

# agenda

## Briefing Session

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

**ON TUESDAY 13 SEPTEMBER 2016**

**COMMENCING AT 6.30pm**

**GARRY HUNT**  
Chief Executive Officer  
9 September 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 12 September 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 Information160913.pdf](#)

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

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 13 September 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**

The following questions were submitted to the Briefing Session held on **9 August 2016**:

**Mr T Colcutt, Mullaloo:**

*Re: Item 15 – Tender 022/16 – Civil Works for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road.*

*Q1 Why has it not been put in writing at all in the Oceanside Promenade Proposed Upgrades, including Stage 2 of the Oceanside Promenade Proposed Upgrades (“Stage 2 Proposed Upgrades”) that trees will be planted along Oceanside Promenade as part of the landscaping?*

*A1 Proposed tree locations were identified in the area map included in the consultation documents for both Stage 1 and Stage 2 of the Oceanside Promenade upgrade works.*

*Q2 How can it be asserted that the public supports the proposed landscaping, which includes the planting of the trees, if the public have not even been properly informed that the planting of trees along Oceanside Promenade forms part of the proposed landscaping?*

*A2 Refer A1 above.*

- Q3 *Please explain how the planting of the trees along Oceanside Promenade will better achieve the objectives of the Leafy City Program than if the trees were planted elsewhere in the City of Joondalup where the residents' rights and interests would not be affected.*
- A3 The City's *Leafy City Program* is a long-term initiative that will involve generational change with a vision to create resilient and cooler urban spaces within the City of Joondalup. The planting of trees along Oceanside Promenade will assist in increasing the tree canopy cover and reducing the heat island effect within this area.
- Q4 *If the trees will not grow as the City has stated they will in its own Tree Management Guidelines, how will the planting of the trees along Oceanside Promenade achieve the objectives of the Leafy City Program?*
- A4 The planting of trees will still assist in achieving the outcomes stated in A3 above.
- Q5 *How can it be said that it is in the public's best interests for the trees to be planted, or that the public supports the planting of the trees as part of the Stage 2 Proposed Upgrades?*
- A5 Council has yet to make a determination as to whether trees will be planted as part of the Stage 2 proposed upgrades.

**Mr G Scott, Mullaloo:**

- Re: *Item 15 – Tender 022/16 – Civil Works for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road.*
- Q1 *Please advise why in Stage One and Stage Two of the Oceanside Promenade upgrade the wording on the improved landscaping did not include the species of tree that is proposed to be planted?*
- A1 Specific details such as plant species are not generally included in the consultation materials for road upgrades.
- Q2 *Why was it that trees or shade was never mentioned in the information pack sent to residents for feedback in the public consultation process?*
- A2 Proposed tree locations were identified in the area map included in the consultation documents for both Stage 1 and Stage 2 of the Oceanside Promenade upgrade works.
- Q3 *Do you think that the residents were not informed enough of the intention to plant peppermint trees?*
- A3 The proposed tree locations were identified in the area map included in the consultation documents.
- Q4 *Do you think the residents in Stage One were not informed enough during the community consultation process about trees being planted and now that it is common knowledge that trees are going to be planted the public has responded in this way strongly opposing any landscaping to include trees?*
- A4 The area map included in the consultation for Stage 2 of the Oceanside Promenade upgrade works provided the same level of detail as was provided for Stage 1.

- Q5 *Why continue with the planting of trees if they are not expected to grow tall or create any shade?*
- A5 The planting of trees along Oceanside Promenade will assist in increasing the tree canopy cover and reducing the heat island effect within this area.

**Mrs J Keally, Padbury:**

*Re: Item 9 - Community Sporting and Recreation Facilities Fund Applications - 2017-18 Annual and Forward Planning Grant Round.*

Q1 *Why has the Council focused their attention on the request of the football club rather than the genuine concerns of the ratepayers who will be directly affected by the negative impacts of the proposed changes to Forrest Park?*

A1 An Expression of Interest was received by the City from the Joondalup United Football Club and the City has been working with the club in this regard. The same process has been used on this occasion as would be used with any other sporting club making an approach to the City with a proposal or an interest in undertaking development or expansion of an existing facility.

**Mr T Simpson, Padbury:**

*Re: Item 9 - Community Sporting and Recreation Facilities Fund Applications - 2017-18 Annual and Forward Planning Grant Round.*

Q1 *Has the City formally investigated the impact or loss of amenity that the semi-professional sporting clubs have on residents either within the City of Joondalup or any other areas?*

A1 The City has a large demand for sporting facilities and infrastructure and is currently developing a number of projects in an attempt to accommodate those needs. The City is conscious of the impacts of lighting, traffic and noise that may occur or be associated with organised sporting activity.

**Mrs N Maughan, Padbury:**

*Re: Item 9 - Community Sporting and Recreation Facilities Fund Applications - 2017-18 Annual and Forward Planning Grant Round.*

Q1 *Has the City compared the cost and benefits of developing Charonia Park in Mullaloo and Beldon Park in Beldon with that of Forrest Park in Padbury for the Joondalup United Football Club?*

A1 The Joondalup United Football Club currently uses both of these locations. However, there are shortcomings with these particular ovals in that there is no building facility and the built infrastructure is inadequate for the sporting club's needs.

**Mrs G Evans, Padbury:**

*Re: Item 9 - Community Sporting and Recreation Facilities Fund Applications - 2017-18 Annual and Forward Planning Grant Round.*

*Q1 Can the City explain why the real purpose of the proposal was not provided in the FAQ?*

A1 The key issues addressed in the community consultation included the provision of a second playing pitch at the facility, consideration of two options for additional lighting and relocation of the playground.

**Mr P Evans, Padbury:**

*Re: Item 9 - Community Sporting and Recreation Facilities Fund Applications - 2017-18 Annual and Forward Planning Grant Round.*

*Q1 Sixty responses to the community consultation came from non-residents of the City of Joondalup. Why are non-residents of the City of Joondalup counted as part of community consultation, yet they are not counted as part of a valid petition?*

A1 When the City undertakes community consultation it accepts feedback from those who wish to respond. The City is cognisant of the differences between those respondents who reside in the City, those who may be local residents and those who live outside the City, but are users of the City's facilities.

**Ms A Schep, Padbury:**

*Re: Item 9 - Community Sporting and Recreation Facilities Fund Applications - 2017-18 Annual and Forward Planning Grant Round.*

*Q1 If 51% of Padbury residents have indicated they do not want this development, would this have a significant impact on the decision of Council?*

A1 The purpose of consultation is to gauge community feedback. The City endeavours to look at what the issues are; what the objections are; and whether solutions or alternate ways of dealing with those issues can be addressed.

## **PUBLIC STATEMENT TIME**

**The following statements were made at the Briefing Session held on 9 August 2016:**

**Mr K Luehman, Greenwood representing the Northern Warriors Veterans Football Club:**

*Re: Item 9 – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.*

Mr Luehman advised the Northern Warriors Veterans Football Club has been in existence for 35 years and is currently located at Forrest Park in Padbury.

He further stated the club has contributed substantially to the development of existing infrastructure at Forrest Park, including the club house incorporating a bar, additional change rooms and toilets as well as ground lighting.

Mr Luehman encouraged Elected Members to favourably consider the club's application for CSRFF funding.

**Mr G Stickland, Craigie – Chairman of the Whitford Community Ratepayers and Recreation Association:**

*Re: Item 9 – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.*

Mr Stickland stated currently the Joondalup United Football Club has their operations split between three small to medium ovals in the City.

He encouraged the City to see this as an opportunity to develop a facility that would benefit the community as a whole and to embrace community sporting activities where there is a real need and to create a development to be proud of into the future.

**Mrs K Jeffers, Duncraig – Principal Poynter Primary School:**

*Re: Item 2 – Proposed Modifications to the Operations of the Poynter Farmers Market at Reserve 34149 (39) Poynter Drive, Duncraig (Poynter Primary School).*

Mrs Jeffers on behalf of the staff, students, parents and the school community offered thanks to Council for its consideration of the expansion of the market which has been successfully run for the past five years.

Mrs Jeffers invited Elected Members to the markets this weekend to experience for themselves the vibe the market created, how well organised it is run and the community spirit surrounding it.

**Mr M Hamel-Smith, Woodvale:**

*Re: Item 2 – Proposed Modifications to the Operations of the Poynter Farmers Market at Reserve 34149 (39) Poynter Drive, Duncraig (Poynter Primary School).*

Mr Hamel-Smith spoke in support of the markets; believing new variety would help to sustain the future of the markets and invited Elected Members to attend this weekend.

**Mr P Gardiner, Padbury:**

*Re: Item 9 – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.*

Mr Gardiner believed that Forrest Park was not a suitable home base for a growing sporting club, citing traffic, parking, verge obstruction and visibility issues that were becoming problematic.

He commented that the proposed relocation of the play ground and play equipment next to the club house where alcohol would be served was not appropriate and that the proposal would effectively make the park unavailable to locals on the weekend and during times when children were not at school.

## **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	20 September to 24 September 2016 inclusive;
Cr Sophie Dwyer	6 November to 11 November 2016 inclusive.

## REPORTS

### ITEM 1                    **DEVELOPMENT AND SUBDIVISION APPLICATIONS – JULY 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 – July 2016	Applications
	Attachment 2	Monthly Subdivision Processed – July 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').		

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#### PURPOSE

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

#### EXECUTIVE SUMMARY

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

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

This report identifies the development applications determined by the administration under delegated authority powers during July 2016 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during July 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 July 2016 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	10	11
Strata subdivision applications	12	23
<b>TOTAL</b>	<b>22</b>	<b>34</b>

*Of the 22 subdivision referrals, 16 were to subdivide in housing opportunity areas, with the potential for 18 additional lots.*

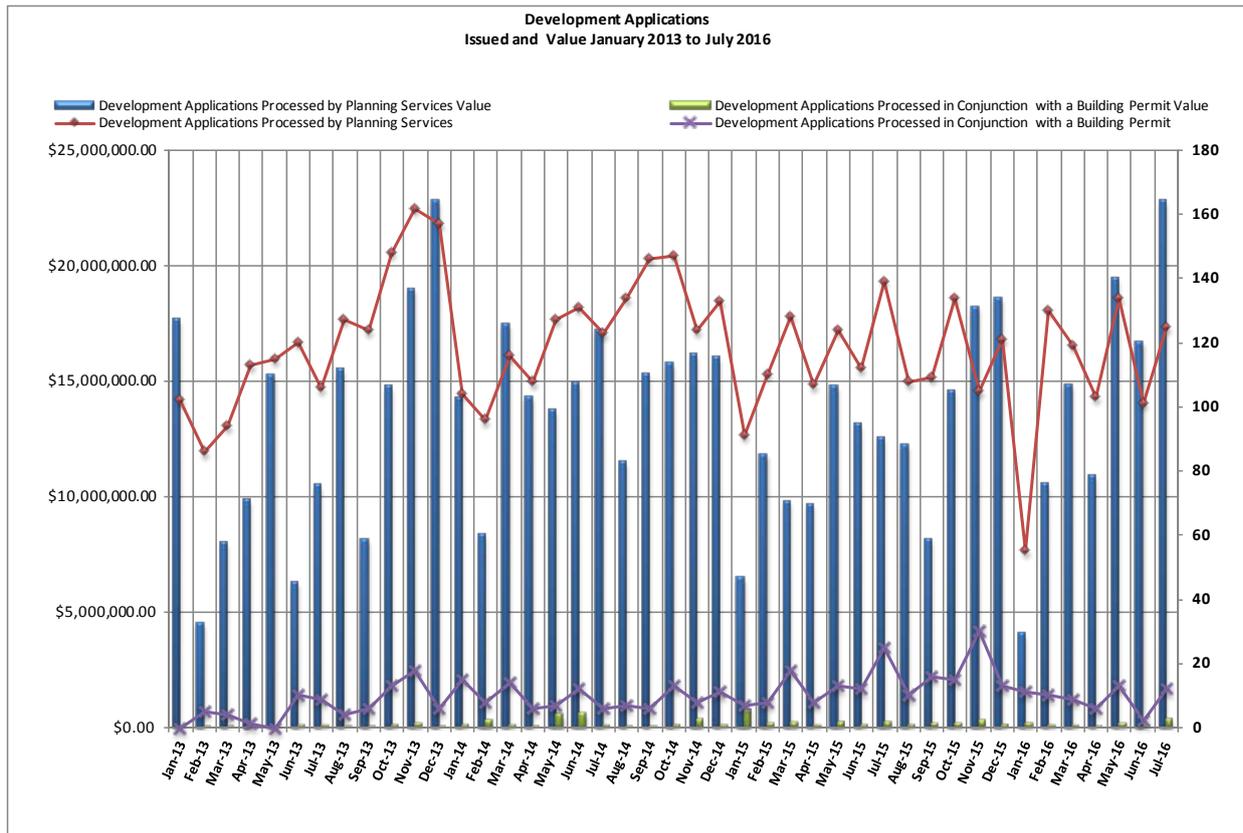
### Development applications

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

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	125	\$ 22,804,914
Development applications processed by Building Services	12	\$368,652
<b>TOTAL</b>	<b>137</b>	<b>\$ 23,173,566</b>

Of the 137 development applications, six were for grouped dwelling developments in housing opportunity areas, proposing a total of 10 additional dwellings.

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



The number of development applications received during July was 110. (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 July was 233. Of these, 56 were pending further information from applicants and six were being advertised for public comment.

In addition to the above, 234 building permits were issued during the month of July with an estimated construction value of \$23,725,028.

**Issues and options considered**

Not applicable.

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

**Legislation**

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

**Strategic Community Plan**

**Key theme**

Quality Urban Environment.

**Objective**

Quality built outcomes.

**Strategic initiative**

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

**Policy**

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

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

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

**Risk management considerations**

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

**Financial / budget implications**

A total of 137 development applications were determined for the month of July with a total amount of \$81,400 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 July 2016;**
- 2 Subdivision applications described in Attachment 2 to this Report during July 2016.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf160913.pdf](#)

## **ITEM 2                      PROPOSED LAND EXCISION FOR ROAD WIDENING PURPOSES – WHITFORDS AVENUE, KALLAROO**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	03105, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Detailed location and excision plan Attachment 3    Proposed excision and road dedication survey plan
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to consider a proposal to excise portions of Reserves 33178 and 33056 Whitfords Avenue, Kallaroo, for the purpose of road widening and rationalisation of the existing infrastructure within the road reserve.

### **EXECUTIVE SUMMARY**

Main Roads WA is proposing to upgrade the Whitfords Avenue and Marmion Avenue intersection to ease traffic congestion at that location. The upgrade proposal incorporates the excision of a total of 8m<sup>2</sup> from Crown Reserves 33178 and 33056 (reserves for 'Public Recreation') for the purpose of road reserve. The upgrade proposal will also see Lots 731 and 320, which are owned by the Water Corporation in freehold, given up for the purpose of road reserve.

In addition Main Roads WA is seeking to rationalise the existing land tenure arrangements along Whitfords Avenue at the roundabout into the Whitfords Shopping Centre to include all existing footpaths, roundabout and associated road infrastructure on the northern side of Whitfords Avenue within the road reserve. This will involve the excision of 118m<sup>2</sup> of Reserve 33178.

The proposal to excise portions of Reserves 33178 and 33056 for the purpose of road reserve will also require a request to the Minister for Lands for the formal dedication of the excised portions, as well as Lots 731 and 320, as road.

Excisions from reserves created pursuant to Section 20A of the former *Town Planning and Development Act 1928* for public purposes such as road widening, and are less than 5% of the area of the reserve, do not require public advertising or approval from the Minister for Lands.

It is recommended that Council supports the proposed land excision and road dedication.

## **BACKGROUND**

Main Roads WA is proposing to upgrade the Whitfords Avenue and Marmion Avenue intersection to ease traffic congestion at that location. Part of the proposed works includes the construction of additional turning lanes which will require widening of part of the road reserve (along Whitfords Avenue). At the same time Main Roads WA is seeking to rationalise the land tenure along the northern side of Whitfords Avenue to ensure that the current road and footpath infrastructure (including the existing roundabout into Whitfords Shopping Centre) is within a dedicated road reserve (Attachments 1 and 2 refer).

The proposal involves Reserves 33178 and 33056 being Whitfords West Park (2.93 hectares) which is managed by the City of Joondalup and primarily used for passive recreation. The proposal will also affect land that is owned by the Water Corporation (Lots 731 and 320). Main Roads WA has advised that the Water Corporation has agreed to cede the land for dedication as a road reserve.

## **DETAILS**

The proposal is to excise an 8m<sup>2</sup> portion of land from Reserves 33056 and 33178 in order to accommodate the upgrade works to the Whitfords Avenue and Marmion Avenue intersection. A further 118m<sup>2</sup> portion of Reserve 33178 is proposed to be excised for road reserve in order to rationalise the existing land tenure at the Whitfords Avenue/shopping centre roundabout to reflect the current road layout (Attachment 3 refers).

Associated with the above, the land excised for road reserve must be dedicated as road, requiring a request to the Minister for Lands. Lots 731 and 320, currently owned by the Water Corporation are to be given up for the road works, must also be dedicated as a road reserve.

## **Issues and options considered**

The options available to Council are:

- support the land excision proposal and forward the proposal to the Department of Lands  
or
- not support the land excision proposal.

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

**Legislation** *Planning and Development Act 2005.*  
*Land Administration Act 1997.*

### **Strategic Community Plan**

**Key theme** Quality Urban Development.

**Objective** Integrated spaces.

**Policy** Not applicable.

### Land Administration Act 1997

The Department of Lands through its publication '*Crown Land Administrative and Registration Practice Manual*' sets out the necessary procedures in respect to the land excision process for Reserves created under Section 152 of the *Planning and Development Act 2005* (this includes Reserves formerly created under Section 20A of the *Town Planning and Development Act 1928*).

For dedication of Crown land as Public Road, sections 28 or 56 of the *Land Administration Act 1997* apply. Council is required to determine whether or not to support the land excision. Council's decision is then forwarded to Department of Lands for further action.

### Planning and Development Act 2005

Where freehold land is to be dedicated as Public Road, section 168(5) of the *Planning and Development Act 2005* applies, which allows dedication as a public road to occur automatically through the transfer and registration of the transfer document.

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

There are no financial implications for the City. Main Roads WA has confirmed they will pay the survey costs associated with excision and dedication process.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Where it is proposed to excise areas from reserves created pursuant to Section 20A of the former *Town Planning and Development Act 1928* that are less than 5% of the area of the reserve, and the excision is required for a public purpose such as road widening, the excision is not required to be advertised.

### **COMMENT**

The proposal to excise portions of Reserves 33178 and 33056 and dedicate the excised portions, as well as Lots 731 and 320, as road will accommodate the upgrade of the intersection at Whitfords Avenue and Marmion Avenue and will rationalise the existing tenure at the Whitfords Avenue/shopping centre roundabout to reflect the current road layout. This proposal is supported as it will ensure the footpaths, roundabout and associated road infrastructure are contained within road reserve.

The proposal will not have any adverse impact on public access to the reserves and it is therefore recommended that Council supports the land excision and dedication.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **SUPPORTS** the proposed excision of portion of Reserves 33178 and 33056 for the purpose of road reserve as shown in Attachment 2 to this Report;
- 2 **REQUESTS** the Minister for Lands to dedicate portions of Reserves 33178 and 33056 as shown in Attachment 2 to this Report as road pursuant to section 56(1) of the *Land Administration Act 1997*;
- 3 **REQUESTS** the Minister for Lands to dedicate Lots 731 and 320 as shown in Attachment 2 to this Report as road pursuant to section 168(5) of the *Planning and Development Act 2005*;
- 4 **INDEMNIFIES** the Minister for Lands against any claims for compensation in respect to all costs and expenses reasonably incurred by the Minister in considering and granting the request as outlined in parts 2 and 3 above, pursuant to section 56(4) of the *Land Administration Act 1997*.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf160913.pdf](#)

## **ITEM 3                    PROPOSED CONSULTING ROOMS DEVELOPMENT AT LOT 376 (107) WANNEROO ROAD, GREENWOOD**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	13166, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Development plans Attachment 3    Environmentally sustainable design checklist
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to determine an application for a new 'Consulting Rooms' development at Lot 376 (107) Wanneroo Road, Greenwood.

### **EXECUTIVE SUMMARY**

An application for development approval has been received for a new 'Consulting Rooms' development at Lot 376 (107) Wanneroo Road, Greenwood. The subject site is located on the corner of Wanneroo Road and Daley Street, bound by Wanneroo Road to the east, Daley Street to the south and residential properties to the northern and western boundaries (Attachment 1 refers).

The site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and 'Residential' with a density code of R20 under the *City of Joondalup District Planning Scheme No. 2* (DPS2). Under DPS2 the land use 'Consulting Rooms' is a discretionary ("D") land use in the 'Residential' zone.

The application has been assessed against the requirements of DPS2 and the City's *Consulting Rooms Policy*. While the development is generally consistent with the requirements of DPS2 and the *Consulting Rooms Policy*, the application is required to be determined by Council due to proposed variations to non-residential building setback requirements to the side (western) boundary, rear (northern) boundary and Wanneroo Road street boundary and a reduced landscaping strip between the proposed car park and Wanneroo Road street boundary.

The application was not advertised as comments of no objection to the proposal from surrounding land owners were provided as part of the application.

The location of the 'Consulting Rooms' development on the corner of Daley Street and Wanneroo Road is appropriate, as it is considered to have minimal impact on the residential amenity of the area, particularly in relation to traffic and noise. The location of the development also accords with preferred locations under the *Consulting Rooms Policy*.

The proposed design and scale of the building is considered to maintain the amenity of the residential area and adjoining properties, as the building is designed with comparable setbacks, height and appearance to that of a residential dwelling. Despite the reduced landscaping strip between the proposed car park and the Wanneroo Road street boundary, the proposed allocation of soft landscaped areas and the addition of trees on-site and in the verge are considered to appropriately contribute to the appearance of the development and maintain the amenity of the residential area.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 376 (107) Wanneroo Road, Greenwood.
<b>Applicant</b>	Jordan Ennis on behalf of Dr Chandra Mistry.
<b>Owner</b>	Leonie Ann Slatter.
<b>Zoning</b>	<b>DPS</b> Residential.
	<b>MRS</b> Urban.
<b>Site area</b>	705m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is located on the corner of Wanneroo Road and Daley Street, Greenwood (Attachment 1 refers).

The site is bound by Wanneroo Road to the east, Daley Street to the south and residential properties to the northern and western boundaries. The current land use of the property is 'Single House'. The existing dwelling on-site is proposed to be demolished to allow for the new 'Consulting Rooms' development.

The site is zoned 'Urban' under the MRS and 'Residential' with a density code of R20 under DPS2. Under DPS2 the land use 'Consulting Rooms' is a discretionary ("D") land use in the 'Residential' zone. DPS2 defines 'Consulting Rooms' as "*a building used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care.*"

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council endorsed the draft *Local Planning Scheme No. 3 (LPS3)*, for the purpose of advertising that, proposes to modify the definition of 'Consulting Rooms' to a "*premises used by no more than two health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care*". This definition aligns with the 'Model scheme template' of the *Planning and Development (Local Planning Schemes) Regulations 2015*. In consideration of this the development has been designed to allow for a future additional health consultant. Should the draft LPS3 be implemented as currently proposed, a separate application for development approval would be required should the land owner want to increase the number of practitioners operating from the site to two.

The development proposal was not referred to the Joondalup Design Reference Panel in this instance given the development is not considered a major building development.

## DETAILS

The proposed development comprises the following:

- Demolition of the existing dwelling.
- Construction of a single storey 'Consulting Rooms' building.
- Ten on-site car parking bays, inclusive of a disabled access bay, with vehicle access provided from Daley Street.
- Removal of existing trees on-site, and a verge tree conflicting with the proposed crossover.
- A total of 9.94% of the site to be developed with soft landscaping, including four proposed car park shade trees. The adjoining verges of Wanneroo Road and Daley Street will also be landscaped.

The development plans are provided as Attachment 2.

The proposed consulting rooms development is to be used by one health consultant, supported by staff including a pathologist. The pathologist in this instance is not considered a consultant as their role is to provide services, such as blood sample collections, on behalf of the health consultant operating from the premise and would not usually generate their own patient load.

Supplementary to the 'Consulting Rooms' operation the proposal includes medical training for students, involving observational training no more frequently than one day a month. Given the infrequency of this medical training, the use is considered ancillary to the 'Consulting Rooms' land use. The medical students are not proposed to generate their own patient load and will therefore not require additional car parking.

In accordance with DPS2 five car parking bays per practitioner are required. One practitioner will be operating from the site at any given time, therefore requiring five bays. The development is proposed to include 10 on-site car parking bays, therefore meeting the DPS2 parking requirement.

The proposed development is considered to satisfy the requirements of DPS2 and the City's *Consulting Rooms Policy* with the exception of the non-residential building setback requirements, and a reduced landscaping strip between the car park and the Wanneroo Road street boundary.

The applicant seeks approval for building setbacks of nil from the side (western) boundary in lieu of three metres, 1.006 metres from the rear (northern) boundary in lieu of six metres and one metre from the Wanneroo Road street boundary in lieu of three metres.

Landscaping between a car park and street boundary is required to be a minimum depth of three metres. While the majority of the development satisfies this requirement a small portion of the car park is proposed to be set back a minimum of 1.2 metres to Wanneroo Road.

### Issues and options considered

Council is required to consider whether the land use 'Consulting Rooms'; the reduced landscaping strip to the Wanneroo Road street boundary and reduced setbacks to the side (western) boundary, rear (northern) boundary and Wanneroo Road street boundary are appropriate.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions  
or
- refuse the application.

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

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations).</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>	<i>Consulting Rooms Policy. Environmentally Sustainable Design Policy. Height of Non-Residential Buildings Local Planning Policy.</i>

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

Clause 3.4 of DPS2 sets out the objectives for development within the 'Residential' zone:

#### *3.4 The Residential Zone*

*The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.*

*Residential development is provided for at a range of densities with a variety of housing to meet the needs of different household types. This is done through application of the Residential Design Codes (R-Codes), and the allocation of a residential density code to an area of land.*

*Cultural and recreational development may be located where the Council considers the same to be appropriate in residential neighbourhoods within the Residential Zone.*

*The objectives of the Residential Zone are to:*

- (a) maintain the predominantly single residential character and amenity of established residential areas;*
- (b) provide the opportunity for grouped and multiple dwellings in selected locations so that there is a choice in the type of housing available within the City; and*
- (c) provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.*

Clause 4.5 of DPS2 gives Council discretion to consider the variations sought to the standards and requirements.

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

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

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

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

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

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

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

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

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

#### Consulting Rooms Policy

The objective of this policy is:

*To provide guidelines for the establishment of consulting rooms in residential areas.*

#### Height of Non-Residential Buildings Local Planning Policy

The *Height of Non-Residential Buildings Local Planning Policy* sets provisions for the height of non-residential buildings in the City of Joondalup.

The objective of this policy is:

*To ensure that the height of non-residential buildings is appropriate to the context of any development site and sympathetic to the desired character, built form and amenity of the surrounding area.*

The single storey development is compliant with the heights permitted under this policy.

#### Environmentally Sustainable Design Policy

The *Environmentally Sustainable Design Policy* encourages the integration of environmentally sustainable design principles into the construction of all new developments.

The objective of this policy is:

*To encourage the integration of environmentally sustainable design principles into the siting, design and construction of both new and redeveloped residential, commercial and mixed-use buildings (excluding single and grouped dwellings, internal fit outs and minor extensions) in the City of Joondalup. Environmentally sustainable design considers the environmental impact of a building for the entire life of the asset.*

#### **Risk management considerations**

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

**Financial / budget implications**

The applicant has paid fees of \$960.00 (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**

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The completed checklist is provided as Attachment 3.

**Consultation**

The application was not advertised, as eight signed letters of no objection from surrounding land owners were provided by the applicant. This included all land owners on Daley Street and the adjoining property on Wanneroo Road.

**COMMENT**

The application is for a new 'Consulting Rooms' development. The development is considered to satisfy the requirements of DSP2 and the City's *Consulting Rooms Policy* with the exception of reduced non-residential building setbacks to the side (western) boundary, rear (northern) boundary and Wanneroo Road street boundary and a reduced landscaping strip between the proposed car park and the Wanneroo Road street boundary.

**Land use**

'Consulting Rooms' is a discretionary ("D") land use in the 'Residential' zone. Under clause 3.4 of DPS2, the 'Residential' zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. The proposed location and operation of the 'Consulting Rooms' is considered to maintain the amenity and safety of the residential area.

In accordance with the *Consulting Rooms Policy*, 'Consulting Rooms' should not be located at the head of cul-de-sacs or within a battle-axe site, and should not contribute to the concentration of this land use such that it would compromise the residential amenity of an area. The proposed 'Consulting Rooms' are located appropriately with frontages to Daley Street and Wanneroo Road, taking advantage of accessibility and exposure from the regional road. The development also does not result in a concentration of similar type uses in the area. The nearest approved 'Consulting Rooms' development within the City of Joondalup is approximately 450 metres to the south at the corner of Gorman Street and Wanneroo Road, Greenwood. There is also a small commercial centre approximately 100 metres to the south on Wanneroo Road, comprised predominately of 'Showroom' and 'Warehouse' uses, and the closest shopping centre to the subject site is Kingsway City Shopping Centre approximately 450 metres to the north.

The impact by way of additional traffic is also considered appropriate, with any additional traffic movements being minimal and generally limited to the Wanneroo Road end of Daley Street. Car parking is also provided in excess of DPS2 requirements, and is wholly contained within the site.

The operating days and hours for the 'Consulting Rooms' are proposed to be 8.00am to 6.00pm, Monday to Friday and 9.00am to 5.00pm Saturday, in accordance with the *Consulting Rooms Policy*.

### Building design

The *Consulting Rooms Policy* requires a 'Consulting Rooms' building to be set back in accordance with the requirements of DPS2. This specifies a side setback of three metres, rear setback of six metres and secondary street setback of three metres for a non-residential building. The development is proposed to have a minimum building setback of nil from the side (western) boundary, 1.006 metres from the rear (northern) boundary and one metre from the Wanneroo Road street boundary. The policy sets out that Council may consider the exercise of discretion to vary the setback provisions under DPS2 for 'Consulting Rooms' located in the 'Residential' zone, in order to more appropriately reflect the existing building setbacks in the immediate vicinity.

The proposed building setbacks are considered appropriate given the development is of a similar appearance and built form to that of surrounding dwellings, including height and setbacks. The building is single storey with varied wall setbacks to reduce impacts associated with building bulk on adjoining properties and the streetscape. The building is not considered to detrimentally impact any adjoining property in terms of overshadowing or ventilation restriction.

The proposed car parking in front of the building is considered to be an appropriate location, as it is visible from Wanneroo Road and easily accessible from Daley Street. The subsequent building setback from Daley Street of 16 metres is not considered to be detrimental to the streetscape given the lot is positioned on a corner with frontage to both Wanneroo Road and Daley Street. Dwellings on Daley Street adjacent to the subject site are generally setback nine metres or greater, therefore the uniformity of the streetscape and appearance of adjacent dwellings is not considered to be detrimentally impacted by this setback.

### Landscaping

While the development includes the proposed removal of existing trees on-site, and a tree located within the verge of Daley Street, the trees proposed to be removed are not considered to have a high amenity value, with some being introduced species, and others having multi-stem growth, as opposed to a single stable tree trunk, limiting the canopy coverage.

The proposed removal of a small coastal peppermint tree in the verge will allow for safe vehicle access from Daley Street, as opposed to the current access point from Wanneroo Road, which is undesirable given it is a 'primary distributor' road with high volumes of vehicle traffic. The verge tree is also not considered to be of a high retention value, as it is a small multi-stem growth tree, approximately three metres in height, and with low canopy density. The tree is also located under an existing power line, limiting its height and potential canopy coverage.

To address the removal of existing trees on-site, the applicant proposes to provide four additional trees within the car park, and trees within the adjoining verges, to the specifications of the City. Once established, it is considered that the new species of tree will have higher retention value than those currently located on site and grow to have larger canopies, enhancing the overall amenity of the area.

The landscaping area between the car park and Wanneroo Road street boundary does not meet the requirements of DPS2, being a minimum of 1.2 metres in width in lieu of three metres. It is noted that this is only for a very minor portion of the car park, with the proposed soft landscaping of the site and verge considered sufficient to soften the visual impact. Overall a total of 9.94% of the site is proposed to be soft landscaping, meeting the 8% requirement under DPS2.

Should the application be approved a condition of development approval is recommended requiring a detailed landscaping plan be provided and approved by the City prior to the commencement of development. This condition will require the applicant to provide further details to ensure that suitable new species are provided that enhance the amenity of the locality, and provide landscaping within the verge that discourages verge parking. A further condition will also require landscaping to be installed and maintained in accordance with the approved landscaping plan.

### Conclusion

The development has been considered against the non-residential development requirements of DPS2 as well as the development criteria within the City's *Consulting Rooms Policy*. Overall the proposal is considered to be designed in a manner that is sympathetic to the amenity of surrounding residential properties and the streetscape. The location of the development is considered appropriate, being on the corner of Daley Street and Wanneroo Road, resulting in minimal residential amenity impacts such as noise and traffic.

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, dated 10 May 2016 submitted by Jordan Ennis on behalf of the owner, Leonie Ann Slatter, for proposed 'Consulting Rooms' at Lot 376 (107) Wanneroo Road, Greenwood, subject to the following conditions:**

**1.1 a Construction Management Plan being submitted and approved prior to the commencement of development. The management plan shall detail how it is proposed to manage:**

**1.1.1 all forward works for the site;**

**1.1.2 the delivery of materials and equipment to the site;**

**1.1.3 the storage of materials and equipment on the site;**

**1.1.4 the parking arrangements for the contractors and subcontractors;**

**1.1.5 the management of dust during the construction process;**

**1.1.6 any natural vegetation to be retained and the proposed manner in which this is managed;**

**1.1.7 other matters likely to impact on the surrounding properties,**

**and construction works shall be undertaken in accordance with the approved plan;**

- 1.2 the car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
- 1.3 detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
  - 1.3.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - 1.3.2 provide all details relating to paving, treatment of verges and tree planting in the car park;
  - 1.3.3 show spot levels and/or contours of the site;
  - 1.3.4 indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
  - 1.3.5 provide landscaping that discourages the parking of vehicles within the verge;
  - 1.3.6 indicate shade trees within the car parking area at a rate of one shade tree for every four bays, located within tree wells protected from damage by vehicles;
  - 1.3.7 be based on water sensitive urban design principles to the satisfaction of the City;
  - 1.3.8 be based on Designing out Crime principles to the satisfaction of the City;
  - 1.3.9 show all irrigation design details;
- 1.4 landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 1.5 a full schedule of colours and materials for all exterior parts to the building is to be submitted and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and shall be completed to the satisfaction of the City prior to occupation of the development;
- 1.6 all external walls of the development shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
- 1.7 any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of development. Works shall be undertaken in accordance with the approved details;

- 1.8 a Refuse Management Plan indicating the method of rubbish collection is to be submitted to and approved by the City, prior to occupation of the development. All refuse management shall thereafter be undertaken in accordance with this plan;
- 1.9 the redundant crossover to Wanneroo Road shall be removed and the verge made good, including the footpath reinstated, to the satisfaction of the City prior to occupation of the development;
- 1.10 all stormwater shall be contained on-site and disposed of in a manner acceptable to the City;
- 1.11 the development is approved as 'Consulting Rooms' as defined under the *City of Joondalup District Planning Scheme No. 2*;
- 1.12 the days and hours of operation of the consulting room shall not exceed 8.00am to 6.00pm, Monday to Friday and 9.00am to 5.00pm Saturday.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf160913.pdf](#)

## **ITEM 4                      PROPOSED UNLISTED USE (BICYCLE HIRE) AT LOT 496 (70) DAVIDSON TERRACE, JOONDALUP**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	01113, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Bicycle station plan
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to determine an application for development approval for a proposed unlisted use (bicycle hire) at Lot 496 (70) Davidson Terrace, Joondalup, and to request that Council delegate to the Chief Executive Officer the authority to determine future applications for development approval for the land use.

### **EXECUTIVE SUMMARY**

An application for development approval has been received for a proposed bicycle station to be located within the existing City owned car park located at Lot 496 (70) Davidson Terrace, Joondalup.

The proposed bicycle hire station is the first in a number of locations that are currently being considered by Bike Valet Australia Pty Ltd for a 12 month trial of the Urbi Bike Share Scheme (UBSS) within the City of Joondalup. It is anticipated that a further 11 stations will be installed within the City Centre on both private land and road reserve, subject to negotiations with relevant land parties. Separate applications for Development Approval are expected to be received as locations are confirmed and consent granted from land owners. Under the current Register of Delegation Authority from Council, development applications for each of the stations will be required to be presented to Council as an unlisted land use.

The subject site is zoned 'City Centre' under the *Metropolitan Region Scheme* (MRS) and 'Centre' under the City's *District Planning Scheme No. 2*. The current structure plan for this area is the *Joondalup City Centre Development Plan and Manual* (JCCDPM), where the location of this first bicycle station falls within the 'Central Business' district and is designated for 'General City' land uses. In addition, the site is subject to the provisions of the draft *Joondalup City Centre Structure Plan* (JCCSP), which is a seriously entertained planning proposal, where the site falls within the 'Central Core' district. The City is currently in the detailed design phase with Devwest Group Pty Ltd (Devwest) in regard to an integrated mixed use development at the subject site. This bicycle station can be removed at any stage should the City require the site to be cleared.

The determination of this application by Council is necessary as the proposed land use 'Bicycle Hire' cannot reasonably be determined as falling within one of the use classes of the *City of Joondalup District Planning Scheme No. 2* (DPS2), or JCCDPM, and is therefore required to be considered as an 'Unlisted Use'. The bicycle stations are considered to be consistent with the objectives and purpose of the 'Centre' zone and of both the JCCDPM and draft JCCSP, and therefore appropriate.

It is recommended that the application for development approval for the bicycle station be approved, subject to conditions. As the stations will form part of a larger scheme as identified within this report, it is additionally requested that Council delegates decision-making authority to the Chief Executive Officer, who will in turn delegate to the Director Planning and Community Development and Manager Planning Services to determine applications for the bicycle stations within the City of Joondalup. This will enable the City to process future applications for development approval for this land use in a timely and efficient manner.

## BACKGROUND

<b>Suburb/Location</b>	Lot 496 (70) Davidson Terrace, Joondalup.
<b>Applicant</b>	Game Planning Australia Pty Ltd (on behalf of Bike Valet Australia Pty Ltd).
<b>Owner</b>	City of Joondalup.
<b>Zoning</b>	<b>DPS</b> Centre.
	<b>MRS</b> City Centre.
<b>Site area</b>	10,087m <sup>2</sup> .
<b>Structure plan</b>	<i>Joondalup City Centre Development Plan and Manual.</i> <i>Draft Joondalup City Centre Structure Plan.</i>

The bicycle station the subject of this application is proposed to take up two car bays at the northern end of the City owned 'Central Walk Car Park'. The car park itself is bound by Boas Avenue to the north, Davidson Terrace to the east, Central Park to the south and existing commercial and residential units to the west (Attachment 1 refers). The car park provides for 149 car bays, two disabled bays and 18 motorcycle bays. In 2014 the City entered into a Memorandum of Understanding (MOU) with Devwest who, with the City, are progressing negotiations for development of the site.

At its meeting held on 19 April 2016 (CJ061-04/16 refers), Council adopted the City's *Bike Plan 2016 - 2021* and listed for consideration the implementation of a trial bike share program in the City of Joondalup. The bike plan was developed to provide the strategic direction for cycling in the City, replacing the previous *Bike Plan 2009* which expired in 2015.

Bike Valet Australia Pty Ltd (Bike Valet) has approached the City to trial for a 12 month period the UBSS within the Joondalup City Centre, being the first of its kind within Australia. The City has been working with Bike Valet on the proposed trial and has entered into a MOU to facilitate collaboration between parties to design a bicycle share scheme to operate within the City. Both parties are working together to achieve a bicycle share service that will meet travel needs of the community, encourage changed behaviours and to demonstrate the successful integration of cycling as a viable transport mode within the local community. The station proposed as a part of this application will assist in implementing a trial bike share program at a limited cost to the City.

Bike Valet is currently liaising with a number of private entities for further stations to be installed within the Joondalup City Centre, which will be subject to separate applications for Development Approval upon completion of negotiations.

## DETAILS

The UBSS is a system developed for operation within metropolitan communities. The system involves independently powered bicycle share stations, smart phone technology and bicycles, providing an integrated system. The station itself consists of:

- 2.34 metres x 2.36 metres steel frame hardware with a height of 1.93 metres
- shade awning sitting over the structure to a maximum height of 2.43 metres
- bicycle rails
- internal metal cabinets to house the information communication technology (ICT) and helmets
- traditional bicycle chain locks
- ten Copenhagen style bicycles.

The generic bicycle station plan and land requirements are provided at Attachment 2.

Users of the UBSS are able to locate stations and bicycles through the Urbi smart phone application (app). The use of the bicycle can additionally be obtained via a touch screen installed on the rear of the station. The app or touch screen will provide the user with a code for the lock to the bicycle to allow for access. Rides are limited to 45 minutes per trip, with users able to extend the length of the hire through the app or touch screen. Bicycles can be returned to an alternate station at the end of the trip. The MOU that has been agreed upon by both parties will see the UBSS operate free for an initial 12 month period. Users will however be required to provide credit card details at registration and in turn will be given a promotional code. The code will reflect the user type, with the information to be used for statistical research throughout the trial period. No fees will be charged for the duration of the trial except in the instance of damage or theft of the bicycles and/or equipment.

Bike Valet is currently in negotiations with a number of private entities regarding future stations within the City Centre. The intent of the UBSS is to connect users with where they need to go by having multiple stations available in various locations around the Joondalup City Centre. Locations currently being discussed include the Joondalup Health Campus, Lakeside Shopping Centre and Edith Cowan University.

The use of the bicycles is monitored through a control centre which observes and measures demand. The centre in addition manages the maintenance and servicing of the bicycles, conducts rebalancing to ensure that bicycles are available at each station and has staff on call to take payments and answer any queries. The technology allows the control centre to collect raw data, informing staff of overall activity in areas. Should the control centre recognise a station as having limited bicycles available, a truck is able to be promptly deployed to the location, providing more bicycles as required. The stations are also able to quickly be relocated via the deployment truck as required given the nature of their construction.

The station the subject of this application is to be located within two car bays at the northern end of the Central Walk car park owned by the City. The location ensures that the station will be able to operate without impeding on the either the adjoining landscaping, pedestrian path or vehicle movements within the car park while still being highly visible to users. The station is not considered to generate the need for any additional parking given the nature of the UBSS and as such a car parking assessment has not been undertaken in this instance. The station has also been assessed in conjunction with the provisions of both the JCCDPM and draft JCCSP where no relevant development requirements apply.

Under the current Register of Delegation of Authority, applications for unlisted uses are required to be presented to Council for determination. The proposed bicycle hire stations do not strictly fall into one of the land use categories as contained within Table 1 of DPS2, or under the JCCDPM and as such any applications received for additional stations as part of the UBSS would need to be presented to Council. Given the nature of the bicycle hire stations, the manner in which the UBSS operates and the number of applications likely to be received to support the scheme it is recommended that Council delegate decision making to the Chief Executive Officer, who will in turn delegate decision making to the Director Planning and Community Development and Manager Planning Services to ensure timely determination of future applications for bicycle hire stations.

### **Issues and options considered**

Council must consider whether the bicycle hire is an appropriate use within the Joondalup City Centre in consideration against the objectives of both the JCCDPM and draft JCCSP.

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.

Council is to also consider whether delegation should be granted to the Chief Executive Officer to determine future applications for bike hire that may be lodged with the City.

The options available to Council in considering the change to the Register of Delegation of Authority are:

- delegate to the Chief Executive Officer the authority to determine applications for bicycle hire
- or
- reject the recommended change to the delegations.

It is noted that rejecting the changes to the delegation will require applications for bicycle hire within the Joondalup City Centre to be presented to Council as an unlisted use for determination in accordance with the current Register of Delegation of Authority.

### **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).*

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.  
Economic Prosperity, Vibrancy and Growth.

**Objective** Integrated spaces.  
Activity Centre development.

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

Support the development of fresh and exciting de-centralised areas of activity.

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

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

Clause 3.3 of DPS2 sets out the options available to Local Governments for unlisted uses.

**3.3 Unlisted Uses**

*If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the local government may:*

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Clause 5 .1 of DPS2 sets out the objectives for the provision of control of advertisements.

**5.1 CONTROL OF ADVERTISEMENTS**

**5.1.1 Objectives**

*The objectives of the provisions for control of advertisements are:*

- (a) to ensure that the visual quality and character of particular localities and transport corridors are not eroded;*
- (b) to achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic;*
- (c) to minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;*
- (d) to prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;*
- (e) to reduce and minimise clutter; and*
- (f) to promote a high standard of design and presentation in outdoor advertising.*

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

Under clause 6.6.3 of DPS2, the local government is required to have regard to the provisions of Clause 67 of the deemed provision (“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.*

### Signs Policy

This policy provides guidance on the extent and location of various forms of signage that are not exempt from planning approval under DPS2.

The policy has a number of objectives, being to:

- *provide guidance on the design and placement of signs located within the City of Joondalup*
- *protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs*
- *encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup*
- *facilitate a reasonable degree of signage to support business activities within the City of Joondalup*
- *complement the provisions for signs as specified in the City of Joondalup's Signs Local Law 1999.*

The signage proposed as a part of this development has been assessed against the objectives of this policy. Council must determine if the sign adequately addresses the above objectives of this policy and DPS2.

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

The subject lot 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 the southern end of the site is located within a bushfire prone area, with the bicycle station itself falling outside of this. As the structure is not habitable and outside of the area, the applicant has completed a Bushfire Attack Level – Basic assessment in accordance with this policy.

#### **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.

The daily revenue within the Central Walk car park per car bay is \$7.46 equating to \$1,865 per bay, per annum or \$3,730 for two bays per annum.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

Not applicable.

## Consultation

Clause 64 of the deemed provisions set out in Schedule 2 of the Regulations states that a local government may waive a requirement for an application to be advertised where it does not comply with a requirement of the Scheme if the local government is satisfied that the departure from the requirements is of a minor nature.

For reasons outlined in the comments section below, it is considered that the proposed bicycle hire will not have a detrimental impact on surrounding development, and can be considered a permitted (“P”) land use. As such consultation has not been undertaken. The City will however notify surrounding business prior to installation in accordance with community consultation requirements.

## COMMENT

### Land Use

The proposed bicycle hire the subject of this application cannot reasonably be determined as falling within the interpretation of one of the use categories contained within DPS2 or the JCCDPM. On this basis due regard must be given to the objectives and purpose of the ‘Centre’ zone. The objectives of the ‘Centre’ zone are to:

- (a) *provide for a hierarchy of centres from local centres to strategic metropolitan centres, catering for the diverse needs of the community for goods and services;*
- (b) *ensure that the city’s commercial centres are integrated and complement one another in the range of retail, commercial, entertainment and community services and activities they provide for residents, workers and visitors;*
- (c) *encourage development within centres to create an attractive urban environment;*
- (d) *provide the opportunity for the coordinated and comprehensive planning and development of centres through a Structure Plan process.*

While the above objectives are broad and deal more specifically with centres as a whole, development within the Joondalup City Centre is encouraged to align with the draft JCCSP. Clause 2.1.2 of the draft JCCSP contains more specific objectives in relation to land use:

- (a) *to create and sustain a compact, intensive and lively City Centre that is an active and attractive focus for the community;*
- (b) *to provide for, and encourage, a broad range of land uses to complement and reinforce the function of Joondalup as the strategic metropolitan centre for the north west corridor;*
- (c) *to provide for, and encourage, land uses that deliver a high density of workers, residents and visitors;*
- (d) *to establish a diversity of retail and commercial uses, and leisure opportunities that generate day and evening activity; and*
- (e) *to minimise potential conflicts between different land uses.*

The proposed bicycle hire and UBSS is considered to meet all of the above objectives by providing an opportunity for a diverse and active community. The station and the system will support existing land uses, allowing for an additional method of connection for workers, visitors and residents within the City Centre. The scheme is the first of its kind in Australia, operating through smart phone technology and will assist in enhancing the City's position as a leading 'digital city'. It also supports the initiatives highlighted within the City's *Bike Plan 2016-2021*.

### Siting and design

The bicycle station has been designed as a robust structure that can easily be relocated and deployed elsewhere as demand determines. The carousel module is a patented bike sharing system that is new to the Australian market. Each Application for Development Approval for a station is required to be assessed against the relevant development provisions and objectives of the JCCDPM and draft JCCSP to ensure that locations do not impact on existing built form, the pedestrian network or car parking.

The bicycle hire station the subject of this application is proposed to be located at the northern end of the public Central Walk car park. The location chosen is appropriate given its proximity to Central Walk, high level of visibility and its central location within the City Centre. The station is constructed from steel frame hardware and meets the JCCDPM and draft JCCSP requirement for buildings to be constructed of high quality materials. The location also ensures that the station can be deployed and removed from site easily, via truck. There is no impact on vehicle sightlines, with landscaping and pedestrian movements remaining unobstructed.

The Central Walk car park currently has an average occupancy of 54%, however at peak times; the car park can be almost fully occupied. Due to the nature of the nearby businesses which require a regular turnover of traffic, the car park and its fee structure are designed to discourage long term commuter parking. Given the turnover generated within the car park and that the car park generally operates at just over half its capacity, the UBSS is not considered to detrimentally impact on availability of car bays or potential revenue for the City.

### Signage

The City is currently in negotiations with Bike Valet regarding the signage which will include both the UBSS logo and City of Joondalup branding. Any signage proposed on the bicycle stations will need to accord with the objectives of Council's *Signs Policy* by ensuring that the amount of signage is commensurate to the needs of UBSS and the quality of the City Centre landscape. Should the application be approved a condition of development approval is recommended requiring a signage strategy for the station, with signage being required to be installed in accordance with this strategy. This condition will also ensure that no further development applications for signage will be required where it aligns with the strategy.

### Approval period

The City has entered into a MOU with Devwest Group Pty Ltd in regard to an integrated mixed use development at the subject site, with the City currently in negotiations in regard to the detailed design. While it is not anticipated that development of this site would commence within the next 12 months, given the need for all relevant approvals to be obtained first, it is considered appropriate to enforce a 12 month condition to ensure that future development of this site is not impeded by the proposed bicycle hire station.

As the land owner, the City can separately request that the structure be removed or relocated within the 12 month period should the need arise. It is noted that additional sites are available within close proximity of this station should the structure need to be removed. Any relocation would be the subject of a separate application for Development Approval.

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

#### Delegation of Authority

The proposed bicycle hire does not fall into the interpretation of one of the use categories as contained within DPS2. The applicant has identified a further 11 stations that are proposed to form part of the scheme, which will be subject to separate applications. Each location will be considered in conjunction with the JCCDPM and draft JCCSP, taking into account any landscaping, pedestrian movements, car parking and existing built form. The operation of the UBSS is however considered to complement existing land uses without adverse impact, and supports the initiative identified in the City's *Bike Plan 2016-2021*.

To ensure the City is able to process further applications for bicycle hire in a timely and efficient manner, it is requested that Council delegates to the Chief Executive Officer, the authority to determine future applications for bicycle stations. It is proposed that subject to Council adopting the recommendations of this report, that the Chief Executive Officer sub-delegate the power to determine these applications to the Director Planning and Community Development and Manager Planning Services, in line with similar delegations of authority.

### **VOTING REQUIREMENTS**

Absolute Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 DETERMINES under clause 3.3(a) of the *City of Joondalup District Planning Scheme No. 2* that:**
  - 1.1 'Bicycle Hire' is deemed to be a use class not listed;**
  - 1.2 The proposed use meets the objectives and purpose of the 'Centre' zone, and therefore is a permitted land use;**
  
- 2 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 Bike Valet Australia Pty Ltd on behalf of the owners, City of Joondalup, for 'Unlisted Use (Bicycle Hire)' on Lot 496 (70) Davidson Terrace, Joondalup, subject to the following conditions:**
  - 2.1 The approval period for the 'Unlisted Use (Bicycle Hire)' at the subject site is limited to 12 months from the date of approval in accordance with clause 72 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
  - 2.2 All external walls of the development shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;**

- 2.3** Bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993);
- 2.4** A signage strategy shall be submitted to and approved by the City prior to the commencement of development. Signage shall be installed in accordance with the approved strategy;
- 3** **BY AN ABSOLUTE MAJORITY** and in accordance with section 5.42 of the *Local Government Act 1995* and clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATES the local government function to the Chief Executive Officer to determine development applications for ‘Unlisted Use (Bicycle Hire)’.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf160913.pdf](#)

## ITEM 5                      DRAFT WEED MANAGEMENT PLAN

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102082, 101515
<b>ATTACHMENTS</b>	Attachment 1     Draft Weed Management Plan Attachment 2     Community Consultation Plan
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to endorse release of the draft *Weed Management Plan* for community consultation.

### EXECUTIVE SUMMARY

The City of Joondalup is responsible for the management of over 500 hectares of natural areas in 108 sites containing significant flora and fauna species and ecological communities. There are a variety of regionally, nationally and internationally significant natural areas located within the City including the Yellagonga Regional Park and a number of Bush Forever sites which contain species of high conservation value. The City also manages over 370 parks and reserves and a substantial number of urban landscaping areas such as streetscapes, verges, thoroughfares, pedestrian access ways, sumps and swales.

Weeds are one of the key environmental threats in the City of Joondalup. The invasion of weeds threatens the biodiversity of the City's natural areas and affects the amenity, functionality and aesthetics of parks and urban landscaping areas.

The City of Joondalup has over 200 identified weed species, including eight declared pest plants and five weeds of national significance. Effective weed management is required to ensure that measures are taken to prevent, monitor and control the spread of weeds within the City. A draft *Weed Management Plan* has been developed in order to provide strategic ongoing weed management of the City's natural areas, parks and urban landscaping areas over the next five years.

The draft *Weed Management Plan* describes the potential environmental impacts from weeds, weed control methods, the City's current weed management approach and proposes management strategies to be implemented over the life of the plan in order to minimise potential impacts.

It is proposed that the draft *Weed Management Plan*, included as Attachment 1, be released for community consultation for a period of 21 days in accordance with the *Community Consultation Plan*, included as Attachment 2.

## BACKGROUND

The City is developing environmental issue specific plans to provide a holistic and coordinated approach to the management of key environmental threats across the City. Environmental issue specific plans include the following:

- *Pathogen Management Plan* - completed in 2012-13.
- *Draft Weed Management Plan* – the subject of this Report.
- *Bushfire Risk Management Plan* – currently under development.

The City is also developing natural area management plans for its natural areas according to the individual priority ranking of the reserve. Management plans are being developed for the majority of the City's natural areas and will vary in detail depending on whether the area is classified as a:

- Major conservation or coastal area
- High priority area
- Medium priority area  
or
- Generic wetlands area.

Management plans include the following:

- Description of the physical, biological, social and built environment.
- Development of management strategies for key environmental risks including management approach, activities, risks, impacts and management actions.
- Guidance on staff and stakeholder training, education and communication.
- Identification of required research, monitoring and reporting.

The City is developing natural area management plans according to the endorsed schedule.

## DETAILS

Weed management is conducted in the City of Joondalup to differing degrees, depending on the type of site. Weed management of natural areas is more extensive than weed management in parks and urban landscaping areas, due to the difference in biodiversity values. The draft *Weed Management Plan* outlines the differences between weed management in natural areas and weed management in parks and urban landscaping areas.

The draft *Weed Management Plan* has been developed to provide strategic ongoing weed management of the City's natural areas, parks and urban landscaping areas and protect native vegetation and ecosystems in natural areas as well as the amenity, functionality and aesthetics of parks and urban landscaping areas.

The draft *Weed Management Plan* outlines a framework for weed management for the next five years and details an integrated weed management approach including weed prevention, monitoring and control of the spread of weeds within the City of Joondalup.

Impacts on the natural environment from weeds include the following:

- Reducing the viability of native plant species by competing more vigorously for space, water and nutrients. This can result in a decrease in the abundance and health of native species, even to the point of extinction in that area.
- Reducing natural diversity by smothering native plants or preventing them from regenerating after clearing, fire or other disturbance.
- Altering nutrient recycling and soil quality by fixing nitrogen in the soil which can inhibit the germination of native species or releasing nutrients into the soil which may impact negatively on native seedling germination and growth.
- Introducing pests and diseases from different areas which native species may not have previously had contact with and may be particularly susceptible to. Weeds can also be more resilient than native plants to certain pests and diseases.
- Creating high fuel loads for fires and increasing the risk of fire in bushland areas.
- Negatively impacting on native fauna by replacing or reducing the native plants and altering plant communities that animals use for shelter, food and nesting.

A number of management actions are proposed within the plan to address the threat of weeds including:

- investigating the use of photo monitoring in major conservation areas and major parks to assess the effectiveness of ongoing weed control
- investigating the feasibility of analysing high resolution multi-spectral imagery of parks and natural areas every two years in order to monitor weed distribution and density
- creating a register of herbicide resistant weeds and conducting herbicide effectiveness testing of herbicide resistant weeds, as required
- creating a register of new weed populations identified in the City to enable monitoring and weed management
- conducting research or trials on herbicide rotation to increase the effectiveness of herbicides, as required
- investigating opportunities for the City to trial new weed control methods, as technology and research improves
- implementing environmental education initiatives
- continuing to partner with and support local Friends Groups to facilitate bushland restoration and weed management activities.

The proposed management actions will be implemented in partnership with key stakeholders and community groups, where relevant.

### **Legislation/Strategic Plan/Policy Implications**

**Legislation**                      *Biosecurity and Agriculture Management Act 2007.*

#### **Strategic Community Plan**

**Key Theme**                      The Natural Environment.

**Objective**                        Environmental resilience.

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

**Policy**                              The objectives of the draft *Weed Management Plan* are consistent with the City's *Sustainability Policy*.

**Risk Management Considerations:**

A coordinated and planned approach is required to address weed management in natural areas, parks and urban landscaping areas and provide strategies for ongoing long term management. Without a coordinated and planned approach, there is a risk that the overall condition of the native bushland areas of the City of Joondalup will become degraded and that the City's parks and urban landscaping areas will decrease in amenity, functionality and aesthetic values.

**Financial/Budget Implications:**

Funds are currently allocated within the City's annual operating budget to implement conservation and maintenance activities in natural areas, parks and urban landscaping areas, however the implementation of some recommendations from the draft *Weed Management Plan* will have additional budget implications and these will be subject to the City's annual budget approvals process.

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

**Regional Significance**

There are a variety of regionally, nationally and internationally significant natural areas located within the City including the Yellagonga Regional Park and a number of Bush Forever sites which contain species of high conservation value.

**Sustainability Implications**

Weeds have the potential to degrade natural areas and reduce biodiversity values, as well as negatively affect the amenity, functionality and aesthetics of parks and urban landscaping areas. The implementation of the *Weed Management Plan* will ensure that the threat of weeds within the City is addressed and provide strategies for ongoing long term management which will result in protection of the City's natural environment, parks and urban landscaping areas.

The draft *Weed Management Plan* includes actions that target community education and awareness to ensure that the City of Joondalup community is well-informed regarding the City's environmental values and actions that can be taken to prevent the spread of weeds.

**Consultation**

Due to the technical nature of the draft *Weed Management Plan* it is proposed that targeted stakeholder consultation and community consultation be undertaken, as detailed in the *Community Consultation Plan* included in Attachment 2. The City's Friends Groups will be consulted during the community consultation period.

Following Council endorsement, the draft *Weed Management Plan* will be released for community consultation for a period of 21 days commencing 10 October 2016.

**COMMENT**

The draft *Weed Management Plan* will inform and prioritise maintenance schedules and capital works programs by providing prioritised management recommendations to be implemented within the City's natural areas, parks and urban landscaping areas over a five year period. The plan will also increase opportunities for the City to apply for grant funding by having a detailed forward schedule of projects to be carried out, and will provide guidance to City employees, contractors and Friends Groups operating within the City of Joondalup.

The implementation of the draft plan will allow the City to demonstrate leadership in addressing environmental threats, providing strategic ongoing weed management of natural areas, parks and urban landscaping areas and raise community awareness regarding the need to protect the biodiversity values of the environment for the future.

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ENDORSES the release of the draft *Weed Management Plan*, included as Attachment 1 to this Report, for community consultation for a period of 21 days commencing 10 October 2016 and extending to 31 October 2016.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf160913.pdf](#)

## ITEM 6 SHEPHERDS BUSH RESERVE MANAGEMENT PLAN

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

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### PURPOSE

For Council to note the outcomes of community consultation for the draft *Shepherds Bush Reserve Management Plan* and to seek Council's endorsement of the *Shepherds Bush Reserve Management Plan* as final.

### EXECUTIVE SUMMARY

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

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

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

At its meeting held on 19 July 2016 (CJ107-07/16 refers), Council endorsed the release of the draft *Shepherds Bush Reserve Management Plan* for community consultation, for a period of 21 days. The feedback received during the community consultation period is outlined within the Community Consultation Summary, shown as Attachment 1.

It is proposed that the *Shepherds Bush Reserve Management Plan*, included as Attachment 2, is endorsed by Council.

## BACKGROUND

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

In order to provide strategic ongoing management of Shepherds Bush and protection of native vegetation and ecosystems, the *Shepherds Bush Reserve Management Plan* has been developed.

The *Shepherds Bush Reserve Management Plan* outlines a framework for the management of the area for the next five years. Flora, fauna and fungi surveys have been undertaken in Shepherds Bush Reserve to inform the development of the management plan.

The objectives of the *Shepherds Bush Reserve Management Plan* are to:

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

The aim of the *Shepherds Bush Reserve Management Plan* is to provide a framework to protect and enhance biodiversity values of the natural area while maintaining appropriate community access and awareness of the natural area.

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

- consistent weed control and regular monitoring
- undertaking annual fire fuel load assessments
- feral animal monitoring and control
- the implementation of environmental education initiatives
- monitoring anti social behaviour in the bushland
- undertaking follow up flora, fauna and fungi surveys.

## DETAILS

At its meeting held on 19 July 2016 (CJ107-07/16 refers), Council endorsed the release of the draft *Shepherds Bush Reserve Management Plan* for targeted consultation to City of Joondalup residents living in a 400 metre walkable catchment, local schools, the Kingsley and Greenwood Residents Association, Friends groups, relevant government agencies and local members.

Information was provided to the general community via the Community Engagement page on the City's website that included an online feedback form, the City's Facebook page and an article in the *Joondalup Times Community* newspaper on 26 July 2016.

Feedback received indicates that the City's community and relevant stakeholders are generally supportive of the strategic direction of the management plan and the recommendations included within the plan. Thirty four submissions were received from community members and stakeholders within the consultation period, as outlined in Attachment 1.

Amendments have been made to the management plan, where appropriate. The proposed changes to the *Shepherds Bush Reserve Management Plan* are shown in highlighted yellow and strike-through text as included in Attachment 2.

### Issues and options considered

Council may choose to either:

- adopt the *Shepherds Bush Reserve Management Plan* with amendments as shown in highlighted text within Attachment 2
  - adopt the *Shepherds Bush Reserve Management Plan* without any amendments
  - adopt the *Shepherds Bush Reserve Management Plan* with further amendments
- or
- not adopt the *Shepherds Bush Reserve Management Plan*.

The preferred option is Option 1 as it reflects the feedback received from the community and stakeholders during the public consultation period.

### Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

#### Strategic Community Plan

**Key Theme** The Natural Environment.

**Objective** Environmental resilience

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

**Policy** The objectives of the *Shepherds Bush Reserve Management Plan* are consistent with the City's *Sustainability Policy*.

The development of *Natural Area Management Plans* is listed as an action within the City's *Biodiversity Action Plan 2009-2019*.

### Risk management considerations

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

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

### **Financial/budget implications**

A flora, fauna and fungi survey was undertaken in 2015-16 for the cost of \$20,965 ex GST. The survey informed the development of the *Shepherds Bush Reserve Management Plan*. Funds were allocated for the survey in the 2015-16 budget.

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

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

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

### **Regional significance**

Bushland within Shepherds Bush is recognised as being regionally significant due to the type of vegetation on site and the limited amount of this vegetation remaining within the Perth Metropolitan Region.

### **Sustainability implications**

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The development and implementation of the *Shepherds Bush Reserve Management Plan* will ensure that measures are taken to address threats within this natural area and provide strategies for ongoing long term management, which will result in the protection of the natural environment within Shepherds Bush.

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

### **Consultation**

The draft *Shepherds Bush Reserve Management Plan* was available for public comment from 25 July 2016 to 15 August 2016. A total of 34 submissions were received in the consultation period.

Comments provided from community members and stakeholders suggest that the implementation of environmental management initiatives within the conservation area are strongly supported. The comments were generally supportive of the proposed management actions, however, some respondents also noted they would like to see an increase in responsible dog ownership involving the removal of dog waste, the provision of more rubbish bins to cater for the increase in public use at the adjoining active recreational parkland, the

importance of engaging local schools in educational activities within the bushland and more emphasis on revegetation to provide habitat for fauna.

The majority of community members, who provided feedback on the draft plan, indicated they were interested in participating in a proposed 'Friends of Shepherds Bush'.

Some amendments have been made to the management plan following feedback received during the consultation process. The proposed changes to the *Shepherds Bush Reserve Management Plan* are shown in yellow highlighted and strike-through text as included in Attachment 2.

A summary of the feedback received as part of this process is provided in Attachment 1.

## COMMENT

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

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

The *Shepherds Bush Reserve Management Plan* will enable a coordinated best practice approach to the management of the natural area of Shepherds Bush into the future.

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

Through the consultation process a total of 26 respondents indicated they would be interested in participating in a proposed Friends of Shepherds Bush group. The City will contact those respondents to follow up on their interest in forming a Friends group.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council ENDORSES the *Shepherds Bush Reserve Management Plan* shown as Attachment 2 to this Report.**

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf160913.pdf](#)

## ITEM 7 GOVERNANCE FRAMEWORK REVIEW

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	25548, 101515
<b>ATTACHMENTS</b>	Attachment 1 Revised Governance Framework (marked-up)
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to adopt a revised *Governance Framework*.

### EXECUTIVE SUMMARY

Governance is an important concept and impacts on all parts of the City and all sectors of the community. The practice of good governance is increasingly seen as critical for ensuring that:

- the City meets legal and ethical compliance
- decisions are made in the interests of stakeholders and the broader community
- the City behaves as a good corporate citizen should.

The principles and practices of good governance plot the specific processes of decision-making, and the processes by which the City is directed, controlled and held to account. Good governance ensures that the City is able to manage its many complex responsibilities effectively in the best interests of the entire community.

For an organisation to demonstrate good governance, there needs to be a clear understanding about its strategic direction, management responsibility and accountability. The City's *Governance Framework* has been developed to set out these matters as well as the roles of elected members and the organisation and their interdependent relationships, along with the financial, legal and ethical considerations required to provide good governance.

The City's framework consists of four key principles required to achieve excellence in governance:

- Culture and vision.
- Roles and relationships.
- Decision-making and management.
- Accountability.

The framework has been recently reviewed to update and reflect current operational practices and the legal framework in which all local governments throughout Western Australia operate.

*It is therefore recommended that Council ADOPTS the revised City of Joondalup Governance Framework as detailed in Attachment 1 to this Report.*

## **BACKGROUND**

In September 2003, Council established a Governance Review Panel to make recommendations on the operations of the City and specific governance-related issues being experienced at that time. Although the then Minister of Local Government suspended the City of Joondalup Council in December 2003, the governance review progressed on the basis it would document some of the issues being faced by the City and Council at that time, and provide guidance for the incoming Council on a range of improvements that could be implemented to improve corporate governance at the City.

The City's inaugural *Governance Framework* was adopted by Council at its meeting held on 11 October 2005 (CJ204-10/05 refers). While the issues facing the City in 2005 have long passed and been addressed, the principles and practices within the City's framework have continued to assist with guiding and understanding of the processes of decision-making, and the processes by which the City is directed, controlled and held to account.

The framework was initially developed as an internal document for elected members to assist their understanding of the governance arrangements that exist within a local government. However the framework is also important for employees and the community in articulating the governance arrangements in place at the City.

The *Governance Framework* was reviewed by Council at its meetings held on 15 September 2009 (CJ205-09/09 refers) and 16 April 2013 (CJ049-04/13 refers) which resulted in amendments to strengthen the framework and to ensure that it remains relevant and current to the operations of the City and the local government industry more broadly.

## **DETAILS**

The City's *Governance Framework* has been reviewed to ensure it is relevant to the current operations of the City, taking into consideration developments in governance since the adoption of the original framework. Other than minor grammar and formatting, the improvements include better clarification around some aspects of the governance arrangements at the City.

While the content of the original document largely remains the same, the more significant amendments to the framework are detailed below:

### **SECTION 5 - GOVERNANCE PRINCIPLES**

- Under "Principle Three – Decision-making and Management" the need for an appropriate organisational structure has been included. Good governance is achieved where the organisation is structured in such a way that it makes effective use of the City's limited resources and ultimately progresses the organisation towards its strategic goals and objectives.

## **SECTION 6 - GOVERNANCE FRAMEWORK DIAGRAM**

- The governance framework diagram has been updated to include a range of additional stakeholders to the City, although it is not intended that this list be exhaustive. The reference to an organisational structure has also been included to support the principle of decision making and management.

## **SECTION 7 - PRINCIPLE ONE: VISION AND CULTURE**

- “Section 7.1.1 – Vision and Values” has been updated with the inclusion of descriptors and meanings behind the primary values as articulated in the City’s *10 Year Strategic Community Plan*. A new Integrated Planning Framework Diagram has also been included which removes references to the City’s *Annual Plan*. Progress towards annual milestones listed in the *Corporate Business Plan* will continue to be reported to Council quarterly, as opposed to the previous method of annual plan quarterly reporting. This change in the City’s integrated planning framework model has also been amended throughout the document, through the removal of Annual Plan referencing.
- “Section 7.2.8 – Acceptance of gifts” has been amended to reflect the new legislative regime elected members and designated employees (that is employees with delegated authority) operate within, in terms of the need to declare certain types of gifts and contributions to travel. Information in respect of “notifiable gifts” and “prohibited gifts” has been retained as per the requirements of the City’s *Code of Conduct* and the *Local Government (Rules of Conduct) Regulations 2007*.

## **SECTION 8 - PRINCIPLE TWO: ROLES AND RELATIONSHIPS**

- A new “Section 8.7 – Roles and responsibilities of employees” has been included in the framework. Employees are to recognise that they too play an important part in ensuring good governance is practised at the City. The information highlights the need for an employee’s careful consideration in decision-making and actions while performing in their duties at the City, and a number of behavioural matters the City expects which in turn supports good governance being in operation.

## **SECTION 9 - PRINCIPLE THREE: DECISION-MAKING AND MANAGEMENT**

- “Section 9.10 – Organisational structure and human resource management” now includes provisions around organisational structure and the need to review it periodically to ensure the structure services the City’s strategic goals and outcomes as articulated in the *10 Year Strategic Community Plan*. Reference is also made to the City’s *Organisational Plan* as a tool used to assist this process.
- “Section 9.12 – Risk Management” has been amended to articulate the current risk management practices in view of the Australian / New Zealand Standards for risk management, in which the City’s *Risk Management Framework* and *Risk Management Policy* is based.

## **SECTION 10 - PRINCIPLE FOUR: ACCOUNTABILITY**

- “Section 10.5 - Community consultation and stakeholder engagement” now includes reference to the City’s internally established *Stakeholder Management Plan* and associated framework as a means to manage, support and improve the critical and important relationships with various and specific external stakeholders for the successful delivery of key City projects and activities.

- “Section 10.6 - Customer service and complaints management” includes the City’s complaints management processes to ensure the City is transparent and accountable to the community for the decisions, actions and services it provides.

### Issues and options considered

Council can either:

- adopt the revised *Governance Framework*
- adopt the revised *Governance Framework* with further amendments  
or
- retain the existing *Governance Framework*.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<i>Local Government Act 1995.</i> <i>Local Government (Administration) Regulations 1996.</i> <i>Local Government (Rules of Conduct) Regulations 2007.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Corporate capacity.
<b>Strategic initiative</b>	Continuously strive to improve performance and service delivery across all corporate functions.
<b>Policy</b>	<i>Code of Conduct for Employees, Elected Members and Committee Members (Code of Conduct).</i>

The *Local Government Act 1995* is the primary piece of legislation governing the operations of all local governments in Western Australia and contains many sections that relate to the roles and functions of the Mayor, Councillors, Chief Executive Officer and employees.

The *Governance Framework* describes the principles and key roles that guide Council in its decision-making and demonstrates to the community the processes by which the City uses to achieve its strategic goals and undertake its daily operations. It also details how the City is directed, controlled and held to account and how the community is involved in the City’s affairs and decision-making processes.

The adoption of the *Governance Framework* has impact on all City policies and the implementation of them.

### Risk management considerations

The adoption of a *Governance Framework* highlights the City’s commitment to providing good government for its community by defining systems, policies, processes and a methodology for ensuring accountability, probity and openness in the conduct of City business.

**Financial/budget implications**

There are no financial implications relating to this Report.

**Regional significance**

Not applicable.

**Sustainability implications**

The various practices detailed in the framework that support the good governance principles enable the City to manage its assets and operations in a sustainable manner, now and into the future.

**Consultation**

Various documents have been sourced and referred to in the preparation and development of the City's framework.

**COMMENT**

The practice of good governance is increasingly seen as critical for ensuring that:

- the City meets legal and ethical compliance
- decisions are made in the interests of stakeholders and the broader community
- the City behaves as a good corporate citizen should.

Although the framework is not enforceable, there are a range of benefits that can be derived from the development and implementation of an effective framework including:

- providing clear guidelines for the roles of the Council, Elected Members and the CEO, ensuring that all responsibilities are properly allocated and performance expectations are well understood
- enshrining best practice in relation to 'board processes' (which are relevant to the elected Council body)
- assisting the City in delivering good governance
- ensuring legal and ethical compliance
- influencing processes throughout the organisation by setting guidelines for strategic planning at all levels
- assisting as an induction tool for new Elected Members and employees.

The City's *Governance Framework* assists Elected Members and employees to understand the increasing governance demands that are placed on them within the local government industry. The framework also communicates to the community the governance arrangements in place to ensure the City is performing at an optimum level and making progress towards its strategic goals.

It is necessary that the framework is reviewed on a regular basis thereby ensuring the document remains relevant to the current operations of the City and the legal framework in which it operates.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ADOPTS the revised *City of Joondalup Governance Framework* as detailed in Attachment 1 to this Report.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf160913.pdf](#)

## ITEM 8 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENTS</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 10 August 2016 to 25 August 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 10 August 2016 to 25 August 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 10 August 2016 to 25 August 2016 executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.*

### BACKGROUND

During the period 10 August 2016 to 25 August 2016, seven documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Application for New Title	1
Lease Agreement	3
Removal of Section 70A Notification	1
Notification Under Section 70A	2

**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 10 August 2016 to 25 August 2016, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf160913.pdf](#)*

## ITEM 9 STATUS OF PETITIONS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENTS</b>	Attachment 1 Status of Petitions – 15 December 2015 to 16 August 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 status of outstanding petitions.

### BACKGROUND

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

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

### DETAILS

#### Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 15 December 2015 to 16 August 2016, with a comment on the status of each petition.

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

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

#### Strategic Community Plan

**Key Themes** Governance and Leadership.

**Objective** Active democracy.

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

**Policy Implications**

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

**Risk Management Considerations**

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

**Financial/Budget Implications**

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

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council NOTES:

- 1 the status of outstanding petitions submitted to Council during the period 15 December 2015 to 16 August 2016, forming Attachment 1 to this Report;
- 2 that a report in relation to the petition requesting Council approves the expansion of the Poynter Farmers Market, was presented to Council at its meeting held on 16 August 2016 (CJ115-08/16 refers);
- 3 in relation to the petition requesting Council make available a section of Burns Beach as an animal exercise area, Council will consider the request following its consideration of the *City of Joondalup Animals Amendment Local Law 2016*;
- 4 in relation to the petition requesting Council change the City's *Beach Management Plan* to reduce congestion at Hillarys Dog Beach, Council will consider the request following its consideration of the *City of Joondalup Animals Amendment Local Law 2016*;
- 5 in relation to the petition requesting Council reconsider the proposed installation of the footpath on Strathyre Drive, Duncraig, Council will consider the petition as part of its review of the *Residential Development Local Planning Policy*;
- 6 in relation to the petition requesting Council ensure that future unit development in Strathyre Drive, Duncraig and surrounding streets with R60 approval provide two car bays per unit, Council will consider the petition as part of its review of the *Residential Development Local Planning Policy*;
- 7 in relation to the petition requesting Council oppose the City's proposal for Forrest Park, Padbury, Council will consider the petition as part of the CSRFF report which is proposed to be presented to Council at its meeting to be held on 20 September 2016;
- 8 in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, Council will consider the petition as part of its review of the City's *Signs Policy*;
- 9 in relation to the petition requesting Council retain the horse exercise area at Whitfords Beach, Council will consider the petition as part of a report amending the *Animals Local Law 1999* which is proposed to be presented to Council at its meeting to be held on 20 September 2016.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf160913.pdf](#)

## ITEM 10                    ANIMALS AMENDMENT LOCAL LAW 2016 - ADOPTION

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	21067, 101515
<b>ATTACHMENTS</b>	Attachment 1    City of Joondalup <i>Animals Amendment Local Law 2016</i> Attachment 2    Schedule of Submissions
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to note the submissions received following public advertising of the proposed *City of Joondalup Animals Amendment Local Law 2016* and to make the local law.

### EXECUTIVE SUMMARY

At its meeting held on 28 June 2016 (CJ090-06/16 refers), Council resolved to make the proposed *City of Joondalup Animals Amendment Local Law 2016* for the purposes of public advertising.

The effect of the proposed *City of Joondalup Animals Amendment Local Law 2016* is to remove the ability for horses to be exercised at Hillarys Beach and remove redundant provisions within the local law relating to dog exercise areas and dog prohibited areas.

In accordance with section 3.13(3) of the *Local Government Act 1995* (the Act) the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy to the Minister for Local Government.

At the close of the public submission period the City received 318 individual submissions. Of those submissions 311 were against the proposed *Animals Amendment Local Law 2016* and six were in support. One submission was received from the Department of Local Government and Communities (DLGC) providing comment on the setting out and formatting of the local law. In addition, the City received in total a 2,827 signature petition, of which 1,194 were deemed electors, opposing the closure of the horse exercise area at Hillarys Beach. A 20 signature letter was also received outside the public consultation process objecting to the closure of the horse exercise area at Hillarys Beach, none of whom were assessed as being electors.

In view of Council's previous decision that was made at its meeting held on 17 May 2016 (CJ071-05/16 refers) to permanently close the horse exercise area at Hillarys Beach, it is recommended that the local law be made.

*It is therefore recommended that Council:*

- 1 *NOTES the submissions received at the close of the public submission period for the proposed City of Joondalup Animals Amendment Local Law 2016, as outlined in Attached 2 to this Report;*
- 2 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Animals Amendment Local Law 2016 as detailed in Attachment 1 to this Report and AUTHORISES the Common Seal to be affixed;*
- 3 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the Local Government Act 1995;*
- 4 *ADVISES the lead petitioner and individual submitters of Council's decision.*

## **BACKGROUND**

At its meeting held on 23 March 1999 (CJ67-03/99 refers), Council adopted the *City of Joondalup Animals Local Law 1999*. The local law provides for the regulation, control and management of the keeping of animals within the City of Joondalup and includes the establishment of dog and horse exercise areas.

The *Dog Act 1976* was amended in 2014 to enable local governments to determine dog exercise and dog prohibited areas by simple resolution rather than through a local law. This change to the *Dog Act 1976* rendered those aspects of the City's *Animals Local Law 1999* relating to dog exercise and dog prohibited areas void.

At its meeting held on 17 May 2016 (CJ071-05/16 refers), Council resolved the following in relation to the horse exercise area at Hillarys Beach:

*“That Council:*

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

As the designation of the horse beach is contained within the City's *Animals Local Law 1999*, an amendment to this local law is required to remove the designation of the horse exercise area at Hillarys Beach.

At its meeting held on 28 June 2016 (CJ090-06/16 refers), Council resolved to make the proposed *City of Joondalup Animals Amendment Local Law 2016* for the purposes of public advertising.

The effect of the proposed *City of Joondalup Animals Amendment Local Law 2016* is to remove the ability for horses to be exercised at Hillarys Beach and remove redundant provisions within the local law relating to dog exercise areas and dog prohibited areas (which are now prescribed through the process within the *Dog Act 1976* as opposed to the local law).

## DETAILS

In accordance with section 3.13(3) of the Act the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy to the Minister for Local Government. Public notices appeared in chronological order as follows:

- Public notice boards at local government offices, each public library and City website from 29 June to 22 August 2016 inclusive.
- *The West Australian* on Wednesday 6 July 2016.
- *The Joondalup Times* on 12 July 2016.
- *The Joondalup Weekender* on 14 July 2016.
- *The Joondalup Times* on 19 July 2016.

At the close of the public submission period the City had received 318 submissions. Of these submissions, 311 were against the proposed *Animals Amendment Local Law 2016* and six were in support. One submission was received from the DLGC providing comment on the setting out and formatting of the local law. A summary of the submissions is provided as Attachment 2. Where changes suggested have been supported they have been included in the local law submitted to Council for adoption (Attachment 1 refers).

### Issues and options considered

Council can either:

- adopt the proposed local law
- adopt the proposed local law with modifications, subject to the modifications not being significantly different to what was advertised  
or
- not adopt the proposed local law.

In view of Council's previous decision it made at its meeting held on 17 May 2016, it is recommended the proposed local law be made with modifications, in response to the submission from the DLGC and as outlined in Attachment 2.

Notwithstanding should Council choose not to proceed with the making of the local law, which in effect would retain the horse beach at Hillarys, Council will need to cease the local law process and will be required to revoke parts of its decision previously made at its meeting held on 17 May 2016.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Local Government Act 1995.*  
*Dog Act 1976.*  
*City of Joondalup Animals Local Law 1999.*  
*City of Joondalup Local Government and Public Property Local Law 2014.*

#### Strategic Community Plan

#### Key theme

Quality Urban Environment.

#### Objective

Quality open spaces.

#### Strategic initiative

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

**Policy** Not applicable.

### **Risk management considerations**

Should the City not follow the local law creation process as detailed in the Act, the local law may be recommended for disallowance by the Joint Standing Committee on Delegated Legislation (JSCDL).

### **Financial / budget implications**

The cost associated with the making of this local law is approximately \$1,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the *2016-17 Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. This has been undertaken and included:

- giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in *The West Australian*
  - advertising in the *Joondalup Weekender* newspaper
  - advertising in the *Joondalup Times* newspaper
  - displaying public notices at the City of Joondalup Administration Centre, Public Libraries and Customer Services Centres
  - advertising on the City's website
- providing a copy of the notice and a copy of the proposed local law to the Minister for Local Government.

At the close of the public comment period, 318 submissions were received, with 311 submissions against the proposed *City of Joondalup Animals Amendment Local Law 2016* and six submissions in support. The submissions largely focused on Council's previous decision of 17 May 2016 to close the horse exercise area at Hillarys Beach, as opposed to the validity of the local law. While the Act does not prescribe the parameters or restrictions in which a comment can be made, or who can make a submission, all submissions should be considered and put into context in respect of the purpose for which the local law is to be made, and therefore, whether a local law is supported by Council to proceed in its current form. The Department of Local Government and Communities also made a submission commenting on minor formatting issues in regard to the local law.

In addition, the City received a 20 signature letter outside the public comment period, opposing the closure of the horse exercise area at Hillarys Beach. None of the signatories were deemed to be electors within the district.

At its meeting held on 16 August 2016 (C42-08/16 refers), Council also received a petition containing 2,727 signatures (of which 1,167 were deemed electors) opposing the closure of the horse exercise area at Hillarys Beach.

A further 100 signatures were received after the Council meeting held on 16 August 2016, of which 27 were deemed electors.

## COMMENT

The *City of Joondalup Animals Amendment Local Law 2016* has been progressed to specifically deal with the removal of:

- the designation of a horse exercise area on a beach reserve in accordance with previous decisions of Council to close the horse exercise area at Hillarys Beach
- outdated and redundant dog exercise and dog prohibition areas.

The proposed *City of Joondalup Animals Amendment Local Law 2016* was subsequently advertised and minor amendments made, taking into account comments submitted by the Department of Local Government and Communities.

Should Council proceed with the making of the local law, the remaining actions as specified in the Act will progress, which, in summary, involves the publishing of the local law in the *Government Gazette* and submission of the local law to the Joint Standing Committee on Delegated Legislation, which is the Western Australian Parliamentary committee established to review subsidiary legislation (including local laws made by local governments).

The Joint Standing Committee on Delegated Legislation, in considering any subsidiary legislation, will inquire as to whether the instrument (being the local law):

- is within power of the local government to make
- has no unintended effect on any person's existing rights or interests
- provides an effective mechanism for the review of administrative decisions
- contains matters that are only appropriate for subsidiary legislation.

The proposed *City of Joondalup Animals Amendment Local Law 2016* amends an existing local law and does not introduce any new provisions to the City's local law framework. It has the effect of removing provisions which are either redundant or which Council considers appropriate to be removed from the local law.

## VOTING REQUIREMENTS

Absolute Majority.

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

- 1** NOTES the submissions received at the close of the public submission period for the proposed *City of Joondalup Animals Amendment Local Law 2016*, as outlined in Attachment 2 to this Report;
- 2** BY AN ABSOLUTE MAJORITY MAKES the *City of Joondalup Animals Amendment Local Law 2016* as detailed in Attachment 1 to this Report and AUTHORISES the Common Seal to be affixed;
- 3** NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*;
- 4** ADVISES the lead petitioner and individual submitters of Council's decision.

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf160913.pdf](#)

## **ITEM 11                    SETTING DATE FOR 2016 ANNUAL GENERAL MEETING OF ELECTORS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	104811, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to determine the meeting date for the 2016 Annual General Meeting of Electors.

### **EXECUTIVE SUMMARY**

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the annual report is accepted. It is anticipated that Council will accept the annual report at its meeting to be held on 15 November 2016.

Furthermore, section 5.29 of the *Local Government Act 1995* states that the Chief Executive Officer is to convene an electors meeting by giving at least 14 days public notice.

Should Council adopt the annual report at its meeting to be held on 15 November 2016, the earliest date to issue local public notice is Thursday 17 November 2016, meaning that the earliest date the Annual General Meeting of Electors can be held is Friday 2 December 2016, with the last date being Monday 9 January 2017.

It is considered that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 6 December 2016, prior to the scheduled Briefing Session. Elected Members are more likely to be available at this time due to their attendance at the Briefing Session and it also provides opportunity for the public to attend who may also be attending the scheduled Briefing Session.

*It is therefore recommended that Council AGREES to convene the 2016 Annual General Meeting of Electors on Tuesday 6 December 2016, commencing at 5.30pm in the Council Chamber.*

### **BACKGROUND**

At its meeting held on 16 October 2007 (CJ206-10/07 refers), Council resolved to “AGREE to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council”.

The Annual General Meeting of Electors is a statutory requirement under the *Local Government Act 1995* and the meeting is to consider, among other things, the annual report for the previous financial year.

## DETAILS

The audited financial statements are anticipated to be finalised by the City's Auditor in early October and will be presented to Council at its meeting to be held on 15 November 2016. The audited financial statements are a key component of the City's annual report, which will be presented to Council in a separate report to the Council meeting scheduled to be held on 15 November 2016. The finalised annual report will include an abridged version of the audited financial statements.

The receipt of the City's annual report by Council and the holding of an AGM of Electors are both statutory requirements of the *Local Government Act 1995*. A decision is required on the date to hold the AGM of Electors, being aware of Council's decision on 16 October 2007, and in view of the limitations to finalise the necessary documentation as well as complying with the required public notice period.

### Issues and options considered

It is a statutory requirement that Council sets a meeting date for the AGM of Electors.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<i>Local Government Act 1995.</i> <i>Local Government (Administration) Regulations 1996.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Active democracy.
<b>Strategic initiative</b>	Optimise opportunities for the community to access and participate in decision-making processes.
<b>Policy</b>	Not applicable.

Section 5.27 states the following in regard to the Annual General Meeting of Electors:

#### **5.27 Electors' general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Section 5.29 states the following in respect to convening electors meetings:

### **5.29 Convening electors' meetings**

(1) *The Chief Executive Officer is to convene an electors' meeting by giving:*

- (a) *at least 14 days' local public notice; and*
- (b) *each council member at least 14 days' notice,*

*of the date, time, place and purpose of the meeting.*

(2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the annual report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

- Attendances and apologies.
- Contents of the 2015–16 Annual Report.
- General business.

### **Risk management considerations**

The risk associated with failing to set a date for the 2016 Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

The date and starting time of the Annual General Meeting of Electors is set by the Council and publicised in accordance with the provisions of the *Local Government Act 1995*.

While the City advertises the meeting in accordance with the *Local Government Act 1995*, the City will promote the scheduled meeting date as soon as possible and will publicise the annual report through the City's website once it is adopted by Council at its meeting to be held on 15 November 2016.

**COMMENT**

The audited financial statements for 2015–16 will be the subject of a separate report to Council. Once these statements are adopted by Council, an abridged version will be inserted into the 2015–16 Annual Report.

In recent years, the Annual General Meeting of Electors has been convened at 5.30pm and was held immediately prior to the scheduled Briefing Session in December 2012 and December 2014, and immediately prior to the Council meeting in December 2013 and December 2015. This format has resulted in an improved elector turnout compared to previous years.

In order for the City to meet its legislative requirements, it is recommended that Council convenes the 2016 Annual General Meeting of Electors on Tuesday 6 December 2016, commencing at 5.30pm, prior to the scheduled Briefing Session.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council AGREES to convene the 2016 Annual General Meeting of Electors on Tuesday 6 December 2016, commencing at 5.30pm in the Council Chamber.**

## ITEM 12 LIST OF PAYMENTS DURING THE MONTH OF JULY 2016

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of July 2016 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of July 2016 Attachment 3 Municipal and Trust Fund Vouchers for the month of 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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of July 2016.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of July 2016 totalling \$14,574,068.47.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for July 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 \$14,574,068.47.*

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 103581 - 103730 & EF056778 – EF057451 Net of cancelled payments.	\$9,791,588.11
	Vouchers 1721A - 1729A & 1734A - 1735D	\$4,720,575.36
Trust Account	Trust Cheques & EFT Payments 206993 – 207003 & TEF000773 – TEF000826 Net of cancelled payments.	\$61,905.00
<b>Total</b>		<b>\$14,574,068.47</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2016-17 Annual Budget as adopted by Council at its meeting held on 28 June 2016 (CJ080-06/16 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 July 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 \$14,574,068.47.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf160913.pdf](#)

## **ITEM 13                      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2016**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENTS</b>	Attachment 1    Financial Activity Statement for the period ended 31 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').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 July 2016.

### **EXECUTIVE SUMMARY**

At its meeting held on 28 June 2016 (CJ080-06/16 refers), Council adopted the Annual Budget for the 2016-17 financial year. The figures in this report are compared to the adopted budget.

The July 2016 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$4,637,027 for the period when compared to the adopted budget. This variance does not represent the end of year position. It represents the year to date position to 31 July 2016. There are a number of factors influencing the favourable variance but it is predominantly due to the timing of revenue and expenditure compared to the budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$1,421,093 higher than budget, made up of lower operating revenue \$476,861 and lower operating expenditure of \$1,897,954.

Operating revenue is higher than budget on Rates \$322, Fees and Charges \$7,048, Interest Earnings \$7,739 and Other Revenue \$1,362 offset by lower than budget revenue from Grants and Subsidies \$251,150, Profit on Asset Disposals \$231,000 and Contributions, Reimbursements and Donations \$11,179.

Operating Expenditure is lower than budget on Materials and Contracts \$1,300,970, Employee Costs \$266,892, Utilities \$2,212, Depreciation and Amortisation \$44,603, Interest expenses \$1,817, Loss on Asset Disposals \$260,241 and Insurance Expenses \$21,219.

The Capital Deficit is \$3,153,812 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$1,314,660, Vehicle and Plant Replacements \$305,429 and Capital Works \$1,390,215 and higher than budgeted revenue from Capital Grants and Subsidies \$193,508, partly offset by lower than budgeted revenue from Capital Contributions \$50,000.

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

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 July 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*.

**COMMENT**

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2016-17 adopted budget or have been authorised in advance by Council where applicable. The opening funds presented in the Financial Activity Statement are prior to the 2015-16 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 for the period ended 31 July 2016 forming Attachment 1 to this Report.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf160913.pdf](#)*

## ITEM 14 TENDER 025/16 - BULK HARD WASTE COLLECTION SERVICES

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105908, 101515
<b>ATTACHMENTS</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions Attachment 3 Price Assessment  <i>(Please Note: Attachment 3 is confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to accept the tender submitted by Cleanaway Pty Ltd (Conforming Offer with non-live booking system) for containerised bulk hard waste, white goods and mattress collection and recycling/recovery services, which will support the City's ability to reach the *Waste Management Plan 2016-2021* target of 65% waste diversion from landfill by 2020.

### EXECUTIVE SUMMARY

Tenders were advertised on 2 July 2016 through statewide public notice for the provision of bulk hard waste collection services. Tenders closed on 25 July 2016. A submission was received from each of the following:

- Cleanaway Pty Ltd (Conforming and Alternative Offers).
- TC Waste (WA) Pty Ltd t/as D & M Waste Management.
- The Trustee for The Tony Stampalia Trust t/as Incredible Bulk (Conforming and Alternative Offers).
- J.J. Richards & Sons Pty Ltd.
- Spider Waste Collection Services Pty Ltd.
- SUEZ Recycling & Recovery Pty Ltd T/as SUEZ Recycling & Recovery (Conforming and Alternative Offers).
- Western Maze Pty Ltd.
- West Tip Waste Control Pty Ltd.

The conforming offer with the non-live booking system, containerised hard waste, white goods and mattress collection and recycling/recovery services from Cleanaway Pty Ltd represents best value to the City. The recycling and recovery option will assist the City in meeting its waste diversion from landfill targets set out in the *Waste Management Plan 2016-2021*. The company demonstrated substantial experience providing domestic and recycling services to local government within Western Australia. It demonstrated a thorough

understanding of the requirements and has the capacity in terms of personnel and equipment to undertake the services in accordance with the specified timeframes. The booking system allows residents to make on-line bookings from selected days per suburb for weekday or weekend collections. Implementation of the booking system is estimated at six to eight weeks.

*It is therefore recommended that Council ACCEPTS:*

- 1 *the tender submitted by Cleanaway Pty Ltd (Conforming Offer with Non-Live Booking System) for Separable Portion One - containerised bulk hard waste collection and recycling/recovery services for a period of three years with an option for a further two years for requirements as specified in tender 025/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups);*
- 2 *the tender submitted by Cleanaway Pty Ltd (Conforming Offer) for Separable Portion Two - white goods collection and recycling/recovery services for a period of three years with an option for a further two years for requirements as specified in tender 025/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups);*
- 3 *the tender submitted by Cleanaway Pty Ltd (Conforming Offer) for Separable Portion Three - mattress collection and recycling/recovery services and for a period of three years with an option for a further two years for requirements as specified in tender 025/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).*

## **BACKGROUND**

The City has a requirement for the provision of bulk hard waste collection services for residents within the City and the conveyance and discharge of the contents at nominated sites for processing and/or disposal.

Collections consist of three discrete bulk hard waste streams, those being:

- bulk hard waste (either loose on verge or containerised)
- white goods
- mattresses.

Each waste stream is considered a separable portion of work and the City may appoint up to three contractors to provide the total service. The contractor for bulk hard waste is also responsible for provision of an on-line booking system for all three waste streams.

At its meeting held on 15 March 2016 (CJ042-03/16 refers), Council approved the introduction of separate and distinct services for bulk green waste and bulk hard waste, the continuation of a scheduled service for bulk green waste with each household receiving one service per year and the City to introduce an 'on request' service for bulk hard waste in-lieu of the scheduled service already supplied.

The City had a single contract for the bulk green and hard waste collection services with the City of Wanneroo which was due to expire on 31 May 2016. The City of Wanneroo agreed to continue to provide green waste collection services only until 31 May 2017.

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 bulk hard waste collection services was advertised through statewide public notice on 2 July 2016. The tender period was for three weeks and tenders closed on 25 July 2016.

### **Tender Submissions**

A submission was received from each of the following:

- Cleanaway Pty Ltd (Conforming and Alternative Offers).
- TC Waste (WA) Pty Ltd t/as D & M Waste Management.
- The Trustee for The Tony Stampalia Trust t/as Incredible Bulk (Conforming and Alternative Offers).
- J.J. Richards & Sons Pty Ltd.
- Spider Waste Collection Services Pty Ltd.
- SUEZ Recycling & Recovery Pty Ltd T/as SUEZ Recycling & Recovery (Conforming and Alternative Offers).
- Western Maze Pty Ltd.
- West Tip Waste Control Pty Ltd.

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

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

### **Evaluation Panel**

The evaluation panel comprised five members:

- one with tender and contract preparation skills
- one with financial analysis 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 received were assessed as fully compliant:

- Cleanaway Pty Ltd (Conforming Offer).
- D & M Waste Management.
- Incredible Bulk (Conforming Offer).
- J.J. Richards & Sons Pty Ltd.
- Spider Waste Collection Services Pty Ltd.
- Western Maze Pty Ltd.
- West Tip Waste Control Pty Ltd.

The following offers received were assessed as partially compliant:

- Cleanaway Pty Ltd (Alternative Offer).
- SUEZ Recycling & Recovery (Conforming and Alternative Offers).

SUEZ Recycling & Recovery (Conforming Offer) – Subject to the amendment to waiting times and no charge for service not provided in specified timeframes.

SUEZ Recycling & Recovery (Alternative Offer) – Subject to amendment to waiting times and no charge for service not provided in specified timeframes and various amendments and deletions to the specified contract terms including:

- a cap on liability
- rate variations subject to CPI
- changes in law and charges by third parties
- deletion of clauses for non-exclusivity
- guarantees and warranties
- termination by the City
- amendments to default and insurance.

Cleanaway Pty Ltd (Alternative Offer) – Subject to storage of bins in parks and parking areas, increase in collection waiting times to 10 days (weekdays) and 21 days (weekends) or retention of specified waiting times but exclusion of no charge for service not provided in specified timeframe.

The submissions were included for further assessment on the basis that clarification could be sought, should the offer represent best value to the City.

The following offer was assessed as non-compliant:

- Incredible Bulk (Alternative Offer).

Incredible Bulk proposed to retain the current scheduled hard waste collection service and did not provide an on-request service.

This offer did not meet the City's scope of requirements and was not considered further.

## 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 55%.

The tender specification clearly defined the qualitative criteria and weighting used in evaluating the submissions received which were as follows:

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

Incredible Bulk scored 27.5% and was ranked ninth in the qualitative assessment. It submitted an offer providing collection and delivery to landfill or recycling of loose on verge or containerised hard waste, white goods and mattresses. The company did not demonstrate an understanding of the requirements. The response did not address provision of an on-line booking system or a methodology for container collection and referenced green waste which is not part of this requirement. It did not provide sufficient information supporting its experience providing similar services. It provided limited information on verge collection contracts with local governments and did not provide any period or dates. It also did not adequately address its capacity. The response did not address the number or skills of its staff, safety record, booking process, daily collection rate, customer service facilities or evidence to support its nominated recovery rate. Incredible Bulk has provided short-term compactor truck hire to the City in the past. The City's previous contractor for bulk waste collections (City of Wanneroo) has also hired Incredible Bulk in the past for additional support when working in high tonnage areas.

Western Maze Pty Ltd scored 30.8% and was ranked eighth in the qualitative assessment. It submitted an offer providing collection and delivery to landfill of loose on verge or containerised hard waste, white goods and mattresses. The company did not adequately address its capacity. The response did not provide information on its booking system, daily collection rate, vehicles and plant, recovery methodology or rates, or ability to provide additional resources. It demonstrated a limited understanding of the requirements. The response did not address the booking process or implementation plan for any system. Western Maze Pty Ltd demonstrated experience providing bulk waste verge collection services to a number of local governments including the Cities of Kwinana, Nedlands, Gosnells and Stirling and the Shire of Serpentine-Jarrahdale. The City has no past working relationship with Western Maze Pty Ltd.

D & M Waste Management scored 36.9% and was ranked seventh in the qualitative assessment. It submitted an offer providing collection and delivery to landfill or recycling of loose on verge hard waste, white goods and mattresses. The company demonstrated a limited understanding of the requirements. It provided limited information on its booking procedures, collection methodology and record keeping. The proposed on-line booking form does not allow residents to select a delivery date. It demonstrated some capacity to perform the services; however the submission lacked detail on its number of staff, booking system, the ability to provide additional resources and customer service facilities and provided a low recovery rate across all waste streams. The company demonstrated experience in loose verge collection services to 10 local governments and has current contracts with the Cities of

Rockingham, Subiaco and South Perth. The City has no past working relationship with D & M Waste Management.

Spider Waste Collection Services Pty Ltd scored 49.6% and was ranked sixth in the qualitative assessment. It submitted an offer providing collection and delivery to landfill or recycling of white goods and mattresses. The company demonstrated a good understanding of the requirements for mattress collection and recycling only. It has experience providing mattress collection and recycling services to a number of local governments including the Cities of Stirling, Swan, Vincent and the Towns of Victoria Park and Cambridge. It is the City's current provider for these services. Spider Waste Collection Services Pty Ltd is a small family operated business with limited capacity. It did not provide information on its daily collection rate, customer service facilities or safety record. Spider Waste Collection Services Pty Ltd was the City's previous contractor for mattress collection and recycling services till May 2016.

West Tip Waste Control Pty Ltd scored 49.8% and was ranked fifth in the qualitative assessment. It submitted an offer providing collection and delivery to landfill or recycling of containerised hard waste, white goods and mattresses. The company demonstrated an adequate understanding of the requirements. It has experience providing waste collection and processing services to local governments including the Cities of Perth, Subiaco and Swan and the Shire of Kalamunda. Collection in these contracts is from depots, transfer stations and also collection of street sweepings. West Tip Waste Control Pty Ltd demonstrated some capacity to perform the services. The response provided limited information on its customer service facilities, ability to provide additional resources and safety record. It does not have a current booking system and the proposed time to develop a system was considered by the evaluation panel to be insufficient, given the times submitted by other tenderers. The City has no past working relationship with West Tip Waste Control Pty Ltd.

SUEZ Recycling & Recovery (Alternative Offer) scored 61.6% and was ranked fourth in the qualitative assessment. It submitted an offer providing collection and delivery to landfill or recycling of loose on verge or containerised hard waste. It demonstrated its capacity to provide the services and its offered on-line booking system is a 'live' online system where residents will receive an immediate booking confirmation. It is currently providing on-request bin collection services to the Shire of Kalamunda (general and green waste) and the City of Stirling (bulk hard waste). The response addressed its collection methodology, customer service processes, booking system and recovery and recycling rates. However a number of contract term amendments and deletions the offer was subject to were considered to increase the contract management and financial risk to the City should this offer be accepted. The City has no past working relationship with SUEZ Recycling & Recovery.

J.J. Richards & Sons Pty Ltd scored 64.3% and was ranked equal third in the qualitative assessment. It submitted an offer providing collection and delivery to landfill of containerised hard waste. It demonstrated a clear understanding of the requirements. The company has substantial experience providing domestic and commercial refuse collection and recycling bin collections to a large number of eastern states local governments. Some include:

- Gold Coast City Council
- Hume City Council
- Isaac Regional Council
- Mackay City Council.

J.J. Richards & Sons Pty Ltd has recently established itself in Western Australia. It demonstrated the capacity to perform the services, however it offered no recovery or recycling options. The City has no past working relationship with J.J. Richards & Sons Pty Ltd.

Cleanaway Pty Ltd (Alternative Offer) scored 64.3% and was ranked equal third in the qualitative assessment. It submitted an offer providing collection and delivery to landfill or recycling of loose on verge or containerised hard waste, white goods and mattresses. Its response addressed its collection methodology, customer service processes, booking systems and rates of recovery and recycling through its nominated subcontractors. However the offer was subject to storage of bins in parks and parking areas, an increase in collection waiting times to 10 days (weekdays) and 21 days (weekends) or retention of specified timeframes but exclusion of no charge for services not provided in the specified timeframe which were not in accordance with the specification.

It demonstrated its capacity to provide the services. It offered an on-line booking system that allows residents to select from allocated days for their suburb for weekday and weekend collections over a two to three week period. Once a booking has been made, the resident will receive a booking confirmation within four working hours. Implementation of the system is estimated at six to eight weeks. Cleanaway Pty Ltd is the City's current contractor for domestic waste and recycling collections, contracted until 30 June 2018. It is also the City's current contractor for processing of materials recovered from recycling collections contracted until 30 November 2017, with an option of an additional two years. It also provides the same materials processing for the Cities of Swan and Wanneroo. It has substantial experience providing waste collection services to Western Australian local government. It provides bulk bin collection services to the Cities of Belmont and Bayswater and has been recently awarded a contract with the Shire of Kalamunda and provides verge collection services to the Cities of Mandurah, Wanneroo and Albany.

SUEZ Recycling & Recovery (Conforming Offer) scored 74.8% and was ranked second in the qualitative assessment. It submitted an offer providing collection and delivery to landfill or recycling of loose on verge or containerised hard waste. It demonstrated its capacity to provide the services and its offered on-line booking system is a 'live' online system where residents will receive an immediate booking confirmation. It is currently providing on-request bin collection services to the Shire of Kalamunda (general and green waste) and the City of Stirling (bulk hard waste). The company demonstrated a thorough understanding of the requirements addressing its collection methodology, customer service processes, booking system and recovery and recycling rates. The City has no past working relationship with SUEZ Recycling & Recovery.

Cleanaway Pty Ltd (Conforming Offer) scored 76.9% and was ranked first in the qualitative assessment. It submitted an offer providing delivery to landfill or recycling of loose on verge or containerised hard waste, white goods and mattresses. The company demonstrated a thorough understanding of the requirements addressing its collection methodology, customer service processes, booking systems and rates of recovery and recycling through its nominated subcontractors. It demonstrated its capacity to provide the services and it offered two choices of online booking systems: one that is a 'live' on-line system where residents will receive an immediate booking confirmation, and a second 'non-live' on-line booking system that allows residents to select from allocated days for their suburb for weekday and weekend collections over a two to three week period. Once a booking has been made, the resident will receive a booking confirmation within four working hours. Implementation of the 'live' booking system is six months and the second system is estimated to be six to eight weeks. Cleanaway Pty Ltd is the City's current contractor for domestic waste and recycling collections, contracted until 30 June 2018. It is also the City's current contractor for processing of materials recovered from recycling collections contracted until 30 November 2017 with an option of an additional two years. It also provides the same materials processing for the Cities of Swan and Wanneroo. It has substantial experience providing waste collection services to Western Australian local government. It provides bulk bin collection services to the Cities of Belmont and Bayswater and has been recently awarded a contract with the Shire of Kalamunda and provides verge collection services to the Cities of Mandurah, Wanneroo and Albany.

Based on the minimum acceptable score (55%), Cleanaway Pty Ltd (Conforming and Alternative Offers), SUEZ Recycling & Recovery (Conforming and Alternative Offers) and J.J. Richards & Sons Pty Ltd qualified for stage two (price) assessment.

### **Price Assessment**

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to an estimation of the collection volumes for bulk hard waste, whitegoods and mattresses. Mindarie Regional Council gate fees were also included in the assessment of offers for collection and delivery to Tamala Park. These fees are a cost to the City, not a contract cost. This provides a value of each tender for comparative evaluation purposes based on the assumption that there will be a 33% participation rate by residents to the service.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2.25% CPI increase was applied to the rates in year two and a 2.5% CPI increase in year three.

The price assessment summary is provided at Attachment 3.

During the last financial year 2015-16, the City incurred \$2,439,322 for the collection and disposal of hard waste collection services and is expected to incur in the order of \$4,472,032 over the three year contract period and \$7,661,801 over five years should the City exercise the extension option.

### **Evaluation Summary**

The following tables summarise the result of the qualitative and price evaluation as assessed by the evaluation panel.

<b>Bulk Hard Waste Collection</b>						
<b>Tenderer</b>	<b>Price</b>				<b>Qualitative Ranking</b>	<b>Weighted % Score</b>
	<b>Loose on Verge</b>		<b>Containerised</b>			
	<b>Landfill*</b>	<b>Recycled</b>	<b>Landfill*</b>	<b>Recycled</b>		
Cleanaway Pty Ltd (Conforming with live booking system)	\$4,818,540	\$4,737,483	\$4,411,754	\$4,421,945	1	76.9%
Cleanaway Pty Ltd (Conforming) with non-live booking system	\$4,650,143	\$4,569,087	\$4,243,358	\$4,253,548	1	76.9%
Suez Recycling & Recovery Pty Ltd (Conforming)	\$7,091,295	\$6,986,594	\$6,122,310	\$6,017,609	2	74.8%
Cleanaway Pty Ltd (Alternative with non-live booking system)	\$4,580,089	\$4,499,033	\$4,150,933	\$4,151,116	3	64.3%
J.J. Richards & Sons Pty Ltd			\$12,976,951		4	64.3%
Suez Recycling & Recovery Pty Ltd (Alternative)	\$5,325,223	\$5,220,522	\$4,356,237	\$4,251,536	3	61.6%
West Tip Waste Control Pty Ltd			\$8,174,402	\$7,285,328	5	49.8%
Spider Waste Collection Services Pty Ltd					6	49.6%
D & M Waste Management	\$3,493,970	\$3,651,074			7	36.9%
Western Maze Pty Ltd	\$2,772,823		\$3,935,488		8	30.8%
Incredible Bulk	\$7,637,175	\$9,999,063	\$13,507,400	\$7,774,788	9	27.5%

\*The assessed cost for collection and disposal to Tamala Park landfill is inclusive of gate fees payable by the City which is estimated to be \$1,727,897 for bulk hard waste. Please refer to Attachment 3 for breakdown of cost.

White Goods Collection						
Tenderer	Price				Qualitative Ranking	Weighted % Score
	Landfill*	Ranking	Recycled	Ranking		
Cleanaway Pty Ltd (Conforming with live booking system)	\$104,860	2	\$74,120	1	1	76.9%
Cleanaway Pty Ltd (Conforming with non-live booking system)	\$104,860	2	\$74,120	1	1	76.9%
Suez Recycling & Recovery Pty Ltd (Conforming)					2	74.8%
Cleanaway Pty Ltd (Alternative with non-live booking system)	\$104,860	2	\$74,120	1	3	64.3%
J.J. Richards & Sons Pty Ltd					3	64.3%
Suez Recycling & Recovery Pty Ltd (Alternative)					4	61.6%
West Tip Waste Control Pty Ltd	\$185,472	5	\$176,176	5	5	49.8%
Spider Waste Collection Services Pty Ltd	\$109,993	3	\$115,954	3	6	49.6%
D & M Waste Management	\$68,480	1	\$95,562	2	7	36.9%
Western Maze Pty Ltd	\$118,484	4	-		8	30.8%
Incredible Bulk	\$219,437	6	\$150,957	4	9	27.5%

\*The assessed cost for collection and disposal to Tamala Park landfill is inclusive of gate fees payable by the City which is estimated to be \$30,740 for whitegoods. Please refer to Attachment 3 for breakdown of cost.

Mattress Collection						
Tenderer	Price				Qualitative Ranking	Weighted % Score
	Landfill*	Ranking	Recycled	Ranking		
Cleanaway Pty Ltd (Conforming with live booking system)	\$140,236	3	\$144,364	3	1	76.9%
Cleanaway Pty Ltd (Conforming with non-live booking system)	\$140,236	3	\$144,364	3	1	76.9%
Suez Recycling & Recovery Pty Ltd (Conforming)					2	74.8%
Cleanaway Pty Ltd (Alternative with non-live booking system)	\$140,236	3	\$144,364	3	3	64.3%

Mattress Collection						
Tenderer	Price				Qualitative Ranking	Weighted % Score
	Landfill*	Ranking	Recycled	Ranking		
J.J. Richards & Sons Pty Ltd					3	64.3%
Suez Recycling & Recovery Pty Ltd (Alternative)					4	61.6%
West Tip Waste Control Pty Ltd	\$251,749	6	\$226,988	5	5	49.8%
Spider Waste Collection Services Pty Ltd	\$160,954	4	\$90,795	1	6	49.6%
D & M Waste Management	\$119,684	1	\$144,447	4	7	36.9%
Western Maze Pty Ltd	\$130,001	2	-		8	30.8%
Incredible Bulk	\$181,590	5	\$123,812	2	9	27.5%

\*The assessed cost for collection and disposal to Tamala Park landfill is inclusive of gate fees payable by the City which is estimated to be \$78,413 for mattresses. Please refer to Attachment 3 for breakdown of cost.

Based on the evaluation result the panel concluded that the tender from Cleanaway Pty Ltd (Conforming Offer) with containerised collection, recycling and recovery and 'non-live' booking system provides best value to the City and is therefore recommended.

While the Alternative Offer from SUEZ Recycling & Recovery was \$2,012 less expensive for bulk hard waste collection than the recommended Cleanaway Offer, it offered a substantially lower rate of recycling and recovery and also did not offer whitegoods and mattress collection. The City would be unlikely to achieve its target for waste diversion from landfill by 2020. It also offered a potentially higher contractual risk to the City given the proposed amendments and exclusions to the contract terms. From both a value for money and risk perspective it is not recommended.

### Issues and options considered

Bulk hard waste collection services are required to dispose of City residents' hard waste paid for by residents in the annual refuse charge. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

A statewide public tender was advertised, opened and evaluated in accordance with 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

The Natural Environment.

#### Objective

Environmental resilience.

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

**Policy** *Waste Management Plan 2016-2021.*

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City will not be able to provide an integral service to its residents for an extended period of time.

It is considered that the contract will represent a moderate risk to the City. The recommended tenderer is a well-established company with significant industry experience and the capacity to provide the service to the City, however the on-request service is untested in the City and a limited number of other local governments have similar services.

### **Financial / budget implications**

#### Current financial year impact

<b>Account no.</b>	625 A6205 3373 0000 / 625 A6205 3367 0000
<b>Budget Item</b>	Bulk Hard Waste Collection, Disposal and Recovery Fees.
<b>Budget amount</b>	\$ 3,538,274
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 1,104,922
<b>Balance</b>	\$ 2,433,352

This saving is based on an expected 33% resident participation rate.

#### Future financial year impact

**20 Year Strategic Financial Plan impact** The adopted *20 Year Strategic Financial Plan* assumed a reduction in bulk hard waste costs from 2017-18 of \$1 million per year, as a result of the 'on-request' service. The reduction in waste expenditure in 2017-18 as a result of the tender response is now estimated at \$2.1 million which equates to a further \$1.1 million reduction. The total impact over 20 years of the \$1.1 million impact is \$41.4 million.

The *20 Year Strategic Financial Plan* will be updated in March 2017 and these impacts incorporated then. There will also be a better indication in March 2017 of the take-up rate which can also be factored into the *20 Year Strategic Financial Plan*.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

## **Sustainability implications**

### Environmental

The proposed new contract will reduce the amount of waste going to landfill and support the City's ability to reach the *Waste Management Plan 2016-2021* target of 65% waste diversion from landfill by 2020.

### Social

A containerised bulk waste collection service will reduce the time waste is left out for collection, enhance visual amenity of City streetscapes and reduce the incidence of waste scattering across other property prior to collection.

### Economic

The City estimates that the take-up rate would reduce significantly from 83% to 33% as a result of moving to an 'on request' bulk hard waste collection service. This reduction combined with the recommended tender, would result in significant reductions in waste expenditure of over \$2 million per year. If the participation rate and tonnes of bulk hard waste remained at current levels, there would still be a saving, albeit only \$23,000, however the contract would still deliver a much better outcome for the City in terms of recycling rates and service to the community (containerised, on-line booking). Nevertheless it is highly unlikely that the participation rate would remain the same.

## **Consultation**

Following the award of the tender by Council the City will finalise an extensive communication plan for residents about the new bulk hard waste service. This will include the development of frequently asked questions and promotional advertising through the City's website and other mechanisms to outline the changes in service and the means by which residents are able to access the service.

## **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 the conforming offer with non-live booking system and containerised hard waste collection with recycling and recovery submitted by Cleanaway Pty Ltd.

This service will provide residents with the opportunity to book one bulk hard waste collection, one mattress collection and one white goods collection per financial year. Residents will be able to select from available dates and book any of these services via telephone, website or mobile phone application. Confirmation of the booking date will be provided via the residents chosen method of notification (either telephone or email) within four working hours of booking the service.

Skip bins will be delivered by the contractor on the requested date:

- Weekday skip bins to be delivered between Monday and Wednesday and will remain on-site for two days (Monday delivery to be collected on Wednesday; Tuesday delivery collected on Thursday and Wednesday delivery collected on Friday).
- Weekend Skip Bins will be delivered on Thursday and Friday and left on-site over the weekend and collected Monday and Tuesday respectively in the following week.

Mattress collection and white goods collection will be collected by the contractor on the confirmed collection date.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council ACCEPTS:**

- 1 the tender submitted by Cleanaway Pty Ltd (Conforming Offer with Non-Live Booking System) for Separable Portion One - containerised bulk hard waste collection and recycling/recovery services for a period of three years with an option for a further two years for requirements as specified in tender 025/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups);**
- 2 the tender submitted by Cleanaway Pty Ltd (Conforming Offer) for Separable Portion Two - white goods collection and recycling/recovery services for a period of three years with an option for a further two years for requirements as specified in tender 025/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups);**
- 3 the tender submitted by Cleanaway Pty Ltd (Conforming Offer) for Separable Portion Three - mattress collection and recycling/recovery services and for a period of three years with an option for a further two years for requirements as specified in tender 025/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf160913.pdf](#)

## **ITEM 15                    TENDER 026/16 - PROVISION OF MECHANICAL SERVICES AND NEW MECHANICAL INSTALLATIONS TO THE VALUE OF \$50,000**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105913, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of items Attachment 2    Summary of Tender submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by Australian Airconditioning Services Pty Ltd for the provision of mechanical services and new mechanical installations to the value of \$50,000.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 23 July 2016 through statewide public notice for the provision of mechanical services and new mechanical installations to the value of \$50,000. Tenders closed on 9 August 2016. A submission was received from each of the following:

- Australian Airconditioning Services Pty Ltd.
- BSA Limited.
- CMS Engineering Pty Ltd.
- Fredon Air Pty Limited.
- KD Aire Mechanical & Electrical Services.
- Precise Air Group Pty Ltd.
- Engie Mechanical Services Australia Pty Ltd.
- WA Mechanical Services Pty Ltd.
- Gilmour & Jooste Electrical.

The submission from Australian Airconditioning Services Pty Ltd represents best value to the City. Australian Airconditioning Services Pty Ltd demonstrated the capacity to provide the services to the City and has a thorough understanding of the scope of requirements. It has been the City's Contractor for mechanical services for the past 16 years and also provides similar services to the Fremantle Port Authority, Department of Corrective Services WA, Department of Justice WA, Princess Margaret Hospital and Landgate.

*It is therefore recommended that Council ACCEPTS the tender submitted by Australian Airconditioning Services Pty Ltd for the provision of mechanical services and new mechanical installations to the value of \$50,000 as specified in Tender 026/16 for a period of three years at the submitted schedule of rates.*

## **BACKGROUND**

The City has a requirement for the mechanical services and new mechanical installations to the value of \$50,000. This includes the carrying out of inspections, reporting of findings, and where required, undertaking necessary corrective maintenance and repair works of mechanical services for buildings owned by the City.

The City currently has a single contract for the provision of mechanical services with Australian Airconditioning Services Pty Ltd which expires on 30 September 2016. Australian Airconditioning Services Pty Ltd has provided a good level of service throughout the term of its contract.

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

## **DETAILS**

The tender for the provision of mechanical services and new mechanical installations to the value of \$50,000 was advertised through statewide public notice on 23 July 2016. The tender period was for three weeks and tenders closed on 9 August 2016.

### **Tender Submissions**

A submission was received from each of the following:

- Australian Airconditioning Services Pty Ltd.
- BSA Limited.
- CMS Engineering Pty Ltd.
- Fredon Air Pty Limited.
- KD Aire Mechanical & Electrical Services.
- Precise Air Group Pty Ltd.
- Engie Mechanical Services Australia Pty Ltd.
- WA Mechanical Services Pty Ltd.
- Gilmour & Jooste Electrical.

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

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

### **Evaluation Panel**

The evaluation panel comprised four members:

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

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

## Evaluation Method and Weighting

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

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

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

## Compliance Assessment

The following offers were assessed as compliant:

- Australian Airconditioning Services Pty Ltd.
- BSA Limited.
- CMS Engineering Pty Ltd.
- Fredon Air Pty Limited.
- KD Aire Mechanical & Electrical Services.
- Precise Air Group Pty Ltd.
- Engie Mechanical Services Australia Pty Ltd.
- WA Mechanical Services Pty Ltd.

Gilmour & Jooste Electrical submitted its response for tender 027/16 provision of electrical services in the electronic tender box of tender 026/16 in error. The submission was assessed as non-compliant and was not considered further.

## Qualitative Assessment

KD Aire scored 44.2% in the qualitative assessment. The company did not demonstrate sufficient experience providing similar services. Three contract examples were provided without detailed scope of services and number of sites and these included heating, ventilation and air-conditioning (HVAC) maintenance services to Toll Group and Grand Cinema and HVAC to the City of Wanneroo. It demonstrated an understanding of the required tasks. No information was provided on its number of full time employees, details of key personnel, its ability to source additional resources and the equipment and vehicles to be used for this contract.

Fredon Air scored 46.8% in the qualitative assessment. The company demonstrated an understanding of the requirements and has the capacity to provide the services but did not supply details of the specialised equipment or vehicles for this requirement and the safety records of the company. It demonstrated experience providing similar services but the periods or dates of contracts were not provided for its HVAC services for the City of Melville, Raine & Horne Commercial, Church of Jesus Christ and four buildings of ECU Mount Lawley campus.

Precise Air scored 60% in the qualitative assessment. The company demonstrated experience providing similar services to 85 ANZ retail banking sites in WA, Virgin Australia Perth Airport and CBD offices, Schneider Electric, GE Capital and five HSBC retail banking sites. The company demonstrated its capacity to provide the services and an understanding of the requirements.

WA Mechanical Services Pty Ltd scored 62.2% in the qualitative assessment. The company demonstrated an understanding of the requirements and has capacity to provide the services but did not supply details of the specialised equipment or vehicles. It demonstrated extensive experience providing HVAC maintenance services for the City of South Perth, air conditioning replacements for the Cities of Swan and South Perth, preventative maintenance and service to air conditioning and refrigeration equipment to Crown Casino Perth, Atrium and Maritime Museum of WA & Shipwreck Gallery.

CMS Engineering scored 62.7% in the qualitative assessment. The company demonstrated a good understanding of the requirements. It has extensive experience providing similar services to the Cities of Cockburn and Belmont, Curtin University, Coca Cola Amatil, Sacred Heart College, Claremont Quarter shopping centre, Uniting Care West and IKEA. It has the capacity to provide the services but did not supply details of the specialised equipment or vehicles for this requirement.

Engie Mechanical Services scored 68.3% in the qualitative assessment. The company demonstrated its capacity to provide the services and a thorough understanding of the requirements. It demonstrated extensive experience providing similar services to the Cities of Armadale and Bunbury, Shire of Kalamunda, Synergy, UGL-Australia Post and Racing and Wagering WA.

BSA Limited scored 69.2% in the qualitative assessment. The company demonstrated extensive experience providing similar services to the Cities of Rockingham and Karratha, Fiona Stanley Hospital, Kalgoorlie Hospital, Australian Submarine Corporation in WA, Harvey Norman and Goodstart Child Care Centre. It demonstrated a thorough understanding of the requirements and has the capacity to provide the services.

Australian Airconditioning Services Pty Ltd scored 76% in the qualitative assessment. The company demonstrated the capacity to provide the services to the City and has a thorough understanding of the scope of requirements. It has been the City's Contractor for mechanical services for the past 16 years and also provides similar services to the Fremantle Port Authority, Department of Corrective Services WA, Department of Justice WA, Princess Margaret Hospital and Landgate.

Based on the minimum acceptable score (60%), all tenderers except Fredon Air and KD Aire qualified for the stage 2 (price) assessment.

### **Price Assessment**

The panel carried out a comparison of the rates offered by the tenderers qualified for stage 2 in order to assess value for money to the City.

To provide a comparison of the rates offered by each tenderer, the fixed lump sum price for maintenance and an estimate of the hours required for refrigerant and controls technicians and an apprentice were identified and used in the calculation. The cost of unscheduled materials and plant/equipment hire were also included in the assessment. The following table provides a summary of the comparison of the estimated expenditure of each tenderer. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

The rates are fixed for the duration of the Contract.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Australian Airconditioning Services	\$353,528	365,423	\$380,727	<b>\$1,099,688</b>
BSA Limited	\$423,094	\$423,094	\$423,094	<b>\$1,269,282</b>
Engie Mechanical Services	\$435,562	\$437,767	\$439,853	<b>\$1,313,181</b>
CMS Engineering	\$365,720	\$374,895	\$384,140	<b>\$1,124,755</b>
WA Mechanical Services	\$444,332	\$451,877	\$454,537	<b>\$1,350,746</b>
Precise Air Group	\$403,971	\$414,286	\$424,908	<b>\$1,243,166</b>

During 2015-16, the City incurred \$311,719 for scheduled maintenance and repairs of mechanical services.

### **Evaluation Summary**

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

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Estimated Three Year Contract Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Australian Airconditioning Services	1	\$1,099,688	1	76.0%
BSA Limited	4	\$1,269,282	2	69.2%
Engie Mechanical Services	5	\$1,313,181	3	68.3%
CMS Engineering	2	\$1,124,755	4	62.7%
WA Mechanical Services	6	\$1,350,746	5	62.2%
Precise Air Group	3	\$1,243,166	6	60.0%

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

### **Issues and options considered**

The provision of mechanical services is required to maintain the air-conditioning and mechanical services of the City's buildings. The City does not have the internal resources to supply the required goods/services and as such requires an appropriate external service provider.

## Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with 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 high as the City does not have the internal resources to service and repair the mechanical services of its buildings.

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

### Financial/Budget Implications

**Account no.** Various maintenance and capital works accounts.

**Budget Item** Provision of mechanical services and new mechanical installations to the value of \$50,000.

**Budget amount (2016-17)** \$ 315,000

**Amount spent to date** \$ 16,616

**Proposed cost** \$ 294,607

**Balance** \$ 3,777

All figures quoted in this report are exclusive of GST

### Regional Significance

Not applicable.

### Sustainability implications

Effective maintenance of the mechanical services of City buildings maintains the efficiency of the systems and provides a pleasant environment for staff and members of the public utilising the facilities.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Australian Airconditioning Services Pty Ltd for the provision of mechanical services and new mechanical installations to the value of \$50,000 as specified in Tender 026/16 for a period of three years at the submitted schedule of rates.**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf160913.pdf](#)

## **ITEM 16                    TENDER 027/16 - PROVISION OF ELECTRICAL SERVICES AND NEW ELECTRICAL INSTALLATIONS TO THE VALUE OF \$50,000 EXCLUDING STREET LIGHTING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105934, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of items Attachment 2    Summary of tender submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by Wanneroo Electric Pty Ltd for the provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 23 July 2016 through statewide public notice for provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting. Tenders closed on 9 August 2016. A submission was received from each of the following:

- David Holden Pty Ltd trading as Holdens Electrical Contracting.
- Environmental Power Solutions Pty Ltd.
- Gilmore Global Pty Ltd trading as Happy Power and Lighting.
- The Trustee for B&M Unit Trust trading as High Speed Electrics.
- Michael Mark Jacob trading as MMJ Electrical.
- Shine Rise Pty Ltd.
- SMB Electrical Services
- Wanneroo Electric Pty Ltd.
- Fredon (WA) Electrical Pty Limited.

The submission from Wanneroo Electric Pty Ltd represents best value to the City. Wanneroo Electric Pty Ltd demonstrated a thorough understanding of the City's requirements. The company also demonstrated extensive experience providing similar services to the Cities of Wanneroo and Joondalup, Mercy College, Active Property Maintenance and Image Source. It has adequate resources to provide the required services.

*It is therefore recommended that Council ACCEPTS the tender submitted by Wanneroo Electric Pty Ltd for the provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting as specified in Tender 027/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for the electrical services and new electrical installations to the value of \$50,000 excluding street lighting.

The City currently has a contract with Wanneroo Electric Pty Ltd which expires on 30 September 2016. Wanneroo Electric Pty Ltd has provided a good level of service throughout the term of its contract.

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

## **DETAILS**

The tender for the provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting was advertised through statewide public notice on 23 July 2016. The tender period was for three weeks and tenders closed on 9 August 2016.

### **Tender Submissions**

A submission was received from each of the following:

- David Holden Pty Ltd trading as Holdens Electrical Contracting.
- Environmental Power Solutions Pty Ltd.
- Gilmore Global Pty Ltd t/as Happy Power and Lighting.
- The Trustee for B&M Unit Trust t/as High Speed Electrics.
- Michael Mark Jacob t/as MMJ Electrical.
- Shine Rise Pty Ltd.
- SMB Electrical Services
- Wanneroo Electric Pty Ltd.
- Fredon (WA) Electrical Pty Limited.

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

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

### **Evaluation Panel**

The evaluation panel comprised four members:

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

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

### **Evaluation Method and Weighting**

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

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

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

### **Compliance Assessment**

The following offers were assessed as compliant:

- David Holden Pty Ltd trading as Holdens Electrical Contracting.
- Environmental Power Solutions Pty Ltd.
- Gilmore Global Pty Ltd t/as Happy Power and Lighting.
- The Trustee for B&M Unit Trust t/as High Speed Electrics.
- Michael Mark Jacob t/as MMJ Electrical.
- Shine Rise Pty Ltd.
- SMB Electrical Services
- Wanneroo Electric Pty Ltd.

The submission from Fredon (WA) Electrical Pty Limited was assessed as non-compliant. Fredon (WA) Electrical Pty Limited proposed that it will indemnify the City for only direct damages but not for any consequential or indirect losses incurred by the City arising out of the Contractors performance including any accident or damage caused by a negligent act of the Contractor or any Sub-Contractor in the course of providing Goods and/or Services under this Contract.

### **Qualitative Assessment**

SMB Electrical Services scored 19.5% in the qualitative assessment. It did not fully demonstrate the capacity and experience required to provide the services. The response did not address the structure of business, after-hours contacts for emergency requirements and safety. Though it indicated it has carried out electrical projects and maintenance works for numerous clients; the scope, value, period and dates of when these works were carried out were not provided. The submission did not provide any response to the company's understanding of the required tasks.

Happy Power and Lighting scored 26.5% in the qualitative assessment. The company is resourced but did not adequately demonstrate an understanding of the requirements to provide the services. It did not demonstrate experience in performing similar services. Examples of services included street lighting and traffic signal installation for Downer Mouchel, Christmas lighting decorations for the City of Perth. No dates were supplied, so it was not clear how recent the work was undertaken.

Shine Rise Pty Ltd scored 38.5% in the qualitative assessment. It demonstrated an understanding of the requirements. The company demonstrated limited experience in providing similar services. It was a sub-contractor of HARMS Electrical Pty Ltd, an electrical contractor under the electrical maintenance panel of the City of Perth, and carried out electrical maintenance to the City of Perth buildings. The company is resourced but did not specifically address its ability to provide additional resources or provide its safety record.

Holdens Electrical scored 40.8% in the qualitative assessment. The company demonstrated experience providing similar services to Western Power, Defence Housing Australia, Perth Management Services, Jones Lang LaSalle and Colliers International. The company is resourced but did not demonstrate an understanding of the requirements.

Environmental Power Solutions scored 53.3% in the qualitative assessment. It demonstrated an understanding of the requirements. The company demonstrated some experience in providing electrical services at a mine site, maintenance of the electrical facility infrastructure at Perth Airport and regional airports within WA, replacement of 48,000 electricity meters (as a sub-contractor) and service and support for Horizon Power Networks in Derby, Camballin, Fitzroy Crossing and Yungngora. The company has the capacity to provide the services but did not supply any after hours contacts.

MMJ Electrical scored 54.4% in the qualitative assessment. The company did not demonstrate adequate experience in providing similar services. Out of two service examples provided by the company, only one (electrical maintenance and new installations for Flight Centre group) is similar to the City's requirement. The company demonstrated a good understanding of the requirements and has the capacity to provide the services.

High Speed Electrics scored 60.3% in the qualitative assessment. It has experience in providing similar services to local governments including the Cities of Perth (1975 – 2016) and Fremantle (2013 – 2015). The company also provided electrical maintenance services for the ornamental street lights to the City of Joondalup from 1997 to 2014. It demonstrated a good understanding of the required tasks and has the capacity to provide the services.

Wanneroo Electric scored 79.8% in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has been providing similar services to private and public sector for many years. Examples of services included electrical services and maintenance for the Cities of Wanneroo (since 2001) and Joondalup (since 2005), Mercy College (since 1977), Active Property Maintenance (since 2012) and Image Source (since 2008). Wanneroo Electric is a well-established company with significant industry experience and proven capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 60%, Wanneroo Electric Pty Ltd and High Speed Electric qualified for the stage 2 (price) assessment.

### **Price Assessment**

The panel carried out a comparison of the rates offered by the tenderers qualified for stage 2 in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of 55 most commonly used items. Estimated future use of the most commonly used items for different capital work projects were also considered. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained.

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

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Wanneroo Electric Pty Ltd	\$596,055	\$607,977	\$620,136	<b>\$1,824,168</b>
High Speed Electrics	\$1,071,702	\$1,093,138	\$1,115,000	<b>\$3,279,840</b>

During 2015-16, the City incurred \$687,618 for electrical services.

### **Evaluation Summary**

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Estimated Contract Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Wanneroo Electric Pty Ltd	1	\$1,824,168	1	79.8%
High Speed Electrics	2	\$3,279,840	2	60.3%

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

### **Issues and options considered**

Electrical services are required in the maintenance of the City's buildings, parks infrastructure, underpasses and walkways. The City does not have the internal resources to provide the required services and requires an appropriately licensed external service provider.

### **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 high as the City will not be able to maintain the electrical services of the City's buildings and increase the potential risk to public safety.

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

### **Financial / budget implications**

<b>Account no.</b>	Various maintenance and capital works accounts.
<b>Budget Item</b>	Provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting.
<b>Budget amount (2016-17)</b>	\$ 597,594
<b>Amount spent to date</b>	\$ 123,367
<b>Proposed cost</b>	\$ 447,041
<b>Balance</b>	\$ 27,186

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Effective maintenance of electrical systems and installation of energy efficient fittings has the potential to reduce the cost of power to the City.

### **Consultation**

Not applicable.

### **COMMENT**

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

### **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Wanneroo Electric Pty Ltd for the provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting as specified in Tender 027/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf160913.pdf](#)*

## **ITEM 17                      COUNCIL CONTRIBUTION - REDEVELOPMENT ARENA JOONDALUP - BUDGET AMENDMENT**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103650, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider amending its 2016-17 Budget in relation to the timing of the City of Joondalup's contribution to the facility upgrade at Arena Joondalup.

### **EXECUTIVE SUMMARY**

At its meeting held on 20 August 2013 (CJ164-08/13 refers), Council resolved to contribute an amount not exceeding \$4 million for the proposed upgrade to Joondalup Arena for:

- additional netball courts for the Joondalup Netball Association
- additional indoor courts and supporting infrastructure to potentially house the Wanneroo Basketball Association
- extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface
- clubroom facilities for the West Perth Football Club.

Council further resolved by absolute majority to provide \$1 million of the contribution in the 2013-14 financial year funded from the Strategic Asset Management Reserve with the balance to be provided once key conditions and milestones had been met.

The additional netball courts for the Joondalup Netball Association and the extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface were completed over the 2013-14 and 2014-15 financial years. The City has paid contributions to these components of the project totalling \$250,219.

The City budgeted to contribute a further \$2.25 million (exc GST) in 2015-16 and the final \$1.5 million (exc GST) in 2016-17. The project did not progress as initially envisaged and no funds were required during 2015-16. These funds were budgeted to come from the Strategic Asset Management Reserve and as they were not required they remain in the Reserve.

Progress on the additional indoor courts and supporting infrastructure to house the Wanneroo Basketball Association and clubroom facilities for the West Perth Football Club has now reached the point where the design and construct contract has been awarded to EMCO and site works are now about to commence.

As a consequence a revised cash flow has now been prepared and the whole of the City's remaining contribution of \$3.75 million (exc GST) is now expected to be required in February/March 2017. As the 2016-17 budget only contains provision for a contribution of \$1.5 million (exc GST) and the variation is significant, approval is sought to amend the budget. The entire amount of the contribution is funded from the Strategic Asset Management Reserve.

*It is therefore recommended that Council BY AN ABSOLUTE MAJORITY:*

- 1 *AMENDS the 2016-17 Budget for the contribution to the Arena Redevelopment project from \$1,500,000 to \$3,750,000;*
- 2 *AMENDS the 2016-17 Budget for the transfer of funds from the Strategic Asset Management Reserve to the Municipal Fund for the contribution to the Arena Redevelopment project from \$1,500,000 to \$3,750,000.*

## **BACKGROUND**

At its meeting held on 20 August 2013 (CJ164-08/13 refers), Council resolved in part:

- “2 *Council AGREES to make provision for an amount not exceeding \$4 million to be made available for the proposed upgrade to Joondalup Arena for:*
- 2.1 *additional netball courts for the Joondalup Netball Association;*
  - 2.2 *additional indoor courts and supporting infrastructure to potentially house the Wanneroo Basketball Association;*
  - 2.3 *extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface;*
  - 2.4 *clubroom facilities for the West Perth Football Club;”*

To date the additional netball courts for the Joondalup Netball Association and the extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface have been completed and the City has paid its contribution to these components of the project totalling \$250,219.

Works are now about to commence on the remaining components of the project being the additional indoor courts and supporting infrastructure to house the Wanneroo Basketball Association and clubroom facilities for the West Perth Football Club, following the award of the design and construct contract to EMCO.

It had originally been estimated that works would have commenced last financial year and the City had budgeted contributions of \$2.25 million (exc GST) to be paid in 2015-16 which were not paid. The entire remaining balance of the City's contribution, \$3.75 million (exc GST) is now expected to be paid in February/March 2017 however only \$1.5 million (exc GST) has been budgeted.

## **DETAILS**

It is now expected that the entire remaining balance of the City's contribution, \$3.75 million (exc GST) is to be paid in February/March 2017. Only \$1.5 million (exc GST) has been budgeted in 2016-17 and as this is a significant variation it is proposed to request an amendment to the budget to provide for a contribution of \$3.75 million (exc GST) in 2016-17.

The unspent contribution from 2015-16 remains in the Strategic Asset Management Reserve and the entire amount of the contribution is funded from this Reserve.

The timing of the cash flow is such that this amendment cannot wait for the mid-year budget review in February 2017. The entire amount of the contribution is funded from the Strategic Asset Management Reserve.

### **Issues and options considered**

There are two options available to Council:

- not agree to amend the budget and not pay the full contribution in 2016-17. This will have a significant detrimental effect on the Arena Redevelopment project which by February/March 2017 will be dependent on the City's contribution for project funding or
- agree to amend the City's budget for 2016-17 to allow the full remaining contribution of \$3.75 million (exc GST) to be paid in 2016-17.

### **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** Not applicable.

### **Risk management considerations**

The major risk consideration should Council determine not to amend the 2016-17 budget to enable the full remaining contribution to be paid is the impact on the project cash flow. This could result in significant delays and/or additional project costs to cover the gap in cash flow. As a consequence the key stakeholders will be impacted.

### **Financial / budget implications**

The City originally budgeted for a contribution of \$2.25 million (exc GST) to be paid in 2015-16. These funds were allocated and remain in the Strategic Asset Management Reserve. The remaining balance of \$1.5 million (exc GST) is currently budgeted in 2016-17 to also be funded from the Strategic Asset Management Reserve.

The full funding of \$3.75 million (exc GST) is therefore available and there are no negative budget impacts for amending the budget to enable the full payment of \$3.75 million (exc GST) in 2016-17.

There are also no net impacts for the *20 Year Strategic Financial Plan* which has the City's contribution as being fully paid by 30 June 2017.

## **Regional significance**

Arena Joondalup is a regional facility and draws people from well beyond the Joondalup district. Those specific clubs that will directly benefit from any upgrade to the Arena have significant membership bases and in some cases the largest clubs within their chosen sport in Western Australia.

The development at Arena Joondalup will grow its current multi-purpose recreational and sporting facility base to be able to cater for more patrons in the one location.

## **Sustainability implications**

Not applicable.

## **Consultation**

Not applicable.

## **COMMENT**

Council has agreed to a maximum contribution of \$4.0 million (exc GST) to the Arena redevelopment project. \$250,219 has already been paid for the additional netball courts for the Joondalup Netball Association and the extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface.

The major part of the construction project to provide for the additional indoor courts and supporting infrastructure to house the Wanneroo Basketball Association and clubroom facilities for the West Perth Football Club is about to commence construction. The project has progressed a little slower than expected in cash flow terms, which means the City's 2016-17 budget does not recognise the full remaining contribution of \$3.75 million (exc GST) that is now expected to be paid by February/March 2017.

There are no negative budget impacts for amending the budget to enable the full payment of \$3.75 million (exc GST) in 2016-17 as the full funding is available in the Strategic Asset Management Reserve.

## **VOTING REQUIREMENTS**

Absolute Majority.

## **RECOMMENDATION**

**That Council BY AN ABSOLUTE MAJORITY:**

- 1 AMENDS the 2016-17 Budget for the contribution to the Arena Redevelopment project from \$1,500,000 to \$3,750,000;**
- 2 AMENDS the 2016-17 Budget for the transfer of funds from the Strategic Asset Management Reserve to the Municipal Fund for the contribution to the Arena Redevelopment project from \$1,500,000 to \$3,750,000.**

## **ITEM 18 HILLARYS - KALLAROO COASTAL FORESHORE RESERVE MANAGEMENT PLAN 2016 - 2021**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	89568, 07050, 101515
<b>ATTACHMENTS</b>	Attachment 1 Draft Hillarys - Kallaroo Coastal Foreshore Reserve Management Plan 2016-2021
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to endorse the draft *Hillarys - Kallaroo Coastal Foreshore Reserve Management Plan 2016 - 2021*

### **EXECUTIVE SUMMARY**

At its meeting held on 21 October 2014 (CJ193-10/14 refers), Council endorsed the *Coastal Foreshore Management Plan 2014 - 2024*. This document forms the basis for strategic planning and broader operational management of the coastal foreshore reserves for a period of 10 years.

The *Coastal Foreshore Management Plan 2014 - 2024* is a management guide for the natural areas contained within the City's coastal foreshore reserves. The plan was designed as an overarching document, aimed to broadly define management actions. It is intended that individual management action plans will be produced for discrete sections of the City's coastal foreshore.

The individual management action plans will set out specific operational tasks for localised areas. The draft *Hillarys - Kallaroo Coastal Foreshore Reserve Management Plan 2016 - 2021* (the plan, Attachment 1 refers), is the third coastal management plan to be produced to manage local areas of the City of Joondalup foreshore. The *Marmion Coastal Foreshore Reserve Management Plan 2014 – 2019* and the *Sorrento Coastal Management Plan 2015 – 2020* have been adopted.

It is proposed that two additional individual management plans will be produced for the following:

- Mullaloo Beach Foreshore Reserve.
- Ocean Reef – Iluka Foreshore Reserve.

A local plan is in place for the northern section of the Burns Beach Foreshore and will require revision in the future.

The City's coastal foreshore reserves are an important regional resource. The reserves receive many visitors who access coastal locations on a daily basis. The foreshore reserves are under constant environmental threat. These threats are expected to increase in future years with the rise in the population of the Swan Coastal Plain. The plan identifies these environmental threats and makes recommendations to lessen their impact.

*It is therefore recommended that Council ENDORSES the draft Hillarys – Kallaroo Coastal Foreshore Reserve Management Plan 2016 - 2021 forming Attachment 1 to this Report.*

## **BACKGROUND**

The City began developing *Natural Area Management Plans* for its natural areas according to the individual priority ranking of the reserve, as part of the City's participation in the Perth Biodiversity Project. Management plans are being developed for the majority of the City's natural areas and will vary in detail and content depending on whether the area is classified as a:

- major conservation or coastal area
- high priority area
- medium priority area
- generic wetland area.

The City's coastal foreshore reserves are a major conservation area within this classification model. The Hillarys - Kallaroo foreshore reserve forms part of the Bush Forever Reserve protected under State Government regulation. All natural bushland in the coastal reserve extending from Hillarys to the northern Burns Beach boundary (with the City of Wanneroo) is included in the Bush Forever legislation.

The study for the draft plan comprises of 79 hectares of coastal vegetation. Prior to the writing of the draft plan, an extensive flora and fauna study was undertaken in October 2015. The study concluded that the majority of the vegetation was in very good to excellent condition.

A range of mammal, bird and reptile species were observed, or trapped and recorded. The range and diversity of species indicated a healthy ecological community within the reserve.

## **DETAILS**

The City manages approximately 206 hectares of bushland within coastal foreshore reserves. The reserves extend from Burns Beach in the north to the suburb of Marmion which forms the southern boundary. The study area included in the plan extends from the northern sea wall of Hillarys Marina to Merrifield Place, Mullaloo in the north.

The objectives and purpose of the plan are to:

- establish a baseline description of the environment to guide future environmental planning and recommended management actions
- outline key environmental threats and management strategies to minimise impact and protect conservation and recreation values
- outline management issues apparent at various locations of the foreshore and suggest management strategies to manage those in the short to medium term
- outline management actions to address key threats including monitoring and reporting

- identify areas within the foreshore that are considered to have the highest conservation values, giving consideration to natural features including landform, flora and fauna, along with cultural values
- identify current best practice management practices that can be implemented by the City
- guide the future development of the City's *Capital Works Program*
- increase opportunities for grant funding by having a detailed schedule of projects
- provide guidance to City employees, contractors and Friends' Groups operating within the coastal foreshore reserve.

### Issues and options considered

The endorsement and implementation of the plan will help retain and improve upon the current biodiversity values of the bushland.

It is considered that without active management the bushland within the Hillarys and Kallaroo foreshore will degrade, with the subsequent loss of biodiversity and considerable loss of amenity to visitors, residents of the City of Joondalup.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<i>Planning and Development Act 2005. Environmental Protection Act 1986.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	The Natural Environment.
<b>Objective</b>	Environmental resilience.
<b>Strategic initiative</b>	<ul style="list-style-type: none"> <li>• Identify and respond to environmental risks and vulnerabilities.</li> <li>• Understand the local environmental context.</li> <li>• Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.</li> </ul>
<b>Policy</b>	The objectives of the plan are consistent with the City's <i>Sustainability Policy</i> .

### Risk management considerations

Without sound strategic and operational planning the City's valuable coastal bushland will degrade. This in turn can add to the risk of considerable loss of amenity for the City and the residents and visitors who enjoy the coastline.

### Financial/budget implications

The plan was developed using internal and external resources. The implementation of the plan will have budget implications relating to the delivery of management actions and will be subject to the City's annual budget approval process.

## **Regional significance**

A large section of native vegetation managed by the City is contained within the City's coastal foreshore reserves. This bushland has been recognised as having regional significance and is included in bushland protected under the State Government's *Bush Forever* policy. The City's foreshore reserves are an amenity utilised and enjoyed by a much wider catchment than local residents, giving them a regional significance.

## **Sustainability implications**

### Environmental

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The development and implementation of the plan will ensure that measures are taken to address threats within natural area reserves, and provide strategies for ongoing long term management which will result in protection of the City's coastal environment.

## **Consultation**

A full community consultation was undertaken in June 2014 as part of the development of the *Coastal Foreshore Management Plan 2014 - 2024* which has guided the development of this specific plan.

The draft *Hillarys - Kallaroo Coastal Foreshore Reserve Management Plan 2016 - 2021* was developed with general input from the Joondalup Community Coast Care Forum (JCCCF).

The Hillarys - Kallaroo foreshore reserve does not currently have a bushland friends group so detailed consultation was not undertaken as has been the case with foreshore areas with active friends groups.

## **COMMENT**

The City's coastal foreshore reserves are an important regional resource. The reserves receive many visitors accessing various coastal locations on a daily basis. The reserves are under existing environmental threat. These threats are expected to increase with the rise in the population of the Swan Coastal Plain in future years. The plan identifies these environmental threats and makes recommendations to lessen their impact.

The plan will inform and prioritise broad scale maintenance activities and *Capital Works Programs* over the forthcoming five year period. It will increase opportunities for the City to apply for grant funding and guide employees, contractors and friends' groups operating within the coastal bushland. The plan is acknowledged as a crucial step on the path to managing this important bushland to a standard deserving of its biodiversity values. Actions contained within the plan will be monitored with a review to be undertaken after five years.

## **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ENDORSES the draft *Hillarys – Kallaroo Coastal Foreshore Reserve Management Plan 2016 - 2021* forming Attachment 1 to this Report.**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf160913.pdf](#)*

**REPORT OF THE CHIEF EXECUTIVE OFFICER**

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**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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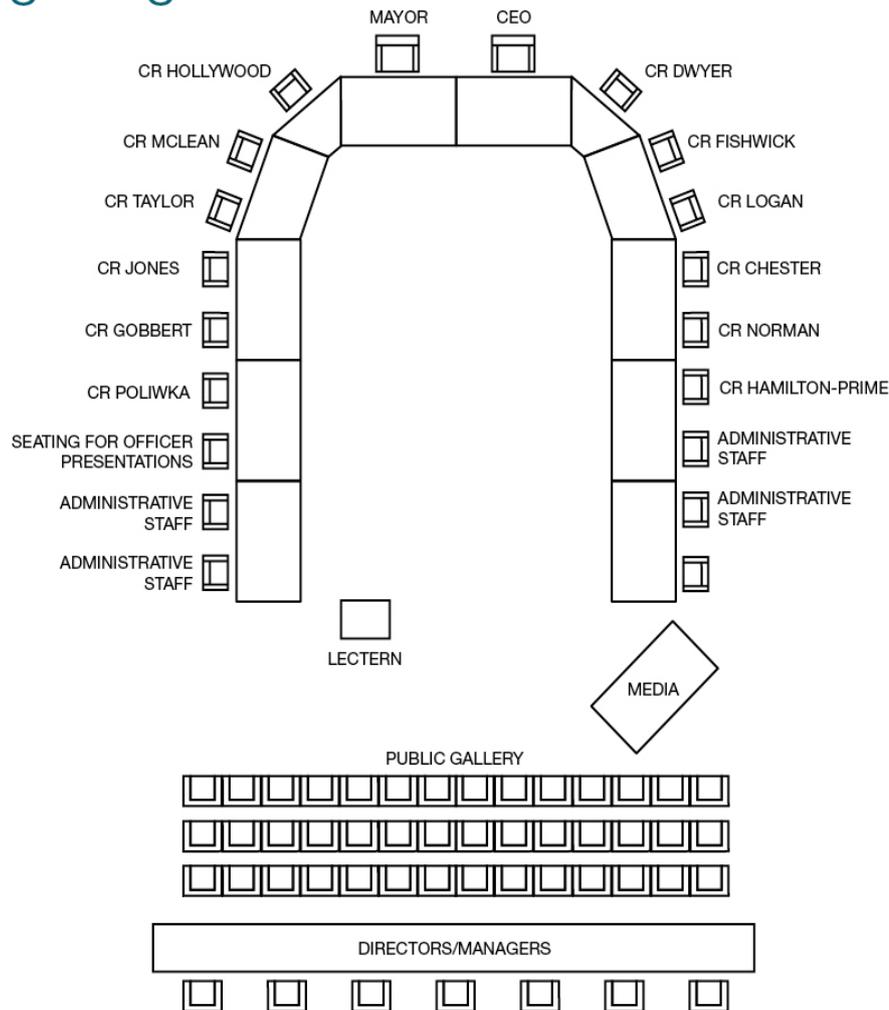
Please submit this form at the meeting or:

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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)