intersection upgrade (2015) and Lathlain Place Street revitalisation project (2014) for the Town of Victoria Park.

TRACC Civil Pty Ltd scored 60% and was ranked second in the qualitative assessment. It demonstrated considerable experience completing similar projects including Beeliar Drive duplication for the City of Cockburn, Lord Street redevelopment works for Dockwest Pty Ltd, Mundijong Road extension for the City of Rockingham and Gillmore Avenue dual carriageway construction for the City of Kwinana. The company is resourced to complete the works for the City. It demonstrated an understanding of the project requirements with a project specific construction methodology and provisional project program.

Ertech Pty Ltd scored 71.7% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the scope of works through a detailed staged construction methodology specific to this project, pictorial representation highlighting work and traffic areas and a well documented preliminary construction program. It demonstrated considerable experience in completing similar projects including Catalina Marmion Avenue intersection civil works completed in 2013 for Tamala Park Regional Council, Beeliar Drive improvement works completed in 2013 for Perron Investments, Connolly Drive duplication (2009), Whitfords Avenue carriageway duplication (2016) and Ocean Reef Road carriageway duplication (ongoing) for the City of Joondalup and Mirrabooka Regional Centre improvement works for the City of Stirling (ongoing). It has sufficient resources to complete the project.

Based on the minimum acceptable score (60%), Ertech Pty Ltd and TRACC Civil Pty Ltd qualified for stage 2 (price) assessment.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage 2 to assess value for money to the City.

Tenderer	Lump Sum Price
Ertech Pty Ltd	\$865,453
TRACC Civil Pty Ltd	\$1,056,817

### Evaluation Summary

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

Tenderer	Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
Ertech Pty Ltd	\$865,453	1	71.7%	1
TRAAC Civil Pty Ltd	\$1,056,817	2	60%	2

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

## Issues and options considered

Civil works are required for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

## Legislation / Strategic Community Plan / policy implications

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

## Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Integrated spaces.

**Strategic initiative** Provide for diverse transport options that promote enhanced connectivity.

**Policy** Not applicable.

## Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the City may lose \$297,488 of Government grant for the project.

It is considered that the contract will represent a low risk to the City as the recommended Tenderer is a well-established company with considerable industry experience and has the capacity to complete the works for the City.

## Financial/budget implications

<b>Project number</b>	LTM2091	RPR2871
<b>Cost code</b>	W2662	W3245
<b>Budget Item</b>	Oceanside Promenade	Oceanside Promenade – West View Boulevard to Ocean Reef Road
<b>Budget amount</b>	\$ 820,000	\$297,488
<b>Total Budget Amount</b>	\$1,117,488	
<b>Committed</b>	\$ 0	
<b>Amount spent to date</b>	\$ 0	
<b>Proposed cost</b>	\$ 865,453	
<b>Contingency</b>	\$ 0	
<b>Balance</b>	\$ 252,035	

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

In December 2015, consultation on Stage 1 works on Oceanside Promenade between Warren Way and West View Boulevard was conducted with ratepayers and residents. During Stage 1, the City received a total of 59 valid responses with 71.2% supporting the proposed improvements along Oceanside Promenade, while 13.6% opposed and 8.5% were unsure. Concerns were raised regarding the height of new landscaping proposed and the effectiveness of raised median islands. Although it was recommended that design exclude new trees as a result of the feedback from those residents who were consulted, Council supported the retention of the improved landscaping.

In June 2016, the City consulted directly with residents that lived within a 200 metre radius of Oceanside Promenade between West View Boulevard and Ocean Reef Road. A total of 150 residents as well as two stakeholder groups were provided personalised consultation packages to determine the level of support for the proposed upgrades. In addition, members of the public and stakeholders wishing to comment were also encouraged to complete an online survey form via the City's website.

Throughout the 21-day advertised consultation period, the City received a total of 90 valid responses with 54.4% supporting the proposed improvements along Oceanside Promenade, whilst 35.6% opposed and 5.6% were unsure. The consultation received general support for improved pedestrian crossing facilities (88.9%), on-street parking bays along western verge (72.8%) and flush median strips (72.8%). However, raised median islands (47.8%) and improved landscaping (34.4%) were less supported.

Further analysis showed that of the 32 respondents that opposed the proposal, 37.5% were unsure about the effectiveness of raised median islands. While these concerns around effectiveness have been acknowledged, these elements have been proved to enhance the road safety outcomes while reducing the potential for pedestrian vehicle conflicts and are integral to the overall traffic management scheme.

In addition, it was also identified that of the 32 respondents that opposed the proposal, 87.5% opposed improved landscaping along coastal share path. The majority of comments raised concern for the height of the landscaping proposed and perceived affect on property prices. On the basis of these concerns, the improved landscaping has been removed from the scope of works.

For more information, the full consultation analysis report is provided in Attachment 2.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Ertech Pty Ltd.

The removal of the soft landscaping will require minor changes to the projects scope of works which will be negotiated with the successful contractor.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOTES the soft landscaping design has been amended to exclude any new trees along the western verge of the Oceanside Promenade carriageway between West View Boulevard and Ocean Reef Road, as a result of the feedback from those residents who were consulted;**
- 2 ACCEPTS the tender submitted by Ertech Pty Ltd for civil works for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road as specified in Tender 022/16 for the fixed lump sum of \$865,453 (GST exclusive) and completion of the works by 2 December 2016.**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf160809.pdf](#)

## REPORT – AUDIT COMMITTEE – 2 AUGUST 2016

### ITEM 16 CHIEF EXECUTIVE OFFICER'S REVIEW OF SYSTEMS REGARDING RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE COMPLIANCE

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	49586, 101515
<b>ATTACHMENTS</b>	Nil
<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 results of the Chief Executive Officer's review of the appropriateness and effectiveness of the City's systems in regard to risk management, internal control and legislative compliance.

#### EXECUTIVE SUMMARY

The *Local Government (Audit) Regulations 1996* require a local government's Chief Executive Officer to review, at least once every two years, the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance.

At its meeting held on 2 August 2016 a report was presented to the Audit Committee providing the results of the Chief Executive Officer's review since the last report in October 2014.

*It is therefore recommended that Council NOTES the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the City's systems in regard to risk management, internal control and legislative compliance.*

#### BACKGROUND

The *Local Government (Audit) Regulations 1996* prescribe the requirements for local governments in relation to the engagement of auditors, the annual compliance audit return and the functions of the audit committee.

Regulation 16 – Functions of Audit Committee16 *Audit committee, functions of*

*An audit committee -*

- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to -*
- (i) *report to the council the results of that review; and*
  - (ii) *give a copy of the CEO's report to the council.*

Regulation 17 – CEO to review certain systems and procedures17 *CEO to review certain systems and procedures*

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to -*
- (a) *risk management; and*
  - (b) *internal controls; and*
  - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

This report provides the results of the Chief Executive Officer's review.

**DETAILS**

The Chief Executive Officer has reviewed the City's systems in relation to risk management, internal control and legislative compliance and considers that they are appropriate and effective.

The City's activities that support risk management, internal control and legislative compliance include informing/guiding documents, taskforces/committees and audits/reviews/assessments and are outlined in this report.

Informing / Guiding Documents*Risk Management Framework*

The City has had a *Risk Management Framework* in place since January 2009 which was updated and presented to the Audit Committee at its meeting held on 12 August 2013. The framework was endorsed by Council at its meeting held on 24 September 2013 (CJ190-09/13 refers). The framework describes the principles of risk management and details the roles and responsibilities of risk management from the Audit Committee to individual employees. The framework includes a risk level matrix and criteria for assessing risks in terms of likelihood and consequences. The Internal Auditor reviews the framework on an annual basis to ensure it is current and reflects the latest Australian Standards. The framework was last updated in October 2014 and the 2015 review did not require any changes.



### *Risk Management Policy*

The City has had a *Risk Management Policy* in place since being adopted by Council at its meeting held on 24 September 2013 (CJ190-09/13 refers) which states the objectives for, and commitment to, risk management. The policy is designed to align with this and make a statement on the City's objectives, approach and commitment to effective risk management across all its operations. The policy includes the following statement:

*“The City is committed to ensuring that effective risk management remains central to all its operations while delivering a wide and diverse range of services to its residents and visitors. The management of risk is the responsibility of everyone and should be an integral part of organisational culture and be reflected in the various policies, protocols, systems and processes used to ensure efficient and effective service delivery. The Risk Management Framework will reflect good practice and sound corporate governance and be consistent with AS/NZS ISO 31000:2009 Risk management – Principles and guidelines.”*

The draft policy was presented to the Audit Committee at its meeting held on 12 August 2013 prior to being adopted by Council.

The policy has not been reviewed since being adopted by Council at its meeting held on 24 September 2013. As there was no need to change the *Risk Management Framework* following the 2015 review, it was determined that the policy did not need to be reviewed.

### *Corporate Risk Register*

The City has developed a *Corporate Risk Register* which captures risks that may prevent the achievement of the City's key strategic objectives and major systems and projects. The register includes financial and non-financial systems and helps ensure compliance with key legislation, details key current controls and identifies new controls to reduce risks. The register is an important element of risk management that assists the City in capturing and recording risks that threaten the major systems and the delivery of major projects.

The register was presented to the Audit Committee at its meeting held on 10 March 2014 and endorsed by Council at its meeting held on 18 March 2014 (CJ044-03/14 refers). The register is continually monitored by Executive and Risk Services and updated on a quarterly basis to ensure agreed actions are implemented and that new and emerging risks are captured. The register is currently being updated to better define strategic and operational risks and will be presented to the Audit Committee following review by the City's internal Risk Management Taskforce in June 2016.

### *Business Unit Risk Registers*

Each business unit develops their own risk register as part of the annual business planning process. The risk registers identify, assess and describe control actions for risks that affect the operation and delivery of services by that business unit to internal and external stakeholders.

### *Emergency Management Risk Register*

Local government has statutory obligations for emergency management and the risk register is essential to identify risks, their severity and to identify the agencies responsible for mitigation of the risk. The City developed an *Emergency Management Risk Register* in conjunction with the Western Australian Local Government Association which identifies the actions that should be instigated to reduce the probability and potential impact of the identified risks. The register was presented to the Audit Committee on 18 March 2013 prior to being submitted to the Local Emergency Management Committee.

A review is currently scheduled for the first half of 2016-17.

### *Business Continuity Plan*

The City's current plan was developed and tested in conjunction with Local Government Insurance Services during 2012 and 2013 to ensure the City can prepare for, and continue to operate after an incident or crisis. This plan is a significant component of the City's overall management of risk and increases the City's recovery capabilities ensuring decisions are made quickly minimising financial, environmental and reputational impacts.

Directorate Plans are scheduled for annual reviews to be completed by 31 October each year. The *Consolidated Business Continuity Plan* is currently being reviewed and updated in readiness for a desktop exercise scheduled to occur by 31 December 2016.

### *Purchasing Policy*

The City's *Purchasing Policy*, adopted by Council at its meeting held on 15 July 2014 (CJ126-07/14 refers), was reviewed in light of legislative changes to the *Local Government (Functions and General) Regulations 1996* that took effect on 1 October 2015.

In 2015, the WA Department of Local Government and Communities introduced a number of amendments to the *Local Government (Functions and General) Regulations 1996*. Changes to Part 4 – Provision of goods and services necessitated a corresponding review of the City's *Purchasing Policy* and identified a number of changes required for the City to comply with the revised legislation. Key changes include amendments to regulations 11, 11A, 12, 14, 15, 16, 17, 18, 21 as well as the introduction of regulation 21A and regulations 24AA to 24AJ (as division 3 to Part 4). The City also identified some additional improvements to the policy.

The amendments were necessary to bring the City's *Purchasing Policy* in line with the revised legislation. While the policy could have been retained in its current form without giving effect to the legislative updates, the City would have been unable to make use of either the increased tender threshold or the provision for establishment of pre-qualified supplier panels as set out in the amended legislation. This could have resulted in on-going operational inefficiencies and higher use of resources.

The policy's objective remains the same – *to outline the City's commitment and approach to achieving value for money in an equitable and transparent manner when purchasing goods and services*, as does its statement – *The City is committed to developing and maintaining purchasing systems and practices that ensure goods and services are obtained in an equitable and transparent manner that complies with applicable legislation and delivers value for money.*

### *Purchasing Protocols*

The City's purchasing practices must be carried out in compliance with the following Purchasing Protocols, which were also updated in line with the amendments to the City's *Purchasing Policy*:

- Purchasing of Goods and Services.
- Tenders for Providing Goods and Services.
- Quotations for Providing Goods and Services.
- Purchasing Goods and Services under Panel Contracts.

### *Compliance Calender*

A compliance calendar has been in place since July 2014 which outlines the City's obligations for statutory reporting, legislative compliance or formal submissions that is required under various legislative provisions.

### Taskforces and Committees

#### *Risk Management Taskforce*

The City has in place a Risk Management Taskforce that meets on a quarterly basis to discuss major risk issues that may arise within the City. The membership includes the Chief Executive Officer, Director Corporate Services, Director Infrastructure Services, Manager Executive and Risk Services, Internal Auditor and various other City officers.

The Terms of Reference were updated in February 2016 and include the following:

- Review and provide advice on the adherence to and corporate reporting of the *Risk Management Policy, Framework and Corporate Risk Register* (including protocols, procedures and processes).
- Review the *Business Continuity Plan* and ensure that it is tested on a regular basis.
- Undertake peer review (particularly impact and consequences) of major projects and new initiatives (valued over \$2 million) and policy / strategy initiatives prior to being presented to Council.
- Examine, investigate, review and/or make recommendations on any other matter pertaining to the risk management of the City referred to it by the Chief Executive Officer.
- Consider any reports of the Health and Safety Committees (inside staff and outside staff) and Emergency Planning Committee, as well as providing guidance and direction on repetitive / reoccurring matters or any high level matters that require intervention.
- Review the terms of reference of the Health and Safety Committees and the Emergency Planning Committee.
- Consider the requirements for the awareness and understanding of corporate risk identification and its management.

#### *Financial Review Taskforce*

The Financial Review Taskforce has a clear focus on best practice financial management and the future financial sustainability of the City. Permanent agenda items include salaries and wages, capital expenditure, fleet and plant replacement, maintenance operation expenditure, capital works program and purchasing compliance.

The membership includes the Director Corporate Services, Director Infrastructure Services, Director Governance and Strategy, Manager Financial Services and Internal Auditor. The Chief Executive Officer is an ex-officio member. Managers and financial officers responsible for those agenda items listed above also attend to provide clarification on issues raised.

### *Audit Committee*

The role of the Audit Committee is to provide guidance and assistance to Council as to:

- the carrying out of functions in relation to audits under the *Local Government Act 1995*
- the development of a process used to select and appoint a person to be the City's auditor
- matters to be audited and the scope of audits
- the carrying out of functions relating to other audits and other matters related to financial management
- the review, the appropriateness and effectiveness of the City's systems and procedures in relation to:
  - risk management
  - internal control
  - legislative compliance
  - internal and external audit reporting

The membership of the committee consists of six Elected Members with deputies, as well as a Presiding Member and Deputy Presiding Member.

### Audits / Reviews / Assessments

#### *Executive and Risk Services Program*

The *Executive and Risk Services Program* sets out the program of audits to guide audit activity and other monitoring and reviewing activities to be undertaken and is presented annually to the Audit Committee.

The program incorporates the following areas:

- The *Internal Audit Program* sets out the internal audit activity to be carried out by the City's Internal Auditor (who reports directly to the Chief Executive Officer for assigned activities). The *Internal Audit Program* is established in consultation between the Chief Executive Officer and the Internal Auditor and where appropriate includes input from Directors to address areas that present risks to the City's operations. Internal audit is an independent appraisal service, and audit activity is an important element of risk management and a contributor to the mitigation of risk. The *Internal Audit Program* and relevant audits are also reviewed by an external auditor as part of the annual financial audit.
- The *Service Effectiveness and Efficiency Review Program* sets out the reviews to be carried out by the City's Business Performance Analyst (who reports directly to the Chief Executive Officer for assigned activities). The program is established in consultation between the Chief Executive Officer and the Business Performance Analyst and where appropriate includes input from Directors or Managers. This program includes service level monitoring and review, and business/financial/operational analysis to inform risk management decision making and to provide confidence and integrity of data and/or information.

Audits and reviews that have been completed or are currently being undertaken since October 2014 include the following:

- Gift registers and annual returns.
- Corporate trade cards and credit cards.
- Risk management plans for major City events.
- Emergency management plan for Craigie Leisure Centre.
- Emergency relief funding.
- Fraud and misconduct risk assessment.
- Compliance with Payment Card Industry Data Security Standard.
- Integrity of Financial Models.

#### *Fraud and Misconduct Risk Assessment*

In June 2015 KPMG finalised a fraud and misconduct risk assessment into the City's procurement practices. This assessment identified gaps in the current internal controls for which mechanisms have either been fully implemented or are in progress to further reduce risks in this area.

#### *Compliance Audit Return*

The City continues to complete the annual Compliance Audit Return and submit it to the Department of Local Government and Communities by the required deadline. The return focuses on key areas of legislation and the City has consistently demonstrated a high level of compliance.

#### *External Audit Services*

Annual financial audit – as required by section 7.2 of the *Local Government Act 1995*, the City appointed Grant Thornton to audit its accounts and annual financial report for a three year period (Audit Services 2012-13 to 2014-15). Grant Thornton is a well-established audit firm with significant industry experience and the capacity to provide the services to the City.

At the expiry of this contract period, Moore Stephens Perth was appointed for a period of two years with an option for a further one year. Moore Stephens Perth is also a well-established audit firm with significant industry experience and has the proven capability to conduct the City's audit.

Four yearly review of financial management systems – as required by Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*, the City appointed Deloitte Touche Tohmatsu in 2014 to undertake the review, which concluded:

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

The report identified further opportunities for strengthening the internal control environment and made a number of recommendations, which have already been actioned or are currently in progress.

#### *Public Sector Commission Integrity and Conduct Survey*

Under the revised *Corruption, Crime and Misconduct Act 2003* the Public Sector Commission monitors and reports to Parliament on behavioural trends and activities undertaken by public authorities to respond effectively to and prevent misconduct. In addition, section 22 of the *Public Interest Disclosure Act 2003* requires the Public Sector Commissioner to report annually to Parliament on the compliance of public authorities with this Act.

In July 2015 the City completed a public interest disclosure survey which also included details on integrity and ethical conduct. This has now been replaced by the Integrity and Conduct Survey and is currently being completed by the City. The information gathered from these surveys enables the Public Sector Commission to develop strategies to help prevent misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

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

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

### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative**

- Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
- Continuously strive to improve performance and service delivery across all corporate functions.

**Policy** Not applicable.

### **Risk management considerations**

The *Local Government (Audit) Regulations 1996* enhance the reporting of the City's approach to risk management, internal controls and legislative compliance with increased transparency and involvement for Elected Members.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

With the establishment of the Executive and Risk Services business unit in July 2013, the City has been repositioning itself in order to gain a better understanding of the risks it is exposed to and develop strategies to combat those risks.

The City continues to review and improve its systems to ensure effective monitoring of risk management programs, the maintenance of sound internal controls, and that a strong attitude towards legislative compliance persists.

### **VOTING REQUIREMENTS**

Simple Majority.

### **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for this report (as detailed below) was resolved by the Audit Committee at its meeting held on 2 August 2016.

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

### **RECOMMENDATION**

**That Council NOTES the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the City's systems in regard to risk management, internal control and legislative compliance.**

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

#### **NOTICE OF MOTION NO. 1 – CR KERRY HOLLYWOOD – JOONDALUP MEN’S SHED – [106060]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Cr Kerry Hollywood has given notice of her intention to move the following Motion at the Council meeting to be held on Tuesday 16 August 2016:

***“That Council:***

- 1** ***BY AN ABSOLUTE MAJORITY REVOKES part 2 of its decision on 25 June 2013 (CJ092-06/13 refers) as follows:***
  - “2 REQUESTS the Chief Executive Officer cease current work towards a permanent facility until January 2017;”***
- 2** ***REQUESTS the Chief Executive Officer to prepare a report on investigation into and identification of suitable City owned and non-City owned sites that have the potential to be leased or provided for the Joondalup Men’s Shed.”***

#### **Reason for Motion**

The Notice of Motion speaks for itself. I think we all know how important the Joondalup Men’s Shed is to the community and appreciate all the good work they do. But they feel very uncertain about their future because of the short-term nature of their lease arrangements. They have been given a 12 month extension on their current lease at Craigie High School, but they need to find a permanent home and we need to start looking now rather than waiting until 2017. In the meantime so that the City has direction, I am revoking the previous decision and requesting the Chief Executive Officer to investigate further.

#### **Officer’s Recommendation**

A report can be prepared.



**NOTICE OF MOTION NO. 2 – CR RUSS FISHWICK, JP – PROVISION OF A SKATE PARK AT PERCY DOYLE RESERVE - [02056, 08096]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Cr Russ Fishwick, JP has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday 16 August 2016:

***“That Council REQUESTS a report from the Chief Executive Officer on the provision of a skate park within Percy Doyle Reserve in order to provide a recreation facility for the youth of the district.”***

**Reason for Motion**

I have received requests from local youth and their parents for the provision of more challenging recreational facilities for youth within Duncraig and the surrounding area. In particular the provision of a skate park located within Percy Doyle Reserve was cited as being potentially a great recreational attraction for the youth of the district. Comments made by some parents I have received are summarised below:

*“We think it would be wonderful for the South Ward if a youth precinct could be developed, similar to the one at Fremantle – with the scooter / skate park (which is always well attended by younger kids (on scooters) and their families, as well as older kids on bikes / skateboards; as well as the rock climbing area, barbeque space and amphitheatre. We think that this could work brilliantly at the Percy Doyle Reserve. A space like that would be a wonderful asset for our community.”*

In addition to the above, at a recent community consultation barbeque held at Melene Park in Duncraig several youth expressed concern to me about the lack of facilities and asked whether Council could provide a skate park at Percy Doyle Reserve.

**Officer’s Recommendation**

A report can be prepared.

## **REPORTS REQUESTED BY ELECTED MEMBERS**

## **CLOSURE**



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

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

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

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

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

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

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

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

**STATEMENT**

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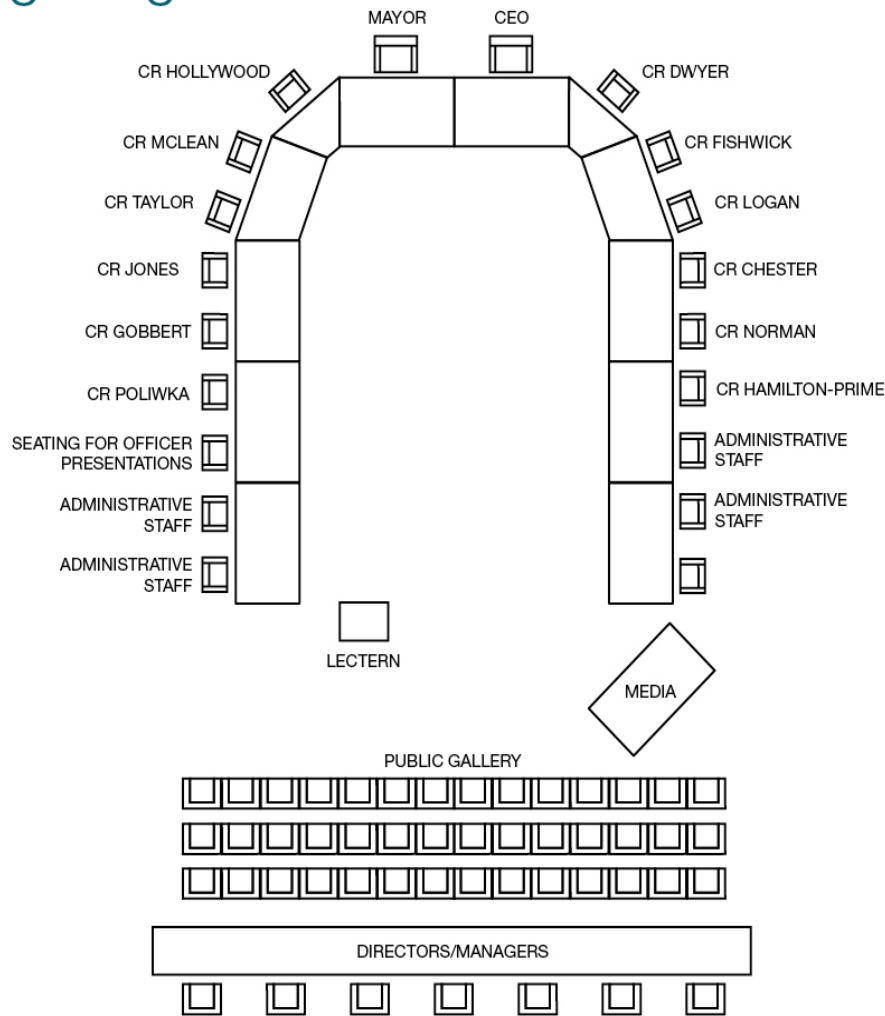
Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
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# 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)