

# agenda

## Ordinary Meeting of Council

NOTICE IS HEREBY GIVEN THAT THE NEXT  
ORDINARY MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP WILL BE HELD IN  
THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

**ON** **TUESDAY 19 SEPTEMBER 2017**

**COMMENCING AT** **7.00pm**

**GARRY HUNT**  
Chief Executive Officer  
15 September 2017

[www.joondalup.wa.gov.au](http://www.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 9.00am on **Monday 18 September 2017**

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

**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)

## PROCEDURES FOR PUBLIC QUESTION TIME

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

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard these procedures are amended by substituting “Council” with “Committee” to provide proper context.

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 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 and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 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 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 a member of the Council 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 Council meeting.

- 9 Where an Elected Member is of the opinion that a member of the public is:
- asking a question at a Council meeting, that does not relate to a matter affecting the City
  - 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 response will be summarised and included in the minutes of the Council meeting.
- 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 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 asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five (5) 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 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. 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 a Council meeting 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 Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.

- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 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 were adopted at the Council meeting held on 19 November 2013:

- 1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.
- 2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 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 than such time where 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 Council meeting, that does not relate to a matter affecting the City, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Council meeting 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 minutes of the Council meeting.

## CODE OF CONDUCT

Elected Members, Committee Members and City of Joondalup employees are to observe the City of Joondalup Code of Conduct including the principles and standards of behaviour that are established in the Code.

The following principles guide the behaviours of Elected Members, Committee Members and City of Joondalup employees while performing their role at the City:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the City.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

Elected Members, Committee Members and employees must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code of Conduct
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour
- (c) act in good faith in the interests of the City and the community
- (d) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- (e) always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.

\* *Any queries on the agenda, please contact Governance Support on 9400 4369.*

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

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

[Additional Information170919.pdf](#)

# CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 19 September 2017** commencing at **7.00pm**.

GARRY HUNT  
Chief Executive Officer  
15 September 2017

Joondalup  
Western Australia

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## VISION

*“A global City: bold, creative and prosperous.”*

## PRIMARY VALUES

- Transparent.
- Accountable.
- Honest.
- Ethical.
- Respectful.
- Sustainable.
- Professional.

## DISTINGUISHING VALUES

### **Bold**

We will make courageous decisions for the benefit of our community and future generations.

### **Ambitious**

We will lead with strength and conviction to achieve our vision for the City.

### **Innovative**

We will learn and adapt for changing circumstances to ensure we are always one step ahead.

### **Enterprising**

We will undertake ventures that forge new directions for business and the local community.

### **Prosperous**

We will ensure our City benefits from a thriving economy built on local commercial success.

### **Compassionate**

We will act with empathy and understanding of our community's needs and ambitions.

## AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor Pickard will say a Prayer.

### DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

#### Disclosures of Financial / Proximity Interest

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

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ157-09/17 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ158-09/17 – Confidential - Annual Salary Review - Chief Executive Officer.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

#### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ157-09/17 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ158-09/17 – Confidential - Annual Salary Review - Chief Executive Officer.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

## PUBLIC QUESTION TIME

## PUBLIC STATEMENT TIME

## APOLOGIES AND LEAVE OF ABSENCE

### Leave of Absence previously approved

Cr Mike Norman            10 September to 22 September inclusive;  
 Cr Sophie Dwyer        23 September to 8 October 2017 inclusive;  
 Cr Nige Jones            25 September to 11 October 2017 inclusive.

## CONFIRMATION OF MINUTES

### MINUTES OF COUNCIL MEETING, 15 AUGUST 2017

## RECOMMENDATION

**That the Minutes of the Council Meeting held on 15 August 2017 be confirmed as a true and correct record.**

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION****IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

- CJ157-09/17 Confidential - Chief Executive Officer Concluded Annual Performance Review.
- CJ158-09/17 Confidential - Annual Salary Review - Chief Executive Officer.

**PETITIONS****PETITION REQUESTING THE INCLUSION OF THE AREA WEST OF DAVALLIA ROAD IN HOUSING OPPORTUNITY AREA 1 – [106679, 05386]**

A 236 signature petition has been received from residents of the City of Joondalup requesting that Council include the area West of Davallia Road in Housing Opportunity Area 1 that is currently coded R20/40 and R20/R60 to Amendment No. 88 to *District Planning Scheme No. 2*, providing a density coding of no higher than R20/R30.

**RECOMMENDATION**

That the following petition be **RECEIVED, REFERRED** to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1** Petition requesting Council to include the area west of Davallia Road in Housing Opportunity Area 1 that is currently coded R20/40 and R20/R60 to Amendment No. 88 to *District Planning Scheme No. 2*, providing a density coding of no higher than R20/R30.

**REPORTS****CJ143-09/17      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– JULY 2017**

<b>WARD</b>	All		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	07032, 101515		
<b>ATTACHMENTS</b>	Attachment 1	Monthly Development Applications Determined – July 2017	
	Attachment 2	Monthly Subdivision Applications Processed – July 2017	
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').		

**PURPOSE**

For Council to note the number and nature of applications considered under delegated authority during July 2017.

**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 2017 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during July 2017 (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 27 June 2017 (CJ091-06/17 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 2017 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	8	7
Strata subdivision applications	10	21
<b>TOTAL</b>	<b>18</b>	<b>28</b>

*Of the 18 subdivision referrals, 11 were to subdivide in housing opportunity areas, with the potential for 12 additional lots.*

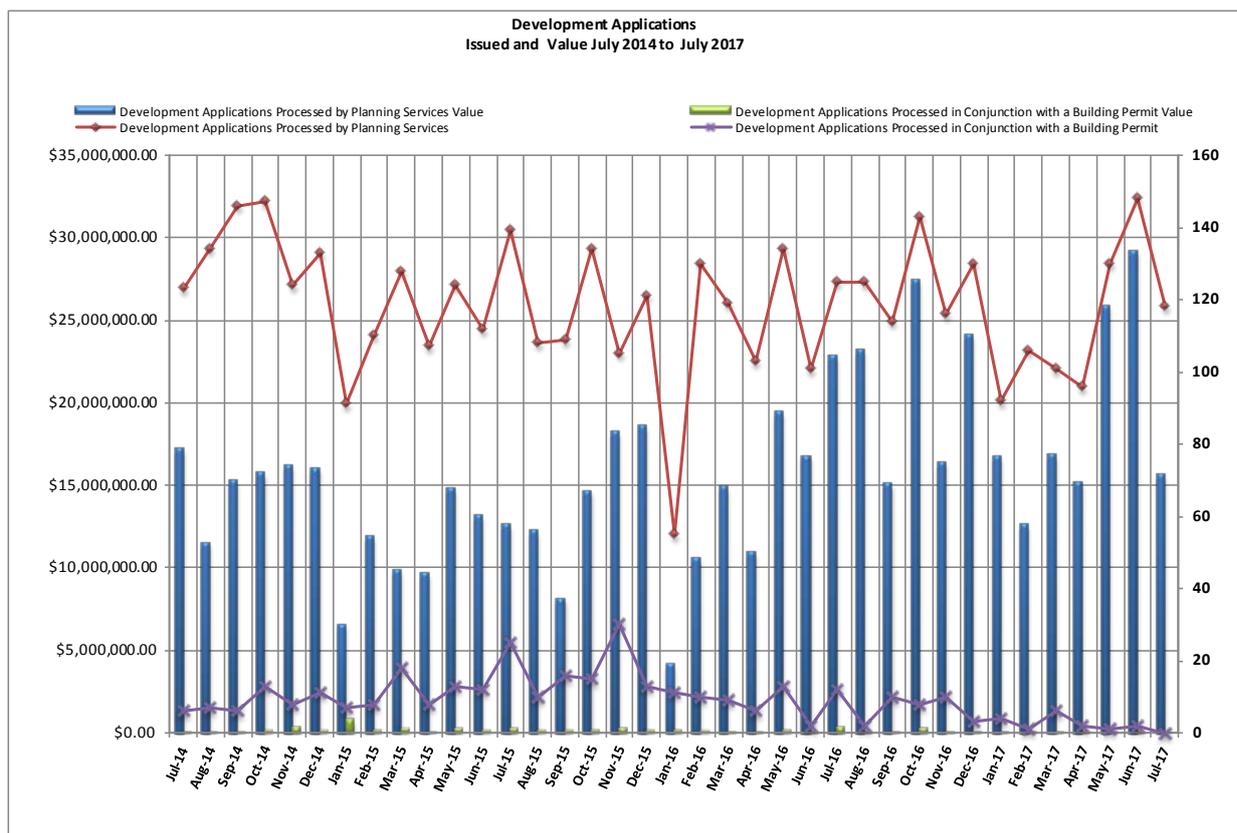
### Development applications

The number of development applications determined under delegated authority during July 2017 is shown in the table below:

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	118	\$ 15,643,073
Development applications processed by Building Services	0	0
<b>TOTAL</b>	<b>118</b>	<b>\$ 15,643,073</b>

*Of the 118 development applications, 16 were for new dwelling developments in housing opportunity areas, proposing a total of 25 additional dwellings.*

The total number and value of development applications determined between July 2014 and July 2017 is illustrated in the graph below:



The number of development applications received during July was 118. (This figure does not include any development applications to be processed by Building Approvals as part of the building permit approval process).

The number of development applications current at the end of July was 224. Of these, 62 were pending further information from applicants and 11 were being advertised for public comment.

In addition to the above, 245 building permits were issued during the month of July, with an estimated construction value of \$29,744,460.

### 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** 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 118 development applications were determined for the month of July, with a total amount of \$59,763 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 Report CJ143-09/17 during July 2017;**
- 2 subdivision applications described in Attachment 2 to Report CJ143-09/17 during July 2017.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf170912.pdf](#)*

**CJ144-09/17      PROPOSED DEVELOPMENT APPLICATION FOR 14  
MULTIPLE DWELLINGS AT LOTS 392 AND 393  
(33 AND 35) MACEDON PLACE, CRAIGIE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	06417, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location plan. Attachment 2      Development plans. Attachment 3      Landscaping plan. Attachment 4      Building Perspectives. Attachment 5      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 a development application for 14 multiple dwellings located at Lots 392 and 393 (33 and 35) Macedon Place, Craigie.

**EXECUTIVE SUMMARY**

An application for development approval has been received for 14 multiple dwellings at Lots 392 and 393 (33 and 35) Macedon Place, Craigie. The proposal includes amalgamating the two sites and developing eight two bedroom dwellings and six single bedroom dwellings, accessed by a single 3.3 metre wide crossover from Macedon Place.

The proposed development is generally compliant with the City's *District Planning Scheme No. 2 (DPS2)*, *Residential Design Codes (R-Codes)* and *Residential Development Local Planning Policy (RDLPP)*, however a number of minor discretions are sought in relation to plot ratio, visitor car parking, lot boundary setbacks, landscaping, retaining walls and visual privacy. The application is required to be determined by Council as the proposal incorporates more than 10 dwellings.

Due to the areas of discretion proposed by the applicant, the City advertised the application to the surrounding affected landowners for a period of 14 days in accordance with the R-Codes.

Three objections were received during this advertising period, however, it is considered that the development meets the requirements of the applicable planning framework and does not significantly impact surrounding or nearby landowners.

It is therefore recommended that Council approves the application, subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lots 392 and 393 (33 and 35) Macedon Place, Craigie.
<b>Applicant</b>	Claudio Bornia.
<b>Owner</b>	Amanda Tadros, Amanda and Gino Di Franco.
<b>Zoning</b>	<b>DPS2</b> Residential, R20/R40.
	<b>MRS</b> Urban.
<b>Site area</b>	1,381m <sup>2</sup> (combined).
<b>Structure plan</b>	Not applicable.

The subject site includes two freehold lots which are currently occupied by two separate single houses. The subject site is bounded by residential zoned land (existing single storey dwellings) to the north and south, Macedon Place to the east and Marmion Avenue to the west (Attachment 1 refers).

The subject site is zoned 'Residential' under DPS2 and is located within Housing Opportunity Area No. 5, with a dual coding of R20/R40.

## DETAILS

The proposed development consists of the following:

- A combined site area of 1,381m<sup>2</sup>.
- Eight two bedroom and six single bedroom dwellings (14 dwellings in total).
- A single vehicle access point from Macedon Place along the southern boundary of the site.
- A total of 17 car parking bays on-site, with 14 bays allocated to residents and three bays allocated to visitors.
- An additional three visitor car bays within the verge.
- A rendered building finish, with predominantly 'Colorbond' pitched roof.
- Front fencing along the Macedon Place boundary.
- A screened bin store and security gate adjacent to the car parking entry.
- Associated site works and retaining walls.

The development plans, landscaping plan and building perspectives are included in Attachments 2, 3 and 4 respectively.

The proposed development is generally compliant with the deemed-to-comply requirements of the R-Codes, the requirements and local housing objectives of the RDLPP and relevant provisions of the DPS2, with the exception of the following areas of discretion outlined below.

### Plot ratio

The applicant has proposed a plot ratio of 0.638 in lieu of the deemed-to-comply plot ratio of 0.6 under the R40 coding, which equates to an additional 53.76m<sup>2</sup> of plot ratio area.

In accordance with the R-Codes, consideration against the relevant design principle is required to determine the appropriateness of any discretion. The design principle for clause 6.1.1 states the following:

*“Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.”*

In consideration of the above, the development generally complies with the deemed-to-comply requirements of open space, overshadowing, building height, street setbacks and the design principles of lot boundary setbacks to ensure that the overall bulk and scale of the building is sympathetic to the streetscape and surrounding landowners.

It is also noted that the built form is consistent with the local planning framework, as the development generally meets the provisions and objectives of the City’s RDLPP due to the following:

- Includes an improved streetscape outcome compared to the current development on the subject site.
- The development is of a high quality in relation to its design and layout.
- Provides a safe, consolidated and functional access arrangement in and out of the site.
- Has regard to crime prevention by providing active surveillance of the street and pedestrian / vehicle approach to the development.
- Provides an alternative housing type / product at a higher density compared to that existing within the immediate area.

In view of the above, it is considered that the proposed plot ratio is appropriate as the additional plot ratio area does not impact any adjoining landowners and is considered to meet the relevant design principle of the R-Codes.

### Visitor car parking

In accordance with the City’s RDLPP, 0.5 visitor bays are required per dwelling proposed. Therefore, a total of seven visitor car parking bays are required for the proposed development.

The applicant has provided a total of six visitor car parking bays; three on-site and three within the adjacent verge.

Three visitor car parking bays are depicted in the verge on the provided plans, however there is adequate space to accommodate four visitor bays without compromising the landscaping requirements under the City’s RDLPP. The visitor car parking bays will be provided as embayment parking in accordance with the City’s specifications.

In light of the above, it is recommended that a condition of approval is included to ensure a total of seven visitor bays are provided as part of the development in order to meet the deemed-to-comply requirements of the City's RDLPP.

#### Lot boundary setbacks

In accordance with clause 6.1.4 of the R-Codes, in areas coded between R40 and R60 development is required to comply with the minimum lot boundary setback requirements as set out in Tables 2a and 2b of the R-Codes. The applicant has proposed the following areas of discretion in respect to the lot boundary setbacks of the development:

<b>Lot boundary/wall</b>	<b>Deemed-to-comply setback</b>	<b>Proposed setback</b>	<b>Officer Comment</b>
<b>Northern (side) lot boundary</b>			
Ground floor – Units 3 and 4 (store rooms)	1.0 metres	0.0 metres	The proposed boundary wall is 4.5 metres in length and a maximum height of 2.4 metres from natural ground level. The wall is located adjacent to the adjoining landowner's existing carport.
Ground floor – Unit 2 (patio)	1.5 metres	1.2 metres	The majority of the wall is set back in excess of 1.5 metres, however the open style patio to Unit 2 is proposed at a setback of 1.2 metres.
Upper floor – Units 10/11/12 (entire wall)	2.0 metres	1.0m to 2.4m	The majority of the wall is set back 1.9 metres from the lot boundary; however two small architectural pillars (250mm in width each) protrude into the setback area resulting in a 1.0 metre setback.
<b>Western (rear) lot boundary</b>			
Ground floor – Units 5/6/7 (store rooms)	1.0 metres	0.0 metres	The proposed boundary wall is 8.3 metres in length and a maximum height of 1.7 metres from natural ground level. The wall is adjacent to the Marmion Avenue Road reserve and therefore does not adjoin a residential property. The road reserve is heavily vegetated and the wall will not be visible from the Marmion Avenue carriageway.
Upper floor – Units 13 and 14 (kitchen)	1.1 metres	1.0m to 1.5m	The majority of the wall complies with the deemed-to-comply setback of 1.5 metres; however, a small architectural pillar (250mm in width) protrudes into the setback area resulting in a 0.1 metre reduced setback.

In accordance with the R-Codes, consideration against the relevant design principles is required to determine the appropriateness of any discretion. Design principle P4.1 of clause 6.1.4 states the following:

*“Buildings setback from boundaries or adjacent buildings so as to:*

- *ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them*
- *moderate the visual impact of building bulk on a neighbouring property;*
- *ensure access to daylight and direct sun for adjoining properties*
- *assist with the protection of privacy between adjoining properties.”*

As the western (rear) lot boundary adjoins the Marmion Avenue Road reserve, which is heavily vegetated, the proposed setbacks to this boundary are not considered to impact any adjoining landowner or the streetscape. Even if the condition of this existing vegetation is reduced, the wall is 2.4 metres high and therefore only 0.6 metres will be visible above a typical 1.8 metre high dividing fence.

In relation to the northern (side) lot boundary, the proposed setbacks are considered to meet the design principles of clause 6.1.4 of the R-Codes as detailed below:

- The development complies with the deemed-to-comply requirements of the R-Codes in respect to overshadowing and the lot boundary setbacks do not impact any major opening or outdoor living area of the adjoining property.
- It is noted that the impact of the boundary wall to the northern lot boundary (adjacent to 31 Macedon Place, Craigie) is minimal as the wall is only 4.5 metres in length, 2.4 metres high and is located adjacent to the existing carport. As this wall is set back approximately 19 metres from the primary street boundary, it will not have any impact on the streetscape.
- The 1.2 metre setback of the proposed Unit 2 patio is not considered to impact the adjoining landowner as the height and open nature of the patio will not cause any impacts in respect to overshadowing, visual privacy or building bulk.
- The small 250mm wide by 0.5 metre deep architectural pillars protruding off the wall towards the northern boundary are minor in nature and will not significantly impact the adjoining landowner.

In view of the above, it is considered that the proposed lot boundary setbacks are appropriate as they do not impact on the adjoining landowners and are considered to meet the relevant design principles of the R-Codes.

### Landscaping

The proposal meets the deemed-to-comply requirements of clause 6.3.2 of the R-Codes, with the exception of the percentage of hard surface within the front setback area.

The development incorporates a total of 37.3m<sup>2</sup> soft landscaping within the street setback area, which equates to 33% of the total street setback area in lieu of the deemed-to-comply requirement under the R-Codes of 50%. The remaining portion of the front setback area is hard surface (that is paving), excluding the crossover / driveway and car parking bays.

In accordance with the R-Codes, consideration against the relevant design principles is required to determine the appropriateness of any discretion. The design principle for clause 6.3.2 states the following:

*“The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:*

- *meets the projected needs of the residents*
- *enhances security and safety for residents*
- *contributes to the streetscape.”*

It is considered that the amount of landscaping within the front setback area is appropriate for the following reasons:

- A 0.8 metre wide landscaping strip located on the street side of the front fence has been included along the majority of the street boundary (excluding the crossover and pedestrian access points). This provides a green buffer between the development and the street and focuses the landscaping towards the area visible from the public realm.
- As the outdoor living areas of both Unit 1 and Unit 2 are located within the front setback area in order to make this a useable space, a large portion of the area is proposed to be paved. Although this reduces the amount of landscaping, the location of the outdoor living area does encourage passive and active surveillance of the street.
- Due to the proposed front fencing located along the street boundary, the majority of landscaping behind the fence would not be visible from the street. Therefore, there will be little benefit in providing additional landscaping behind the fence.

In view of the above, it is considered that the proposed landscaping is appropriate and is considered to meet the relevant design principles of the R-Codes.

### Retaining Walls

The proposal includes retaining walls to the southern, western and northern lot boundaries to ensure the site is flat and is generally the same level as the street.

As the site falls approximately two metres from back (west) to front (east), the site is required to be excavated at the rear of the property to develop a level site. As a result, excavation / retaining within one metre of the southern, western and northern lot boundaries is proposed at a maximum height of 1.3 metres; which will mean the retaining walls will maintain the existing level of the adjoining land.

In accordance with the R-Codes, consideration against the relevant design principles is required to determine the appropriateness of any discretion. The design principle for clause 6.3.7 states the following:

*“Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1.”*

It is considered that the height of the retaining walls within one metre of the lot boundaries is appropriate due to the following:

- The proposed retaining walls cut into the site and therefore will not be visible from the adjoining properties.
- The levels of the adjoining land will not be affected by the development.
- The location of the retaining wall along the lot boundaries will ensure the land can be effectively used for the benefit of residents by increasing the size and useable area of open space on-site.
- The excavation of the site ensures the development complies with the permitted building heights under the R-Codes, which reduces the impact of the development on adjoining landowners.

In view of the above, it is considered that the proposed retaining walls along the lot boundaries are appropriate and are considered to meet the relevant design principles of the R-Codes.

#### Visual Privacy

The majority of the proposed development meets the visual privacy requirements under clause 6.4.1 of the R-Codes; however the balcony of Unit 9 includes a portion of overlooking into the northern adjoining property.

In accordance with clause 6.4.1 of the R-Codes, this portion of balcony is required to be set back a minimum of 7.5 metres under the deemed-to-comply requirements. However, the balcony is set back only 1.2 metres from the northern lot boundary.

In accordance with the R-Codes, consideration against the relevant design principles is required to determine the appropriateness of any discretion. The design principle for clause 6.4.1 states the following:

*“Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:*

- *building layout, location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

*Maximum visual privacy to side and rear boundaries through measures such as:*

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).”*

It is considered that Unit 9 balcony does not overlook any major openings and / or the outdoor living area of Lot 391 (31) Macedon Place, Craigie. However, the development does not meet the design principles under clause 6.4.1 of the R-Codes as maximum visual privacy is not being provided to the side and rear boundaries as no screening, offsetting of development or obscure / indirect overlooking is proposed.

As a result, in order for this aspect of the development to meet the relevant design principles of the R-Codes, it is recommended that a condition of approval is included to ensure the privacy screen to the northern side of the Unit 9 balcony is extended to avoid any visual privacy issues impacting the adjoining landowner.

#### Joondalup Design Reference Panel (JDRP)

The proposed development was presented to the JDRP on 30 June 2017 for consideration. The comments / issues raised by the panel are included below, along with the applicant's response:

<b>JDRP Comment</b>	<b>Applicant Response</b>	<b>Officer Comment</b>
Further information is required regarding the proposed boundary fencing and landscaping along the Marmion Avenue boundary to determine whether the boundary walls will have a detrimental impact on the street.	The boundary wall will not impact on the streetscape of Marmion Avenue as the wall is only 2.4 metres high and only for 22.86% of the total length of the lot boundary. The boundary fence will be replaced by the applicant due to the existing fence being dilapidated. The boundary wall will not be visible from Marmion Avenue as the existing verge trees screens the entire length of the rear boundary.	It is considered the boundary walls will not have a detrimental impact on the streetscape due to the height of the walls, the level difference between Marmion Avenue and the subject site, as well as the existing dense vegetation along the rear boundary within the road reserve.
The Panel noted the lack of shade trees on-site.	Additional shade trees have been included along the northern and western boundaries and within the car parking area.	Amended plans were provided with two additional shade trees within the car parking area to ensure the development meets the deemed-to-comply requirements of the R-Codes in respect to the number and location of shade trees.
It was suggested that double glazing and other such methods should be used to address the acoustic issue.	The proposal has undergone an acoustic assessment and will implement the recommendations within the report to address acoustic issues.	An acoustic report has been provided by the applicant in order to address any transport noise issues associated with the location of the site abutting Marmion Avenue.

<b>JDRP Comment</b>	<b>Applicant Response</b>	<b>Officer Comment</b>
<p>The Panel noted the north elevation, its lack of amenities and that the treatment looks bland in appearance.</p>	<p>The development has incorporated two tone rendered brick to break up and provide treatment that does not look bland in comparison to the appearance of a one tone rendered wall. The wall's articulation through the provision of staggering of setbacks assists in reducing the bulk and scale of the development as viewed from the northern neighbour.</p> <p>Habitable rooms and outdoor living areas have been orientated north for northern light with the development being in a landscape setting.</p>	<p>It is considered that the northern elevation of the development meets the requirements of the City's RDLPP and the applicable clauses under the R-Codes. This is due to the articulation of the northern wall being varied to limit the impact, as well as using windows, differing materials and colours to reduce the bulk and scale of the development on the adjoining landowner.</p>
<p>There appears to be a lack of integration on the site and it has a box like look with its design.</p>	<p>The appearance of the development has been articulated by the provision of staggered setbacks and is a built form consistent with the existing streetscape character by the provision of having pitched roofs instead of concealed roofs.</p>	<p>The appearance and design of the development meets the relevant requirements of the City's RDLPP and the applicable clauses of the R-Codes.</p>
<p>Comment was made in relation to the pedestrian access ways to the dwellings and the depth of entry and that it would make a better design if the access ways were joined together.</p>	<p>The development has ensured there is a continuous pedestrian access path from the front entry to the rear dwellings where access can be provided in a safe manner. Furthermore, the depth of the entry is considered reasonable and accessible.</p>	<p>The depth, location and accessibility of the pedestrian footpaths on-site are considered to meet the deemed-to-comply requirements of the R-Codes.</p>
<p>Comments were also made in relation to the internal windows and balconies lacking any view of amenity.</p>	<p>The proposal has incorporated landscaping within the built form which softens the appearance of the development and provides an attractive outlook from habitable spaces (that is landscaping has been provided as an outlook for internal windows and balconies). The internal balconies have been designed to provide passive surveillance of the car park.</p>	<p>The location of the balconies and major openings meet the deemed-to-comply requirements of the R-Codes.</p> <p>Landscaping internally within the site ensures an attractive outlook from habitable spaces is provided where possible.</p>

JDRP Comment	Applicant Response	Officer Comment
Questioned the location of the bike racks.	The bike racks for visitors have been placed within a location that is accessible and provides shelter. The bike racks for the visitors are within a secure location and do not impact upon the pedestrian access path.	The location of bike racks is practical for security reasons and providing shelter and protection from the elements. The location and provision of bike racks meet the deemed-to-comply requirements of the R-Codes.
The plans appear to be lacking in detail. The Panel suggested that the City obtain more detailed development plans from the applicant.	Amended plans have been provided to address this concern.	Amended plans have been provided to correct the previous errors of the site plans which did not show the full detail of the internal configuration of the units.

In view of the above, it is considered that the applicant has adequately addressed the comments raised by the JDRP.

### Transport Noise

In accordance with the Western Australian Planning Commissions (WAPC) *State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning* (SPP5.4), the development is required to meet the provisions of SPP5.4 in respect to transport noise mitigation as the subject site is located within the vicinity of a regional road reserve (Marmion Avenue).

The applicant has provided an acoustic report from a qualified acoustic engineer to determine the potential impact on transport noise on the future residents of the development and what mitigation methods can be used to reduce the transport noise experienced.

The acoustic report includes a list of recommendations with the most significant being the provision of a 2.4 metre high boundary fence along the western boundary adjoining Marmion Avenue to mitigate noise to those outdoor living areas adjacent to this boundary. This wall will not impact other adjoining landowners and will be screened from view from the Marmion Avenue carriageway by the existing vegetation located in the road reserve.

The acoustic report also recommends, in accordance with clause 5.7 of SPP 5.4, that a condition of approval is included to notify prospective purchasers of the potential for transport noise impacts.

As a result, a condition of approval is recommended which notifies prospective purchasers through a section 70A notification on the certificate of title to alert them of the potential impacts of transport noise. The applicant will also be advised of their obligation to meet the recommendations of the acoustic report to ensure compliance with SPP 5.4.

### **Issues and options considered**

Council is required to determine whether the proposed development is appropriate and meets the relevant requirements of the City's DPS2, RDLPP and the R-Codes.

Council may determine an application for development approval by either:

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

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

- Legislation**
- *City of Joondalup District Planning Scheme No. 2 (DPS2).*
  - *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).*

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

- Policy**
- *Residential Development Local Planning Policy.*
  - *Residential Design Codes of Western Australia.*

### DPS2

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

- (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.*

### 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;*
  - (ii) *arrangements for the loading, unloading, maneuvering and parking of vehicle;*

- (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.*

#### *Residential Development Local Planning Policy (RDLPP)*

The policy sets provisions for the design of residential development within the City.

The objectives include the following:

- *An improved streetscape outcome, which is attractive and enhances and complements the visual character, bulk and scale of the surrounding built form.*
- *High quality built development outcomes in relation to building design and site layout.*
- *Residential subdivision and development with safe, functional and attractive access arrangements in and out of sites, which contribute to the overall aesthetics of developments.*
- *New development that is designed having regard to the issue of crime prevention and surveillance of the street and housing entrances.*
- *Varying density development, inclusive of development within dual density coded areas that are integrated into the surrounding built environment.*

#### *Residential Design Codes of Western Australia (R-Codes)*

The R-Codes set out provisions for the control of residential development throughout Western Australia.

The objectives of the policy are as follows:

- *To provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives.*

- *To encourage design consideration of the social, environmental and economic opportunities possible from new housing and an appropriate response to local amenity and place.*
- *To encourage design which considers and respects heritage and local culture.*
- *To facilitate residential development which offers future residents the opportunities for better living choices and affordability.*

### **Risk management considerations**

The proponent has a right of review against the Council decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

### **Financial / budget implications**

The applicant has paid fees of \$4,527 (including GST) in accordance with the Schedule of Fees and Charges, for assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent applicable to the development (Attachment 5 refers). The checklist indicates a number of sustainable measures incorporated in the design as outlined below:

- Northerly orientated development, with passive shading of glass, sufficient thermal mass, insulation and draught sealing, floor plan zoning based on water and heating needs and advanced glazing solutions.
- Incorporating low energy and water efficient technologies, with natural and / or fan forced ventilation.
- Use of low-VOC products.

### **Consultation**

The application was advertised for a period of 14 days, commencing on 2 August 2017 and concluding on 16 August 2017. A letter outlining the areas of discretion was sent to the landowners and occupiers that were adjoining and directly opposite the subject site.

A total of three responses were received, being three objections to the proposal.

The concerns raised in the submission were in relation to the following:

- The proposed plans indicate too many intended dwellings on the property.
- Parking and traffic congestion along the street.
- The development will impact the street and adjoining properties.
- The reduced landscaping will impact the streetscape.
- Overshadowing of adjoining properties.

*Response to Submissions:*

- *The proposed plans indicate too many intended dwellings on the property.*

In accordance with the R-Codes, the size of any multiple dwelling development (under Part 6 of the R-Codes) is not dictated by the number of dwellings proposed, rather the size of the development is controlled by the plot ratio area.

Although the applicant has proposed a plot ratio area which exceeds the deemed-to-comply requirements of the R-Codes, the development is considered to meet the relevant design principles, as the impact of an additional 53.76m<sup>2</sup> of plot ratio area is minimal and the bulk and scale of the development as viewed from the street and adjoining landowners is appropriate.

- *Parking and traffic congestion along the street.*

It is recommended that a condition of approval is included to ensure the number of visitor car parking meets the deemed-to-comply requirements of the City's RDLPP.

It is noted that the number of resident car bays provided onsite meets the deemed-to-comply requirements of the R-Codes.

- *The development will impact the street and adjoining properties.*

As discussed in the 'Detail' section of this Report, the development meets the relevant deemed-to-comply and design principles under the R-Codes, as well as the City's RDLPP in respect to built form, setbacks, overshadowing, visual privacy and building height. Therefore, the development is not considered to have a detrimental impact on the streetscape or adjoining properties.

- *The reduced landscaping will impact the streetscape.*

As discussed in the 'Detail' section of this Report, the proposed landscaping is considered to meet the relevant design principles of the R-Codes. The majority of landscaping proposed is located adjacent to the street to ensure the vegetation is visible from the public realm.

A condition of approval is also recommended to ensure street trees are planted within the adjacent Macedon Place road reserve in accordance with the City's RDLPP.

- *Overshadowing impact on adjoining properties.*

The proposed development meets the deemed-to-comply requirements of clause 6.4.2 (solar access for adjoining sites) of the R-Codes. The shadow cast by the development only occupies 6.4% of the adjoining (southern) property; which is well below the 25% permitted under the R-Codes.

## **COMMENT**

As outlined above, it is considered that the overall design of the development and the areas of discretion sought are appropriate for the locality and meets the objectives and intent of the City's *Residential Development Local Planning Policy* and the R-Codes.

The application is therefore recommended for approval, subject to conditions.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 30 May 2017 submitted by Claudio Bornia, on behalf of the owners, Amanda Tadros, Amanda Di Franco and Gino Di Franco, for proposed multiple dwellings (14 multiple dwellings) at Lots 392 and 393 (33 and 35) Macedon Place, Craigie, subject to the following conditions:

- 1 This approval relates to the 14 multiple dwellings and associated works only, as indicated on the approved plans. It does not relate to any other development on the lot;
- 2 The lots included within the application site shall be amalgamated prior to commencement of development;
- 3 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 4 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be lodged with the Registrar of Titles for endorsement on the certificate of title, prior to the commencement of development. The notification is to state as follows:  
  
*“This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise.”;*
- 5 The external surface of the development, including roofing, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surfaces shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;
- 6 All development shall be contained within the property boundaries;
- 7 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
- 8 A Refuse Management Plan indicating the method of rubbish collection is to be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied;

- 9 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:**
- 9.1 all forward works for the site;**
  - 9.2 the delivery of materials and equipment to the site;**
  - 9.3 the storage of materials and equipment on the site;**
  - 9.4 the parking arrangements for the contractors and subcontractors;**
  - 9.5 the management of dust during the construction process;**
  - 9.6 other matters likely to impact on the surrounding properties,**
- and works shall be undertaken in accordance with the approved Construction Management Plan;**
- 10 Any bicycle parking facilities provided should be designed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993). If the development is to include bicycle parking, details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of construction;**
- 11 Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of construction;**
- 12 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;**
- 13 Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street(s) to the satisfaction of the City;**
- 14 Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site, prior to the occupation of the building(s) to the satisfaction of the City;**
- 15 Boundary walls and retaining walls shall be of a clean finish and made good to the satisfaction of the City;**
- 16 Four visitor car parking bays shall be provided within the verge to the specifications and satisfaction of the City;**
- 17 A total of three visitor car parking bays shall be provided on-site as depicted on the approved plans, and shall be formally set-aside and adequately marked for “visitors only”;**
- 18 The verge adjacent to the lot(s) shall be landscaped to the specifications and satisfaction of the City, and shall include one street tree for every 10 metres of frontage where a lot abuts a primary or secondary street;**

- 19 Screening shall be erected as depicted on the approved plans, including the entire northern side of the Unit 9 balcony. Screening shall be a minimum height of 1.6 metres above the approved finished floor level, and comply with the definition of screening under the *Residential Design Codes*. All screening shall be at least 75% obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property. All screening shall be installed to the satisfaction of the City prior to occupation of the development;
- 21 The driveway and crossover are to be designed and constructed to the satisfaction of the City prior to occupation of the dwelling;
- 22 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;
- 23 The infill to the front fence, as indicated on the approved plans, shall be visually permeable (as defined in the *Residential Design Codes*).

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf170912.pdf](#)

## **CJ145-09/17      PROPOSED 14 MULTIPLE DWELLINGS AT LOTS 125 AND 126 (1 AND 3) CHIPALA COURT, EDGEWATER**

<b>WARD</b>	North Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	09976, 84481
<b>ATTACHMENTS</b>	Attachment 1      Location plan Attachment 2      Development plans Attachment 3      Landscaping plan Attachment 4      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.

### **PURPOSE**

For Council to determine an application for 14 multiple dwellings at Lots 125 and 126 (1 and 3) Chipala Court, Edgewater.

### **EXECUTIVE SUMMARY**

An application for development approval has been received for 14 multiple dwellings located at Lots 125 and 126 (1 and 3) Chipala Court, Edgewater. The proposal includes the amalgamation of the two sites and development of units accessed by a three metre wide driveway and crossover from Chipala Court.

There are a number of discretions sought under the *City's District Planning Scheme No. 2 (DPS2)*, *Residential Design Codes (R-Codes)* and *Residential Development Local Planning Policy (RDLPP)*. These discretions include street setbacks, building height, lot boundary setbacks, front fence heights, store dimensions, site works, pedestrian / disability access and driveway arrangements.

Due to the areas of discretion proposed by the applicant, the City advertised the application to the surrounding affected landowners for a period of 14 days in accordance with the R-Codes.

A total of 55 submissions were received, being 52 letters of objection, two multi-signature letters with a total of 37 signatures and one letter of no objection. Of the 55 submissions, 10 objections were received from those directly consulted with, 45 objections from Edgewater residents, and one no objection from an abutting owner. The majority of responses objected to matters that were not the subject of discretion.

The discretions sought however are considered to not meet the design principles of the R-Codes or Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

It is therefore recommended that Council refuses the application.

## BACKGROUND

<b>Suburb/Location</b>	Lot 125 and 126 (1 and 3) Chipala Court, Edgewater.
<b>Applicant</b>	Claudio Bornia.
<b>Owner</b>	Peter Lee, Margaret Lee and Naim Jones.
<b>Zoning</b>	<b>DPS</b> Residential.
	<b>MRS</b> Urban.
<b>Site area</b>	1,379m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site includes two freehold lots which are currently occupied by two separate single houses. The subject site is bounded by land zoned 'Residential' with existing single storey dwellings (Attachment 1 refers).

The subject site is zoned 'Residential' under DPS2, is located in Housing Opportunity Area 8 and has a dual density coding of R20/R40.

## DETAILS

The proposed development consists of the following:

- A combined site area of 1,379m<sup>2</sup>.
- Eight two bedroom dwellings and six single bedroom dwellings (14 dwellings total).
- A single vehicle access point from Chipala Court.
- A total of 18 car parking bays on-site.
- An additional eight visitor car bays within the verge.
- A rendered building finish, with predominantly 'Colorbond' pitched roof.
- Associated site works and retaining walls, with the retaining having a maximum height of four metres to the southern boundary.

The development plans and perspectives are provided at Attachment 2.

The development has been assessed against the deemed-to-comply criteria of the R-Codes, the replacement deemed-to-comply criteria of the City's RDLPP and clause 67 of the Regulations. The proposal does not meet a number of these requirements and is seeking the City's discretion for the following:

- Minimum setback of 0.1 metres to Apalie Trail in lieu of two metres.
- Average setback of 2.33 metres to Apalie Trail in lieu of four metres.
- Minimum setback of 0.89 metres to Chipala Court in lieu of two metres.
- Average setback of 2.33 metres to Apalie Trail in lieu of four metres.
- Reduced lot boundary setback of 1.41 metres from unit seven to the southern boundary.
- Front fence 2.15 metres in height (solid).
- Stores less than 1.5 metres in dimension.
- Fill greater than 0.5 metres within the front setback area.

- Pedestrian paths that do not provide wheelchair accessibility connecting all entries to buildings, the public footpath and car parking areas.
- Driveways that do not allow for two way access.
- Buildings with wall heights up to 7.68 metres in lieu of six metres.

These areas of discretion are discussed further below.

### Building height

Clause 6.1.2 of the deemed-to-comply criteria of the R-Codes requires wall heights of the development not to exceed six metres in height. There are multiple over height feature walls as viewed from Chipala Court, to a maximum height of 7.68 metres in lieu of six metres.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

*“Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves and where appropriate maintains:*

- *adequate access to direct sun into buildings and appurtenant open spaces*
- *adequate daylight to major openings into habitable rooms*
- *access to views of significance*
- *buildings present a human scale for pedestrians*
- *building façades designed to reduce the perception of height through design measure*
- *podium style development is provided where appropriate.”*

The proposed building heights are considered to meet the design principles of Clause 6.1.2 of the R-Codes of the Regulations as detailed below:

- The rendered brickwork features to units one and eight and two and nine are considered to provide additional articulation to the facade and in isolation, are not considered to impact adversely on the amenity of adjoining residents or the street.

### Street setbacks

Clause 6.1.3 of the deemed-to-comply criteria of the R-Codes (amended through the RDLPP) requires a minimum setback of two metres and average setback of four metres to both street frontages. In this instance, the following is proposed:

- Minimum setback of 0.1 metres to Apalie Trail in lieu of two metres.
- Average setback of 2.33 metres to Apalie Trail in lieu of four metres.
- Minimum setback of 0.89 metres to Chipala Court in lieu of two metres.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

*“Buildings are set back from the street boundaries (primary and secondary) an appropriate distance to ensure they:*

- *contribute to the desired streetscape*
- *provide articulation of the building on the primary and secondary streets*
- *allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site*

- *are appropriate to its location, respecting the adjoining development and existing streetscape*
- *facilitate the provision of weather protection where appropriate.”*

Additionally, Clause 67(m) of the Regulations details consideration of:

*“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;”*

The proposed setbacks to the street are not considered to meet the design principles of Clause 6.1.3 of the R-Codes or Clause 67(m) of the Regulations as detailed below:

- The reduced setbacks are incompatible with the adjoining and adjacent streetscape as the adjoining residential dwelling at 30 Apalie Trail is set back in excess of 10 metres.
- The reduced setbacks are incompatible with the adjoining and adjacent streetscape as the adjacent dwellings along Apalie Trail and Chipala Court are generally set back in excess of seven metres.

#### Lot boundary setbacks

Clause 6.1.4 of the deemed-to-comply criteria of the R-Codes requires a setback of 1.5 metres to the southern lot boundary from unit seven. In this instance the setback is proposed at 1.41 metres.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

*“Buildings setback from the lot boundaries or adjacent boundaries so as to:*

- *ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;*
- *moderate the visual impact of building bulk on a neighbouring property*
- *ensure access to daylight and direct sun to adjoining properties;*
- *assist with the protection of privacy between adjoining properties.”*

The proposed setback to the southern lot boundary is considered to meet the design principles of clause 6.1.4 as detailed below:

- The reduced setback is minor in nature, with the finished floor level being generally consistent with the adjoining dwelling at 5 Chipala Court and any overshadowing will not exceed that already created by the existing dividing fence.
- The windows to the boundary are considered ‘minor openings’ with sill levels exceeding 1.6 metres in height and therefore privacy is maintained.

#### Street walls and fences

Clause 6.2.2 of the deemed-to-comply criteria of the R-Codes requires front fences to be visually permeable above a height of 1.2 metres above natural ground level. The applicant proposes a maximum solid front fence height of 2.15 metres abutting the bin store and letterbox infrastructure.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

*“Front fences to enable surveillance and enhance streetscape.”*

The proposed solid front fencing abutting the bin store is considered to meet the design principles of clause 6.2.2 as detailed below:

- The solid portion of fence abutting the bin store screens this area from view. In addition, there are no openings obscured by this portion of fence and sufficient surveillance is provided from all dwellings of the street.

The proposed solid front fencing supporting the letterbox infrastructure does not meet the design principles of clause 6.2.2 as detailed below:

- The solid portion of fence supports the letterbox infrastructure. There are no major openings from units four, five, 11 or 12 that permit surveillance of this area, which is fully screened from the street. This is not considered to provide for safe access, allows for concealment behind the letterbox and does not enhance the streetscape.

### Landscaping

Clause 6.3.2 of the deemed-to-comply criteria of the R-Codes requires that no more than 50% of the street setback area is to be hard surface and that separate pedestrian paths be installed which provide wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas. The applicant proposes 64.4% hard surface and does not provide for separate pedestrian paths that are wheelchair accessible.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

*“The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:*

- *meets the projected needs of the residents;*
- *enhances security and safety for residents; and*
- *contributes to the streetscape.”*

Clause 67(u) of the Regulations details that the adequacy of access by older people and people with disability should be considered.

Clause 67(p) of the Regulations details that landscaping provision should be adequate.

The proposed hard surface is not considered to meet the design principles of 6.3.2 or Clause 67(p) of the Regulations as detailed below:

- The applicant proposes terraced landscaping adjacent to the frontages of the dwellings, however, the reduced landscaping in addition to the reduced street setbacks results in a hardscape dominated site as visible from the surrounding streets.

The lack of separate pedestrian paths providing wheelchair accessibility is not considered to meet the design principles of 6.3.2 and Clause 67(u) of the Regulations as detailed below:

- The lack of pedestrian paths and provision of steps along the paths that are provided restricts and prevents accessibility to buildings, including common areas and to that of each individual dwelling.
- Unit four is only accessible from car bay 12 and car bay 13, with access obstructed if a car is parked in this location.
- The minimum travel distance from the units (unit one) to the bin store (without traversing down 10 steps) is 35 metres, down a one in four grade ramp (grade permissible is 1:33) along the verge and through a gate.
- The minimum travel distance from the units (unit one) to the letterbox (without traversing down four steps) is 54 metres, down a 1:4.8 grade ramp along the verge and through a gate.
- While the applicant justified that each dwelling is accessible from the car park, no dwellings have accessibility from the on-street visitors car bays and access from the car park is consequent upon the path of travel occurring through the centre of the car park to access the pathway or specific car parking bays being available.

#### Design of car parking spaces

The City's RDLPP requires the provision of 0.5 visitor car bays per dwelling. The applicant has provided a total of eight bays within the verge, which exceeds the RDLPP by one bay. The bays are intended to be provided as embayment parking in accordance with the City's specifications.

Clause 6.3.4 of the deemed-to-comply criteria of the R-Codes requires that car parking and manoeuvring spaces comply with Australian Standard AS2890.1 (AS2890.1) and that an accessible path of travel for people from visitor bays for people with disabilities is provided.

Car bay 12 does not comply with the Australian Standards as manoeuvring extends across the footpath. Additionally, an accessible path of travel is not provided from the visitors bays.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

*“Car, cycle and other parking facilities are to be designed and located on-site to be conveniently accessed, secure, consistent with streetscape and appropriately manage stormwater to protect the environment.”*

The proposed car parking spaces are not considered to meet the design principles of 6.3.4 as detailed below:

- Car bay 12 manoeuvring traverses the footpath and therefore creates a potential conflict between vehicles and pedestrians.
- While the applicant justified that each dwelling is accessible from the car park, no dwellings have disability access from the on-street visitor's car bays and access from the car park requires the path of travel to occur through the centre of the car park to access the pathway or relies on specific car parking bays being available.
- As visitor bays are located solely within the verge and recognising the topography of the site and immediate locality, it is not considered safe or convenient for disability access to be provided to the development through traversing stairs, or via a 1:4.8 grade ramp.

### Vehicle access

Clause 6.3.5 of the deemed-to-comply criteria of the R-Codes requires two way vehicle access where the driveway serves more than five dwellings and where the distance from the car space to the street is greater than 15 metres. The application proposes one way access from Chipala Court.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

*“Vehicular access provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.”*

Additionally, Clause 67(s) of the Regulations details that access and egress to the site should be adequate.

The proposed vehicle access is not considered to meet the design principles of Clause 6.3.5 and Clause 67(s) as detailed below:

- It is not considered that one way access to 18 car bays is appropriate or adequate as the proposed access ramp grade is 1:4.8 and three metres in width. This could create a conflict where vehicles entering and exiting the site are required to wait in the road and vehicles on site would be impacted by the proposed gate within the car park.

### Site works

Clause 6.3.6 of the deemed-to-comply criteria of the R-Codes requires that fill within three metres of the street alignment should not exceed 0.5 metres. In this instance, the applicant proposes fill to a maximum height of 2.24 metres within three metres of the Chipala Court street alignment.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

*“Development that considers and responds to the natural features of the site and requires minimal excavation/fill.”*

*“Where excavation / fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.”*

The proposed site works are not considered to meet the design principles of Clause 6.3.6 as detailed below:

- The fill and associated retaining walls to a maximum height of 2.24 metres are not considered minimal and do not respect the ground levels at the boundary of the site as viewed from the street.
- The resultant bulk of the fill and associated retaining walls exacerbates the impact of the reduced street setbacks under Clause 6.1.3 of the R-Codes.

### Utilities and facilities

Clause 6.4.6 of the deemed-to-comply criteria of the R-Codes requires that storage areas have a minimum dimension of 1.5 metres. The applicant proposes minimum dimensions between 1.04 metres and 1.4 metres for units one, two and three.

Council is required to consider the development against the applicable design principles of the R-Codes which state:

*“External location of storeroom, rubbish collection / bin areas, and clothes drying areas where these are:*

- *convenient for residents*
- *rubbish collection areas which can be accessed by service vehicles*
- *screened from view*
- *able to be secured and managed.”*

The proposed utilities and facilities are considered to meet the design principles of Clause 6.4.6 as the extent of the discretion is minor and the dimensions proposed are considered functional for storage purposes.

#### Joondalup Design Reference Panel (JDRP)

The development was reviewed by the JDRP at its meeting held on 30 June 2017. The feedback from the panel and the City’s response is summarised in the table below.

<b>JDRP Comment</b>	<b>Applicant Response</b>	<b>City Response</b>
Further consideration should be given to the design of units four and 11 to ensure that the development better addresses the street corner.	The design of units four and 11 ensures that habitable rooms and outdoor living areas are orientated to address and provide passive surveillance to both the primary and secondary streets. Furthermore, the design of the frontage activates for street engagement with access from the ground floor alfresco to the street. The corner is also provided within a landscape setting to soften the appearance of the building when viewed from the streetscape.	The changes are deficient in addressing the panel’s comments. While additional landscaping has been provided, no modifications have been undertaken to the design or location of unit four and unit 11 to better address the street corner.
Consideration should be given to the relocation of the bin store to a less prominent location on site.	The bin store meets the deemed to comply criteria of clause 6.4.6 Utilities and facilities of the R-Codes.	While the bin store complies with Clause 6.4.6 of the R-Codes, the bin store is located in a prominent location and should be relocated to a less prominent location.  Additionally, the screening to the bin store creates a solid wall along the street which is not conducive to creating a desirable streetscape.

JDRP Comment	Applicant Response	City Response
Units seven and 14 should be removed due to the lack of amenity for the occupants of the units such as noise, lack of direct sunlight and outdoor living area.	An acoustic report will be submitted that will address noise and amenity concerns from the car park.	<p>An acoustic report was not submitted. Notwithstanding the submission of a noise report, it is not considered that units seven and 14 address the following objective of the RDLPP.</p> <ul style="list-style-type: none"> <li>• High quality built development outcomes in relation to building design and site layout.</li> </ul> <p>Units seven and 14 are not considered to meet the above objective due to their limited amenity with outlook internal to the site and no access to communal open space.</p>
Units seven and 14 should be removed due to overlooking to the dwelling at 5 Chipala Court.	The windows have been modified to highlight windows to comply with 6.4.1 Visual privacy requirements of the R-Codes.	The modifications address the comments made by the JDRP.
Units seven and 14 should be removed due to safety concerns regarding the support pillars being located between car bays.	Piers have been repositioned to comply with AS2890.1. Furthermore, the development will be certified to comply with the <i>Building Codes of Australia</i> (BCA).	The modifications address the comments made by the JDRP.

### Removal of verge tree

There are two existing verge trees within the Apalie Trail road reserve being one *Metrosideros* and one *Corymbia ficifolia*.

The removal of these street trees requires approval under the City's *Local Government and Public Property Local Law 2014* (the local law) and payment of \$2,969 (excluding GST) for the amenity value and removal costs.

### Transport Noise

The subject site is located within the vicinity of a regional road reserve (Ocean Reef Road) which is projected to exceed 20,000 vehicles per day in the next 15 to 20 year horizon. Given this, the development is required to meet the provisions of *State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning* (SPP5.4) in respect to transport noise mitigation.

The applicant has not provided an acoustic report required by SPP5.4; however given the proximity to the noise source, it is considered that any mitigation measures required could be incorporated into the building design, without the requirement for the need for design modifications, such as the inclusion of double glazing. Therefore the acoustic report is not considered to be essential for the purposes of the assessment and could form a condition of approval, if granted.

### Issues and options considered

Council is required to determine whether the proposed development of 14 multiple dwellings is appropriate.

Council may determine an application for development approval by either:

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

### Legislation / Strategic Community Plan / policy implications

- |                    |  |
|--------------------|--|
| <b>Legislation</b> | <ul style="list-style-type: none"> <li>• <i>City of Joondalup District Planning Scheme No. 2 (DPS2).</i></li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).</i></li> <li>• <i>Local Government and Public Property Local Law 2014 (the Local law).</i></li> </ul> |
|--------------------|--|

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

- |               |   |
|---------------|---|
| <b>Policy</b> | <ul style="list-style-type: none"> <li>• <i>Residential Development Local Planning Policy (RDLPP).</i></li> <li>• <i>Residential Design Codes of Western Australia (R-Codes).</i></li> <li>• <i>State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4).</i></li> </ul> |
|---------------|---|

### DPS2

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

- (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.*

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

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.*

#### *Residential Development Local Planning Policy*

The policy sets provisions for the design of residential development within the City.

The objectives include the following:

- *An improved streetscape outcome, which is attractive and enhances and complements the visual character, bulk and scale of the surrounding built form.*

- *High quality built development outcomes in relation to building design and site layout.*
- *Residential subdivision and development with safe, functional and attractive access arrangements in and out of sites, which contribute to the overall aesthetics of developments.*
- *New development that is designed having regard to the issue of crime prevention and surveillance of the street and housing entrances.*
- *Varying density development, inclusive of development within dual density coded areas that are integrated into the surrounding built environment.*

#### Residential Design Codes of Western Australia

The R-Codes set out provisions for the control of residential development throughout Western Australia.

The objectives of the policy are:

- *to provide residential development of an appropriate design for the intended residential purpose, density, context of place and scheme objectives*
- *to encourage design consideration of the social, environmental and economic opportunities possible from new housing and an appropriate response to local amenity and place*
- *to encourage design which considers and respects heritage and local culture*
- *to facilitate residential development which offers future residents the opportunities for better living choices and affordability.*

#### Local Government and Public Property Local Law 2014

The local law sets out the provisions for tree protection within the public realm.

The local law sets out that:

“A person must not -

- (a) *Damage, injure, prune, remove or kill by felling, poisoning or any other means, a tree on a thoroughfare or verge unless the person is -*
- 1 *Acting under authority of the local government; or*
  - 2 *A local government employee or contractor engaged by the local government to undertake work in relation to a particular tree or trees on thoroughfares in the district or on local government property generally; or*
  - 3 *Acting under authority of a written law.”*

#### **Risk management considerations**

The proponent has a right of review against the Council decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

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

The applicant has paid fees of \$4,655 (excluding GST) in accordance with the Schedule of Fees and Charges, for assessment of the application.

## Regional significance

Not applicable.

## Sustainability implications

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent applicable to the development (Attachment 3 refers). The checklist indicates a number of sustainable measures, including passive solar orientation, insulation, advanced glazing solutions, low energy and water efficient technologies, as well recyclable and renewable materials into the design of the building.

Additionally, the applicant has indicated roof gardens and 'green' or planted walls; however these are not demonstrated on the development plans.

## Consultation

The application was advertised for a period of 14 days, commencing on 7 August 2017 and concluding on 21 August 2017. A letter outlining the areas of discretion was sent to the landowners and occupiers that were adjoining and directly opposite the subject site, with comments sought in relation to the following:

- Reduced building front setback.
- Reduced building front setback average.
- Reduced building side setback.
- Fill greater than 500mm within the front setback area.
- Fill greater than 500mm within one metre of a common boundary.
- Retaining greater than 500mm with a reduced setback.
- Solid front fence greater than 1.2 metres.
- Stores less than 1.5 metres in dimension.
- Reduced landscaping.
- Insufficient pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas.
- Reduced access width.

A total of 55 submissions were received, being 52 letters of objection, two multi-signature letters (with a total of 37 signatures) and one letter of no objection. Of the 55 submissions, 10 objections were received from those directly consulted with, 45 objections from other Edgewater residents and one no objection from an abutting owner. The majority of responses were from residents that were not considered to be impacted by the discretion sought under the R-Codes and objected to matters that were not the subject of discretion.

Concerns raised in the submissions included the following:

- The extent / number of discretions.
- The number of dwellings is not in keeping with the existing street.
- The design of the dwellings is not in keeping with the existing street.
- The building is too high.
- The setbacks are insufficient.
- The increase of traffic in cul-de-sac and child safety.
- Single driveway access.
- Adequacy of car parking.
- Reduced landscaping and loss of native garden will reduce biodiversity and will devalue the area in flora and fauna.

- Lack of outdoor living areas.
- No wheelchair access.
- Overcrowding, slum style living and ownership.
- Responsibility for the maintenance of the verge.
- Violation of caveats.
- Property values.
- Reduction of roadway.
- One way access into development site.
- Construction traffic and noise.
- Extent of consultation.
- Impacts the neighbourhood character.
- Visual privacy to adjacent dwellings.
- Lack of internet services.
- Waste management and locations of bins within the verge.
- Lack of pedestrian refuge.

The City's responses to the concerns raised are summarised below:

- *The extent / number of discretions.*

The City is permitted to exercise discretion under the R-Codes where it can be demonstrated that the design principles have been addressed.

As detailed within the 'Details' section of this Report, the development is not considered to have satisfied the design principles of the R-Codes on a number of discretions sought.

- *The number of dwellings is not in keeping with the existing street.*

There are no specific restrictions as to the number of units permissible on dual coded lots. However, the number of dwellings are generally restricted by the capacity to provide adequate car parking, plot ratio area, setbacks and height requirements contained within the R-Codes.

- *The design of the dwellings is not in keeping with the existing street.*

As detailed within the 'Details' section of this Report, the design is not considered to provide a satisfactory streetscape outcome.

- *The building is too high.*

As detailed within the 'Details' section of this Report, the building height is considered to meet the design principles of Clause 5.1.1 of the R-Codes.

- *The setbacks are insufficient.*

As detailed within the 'Details' section of this Report, the design is not considered to have satisfied the design principles of the R-Codes in relation to street setbacks.

- *The increase of traffic in cul-de-sac and child safety.*

There is adequate capacity within the existing road system to cater for the additional 14 multiple dwellings proposed.

- *Single driveway access.*

As outlined in the 'Details' section of this Report, the design is not considered to have satisfied the design principles of the R-Codes with respect to the provision of sufficient two way access.

- *Adequacy of car parking.*

The application exceeds the number of resident and visitor's car parking bays required under the R-Codes by one bay.

As detailed within the 'Details' section of this Report, the pedestrian access and disability access to the car bays does not satisfy the design principles of the R-Codes.

- *Reduced landscaping and loss of native garden will reduce biodiversity and will devalue the area in flora and fauna.*

While landscaping is a valid consideration which is discussed within the 'Details' section of this Report, the impact on biodiversity is unable to be considered through the R-Codes.

- *Lack of outdoor living areas.*

The proposed outdoor living areas are considered compliant with the R-Codes and therefore discretion is not being exercised.

- *No wheelchair access.*

As detailed within the 'Details' section of this Report, the design is not considered to have satisfied the design principles of the R-Codes.

- *Overcrowding, slum style living and ownership.*

The number and type of people, or ownership arrangements are not valid planning considerations.

- *Responsibility for the maintenance of the verge.*

The landowners are responsible for the maintenance of landscaping within the verge.

- *Violation of caveats / restrictive covenants.*

In relation to developer imposed caveats / restrictive covenants, the City is not a party to these matters and considers applications under *District Planning Scheme No. 2 (DPS2)* and the R-Codes.

It is the responsibility of the landowner to ensure that development is undertaken in accordance with any restrictions on the certificate of title. However, it is noted that where there is an inconsistency between title restrictions (such as restrictive covenants) and DPS2, that these restrictions may be extinguished or varied to correct the inconsistency.

- *Property values.*

Property values are not a valid planning consideration under Clause 67 of the Regulations.

- *Reduction of roadway.*

The application does not propose to reduce the existing roadway and visitor parking is proposed within the existing verge.

- *One way access into development site.*

As detailed within the 'Details' section of this Report, the design is not considered to have satisfied the design principles of the R-Codes.

- *Construction traffic and noise.*

Construction traffic is subject to compliance with the relevant City of Joondalup local laws.

Construction noise is subject to compliance with the *Environmental Protection (Noise) Regulations 1997*.

- *Extent of consultation.*

Consultation was undertaken in accordance with Clause 4.1 of the R-Codes and Clause 4.5 of DPS2 to those owners directly affected by the discretions sought to the deemed-to-comply requirements of the R-Codes and relevant local planning policies.

- *Impacts the neighbourhood character.*

As detailed within the 'Details' section of this Report, the design is not considered to have satisfied the relevant design principles of the R-Codes.

- *Visual privacy to adjacent dwellings.*

Visual privacy is considered compliant with the deemed-to-comply requirements of the R-Codes.

- *Lack of Internet services.*

The provision of telecommunication services is not a valid planning consideration.

- *Waste management and location of bins within the verge.*

The applicant modified the plans to reduce the number and size of the bin store. Developments of this nature, if approved, include a condition that requires the submission of a waste management plan. The waste management plan would ensure that bin size, number of bins and collection method were adequate to service the development in accordance with the City's *Waste Local Law 2017*.

- *Lack of pedestrian refuge.*

There is adequate space within the verge to cater for pedestrians to informally walk between the lot boundaries and the proposed car bays.

## COMMENT

As outlined above, the proposed development meets a number of the requirements of the R-Codes and the City's *Residential Development Local Planning Policy*, however seeks a number of discretions to the deemed-to-comply requirements of both documents.

In some instances, the discretions sought are not considered to meet the design principles of the R-Codes, objectives of the City's *Residential Development Local Planning Policy* or Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The application is therefore recommended for refusal.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council REFUSES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 12 June 2017 submitted by Claudio Bornia, on behalf of the owners, Peter Lee, Margaret Lee and Naim Jones for proposed Multiple Dwellings (14 new dwellings) at Lots 125 and 126 (1 and 3) Chipala Court, Edgewater, for the following reasons:**

- 1 The proposed multiple dwellings do not meet the deemed-to-comply provisions or the design principles of clause 6.1.3 of *State Planning Policy 3.1: Residential Design Codes of Western Australia*, as:**
  - 1.1 the proposed multiple dwellings are considered to detract from the desired streetscape;**
  - 1.2 the proposed multiple dwellings do not respect the adjoining development and existing streetscape;**
- 2 The proposed multiple dwellings do not meet the deemed-to-comply provisions or the design principles of clause 6.2.2 of *State Planning Policy 3.1: Residential Design Codes of Western Australia*, as:**
  - 2.1 the solid portion of front fencing supporting the letterbox does not permit surveillance of the street and access to the site;**
  - 2.2 the solid portion of front fencing supporting the letterbox does not enhance the streetscape;**
- 3 The proposed multiple dwellings do not meet the deemed-to-comply provisions or the design principles of clause 6.3.2 of *State Planning Policy 3.1: Residential Design Codes of Western Australia*, as:**
  - 3.1 the pedestrian paths do not provide wheelchair accessibility connecting all entries to buildings with public footpaths and parking areas and therefore do not meet the projected needs of residents or provide safe access for residents;**
  - 3.2 the hardstand areas do not contribute to the streetscape;**

- 4     **The proposed multiple dwellings do not meet the deemed-to-comply provisions or the design principles of clause 6.3.4 of *State Planning Policy 3.1: Residential Design Codes of Western Australia*, as:**
  - 4.1    **accessibility to car bay 12 does not comply with AS2890.1 and potentially creates a conflict between vehicles and pedestrians;**
  - 4.2    **an accessible path of travel is not provided for visitors with disabilities and is not considered safe or conveniently accessed;**
- 5     **The proposed multiple dwellings do not meet the deemed-to-comply provisions or the design principles of clause 6.3.5 of *State Planning Policy 3.1: Residential Design Codes of Western Australia*, as one way access is not considered safe as it may result in a conflict of access for vehicles attending the site;**
- 6     **In accordance with clause 67(m) of the deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible within its setting;**
- 7     **In accordance with clause 67(p) of the deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed landscaping is not considered adequate;**
- 8     **In accordance with clause 67(u) of the deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not provide adequate access for older people and people with disabilities;**
- 9     **In accordance with clause 67(s) of the deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, vehicle access and egress to the site is not considered adequate;**
- 10    **The proposed multiple dwellings do not meet the objective of the City's *Residential Development Local Planning Policy*, as the building design and site layout of units seven and 14 are not of a high quality.**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf170912.pdf](#)

**CJ146-09/17      PROPOSED AMENDMENT NO. 87 TO DISTRICT  
PLANNING SCHEME NO. 2 – LOT 12223 (12)  
BLACKWATTLE PARADE, PADBURY –  
CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106550, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Scheme amendment maps Attachment 3    Schedule of submissions
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider Scheme Amendment No. 87 to *District Planning Scheme No. 2* (DPS2) following public advertising.

**EXECUTIVE SUMMARY**

Lot 12223 is currently vacant and is zoned 'Civic and Cultural' under DPS2. At its meeting held on 21 March 2017 (CJ021-03/17 refers), Council resolved to initiate an amendment to rezone the site to 'Commercial', for the purposes of public advertising.

The subject site currently has a residential density code of R20/40. Clause 4.3.2 of DPS2 states that for 'Commercial' zoned sites greater than 1,000m<sup>2</sup> the applicable density is R80. As such it is also proposed that the existing residential density code be removed from Lot 12223.

The amendment was advertised for public comment for a period for 42 days, ending on 20 July 2017. A total of 12 submissions were received, consisting of two submissions from service authorities, two submissions indicating support, seven submissions indicating objection and one comment. The comments received through the submission period related to the potential development of the site and the resultant traffic. While the concerns about traffic are noted, in the event the scheme amendment is finalised, assessment of such issues will be undertaken as part of any future development proposal for the site.

The proposed amendment is considered appropriate as it will provide the opportunity for a range of land uses to be provided on site, including 'Aged or Dependent Persons Dwellings', 'Shop' or 'Office', all of which have the potential to provide for the daily needs of the local community.

It is therefore recommended that Council supports the scheme amendment and forwards the amendment to the Western Australian Planning Commission (WAPC) for consideration.

## BACKGROUND

<b>Suburb/Location</b>	Lot 12223 (12) Blackwattle Parade, Padbury.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	Crown Land.
<b>Zoning</b>	<b>DPS</b> 'Civic and Cultural'.
	<b>MRS</b> 'Urban'.
<b>Site area</b>	3,332m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is vacant Crown Land which the City has a management order for and is currently in the process of acquiring. It is currently zoned 'Civic and Cultural' under DPS2 and has a residential density code of R20/40. It is bound by 'Commercial' zoned lots (Lot 195 Blackwattle Parade and Lot 196 Walter Padbury Boulevard) to the west, a 'Business' zoned lot (Lot 193 Blackwattle Parade) to the east and 'Residential' zoned lots across the road and throughout the immediate locality. The nearby residential lots have a density code of R20/40. Hepburn Avenue adjoins the southern boundary of Lot 12223 (Attachment 1 refers).

Currently, the subject site is proposed to be reserved as 'Civic and Community' under draft *Local Planning Scheme No. 3* (LPS3), however if this rezoning proceeds, it is intended that the subject site will be zoned 'Commercial' under LPS3.

The adjoining 'Civic and Cultural' zoned lot, Lot 504 (12F) Blackwattle Parade, is owned by Telstra Corporation Limited and accommodates a telephone exchange building. Lot 504 is proposed to be reserved as 'Local Road' under draft LPS3 and is not part of this scheme amendment.

It is also proposed through LPS3 that Lot 193 to the east be rezoned from 'Business' to 'Commercial'.

On the existing 'Commercial' zoned lots (Lots 195 and 196) a range of uses are currently operating including a service station, restaurants, takeaway food outlets and shops. There is an office (real estate agent) currently operating on the 'Business' zoned site (Lot 193).

The subject lot, along with Lots 196, 195 and 193 are collectively known as the 'Hepburn Avenue Neighbourhood Centre' under the City's *Local Commercial Strategy* (LCS).

### Acquisition of Lot 12223 Blackwattle Parade, Padbury.

In 2013 the City commenced the process of acquiring Lot 12223. As part of the process, at its meeting held on 19 May 2015 (CJ082-03/15 refers), Council resolved, in part, as follows:

"4 following acquisition of Lot 12223 (12) Blackwattle Parade, Padbury, REQUESTS the Chief Executive Officer to submit a report to Council to amend the zoning from 'Civic and Cultural' to a commercial type zoning in order to facilitate the site's eventual sale."

The process of acquiring the site has progressed to the point that the contract of sale will be finalised shortly. On this basis, it was considered appropriate to commence the scheme amendment process, consistent with the above resolution.

Comment was sought from the Department of Planning (now Department of Planning, Lands and Heritage (DPLH) during the consultation process required for the acquisition of the land. In November 2013, DPLH provided a response indicating support for the proposal and stated that any future rezoning of Lot 12223 is to be supported by, in part, a Retail Sustainability Assessment in accordance with *State Planning Policy 4.2 Activity Centres for Perth and Peel*.

### Local Commercial Strategy

At its meeting held on 10 December 2013 (CJ230-12/13 refers), Council endorsed the City's LCS. The LCS assessed the health of existing commercial centres within the local government area and made recommendations on the future growth of the centres. The LCS identified the subject site along with Lots 195, 196 and 193 as a 'Neighbourhood Centre' and as of 2010 the centre had a shop retail floor space of 1,971m<sup>2</sup>.

As part of the LCS, a Retail Needs Assessment was included which considered the indicative shop retail floor space threshold of the Hepburn Avenue Neighbourhood Centre in the context of all surrounding centres within the City. The LCS states that this centre is able to sustain an indicative shop retail floor space of 4,000m<sup>2</sup> up to 2026 and there has been almost no change to the existing centre in the interim.

The LCS also indicated there is capacity in the medium term for further commercial office development outside of the City Centre in areas such as Padbury.

The analysis and recommendations of the LCS are considered to satisfy the DPLH's request that any rezoning proposal be supported by a retail assessment.

### Initiation of scheme amendment

At its meeting held on 21 March 2017 (CJ021-03/17 refers), Council resolved that it:

- "1 Pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 RESOLVES that Scheme Amendment No. 87 is a standard amendment as the proposed 'Commercial' zone is considered to be consistent with the existing and proposed zonings in the area;
- 2 Pursuant to section 75 of the Planning and Development Act 2005 and regulation 35 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to proceed to advertise Scheme Amendment No. 87 to the City of Joondalup District Planning Scheme No. 2 to:
  - 2.1 amend the Scheme Map to rezone Lot 12223 (12) Blackwattle Parade, Padbury from 'Civic and Cultural' to 'Commercial';
  - 2.2 amend the Residential Density Code Map to recode Lot 12223 (12) Blackwattle Parade, Padbury to remove the residential density codes,as depicted at Attachment 2 to Report CJ021-03/17, for the purpose of public advertising for a period of 42 days."

## DETAILS

It is proposed that Lot 12223 Blackwattle Parade, Padbury be rezoned from 'Civic and Cultural' to 'Commercial' and the current residential density code be removed. Given the size and location of the site, it is suitable for accommodating commercial development.

In view of the timing proposed to initiate and progress this amendment under DPS2 compared with the current status of draft LPS3, it is necessary to consider the operation of the proposed zone under both.

### District Planning Scheme No. 2

The 'Commercial' zone will allow for a range of land uses to be accommodated on the site including, in part, 'Aged or Dependent Persons' Dwellings', 'Bulky Goods Showrooms', 'Consulting Rooms', 'Educational Establishment', 'Grouped Dwelling', 'Shop', 'Medical Centre', 'Place of Worship' and 'Restaurant'.

The applicable residential density code for the site is currently R20/40 however, should the site be rezoned to 'Commercial' it is also proposed to remove the density code consistent with other 'Commercial' zoned lots. The site will then be able to be developed at the density code of R80 in accordance with clause 4.3.2 of DPS2 which states:

*4.3.2 Unless a density code is specified on the R-Code Map, for lots with a land area of 1,000m<sup>2</sup> or more within the Commercial, Business or Mixed Use zone on the Scheme Map the applicable density code is R80.'*

### Draft Local Planning Scheme No. 3

Currently LPS3 proposes to remove the existing 'Civic and Cultural' zone for the subject site and reserve it 'Civic and Community'. The residential density of R20 would be maintained. There is no proposed land use permissibility or development standards proposed for the 'Civic and Community' reservation under LPS3.

Should Scheme Amendment No. 87 be finalised before LPS3 there is scope for the 'Commercial' zone to be maintained along with the applicable land use permissibility currently provided in DPS2. Although there are some minor changes proposed to the land uses between DPS2 and LPS3, the land use permissibility within the 'Commercial' zone is predominantly unchanged.

The residential density of R80 currently afforded to sites greater than 1,000m<sup>2</sup> in the 'Commercial' and 'Mixed Use' zone will still be applicable under LPS3.

In view of the above, it is considered that the proposed 'Commercial' zoning is appropriate under DPS2, and will be under LPS3 when operational.

## Issues and options considered

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

- support the amendment to the local planning scheme without modification
- support the amendment to the local planning scheme with modifications  
or
- not support the amendment to the local planning scheme.

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

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

**Strategic Community Plan****Key theme**

Quality Urban Environment.

**Objective**

Quality built outcomes.

**Strategic initiative**

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

**Policy**

Not applicable.

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

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

At its meeting held on 21 March 2017 (CJ021-03/17 refers), Council resolved to initiate the scheme amendment for the purposes of public advertising. The proposed amendment was then referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA did not consider that Amendment No. 87 should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and as such the amendment was advertised for public comment.

Upon closure of the advertising period, Council is required to consider all submissions received and to either support the amendment, with or without modifications, or not support the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

**Risk management considerations**

It is anticipated that should the amendment to DPS2 be initiated, advertised for public comment and final consideration undertaken by Council now, the new 'Commercial' zoning could be incorporated into LPS3 prior to its finalisation.

However, there is a risk that in the event LPS3 has progressed beyond a point where there is the ability to capture this subject amendment, a new amendment would need to be initiated following the finalisation of LPS3 to implement the 'Commercial' zoning.

### **Financial / budget implications**

The City as the proponent is required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the scheme amendment which includes letters to adjoining and nearby owners, placing a notice in the local newspaper and on the City's website and a sign on the site. The total cost of advertising is estimated to be \$2,000. A notice will also be placed in the *Government Gazette* in the event the scheme amendment is approved.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Although the site has been identified as not being required for a community purpose facility, the rezoning will provide the opportunity for the site to be developed to accommodate businesses or potentially provide housing options that will service the needs of the community.

### **Consultation**

The proposed scheme amendment was advertised for public comment for a period of 42 days concluding 20 July 2017, by way of:

- letters to adjoining and nearby landowners
- a notice placed in the *Joondalup Times* community newspaper
- a notice and documents placed on the City's website
- documents available to view at the City's administration building
- letters to relevant service authorities
- a sign on the site
- a notice placed through the City's social media platforms.

At the close of the advertising period 12 submissions were received, consisting of two submissions from service authorities, two submissions indicating support, seven submissions indicating an objection to the proposal and one comment.

The main issues raised in the submissions were in relation to the potential land uses and the potential increase in traffic in the area.

### **COMMENT**

#### Potential land uses

A mix of comments were received in relation to the future development of the site after the rezoning. Concerns were raised that the existing commercial centre is struggling and therefore further commercial zoned land is not necessary. Others commented that a centre similar to 'Carine Fresh' would be welcomed. There was also support either for a facility for seniors or accommodation for over 55s or retirees to allow residents in the area to age in place.

The City's LCS identifies that the centre has the capacity to sustain up to 4,000m<sup>2</sup> of shop retail floor space (current retail floor space is 1,971m<sup>2</sup>). It also found that the centre has capacity in the medium term to accommodate commercial office development outside of the City Centre. Therefore, there is the opportunity to facilitate additional shop retail floor space within the neighbourhood centre as well as a number of complementary non-retail commercial uses, which would improve the land use mix and intensity for the centre.

The subject site forms part of the 'Hepburn Avenue Neighbourhood Centre' as identified in the LCS. Accordingly, the proposed rezoning to 'Commercial' will not result in additional commercial floor space beyond that already contemplated under the existing LCS.

A number of land uses can be considered in the proposed 'Commercial' zone including 'Aged or Dependent Persons' Dwellings', 'Shop' and 'Office' which some submitters have indicated support for. These land uses have the potential to help service the daily needs of the local community.

### Traffic

A number of submissions raised concerns about the anticipated increase in traffic resulting from the future development of the site. It was suggested that the development of the site and subsequent traffic to and from the site would exacerbate the existing traffic issues experienced in the area, particularly at the intersection of Hepburn Avenue and Walter Padbury Boulevard.

As the site is currently vacant any development of the site will see an increase in traffic movements. Given the future land use of the site is unknown, it is not possible to determine the volume of traffic that may result from the development of the site at this point in time. However, the proposed 'Commercial' zone does provide some certainty as to the types of development that may be considered on the site and the applicable development standards, including the provision of onsite parking bays for those uses. In comparison, there is no land use permissibility or development standards proposed for the 'Civic and Community' reservation in draft LPS3. If the reservation is applied, then development would be considered against the objectives of the reservation. The objective of the reservation, in part, is to provide for a range of public facilities such as halls, theatres, educational, health and social care facilities.

Notwithstanding this, as part of the development application process, a traffic impact statement or assessment will be required which will outline the traffic and vehicle movements associated with the development, and the suitability of the development from a traffic perspective.

### Conclusion

Scheme Amendment No. 87, to rezone Lot 12223 from 'Civic and Cultural' to 'Commercial', is considered to have merit as this zone will provide for a number of land uses that have been requested through the public consultation including 'Shop' and 'Aged or Dependent Persons' Dwelling.

It is noted that a number of the land uses able to be considered in the 'Commercial' zone could also be considered in the 'Civic and Commercial' reservation. As such, it is recognised that the zoning in itself does not result in the generation of greater traffic in the area.

Further, the proposed rezoning to 'Commercial' will provide a consolidated zoning of all lots identified in the 'Hepburn Avenue Neighbourhood Centre' in the City's LCS and will encourage a more consistent and holistic development of this centre.

It is therefore recommended that Council supports Scheme Amendment No. 87 without modification and that it be submitted to the WAPC for consideration and for determination by the Minister for Planning.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 Pursuant to Section 75 of the *Planning and Development Act* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **SUPPORTS** Amendment No. 87 to the *City of Joondalup District Planning Scheme No. 2* to:
  - 1.1 amend the Scheme Map to rezone Lot 12223 (12) Blackwattle Parade, Padbury from 'Civic and Cultural' to 'Commercial';
  - 1.2 amend the Residential Density Code Map to recode Lot 12223 (12) Blackwattle Parade, Padbury to remove the residential density code;
- 2 **AUTHORISES** the affixation of the Common Seal and signing of the documents associated with Amendment No. 87 to the *City of Joondalup District Planning Scheme No. 2*;
- 3 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* **FORWARDS** Amendment No. 87 and Council's decision to the Western Australian Planning Commission for consideration;
- 4 **REQUESTS** the Western Australian Planning Commission to consider the inclusion of Lot 12223 (12) Blackwattle Parade, Padbury being zoned 'Commercial' in draft *Local Planning Scheme No. 3* should it be finalised prior to Amendment No. 87 being considered.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf170912.pdf](#)

**CJ147-09/17      SETTING MEETING DATE FOR ANNUAL GENERAL MEETING OF ELECTORS 2017**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	106371, 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 2017 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 21 November 2017.

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 21 November 2017, the earliest date to issue local public notice is Thursday 23 November 2017, meaning that the earliest date the Annual General Meeting of Electors can be held is Friday 9 December 2017, with the last date being Monday 15 January 2018.

It is considered that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 12 December 2017, prior to the scheduled Council meeting. Elected Members are more likely to be available at this time due to their attendance at the Council meeting and it also provides opportunity for the public to attend who may also be attending the scheduled Council meeting.

*It is therefore recommended that Council AGREES to convene the 2017 Annual General Meeting of Electors on Tuesday 12 December 2017, 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 21 November 2017. 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 21 November 2017. 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> | <ul style="list-style-type: none"> <li>• <i>Local Government Act 1995.</i></li> <li>• <i>Local Government (Administration) Regulations 1996.</i></li> </ul> |
|--------------------|---|

### Strategic Community Plan

<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 2016-17 Annual Report.
- General business.

**Risk management considerations**

The risk associated with failing to set a date for the 2017 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.

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 21 November 2017.

## **COMMENT**

The audited financial statements for 2016-17 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 2016-17 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 2014 and December 2016 and immediately prior to the Council meeting in December 2015 and December 2013. 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 2017 Annual General Meeting of Electors on Tuesday 12 December 2017, commencing at 5.30pm, prior to the scheduled Council meeting.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council AGREES to convene the 2017 Annual General Meeting of Electors on Tuesday 12 December 2017, commencing at 5.30pm in the Council Chamber.**

**CJ148-09/17 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 10151
<b>ATTACHMENTS</b>	Attachment 1 Documents executed by affixing the Common Seal during the period 25 July 2017 to 16 August 2017.
<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 25 July 2017 to 16 August 2017 (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 executed by means of affixing the Common Seal for the period 25 July to 16 August 2017, as detailed in Attachment 1 to Report CJ148-09/17.*

**BACKGROUND**

For the period 25 July to 16 August 2017, eight documents were executed by affixing the Common Seal. A summary is provided below:

<b>Type</b>	<b>Number</b>
Section 70A Notification.	3
Restrictive Covenant.	2
<i>Waste Local Law 2017.</i>	1
<i>Repeal Local Law 2017.</i>	1
Transfer of Land.	1

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 25 July to 16 August 2017, as detailed in Attachment 1 to Report CJ148-09/17.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf170912.pdf](#)*

## **CJ149-09/17      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 – 16 February 2016 to 18 July 2017
<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 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 16 February 2016 to 18 July 2017, 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 16 February 2016 to 18 July 2017, forming Attachment 1 to Report CJ149-09/17;
- 2 that following its decision at its meeting held on 13 December 2016 (CJ208-12/16 refers) with respect to the making of the *City of Joondalup Animals Amendment Local Law 2016*, a report on a decision to make available a section of Burns Beach as an animal exercise area was presented to Council at its meeting held on 15 August 2017 (CJ137-08/17 refers);
- 3 that following its decision at its meeting held on 13 December 2016 (CJ208-12/16 refers) with respect to the making of the *City of Joondalup Animals Amendment Local Law 2016*, a report with respect to changing the *City's Beach Management Plan* to reduce congestion at Hillarys Dog Beach was presented to Council at its meeting held on 15 August 2017 (CJ137-08/17 refers);
- 4 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*;
- 5 that a report in relation to the petition requesting that Council gives consideration to establishing a nature play park in the Chichester Park area for the benefit of older children in Woodvale was presented to Council at its meeting held on 18 July 2017 (CJ124-07/17 refers);
- 6 that a report in relation to the petition requesting that Council provides a water fountain inclusive of a water bowl at the base for dogs at Geneff Park, Sorrento for the use of the local community who exercise their dogs daily and also for children who play at the park was presented to Council at its meeting held on 27 June 2017 (CJ100-06/17 refers);
- 7 in relation to the petition requesting that Council install a fence surrounding the main playground area and if possible the BBQ and eating facilities at Granadilla Park, Duncraig, a report is proposed to be presented to Council at its meeting to be held on 21 November 2017;
- 8 in relation to the petition requesting Council defer the work to install connections to the MRWA Mitchell Freeway Principal Shared Path (PSP) from Perivale Close, Whitton Court and Romford Place, Kingsley and explore all options for making the section of the PSP safer, a report is proposed to be presented to Council at its meeting to be held on 21 November 2017;
- 9 in relation to the petition requesting the installation of toilet facilities adjacent to the BBQ and playground areas and additional car parking in Broadbeach Park Hillarys; as well as an additional drinking fountain located near the exercise equipment and cricket nets in Flinders Park, Hillarys, a report is proposed to be presented to Council at its meeting to be held on 21 November 2017;

- 10** in relation to the petition objecting to the installation of toilet facilities adjacent to the BBQ and playground areas and additional car parking in Broadbeach Park, Hillarys, a report is proposed to be presented to Council at its meeting to be held on 21 November 2017;
- 11** in relation to the petition opposing the Joondalup Performing Arts and Cultural Facility development and the funding allocation for the project, a report was presented to the Council meeting held on 27 June 2017 (CJ101-06/17 refers);
- 12** in relation to the petition requesting Council reinstate bulk waste verge collections, a report is proposed to be presented to Council at its meeting to be held on 21 November 2017.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf170912.pdf](#)

## **CJ150-09/17 LIST OF PAYMENTS DURING THE MONTH OF JULY 2017**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of July 2017 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of July 2017 Attachment 3 Municipal and Trust Fund Vouchers for the month of July 2017
<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 2017.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of July 2017 totalling \$15,423,989.63.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for July 2017 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ150-09/17, totalling \$15,423,989.63.*

### **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 2017. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 105366 - 105480 & EF064507 – EF065182 Net of cancelled payments.	\$10,508,341.57
	Vouchers 1988A-1996A & 2001A-2006A	\$4,881,146.96
Trust Account	Trust Cheques & EFT Payments 207177 - 207187 & TEF001258 – TEF001301 Net of cancelled payments.	\$34,501.10
	<b>Total</b>	\$15,423,989.63

### 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 2017-18 Annual Budget as adopted by Council at its meeting held on 27 June 2017 (CJ084-06/17 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 2017 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ150-09/17, totalling \$15,423,989.63.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf170912.pdf](#)

## **CJ151-09/17      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2017**

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<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 2017
<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 2017.

### **EXECUTIVE SUMMARY**

At its meeting held on 27 June 2017 (CJ084-06/17 refers), Council adopted the Annual Budget for the 2017-18 financial year. The figures in this report are compared to the adopted budget.

The July 2017 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$6,282,602 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 July 2017 and results from a number of factors identified in the report.

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.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2017 forming Attachment 1 to Report CJ151-09/17.*

### **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 2017 is appended as Attachment 1.

The variance can be summarised as follows:

The operating surplus is \$804,452 higher than budget, made up of lower operating revenue \$278,016 and lower operating expenditure of \$1,082,468.

Operating revenue is higher than budget on Fees and Charges \$117,473, Interest Earnings \$23,044 and Contributions, Reimbursements and Donations \$11,256 offset by lower than budget revenue from Grants and Subsidies \$215,364, Profit on Asset Disposals \$120,415, Rates \$73,074, and Other Revenue \$20,396.

Operating Expenditure is lower than budget on Materials and Contracts \$1,275,298, Insurance Expenses \$88,379, Loss on Asset Disposals \$55,877 and Interest Expenses \$10,210 offset by higher than budget expenditure from Depreciation \$185,566, Employee Costs \$93,333 and Utilities \$68,398.

The Capital Deficit is \$2,029,398 lower than budget. This is due to lower than budgeted expenditure on Vehicle and Plant Replacements \$673,215, Capital Projects \$528,573 and Capital Works \$448,263 and higher than budgeted Capital Grants and Subsidies \$379,347.

### 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 is incurred in accordance with the provisions of the 2017-18 adopted budget or has been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 July 2017 forming Attachment 1 to Report CJ151-09/17.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf170912.pdf](#)*

## **CJ152-09/17      TENDER 006/17 - REFURBISHMENT OF SORRENTO SOCCER CLUBROOM**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106418, 101515
<b>ATTACHMENTS</b>	Attachment 1      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by the Trustee for the Devereux Family Trust trading as Devco Builders for the refurbishment of Sorrento Soccer Clubroom.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 17 June 2017 through statewide public notice for the refurbishment of Sorrento Soccer Clubroom. Tenders closed on 4 July 2017.

A submission was received from each of the following:

- Adrina Project Management Pty Ltd.
- Aurora Project Group Pty Ltd.
- Budo Group Pty Ltd.
- Top End Living Pty Ltd t/as Buildon Construction
- Candor Contractors Pty Ltd.
- Construct360 Pty Ltd.
- The Trustee for the Devereux Family Trust t/as Devco Builders
- Geared Construction Pty Ltd.
- Hickey Constructions Pty Ltd.
- Linebay Holdings Pty Ltd t/as Connolly Building Company
- M Construction (WA) Pty Ltd.
- Palace Homes and Construction Pty Ltd.
- West Coast Masonry.

The submission from Devco Builders represents best value to the City. Devco Builders demonstrated extensive experience completing similar new and refurbishment projects for local governments and private organisations including the Cities of Belmont, Melville, Vincent, Joondalup and Swan. It demonstrated understanding of the project requirements and has sufficient capacity to complete the works.

The budget for this project did not include provision for the additional work subsequently identified and included in the tender specification to install new water lines to increase water pressure within the facility and to undertake repairs to the existing leach drains. These additional works are necessary to successfully complete the project.

To enable the full scope of works to be delivered, expenditure in excess of the current budget is required. These additional funds can be met from the City's existing Percy Doyle Utilities Upgrade Project.

*It is therefore recommended that Council:*

- 1 *ACCEPTS the tender submitted by Trustee for the Devereux Family Trust trading as Devco Builders for the refurbishment of the Sorrento Soccer Clubroom as specified in Tender 006/17 for the fixed lump sum of \$706,000 (GST Exclusive) and schedule of rates for additions / deletions, with practical completion of works by 9 February 2018;*
- 2 *BY AN ABSOLUTE MAJORITY APPROVES over budget expenditure of \$78,200 (GST Exclusive) to provide for the award of the contract for the full scope of works and an additional amount equivalent to 5% of the contract value as a building contingency;*
- 3 *NOTES that the over budget expenditure and contingency amounts will be met from existing budget allocated to the Percy Doyle Utilities Upgrade Project.*

## **BACKGROUND**

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake the works for the refurbishment of Sorrento Soccer Clubroom.

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

## **DETAILS**

The tender for the refurbishment of Sorrento Soccer Clubroom was advertised through statewide public notice on 17 June 2017. The tender period was for two weeks and tenders closed on 4 July 2017.

### **Tender Submissions**

A submission was received from each of the following:

- Adrina Project Management Pty Ltd.
- Aurora Project Group Pty Ltd.
- Budo Group Pty Ltd.
- Top End Living Pty Ltd t/as Buildon Construction
- Candor Contractors Pty Ltd.
- Construct360 Pty Ltd.
- The Trustee for the Devereux Family Trust t/as Devco Builders.
- Geared Construction Pty Ltd.

- Hickey Constructions Pty Ltd.
- Linebay Holdings Pty Ltd t/as Connolly Building Company.
- M Construction (WA) Pty Ltd.
- Palace Homes and Construction Pty Ltd.
- West Coast Masonry.

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

### **Evaluation Panel**

The evaluation panel comprised three members:

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

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

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The minimum acceptable score for this tender was set at 55%.

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 completing similar projects	35%
2	Demonstrated understanding of the required tasks	35%
3	Capacity	25%
4	Social and economic effects on the local community	5%

### **Compliance Assessment**

The following offers were assessed as compliant:

- Adrina Project Management Pty Ltd.
- Aurora Project Group Pty Ltd.
- Budo Group Pty Ltd.
- Candor Contractors Pty Ltd.
- Construct360 Pty Ltd.
- The Trustee for the Devereux Family Trust t/as Devco Builders.
- Geared Construction Pty Ltd.
- Hickey Constructions Pty Ltd.
- Linebay Holdings Pty Ltd t/as Connolly Building Company.
- M Construction (WA) Pty Ltd.
- Palace Homes and Construction Pty Ltd.

The following offers were assessed as non-compliant and were not considered further:

- Top End Living Pty Ltd t/as Buildon Construction – did not submit responses for five compliance criteria, demonstrated understanding of the required tasks and capacity (except the company structure and key personnel details) of the company.
- West Coast Masonry – did not submit any responses to the compliance criteria and provided a one page submission only quoting the masonry labour charge.

### **Qualitative Assessment**

Candor Contractors Pty Ltd scored 30.3% in the qualitative assessment. The company demonstrated some experience completing construction and refurbishment works at the Police Community Youth Centre for Allied Projects and project management, supervision and construction works for a commercial building (Mirage Palace) for AHL Packages. It has the capacity to deliver the project but did not provide information on its number of employees, ability to supply additional resources and personnel and safety statistics of the company. It did not provide any response to the understanding of the required tasks.

Aurora Project Group Pty Ltd scored 31.8% in the qualitative assessment. It has the capacity to undertake the work but did not demonstrate experience completing projects of a similar nature. All four submitted projects were commercial based fit-outs and renovations. The company also did not demonstrate sufficient understanding of the project requirements with a generalised and limited methodology.

Budo Group Pty Ltd scored 39.5% in the qualitative assessment. The company demonstrated capacity and some understanding of the project requirements. It did not demonstrate experience completing projects of a similar nature and value. The three project examples supplied were the Drug and Alcohol Centre courtyard upgrade for Wilkes Architects, East Wanneroo Primary School toilet upgrades and Girrawheen Library compliance audit rectification works.

Construct360 Pty Ltd scored 42.5% in the qualitative assessment. The company demonstrated experience completing refurbishment and upgrade projects including refurbishment and upgrade of the Gallery Café at St John of God Subiaco Hospital, alteration and fit-out works of new Bethanie Aged Care headquarters, refurbishment of the Mayoral office of the City of Wanneroo and building works for IBN at South Hedland. It did not demonstrate sufficient understanding of the project requirements. The methodology was limited to site establishment, site management, safety and waste management only. The proposed site plan did not reflect the setup provided in the tender. The company did not provide any information on its number of employees, after-hours contacts for emergency requirements or its ability to supply additional resources and safety records.

Palace Homes and Construction Pty Ltd scored 45.8% in the qualitative assessment. The company demonstrated experience completing similar refurbishment projects for private and local government organisations including alterations and extensions to Alf Faulkner Pavilion for the Town of Bassendean, interior refurbishment of the child care centre of Balga Senior High School for Department of Housing, refurbishment of Belmont Sports Club for the City of Belmont and refurbishment of three changerooms of HBF Arena Joondalup for Venues West. The company has the capacity to carry out the works but did not demonstrate an understanding of the requirements. The description of the construction method and procedure was general and was not specific to this project. A Gantt chart for the project was supplied.

Adrina Project Management Pty Ltd scored 55.1% in the qualitative assessment. The company demonstrated experience completing similar refurbishment and extension projects for private and local government organisations including Oldham Community Centre Multipurpose Room extension for the City of Wanneroo, Carine Child Health Care Centre refurbishment for the City of Joondalup and refurbishment works of Yokine Bowling Club and Osborne Park Bowling Club for the City of Stirling. The company demonstrated the capacity to carry out the works and a satisfactory understanding of the City's requirements.

M Construction scored 56.9% in the qualitative assessment. The company demonstrated an understanding of the required tasks and has the capacity to deliver the project. It demonstrated experience completing similar projects for local governments and private organisations including Canning Sports Club refurbishment for the City of Canning, Perth Town Hall bin store upgrade for the City of Perth, Carine Cricket Clubrooms refurbishment for the City of Stirling and Bella Vista Café kitchen upgrade and extension for Baileys Hotel. Limited information was provided on period and dates of the supplied project examples.

Devco Builders scored 57.8% in the qualitative assessment. The company demonstrated extensive experience completing similar new and refurbishment projects for local governments and private organisations including refurbishment of Centenary Park and Peet Park for the City of Belmont, refurbishment works to the Woodvale Community Centre, Sorrento Community Hall, Duncraig Library, Craigie Leisure Centre, Robin Park, Korella Park and Iluka Sports Complex for the City of Joondalup and refurbishment of Axemans Club for the City of Swan. It also provided an extensive list of similar projects carried out for different local governments. Devco Builders is well resourced and has sufficient capacity to undertake the works. It demonstrated understanding of the requirements with a general methodology, however the company indicated it has detailed knowledge of the site as it previously replaced the ceiling of the Sorrento Soccer Clubroom and has carried out maintenance works on that building on a number of occasions.

Connolly Building Company scored 59.4% in the qualitative assessment. The company demonstrated the required capacity and understanding to deliver the project. It demonstrated experience completing projects of a similar nature for state and local governments including the construction of new club rooms at Houghton Park Community Centre for the City of Wanneroo, Lesmurdie Primary School Toilet Block Upgrade and Carine Primary School staff toilet refurbishment for the Department of Housing and extension and modification works for the City of Armadale Works Depot Staff Amenities Building.

Hickey Constructions Pty Ltd scored 61.8% in the qualitative assessment. It demonstrated an understanding of the project requirements and has the required capacity to complete the works for the City. It demonstrated experience completing similar projects for local governments and private organisations including the City of Perth Surf Life Saving Club (SLSC) fit-out project, Corporate Office alteration works to His Majesty's Theatre for Perth Theatre Trust, refurbishment and upgrades to the aquatic facilities at Maylands Waterland, refurbishment of Bayswater Mens Shed, refurbishment of the gatehouse building of Mayland Brickworks for the City of Bayswater and refurbishment of the reception area of Kingsway Indoor Sports Centre for the City of Wanneroo. The company completed the outstanding building works of Kingsley Memorial Clubroom and carried out the refurbishment works of the Undercroft Bridge Club for the City of Joondalup.

Geared Constructions Pty Ltd scored 68.7% in the qualitative assessment. The company demonstrated considerable experience completing similar projects for local governments including Leisure World Swim School Refurbishment for the City of Gosnells, Hamersley CRC Changeroom Refurbishment, Yokine East Clubroom Refurbishment, Coolbinia Clubroom #1 Refurbishment and Leisure Park Balga Upgrades for the City of Stirling and Fishermans Hollow Changerooms for the City of Wanneroo. It demonstrated a thorough

understanding of the project requirements and has the required capacity to complete the works for the City.

Based on the minimum acceptable score (55%), Geared Constructions Pty Ltd, Hickey Constructions, Connolly Building Company, Devco Builders, M Construction (WA) Pty Ltd and Adrina Project Management qualified for stage 2 (price) assessment.

### Price Assessment

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

Tenderer	Total (GST Exclusive)
Devco Builders	\$706,000
Geared Constructions Pty Ltd	\$720,842
Connolly Building Company	\$770,745
Hickey Constructions	\$773,408
M Construction (WA) Pty Ltd	\$778,499
Adrina Project Management	\$799,566

### Evaluation Summary

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

Tenderer	Price Offered (ex GST)	Price Ranking	Qualitative Ranking	Weighted Qualitative Score
Geared Constructions Pty Ltd	\$720,842	2	1	68.7
Hickey Constructions	\$773,408	4	2	61.8
Connolly Building Company	\$770,745	3	3	59.4
Devco Builders	\$706,000	1	4	57.8
M Construction (WA) Pty Ltd	\$778,499	5	5	56.9
Adrina Project Management	\$799,566	6	6	55.1
Palace Homes and Construction Pty Ltd	\$1,044,063	N/A	7	45.8
Construct360 Pty Ltd	\$613,000	N/A	8	42.5
Budo Group Pty Ltd	\$734,023	N/A	9	39.5
Aurora Project Group Pty Ltd	\$809,832	N/A	10	31.8
Candor Contractors Pty Ltd	\$991,834	N/A	11	30.3

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

### Issues and options considered

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

## Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as there is a community expectation for the refurbishment works of Sorrento Soccer Clubroom.

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

### Financial / budget implications

<b>Project number</b>	MPP2064
<b>Cost Code</b>	CW002591
<b>Budget Item</b>	Percy Doyle – Soccer Clubrooms Refurbishment.
<b>Budget amount</b>	\$ 627,800
<b>Proposed cost</b>	\$ 706,000
<b>Contingencies</b>	\$ 35,300
<b>Balance</b>	(\$113,500)

All amounts quoted in this report are exclusive of GST.

Site investigations undertaken by external consultants during detailed design after the 2017-18 budget had been finalised and prior to the tender being issued, revealed the need to install new water lines to increase water pressure within the facility and to undertake repairs to the existing leach drains. These additional works were included in the tender specifications and form part of the tender submissions received.

Should Council accept the recommended tender, an over expenditure of \$78,200 (GST Exclusive) is required to deliver the full scope of works as well as an additional amount equivalent to 5% of the contract value as a contingency.

The City has the capacity to fund these additional costs through MPP2072 – Percy Doyle Utilities Upgrade Project, which is a multi-year project and has \$750,000 budgeted in 2017-18 for power and sewer upgrades across Percy Doyle Reserve.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

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

#### Social

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

### **Consultation**

Consultation was undertaken with the Sorrento Soccer Club during the site and needs analysis stage of the project.

### **COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer submitted by Trustee for the Devereux Family Trust trading as Devco Builders represents best value to the City.

### **VOTING REQUIREMENTS**

Absolute Majority.

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

- 1**     **ACCEPTS** the tender submitted by Trustee for the Devereux Family Trust trading as Devco Builders for the refurbishment of the Sorrento Soccer Clubroom as specified in Tender 006/17 for the fixed lump sum of \$706,000 (GST Exclusive) and schedule of rates for additions / deletions, with practical completion of works by 9 February 2018;
- 2**     **BY AN ABSOLUTE MAJORITY APPROVES** over budget expenditure of \$78,200 (GST Exclusive) to provide for the award of the contract for the full scope of works and an additional amount equivalent to 5% of the contract value as a building contingency;
- 3**     **NOTES** that the over budget expenditure and contingency amounts will be met from existing budget allocated to the Percy Doyle Utilities Upgrade Project.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf170912.pdf](#)

## **CJ153-09/17      TENDER 012/17 - SUPPLY AND APPLICATION OF TURF ENHANCEMENT PRODUCTS AND / OR TOP DRESSING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106540, 101515
<b>ATTACHMENTS</b>	Attachment 1      Schedule of items Attachment 2      Summary of Tender submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the supply and application of turf enhancement products and top dressing.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 1 July 2017 through statewide public notice for the supply and application of turf enhancement products and / or top dressing for a period of three years. Tenders closed on 18 July 2017. A submission was received from each of the following:

- The Trustee for Parker Trust trading as Lawn Doctor.
- Turfcare WA Pty Ltd.
- The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.

The submission from The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management represents best value to the City. Turf Master Facility Management demonstrated a sound understanding and appreciation of the City's requirements. It demonstrated extensive experience providing similar services to the Cities of Belmont, Perth, Stirling, Subiaco, Rockingham, Cockburn, Vincent and Kwinana, the Town of Cambridge, Claremont, Perth, East Perth and Subiaco football clubs, NIB Stadium, Claremont Showgrounds and the Department of Education. It is well established with proven capacity to provide the goods and services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the supply and application of turf enhancement products and top dressing (separable portions 1 and 2) as specified in Tender 012/17 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).*

## **BACKGROUND**

The City has a requirement for the supply and application of specific branded turf enhancement products and top dressing to various sporting ovals and landscaped areas within the City as listed in Attachment 1.

The City had a single contract for the supply and application of turf enhancement products with Lawn Doctor which expired on 24 August 2017. Top dressing of the City's active sporting ovals in the past was sourced by quotation.

Tender 012/17 was advertised as two separable portions:

- Separable portion 1: Supply and application of turf enhancement products.
- Separable portion 2: Supply and application of top dressing.

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

## **DETAILS**

The tender for the supply and application of turf enhancement products and / or top dressing was advertised through statewide public notice on 1 July 2017. The tender period was for two weeks and tenders closed on 18 July 2017.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for Parker Trust trading as Lawn Doctor.
- Turfcare WA Pty Ltd.
- The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.

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

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

## Evaluation Panel

The evaluation panel comprised three members:

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

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

## Compliance Assessment

All offers received were fully compliant and were considered for further evaluation.

## Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 55%.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in providing similar services	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Turf Master Facility Management scored 66.2% and was ranked third in the qualitative assessment. It demonstrated a sound understanding of the City's requirements. It demonstrated extensive experience providing similar services to the Cities of Belmont, Perth, Stirling, Subiaco, Rockingham Cockburn, Vincent and Kwinana, the Town of Cambridge, Claremont, Perth, East Perth and Subiaco football clubs, NIB Stadium, Claremont Showgrounds and the Department of Education. Turf Master Facility Management has sufficient capacity to provide the goods and services to the City.

Turf Care scored 72% and was ranked second in the qualitative assessment. It demonstrated extensive experience providing turf enhancement and top dressing products and services to local governments and private organisations including the Cities of Wanneroo, Stirling, Swan, Cockburn, Melville, Subiaco, Armadale and Canning for different types of turf maintenance services. The company also provides turf renovation services for 42 bowling greens, 12 private schools, 10 tennis clubs, eight golf courses, six cricket clubs and two universities. The company demonstrated a thorough understanding of the requirements and has the capacity to provide the services.

Lawn Doctor scored 72.4% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the requirements. The company demonstrated its capacity and has extensive experience providing similar turf maintenance services to state and local governments including the Department of Education and the Cities of Melville, Canning and Subiaco and the Town of Bassendean. It also provided similar services to Curtin University and Xavier Catholic College. Lawn Doctor is the current service provider for the supply and application of turf enhancement products for the City of Joondalup.

Based on the minimum acceptable score (55%), all three tenderers qualified for stage 2 (price) assessment.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by those that passed stage one evaluation to assess value for money to the City.

To arrive at the estimated financial value of the tender, the tendered rates offered by the tenderers have been applied to historical usage of 16 items (12 items of turf enhancement products and four items of top dressing) currently part of the existing schedules. This provides a value of the tender based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur and actual costs will be paid on the actual usage in future. The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements.

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.

Year	Separable Portions	Tenderer		
		Turf Master	Turf Care	Lawn Doctor
Year 1	Turf enhancement products	\$288,380	\$331,137	\$321,714
	Top dressing	\$92,125	\$112,250	\$93,238
Year 2	Turf enhancement products	\$294,148	\$337,760	\$328,149
	Top dressing	\$93,968	\$114,495	\$95,102
Year 3	Turf enhancement products	\$300,030	\$344,515	\$334,712
	Top dressing	\$95,847	\$116,785	\$97,004
Total in 3 years	Turf enhancement products	\$882,558	\$1,013,412	\$984,575
	Top dressing	\$281,939	\$343,530	\$285,344
<b>Total Estimated Contract Price</b>		<b>\$1,164,498</b>	<b>\$1,356,942</b>	<b>\$1,269,919</b>

During 2016-17, the City incurred \$254,985 for the supply and application of turf enhancement products. There was no expenditure for top dressing in 2016-17. The City is expected to incur in the order of \$1,164,498 over the three year contract period for turf enhancement products and top dressing.

### Evaluation Summary

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

Tenderer	Separable Portions	Estimated Contract Price	Price Ranking	Total Estimated Contract Price	Weighted Percentage Score	Qualitative Ranking
Lawn Doctor	Turf enhancement products	\$984,575	2	\$1,269,919	72.4%	1
	Top dressing	\$285,344	2			
Turf Care	Turf enhancement products	\$1,013,412	3	\$1,356,942	72%	2
	Top dressing	\$343,530	3			
Turf Master	Turf enhancement products	\$882,558	1	\$1,164,498	66.2%	3
	Top dressing	\$281,939	1			

Based on the evaluation result the panel concluded that the tender from Turf Master Facility Management provides best value to the City for both separable portions 1 and 2 and is therefore recommended.

### Issues and options considered

The City has a requirement for the supply and application of turf enhancement products and top dressing to various sporting ovals and landscaped areas within the City. The City does not have the internal resources to provide the required goods and services and requires the appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

#### Key theme

Quality Urban Environment.

<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Apply a strategic approach to the planning and development of public open spaces.
<b>Policy</b>	Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be moderate as the City will not be able to maintain its sporting grounds and provide quality playing surface for sporting groups.

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

### **Financial / budget implications**

<b>Account no.</b>	Op Code 6407 (Fertilising) / Op Code (Turf Renovation) – Account 3359 (External Contractor).
<b>Budget Item</b>	Supply and application of turf enhancement products and top dressing.
<b>Budget amount</b>	\$400,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$380,505
<b>Balance</b>	\$ 19,495

All amounts quoted in this report are exclusive of GST.

Budgets quoted are for operational requirements only. The proposed cost is based on historical usage volumes. Actual costs will be paid on the actual usage in future.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The supply and application of turf enhancement products and top dressing maintains the health of turf, reduces the need for water and enhances the amenity of public open space.

### **Consultation**

Not applicable.

### **COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for separable portions 1 and 2 represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by The Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management for the supply and application of turf enhancement products and top dressing as specified in Tender 012/17 (separable portions 1 and 2) for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf170912.pdf](#)*

## **CJ154-09/17 TENDER 017/17 - SUPPLY AND LAYING OF ASPHALT – MAJOR WORKS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106648, 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 Asphaltech Pty Ltd for the supply and laying of asphalt – major works.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 1 July 2017 through statewide public notice for the supply and laying of asphalt – major works for a period of three years. Tenders closed on 18 July 2017. A submission was received from each of the following:

- Asphaltech Pty Ltd.
- Roads 2000 Pty Ltd.
- Fulton Hogan Industries Pty Ltd.
- Boral Resources (W.A.) Ltd trading as Boral Asphalt.

The submission from Asphaltech Pty Ltd represents best value to the City. The company demonstrated a complete understanding and appreciation of the City's requirements. It demonstrated extensive experience for supply, delivery and placement of asphalt for local governments including the Cities of Wanneroo, Swan, Bayswater, Melville, Nedlands, Stirling and Armadale and the Shires of Mundaring and Kalamunda. It is also the City's current supplier for the supply and laying of asphalt (major works). Asphaltech is well established with proven capacity to provide the goods and services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Asphaltech Pty Ltd for the supply and laying of asphalt – major works as specified in Tender 017/17 for a period of three years at the submitted schedule of rates, with any price variations subject to bitumen rise and fall and the percentage change in the Perth Consumer Price Index (All Groups).*

## **BACKGROUND**

The City has a requirement for the supply and laying of asphalt for capital works and general maintenance requirements of roads and associated infrastructure.

The City currently has a single contract for the supply and laying of asphalt – major works with Asphaltech Pty Ltd which expires on 13 October 2017.

Asphaltech has provided a quality service throughout the term of the 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, respondents' experience and performance history, productive use of City resources and other environmental or local economic factors.

## **DETAILS**

The tender for the supply and laying of asphalt – major works was advertised through statewide public notice on 1 July 2017. The tender period was for two weeks and tenders closed on 18 July 2017.

### **Tender Submissions**

A submission was received from each of the following:

- Asphaltech Pty Ltd.
- Roads 2000 Pty Ltd.
- Fulton Hogan Industries Pty Ltd.
- Boral Resources (W.A.) Ltd trading as Boral Asphalt.

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 55%.

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

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

### Compliance Assessment

All offers were assessed as compliant.

### Qualitative Assessment

Boral Asphalt scored 62% and was ranked fourth in the qualitative assessment. The company is well resourced and has the capacity to undertake the works. It has demonstrated considerable experience in providing similar services to private companies. Numerous examples of works were provided and these included supplies and laying of asphalt for the Gateway WA Alliance, John Holland, Georgiou, Lendlease and Yurala Multiplant JV. The company demonstrated an understanding of the required tasks.

Roads 2000 scored 70.1% and was ranked third in the qualitative assessment. The company has the capacity required to carry out the works. It has demonstrated extensive experience in providing similar services. Numerous examples of works were provided to support its experience and these included supplies and laying of asphalt for the Cities of Rockingham, Wanneroo, Nedlands and Fremantle, the Shires of Northam, Exmouth, Katanning, Cunderdin, Quairading, Narrogin and Wagin and the Town of Bassendean. The company has also provided similar services to the City of Joondalup for projects including the Sorrento Beach car park upgrade and Hodges Drive and Joondalup Drive widening. It demonstrated a thorough understanding of the required tasks.

Fulton Hogan scored 74.4% and was ranked second in the qualitative assessment. It demonstrated extensive experience in providing similar services to various local governments and private organisations including the Cities of Belmont, Vincent, Canning and Swan, Shires of Mundaring and Kalamunda and Downer Mouchel. The company has current asphalt supply and lay contracts with the Cities of Belmont and Swan and Downer Mouchel. Fulton Hogan demonstrated a thorough understanding of the required tasks. It is well resourced and has the capacity to provide the services.

Asphaltech scored 82.9% and was ranked first in the qualitative assessment. The company demonstrated a complete understanding and appreciation of the City's requirements. It has extensive experience in the supply, delivery and placement of asphalt for local governments including the Cities of Wanneroo, Swan, Bayswater, Melville, Nedlands, Stirling and Armadale and the Shires of Mundaring and Kalamunda. It is also the City's current supplier for the supply and laying of asphalt (major works). Asphaltech is well established with proven capacity to provide the goods and services to the City.

Based on the minimum acceptable score (55%), all tenderers qualified for stage 2 (price) assessment.

## Price Assessment

The panel carried out a comparison of the submitted rates offered by those that passed the stage one evaluation to assess value for money to the City.

To arrive at the estimated financial value of the tender, the tendered rates offered by each tenderer (using all tonnage rates or rates for medium job size where a single rate for all tonnage was not offered) have been applied to historical usage of 16 most regularly used items and projected usage of four items. This provides a value of the tender based on the assumption that the historical pattern of usage is maintained. The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with ongoing requirements.

The rates are subject only to the rise and fall in bitumen prices in 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 percentage change in the Perth CPI (All Groups) for the preceding year. For estimation purposes, a 2% CPI increase in years two and three was applied to the tendered rates. The bitumen price rise and fall cannot be accurately estimated and did not form part of this assessment.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Asphaltech	\$2,600,601	\$2,652,613	\$2,705,665	\$7,958,879
Roads 2000	\$2,695,930	\$2,749,848	\$2,804,846	\$8,250,624
Boral Asphalt	\$2,912,801	\$2,971,057	\$3,030,479	\$8,914,337
Fulton Hogan	\$3,255,293	\$3,320,399	\$3,386,807	\$9,962,499

During 2016-17, the City incurred \$2,446,011 for the supply and laying of asphalt - major works.

## Evaluation Summary

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

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Estimated Contract Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Asphaltech	1	\$7,958,879	1	82.9%
Roads 2000	2	\$8,250,624	3	70.1%
Boral Asphalt	3	\$8,914,337	4	62%
Fulton Hogan	4	\$9,962,499	2	74.4%

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

## Issues and options considered

The City has a requirement for the supply of asphalt and associated services for both capital works and general maintenance requirements of roads and associated infrastructure. The City does not have the internal resources to provide the required goods and services and requires an appropriate external contractor to undertake the works.

## Legislation / Strategic Community Plan / policy implications

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

## Strategic Community Plan

**Key theme** Quality urban environment.

**Objective** Integrated spaces.

**Strategic initiative** Improve the interface between the urban and natural environments.

**Policy** Not applicable.

## Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will be unable to efficiently complete the capital works road resurfacing program in a timely manner and attend to road maintenance as required.

## Financial / budget implications

<b>Account no.</b>	Various accounts within the Road Preservation and Resurfacing Program (RPR).
<b>Budget Item</b>	Supply and laying of asphalt – major works.
<b>Budget amount</b>	\$2,700,000 (Asphalt component of the total budget).
<b>Amount spent to date</b>	\$ 125,469
<b>Proposed cost</b>	\$2,167,168
<b>Balance</b>	\$ 407,363

All amounts quoted in this report are exclusive of GST.

## Regional significance

Not applicable.

## Sustainability implications

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Asphalttech Pty Ltd for the supply and laying of asphalt – major works as specified in Tender 017/17 for a period of three years at the submitted schedule of rates, with any price variations subject to bitumen rise and fall and the percentage change in the Perth Consumer Price Index (All Groups).**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf170912.pdf](#)

## **CJ155-09/17 TENDER 020/17 - PROVISION OF LANDSCAPE SERVICES AT THE 'NEW' BURNS BEACH ESTATE, BURNS BEACH**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	106687, 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 Greenworx Commercial Maintenance Pty Ltd trading as Greenworx for the provision of landscape services at the 'New' Burns Beach Estate, Burns Beach.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 21 June 2017 through statewide public notice for the provision of landscape services at the 'New' Burns Beach Estate, Burns Beach. Tenders closed on 11 July 2017. A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Greenworx Commercial Maintenance Pty Ltd trading as Greenworx.
- Sanpoint Pty Ltd trading as LD Total.
- Total Eden Pty Limited.
- The Trustee for The Lochness Unit Trust trading as Loch Ness Landscape Services.
- Horizon West Landscape & Irrigation Pty Ltd.
- The trustee for The Violet Family Trust (Wattle Facilities Group).
- Green Man Services Pty Ltd.
- The Trustee for KO & AM Shardlow Family Trust (Shardlow's Complete Gardens).
- Phase 3 Landscape Construction Pty Ltd.

The submission from Greenworx Commercial Maintenance Pty Ltd trading as Greenworx represents best value to the City. The company has been providing landscape maintenance services to the private and public sector including local government for many years. It currently maintains the landscape of the garden areas at Burns Beach Estate and undertakes the specified area rating landscape services at Woodvale Waters Estate for the City. It also provides ongoing maintenance of parks and gardens for the City of Wanneroo. The company demonstrated a thorough understanding and appreciation of the City's

requirements. Greenworx is well established with significant industry experience and the proven capacity to provide the landscape services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Greenworx Commercial Maintenance Pty Ltd trading as Greenworx for the provision of landscape services at the 'New' Burns Beach Estate, Burns Beach as specified in Tender 020/17 for a period of 33 months, for the fixed lump sum of \$321,338 (GST exclusive) with an option for a further two years and schedule of rates for any modifications with annual price variations subject to the Perth CPI (All Groups) Index.*

## **BACKGROUND**

The City has a requirement to engage a suitably qualified and experienced contractor to provide landscaping services for public open space and landscaped areas within the 'New' Burns Beach Estate, Burns Beach.

The scope of work shall include, but not limited to:

- turf maintenance
- mowing
- removal of grass clippings
- garden bed maintenance
- restoration of established garden beds as required.

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 landscaping services at the 'New' Burns Beach Estate, Burns Beach was advertised through statewide public notice on 21 June 2017. The tender period was for three weeks and tenders closed on 11 July 2017.

### **Tender Submissions**

A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Greenworx Commercial Maintenance Pty Ltd trading as Greenworx.
- Sanpoint Pty Ltd trading as LD Total.
- Total Eden Pty Limited.
- The Trustee for The Lochness Unit Trust trading as Loch Ness Landscape Services.
- Horizon West Landscape & Irrigation Pty Ltd.
- The trustee for The Violet Family Trust (Wattle Facilities Group).
- Green Man Services Pty Ltd.
- The Trustee for KO & AM Shardlow Family Trust (Shardlow's Complete Gardens).
- Phase 3 Landscape Construction 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 the 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	Capacity	35%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

### **Compliance Assessment**

All offers received were fully compliant and were considered for further evaluation.

### **Qualitative Assessment**

Phase 3 Landscape Construction Pty Ltd scored 43.1% and was ranked 10<sup>th</sup> in the qualitative assessment. It demonstrated an understanding of the required tasks. The hours allocated per month was sufficient to carry out the turf / garden bed maintenance required by the City. However, it did not fully demonstrate the capacity required to undertake the works. It did not address the number of fulltime employees, current work commitments or the ability to provide additional personnel. It did not fully demonstrate experience providing landscape maintenance or specified area landscape services in residential estates similar to the City's requirements. Examples of works were provided and these included mainly major landscape construction projects for Satterley Property Group/LandCorp, Department of Finance Building Management and Works/Universal Constructions Pty Ltd and LandCorp/Wormall Civil Pty Ltd.

Shardlow's Complete Gardens scored 46.8% and was ranked ninth in the qualitative assessment. It has been providing landscaping and garden maintenance services to various organisations including Mazenod College, Royal Perth Yacht Club (two sites), Broadspectrum (Jurien Bay Marina and three sites in Perth) and AQWA Hillarys Boat

Harbour. These works did not involve landscape services in residential estates similar to the City's requirements. The organisation demonstrated an understanding of the required tasks, with its allocation of hours considered adequate to carry out the required turf / garden bed maintenance. It did not fully demonstrate the capacity required to provide the services. The response did not address afterhours contacts for emergency requirements, the ability to provide additional personnel or its current work commitments.

Green Man Services Pty Ltd scored 47.2% and was ranked eighth in the qualitative assessment. The company demonstrated an understanding of the required tasks. However, it did not fully demonstrate the experience or capacity required to complete the works for the City. Examples of similar work were not provided. Though a list of current work commitments was included, the works carried out were on a smaller scale to the City's requirements. Most were ongoing works with more than half undertaken as a subcontractor for other service providers. It indicated additional staff can be provided upon request due to its flexible workforce / rostering practices, however it has only a small team of fulltime and casual staff.

Wattle Facilities Group scored 49.4% and was ranked seventh in the qualitative assessment. It demonstrated an understanding of the required tasks. Examples of work were mainly for maintenance of properties that included painting, kerbing, carpentry, landscape maintenance, litter collection and cleaning of hard-scape areas. These were located at multi-sites for Perth Airport, AMP Capital Properties and Lendlease Properties. These works did not involve landscape services in residential estates similar to the City's requirements. It did not fully demonstrate the capacity required to provide the services. It submitted a brief response which did not address the skills of equipment operators, its current work commitments or the ability to provide additional personnel.

Horizon West Landscape & Irrigation Pty Ltd scored 55.1% and was ranked sixth in the qualitative assessment. The company demonstrated the capacity required to undertake the works. It has been providing extensive landscaping works for major land developers, commercial clients and state / local governments. Examples of work included landscape maintenance at The Village at Wellard on behalf of Peet Limited / EPCAD Pty Ltd, maintaining Capricorn Estate on behalf of Acumen Development Solutions and garden / grounds maintenance of more than 50 sites for the City of Fremantle. However, these works did not involve specified area landscape services similar to the City's requirements. It did not fully demonstrate its understanding of the required tasks. The panel considered the number of hours allocated to turf / garden bed maintenance insufficient to meet the requirements of the City and the response did not include the list of chemicals to be used during the term of the contract.

Loch Ness Landscape Services scored 55.2% and was ranked fifth in the qualitative assessment. It has been providing commercial lawn mowing and garden maintenance for the Town of Cambridge (Perry Lakes and Ocean Mia Estates) and landscape maintenance services at Harrington Waters and Port Kennedy Estates for the City of Rockingham. Other examples of works included Defence Housing Australia residential maintenance services panel for commercial lawn mowing and garden maintenance services in the north, south and northwest regions of Perth. It has industry experience and the capacity required to carry out the services. However, it did not fully demonstrate its understanding of the City's requirements. The panel noted the hours allocated per month were inadequate to carry out the turf / garden bed maintenance required by the City. It also did not provide the list of chemicals to be used.

Total Eden Pty Limited scored 76.7% and was ranked fourth in the qualitative assessment. The company demonstrated experience providing landscape and irrigation maintenance of public open spaces, verges, medians and roundabouts for various developers in WA.

Examples of works included Alkimos Beach Estate for Lendlease Group, Austin Lakes Estate (including natural bushland areas) at South Yunderup for Satterley Property Group and Providence Estate at Wellard for Eastcourt Property Group. It has also in the past installed and maintained all public open spaces, streetscapes and residential landscaping packages at Burns Beach Estate (currently, only McIntyre Park and Marmion Avenue) for Peet Limited. It demonstrated a thorough understanding of the required tasks. It has sufficient capacity to provide the services.

LD Total scored 79.4% and was ranked third in the qualitative assessment. The company demonstrated extensive experience providing comprehensive landscape maintenance services to public open space areas for various organisations including local governments. Examples of works included ongoing comprehensive landscape maintenance to Port Coogee Estate for Frasers Property Australia/City of Cockburn, Honeywood Estate, Wandi for Satterley Property Group and The Village at Wellard for the City of Kwinana. Other examples of works included ongoing maintenance of Central and South Streetscapes for the City of Wanneroo. It has the capacity required to undertake the works. It demonstrated a sound understanding of the required tasks.

Greenworx scored 83.5% and was ranked second in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has been providing landscape maintenance services to private and public sector in WA including local governments for many years. It currently maintains the landscape of the garden areas at Burns Beach Estate (from 2014 handover from the developer) and undertakes specified area landscape services at Woodvale Waters Estate (since 2013) for the City. It also provides landscape maintenance of surrounding parklands and offices, gardens and turf areas for the Department of Finance (Premier and Cabinet Office) and Dumas House and ongoing maintenance of parks and gardens for the City of Wanneroo. Greenworx is well established with significant industry experience and proven capacity to complete the works for the City.

Environmental Industries Pty Ltd scored 89.1% and was ranked first in the qualitative assessment. The company has extensive experience providing total horticultural maintenance of estates, gardens, verges and public open spaces for various organisations including local governments. Examples of works included landscape maintenance services at Ellenbrook Estate for LWP Property Group, numerous estates for the City of Wanneroo and total landscape maintenance for Burswood Park Board. It has carried out similar landscape services for the City (Harbour Rise Estate - contract recently completed and Iluka Estate - incumbent contractor). It demonstrated a thorough understanding and appreciation of the City's requirements. It is well equipped and has the capacity required to carry out the services.

Given the minimum acceptable qualitative score of 60%, Environmental Industries Pty Ltd, Greenworx, LD Total and Total Eden Pty Limited qualified to progress to the stage two assessment.

### **Price Assessment**

The panel carried out a comparison of the lump sum prices and rates offered by the shortlisted tenderers in order to assess value for money to the City.

The contract price is a fixed lump sum per year to undertake the scheduled landscape services. Year 1 is for a nine month period only up to 30 June 2018. All tenderers have factored in their price increase for years 2 and 3. Scope of works increases in year 2 to include turf and garden bed maintenance at McIntyre Park and further in year 3 to include Marmion Avenue Entry.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Environmental Industries Pty Ltd	\$147,152	\$179,979	\$251,505	\$578,636
Greenworx	\$83,070	\$107,285	\$130,983	\$321,338
LD Total	\$119,077	\$168,444	\$247,364	\$534,885
Total Eden Pty Limited	\$80,221	\$125,873	\$180,220	\$386,314

The City is expected to incur in the order of \$321,338 for landscaping services at the 'New' Burns Beach Estate, Burns Beach over the 33-month contract period and up to \$583,304 over a five-year period if the extension option is exercised.

### **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>Total Lump Sum Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Environmental Industries Pty Ltd	4	\$578,636	1	89.1%
Greenworx	1	\$321,338	2	83.5%
LD Total	3	\$534,885	3	79.4%
Total Eden Pty Limited	2	\$386,314	4	76.7%
Loch Ness Landscape Services	N/A	\$456,884	5	55.2%
Horizon West Landscape & Irrigation Pty Ltd	N/A	\$437,913	6	55.1%
Wattle Facilities Group	N/A	\$114,700	7	49.4%
Green Man Services Pty Ltd	N/A	\$571,850	8	47.2%
Shardlow's Complete Gardens	N/A	\$1,074,557	9	46.8%
Phase 3 Landscape Construction Pty Ltd	N/A	\$463,942	10	43.1%

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

While Environmental Industries Pty Ltd scored 89.1% in the qualitative assessment, its offer was \$257,298 more expensive when compared to Greenworx and did not provide any additional level of service that would warrant the extra cost.

### **Issues and options considered**

The City has a requirement for the provision of landscaping services for public open space and landscaped areas within the 'New' Burns Beach Estate, Burns Beach. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

## Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

**Policy** Specified Area Rating.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the estate would not continue to be maintained to the current high standard which would result in community and customer dissatisfaction.

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

### Financial / budget implications

<b>Account no.</b>	623-P3819-3359-6413.
<b>Budget Item</b>	The 'New' Burns Beach Estate Specified Area Rating Landscape Services.
<b>Budget amount</b>	\$129,739
<b>Estimated Expenditure Current Contract (1 July 2017 to 30 September 2017):</b>	\$ 24,117
<b>Proposed New Contract Cost – Year 1 (1 October 2017 to 30 June 2018):</b>	\$ 83,070
<b>Balance</b>	\$ 22,552

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

The provision of landscape services in the 'New' Burns Beach Estate enhances the amenity of public open space for residents.

**Consultation**

The Burns Beach Residents Association Inc will be consulted yearly on the schedule of maintenance services that will form part of the annual service level agreement.

**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 Greenworx Commercial Maintenance Pty Ltd trading as Greenworx represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Greenworx Commercial Maintenance Pty Ltd trading as Greenworx for the provision of landscape services at the 'New' Burns Beach Estate, Burns Beach as specified in Tender 020/17 for a period of 33 months, for the fixed lump sum of \$321,338 (GST exclusive) with an option for a further two years and schedule of rates for any modifications with annual price variations subject to the Perth CPI (All Groups) Index.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf170912.pdf](#)*

## **CJ156-09/17 COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATIONS – 2018-19 ANNUAL AND FORWARD PLANNING GRANT ROUND**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	22209, 00126, 29086
<b>ATTACHMENTS</b>	Attachment 1 Kingsley Park Floodlighting Upgrade design Attachment 2 Kingsley Park Floodlighting Upgrade cost estimate Attachment 3 Prince Regent Park proposed site plan Attachment 4 Prince Regent Park proposed floor plan Attachment 5 Prince Regent Park capital cost estimate Attachment 6 Kingsley Park Floodlighting Upgrade community consultation report
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to consider applications for the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund 2018-19 annual and forward planning grant round.

### **EXECUTIVE SUMMARY**

The Department of Local Government, Sport and Cultural Industries (DLGSCI) has allocated \$12 million for the Community Sporting and Recreation Facilities Fund (CSRFF) 2018-19 grant round, a figure unchanged from the 2017-18 allocation, but still considerably lower than prior years (\$20 million in 2015-16 funding round).

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

The City has prepared two projects for consideration within the 2018-19 annual and forward planning grant round. The City did not receive any applications for consideration from any local sporting clubs.

Kingsley Park, Kingsley – Sports Floodlighting Upgrade

The City currently has \$600,000 listed for consideration within 2018-19 of the *Five Year Capital Works Program* for the Kingsley Park Sports Floodlighting Upgrade project along with \$200,000 listed as revenue through the CSRFF program. The City has designed and prepared the project with a proposed budget of \$473,383 to construct the sports floodlighting to meet the Australian Standard for football (all codes) training and competition. A second option for the project was also prepared to only floodlight the park to meet the relevant training standard (not competition) at a cost of \$379,500. The DLGSCI has previously provided comment that competition level floodlighting is not a high priority for the CSRFF program, so the City is proposing to only seek one-third of the lesser training level lighting cost through the CSRFF grant of \$126,500, while still undertaking the competition level of lighting.

<b>Total Project Cost:</b>	<b>\$473,383 (excluding GST)</b>
City of Joondalup contribution:	\$346,883 (excluding GST)
CSRFF grant requested:	\$126,500 (excluding GST)

Prince Regent Park, Heathridge – Redevelopment

At its meeting held on 15 August 2017 (CJ140-08/17 refers), Council approved the proposed redevelopment of Prince Regent Park, Heathridge. The redevelopment includes demolition and site works, construction of a new community sporting facility, floodlighting upgrade, relocation of cricket infrastructure and a car park extension. The design includes four unisex change rooms (instead of the City's standard specification of two) to support the future growth of female soccer.

The proposed site plan includes two soccer playing fields, a new community sporting facility, car park extension, relocation of cricket infrastructure and service access to the new facility. The existing cricket training nets and cricket wicket at Prince Regent Park are proposed to be relocated on the site to accommodate the summer user groups.

The facility floor plan includes a meeting room, four change rooms, umpire room, internal toilets, kitchen, associated storage, CCTV room, covered spectator veranda area and a unisex 'park toilet' (which can be accessed externally). The estimated project cost is \$3,070,000. Currently there is \$1,600,000 listed in the City's *Five Year Capital Works Program* across 2017-18 and 2018-19 for the redevelopment of a clubroom facility for Joondalup United Football Club (JUFC) at a site to be determined. The project has been approved conditional upon a \$100,000 contribution from JUFC and a letter has since been received from JUFC committing to this contribution.

<b>Total Project Cost:</b>	<b>\$3,070,000 (excluding GST)</b>
City of Joondalup contribution:	\$2,354,884 (excluding GST)
JUFC contribution:	\$100,000 (excluding GST)
CSRFF grant requested:	\$615,116 (excluding GST)

The DLGSCI has acknowledged that it will accept a CSRFF application for the Prince Regent Park Redevelopment Project prior to community consultation being undertaken. City officers will work closely with the DLGSCI to advise the project status once community consultation is complete and Council has provided a recommendation. Applications must be received by the DLGSCI by 4.00pm Friday 29 September 2017.

*It is therefore recommended that Council:*

- 1 *ENDORSES an application to the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund program for \$615,116 (ex GST) to part fund the redevelopment of Prince Regent Park, Heathridge;*
- 2 *BY AN ABSOLUTE MAJORITY AMENDS part 4 of its decision on 15 August 2017 (CJ140-08/17 refers) to read as follows:*
  - “4 *LISTS FOR CONSIDERATION a revised budget of \$2,970,000 (\$615,116 CSRFF; \$500,000 reserve funds \$1,754,884 loan funds) in 2018-19 for construction within the City's Five Year Capital Works Program for the development of a clubroom facility for the Joondalup United Football Club (\$100,000 club contribution; addition of \$1,254,884 City contribution);”;*
- 3 *ENDORSES an application to the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund program for \$126,500 (ex GST) to part fund the upgrade of the sports floodlighting at Kingsley Park, Kingsley;*
- 4 *ENDORSES the ranking and rating of the Community Sporting and Recreation Facilities Fund application below:*

<i>Application Rank</i>		<i>Application Rating</i>
<i>1</i>	<i>Prince Regent Park, Heathridge – Redevelopment</i>	<i>Well planned and needed by the local government.</i>
<i>2</i>	<i>Kingsley Park, Kingsley – Sports Floodlighting Upgrade</i>	<i>Well planned and needed by the local government.</i>

## **BACKGROUND**

The DLGSCI's CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity through the provision of funding that assists the development of well planned and designed infrastructure.

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

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

The State Government allocates funds across three grant categories - small, annual and forward planning. A total of \$12 million is allocated for the 2018-19 funding rounds. This amount has not changed from the 2017-18 funding round, however is still substantially less than what has been available in previous years (\$20 million in 2015-16).

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

- 1 Well planned and needed by the local government.
- 2 Well planned and needed by the applicant.
- 3 Needed by the local government, more planning required.
- 4 Needed by the applicant, more planning required.
- 5 Idea has merit, more preliminary work needed.
- 6 Not recommended.

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

## DETAILS

The City has prepared two projects for consideration within the 2018-19 annual and forward planning grant round. The City did not receive any applications for consideration from any local sporting clubs. A project summary and recommendation has been developed as part of the preparation process.

### Kingsley Park, Kingsley – Sports Floodlighting Upgrade

Kingsley Park located on Kingsley Drive, Kingsley is approximately 5.8 hectares in size and is classified as a 'Local Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park has one active sporting field, a community sporting facility, sports floodlighting, cricket nets, car parking and a playground.

Kingsley Park consists of one full size AFL field, one full size cricket pitch and one smaller junior size AFL field. The park is heavily utilised during winter and summer. The current winter users are the Kingsley Junior Football Club and the Kingsley Amateur Football Club and the current summer users are the Kingsley Woodvale Junior Cricket Club and the Kingsley Woodvale Cricket Club. The City also has a Shared Use Agreement with Creaney Primary School for use of a northern section of Kingsley Park. It should be noted that the smaller school oval to the north of Kingsley Park is Department of Education land managed by the school.

Council considered the existing sports floodlighting provision at Kingsley Park within the Active Reserve and Community Facility Review presented to Council at its meeting held on 15 July 2014 (CJ116-07/14 refers). It was determined to be a high priority project due to the high level of usage. While the park does currently have a level of sports floodlighting, these lights do not meet the relevant Australian Standards for sports floodlighting. The proposed sports floodlighting upgrade project will improve the level and design of the sports floodlighting to meet all relevant Australian Standards.

The City currently has \$600,000 listed for consideration within the *Five Year Capital Works Program* for 2018-19 for the Kingsley Park Sports Floodlighting Upgrade project with \$200,000 identified within the project as revenue from a CSRFF grant.

The City has prepared a design (Attachment 1 refers) and cost estimate (Attachment 2 refers) for the sports floodlighting upgrade to ensure the project meets the Australian Standard for football (all codes) (AS2560.2.3) and the control of obtrusive effects of outdoor lighting (AS4282).

Two options have been prepared for the project:

Option one – training standard

- Council could choose to construct sports floodlighting to meet the standards for football (all codes) training only. This has been costed at \$379,500.

Option two – competition standard

- Council could choose to upgrade the sports floodlighting to meet the standards for football (all codes) training and competition. This would provide an opportunity for the existing football clubs to be able to host night fixtures. This has been costed at \$473,383.

The DLGSCI has previously provided comment that competition standard floodlighting is not a priority of the CSRFF grant and that it would not contribute to the upgrade of the lighting from the training standard to meet the competition standard.

The City is proposing to upgrade the sports floodlighting to meet the competition standards so that the current football clubs may choose to fixture night games at the fields. By fixturing night matches the clubs can better spread usage of the park by re-scheduling fixtures from the heavily sought times of 8.00am to 5.00pm Saturdays and Sundays to other times including Friday and Saturday evenings.

As a result of extended costing for the project being lower than the allocated budgeted funds, it is recommended that Council approve the sports floodlighting to meet the competition standards with a CSRFF application to be prepared to fund only the lower level of infrastructure.

<b>Total Project Cost:</b>	<b>\$473,383 (excluding GST)</b>
City of Joondalup contribution:	\$346,883 (excluding GST)
CSRFF grant requested:	\$126,500 (excluding GST)

The total project cost listed above includes amounts for preliminaries, contingency and escalation to June 2018.

Assessment Summary

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

### Recommendation Summary

Ranking: 2 (of 2).  
Rating: Well planned and needed by the local government.  
Funding request: \$126,500 (ex GST).

### Prince Regent Park, Heathridge – Redevelopment

Prince Regent Park located on Prince Regent Drive, Heathridge is approximately 4.5 hectares in size and is classified as a 'Local Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park has one active sporting field, a toilet facility, sports floodlighting, cricket nets, car parking and a playground. In 2013-14 the sports floodlighting infrastructure was upgraded to provide levels of 50 lux (Australian Standard large ball sports training).

Prince Regent Park consists of one full size cricket pitch and two soccer pitches. The park is heavily utilised during winter and summer. The current winter user is the Joondalup United Football Club and the current summer users are the Ocean Ridge Junior Cricket Club, Ocean Ridge Senior Cricket Club and Pirates Softball Club of WA Inc. A commercial operator also utilises the park on a regular basis in the morning and evening throughout the year.

At its meeting held on 15 August 2017 (CJ140-08/17 refers), Council approved the proposed site plans (Attachment 3 refers) and facility floor plan (Attachment 5 refers) which includes a provision for four change rooms instead of two. This is to allow both female and male teams to utilise the change rooms at the same time and support the future growth of female soccer.

The facility has been designed to cater for sporting groups using the ovals and be available to the wider local community for community based meetings and activities.

The cost estimates (Attachment 6 refers) were developed by an external quantity surveyor based on high level concept plans and tender prices may differ following the detailed design stage (if the project proceeds).

The CSRFF program only provides funding for projects that can exhibit a direct link to an increase in participation in sport and recreation with an emphasis on physical activity. While a majority of the proposed works at Prince Regent Park would be eligible for funding several elements would not.

These items include:

- planning in 2017-18 (grants can only be for future years, that is, 2018-19 and beyond)
- equipment fit out
- veranda / patio
- non-sport specific building areas (that is non-sport storage, meeting room, kitchen and CCTV room)
- car park extension and soft landscaping
- public artwork.

The works that would not be eligible for CSRFF funding total \$1,224,651. This means that the total budget eligible for CSRFF funding would be \$1,845,349 with the one-third contribution of this amount being \$615,116. It is recommended that this is the amount the City should seek funding for through the CSRFF program.

<b>Total Project Cost:</b>	<b>\$3,070,000 (excluding GST)</b>
City of Joondalup contribution:	\$2,354,884 (excluding GST)
JUFC contribution:	\$100,000 (excluding GST)
CSRFF grant requested:	\$615,116 (excluding GST)

### Assessment Summary

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

### Recommendation Summary

Ranking:	1 (of 2).
Rating:	Well planned and needed by the local government.
Funding request:	\$615,116 (ex GST).

### **Issues and options considered**

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

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

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

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

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

## Risk management considerations

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

## Financial / budget implications

### Kingsley Park, Kingsley – Sports Floodlighting Upgrade

The City currently has listed for consideration for 2018-19 within the *Five Year Capital Works Program* \$600,000 for the Kingsley Park Sports Floodlighting Upgrade project with \$200,000 identified as revenue through the CSRFF program.

It is estimated that the total project cost of the Kingsley Park Sports Floodlighting Upgrade project will be \$473,383 with \$126,500 of revenue through the CSRFF program.

### Prince Regent Park, Heathridge – Redevelopment

The following amounts are currently listed in the City's *Five Year Capital Works Program* for the redevelopment of a clubroom facility for JUFC at a site to be determined:

- \$100,000 (municipal funds) in 2017-18 for detailed design of the redevelopment project.
- \$1,500,000 (\$200,000 club contribution; \$300,000 CSRFF; \$500,000 reserve funds; \$500,000 loan funds) in 2018-19 for construction of the redevelopment project.

At its meeting held on 15 August 2017 (CJ140-08/17 refers) Council approved the project conditional upon a \$100,000 contribution from JUFC as per an agreed payment plan approved by the Chief Executive Officer. The City has now received confirmation for this payment from the JUFC. Council also agreed in part to

*“4 LISTS FOR CONSIDERATION a revised budget of \$2,970,000 (\$300,000 CSRFF; \$500,000 reserve funds \$2,070,000 loan funds) in 2018-19 for construction within the City's Five Year Capital Works Program for the development of a clubroom facility for Joondalup United Football Club (\$100,000 club contribution; addition of \$1,570,000 City contribution);”*

Due to the increased CSRFF grant amount being sought it is proposed that the loan funds will reduce from \$2,070,000 to \$1,754,884.

All amounts quoted in this report are exclusive of GST.

## Regional significance

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

### Kingsley Park, Kingsley – Sports Floodlighting Upgrade

Community consultation was conducted for 21 days from 12 June to 3 July 2017 for the Kingsley Park Sports Floodlighting Upgrade project. The consultation provided the local community with an opportunity to provide feedback on the proposed floodlighting upgrade project at Kingsley Park. Consultation packs were mailed to all residents within a 200m radius of the park (599 households).

The City received a total of eight valid responses. Respondents were asked to indicate their level of support for the proposed upgrade of sports floodlighting to meet the Australian Standard for football (all codes) to amateur competition standard. Of the responses received, six (or 75%) indicated that they either Strongly Supported or Supported the works as proposed.

#### *Additional Comments*

Those respondents that did not support the new floodlighting proposed provided the comments below:

- Concern over the need for new infrastructure given there is already existing infrastructure.
- Additional noise in the evening as a result of increased park usage.
- Inadequate parking facilities.
- Concern over height of poles being an 'eyesore'.

Those that supported the project provided the comments below:

- Support sport and an increase in physical activity.
- Support increased safety as a result of improved lighting.
- Support the project only if State Government funding is received.
- Request to position the floodlight poles in such a way to avoid removing trees.

#### *Park User Groups and Stakeholder Consultation*

In addition to the local community, the City also directly sought feedback from all park user groups and other park stakeholders including Creaney Primary School and the Kingsley and Greenwood Residents Association. Of the responses received, four of the groups strongly supported the works as proposed and one group did not provide a response. A summary of the park user group responses has been summarised below.

<b>Park user group / Stakeholder</b>	<b>Level of support</b>	<b>Additional comments</b>
Kingsley Amateur Football Club	Strongly support	<ul style="list-style-type: none"> <li>• No additional comments.</li> </ul>
Kingsley Junior Football Club	Strongly support	<ul style="list-style-type: none"> <li>• Require floodlighting to meet competition standards.</li> <li>• Noted some concerns about proposed locations of the poles.</li> <li>• Requested that Club is engaged with by the City at all project milestones.</li> </ul>

<b>Park user group / Stakeholder</b>	<b>Level of support</b>	<b>Additional comments</b>
Kingsley Woodvale Cricket Club	Strongly support	<ul style="list-style-type: none"> <li>Request an additional light be installed on a floodlight pole to light the cricket practice nets.</li> </ul>
Kingsley Woodvale Junior Cricket Club	Strongly support	<ul style="list-style-type: none"> <li>No additional comments.</li> </ul>
Creaney Primary School	Did not provide a response	
Kingsley and Greenwood Residents Association	Did not provide a response	

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

#### Prince Regent Park, Heathridge – Redevelopment

Consultation was undertaken with JUFC during the site and needs analysis and concept design stages of the project.

The City is currently preparing community consultation tools for the proposed Community Sporting Facility at Prince Regent Park in line with the City's *Community Consultation and Engagement Policy and Protocol*. The consultation will consist of a pack being sent to local residents which will include a letter, frequently asked question sheet and site / floorplan with feedback collected via an online comment form. The consultation will also be advertised via newspaper advertisements, site signage and the City's website.

It is anticipated that community consultation will be conducted within the coming months, with a report to be presented to Council in late 2017.

#### **COMMENT**

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

#### **VOTING REQUIREMENTS**

Absolute Majority.

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

- 1 **ENDORSES** an application to the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund program for \$615,116 (ex GST) to part fund the redevelopment of Prince Regent Park, Heathridge;
- 2 **BY AN ABSOLUTE MAJORITY AMENDS** part 4 of its decision on 15 August 2017 (CJ140-08/17 refers) to read as follows:
 

**“4** *LISTS FOR CONSIDERATION a revised budget of \$2,970,000 (\$615,116 CSRFF; \$500,000 reserve funds \$1,754,884 loan funds) in 2018-19 for construction within the City's Five Year Capital Works Program for the development of a clubroom facility for the Joondalup United Football Club (\$100,000 club contribution; addition of \$1,254,884 City contribution);”*
- 3 **ENDORSES** an application to the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund program for \$126,500 (ex GST) to part fund the upgrade of the sports floodlighting at Kingsley Park, Kingsley;
- 4 **ENDORSES** the ranking and rating of the Community Sporting and Recreation Facilities Fund application below:

	<b>Application Rank</b>	<b>Application Rating</b>
1	Prince Regent Park, Heathridge – Redevelopment	Well planned and needed by the local government.
2	Kingsley Park, Kingsley – Sports Floodlighting Upgrade	Well planned and needed by the local government.

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf170912.pdf](#)

## REPORTS – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – 4 SEPTEMBER 2017

### Disclosure of Financial/Proximity Interest

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ157-09/17 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

### Disclosure of interest affecting impartiality

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ157-09/17 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

## CJ157-09/17      **CONFIDENTIAL - CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	74574
<b>ATTACHMENTS</b>	Attachment 1      Chief Executive Officer KPIs for 2017-18 with track and highlighted changes from 2016-17, (distributed under separate cover)  Attachment 2      Chief Executive Officer Confidential Concluded Annual Performance Review Report (distributed under separate cover)
	<i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

*a matter affecting an employee or employees.*

A full report is provided to Elected Members under separate cover. The report is not for publication.

**Disclosure of Financial/Proximity Interest**

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ158-09/17 – Confidential - Annual Salary Review - Chief Executive Officer.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ158-09/17 – Confidential - Annual Salary Review - Chief Executive Officer.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

**CJ158-09/17      CONFIDENTIAL - ANNUAL SALARY REVIEW - CHIEF EXECUTIVE OFFICER**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	74574
<b>ATTACHMENTS</b>	Attachment 1      Confidential      Report      Annual      Salary Review – Chief Executive Officer (distributed under separate cover)
	<i>(Please Note: The Report and Attachment 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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A full report is provided to Elected Members under separate cover. The report is not for publication.

**URGENT BUSINESS**

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

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

**CLOSURE**



**DECLARATION OF  
FINANCIAL INTEREST/PROXIMITY 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.*



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

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

**QUESTIONS**

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Please submit this form at the meeting or:

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

**Please note that:**

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



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

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

**STATEMENT**

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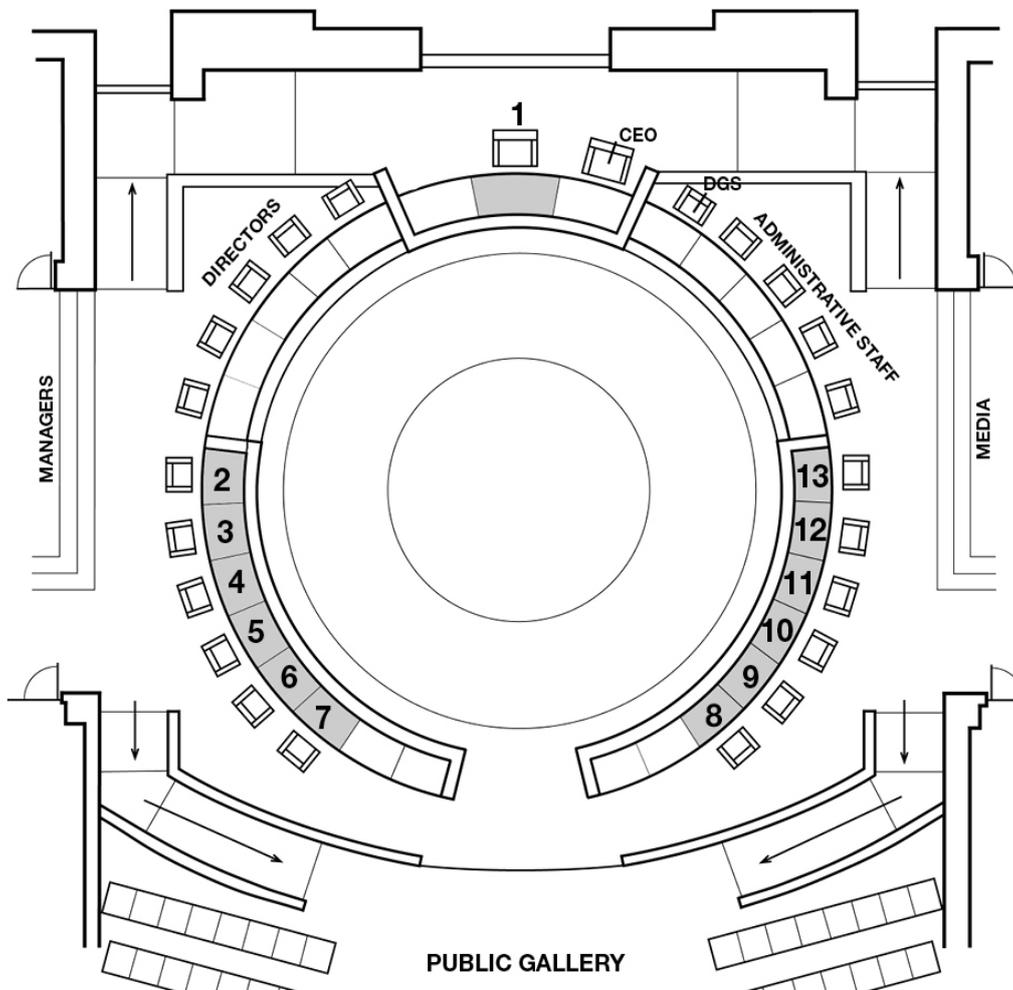
Please submit this form at the meeting or:

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

**Please note that:**

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

## Council Chambers – 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)