

# 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 17 JULY 2018  
**COMMENCING AT** 7.00PM

**GARRY HUNT**  
Chief Executive Officer  
13 July 2018

[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 16 July 2018**

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 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.

Written questions should be sent via email to [council.questions@joondalup.gov.au](mailto:council.questions@joondalup.gov.au)

### **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.*

## Civic Centre Emergency Procedures

The City of Joondalup values the health and safety of all visitors to City of Joondalup facilities. The following emergency procedures are in place to help make evacuation of the City of Joondalup Civic Centre safe and easy.

### Alarms

The City of Joondalup emergency system has two alarm tones:

- Alert Tone (Beep... Beep... Beep)
- Evacuation Tone (Whoop...Whoop...Whoop)

### On hearing the Alert Tone (Beep... Beep... Beep):

- DO NOT EVACUATE ON THIS TONE.
- Remain where you are.
- All designated Fire Wardens will respond and assess the immediate area for danger.
- Always follow instructions from the designated Fire Wardens.

### On hearing the Evacuation Tone (Whoop...Whoop...Whoop):

- Evacuate the building immediately as directed by a Fire Warden or via the nearest safe exit.
- Do not use lifts.
- Remain calm and proceed to the designated Assembly Area (refer to site plan below).
- People with impaired mobility (those who cannot use the stairs unaided) should report to a Fire Warden who will arrange for their safe evacuation.
- Do not re-enter the building until authorised to do so by Emergency Services.



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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 Information180717.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 17 July 2018** commencing at **7.00pm**.

GARRY HUNT  
Chief Executive Officer  
13 July 2018

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 the Hon. Albert Jacob, JP 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 Interest/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.

### 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.

## PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 26 June 2018:

### Ms S Makoare, Greenwood:

Re: *Warwick Road Median Strip.*

Q1 *In relation to the clearing of the Warwick Road verge, can the City please tell me how many accidents or incidents have resulted from obscured vision due to the verge foliage?*

A1 Main Roads WA data indicates that between 2013-2017, the section of Warwick Road currently subject to clearing and planting experienced 65 reported crashes, including one fatality, four hospitalisations, 11 medical attendances, 31 cases of major property damage from vehicles and 18 cases of minor property damage.

Q2 *How much money will it cost the rate payer to remove the trees and the understorey and then to mow and maintain the verge now as opposed to leaving it as it is and mulch it every two years?*

A2 The streetscape enhancement work recently undertaken along Warwick Rodd cost \$104,320. Existing appropriate trees have been retained as part of this project.

The City's mowing contractor assigned to Warwick Road has estimated an increase of \$320 per service to undertake the extra mowing required at this location. The mowing of non-irrigated locations is climatically driven and Warwick Road could be mown between nine and 11 times per year. Based on 10 mows per year, the mowing increase equates to \$3,200.

Whilst the City has not previously calculated the cost to leave as it was and mulch every two years, site works (including disposal) to prepare 75% of the medians for mulch as the original shrubs minus the dead dying and diseased would be retained is estimated at \$250,000. This is made up of:

- Removal of dead, dying and diseased plant material
- Boxing out the median to a depth of 75mm
- Dispose of the waste material
- Installation of 75mm of pathogen free mulch and mulch and replace.

To mulch every two years with a replenishment mulch cover (such as 30mm thick) the City estimates a cost of \$38,250.

**Ms N Dangar, Beldon:**

Re: *CJ114-06/18 - Draft 2018-19 Budget.*

Q1 *How many John Deere agricultural tractors have been purchased because if you are looking at saving money you might be able to do that by buying Australian tractors to use in all our parks?*

A1 The City currently has one John Deere tractor which primary function is to tow and operate a 7-cylinder turf gang-mowing apparatus.

The procurement of City plant and fleet (under \$150,000) is undertaken via the WALGA contract where numerous criteria are assessed to determine the best valued product to meet the City's operational requirements.

To the City's knowledge all tractors are imported and part assembled in Australia and there are no Australian manufactured tractors.

**The following questions were received prior to the Council meeting:**

**Mr M Webb, Duncraig:**

Re: *Warwick Road Median Strip Clearing Works*

Q1 *Why wasn't the objective of the project better communicated to residents? Can the City of Joondalup improve on project notification of sensitive work, and in a comprehensive, timely and effective manner?*

A1 Yes. The City acknowledges the opportunities for improved communications as part of future streetscape enhancement works.

Q2 *Was any consideration given to the impact of increased traffic noise on residents as a result of removal of low growth bushes. If not why not?*

A2 The main considerations in undertaking landscaping works along Warwick Road was for the purposes of improving sight lines and maintenance outcomes, as well as increasing canopy coverage. The noise attenuation effects of the removed vegetation is considered to be limited.

It is acknowledged that in the short term there will potentially be an increase in traffic noise but as the plantings mature, that will reduce.

**Ms N Dangar, Beldon:**

*Re: C58-06/18 Notice of Motion No. 1 – Cr Poliwka – Review of Employee Costs.*

Q1 *The cost to prepare a report on the employees remunerations was said during the Council meeting on 26<sup>th</sup> June 2018 to be \$100,000 to prepare. Please confirm this was not a typing error?*

A1 The officer's comment to the notice of motion indicated the consultant's report would cost in excess of \$100,000 depending upon finalisation of the scope of the review.

Q2 *In the event that the amount stated was not a typo please advise how many people would be required to furnish the report as requested by the Deputy Mayor?*

A2 This is unknown as it would depend upon the consultant appointed and the scope of the review.

Q3 *As there is already a large component of staff employed why was it necessary to consider a consultant for this job when surely all the data required is in the City database?*

A3 The resolution of Council requested an external consultant be engaged.

Q4 *During the last few years the City has stated it has employed x amount of consultants in planning issues how many times has a consultant actually been involved at any legal level such as SAT?*

A4 This question cannot be answered as it would involve a significant amount of resources and time to investigate.

Q5 *What would be the total cost to the ratepayer for the "consultants" over the last 3 years because there could be considerable savings to be made by employing people who are sufficiently qualified to do the job that the City requires.*

A5 This question cannot be answered as it would involve a significant amount of resources and time to investigate. Consultants are widely used by local governments where internal expertise or resources are not available and / or due to workload priorities.

## **PUBLIC STATEMENT TIME**

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Apology**

Cr Christopher May.

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

Cr Mike Norman	22 July to 4 August 2018 inclusive;
Cr Russell Poliwka	26 July to 28 August 2018 inclusive.

## **REQUESTS FOR LEAVE OF ABSENCE – MAYOR ALBERT JACOB, JP - [107073]**

Mayor Albert Jacob, JP has requested Leave of Absence from Council duties covering the period 28 September to 5 October 2018 inclusive.

## **RECOMMENDATION**

**That Council APPROVES the request for Leave of Absence from Council duties for Mayor Jacob covering the period 28 September to 5 October 2018 inclusive.**

## **CONFIRMATION OF MINUTES**

### **MINUTES OF COUNCIL MEETING HELD 26 JUNE 2018**

## **RECOMMENDATION**

**That the Minutes of the Council Meeting held on 26 June 2018 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**

CJ128-07/18 - Confidential - Tender 015/18 Project Management Services and Preparation of a Planning Framework for the Management of Infill Development in the City of Joondalup's Housing Opportunity Areas.

## **PETITIONS**

**REPORTS****CJ115-07/18      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– MAY 2018**

<b>WARD</b>	All		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	07032, 101515		
<b>ATTACHMENT</b>	Attachment 1	Monthly Development Determined – May 2018	Applications
	Attachment 2	Monthly Subdivision Processed – May 2018	Applications
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').		

**PURPOSE**

For Council to note the number and nature of applications considered under delegated authority during May 2018.

**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 May 2018 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during May 2018 (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 May is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	4	4
Strata subdivision applications	14	16
<b>TOTAL</b>	<b>18</b>	<b>20</b>

*Of the 18 subdivision referrals 11 were to subdivide in housing opportunity areas, with the potential for 13 additional lots.*

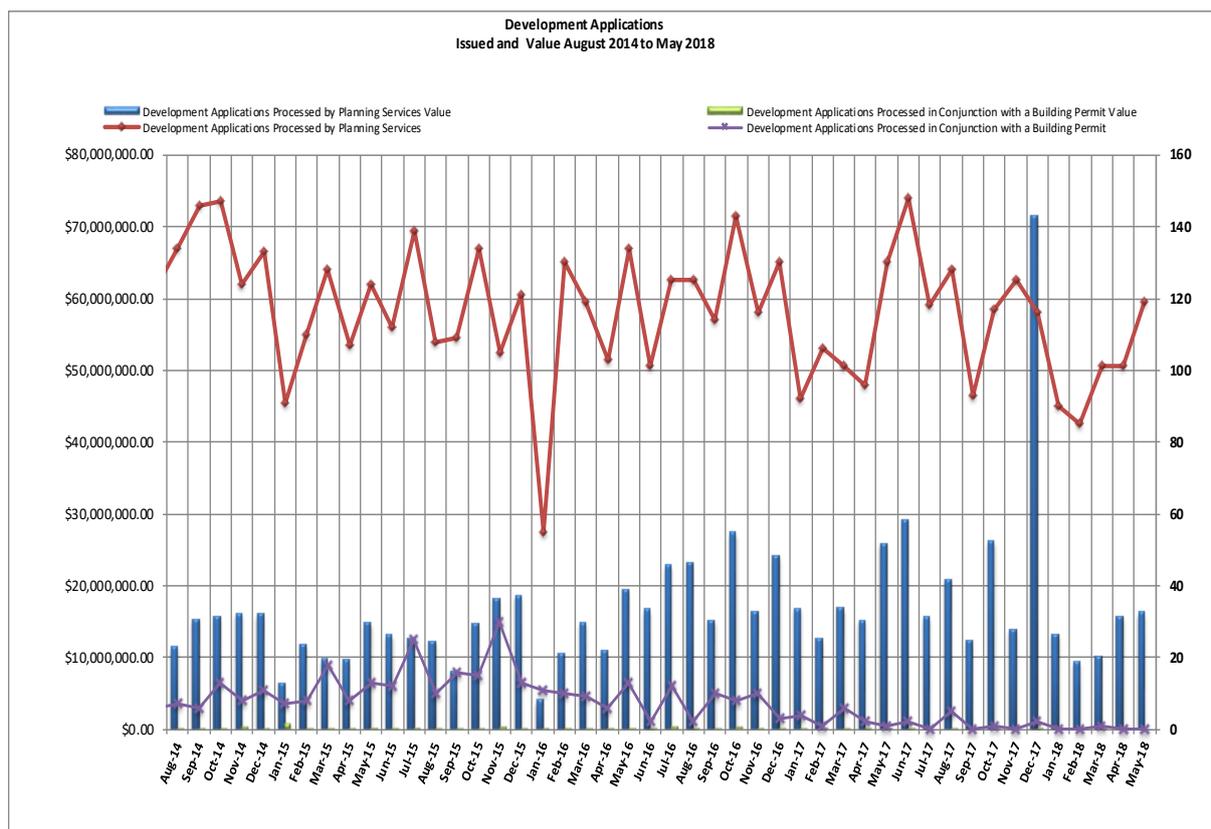
### Development applications

The number of development applications determined under delegated authority during May 2018 is shown in the table below:

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	119	\$ 16,210,041
Development applications processed by Building Services	0	0
<b>TOTAL</b>	<b>119</b>	<b>\$ 16,210,041</b>

*Of the 119 development referrals, 12 were for new dwelling developments in housing opportunity areas, proposing a total of 18 additional dwellings.*

The total number and value of development applications determined between July 2014 and May 2018 is illustrated in the graph below:



The number of development applications received during May was 125. (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 May was 216. Of these, 41 were pending further information from applicants and 28 were being advertised for public comment.

In addition to the above, 217 building permits were issued during the month of May with an estimated construction value of \$25,747,332.

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

**Policy**

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

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

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

**Risk management considerations**

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

**Financial / budget implications**

A total of 119 development applications were determined for the month of May with a total amount of \$57,513 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 CJ115-07/18 during May 2018;**
- 2 Subdivision applications described in Attachment 2 to Report CJ115-07/18 during May 2018.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf180710](#)*

## **CJ116-07/18      MODIFICATION TO PREVIOUSLY APPROVED UNLISTED LAND USE (OUTSIDE SCHOOL HOURS CARE) AT LOT 45 (8) ELCAR LANE, JOONDALUP**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	06015, 101515
<b>ATTACHMENT</b>	Attachment 1      Location Plan Attachment 2      Development Plans Attachment 3      Existing Site Plan
<b>AUTHORITY / DISCRETION</b>	Administrative – Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licenses and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to determine an application for development approval to modify the approved Unlisted Use (Outside School Hours Care) at Lot 45 (8) Elcar Lane, Joondalup (subject site).

### **EXECUTIVE SUMMARY**

At its meeting held on 18 October 2016 (CJ155-10/16 refers), Council granted planning approval to operate the unlisted uses 'Outside School Hours Care' and 'School Vacation Care' from the site which already operated an approved 'Public Amusement' land use.

The applicant seeks to amend the approval by increasing the number of staff for the 'Outside School Hours Care' from 15 to 20, and to modify the existing car parking arrangement to accommodate additional car parking bays.

The land use 'Outside School Hours Care' is not a use listed in the City's *District Planning Scheme No. 2* (DPS2) and, as such, there is also no car parking standard for this use. It is recommended that the car parking standard for a 'Child Care Centre' be applied to the unlisted use in this instance, due to the similarity in operation and for consistency with previous Council decisions.

Using this car parking standard, the total amount of car parking required on site is 34 bays, resulting in a shortfall of four bays (11.8%) as 30 bays are provided on site.

The proposal involves modifications to an unlisted land use and a parking shortfall exceeding 10% of the listed requirement and therefore is required to be determined by Council.

As the 'Outside School Hours Care' use has separate hours of operation from the other on-site uses and involves the pick-up and drop off of children, it is considered that sufficient car parking is provided to accommodate all the land uses operating from the site.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 45 (8) Elcar Lane, Joondalup.
<b>Applicant</b>	Lou Di Virgilio Designs
<b>Owner</b>	Mr Amgad Botros.
<b>Zoning</b>	<b>DPS</b> Service Industrial. <b>MRS</b> Urban.
<b>Site area</b>	3,290.76m <sup>2</sup> .
<b>Structure plan</b>	Draft <i>Joondalup Activity Centre Plan</i> .

The subject site is bound by Elcar Lane to the north and other service industrial sites to the east, west and south (Attachment 1 refers).

The site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and 'Service Industrial' under DPS2. In addition to the development provisions of DPS2, regard is also required to be given to the draft *Joondalup Activity Centre Plan* (JACP) where the site is subject to the provisions of the 'City Centre' precinct.

The subject tenancy, 'Go Bananas', was originally approved by the City in January 2001 as a 'Public Amusement (children's activity centre)', a use originally found in the former *Town Planning Scheme No. 1* (TPS1). At its meeting held on 18 October 2016 (CJ155-10/16 refers) Council granted planning approval to operate the unlisted uses 'Outside School Hours Care' and 'School Vacation Care' from the site, subject to conditions. The proposed activities were considered to be sufficiently different in operation to that of a 'Child Care Centre', and therefore were determined to be unlisted uses.

## DETAILS

The application consists of the following:

- Modification to the car park to provide for landscaping in the existing bus parking bays.
- Increasing the number of car bays on site from 28 to 30.
- Increase in staff numbers for the 'Outside School Hours Care' use from 15 staff to 20.
- Landscaping modifications to align with the proposed car parking realignment and provide for outdoor activity areas in the existing bus parking area.

The development plans are provided as Attachment 2. No signage or external changes to the facade are proposed as part of this application.

### Car parking

As the 'Outside School Hours Care' and 'School Vacation Care' uses are considered to be Unlisted Uses, a car parking standard is not provided in DPS2.

It is recommended that the car parking standard for 'Child Care Centre' be applied in this instance, consistent with the previous Council decision.

The car parking requirement for 'Child Care Centre' as contained within Table 2 of DPS2 is "not less than five and one per staff member and in accordance with the Local Planning Policy." To accommodate parent drop-off and pick-up, the City's *Child Care Centres Policy* sets out the minimum number of car bays for centres based on the number of children. The policy requires 14 bays to be provided where the number of children in attendance is greater than 105.

The table below sets out the car parking requirements for the site, including the increase in staff numbers. The 'Outside School Hours Care' service does not operate concurrently with the 'Public Amusement' and 'School Vacation Care' land uses. Therefore, the car parking requirement for this use is assessed separately to the car parking requirements for the 'School Vacation Care' or 'Public Amusement' uses of the site.

Land use	Number of persons	Car parking required at any one time.
Public Amusement/School Vacation Care (in accordance with previous approval)	85 (1 per 4 persons accommodated – TPS1)	21.25 (22) bays
	52 students, 4 staff (1 per staff member, 7 for the total number of children)	11 bays TOTAL = 33 bays
Outside School Hours Care (does not operate while Public Amusement/School Vacation Care operates)	143 students, 20 staff (1 per staff member, 14 for the number of children – DPS2)	34 bays
<b>Total bays provided</b>		<b>30</b>

The applicant has not accounted for the provision of an ACROD bay in the modified car parking layout. Accordingly, a bay will need to be provided close to the building entrance. Based on current parking standards, two bays will become one ACROD bay, resulting in a total provision of 30 parking bays for the site.

The 'Outside School Hours Care' use requires the provision of 34 car bays. As only 30 car bays are provided on-site, the use results in a shortfall of four car bays (11.8%) across the site. The modifications to the car park reduce the existing approved parking shortfall for the Public Amusement and School Vacation Care uses from five bays to three bays.

The patronage data previously submitted by the applicant demonstrates that the varying times children are dropped off and picked up, and the high turnover of vehicles using the bays did not result in an actual shortage of on-site parking. The only permanent vehicles in the car park will belong to staff members, resulting in a maximum of 20 bays permanently occupied at any one time, therefore providing for 10 drop off bays on site.

In accordance with the previous conditions of approval for the existing land uses on site, the 'School Vacation Care' and 'Public Amusement' do not operate concurrently with the 'Outside School Hours Care' use, therefore there will be no conflict between these uses in relation to car parking.

The applicant advises that the number of buses servicing the uses on site is to be reduced to two as a part of this application, with the buses only picking up and dropping off children and not parking on site. Accordingly, it is considered that the modification to the car park, limiting access to the existing tandem bus bays is appropriate as these bays will no longer be required and can be returned to landscaped area.

The draft JACP requires the provision of one parking bay per 75m<sup>2</sup> of NLA within the City Centre Precinct. Accordingly, 16.5 (17) parking bays will be required to service the development under the requirements of the draft JACP. The modified car parking layout will result in a surplus of 13 parking bays upon the adoption of the draft JACP and the parking arrangement as proposed is therefore considered to adequately address these requirements.

The above is considered to demonstrate that the car parking provided on-site is adequate to service the uses. However, should the application be approved, conditions of development approval to restrict operating hours for each use at the centre, consistent with the Council's previous decision, are recommended to ensure that no conflict between the peak car parking demand for the land uses will arise.

#### Land use and permissibility

In accordance with the previous approval for the site (DA15/0934), the 'Outside School Hours Care' land use on site was considered an 'Unlisted Use', consistent with the objectives of the 'Service Industrial' zone.

The objectives of the 'Service Industrial' zone under DPS2 are:

- (a) *accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- (b) *ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

In addition to the above, due regard is also required to be given to the draft JACP, where the site is located within the 'City Centre' precinct. The objectives of the 'City Centre' precinct are considered to be met as the proposal supports the provision of services and a mix of land uses in the immediate area. The subject use functions as complementary business services for the wider community.

It is considered that the amendment to the existing 'Outside School Hours Care' will have no impact on the amenity of the surrounding area as parking remains able to be accommodated appropriately on site and no other changes to the operation of the centre are proposed.

Under the draft JACP, the use 'Child Care Centre' is a discretionary 'D' land use. Given the similarity of the subject uses to a 'Child Care Centre' it is considered that the uses 'Outside School Hours Care' and 'School Vacation Care' are appropriate for consideration within the locality and in keeping with the draft JACP.

It is however noted that the land use remains unchanged as a part of this application.

#### Landscaping

Due to the proposed modification to the car parking configuration, the landscaped area on site is increased from 4% to 15%.

Landscaping for the remainder of the site was approved at the time of the original development in 2001, and was required to be maintained in accordance with the approval. Site inspections have identified that shade trees within the car park and landscaping, both within the site and on the verge, have deteriorated since approval was originally granted. Considering the modifications to be undertaken to the existing car parking area and the reinstatement of parking areas to landscaped area, it is considered appropriate to require that the applicant provide an updated landscaping plan, and that landscaping be maintained in accordance with this plan, to the satisfaction of the City.

The amended car parking plan does not provide for shade trees in accordance with DPS2. Therefore, a condition of approval is recommended to ensure the provision of one shade tree per four car bays on site.

## Issues and options considered

Council is required to consider whether the amount of onsite parking is appropriate or not Council can either:

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

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

**Policy** *Child Care Centres Policy.*

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

Clause 3.2 indicates the manner in which Table 1 (the Zoning Table) sets out the permissibility of uses within zones. However, due to the nature of the proposed development, the uses 'Outside School Hours Care' and 'School Vacation Care' do not fall within any of the definitions under Schedule 1 of DPS2. Therefore, Council is required to make a determination under Clause 3.3 of DPS2.

Clause 3.3 of DPS2 sets out the options available for the consideration of unlisted uses.

### 3.3 Unlisted Uses

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

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

### 3.10 THE SERVICE INDUSTRIAL ZONE

3.10.1 *The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.*

*The objectives of the Service Industrial Zone are to:*

- (a) *accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- (b) *ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

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

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

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

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

- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 64 of the deemed provisions and*
- (b) *have regard to any expressed views prior to making its decision to grant the variation.*

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

- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and*
- (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Should the land uses be considered as unlisted uses, Council shall determine an appropriate car parking standard as set out in Clause 4.8 of DPS2.

#### 4.8 CAR PARKING STANDARDS

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

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

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

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.*

### Child Care Centres Policy

The *Child Care Centres Policy* requires that a minimum of seven bays be provided where the number of children in attendance is from 31 to 56, and a minimum of 14 bays be provided where the number of children in attendance is greater than 105.

### **Risk management considerations**

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

### **Financial / budget implications**

The applicant has paid fees of \$576 (excluding GST) in accordance with the City's Schedule of Fees and Charges for the assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

There are not considered to be sustainability implications as a result of the proposed amendments.

### **Consultation**

Clause 64 of the deemed provisions set out in Schedule 2 of the Regulations states that an application may be advertised where an unlisted use may be consistent with the objectives of the 'Service Industrial' zone. For reasons outlined in the comments section above, it is considered that the use is consistent with the objectives of the 'Service Industrial' zone and that the increase in staff numbers will not unduly impact the immediate locality. Accordingly, no consultation has been undertaken in this instance.

### **COMMENT**

As outlined above, it is considered that the increased staff numbers and associated car parking and landscaping modifications are appropriate for the locality, and do not adversely impact the amenity of the site and its surroundings. The proposal is considered to be consistent with the objectives of the 'Service Industrial' zone and the 'City Centre' precinct of the draft *Joondalup Activity Centre Plan*, which seek to accommodate a range of land uses and complementary business services.

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **APPROVES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval dated 2 March 2018 submitted by Lou Di Virgilio for modifications to previously approved UNLISTED LAND USE (outside school hours care) at Lot 45 (8) Elcar Lane, Joondalup, subject to the following conditions:
  - 1.1 **Children shall be dropped off no later than 9.00am and collected no earlier than 2.30pm for the ‘School Vacation Care’ use of the site;**
  - 1.2 **The ‘Public Amusement’ shall only operate from:**
    - 1.2.1 **9.00am to 2.30pm Monday to Friday;**
    - 1.2.2 **9.00am to 5.00pm on weekends, public holidays and school holidays;**
  - 1.3 **The ‘Outside School Hours Care’ shall not operate while the ‘Public Amusement’ use operates;**
  - 1.4 **A maximum of 143 children and 20 staff are permitted on-site at any given time for the ‘Outside School Hours Care’ use of the site;**
  - 1.5 **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). These bays are to be thereafter maintained to the satisfaction of the City;**
  - 1.6 **No bus parking is to be undertaken on site, all buses associated with the land uses on site are to be parked off site, to the satisfaction of the City;**
  - 1.7 **The existing bus parking area to the side of the building is to be landscaped to the specification and satisfaction of the City, within 90 days of when the increase in staff numbers for the ‘Outside School Hours Care’ use occurs;**
  - 1.8 **Shade trees shall be planted and maintained by the owners in the approved car parking areas at the rate of one tree for every four car parking bays, to the satisfaction of the City within 90 days of when the increase in staff numbers for the ‘Outside School Hours Care’ use occurs;**
  - 1.9 **Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:**

- 1.9.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - 1.9.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;
  - 1.9.3 Provide a minimum of one shade tree per four car bays within new car parking areas;
  - 1.9.4 Show spot levels and/or contours of the site;
  - 1.9.5 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
  - 1.9.6 Be based on water sensitive urban design principles to the satisfaction of the City;
  - 1.9.7 Be based on Designing out Crime principles to the satisfaction of the City;
  - 1.9.8 Show all irrigation design details;
  - 1.10 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;
- 2 **NOTES** that the car parking standard applied to the unlisted uses ‘Outside School Hours Care’ and ‘School Vacation Care’ in this instance is not less than five and one per staff member and in accordance with the *City’s Child Care Centres Local Planning Policy*.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf180710](#)

## **CJ117-07/18      PROPOSED AMENDMENT TO PROPOSAL FOR ADDITIONS TO UNLISTED USE (SPECIAL CARE FACILITY) AT LOT 9844 (15) CHESSELL DRIVE DUNCRAIG**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	57094, 101515
<b>ATTACHMENT</b>	Attachment 1      Location Plan Attachment 2      Development Plan Attachment 3      Transportable Office Photos Attachment 4      Site Photos
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to determine an amended development application for an Unlisted Use (Special Care Facility) located at Lot 9844 (15) Chessell Drive, Duncraig.

### **EXECUTIVE SUMMARY**

An application has been received for a transportable office, two outbuildings and 14 additional car bays for the “Unlisted Use” (Special Care Facility) at Lot 9844 (15) Chessell Drive, Duncraig (subject site). The application is an amendment to a previous development approval.

At its meeting held on 18 July 2017 (CJ115-07/17 refers), Council previously approved an office and store addition with additional car parking at the subject site. The applicant has now proposed to install a transportable office and two outbuildings rather than constructing the approved addition. The additional car parking approved under the original application also forms part of the amended proposal.

The proposed development is compliant with the City’s *District Planning Scheme No. 2* (DPS2) and relevant local planning policies, with the exception a lot building setback of 1.5 metres in lieu of three metres (transportable office) to the southern (side) lot boundary. The proposal was advertised for a period of 21 days with no objections received.

The application is required to be determined by Council as the land use for the subject site is an “Unlisted Use” under DPS2.

It is considered that the overall design of the development is appropriate for the locality and the existing development on site, and does not significantly impact any surrounding or nearby landowners.

The applicant has advised that the transportable building serves as a temporary solution, with the additions per the original approval representing the ultimate intended outcome. A condition limiting the approval of the transportable office to 4 years has been included in response to this.

It is recommended that Council approves the application.

## BACKGROUND

<b>Suburb/Location</b>	Lot 9844 (15) Chessell Drive, Duncraig.
<b>Applicant</b>	Qais Dost – Rocky Bay Inc.
<b>Owner</b>	The Association for the Advancement of Brain Injured Children of WA (Inc) & Rocky Bay Inc.
<b>Zoning</b>	<b>DPS</b> Residential, R20. <b>MRS</b> Urban.
<b>Site area</b>	4,067.15m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is bounded by Chessell Drive to the east, a 24 unit 'Aged and Dependent Persons Dwellings' development (Lot 10278 Chessell Drive, Duncraig) to the north, and Percy Doyle Reserve (Lot 15074 Warwick Road, Duncraig) to the south and west (Attachment 1 refers).

The site is zoned Urban under the *Metropolitan Region Scheme* (MRS) and Residential R20 under DPS2.

The special care facility (owned and operated by the Association for the Advancement of Brain Injured Children and Rocky Bay Inc) provides services for disabled young adults and was originally approved by Council at its meeting held on 22 February 2005 (CJ018-02/05 refers) as an 'Unlisted Use'. The operations of the facility could not reasonably be determined as falling within the interpretation of any land-use listed within DPS2. As the proposal is considered an 'Unlisted Use' under DPS2, the development is considered a discretionary ("D") use in the 'Residential' zone.

At its meeting held on 18 July 2017 (CJ115-07/17 refers) Council approved a development application for a brick office and store addition located in the south-eastern corner of the subject site and an additional 14 car bays on-site. The applicant is seeking to amend this approval by replacing the brick office and store with a transportable building and to include two additional outbuildings next to the northern boundary. It is noted that the proposed 14 car bays are to remain as part of this application.

## DETAILS

The applicant has proposed the following modifications to the previous planning approval:

- Replace the previously approved brick store and staff room (10.55 metres x 6.59 metres) with a transportable office (12.6 metres x 3.3 metres).
- Include two outbuildings next to the northern boundary, which are proposed to be screened from Chessell Drive by an existing 1.8 metre high Colorbond fence.

The development plans are provided as Attachment 2.

The applicant has advised that the modifications to the previous approval are a consequence of the rollout of the National Disability Insurance Scheme (NDIS) and its impact on the forecasting of client numbers in the region. The applicant has advised that they need to be cautious with investment made in this area as the organisation, being not-for-profit, has limited funds and tight margins under the NDIS.

The amended proposal is generally compliant with the relevant provisions of DPS2 and planning local policies, except for the southern (side) lot boundary setback. This, along with other key issues associated with the development, are outlined in further detail below:

### Lot Boundary Setbacks

The proposed additions consist of a transportable office next to the southern boundary and two outbuildings next to the northern boundary.

In accordance with clause 4.7 of DPS2, all non-residential buildings are required to be set back three metres from any side lot boundary.

The proposed transportable office addition is set back 1.5 metres from the southern side lot boundary and the proposed outbuildings set back three metres from the northern side lot boundary. As a result, the application proposes a setback variation of 1.5 metres to the southern side lot boundary.

### *Officer Comment*

The previously approved office addition included a three metre setback to the southern side lot boundary and 2.765 metre setback from the rear boundary. As a result of the proposed amendments, the setback to the rear boundary has been increased to 17.8 metres and the setback to the side boundary has been reduced by 1.5 metres.

The proposed side (southern) lot boundary setback of the transportable office addition is considered appropriate for the following reasons:

- The transportable office addition is located next to the Percy Doyle Reserve and therefore will have no impact on any adjoining residential property.
- The office addition is single storey and complies with the City's *Height of Non-Residential Buildings Local Planning Policy*.
- The office is set back greater than 22.5 metres from the Chessell Drive road reserve and therefore will have minimal impact on the streetscape.
- The applicant has agreed to include additional landscaping to the eastern side of the transportable office, to further reduce visual impacts from the streetscape.

Regarding the visual impact of proposed transportable office on the public realm, the associated landscaping and the established vegetation on site will provide adequate screening of the structure, to reduce any visual impacts on the public realm. Additionally, the transportable office itself will only be visible from the site's entry point with the established landscaping and bushland to the south of the site screening the building from view.

Site photos demonstrating the visual impact of the structure are located as Attachment 4.

### Unlisted Use

In accordance with clause 3.3 of DPS2, where the proposed use of the land cannot reasonably be determined as falling within one of the use categories under the Zoning Table, the local government may consider if the use is appropriate, taking into account the objectives of the applicable zone.

*Officer Comment*

As the proposed additions are to be used as an office and storage that are incidental to the existing approved special care facility, it is considered that the use of the site has already been determined to be consistent with the objectives of the Residential Zone and is therefore acceptable.

Car Parking

As the proposal relates to an 'Unlisted Use', there is no car parking standard identified under DPS2. However, at its meeting held on 18 July 2017 (CJ115-07/17 refers), Council determined that the most appropriate car parking standard for the special care facility was a ratio of one bay per 30m<sup>2</sup> net lettable area (NLA). Based on this car parking requirement, the previous approval for the office and store addition required a total of 24 (23.1) car bays onsite. With a total of 32 bays already existing on site and the additional 14 bays proposed as part of the previous application, this resulted in a 22 bay surplus.

As a result of the amended proposal, the total NLA will increase by an additional 58.9m<sup>2</sup>. Applying the same car parking ratio, a total of 26 (25.08) bays are required on site. As a result, a surplus of 20 bays remains as part of the amended proposal.

*Officer Comment*

In light of the above, the proposed additions still ensure compliance with the designated car parking standard, and therefore the amount of car parking proposed is considered appropriate.

Landscaping

In accordance with clause 4.12 of DPS2, a minimum of 8% of the development site is required to be landscaped, a three metre landscaping strip is required adjoining all street boundaries and one shade tree is required for every four car parking bays to the satisfaction of the City.

A total of 35% of the subject site is proposed to include landscaping, which exceeds that required under DPS2. The landscaping strip adjacent to the Chessell Drive street boundary is to remain as existing. Based on the existing number of shade trees onsite, an additional four shade trees are required as part of the development.

*Officer Comment*

In light of the four shade trees required, it is recommended that the landscaping condition which formed part of the previous approval remains to ensure that the shade trees are provided in line with DPS2 requirements.

The applicant has also agreed to the provision of additional landscaping to the east of the transportable office, reducing any visual impacts on the streetscape. Therefore, it is recommended that a condition of approval is included to ensure the additional landscaping is planted to the specifications and satisfaction of the City.

Duration of Use

The applicant has noted that the proposed transportable structure is for temporary use only and seeks a time-limited approval for a period of four years.

*Officer Comment*

Based on the nature of the structure, being a transportable office, the City believes it is appropriate for it to form a temporary solution only and a four year time limited approval is appropriate.

**Issues and options considered**

Council is required to determine the appropriateness of the “Unlisted Use” and the proposed southern lot boundary setback. Council may determine an application for development approval by:

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

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

**Legislation** *City of Joondalup District Planning Scheme No. 2 (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** *Height of Non-Residential Buildings Local Planning Policy.*

*City of Joondalup District Planning Scheme No. 2 (DPS2)***3.3 UNLISTED USES**

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

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

**3.4 THE RESIDENTIAL ZONE**

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

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

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

*The objectives of the Residential Zone are to:*

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

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

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 64 of the deemed provisions and*
- (b) have regard to any expressed views prior to making its decision to grant the variation.*

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

#### **4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS**

*4.7.1 Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

- Setback from street boundary 9 metres*
- Setback from side boundary 3 metres*
- Setback from rear boundary 6 metres*

4.7.2 *Where a lot has a boundary with more than one street the local government shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.*

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

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

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

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following:*

- (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of:*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following:*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

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

The policy sets provisions for the height of non- residential buildings in the City of Joondalup.

The objective of this policy is:

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

It is noted that building heights comply with the requirements of the policy.

### **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 \$295 (excluding GST) in accordance with the Schedule of Fees and Charges, for assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

As the application is for minor extensions to the existing special care facility, an Environmentally Sustainable Design Checklist is not considered necessary in this instance.

### **Consultation**

The proposal was advertised for a period of 21 days, with no objections or concerns received.

### **COMMENT**

As outlined above, it is considered that the southern (side) lot boundary setback of the transportable office is appropriate for the locality, and does not adversely impact the visual amenity of the site and its surroundings. Given the nature of the structure, being a transportable office, a four year time limited approval is considered appropriate.

The application is recommended for approval, subject to conditions.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council:**

- 1 APPROVES under clause 77(4) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 21 April 2017 submitted by Qais Dost Rocky Bay Inc., on behalf of the owners, The Association for the Advancement of Brain Injured Children and Rocky Bay Inc., for proposed additions to Unlisted Use (Special Care Facility) at Lot 9844 (15) Chessell Drive, Duncraig, subject to the following conditions:**

- 1.1 This approval relates to the modification of the additions only as indicated on the approved plans. It does not relate to any other development on the lot;
  - 1.2 The external surface of the additions, 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;
  - 1.3 All development shall be contained within the property boundaries;
  - 1.4 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
  - 1.5 The 12 tandem car parking bays on-site shall be marked as “staff only” to the specification and satisfaction of the City;
  - 1.6 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
  - 1.7 Four additional shade trees shall be installed onsite adjacent to the new car parking bays to the specification and satisfaction of the City prior to the addition first being occupied and thereafter maintained to the satisfaction of the City;
  - 1.8 Landscaping of a sufficient height and density to soften the impact of the transportable office as viewed from the street shall be provided to the eastern side of the transportable office for the length of the wall. Landscaping shall be installed within 90 days from when the transportable office is first occupied and thereafter maintained to the satisfaction of the City;
  - 1.9 The approval period for the transportable office is limited to four years from the date of this decision letter in accordance with clause 72 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- 2 NOTES that the car parking standard applied to the unlisted use ‘Special Care Facility’ in this instance is one bay per 30m<sup>2</sup> of net lettable area.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf180710](#)

**CJ118-07/18 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal during the period 12 June to 26 June 2018
<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 12 June 2018 to 26 June 2018.

**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 12 June 2018 to 26 June 2018, as detailed in Attachment 1 to Report CJ118-07/18.*

**BACKGROUND**

For the period 12 June 2018 to 26 June 2018, two documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	2

**DETAILS****Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

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

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Current financial year impact**

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 12 June 2018 to 26 June 2018, as detailed in Attachment 1 to Report CJ118-07/18.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf180710](#)*

## **CJ119-07/18      MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 41196, 101515
<b>ATTACHMENT</b>	Attachment 1      Minutes of Mindarie Regional Council Ordinary Council Meeting held on 22 March 2018 Attachment 2      Minutes of Tamala Park Regional Council Ordinary Meeting of Council Meeting held on 19 April 2018 Attachment 3      Minutes of Mindarie Regional Council Ordinary Council Meeting held on 31 May 2018
	<i>(Please Note: These minutes are only available electronically).</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of Mindarie Regional Council Ordinary Council Meeting held on 22 March 2018.
- Minutes of Tamala Park Regional Council Ordinary Meeting of Council Meeting held on 19 April 2018.
- Minutes of Mindarie Regional Council Ordinary Council Meeting held on 31 May 2018.

### **DETAILS**

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

#### **Mindarie Regional Council Meeting – 22 March 2018**

A meeting of the Mindarie Regional Council was held on 22 March 2018.

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

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

9.3 WESTERN METROPOLITAN REGIONAL COUNCIL – REQUEST FOR AN EXTENSION TO THE AGREEMENT FOR THE SUPPLY OF MUNICIPAL SOLID WASTE

It was resolved by the Mindarie Regional Council as follows:

1. advise the WMRC that it is prepared to extend and amend the agreement entitled “Deed regarding the delivery of waste” (the Deed) to supply 24,000 tonnes of waste for a further twelve (12) months until 30 June 2019;
2. will formalise the time extension referred to in (1) above by varying the agreement as follows:
  - 2.1 The deletion of “18,500” and replacing it with “24,000” in Recital B;
  - 2.2 The deletion of the number (2) after “on the” and inserting number 4 in its place as highlighted below:

Clause 2.2  
“(a) on the 2 4 year anniversary of the commencement of the original Deed, as determined by clause 2.1 (a)”; and
  - 2.3 The deletion of “355” at point 3. of Schedule 1 and its replacement with “462”; and
3. will prepare a formal letter confirming the extension of time, which is to accompany a revised copy of the Deed for signing by both parties.

9.5 SHOP RE-DEVELOPMENT TENDER AWARD

It was resolved by the Mindarie Regional Council as follows:

1. Award the tender for the construction of a steel framed metal extension to an existing steel framed metal shed (Tender Number: 13/135) to SHAPE AUSTRALIA PTY LIMITED at a fixed price of \$326,898 excluding GST, based on the originally tendered price of \$314,533 plus the \$12,365 identified in the tender clarification, excluding GST;
2. Advise the unsuccessful tenderer of its decision to award the tender to SHAPE AUSTRALIA PTY LIMITED.

**Tamala Park Regional Council Meeting – 19 April 2018**

A meeting of the Tamala Park Regional Council was held on 19 April 2018.

At the time of this meeting Cr John Chester and alternate member Cr Sophie Dwyer were Council’s representatives on the Tamala Park Regional Council.

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

### 9.6 PROPOSED REPRICING OF LOTS (STAGES 14B, 17A AND 18B)

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

1. RECEIVES the recommended repricing of lots within Stages 17A and 18B (dated 21 February 2018), prepared by Satterley Property Group.  
*CARRIED (8/3)*
2. APPROVES the lot pricing for the unsold lots in Stages 17A and 18B based on the higher value of the Satterley Property Group's pricing (21 February 2018) and the valuation by the Council appointed valuer as follows:
 

Lot 951	\$330,000	Lot 895	\$290,000
Lot 979	\$330,000	Lot 897	\$299,000
Lot 869	\$337,000	Lot 898	\$325,000
Lot 873	\$299,000	Lot 899	\$255,000
Lot 876	\$266,000	Lot 901	\$260,000
Lot 878	\$290,000	Lot 903	\$325,000

*LOST (5/6)*
3. APPROVES the removal of the Early Construction Rebate from Lots 899, 901 and 979.  
*LOST (3/8)*
4. ADVISES the Satterley Property Group that the Council will not consider applying the Early Construction Rebate to lots that have been repriced for a period of three months from the date of the approved reprice.  
*LOST (3/8)*

### 9.7 REVIEW OF CATALINA SALES OFFICE OPENING HOURS

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

1. RECEIVES the Satterley Property Group correspondence (1 March 2018) on the trial opening hours for the Catalina Sales Office.  
*CARRIED (11/0)*
2. APPROVES the extension of the current trial Sales Office opening hours (approved by Council in April 2017) for a further 12 months, until the end of April 2019, subject to the same terms and conditions.  
*CARRIED (11/0)*
3. REQUESTS the Satterley Property Group to provide a comprehensive report on the operation of the trial Sales Office opening hours, including advice on northern corridor estates, sales against budget and feedback from the public and display builders by April 2019.  
*CARRIED (11/0)*
4. DELEGATES to the CEO authority to determine Sales Office opening hours, subject to no further reduction to weekend opening hours and the Sales Office opening hours being similar to northern corridor estates.  
*CARRIED (10/1)*

**9.8 CENTRAL PRECINCT STAGE 18 GROUP HOUSING SITES (LOTS 995 AND 996)**

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

1. RECEIVES the Catalina Central Group Housing Sites Report (February 2018), prepared by the Satterley Property Group.
2. APPROVES the re-subdivision of Lots 995 and 996 in accordance with the Concept Plan attached to the Satterley Property Group's Group Housing Sites Report (dated November 2017), subject to a final design being presented for Council's consideration.
3. ADVISES the Satterley Property Group that the subdivision design is to be optimised to achieve built form outcomes that include single and two-storey small lot product, creates housing diversity, includes measures to limit acoustic attenuation on the built form and optimises financial returns to the TPRC.

*CARRIED (8/3)*

**9.9 CATALINA STRATEGIC MARKETING PLAN – DECEMBER 2017**

It was resolved by the Mindarie Regional Council as follows:

1. NOT APPROVE the Catalina Strategic Marketing Plan (December 2017) prepared by the Satterley Property Group.
2. REQUESTS the Chief Executive Officer to seek a proposal from Satterley Property Group to conduct market research on the Catalina Estate marketing initiatives to inform the Catalina Strategic Marketing Plan.

*CARRIED (10/1)*

**9.11 CATALINA BUILDERS WASTE TENDER - CONFIDENTIAL**

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

1. ACCEPTS the Instant Waste Management tender, (dated 14 February 2018) for the Catalina Waste Management Program in accordance with Tender 01/2018 for a two year term until April 2020, with an option to extend it a further 12 months to April 2021 at the absolute discretion of the TPRC.
2. APPROVES a Waste Recycling (Housing Construction) Rebate of \$300 per lot to be paid to builders within Catalina that participate in the Waste Recycling Program with Instant Waste Management.

*CARRIED (11/0)*

**9.12 MINDARIE REGIONAL COUNCIL LANDFILL BUFFER – GROUNDWATER MONITORING RESULTS - CONFIDENTIAL**

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

1. APPROVES the lodgement of a Deposited Plan for the TPRC affected area, (as shown in Deposited Plan 413316) classifying it as "Possibly Contaminated – Investigation Required".

*CARRIED (11/0)*

2. AUTHORISES the Chief Executive Officer to lodge a Deposited Plan for the TPRC affected area classifying it as “Possibly Contaminated – Investigation Required”.  
*CARRIED (11/0)*
3. AUTHORISES the Chief Executive Officer to progress administrative arrangements with Mindarie Regional Council and member local governments to permit access by Mindarie Regional Council onto the TPRC affected area for groundwater monitoring, reporting and remediation of the TPRC affected area.  
*CARRIED (11/0)*
4. AUTHORISES the Chief Executive Officer to liaise with Mindarie Regional Council regarding the preparation of a program for continued groundwater monitoring and reporting and a strategy for remediation of the TPRC affected area.  
*CARRIED (11/0)*
5. ADVISES Mindarie Regional Council in relation to Items 1 – 4 above.  
*CARRIED (11/0)*
6. AUTHORISES the Chief Executive Officer to prepare a communications strategy which includes information on the issues, FAQ’s and which addresses potential reputational risk for distribution to staff and stakeholders.  
*CARRIED (10/1)*

#### 9.13 REVIEW OF PROJECT MILESTONES FYE 2018 - CONFIDENTIAL

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

1. RECEIVES the Satterley Property Group report on Project Milestones (February 2018).
2. ACCEPTS that Development Managers Key Performance Indicators (June 2014), 2.10 - Completion of two six-monthly Milestone reviews and acceptance of the reviews has been Achieved.
3. ADVISES the Satterley Property Group that it notes that a number of the designated Milestones in the Annual Plan have not been met and that these need to be satisfactorily addressed so that they do not adversely affect the Project.  
*CARRIED (8/3)*

#### 9.14 INDEPENDENT CONSULTANT REVIEW OF PROJECT FORECAST 2017 - CONFIDENTIAL

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

1. RECEIVES the CBRE Australia - Catalina Estate Project Forecast (December 2017).
2. REQUESTS the Satterley Property Group to modify the Project Forecast (2017 – 2029) to reflect the following:

- Development costs being adjusted by removal of the additional in-built contingency.
  - Sales and cost escalation rates at 4% per annum for revenue and 2.5% per annum for costs from 2019/20 respectively.
3. REQUESTS the Satterley Property Group to resubmit the Project Forecast (2017 – 2029) for Council's consideration upon completion of the matters in Recommendation 2.
  4. ADVISES the Satterley Property Group that until the matters in Recommendations 2 and 3 are completed and reported to Council the Key Performance Indicator - Financial Management 4.2 requiring the completion of a Review of Project Cashflow every three years will not be determined by the Council.

*CARRIED (11/0)*

### **Mindarie Regional Council Meeting – 31 May 2018**

A meeting of the Mindarie Regional Council was held on 31 May 2018.

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

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

#### **14.1 CEO RECRUITMENT PANEL RECOMMENDATION - BEHIND CLOSED DOORS**

It was resolved by the Mindarie Regional Council as follows:

1. Appoints Mr Günther Hoppe as the new Chief Executive Officer of the Mindarie Regional Council, subject to the conclusion of successful contract negotiations;
2. Approves the Chairman and Deputy Chairman to negotiate a rewards package in accordance with the Salaries and Allowances Tribunal classification for the Mindarie Regional Council, the CEO's total reward package be set at level Band 3 for Regional Council CEO's being set between \$156,356 - \$256,711, and in accordance with section 5.36(2)(b) of the Local Government Act 1995 refers the contract to the Council for consideration by absolute majority at a subsequent meeting.

*CARRIED 6/4*

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

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Strong leadership.
<b>Strategic initiative</b>	Seek out City representation on key external and strategic bodies.
<b>Policy</b>	Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 Mindarie Regional Council Ordinary meeting held on 22 March 2018 forming Attachment 1 to Report CJ119-07/18;**
- 2 Tamala Park Regional Council Ordinary meeting held on 19 April 2018 forming Attachment 2 to Report CJ119-07/18;**
- 3 Mindarie Regional Council Ordinary meeting held on 31 May 2018 forming Attachment 3 to Report CJ119-07/18.**

To access this attachment on electronic document, click here: [Externalminutes180710](#)

## **CJ120-07/18 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 2018**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882,101515
<b>ATTACHMENT</b>	Attachment 1 Financial Activity Statement Attachment 2 Investment Summary Attachment 3 Supporting Commentary
<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 May 2018.

### **EXECUTIVE SUMMARY**

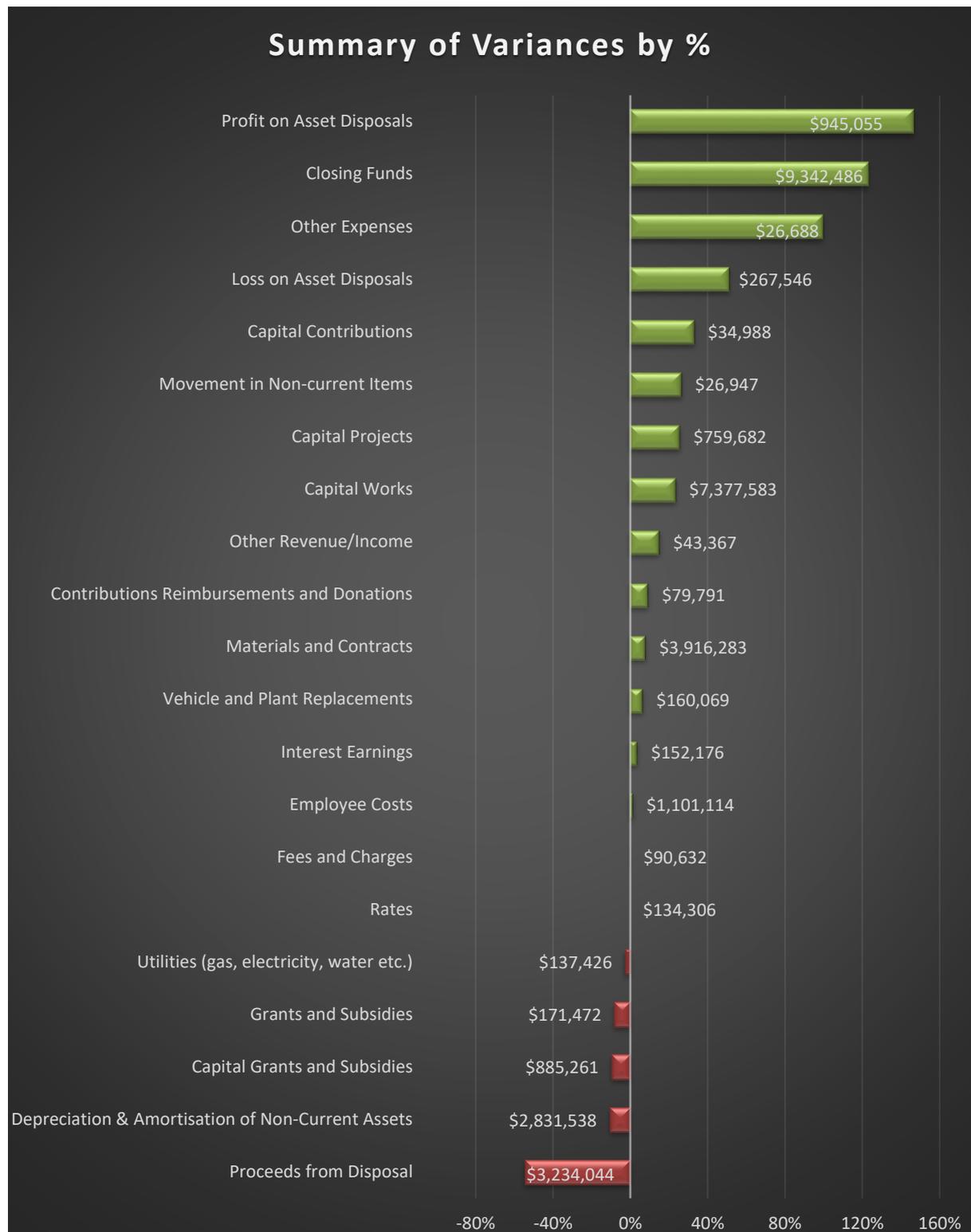
At its meeting held on 27 June 2017 (CJ084-06/17 refers), Council adopted the Annual Budget for the 2017-18 financial year. Council subsequently revised the budget at its meeting held on 20 February 2018 (CJ022-02/18 refers). The figures in this report are compared to the revised budget.

The May 2018 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$9,342,486 for the period when compared to the revised 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 May 2018 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.

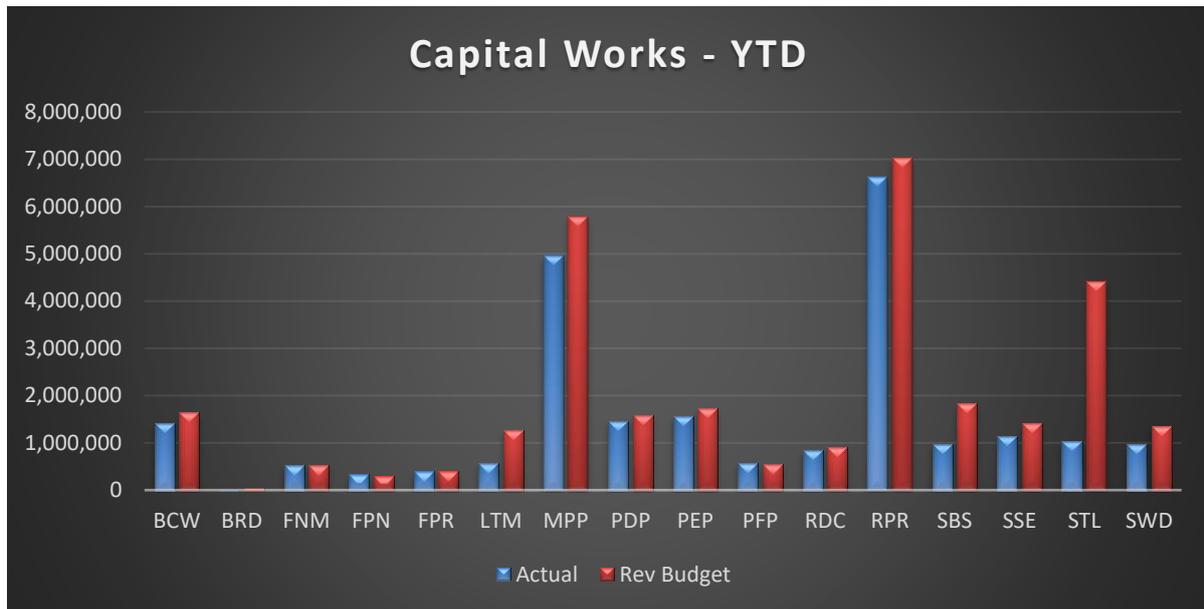
The key elements of the variance are summarised below:



The significant variances for May were:

**Capital Works**

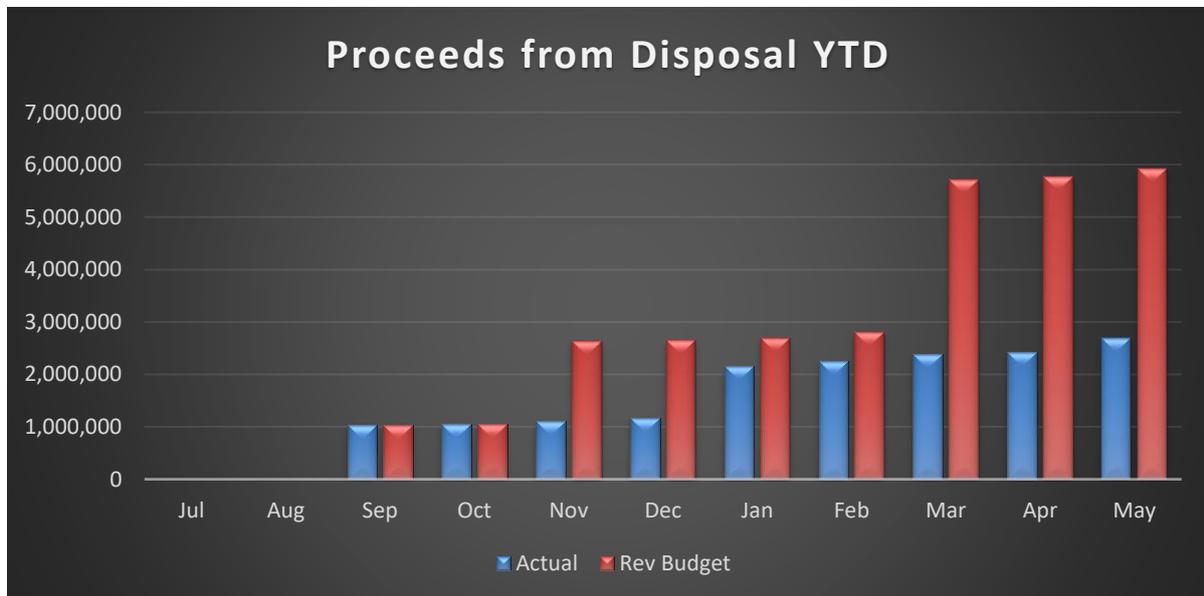
**\$7,377,583**



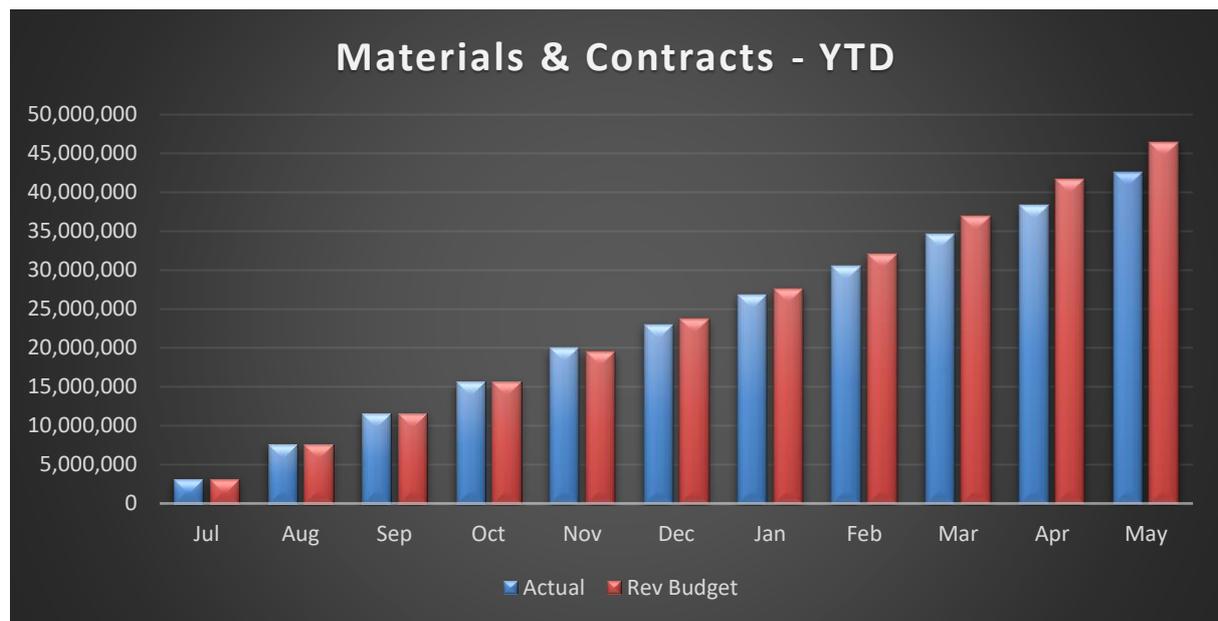
Capital Works expenditure is \$7,377,583 below budget. This includes favourable timing variances for Street Lighting Program \$3,370,969, Blackspot Projects Program \$863,652 and Major Projects Program \$829,776.

**Proceeds from Disposal**

**(\$3,234,044)**



Proceeds from Disposal revenue is \$3,234,044 below budget mainly due to the timing of disposal of surplus land holdings (\$3,422,777). Remaining land identified for sale in the current year is expected to be disposed by 30 June 2018.

**Materials and Contracts****\$3,916,283**

Materials and Contracts expenditure is \$3,916,283 below budget. This is spread across a number of different areas including favourable timing variances for External Service Expenses \$1,501,510, Professional Fees and Costs \$783,758 and Administration \$367,218.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 May 2018 forming Attachment 1 to Report CJ120-07/18.*

**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 May 2018 is appended as Attachment 1.

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

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

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

## Strategic Community Plan

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	Not applicable.

## Risk management considerations

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

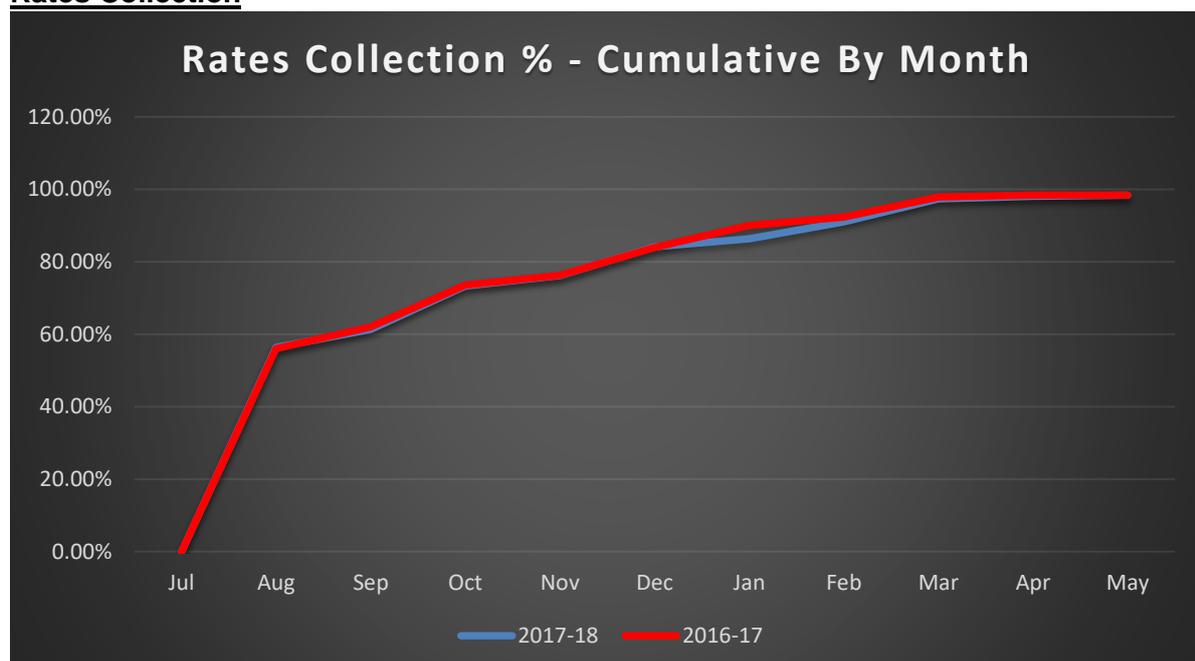
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

## 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*.

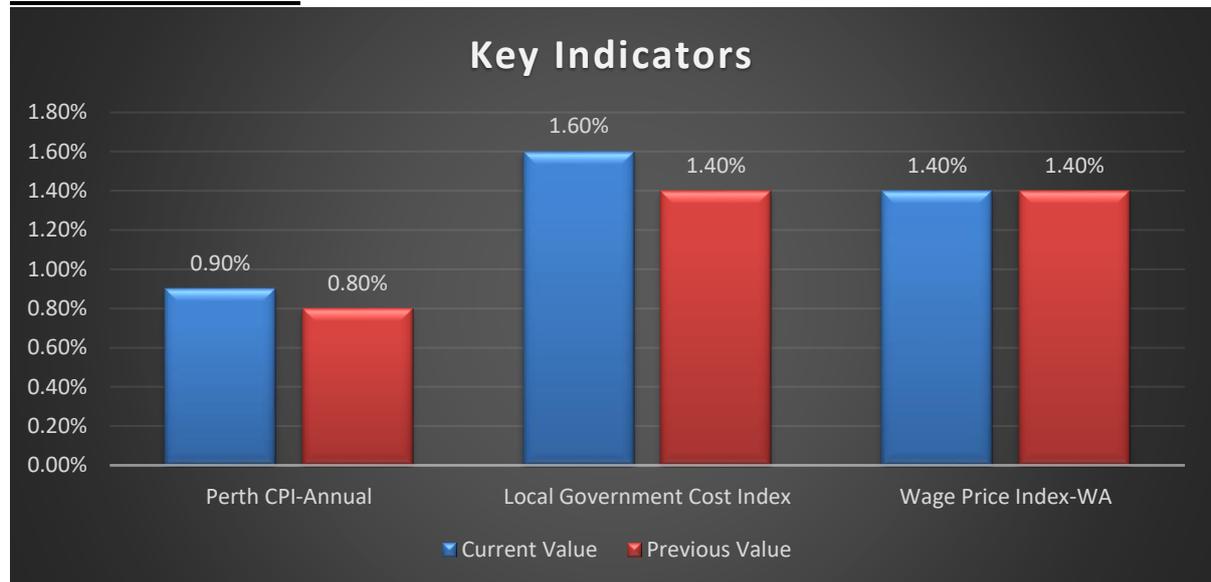
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) continues on par with the prior year at the end of May. This trend is expected to continue to the end of the financial year.

### **Economic Indicators**



The Local Government Cost Index remains well above CPI, indicating that cost pressures in the local government industry remain higher than for general consumers. Wage inflation remains above CPI, although significantly lower than in the past.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2017-18 revised 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 May 2018 forming Attachment 1 to Report CJ120-07/18.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf180710](#)

## **CJ121-07/18 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 2018**

<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 May 2018 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of May 2018 Attachment 3 Municipal and Trust Fund Vouchers for the month of May 2018
<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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of May 2018.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of May 2018 totalling \$12,985,319.10.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for May 2018 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 CJ121-07/18, totalling \$12,985,319.10.*

### **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 May 2018. 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 106612 - 106722 & EF070708 – EF071350 Net of cancelled payments.	\$8,220,897.67
	Vouchers 2243A – 2255A	\$4,743,684.63
Trust Account	Trust Cheques & EFT Payments 207291 - 207293 & TEF001507 – TEF001529 Net of cancelled payments.	\$20,736.80
<b>Total</b>		<b>\$12,985,319.10</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### Risk management considerations

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *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 May 2018 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 CJ121-07/18, totalling \$12,985,319.10.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf180710](#)*

## **CJ122-07/18 TENDER 003/18 BUILDING MINOR WORKS AND MAINTENANCE OF VALUE LESS THAN \$150,000**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	107081, 101515
<b>ATTACHMENT</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 Hickey Constructions Pty Ltd for the provision of building minor works and maintenance of value less than \$150,000.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 21 April 2018 through state-wide public notice for the provision of building minor works and maintenance of value less than \$150,000. Tenders closed on 9 May 2018. A submission was received from each of the following:

- The Trustee for Devereux Family Trust (Devco Builders).
- Hickey Constructions Pty Ltd.
- Walcott Industries Pty Ltd.
- The Trustee for M R Hoskins Family Trust trading as A E Hoskins & Sons.
- Enviro Infrastructure Pty Ltd.
- M Construction (WA) Pty Ltd.
- Complete Property Services WA Pty Ltd trading as Modus Property.
- Wood Court Pty Ltd.
- Trayd Australia Pty Ltd.
- Access Without Barriers Pty Ltd (AWB Building Co).
- Budo Group Pty Ltd.
- Linkbuild Construction Pty Ltd.
- Hyde Family Trust The trading as HS Hyde & Son.
- Bay Building Services Pty Ltd.
- Dimond Family Trust trading as Dimond Building Trade.

The submission from Hickey Constructions Pty Ltd represents best value to the City. The company demonstrated a thorough understanding of the City's requirements. It has been providing ongoing maintenance, emergency call out and minor works for various local governments including the Cities of Bayswater, Wanneroo and Belmont. Hickey Constructions Pty Ltd has sufficient industry experience and capacity to undertake the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the provision of building minor works and maintenance of value less than \$150,000 as specified in Tender 003/18 for a period of three years at the submitted schedule of rates applicable for the term of the contract.*

## **BACKGROUND**

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake building minor works and maintenance to the City's existing assets and associated facilities from time to time.

Each individual project shall have an inclusive total value less than or equal to \$150,000 (exclusive of GST).

The City will develop a scope and seek quotations from the contractor on individual projects and maintenance works throughout the term of the contract.

All projects to be undertaken by the contractor will exclude electrical, plumbing and mechanical services. Such services will be undertaken by the City's nominated service providers. The contractor will be responsible for coordination of the works with these nominated service providers.

The City has a single contract in place with The Trustee for Devereux Family Trust (Devco Builders) which will expire on 12 August 2018.

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 building minor works and maintenance of value less than \$150,000 was advertised through statewide public notice on 21 April 2018. The tender period was for two weeks and tenders closed on 9 May 2018.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for Devereux Family Trust (Devco Builders).
- Hickey Constructions Pty Ltd.
- Walcott Industries Pty Ltd.
- The Trustee for M R Hoskins Family Trust trading as A E Hoskins & Sons.
- Enviro Infrastructure Pty Ltd.
- M Construction (WA) Pty Ltd.
- Complete Property Services WA Pty Ltd trading as Modus Property.
- Wood Court Pty Ltd.
- Trayd Australia Pty Ltd.
- Access Without Barriers Pty Ltd (AWB Building Co).
- Budo Group Pty Ltd.
- Linkbuild Construction Pty Ltd.

- Hyde Family Trust The trading as HS Hyde & Son.
- Bay Building Services Pty Ltd.
- Dimond Family Trust trading as Dimond Building Trade.

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

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

### **Evaluation Panel**

The evaluation panel comprised four members:

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

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

### **Evaluation Method and Weighting**

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

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

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

### **Compliance Assessment**

All offers received were assessed as fully compliant.

### **Qualitative Assessment**

Dimond Building Trade scored 22.4% and was ranked fifteenth in the qualitative assessment. It did not demonstrate experience completing similar projects for local governments. Only one example of works was provided and this was for the Water Corporation of WA. It did not demonstrate the capacity required to carry out the works or its understanding of the required tasks. It submitted insufficient information addressing these criteria.

Bay Building Services Pty Ltd scored 27.3% and was ranked fourteenth in the qualitative assessment. The company did not demonstrate experience completing similar projects for local governments. It has recently completed repairs and reinstatement works for a number of private clients. It did not demonstrate its understanding of the City's requirements.

Its response focussed mainly on building/construction reinstatement works to domestic and/or commercial properties damage by insurable events for a number of large insurers. It did not demonstrate the capacity required to provide the services. Information on when the company was established and its structure of business were not provided. Specialised equipment that will be used and the ability to provide additional personnel were also not addressed.

HS Hyde & Son scored 30.9% and was ranked thirteenth in the qualitative assessment. It demonstrated experience completing refurbishment projects for WA state governments. However, examples of works did not include individual maintenance projects or similar projects carried out for local governments. It demonstrated some capacity to undertake the works. Though specialised equipment that will be used to carry out the works, after-hours contacts for emergency requirements and the ability to provide additional personnel were not addressed. It did not demonstrate its understanding of the required tasks. It provided very limited information on its proposed approach to carry out the tasks to complete the various works.

Linkbuild Construction Pty Ltd scored 38.7% and was ranked twelfth in the qualitative assessment. The company did not fully demonstrate the capacity required to provide the services. A short list of equipment comprised mainly heavy plant was supplied and its safety statistics were not provided. It did not fully demonstrate experience completing similar projects. Examples of works included mainly major projects and no ongoing maintenance contracts similar to the City's requirements. It demonstrated some understanding of the City's requirements. It outlined the five phases that the company will undertake to complete a minor building project such as the construction of a shed. However, only an outline of the basic steps it anticipates the process to resemble for planned projects, ad hoc and emergency works was supplied.

Budo Group Pty Ltd scored 42.8% and was ranked eleventh in the qualitative assessment. The company has experience completing maintenance and refurbishment projects, however only three examples of works were provided. These works involved some similarities to the City's requirements though most were larger scale projects. It did not reference any ongoing maintenance contracts. It did not fully demonstrate the capacity required to undertake the works for the City. The ability to provide additional personnel was not fully addressed and its safety statistics were not provided. It demonstrated some understanding of the required tasks. Its proposed approach was project focussed with limited information addressing emergency or minor building works and maintenance.

AWB Building Co scored 49.6% and was ranked tenth in the qualitative assessment. The company demonstrated its understanding of the City's requirements. It has experience completing building refurbishment projects for various organisations including the Cities of Melville and Mandurah. Though these projects involved some similarities of works to the City's requirements, it did not provide dates of when the projects were carried out. Examples did not include ongoing maintenance contracts similar to the City's requirements. It has sufficient capacity to carry out the works. However, the ability to provide additional personnel was not clearly addressed.

Trayd Australia Pty Ltd scored 50.7% and was ranked ninth in the qualitative assessment. The company has experience providing ongoing building works and maintenance for various organisations including the City of Canning, Charles Kellett Property Consulting and Jones Lang Lasalle. However, it did not submit information on individual project duration or scope of works. It has the capacity required to provide the services, however its safety statistics were not supplied. It did not fully demonstrate its understanding of the required tasks. The response mainly reiterated the scope of requirements specified in the tender document with some additional information supplied on GPS tracking to its vehicles and reporting.

Wood Court Pty Ltd scored 53.6% and was ranked eighth in the qualitative assessment. The company has the capacity required to undertake the works though a list of specialised equipment that will be used to complete the works was not supplied. It has experience completing similar projects for various organisations including state and local governments. Numerous examples of works were provided and included general building maintenance projects for the Town of Victoria Park, City of Bayswater and the Department of Finance. However, it did not indicate the duration or length of time taken to complete these projects. It did not fully demonstrate its understanding of the City's requirements. It submitted very limited information on the nature of works and different types of projects required to be carried out.

Modus Property scored 56.1% and was ranked seventh in the qualitative assessment. The company demonstrated its understanding of the required tasks. It has experience providing building maintenance services to state and local governments in WA including the Metropolitan Redevelopment Authority and the Cities of Fremantle and Perth. Examples of works included mainly small reactive maintenance projects (with no significant renovation or rebuild works) and period and dates of these projects or their duration was not supplied. It has sufficient capacity to provide the services.

M Construction (WA) Pty Ltd scored 56.2% and was ranked sixth in the qualitative assessment. The company has experience completing similar projects for private and public organisations including Curtin University, Programmed Facility Management and the City of Stirling. Examples of works did not include sufficient information on contract value or individual projects' scope of works and duration. It demonstrated a good understanding of the required tasks. It has sufficient capacity to carry out the works. However, its safety statistics of one year only was provided.

Enviro Infrastructure Pty Ltd scored 58.1% and was ranked fifth in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has experience completing similar projects for WA state and local governments including the Cities of Armadale and Cockburn and the Town of Cambridge. Examples included individual projects, though the timeframes for some of these projects were not supplied. It has the capacity required to undertake the works, however the ability to provide additional personnel and the company's safety statistics were not fully addressed.

A E Hoskins & Sons scored 67.2% and was ranked fourth in the qualitative assessment. It has experience providing similar building maintenance services to local governments including the Cities of Stirling and Subiaco and the Town of Cambridge. However, details on scope of works and timeframe to complete individual projects were not supplied. Though the ability to provide additional personnel and safety statistics were not addressed, it is well established and has the capacity required to provide the services. It demonstrated a thorough understanding of the required tasks.

Walcott Industries Pty Ltd scored 68.6% and was ranked third in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has experience undertaking ongoing reactive maintenance works for various local governments including the Town of Victoria Park and the Cities of Stirling and Bayswater. It demonstrated the capacity required to carry out the works.

Hickey Constructions Pty Ltd scored 71% and was ranked second in the qualitative assessment. The company has been providing ongoing maintenance, emergency call out and minor works for various local governments including the Cities of Bayswater, Wanneroo and Belmont. It demonstrated a thorough understanding of the City's requirements. Hickey Constructions Pty Ltd has sufficient industry experience and the capacity required to undertake the works for the City.

Devco Builders scored 82.4% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience completing similar projects for various organisations including local governments in WA. Examples of works included the Cities of Vincent and Melville. It is the City's incumbent contractor for building minor works and maintenance. It is well established with significant industry experience and proven capacity to provide the services.

Given the minimum acceptable qualitative score of 60%, Devco Builders, Hickey Constructions Pty Ltd, Walcott Industries Pty Ltd and A E Hoskins & Sons qualified for stage two of the assessment.

### Price Assessment

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

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

Tenderer	Year 1	Year 2	Year 3	Total
Devco Builders	\$1,806,074	\$1,806,074	\$1,806,074	\$5,418,223
Hickey Constructions Pty Ltd	\$1,723,609	\$1,723,609	\$1,723,609	\$5,170,826
Walcott Industries Pty Ltd	\$1,943,797	\$1,943,797	\$1,943,797	\$5,831,392
A E Hoskins & Sons	\$1,848,753	\$1,848,753	\$1,848,753	\$5,546,259

During 2016-17, the City incurred \$1,781,402 for building minor works and maintenance.

### Evaluation Summary

Tenderer	Price Ranking	Total Estimated Contract Price	Qualitative Ranking	Weighted Percentage Score
Devco Builders	2	\$5,418,223	1	82.4%
Hickey Constructions Pty Ltd	1	\$5,170,826	2	71%
Walcott Industries Pty Ltd	4	\$5,831,392	3	68.6%
A E Hoskins & Sons	3	\$5,546,259	4	67.2%

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

While Devco Builders scored higher (82.4%) in the qualitative assessment, its offer was \$247,397 more expensive when compared to Hickey Constructions Pty Ltd and did not provide any additional level of service that would warrant the additional cost.

## Issues and options considered

The City has a requirement for the provision of building minor works and maintenance of value less than \$150,000. 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** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** Not applicable.

## Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to complete building minor works and maintenance to existing facilities on time.

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

## Financial / budget implications

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Building minor works and maintenance.
<b>Estimated Budget amount (proposed 2018/19)</b>	\$1,800,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 1,723,609
<b>Balance</b>	\$ 76,391

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

## Regional significance

Not applicable.

**Sustainability implications**

The maintenance and refurbishment of City facilities will enhance their visual appeal and improve the quality of the amenities available for use by the community.

**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 Hickey Constructions Pty Ltd represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the provision of building minor works and maintenance of value less than \$150,000 as specified in Tender 003/18 for a period of three years at the submitted schedule of rates applicable for the term of the contract.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf180710](#)

## **CJ123-07/18      PETITIONS REGARDING WAIVERS OF HIRE FEES FOR THE GREENWOOD TENNIS CLUB AND MR DOMINIC YAM**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	101271, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to consider a petition requesting a waiver of hire fees for the Greenwood Tennis Club's junior booking at Warwick Open Space tennis courts, Warwick during 2017-18 and a petition requesting a waiver of hire fees for Mr Dominic Yam's Fitness 50 Club booking at Fleur Freame Pavilion, Padbury during 2018.

### **EXECUTIVE SUMMARY**

At its meeting held on 15 May 2018 (CJ44-5/18 refers), Council received a petition seeking a waiver of hire fees from the Greenwood Tennis Club and another petition seeking a waiver of hire fees from Mr Dominic Yam.

The Greenwood Tennis Club submitted a petition signed by 83 residents that requested that the Council "waive the junior court hire charge of \$9,754 levied on the Greenwood Tennis Club for 2017-2018".

The petition refers to a decision of Council at its meeting held on 12 December 2017 (CJ204-12/17 refers) to not support the request to waive the applicable hire fees for the club's junior booking at Warwick Open Space tennis courts, Warwick during 2017-18. The club's junior booking does not meet the criteria for a subsidy of hire fees in the *Facility Hire Subsidy Policy*, as the club does not have at least 50% of its junior members residing in the City of Joondalup. There has not been any new information provided to the City to change this assessment.

Mr Yam submitted a petition signed by 85 residents that requested that the Council "waive the \$10,000 hall hire fees for the not for profit, Fitness 50 Club at Fleur Freame Pavilion, Padbury or, if this is not possible, charge us at the Community Group Discount Rate of \$5,000."

The petition refers to a decision of Council at its meeting held on 20 February 2018 (CJ021-02/18 refers) to not support the request to waive the applicable hire fees for Mr Yam's Fitness 50 Club booking at Fleur Freame Pavilion, Padbury. Mr Yam's booking does not meet the criteria for a subsidy of hire fees in the *Facility Hire Subsidy Policy*, as the policy does not apply to individuals. There has not been any new information provided to the City to change this assessment.

The amounts requested in both petitions are inclusive of GST and the recommendations are written exclusive of GST.

*It is therefore recommended that Council:*

- 1 *DOES NOT SUPPORT the request to provide a 100% waiver of hire fees for the Greenwood Tennis Club's junior booking at Warwick Open Space tennis courts, Warwick during 2017-18, to the value of \$8,868;*
- 2 *DOES NOT SUPPORT the request to provide a 100% waiver of hire fees for Mr Dominic Yam's Fitness 50 Club booking at Fleur Freame Pavilion, Padbury during 2018, to the value of \$9,091;*
- 3 *DOES NOT SUPPORT the alternate request to provide a 50% waiver of hire fees for Mr Dominic Yam's Fitness 50 Club booking at Fleur Freame Pavilion, Padbury during 2018, to the value of \$4,545;*
- 4 *ADVISES the lead petitioners of its decision.*

## **BACKGROUND**

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework* which provides the City with a guide to managing all property under the City's ownership, care and control. It contains specific requirements for the classifying of property and its usage.

As part of the framework, Council also reviewed various supporting policies to assist it in managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* applies to all local not-for-profit community groups and groups from educational institutions hiring City-managed facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre, Craigie. The policy applies to organised groups only and does not apply to individuals.

The policy allocates a level of subsidy to user groups. The City will subsidise the cost of the facility hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members / participants reside within the City of Joondalup. These groups are categorised within the policy based on the nature of the groups: groups that provide recreational, sporting activities and / or targeted services exclusively for people aged 55 years of age and over.

In regard to dealing with requests for additional subsidies over and above what is permitted within the policy, the policy states:

*"A group may apply for an additional subsidy under special circumstances. Applications must be made in a written submission to the Chief Executive Officer. The Chief Executive Officer will determine such requests where the value of the additional subsidy is below \$5,000. Requests for additional subsidies above \$5,000 will be addressed by the Chief Executive Officer and referred to Council for determination.*

*Additional subsidies will be provided for the following:*

- *Any group who has provided recent, significant cash or in-kind contribution(s) towards the total value of the construction of a hired facility.*
- *Any group who is experiencing significant financial difficulties.*

- *Any other group who can provide reasonable justification for receiving an additional subsidy.*

*Submissions for additional subsidies will be assessed on a case-by-case basis and will apply for one year / season. A new application must be made in each following year / season.”*

## DETAILS

At its meeting held on 15 May 2018 (CJ44-5/18 refers), Council received a petition seeking a waiver of hire fees from the Greenwood Tennis Club and another petition seeking a waiver of hire fees from Mr Dominic Yam.

### Greenwood Tennis Club

The Greenwood Tennis Club submitted a petition signed by 83 residents that requested that the Council “waive the junior court hire charge of \$9,754 levied on the Greenwood Tennis Club for 2017-2018”.

The Greenwood Tennis Club is a not-for-profit sporting group with both senior and junior members. The club hires the Warwick Open Space tennis courts and has a lease on the tennis clubroom section of the Warwick Sports Centre.

Facility hired	Classification within the policy	Current extent of the subsidy	Hours booked per week	Hours exceeding subsidy per week
Warwick Open Space tennis courts	Not eligible	Not applicable	121	121

The junior section of the club has 50 members and hires the courts on a 12-monthly basis. The club has previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy for bookings. In 2016, the club reported that it no longer met the requirement of having at least 50% of junior members being residents of the City of Joondalup and as such, the club was not eligible for a subsidy for its 2015-16 bookings. At its meeting held on 15 March 2016 (CJ041-03/16 refers), Council agreed to waive 75% of the club’s junior fees with that waiver to reduce to 50% in 2016-17, 25% in 2017-18 and there being no waiver provided in 2018-19. At its meeting held on 18 July 2017 (CJ122-07/17 refers), Council agreed to waive 100% of the club’s junior fees, up to a maximum of 177 hours per week, for its 2016-17 bookings.

For the club’s 2017-18 booking, it has stated that only 20% (10 out of 50) of junior members are City of Joondalup residents. Therefore, the club is considered ineligible for a subsidy for its 2017-18 bookings.

It is noted that the club is based in the south-eastern corner of the City of Joondalup, with very few clubs servicing the area to the east and south of the club’s location. Therefore, it can be expected that the club will attract participants from the neighbouring local governments. Similarly, the club is surrounded to the west by the Sorrento Tennis Club and to the north by the Kingsley Tennis Club which both compete for members from the Greenwood Tennis Club’s catchment area within the City of Joondalup. In addition, the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose activity is conducted on a park. It should also be noted that the Greenwood Tennis Club has reviewed and significantly reduced its booked hours from 2016-17 to accurately reflect usage.

The club also submitted a letter with the petition which provides further details for the request for a waiver of hire fees. The club advises that its season runs July to June which does not align to the City's tennis booking period (October to September). The club advises that if it were aware of the applicable charge prior to the commencement of the season, it could have taken steps to minimise the financial effect or review its membership policy. The club has advised that in the future it may consider refusing memberships from persons living outside of the City or consider ceasing its junior operations.

As the club does not meet the eligibility as listed within the *Facility Hire Subsidy Policy*, it is recommended that Council does not agree to the request of the petitioners to waive 100% of hire fees for the Greenwood Tennis Club's junior booking during 2017-18.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$8,868	\$0	\$8,868	\$8,868	\$0	\$0	\$8,868

#### Mr Dominic Yam

Mr Yam submitted a petition signed by 85 residents that requested that the Council "waive the \$10,000 hall hire fees for the not for profit, Fitness 50 Club at Fleur Freame Pavilion, Padbury or, if this is not possible, charge us at the Community Group Discount Rate of \$5,000. For over 13 years we have offered the Seniors of our community fitness and exercise classes that offer the 3 H's: HEALTH – HAPPINESS – HOPE FOR A BETTER LIFESTYLE. The club needs the City of Joondalup's support in order to continue to provide this vital community service that enhances the physical and mental health at a rate its members can afford or we risk having to close down".

Mr Yam hires the Fleur Freame Pavilion, Padbury, to run group fitness classes targeted at seniors living in the City of Joondalup. Mr Yam's Fitness 50 Club is not eligible for a subsidy as the policy applies to groups only and not individuals.

Facility hired	Classification within the policy	Current extent of the subsidy	Hours booked per week	Hours exceeding subsidy per week
Fleur Freame Pavilion	Not eligible	Not applicable	3	3

Mr Yam has advised the City that he charges an attendance fee for his classes to cover the costs to run the classes. These costs include any hire fees charged by the City as well as other expenses such as registration with Fitness Australia, public liability insurance, first aid qualifications, music copyright cover, travel expenses to and from Fleur Freame Pavilion and professional development expenses.

The City has assessed Mr Yam's operations and as he is an individual who charges an entry fee for his booking, a commercial hire fee has been applied to his booking of Fleur Freame Pavilion. In 2017, the City waived the commercial hire fees applicable to Mr Yam's bookings and applied a community hire fee. As Mr Yam does not meet the criteria for a subsidy within the *Facility Hire Subsidy Policy*, it is recommended that Council does not agree to the request of the petitioners to waive 100% or 50% of the hire fees for Mr Yam's Fitness 50 Club booking during 2018.

It is noted Mr Yam has cancelled his booking from the 12 March 2018 and the City is able to reinstate this booking if required. The figures provided below are based upon Mr Yam's original booking.

#### *Option One*

Mr Yam's preferred option is to receive a 100% waiver of hire fees.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Individual payment	Subsidy value	Individual payment	Subsidy value	Individual payment
\$8,919	\$0	\$8,919	\$8,919	\$0	\$0	\$8,919

#### *Option Two*

Should a 100% waiver of hire fees not be supported, Mr Yam has requested consideration for a 50% waiver of hire fees.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Individual payment	Subsidy value	Individual payment	Subsidy value	Individual payment
\$8,919	\$0	\$8,919	\$4,460	\$4,459	\$0	\$8,919

### **Issues and options considered**

Council may agree or not agree to each of the petitions on a case by case basis.

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

**Legislation** Section 6.12 of the *Local Government Act 1995*.

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

**Strategic initiative** Identify opportunities for new income streams that are financially sound and equitable.

**Policy** *Facility Hire Subsidy Policy*.

### **Risk management considerations**

The following risks may arise pending the consideration of the petitions requesting a full or partial waiver of hire fees:

- The user groups may not have the financial capacity to meet the costs of hire proposed by the City.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Making exceptions for groups may set a precedent and cause complications when determining subsidies for other groups.

**Financial / budget implications**

The 2017-18 cost to the City across all levels of subsidised use of City managed facilities is budgeted at \$1.33 million.

If the City agrees to both petition requests it will lose approximately \$17,959 in income for facility bookings. In 2017-18 to date, Council has approved \$103,393 in additional subsidies and waivers of hire fees beyond what is provided for in the policy.

The City currently has a \$6.7 million per annum operating deficit with it paying significant amounts in grants and contributions, while also waiving and subsidising a large amount of City fees for use of reserves and facilities. Continuing to approve fee waivers and additional subsidy requests for groups that do not meet the criteria of the policy will not assist the City in managing its ongoing operating deficit.

All amounts quoted in this report are exclusive of GST, other than the figures stated within the petitions.

**Regional significance**

Not applicable.

**Sustainability implications**

The *Property Management Framework* aims to support the equitable, efficient and effective management of City-owned and managed properties. The framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate. The framework also aims to protect and enhance the City's property assets for the benefit of the community and for future generations.

**Consultation**

Not applicable.

**COMMENT**

The intent of the adopted *Facility Hire Subsidy Policy* is to achieve more equitable and greater use of City facilities. It is important that the classification of groups within the policy for levels of subsidisation remains consistent. However, if a group requires that further consideration relating to fees, Council has the option to waive those fees.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 DOES NOT SUPPORT the request to provide a 100% waiver of hire fees for the Greenwood Tennis Club (junior's) booking at Warwick Open Space tennis courts, Warwick during 2017-18;**
- 2 DOES NOT SUPPORT the request to provide a 100% waiver of hire fees for Mr Dominic Yam's Fitness 50 Club booking at Fleur Freame Pavilion, Padbury during 2018;**
- 3 DOES NOT SUPPORT the alternate request to provide a 50% waiver of hire fees for Mr Dominic Yam's Fitness 50 Club booking at Fleur Freame Pavilion, Padbury during 2018;**
- 4 ADVISES the lead petitioners of its decision.**

**CJ124-07/18      REVIEW OF RESIDENT/VISITOR PARKING PERMITS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	57618, 101515
<b>ATTACHMENTS</b>	<p>Attachment 1      Existing <i>Parking Permits Conditions of Issue and Use</i></p> <p>Attachment 2      Map of Warwick / Duncraig Resident Visitor Permit Parking Area</p> <p>Attachment 3      Map of Woodvale Resident Visitor Permit Parking Area</p> <p>Attachment 4      Map of City Centre Resident Visitor Permit Parking Areas</p> <p>Attachment 5      Map of City Centre Resident Visitor Permit Parking Areas with Density of Permits Issued 2018</p> <p>Attachment 6      Number of Resident Visitor Parking Permits Issued by Area 2013-18</p> <p>Attachment 7      Comparison of Local Government Resident Visitor Parking Permit Issue Criteria and Fees</p> <p>Attachment 8      Summary of City Centre Resident Visitor Parking Permits and Parking Bays in Each Permit Area</p> <p>Attachment 9      Amended <i>Parking Permits Conditions of Issue and Use</i></p>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider a review of the existing *Conditions of Issue and Use, for Resident / Visitor Parking Permits* under the current *Parking Schemes Policy*.

**EXECUTIVE SUMMARY**

This report reviews the existing allocation of Resident / Visitor Parking Permits, which the City provides to residents within areas approved by Council as areas to which Resident / Visitor Parking Permit parking conditions apply.

This review considered issues relating to the current allocation of these permits and the impact of the allocation on a limited availability of parking for permit holders. The report identifies that the Resident / Visitor parking permit arrangements currently applying in the suburban Warwick / Duncraig and Woodvale areas are operating satisfactorily and do not warrant any change. The Resident / Visitor parking permit arrangements for the City Centre however are experiencing a number of issues, particularly related to the large volume of permits on issue. In addition the review recognised the demand for parking spaces will continue to grow and there is a need to ensure that there is adequate parking turnover so that residents and visitors can access parking facilities.

It is proposed that changes be made to the Resident / Visitor parking permit arrangements for the City Centre to reduce the number of permits on the following basis:

- 1 Reduce the current maximum of five free permits, in the City Centre, to a maximum of three free permits and one purchased permit which can be issued to each property for the calendar years 2019 to 2022 inclusive.
- 2 A maximum of two free permits and one purchased permit which can be issued to each property for the calendar years 2023 to 2027 inclusive.
- 3 A maximum of two free permits which can be issued to each property commencing calendar year 2028 with no permits available for purchase.
- 4 The fee for permits available for purchase to be set at \$100 each to apply commencing calendar year 2019.
- 5 Retain the ability for property managers and trades people to purchase one permit per area, per year.
- 6 That “Resident Parking Permits” and “Visitor Parking Permits” be replaced with “Annual Parking Permits” commencing calendar year 2019.

These proposed changes require amendments to the Parking Permits – Conditions of Issue and Use. While the Conditions sit under the *Parking Schemes Policy*, there is no requirement to amend the policy.

*It is therefore recommended that Council:*

- 1 *SUPPORTS the revised approach to the management of annual permits in the City Centre commencing calendar year 2019 as follows:*
  - 1.1 *Reduce the current maximum of five free permits, in the City Centre, to a maximum of three free permits and one purchased permit which can be issued to each property for the calendar years 2019 to 2022 inclusive;*
  - 1.2 *A maximum of two free permits and one purchased permit which can be issued to each property for the calendar years 2023 to 2027 inclusive;*
  - 1.3 *A maximum of two free permits which can be issued to each property commencing calendar year 2028 with no permits available for purchase;*
  - 1.4 *The fee for permits available for purchase to be set at \$100 each to apply commencing calendar year 2019;*
  - 1.5 *Retain the ability for property managers and trades people to purchase one permit per area, per year;*
  - 1.6 *That “Resident Parking Permits” and “Visitor Parking Permits” be replaced with “Annual Parking Permits” commencing calendar year 2019;*
- 2 *ENDORSES the amended Parking Permits – Conditions of Issue and Use shown as Attachment 9 to Report CJ124-07/18;*
- 3 *NOTES the amendments referred to in part 1 above will not come into effect until the expiry of the current permits at the end of December 2018.*

## BACKGROUND

Council adopted a *Resident / Visitor Permit Parking Policy* at its meeting held on 15 July 2008 (CJ126-07/18 refers). The policy was developed partly in response to petitions received from residents, living near Warwick and Whitford Train Stations, regarding excessive commuter parking in the nearby residential streets and partly as a component of the introduction of paid parking in the City Centre.

The main features were to:

- limit the maximum number of permits to be two resident and two visitor permits per property
- consider the area of on-site parking space as part of the permit issue process
- apply an annual fee, based on cost recovery, for each permit issued.

At its meeting held on 2 September 2008 (C52-09/08 refers), Council considered the introduction of the *Resident / Visitor Permit Parking Policy* for the Joondalup City Centre. Following considerable negative feedback from City Centre residents Council deferred its introduction. Subsequently the City consulted with City Centre residents including a community forum and workshop, in December 2008, with over 100 community members in attendance.

In response to the community feedback it was determined that the proposed policy would be revised and it was decided to propose two separate policies, one for the City Centre and another for suburban areas.

A revised *Resident / Visitor Parking Permit Policy*, for Joondalup City Centre was developed, and approved by Council, at its meeting held on 17 February 2009 (CJ014-02/09 refers). The main features of the revised City Centre Policy were as follows:

- Allow each residential address, within a designated permit parking area, to apply for up to five resident / visitor parking permits, in any combination, free of charge each year.
- Allow each residential address to apply for additional permits, of any type, with a fee payable for each additional permit issued (\$30 per annum / \$20 per half year).
- Enable permits, issued to residents on the eastern side of Lakeside Drive whose properties face Lakeside Drive, to be exempt from payment of parking fees in these areas, as well as being able to park in the adjacent residential streets to the east.

In the City Centre the intention of permit parking was to ensure that residents and their visitors had access to adequate parking and to protect the parking amenity of residents in the non-paid parking areas. There are also residences in the paid parking areas. These residents do not have access to parking permits as they have access to adequate parking on-street and off-street under the paid parking regime which serves to moderate parking demand.

Later in 2009 Council adopted a revised *Resident / Visitor Parking Permit Policy* for suburban areas. The *Suburban Areas Policy* had a similar intent as the *City Centre Policy*, but limited each residential address to a maximum of three resident / visitor parking permits, in any combination, free of charge. The reduced number of permits was considered more appropriate, in these suburban areas, as many of these properties had on-site parking spaces (such as garage, driveway or verge) to meet their normal day to day parking needs.

Suburban Resident / Visitor permit parking areas were applied to the residential streets in parts of Warwick and Duncraig near Warwick Train Station (Attachment 2 refers) and a small section in the south west of Woodvale near Whitford Train Station (Attachment 3 refers). These were introduced in response to resident concerns relating to the use of these streets by train commuters. These suburban permit parking areas have not changed and no additional suburban permit parking areas have been added, since that time.

City Centre permit parking areas initially encompassed three areas which included the residential streets on the eastern side of Lakeside Drive and a portion of the area on the western side of Lakeside Drive which is southeast of Edith Cowan University (ECU).

Between 2009 and 2011 Council progressively approved a further five additional City Centre permit parking areas to include the remainder of the residential areas on the western side of Lakeside Drive, southeast of ECU and all of the residential streets, in Joondalup City Centre, which are north of Shenton Avenue.

These additional permit parking areas were introduced following the submission of petitions from, and community consultation with, residents in these areas. Increased commuter parking and student parking by drivers using these streets, as an alternative to paid parking, was the principal impetus.

At its meeting held on 21 August 2012 (CJ171-08/12 refers), Council reviewed its *Permit Policies* and adopted a single new *Parking Schemes Policy* that replaced both the *City Centre* and *Suburban Areas Resident / Visitor Parking Permit Policies*.

The new *Parking Schemes Policy* did not alter the conditions in relation to Resident / Visitor Parking Permits, but instead removed a lot of the detail from the policy itself and replaced this with a reference to the *Parking Permits Conditions of Issue and Use* (Attachment 1 refers) that contains the detailed conditions.

There were no changes made to the maximum number of free resident / visitor parking permits that could be issued in these areas.

## DETAILS

The following documents have been attached to assist in identifying the areas where Resident / Visitor Permit Parking is currently in operation and the existing level of permits in use in each of these areas:

- Map of Warwick / Duncraig Resident Visitor Permit Parking Area (Attachment 2 refers).
- Map of Woodvale Resident Visitor Permit Parking Area (Attachment 3 refers).
- Map of City Centre Resident Visitor Permit Parking Areas (Attachment 4 refers).
- Map of City Centre Resident Visitor Permit Parking Areas with Density of Permits Issued 2018 (Attachment 5 refers).
- Number of Resident Visitor Parking Permits Issued by Area 2013-2018 (Attachment 6 refers).
- Summary of City Centre Resident Visitor Parking Permits and Parking Bays in Each Permit Area (Attachment 8 refers).

The City currently processes in excess of 1,260 annual permit renewal notices and issues over 4,700 Resident / Visitor Parking Permits each year. To allow sufficient time to complete this large volume of annual permit renewals the City provides a one month grace period during January to all current Resident / Visitor Parking Permits following the expiry of these permits on 31 December. This process prevents existing permit holders from being infringed while the permit renewal process is proceeding.

Demand for parking permits in the suburban parking permit areas of Duncraig, Warwick and Woodvale around Warwick and Whitford train stations is not strong. Less than 20% of the residents, in these suburban permit parking areas, have been issued with permits and there are approximately 300 permits currently issued.

In the City Centre, over 70% of residents in permit parking areas have been issued with parking permits. There are approximately 4,440 permits issued with many of these permits in areas where there is a high density of residential properties.

Attachment 5, Map of City Centre Resident Visitor Permit Parking Areas with Density of Permits Issued 2018 identifies where the higher density of issued permits are located. In these locations there are many properties with a single on-site parking bay, but where occupiers have more than one vehicle or multiple occupancy properties where residents do not have access to on-site parking. Some residents use their on-site parking bays for boat or trailer storage and park their vehicles in the on-street parking bays using permits.

Attachment 8 Summary of City Centre Resident Visitor Parking Permits and Parking Bays in Each Permit Area clearly shows that in total the number of permits on issue exceeds the number of bays by a ratio of 3.9 to 1.

The increasing demand and use of permits contributes to permit holders being unable to park in their own street, or adjoining streets. The City needs to effectively manage residential parking to balance the competing needs and meet residents expectations that adequate on street parking will be available for them and their visitors.

Attachment 4 - Map of City Centre Resident / Visitor Permit Parking Areas identifies the eight areas where permits are required to park on the street. Area 3, south east of ECU, has significant parking issues because of the proximity to ECU, the presence of local businesses and the high density housing and apartments. Typically, parking officers will patrol this area three times per day, Monday to Friday. Area 4, between McLarty Avenue and Grand Boulevard north of Shenton Avenue, is patrolled twice per day because of its proximity to Joondalup Health Campus, the City Centre and the presence of the retirement village on Kyle Court. All the other areas are patrolled on an irregular basis but any complaint received is responded to.

A comparison has been made with six other local governments which provide Resident /Visitor Parking Permits in regard to conditions, costs and limitations. The comparison of Local Government Resident Visitor Parking Permit Issue Criteria and Fees (Attachment 7 refers) has been attached for reference.

The comparison identifies that all of these local governments limit the maximum number of permits that can be issued to between one and four. Most also take into consideration the number of available on-site parking spaces, as part of the permit issue process and reduce the maximum number of permits able to be issued in relation to the number of on-site parking spaces on the property. These other LGs also recommend to their residents that they use paid or time limited parking, where this is available, to accommodate their additional parking requirements.

### **Issues and options considered**

The suburban resident / visitor parking schemes operating in Warwick / Duncraig and Woodvale have operated successfully since 2008-09 and have achieved their objective of managing commuter parking. The arrangements are relatively straightforward to administer and cause few issues for residents. There has been a steady decline in permits issued each year since their introduction with a reduction of 33% between 2011 and 2018. This is thought to be attributed to the fact that residents in suburban residential properties generally have far more options for managing their parking needs within their property and over time residents have determined that they do not need as many permits or in some cases any permits.

While it is considered that there is no need to make changes to the current arrangements, it is acknowledged that this may change in the future particularly with increasing numbers of residences as a result of the housing opportunity areas.

The situation with the City Centre resident / visitor parking is different, with a number of issues that have developed over the years since its introduction and expansion to all of the City Centre residential areas the most significant of which is the number of permits on issue.

Currently there are up to five free permits per residential property. There is also the ability to purchase further permits although the take up of this is very low. The number of permits available does not take into consideration the availability of on-site parking at residences. Currently almost four permits are issued per available on-street parking bay in the residential areas of the City Centre. It is acknowledged that not all are used at once, however, the density of residents varies markedly across the City Centre and in those higher density areas drivers who have valid permits are unable to find legal parking and consequently park illegally causing hazards and complaints.

While there has been some reduction in total permits issued, this is modest and only quite recent. The number of permits on issue peaked in 2015 with just under 5,000 and has only reduced by 12% since then to just under 4,500.

A change to the current regime is required to help manage the changing demand for parking in the City Centre. Reducing the number of permits available, removing free permits and/or requiring residents to pay for all resident / visitor permits are all methods that may assist to ensure all residents have equal access to the limited on-street parking. Paying for permits was part of the original permit proposal in 2008, but was not proceeded with following strong opposition from residents. The principal objection was that the permits were being introduced to protect their parking amenity from those avoiding paid parking but they had no control over the introduction of paid parking and so should not have to pay for the consequences.

There is a further opportunity to streamline the administrative processing of permits by introducing a single type of permit as opposed to a Resident and Visitor permit. The original concept was that most permits would be resident permits and have the registration of the applicable vehicle of the person residing at the property and would be attached to the vehicle windscreen. Visitor permits were only intended to be used by occasional visitors. The high level of resident turnover and the need to update registration details on resident permits whenever vehicle ownership changes, has meant that the overwhelming majority of permits applied for are visitor permits because they are more flexible. It is considered that there should be just a single type with no vehicle registration required.

The current conditions preventing the issuing of permits to residences within the paid parking area have been reviewed. The original premise for permits was not to provide free parking to residents and their visitors, but rather to ensure that residents and their visitors had access to adequate parking. Those residences in the paid parking area continue to have access to adequate parking on-street and off-street under the paid parking regime which serves to moderate parking demand. With the recent opening of the Reid Promenade car park the availability of parking has increased and a number of residents have opted to take up reserved parking bays. It is not proposed to make any changes to the parking permit arrangements as they relate to paid parking areas.

The City provides timed parking areas, where permits are not required to be displayed, in a number of locations within the permit parking areas to allow casual parking for residents, visitors, trades persons, and prospective purchasers to access local shops, businesses or residences. Opportunities were identified to increase the number of these types of bays at various locations. In the existing bays permit holders were not exempted from the time restrictions which enables turnover of bays for the nearby commercial premises. More short-term parking bays where a permit is not required and permit holders are not exempted have been created to improve access to short term parking.

In the City Centre parking permit area south of Cornell Parade including Molloy Parade and Walsh Loop north of the intersection of Joondalup and Lakeside Drive, several substantial residential apartment buildings have been constructed with only the minimum amount of on-site parking. Many of these apartments are occupied by multiple vehicle owners and the on-street parking is not adequate to absorb this level of parking. In addition, there are ground level commercial tenancies in one of the developments on Walsh Loop which creates demand for customer parking in competition with residential parking. Six, two hour time limited parking bays immediately in front of the commercial tenancies are available to cater for their short-term customer needs.

Works completed last year to improve the parking layout in this vicinity has assisted to better define the available car parking. As shown by Attachment 5 this location is one of the densest areas for permits on issue. Any proposal to reduce the amount of parking permits on issue may reduce the number of vehicles competing for parking in this location.

The following options have been considered:

Option 1 – Remove the current resident/visitor parking permit scheme.

In the existing resident / visitor permit parking areas, fee paid parking does not apply. Additionally, there is only a small number of time restricted bays. Any removal of permit parking conditions would inevitably result in the return of commuters to these residential streets without some form of parking restriction. Time restricted parking could assist with this problem but this would impact on local residents (with no permit to identify they were a resident) as well as commuters. This type of parking restriction is also more resource intensive to enforce.

This option is not recommended.

Option 2 – No change to the current resident / visitor permit scheme.

The current system allows each residential property, within a designated Resident / Visitor Parking Permit area, to apply for up to five free parking permits annually without any consideration of the number of on-site parking spaces available on the property. The increased number of properties being leased to multiple tenants is placing an increased demand on the limited spaces available.

The total number of permits issued is currently in excess of 4,700 and in the City Centre the number of permits issued exceeds the number of bays by a ratio of 3.9 to 1.0. This has resulted in many residents with permits being unable to park their vehicles near their property.

If the City elected to leave the current system in place this would result in continued dissatisfaction from residents, who have parking permits, but are unable to locate a parking bay in the vicinity of their residence.

This option is not recommended.

Option 3 – Change the current resident / visitor permit scheme.

This option proposes to retain a permit scheme but make changes to manage the increasing demand. Key to this is reducing the number of permits. Given that the current arrangements have been in place for some time it is suggested that a phased approach to reducing permits would be the best approach and that there just be a single type of annual parking permit. The following could achieve these outcomes:

- 1 Reduce the current maximum of five free permits, in the City Centre, to a maximum of three free permits and one purchased permit which can be issued to each property for the calendar years 2019 to 2022 inclusive.
- 2 A maximum of two free permits and one purchased permit which can be issued to each property for the calendar years 2023 to 2027 inclusive.
- 3 A maximum of two free permits which can be issued to each property commencing calendar year 2028 with no permits available for purchase.
- 4 The fee for permits available for purchase to be set at \$100 each to apply commencing calendar year 2019.
- 5 Retain the ability for property managers and trades people to purchase one permit per area, per year.
- 6 That “Resident Parking Permits” and “Visitor Parking Permits” be replaced with “Annual Parking Permits” commencing calendar year 2019.

This option is recommended.

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

#### **Legislation**

*City of Joondalup Parking Local Law 2013.*

#### **Strategic Community Plan**

#### **Key theme**

Economic Prosperity, Vibrancy and Growth.

#### **Objective**

Activity Centre development.

#### **Strategic initiative**

Facilitate increased housing density in Activity Centres.

#### **Policy**

*Parking Schemes Policy.*

### **Risk management considerations**

Based on the particular changes proposed to the City’s existing *Conditions of Issue and Use for Resident and Visitor Parking Permits* there would be an impact only on City Centre residents, both current and potential future permit holders.

This could result in a high level of negative feedback from residents who feel they are unfairly being disadvantaged for their parking requirements compared to the present situation. Of the 1,261 renewals issued for 2018, 705 were for more than three permits.

A strong marketing and awareness campaign setting out the need and basis for the proposed changes will be required. Written notification of the changes should be sent to all existing permit holders and / or property owners within designated permit parking areas. The changes would also not apply until the expiry of the current permits in December 2018.

### **Financial / budget implications**

The proposed changes to City Centre resident / visitor parking permits will have limited financial impact. There will be some minor reductions in administrative costs, but these are unlikely to be realised in the first year of the change where there is likely to be additional customer engagement explaining the changes.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The *Parking Schemes Policy* is underpinned by principles relating to sustainability, particularly in relation to community wellbeing for residents living in areas where parking is having a significant detrimental effect on local amenity.

### **Consultation**

Given that the *Parking Schemes Policy* is not being changed it is not recommended that community consultation, on the proposed change to the Resident / Visitor Parking Permit conditions, be pursued. A strong marketing and awareness campaign setting out the need and basis for the proposed changes will, however, be required. Written notification of the changes should be sent to all existing permit holders and / or property owners within affected designated permit parking areas.

### **COMMENT**

The City is committed to effective planning and management of parking to balance competing needs.

The number of permits available under the current Resident / Visitor Parking Permit conditions have resulted in high levels of on-street parking, in some areas of the City Centre. This has impacted on residents in these areas by reducing their ability to have fair and reasonable access to the limited on-street parking.

It is recommended that the most appropriate solution would be to change the conditions and encourage residents to use their on-site parking.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 SUPPORTS the revised approach to the management of annual permits in the City Centre commencing calendar year 2019 as follows:**
  - 1.1 Reduce the current maximum of five free permits, in the City Centre, to a maximum of three free permits and one purchased permit which can be issued to each property for the calendar years 2019 to 2022 inclusive;**
  - 1.2 A maximum of two free permits and one purchased permit which can be issued to each property for the calendar years 2023 to 2027 inclusive;**
  - 1.3 A maximum of two free permits which can be issued to each property commencing calendar year 2028 with no permits available for purchase;**
  - 1.4 The fee for permits available for purchase to be set at \$100 each to apply commencing calendar year 2019;**
  - 1.5 Retain the ability for property managers and trades people to purchase one permit per area, per year;**
  - 1.6 That “Resident Parking Permits” and “Visitor Parking Permits” be replaced with “Annual Parking Permits” commencing calendar year 2019;**
- 2 ENDORSES the amended Parking Permits – Conditions of Issue and Use shown as Attachment 9 to Report CJ124-07/18;**
- 3 NOTES the amendments referred to in part 1 above will not come into effect until the expiry of the current permits at the end of December 2018.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf180710](#)*

**CJ125-07/18 BUY LOCAL PURCHASING**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	37863, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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**PURPOSE**

For Council to note the status of activities used to encourage participation of local business in supplying goods and services to the City.

**EXECUTIVE SUMMARY**

At its meeting held on 13 December 2016 (CJ219-12/16 refers), Council noted the proposed activities to enhance local business participation in City procurement.

The *Local Government Act 1995* and related regulations emphasise the need for local governments to ensure value for money in all procurement activity, and this is reflected in the *City's Purchasing Policy*. The *Purchasing Policy* further references that where possible suppliers operating within the City of Joondalup are to be given the opportunity to quote for goods and services to the City. This report highlights actions that the City has taken to stimulate participation of local business in supplying goods and services to the City as a significant buyer in the local economy.

*It is therefore recommended that Council NOTES the activities undertaken and proposed to enhance local business participation in City procurement.*

**BACKGROUND**

At its meeting held on 13 December 2016 (CJ219-12/16 refers), Council noted the proposed activities that the City would undertake to enhance local business participation in City procurement.

This report provides an update of activities and measures that the City has put in place and is currently progressing, to enhance local business participation in City procurement.

**DETAILS**

The City's annual procurement renders it a significant buyer of goods and services in the Joondalup local government area. Based on the data extracted from the City's supplier database, the major portion of this procurement is from providers of goods and services outside the City's boundaries.

Suppliers are engaged to provide goods and services to the City through one of a number of avenues:

- (a) Through a quote process, where the City requests price quotes directly from suppliers. The number and manner of quotes obtained is determined by the procurement value as defined in the *Purchasing Policy*.
- (b) Through a public tender process. In accordance with local government legislation, this applies to procurement of goods and services with an expected value in excess of \$150,000.
- (c) Through quotes requested from pre-selected supplier panels established by the Western Australian Local Government Association (WALGA). The City does not have to engage in a separate tender process in such case, even where the procurement value exceeds the \$150,000 threshold.
- (d) Through quotes requested from pre-selected suppliers in a Common Use Arrangement (CUA) with the Western Australia State Government. No separate tender process is required by the City.

Apart from these, the City's *Purchasing Policy* also does not require quotes to be called for procurement under \$5,000. Purchasing of goods or services below this level may be done directly without seeking quotes from more than one supplier.

The term "local suppliers" has not been defined in the City's *Purchasing Policy* or protocols however, the *Purchasing Policy* refers to "suppliers operating within the City of Joondalup". This report uses the term "local suppliers" generally to represent providers of goods or services located within the City's boundaries, defined by suburb. Analysis of the City's supplier database currently limits local suppliers to those that have a supplier mailing address in any of the 22 suburbs that fall within the City of Joondalup.

A preliminary examination of data extracted from the City's supplier database shows that there are approximately 539 active suppliers classified as "local" based on mailing addresses in suburbs within the City of Joondalup. This represents approximately 14% out of a total active supplier database (excluding Elected Members, employees, trust and refund creditors) of approximately 3,819 suppliers.

Excluding expenditure categories such as payroll, insurance and utilities, over the last five years the City has purchased goods and services of over \$315 million in total. In 2016-17 alone, such procurement was worth nearly \$72 million. Approximately \$5.4 million of this was purchased from local suppliers, based on the classification described above.

The Gross Regional Product (GRP), the regional equivalent of a country's Gross Domestic Product (GDP), for Joondalup at 30 June 2017 was \$6.27 billion with a total of 13,201 businesses registered within the City of Joondalup at the same date<sup>1</sup>.

The City's immediate contribution from direct procurement only to this GRP is therefore less than 2% but the flow-on impact arising from local business sustainability and local employment is likely to be significantly more.

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<sup>1</sup> City of Joondalup Economic i.d. <http://economy.id.com.au/joondalup/home>. Accessed 25 June 2018

The top 10 local suppliers of goods and services by value in 2016-17 are:

Supplier	Suburb (Mailing)	Value (\$)
Devco Holdings Pty Ltd	Hillarys	1,787,766
Eco Shark Barrier Pty Ltd	Kingsley	872,273
Stiles Electrical	Joondalup BC	541,498
Triton Electrical Contractors P/L	Joondalup BC	440,804
Elliotts Irrigation Pty Ltd	Greenwood	344,066
Pipeline Technics Pty Ltd	Mullaloo	199,519
Totally Workwear	Joondalup	162,724
Lothian Trust (Iron Tech Industries)	Greenwood	123,001
Joondalup Golf Management Australia P/L	Joondalup	69,100
Crosmech Services	Kingsley	68,695
	<b>Total</b>	<b>\$4,609,446</b>

(Source: Internal management report)

These 10 suppliers alone account for more than 86% of procurement from local suppliers in 2016-17.

Average annual procurement from local suppliers over the last five financial years is approximately \$5.22 million. While overall purchasing values have grown over the past five years, procurement from local suppliers has remained fairly static in value although the local share of overall procurement rose from 6.6% in 2015-16 to 7.5% in 2016-17.

The City's *Purchasing Policy* requires that suppliers operating within the City of Joondalup be provided the opportunity, where possible, to quote for goods and services but recognises that not all products or services required by the City can be provided by local suppliers. There are no specific incentives for local business, although public tenders include a standard qualitative criterion that looks at the tenderer's impact on the local economy and community. This criterion is worth 5% of the total qualitative criteria score.

The current profile of expenditure means that for every \$110,000 the City spends locally, one job is generated. Therefore, the 2016-17 expenditure of \$4.6 million generated around 42 jobs locally. The 2016 ABS Census estimates total employment in the City of Joondalup at 46,059.

Participation by local suppliers in providing goods and services to the City is subject to the following:

- Capacity to provide the required goods or services.
- Capacity to respond adequately and appropriately to requests for quotes or tenders.
- Receipt of requests from the City for quotes, including awareness of products and service from local businesses.
- Availability on WALGA panels and State Government CUAs.
- Direct purchasing for procurement values under \$5,000.

The City uses an electronic quotation system, eQuotes, that is facilitated through subscription with WALGA on a platform supplied by VendorPanel. Initially used to obtain quotes from suppliers listed on WALGA preferred supplier panels, since 2016, the City has also been using VendorPanel to source quotes from suppliers, whether listed on WALGA panels or not. Mandatory use of VendorPanel for RFQs (that is, for purchase values over \$10,000) has applied since the January 2017.

At the end of March 2018, data on VendorPanel eQuotes showed that the City has 31 active internal supplier panels for various goods and services, which City staff can use to seek quotes. These internal supplier panels comprise 374 City suppliers of which currently 32 are local suppliers. It may be noted that use of the eQuotes is for written quotes and is not required for purchasing of goods or services of values below \$10,000.

It should be emphasised that the City, in contrast to a number of other metropolitan local governments, does not have a significant industrial/business presence comparable to locations like Wangara or Neerabup in the City of Wanneroo or Osborne Park in the City of Stirling. A number of businesses that the City deals with are located within the City of Wanneroo. Procurement from businesses within City of Wanneroo in 2016-17 was approximately \$5.7 million. If these suppliers were consolidated with Joondalup suppliers, the City's total procurement value from Joondalup and Wanneroo suppliers in 2016-17 was approximately \$11 million, or approximately 15% of total procurement.

#### Joondalup Supplier Development Program

The City developed a program to assist local businesses' capacity to respond to the City of Joondalup and other government tender and quote requests. This comprised a series of supplier development workshops held at the ECU Business and Innovation Centre in Joondalup. Four sessions were held in April, July, September and November 2017. The workshops provided participants with an understanding of the City's procurement requirements and the appropriate manner in which requests for quotes and requests for tenders should be responded to.

A total of 44 local businesses took advantage of the opportunity to participate in the program through 2017. An additional 45 small businesses outside the City of Joondalup also participated in the program, which was promoted through a variety of channels including Facebook, Joondalup Business Online, Joondalup Business Association, the City of Joondalup Business Forums, media advertisements and promotion in the Joondalup Times and through sixty27. Feedback from the workshops has been positive.

A further session has been held in June 2018 and the City is currently reviewing future local supplier development opportunities into 2018-19 and beyond.

The City is committed to assisting and facilitating the growth and success of local businesses as well as understanding and responding to their needs where appropriate. This is achieved through a range of initiatives, in addition to the Supplier Development Program, including the following:

- Delivery of a Business Needs Survey to 570 local businesses to better understand and respond to the needs of local businesses.
- Promotion of local business capacity building opportunities through the distribution of the regular quarterly e-newsletter *Joondalup Business Online* to a database of over 10,000 businesses and stakeholders. A range of business seminars and workshops on topics including marketing, financial management, social media marketing, succession planning and workforce planning are provided regularly by service providers such as Business Station.
- Support and promotion of Business Station at ECUBIC to deliver the Small Business Development Corporation's (SBDC) Business Local Program and the Federal Government's Small Business Advisory Service Program.
- Regularly reporting on the City's economic development and business support activities to the SBDC's Small Business Friendly Local Government initiative.

- Promotion of business support programs through inclusion of displays and information at Business Forums, including Austrade, Business Station, Joondalup Business Association, THE LINK, ECU School of Business and Law and North Metropolitan TAFE.
- Continued promotion, support and implementation of the City's Innovation Fund.

Continued improvement and development of THE LINK website in collaboration with ECU to highlight and events and learning opportunities relating to start-up, incubation and commercialisation activity. THE LINK is now included on the State Government New Industries WA portal as a service provider for business advisory and won a "Best Practice" award for University-Industry engagement in 2017. The City also provides information to suppliers through the "Doing Business with the City" page on the City's website, where suppliers are provided with information on how to contact the City with details of their products or services and, if eligible, to be included within the VendorPanel eQuotes system. Once suppliers are added in, they will be visible and available for staff to request quotes from. The City regularly reviews both information content and presentation for ease of use by suppliers.

Local suppliers are also able to approach the City directly to provide information about their product or service offerings.

Purchasing of goods or services of values under \$5,000 does not require the City to obtain quotes, in accordance with the City's *Purchasing Policy*. City staff can therefore directly approach suppliers to obtain products or services.

While value for money in procurement takes precedence, this does not prevent the City from affording greater opportunity for local business to increase participation in the City's procurement. Participation means having the ability to provide the City with product and service offerings relevant to the City's requirements at competitive pricing and standards of service.

### **Issues and options considered**

In order to improve the local suppliers' ability to participate in City procurement activities, the City is continuing with the following actions:

- ***Identifying and designating local suppliers in the City's supplier database.*** Supplier classification in the supplier database is reviewed on a regular basis to confirm accuracy and appropriateness of classification. This will enhance accuracy of information for reporting and decision making.
- ***Pursue increasing the number of local suppliers available to the City to purchase from.*** The use of the VendorPanel eQuotes system is the primary platform for this. However, the City also enters into procurement for smaller values that do not require written quotes. Better promotion of local business to City staff will enhance visibility and access for quotation purposes.
- ***Work to pursue further opportunities to improve local business understanding of the City's quote requirements.*** While it is not appropriate, from a probity perspective, for the City to provide direct assistance to local business to prepare quotations, the City can certainly act to enhance business understanding of the City's expectations when quotes are provided for goods and services, specifically regarding demonstration of relevance and quality of the offering in the submissions made to the City. The supplier development workshops have contributed significantly to this objective.

- ***Pursue opportunities to improve visibility of local businesses to City staff.***  
Improving the awareness of City staff regarding local business offerings will enhance the likelihood of relevant businesses being invited to provide quotes for goods and services. The City is looking at ways in which this visibility can be enhanced.

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

**Legislation** *Local Government Act 1995.  
Local Government (Functions and General) Regulations 1996.*

### **Strategic Community Plan**

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

**Objective** Business capacity.

**Strategic initiative** Facilitate knowledge sharing and learning opportunities.

**Economic Development  
Strategy**

**Strategy** Growing Business.

**Activity** Encourage and promote 'buy local' activity and via innovative solutions including new digital platforms and location based services.

**Policy** *Purchasing Policy.*

### **Risk management considerations**

The City maintains probity in all procurement activity. Encouraging participation by local businesses in City procurement activity does not equate to provision of an undue advantage over other suppliers of goods and services.

### **Financial / budget implications**

There are likely to be costs involved in some activities, such as workshops or promotion to local suppliers, that may not be fully quantified at this point.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

The City currently procures from a number of businesses located within the Wanneroo and broader northern region.

### **Sustainability implications**

Improving participation of local businesses in City procurement may have a positive impact on the local economy.

**Consultation**

Not applicable.

**COMMENT**

Providing the local business sector with greater capacity to understand and respond to the City's Requests for Quotes and Tenders. Simultaneously, improving visibility of local businesses to City staff will improve access for quotation purposes.

Within the context of statutory procurement and value for money obligations that preclude any special advantage to local businesses, there remains the opportunity to increase engagement with local business with a view to increased participation in the City's supply chain.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the activities undertaken and proposed to enhance local business participation in City procurement.**

## **CJ126-07/18 CITY POSITION STATEMENT - SECOND A-LEAGUE LICENCE WESTERN AUSTRALIA**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103936, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.

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### **PURPOSE**

For Council to consider the matters and associated implications for the City regarding the following strategic position statement:

*“In the event that the Australian A-League decides to establish a second A-League Football (Soccer) team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup.”*

### **EXECUTIVE SUMMARY**

Council currently has a number of adopted ‘Position Statements’ with the primary purpose of the statements to provide flexibility for Council in capitalising on unplanned opportunities for external funding and investment. A secondary purpose is to guide the development of future strategic planning documents where current gaps may exist.

At its meeting held on 20 March 2018 (C26-03/18 refers), Council adopted the following position statement:

*“In the event that the Australian A-League decides to establish a second A-League Football (Soccer) team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup.”*

Subsequently at its meeting held on 17 April 2018 (CJ061-04/18 refers), Council considered a report reviewing all the position statements and requested a report from the Chief Executive Officer examining the matters and associated implications for the City around the strategic position statement detailed above.

The A-League is the highest competitive football competition in Australia and was established in 2004. Currently there are 10 teams competing within the A-League, with representation from each state (except Tasmania) and a team from New Zealand. Perth Glory is the only team representing Western Australia.

The FFA has recently closed a process that invited Expressions of Interest (EOI) from interested parties across the country and beyond to expand the A-League from the current 10 teams to 12, effective for the 2019-20 season. At the close of the EOI process, 15 submissions were received, with one from Western Australia.

The City does not have a site that could house a facility that would meet the requirements of FFA to house an A-League club. Further, the construction of such a facility would be more than \$10 million (conservative) which is not accounted for in any of the Council's future financial projections.

The A-League licence being located within the City of Joondalup could therefore only be supported on the basis that the City is not required to provide a site for or fund or contribute to the infrastructure requirements for an A-League facility.

## **BACKGROUND**

At its meeting held on 20 March 2018 (C26-03/18 refers), Council endorsed the following new strategic position statement relating to the forming of a second A-League Football (Soccer) team in Western Australia:

*“In the event that the Australian A-League decides to establish a second A League Football (Soccer) team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup.”*

At its meeting held on 17 April 2018 (CJ061-04/18 refers), it was resolved that Council:

*“REQUESTS the Chief Executive Officer to prepare a report examining the matters and associated implications for the City around the strategic position statement detailed above”.*

Football is Australia's largest participation sport with the men's national team taking part in their fourth consecutive FIFA World Cup finals and the national women's team currently ranked sixth in the world.

FFA is responsible for organisation, promotion and administration of football in Australia, including the A-League. At the top of the Australian league system, it is the country's primary competition for the sport. The A-League was established in 2004 as a successor to the National Soccer League (NSL) and competition commenced in August 2005. The league is currently contested by 10 teams; nine based in Australia and one based in New Zealand. It is known as the Hyundai A-League (HAL) through a sponsorship arrangement with the Hyundai Motor Company.

Seasons run from October to May and include a 27-round regular season followed by a finals series play-off involving the highest-placed teams, culminating in a grand final match. The winner of the regular season tournament is dubbed the 'premier', while the winner of the grand final is the season's 'champion'. This differs from the other major football codes in Australia, where 'premier' refers to the winner of the grand final and the winner of the regular season is the 'minor premier'. There is no promotion / relegation within the A-League.

An independent AusPlay study found that 151,300 people played football across Western Australia between July 2016 and June 2017. Football is one of the more popular sports to play and remains a growing sport within the state and the country.

Nationally the Australian Sports Commission estimated more than 1.1 million people played football, significantly greater than the next most played team sport, AFL, with 674,000 participants.

The A-League currently comprises 10 teams as follows:

- Adelaide United – Adelaide, South Australia.
- Brisbane Roar, FC – Brisbane, Queensland.
- Central Coast Mariners FC – Central Coast, New South Wales.
- Melbourne City FC – Melbourne, Victoria.
- Melbourne Victory – Melbourne, Victoria.
- Newcastle United Jets – Newcastle, New South Wales.
- Perth Glory – Perth, Western Australia.
- Sydney FC – Sydney, New South Wales.
- Wellington Phoenix FC – Wellington, New Zealand.
- Western Sydney Wanderers FC – Sydney, New South Wales.

FFA has formally started its process to expand the Hyundai A-League by two new A-League Clubs from the 2019-20 season with Expressions of Interest closing 24 May 2018. It is understood that 15 EOI's were received by the 24 May 2018, as follows:

- Four from New South Wales.
- Four from Victoria.
- Three from Queensland.
- One from Tasmania, Western Australia (Fremantle City Football Club – Local Team/Local investors), Australian Capital Territory and South Australia.

The EOI's were from a mix of local and foreign investors, private business people, local teams and local governments.

The FFA believes that the expansion of the A-League, by two teams in Australia from the 2019-20 A-League season will provide additional opportunities for Australian pathways into professional football and enable the growth of the A-League across a range of metrics. It is unknown if or when the A league is likely to consider further expansion beyond 2019-20.

## **DETAILS**

To host a A-League team within Joondalup there would be several considerations that the City would need to investigate and possibly be expected to fund.

### Facilities

A new A-League team located within the City of Joondalup would need to have exclusive access to its own facilities/stadiums. This could take two forms, either construct training only facilities and have the team compete at a regional facility in line with Perth Glory who train at UWA and play games at NIB stadium. Alternatively, and which is common on the eastern seaboard, the facilities could include stadium and act as boutique stadiums that generally host home and away fixtures of up to 15,000 people and play more prominent games (finals, internationals etc) at a regional facility like NIB or Optus Stadium.

It could involve refurbishing an existing facility or constructing a new facility.

Without undertaking detailed design or costings for a venue that would meet A-League standards, as a guide using the recent design and costs for the NPL facility designed for Percy Doyle Reserve, such a facility would cost about the \$8 million. Such a facility would include the following:

- A fully fenced, synthetic surface main pitch.
- Three overflow modified pitches for training and development teams.
- Two storey facility (approximately 960m<sup>2</sup>) to be developed including limited covered seating (not stadium design) including:
  - function room (215m<sup>2</sup>)
  - four sets of change rooms
  - one umpire change room
  - toilet facilities including universal access park toilet
  - meeting room
  - kitchen/ bar / kiosk
  - media room
  - office
  - storage
  - first aid room.

This facility would meet NPL requirements, however additional components would include larger administration quarters to house staff (upwards of 15), coach's offices and strength and conditioning rooms. The above details do not include several costs which could be site specific including:

- headworks
- utility connections (gas, electricity, water)
- power upgrade
- floodlights
- stormwater and drainage
- earthworks
- stadium seating
- escalation.

### Location

In hosting an A-League club there would need to be a location to house the facility. In selecting a location consideration would need to be given to a few factors, including the following:

- Location to residents.
- Public transport accessibility.
- Existing road networks.
- Car parking capabilities.
- Option to expand.

At its meeting held on 26 June 2018 (CJ106-06/18 refers) Council agreed that Percy Doyle Reserve not be developed as a regional NPL facility. Therefore, that would not be an option to house an A-League team.

As a result of that decision, and the extensive research of possible sites for an additional NPL site that came to no conclusion and the factors mentioned above, there is no existing City managed facility that could be refurbished to meet A-League standards.

The HBF Arena is managed by VenuesWest on behalf of the State Government and is a regional facility that hosts several high-profile sporting teams, with its major tenants being:

- the Wanneroo Basketball Association with the Joondalup Wolves competing at the State Basketball Level
- West Perth AFL club competing within the WA Football League
- Joondalup Brothers Rugby Union Club competing within the WA Rugby Union Premier League competition.

While the HBF Arena has the infrastructure that could host a future A-League club within Joondalup, based on the current tenants and the fixturing it would require one of them to be dislocated from the site, and finding alternate accommodation for those tenants would not be possible within the City of Joondalup. Further the Council has an adopted Strategic Position Statement that states that in the event of a third AFL side being established in WA the City supports it being located at HBF Arena.

The only large scale clear site that would have the area to meet the scale of a facility required, while also being close to public transport (however still in close proximity to residents) is the disused Edgewater Quarry site. However, the Council has recently established a community based reference group to explore future development opportunities for the site which originally included a regional playground and amphitheatre capable of hosting outdoor concerts/events.

### Non- Capital Costs

It is understood that those consortiums that are successful through the latest EOI process will be expected to be charged a new licence fee of up to \$15 million and meet any ongoing annual costs to participate within the A-League.

### **Issues and options considered**

Council can either:

- support the licence being based within the City of Joondalup in the event of a second A-League licence being awarded to Western Australia;  
or
- not support the second A-League licence being based within the City of Joondalup if offered to Western Australia.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

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

**Objective** Destination City.

**Strategic initiative** Actively promote and sponsor significant events and activities.

**Policy** Not applicable.

While there is no specific link to the *Strategic Community Plan* relative to a Key Theme, hosting a team that competes in a national competition would assist the City in achieving its overall vision of being “A Global City: bold, creative and prosperous.”

### **Risk management considerations**

The major risk to the City is the potential financial impact on the City of Joondalup.

**Financial / budget implications**

The financial / budget implications on the City are unknown at this stage. There are no funds allocated within the City's current *Five-Year Capital Works Program*, or its *20 Year Strategic Financial Plan*.

**Regional significance**

Having a national football team competing with the A-League would certainly focus Joondalup as a place of regional significance.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

With the City's vision of being a 'A Global City: bold, creative and prosperous', the housing of a football club competing at the A-League level would assist the City in meeting a number of its strategic outcomes.

However, given the lack of a suitable site to host a facility that meets the requirements of the FFA and that potential financial impact on the City it is recommended that the Strategic Position Statement could therefore only be supported on the basis that the City is not required to provide a site for or fund or contribute to the infrastructure requirements for an A-League facility.

**VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION**

**That Council BY AN ABSOLUTE MAJORITY AMENDS its decision dated 20 March 2018 (C26-03/18 refers) to read as follows:**

***"In the event that the Australian A-League decides to establish a second A-League Football (Soccer) team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup on condition that the City is not required to provide a site for or fund or contribute to the infrastructure requirements for an A-League facility."***

## **CJ127-07/18 PROPOSED LAND EXCISION FOR WATER CORPORATION PURPOSES – BELDON PARK, BELDON**

<b>WARD</b>	Central
<b>RESPONSIBLE A/DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	05808, 101515
<b>ATTACHMENT</b>	Attachment 1 Location plan – Beldon Park Attachment 2 Site layout plan Attachment 3 Building perspective drawing Attachment 4 Construction footprint
<b>AUTHORITY/DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider a proposal to excise portions of Beldon Park, Beldon, to facilitate the installation of a water bore and associated equipment by the Water Corporation.

### **EXECUTIVE SUMMARY**

The Water Corporation is seeking to construct new water bores and associated equipment at Beldon Park (Reserve 34071), Beldon, as part of the Perth Regional Confined Aquifer Capacity project to upgrade the existing Neerabup Groundwater Treatment Plant. The areas to be used for the bore and associated infrastructure are proposed to be excised from the park in order to come under the management of the Water Corporation.

Two areas within Beldon Park totalling 319m<sup>2</sup> (0.8% of the reserve area) are proposed to be utilised for the bore and infrastructure. The areas would be used to accommodate the bore, vehicle access areas, small sections of above ground pipe work, and electrical cubicles or small buildings housing electrical equipment and controls. The bore and associated equipment will be fenced for security and safety reasons.

The Water Corporation has indicated that there are few sites that meet the criteria needed to be suitable for the bores. The proposed location of the bore has been chosen to be close to existing bore mains, large enough to accommodate drilling rigs, minimise any clearing and also ensure minimal impact to residents.

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

It is also noted that under the provisions of the *Planning and Development Act 2005* and the *Metropolitan Region Scheme (MRS)*, planning approval for this public work is not required to be provided under *District Planning Scheme No. 2 (DPS2)*, however planning approval is required to be issued by the Western Australian Planning Commission (WAPC), with a recommendation provided to the WAPC by the City.

It is recommended that the Department of Planning, Lands and Heritage (DPLH) be advised that Council supports the proposed land excisions to accommodate the new bore and associated equipment.

## **BACKGROUND**

The excision proposal involves Beldon Park (Reserve 34071 - 38,000m<sup>2</sup> in area). The park is reserved under DPS2 as 'Parks and Recreation', and is zoned 'Urban' under the MRS.

The Water Corporation has provided the following information (in part):

*"Since 2012, the Department of Water and Environmental Regulation (DWER) (previously the Department of Water) has been undertaking a project investigating deeper, confined aquifers in order to improve the way they are managed and used. This project, known as the Perth Regional Confined Aquifer Capacity (PRCAC) study, aims to improve the certainty of how much water can be extracted from Perth's deep aquifers without impacting their long-term sustainability..."*

*...Parameters set by DWER have resulted in few sites being identified as suitable for bore construction. The sites must be close to existing bore mains, large enough to accommodate drilling rigs and also ensure minimal impact to residents and the environment. Within the City of Joondalup boundaries, Beldon Park has been identified as a suitable location."*

Under the provisions of the *Planning and Development Act 2005* and the MRS, planning approval for this public work is not required to be provided under DPS2, however planning approval is required to be issued by the WAPC, with a recommendation provided to the WAPC by the City. An application for planning approval under the MRS been submitted by the Water Corporation.

An earlier proposal was submitted to the City which sought to excise a considerably larger portion of Beldon Park. The City has worked with the Water Corporation and representatives of the adjoining Beldon Shopping Centre to reduce the scale of the proposal to that the subject of this report.

Similar proposals for the excision of portions of Lysander Park, Heathridge, and Gradient Park, Beldon, were considered and supported by Council at its meetings held on 15 August 2017 (CJ128-08/17 refers) and 26 June 2018 (CJ092-06/18) respectively. The WAPC granted development approval for the bore and associated equipment within Lysander Park in April 2018.

In parallel with the request for excision and submission of a development application, the Water Corporation has undertaken an extensive community communication exercise, writing to almost 30,000 properties across Heathridge, Connolly, Joondalup, Edgewater, Beldon, Craigie, Mullaloo, Kallaroo, Ocean Reef, Kinross and Currambine in June 2018 advising them of all upcoming abstraction infrastructure (bores and pipelines) within the City of Joondalup.

## DETAILS

The proposal is to excise two areas totalling 319m<sup>2</sup> from Beldon Park, being within the area abutting the Beldon Shopping Centre, and adjacent to Marmion Avenue (Attachment 1 and 2 refer). One area (49m<sup>2</sup>) would house the bore, while the other site (270m<sup>2</sup>), approximately four metres away, would house the electrical building. The compounds will be fenced using palisade fencing for security and safety reasons. Indicative building elevations are included at Attachment 3.

The sites proposed to be excised are located adjacent to each other and setback approximately 20 metres from the Marmion Avenue property boundary. The sites are located within an existing predominately cleared area of the park that is not used for active recreation. It is proposed that a number of trees be removed in order to provide vehicle access to the subject areas both during construction and thereafter, which is discussed further in the Development Application section below.

The Water Corporation also indicates that in addition to the new bore, a section of the bore collector main will need to be constructed through Beldon Park to connect to an existing pipeline near Marmion Avenue, however the location will be determined in consultation with the City.

In addition to the sites to be excised, the Water Corporation has advised that an area of approximately 110 metres by 33 metres is required as a temporary access, storage and equipment set up area for the drilling contractor (Attachment 4 refers). Access to the area would be restricted with temporary fencing for the period of construction. The Water Corporation has advised that it will reinstate any areas disturbed during construction and this would form a recommended condition of the development application.

The Water Corporation indicates it will endeavour to reduce the impact of noise to nearby properties during construction and drilling and will be liaising with potentially affected owners prior to and during construction works.

While the use of existing public open space for this purpose is not ideal, it is acknowledged that the proposed bore is an essential service and it is not uncommon for this type of infrastructure to be located within public open space. It is considered that the areas proposed to be excised will not have a detrimental impact on the use of the existing reserve. It is noted that the Water Corporation has indicated that it will landscape the perimeter of the bore areas. This requirement will be addressed through the development application for the bore and associated infrastructure.

### Development application

A development application for the bore and associated infrastructure has been submitted for planning approval under the MRS. In such instances, the WAPC is the decision-maker for the application. The City is able to provide comments to inform WAPC's decision, however the WAPC is able to determine the application in the absence of comments from the local government if comments are not provided within the statutory or other agreed timeframe.

A number of trees are proposed to be removed in order to provide adequate area for the drilling rig during construction as well as for vehicle access to the subject areas following construction. The City has liaised closely with the Water Corporation to minimise the number of trees to be removed. The City has also undertaken site inspections of the trees proposed to be removed and is comfortable with the proposal, subject to replacement of the trees as part of reinstatement works. This will be recommended as a condition of any planning approval issued for the development of the bore and associated infrastructure.

It is also noted that construction vehicle access to the bore and associated infrastructure is proposed to be via a new access point from Gradient Way adjacent to the existing sump, and then through, the public carpark on Beldon Park (Attachment 1 refers). The applicant indicates that during construction of the new bore, it may be necessary to close off the public car park for periods to facilitate the movement of heavy vehicles and delivery of equipment. The principles of a traffic management plan have been discussed with the City and appropriate traffic management can be implemented. The submission of a formal traffic management plan will be recommended as a condition of any planning approval issued by the WAPC.

In addition to those suggested above, the following conditions of approval will also be recommended to the WAPC:

- Consideration of the need for the Water Corporation to liaise with any nearby residents and the adjacent shopping centre prior to and during construction of the bores to ensure that disruption to those parties is minimised.
- The provision and approval of construction and noise management plans.
- The need for any infrastructure to be located so as to avoid the clearing of existing vegetation as much as possible.
- An arborist report to be prepared that outlines appropriate tree protection zones and measures to ensure the longevity of the existing trees.
- The perimeter of the bore sites to be appropriately landscaped to improve the visual amenity of the area, taking into account safety and security issues.
- Reinstatement of any areas disturbed during construction.

The Water Corporation has highlighted the importance of obtaining appropriate approvals from the City and the WAPC as soon as possible as there is a risk that the delays may result in incurring penalties from their appointed drilling contractor at a cost of approximately \$48,000 per day. While contract arrangements between and applicant and their appointed contractor are not typically an issue for the City in decision-making for planning matters, in this instance it would ultimately become a broader taxpayer expense and therefore one worthy of consideration.

### **Issues and options considered**

Council can either:

- support the land excision proposal and forward the proposal to DPLH for further action
- require the land excision proposal to be advertised for public comment  
or
- not support the land excision proposal.

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

**Legislation** *Land Administration Act 1997.  
Planning and Development Act 2005.  
Metropolitan Region Scheme.*

### **Strategic Community Plan**

**Key theme** Quality Urban Development.

**Objective** Integrated spaces.

**Policy** Not applicable.

### Land Administration Act 1997

The Department of Lands (now DPLH) through its publication '*Crown Land Administrative and Registration Practice Manual*' sets out the necessary procedures in respect to the land excision process for reserves created under Section 152 of the *Planning and Development Act 2005* (this includes reserves formerly created under Section 20A of the *Town Planning and Development Act 1928*). If the proposed excisions are to proceed, Council is required to make a recommendation of support to the Department of Lands.

### Planning and Development Act 2005 and Metropolitan Region Scheme

Section 6 of the *Planning and Development Act 2005* effectively exempts the requirement for a public authority undertaking a public work to obtain planning approval under a local planning scheme (like DPS2). However, in regard to development of the proposed bores, the *Metropolitan Region Scheme* requires the approval of the responsible authority (in this case the WAPC) for development on land zoned under the *Metropolitan Region Scheme*.

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

There are no financial implications for the City. The Water Corporation will be responsible for all costs associated with the excision process.

### **Regional significance**

The Water Corporation indicates that this project is of regional significance as it will increase the capacity and flexibility of its bore extraction operations.

### **Sustainability implications**

Not applicable.

### **Consultation**

The Department of Lands (now DPLH) has advised that, where it is proposed to excise areas from reserves created pursuant to Section 20A of the former *Town Planning and Development Act 1928* that are less than 5% of the area of the reserve and the excision is required for a public purpose, the excision is not required to be advertised. The areas to be excised from Beldon Park equate to 0.84% of the reserve and therefore consultation is not required.

The subject site is not immediately adjacent to any residential properties, being bounded by Marmion Avenue, the Beldon Shopping Centre, and Alidade Park on the southern side of Gunter Grove. The City and the Water Corporation have liaised with representatives of the Beldon Shopping Centre on the initial proposal. Since the proposal was reduced in scale to that to be considered by Council, the Water Corporation have held subsequent discussions with shopping centre representatives.

The Water Corporation has already undertaken an extensive community communication exercise and has indicated that it will be undertaking further consultation with any nearby owners closer to the commencement of construction.

## COMMENT

The City has liaised with the Water Corporation to ascertain the most suitable locations for the proposed bore and equipment taking into account the requirements of the Water Corporation as well as seeking to minimise the impact on the usability and safety of the reserve, as well as the adjacent shopping centre. The proposal represents approximately 0.84% of the total area of the reserve. While it is not ideal that public open space is required, it is acknowledged that the need for essential services may on occasion require the use of public open space and that this is the most suitable location with Beldon Park.

It is considered that the proposal will not have any adverse impact on public access to the reserve, and on the basis that the Water Corporation will minimise any disturbance to nearby properties during construction, it is recommended that Council supports the land excisions for the purpose of the bore and associated equipment.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **SUPPORTS** the request from the Water Corporation to excise portions of Reserve 34071 (Beldon Park, Beldon) for the purpose of bore and equipment sites as shown at Attachment 1 to Report CJ127-07/18;
- 2 **REQUESTS** the Department of Planning, Lands and Heritage to:
  - 2.1 **proceed with the excision of portions of Reserves 34071 (Beldon Park, Beldon) for the purpose of bore and equipment sites as shown at Attachment 1 to Report CJ127-07/18;**
  - 2.2 **in the event that the excision process is finalised, provide the Water Corporation management orders over of the excised land areas;**
- 3 **NOTES** that the Water Corporation will liaise with any nearby property owners prior to and during construction of the bore and associated equipment to ensure that disruption to those properties is minimised.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9agn180717.pdf](#)

**CJ128-07/18      CONFIDENTIAL - TENDER 015/18 PROJECT  
MANAGEMENT SERVICES AND PREPARATION OF  
A PLANNING FRAMEWORK FOR THE  
MANAGEMENT OF INFILL DEVELOPMENT IN THE  
CITY OF JOONDALUP'S HOUSING OPPORTUNITY  
AREAS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	107379, 101515
<b>ATTACHMENT</b>	Attachment 1      Summary of Tender Submissions  <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.

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

- *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

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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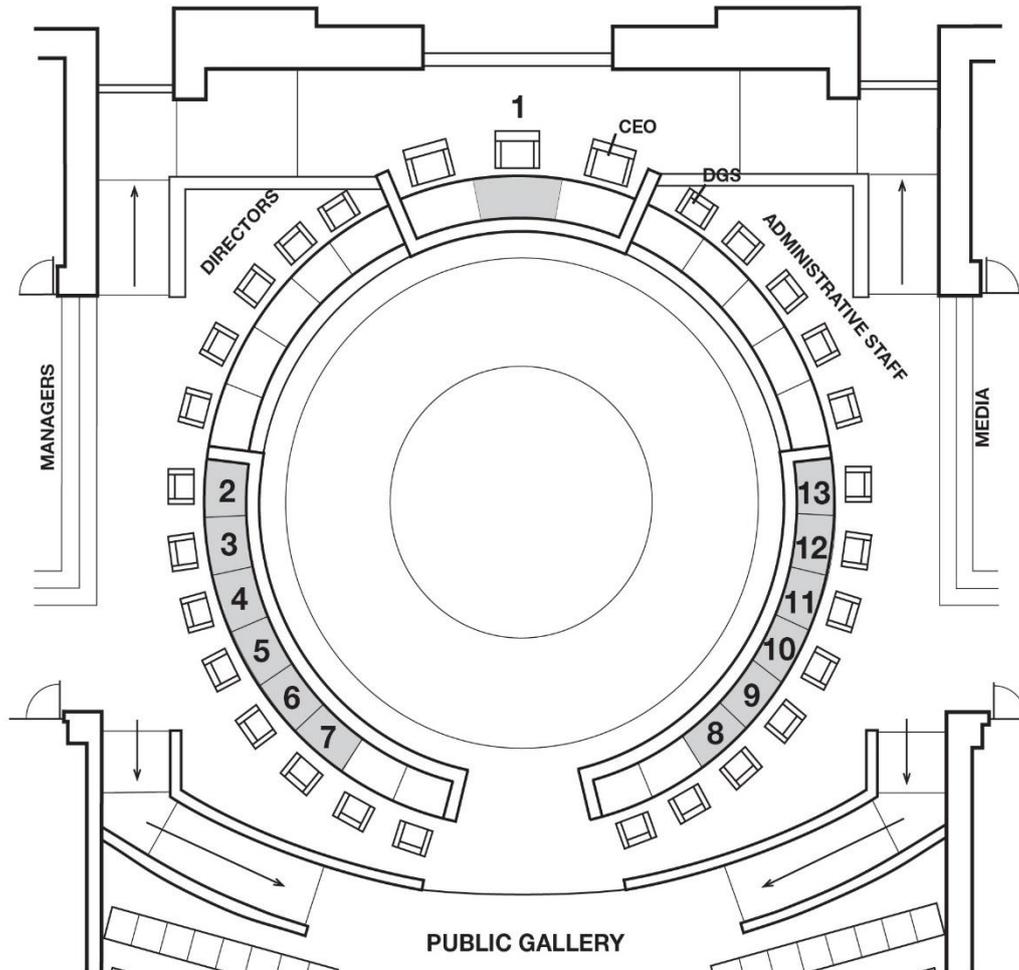
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Please submit this form at the meeting.

**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 Chamber – Seating Diagram



### Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/21)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/21)
- 3 Cr Tom McLean, JP (Term expires 10/19)

### North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
- 5 Cr Nige Jones (Term expires 10/19)

### Central Ward

- 6 Cr Christopher May (Term expires 10/21)
- 7 Cr Russell Poliwka (Term expires 10/19)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
- 9 Cr Mike Norman (Term expires 10/19)

### South-East Ward

- 10 Cr John Chester (Term expires 10/21)
- 11 Cr John Logan (Term expires 10/19)

### South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
- 13 Cr Sophie Dwyer (Term expires 10/19)