

# agenda

## Ordinary Meeting of Council

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

**ON** TUESDAY 8 OCTOBER 2019  
**COMMENCING AT** 7.00pm

**GARRY HUNT**  
Chief Executive Officer  
4 October 2019

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by 9.00am on **Monday 7 October 2019**

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

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## PROCEDURES FOR PUBLIC QUESTION TIME

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

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

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - accept or reject any question and his/her decision is final
  - nominate a member of the Council and/or City employee to respond to the question
  - or
  - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.
- 9 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Council meeting, that does not relate to a matter affecting the City
  - or
  - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.

- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

### **Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only)**

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

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

## DISCLAIMER

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

## PROCEDURES FOR PUBLIC STATEMENT TIME

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

- 1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.
- 2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not relate to a matter affecting the City, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Council meeting may present a written statement rather than making the statement verbally if he or she so wishes.

- 10 Statements will be summarised and included in the minutes of the Council meeting.

## CODE OF CONDUCT

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

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

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

Elected Members, Committee Members and employees must:

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

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

## CIVIC CENTRE EMERGENCY PROCEDURES

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

### Alarms

The City of Joondalup emergency system has two alarm tones:

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

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

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

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

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



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

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

[\*Additional Information191008.pdf\*](#)

# CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 8 October 2019** commencing at **7.00pm**.

GARRY HUNT  
Chief Executive Officer  
4 October 2019

Joondalup  
Western Australia

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## VISION

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

## PRIMARY VALUES

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

## DISTINGUISHING VALUES

### **Bold**

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

### **Ambitious**

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

### **Innovative**

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

### **Enterprising**

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

### **Prosperous**

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

### **Compassionate**

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

## AGENDA

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

### DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

#### Disclosures of Financial Interest/Proximity Interest

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

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ130-10/19 – Draft State Planning Policy 3.6: Infrastructure Contributions – City of Joondalup.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Chester owns properties in housing opportunity areas.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ130-10/19 – Draft State Planning Policy 3.6: Infrastructure Contributions – City of Joondalup.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick is a joint owner of property in Housing Opportunity Area No.1.

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ135-10/19 - Tender 026/19 Landscape and Irrigation Maintenance Services – Iluka.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Mayor Jacob's house is situated opposite to the main park which is serviced under this tender.

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ139-10/19 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of interest</b>	Financial.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ140-10/19 – Confidential – Annual Salary Review – Chief Executive Officer.
<b>Nature of interest</b>	Financial.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ130-10/19 – Draft State Planning Policy 3.6: Infrastructure Contributions – City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob has a relative who owns a property in Housing Opportunity Area No.10.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ130-10/19 – Draft State Planning Policy 3.6: Infrastructure Contributions – City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan's step-daughter owns a property in Housing Opportunity Area No.10.

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ135-10/19 - Tender 026/19 Landscape and Irrigation Maintenance Services – Iluka.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Hunt resides in Iluka.

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ139-10/19 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ140-10/19 – Confidential – Annual Salary Review – Chief Executive Officer.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

**PUBLIC QUESTION TIME**

The following summarised questions were taken on notice at the Council meeting held on 17 September 2019:

**Mrs S Thompson, Duncraig:**

*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?*

*A3 The costs for the Mayor, Chief Executive Officer and the Director Planning and Community Development to attend the World Business Forum are as follows:*

• Registration:	\$ 6,975.00
• Travel costs:	\$ 4,690.29
• Accommodation:	\$ 4,298.11
• Incidentals:	\$ 1,182.67
Total:	<u>\$17,146.07</u>

*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?*

*A4 Outcomes of the trip include enhancing the professional development of elected members and officers and any reports are to be provided in accordance with the *Elected Members' Entitlements Policy* and other internal protocols for employees.*

The World Business Forum involves speakers who are largely from the international stage with a worldwide program of activities. There are high calibre speakers, many of whom are former CEOs of the largest corporations in the world. Presenters of this calibre are generally only able to be seen in locations such as the United States of America, the United Kingdom and Europe.

Subsequent to attendance at the forum, City representatives visited Lendlease development sites and Barangaroo Waterfront in the Sydney CBD. Lendlease is a part owner and operator of Lakeside Joondalup Shopping City.

The forum also coincided with the Vivid Event (digital lighting extravaganza) which has been a source of ideas for the Joondalup Festival and Kaleidoscope events.

**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 The *Marri Park Landscape Masterplan* project was undertaken by the City in the second half of 2010 which included hydrozoning and ecozoning of areas of the park.*

In April 2011, concerns were raised with the City, the first being the suspected decline of the two *Eucalyptus grandis* trees that were located in Marri Park at the rear of adjacent properties and secondly, the decline of three trees on Marri Park close to Marri Road (southern sloped area of the park) which was expressed to be linked to the landscaping project and caused by the application of herbicide, the installation of footpaths and the spreading of mulch.

In response, the City advised that it would undertake a detailed risk assessment of the trees situated behind adjacent properties. In relation to the declining trees on the southern sloped area of the park, it was identified that the landscaping works were not the cause of the tree decline. Rather, the decline was most likely due to a combination of three main factors.

At the time, the Perth region had just experienced the second driest spring and driest winter ever recorded and the affected trees were not native to the region and therefore not genetically adapted to local conditions. The affected trees were also located on a steep sloped terrain and as such were more susceptible to a drought induced falling groundwater table. At this time, the City also undertook to plant additional trees in Marri Park and to date has honoured this commitment with the planting of approximately 38 new trees which are in good condition and growing well.

In regard to the two *Eucalyptus grandis* trees, the City engaged an independent arborist to conduct a Tree Risk Assessment to assess the potential risk posed to residents and / or other park users by the trees. The assessment concluded that the risk of harm from these trees was very low.

The trees in Marri Park, like all City parks are regularly monitored by City officers who are instructed to report any issues or concerns for further investigation. The City's qualified arborist has further inspected the trees in Marri Park and advised the following:

*"The trees in the park are good except for some seasonal damage to the Tuart trees (Eucalyptus gomphocephala) by Longicorn Beetle (Phoracantha impavida) which cannot be treated. This damage is particularly prevalent this time of year, no signs or symptoms of fungal pathogen was visible during the inspection".*

The City continues to investigate and consider further tree planting opportunities for inclusion in future winter planting programs.

### Miss A Jones, Kingsley:

Re: *Glyphosate Spraying.*

Q1 *What herbicides does the City use and where and how frequently are they used?*

A1

Location	Type	Herbicide (Trade Name)	Frequency
Natural Areas (Bushland)	Non-selective herbicide	Triclopyr and Picloram (Access) + Diesel mix	As required / seasonal basis
Parks / Reserves / Streetscapes /	Selective herbicide	Diflufenican, clopyralid, MCPA (Bow and Arrow / Spearhead / Jolt)	As required / seasonal basis. Peak season - July to September

Location	Type	Herbicide (Trade Name)	Frequency
Road Reserves / Footpaths / Pedestrian Access Ways / Drainage Sites / Natural Areas (including wetland edges, fence lines, path edges and fire accessways) / Foreshore Reserves / Buildings	Selective herbicide	Fluazifop-p (Fusilade / Resilience)	As required / seasonal basis
	Non-selective herbicide	Glyphosate (Weedmaster Duo / Weedmaster Duo Dual Salt / Wipeout Pro / Wipeout 450 / Gladiator / Roundup)	As required / seasonal basis. Peak seasons - February and July to October
	Non-selective herbicide	Glyphosate Biactive (Roundup Biactive)	As required / seasonal basis. Peak season - February to April
	Selective herbicide	Halosulfuron Methyl (Sempra)	As required / seasonal basis. Peak season - October to December
	Selective herbicide	MCPA, Dicamba (Double Time / Cutlass M)	As required / seasonal basis
	Selective herbicide	Metsulfuron Methyl (Lynx WG)	As required / seasonal basis. Peak season - August to October
	Selective herbicide	Sulfometuron (4Farmers)	As required / seasonal basis
	Selective herbicide	Quizalofop-p-ethyl (Leopard)	As required / seasonal basis. Peak season - May to September
	Selective herbicide	Triasulfuron (Lonestar 750 WG)	As required / seasonal basis. Peak season - August to October
Streetscapes / Mulched Areas	Selective herbicide	Oryzalin (Prolan)	As required / seasonal basis. Peak season - July to October

**PUBLIC STATEMENT TIME**

## **APOLOGIES AND LEAVE OF ABSENCE**

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

Cr Sophie Dwyer	6 to 11 October 2019 inclusive;
Cr John Chester	10 to 16 October 2019 inclusive;
Cr Russ Fishwick, JP	16 to 22 October 2019 inclusive;
Cr Christine Hamilton-Prime	27 October to 10 November 2019 inclusive;
Cr Russ Fishwick, JP	4 November to 19 December 2019 inclusive.

## **CONFIRMATION OF MINUTES**

### **MINUTES OF COUNCIL MEETING HELD 17 SEPTEMBER 2019**

#### **RECOMMENDATION**

**That the Minutes of the Council Meeting held on 17 September 2019 be confirmed as a true and correct record.**

## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

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

- CJ139-10/19 - Confidential - Chief Executive Officer Concluded Annual Performance Review.
- CJ140-10/19 - Confidential - Annual Salary Review - Chief Executive Officer.

## **PETITIONS**



**REPORTS****CJ128-10/19      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– AUGUST 2019**

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

**PURPOSE**

For Council to note the number and nature of applications considered under delegated authority during August 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 annually, or as required.

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

## DETAILS

### Subdivision referrals

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

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	4	4
Strata subdivision applications	8	10
<b>TOTAL</b>	<b>12</b>	<b>14</b>

Of the 12 subdivision referrals, five were to subdivide in housing opportunity areas, with the potential for seven additional lots.

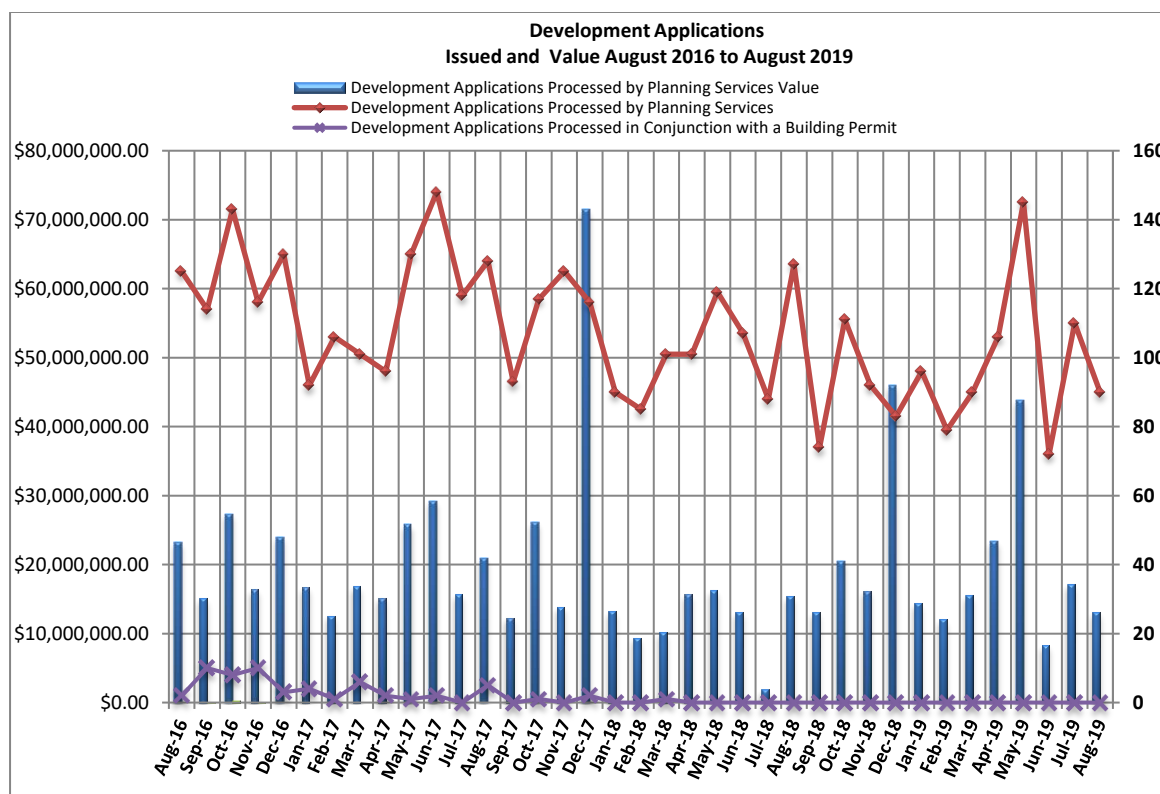
### Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	90	\$13,020,623
<b>TOTAL</b>	<b>90</b>	<b>\$13,020,623</b>

Of the 90 development applications, 17 were for new dwelling developments in housing opportunity areas, proposing a total of 20 additional dwellings.

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



The number of development applications received during August 2019 was 105.

The number of development applications current at the end of August was 233. Of these, 18 were pending further information from applicants and 15 were being advertised for public comment.

In addition to the above, 212 building permits were issued during the month of August with an estimated construction value of \$18,491,388.

### **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 90 development applications were determined for the month of August with a total amount of \$47,473.79 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 *Local Planning Scheme No. 3* and the Regulations.

**COMMENT**

Large local governments utilise levels of delegated authority as a basic business requirement in relation to town planning functions. The process allows for timeliness and consistency in decision-making for rudimentary development control matters. The process also allows the Elected Members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported on and cross checked in accordance with relevant standards and codes.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 development applications described in Attachment 1 to Report CJ128-10/19 during August 2019;**
- 2 subdivision applications described in Attachment 2 to Report CJ128-10/19 during August 2019.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf191001.pdf](#)

**CJ129-10/19      PROPOSED      TELECOMMUNICATION  
INFRASTRUCTURE (NEW MONOPOLE AND  
GROUND EQUIPMENT) AT LOT 408 (3) CANHAM  
WAY, GREENWOOD**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	26121, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Development plans Attachment 3    Photo montages Attachment 4    Structel report Attachment 5    Coverage maps Attachment 6    Applicant's response to submissions
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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**PURPOSE**

For Council to determine a development application for proposed telecommunication infrastructure at Lot 408 (3) Canham Way, Greenwood.

**EXECUTIVE SUMMARY**

An application for development approval has been received for proposed telecommunication infrastructure at Lot 408 (3) Canham Way, Greenwood.

The proposed infrastructure comprises a 27.73 metre high monopole and associated ground equipment. The infrastructure is to be located 2.5 metres in front of the existing building on-site, in the south-eastern corner, and will face Canham Way. Landscaping has been proposed to screen the equipment at ground level.

The subject site is zoned 'Light Industry' under the City's *Local Planning Scheme No. 3* (LPS3). The land use 'Telecommunications Infrastructure' is a discretionary ('D') use in this zone. The proposed development has been assessed having due regard to LPS3, the *Light Industry Zone Local Planning Policy*, *Telecommunications Infrastructure Local Planning Policy* and Western Australian Planning Commission's *State Planning Policy No. 5.2 – Telecommunications Infrastructure* (SPP 5.2).

The proposal was advertised for a period of 21 days to surrounding landowners and occupiers within a 400 metre radius of the site in accordance with the City's policy. A total of 12 submissions were received, being four submissions stating no objections and seven objections to the proposal. An acknowledgement was also received from the Water Corporation identifying related services in close proximity to the proposed structure.

It is considered that the proposed infrastructure is appropriate for the location and meets the requirements of LPS3, City policies and SPP 5.2.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 408 (3) Canham Way, Greenwood.
<b>Applicant</b>	BMM Group Pty Ltd on behalf of Optus Mobile Pty Ltd and Vodafone Australia.
<b>Owner</b>	Pentelic Pty Ltd.
<b>Zoning</b>	<b>LPS</b> Light Industry.
	<b>MRS</b> Urban.
<b>Site area</b>	1,989.97m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is bound by Hepburn Avenue to the north, Canham Way to the south, and existing light industrial buildings on either side (Attachment 1 refers). A single storey building is currently on-site, predominantly comprised of showrooms and a veterinary clinic.

The proposed telecommunication facility is to accommodate upgrades to infrastructure that was recently removed from the existing radio tower at Lot 421 (6) Canham Way, Greenwood. The radio tower that previously houses the infrastructure is not proposed to be removed as part of this application as it is still in use by the landowner of 6 Canham Way as a radio tower. An existing Telstra monopole is also located approximately 180 metres to the east of the subject site at Lot 401 (19) Canham Way, Greenwood. These existing facilities were investigated as potential sites for the required telecommunication infrastructure but were not deemed suitable, as discussed below.

## DETAILS

The development consists of the following:

- One new galvanised monopole telecommunications tower with an overall height of 27.73 metres.
- Six panel antennas, mounted onto the upper portion of the tower.
- Ground equipment cabinet.
- Relocation of the existing bin store.

The development plans and photo montages are located at Attachments 2 and 3 respectively.

The proposed works are located forward of the existing building on the subject site along the eastern boundary, being the current location of the bin store (which will be relocated) and a portion of grassed area. The works border the car parking area of the adjoining lot. Site access is provided via the existing crossover to Canham Way that is located approximately 16 metres from the proposed works.

The proposed facility is not exempt from the need to obtain planning approval as it is not considered 'low impact' under the Federal Government's *Telecommunications (Low Impact Facilities) Determination 1997*.

*City of Joondalup Installation of Telecommunications Facilities Policy*

Clauses 67(g) and (y) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) detail that Council should have due regard to local planning policies and submissions received in the determination of development applications. Accordingly, the City's *Installation of Telecommunications Facilities Policy* is considered below:

- *The provisions outlined in State Planning Policy 5.2: Telecommunications Infrastructure.*

The City has assessed the proposal against the provisions of *State Planning Policy 5.2: Telecommunications Infrastructure* (SPP 5.2), as outlined in the SPP 5.2 section of this report.

- *Compliance with the Telecommunications Code of Practice 1997.*

The *Telecommunication Code of Practice 1997* was recently repealed and replaced by the *Telecommunication Code of Practice 2018*.

The proposed infrastructure is considered to comply with the code of practice as the subject site has been selected to minimise its impact upon the locality while improving service delivery. Furthermore, it has been demonstrated through the provision of an Environmental EME report that the EME emission will comply with the relevant legislation.

- *The topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding development.*

The applicant has provided indicative photomontages of the proposed infrastructure as viewed from the surrounding locality (Attachment 3 refers). The location of the subject site, being within a 'Light Industry' area and well separated from residential uses, is considered to adequately address this requirement. While the infrastructure will be visible due to its height, its visual impact is consistent with the presence of other vertical elements such as other telecommunication facilities and light poles in the immediate area.

- *The merits of the particular proposal, including the need for services to be located to optimise coverage.*

Telecommunication infrastructure was previously located on the radio tower at 6 Canham Way. The applicant provided evidence through an independent structural assessment undertaken by Structel Engineers, who determined the radio tower to be 'structurally overstressed' for the existing loading conditions. Therefore any further upgrades to the facility were deemed to be unviable. The Structel Report is provided at Attachment 4. The applicant has identified that there is a need to reinstate the lost network and provide coverage service to existing and future residents, businesses and industry within the Greenwood area. In selecting the site, Optus identified certain areas where the requirement for a telecommunications facility would be highest (the "target area"). A summary of the applicant's assessment of each site based on the ability to meet the coverage objectives and site considerations is provided below:

#### *4 Canham Way, Greenwood*

This site, which is directly opposite the subject site, was considered for the infrastructure to be located on the rooftop of the existing building. The site was considered to be located in close proximity to residential land uses and would impact their visual amenity as it would require a 10 metre extension above the existing roofline to achieve coverage objectives.

#### *45 Bindaree Terrace, Kingsley*

This site, being part of the Lake Goollelal reserve was not considered appropriate for a new monopole given the closer proximity to residents and potential removal of dense vegetation to establish the development area.

#### *19 Canham Way, Greenwood*

This site was considered due to the potential co-location of the new equipment to be attached to the existing telecommunications tower. The co-location would require the equipment to be attached underneath existing antennas, which would only achieve 69% of the required coverage area and would therefore not meet the coverage objectives for the area. A comparison coverage map between the proposed facility and 19 Canham Way is provided at Attachment 5.

The assessment undertaken of the other telecommunication facilities within the target area confirmed that they did not satisfy the coverage objectives, transmission requirements, and capacity to support future upgrade works associated with the existing networks at the required height. The proposed telecommunications tower at the subject site will meet 94% of the required coverage area, as demonstrated at Attachment 5.

- *Submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.*

The submissions received are discussed in the consultation section of this report.

#### *Light Industry Zone Local Planning Policy*

The subject site is located within the 'Light Industry' zone and therefore the City's *Light Industry Zone Local Planning Policy* needs to be considered.

In relation to the height of the infrastructure, the maximum building height permitted within the 'Light Industry' zone is nine metres. While the proposed structure exceeds this height, it is considered appropriate as it is not visually obtrusive when viewed from surrounding residential properties and its visual impact is consistent with the presence of other vertical elements such as other telecommunication facilities and light poles in the immediate area.

#### *State Planning Policy No. 5.2 – Telecommunications Infrastructure*

Clause 67(c) of the Regulations details that the local government should have due regard to State planning policies in the determination of development applications. Accordingly, SPP 5.2 is considered below and outlines matters for consideration in determining development applications for telecommunication infrastructure:

Clause 6.3(a) of SPP 5.2 recommends that consideration should be given to the extent to which the proposal adheres to the policy measures, outlined in clause 5, relating to the visual impact of above ground infrastructure:



*Clause 5.1.1 ii) Telecommunications infrastructure should be designed to minimise visual impact and whenever possible:*

- (a) *Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.*

Lake Goollelal is located approximately 150 metres from the location of the proposed facility (across Hepburn Avenue), and Blackthorn Park is located approximately 120 metres from the proposed facility. Both significant locations are surrounded by mature trees that will provide sufficient screening to the surrounding residential areas and visitors using the recreational sites. Accordingly, the proposed development will not be readily visible from the abovementioned locations.

- (b) *Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*

The proposed telecommunications infrastructure will be visible from the Canham Way streetscape. The streetscape is generally characterised by warehouse style buildings and industrial sheds to support light industrial activities. Landscaping is proposed between the ground equipment and the street to minimise the visual impact of the development at the street level.

Given the character of the immediate locality and that landscaping has been proposed to reduce the visual impact of the equipment from the street, it is considered that the proposed tower will not detract from the existing streetscape.

- (c) *Not be located on sites where environmental or cultural heritage, social and visual landscape values may be compromised.*

The works are proposed within the 'Light Industry' zone and will not impact the surrounding area in terms of environmental, cultural, social and visual landscape values.

- (d) *Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.*

The proposed galvanised finish of the tower is intended to be unobtrusive, thereby sympathetic to the surrounding landscape. The panel antennas are to be close-mounted to reduce the profile and visual impact of the tower. Furthermore, existing vegetation and additional proposed landscaping will ensure that ground infrastructure is not readily visible.

As outlined above, the proposed location of the telecommunication infrastructure is considered to be consistent with the visual impact provisions of SPP 5.2. Additionally, the policy states that where practical, telecommunication towers should be located within commercial areas and should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.

The proposed telecommunication facility is located in a light industrial area, approximately 130 metres from the nearest residential street. The photomontages provided by the applicant demonstrate minimal visual impact upon residential areas (Attachment 3 refers). The photomontages have been taken from Hepburn Avenue, Corrigan Way, Cockman Road and Canham Way.

Clause 6.3(b) gives consideration to the necessity of the proposed development in providing optimised coverage. In selecting the site Optus identified a lack of adequate mobile network coverage in the immediate area of the subject site due to the recently decommissioned equipment at 6 Canham Way. The alternative sites investigated are discussed above.

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

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval. In addition to the matters discussed above, the following matters for consideration are relevant to the proposal:

- *Clause 67(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.*

The development is considered compatible with the surrounding land uses and is not considered to be visually obtrusive to residential properties, being 130 metres from the nearest residential street. In addition, as shown in the applicant's photomontages (Attachment 3 refers), the proposed development will be consistent with other vertical elements in the locality such as the existing monopole, radio tower, power lines and light poles.

- *Clause 67(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.*

The subject site is well separated from residential land uses and its location is considered appropriate in the existing 'Light Industry' zone.

- *Clause 67(r) the suitability of the land for the development taking into account the possible risk to human health or safety.*

The applicant has provided an EME report confirming that the proposed development will be compliant with relevant federal legislation which relates to the minimisation of health risks in the installation of telecommunications infrastructure.

### **Issues and options considered**

Council is to consider the proposed telecommunication infrastructure in accordance with the City's local planning policy and state planning policy and determine whether the proposed development is appropriate or not.

Council has the discretion to either:

- approve the application without conditions
- approve the application with conditions
- or
- refuse to grant its approval of the application.

**Legislation / Strategic Community Plan / Policy implications**

**Legislation** *City of Joondalup Local Planning Scheme No. 3. Planning and Development (Local Planning Schemes) Regulations 2015. Telecommunications Act 1997 (Cwlth).*

**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** *City of Joondalup Telecommunications Infrastructure Local Planning Policy. State of Planning Policy No. 5.2 – Telecommunications Infrastructure.*

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

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

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

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*

- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*

- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

#### City of Joondalup's Telecommunications Infrastructure Local Planning Policy

The City's policy sets out provisions for telecommunications facilities deemed not to be 'low impact' under the *Telecommunications (Low-impact Facilities) Determination Act 1997*. In addition to provisions regarding the advertising of an application, the policy sets out the following criteria which Council is to have regard to when considering an application:

- The provisions outlined in *State Planning Policy 5.2: Telecommunications Infrastructure*.
- Compliance with the *Telecommunications Code of Practice 2018*.
- The topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation and the general visibility of the proposal from surrounding development.
- The merits of the particular proposal, including the need for services to be located to optimise coverage.
- Submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.

#### State Planning Policy No. 5.2 – Telecommunications Infrastructure

The Western Australian Planning Commission's *State Planning Policy No. 5.2 – Telecommunications Infrastructure* provides matters for consideration in determining development applications for telecommunications infrastructure. Clause 6.3(a) requires the consideration of the extent to which the proposal adheres to the policy measures relating to the minimisation of the visual impact of above ground infrastructure. Clause 6.3(b) gives consideration to the necessity of the proposed development in providing optimised coverage.

#### **Risk management considerations**

The proponent has the right of review against Council's decision, including 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 \$384 (excluding GST) for the assessment of the application.

The cost of the consultation undertaken by the City is to be paid by the applicant in accordance with the City's *Installation of Telecommunications Facilities Policy*.

#### **Regional significance**

Not applicable.

## Sustainability implications

The City recognises the importance of telecommunication facilities in supporting industry development. One of the key strategic initiatives of the City's *Strategic Community Plan 2012 – 2022* is to actively seek opportunities for improving local communication network infrastructure. The proposal will provide improved telecommunication services within the City of Joondalup.

## Consultation

The application was advertised to landowners and occupiers within a 400 metre radius of the development site for a period of 21 days in accordance with the local planning policy. Consultation commenced on 1 August 2019 and concluded on 22 August 2019 and was undertaken in the following manner:

- A letter outlining the details of the development proposal was sent to 461 surrounding landowners and occupiers.
- A notice, plans and supporting information was placed on the City's website.

A total of 12 submissions was received, being four letters of no objection, seven letters objecting to the proposal and an acknowledgement from the Water Corporation identifying services in close proximity to the proposed structure. Based on the 461 letters sent to surrounding landowners and occupiers, this represents an overall response rate of 2.3%.

The issues raised by submitters are summarised below, with the City's response to each concern raised. The applicant's response to the submissions is provided at Attachment 6.

- *The infrastructure is not necessary.*
- *Cumulative necessity of the tower.*

The applicant has provided an independent structural assessment of the radio tower at 6 Canham Way that previously held Optus infrastructure. This assessment determined the tower to be 'structurally overstressed' for the existing loading conditions and any further upgrades to the facility were deemed to be unviable. There is a need to reinstate the lost network and provide coverage service to existing and future residents, businesses and industry within the Greenwood area to improve mobile telephone network coverage in the locality.

As outlined above, other possible locations were investigated, but were also considered unsuitable, necessitating the need for the new monopole.

- *Inconsistent with the character and land uses of the area.*

The streetscape in the immediate vicinity of the subject site is generally characterised by warehouse buildings and industrial sheds and therefore it is considered that the proposed tower will not detract from the character of the immediate area.

- *Visual impact and poor aesthetic value.*

The applicant has provided photomontages as a comparison between the existing infrastructure of this nature and the proposed monopole (Attachment 3 refers). The photomontages demonstrate that the proposed infrastructure will not unduly impact the visual amenity of the area as it is consistent with the presence of other vertical elements such as other telecommunication facilities and light poles along the street.

- *Further consultation should be undertaken in relation to health and safety.*

Health and safety matters are regulated by the Australian Radiation Protection and Nuclear Safety Agency and those licences include substantial safety margins to address human health. These legal requirements are in addition to the planning process.

- *Impact on property values.*

The potential impact of a proposed development on property values is not a valid land use planning consideration.

## **COMMENT**

As outlined above, it is considered that the development is appropriate in the context of its location and meets the requirements of relevant legislation and policies.

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 8 October 2019 submitted by BMM Group Pty Ltd for the proposed telecommunication infrastructure at Lot 408 (3) Canham Way, Greenwood, subject to the following conditions:**

- 1 This approval relates to the telecommunications infrastructure and associated works only and development shall be in accordance with the approved plan(s), any supporting information and conditions of approval. It does not relate to any other development on the lot;**
- 2 All development shall be contained within the property boundaries;**
- 3 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;**
- 4 The external surface of the development shall be finished in materials and colours that have low reflective characteristics and are unobtrusive, to the satisfaction of the City;**
- 5 The works are to be established and thereafter maintained to the specifications and satisfaction of the City;**

- 6 Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) to screen the ground equipment, and shall:**
- 6.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
  - 6.2 be based on water sensitive urban design principles to the satisfaction of the City;**
  - 6.3 be based on Designing out Crime principles to the satisfaction of the City;**
  - 6.4 show all irrigation design details;**
- 7 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice within 60 days after the installation of the ground equipment and thereafter maintained to the satisfaction of the City.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf191001.pdf](#)



**Disclosures of Financial Interest**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ130-10/19 – Draft State Planning Policy 3.6: Infrastructure Contributions – City of Joondalup.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Chester owns properties in housing opportunity areas.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ130-10/19 – Draft State Planning Policy 3.6: Infrastructure Contributions – City of Joondalup.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick is a joint owner of property in Housing Opportunity Area No.1.

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ130-10/19 – Draft State Planning Policy 3.6: Infrastructure Contributions – City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob has a relative who owns a property in Housing Opportunity Area No.10.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ130-10/19 – Draft State Planning Policy 3.6: Infrastructure Contributions – City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan's step-daughter owns a property in Housing Opportunity Area No.10.

## **CJ130-10/19      DRAFT      STATE      PLANNING      POLICY      3.6: INFRASTRUCTURE CONTRIBUTIONS – CITY OF JOONDALUP SUBMISSION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106771, 101515
<b>ATTACHMENT</b>	Attachment 1      Draft State Planning Policy 3.6 Attachment 2      City of Joondalup Preliminary Comments
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider and endorse the City of Joondalup's formal submission on the draft revised *State Planning Policy 3.6 Infrastructure Contributions*.

## EXECUTIVE SUMMARY

The Western Australian Planning Commission (WAPC) is seeking comment on the revised *State Planning Policy 3.6 Infrastructure Contributions* (the draft policy), which proposes to introduce a framework for the delivery of infrastructure to new and existing communities and aims to ensure greater accountability, transparency and consistency in providing for infrastructure contributions.

Infrastructure contributions may be levied by local governments under local planning schemes towards the cost of infrastructure necessary to accommodate urban growth.

Contributions for initial development infrastructure (like roads, open space, schools, public utilities) are generally levied directly through the subdivision and development process or, where cost-sharing arrangements are proposed, through Development Contribution Plans (DCPs).

Contributions for community infrastructure (sporting facilities and community facilities) are generally levied through DCPs and need to be justified through a Community Infrastructure Plan.

Contributions are for initial capital requirements only, and not for ongoing maintenance or operating costs of the infrastructure.

DCPs have traditionally been used in large greenfield sites where there are multiple landowners and formal coordination (and cost sharing) of the provision of infrastructure is required. As the City of Joondalup does not have any significant greenfield development sites that are not under a single ownership, the applicability of the draft policy in this context is limited.

The draft policy also states that it is intended to apply in infill settings, however it is considered that the draft policy does not appropriately cater for the type of infill development that is currently occurring and likely to occur within the City in the future.

The City has prepared a submission on the draft revised policy (Attachment 2 refers) highlighting the following issues and providing recommendations with respect to:

- equity of cost sharing for infill infrastructure
- timing uncertainty for the delivery of infill infrastructure
- introducing a cap on the charge for community infrastructure
- unit of charge
- implementation issues of requiring an annual review of infrastructure cost estimates
- application of standard requirements for public open space infrastructure in an infill setting
- inclusion of foreshore reserves as a contribution item
- clarifying what constitutes a 'comprehensive planning instrument' for the purpose of including sustainable transport infrastructure as a contribution item
- lifespan of a Development Contribution Plan (DCP).

It is recommended that Council endorses Attachment 2 as the City of Joondalup's formal submission on the draft revised State Planning Policy 3.6 Infrastructure Contributions.

## BACKGROUND

The current *State Planning Policy 3.6 Development Contributions for Infrastructure* (SPP3.6) was prepared by the WAPC and came into effect in November 2009. A revised policy and accompanying draft guidelines were released for comment in September 2016; however, this revised policy was never finalised. A new revised draft policy has now been released for comment.

Principally, SPP3.6 outlines that new development and redevelopment needs to ensure the efficient and timely provision of appropriate infrastructure and facilities. The basis of contributions to infrastructure and facilities is through DCPs. DCPs are an arrangement between a local government and specified landowners to share the costs involved with delivering new infrastructure within a specified area (Development Contribution Area or DCA).

Contributions for initial development infrastructure (like roads, open space, schools, public utilities) are generally levied directly through the subdivision and development process or, where cost-sharing arrangements are proposed through DCPs.

Contributions for community infrastructure (sporting facilities and community facilities) are generally levied through DCPs and need to be justified through a Community Infrastructure Plan.

Infrastructure contributions can only be for the provision of capital items. The costs associated with the design and construction of infrastructure (including land costs) and the costs of administration are considered capital items and can be included in DCPs. Contributions cannot be used for ongoing maintenance or operating costs of the infrastructure.

The DCA needs to be identified in the planning scheme and the associated DCP must also be included in the planning scheme.

DCPs are required to have a set lifespan as it is anticipated that a development or redevelopment will be completed within that period.

## DETAILS

A DCP is typically used in large greenfield (undeveloped) sites where there are multiple landowners, thereby needing a mechanism to not only ensure that the required infrastructure and facilities are provided, but also be done in a way that is financially equitable to each landowner.

The traditional areas of growth within the City of Joondalup, such as the greenfield areas of Burns Beach and Iluka, are under single ownership. Therefore, those owners are responsible for the provision of the required infrastructure and facilities through the normal subdivision process, and there is no need for an equity sharing arrangement. The draft policy has limited applicability in these situations.

The draft policy states that it is intended to also apply to infill development. This would mean the draft policy is applicable to the City's Housing Opportunity Areas (HOAs) and, as such, the draft policy has been considered primarily in this context.

The City has prepared a formal submission on the draft policy (Attachment 2 refers). A summary of the matters raised in the submission is provided below:

### Equity of cost sharing for infill infrastructure

One of the principles set out in the draft policy is equity – infrastructure contributions should be levied equitably from all identified stakeholders within a contribution area.

The City's HOAs are areas identified within established suburbs as being suitable for increased residential density. Although the opportunity exists for individuals to redevelop sites at increased density, there is no obligation on a landowner to redevelop.

This creates an equity issue under the draft policy for the cost sharing of infrastructure. The City could seek to implement a cost sharing arrangement that levies contribution only from those owners redeveloping their properties. However, the infrastructure would benefit not only those redeveloping, but also those not developing. Alternatively, the City could seek to implement a cost sharing arrangement that levies a contribution from all landowners within an HOA, thereby also imposing a charge on landowners that are not redeveloping and not creating a demand for additional or upgraded infrastructure.

### Timing uncertainty for the delivery of infill infrastructure

The draft policy requires DCPs to not only identify the infrastructure to be provided, but to also provide an estimated timing of delivery within the 10-year lifespan of the DCP.

The rate of uptake in infill settings is generally uncertain, and the rate of uptake is different in each of the City's HOAs. This makes it difficult to provide accuracy as to when an infrastructure item should be delivered to meet demand.

This could result in pre-funding of infrastructure by the City before a correlating demand exists, or the delivery of infrastructure within an identified timeframe but at a scale inconsistent with the ultimate demand.

### Introducing a cap on the charge for community infrastructure

The draft policy includes a \$2,500 per dwelling cap for local community infrastructure, or up to \$3,500 per dwelling where district and/or regional infrastructure is also proposed.

This capping on the maximum contribution that can be levied could lead to a gap in the amount of contributions that can be collected for the funding of infrastructure and the actual cost of infrastructure itself.

The draft policy also requires regular review and updating of infrastructure cost estimates but does not appear to allow for an increase to the maximum cap that can be charged. If infrastructure costs increase as part of the reviews, the gap between the cap and the cost of infrastructure would also increase.

Any gap would need to be funded by the City and if the City was not able to fund the gap, the capping of contributions would need to be scaled back so that the cost could be funded by the DCP and this may then not align with the actual demand for infrastructure.

### Unit of charge

The draft policy uses a 'dollar amount per dwelling' as the only unit of charge for infrastructure contributions. This approach may be appropriate for greenfield development but is not suitable for infill settings, such as the City's HOAs.

Infill settings like the City's HOAs can be made up of areas where there is a high degree of landowner fragmentation. This, coupled with the fact that there is no obligation for a landowner to redevelop to a minimum density, or redevelop at all, means it is difficult to predict the overall dwelling yield for an infill area, which would need to be used to determine the dollar amount per dwelling.

A 'per dwelling' contribution in an infill setting may also discourage developers from maximising the dwelling yield potential of their site, undermining the strategic objective of infill development.

It may be more suitable to allow contributions in infill settings to be determined on a square metre or per hectare basis. This would provide a more certain and equitable base from which to determine the contribution requirements and may also encourage greater uptake as developers would not be 'penalised' by including more dwellings in a development.

#### Implementation issues of requiring an annual review of infrastructure cost estimates

The draft policy requires the infrastructure cost estimates to be reviewed annually.

If the outcome of these annual reviews is expected to then be reflected in the DCP itself, and therefore the local planning scheme, it is likely there will be timing issues associated with the regularity proposed.

The amount of time required to undertake all processes associated with a scheme amendment can take up to and sometimes more than 12 months. This means that if a review of infrastructure cost estimates is required to be undertaken annually and the outcome then reflected in the local planning scheme, it is likely that the next annual review will be required before the process associated with the previous review is completed.

#### Application of standard requirements for public open space infrastructure in an infill setting

The draft policy requires the inclusion of public open space as an infrastructure item up to the basic development standards of the WAPC's Liveable Neighbourhoods document, but also allows for greater embellishment, such as playgrounds, water fountains and bins, at the discretion of the landowner/developer.

As a local government will ultimately become responsible for the maintenance and ongoing costs associated with public open space infrastructure, any embellishment should not only be at the discretion of the landowner/developer but also in agreement with the local government.

#### Inclusion of foreshore reserves as a contribution item

The draft policy includes foreshore reserves as a possible community infrastructure item, however, traditionally foreshore reserves are ceded free of cost by a proponent as part of the subdivision process.

Including foreshore reserves in the draft policy effectively attaches a cost to the local government for the infrastructure. In doing so, this would likely increase the unit of charge for community infrastructure items in a DCP. This is particularly problematic as the draft policy also seeks to cap the maximum amount that can be charged for community infrastructure thereby further compounding the risk of creating a gap between the amount able to be recovered through a DCP and the actual cost of community infrastructure items.

If included, it is also unclear whether this infrastructure item is intended to include costs associated with any remediation works to manage the potential impact of coastal processes.

### Clarifying what constitutes a 'comprehensive planning instrument' for the purpose of including sustainable transport infrastructure as a contribution item

The draft policy sets out that sustainable transport can be included in a DCP as an infrastructure item for existing areas and only where comprehensive planning has been undertaken and requirements are set out in a Structure Plan or similar planning instrument.

Some greater clarification is required as to what the draft policy considers to be an applicable planning instrument and whether the City's Local Housing Strategy, which identifies the HOAs, is an appropriate instrument. Clarification is also needed on what requirements would be expected to be outlined in a relevant planning instrument.

The draft policy also notes that sustainable transport infrastructure items includes a range of elements that would allow streets to transition to a 'Complete Streets' model. 'Complete Streets' is an approach to street design that requires streets to be planned, designed, operated and maintained to allow for safe travel by all users including those walking, cycling, driving cars or riding public transport.

Whilst the 'Complete Streets' model may be a suitable and desirable outcome for retrofitting streets in existing areas, the model does not appear to be adopted as any sort of State policy, guideline or position statement. It may be more appropriate to either link the infrastructure item to an adopted State document (such as Liveable Neighbourhoods) or formally acknowledge the 'Complete Streets' model as an acceptable model in the eyes of the State.

### Lifespan of a Development Contribution Plan (DCP)

The draft policy states that DCPs will have a lifespan of 10 years. Longer timeframes may be considered in limited circumstances for the delivery of City-wide community infrastructure or for specific urban projects.

The default 10-year lifespan is not considered to be sufficient for infill settings which have a higher degree of uncertainty in relation to the rate of uptake. A 10-year lifespan is also inconsistent with the timeframes attached to the delivery of infill set out in other State documents, such as *Perth and Peel @ 3.5 million*. It is recommended that the draft policy provide greater consideration and guidance on how the lifespan of a DCP can be managed for infill settings.

### **Issues and options considered**

The options available to Council in considering the draft policy and the City's submission are:

- endorse the proposed submission and forward to the WAPC
- endorse the proposed submission with modifications and forward to the WAPC  
or
- not endorse the proposed submission.

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

#### **Legislation**

*Planning and Development Act 2005.*  
*Planning and Development (Local Planning Schemes) Regulations 2015.*  
*Local Planning Scheme No. 3.*

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

**Strategic initiative** Participate in State and Federal policy development processes affecting local government.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The WAPC undertook consultation on the draft policy from 4 July 2019 until 2 September 2019. Due to the Council meeting cycle it was not possible to provide a submission within the timeframe. However, the Department of Planning, Lands and Heritage recommended that preliminary City comments be provided within the submission period and the formal Council position, if endorsed, be provided after its consideration. Preliminary comments reflective of those outlined in Attachment 2 were submitted on 30 August 2019.

**COMMENT**

Reform of the infrastructure contributions framework is supported in principle, including identifying the need for infill development to be undertaken in a coordinated manner. However, the revised policy does not provide the structure and detail around how infrastructure contributions for infill development, and the associated complexities associated, can be implemented.

It is considered that the revised policy continues to apply infrastructure contributions in a one size fits all approach and the draft policy should be revised to specifically address the issue of development contributions within established areas, or that a separate infrastructure contributions policy be developed for infill development.

It is recommended that Council endorses the City of Joondalup comments in Attachment 2 as the formal submission on the revised draft *State Planning Policy 3.6 Infrastructure Contributions*.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **ENDORSES** the City of Joondalup's submission on the draft revised *State Planning Policy 3.6 Infrastructure Contributions* (the draft policy) as shown in Attachment 2 to Report CJ130-10/19, and forwards it to the Western Australian Planning Commission;
- 2 **NOTES** that although the draft policy is intended to apply in infill settings, the draft policy does not appropriately cater for the type of infill development that is currently occurring and likely to occur within the City in the future. As it does not provide the structure and detail around how infrastructure contributions for infill development, and the associated complexities associated, can be implemented.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf191001.pdf](#)



## **CJ131-10/19      SETTING MEETING DATE FOR ANNUAL GENERAL MEETING OF ELECTORS 2019**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	107893, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to determine the meeting date for the 2019 Annual General Meeting (AGM) of Electors.

### **EXECUTIVE SUMMARY**

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the local government accepts the annual report. It is anticipated that Council will accept the annual report at its meeting to be held on 19 November 2019.

Section 5.29 of the *Local Government Act 1995* states the Chief Executive Officer is to convene an electors meeting by giving at least 14 days public notice. Furthermore, section 5.55 of the *Local Government Act 1995* states the Chief Executive Officer is to give at least seven days public notice of the availability of the Annual Report, following its acceptance by Council.

Should Council adopt the annual report at its meeting to be held on 19 November 2019, the earliest date to issue local public notice is Thursday 21 November 2019, meaning that the earliest date the Annual General Meeting of Electors can be held is Friday 6 December 2019, with the last date being Monday 16 January 2020.

It is considered that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 10 December 2019, prior to the scheduled Council meeting. Elected Members are more likely to be available at this time due to their attendance at the Council meeting and it also provides opportunity for the public to attend who may also be attending the scheduled Council meeting.

*It is therefore recommended that Council AGREES to convene the 2019 Annual General Meeting of Electors on Tuesday 10 December 2019, commencing at 5.30pm in the Council Chamber.*

## BACKGROUND

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

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

In recent years, the Annual General Meeting of Electors has been convened at 5.30pm and was held immediately prior to the scheduled Briefing Session or Council meeting (refer below, for AGM of Electors meeting dates and attendance). This format has resulted in an improved elector turnout compared to previous years. For this reason, it is recommended that the AGM of Electors continue to be held at 5.30pm immediately prior to the scheduled Council Meeting in 2019.

AGM of Electors Date	Start Time	Finish Time	Prior to Meeting	Attendance Numbers
Tuesday, 10 December 2013	5.30pm	5.56pm	Council	6
Tuesday, 2 December 2014	5.35pm	6.36pm	Briefing	12
Tuesday, 15 December 2015	5.40pm	6.22pm	Council	6
Tuesday, 6 December 2016	5.30pm	6.31pm	Briefing	78
Tuesday, 12 December 2017	5.30pm	7.02pm	Council	27
Tuesday, 4 December 2018	5.30pm	6.27pm	Briefing	14

## DETAILS

The Office of Auditor General (OAG) will be undertaking their final audit in early October, with the audited financial statements and independent auditor’s report anticipated to be received late October or early November. The audited financial statements are scheduled to be presented to the newly appointed Audit and Risk Committee post elections, providing recommendations to Council at its meeting to be held on 19 November 2019. It is worth noting that in the event that there is a change in the audit schedule initiated by OAG or additional audit requirements are requested the AGM of Electors meeting date may be required to be changed.

The audited financial statements are a key component of the City’s annual report, which will be presented to Council in a separate report to the Council meeting scheduled to be held on 19 November 2019. The finalised annual report will include the audited financial statements.

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

## Issues and options considered

It is a statutory requirement that Council sets a meeting date for the 2019 Annual General Meeting of Electors.

Council can either:

- adopt the date and time as recommended in the report  
or
- select an alternative time and / or date to hold the AGM of Electors.

## Legislation / Strategic Community Plan / policy implications

**Legislation** *Local Government Act 1995.*  
*Local Government (Administration) Regulations 1996.*

## Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Active democracy.

**Strategic initiative** Optimise opportunities for the community to access and participate in decision-making processes.

**Policy** Not applicable.

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

### **“5.27 Electors’ general meetings**

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

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

### **“5.29 Convening electors’ meetings**

- (1) *The Chief Executive Officer is to convene an electors’ meeting by giving:*
  - (a) *at least 14 days’ local public notice; and*
  - (b) *each council member at least 14 days’ notice,*

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

Section 5.55 states the following in respect to giving notice of annual reports:

**“5.55 Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.”*

Section 1.7 of the *Local Government Act 1995* defines ‘local public notice’ and states where such notice is not expressly stated, the notice is to be published and exhibited for at least seven days.

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

- Attendances and apologies.
- Contents of the *2018-19 Annual Report*.
- General business.

**Risk management considerations**

The risk associated with failing to set a date for the 2019 Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

While the City advertises the meeting in accordance with the *Local Government Act 1995*, the City will promote the scheduled meeting date as soon as possible and will publicise the *2018-2019 Annual Report* through the City’s website once it is adopted by Council at its meeting to be held on 19 November 2019.

**COMMENT**

The audited financial statements for 2018-19 will be the subject of a separate report to Council. Once these statements are adopted by Council, they will be included into the finalised *2018-19 Annual Report*.

In order for the City to meet its legislative requirements, it is recommended that Council convenes the 2019 Annual General Meeting of Electors on Tuesday 10 December 2019, commencing at 5.30pm, prior to the scheduled Council meeting.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council AGREES to convene the 2019 Annual General Meeting of Electors on Tuesday 10 December 2019, commencing at 5.30pm in the Council Chamber.**

## **CJ132-10/19 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2019**

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of August 2019, totalling \$11,289,346.13.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for August 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 CJ132-10/19, totalling \$11,289,346.13.*

### **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 August 2019. Lists detailing the payments made are appended as Attachments 1 and 2 to this report.

The vouchers for the month are appended as Attachment 3 to this report.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 108736 - 108882 & EFO80001 – EFO80527 Net of cancelled payments.	\$ 6,588,616.31
	Vouchers 2604A – 2616A	\$ 4,682,083.02
Trust Account	Trust Cheques & EFT Payments 207378 - 207384 & TEF001713 – TEF001724 Net of cancelled payments.	\$ 18,646.80
<b>Total</b>		<b>\$ 11,289,346.13</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

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

**Risk management considerations**

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal 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.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for August 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 CJ132-10/19, totalling \$11,289,346.13.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf191001.pdf](#)



## **CJ133-10/19 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2019**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

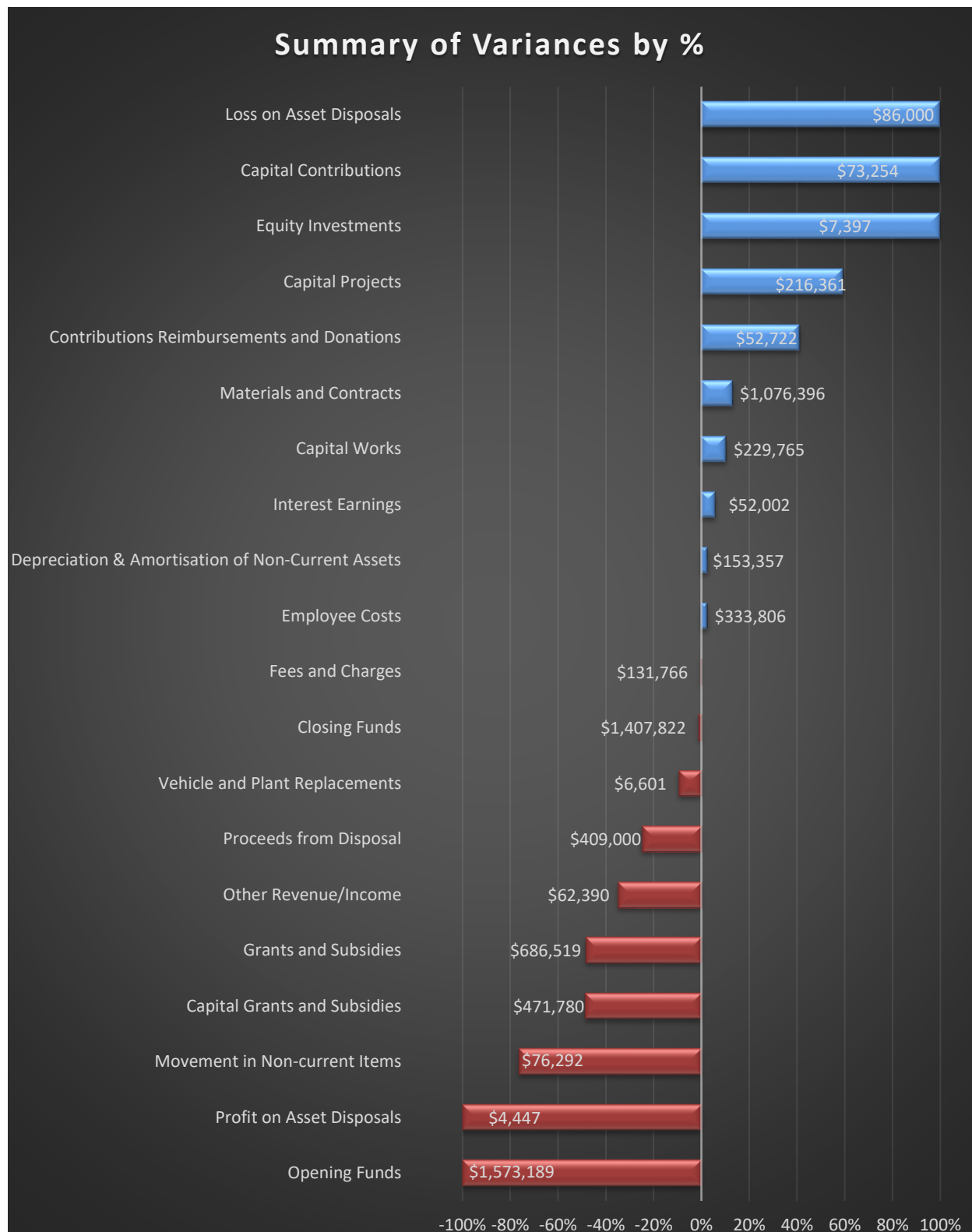
At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the *2019-20 Annual Budget*. The figures in this report are compared to the adopted budget.

The August 2019 Financial Activity Statement Report shows an overall unfavourable variance of (\$1,407,822) 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 August 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 August 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.

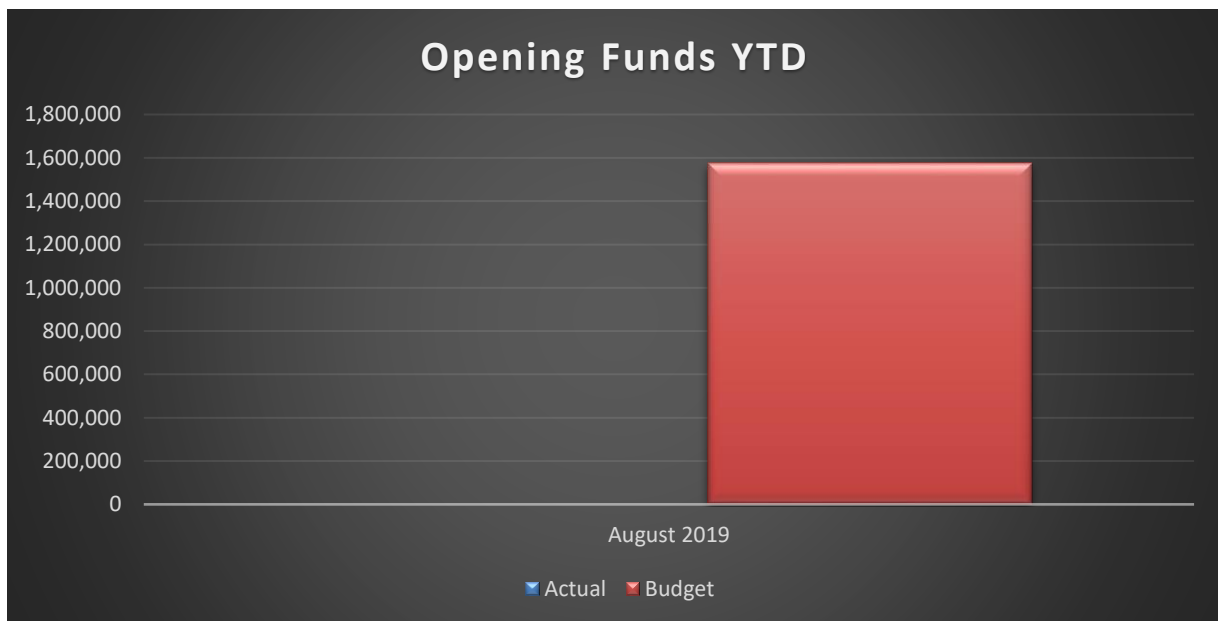
The key elements of the variance are summarised below:



The significant variances for August were:

### Opening Funds

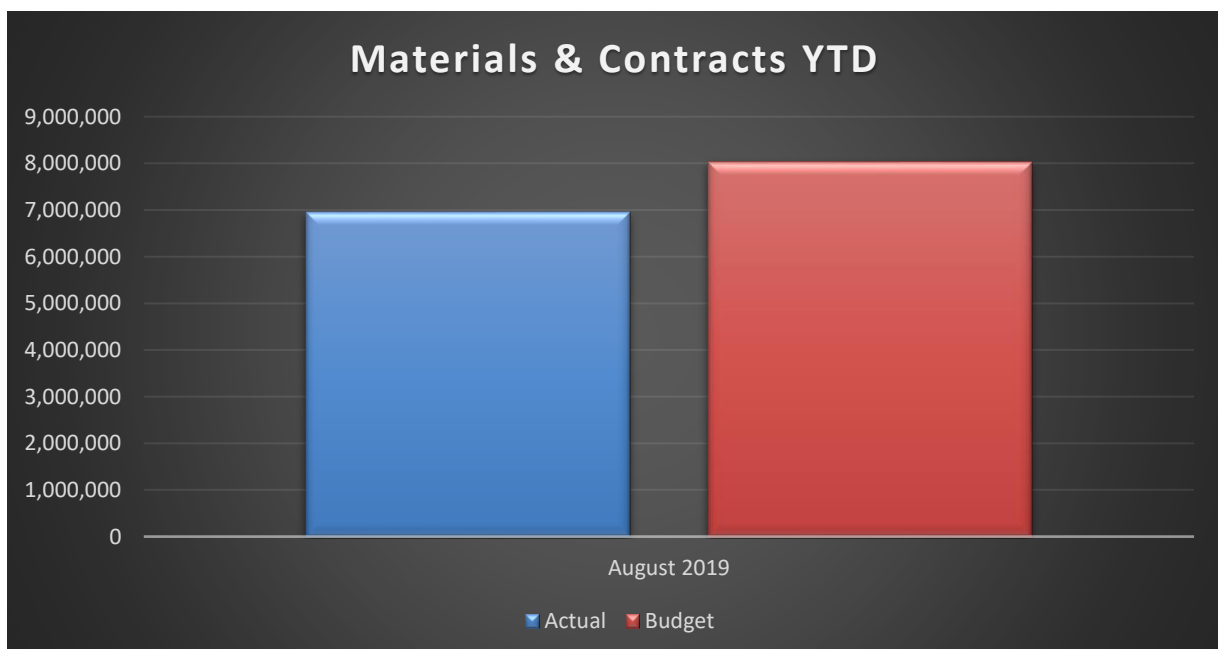
**(\$1,573,189)**



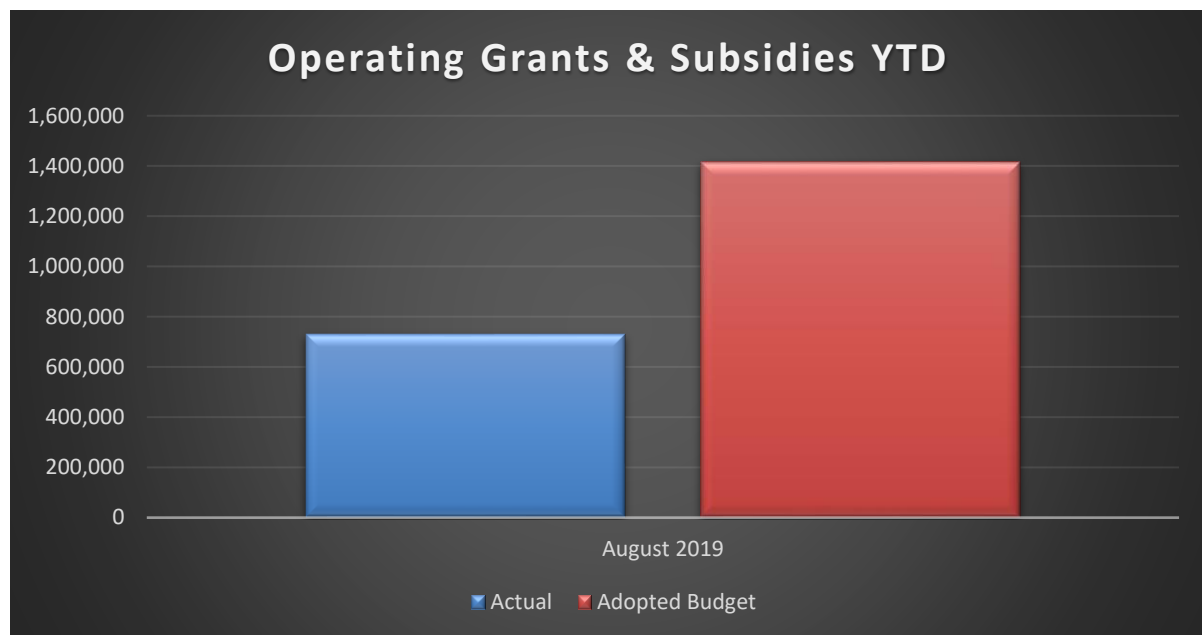
Opening Funds for July 2019 is (\$1,573,189) below budget, being prior to end of year adjustments for 2018-19 being processed. The final balance will be available after the Financial Statements for 2018-19 have been audited.

### Materials and Contracts

**\$1,076,396**



Materials and Contracts expenditure is \$1,076,396 below budget. This is spread across a number of different areas including External Service Expenses \$680,250, Computing \$152,910, Furniture, Equipment and Artworks \$129,591 and Administration \$95,304.

**Operating Grants and Subsidies****(\$686,519)**

Operating Grants and Subsidies is (\$686,519) below budget. This unfavourable timing variance arose mainly from advance payments of Federal General Purpose (WALGGC) Grant (\$409,080) and Federal Road (FLRG) Grant (\$298,742) received in the previous financial year.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2019 forming Attachment 1 to Report CJ133-10/19.*

**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 August 2019 is appended as Attachment 1.

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

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

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

### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk management considerations**

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

### **Financial / budget implications**

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

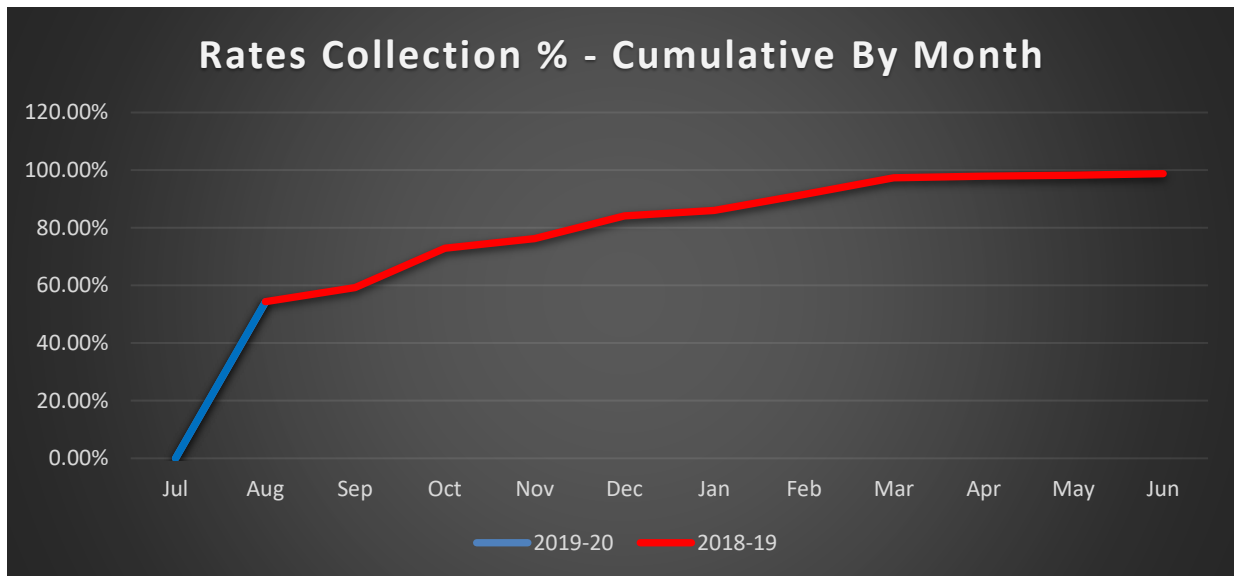
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

### **Consultation**

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

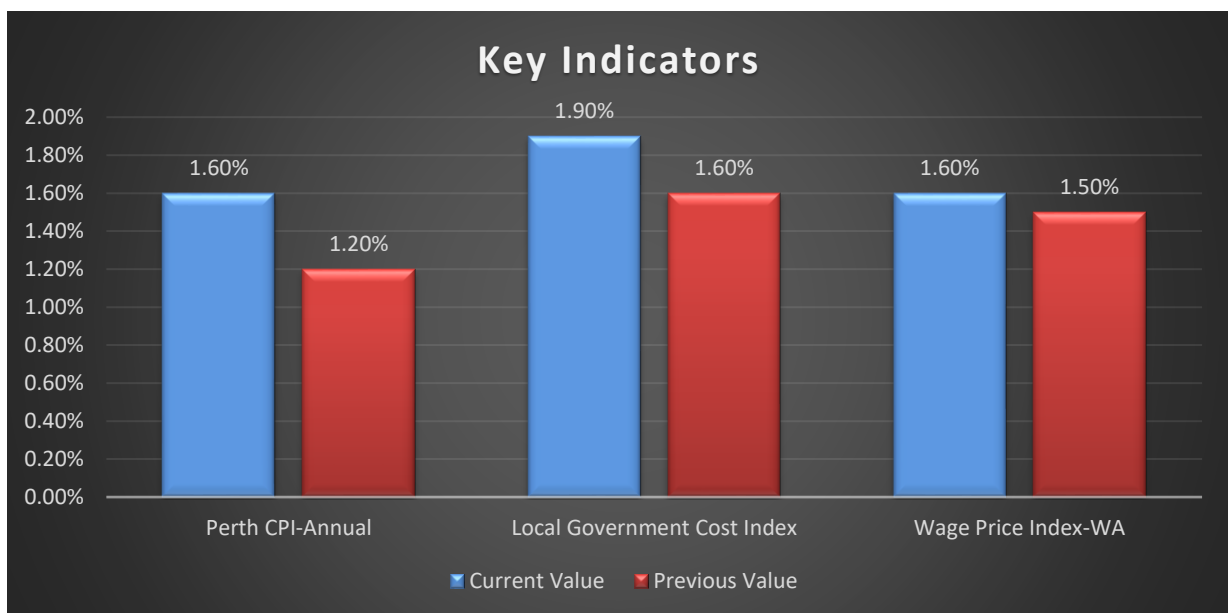
## KEY INDICATORS

### Rates Collection



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

### Economic Indicators



Increases occurred across all indicators during the June quarter demonstrated the WA economy appears to be emerging 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 has risen to be currently on par with CPI but 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.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 August 2019 forming Attachment 1 to Report CJ133-10/19.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf191001.pdf](#)

## **CJ134-10/19 TENDER 025/19 SUPPLY AND INSTALLATION OF STAIRWAY AND LOOKOUT STRUCTURES AT WHITFORDS NODES PARK, HILLARYS**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	108148, 101515
<b>ATTACHMENT</b>	Attachment 1 Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by Enviro Infrastructure Pty Ltd (Conforming Offer) for the supply and installation of stairway and lookout structures at Whitfords Nodes Park, Hillarys.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 13 July 2019 through statewide public notice for the supply and installation of stairway and lookout structures at Whitfords Nodes Park, Hillarys. Tenders closed on 6 August 2019. A submission was received from each of the following:

- The Trustee for MR Hoskins Family Trust t/as AE Hoskins & Sons.
- Construct360 Pty Ltd.
- D.B. Cunningham Pty Ltd t/as Advantearing - Civil Engineers.
- Enviro Infrastructure Pty Ltd (Conforming Offer).
- Enviro Infrastructure Pty Ltd (Alternative Offer 1).
- Enviro Infrastructure Pty Ltd (Alternative Offer 2).
- Environmental Industries Pty Ltd.
- Linkbuild Construction Pty Ltd.
- M Construction (WA) Pty Ltd.
- Meta Maya Construction Pty Ltd.
- Menchetti Consolidated Pty Ltd (MG Group WA).
- Total Eden Pty Ltd.
- Vera Builders Pty Ltd.
- Vital Building Company Pty Ltd.

The submission from Enviro Infrastructure Pty Ltd (Conforming Offer) represents best value to the City. Enviro Infrastructure Pty Ltd demonstrated extensive experience completing similar projects for the Department of Biodiversity, Conservation and Attractions, City of Cockburn and Environmental Industries. It demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.



City-wide community engagement was undertaken in 2018 for the Whitfords Nodes Health and Wellbeing Hub with a consultation outcome report presented to Council at its meeting held on 20 February 2018 (CJ024-02/18 refers). Council supported the development of the Health and Wellbeing Hub at Whitfords Nodes based on the positive outcome of the community engagement.

*It is therefore recommended that Council ACCEPTS the tender submitted by Enviro Infrastructure Pty Ltd (Conforming Offer) for the supply and installation of stairway and lookout structures at Whitfords Nodes Park, Hillarys as specified in Tender 025/19 for the fixed lump sum of \$553,052 (GST exclusive) with works to be completed by 6 February 2020.*

## **BACKGROUND**

The City has a requirement for the supply and installation of stairway and lookout structures at Whitfords Nodes Park, Hillarys in accordance with the specification.

A separate project for the supply and installation of play space and associated landscape works at Whitfords Nodes Park, Hillarys is currently in progress with works expected to be completed by 17 April 2020. The stairway and lookout structure project is funded by the City and a portion of a \$500,000 grant from Community Sport Infrastructure which will also fund other parts of the Whitfords Nodes Park development.

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

## **DETAILS**

The tender for the supply and installation of stairway and lookout structures at Whitfords Nodes Park, Hillarys was advertised on 13 July 2019 through statewide public notice. The tender period was for three weeks and tenders closed on 6 August 2019.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for MR Hoskins Family Trust t/as AE Hoskins & Sons.
- Construct360 Pty Ltd.
- D.B. Cunningham Pty Ltd t/as Advantearing - Civil Engineers.
- Enviro Infrastructure Pty Ltd (Conforming Offer).
- Enviro Infrastructure Pty Ltd (Alternative Offer 1).
- Enviro Infrastructure Pty Ltd (Alternative Offer 2).
- Environmental Industries Pty Ltd.
- Linkbuild Construction Pty Ltd.
- M Construction (WA) Pty Ltd.
- Meta Maya Construction Pty Ltd.
- Menchetti Consolidated Pty Ltd (MG Group WA).
- Total Eden Pty Ltd.
- Vera Builders Pty Ltd.
- Vital Building Company Pty Ltd.

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

### **Evaluation Panel**

The evaluation panel comprised five members:

- One with tender and contract preparation skills.
- Four with the appropriate technical expertise and involvement in supervising the contract.

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

### **Compliance Assessment**

The following offers received were assessed as fully compliant:

- The Trustee for MR Hoskins Family Trust t/as AE Hoskins & Sons.
- Construct360 Pty Ltd.
- D.B. Cunningham Pty Ltd t/as Advanteeing - Civil Engineers.
- Enviro Infrastructure Pty Ltd (Conforming Offer).
- Environmental Industries Pty Ltd.
- Linkbuild Construction Pty Ltd.
- M Construction (WA) Pty Ltd.
- Meta Maya Construction Pty Ltd.
- Menchetti Consolidated Pty Ltd (MG Group WA).
- Total Eden Pty Ltd.
- Vera Builders Pty Ltd.
- Vital Building Company Pty Ltd.

The following offers were assessed as non-compliant:

- Enviro Infrastructure Pty Ltd (Alternative Offer 1). Offered a different decking product in place of Modwood as specified in Technical Specifications.
- Enviro Infrastructure Pty Ltd (Alternative Offer 2). Offered a different decking product in place of Modwood as specified in Technical Specifications.

These offers did not meet the City's scope of requirements and were not considered further.

### **Qualitative Assessment**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 50%.

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

	<b>Qualitative Criteria</b>	<b>Weighting</b>
1	Demonstrated experience in completing similar projects	35%
2	Demonstrated understanding of the required tasks	35%
3	Capacity	25%
4	Social and economic effects on the local community	5%

Construct360 Pty Ltd scored 31.3% and was ranked twelfth in the qualitative assessment. The company did not demonstrate experience completing similar projects. Three project examples were supplied but all were for renovation/refurbishment works. Its response to capacity did not address the company's ability to provide additional resources and personnel, profile and experience of its proposed sub-contractors for this project and safety records of the company. The company did not demonstrate an understanding of the requirements submitting a generic methodology for Falkland Park Kinross refurbishment project.

Linkbuild Construction Pty Ltd scored 37.6% and was ranked eleventh in the qualitative assessment. The company did not demonstrate sufficient understanding of the project requirements submitting drawings without any provisional program or methodology. It has the capacity to carry out this project but did not demonstrate experience completing projects of similar scope.

M Construction (WA) Pty Ltd scored 42.9% and was ranked tenth in the qualitative assessment. The company did not demonstrate experience completing similar projects. The supplied project examples were all refurbishment, fit-out, remediation and upgrade works. It demonstrated some understanding of the project requirements. M Construction (WA) Pty Ltd has the capacity to carry out this project but its current commitments were not supplied, and limited information was provided on its proposed eight sub-contractors for this project.

Vera Builders Pty Ltd scored 43.3% and was ranked ninth in the qualitative assessment. It demonstrated some understanding of the project requirements. The company did not demonstrate experience completing projects of a similar scope. Nine project examples were supplied; however, all were refurbishment, traffic improvement project or reconstruction works. Its response to capacity did not address the company's number of employees, its ability to provide additional resources and personnel, current commitments or the profiles and experience of its proposed sub-contractors for this project

AE Hoskins and Sons scored 44.3% and was ranked eighth in the qualitative assessment. The company did not demonstrate experience completing projects of a similar scope. The eight supplied project examples were all refurbishment or upgrade works. The company did not demonstrate sufficient understanding of the project requirements providing a generic methodology. Its response to capacity did not address the company's ability to provide additional resources and personnel, its current commitments or the profile and experience of its proposed sub-contractors for this project.

Meta Maya Construction Pty Ltd scored 49.1% and was ranked seventh in the qualitative assessment. It did not demonstrate sufficient experience completing similar projects with only a restoration project at John Point lookout (Cape Peron) similar in scope to this requirement. The company demonstrated some understanding of the project requirements. Meta Maya Construction Pty Ltd has the capacity in terms of personnel and equipment to carry out this project in the required timeframe, but profiles and experience of only two of its proposed 10 sub-contractors for this project were provided.

Vital Building Company Pty Ltd scored 56.8% and was ranked sixth in the qualitative assessment. It demonstrated a thorough understanding of the tasks required. The company demonstrated experience completing similar projects for Christ Church Grammar School and Cockburn Gateway Shopping Centre. Vital Building Company Pty Ltd has the required capacity to complete the project, however its response to capacity did not address its ability to provide additional resources and personnel or the safety records of the company.

Total Eden Pty Ltd scored 60.5% and was ranked fifth in the qualitative assessment. The company demonstrated experience completing similar projects for Lendlease, PEET, Stockland and the Cities of Karratha and Fremantle. It demonstrated an understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe; however, profiles and experience of its proposed sub-contractors for this project were not specifically addressed.

Environmental Industries Pty Ltd scored 64.8% and was ranked fourth in the qualitative assessment. It demonstrated a thorough understanding of the project requirements and has the capacity to complete this project in the required timeframe. The company demonstrated considerable experience completing similar projects for PEET, Town of Cottesloe and the City of Wanneroo.

Enviro Infrastructure Pty Ltd (Conforming Offer) scored 69.7% and was ranked third in the qualitative assessment. The company demonstrated extensive experience completing similar projects for the Department of Biodiversity, Conservation and Attractions, City of Cockburn and Environmental Industries. It demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

MG Group WA scored 74.6% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding of the project tasks. The company demonstrated extensive experience completing similar projects for Botanic Gardens & Parks Authority, Department of Finance and the Cities of Belmont and Fremantle. MG Group WA has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

Advanteering Civil Engineers scored 78.7% and was ranked first in the qualitative assessment. The company has the capacity to provide the required personnel, equipment and quality standards for successful delivery of the project. It demonstrated extensive experience completing similar projects for the Town of Bassendean and the Cities of Melville and Swan. It demonstrated a thorough understanding of the project by providing a detailed construction methodology specific to the project and a well-documented preliminary construction program.

Based on the minimum acceptable score (50%), following Tenderers qualified for stage 2 (price) assessment:

- Advanteering Civil Engineers.
- Enviro Infrastructure Pty Ltd (Conforming Offer).
- Environmental Industries Pty Ltd.
- MG Group WA.
- Total Eden Pty Ltd.
- Vital Building Company Pty Ltd.

### Price Assessment

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

<b>Tenderer</b>	<b>Contract Price</b>
Enviro Infrastructure Pty Ltd (Conforming Offer)	\$553,052
Total Eden Pty Ltd	\$591,056
Advanteering Civil Engineers	\$637,861
Environmental Industries Pty Ltd	\$644,295
Vital Building Company Pty Ltd	\$835,224
MG Group WA	\$885,460

## Evaluation Summary

Tenderer	Price Ranking	Contract Price	Qualitative Ranking	Weighted Percentage Score
Enviro Infrastructure Pty Ltd (Conforming Offer)	1	\$553,052	3	69.7%
Total Eden Pty Ltd	2	\$591,056	5	60.2%
Advantearing Civil Engineers	3	\$637,861	1	78.7%
Environmental Industries Pty Ltd	4	\$644,295	4	64.8%
Vital Building Company Pty Ltd	5	\$835,224	6	56.8%
MG Group WA	6	\$885,460	2	74.6%

Based on the evaluation result the panel concluded that the tender from Enviro Infrastructure Pty Ltd (Conforming Offer) provides best value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement for the supply and installation of stairway and lookout structures at Whitfords Nodes Park, Hillarys. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

##### Key theme

Quality Urban Environment.

##### Objective

Quality Open Spaces.

##### Strategic initiative

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

Establish landscapes that are unique to the City and provide statements within prominent network areas.

##### Policy

Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high. This landscaping project was highly publicised in the media and there is a community expectation for this project.

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

### Financial/budget implications

<b>Project number</b>	FNM2054.
<b>Cost Code</b>	CW002659.
<b>Budget Item</b>	Whitfords Nodes Stairway.
<b>Budget amount</b>	\$ 602,812 (including funds brought forward from the previous year)
<b>Committed</b>	\$ 10,954
<b>Amount spent to date</b>	\$ 200
<b>Proposed cost</b>	\$ 553,052
<b>Balance</b>	\$ 38,156

The balance does not represent a saving at this time. There is potential for variations and other project works not covered under the lump sum price of this tender.

All amounts quoted in this report are exclusive of GST.

### Regional Significance

Whitfords Nodes is a Regional Beach Park with a strong fitness and recreational function. The park is located directly to the north of Hillarys Boat Harbour and is classified as 'Bush Forever'. Sections of the park have been historically developed as a recreational area with large turf areas and recreational facilities. Apart from hosting large triathlon events, it is regularly used by fitness groups as well as the general public exercising on a daily basis. As a beach access park, it provides for a large catchment of suburbs within the City of Joondalup as well as other local government areas. The park is located within the South-West Ward on the coast between Sorrento Quay and Hillarys Animal Beach.

### Sustainability implications

The following project objectives for Whitfords Nodes Health and Wellbeing Hub are in line with those highlighted in the City's *Strategic Community Plan 2012-2022*:

- Quality Urban Environment – Quality Open Spaces.
- Apply a strategic approach to the planning and development of public open spaces.
- Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.
- Adopt consistent principles in the management and provision of urban community infrastructure.
- Establish landscapes that are unique to the City and provide statements with prominent network areas.
- The Natural Environment – Accessible Environments.
- Promote significant local natural areas.
- Build an effective interface between humans and the natural environment.

### Environmental

Whitfords Nodes Park is highly utilised for recreational purposes with the pathway through the dunes being used for large triathlon events, fitness groups as well as the general public exercising on a daily basis. These uses have the unintended consequence of causing erosion and loss of vegetation to the surrounding dune system. The formalisation of recreational areas at the location will assist in protecting the dunes and its vegetation from disturbance from park users.

During the construction of the project it is possible that erosion of the dunes and disturbance of vegetation may occur. In order to minimise disturbance erosion control measures will be put in place. Revegetation of the dunes will also be conducted to ensure the condition of the environment is maintained.

### Social

The Health and Wellbeing Hub proposal has been designed to enhance the amenity and usability of the park and to meet the diverse needs of the residents of the City of Joondalup as well as visitors from across the metropolitan areas. The space is already popular (although somewhat underutilised) for family activities, fitness usage and large-scale events. Enhancing recreational opportunities for users by rationalising the placement of park infrastructure to create a large turf area will enable park visitors to use the space for a variety of activities concurrently.

The proposed development will draw users to the park which will activate the space, increasing surveillance and decreasing anti-social behaviour. The new infrastructure will be designed to limit anti-social behaviour by keeping clear sightlines and passive surveillance opportunities.

### Economic

Perth has a limited number of beach access parks which have the potential to accommodate large events. The proposed development of Whitfords Nodes Park will improve the amenity of the public space and is anticipated to attract increased visitors and user groups to the area. The large consolidated turf area will provide a viable space to continue to host current annual events such as triathlons and the potential to attract new events which will contribute to the economic growth of the City. The City has set out to provide sustainable recreational access that is conducive with the protection and management of the high environmental values of the area.

### **Consultation**

City-wide community engagement was undertaken in 2018 for the Whitfords Nodes Health and Wellbeing Hub with a consultation outcome report presented to Council at its meeting held on 20 February 2018 (CJ024-02/18 refers). Council supported the development of the Health and Wellbeing Hub at Whitfords Nodes based on the positive outcome of the community engagement.

### **COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing the best value to the City, is the tender submitted by Enviro Infrastructure Pty Ltd (Conforming Offer).

### **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Enviro Infrastructure Pty Ltd (Conforming Offer) for the supply and installation of stairway and lookout structures at Whitfords Nodes Park, Hillarys as specified in Tender 025/19 for the fixed lump sum of \$553,052 (GST exclusive) with works to be completed by 6 February 2020.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf191001.pdf](#)*



**Disclosures of Proximity Interest**

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ135-10/19 - Tender 026/19 Landscape and Irrigation Maintenance Services – Iluka.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Mayor Jacob's house is situated opposite to the main park which is serviced under this tender.

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ135-10/19 - Tender 026/19 Landscape and Irrigation Maintenance Services – Iluka.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Hunt resides in Iluka.

## CJ135-10/19      **TENDER 026/19 LANDSCAPE AND IRRIGATION MAINTENANCE SERVICES - ILUKA**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	108159, 101515
<b>ATTACHMENT</b>	Attachment 1      Schedule of Items Attachment 2      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to accept the tender submitted by Sanpoint Pty Ltd trading as LD Total for the provision of landscaping and irrigation maintenance services in Iluka.

**EXECUTIVE SUMMARY**

Tenders were advertised on 20 July 2019 through state-wide public notice for the provision of landscaping and irrigation maintenance services in Iluka. Tenders closed on 8 August 2019. A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Landscape Elements Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.

- Landscape and Maintenance Solutions Pty Ltd.
- Horizon West Landscape & Irrigation Pty Ltd.
- The Trustee for the Lochness Unit Trust (Loch Ness Landscape Services).
- Total Eden Pty Limited.

The submission from Sanpoint Pty Ltd trading as LD Total represents best value to the City. The company has extensive experience providing landscape maintenance services to local governments including the Cities of Wanneroo, Rockingham and Kwinana. Though it did not fully demonstrate its understanding of the required tasks, in particular the number of hours allocated to provide the services, LD Total is a well-established company with extensive industry experience and capacity to provide the services to the City. The City sought clarification from LD Total regarding the allocated hours and has received written confirmation from LD Total of the equipment, personnel and work method provided for in the allocation of hours. It may be noted that this is a lump sum contract.

*It is therefore recommended that Council ACCEPTS the tender submitted by Sanpoint Pty Ltd trading as LD Total for the provision of landscaping and irrigation maintenance services in Iluka as specified in Tender 026/19 for a period of three years, for the fixed lump sum of \$742,588 with an option for a further two years and schedule of rates for any modifications with annual price variations subject to the Perth CPI (All Groups) Index.*

## **BACKGROUND**

The City has a requirement to engage a suitably qualified and experienced Contractor to provide landscaping and irrigation maintenance services for designated public open space and landscaped areas within Iluka.

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

- turf maintenance
- mowing
- removal of grass clippings and green waste
- garden bed maintenance
- sump, tier and restricted access areas maintenance
- irrigation maintenance
- landscape upgrades.

The City has a single contract in place with Environmental Industries Pty Ltd which will expire on 31 October 2019.

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

## **DETAILS**

The tender for the provision of landscaping and irrigation maintenance services in Iluka was advertised through statewide public notice on 20 July 2019. The tender period was for two weeks and tenders closed on 8 August 2019.

## Tender Submissions

A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- Landscape Elements Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.
- Landscape and Maintenance Solutions Pty Ltd.
- Horizon West Landscape & Irrigation Pty Ltd.
- The Trustee for the Lochness Unit Trust (Loch Ness Landscape Services).
- Total Eden Pty Limited.

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

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

## Evaluation Panel

The evaluation panel comprised of three members:

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

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

## 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%.

This is a high profile landscaping requirement and the risk determined as high. It is essential to appoint a contractor that can clearly demonstrate its capacity and ability to deliver the services detailed in the specification.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated Experience Providing Similar Services	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

## Compliance Assessment

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

## Qualitative Assessment

Total Eden Pty Limited scored 44% and was ranked seventh in the qualitative assessment. The company did not fully demonstrate its understanding of the City's requirement. It submitted a general response with basic extract from the tender scope of requirements and limited information on its approach to carry out garden bed maintenance and mulching. It submitted a brief response demonstrating experience providing similar services. However, it provided only three examples of works and these did not include local government clients or involve specified area rating landscape services similar to the City's requirements. Though the company demonstrated the capacity required to undertake the works, it did not address current work commitments or the ability to provide additional personnel or afterhours contacts for emergency requirements.

Loch Ness Landscape Services scored 46.2% and was ranked sixth in the qualitative assessment. It has adequate capacity to provide the services. It did not fully demonstrate its understanding of the required tasks. Though a detailed methodology was provided, covering all areas of services, the proposed percentage of weed free and mulch depths were not in line with the City's specified requirements.

It submitted limited information demonstrating experience providing similar services. Examples of works included commercial lawn mowing and/or garden maintenance for the Town of Cambridge and the City of Rockingham. Though some areas of these works were similar, the irrigation component was not comprehensive and the scale or volume of works was not stated.

Horizon West Landscape & Irrigation Pty Ltd scored 51.9% and was ranked fifth in the qualitative assessment. The company has experience providing landscaping works for major land developers, commercial clients and state/local governments including the City of Armadale's Skeet, Warton and Ranford Road maintenance contracts. However, the scale or volume of these works was not stated and these works did not involve specified area rating landscape services similar to the City's requirements. It demonstrated adequate capacity and its understanding of the required tasks.

Landscape and Maintenance Solutions Pty Ltd scored 52.8% and was ranked fourth in the qualitative assessment. The company demonstrated its understanding of the required tasks. However, it did not specify the crew or propose the number of staff to complete these services. It has sufficient capacity to undertake the works. It has been providing landscape maintenance for private and public sector including the Metropolitan Redevelopment Authority and the City of Swan. However, these two contracts represent smaller scale works to the City's requirements and the latter was mainly for mowing services.

LD Total scored 62.9% and was ranked third in the qualitative assessment. The company has extensive experience providing landscape maintenance services to local governments including the Cities of Wanneroo, Rockingham and Kwinana. It did not fully demonstrate its understanding of the required tasks as the panel noted the number of hours allocated for a component of the work is deemed insufficient, in particular, to execute turf maintenance to the level required by the City. However, the contract is for a fixed lump sum and the services required must be provided to the City's specified standard. LD Total is a well-established company with extensive industry experience and capacity to provide the services to the City.

Landscape Elements Pty Ltd scored 64.9% and was ranked second in the qualitative assessment. The company demonstrated experience providing landscape maintenance services to local governments including the City of Cockburn and the Town of Cambridge. It has the capacity required to carry out the works. It demonstrated a sound understanding of the required tasks.

Environmental Industries Pty Ltd scored 76.8% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience providing streetscape and landscape maintenance for local governments including the City of Wanneroo. It is also the City's incumbent service provider. It is well established and has proven capacity to provide the services.

Given the minimum acceptable qualitative score of 60%, Environmental Industries Pty Ltd, Landscape Elements Pty Ltd and LD Total qualified for stage two of the assessment.

### Price Assessment

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

The contract price is a fixed lump sum per year to undertake the scheduled landscape services. All tenderers have factored in their price increase for years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Environmental Industries Pty Ltd	\$261,250	\$266,774	\$274,778	\$802,802
Landscape Elements Pty Ltd	\$303,795	\$303,795	\$303,795	\$911,385
LD Total	\$240,250	\$247,457	\$254,881	\$742,588

During 2018-19, the City incurred \$327,194 for landscaping services in Iluka (excluding the irrigation component which did not form part of the existing contract) and the expenditure is estimated at \$1,275,520 (including irrigation maintenance services) over a five year period if the extension option is exercised.

### Evaluation Summary

Tenderer	Price Ranking	Total Lump Sum Price	Qualitative Ranking	Weighted Percentage Score
Environmental Industries Pty Ltd	2	\$802,802	1	76.8%
Landscape Elements Pty Ltd	3	\$911,385	2	64.9%
LD Total	1	\$742,588	3	62.9%

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

While Environmental Industries Pty Ltd scored higher (76.8%) in the qualitative assessment, its offer was \$60,214 (over a three year period) or \$101,815 (over a five year period if the extension option is exercised) more expensive when compared to LD Total and did not provide any additional level of service that would warrant the additional cost.

### Issues and options considered

The City has a requirement for the provision of landscaping and irrigation maintenance services in Iluka to satisfy the service level agreement standards agreed between the City and Iluka Home Owners Association. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

**Legislation / Strategic Community Plan / Policy implications**

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

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

**Policy** Specified Area Rating.

**Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the estate would not have the additional services implemented to the levels agreed which would result in community and customer dissatisfaction. These services are funded in part from specified area rates and subject to a service level agreement between the City and the Iluka Home Owners Association.

It is considered that the contract will represent a relatively low risk to the City. The panel noted the number of hours allocated for turf maintenance is deemed insufficient to execute the work however the price for this service is a fixed lump sum and the contractor must perform the services required to the specified standard. The recommended tenderer is a well-established company with significant industry experience and capacity to provide the services to the City.

**Financial / budget implications**

**Account no.** 633-P3353-3359-6413 Operating Maintenance.  
633-P3353-3359-6410 Operating Irrigation.  
623-P3353-3359-6413 Operating Maintenance SAR.

**Budget Item** Iluka Specified Area Rating Landscape and Irrigation Services.

**Estimated Budget amount** \$ 400,000 (SAR Landscaping)  
\$ 35,201 (Irrigation maintenance)

**Estimated Expenditure** \$ 145,387  
**Current Contract (1 July 2019 to 31 October 2019):**

**Proposed New Contract Cost** \$ 160,167  
**– Part Year 1 (1 November 2019 to 30 June 2020):**

**Balance** \$ 129,647

The SAR landscaping budget is set annually following negotiation with the Home Owners Association (Iluka Estate). This balance does not represent a saving at this time. The budget includes provision for repairs and maintenance elements that are not part of the contract.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The provision of landscape maintenance services in Iluka Estate enhances the amenity of public open space for residents.

### **Consultation**

The Home Owners Association (Iluka Estate) will be negotiated annually on the schedule of maintenance services that will form part of the annual service level agreement.

### **COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Sanpoint Pty Ltd trading as LD Total represents best value to the City.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Sanpoint Pty Ltd trading as LD Total for the provision of landscaping and irrigation maintenance services in Iluka as specified in Tender 026/19 for a period of three years, for the fixed lump sum of \$742,588 with an option for a further two years and schedule of rates for any modifications with annual price variations subject to the Perth CPI (All Groups) Index.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf191001.pdf](#)

## **CJ136-10/19 USE OF RECYCLED MATERIALS IN CITY INFRASTRUCTURE PROJECTS**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	107599, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to note the City's approach to incorporating recycled materials in civil infrastructure projects.

### **EXECUTIVE SUMMARY**

At its meeting held on 21 August 2018 (C76-08/18 refers), Council requested the Chief Executive Officer to prepare a report which examines the use of glass, plastics and construction and demolition (C&D) waste to construct City infrastructure such as roads, car parks and footpaths.

The City has been proactive in using and keeping up-to-date with developments on the use of recycled materials in infrastructure projects and has implemented various initiatives and completed several infrastructure projects using recycled materials such as recycled asphalt, crushed recycled concrete, recycled plastic and recycled glass.

This report examines the City's approach regarding the continued incorporation of recycled materials when constructing City infrastructure such as roads, car parks and footpaths where practicable by taking an informed approach that considers whole of life costs and long-term financial and environmental implications.

*It is therefore recommended that Council:*

- 1 NOTES the City's approach regarding the incorporation of recycled materials such as, but not limited to, recycled asphalt, crushed recycled concrete, recycled plastic and recycled glass in City infrastructure projects;*
- 2 NOTES the City of Joondalup Purchasing of Goods and Services Protocol acknowledges the need to take into consideration, where possible, environmental sustainability, ecological issues and social implications;*
- 3 SUPPORTS the City's approach regarding the continued incorporation of recycled materials when constructing City infrastructure projects by taking an informed approach that considers whole of life costs and long-term financial and environmental implications.*



## BACKGROUND

At its meeting held on 21 August 2018 (C76-08/18 refers), a Notice of Motion was raised and subsequently resolved by Council as follows:

*“That Council requests the Chief Executive Officer to prepare a report which examines the use of glass, plastics and C&D waste to construct City infrastructure such as roads, car parks and footpaths”.*

The reason for the Notice of Motion was stated as follows:

*“The City of Joondalup community, as a creator of waste, should also be prepared to be a user of recycled waste, either directly or indirectly. By blending recycled content in civic construction projects such as roads, footpaths and car park construction, while simultaneously reducing the need to use virgin materials. This is more sustainable environmentally, rather than at least a proportion of these types of waste going to landfill or stockpiled. The City could be a leader in the use of recycled content in our civic construction projects and I seek a report on how this could be achieved. There is a need to help create a market signal and as volumes increase, costs will come down. The City’s commitment to use recycled content would encourage others to follow. A target could be established in terms of the percentage of recycled material used in the City’s civic construction projects annually.*

*To my knowledge the City of Canning has been using recycled content in their road and path projects. In the Eastern States, Swinburne University of Technology have found plastics and glass fines can be incorporated into concrete pathways with no impact on mechanical properties. Downer and Sutherland Shires have used plastic and glass to build the first road made from using that recycled content in NSW. There are many others involved with the use of recycled content in civil construction projects and the City will leverage off that.*

*Financial incentives are available from the Waste Authority for local governments to use recycled content in their civic construction projects (that meet their criteria). So subsidies should be available to support this initiative.”*

This report examines the use of recycled materials in City infrastructure projects.

## DETAILS

The City has been proactive in using and keeping up-to-date with developments on the use of recycled materials in infrastructure projects and has implemented various initiatives and completed several infrastructure projects using recycled materials such as recycled asphalt, crushed recycled concrete, recycled plastic and recycled glass.

### Recycled asphalt

The City resurfaces approximately 20km of its roads on an annual basis. During the resurfacing process, the City mills off the existing asphalt or part of the existing asphalt in preparation for the laying of new asphalt. In doing this, a large quantity of asphalt profilings is generated. Historically, the asphalt profilings were generally reused by the City for maintenance such as shoulder repairs and for the construction and stabilisation of access tracks to drainage sumps across the City.

The City is exploring other opportunities to reuse the asphalt profilings generated from its resurfacing program into wearing course mixes and is working with its contractors to identify suitable trial projects.

For example, in April 2019, the City trialled the use of Recycled Asphalt Pavement (RAP) as a basecourse material on Cockatoo Ridge, Joondalup. This project entailed the removal of the existing brick paved surface, construction of a new base course and asphalt surface. The recycled products used in the basecourse layer included profiled asphalt, crushed brick along with sand to make up the fines required to achieve the appropriate grading of the basecourse material. The use of RAP over traditional construction materials, such as road base and emulsion stabilised asphalt, resulted in cost savings on this project without comprising on the quality of the end product.

The City has also trialled Reconophalt (a proprietary RAP product manufactured by Downer) to resurface a section of Arnisdale Road in Duncraig. The outcome of this trial is discussed further in this report.

The City's asphalt resurfacing tender specification also allows for the use of up to 10% of RAP by weight to be included in any asphalt mix used within the City, with the ability to increase this proportion subject to the City's approval.

#### Crushed recycled concrete

Crushed recycled concrete is a recycled material product that has been widely used by local governments and, to a certain extent, by Main Roads WA (MRWA) for several years. MRWA currently has a specification for the material and recommends its use as the subbase material for road construction requiring full depth asphalt pavements.

This product was used by the City in June 2015 as the pavement basecourse, when an extension of the Winton Road Depot carpark was constructed. The City has also been using recycled crushed concrete to encase underground stormwater drainage systems as part of the Sump Beautification Program.

The ability for the City to utilise crushed recycled concrete in road construction is limited as the City's roading network is close to being fully developed.

#### Recycled plastic

Reconophalt is an asphalt mix product developed by Downer that incorporates recycled waste materials. It is claimed by Downer that Reconophalt has enhanced properties including improved strength and resistance to deformation making the road last longer and allowing it to better handle heavy vehicle traffic. Reconophalt has been widely trialled in Victoria and other local government areas in the eastern states.

The City was one of the first local governments in Perth to trial this product to resurface a section of Arnisdale Road, approximately 3,200m<sup>2</sup>, between Glengarry Drive and Merrick Way in June 2019. The project involved the construction of additional on-street parking bays, drainage upgrades, concrete kerb and crossover works and road resurfacing.

Downer informed the City that that it used the following repurposed products in the manufacturing of the Reconophalt for this project:

- Waste from approximately 4,950 printer cartridges.
- 217,105 single use plastic shopping bags.
- Scrap rubber from 157 tyres.
- More than 27 tonnes of recycled asphalt.

Since the completion of the resurfacing works in Arnisdale Road, the City has become aware of some concerns within the asphalt industry regarding the following aspects of the Reconophalt product (and Plastic Roads in general):

- The longevity and durability of the product as previous research suggested the contrary effect when plastic is added to asphalt products.
- The potential unforeseen and negative environmental impacts of asphalt wearing courses containing recycled plastics, particularly regarding the potential release of microplastic into the soil and water bodies.
- The future recyclability of the asphalt containing plastic when the road approaches or reaches the end of its expected useful life.

It also needs to be noted that the cost of Reconophalt on the Arnisdale Road project was approximately 27% higher than the cost of a typical asphalt wearing course.

The City will also be trialling the EcoBloc infiltration underground storage system, at Wanbrow Park, Duncraig to provide additional underground stormwater storage and assist with rainwater management in the area. The EcoBloc infiltration underground storage system manufactured by Graf contains more than 50% recycled plastic. This product has various applications including rainwater infiltration, attenuation and harvesting.

#### Recycled glass

Recycled glass is used to manufacture glass beads that are applied to road marking paint to provide better visibility at night and in wet conditions. Road marking is solely managed by Main Roads including the specifications for the inclusion of glass beads for pavement markings.

The City's asphalt resurfacing tender specification also allows for the use of up to 10% of recycled glass on selected projects with the ability to increase this proportion subject to the City's approval.

#### City of Joondalup Purchasing of Goods and Services Protocol

To further support these initiatives to incorporate recycled materials in City infrastructure projects the City of Joondalup's Purchasing of Goods and Services protocol acknowledges the need to take into consideration, where possible, environmental sustainability, ecological issues and social implications including the following:

- Level of recycled content or recycled materials in a product.
- Sustainable source of raw materials.
- Ethical manufacture.
- Locally produced products.
- End of life options such as the potential to recycle or safe disposal methods which do not cause pollution.
- Energy and water efficient products.
- Whole of life costs.

## Issues and options considered

Current City practices already include the use of recycled materials and products within its capital works projects where appropriate and financially sustainable. However, there are limited opportunities within the City of Joondalup to construct new roads and associated infrastructure as unlike the growing Cities of Canning, Swan and Wanneroo, the City is already largely “built-out”.

Notwithstanding the above, the City will continue to incorporate recycled materials when constructing City infrastructure such as roads, car parks and footpaths where practicable by taking an informed approach that considers whole of life costs and long-term financial and environmental implications.

## Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Waste Avoidance and Resource Recovery Act 2007.*

### Strategic Community Plan

**Key theme**                      The Natural Environment.

**Objective**                      Environmental resilience.

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

**Policy**                          Not applicable.

The associated City plan to refer to and inform this approach is the *Waste Management Plan 2016-2021*.

## Risk management considerations

The use of recycled materials, particularly new recycled technologies and/or products, in the City’s infrastructure projects would entail several risks including the following:

- Degree of uncertainty in relation to the claimed product’s performance over its service life due to the lack of testing or proven data.
- Potential short-term and long-term impacts on the surrounding environment such as leaching of contaminants.
- Future recyclability of the already recycled product.

## Financial / budget implications

The initiatives to incorporate recycled products will be delivered as part of the City’s *Five-Year Capital Works Program*. Initiatives will be considered on a project by project basis taking into consideration whole of life cost and long-term financial and environmental implications.

Previously during the period July 2017 to July 2019 the Waste Authority made funding available to metropolitan local governments that use recycled C&D products in local government projects. However, it is the City’s understanding that the above program has been discontinued and that the Waste Authority currently does not have any financial incentives or funded programs available to local governments for using recycled construction products in local government projects.

The City will continue to investigate opportunities for external funding sources that may become available to assist with off-setting the costs of civil infrastructure projects that incorporate recycled materials.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

Maximising the use of recycled products in construction materials has the potential to increase the diversion of reusable material from landfill and therefore reduce the demand on virgin materials. However, this must be balanced against the potential short and long-term impacts on the surrounding environment to ensure any potential adverse effects are minimised.

The use of recycled materials in the construction of civil infrastructure may also negatively impact on the future recyclability of the asset already containing recycled materials at the end of its expected useful life.

### **Consultation**

Not applicable.

### **COMMENT**

The City is already committed to maximise the potential for the reuse of waste that is generated from its operations. General waste from City operations typically consists of small loads of mixed construction waste, spoiled organics including seaweed and illegally dumped materials. In alignment with the City's *Waste Management Plan 2016-21* (Project 9 – Managing the City Corporate Waste), the City initiated a program to better segregate the different waste streams and by doing so enable the separated material to be disposed of to more appropriate sites that focus on the reuse of these materials.

Prior to the implementation of this program, all the general waste material was sent to landfill at a cost of \$205 per tonne. The implementation of this program not only improved the potential for reuse of the material, it also achieved considerable savings in disposal costs with rates ranging between \$26.50 and \$155 per tonnes depending on the material being disposed. In the 2018-19 financial year the project has resulted in a total of 497.59 tonnes collected with 320.29 of those tonnes diverted from landfill; which was an overall diversion of 64%.

The City is keeping up-to-date with new recycled material products and technology that are being introduced into the market. Opportunities to implement these emerging products and technologies will be considered for incorporation into the City's infrastructure projects.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1** NOTES the City's approach regarding the incorporation of recycled materials such as, but not limited to, recycled asphalt, crushed recycled concrete, recycled plastic and recycled glass in City infrastructure projects;
- 2** NOTES the City of Joondalup Purchasing of Goods and Services Protocol acknowledges the need to take into consideration, where possible, environmental sustainability, ecological issues and social implications;
- 3** SUPPORTS the City's approach regarding the continued incorporation of recycled materials when constructing City infrastructure projects by taking an informed approach that considers whole of life costs and long-term financial and environmental implications.

**CJ137-10/19 FENCING AROUND PARK AMENITIES**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	18809, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider the provision of fenced areas within public open spaces where the presence of dogs may be a nuisance to park visitors.

**EXECUTIVE SUMMARY**

At its meeting held on 17 April 2018 (C38-04/18 refers), Council requested that the Chief Executive Officer prepare a report investigating the provision of fenced areas in some public open spaces around playgrounds, barbeques and other amenities within the City of Joondalup where the presence of dogs may be a nuisance to park visitors.

The City of Joondalup permits dogs to be exercised off-leash in the majority of its parks and reserves with a few exceptions. Where dogs are permitted to be exercised off-leash they are required, under the provisions of the *Dog Act 1976*, to remain under effective control.

To assist in understanding the extent of the unwanted interactions between dogs and other park users, the City undertook a detailed analysis of customer complaints that have been reported to the City in order to obtain base-line data to assist Council in making an informed decision. Based on detailed analysis of the 994 reported complaints to the City between January 2014 and April 2019, the following can be concluded in relation to the presence of dogs causing a nuisance to park visitors:

- Is not confined to a specific suburb or park within the City of Joondalup.
- 20% (196) of reported incidences occurred in parks where dogs are prohibited.
- 6% (61) of complaints occurred in parks where dogs are required to be on-leash.
- 11% (107) of complaints occurred in parks which do not contain a playspace.
- There is a direct correlation between the number of dogs in each suburb and the number of reported incidences for that suburb.
- Only 7% (66) of incidences occurred within the playspace area of a park.
- 93% (928) of incidences occurred within the remainder of the park (outside the playspace area).

*It is therefore recommended that Council:*

- 1 *DOES NOT SUPPORT the fencing of playspaces and associated recreational amenities;*
- 2 *SUPPORTS IN PRINCIPLE Option 6 - the provision of fenced dog-off-leash areas with the remainder of the park as dog-on-leash, for further investigation by the Chief Executive Officer including an implementation plan, prioritisation matrix and detailed costings;*
- 3 *NOTES there is currently no provision in the City's Five Year Capital Works Program or the 20 Year Strategic Financial Plan for the implementation of Option 6.*

## **BACKGROUND**

At its meeting held on 17 April 2018 (C38-04/18 refers), Council considered a Notice of Motion and subsequently the following resolution was made:

*"That Council requests the Chief Executive Officer prepares a report investigating the provision of fenced areas within some public open spaces within the City of Joondalup around playgrounds, barbeques and other amenities where the presence of dogs may be a nuisance to park visitors."*

The reason for the Notice of Motion was stated as follows:

*"Dogs are much loved members of many families within our community and are welcome within many City of Joondalup parks, reserves and open spaces. The City of Joondalup relies on responsible ownership of dogs to ensure their presence does not create a negative experience for residents and visitors.*

*Exclusion zones already exist within the City of Joondalup which require owners to maintain effective control of their pets to ensure they do not enter these areas. Residents who witness dogs entering these areas are encouraged to contact City Rangers. Unless a City Ranger is within the reserve, there will be a delay before assistance is available to resolve the situation. Many residents may be unwilling to approach owners of dogs due to the perceived potential for conflict.*

*A physical barrier (fencing) to exclude dogs may support dog owners in keeping their pets away from playgrounds, barbeques, drinking fountains and seating areas. This would benefit all park visitors by:*

- assisting dog owners maintain control of their pets and encourage them to continue using the City of Joondalup's open spaces*
- avoid dog faeces in playgrounds to help maintain a healthy environment for children*
- avoid human and dog interaction which is very important for those who are not comfortable with unknown dogs, particularly those afraid of dogs*
- encourage use of open spaces by a larger variety of residents*
- providing additional safety for children visiting playgrounds.*

*The Chief Executive Officer is requested to investigate the options for creating exclusion zones with a physical barrier to entry, the appropriate open spaces within the City of Joondalup which may benefit from fenced exclusion zones, a timeline for the installation of physical barriers and the estimated costs for Elected Members to consider."*



## DETAILS

The City of Joondalup permits dogs to be exercised off-leash on the majority of its parks and reserves with a few exceptions. Where dogs are allowed to be exercised off-leash they are required, under the provisions of the *Dog Act 1976*, to remain under effective control. A dog is not considered under effective control if they:

- chase or disturb wildlife, other dogs or people
- act in a threatening or aggressive manner
- attack or injure another animal or person
- are a considerable distance from their owner(s) preventing response to verbal commands.

This requirement is designed to prevent unwanted interactions with other park users, among other things, as it is important that parks and reserves can be used by all members of the community.

To assist in understanding the extent of the unwanted interactions between dogs and other park users, the City undertook a detailed analysis of customer complaints that have been reported to the City in order to obtain base-line data to assist Council in making an informed decision. Between January 2014 and April 2019 (inclusive), the City received 994 complaints which related to dog incidences in City parks and reserves as per the table below.

SUBURB	NUMBER OF PROPERTIES	NUMBER OF REGISTERED DOGS *	NUMBER OF INCIDENCES
Beldon	1,690	690	18
Burns Beach	1,389	630	33
Connolly	1,426	616	12
Craigie	2,686	1,092	50
Currambine	2,517	1,069	36
Duncraig	5,785	2,301	69
Edgewater	1,827	830	19
Greenwood	4,015	1,569	39
Heathridge	2,854	1,264	58
Hillarys	4,273	1,655	177**
Iluka	1,925	972	36
Joondalup	4,629	1,095	55
Kallaroo	2,089	844	25
Kingsley	4,899	1,888	57
Kinross	2,505	1,229	26
Marmion	914	358	4
Mullaloo	2,297	987	49
Ocean Reef	2,942	1,416	45
Padbury	3,526	1,369	62
Sorrento	3,047	1,037	49
Warwick	1,573	522	12
Woodvale	3,356	1,428	63
<b>TOTAL</b>	<b>62,164</b>	<b>24,861</b>	<b>994***</b>

- \* *Note the number of registered dogs in the City is not reflective of the number of actual dogs in the City (as some owners do not register their dogs). In addition, the number of registered dogs is not completely accurate as owners who opt for lifetime dog licenses are not required to contact the City when their dog passes away.*
- \*\* *Note 98 of the reported incidences in Hillarys occurred in parks and reserves where dogs are prohibited.*
- \*\*\* *Of the 994 reported complaints, 196 (20%) occurred in parks where dogs are prohibited and 61 (6%) of complaints occurred in parks where dogs are required to be on-leash.*

The above table shows a direct correlation between the number of dogs in each suburb and the number of reported incidences. The table also reflects that the spread of complaints received during the reporting period are not isolated to a specific suburb but are widespread across the City of Joondalup.

The data was analysed further to consider specific locations within the City's suburbs. The table below depicts the park with the highest number of incidences for each suburb.

<b>SUBURB</b>	<b>DOGS PERMITTED PARK WITH HIGHEST NUMBER OF INCIDENCES</b>	<b>NUMBER OF INCIDENCES</b>
Beldon	Beldon Park	8
Burns Beach	McIntyre Park	15
Connolly	Bonnie Doon Park	5
Craigie	Warrandyte Park	23
Currambine	Christchurch Park	15
Duncraig	Marri Park	20
Edgewater	Emerald Park	11
Greenwood	Blackall Park	9
Heathridge	Admiral Park	15
Hillarys	Broadbeach Park	26
Iluka	Sir James McCusker	15
Joondalup	Windermere Park	25
Kallaroo	Bridgewater Park	9
Kingsley	Moolanda Park	18
Kinross	MacNaughton Park	12
Marmion	Braden Park	4
Mullaloo	Korella Park	16
Ocean Reef	Lexcen Park	11
Padbury	Forrest Park	15
Sorrento	Seacrest Park	26
Warwick	Hawker Park	7
Woodvale	Chichester Park	17

Based on the above it can be seen that the occurrence of unwanted interactions between dogs and other park users are not isolated to a one park or suburb but rather are spread across the City of Joondalup.

Finally, the complaint data was analysed to determine the type of dog-related incidences within parks and categorised reported complaints into the following:

- Dog incidences in playspaces.
- Dog incidences in the remaining park area.

<b>DOG INCIDENCES IN PLAYSPACES</b>	<b>NUMBER OF INCIDENCES</b>
Dog on child in playspace	10
Dog fouling in playspace	15
Dogs present in playspace (just being there)	41
<b>TOTAL</b>	<b>66</b>

<b>DOG INCIDENCES IN THE REMAINING PARK AREA</b>	<b>NUMBER OF INCIDENCES</b>
Dog on adult in park area	89
Dog on child in park area	29
Dog on dog in park area	264
Dogs barking or chasing children in park area	19
Dogs fouling in park area	95
Dogs present in dog-prohibited park area	111
Dogs off-leash in dog-on-leash park area	71
Dogs not under control in park area	250
<b>TOTAL</b>	<b>928</b>

Based on the detailed analysis of the 994 reported complaints to the City between January 2014 and April 2019, the following can be concluded in relation to the presence of dogs causing a nuisance to park visitors:

- Is not confined to a specific suburb or park within the City of Joondalup.
- 20% (196) of reported incidences occurred in parks where dogs are prohibited.
- 6% (61) of complaints occurred in parks where dogs are required to be on-leash.
- 11% (107) of complaints occurred in parks which do not contain a playspace.
- There is a direct correlation between the number of dogs in each suburb and the number of reported incidences for that suburb.
- Only 7% (66) of incidences occurred within the playspace area of a park.
- 93% (928) of incidences occurred within the remainder of the park (outside the playspace area).

### **Issues and options considered**

Based on the outcomes of the detailed analysis the following options have been developed for consideration:

<b>Option 1</b>	<b>Advantages</b>	<b>Disadvantages</b>
Do nothing.	No additional cost to the City.	Does not address the unwanted interaction between dogs and other park users.
<b>Option 2</b>	<b>Advantages</b>	<b>Disadvantages</b>
Install signage to exclude dogs from entering playspaces.	Improved clarity for park users including dog owners.  Low cost to maintain signage.	Boundary or extent of what constitutes the playspace is not clearly defined.  Park users accompanied by dogs will not be able to enter the playspace without relinquishing control of their dogs.

Option 2	Advantages	Disadvantages
		Does not address the 93% of recorded unwanted interactions occurring in the remainder of the park outside the playspace.
Option 3	Advantages	Disadvantages
Install fencing and associated signage to exclude dogs from entering playspaces.	Improved clarity for park users including dog owners as the edges/boundary of what constitutes the playspace will be defined by the fence.	<p>Infrastructure and maintenance costs for the installation of fencing, gates and signage.</p> <p>Playspace fencing is required to be compliant with the Australian Standards resulted in very high cost for installation and maintenance.</p> <p>Park users will not be able to enter the playspace without relinquishing control of their dog/s.</p> <p>Does not address the 93% of recorded unwanted interactions occurring in the remainder of the park outside the playspace.</p>
Option 4	Advantages	Disadvantages
Change the designation of all parks with playspaces to dog-on-leash parks.	<p>Improved clarity for park users including dog owners without the need to create a defined edge or boundary.</p> <p>Dogs would be effectively managed across the entire park without restricting park users (without dogs) to fenced areas.</p> <p>Dogs would be effectively managed across the entire park without prohibiting park users accompanied by dogs from recreational amenities.</p>	<p>Dogs will be required to be on-leash in 220 parks which have playspaces.</p> <p>The remaining public areas in the City for dogs to be exercised off-leash would be limited to:</p> <ul style="list-style-type: none"> <li>• approximately 40 parks (without playspaces or existing dog restrictions);</li> <li>• the dog beach;</li> <li>• the new dog exercise area at Elcar Park.</li> </ul> <p>Negative impact on residents with dog/s.</p> <p>Enforcement will require additional City resources.</p>

<b>Option 5</b>	<b>Advantages</b>	<b>Disadvantages</b>
<p>Prohibit dogs from entering any parks with a playspace.</p>	<p>Improved clarity for park users including dog owners without the need to create a defined edge or boundary.</p> <p>Reduce unwanted interactions across the park.</p>	<p>Dogs will be prohibited from over 220 parks which have playspaces.</p> <p>The remaining public areas in the City for dogs to be exercised off-leash would be limited to:</p> <ul style="list-style-type: none"> <li>• approximately 40 parks (without playspaces or existing dog restrictions);</li> <li>• the dog beach;</li> <li>• the new dog exercise area at Elcar Park.</li> </ul> <p>Negative impact on residents with dog/s.</p> <p>Enforcement will require additional City resources.</p>
<b>Option 6</b>	<b>Advantages</b>	<b>Disadvantages</b>
<p>Install low-key fenced off-leash areas for dogs with the remainder of the park to be dog on-leash.</p> <p>Potentially one per suburb.</p>	<p>Improved clarity for park users including dog owners on where they can and cannot exercise their dog off-leash.</p> <p>Dogs would be effectively managed across the entire park area without restricting park users (without dogs) to fenced areas.</p> <p>Dogs would have the use of a safe area in which they can be exercised off-leash reducing unwanted interactions with other park users (mutually beneficial outcome).</p> <p>Park users accompanied by dogs would be able to use the parks recreational amenities with the dogs kept on-leash.</p> <p>Fencing of an off-leash area for dogs would not be required to comply with Australian Standard for playspace fencing, therefore, cost-effective fencing can be installed.</p>	<p>Increased capital and maintenance costs for fencing and signage.</p> <p>Enforcement may require additional City resources.</p>

Option 6, the provision of low-key fenced off-leash areas for dogs is the preferred option as it provides a mutually beneficial approach for both dog owners and other park users by providing a designated space for dogs to be exercised off-leash, whilst reducing the opportunity for unwanted interactions, including playspaces, without having to create fenced areas around playspaces and other recreational infrastructure.

These low-key fenced off-leash areas for dogs are not proposed to be fully fledged dog exercise areas as has been installed at Elcar Park, but will still provide an enclosed area for dogs to exercise and will include the following:

- Two fenced areas one for small dogs and one for medium and large dogs.
- Maintenance access gates.
- Public access self-closing swing gates.
- Signage.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** *Dog Act 1976.*

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

**Policy** Not applicable.

### Risk management considerations

Based on reported complaints there is currently unwanted interactions occurring between dogs and park users and as such, is it important for the City to consider option to reduce these incidences. However, the City must be mindful of the potential impact of any change, as the City has 24,861 registered dogs and the removal of previous freedoms regarding dogs in parks may have a negative impact on dog owners, incur public criticism and reputational risk to the City.

### Financial / budget implications

Preliminary cost estimates have been completed for the proposed options.

	<b>Proposed infrastructure for parks with playspaces and recreational amenities</b>	<b>Estimated Cost Per Park</b>	<b>Number of Parks</b>	<b>Total Cost</b>
<b>Option 1</b>	No costs	\$ 0		\$ 0
<b>Option 2</b>	Install signage to exclude dogs from entering playspaces.	\$ 1,000*	220	\$ 220,000

	<b>Proposed infrastructure for parks with playspaces and recreational amenities</b>	<b>Estimated Cost Per Park</b>	<b>Number of Parks</b>	<b>Total Cost</b>
<b>Option 3</b>	Install fencing and associated signage to exclude dogs from entering playspaces.	\$ 41,000	220	\$ 9,020,000
<b>Option 4</b>	Change the designation of all parks with playspaces to dog-on-leash parks (average five signs park)	\$ 2,000*	220	\$ 440,000
<b>Option 5</b>	Prohibit dogs from entering any parks with a playspace (average five signs per park)	\$ 2,000*	220	\$ 440,000
<b>Option 6</b>	Install low-key fenced off-leash areas for dogs with the remainder of the park to be dog on-leash (one per suburb)	\$ 30,000	21**	\$ 630,000

\* does not include cost of additional resources required for enforcement.

\*\* 21 suburbs as Joondalup already has a fenced dog exercise area located at Elcar Park.

There is an amount of \$200,000 listed in the *Five Year Capital Works Program* for the 2020-21 financial year for the provision of a fenced dog exercise facility, similar to the facility completed at Elcar Park. A specific location for this second dog exercise facility has not yet been identified.

There is currently no provision in the City's *Five Year Capital Works Program* or the *20 Year Strategic Financial Plan* for the implementation of any of the above options.

The estimated operational impact for the recommended Option 6 is calculated at \$27,000 per annum inclusive of \$15,000 depreciation (assuming an economic useful life of 40 years) and approximately \$12,000 maintenance. This estimate does not include additional costs of monitoring, control or enforcement that may arise, and is subject to revision if Council resolved to proceed with detailed investigation.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The following local governments were contacted to discuss how they manage unwanted interactions between dogs and other park users:

- City of Belmont.
- City of Cockburn.
- City of Gosnells.
- City of Melville.
- City of Stirling.
- City of South Perth.
- City of Wanneroo.
- Town of Cambridge.

None of these local governments use fencing to prohibit dog access to playspaces and associated recreational amenities. However, the City of Melville, the City of Belmont and the City of Wanneroo have various provisions within their respective local laws to prohibit dog entry to playspaces.

The Town of Cambridge, the City of Cockburn, the City of Belmont and the City of Gosnells require dogs to be on-lead in the majority of their parks.

The Town of Cambridge, the City of Melville, the City of Belmont, the City of Wanneroo and the City of South Perth all have between one and eleven parks where dogs are prohibited.

The City of Cockburn, City of Wanneroo, City of Gosnells and City of Stirling have constructed fenced dog exercise areas to contain dog off-leash activities.

## COMMENT

Prior to receiving the Notice of Motion, at its meeting held on 20 February 2018 (CJ023-02/18 refers), Council considered a report in response to a petition requesting the installation of a fence surrounding the main playground area and the barbecue facilities at Granadilla Park, Duncraig due to perceived conflict between park users and dogs.

*“It was resolved that Council:*

- 1 *DOES NOT SUPPORT the installation of a fence surrounding the main playspace, barbeque and eating facilities at Granadilla Park, Duncraig;*
- 2 *NOTES that the existing signage at Granadilla Park, Duncraig will be amended to include the City Rangers contact number;*
- 3 *ADVISES the lead petitioner of its decision.”*

Additionally, commentary received in relation to the community engagement for a fenced dog exercise area held from 26 November 2018 to 17 December 2018 showed that the management of dogs is a polarizing subject between dog-owners and non-dog owners. The City has 24,861 registered dogs and therefore, options and the resulting actions will need to be sensitive, well-considered, fair and measured.

Fencing the playspace and recreational amenities to limit dog access to these areas within a park, will not resolve the unwanted interactions between dogs and other park users. Currently unless otherwise prohibited, the majority of the City’s parks are dogs off-leash. Consideration may be given to restricting dog movements in parks where there are playspaces or barbeques to on-leash only, which is similar to the majority of other local government authorities in the metropolitan area.



The provision of a low key, fenced dog-off-leash area in each suburb is considered to be the most appropriate option as it provides a mutually beneficial approach for both dog owners and other park users by providing a designated space for dogs to be exercised off-leash while minimising the opportunity for unwanted interactions.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1 DOES NOT SUPPORT the fencing of playspaces and associated recreational amenities;**
- 2 SUPPORTS IN PRINCIPLE Option 6 - the provision of fenced dog-off-leash areas with the remainder of the park as dog-on-leash, for further investigation by the Chief Executive Officer including an implementation plan, prioritisation matrix and detailed costings;**
- 3 NOTES there is currently no provision in the City's *Five Year Capital Works Program* or the *20 Year Strategic Financial Plan* for the implementation of Option 6.**

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### CJ138-10/19 APPOINTMENT OF A DEPUTY MEMBER TO MINDARIE REGIONAL COUNCIL

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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#### PURPOSE

For Council to appoint an elected member to deputise for Cr Russ Fishwick, JP at any meetings of the Mindarie Regional Council to be held between 16 October and 22 October 2019.

#### EXECUTIVE SUMMARY

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- Town of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Cr Mike Norman.

Cr Russ Fishwick, JP has applied for leave of absence for the period 16 October to 22 October 2019 inclusive; which includes a Special Council Meeting of the MRC to be held on 17 October 2019, at the City of Stirling commencing at 6.30pm. Previous legal advice requires that where the City requires to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

*It is therefore recommended that Council:*

- 1 *In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an elected member as a deputy member to act on behalf of Cr Russ Fishwick, JP and represent the City at any meetings of the Mindarie Regional Council to be held between 16 October and 22 October 2019;*
- 2 *ADVISES the Mindarie Regional Council of its decision.*

## **BACKGROUND**

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- Town of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Cr Mike Norman.

## **DETAILS**

Cr Russ Fishwick, JP has applied for leave of absence for the period 16 October to 22 October 2019, which includes a Special Council Meeting of the MRC to be held on 17 October 2019, at the City of Stirling, commencing at 6.30pm. Previous legal advice requires that where the City requires to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

This advice indicated that there is no power for member Councils to appoint permanent deputies to the MRC. Consequently, if the City's appointed member to the MRC is unable to attend the meeting, a nominated deputy cannot just attend in his or her place. Instead, the City needs to appoint a person to act in place of the member on each occasion when the member cannot attend.

## **Issues and options considered**

The options available to the Council are to:

- agree to appoint another elected member to act in the place of Cr Fishwick, JP during his absence
- or
- not agree to appoint another member.

## Legislation / Strategic Community Plan / policy implications

### Legislation

*Interpretation Act 1984.*

Section 52(1) and (2) of the *Interpretation Act 1984* states:

*“Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such a power or duty shall also have the power:*

*Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and*

*To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.*

*For the purposes of subsection (1)(b), “cause” includes:*

- *Illness*
- *Temporary absence from the State*
- *Conflict of interest.*

*The key provisions, which create problems for the appointment of deputies, are the word ‘unable’ in subsection 1(b) and the requirement to specify the period of appointment in subsection 1(c)”.*

### 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

The risk to the City of Joondalup is that if another member is not appointed to represent the City in the absence of Cr Fishwick, JP, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the MRC.

### Financial / budget implications

Not applicable.

**Regional significance**

The Mindarie Regional Council is the primary Waste Management Authority for a number of metropolitan local government authorities. The City's representation at MRC meetings is of critical importance to the regional management of waste.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

It is considered to be of regional and strategic importance that Council exercises its ability to be represented at each and every meeting of the MRC. It is recommended that a deputy member be appointed to represent the City at any meetings of the Mindarie Regional Council to be held during the period of Cr Fishwick's proposed leave of absence.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1 In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the *Interpretation Act 1984*, APPOINTS an elected member as a deputy member to act on behalf of Cr Russ Fishwick, JP and represent the City at any meetings of the Mindarie Regional Council to be held between 16 October and 22 October 2019;**
- 2 ADVISES the Mindarie Regional Council of its decision.**

## REPORTS – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – 24 SEPTEMBER 2019

### Disclosure of Financial Interest

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ139-10/19 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of interest</b>	Financial.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

### Disclosure of interest affecting impartiality

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ139-10/19 – Confidential – Chief Executive Officer Concluded Annual Performance Review.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

## CJ139-10/19 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	74574
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer KPI's for 2019-20, (A tracked change version and a clean version distributed under separate cover).  Attachment 2 Chief Executive Officer Confidential Concluded Annual Performance Review Report (distributed under separate cover).  <i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

*a matter affecting an employee or employees.*

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

**Disclosure of Financial Interest**

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ140-10/19 – Confidential – Annual Salary Review – Chief Executive Officer.
<b>Nature of interest</b>	Financial.
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer.

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Mike Tidy – Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ140-10/19 – Confidential – Annual Salary Review – Chief Executive Officer.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

## CJ140-10/19      **CONFIDENTIAL - ANNUAL SALARY REVIEW - CHIEF EXECUTIVE OFFICER**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	74574
<b>ATTACHMENTS</b>	Attachment 1      Confidential Report Annual Salary Review – Chief Executive Officer (previously distributed).  <i>(Please Note:      The Report and Attachment is confidential and will appear in the official Minute Book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

*a matter affecting an employee or employees.*

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

**URGENT BUSINESS**

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

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

**CLOSURE**





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

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

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

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

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

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



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

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

**QUESTIONS**

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Please submit this form at the meeting or:

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

**Please note that:**

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



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

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

**STATEMENT**

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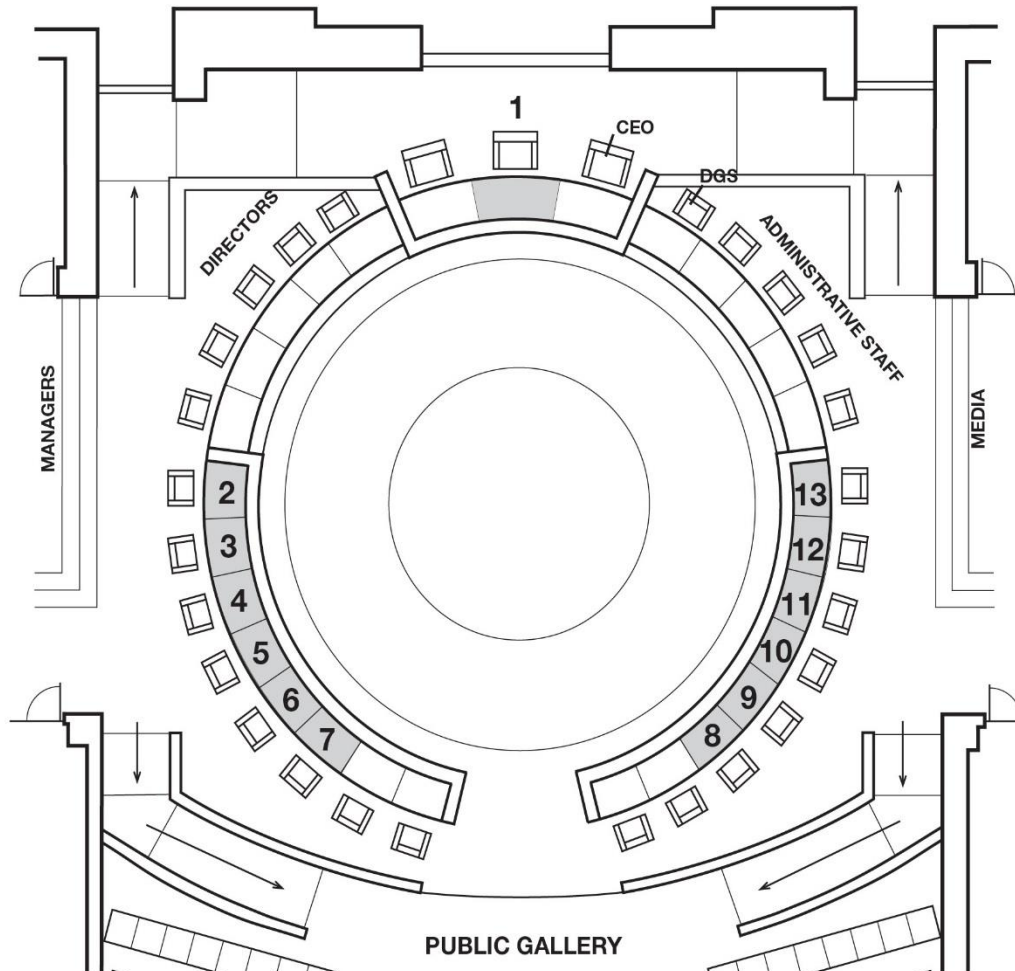
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Please submit this form at the meeting.

**Please note that:**

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

## Council Chamber – Seating Diagram



### Mayor

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

#### North Ward

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

#### North-Central Ward

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

#### Central Ward

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

#### South-West Ward

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

#### South-East Ward

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

#### South Ward

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