

minutes

MEETING HELD ON **TUESDAY 17 SEPTEMBER 2019**

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CITY OF JOONDALUP

COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 17 SEPTEMBER 2019.

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

ANNOUNCEMENT OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North Central Ward	<i>absent from 7.59pm to 8.01pm</i>
CR NIGE JONES	North Central Ward	
CR CHRISTOPHER MAY	Central Ward	
CR RUSSELL POLIWKA	Central Ward – <i>Deputy Mayor</i>	
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	
CR JOHN CHESTER	South-East Ward	
CR JOHN LOGAN	South-East Ward	<i>absent from 7.34pm to 7.38pm</i>
CR RUSS FISHWICK, JP	South Ward	
CR SOPHIE DWYER	South Ward	

Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development
	<i>absent from 8.02pm to 8.04pm</i>
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLANCE	Manager Governance
MR CHRIS LEIGH	Manager Planning Services
MR RONEY OOMMEN	Manager Financial Services
MR DANIEL DAVINI	Media Advisor
MRS VIVIENNE STAMPALIJA	Governance Coordinator
MRS DEBORAH GOUGES	Governance Officer
MRS LESLEY TAYLOR	Governance Officer

There were 48 members of the public and one member of the press in attendance.

DECLARATIONS OF INTEREST

Disclosures of Financial / Proximity Interest

Nil.

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.

Name/Position	Cr John Chester.
Item No./Subject	CJ127-09/19 - Dog Control Designation of Central Park and Lakeside Park Community Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester is a member of two committees related to the management of Yellagonga Regional Park.

Name/Position	Cr John Logan.
Item No./Subject	CJ127-09/19 - Dog Control Designation of Central Park and Lakeside Park Community Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of Friends of Yellagonga Regional Park, stakeholders in this agenda item.

PUBLIC QUESTION TIME

The following summarised question was taken on notice at the Ordinary Council Meeting held on 20 August 2019:

Mr J Raftis, Duncraig:

Re: CJ107-08/19 – Financial Activity Statement for the period ended 30 June 2019.

Q1 *The 'External Contractor' section makes reference to a deficit and spending of \$800,000 under the heading of 'CEO Administration' with the expenditure to be carried forward into the next year. Can we have an explanation as to what makes up the \$800,000?*

A1 There are a number of projects that are yet to be completed or have allocated monies unspent within the originally expected timeframes, which includes proposed expenditure relating to the following:

- Innovation fund.
- Building optimisation and refurbishment requirements for the administration centre and civic facilities.
- City facility security assessment of the administration centre and civic facilities.

The following questions were submitted prior to the Council meeting on 17 September 2019:

Ms R Millett, Beldon:

Re: Spraying in Parks.

Q1 Can the City of Joondalup notify Residents Associations of when parks are sprayed with chemicals and specifically what chemical has been sprayed?

Q2 Can Residents Associations be notified of what streets have been sprayed and with what chemical?

A1-2 A list of the following week's scheduled spraying activities is provided as a Public Notice on the City's website each Friday. This list includes the suburb, location (street or park name) and active constituent (chemical) to be sprayed. Please note that spraying activities are subject to weather and operational resources.

Residents Associations can register to receive public notices by email by subscribing to the City's eNewsletter services <https://www.joondalup.wa.gov.au/kb/resident/enews-signup>.

Ms L Radzikowska, Joondalup:

Re: Exposure to Chemicals in the City of Joondalup.

Q1 Is the City of Joondalup aware that personal injury firm Maurice Blackburn Lawyers has fielded hundreds of enquiries over workplace exposure to weedkiller 'Roundup' in recent months?

A1 No.

Q2 In light of Councils around Australia banning the use of the weedkiller 'Roundup' within their municipalities due to there being a link to cancer, what steps has the City of Joondalup undertaken to ban the use of 'Roundup' in order to stop exposure of the chemical to its staff and residents?

A2 The City continues to investigate techniques and technologies to reduce herbicide amounts for the control of weeds in its natural areas, parks and public open spaces, roadside kerbs and footpaths.

The City has researched, reviewed and is currently trialling a number of herbicide products for their appropriateness to be utilised as a potential alternative to glyphosate. The City is also investigating new steam control options, with local trials currently being conducted.

Notwithstanding the above, the City will continue to abide by any direction given by the Australian Pesticides and Veterinary Medicines Authority who, as of 13 June 2019, advise the following in the Regulatory Update Issue #289:

“Glyphosate use in Australia

The APVMA continues to actively monitor any new scientific information about glyphosate and we remain satisfied that APVMA approved products containing glyphosate can continue to be used safely according to label directions. The APVMA’s position on glyphosate is aligned with other international regulators and the Joint FAO/WHO Meeting on Pesticide Residues, including recent comprehensive reviews of glyphosate conducted by the USA and Canada”.

Mrs F Gilbert, Kallaroo:

Re: Draft Interim Planning Framework for Infill Development.

Q1 What date did the City send the Draft Interim Planning Framework for Infill Development in the City of Joondalup to the Environmental Protection Authority (EPA) for approval to advertise?

A1 Following compilation of the formal scheme amendment report and documentation, and the signing and sealing of the amendment documentation, the information was sent to the EPA on Tuesday 17 September 2019.

Q2 Has the City requested advice from the EPA as to when they will issue a decision on approval to advertise?

A2 The EPA has 30 days within which it needs to provide feedback to the City.

Q3 Has the City commenced the 2D and 3D graphics for the proposed public consultation on the Development in Housing Opportunity Areas Local Planning Policy?

A3 Yes.

Q4 When does the City consider the Policy ‘Development in Housing Opportunity Areas Local Planning Policy’ will be released for public consultation?

A4 The draft policy and scheme amendment will be released for consultation once the EPA has provided its advice on the scheme amendment and once compilation of the consultation material (including the 2D and 3D graphics mentioned above) is finalised.

Q5 Has the City received advice from the Department of Planning or the Western Australian Planning Commission that the proposed Scheme Amendment No. 5 will be considered as a standard amendment?

A5 Yes.

Mrs S Thompson, Duncraig:

Re: Jinan Garden.

Q1 Could you please provide the total sum that has been spent to date on the Jinan Chinese Garden project?

A1 \$30,545.

Q2 Could you please explain what the \$136,465 budget (shown in the image and link below) was set aside for, that is was this money spent and if so on what and to whom?

https://www.joondalup.wa.gov.au/files/councilmeetings/2014/Attach7brf120814.pdf?fbclid=IwAR2pHZ20klG1k2PhV-j_MhvfJWjYUUGigOzBVaBO3KOoaR4sFU9fU56Y

Capital Expenditure 2014/2015

Project Number	Cost Code	Description	Municipal	Reserve	Government Grants New	Government Grants Chvd	Contribution	Estimated Brought Fwd	Trust	Loan	Total Required Expenditure
220-1	C1001	Ocean Reef Marina	793,505	656,578	-	-	-	-	-	-	1,450,083
220-2	C1041	Joondalup City Centre Commercial Office Development	-	195,200	-	-	-	-	-	-	195,200
220-3	C1002	Joondalup Performing Arts and Cultural Facility	-	905,485	-	-	-	-	-	-	905,485
220-4	C1060	Cafes/Kiosks/Restaurants	-	180,000	-	-	-	-	-	-	180,000
220-5	C1100	Jinan Garden	-	136,465	-	-	-	-	-	-	136,465
		Corporate Projects	793,505	2,073,728	-	-	-	-	-	-	2,867,233

A2 The 2014-15 budget for the Jinan Garden project was for design development which did not progress at that time.

Re: Sydney World Business Forum.

Q3 Please can you list the cost to the City of Joondalup of the 2019 Sydney World Business Forum for the two members of Council and Chief Executive Officer in total, including tickets, flights, accommodation and incidentals, with a breakdown of expenditure?

Q4 What are the outcomes / ROI for this trip and can you please direct me to the report that was produced for Council following this trip?

A3-4 These questions will be taken on notice.

The following summarised questions were submitted verbally at the Council meeting:**Ms M Kwok, Ocean Reef:**

Re: Glyphosate Spraying.

Q1 Can the registration system be changed so regular park users, irrelevant if they live within 100 metres of a park, are notified of pesticide spraying in a nominated park?

A1 The Director Infrastructure Services advised scheduled spraying activities are provided as public notices on the City's website the week prior to spraying. The list includes suburbs and park names and residents can register to receive the public notices weekly.

Miss P Scull, Ocean Reef:

Re: Glyphosate Spraying.

Q1 Can we please have more signs, preferably every 20 metres, in parks where toxic carcinogenic herbicides are being sprayed and can they remain there for 24 hours in order to fulfil the required duty of care to residents?

A1 The Director Infrastructure Services advised the City's signage is displayed in accordance with the Health (Pesticides) Regulations 2011 which includes displaying the signage until the surface has dried.

Q2 What about people entering the parks immediately after they have been sprayed and the signs have been removed, dogs are being walked and children are crawling on freshly sprayed areas?

A2 Mayor Jacob advised Council was expecting to receive a petition at this meeting on glyphosate spraying and the concerns raised and suggestions made with regard to the location of signage and length of time the signage remains in place would form part of the petition response when it is presented to Council.

Mrs T Oliver-Bernhardsen, Duncraig:

Re: Glyphosate Spraying.

Q1 How successful have the alternative herbicide trials been in helping set an end date for glyphosate use?

A1 The Director Infrastructure Services advised the trials are still being conducted and a full report will be provided to Council as part of the expected petition response.

Q2 Was the reason for seeking an alternative based on concerns arising from data on the use of glyphosate?

A2 The Director Infrastructure Services advised the City continues to look at potential alternative pesticides that are environmentally safe.

Ms H Smaellie, Duncraig:

Re: Glyphosate Spraying.

Q1 What has Council done regarding Marri Park since I first advised them in 2011 about the problem of dead foliage and trees in the park?

A1 Mayor Jacob advised this question would be taken on notice.

Mrs K Ludzik, Connolly:

Re: Glyphosate Spraying.

Q1 Is a record kept of the negative impacts of glyphosate in parks and reserves on unintended target plant species?

A1 The Director Infrastructure Services advised the City only has a record of the complaints received regarding the use of glyphosate, not necessarily of impacts on unintended target plant species.

Q2 Is a record kept of the negative health impacts of glyphosate on fauna and people in parks and reserves?

A2 Mayor Jacob responded he was not aware of any data on the effects of glyphosate on fauna. The Director Infrastructure Services confirmed there was no data.

Mrs M Macdonald, Mullaloo:

Re: Glyphosate Spraying.

Q1 Will the City's insurance cover the cost of litigation and ultimate payout if the City lost a case brought by someone who had suffered from using glyphosate on the City's behalf?

A1 Mayor Jacob advised there was no way of knowing.

The Director Corporate Services advised the City's insurance policies will cover the City in relation to any claims against the City. The insurer is aware that the City uses glyphosate and the insurer has provided advice in relation to the use of glyphosate.

Q2 Has the City checked the incidents of cancer in the areas surrounding the public spaces where the City has sprayed glyphosate?

A2 Mayor Jacob responded no.

Mr A Murphy, Edgewater:

Re: City of Joondalup Elections Caretaker Policy.

Q1 What penalties can be imposed by Council if there is a breach of the City of Joondalup Elections Caretaker Policy?

A1 The Chief Executive Officer advised there were no penalty provisions within legislation however, if the City received a complaint the matter would be referred to Council for a decision.

Mrs B Hewitt, Edgewater:

Re: CJ122-09/19 – List of Payments made during the month of July 2019.

Q1 On stamped page 135 there was a reimbursement to the Chief Executive Officer of \$494 for a dinner at the World Business Forum, please advise who attended the dinner?

A1 The Chief Executive Officer advised the \$494 was paid by the Chief Executive Officer and was for a party of six people which included three City of Joondalup staff, two attendees from another local government and one private individual. The Chief Executive Officer advised all attendees paid one sixth of the total figure back to the City of Joondalup.

Mr J Raftis, Duncraig:

Mr Raftis stated his candidacy for the South-West ward in the upcoming Council Elections.

Re: Cost of Additional Infrastructure in Place Neighbourhoods.

Q1 Further to a question asked at the previous meeting with regard to the 20 Year Strategic Financial Plan, specifically the cost of additional infrastructure for Place Neighbourhoods, why is the City not factoring in increased infrastructure costs when there is a 10% population increase factored in for the Place Neighbourhood areas?

A1 The Director Corporate Services advised the 20 Year Strategic Financial Plan includes projections in future capital costs and revenue streams for additional facilities. Those projections include major projects and provide for additional or improved recreation space and activities. The Five Year Capital Works Program includes projections for increases to parks, reserves, and other associated infrastructure.

C55-09/19**EXTENSION OF PUBLIC QUESTION TIME - [01122, 02154]**

MOVED Mayor Jacob, SECONDED Cr Hollywood that Public Question Time be extended for a period of 10 minutes.

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

- Q2 *On page 119 of the previous meeting agenda it says Place Neighbourhood infrastructure, the increased density, and new dwellings are not factored in but may result in requirements at some future stage however, from your response to my first question you are saying it is factored in?*
- A2 The Director Corporate Services advised specific projects are projected over the next 20 years, the earlier years with more detail and the latter years with less detail. It is not possible to project fully the level of increased densities as it is unknown. The *20 Year Strategic Financial Plan* is reviewed annually and adjusted as the City moves forward through the years and information becomes available.

Mrs E Olivera, Kinross:

Re: Glyphosate Spraying.

- Q1 *What level of PPE is staff or contractors expected to use when applying glyphosate or other pesticides?*
- A1 The Director Infrastructure Services advised specific PPE as described in the Material Safety Data Sheets is to be worn and staff and contractors are to comply with the requirements.
- Q2 *Does the City of Joondalup monitor glyphosate or other pesticide levels in artificial wetlands?*
- A2 The Director Infrastructure Services advised no. Mayor Jacob stated in terms of artificial wetlands the City does monitor nutrient levels and the Director Infrastructure Services confirmed the City does monitor nutrient levels.

Miss A Jones, Kingsley:

Re: Glyphosate Spraying.

- Q1 *What herbicides does the City use and where and how frequently are they used?*
- A1 Mayor Jacob advised the question would be taken on notice.

Mr A Fanguero, Clarkson:

Re: Skate Park Lights.

- Q1 *On behalf of adult skate boarders, why can we not have lighting at Mirror Park skate park?*
- A1 Mayor Jacob advised the decision was made by Council and any future decision to install lighting at the skate park would also be a decision to be made by Council.

Q2 *Is there a specific reason why we cannot have lighting installed?*

A2 Mayor Jacob advised he could not comment on the decision made by Council at the time or the reasons why lighting has not been installed. However, Mayor Jacob noted the provision of skate park lighting may be reviewed in the future.

Ms S Thompson, Duncraig:

Ms Thompson stated her candidacy for the South Ward in the upcoming Council Elections.

Re: Local Planning Policy.

Q1 *Could we please have an update on the Local Planning Policy, that is, has it been approved for advertising from the WAPC and the EPA and when do you anticipate it will be out for public consultation?*

A1 The Director Planning and Community Development advised the Western Australian Planning Commission do not need to give permission to advertise the policy. The document for the scheme amendment has been sent to the EPA and they have 30 days within which to provide feedback to the City.

Once the City has received the feedback and has finished compiling the consultation documentation and graphics, consultation can begin. A specific date for consultation has not been set and everybody that has previously registered interest in this matter will receive an update before consultation begins.

Mr M Moore, Edgewater:

Re: Underground Power.

Q1 *Has the City held any discussions with Western Power in regard to the upgrading of power supplies, with a preference for the upgrades being underground, as the Housing Opportunity Areas density increases?*

A1 Mayor Jacob advised his preference would be for underground power supplies however at this stage there have been no discussions with Western Power.

Re: Employment within the City of Joondalup.

Q2 *Department of Planning, Lands and Heritage Directions 2031 and the Perth and Peel @ 3.5 million report includes dwelling and employment targets. Can the City please provide an update on how the City of Joondalup is travelling with regard to employment targets?*

A2 Mayor Jacob advised recent employment results are not yet published however Mayor Jacob was aware of an approximate 1,500 job per annum increase in the City of Joondalup, with approximately half that within the Joondalup CBD. An influencing factor includes a major state government department relocating into the Joondalup CBD. The City is either on or exceeding the projected job targets.

Dr T Green, Padbury:

Re: Weed Treatments.

Q1 Can we have a panel contract for hydrothermal companies treating weeds so the City of Joondalup can find out who is the most effective?

A1 Mayor Jacob advised as previously stated a petition was expected to be received and this suggestion could be addressed in that response to Council. Mayor Jacob noted the trials were still in the process of being conducted. The Director Infrastructure Services confirmed trials were still currently being undertaken.

PUBLIC STATEMENT TIME

The following summarised statements were submitted verbally at the Council meeting:

Miss P Scull, Ocean Reef:

Re: Petition in relation to the spraying of Glyphosate.

Miss Scull spoke in relation to a petition opposed to the use of glyphosate in public places, advising that the substance has been deemed a probable carcinogen by the World Health Organisation, the parameters being that consistent exposure increases your chances of developing cancer by 70% - 90%.

Miss Scull urged the City to protect all constituents, workers and the environment from the blanket usage of glyphosate in weed management, stating that there are other alternatives that can be used that promote the health and resilience of the environment.

Ms M Kwok, Ocean Reef:

Re: Petition in Relation to the spraying of Glyphosate.

Ms Kwok spoke in relation to a petition opposed to the use of glyphosate in public places, requesting that the City phase out the use of glyphosate and replace its use for weed management with nontoxic processes and products.

Ms Kwok noted that residents felt there was currently not enough signage to warn people of the spraying of glyphosate and advised that residents living around City of Joondalup parks commonly complain about the smell when the area is being sprayed.

Ms Kwok commented that chemical free weed management was a win win for City employees and the community as a whole.

Mrs K Ludzik, Connolly:

Re: Petition in Relation to the spraying of Glyphosate.

Mrs Ludzik spoke in relation to a petition opposed to the use of glyphosate in public places, advising that she had previously addressed her concerns with the spraying of glyphosate in 2006 with the Mayor of the time, Mayor Pickard, advising there were previous occasions where no signage was visible at the park and patrons at the park were unknowingly walking through the spray site.

Mrs Ludzik advised that the chemical being used can also affect dogs' health and wellbeing, and that she believes that her dogs health has personally been affected due to the spraying.

Cr Logan left the Chamber at 7.34pm.

Mr A Sheppard, Joondalup:

Re: CJ127-09/19 - Dog Control Designation of Central Park and Lakeside Park - Community Consultation.

Mr Sheppard spoke against the officer's recommendation and requested that Council amend the recommendation so that dogs can be walked through Area C on a leash similar to the conditions of Area D. Mr Sheppard felt that the outcome for Areas C and D should be consistent raising the following points:

- Retaining the dog prohibition in Area C was strongly opposed during the consultation period.
- Area C and D are walk ways and are simply used as thoroughfares.
- It is unlikely that dogs on leads will cause harm to fauna and flora when walking through the walkways in Areas C or D.
- Residents were unaware that access through Area C may be denied to people with dogs.

Mrs Z Murphy, Edgewater:

Re: Housing Opportunity Areas.

Mrs Murphy spoke with regard to Housing Opportunity Areas (HOAs) advising elected members that she had recently undertaken a door knock to inform residents about the HOAs. Mrs Murphy provided an overview of her experiences while door knocking, advising that residents were concerned about having apartment blocks built next to their homes and that had they known about HOAs in their suburb they may have chosen not to buy in those suburbs.

Cr Logan entered the Chamber at 7.38pm.

Ms S Thompson, Duncraig:

Re: Local Planning Policy.

Ms Thompson spoke with regard to the *Local Planning Policy* (LPP) urging the City to progress the policy with all expediency as residents need the LPP conditions applied sooner rather than later.

Dr T Green, Padbury:

Re: Local Planning Policy and Petition in Relation to the spraying of Glyphosate.

Dr Green spoke in relation to the *Local Planning Policy*, asking for the policy to be implemented as quickly as possible.

Dr Green also spoke in relation to the petition opposed to the use of glyphosate in public places, thanking Council in advance for reviewing the petition to reevaluate the use of glyphosate and requesting that Council consider using marker dye if the decision to maintain using glyphosate remains in place. Dr Green stated that the community expects to be able to act with informed consent, advising that it is very hard to monitor the City's pesticide notifications and decide whether or not a park has recently been sprayed.

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence previously approved**

Cr Sophie Dwyer	6 to 11 October 2019 inclusive;
Cr Russ Fishwick, JP	16 to 22 October 2019 inclusive;
Cr Russ Fishwick, JP	4 November to 19 December 2019 inclusive.

C56-09/19**REQUESTS FOR LEAVE OF ABSENCE – CRS JOHN CHESTER AND CHRISTINE HAMILTON-PRIME - [107864]**

Cr John Chester requested Leave of Absence from Council duties covering the period 10 to 16 October 2019 inclusive.

Cr Christine Hamilton-Prime requested Leave of Absence from Council duties covering the period 27 October to 10 November 2019 inclusive.

MOVED Cr Poliwka, SECONDED Cr May that Council APPROVES the Requests for Leave of Absence from Council Duties covering the following dates:

- | | | |
|----------|------------------------------------|--|
| 1 | Cr John Chester | 10 to 16 October 2019 inclusive; |
| 2 | Cr Christine Hamilton-Prime | 27 October to 10 November 2019 inclusive. |

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

CONFIRMATION OF MINUTES**C57-09/19****MINUTES OF COUNCIL MEETING HELD ON 20 AUGUST 2019**

MOVED Cr Hollywood, **SECONDED** Cr McLean that the Minutes of the Council Meeting held on 20 August 2019 be **CONFIRMED** as a true and correct record.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**Local Government Elections**

Mayor Jacob advised the 2019 Local Government Elections will be held on Saturday 19 October 2019, with the City encouraging all of its community to make their voice heard.

Mayor Jacob indicated voting packages for eligible residents and electors will be delivered by post from Monday 30 September 2019.

Mayor Jacob stated postal elections will be held for six Councillor positions, and completed ballot papers must be received by the Western Australian Electoral Commission by 6.00pm on Saturday 19 October 2019.

Mayor Jacob encouraged residents to visit the City's website joondalup.wa.gov.au for more information and to view the candidate profiles.

Dog Park Almost Open

Mayor Jacob advised the City's first fenced dog exercise area is due to open in the coming days.

Mayor Jacob commented located at Elcar Park, Joondalup, the two separate exercise areas – one for large to medium-sized dogs and one for small sized dogs – both feature their own dog sandpit, dog drinking fountain and double-gate access.

Mayor Jacob noted centrally-located and easily accessible, Elcar Park is sure to become a popular destination for dog owners and their animals, particularly for those residents living in, or close to, the Joondalup City Centre.

Mayor Jacob stated Joondalup is home to one of the largest dog populations per local government area in Australia and this type of infrastructure is sure to prove a popular addition to the City's parks and open spaces.

Spring Markets

Mayor Jacob announced the City presents the Spring Markets, which will return in 2019 for four weeks beginning later this month.

Mayor Jacob commented Central Walk in the Joondalup City Centre will be transformed into a hub of activity, with shoppers having access to handmade and homemade products plus live music, entertainment, delicious food, workshops and demonstrations.

Mayor Jacob advised the Spring Markets operate from 5.30pm to 8.30pm, commencing on 27 September 2019 and continuing each Friday night until the finale on 18 October 2019.

Mayor Jacob encouraged residents to visit the City's website at joondalup.wa.gov.au for more information.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil.

PETITIONS

C58-09/19 PETITION REQUESTING COUNCIL REVISE AND PHASE OUT THE USE OF GLYPHOSATE IN PUBLIC PLACES – [02082, 05386]

Cr Taylor tabled a 1,499 signature petition on behalf of residents of the City of Joondalup requesting that Council:

- 1 Revise and phase out the use of glyphosate in public places considering the mounting evidence of its toxicity to workers, public health and environment;
- 2 Conduct and repeat alternative non-chemical weed control trials especially in areas where children and pets are exposed;
- 3 Immediately introduce marker dye in herbicide so public can avoid the recently sprayed areas.

C59-09/19 PETITION REQUESTING THE PLAYGROUND AT BELDON PARK, BELDON REMAIN IN ITS CURRENT POSITION – [05808, 05386]

Cr Poliwka tabled a 152 signature petition on behalf of residents of the City of Joondalup requesting that the playground at Beldon Park, Beldon remains where it is and that the Management Orders are changed in order to erect shade cloth over the existing playground.

MOVED Cr Taylor, SECONDED Cr Poliwka that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1 Petition in relation to phasing out the use of glyphosate in public places, conducting alternative non-chemical weed control trials and immediately introducing marker dye in herbicide;**
- 2 Petition in relation to Beldon Park's playground remaining where it is and that the Management Orders are changed in order to erect shade cloth over the existing playground.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

REPORTS**CJ115-09/19 DEVELOPMENT AND SUBDIVISION APPLICATIONS
– JULY 2019**

WARD	All			
RESPONSIBLE DIRECTOR	Ms Dale Page			
	Planning and Community Development			
FILE NUMBER	07032, 101515			
ATTACHMENT	Attachment 1	Monthly Development Applications Determined – July 2019		
	Attachment 2	Monthly Subdivision Applications Processed – July 2019		
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')			

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during July 2019.

EXECUTIVE SUMMARY

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

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

This report identifies the development applications determined by the administration under delegated authority powers during July 2019 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during July 2019 (Attachment 2 refers).

BACKGROUND

Clause 82 of schedule 2 (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 25 June 2019 (CJ078-06/19 refers) Council considered and adopted the most recent Town Planning Delegations.

DETAILSSubdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during July 2019 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	7	32
Strata subdivision applications	13	19
TOTAL	20	51

Of the 20 subdivision referrals, nine were to subdivide in housing opportunity areas, with the potential for 16 additional lots.

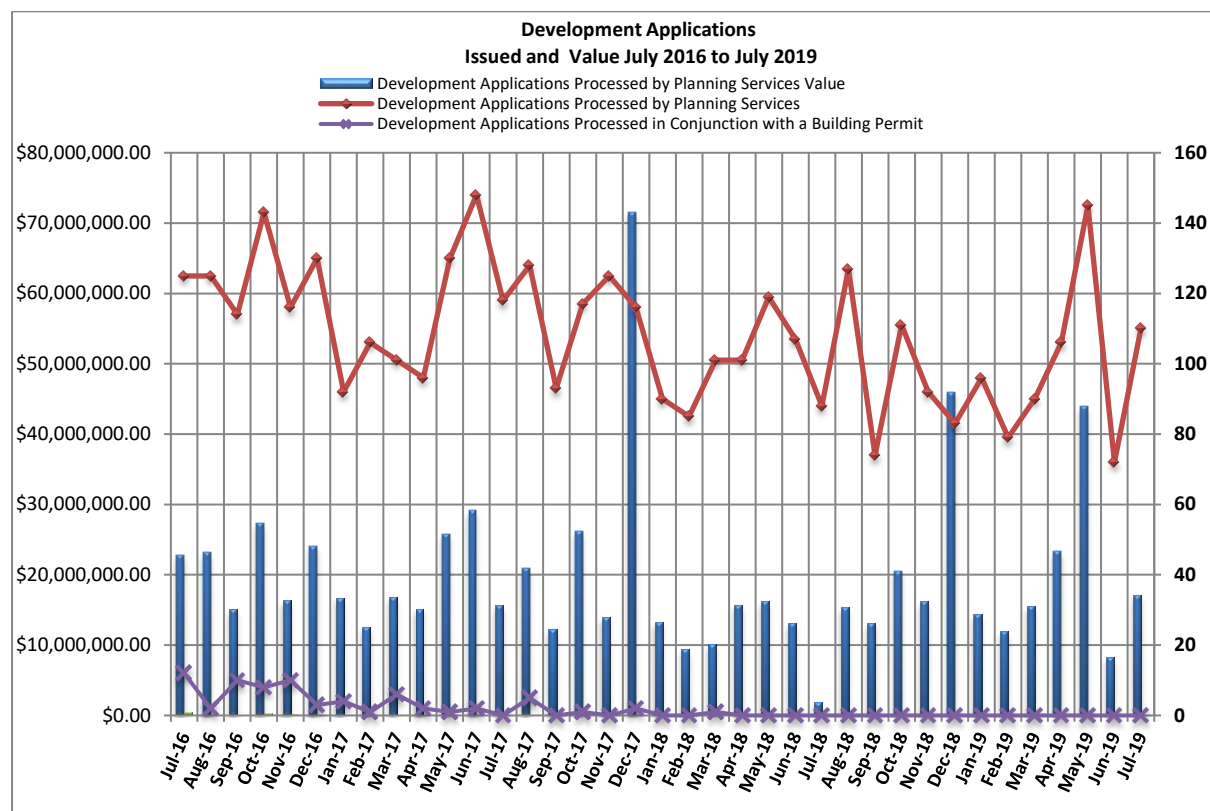
Development applications

The number of development applications determined under delegated authority during July 2019 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	110	\$17,103,452
TOTAL	110	\$17,103,452

Of the 110 development applications 21 were for new dwelling developments in housing opportunity areas, proposing a total of 29 additional dwellings.

The total number and value of development applications determined between July 2016 and July 2019 is illustrated in the graph below:



The number of development applications received during July 2019 was 101.

The number of development applications current at the end of July was 225. Of these, 46 were pending further information from applicants and 10 were being advertised for public comment.

In addition to the above, 215 building permits were issued during the month of July with an estimated construction value of \$31,302,722.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3.
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 may apply to the particular development.

Clause 82 of schedule 2 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 Clause 82 of schedule 2 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 110 development applications were determined for the month of July with a total amount of \$57,923.27 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 LPS3 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.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 development applications described in Attachment 1 to Report CJ115-09/19 during July 2019;**
- 2 subdivision applications described in Attachment 2 to Report CJ115-09/19 during July 2019.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ127-09/19, page 102 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf190910.pdf](#)

CJ116-09/19 PROPOSED CHILD CARE PREMISES (CHANGE OF USE FROM SINGLE HOUSE) AT LOT 47 (23) CURRAMBINE BOULEVARD, CURRAMBINE

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	10805, 101515
ATTACHMENT	Attachment 1 Location Plan Attachment 2 Development Plans Attachment 3 Acoustic Report Attachment 4 Bushfire Management Plan
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine a development application for a change of use from single house to child care premises at Lot 47 (23) Currambine Boulevard, Currambine.

EXECUTIVE SUMMARY

An application for development approval has been received for a change of use from a single house to child care premises at Lot 47 (23) Currambine Boulevard, Currambine.

The proposed child care premises will cater for up to 20 children, with two full-time staff and one casual staff member. Minor façade and internal modifications are also proposed to accommodate the new use.

The subject site is zoned 'Residential' with a density code of R80 under the City's *Local Planning Scheme No. 3* (LPS3). The land use 'Child Care Premises' is a discretionary ('D') use in this zone.

The application was advertised for a period of 14 days by way of letters to surrounding landowners/occupiers and a sign on site, with advertising concluding on 5 July 2019. Three submissions were received, being two objections and one submission in support. Additionally, as part of the application the applicant submitted nine submissions in support from the surrounding land owners.

The application is required to be determined by Council as the proposed on-site car parking shortfall is 57% (three bays provided in-lieu of seven).

It is considered that the proposed development will adversely impact the amenity of the surrounding locality due to the location of the proposed use amongst residential properties, lack of on-site parking and traffic. The development also does not satisfy the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*. It is therefore recommended that the application is refused.

BACKGROUND

Suburb/Location	Lot 47 (23) Currambine Boulevard, Currambine.
Applicant	Natasha O'Neil.
Owner	Natasha O'Neil.
Zoning	LPS Residential, R80.
	MRS Urban.
Site area	340m ² .
Structure plan	Not applicable.

The subject site is bound by Currambine Boulevard to the south, Mistral Meander to the north, residential development to the east and a nine-metre wide pedestrian accessway to the west. The site is located approximately 320 metres to the west of the Currambine train station. A location plan is provided as Attachment 1 to Report CJ116-09/19.

A 6.27 hectare vacant site is located to the north of the subject site, opposite Mistral Meander. At its meeting on 20 November 2018 (CJ192-11/18 refers), Council resolved to advertise an amendment to LPS3 to rezone a portion of this parcel of land from 'Residential' to 'Commercial' and 'Mixed Use'. This rezoning is proposed to support the future development of a supermarket and other specialty retail, as well as aged care accommodation and complementary services. Given that this amendment has only progressed to be advertised it is not a 'seriously entertained planning proposal' in considering the locational context for the proposed child care premises.

The subject site contains a single house constructed in 1996. The site is also located in a bushfire prone area due to the vegetation to the north of the site, with a bushfire attack level (BAL) of 19, being a moderate bushfire risk.

DETAILS

The proposed development comprises the following:

- Change of land use to child care premises (from single house).
- Capacity for 20 children.
- Two full time staff members and one casual staff member for lunch cover.
- Operating hours Monday to Friday between 7.00am – 6.00pm.
- Three on-site car parking bays with informal parking on the driveway (accessed from Mistral Meander) and one constructed parking bay on Currambine Boulevard in front of the site. Minor façade and internal modifications to the existing single house.
- Wall sign facing Currambine Boulevard.

The development plans are provided as Attachment 2 to Report CJ116-09/19.

Land use and land use permissibility

The land use 'Child Care Premises' is a discretionary ("D") use under LPS3 in the Residential zone.

The relevant objective of the Residential zone under LPS3 is to provide for a range of non-residential uses, which are compatible with and complementary to residential development. The City's *Child Care Premises Local Planning Policy* (Child Care LPP) sets out further locational requirements. It states that, where possible, it is preferred to locate child care premises next to non-residential uses such as shopping centres, medical centres/consulting rooms, school sites and community purpose buildings to minimise the impact such centres will have on the amenity of residential areas. Child care premises should also be located on local distributor roads, given that child care premises are reasonably high traffic-generators.

The proposed child care premises is located within a predominately residential area and is immediately adjacent to residential properties. While there is the possibility that a portion of the adjoining site to the north could be rezoned to allow for some commercial purposes, this has not progressed to a stage that it can be considered a 'seriously entertained planning proposal', and therefore the site's context should be considered residential in nature. Other commercial uses exist in the vicinity of the subject site, however these are not located in close enough proximity to be co-located with the proposed child care premises.

Currambine Boulevard and Mistral Meander are both access roads and therefore the location does not meet the requirement of being located on a local distributor road. The manner in which traffic and parking are considered to have a likely adverse impact on the surrounding area as discussed further below.

Given the above, it is considered that the proposed location of the child care premises is contrary to the location requirements of the Child Care LPP and, given the close vicinity to residential properties, will likely have an adverse impact on the amenity of the surrounding residential area.

Parking and Traffic

The proposed child care premises has capacity for up to 20 children and three staff members, being two full time staff and one casual staff member for lunch cover. The Child Care LPP requires seven car bays to be provided on site to manage the parking demand associated with the proposed children and staff numbers. In accordance with the policy, vehicle access should be from district distributor roads, and only in exceptional circumstances will access roads be considered. The Child Care LPP also requires that the car parking layout should also allow for vehicles to leave a site in forward gear.

The proposal includes three on-site parking bays (accessed from Mistral Meander) and four parking bays on the verge, being three bays on Mistral Meander behind the on-site parking bays and one bay adjacent the proposed premises on the Currambine Boulevard verge.

An accessible car bay is also required on-site, with none provided. While this bay does not need to be marked and permanently set aside as an accessible car bay, it is required to meet the minimum size as identified by the *Australian Standards (AS2890.6-2009)*. To provide an accessible bay on-site that meets the minimum dimensions, would reduce the number of on-site car bays from three to two.

The applicant has stated that the small number of children and alternative methods of drop off and pick up including walking, cycling and public transport will reduce demand, therefore on-street parking to manage the shortfall from the policy requirements is suitable. No traffic report was provided to demonstrate that the traffic and parking arrangements are suitable.

Mistral Meander and the surrounding streets are subject to significant on-street car parking demand associated with the nearby Currambine train station, as there are no time restrictions or fees associated with street parking in the locality. Given the parking and traffic already experienced in the area by commuters accessing Currambine train station, the proposed child care premises will compound existing parking issues and cause potential safety issues for parents and children. It is also considered that the proposed car parking layout, including the lack of on-site parking and parking being proposed on Mistral Meander will have an adverse impact on the surrounding residential area. The future development of the site to the north, whether for residential or commercial purposes, could also gain access from Mistral Meander in future and this would increase vehicle movements along this street.

It is therefore considered that the parking arrangement for and likely traffic impact of the proposed child care premises is contrary to the Child Care LPP and is not appropriate.

Noise

As required by the Child Care LPP, an acoustic assessment was submitted as part of the application (Attachment 3 refers). The acoustic assessment demonstrated that the development could meet the requirements of the *Environmental Protection (Noise) Regulations 1997* under the following parameters:

- While in operation all windows and doors are to be kept closed except when being used for ingress or egress.
- Each outdoor play session to be no longer than 1.5 hours in duration.
- No more than 10 children to be allowed to participate in any outdoor play session.
- The behaviour and style of play of children should be monitored to prevent particularly loud activity, for example loud banging or crashing of objects, and shouting or yelling.
- The quietest possible plant and equipment is to be used. As doors and windows of the centre are required to be kept closed, evaporative air conditioning should not be considered an option.
- Signage to be displayed in the parking bays asking for parents to consider neighbours when dropping off or picking up children.

It is not uncommon for child care premises to operate in this manner in residential areas to minimise noise impacts. In addition to the above, further measures could be taken to minimise the noise impact, including the management of children and toys in the outdoor areas.

Bushfire Management

The site is in a Bushfire Prone Area due to the vegetation to the north and is therefore required to meet the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and associated *Guidelines for Planning in Bushfire Prone Areas*. A Bushfire Attack Level (BAL) assessment was undertaken which identified the site as BAL 19, being a moderate bushfire risk. The land use is also considered to be a vulnerable land use and therefore a *Bushfire Management Plan* is required to be endorsed by the local government and Department of Fire and Emergency Services (DFES). The BMP is provided as Attachment 4 to Report CJ116-09/19.

The BMP was referred to DFES for comment. A summary of the feedback from DFES is provided below:

Summary of DFES comments	Officer's Comment
While not mandatory, BMP's for vulnerable land use should be prepared by a level 3 accredited bushfire practitioner. The accreditation framework was established to enable effective, professional and consistent advice for land use planning and building decision processes. It is unknown if the author is accredited, or at what accreditation level, with this information not being provided on the relevant cover sheet.	The applicant subsequently provided the cover sheet and included information on the author of the BMP. It is noted that the author of the BMP is the applicant, who is not a level 3 accredited bushfire practitioner.
The BAL assessment shall be included in the BMP for one document.	The applicant has subsequently modified the BMP to include the BAL assessment.
Vegetation classification for road verges to the northern side of Mistral Meander has not been provided.	Evidence has been provided by the applicant. This has now been included with the BMP.
Additional information is required to be provided regarding cul-de-sac access and compliant turn around area. The accessway (Mistral Meander) does not meet the minimum turning template for a cul-de-sac of 17.5 metres.	The applicant has advised that due to the dual roads of Mistral Meander and Currambine Boulevard the cul-de-sac requirements are not applicable. DFES have subsequently advised that as most of the access is proposed off Mistral Meander (six of the seven bays) and intensification is proposed that the cul-de-sac should comply with the technical requirements. Noting that the applicant does not have the ability to modify the road this results in non-compliance with the bushfire guidelines. As such the intensification of the land use is not preferable.
A <i>Bushfire Emergency Evacuation Plan</i> (EEP) is required to be submitted in accordance with the Bushfire Guidelines.	An EEP has subsequently been provided and is considered to meet the relevant sections of the Bushfire Guidelines.

It is considered the development does not meet the relevant requirements as stipulated by *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and the associated guidelines. Mistral Meander, being the primary access for the child care premises does not meet the technical requirements for vehicle turning and in the event of an emergency, service vehicles will likely attend by Mistral Meander due to the location of the likely bushfire threat. Given this situation and because the BMP has not been provided by an accredited bushfire practitioner to justify any potential impact, the proposed vulnerable land use is not considered appropriate.

Compliance with building and environmental health legislation

Through the assessment a number of potential issues were raised with the development being able to satisfy the *National Construction Code, Building Code of Australia 2019* and *Food Act 2008*, including:

- the requirement for an accessible car bay, which whilst not needing to be marked and permanently set aside as an accessible car bay, is required to meet the minimum size as identified by the *Australian Standards (AS2890.6-2009)*. To provide an accessible bay on-site would reduce the number of on-site car bays from three to two
- fire separation
- standards for laundry and kitchen facilities
- fire exits.

While noting that such issues could not be reasons for refusal of a development application, given they are dealt with under separate legislation, addressing these requirements could alter the proposal to such an extent that it alters the development application or potentially makes the development unviable. In particular, the requirement for an accessible bay would further reduce the amount of car parking on the site, which is already considered to be inadequate.

Signage

The proposal includes a wall sign on the Currambine Boulevard elevation. The proposed sign size is 2.25m². Under the City's *Signs Local Planning Policy* wall signs in the residential zone should be limited to 1.2m² when associated with a non-residential building. It is noted that the sign could be modified to comply with City's policy.

Issues and options considered

Council is required to determine whether the proposed change of use from single house to child care premises at Lot 47 (23) Currambine Boulevard, Currambine is appropriate.

Council may determine an application for development approval by:

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

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3 (LPS3).
Planning and Development (Local Planning Schemes) Regulations
2015 (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 *Child Care Premises Local Planning Policy.
Signs Local Planning Policy.*

City of Joondalup Local Planning Scheme No. 3 (LPS3)

Clause 16 (2) of LPS3 sets out the objectives for development within the residential zone:

- *to provide for a range of housing and a choice of residential densities to meet the needs of the community;*
- *to facilitate and encourage high quality design, built form and streetscape throughout residential areas;*
- *to provide for a range of non-residential uses, which are compatible with and complimentary to residential development.*

Planning and Development (Local Planning Schemes) Regulations 2015 (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 Premises Local Planning Policy (Child Care LPP)

This policy provides assessment criteria for 'Child Care Premises' developments.

The objectives of the policy are:

- *to provide development standards for the location, siting and design of child care premises;*
- *to ensure that child care premises do not have an adverse impact on the amenity of surrounding area, particularly residential areas.*

The statement within the policy also sets out:

"In considering applications for child care premises, the location, siting and design of the child care premises will be taken into consideration with the aim of ensuring that the development is compatible with, and avoids adverse impacts on, the amenity of adjoining and surrounding areas."

Signs Local Planning Policy

The policy provides assessment criteria for advertising signage within the City.

The objectives of the policy are:

- *to provide guidance on the design and placement of signs located within the City of Joondalup;*
- *to protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs;*
- *to encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup;*
- *to facilitate a reasonable degree of signage to support business activities within the City of Joondalup;*
- *to establish a framework for the assessment of applications for development within these zones.*

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

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application was advertised by way of a sign on site and letters to 19 property owners and occupiers adjoining and along Currambine Boulevard and Doncaster Square, for a period of 14 days, concluding on 5 July 2019. A total of three responses were received, being two objections and one that supported the proposal.

In addition to this consultation the applicant provided comments from nine residents of Currambine Boulevard in support of the proposal, identifying the need for the community facility.

The issues raised during public consultation are included below, along with a summary of the applicant and City's comments.

Issues raised in submissions	Summary of Applicant response	Officer's comments
The development does not have enough parking on the property. Mistral Meander is used by people who use the train station and verge bays are generally full. This will result in people parking illegally in front of other people's driveways.	The development provides seven car bays exclusively for use by the child care premises. Drop off is spread out and there will be use of different methods of transport. It is unlikely that more than two parents will be doing drop off at any one time.	Drop off and pick up times cannot be managed to ensure there is no conflict between other parents and commuters. This may result in cars parking on the street which will detract from the amenity of the surrounding residential sites and decrease safety for road users and parents dropping off and collecting children. It is also noted that parking in verge areas, such as that proposed on Currambine Boulevard, is not able to be set aside for the exclusive use of a particular property.

Issues raised in submissions	Summary of Applicant response	Officer's comments
Currambine Boulevard is a busy street as it gives access to the train station. It is busy in the morning and afternoon peak hours, as well as school times.	<p>The child care premises will install one parking embayment on Currambine Boulevard.</p> <p>There will be no difference in the function of the road currently and the function of the road with an additional car embayment (around 15 bays already line the street).</p>	While a car bay is proposed to be provided along Currambine Boulevard it is likely that most patrons will use Mistral Meander rather than Currambine Boulevard.
The intersection of Currambine Boulevard and Doncaster Square caters for the majority of vehicles from the development to the south as it is generally the only way to the major road network.	The development will have no material impact on this statement of fact.	<p>No traffic impact statement has been provided to justify the development.</p> <p>As discussed above, it is considered that the traffic from the child care premises would create greater conflict with commuters parking in the vicinity to access Currambine train station.</p>
Parents deciding to drop off and pick up along Doncaster Square will have to navigate Currambine Boulevard which is busy.	It is unlikely parents will park at Doncaster Square. Notwithstanding this, children would always be escorted to and from the child care premises by their parents / guardians. It is anticipated that some physically active parents will walk to the child care service (many parents walk their children to school) and will be required to safely cross the road with their children.	It is likely that most users of the child care premises would use Mistral Meander rather than Currambine Boulevard.
Child care drop off and pick up will not be limited to simple drop off and pick up as a lot more is involved.	Through my experience I can advise that drop off and pick up is a quick, simple process where a child is signed in/out of care (normally on an iPad) and takes their backpack/bag into, or out of, the centre.	While length of pick up and drop off may be limited through use of technology and operating practice this does not eliminate potential conflict with others undertaking pick up or drop off or those parked on Mistral Meander. As outlined above, the car parking provided, and configuration is not considered appropriate.

COMMENT

The proposed child care premises does not meet the car parking and traffic requirements of the *Child Care Premises Local Planning Policy* or the objectives of the policy as it will likely have an adverse impact on the amenity of the surrounding residential area. As a result, the proposal also does not meet the objectives of the Residential zone due to the incompatibility with surrounding residential development.

For these reasons, along with the others outlined in the report, the application is recommended for refusal.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council REFUSES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 25 March 2019 submitted by Natasha O'Neil, the applicant and owner, for a proposed change of use from single house to child care premises at Lot 47 (23) Currambine Boulevard, Currambine, for the following reasons:

- 1 In accordance with clause 67(j) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with the objectives of the Residential zone under *Local Planning Scheme No. 3* and the *Child Care Premises Local Planning Policy* as:
 - 1.1 The non-residential use is not compatible with and complementary to the existing residential development and will have an adverse impact on the amenity of the surrounding residential development due to traffic and car parking;
- 2 In accordance with clause 67 (g) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not comply with the provisions of the *City's Child Care Premises Policy* as the proposed development is not considered to provide:
 - 2.1 Safe and functional access to on-site car parking areas;
- 3 In accordance with clause 67(m) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with its setting and relationship to other development/land within the locality as:
 - 3.1 The insufficient provision of on-site car parking will result in an undue negative impact to the amenity of the immediate locality and adjoining properties;
- 4 In accordance with clause 67(t) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development is likely to impact the traffic flow and safety of the road system as:
 - 4.1 Peak hour use will conflict with traffic and on-street parking with commuters accessing Currambine Train Station;

- 5 In accordance with clause 67(q) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is not considered to meet *State Planning Policy 3.7 Planning in Bushfire Prone Areas* as:

- 5.1 Mistral Meander is not constructed to the standards required under the Guidelines for Planning in Bushfire Prone Areas to support the intensification of the land use.

C60-09/19 PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK

MOVED Cr McLean, SECONDED Cr Hollywood that Item CJ116-09/19 – Proposed Child Care Premises (Change of use from Single House) at Lot 47 (23) Currambine Boulevard, Currambine BE REFERRED BACK to the Chief Executive Officer to allow the applicant / owner to consider the issues and concerns raised in Report CJ116-09/19 and specifically to seek advice on traffic and parking matters.

The Procedural Motion was Put and

CARRIED (13/0)

In favour of the Procedural Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf190910.pdf](#)

CJ117-09/19 PROPOSED CLOSURE OF A PORTION OF THE MITCHELL FREEWAY ROAD RESERVE, CURRAMBINE

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	66600, 59093, 101515
ATTACHMENT	Attachment 1 Location Plan
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to consider a proposal to close a portion of the Mitchell Freeway road reserve in the vicinity of the Currambine Train Station.

EXECUTIVE SUMMARY

On 18 November 2014, the City received a request from the Public Transport Authority of Western Australia (PTA) to initiate the closure of a portion of the Mitchell Freeway road reserve in Currambine. The purpose of this request was to rectify an anomaly whereby a portion of the Currambine Train Station car park is located within the Mitchell Freeway road reserve.

The PTA seeks to remove this portion of car park from the Mitchell Freeway road reserve and amalgamate it with the adjoining railway reserve to create a single lot, held by the PTA, for railway purposes. No changes are proposed to the existing car park and therefore the road closure does not affect the function of the Mitchell Freeway or car park.

The proposal was advertised for public comment for a period of 35 days, closing on 19 February 2015. Five submissions from service agencies were received, with no objections raised to the proposal. However, the submission from ATCO Gas identified that a high pressure gas pipeline was located beneath the car park and therefore an easement was required for this pipeline. The City requested that ATCO Gas and the PTA agree on the terms of the easement prior to progressing the road closure request. On 11 July 2019, the City was advised that the PTA and ATCO Gas have agreed to the creation of an easement for the pipeline.

It is therefore recommended that Council supports the road closure proposal and requests Landgate to apply to the Minister for Lands to close this portion of road.

BACKGROUND

Suburb/Location	Mitchell Freeway road reserve, Currambine.
Applicant	Gray & Lewis Land Use Planners on behalf of the Public Transport Authority of WA.
Owner	Crown (State of Western Australia).
Zoning	LPS Railways Reserve.
	MRS Railways Reserve.
Site area	Approximately 1.53 hectares.
Structure plan	Not applicable.

Currambine Train Station car park is bounded by Burns Beach Road to the north, Mitchell Freeway to the east and residential development comprising medium density apartments and single houses to the south and west.

The car park is situated on three separate lots and a portion of the Mitchell Freeway road reserve. The location plan (Attachment 1 refers) identifies the portion of car park (an area of 1.53 hectares) that is currently located within the Mitchell Freeway road reserve.

While the land that is subject to the proposed road closure is part of the Mitchell Freeway road reserve, it is used as a car park and reserved as 'Railways' under the *Metropolitan Region Scheme* (MRS). The remainder of the car park is also reserved as 'Railways' under the MRS. The applicant has advised that then Department of Lands had encouraged the PTA to initiate the rationalisation of landholdings so that the car park is contained within a single land parcel.

As the road reserve is Crown Land and falls within the City of Joondalup, the proposal to close this portion of road reserve needs to be supported by the City. If supported, the City is then required, via Landgate, to request the Minister for Lands to close the road, in accordance with section 58 of the *Land Administration Act 1997*.

DETAILS

A 1.53 hectare portion of the Currambine Train Station car park is located within the Mitchell Freeway road reserve. The City has received a request from the PTA to initiate procedures to permanently close this portion of the Mitchell Freeway, to remove the land from the public road and thereby rectify this anomaly. The applicant has advised that Main Roads WA is satisfied that the functions of the Mitchell Freeway will not be compromised by the proposed road closure, and has noted that the proposed road closure is consistent with the Region Reserves in the MRS for 'Railways' and for 'Primary Regional Road'.

Following the road reserve closure, the PTA will seek to amalgamate the land with the rest of the railway reserve lots and create a single landholding for the car park, to be held by the PTA for railway purposes.

The PTA has recently advised that agreement has now been reached with ATCO Gas regarding the creation of an easement over the existing pipeline within the car park.

The proposal will not result in any changes to the existing train station car park or the Mitchell Freeway.

Issues and options considered

Council has the discretion to:

- support the proposal and make a request to the Minister for Lands, via Landgate, to close the road
or
- refuse to support the proposal.

Legislation / Strategic Community Plan / Policy implications

Legislation *Land Administration Act 1997.*

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.

Land Administration Act 1997

In accordance with section 58 of the *Land Administration Act 1997* (LAA), to enable the permanent closure of a road or portion thereof, the local government must resolve to make a request to the Minister for Lands for its closure.

A local government cannot resolve to make such a request until the proposal is advertised for public comment for a period of 35 days, as required under section 58 of the LAA. As part of this process, service authorities are requested to provide details of any services or assets that are located within the proposed road reserve to be amalgamated.

If Council resolves to progress the request, all relevant documentation is forwarded to Landgate with a request to formally close the road. The final decision on whether the closure takes place rests with the Minister for Lands.

There is a high pressure gas pipeline located within the site and the PTA and ATCO Gas have agreed to the creation of an easement for the pipeline under section 144 of the LAA. Section 144 of the LAA allows the Minister, with the consent of every management body of the relevant Crown land and of every person having any interest, right, title or power in respect of that land, to grant an easement for a specified purpose. Therefore, the recommendation on the road closure proposal also includes consent to the creation of the easement.

Risk management considerations

Not applicable.

Financial / budget implications

The applicant has paid \$1,390, being the application fee for a road closure listed in the Schedule of Fees and Charges at the time the application was submitted in 2014.

The applicant has also paid the cost of \$532 to publish a notice in the newspaper as part of the advertising process.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

In accordance with section 58 of the LAA, the proposed road closure was advertised for public comment for a period of 35 days, closing on 19 February 2015, as follows:

- Letters were sent to four service agencies (Telstra, Western Power, Atco Gas and the Water Corporation) and the (then) Department of Planning.
- A notice was placed in the local newspaper.
- A notice and documents were placed on the City's website.

The City referred the application to the above service authorities to determine if there were services or assets which would be affected by the proposed road closure. Although there were no objections raised for the closure of the road reserve, Telstra, Western Power and ATCO Gas provided comments on their services located in the vicinity of, and adjacent to, the proposed road reserve closure. ATCO Gas advised that an easement was required to protect the existing high pressure gas pipeline located beneath the car park. The City has subsequently received advice from the PTA that ATCO Gas and the PTA have now agreed to the creation of an easement for the pipeline under section 144 of the LAA.

A response was also received from the then Department of Planning, advising that the proposal is consistent with the reservation of the land for 'Railways' under the MRS and is therefore supported.

No submissions were received from the general public.

COMMENT

The proposed closure of an existing portion of the Mitchell Freeway road reserve will remove part of the Currabine Train Station car park from the public road and facilitate its amalgamation with the rest of the lots comprising of the train station car park.

As the land which is the subject of the road closure is already being used for railway related purposes, the proposed road closure will rectify an existing anomaly and will not alter the existing situation or affect the functions of the Mitchell Freeway or train station car park.

It is therefore recommended that Council supports the proposal for the closure of the 1.53 hectare portion of the Mitchell Freeway road reserve and forwards the proposal to Landgate to request the Minister for Lands to close this portion of road.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council:

- 1 SUPPORTS the request to permanently close the portion of the Mitchell Freeway road reserve identified in Attachment 1 to Report CJ117-09/19;**
- 2 REFERS the proposal to Landgate to REQUEST the Minister for Lands to permanently close the portion of the Mitchell Freeway road reserve identified in Attachment 1 to Report CJ117-09/19 pursuant to Section 58 of the *Land Administration Act 1997*;**
- 3 CONSENTS to the creation of an easement over the existing high pressure gas pipeline, as requested by ATCO Gas Australia Pty Ltd, pursuant to Section 144 of the *Land Administration Act 1997*.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ127-09/19, page 102 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf190910.pdf](#)

CJ118-09/19 ESTABLISHMENT OF COMMUNITY REFERENCE GROUP - RECONCILIATION ACTION PLAN

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	45088	
ATTACHMENTS	Attachment 1	Proposed Terms of Reference
	Attachment 2	Proposed Nomination Form
	Attachment 3	Proposed Frequently Asked Questions
AUTHORITY / DISCRETION	Executive – The substantial direction setting oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

PURPOSE

For Council to consider the establishment of a Community Reference Group to assist with the development of a *Reconciliation Action Plan*, and to approve calling for Expressions of Interest from the community for nomination.

EXECUTIVE SUMMARY

The City is progressing with the establishment of its first *Reconciliation Action Plan* (RAP) as listed in the *Corporate Business Plan 2019-20 to 2023-24* endorsed by Council at its meeting held in August 2019 (CJ103-08/19 refers). The intention of the RAP is to confirm the City's commitment to reconciliation and strengthen engagement with Aboriginal and Torres Strait Islander people.

The establishment of a Community Reference Group is proposed to guide respectful, culturally-appropriate and meaningful contributions to inform development of the RAP. It is therefore recommended that Council supports the calling of expressions of interest from the community to form a Reconciliation Action Plan Community Reference Group (RAPCRG).

Through a proposed Nomination Form (Attachment 2 refers), it is recommended that expressions of interest (EOI) are called from community members over a 30-day period.

The EOI will seek nominations for the RAPCRG from people that have a connection to Joondalup. Council will approve the selection, which will be based on the information contained on the completed nomination forms.

The aim for the membership of the RAPCRG is to include:

- the Mayor of the City of Joondalup (as interim Chair)
- two other Elected Members
- up to eight community members (including Aboriginal and Torres Strait Islander people, non-Aboriginal and Torres Strait Islander people)
- up to four other representatives from organisational groups (like community groups, special interest groups or businesses).

Current Federal or State Elected Members will not be selected to participate in the RAPCRG.

Calls for EOI will be advertised in *The West Australian* and community newspapers in addition to status updates being posted on the City's Facebook page and LinkedIn. The City will advise of the EOI directly to individuals who have shown former interest in being involved as well as seek out individuals and organisations considered suitable for membership.

Once the nomination process has closed, the City will assess the nominations and provide recommendations on the group's proposed membership in a subsequent report to Council.

The proposed terms of reference (Attachment 1 refers), proposed nomination form (Attachment 2 refers) and proposed frequently asked questions (Attachment 3 refers) provide more detail about how it is proposed the RAPCRG would operate.

BACKGROUND

The City does not have and has not previously had a *Reconciliation Action Plan* (RAP). Notwithstanding this, outside the framework of a formalised RAP, the City has made significant and extensive contributions toward reconciliation and improving cultural understanding with initiatives that include:

- NAIDOC Week celebrations (July)
- acknowledgment of Reconciliation Week (May)
- publications (such as 'The Plants and People in Mooro Country' and 'Joondalup Mooro Boodjar, Indigenous Culture within Mooro Country')
- library collections
- storytelling
- flag raising ceremonies
- bush tucker tours
- school education programs
- contributions through "the Arts" (performance, dance, literary, visual art, public art, couture)
- place names
- general engagement activities.

However, the City considers that a RAP would bring a more meaningful context to the City's existing reconciliation contributions and that it is now timely to progress a City of Joondalup RAP to serve as the catalyst for positive social change and improved economic opportunities for Aboriginal and Torres Strait Islander people.

DETAILS

At its meeting held on 20 August 2019 (CJ103-08/19 refers), Council endorsed the *Corporate Business Plan 2019-20 to 2023-24*. The plan includes a commitment to develop a Reflect level *Reconciliation Action Plan* as part of the key theme 'Community Wellbeing'. Corresponding RAP actions for 2019-20 include seeking Council endorsement for finalisation of RAPCRG terms of reference and membership.

In the context of a *Reconciliation Action Plan*, "Reconciliation" is defined as:

"Growing positive, two-way relationships built on trust and respect between Aboriginal and Torres Strait Islander and non-Indigenous Australians throughout society. Creating a society that values and recognises Aboriginal and Torres Strait Islander cultures and heritage as a proud part of a shared national identity. The active support of reconciliation by the nation's political, business and community structures (Reconciliation Australia, 2018)."

A RAP will provide a framework for the City to determine a vision for reconciliation by creating practical actions built on relationships, respect and opportunity. The RAP will outline a series of actions, either new and/or harnessing existing initiatives, to be implemented by the City in conjunction with stakeholders that advance reconciliation efforts.

It is reported that there are over 650 registered RAPs in Australia, and over 500 currently in development.

The Reconciliation Australia's RAP program includes the following four consecutive levels (RISE):

- Reflect: A Reflect RAP is for organisations just starting out on their reconciliation journey who need to build the foundations for relationships, respect and opportunities.
- Innovate: An Innovate RAP is for organisations that have developed relationships with their Aboriginal and Torres Strait Islander stakeholders and are ready to develop or implement programs for cultural learning, Aboriginal and Torres Strait Islander employment and supplier diversity.
- Stretch: A Stretch RAP is for organisations ready to challenge themselves by setting targets for the actions outlined in their RAP.
- Elevate: An Elevate RAP is for organisations with a long, successful history in the RAP Program; a current Stretch RAP and a willingness to significantly invest in reconciliation.

The City intends to follow the RISE program with Reconciliation Australia, commencing with development of a 'Reflect' level RAP, which has a focus on building strong relationships as a foundation for future reconciliation efforts.

The development, endorsement, implementation and review of a Joondalup RAP would be undertaken with the intention of:

- formalising the City's commitment to reconciliation
- strengthening meaningful links with Aboriginal and Torres Strait Islander people through ongoing, effective and respectful connections
- bringing a sense of vision and purpose to the City's current suite of reconciliation contributions
- fostering a culturally safe, understanding, welcoming and respectful workplace and community

- bringing positive behavioural and attitudinal change through partnerships and cultural celebration
- creating ongoing conversation and engagement.

A Reflect Level RAP would be the first step in bringing a wide range of community benefit that stems from supporting reconciliation activity.

Reconciliation Australia considers the establishment of a Reconciliation Community Reference Group to be a central component of a successful RAP, including its development, implementation, evaluation and continuous improvement. The RAPCRG can draw on a wide range of experience, knowledge and views to help inform a RAP that will make a positive impact in the community.

The role of the RAPRG is intended to:

- explore options for the Joondalup community to advance reconciliation
- guide the development of the City's RAP
- scope and reflect on how the City of Joondalup can contribute to reconciliation in a way that is meaningful, mutually beneficial and sustainable
- improve relationships with Aboriginal and Torres Strait Islander people and relevant stakeholders
- foster an understanding of Aboriginal and Torres Strait Islander cultures, rights and experiences
- enable opportunities that are culturally appropriate, partnership-centred and encourage Aboriginal and Torres Strait Islander people to participate equally.

The composition of the RAPCRG is proposed to include:

- the Mayor of the City of Joondalup (as interim Chair)
- two other Elected Members
- up to eight community members (including Aboriginal and Torres Strait Islander people; and non-Aboriginal and Torres Strait Islander people)
- up to four other representatives from organisational groups (like community groups, special interest groups or businesses).

Current Federal or State Elected Members will not be selected to participate in the RAPCRG.

A promotional campaign inviting expressions of interest from the community would help form the RAPRG.

The RAPCRG would be supported by City staff and, initially, there is potential for an external consultant to help the group get established.

The proposed terms of reference (Attachment 1 refers), proposed nomination form (Attachment 2 refers) and proposed frequently asked questions (Attachment 3 refers) provide more detail about how it is proposed the RAPCRG would operate.

Issues and options considered

The establishment of a Reconciliation Action Plan Community Reference Group is consistent with the "*RAP good practice guide*" published by Reconciliation Australia. Under this guide, it is optional to establish a RAP Community Reference Group to oversee the development of an entry level Reflect RAP, however, organisations should commit to establishing a Community Reference Group as an action within the RAP.

Chair of the RAPCRG

Through an EOI process, interested community members can complete a Nomination Form (Attachment 2 refers) providing reasons why they consider their membership would be of benefit to the RAPCRG. The Nomination Form also provides for prospective members of the RAPCRG to agree to the associated Terms of Reference (Attachment 1 refers).

It is currently recommended that the Mayor of the City of Joondalup will serve as the interim Chair of the RAPCRG until full membership of the group has been finalised. Once membership of the RAPCRG has been confirmed, the RAPCRG will decide which of its members is most suited to assume the role of the Chair in an ongoing capacity.

The Chair will be required to ensure the RAPCRG operates efficiently, effectively and according to the Terms of Reference. A key role of the Chair will be to ensure that members of the RAPCRG have equal opportunity to contribute.

In the event of the absence of the Chair from a meeting, other RAPCRG members present have the authority to appoint one of their members to act as a Chair.

Expression of Interest for RAPCRG members

To progress the establishment of the RAPCRG, it is recommended that the City calls for Expressions of Interest (EOI) from the community. This will be by way of public notices in *The West Australian* and community newspapers, the City's website and media outlets, public libraries and public notice boards. The City will also contact individuals and organisations that have previously shown an interest in development of a RAP, as well as seek out suitable members for nomination by contacting relevant external groups, such as Reconciliation WA.

Nomination Forms will be available on the City's website, or via mail if required. The proposed Terms of Reference for the group will also be made available with the Nomination Forms. A period of 30 days will be allocated for the return of the completed Nomination Forms, after which they will be assessed against the Terms of Reference. A report will then be submitted for Council's consideration of the recommended selection.

To allow potential members who work standard business hours the option to nominate for the RAPCRG, scheduled meetings should ideally be outside of these hours. It is considered that meetings would be scheduled quarterly at a minimum, or as required.

Additional meetings of the RAPCRG may be scheduled if there is demonstrated need for these (within the Terms of Reference). A decision on whether additional meetings are required will be made by the City, in consultation with the Chair of the RAPCRG.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Active democracy.

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

Policy *Community Consultation Policy.*

Risk management considerations

Potential risks include:

- an oversubscribed pool of nominees for the RAPCRG, potentially resulting in applicants feeling disheartened if unsuccessful
- lack of nominations resulting in an insufficient number of people to form an effective RAPCRG
- difficulty in selecting the right composition of members to ensure diverse, informed and culturally appropriate perspectives.

These risks have been suitably addressed in the RAP Project Plan.

Financial / budget implications

There is an allocation of \$4,000 in the *2019-20 Annual Budget* to support community engagement activities associated with development of the RAP. The cost of delivering the RAPCRG will be minimal, mainly the provision of refreshments and in-kind costs such as venue availability and staff time.

Regional significance

Being a regional hub, the City attracts many people from other local government areas who visit the City to access community services, business/retail, natural areas like beaches, tourism destinations and the learning precinct. The City has a responsibility to create a welcoming environment for all people, including Aboriginal and Torres Strait Islander people.

It is known that Aboriginal and Torres Strait Islander people do not align their connections to land with local government borders. Addressing universal outcome areas for reconciliation through Reconciliation Australia's RAP program will provide consistency across boundaries with City of Wanneroo and City of Stirling and indeed nationally.

Sustainability implications

Increasingly, it is acknowledged that creating a resilient, thriving and sustainable community includes a meaningful commitment to reconciliation. The City can participate actively in Australia's shared commitment to improve the lives of Aboriginal and Torres Strait Islander people by supporting reconciliation activities.

The RAPCRG can play a key role in regard to engaging the community and making a positive difference toward achieving outcomes that are impactful, mutually beneficial and sustainable.

Consultation

The Joondalup RAPCRG will oversee and guide the development of the RAP. This will include seeking their views on how to shape a broader community consultation opportunity.

COMMENT

For the reasons identified in this report, it is considered that the establishment of the Joondalup RAPCRG will assist the City build the foundations for relationships, respect and opportunities and reach the level of Reflect RAP.

Inclusion of culturally appropriate perspectives and diverse community views will help shape a relevant and meaningful RAP.

The establishment of a RAPCRG is consistent with best practice approaches encouraged by Reconciliation Australia, and consistent with equivalent local governments in Western Australia.

It is therefore recommended that Council agrees to call for Expressions of Interest from the community in line with the Terms of Reference outlined in Attachment 1 to Report CJ118-09/19.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Taylor, SECONDED Mayor Jacob that Council:

- 1 APPROVES the establishment of the Reconciliation Action Plan Community Reference Group;**
- 2 ENDORSES the Terms of Reference shown as Attachment 1 to Report CJ118-09/19;**
- 3 APPROVES the Mayor of the City of Joondalup as a member and interim Chair of the Reconciliation Action Plan Community Reference Group;**
- 4 NOTES once membership of the Reconciliation Action Plan Community Reference Group has been confirmed, the group will decide which of its members is most suited to assume the role of the Chair in an ongoing capacity;**
- 5 APPROVES up to eight community members for the Reconciliation Action Plan Community Reference Group;**
- 6 APPROVES up to four organisational members for the Reconciliation Action Plan Community Reference Group;**
- 7 AGREES that Council will NOMINATE two specific Elected Members as members of the Reconciliation Action Plan Community Reference Group when Council is requested to consider the outcomes of the Expression of Interest process and make a decision on the broader membership of the group;**

- 8 **SUPPORTS calling for Expressions of Interest for a 30-day period using the Nomination Form and Terms of Reference shown as Attachments 1 and 2 to Report CJ118-09/19;**
- 9 **Subsequent to the 30-day Expression of Interest advertising period and assessment of the Nomination Forms received, REQUESTS the Chief Executive Officer to prepare a report on the proposed membership selection of the Reconciliation Action Plan Reference Group.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf190910.pdf](#)

CJ119-09/19 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents executed by affixing the Common Seal during the period 13 to 27 August 2019.
AUTHORITY / DISCRETION	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 13 to 27 August 2019.

EXECUTIVE SUMMARY

The City enters into various agreements by affixing the 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 13 to 27 August 2019, as detailed in Attachment 1 to Report CJ119-09/19.

BACKGROUND

For the period 13 to 27 August 2019, nine documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Licence	1
Amendment	1
Restrictive Covenant	2
Deed of Extension of Lease	1
Section 70A Notification	1
Transfer of Land	1
Mortgagee's Deed of Covenant	1
Caveat	1

DETAILS**Issues and options considered**

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Demonstrate accountability through robust reporting.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future 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.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 13 to 27 August 2019, as detailed in Attachment 1 to Report CJ119-09/19.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ127-09/19, page 102 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf190910.pdf](#)

CJ120-09/19 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 41196, 101515
ATTACHMENT	Attachment 1 Minutes of Mindarie Regional Council meeting held on 4 July 2019. Attachment 2 Minutes of Tamala Park Regional Council meeting held on 15 August 2019. (Please note: These minutes are only available electronically).
AUTHORITY / DISCRETION	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 meeting held on 4 July 2019.
- Minutes of Tamala Park Regional Council meeting held on 15 August 2019.

DETAILS**Mindarie Regional Council Meeting – 4 July 2019**

A meeting of the Mindarie Regional Council was held on 4 July 2019.

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

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup.

Tamala Park Regional Council Meeting – 15 August 2019

A meeting of the Tamala Park Regional Council was held on 15 August 2019.

At the time of this meeting Cr John Chester and Cr Nige Jones were Council's representatives at the Tamala Park Regional Council meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Seek out City representation on key external and strategic bodies.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the minutes of the:

- 1 Mindarie Regional Council meeting held on 4 July 2019 forming Attachment 1 to Report CJ120-09/19;**
- 2 Tamala Park Regional Council meeting held on 15 August 2019 forming Attachment 2 to Report CJ120-09/19.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ127-09/19, page 102 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

To access this attachment on electronic document, click here: [ExternalMinutes190910.pdf](#)

CJ121-09/19 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 16 July 2019
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the status of outstanding petitions.

BACKGROUND

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

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

DETAILS

Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 16 July 2019, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

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

Policy Implications

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

Risk Management Considerations

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

Financial/Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES:

- 1** the status of outstanding petitions submitted to Council during the period 16 August 2016 to 16 July 2019, forming Attachment 1 to Report CJ121-09/19;
- 2** in relation to the petition requesting that Council create a working group to review and develop appropriate signage guidelines and policy that allows small business to have consultation on signage and place-making within the City of Joondalup:
 - 2.1** the *Local Planning Scheme No. 3* was gazetted on 23 October 2018;
 - 2.2** a review of the *Signs Policy* is continuing and the petition will be considered as part of that review;
- 3** in relation to the petition requesting that Council introduce the following to drive growth and success in the Performing Arts and Cultural Sector, thereby making opportunities available to families and businesses in the district:
 - 3.1** establish a formal subcommittee of Council to manage and deliver all performing arts and cultural growth / events in the City with 80% of members drawn from the City's community;
 - 3.2** establish safe, secure and accessible equipment storage for groups along with a dedicated, City supplied equipment library to supply (free of charge) key equipment;
 - 3.3** the City of Joondalup to have a professional Performing Arts and Cultural team that will:
 - 3.3.1** act as the production and support for all suburbs with activities being centralised;
 - 3.3.2** support all groups with fundraising applications, professional PR and memberships;
 - 3.3.3** facilitate access to all current facilities in the City of Joondalup such as school theatres, churches, parks or empty business units for all groups and activities;
 - 3.3.4** raise cross-cultural understanding and accessibility for families / disadvantaged groups;
 - 3.4** source a Performing Arts and Cultural Facility that is fully funded by grants and donations,

that a report will be prepared following consideration of a refined business case for the Joondalup Performing Arts and Cultural Facility project;

- 4 in relation to the petition requesting that Council build a skate park facility at Chichester Park, Woodvale:
- 4.1 the City is currently investigating suitable locations in parallel to the development of an overall skate strategy for the City of Joondalup, it is anticipated that a draft strategy report will be tabled at a future Council meeting outlining priorities for future BMX locations and provision;
 - 4.2 a skate park at Chichester Park will be considered in the context of the overall strategy;
 - 4.3 the draft *BMX, Skate and Youth Outdoor Recreation Strategy* is currently being analysed in light of additional information sought to inform the strategy;
- 5 in relation to the petition requesting that Council develops a BMX dirt track at Kallaroo Park:
- 5.1 it is anticipated that a draft strategy report will be tabled at a future Council meeting outlining priorities for future BMX locations and provision;
 - 5.2 a BMX track at Kallaroo Park will be considered in the context of the overall strategy;
 - 5.3 the draft *BMX, Skate and Youth Outdoor Recreation Strategy* is currently being analysed in light of additional information sought to inform the strategy;
- 6 in relation to the petition requesting that Council investigates the installation of a small, family-based play space within Lacepede Park, Sorrento and make provision for the installation within the City's forward works program:
- 6.1 it is anticipated that a report will be presented to Council at its meeting to be held in March 2020;
- 7 in relation to the petition requesting that Council considers providing a wind break around the existing shelter and BBQ on Braden Park, Marmion similar to those provided to the shelters at Mullaloo Beach recreational areas, including a solar light to the roof of the shelter:
- 7.1 the installation of slats as a trial to provide some wind protection to the western end of the picnic shelter is scheduled to be completed early September 2019;
 - 7.2 the request for the installation solar lighting is not supported as there is an existing flood light and the operating hours of the lighting will be adjusted to be slightly longer than the BBQ operating times;
 - 7.3 the lead petitioner will be notified of these actions;
 - 7.4 as a result of the above actions, the request for a petition report is now completed;

8 in relation to the petition requesting that Council:

- 8.1 refuses the proposed development of 13 apartments at 4-6 Brechin Court, Duncraig and 16 apartments at 8-10 Brechin Court, Duncraig due to its size, bulk, scale and design and the effect on adjoining neighbours and the impact on the amenity of the local community;**
- 8.2 advises the Metropolitan North-West Joint Development Assessment Panel (JDAP) of its refusal and takes all steps necessary to stop the proposed developments,**

that a report on the proposed development at Lots 104 and 105 (8 and 10) Brechin Court, Duncraig was presented to the Metro North-West Joint Development Assessment Panel (JDAP) on 23 July 2019 and was refused, and the lead petitioner has been advised of JDAP's decision. As a result of the actions, the request for a petition report is now completed.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ127-09/19, page 102 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf190910.pdf](#)

CJ122-09/19 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2019

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	<p>Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of July 2019</p> <p>Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of July 2019</p> <p>Attachment 3 Municipal and Trust Fund Vouchers for the month of July 2019</p>
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of July 2019.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of July 2019, totalling \$17,433,351.08.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for July 2019 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 CJ122-09/19, totalling \$17,433,351.08.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

DETAILS

The table below summarises the payments drawn on the funds during the month of July 2019. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ122-09/19.

The vouchers for the month are appended as Attachment 3 to Report CJ122-09/19.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 108607 – 108735 & EF078971 – EF080000 Net of cancelled payments.	\$10,171,834.58
	Vouchers 2581A -2597A & 2603A	\$7,241,048.43
Trust Account	Trust Cheques & EFT Payments 207367 – 207377 & TEF001700 – TEF001712 Net of cancelled payments.	\$20,468.07
	Total	\$17,433,351.08

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 *2019-20 Annual Budget* as adopted by Council at its meeting held on 25 June 2019 (CJ073-06/19 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for July 2019 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 CJ122-09/19, totalling \$17,433,351.08.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ127-09/19, page 102 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf190910.pdf](#)

CJ123-09/19 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2019

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882,101515
ATTACHMENTS	Attachment 1 Financial Activity Statement Attachment 2 Investment Summary Attachment 3 Supporting Commentary
AUTHORITY/ DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the Financial Activity Statement for the period ended 31 July 2019.

EXECUTIVE SUMMARY

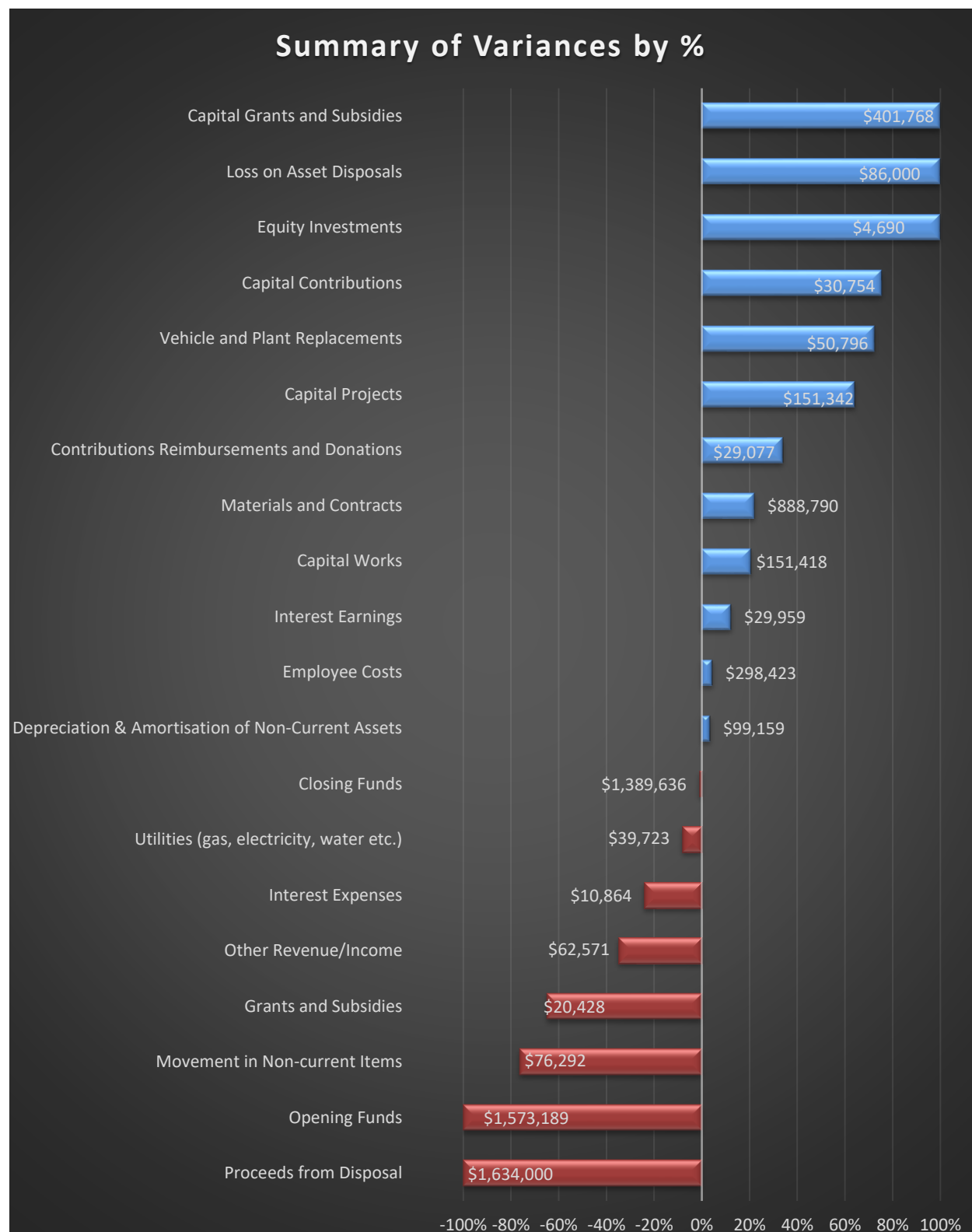
At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the *2019-20 Annual Budget*. The figures in this report are compared to the adopted budget.

The July 2019 Financial Activity Statement Report shows an overall unfavourable variance of (\$1,389,636) from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 July 2019 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of the *2018-19 Annual Financial Statements*.

There are a number of factors influencing the unfavourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in July and the finalisation of 2018-19 end of year process which has meant that the opening funds total is currently not included. The notes in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

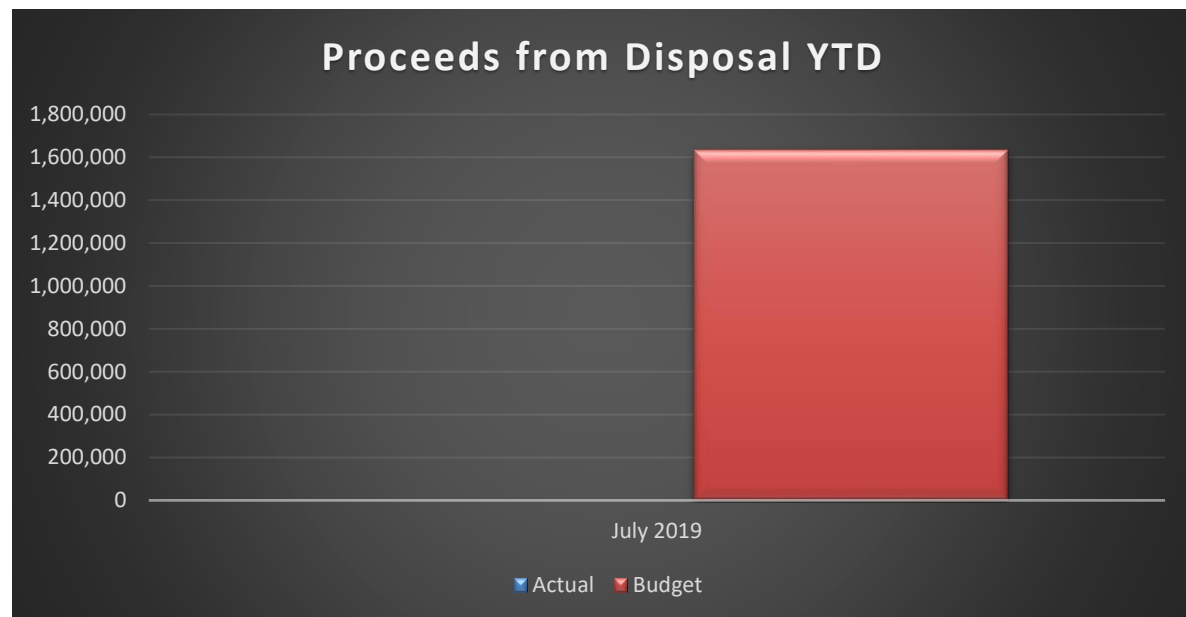
The key elements of the variance are summarised below:



The significant variances for July were:

Proceeds from Disposal

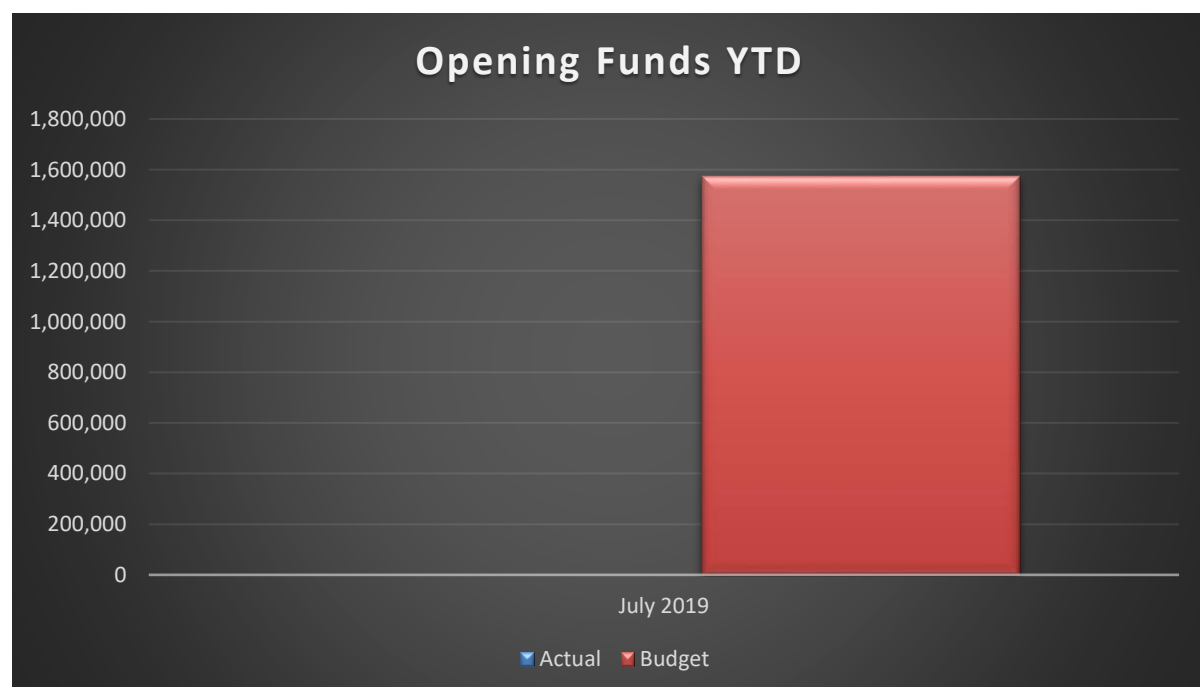
(\$1,634,000)



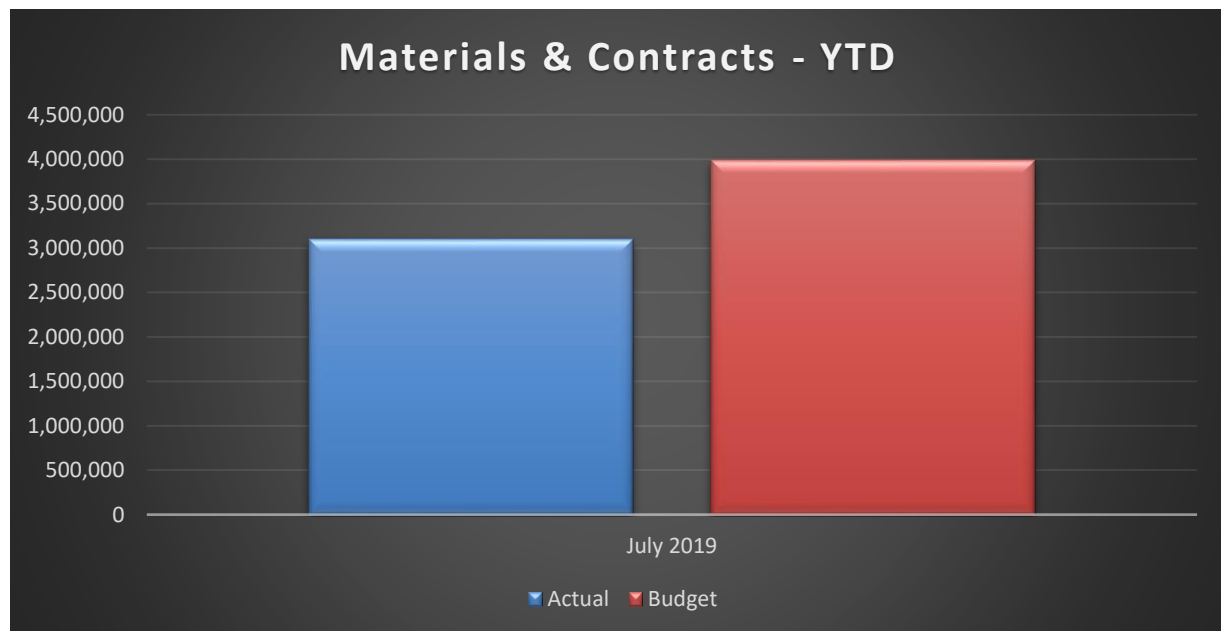
Proceeds from Disposal is (\$1,634,000) below budget. This unfavourable timing variance arose in respect of Lot 803 (15) Burlos Court, Joondalup which is expected to be disposed of in coming months.

Opening Funds

(\$1,573,189)



Opening Funds for July 2019 is \$1,573,189 below budget. The variation in the Closing Funds for the period ended 30 June 2019 is prior to end of year adjustments being processed. The final balance will be available after the Financial Statements for 2018-19 have been audited.

Materials and Contracts**\$888,790**

Materials and Contracts expenditure is \$888,790 below budget. This is spread across a number of different areas including External Service Expenses \$296,437, Computing \$143,688, Waste Management Services \$119,181 and Contributions and Donations \$97,559.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2019 forming Attachment 1 to Report CJ123-09/19.

BACKGROUND

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

DETAILS**Issues and options considered**

The Financial Activity Statement for the period ended 31 July 2019 is appended as Attachment 1 to Report CJ123-09/19.

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

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

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

Strategic Community Plan**Key theme**

Financial Sustainability.

Objective

Effective management.

Strategic initiative

Not applicable.

Policy

Not applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

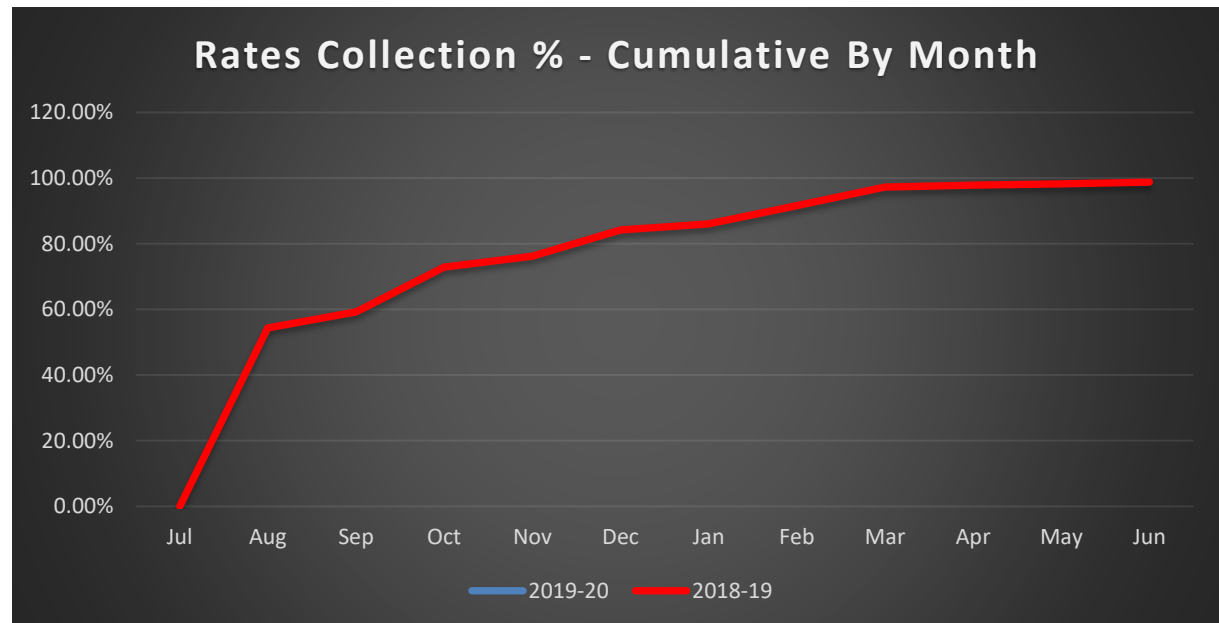
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the *Annual Budget* was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*.

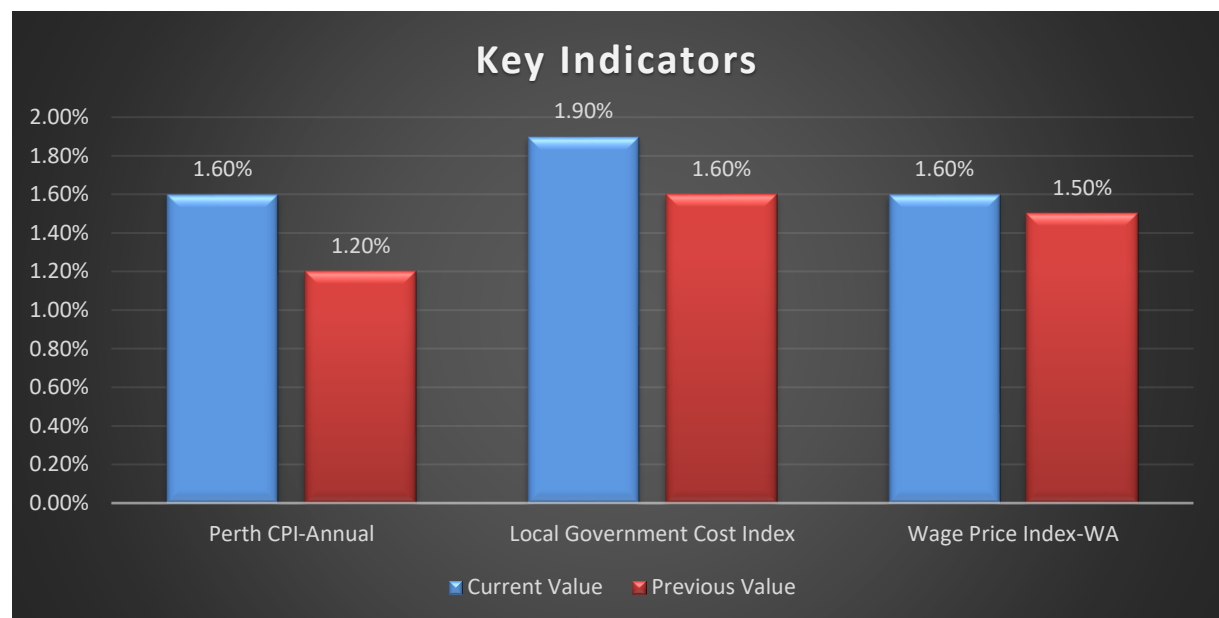
KEY INDICATORS

Rates Collection



Rates notices for 2019-20 were issued in the third week of July 2019 therefore collection rate performance data for July is not available.

Economic Indicators



Increases occurred across all indicators during the June quarter demonstrating the WA economy continues to emerge from its downturn, further indicating an increase to future cost pressures in the general economy. Wage inflation data for June demonstrates the WA wage price index is currently on par with CPI and continues to lag the national wage price index which is 2.3% for the same period.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2019-20 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Financial Activity Statement for the period ended 31 July 2019 forming Attachment 1 to Report CJ123-09/19.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ127-09/19, page 102 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf190910.pdf](#)

CJ124-09/19 2020-21 COMMUNITY SPORTING AND RECREATION FACILITIES FUND GRANT APPLICATION

WARD	Central	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	00428, 03179, 101515	
ATTACHMENTS	Attachment 1	Chichester Park aerial map
	Attachment 2	Existing clubroom floorplan
	Attachment 3	Proposed site concept plan
	Attachment 4	Proposed facility floorplan
AUTHORITY / DISCRETION	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 an application for the Department of Local Government, Sport and Cultural Industries' 2020-21 Community Sporting and Recreation Facilities Fund grant round.

EXECUTIVE SUMMARY

The Community Sporting and Recreation Facilities Fund (CSRFF) program aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality, multipurpose, well designed; and well utilised facilities.

There is one project proposed to be submitted for CSRFF funding in the 2020-21 grant round for the new community sporting facility at Chichester Park, Woodvale. The project proposes to replace the existing building with a new two-storey community sporting facility including four change rooms, umpire room, first aid room, toilets, kitchen, meeting room, associated storage and a covered verandah area. The project also proposes a new BBQ / picnic area, underground drainage for the southern playing field and additional car parking provisions.

The total project is estimated at \$4,159,170. The CSRFF program considers a contribution of up to one-third for eligible components of a project that demonstrate they will increase sport participation. The proposed capital project eligible components supports a grant funding request of \$1,093,790.

It is therefore recommended that Council:

- 1 *ENDORSES an application be made to the Department of Local Government, Sport and Cultural Industries for funding through the Community Sporting and Recreation Facilities Fund grant program for \$1,093,790 for the proposed new community sporting facility at Chichester Park, Woodvale;*
- 2 *NOTES that the announcement of Community Sporting and Recreation Facilities Fund application results is expected in February 2020;*
- 3 *NOTES that if successful for the grant funding amount requested through the Community Sporting and Recreation Facilities Fund, the City will progress the Chichester Park Community Sporting Facility project to detailed design and construction tender stage.*

BACKGROUND

Suburb/Location	Chichester Park (south oval) 109 Trappers Drive Woodvale WA 6026.
Applicant	City of Joondalup.
Owner	Crown Land – City of Joondalup Management Order.
LPS	Public Open Space.
MRS	Urban.
Site area	81,666.4m ² .
Structure plan	Not applicable.

The Western Australian Government, through the Department of Local Government, Sport and Cultural Industries (DLGSCI) provides financial assistance to local government authorities and sport and recreation clubs through the CSRFF program which aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality, multipurpose, well designed and well utilised facilities. The State Government allocates \$12 million per year for the CSRFF program which considers a contribution of up to one-third for eligible components of a project that demonstrate they will increase sport participation.

Chichester Park located on Trappers Drive, Woodvale (Attachment 1 refers) is approximately 8.2 hectares (southern playing field) and is classified as a district park within the City's existing *Parks and Public Open Spaces Classification Framework*. The park includes two active sport playing fields (north and south), a clubroom, floodlighting, disc golf course, car parking and a playground.

The clubroom (Attachment 2 refers) was constructed in 1992 and consists of a small meeting room, kitchen, toilets, change rooms and user group storage. The current size, location and layout of the existing clubroom facility is considered poor and it is not well utilised due to the size and condition of the existing meeting room and kitchen, limited available storage, size and location of the existing change rooms and drainage issues around the facility.

The southern playing field is one of the most heavily utilised sporting grounds in the City with parking issues at peak usage times. It is used predominantly for soccer with the ability to hold three soccer pitches. There are drainage issues on the southern playing field during winter which impacts sporting club usage of the area. Also, irrigation filtration could be improved on the southern playing field to address the high iron issues.

There are five sporting clubs with 1,420 registered members that currently use Chichester Park:

- Kingsley Soccer Club.
- Woodvale Football Club (soccer).
- WA Christian Football Association (soccer).
- Kingsley Woodvale Junior Cricket Club.
- Kingsley Woodvale Cricket Club.

At its meeting held on 18 April 2017 (CJ063-04/17 refers), Council agreed to commence the project and requested community consultation be undertaken to determine the level of support for the redevelopment of Chichester Park.

In July / August 2017, community consultation was undertaken with over 90% of respondents supporting the project. At its meeting held on 10 October 2017 (CJ169-10/17 refers), Council requested the development of concept plans for the project.

At its meeting held on 20 November 2018 (CJ208-11/18 refers), Council considered the proposed plans (Attachments 3 and 4 refer), approved the project to proceed and requested further community engagement be conducted.

In March / April 2019 further community engagement was undertaken with over 92% of respondents supporting the new community sporting facility, BBQ / picnic area and underground drainage on the southern playing field proposed as part of the project. At its meeting held on 20 August 2019 (CJ109-08/19 refers), Council noted the results of the community engagement undertaken.

DETAILS

There are three projects eligible for CSRFF funding in the 2020-21 grant round. The proposed new community sporting facility at Chichester Park, Woodvale; the proposed sports floodlighting upgrade at Emerald Park, Edgewater and the proposed sports floodlighting upgrade at Percy Doyle Reserve, Duncraig (football tee-ball oval and playing space 1 and 2). If the City was to submit multiple grant funding applications, these projects would in effect compete against each other within the same funding pool.

The total estimated capital cost for the Chichester Park project is \$4,159,170 which is currently included across 2019-20, 2020-21 and 2021-22 of the City's *Five-Year Capital Works Program* and *20-Year Strategic Financial Plan*. \$1,093,790 of the project budget has been listed as potential revenue from a CSRFF grant. To give the City the best chance of receiving the full amount identified as revenue from grant funding, a CSRFF application only for the Chichester Park project will be submitted.

Issues and options considered

It is considered that Council has two options:

- to either agree
or
- not to agree to progress the application to the DLGSCI for funding through the CSRFF.

The announcement of the grant is due in February 2020. If successful, the City will progress the project to detailed design and construction tender stage.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy *Requests for New or Capital Upgrades to Existing Community Buildings Policy.*

Risk management considerations

Any capital project brings risks in relation to contingencies and over-runs against the original design. The capital cost estimate is based on concept designs and may differ once further detailed designs are undertaken for the project.

Financial / budget implications

The total estimated capital cost for the proposed project is \$4,159,170 which is currently included across 2019-20, 2020-21 and 2021-22 of the City's *Five-Year Capital Works Program* and *20-Year Strategic Financial Plan* for the project (\$1,093,790 is identified as potential revenue from a CSRFF grant).

The financial projections for the project were included in the report considered by Council at its meeting held on 20 November 2018 (CJ208-11/18 refers).

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Engagement for the project was conducted in accordance with the City's approved *Community Consultation and Engagement Policy* and *Protocol*. Results of the initial community engagement were considered by Council at its meeting held on 10 October 2017 (CJ169-10/17 refers). Results of the second round of community engagement were considered by Council at its meeting held on 20 August 2019 (CJ109-08/19 refers).

COMMENT

The City has undertaken a number of community sporting facility developments over the last 10 years such as those at Seacrest Park, Sorrento; Forrest Park, Padbury; Bramston Park, Burns Beach and Penistone Park, Greenwood.

The City identified Chichester Park as the next redevelopment project to be undertaken due to the existing clubroom facility functionality, size, layout and location issues and several challenges that have been identified in relation to the site. The park is one of eight district level parks within the City and the infrastructure supports five sporting clubs with 1,420 registered members. The works proposed at Chichester Park is the final community sporting facility development currently planned to be undertaken by the City in the next 10 years.

The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality, multipurpose, well designed and well utilised facilities. The funding program provides the City with an opportunity to upgrade City infrastructure with the support of the State Government which will benefit the community and sporting clubs.

Nearly \$1.1 million of the total project budget has been listed as potential revenue from a CSRFF grant. Therefore, it is important the City receives the maximum amount of grant funding possible for the Chichester Park project for it to proceed to construction.

VOTING REQUIREMENTS

Simple Majority.

Cr Taylor left the Chamber at 7.59pm.

MOVED Cr Poliwka, SECONDED Cr May that Council:

- 1 ENDORSES an application be made to the Department of Local Government, Sport and Cultural Industries for funding through the Community Sporting and Recreation Facilities Fund grant program for \$1,093,790 for the proposed new community sporting facility at Chichester Park, Woodvale;**
- 2 NOTES that the announcement of Community Sporting and Recreation Facilities Fund application results is expected in February 2020;**
- 3 NOTES that if successful for the grant funding amount requested through the Community Sporting and Recreation Facilities Fund, the City will progress the Chichester Park Community Sporting Facility project to detailed design and construction tender stage.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman and Poliwka.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf190910.pdf](#)

CJ125-09/19 TENDER 015/19 - CONSTRUCTION AND REFURBISHMENT OF THE CHANGEROOM AND TOILET FACILITY AT FALKLAND PARK, KINROSS

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	108039, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Hickey Constructions Pty Ltd for the construction and refurbishment of the changeroom and toilet facility at Falkland Park, Kinross.

EXECUTIVE SUMMARY

Tenders were advertised on 6 July 2019 through statewide public notice for the construction and refurbishment of the changeroom and toilet facility at Falkland Park, Kinross. Tenders closed on 23 July 2019. A submission was received from each of the following:

- The Trustee for Devereux Family Trust (Devco Builders).
- Hickey Constructions Pty Ltd.
- Geared Construction Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- Classic Contractors Pty Ltd.
- The Trustee for M R Hoskins Family Trust (A E Hoskins Building Services).
- Adrina Project Management Pty Ltd.
- Vera Builders Pty Ltd.
- Construct360 Pty Ltd.
- BE Projects (WA) Pty Ltd.
- Palace Homes & Construction Pty Ltd (Palace Construction).
- Topend Living Pty Ltd (Buildon Construction).

The submission from Hickey Constructions Pty Ltd represents best value to the City. The company demonstrated a sound understanding of the City's requirements. It has in the past completed construction and refurbishment works for local governments including the City of Joondalup's Undercroft Bridge Club, Windermere Park Clubrooms, Mawson Park toilet block and Sorrento Bowling Club. These works involved building extensions, toilet / changeroom construction, hydraulic and electrical upgrades similar to this requirement.

Hickey Constructions Pty Ltd is well established with sufficient industry experience and proven capacity to complete the works for the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the construction and refurbishment of the changeroom and toilet facility at Falkland Park, Kinross as specified in Tender 015/19 for the fixed lump sum of \$537,030 (excluding GST) for completion of works within nine months.

BACKGROUND

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake works for the construction and refurbishment of the changeroom and toilet facility at Falkland Park, Kinross. The construction and refurbishment works include the following key elements:

- Demolition as per documentation.
- Refurbishment of the existing toilet block:
 - Park universal access toilet (UAT)
 - Ambulant toilets
 - Waterless urinals.
- Construction of new changeroom facility:
 - construction of changerooms, umpire, kiosk, store room and CCTV room
 - access ramp between existing toilet block and new facility
 - landscape and concrete apron around new facility and veranda area.

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 construction and refurbishment of the changeroom and toilet facility at Falkland Park, Kinross was advertised through statewide public notice on 6 July 2019. The tender period was for two weeks and tenders closed on 23 July 2019.

Tender Submissions

A submission was received from each of the following:

- The Trustee for Devereux Family Trust (Devco Builders).
- Hickey Constructions Pty Ltd.
- Geared Construction Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- Classic Contractors Pty Ltd.
- The Trustee for M R Hoskins Family Trust (A E Hoskins Building Services).
- Adrina Project Management Pty Ltd.
- Vera Builders Pty Ltd.
- Construct360 Pty Ltd.
- BE Projects (WA) Pty Ltd.
- Palace Homes & Construction Pty Ltd (Palace Construction).
- Topend Living Pty Ltd (Buildon Construction).

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ125-09/19.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ125-09/19.

Evaluation Panel

The evaluation panel comprised three members, being:

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

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

Evaluation Method and Weighting

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

The Falkland Park project has proven to be challenging during detailed design incurring multiple issues through the site and the construction process. The City is therefore seeking a highly qualified contractor able to deal with these unexpected challenges professionally.

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

Qualitative Criteria		Weighting
1	Demonstrated experience completing community sporting facility construction projects	35%
2	Demonstrated understanding of the required tasks	35%
3	Capacity	25%
4	Social and economic effects on the local community	5%

Compliance Assessment

The following offers received were assessed as fully compliant:

- Devco Builders.
- Hickey Constructions Pty Ltd.
- Geared Construction Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- Classic Contractors Pty Ltd.
- A E Hoskins Building Services.
- Adrina Project Management Pty Ltd.
- Vera Builders Pty Ltd.
- Construct360 Pty Ltd.
- BE Projects (WA) Pty Ltd.
- Palace Construction.

The submission from Buildon Construction was assessed as non-compliant. Buildon Construction did not address any of the qualitative criteria. Though a Gantt chart was submitted, the panel was unable to assess the submission.

Qualitative Assessment

Palace Construction scored 41.4% and was ranked 11th in the qualitative assessment. The company demonstrated the capacity required to undertake the works. It has completed similar projects, including clubroom refurbishments for various government organisations including Venues West, the Town of Bassendean, the Cities of South Perth and Wanneroo. However, the period and dates of these contracts or when the works were carried out were not provided. It demonstrated some understanding of the required tasks. It proposed to carry out the demolition of the existing facility first, which is intended to remain in use until the new building is constructed and available.

BE Projects (WA) Pty Ltd scored 45.7% and was ranked 10th in the qualitative assessment. The company did not fully demonstrate the capacity required to provide the services. Copies of the company's safety procedures or statistics were not supplied. It demonstrated experience completing community sporting facility construction projects for local governments including the Cities of Kalamunda and Rockingham and the Shire of Goomalling. These projects were of a much larger scale to the City's requirements. It did not fully demonstrate its understanding of the City's requirements. A Gantt chart was supplied, however, its reference to bushfire management was not relevant or needed for this project. It did not provide a schedule of estimated monthly progress claims.

Construct360 Pty Ltd scored 46% and was ranked ninth in the qualitative assessment. The company demonstrated experience completing community centre refurbishment and extension works. It listed three examples of works, the most relevant being the City of Swan's Hazelmere Hall project which included new bathrooms, kitchen fit-out, mechanical, electrical, hydraulic and external works. It demonstrated the capacity required to carry out the works though it provided only basic overview of experience of two key personnel (general manager and site manager). It did not fully demonstrate its understanding of the required tasks. It submitted a basic project overview and methodology and did not address monthly progress claims.

Vera Builders Pty Ltd scored 47.4% and was ranked eighth in the qualitative assessment. The company has completed building refurbishments and upgrades for state and local governments in WA including the Shire of Mundaring and the City of Gosnells. These include UAT, toilet refurbishments and electrical and hydraulic upgrades. It demonstrated the capacity required to undertake the works, though the specific number of fulltime employees was not stated. It did not fully demonstrate its understanding of the required tasks. It submitted a basic construction methodology and did not address monthly progress claims.

Adrina Project Management Pty Ltd scored 54.8% and was ranked seventh in the qualitative assessment. The company demonstrated its understanding of the required tasks. It has the capacity and experience required to provide the services. It has completed several construction and upgrade projects for local governments including the Cities of Stirling and Wanneroo. It has also in the past completed the Carine Health Centre upgrade of facilities for the City. The projects noted were significantly smaller in scope and similarities include community centre extensions (although only minor) and UAT, kiosk and changeroom construction. However, the projects listed did not include the construction of a compliant accessible car parking bay.

A E Hoskins Building Services scored 57.9% and was ranked sixth in the qualitative assessment. It has experience completing community sporting facility refurbishments and upgrades. It listed eight projects as having similar scope of works though all except one were for the City of Stirling. These works involved building extensions, UAT reconfiguration, hydraulic and electrical upgrades, changeroom construction and fit-out and compliant car-bay construction. It has sufficient capacity to undertake the works. It demonstrated an understanding of the required tasks. However, the method statement lacked details and it did not address estimated progress claims.

Classic Contractors Pty Ltd scored 59.8% and was ranked fifth in the qualitative assessment. The company has experience completing similar projects that involved changerooms and toilet refurbishments and extensions for local governments including the Cities of Subiaco, Gosnells and Swan. It has also in the past carried out the Timberlane Park's extension and refurbishment project for the City. It has the capacity required to provide the services. It demonstrated a good understanding of the required tasks. Though a project specific methodology was provided, its focus was more on the use of an in-house application to schedule and manage the works than completing the tasks.

LKS Constructions (WA) Pty Ltd scored 61% and was ranked fourth in the qualitative assessment. The company demonstrated a good understanding of the required tasks. It has experience completing similar projects for various local governments in WA including the Town of Victoria Park, Cities of Stirling and Wanneroo. These projects involved new builds, hydraulic and electrical upgrades, toilet refurbishment and kiosk installation. It has the capacity and experience required to provide the services.

Geared Construction Pty Ltd scored 65% and was ranked third in the qualitative assessment. The company has experience completing similar building refurbishment and upgrades for local governments including for the Cities of Stirling and Wanneroo. It has in the past carried out refurbishment of the Sorrento Tennis Club for the City. Detailed comparisons between this and previous projects were provided, including UAT construction, concrete slabs, hydraulic service upgrades, roof coverings, and the like. It demonstrated a sound understanding of the City's requirements. It has sufficient capacity and industry experience to carry out the works.

Hickey Constructions Pty Ltd scored 66.9% and was ranked second in the qualitative assessment. The company demonstrated a sound understanding of the City's requirements. It has in the past completed construction and refurbishment works for local governments including the City of Joondalup's Undercroft Bridge Club, Windermere Park Clubrooms, Mawson Park toilet block and Sorrento Bowling Club. These works involved building extensions, toilet / changeroom construction, hydraulic and electrical upgrades similar to this requirement. Hickey Constructions Pty Ltd is well established with sufficient industry experience and proven capacity to complete the works for the City.

Devco Builders scored 71.3% and was ranked first in the qualitative assessment. It has experience completing various refurbishment projects for local governments including the Cities of Bayswater and Melville. It has in the past successfully completed similar works for the City including the Sorrento Soccer Club project which involved an extension, toilet and changerooms refurbishment, construction of accessible parking and UAT, hydraulic and power upgrades. It has industry experience and proven capacity to undertake the works. It demonstrated a sound understanding of the City's requirements.

Given the minimum acceptable qualitative score of 60/5, Devco Builders, Hickey Constructions Pty Ltd, Geared Construction Pty Ltd and LKS Constructions (WA) Pty Ltd qualified for stage two of the assessment.

Price Assessment

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

Tenderer	Fixed Lump Sum (Exclusive of GST)
Devco Builders	\$538,456
Hickey Constructions Pty Ltd	\$537,030
Geared Construction Pty Ltd	\$592,321
LKS Constructions (WA) Pty Ltd	\$555,000

Evaluation Summary

Tenderer	Price Ranking	Lump Sum Price	Qualitative Ranking	Weighted Percentage Score
Devco Builders	2	\$538,456	1	71.3%
Hickey Constructions Pty Ltd	1	\$537,030	2	66.9%
Geared Construction Pty Ltd	4	\$592,321	3	65%
LKS Constructions (WA) Pty Ltd	3	\$555,000	4	61%

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 (71.3%) in the qualitative criteria, its offer was \$1,426 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 construction and refurbishment of the changeroom and toilet facility at Falkland Park, Kinross. 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 <i>Local Government (Functions and General) Regulations 1996</i> , 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.
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Strategic Community Plan

Key theme	Community Wellbeing.
Objective	Quality facilities.
Strategic initiative	Support a long-term approach to significant facility upgrades and improvements.
Policy	<i>Requests for New or Capital Upgrades to Existing Community Buildings Policy.</i>

Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the City has undertaken community consultation to commit to the project, which has created expectations within the community that it will proceed.

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

Financial / budget implications

Account no.	BCW002622
Budget Item	Construction and refurbishment of the changeroom and toilet facility at Falkland Park, Kinross
Budget amount	\$ 627,000
Amount spent to date	\$ 13,170
Committed	\$ 7,620
Proposed cost	\$ 537,030
Balance	\$ 69,180

The balance does not represent a saving at this time, as the final cost of the project may include variations arising due to the work site, the extent of which is not currently known.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Community consultation was conducted from August to September 2018 in accordance with the City's *Community Consultation and Engagement Policy and Protocol*.

COMMENT

The evaluation panel carried out the evaluation of the submissions 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.

MOVED Cr McLean, SECONDED Cr Hollywood that Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the construction and refurbishment of the changeroom and toilet facility at Falkland Park, Kinross as specified in Tender 015/19 for the fixed lump sum of \$537,030 (excluding GST) for completion of works within nine months.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman and Poliwka.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf190910.pdf](#)

CJ126-09/19 TENDER 021/19 – PROVISION OF MECHANICAL SERVICES MAINTENANCE WORKS AND NEW MECHANICAL INSTALLATIONS TO THE VALUE OF \$50,000

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	108105, 101515
ATTACHMENT	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

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

EXECUTIVE SUMMARY

Tenders were advertised on 29 June 2019 through statewide public notice for the provision of mechanical services maintenance works and new mechanical installations to the value of \$50,000. Tenders closed on 16 July 2019. A submission was received from each of the following:

- Australian Airconditioning Services Pty Ltd.
- Airmaster Australia Pty Ltd as the trustee for Airmaster Australia Unit Trust t/as Airmaster Australia Pty Ltd.
- Amek Engineering Pty Ltd.
- The Trustee for AP Technology Group Unit Trust t/as AMS Installation and Maintenance Solutions WA.
- The Trustee for The Skenpost Trust t/as Australian HVAC Services.
- CMS Engineering Pty Ltd.
- Fredon Air (WA) Pty Limited.
- Heru Holdings Pty Ltd t/as Mechanical and Electrical Services.
- Precise Air Group Pty Ltd.
- Veolia Energy Technical Services Pty Ltd.

The submission from Australian Airconditioning Services Pty Ltd represents best value to the City. Australian Airconditioning Services Pty Ltd demonstrated the capacity to provide the services to the City and has a thorough understanding of the scope of requirements. It has been the City's Contractor for mechanical services for the past 19 years and also provides similar services to the City of Wanneroo, the towns of Bassendean and Mosman Park, Perth Police Centre, Department of Justice WA and Guildford Grammar School.

It is therefore recommended that Council ACCEPTS the tender submitted by Australian Airconditioning Services Pty Ltd for the provision of mechanical services maintenance works and new mechanical installations to the value of \$50,000 as specified in Tender 021/19 for a period of three years at the submitted schedule of rates.

BACKGROUND

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

The City currently has a single contract for the provision of mechanical services with Australian Airconditioning Services Pty Ltd which expires on 30 September 2019. Australian Airconditioning Services Pty Ltd has provided a good level of service throughout the term of its contract.

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

DETAILS

The tender for the provision of mechanical services maintenance works and new mechanical installations to the value of \$50,000 was advertised through statewide public notice on 29 June 2019. The tender period was for three weeks and closed on 16 July 2019.

Tender Submissions

A submission was received from each of the following:

- Australian Airconditioning Services Pty Ltd.
- Airmaster Australia Pty Ltd as the trustee for Airmaster Australia Unit Trust t/as Airmaster Australia Pty Ltd.
- Amek Engineering Pty Ltd.
- The Trustee for AP Technology Group Unit Trust t/as AMS Installation and Maintenance Solutions WA.
- The Trustee for The Skenpost Trust t/as Australian HVAC Services.
- CMS Engineering Pty Ltd.
- Fredon Air (WA) Pty Limited.
- Heru Holdings Pty Ltd t/as Mechanical and Electrical Services.
- Precise Air Group Pty Ltd.
- Veolia Energy Technical Services Pty Ltd.

The schedule of items as listed in the tender is provided in Attachment 1 to Report CJ126-09/19.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ126-09/19.

Evaluation Panel

The evaluation panel comprised three members, being:

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

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

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The predetermined minimum acceptable qualitative score was set at 60%. The City does not have the internal capacity and specific expertise in the area of mechanical services and relies on a high-quality service by an external contractor. A 60% minimum acceptable score was determined to ensure selection of a sufficiently qualified and reputable contractor to deliver these services to the City.

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

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

Compliance Assessment

All offers were assessed as compliant.

Qualitative Assessment

Amek Engineering Pty Ltd scored 36.2% and was ranked tenth in the qualitative assessment. The company did not demonstrate sufficient experience providing services of a similar scale to the City's requirements. Five contract examples were provided without any periods and dates. It demonstrated some understanding of the required tasks. No information was provided on its organisation structure, specialised equipment to be used for this contract and safety records of the company.

AMS Installation and Maintenance Solutions scored 42.6% and was ranked ninth in the qualitative assessment. The company did not demonstrate an understanding of the requirements by providing a maintenance plan without any methodology and approach to the requirements of the City. It has the capacity to provide the services but did not specifically address after-hours contacts and its ability to source additional resources. The company did not demonstrate sufficient experience in contracts of a similar scale providing four contract examples which are similar in scope but lower valued to this requirement.

Mechanical and Electrical Services scored 48% and was ranked eighth in the qualitative assessment. The company did not provide sufficient evidence supporting its experience providing similar services. Three maintenance contract examples were provided without a detailed scope of services. It demonstrated its capacity to provide the services and some understanding of the requirements.

Airmaster Australia Pty Ltd scored 50.9% and was ranked seventh in the qualitative assessment. The company demonstrated experience providing similar services to Silver Chain, Department of Finance and National Department of Finance. It did not demonstrate sufficient understanding of the requirements, supplying a generic response without any methodology for preventative and reactive maintenance services. The company has capacity to provide the services, but did not supply details of the specialised equipment or vehicles.

Veolia Energy Technical Services Pty Ltd scored 56% and was ranked sixth in the qualitative assessment. The company demonstrated some understanding of the requirements and has the capacity to provide the services. The company demonstrated experience providing similar services to the Cities of Canning, Stirling and Gosnells, Accor Hotels, Department of Housing and Jones Lang Lasalle.

Precise Air Group Pty Ltd scored 67.2% and was ranked fifth in the qualitative assessment. The company demonstrated experience providing similar services to the Cities of Swan and Stirling and the Departments of Trainings and Workforce Development, Culture and Arts and Premiers and Cabinet. It demonstrated a thorough understanding of the requirements and has the capacity to provide the services.

Fredon Air (WA) Pty Limited scored 68.6% and was ranked fourth in the qualitative assessment. The company demonstrated its capacity to provide the services and a good understanding of the requirements. It demonstrated extensive experience providing similar services to the Cities of Stirling and Melville, Perth Children's Hospital and Public Transport Authority.

Australian HVAC Services scored 69.8% and was ranked third in the qualitative assessment. The company demonstrated extensive experience providing similar services to Cities of Perth, Vincent, Rockingham and Fremantle, the towns of Cambridge and Victoria Park and Eastern Metropolitan Regional Council. It demonstrated a thorough understanding of the requirements and has the capacity to provide the services.

CMS Engineering scored 75.1% and was ranked second in the qualitative assessment. The company demonstrated a thorough understanding of the requirements. It has extensive experience providing similar services to the Cities of Cockburn, Subiaco, Kwinana, Canning and Belmont. The company is well equipped and has the capacity to provide the services.

Australian Airconditioning Services Pty Ltd scored 80.2% and was ranked first in the qualitative assessment. The company demonstrated the capacity to provide the services to the City and has a thorough understanding of the scope of requirements. It has been the City's Contractor for mechanical services for the past 19 years and provides similar services to the City of Wanneroo, the towns of Bassendean and Mosman Park, Perth Police Centre, Department of Justice WA and Guilford Grammar School.

Based on the minimum acceptable score (60%), following tenderers were qualified for the stage 2 (price) assessment:

- Australian Airconditioning Services Pty Ltd.
- Australian HVAC Services.
- CMS Engineering Pty Ltd.
- Fredon Air (WA) Pty Ltd.
- Precise Air Group Pty Ltd.

Price Assessment

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

To provide a comparison of the rates offered by each tenderer, the fixed lump sum price for maintenance and an estimate of the hours required for refrigeration and gas technician, controls technician and apprentice were identified and used in the calculation. The estimated cost of unscheduled materials and labour hire were included but the cost of materials and labour for capital works were not included in the price assessment.

The following table provides a summary of the comparison of the estimated expenditure of each tenderer qualified for stage 2 assessment. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

The rates are fixed for the duration of the Contract.

Tenderer	Year 1	Year 2	Year 3	Total
Australian Airconditioning Services	\$458,636	\$458,756	\$458,876	\$1,376,268
Australian HVAC Services	\$482,376	\$487,102	\$492,132	\$1,461,610
CMS Engineering	\$472,377	\$480,415	\$488,622	\$1,441,414
Fredon Air (WA)	\$487,512	\$487,512	\$487,463	\$1,462,487
Precise Air Group	\$461,979	\$472,345	\$482,997	\$1,417,321

During 2018-19, the City incurred \$449,237 for scheduled maintenance and repairs of mechanical services and new mechanical installations to the value of \$50,000.

Evaluation Summary

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

Respondent	Price Ranking	Estimated Three Year Contract Price	Qualitative Ranking	Weighted Percentage Score
Australian Airconditioning Services	1	\$1,376,268	1	80.2%
CMS Engineering	3	\$1,441,414	2	75.1%
Australian HVAC Services	4	\$1,461,610	3	69.8%
Fredon Air (WA)	5	\$1,462,487	4	68.6%
Precise Air Group	2	\$1,417,321	5	67.2%

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

Issues and options considered

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

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Community wellbeing.

Objective

Quality facilities.

Strategic initiative

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

Policy

Not applicable.

Risk Management considerations

Should the contract not proceed, the risk to the City will be high as the City does not have the internal resources to service and repair the mechanical services of its buildings.

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

Financial/Budget Implications

Account no.	Various maintenance and capital works accounts.
Budget Item	Provision of mechanical services and new mechanical installations to the value of \$50,000.
Budget amount	\$ 445,000
Amount spent to date	\$ 35,935
Proposed cost	\$ 382,197
Balance	\$ 26,868

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

All figures quoted in this report are exclusive of GST.

Regional Significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Jones that Council ACCEPTS the tender submitted by Australian Airconditioning Services Pty Ltd for the provision of mechanical services maintenance works and new mechanical installations to the value of \$50,000 as specified in Tender 021/19 for a period of three years at the submitted schedule of rates.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ127-09/19, page 102 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf190910.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr John Chester.
Item No./Subject	CJ127-09/19 - Dog Control Designation of Central Park and Lakeside Park Community Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester is a member of two committees related to the management of Yellagonga Regional Park.

Name/Position	Cr John Logan.
Item No./Subject	CJ127-09/19 - Dog Control Designation of Central Park and Lakeside Park Community Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of Friends of Yellagonga Regional Park, stakeholders in this agenda item.

CJ127-09/19 DOG CONTROL DESIGNATION OF CENTRAL PARK AND LAKESIDE PARK - COMMUNITY CONSULTATION

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	108040, 101515
ATTACHMENT	Attachment 1 Map of Central and Lakeside Parks Attachment 2 Community Engagement Outcomes Report
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the outcomes of community consultation on Council's intention to make determinations to change dog control measures in Central Park and Lakeside Park.

EXECUTIVE SUMMARY

At its meeting held on 19 February 2019 (CJ18-02/19 refers), Council considered a report in response to a petition received by Council at its meeting held on 26 June 2018 (C54-06/18 refers) from the Joondalup Farmers Market requesting that Council change the designation of Central Park to permit dogs on leads to enter the park within the active areas and along its pathways. This followed advice from the City to customers attending the Joondalup Farmers Markets on Saturday mornings that Central Park was a dog prohibited park.

The February 2019 report identified that in researching the current position in regard to dog access to Central Park it was discovered that Central Park to the west and bordering Grand Boulevard, which is a separate reserve (Attachment 1 – R46710 shown as Areas A and B), is in fact designated as a dog exercise area. This was a historical oversight, it has always been considered that Central Park was dog prohibited, the same as Central Park Natural Area (Attachment 1 refers – R48354 shown as Area C).

Due to the proximity and linkage between Yellagonga Regional Park and Central Park the report also considered the current designation of Lakeside Park on the eastern side of Lakeside Drive (Attachment 1 refers – R47432 shown as Area D), opposite Central Park Natural Area, which is a dog exercise area where dogs are permitted off-lead.

In accordance with section 31 of the *Dog Act 1976* the default position in respect to dog control in City parks is that dogs must be on a lead at all times. Council is able to make a determination that a park is designated as dog prohibited, a dog exercise area (dogs permitted off-lead) or for a park that is already so designated that the designation be removed (it reverts to dog on lead at all times).

At the February 2019 meeting, Council determined its intention to:

- remove the designation of dog exercise area for the southern portion of Central Park (Attachment 1 – R46710 shown as Area B) so that it reverts to, dog on lead, at all times
- designate the northern portion of Central Park (Attachment 1 – R46710 shown as Area A) as, dogs prohibited, at all times
- remove the designation of dog exercise area for Lakeside Park (Attachment 1 – R48354 shown as Area C) so that it reverts to, dog on lead, at all times,

and that this intention be advertised in accordance with section 31(3C) of the *Dog Act 1976*.

The determination was advertised with feedback invited during May 2019. As part of the feedback a specific question in regard to support or otherwise was requested for each of the above proposals. In addition, a request for feedback was requested for the dog prohibited designation that applies to Central Park Natural Area (Attachment 1 refers – R48354 shown as Area C) which was not proposed to be changed.

There was strong support for the southern portion of Central Park (Attachment 1 refers – R46710 shown as Area B) and for Lakeside Park (Attachment 1 refers – R48354 shown as Area C) reverting to dog on lead at all times. The proposal to designate the northern portion of Central Park (Attachment 1 refers – R46710 shown as Area A) as dogs prohibited at all times and to retain Central Park Natural Area (Attachment 1 – R48354 shown as Area C) as dogs prohibited were both strongly opposed.

It is considered that while not supported both Central Park (Attachment 1 refers – R46710 shown as Area A) and Central Park Natural Area (Attachment 1 refers – R48354 shown as Area C) have been treated as dogs prohibited for a great many years and the determination is not proposing any material change to the treatment. At the same time the proposed change to Central Park (Attachment 1 refers – R46710 shown as Area B) to allow dogs on lead, opens up access to dog walkers to be able to transit through from Yellagonga Regional Park to Collier Pass.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY REMOVES the designation of portion of Central Park, identified as Central Park, Lot / Plan R46710; PIN 1383749 forming Attachment 1 to Report CJ127-09/19 (R46710 shown as Areas A and B) and Lakeside Park Lot 15512, Reserve 47432 forming Attachment 1 to Report CJ127-09/19 (R47432 shown as area D), as a dog exercise area;*
- 2 *BY AN ABSOLUTE MAJORITY SPECIFIES the portion of Central Park Lot / Plan R46710; PIN 1383749 comprising all that area of the reserve on the northern side of the crescent shaped west east footpath between Grand Boulevard and the north south footpath on the eastern edge of reserve forming Attachment 1 to Report CJ127-09/19 (R46710 shown as Area A) as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the Dog Act 1976;*
- 3 *NOTES removing the designation in part 1 above will make that portion of Central Park, Lot / Plan R46710; PIN 1383749 forming Attachment 1 to Report CJ127-09/19 (R46710 shown as Area B) a place where dogs must be on leash at all times, pursuant to section 31(1) of the Dog Act 1976;*
- 4 *NOTES removing the designation in part 1 above will make Lakeside Park Lot 15512, Reserve 47432 forming Attachment 1 to Report CJ127-09/19 (R47432 shown as Area D) a place where dogs must be on leash at all times, pursuant to section 31(1) of the Dog Act 1976;*
- 5 *ADVISES the lead petitioner of its decision.*

BACKGROUND

Central Park (Lot 14406, Reserve 46710) is a large community park (4.1666 hectares) located in the Joondalup CBD (Attachment 1 refers). It is bounded by Grand Boulevard to the west, private residential and commercial to the north, Central TAFE to the south and Central Park Natural Area to the east. Lakeside Park (Lot 15512, Reserve 47432) is a large natural area reserve (3.1357 hectares) located on the eastern side of Lakeside Drive, opposite Central Park Natural Area. It is bordered on the north and south by private residential and to the east by Neil Hawkins Park and Yellagonga Regional Park. Central Park Natural Area provides an ecological linkage via Lakeside Park to Yellagonga Regional Park. The corridor enables fauna to move from smaller reserves to the larger bushland areas contained within the Yellagonga Regional Park.

Central Park contains within its area, the Joondalup War Memorial, a mix of manicured gardens, artificial stream, fresh water lake, designated pathways and natural areas. The grassed area part of the Joondalup War Memorial is a high-volume pedestrian traffic site during the Anzac Day and Australian Day Citizenship ceremonies and the Joondalup Festival.

The southern half of the park was previously the home to the weekly Joondalup Farmers Markets (the petitioner), which operated each Saturday between 8.30am to 12.30pm. This event has subsequently moved to Neil Hawkins Park.

On the creation of the *City of Joondalup Animal Local Law in 1999*, Central Park, Joondalup, then being Lot 1101, locations 3324 and 9809, was designated dogs prohibited. Subsequently a number of changes occurred to the land tenure arrangements eventually resulting in what is now known as Central Park Natural Area and Central Park, both becoming Crown Reserves and the City being issued Management Orders over each. In 2008 the *City of Joondalup Animal Local Law 1999* (the Local Law) was amended and the reference to Lot 1101 was changed to delete reference to locations 3324 and 9809 and replace it with reserve No 48354. Lot 1101 however only covers Central Park Natural Area and Lot 14406 reserve No 46710 being Central Park was overlooked.

In 2013 and 2014 the *Dog Act 1976* was amended removing the need for dog area specifications to be included in a local law and requiring that declarations be made by Council resolution. The designations Council made at its meeting held on 16 September 2014 (CJ169-09/14 refers) reflected what was previously in the local law and did not include Lot 14406, being Reserve No. 46710 as a dog prohibited reserve.

Both Central Park, Lot 14406, Reserve No. 46710 and Lakeside Park, Lot 15512, reserve No. 47432 are specified as dog exercise areas pursuant to section 31(3A) of the *Dog Act 1976*.

At its 2019 February Council Meeting (CJ18-02/19 refers) Council considered a report in response to a formal petition submitted by the Joondalup Farmers Market at its meeting held on 26 June 2018 (C54-06/18 refers) requesting Council to allow dogs on-lead to enter the park within the active areas and along its pathways during the operation of the market. At that meeting Council resolved that it:

- “1 *SUPPORTS the request to permit dogs on leash in the southern portion of Central Park and along its pathways;*
- 2 *BY AN ABSOLUTE MAJORITY determines its intention to REMOVE the designation of portion of Central Park, identified as Central Park, Lot / Plan R46710; PIN 1383749, commencing in the south west corner at the car park entrance, then easterly along the southern edge of the car park and the southern boundary adjacent to the North Metropolitan TAFE building then south east to the junction of the two boardwalks, then around the eastern edge of the north west curving boardwalk and path to the junction with the western leading crescent shaped footpath, along western leading crescent shaped footpath to Grand Boulevard then south along the border of Grand Boulevard to the south west corner of the car park entrance, as a dog exercise area;*
- 3 *NOTES that removing the designation in part 2 above will make that portion of Central Park, Lot / Plan R46710; PIN 1383749 a place where dogs must be on leash at all times, pursuant to section 31(1) of the Dog Act 1976;*
- 4 *BY AN ABSOLUTE MAJORITY determines its intention to SPECIFY the portion of Central Park, identified as Central Park, Lot / Plan R46710; PIN 1383749 and not included in part 2 above as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the Dog Act 1976;*
- 5 *BY AN ABSOLUTE MAJORITY determines its intention to REMOVE the designation of Lakeside Park Lot 15512, Reserve 47432 as a dog exercise area;*

- 6 *NOTES that removing the designation in part 5 above will make Lakeside Park Lot 15512, Reserve 47432 a place where dogs must be on leash at all times, pursuant to section 31(1) of the Dog Act 1976;*
- 7 *APPROVES the advertising by local public notice of its intention to specify the area detailed in part 4-above, in accordance with section 31(3C) of the Dog Act 1976;*
- 8 *ADVISES the lead petitioner of its decision;*
- 9 *REQUESTS the Chief Executive Officer to prepare a report after two years on the behaviour of dogs in Central Park."*

DETAILS

The community was invited to provide feedback from 1 May 2019 to 29 May 2019 on a proposal to change where dogs can be exercised on/off-lead within Central Park and Lakeside Park, Joondalup. Feedback was sought by way of an Online Comment Form to determine the overall level of community support for the proposal.

A total of 914 stakeholders were directly engaged by the City. Stakeholders identified included the following:

- Residents and ratepayers within a 400 metres radius of Central Park and Lakeside Park = 784.
- Community Engagement Network Members residing in the suburb of Joondalup = 128.
- Community stakeholders = 2
 - Friends of Yellagonga Regional Park
 - Joondalup Farmers' Market.

Additional stakeholders, including reserve visitors and interested residents and ratepayers, were also indirectly engaged by the City via the engagement materials described below.

Local residents and ratepayers within a 400 metres radius of Central Park and Lakeside Park were sent information packs through the post on 1 May 2019 containing a cover letter and Frequently Asked Questions document. These stakeholders were directed via the cover letter to the City's website to complete the Online Comment Form.

Community Engagement Network members residing in Joondalup, Friends of Yellagonga Regional Park and the Joondalup Farmers Market were sent emails on 1 May 2019 advising them of the engagement and linking them to the City's website to complete the Online Comment Form.

In addition to directly contacting identified stakeholders via post and email, the City advertised the engagement to other community members via the following means:

- Public notice published in the community newspaper on 2 May 2019, on the City's website on 2 May 2019 and e-mailed to eNewsletter subscribers on 3 May 2019.
- Webpage linked through the "Community Consultation" section of the City's website visible from 1 May 2019 to 29 May 2019.

- Article published in the *Joondalup Voice* community newspaper insert published on 2 May 2019 in print, available online and emailed to subscribers.
- Signage erected on-site at 12 locations around the perimeters of Central Park and Lakeside Park from 1 May 2019 to 29 May 2019.
- Twitter post published through the City's Twitter account on 10 May 2019.
- Facebook post published through the City's Facebook account on 10 May 2019.

Engagement Results

The full results of the community engagement are at Attachment 2.

The City collected a total of 73 valid responses throughout the 28-day advertised engagement period. Responses that were considered valid include all those which contained contact details enabling identification and were submitted within the advertised engagement period. The majority of respondents submitted feedback via the Online Comment Form (71) and two respondents submitted feedback via email.

Of the 784 residents and ratepayers within a 400 metres radius of Central Park and Lakeside Park, 39 submitted feedback. Of the 128 Community Engagement Network members, nine submitted feedback (all of whom were also residents/ratepayers within a 400 metres radius of the parks).

No responses were received from the Friends of Yellagonga Regional Park or the Joondalup Farmers' Market. This indicates an overall response rate of 4.3%. An additional 34 community members who were not directly engaged also submitted feedback.

Just over half of respondents indicated that they are dog owners, with the majority of these respondents indicating that they own one dog (24). A total of 32 respondents indicated that they are not dog owners.

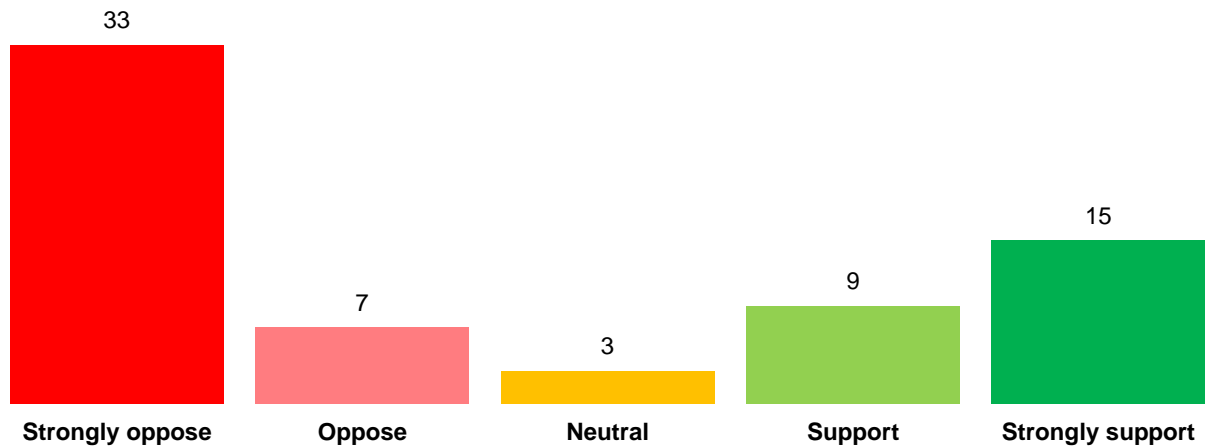
The majority of respondents indicated that they use either Central Park (55) and/or Lakeside Park (45) on a regular basis. 41 respondents indicated that they use both Central and Lakeside Parks on a regular basis.

Respondents were asked to indicate their support or opposition to proposed changes to dog control measures across four different areas of Central and Lakeside Parks:

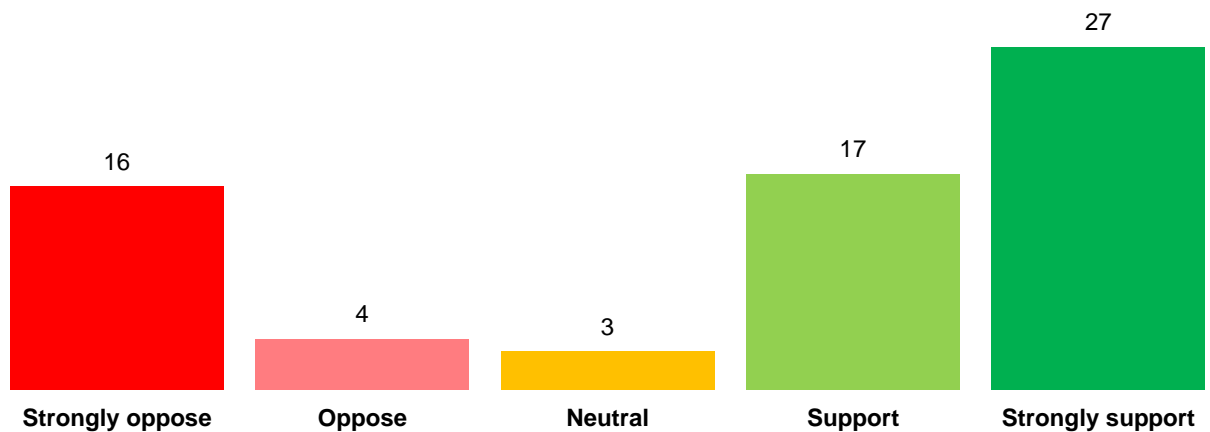
- Central Park North — from dogs permitted off-lead to dogs prohibited.
- Central Park South — from dogs permitted off-lead to dogs permitted on-lead only.
- Central Park Natural Area — maintaining dogs prohibited.
- Lakeside Park — from dogs permitted off-lead to dogs permitted on-lead only.

The summary of responses to these four questions are as follows:

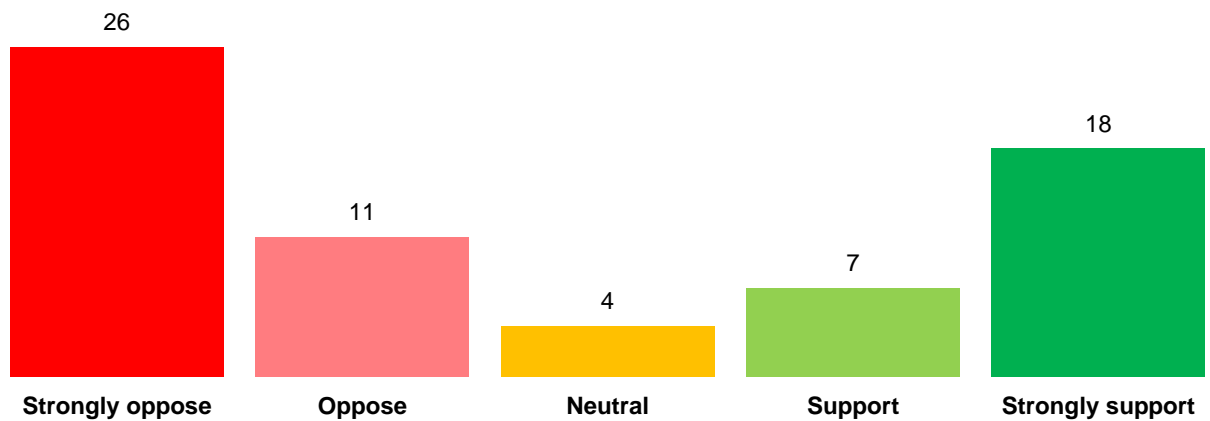
Do you support or oppose the proposal to change the dog control measures at Central Park North from dogs permitted off-lead to dogs prohibited?



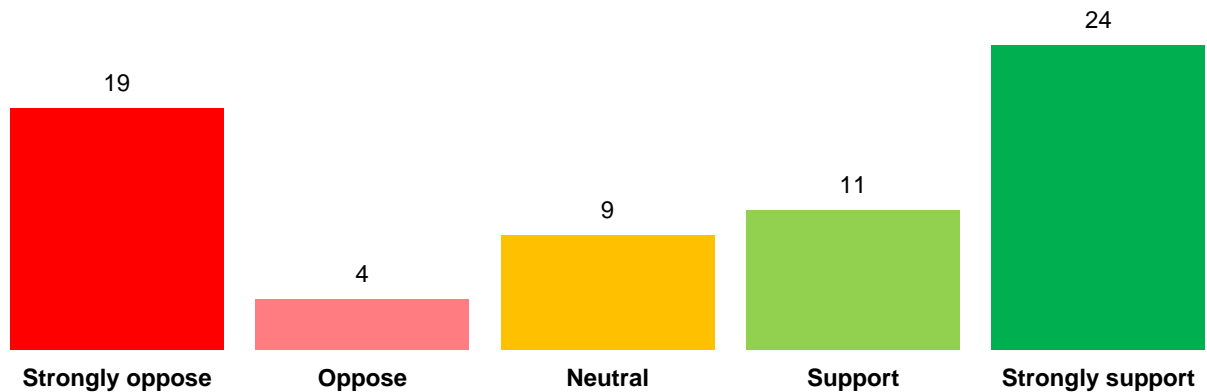
Do you support or oppose the proposal to change the dog control measures at Central Park South from dogs permitted off-lead to dogs permitted on-lead only?



Do you support or oppose maintaining the dog control measures at Central Park Natural Area as dogs prohibited?



Do you support or oppose the proposal to change the dog control measures at Lakeside Park from dogs permitted off-lead to dogs permitted on-lead only?



Do you have any comments regarding the proposal to change the dog control measures at Central Park and Lakeside Park, Joondalup?

A total of 55 respondents provided feedback, common themes include the following:

- Support dogs being on-lead.
- Oppose dogs being prohibited.
- Would like more off-lead areas for dogs.
- Believe more education/signage/enforcement is needed.
- Concern for anti-social behaviour within the parks.

Issues and options considered

Of the four questions put, the majority of responses show that the two proposals to change the dog control measures at Central Park South (Attachment 1 refers – R46710 shown as Area B) from dogs permitted off-lead to dogs permitted on-lead only and to change Lakeside Park (Attachment 1 refers – R47432 shown as Area D) from dogs permitted off-lead to dogs permitted on-lead only are supported/well supported.

The proposal to change the dog control measures at Central Park North (Attachment 1 refers – R46710 shown as Area A) from dogs permitted off-lead to dogs prohibited was opposed/strongly opposed by the majority of responses. This area however has always been considered a dog prohibited area. While technically this was found not to be the case the proposal was simply intending to formalise what it had always been considered to be. Unlike the other parts of Central Park this area serves a different purpose, with the Joondalup War Memorial and the site of a number of the City's significant and high-profile events. The presence of dogs at this location would potentially cause issues with conflict with other users and impact the high value customer experience.

In the case of the dog control measures at Central Park Natural Area (Attachment 1 refers – R48354 shown as Area C) being retained as dogs prohibited, the majority of responses are opposed/strongly opposed. This was not a proposal that Council considered at its meeting held on 19 February 2019 (CJ18-02/19 refers). The current dog prohibition has been in place for many years. While some parts of the area are fenced others are not and removing the prohibition would be a concern for protecting the integrity of the flora and fauna of the reserves.

If it is considered that the proposed changes to the dog control measures at Central Park South (Attachment 1 refers – R46710 shown as Area B) from dogs permitted off-lead to dogs permitted on-lead only and to change Lakeside Park (Attachment 1 – R47432 shown as Area D) from dogs permitted off-lead to dogs permitted on-lead only should be implemented there are two options for the remaining two areas:

Option 1

- Change the dog control measures at Central Park South (Attachment 1 refers – R46710 shown as Area B) from dogs permitted off-lead to dogs permitted on-lead only and to change Lakeside Park (Attachment 1 refers – R47432 shown as Area D) from dogs permitted off-lead to dogs permitted on-lead only.
- Change the dog control measures at Central Park North (Attachment 1 refers – R46710 shown as Area A) from dogs permitted off-lead to dogs permitted on-lead only.
- Change Central Park Natural Area (Attachment 1 refers – R48354 shown as Area C) from dogs prohibited, to dogs permitted on-lead only.

This option is not supported.

Option 2

- Change the dog control measures at Central Park South (Attachment 1 refers – R46710 shown as Area B) from dogs permitted off-lead to dogs permitted on-lead only and to change Lakeside Park (Attachment 1 refers – R47432 shown as Area D) from dogs permitted off-lead to dogs permitted on-lead only.
- Change the dog control measures at Central Park North (Attachment 1 refers – R46710 shown as Area A) from dogs permitted off-lead to dogs prohibited.
- No change to Central Park Natural Area (Attachment 1 refers – R48354 shown as Area C), retain as dogs prohibited.

This option is recommended.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 31 of the *Dog Act 1976*.

Strategic Community Plan

Key theme The Natural Environment: Quality Urban Environment.

Objective Build an effective interface between humans and the natural environment; Apply a strategic approach to the planning and development of public open spaces.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

There is a risk that some members of the community who have previously exercised their dogs in Lakeside Park off-lead will be disappointed that dogs may only now be exercised on lead in that location.

Several key risks are associated with designating Central Park and / or Lakeside Park as dogs on lead.

The risk of adverse impacts upon the high value, threatened and endangered fauna, and sensitive flora, increases with the presence of dogs. Having dogs on lead is a form of mitigation against fauna death by attack, however this does not mitigate against the introduction and/or spread of soil borne disease and disturbance to nesting fauna.

With the significance and high-profile nature of the City's key events, in the case of Central Park, permitting dogs on lead would introduce scope for increased litter, dog faeces and incidents involving dogs, thereby posing a risk to the value and experience of visitors to these events.

Financial / budget implications

If implemented as recommended there would be a requirement for additional signage. Supply and installation of 12 single-sided signs, would be at an estimated total cost of approximately \$1,950 (excluding GST).

The City has an annual budget for new and replacement general signage which is adequate to cover these costs.

Regional significance

Not applicable.

Sustainability implications

Central Park Natural Area and Lakeside Park are classified as high priority natural areas in recognition of the significant biological values contained within the reserves. The presence of nesting activity for the federally protected Carnaby's Cockatoo further increases the biodiversity value of the reserves. The introduction of dogs to part of Central Park increases the risk of injury to fauna and the introduction of disease from the movement of soil on dog paws. The conservation significant fauna found within the reserves would be susceptible to disturbance as a result of the presence of dogs within the area although requiring dogs on leash at all times helps to mitigate this.

Consultation

The community was invited to provide feedback from 1 May to 29 May 2019 on a proposal to change where dogs can be exercised on/off-lead within Central Park and Lakeside Park, Joondalup. Feedback was sought by way of an Online Comment Form to determine the overall level of community support for the proposal.

A total of 914 stakeholders were directly engaged by the City. Stakeholders identified included the following:

- Residents and ratepayers within a 400 metres radius of Central Park and Lakeside Park = 784.
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- Twitter post published through the City's Twitter account on 10 May 2019.
- Facebook post published through the City's Facebook account on 10 May 2019.

COMMENT

Since Council considered the petition from the Joondalup Farmers Markets at its meeting held on 19 February 2019 (CJ18-02/19) it has relocated from Central Park to Neil Hawkins Park commencing at that location in August 2019.

Despite this the recommended changes are still supported as they will have minimal impact and provide a walking route from Yellagonga Regional Park to Grand Boulevard for dog walkers. In addition at the very least the identified error that currently means that Central Park (Attachment 1 refers – R46710 shown as Areas A and B) is technically a dog exercise area needs to be changed as this is not appropriate for this location.

Central Park North and South (Attachment 1 refers – R46710 shown as Areas A and B) and Lakeside Park (Attachment 1 refers – R47432 shown as Area D) were covered by the general specification by exception as dog exercise areas. If the recommendation is accepted it will be necessary to rescind this portion of the 16 September 2014 (CJ169-09/14 refers) Council decision.

VOTING REQUIREMENTS

Absolute Majority.

Cr Taylor entered the Chamber at 8.01pm.

The Director Planning and Community Development left the Chamber at 8.02pm and returned at 8.04pm.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 BY AN ABSOLUTE MAJORITY REMOVES the designation of portion of Central Park, identified as Central Park, Lot / Plan R46710; PIN 1383749 forming Attachment 1 to Report CJ127-09/19 (R46710 shown as Areas A and B) and Lakeside Park Lot 15512, Reserve 47432 forming Attachment 1 to Report CJ127-09/19 (R47432 shown as area D), as a dog exercise area;**
- 2 BY AN ABSOLUTE MAJORITY SPECIFIES the portion of Central Park Lot / Plan R46710; PIN 1383749 comprising all that area of the reserve on the northern side of the crescent shaped west east footpath between Grand Boulevard and the north south footpath on the eastern edge of reserve forming Attachment 1 to Report CJ127-09/19 (R46710 shown as Area A) as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the *Dog Act 1976*;**
- 3 NOTES removing the designation in part 1 above will make that portion of Central Park, Lot / Plan R46710; PIN 1383749 forming Attachment 1 to Report CJ127-09/19 (R46710 shown as Area B) a place where dogs must be on leash at all times, pursuant to section 31(1) of the *Dog Act 1976*;**
- 4 NOTES removing the designation in part 1 above will make Lakeside Park Lot 15512, Reserve 47432 forming Attachment 1 to Report CJ127-09/19 (R47432 shown as Area D) a place where dogs must be on leash at all times, pursuant to section 31(1) of the *Dog Act 1976*;**
- 5 ADVISES the lead petitioner of its decision.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf190910.pdf](#)

C61-09/19**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -
[02154, 08122]**

MOVED Mayor Jacob, **SECONDED** Cr Jones that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

CJ115-09/19, CJ117-09/19, CJ119-09/19, CJ120-09/19, CJ121-09/19, CJ122-09/19, CJ123-09/19 and CJ126-09/19.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 8.14pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR KERRY HOLLYWOOD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR CHRISTOPHER MAY
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR JOHN LOGAN
CR RUSS FISHWICK, JP
CR SOPHIE DWYER