

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD IN THE COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON **TUESDAY 8 JUNE 2021**

COMMENCING AT **6.30pm**

JAMES PEARSON
Chief Executive Officer
4 June 2021

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Residents and / or ratepayers of the City of Joondalup are requested to lodge questions in writing by 9.00am on **Monday 7 June 2021.**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

IMPORTANT INFORMATION

ATTENDANCE AT MEETING DURING COVID-19 PANDEMIC

Due to State of Emergency and Public Health State of Emergency declared as a result of the COVID-19 pandemic, public attendance at City of Joondalup meetings has unfortunately been restricted.

To maintain the required physical distancing separation between people during this time, **the maximum public attendance at meetings has been capped at 99 people** (81 in the Chamber and 18 in the adjoining lobby). Any members of the public wishing to attend the meeting above this limit will unfortunately be denied entry.

To manage expectations, members of the public wishing to attend the meeting and ask up to two (2) questions and / or to make a public statement, can register their own interest from 9.00am on the day of the meeting by emailing council.questions@joondalup.wa.gov.au or by telephoning (08) 9400 4313. Members of the public can only register themselves and cannot submit a request on behalf of others.

Attendance priority will be given to those persons listed in a submitted and approved Deputation Request (at Briefing Sessions only) followed by members of the public wishing to ask up to two (2) verbal questions and/or to make a verbal public statement.

Members of the public wishing to only attend the meeting to observe the proceedings, will be permitted to attend where any seats remain vacant after consideration of the above attendee requests.

Any member of the public attending the meeting in person without registration will not be given access unless there is space available. However the audio of proceedings of Council meetings are streamed live at <https://joondalup.wa.gov.au/kb/resident/live-council-meeting-audio-feed>.

Entry to the City's premises will be restricted after 30 minutes have elapsed past the scheduled start time of the meeting. The public are therefore encouraged to arrive at the meeting well before the scheduled start time of the meeting.

For your health and safety, members of the public are reminded to:

- follow the direction of the Presiding Members and City employees when attending meetings
- maintain 1.5 metre separation between themselves and other members of the public while attending meetings
- use the hand sanitiser that is provided by the City at the venue
- not attend a meetings should they feel unwell or if they have been in contact with a known COVID-19 case, or been overseas in the preceding two weeks
- download the Federal Government's COVIDSafe app.

From 5 December 2020, members of the public will be requested to scan the City's SafeWA QR Code on entry to the Chamber, or register their details with the City. Members of the public are therefore requested to download the SafeWA app from the [Apple App Store](#) or the [Google Play Store](#).

Further information can be provided by contacting the Governance Coordinator 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.



CODE OF CONDUCT

Council Members and Committee Members are to observe the City's adopted *Code of Conduct for Council Members, Committee Members and Candidates*. The following general principles guide the behaviours of Council Members (being the Mayor and Councillors) and other committee members while performing their role at the City:

Personal Integrity

- (1) A council member or committee member should –
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the City.
- (2) A council member or committee member should –
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the City in relation to the performance of their role.

Relationship with others

- (1) A council member or committee member should –
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

Accountability

A council member or committee member should –

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to Council or Committee meetings, Briefing Sessions or Strategy Sessions; and
- (d) be open and accountable to, and represent, the community in the district.

Employees are bound by the City's *Code of Conduct for Employees* which details similar provisions to be observed.

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council Meeting held on 21 April 2020:

INTRODUCTION

The modern role of Council is to set policy and strategy, and provide goals and targets for the local government (the City). The employees, through the Chief Executive Officer, have the task of implementing the decisions of Council.

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by Council
- seek points of clarification
- ask questions
- be given adequate time to research issues
- be given maximum time to debate matters before Council,

and ensures that the elected body is fully informed to make the best possible decisions for the City of Joondalup community.

PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

PROCEDURES FOR BRIEFING SESSIONS

The following procedures will apply to Briefing Sessions that are conducted by the City.

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate among Elected Members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Good governance principles recommend that Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following provisions apply:
 - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021* and the City's *Code of Conduct*.
 - (b) Elected Members disclosing a financial interest or a proximity interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
 - (c) The remaining Elected Members may agree that an Elected Member disclosing a financial or proximity interest may participate in discussion on the matter if the remaining Elected Members agree:
 - (i) is so trivial or insignificant as to be unlikely to influence the disclosing Elected Member's conduct in relation to the matter
or
 - (ii) is common to a significant number of electors and ratepayers of the City,and a record of that agreement is to be made in the notes kept for the Briefing Session.
 - (d) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.

PROCEDURES FOR DEPUTATIONS

- 1 Prior to the agenda of a Briefing Session being discussed by Elected Members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.
- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer through the on-line form on the City's website by close of business on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to report listed in the agenda of the Briefing Session. The City will confirm with the person if a deputation request is approved including any limitations that apply.
- 4 Any visual presentation in support of the deputation (such as a PowerPoint presentation) must be received by the City by 12.00 noon of the day of the Briefing Session. No other information or material will be distributed to Elected Members at the Briefing Session.
- 5 A deputation may consist of no more than five people, only three of which may address the Briefing Session. Other parties of the Deputation may be called on by the Elected Members to respond to questions should they so wish.
- 6 A maximum time of one hour will be set aside for all deputations at Briefing Sessions. Each deputation can address the Briefing Session up to a maximum period of 15 minutes (including time for Elected Member questions) however the Presiding Member may reduce this time where the number of approved deputations would exceed the maximum one hour limit set aside for deputations.
- 7 A person that forms part of a deputation is prevented from making a public statement at the Briefing Session on the same matter.

To request an opportunity to make a Deputation Complete the [Deputation Request Form](#).

PROCEDURES FOR PUBLIC QUESTION TIME

Questions asked Verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a report contained in the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state 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 person.
- 5 Statements are not to precede a question during public question time and questions must be succinct and to the point. Statements can only be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and their decision is final
 - nominate a City employee to respond to the question
 - or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Briefing Session.
- 9 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing Session that is not relevant to a report listed in the agenda
 - or
 - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any responses will be summarised and included in the agenda of the next Briefing Session.

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

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

- 1 Only City of Joondalup residents and / or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a report contained in the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident / ratepayer. To ensure equity 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 Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and their 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.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included in the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Written questions should be sent via email to 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

- 1 Members of the public are invited to make public statements verbally at Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a report contained in the agenda.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public statement time will be limited to two minutes per person.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing Session, that is not relevant to a report listed in the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 Public statements will be summarised and included in the agenda of the next Briefing Session.

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LATE ITEMS / ADDITIONAL INFORMATION

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

[*Additional Information 210608.pdf*](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 8 June 2021** commencing at **6.30pm**.

ORDER OF BUSINESS

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

Note: Members of the public are advised that prior to the opening of the Briefing Session, Mayor the Hon. Albert Jacob, JP will acknowledge the traditional custodians of the land.

OPEN AND WELCOME

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

DEPUTATIONS

The following summarised depositions were submitted to the Briefing Session held on Tuesday 11 May 2021.

DEPUTATION NO. 1 - ITEM 3 – ADOPTION OF MAJOR LAND TRANSACTION BUSINESS PLAN FOR THE PROPOSED DISPOSAL OF LOTS 1029 AND 1032, OCEAN REEF

Ms Sue Conlan, on behalf of the Save Ocean Reef Citizens Association Inc. (SORCA) addressed elected members and spoke against the adoption of the Major Land Transaction Business Plan for the proposed disposal of Lots 1029 and 1032, Ocean Reef.

Ms Conlan raised the following points:

- The Ocean Reef Sea Sports Club (ORSSC) currently pays \$3,000 per annum in rent to the City, and the business plan has stated that the rental income from ORSSC will be \$300,000 to the City of Joondalup.
- The 2019-20 financial report stated the value of the land as \$63 million and now the land is proposed to be sold for one dollar per lot for 11.31 hectares.
- The ORSSC would like the City to manage their facilities and generate the \$300,000 expected rental income.
- There will be an impact on surrounding businesses at Hillarys Boat Harbour and Mindarie Marina, with the development of the Ocean Reef Marina.
- There are concerns in relation to the management of the water quality near the swimming beaches with their proximity to the fuelling jetty.

DEPUTATION NO. 2 - ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 23 MARCH 2021

Ms Elena Kuznetsova addressed elected members in relation to Motion No.10 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021 and spoke against the officer's recommendation that relates to hydrothermal weed management trials in the City of Joondalup.

Ms Kuznetsova raised the following points:

- The two trial areas conducted by the City are smaller in size compared to the City of Subiaco's hydrothermal trial area.
- The length of time for the trial is not long enough to gauge how weather conditions may affect the hydrothermal outcomes.
- Experienced hydrothermal contractors who use different equipment and methods should be enlisted to conduct the trials.
- The health and social benefits of hydrothermal weed management treatment being used outweighs the overall cost in the long term.

Ms Kuznetsova implored Council not to support the officer's recommendation and to consider undertaking a long-term hydrothermal trial on a larger area within the City of Joondalup.

DEPUTATION NO. 3 - ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 23 MARCH 2021

Mr Don Poynton and Mr Michael Norman from the Joondalup Community Coast Care Forum Inc (JCCCF) addressed elected members and spoke against the officer's recommendation to Motion No. 4 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021 that relates to 'Cash for Containers' collection bins.

Mr Poynton and Mr Norman raised the following points:

- The JCCCF requests that the City amend the *Local Government and Public Property Local Law 2014*, so that cash for container bins can be installed on City managed properties.
- The JCCCF have a bin identification number that can be used for container deposits and support other community groups having their own identification.
- The JCCCF have a private company that has offered to provide and empty the container bins.
- The City's *Waste Management Plan's* objectives include minimising waste and engaging with the community.

Mr Poynton and Mr Norman implored Council to support an alternative motion that incorporates a trial in conjunction with the Iluka Friends Group, for 'Cash for Container' collection bins being installed on appropriate sites.

DEPUTATION NO. 4 - ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 23 MARCH 2021

Ms Fay Gilbert addressed elected members in relation to Motion Numbers 5, 6 and 28 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021 that relates to the planning framework, development approvals and development applications.

Ms Gilbert raised the following points:

- The Medium Density Code is scheduled to be implemented late 2021, therefore the City should bring forward the full strategic review of the planning framework.
- In 2019, the community asked for a three step plan, with step two to develop a simple local planning policy that did not require State approval. The community is still waiting for step three to reform the Housing Opportunity Areas.
- The City has an online searchable database of planning applications, adding reasons for each decision would align with the City's *Governance Framework*.
- The clauses in planning regulations are there to consider neighbours and the impacts of the development, especially residents who live in or near Housing Opportunity Areas.

DEPUTATION NO. 5 - ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 23 MARCH 2021

Ms Michelle Kwok addressed elected members in relation to Motion No. 20 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021, that relates to the use of glyphosate in the City of Joondalup.

Ms Kwok raised the following points:

- In July 2020, the City ceased the use of glyphosate within 50 metres of schools, childcare facilities and City owned community facilities that are hired by playgroups.
- The use of schedule six poisons and carcinogenic chemicals are being used in place of glyphosate.
- There have been errors in the application of glyphosate near creches, playspaces and schools.
- The City should move to the use of manual weeding, brush cutting, mowing and / or hydrothermal treatment of weeds.
- Coastcare volunteers have specially designed tools for weeding.
- Glyphosate does not kill weed seeds and spraying the weed will not stop seeds from spreading, the plant needs to be physically removed.
- There are people in the community who are willing to form weeding action groups, that can be supported by the City.

DEPUTATION NO. 6 - ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 23 MARCH 2021

Dr Gregory Glazov addressed elected members in relation to Motion No. 20 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021, that relates to the use of glyphosate in the City of Joondalup and the possible health effects from the use of pesticides.

Dr Glazov raised the following points:

- Chemicals when sprayed can contact the body by direct contact, ingestion, inhalation and produce acute chronic symptoms.
- Studies have shown that glyphosate can pollute water and remain in soil for longer than claimed, and the safe limits of exposure are based on long outdated studies.
- Local governments should replace chemical weed killers with affordable non-chemical weed management systems.

DEPUTATION NO. 7 - ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 23 MARCH 2021

Mr Michael Norman addressed elected members in relation to Motion No. 20 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021 that relates to the use of glyphosate and metsulfuron herbicide in the City of Joondalup.

Mr Norman raised the following points:

- In September 2020, the City sprayed around Portius Park with metsulfuron as a replacement of glyphosate as it was in close proximity to a school, metsulfuron is not a safer substitute to glyphosate.
- The City has used metsulfuron on parts of Hepburn Avenue and the current poor condition of the trees is a reflection of the effects of the herbicide on the local vegetation.
- The City should encourage timely weed control, especially within private properties with fleabane and other weeds that are spreading seeds onto public and natural areas.

DEPUTATION NO. 8 - ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 23 MARCH 2021

Mr Malcolm Smeal addressed the elected members in relation to Motion No. 13 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021, and spoke against the officer's recommendation that relates to the City repeating the 2009 Housing Intentions Survey and consulting further with the community.

Mr Smeal stated that town planning requires good quality data in order for the vision and planning of suburbs to work effectively, adding that Council decisions can be life changing to the community and questioned how these decisions can be made without accurate data.

Mr Smeal suggested that if the City undertook an updated Housing Intention Survey it would complement the Housing Opportunity Area review, stating that the City should undertake a set of surveys every year to find out what is happening in its suburbs.

PUBLIC QUESTION TIME

The following summarised questions were submitted to the Briefing Session held on Tuesday 11 May 2021.

Ms R Murphy, Marmion:

Re: Item 6 - Minutes of the Annual General Meeting of Electors held on 23 March 2021 - Motion 20.

Q1 What is Council's plan for the north west corner of Percy Doyle Reserve?

A1 Mayor Jacob advised that any future uses for Percy Doyle Reserve will be in alignment with the current zoning for the area.

- Q2 *Why does the City only have one rate payer owned and City operated leisure centre namely Craigie Leisure Centre; when other comparable local governments have up to six facilities?*
- A2 Mayor Jacob advised that the question does not relate to a matter on the Briefing Session Agenda and encouraged Ms Murphy to ask the question at next week's Council Meeting.

Mr M Norman, Sorrento:

- Re: *Item 6 - Minutes of the Annual General Meeting of Electors held on 23 March 2021 - Motion 20.*
- Q1 *Did the City seek any external advice or leverage off the experience of other local government authorities, with regards to the use of the herbicide metsulfuron as a general purpose herbicide, used throughout the City of Joondalup?*
- A1 The Acting Director Infrastructure Services advised that the City did confer with other local governments in relation to their approach to weed management. The Acting Director Infrastructure Services added that the City's arterial networks are not being treated with metsulfuron at this time.
- Q2 *Did the advice or experience of others show that metsulfuron could be applied at increased strength for general purpose weed control without impacting on the environment?*
- A2 The Acting Director Infrastructure Services stated that the City always conducts its weed management and treatment in accordance with the manufacturer's specifications.

Mrs S Conlan, Mosman Park:

- Re: *Item 3 - Adoption of Major Land Transaction Business Plan for the proposed Disposal of Lots 1029 and 1032, Ocean Reef.*
- Q1 *Why were some of the consultation submissions for the Ocean Reef Marina Business Plan Major Land Transaction rejected because they considered the whole marina development and not just the land transfer?*
- A1 The Chief Executive Officer advised that the legislative requirements for advertising the Major Land Transaction Business Plan are very specific, stating that responses received as part of the submission are required to address the subject matter of the Business Plan.
- The Chief Executive Officer added that if a response received as part of the submission for the Business Plan addressed the Ocean Reef Marina development as a whole and not specifically the contents of the Business Plan the City was unable to regard it as a valid submission.
- Q2 *Do you consider the success of the Major Land Transaction for Lots 1029 and 1032, Ocean Reef, not dependent on the success of the Ocean Reef Marina development?*
- A2 Mayor Jacob advised that he is unable to provide a response to a hypothetical question.

The following summarised questions were taken on notice at the Briefing Session held on 11 May 2021:

Ms M Macdonald, Mullaloo:

Re: Item 3 - Adoption of Major Land Transaction Business Plan for the proposed Disposal of Lots 1029 and 1032, Ocean Reef.

Q1 Did the Business Plan for the Transfer of Land at Ocean Reef take into consideration any costs relating to remedial action to protect properties in the event of erosion at Mullaloo Beach, caused by changes to the wave pattern after the construction of the breakwater groin?

Q2 What is the cost of the adverse effects caused by the construction of the Ocean Reef Marina, that will be enabled if the Major Land Transaction proceeds for Lots 1029 and 1032, Ocean Reef?

A1 & 2 The Major Land Transaction Business Case relates to the proposed disposal of Lots 1029 and 1032, Ocean Reef only. It is not, nor should it be, a business plan for the entire development.

Costs associated with the planning and environmental approval conditions are the responsibility of the proponent, DevelopmentWA. DevelopmentWA is also responsible for the preparation and implementation of the Ocean Reef Marina Coastal Hazard Risk Management and Adaptation Plan.

PUBLIC STATEMENT TIME

The following summarised statements were submitted to the Briefing Session held on Tuesday 11 May 2021:

Mr R Repke, Kallaroo:

Re: Item 6 - Minutes of the Annual General Meeting of Electors held on 23 March 2021 - Motion 25.

Mr Repke spoke with regards to Motion No. 25 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021, in relation to the creation of a Tree Protection Policy, and stated that the City's Significant Tree Register needs to be better promoted as there are very few trees currently on the register.

Mr Repke advised that the City of Joondalup currently has a green canopy cover of 12% and that the City should be striving for at least 18%, the increase in trees will also improve health benefits in the community. Mr Repke expressed his concerns that if the City does not make a concerted effort towards protecting established trees, in future years there will be an overall loss of trees in the district due to increased housing yields in housing opportunity areas (HOAs).

Mr Repke encouraged elected members to amend the officer's recommendation in favour of the establishment of a Local Law for significant trees on private and public land.

Ms B Hewitt, Edgewater:

Re: Item 6 - Minutes of the Annual General Meeting of Electors held on 23 March 2021.

Ms Hewitt spoke with regards to the officer's recommendations for the Minutes of the Annual General Meeting of Electors held on 23 March 2021, stating that she was disappointed with the overall recommendations put forward by the City's administration. Ms Hewitt reminded elected members that they represent the community and the final decision on the outcome of the motions is up to Council.

Mrs Z Murphy, Edgewater:

Re: Item 6 - Minutes of the Annual General Meeting of Electors held on 23 March 2021 - Motion 17.

Ms Murphy spoke with regards to Motion No. 17 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021, in relation to the *Property Management Framework*. Mrs Murphy questioned if the City will fulfil its obligations to provide and maintain its properties to meet community needs for present and future generations as outlined in the *Property Management Framework* adopted by Council at its meeting held on 20 November 2012 (CJ234-11/12 refers).

Ms P Scull, Beldon:

Re: Item 3 - Adoption of Major Land Transaction Business Plan for the proposed disposal of Lots 1029 and 1032, Ocean Reef.

Ms Scull spoke with regards to the Major Land Transaction Marina Business Plan for the proposed disposal of Lots 1029 and 1032, Ocean Reef, stating that the consultation results are misleading as 442 of the submissions only conditionally support the Business Plan on the proviso that the City of Joondalup remains the landlord after relocation and that the project remains true to the original vision, being the 2009 Concept Plan.

Mr D Kingston, Edgewater:

Re: Item 6 - Minutes of the Annual General Meeting of Electors held on 23 March 2021 - Motion 8.

Mr Kingston spoke with regards to Motion No. 8 of the Minutes of the Annual General Meeting of Electors held on 23 March 2021, in relation to the creation of a new policy for elected members access to information.

Mr Kingston urged Council to consider the request adding that the officer's comment provided for the motion demonstrates why a new policy is needed, as it will provide a clear position as to what records and documents are relevant to the performance of a councillor. Mr Kingston added that an existing committee can perform the functions of the Elected Members Access to Information policy, instead of creating a new committee for this purpose.

Ms M Kwok, Ocean Reef:

Re: Item 3 - Adoption of Major Land Transaction Business Plan for the proposed disposal of Lots 1029 and 1032, Ocean Reef.

Ms Kwok spoke with regards to the community consultation results relating to the Major Land Transaction Marina Business Plan for the proposed disposal of Lots 1029 and 1032, Ocean Reef, stating that the 442 submissions are not a valid independent community based assessment, as the submissions made by Ocean Reef Sea Sports Club should not be considered as valid submissions as proforma letters were used. Mrs Kwok stated that without the inclusion of these submissions the responses clearly show in favour of an independent assessment of the business plan.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence Previously Approved

Cr Nige Jones	8 June 2021.
Cr Christine Hamilton-Prime, JP	18 June to 3 July 2021 inclusive.
Cr John Logan	22 July to 8 August 2021 inclusive.

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – APRIL 2021

WARD	All		
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development		
FILE NUMBERS	7032, 101515		
ATTACHMENTS	Attachment 1	Monthly Development Determined – April 2021	Applications
	Attachment 2	Monthly Subdivision Processed – April 2021	Applications
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').		

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during April 2021.

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 April 2021 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during April 2021 (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 23 June 2020 (CJ079-06/20 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 April 2021 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	6	7
Strata subdivision applications	19	29
TOTAL	25	36

Of the subdivision referrals, 19 were to subdivide in housing opportunity areas, with the potential for 29 additional lots.

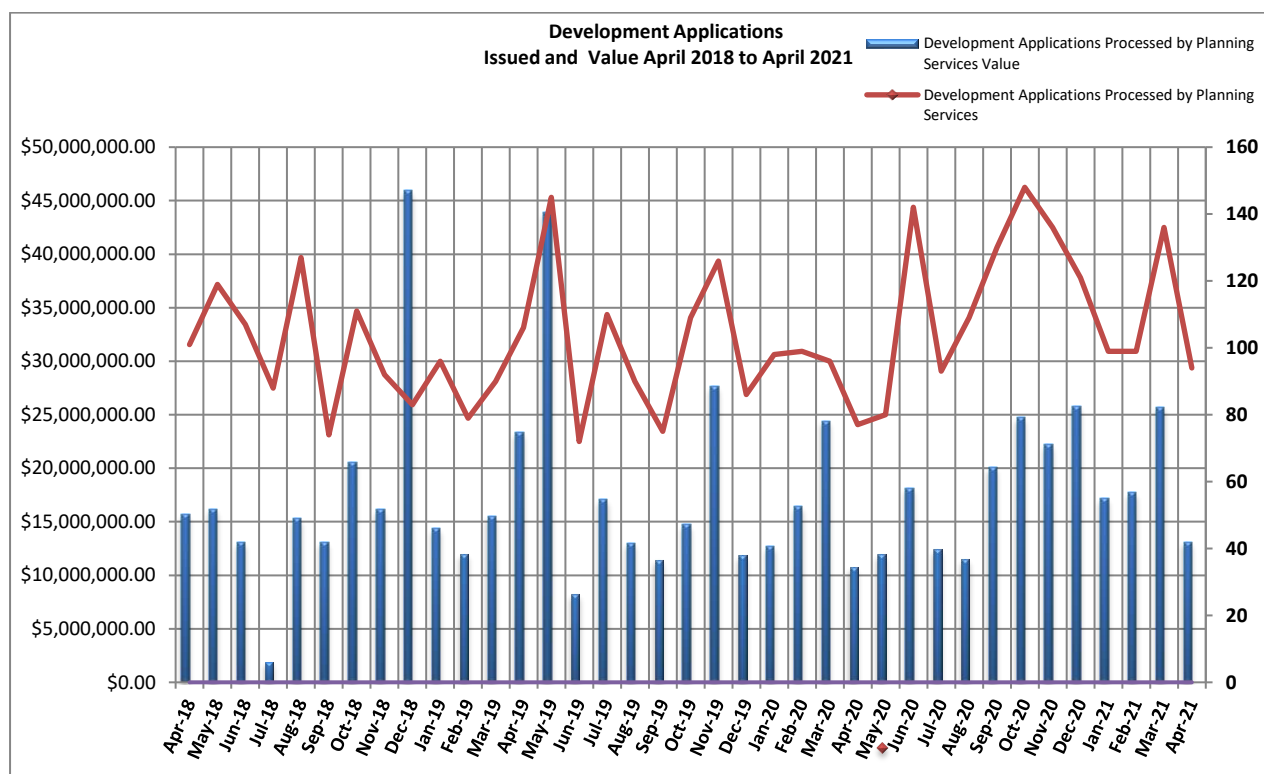
Development applications

The number of development applications determined under delegated authority during April 2021 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	94	\$13,107,820

Of the 94 development applications, 23 were for new dwelling developments in housing opportunity areas, proposing a total of 21 additional dwellings.

The total number and value of development applications determined between April 2018 and April 2021 is illustrated in the graph below:



The number of development applications received during April 2021 was 107.

The number of development applications current at the end of April was 265. Of these, 17 were pending further information from applicants, and 21 were being advertised for public comment.

In addition to the above, 266 building permits were issued during the month of April with an estimated construction value of \$43,343,710.

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 to ensure decisions taken are lawful, proper and consistent.

Financial / budget implications

A total of 94 development applications were determined for the month of April with a total amount of \$49,900.63 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or LPS3 and the Regulations.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to this Report during April 2021;**
- 2 subdivision applications described in Attachment 2 to this Report during April 2021.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf210608.pdf](#)

ITEM 2 PROPOSED HEALTH AMENDMENT LOCAL LAW 2021 – CONSENT TO ADVERTISE

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	00432, 101515
ATTACHMENTS	Attachment 1 <i>City of Joondalup Health Amendment Local Law 2021</i> Attachment 2 <i>City of Joondalup Health Local Law 1999 (marked up with changes)</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to make the *City of Joondalup Health Amendment Local Law 2021* for the purpose of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on its statutory review of its local laws, and resolved that amendments were required to the *City of Joondalup Health Local Law 1999* (Health Local Law).

In view of this resolution and to put it into effect, a *City of Joondalup Health Amendment Local Law 2021* (Amendment Local Law) has been developed for Council's consideration, for the purposes of public advertising.

It is therefore recommended that Council MAKES the City of Joondalup Health Amendment Local Law 2021, as detailed in Attachment 1 to this Report, for the purposes of public advertising.

BACKGROUND

The City's Health Local Law supports the *Health (Miscellaneous Provisions) Act 1911*, the *Public Health Act 2016*, the *Food Act 2008* and an array of other public health regulations. Progress is being made by the State Government to replace the outdated *Health (Miscellaneous Provisions) Act 1911* however as it is a complex piece of legislation, its replacement by the *Public Health Act 2016* is taking some time and being staged over a number of years.

The City's Health Local Law provides for a range of health considerations in relation to the following matters:

- Sanitation.
- Housing and general provisions.

- Refuse disposal.
- Pest control.
- Lodging houses.
- Offensive trades.

Section 3.16 of the *Local Government Act 1995* requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended and involves a public consultation period.

No public submissions were received on the City's Health Local Law during the public consultation period however City officers identified possible amendments to the local law including, but not limited to:

- revised lodging house provisions
- possible inclusion of nuisance provisions around smoke from fire pits in residential areas
- revised sanitary convenience provisions for outdoor festivals to accord with Department of Health guidelines
- construction requirements for laundries in residential properties
- nuisances created by the feeding of birds
- revised refuse disposal enclosure requirements for multiple dwellings.

The provisions around eating houses were repealed on 23 October 2009 with the introduction of the *Food Act 2008*.

In view of this, at its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on its statutory review of its local laws, and resolved that amendments were required to the City's Health Local Law.

DETAILS

In terms of making an amendment to the City's existing Health Local Law, an Amendment Local Law has been created (Attachment 1 refers). In summary the Amendment Local Law includes the following provisions:

- Clause 2.2 – this clause amends clause 1.5 in the Health Local Law by deleting, inserting or amending various definitions used through the Health Local Law.
- Clause 2.3 – this clause replaces clause 2.6 in the Health Local Law and inserts new provisions around sanitary conveniences for outdoor festivals. The new standards are in line with Department of Health Guidelines.
- Clause 2.4 – this clause deletes clause 3.6 of the Health Local Law as the Food Standards cover construction requirements for food businesses and therefore the clause is not required.
- Clause 2.5 – this clause inserts a number of new clauses into the Health Local Law as follows:
 - Clause 3.8 – new provision in respect to washing or keeping of soiled clothes in a kitchen or other place where food is kept. This is in an effort to prevent food contamination from contaminated items or dirty laundry water.

- Clause 3.9 – new provision to ensure an owner or occupier of land takes reasonable steps not to cause a nuisance from the escape of smoke, fumes or odours from land. Such nuisances include where smoke may cause a sustained and continual nuisance from fire pits, not ad hoc nuisance (for instance once a week).
- Clause 3.10 – new provision to prevent the feeding of birds where it is deemed by an environmental health officer to cause a nuisance or be injurious to public health.
- Clause 2.6 – this clause replaces clause 5.12 in the Health Local Law by prescribing the suitable enclosure requirements for bins where there are more than four dwelling houses (currently three), or where property used for commercial or industrial purposes. The clause defines what is considered a suitable enclosure.
- Clause 2.7 – this clause replaces clause 7.11 in the Health Local Law in terms of the kitchen requirements for lodging houses, as well as providing a definition for the Food Standards Code.
- Clause 2.8 – this clause replaces clause 7.12(2) in the Health Local Law by giving an environmental health officer the discretion to prescribe the number and type of cooking appliances in a lodging house kitchen.
- Clause 2.9 – this clause replaces clause 7.14 in the Health Local Law by prescribing new fire prevention and control requirements for lodging houses.
- Clause 2.10 – this clause amends the offence and penalty provisions in the local law and increases them in line with local government industry levels.

Local law-making procedure

The procedure for making local laws (including amendments) is detailed in the *Local Government Act 1995* (the Act) and is a specific legislative process that must be adhered to in order for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

Section 3.12(2) of the Act states that the first action in the process of making a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this is achieved by ensuring that:

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting*
- (b) *the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*

In view of this the **purpose** of this local law is to amend the *City of Joondalup Health Local Law 1999*.

The **effect** of this local law is to better clarify the provisions and requirements within the *City of Joondalup Health Local Law 1999* and to ensure information is current within prevailing legislation.

Issues and options considered

Council can either:

- make the City of Joondalup Health Amendment Local Law 2021 as presented for the purposes of public advertising
- make the City of Joondalup Health Amendment Local Law 2021 as proposed with any necessary amendments
or
- not recommend the making of the City of Joondalup Health Amendment Local Law 2021 and retain the existing local law.

The creation of the Health Amendment Local Law puts into effect the decision of Council made at its meeting held on 16 February 2021.

Legislation / Strategic Community Plan / policy implications

Legislation

Health (Miscellaneous Provisions) Act 1911.
Public Health Act 2016.
Local Government Act 1995.
City of Joondalup Health Local Law 1999.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Effective representation.

Strategic initiative

Ensure the elected body has a comprehensive understanding of its roles and responsibility.

Policy

Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law-making process will take approximately three to six months.

Risk management considerations

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the JSCDL.

Financial / budget implications

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the *2020-21 Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The provisions and requirements of other local governments have been assessed for the creations of the City's Amendment Local Law. The changes bring into line the City's local law framework with other comparable local governments.

Should Council decide to make the Amendment Local Law for the purposes of public advertising, statutory advertising and consultation with all members of the public will occur, as follows:

- Giving local public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in a newspaper circulating throughout the district
 - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centres
 - advertising on the City's website
 - advertising through the City's social media platforms.
- Providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government and the Minister for Health (through the Chief Health Officer)).

COMMENT

The City's *Health Local Law* is currently created under the head of power provided under the *Health (Miscellaneous Provisions) Act 1911*. The *Public Health Act 2016* will not allow local laws to be created however any health-related local law will instead need to be made under the *Local Government Act 1995*. Therefore, there will need to be a transitioning of the existing *Health Local Law 1999* under a different head of power at some time in the future.

It is likely in the future that local government ability to make health local laws may be affected through regulations being developed, however changes to the City's existing local law will allow it to remain effective, until any such change is known.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council MAKES the City of Joondalup Health Amendment Local Law 2021, as detailed in Attachment 1 to this Report, for the purposes of public advertising.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf210608.pdf](#)

Section 3.16 of the *Local Government Act 1995* requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended and involves a public consultation period.

A number of public submissions were received on the City's Fencing Local Law during the public consultation period. City officers also identified possible amendments to the local law such as minor wording and definition changes, as well as the removal of sufficient fence standards for rural lots, as the City of Joondalup no longer has any such zoned properties within the district.

In view of this, at its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on its statutory review of its local laws, and resolved that amendments were required to the City's Fencing Local Law to incorporate the amendments identified by City officers and to expand on the sufficient fence standards in residential areas, to include metal sheet fencing.

DETAILS

In terms of making an amendment to the City's existing Fencing Local Law, an Amendment Local Law has been created (see Attachment 1). In summary the Amendment Local Law includes the following provisions:

- Clause 2.2 – this clause amends clause 1.5 in the Fencing Local Law by deleting, inserting or amending various definitions used throughout the Fencing Local Law.
- Clause 2.3 – this clause amends clause 1.7 in the Fencing Local Law to correctly reference the City's *Local Planning Scheme* not the former *District Planning Scheme*.
- Clause 2.4 – this clause amends clause 2.1 of the Fencing Local Law by deleting the reference to fencing standards for a rural lot. There are no rural lots within the City of Joondalup district.
- Clause 2.5 – this clause deletes the existing Part 4 in the Fencing Local Law (offences and penalties) and inserts a new Part relating to the approval process, where approval is required under the local law. In most instances approvals for fencing occurs under a planning approval or building permit arrangement.
- Clause 2.6 – this clause inserts two new parts into the Fencing Local Law, relating to notices where a breach of the local law occurs (Part 5), and the various offence and penalty provisions where compliance is not obtained (Part 6).
- Clause 2.7 – this clause deletes the existing schedule relating to sufficient fences on residential lots, and includes a new schedule which specifies that steel sheeting (that is of a typical Colorbond type) is a sufficient fence standard type.
- Clause 2.8 – this clause deletes Schedule 3 of the Fencing Local Law which specifies the sufficient fence standards for a rural lot, as there are no rural lots within the City of Joondalup district.

Local law-making procedure

The procedure for making local laws (including amendments) is detailed in the *Local Government Act 1995* (the Act) and is a specific legislative process that must be adhered to in order for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

Section 3.12(2) of the Act states that the first action in the process of making a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this is achieved by ensuring that:

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting*
- (b) *the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*

In view of this the **purpose** of this local law is to amend the *City of Joondalup Fencing Local Law 2014*.

The effect of this local law is to better clarify the sufficient fence provisions and other requirements within the *City of Joondalup Fencing Local Law 2014* and to ensure information is current within prevailing legislation.

Issues and options considered

Council can either:

- make the City of Joondalup Fencing Amendment Local Law 2021 as presented for the purposes of public advertising
- make the City of Joondalup Fencing Amendment Local Law 2021 as proposed with any necessary amendments
or
- not recommend the making of the City of Joondalup Fencing Amendment Local Law 2021 and retain the existing local law.

The creation of the Amendment Local Law puts into effect the decision of Council made at its meeting held on 16 February 2021.

Legislation / Strategic Community Plan / policy implications

Legislation

Dividing Fences Act 1961.
Local Government Act 1995.
City of Joondalup Fencing Local Law 2014.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Effective representation.

Strategic initiative

Ensure the elected body has a comprehensive understanding of its roles and responsibility.

Policy

Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law-making process will take approximately three to six months.

Risk management considerations

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the JSCDL.

Financial / budget implications

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the *2020-21 Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The provisions and requirements of other local governments have been assessed for the creations of the City's Amendment Local Law. The changes bring into line the City's local law framework with other comparable local governments.

Should Council decide to make the Amendment Local Law for the purposes of public advertising, statutory advertising and consultation with all members of the public will occur, as follows:

- Giving local public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in a newspaper circulating throughout the district
 - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centres
 - advertising on the City's website
 - advertising through the City's social media platforms.
- Providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government and the Minister for Commence).

COMMENT

The *Dividing Fences Act 1961* is the primary piece of legislation in relation to dividing fences between properties. Generally, local governments are not involved in dividing fence matters between neighbours, although they have the ability to specify certain fencing standards and approval requirements under *Building Regulations 2012*, the City's *Local Planning Scheme No. 3*, *State Planning Policy 7.3 - Residential Design Codes* and the City's *Residential Development Local Planning Policy*.

Where disputes occur between neighbours, it is a local governments local law that assists the courts in determining fencing matters, particularly around what a local government considers to be a sufficient fence. For the purposes of the *Dividing Fences Act 1961*, a sufficient fence is defined as follows:

“sufficient fence, in relation to a dividing fence or a boundary fence referred to in section 16, means —

- (a) any fence prescribed by a local law as a sufficient fence for the part of the local government district in which the dividing fence or boundary fence is, or is to be, erected; or
- (b) any fence of the description and quality agreed upon by the parties concerned which does not fail to comply with any local law referred to in paragraph (a),

or where no such local law or agreement is made, means —

- (c) any substantial fence that is ordinarily capable of resisting the trespass of cattle and sheep; or
- (d) any fence determined to be a sufficient fence by the court pursuant to this Act;”

Although the manufacture of fibro-sheet fencing appears to have ceased, fencing companies and contractors still have sufficient supply and access to this type of building material for fencing. It must be clarified that fibro-sheet fencing is not asbestos fencing as this building material has not been used for many years.

In this regard it is recommended that fibro-sheet fencing continue to be a standard for sufficient fence as well as the suggestion to include steel sheet metal fencing. There is no issue with having a number of standards for sufficient fences as this assists the courts in relation to dividing fence disputes between neighbours, particularly in relation to cost contributions. The local law also does not prevent property owners from installing a type of fence they consider to be sufficient so long as it complies with the approval and safety requirements.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council MAKES the City of Joondalup Fencing Amendment Local Law 2021, as detailed in Attachment 1 to this Report, for the purposes of public advertising.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf210608.pdf](#)

ITEM 4 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	41196, 03149, 101515
ATTACHMENTS	Attachment 1 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 15 April 2021 Attachment 2 Mindarie Regional Council – Special Council Meeting Minutes – 29 April 2021 Attachment 3 Tamala Park Regional Council – Special Council Meeting Minutes – 26 May 2021 <i>(Please note: These minutes are only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Ordinary Council meeting of the Tamala Park Regional Council held on 15 April 2021.
- Minutes of the Special Council meeting of the Mindarie Regional Council held on 29 April 2021.
- Minutes of the Special Council meeting of the Tamala Park Regional Council held on 26 May 2021.

DETAILS

Tamala Park Regional Council

An Ordinary Council Meeting of the Tamala Park Regional Council was held on 15 April 2021.

Cr John Chester and Cr Philippa Taylor were Council's representative at the Ordinary Council meeting of the Tamala Park Regional Council held on 15 April 2021.

The attached minutes detail those matters that were discussed at the Tamala Park Regional Council meeting that may be of interest to the City of Joondalup (Attachment 1 refers).

A Special Council Meeting of the Tamala Park Regional Council was held on 26 May 2021.

Cr John Chester and Cr Philippa Taylor were Council's representative at the Special Council Meeting of the Tamala Park Regional Council held on 26 May 2021.

The attached minutes detail those matters that were discussed at the Tamala Park Regional Council meeting that may be of interest to the City of Joondalup (Attachment 3 refers).

Mindarie Regional Council

A Special Meeting of the Mindarie Regional Council was held on 29 April 2021.

Mayor Albert Jacob, JP was Council's representative at the Special Council meeting of the Mindarie Regional Council held on 29 April 2021, with Cr Fishwick, JP as an apology.

The attached minutes detail those matters that were discussed at the Mindarie Regional Council meeting that may be of interest to the City of Joondalup (Attachment 2 refers).

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **NOTES** the minutes of:

- 1** the Ordinary Council meeting of the Tamala Park Regional Council held on 15 April 2021 forming Attachment 1 to this Report;
- 2** the Special Council meeting of the Mindarie Regional Council held on 29 April 2021 forming Attachment 2 to this Report;
- 3** the Special Council meeting of the Tamala Park Regional Council held on 26 May 2021 forming Attachment 3 to this Report.

To access this attachment on electronic document, click here: [RegionalMinutes210608.pdf](#)

ITEM 5 **APPOINTMENT OF AN ALTERNATE MEMBER TO MINDARIE REGIONAL COUNCIL**

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

PURPOSE

For Council to appoint an alternate member to act on behalf of Mayor Jacob, JP at the Council meeting of the Mindarie Regional Council to be held on 24 June 2021.

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 Mayor Hon. Albert Jacob, JP.

Mayor Albert Jacob, JP, will not be able to attend the MRC Council meeting scheduled to be held on 24 June 2021, at the City of Stirling commencing at 6.30pm. Previous legal advice requires that where the City is required 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 Mayor Albert Jacob, JP and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an elected member as an alternate member to act on behalf of Mayor Albert Jacob, JP and represent the City at the Council meeting of the Mindarie Regional Council to be held on 24 June 2021;*
- 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 Mayor Hon. Albert Jacob, JP.

DETAILS

Mayor Albert Jacob, JP will not be able to attend the MRC Council meeting scheduled to be held on 24 June 2021, 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 is required to appoint an alternate member 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 an alternate member to act on behalf of Mayor Albert Jacob, JP during his absence
or
- not agree to appoint an alternate member.

Legislation / Strategic Community Plan / policy implications

Legislation

Interpretation Act 1984.

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

- (1) *"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:*

- c) *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*
- b) *To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.*
- (2) *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 an alternate member is not appointed to represent the City in the absence of Mayor Albert Jacob, 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 an alternate member be appointed to represent the City at the MRC Council meeting scheduled to be held on 24 June 2021, in Mayor Albert Jacob, JP, absence due to other commitments.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 In the absence of Mayor Albert Jacob, JP and in accordance with the provisions of section 52 of the *Interpretation Act 1984*, APPOINTS an elected member as an alternate member to act on behalf of Mayor Albert Jacob, JP and represent the City at the Council meeting of the Mindarie Regional Council to be held on 24 June 2021;**
- 2 ADVISES the Mindarie Regional Council of its decision.**

ITEM 6 2021 ANNUAL REVIEW OF REGISTER OF DELEGATION OF AUTHORITY

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Amended Register of Delegation of Authority (marked-up version) Attachment 2 Amended Register of Delegation of Authority (clean version)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to undertake a formal review of its delegations within the *Register of Delegation of Authority*.

EXECUTIVE SUMMARY

Sections 5.18 and 5.46 of the *Local Government Act 1995* (the Act) requires at least once every financial year, delegations are to be reviewed by the delegator. The Council last performed its annual review of delegations at its meeting held on 23 June 2020 (CJ079-06/20 refers).

A schedule of proposed amendments to the *Register of Delegation of Authority* (Register) is submitted as Attachment 1 to this Report. The *Register of Delegation of Authority* incorporating the proposed amendments, is submitted as Attachment 2 to this Report.

It is therefore recommended that Council:

- 1 *ENDORSES the review of its delegations in accordance with sections 5.18 and 5.46 of the Local Government Act 1995;*
- 2 *BY AN ABSOLUTE MAJORITY and in accordance with sections 5.16 and 5.42 of the Local Government Act 1995, section 127 of the Building Act 2011, section 48 of the Bush Fires Act 1954, section 44 of the Cat Act 2011, section 10AA of the Dog Act 1976, section 118(2)(b) of the Food Act 2008, section 16 and 17 of the Graffiti Vandalism Act 2016, sections 214(2), (3) and (5) of the Planning and Development Act 2005, clause 82 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and section 21 of the Public Health Act 2016 DELEGATES the local government functions as listed in the amended Register of Delegation of Authority forming Attachment 2 to this Report.*

BACKGROUND

In accordance with sections 5.16 and 5.42 of the Act, a local government can delegate certain functions to a committee of Council, or the Chief Executive Officer. A variety of other legislation also permits the delegations of functions to the Chief Executive Officer, as well as other officers.

Sections 5.18 and 5.46 of the Act require that at least once every financial year, delegations are to be reviewed by the delegator for those delegations under the Act, but opportunity is also presented to review other delegations made under other legislation.

At its meeting held on 24 June 2014 (CJ091-06/14 refers), Council undertook a comprehensive review of the *Register of Delegation of Authority*, incorporating the following measures:

- A revised layout for each instrument of delegation.
- Improvements to the wording and referencing of individual delegations.
- New and increased scope of individual delegations.

The Council last performed its annual review of its delegations at its meeting held on 23 June 2020 (CJ079-06/20 refers) and therefore, a formal review by Council is required. The 2021 review has focused on assessing the suitability and relevance of delegations as well as any new delegations that need to be made.

DETAILS

The 2021 annual review of the *Register of Delegation of Authority* was undertaken to determine:

- the appropriateness of the existing delegations and whether to amend or delete any delegations
- the need for any additional delegations.

The proposed amendments reflect the following:

- Amending existing delegations to improve workflow processes and service delivery.
- Revoking of delegations that are no longer required.
- Introduction of a new structure for the Register with the transition to the Attain Compliance software (Attain), including historical listing of amendments for each delegation.
- Minor wording and formatting changes.

The main proposed changes are as follows:

1.9 Choice of Tender (Attachment 1, page 16 refers)

An amendment to the 'Delegates Condition' to allow for the "Authority to accept tenders valued up to \$500,000", currently the delegation states that tenders can be accepted valued less than \$500,000, suggesting up to \$499,999. The requested amendment reflects the general understanding of the delegation to the Chief Executive Officer.

1.11 Complaints – Model Code of Conduct (Attachment 1, page 17 refers)

This delegation was approved by Council at its meeting held on 18 May 2021 (CJ071-05/21 refers) and provides the Chief Executive Officer with Authority to; deal with a complaint; dismiss a complaint; and establish procedures for dealing with complaints under clauses 12, 13 and 15(2) of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*. Authority includes the relevant powers and duties within the same clauses specified in the *Code of Conduct for the Council Members, Committee Members and Candidates* adopted by Council in accordance with section 5.104(1) of the *Local Government Act 1995*.

Due to the inclusion of this delegation in the Register, a change in delegation numbers was required and can be seen from pages 18 to 50 of the Register.

1.13 Establishing Panels of Pre-Qualified Suppliers (Attachment 1, page 21 refers)

An amendment to the 'Delegates Condition' to allow for "Authority extends to the supply of goods/services valued up to \$500,000", currently the value is less than \$350,000. The requested change in value aligns with the Chief Executive Officer's delegation to accept tenders valued up to \$500,000.

3.12. Local Planning Scheme No. 3 – Delegations – General

A change in structure in relation to delegation 3.12 Local Planning Scheme No. 3 – Delegations – General, with the separation of this delegation into two delegations 3.12.1 involving sub delegations to Coordinators Planning Approvals and Senior Urban Planners and 3.12.2 involving sub delegations to Director and Managers. This change in structure identifies clearly the separate functions delegated and the relevant sub delegations.

3.12.1 Local Planning Scheme No. 3 – Delegations – General (Attachment 1, page 69 refers)

This delegation and its sub-delegation apply to Senior Planning employees at the City.

Amendment to Part (a) amending upper case to lower case for the following words 'single house', 'grouped dwelling' and 'multiple dwelling'.

Amendment to Part (a) (iv) with the insertion of the wording 'or *Development in Housing Opportunity Areas Local Planning Policy*'. The wording has been updated to include reference to policy adopted by Council at its meeting held on 16 March 2021 (CJ023-03/21 refers).

Amendment to Part (a) (vi) (b) of the delegation to modify the wording to 'retaining' instead of the word 'retainer', this change is simply a correction of a typographical error.

Amendment to Part (b) (v) with the deletion of the words 'an application proposed a variation to the applicable' and 'of up to 100%', and relocating the reference to the word 'outbuilding(s) or' within the sentence. There is no change to the degree of delegation, the change merely simplifies the wording of the provision.

Amendment to Part (b) (vii) with the updating of various wording and reference to the revised *Advertisement Local Planning Policy* adopted by Council at its meeting held on 16 March 2021 (CJ037-03/21 refers). The delegation has been updated to reflect the correct terminology and reference to the current policy.

3.12.2 Local Planning Scheme No. 3 – Delegations – General (Attachment 1, page 74 refers)

This delegation and its sub-delegation apply to the Director Planning and Community Development, Manager Planning Services and Manager Regulatory Services.

Amendment to Part (a) with the insertion of the words 'up to 5' in front of the words 'multiple dwellings'. The wording is updated to clarify that extent of delegation extends only up to 5 multiple dwellings. This is the intent and the way in which the delegation has been applied, however the current wording may create some uncertainty that greater delegation currently exists.

Amendment to Part (b) (i) with the insertion of the wording 'or local planning policy'. The wording is correcting an omission to a planning instrument that includes building setback requirements (all other instruments are listed).

Amendment to Part (b) (ii) with the insertion of the wording 'or the shortfall in carparking is not increasing from that previously approved'. The wording is correcting a technicality where this delegation is already provided in 3.12.1 (b) (vi) to Senior Urban Planners and Coordinators (a lower tier of staff member than Manager and Director), however is not included in delegation 3.12.2 for Managers and Director level roles.

Amendment to Part (b) (iv) with the insertion of the wording 'or the shortfall in landscaping is not increasing from that previously approved'. The change in wording provides clarity that delegation exists for any previously approved shortfall in landscaping that may otherwise result in unnecessary reports to Council on matters previously dealt with and are not changing as part of any subsequent application.

Amendment to Part (c) with the insertion to reference clauses 64 (4), (5), (6), (7). The changes to clause references introduced as part of amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* implemented in February 2021.

Amendment to Part (d) with the insertion of the wording 'or local planning policy'. The reference to the local planning policy is needed as the requirement for advertising is provided by both the Scheme (via the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's *Planning Consultation Local Planning Policy*. Currently, the delegations only reference the Scheme and the inclusion corrects this omission.

3.15 Planning and Development (Local Planning Schemes) Regulations 2015 – Determine development applications for Ocean Reef Marina (Breakwaters, signage, road works and related infrastructure) (Attachment 1, page 80 refers)

At its meeting held on 18 February 2020 (CJ003-02/20 refers) delegated authority was given from Council to the Chief Executive Officer for authority to determine development applications for Ocean Reef Marina relating to breakwaters, signage, road works and related infrastructure. The inclusion of this delegation in the Register reflects Council's decision.

It is suggested that this delegation is now redundant and can therefore be revoked.

Since the last review of Register of Delegation of Authority, the *Ocean Reef Marina Improvement Scheme No. 1* has been gazetted.

The *Ocean Reef Marina Improvement Scheme No. 1* replaces the City's local planning scheme for this development (including the *Planning and Development (Local Planning Schemes) Regulations 2015*).

Since the gazettal of the *Ocean Reef Marina Improvement Scheme No. 1*, the City no longer has a decision-making role on planning proposals within the Ocean Reef Marina Development and this responsibility currently sits with the Western Australian Planning Commission (WAPC) or Development Assessment Panel.

The WAPC may revise this in the future and delegate some decision-making functions to the City, at which point Council will need to consider which functions it then decides to delegate to City officers.

3.16 Public Health Act 2016 – Functions of an Enforcement Agency (Attachment 1, page 81 refers)

With the proposed revoking of delegation 3.15, a numbering change to delegation 3.16 is required to be changed to 3.15, accordingly.

Issues and options considered

Council can either:

- accept the proposed amendments
- vary the proposed amendments
or
- reject the proposed amendments

and adopt the Register of Delegation of Authority accordingly.

Legislation / Strategic Community Plan / policy implications

Legislation	Sections 5.16 – 5.18 and 5.42 – 5.46 of the <i>Local Government Act 1995</i> . Section 127 of the <i>Building Act 2011</i> . Section 48 of the <i>Bush Fires Act 1954</i> . Section 44 of the <i>Cat Act 2011</i> . Section 10AA of the <i>Dog Act 1976</i> . Section 118(2)(b) of the <i>Food Act 2008</i> . Section 16 and 17 of the <i>Graffiti Vandalism Act 2016</i> Sections 214(2), (3) and (50) of the <i>Planning and Development Act 2005</i> . Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . Section 21 of the <i>Public Health Act 2016</i> .
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Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic initiative	Continuously strive to improve performance and service delivery across all corporate functions.
Policy	Not applicable.

Risk management considerations

Council is required to review its delegations under the *Local Government Act 1995* at least once every financial year and to review its delegations made under clause 82 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* every two years. Failure to complete the review would result in non-compliance with its statutory responsibilities under these legislative frameworks.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Where legislation confers a function or power in a “local government” it was generally intended by Parliament to mean Council. However, there are many instances within the Act and other legislation that a function given to a local government is not exercisable, at least on a day to day basis by a Council but by the Chief Executive Officer or the local government’s administration. The Act itself makes it clear that:

- 1 a Council’s role is not to exercise administrative (or management powers) but to exercise broader governance powers (section 2.7 of the Act)
- 2 a Chief Executive Officer has the principal administration or management role of the local government - reflected in the specific statutory function to ‘manage the day to day operations of the local government (section 5.4(e) of the Act).

In view of this local governments utilise levels of delegated authority to allow the Chief Executive Officer (and other officers) to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership.

The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community. The 2021 review has resulted in refining delegations to ensure the City’s continued ability to maintain high standards of service delivery and improved workflow processes.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION**That Council:**

- 1** ENDORSES the review of its delegations in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*;
- 2** BY AN ABSOLUTE MAJORITY and in accordance with sections 5.16 and 5.42 of the *Local Government Act 1995*, section 127 of the *Building Act 2011*, section 48 of the *Bush Fires Act 1954*, section 44 of the *Cat Act 2011*, section 10AA of the *Dog Act 1976*, section 118(2)(b) of the *Food Act 2008*, section 16 and 17 of the *Graffiti Vandalism Act 2016*, sections 214(2), (3) and (5) of the *Planning and Development Act 2005*, clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and section 21 of the *Public Health Act 2016* DELEGATES the local government functions as listed in the amended *Register of Delegations of Authority* forming Attachment 2 to this Report.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf210608.pdf](#)

ITEM 7 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 18 May 2021
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the status of outstanding petitions.

BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions. As part of that report, it was advised that quarterly reports would be presented to Council in the future.

DETAILS

Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 18 May 2021, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

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

Policy Implications

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

Risk Management Considerations

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

Financial/Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council NOTES:**

- 1** the status of outstanding petitions submitted to Council during the period 16 August 2016 to 18 May 2021, forming Attachment 1 to this Report;
- 2** in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, a report will be presented to a future Council meeting to consider possible amendments to the *Local Government and Public Property Local Law 2014*;
- 3** in relation to the petition requesting that:
 - 3.1** provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;

3.2 Council resolutely lobby the State Government's Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed,

the City was advised that during the 2021 State Government elections a promise was made for a potential upgrade of this intersection, however the City has not been provided with the proposed scope of works or the timeline for funding availability;

- 4 in relation to the petition requesting that Council construct a speed reduction hump on Seacrest Drive, Sorrento in the westbound lane approximately 50 metres from the corner of Marmion Avenue, a report was presented to Council at its meeting held on 16 March 2021 (CJ033-03/21 refers);
- 5 in relation to the petition requesting that Council provide adequate bin facilities to address dog waste and litter at key entrance and exit points of the Yellagonga Regional Park, a report was presented to Council at its meeting held on 20 April 2021 (CJ055-04/21 refers);
- 6 in relation to the petition requesting Council construct a single universal-access toilet on a time lock system at Sir James McCusker Park in Iluka close to the barbeque and picnic area, it is anticipated that a report will be presented to Council at its meeting to be held on 15 June 2021;
- 7 in relation to the petition requesting Council no accept the preferred draft concept plan for the Edgewater Quarry site and retain it as a green space for the whole community to enjoy, a report was presented to Council at its meeting held on 16 March 2021 (CJ040-03/21 refers);
- 8 in relation to the petition requesting Council to rezone the North Burns Beach as a dog beach, it is anticipated that a report will be presented to Council at its meeting to be held on 17 August 2021;
- 9 in relation to a petition requesting Council amend the *Childcare Premises Local Planning Policy* so the intent of the policy is that no childcare operations (excluding family day care services) are to be located adjoining or opposite a residential property, a review has commenced on the *Childcare Premises Local Planning Policy* and that a report will be presented to a future Council meeting;
- 10 in relation to a petition requesting Council extend the discount of the Greenwood Tennis Clubs discount in respect of court hire fees for seniors, the City is currently reviewing the request and a report will be presented to a future Council meeting;
- 11 in relation to a petition requesting Council to reinstate the 14 week maximum term for the Burns Beach Markets, the City is currently reviewing the request and a report will be presented to a future Council meeting.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf210608.pdf](#)

ITEM 8 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2021

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of April 2021 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) or the month of April 2021 Attachment 3 Municipal and Trust Fund Vouchers for the month of April 2021
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of April 2021.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of April 2021, totalling \$11,950,250.57.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for April 2021 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$11,950,250.57.

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 April 2021. 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.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques and EFT Payments 111105 -111144 and 111147 - 111254 and EF091699 - EF091980 and EF091982 - EF092303 Net of cancelled payments	\$7,159,713.49
	Vouchers 3033A - 3040A and 3042A -3047A	\$4,780,137.08
	Bond Refund Cheques and EFT Payments 111145-111146 and EF091698 and EF091981 Net of cancelled payments.	\$10,400.00
	Total	\$11,950,250.57

Issues and options considered

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

Option 1

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

Option 2

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

Legislation / Strategic Community Plan / Policy Implications

Legislation

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

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

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Changes in the treatment of bonds received and repaid, from being held in the Trust Fund to now being reflected in the Municipal Fund, have arisen from a directive by the Office of the Auditor General.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2020-21 Revised Budget* as adopted by Council at its meeting held on 16 April 2021 (CJ020-02/21 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 April 2021 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$11,950,250.57.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210608.pdf](#)

ITEM 9 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2021

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

PURPOSE

For Council to note the Financial Activity Statement for the period ended 30 April 2021.

EXECUTIVE SUMMARY

At its meeting held on 30 June 2020 (JSC07-06/20 refers), Council adopted the *2020-21 Annual Budget*. Council subsequently revised the budget at its meeting held on 16 February 2021 (CJ020-02/21 refers). The figures in this report are compared to the revised budget.

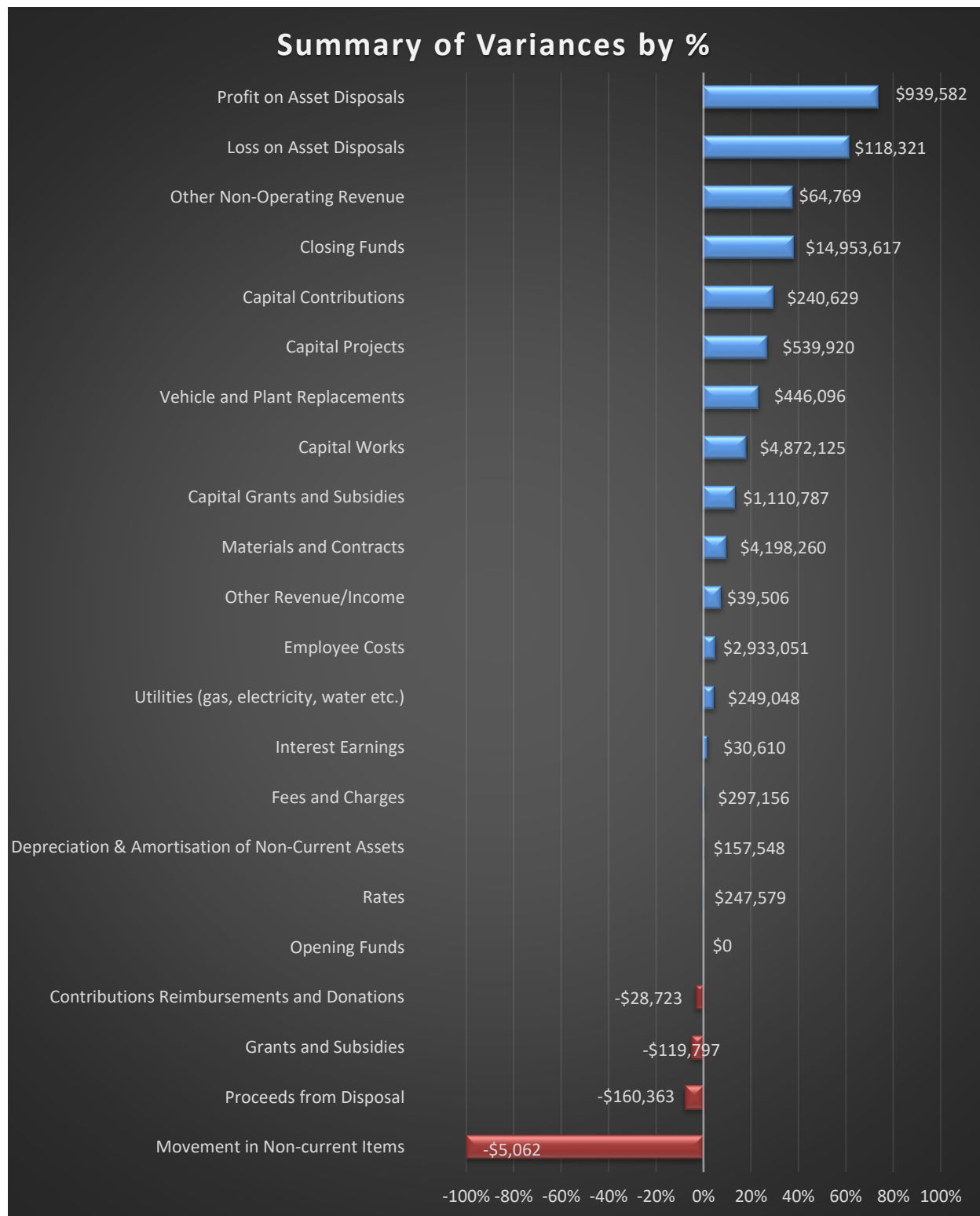
The April 2021 Financial Activity Statement Report shows an overall favourable variance of \$14,953,617 from operations and capital, after adjusting for non-cash items.

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 30 April 2021 and results from a number of factors identified in the report.

There are a number of factors influencing the favourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in April. The notes in Attachment 3 to this Report identify and provide commentary on the individual key material revenue and expenditure variances to date.

The COVID-19 pandemic impacted the City with the closure of leisure and library facilities in late March 2020, February 2021 and April 2021. Revenue from leisure centres and facility bookings have improved since COVID-19 restrictions eased but are still lower than pre-COVID levels. In addition, reduction in economic activity and implementation of social distancing measures has resulted in a fall in the City's parking revenues.

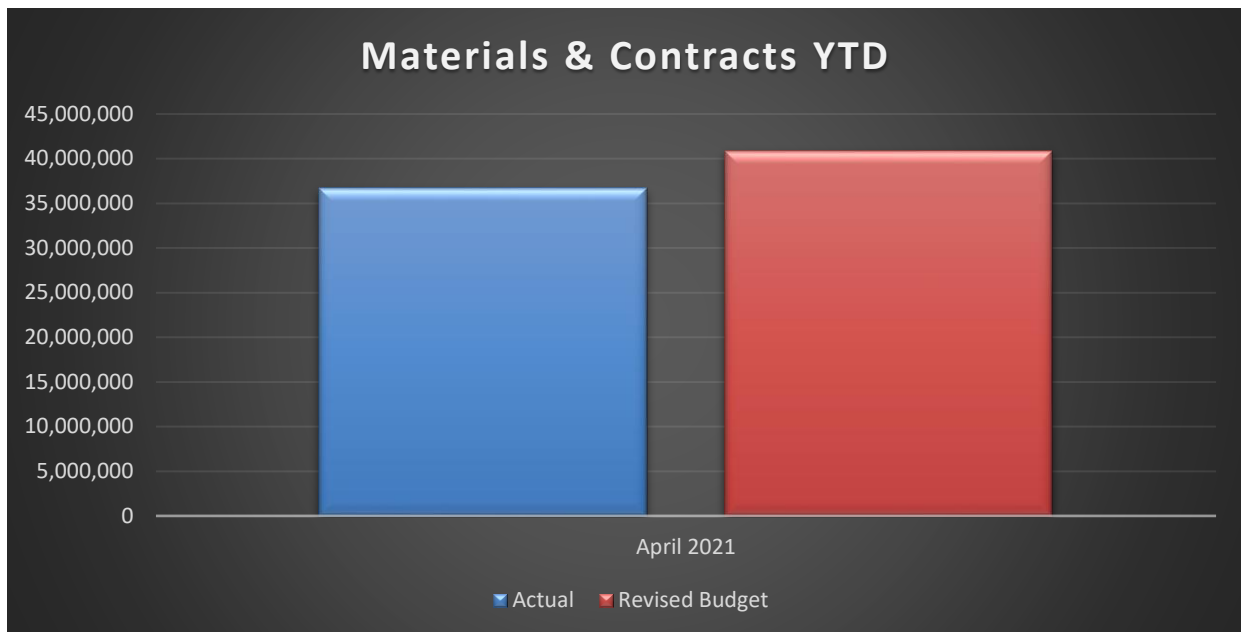
The key elements of the variance are summarised below:



The significant variances for April were:

Materials and Contracts

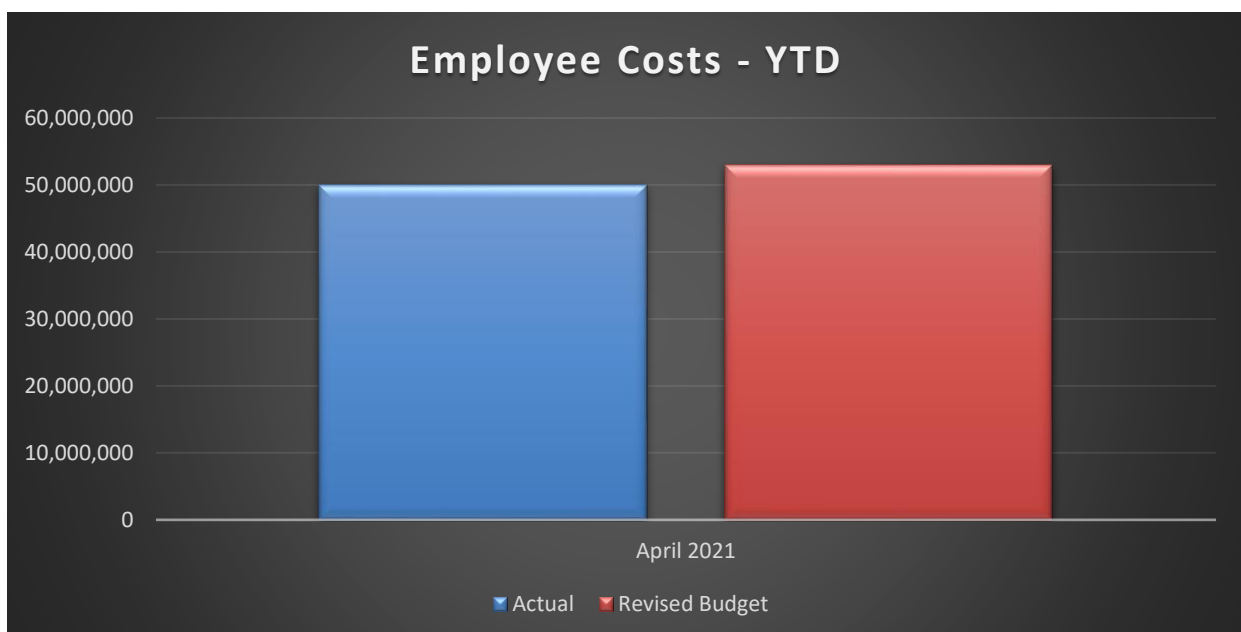
\$4,198,260



Materials and Contracts expenditure is \$4,198,260 below budget. This is spread across a number of different areas including External Service Expenses \$1,336,307, Other Materials \$413,018, Public Relations, Advertising and Promotions \$374,574, Professional Fees and Costs \$397,574, Furniture, Equipment and Artworks \$305,985 and Travel, Vehicles and Plant \$287,699.

Employee Costs

\$2,933,051



Employee Costs Expenditure is \$2,933,051 below budget. Favourable variances predominantly arose from vacancies in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 April 2021 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 30 April 2021 is appended as Attachment 1 to this Report.

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

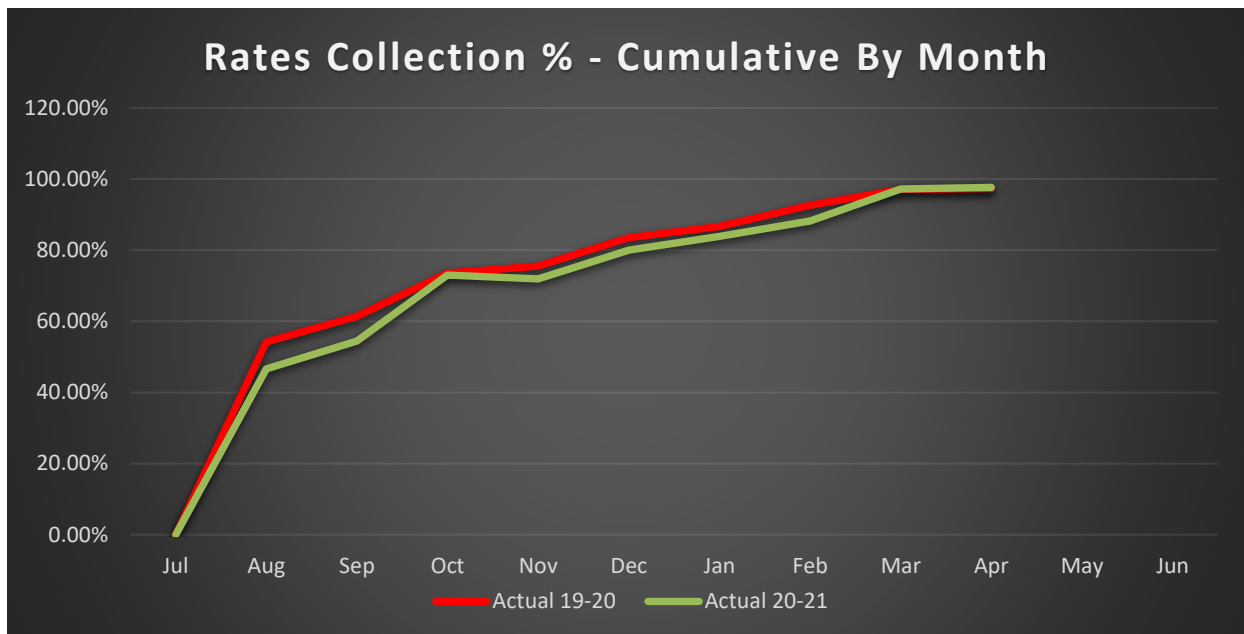
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*. The Mid Year Review Budget was prepared in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

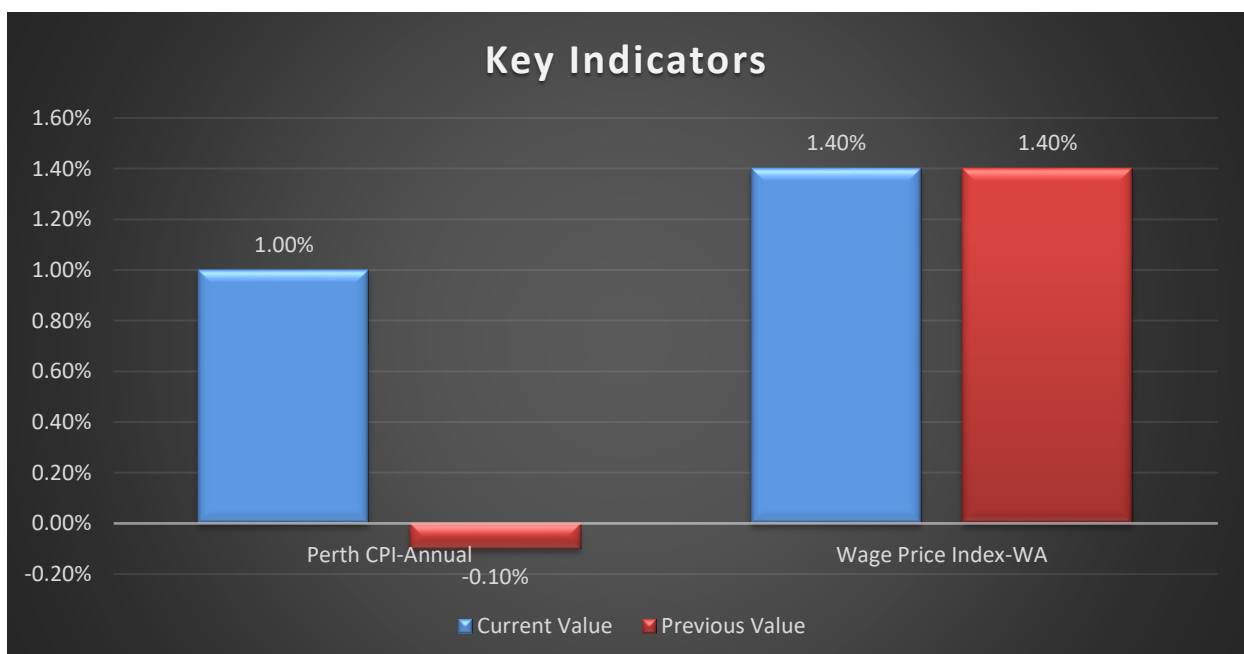
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) is on par with prior year at the end of April.

Economic Indicators



During April the Perth CPI for the first quarter of 2021 was released. This saw a significant rebound that has been reflected across all other capital cities.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2020-21 revised budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 April 2021 forming Attachment 1 to this Report.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf210608.pdf](#)

ITEM 10 TENDER 004/21 – CRAIGIE LEISURE CENTRE REFURBISHMENT PROJECT

WARD	Central
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	109013, 101515
ATTACHMENTS	Attachment 1 Summary of Submissions Attachment 2 Confidential Tender Summary <i>(Please Note: Attachment 2 is Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by BE Projects (WA) Pty Ltd for the Craigie Leisure Centre Refurbishment Project.

EXECUTIVE SUMMARY

Tenders were advertised on 6 February 2021 through a state-wide public notice for the Craigie Leisure Centre Refurbishment Project. Tenders closed on 10 March 2021. A submission was received from each of the following:

- BE Projects (WA) Pty Ltd.
- Pindan Projects WA Pty Ltd.
- Renascent Western Australia Pty Ltd.
- Tardan Pty Ltd (Western Projects).

The submission from BE Projects (WA) Pty Ltd represents best value to the City. The company demonstrated a very good understanding and appreciation of the City's requirements with its submitted program in accordance with the City's preferred timelines. Its submission outlined the qualifications and relative experience of key personnel and it demonstrated very good experience in completing equivalent scopes of works for various local governments such as the Cities of Mandurah, Kalamunda, Rockingham, and Cockburn. The company is well established and has appropriate industry experience.

It is therefore recommended that Council ACCEPTS the tender submitted by BE Projects Pty Ltd for the Craigie Leisure Centre Refurbishment Project as specified in Tender 004/21 for the fixed lump sum of \$7,166,489 (excluding GST) for completion of works by December 2022.

BACKGROUND

The City has a requirement to refurbish Craigie Leisure Centre following the outcome of a needs and feasibility study conducted during 2015. The intent of the study was to consider future community needs and explore opportunities for income growth.

A consultant was subsequently engaged to develop high level concept plans and a cost estimate which was presented to Council at its meeting held on 20 March 2018. The proposal was for the redevelopment of the facility, using a two-phased approach, to reduce the impact on City's resources and to enable distribution of the associated capital costs across several financial years. Following Council's approval of the scope of works for phase one at its meeting held on 10 December 2019 (CJ177-12/19 refers) an open tender was published for the provision of architectural services to review design documentation and to conduct contract administration of phase one. Hodge Collard Preston Architects was appointed following evaluation of the tenders in April 2020.

The City now has a requirement for suitably qualified and experienced contractors to perform the phase one construction components, comprising of alterations and additions as follows:

- Stage 1A - western car park upgrade and northern ring road car parking modifications. This includes new disabled bays to the southern car park (western side).
- Stage 1B - creche, creche outdoor area, group fitness studio, staff amenities, cycle studio, corridor 1, and storerooms 1 through 5 (inclusive).
- Stage 2A - gym area (including reception and waiting area, offices, appraisal rooms, free weights, bio circuit, stretching area, running track, omnia), wellness studio, male and female change rooms and UAT, corridor 2, storerooms 6 and 7.
- Stage 2B - southern car parking and access modifications.

Tender briefings were held between 15-17 February 2021 for prospective tenderers to view the existing site layout and associated services.

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

DETAILS

The tender for the Craigie Leisure Centre Refurbishment Project was advertised through state-wide public notice on 6 February 2021. The tender period was for four weeks and tenders closed on 10 March 2021.

Tender Submissions

A submission was received from each of the following:

- BE Projects (WA) Pty Ltd.
- Pindan Projects WA Pty Ltd.
- Renascent Western Australia Pty Ltd.
- Tardan Pty Ltd (Western Projects).

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

Evaluation Panel

The evaluation panel comprised five members that included:

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

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 standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements.

The predetermined minimum acceptable pass score was set at 60% due to the challenging and complex nature of the construction activities to be conducted. The City wishes to attract a high calibre contractor competent in completing this type of work and capable of working on staged projects where the site will remain occupied and fully operational during the currency of the contract.

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

Qualitative Criteria		Weighting
1	Demonstrated experience completing leisure centre construction projects	40%
2	Demonstrated understanding of the required tasks	30%
3	Capacity	25%
4	Social and economic effects on the local community	5%

Compliance Assessment

All offers received were deemed compliant.

Qualitative Assessment

Renascent Western Australia Pty Ltd scored 46.1% and was ranked fourth in the qualitative assessment. While it provided details for its key personnel, including years of experience and qualifications, information to indicate experience gained in leisure centre construction projects was limited, with most of the project experience gained in retail, education, medical, office refurbishments / fit outs. The company submitted a list of its specialised equipment, sub-contractor information, and details for an emergency out of hours contact. The ability to provide additional personnel was not adequately met.

It did not demonstrate sufficient experience in completing leisure centre construction projects of similar size and complexity to the Craigie Leisure Centre refurbishment project citing three projects; the Gynea North Primary School, HBF Stadium and OAMS Health and Wellbeing Centre, which had some elements comparable to the City's contract. It demonstrated a general understanding of the City's requirements with contradictions noted within the critical assumptions versus the specification, a project start date included in its program, which did not accord with the City's documentation, and no explanation provided for how it would transition between the two stages.

Western Projects scored 52.9% and was ranked third in the qualitative assessment. It submitted its organisational structure and resumes for its key personnel highlighting qualifications and industry experience. It was noted that the Site Manager has project experience in supervising small refurbishment projects of less than \$950,000 only, and not to the scale required by the City. A generic list of plant and equipment was submitted, with the ability to provide additional resources not addressed. Details for some sub-contractor disciplines were omitted despite being requested within the qualitative criteria. While it provided numerous examples of construction projects it had undertaken, there was insufficient detail included for four of the projects to ascertain the size, complexity, contract value, and dates as a comparison against the City's contract. It demonstrated a basic understanding of the tasks, with discrepancies noted within its critical assumptions. While the construction program did not meet the City's expectations for stages 1 and 2, the overall program achieved the City's required timelines.

BE Projects (WA) Pty Ltd scored 60.4% and was ranked second in the qualitative assessment. It demonstrated very good experience in completing similar projects having undertaken construction of new buildings, and renovation / extension of existing buildings, of various sized sports and community facilities, for the Cities of Mandurah, Kalamunda, Cockburn, and Rockingham. An extensive list of plant and specialised equipment was sighted along with details of personnel with sufficient qualifications and experience to perform their respective roles. The nominated Site Supervisor was noted as having supervised several sports facility projects and supervised most of the examples provided within the submission. It demonstrated a very good understanding of the required tasks with a thorough explanation provided for how it would undertake elements of each stage of the works that would allow for the carpark works to be carried out in the shortest possible time. Sub-contractor information was provided for all nominated companies, and a provisional construction program was submitted showing key milestones that complied with the City's requirements.

Pindan Projects (WA) Pty Ltd scored 65.5% and was ranked first in the qualitative assessment at the time of the assessment.

*Following the completion of the tender evaluation, a liquidator was appointed for Pindan Projects WA Pty Ltd on the 19 May 2021, on this basis the tender for Pindan Projects WA Pty Ltd should not be considered.

Given the minimum acceptable score of 60%, Pindan Projects WA Pty Ltd and BE Projects (WA) Pty Ltd qualified to progress to stage two assessment at the time the assessment was completed, noting that Pindan Projects WA Pty Ltd is no longer able to provide the services required by the City.

Price Assessment

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

Tenderer	Fixed Lump Sum (Exclusive of GST)
BE Projects (WA) Pty Ltd	\$7,166,489
Pindan Projects WA Pty Ltd*	\$8,820,432

Evaluation Summary

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

Tenderer	Weighted Percentage Score	Qualitative Ranking	Lump Sum Price	Price Ranking
BE Projects (WA) Pty Ltd	60.4%	2	\$7,166,489	1
Pindan Projects WA Pty Ltd*	65.5%	1	\$8,820,432	2

Based on the evaluation result the panel concluded that the offer from BE Projects (WA) Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the extension and refurbishment of the Craigie Leisure Centre. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

*Following the completion of the tender evaluation, a liquidator was appointed for Pindan Projects WA Pty Ltd on the 19 May 2021.

Legislation / Strategic Community Plan / Policy implications

Legislation A state-wide 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 \$250,000.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative Support a long-term approach to significant facility upgrades and improvements.
Understand the demographic context of local communities to support effective facility planning.

Employ facility design principles that will provide for longevity, diversity, inclusiveness and where appropriate, support the decentralising of City Services.

Key theme Financial Sustainability.

Objective To conduct business in a financially sustainable manner.

Strategic initiative Manage liabilities and assets through a planned, long-term approach.

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

Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the project cannot proceed within the proposed timelines.

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

Financial / budget implications

Account no.	CW002795.			
Budget Item	MPP2050.			
Budget amount	2020-21	2021-22	2022-23	TOTAL
		(proposed)	(5YCWP)	
	\$200,000	\$7,205,000	\$1,043,000	\$8,448,000
Amount spent to date	\$119,864	\$0	\$0	\$119,864
	(as at end March)			
Proposed cost (this contract only)	\$0	\$4,149,454	\$3,017,035	\$7,166,489
Balance	\$80,136	\$3,055,546	-\$1,974,035	\$1,161,647
		(any unspent budget funds will be carried forward to 2022-23)	(any unspent budget funds from 2021-22 will be carried forward)	

Unspent funds do not constitute savings as the project includes activities in addition to this contract. The 2021-22 and 2022-23 budget figures above are provisional and subject to Council approval.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Environmental

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

Social

The project has included consultation with the existing customers, members, and user groups of Craigie Leisure Centre to ensure that the proposed work addresses their needs. Furthermore, refurbishment works consider access and inclusion principles with the aim to enhance the amenity of the public space.

Economic

Not applicable.

Consultation

Consultation for the project was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*.

The City undertook consultation with customers, members, and user groups of Craigie Leisure Centre from 13 July to 10 August 2015 and received a total of 159 valid responses. Approximately 87% of respondents were members of Craigie Leisure Centre. Further consultation is detailed in Report CJ051-03/18.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by BE Projects (WA) Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by BE Projects (WA) Pty Ltd for the Craigie Leisure Centre Refurbishment Project as specified in Tender 004/21 for the fixed lump sum of \$7,166,489 (excluding GST) for completion of the works by December 2022.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf210608.pdf](#)

ITEM 11 TENDER 006/21 - PLUMBING MAINTENANCE SERVICES AND MINOR PLUMBING WORKS OF VALUE LESS THAN \$100,000

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	109316, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions Attachment 3 Confidential Tender Summary
	<i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by RW and JA Olsen trading as Joondalup Plumbing Services for the provision of plumbing maintenance services and minor plumbing works of value less than \$100,000.

EXECUTIVE SUMMARY

Tenders were advertised on 17 March 2021 through state-wide public notice for the provision of plumbing maintenance services and minor plumbing works of value less than \$100,000. Tenders closed on 1 April 2021. A submission was received from each of the following:

- RW and JA Olsen trading as Joondalup Plumbing Services.
- On Tap Plumbing and Gas Pty Ltd.
- Majestic Plumbing Pty Ltd.
- Techworks Plumbing Pty Ltd.
- Morris and Ioppolo Pty Ltd (MI Plumbers).
- The Trustee for M R Hoskins Family Trust trading as A E Hoskins and Sons.
- Marawar Pty Ltd.
- Trayd Australia Pty Ltd.
- The Plumbing and Gas Guys WA Pty Limited.

The submission from RW and JA Olsen trading as Joondalup Plumbing Services represents best value to the City. It has extensive experience providing similar plumbing services to local governments including the Cities of Wanneroo and Joondalup. It demonstrated a sound understanding of the City's requirements. Joondalup Plumbing Services is well established with significant industry experience and proven capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by RW and JA Olsen trading as Joondalup Plumbing Services for the provision of plumbing maintenance services and minor plumbing works of value less than \$100,000 as specified in Tender 006/21 for a period of three years with an option for a further one plus one year terms at the submitted schedule of rates, applicable for the term of the contract.

BACKGROUND

The City has a requirement for the provision of plumbing maintenance services to City owned infrastructure such as 150 buildings at various sites located within its boundaries, public showers, drinking fountains, ablutions, and the like. The contractor may also be required to undertake plumbing projects to both new and existing plumbing infrastructure to a value of up to \$100,000 per project.

The City has a single contract in place with RW and JA Olsen trading as Joondalup Plumbing Services which expires 30 June 2021.

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 plumbing maintenance services and minor plumbing works of value less than \$100,000 was advertised through statewide public notice on 17 March 2021. The tender period was for two weeks and tenders closed on 1 April 2021.

Tender Submissions

A submission was received from each of the following:

- RW and JA Olsen trading as Joondalup Plumbing Services.
- On Tap Plumbing and Gas Pty Ltd.
- Majestic Plumbing Pty Ltd.
- Techworks Plumbing Pty Ltd.
- Morris and Ioppolo Pty Ltd (MI Plumbers).
- The Trustee for M R Hoskins Family Trust trading as A E Hoskins and Sons.
- Marawar Pty Ltd.
- Trayd Australia Pty Ltd.
- The Plumbing and Gas Guys WA Pty Limited.

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

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

A confidential tender summary is provided in Attachment 3 to this Report.

Evaluation Panel

The evaluation panel comprised three members, being:

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

The panel carried out the assessment of the 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 standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. Due to the technical nature of the proposed services and the need to ensure that the contractors have the necessary qualifications, certifications, experience and knowledge to carry out the works and maintain a high standard of service, the predetermined minimum acceptable qualitative score for this requirement was therefore set at 55%.

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Joondalup Plumbing Services.
- Techworks Plumbing Pty Ltd.
- Morris and Ioppolo Pty Ltd (MI Plumbers).
- Marawar Pty Ltd.
- The Plumbing and Gas Guys WA Pty Limited.

The following offers received were assessed as partially compliant:

- On Tap Plumbing and Gas Pty Ltd.
- Majestic Plumbing Pty Ltd.
- A E Hoskins and Sons.
- Trayd Australia Pty Ltd.

On Tap Plumbing and Gas Pty Ltd and Majestic Plumbing Pty Ltd indicated yes to critical assumptions but did not provide details or specify critical assumptions made.

A E Hoskins and Sons and Trayd Australia Pty Ltd indicated in the financial capacity compliance criteria that they were currently engaged in litigation as a result of which they may be liable for \$50,000 or more.

These submissions were included for further assessment on the basis that clarifications could be sought from On Tap Plumbing and Gas Pty Ltd, Majestic Plumbing Pty Ltd, A E Hoskins and Sons and Trayd Australia Pty Ltd, if shortlisted for further consideration.

Qualitative Assessment

The Plumbing and Gas Guys WA Pty Limited scored 11.3% and was ranked eighth in the qualitative assessment. The company provided limited information demonstrating experience and the capacity required to provide the services. Two examples of works were provided though period and dates or when these contracts commenced were not supplied. Also, scope of works, outcomes or similarity to the City's requirements were not addressed. It did not submit a response to the criterion for demonstrated understanding of the required tasks.

Trayd Australia Pty Ltd scored 43.5% and was ranked seventh in the qualitative assessment. The company demonstrated some experience providing similar services. Examples of works were provided. However, these did not include the provision of plumbing services to local governments or services similar to the City's requirements. It demonstrated its understanding of the required tasks. It submitted insufficient information demonstrating the capacity required to carry out the works. The date of when the company commenced operation was not stated. Though its Submission included an organisational chart, it provided limited information on key personnel and specialised equipment that will be used. It did not fully address the ability to provide additional personnel or resources.

Marawar Pty Ltd scored 46.5% and was ranked sixth in the qualitative assessment. The company demonstrated its understanding of the required tasks. It submitted a brief response demonstrating experience providing similar services. Three examples of works were supplied and these were for the Town of Cambridge, Uniting Care and Programmed Facility Management, however, insufficient information was submitted on the scope of work, outcomes or similarity to the City's requirements. It did not fully demonstrate the capacity required to undertake the works for the City. Limited information was submitted on its plumbing team. Also, information on specialised equipment were not supplied.

A E Hoskins and Sons scored 64.2% and was ranked fifth in the qualitative assessment. It has sufficient capacity to carry out the services, though it is noted its core services are in commercial construction, carpentry, cabinetmaking, roof plumbing, plumbing and gas fitting, electrical services, painting and decorating. It has experience providing plumbing maintenance services to various organisations in WA including Cushman and Wakefield, ALDI Stores and the City of Stirling. It demonstrated a sound understanding of the required tasks.

MI Plumbers scored 64.8% and was ranked fourth in the qualitative assessment. The company demonstrated experience and the capacity required to provide the services. It has been providing plumbing maintenance services to various organisations in WA including Jones Lang LaSalle, Colliers International, Scentre Group (Westfield) and the City of Gosnells. However, these were notably mostly for property management groups and one local government only. It demonstrated a sound understanding of the required tasks.

Techworks Plumbing Pty Ltd scored 66% and was ranked third in the qualitative assessment. The company demonstrated its understanding of the City's requirements. It has sufficient capacity and the experience required to undertake the works. It has been providing plumbing services including routine maintenance, breakdown and repair and minor works for the City of Swan and Town of Cambridge. Though the specific dates or when these contracts commenced were not stated, it indicated these were ongoing works.

Majestic Plumbing Pty Ltd scored 66% and was ranked third in the qualitative assessment. The company has experience providing similar services to local governments in WA including the Cities of Belmont, Cockburn, Perth and Kwinana. These contracts though on a smaller scale to the City's requirements, involved similar plumbing services at various local government facilities. It demonstrated a good understanding of the required tasks. It has sufficient capacity to carry out the services.

On Tap Plumbing and Gas Pty Ltd scored 71% and was ranked second in the qualitative assessment. The company has sufficient capacity to undertake the works though it has only been operating in the plumbing industry in WA for six years. It has experience providing similar plumbing services to private and public sectors including local governments in WA. Examples included the Town of Cambridge, Cities of Armadale and Wanneroo. Information on scope of works, outcomes and similarity of services to this requirement was provided. It demonstrated a sound understanding of the required tasks.

Joondalup Plumbing Services scored 83.7% and was ranked first in the qualitative assessment. It has extensive experience providing similar plumbing services to local governments including the Cities of Wanneroo and Joondalup. It demonstrated a sound understanding of the City's requirements. Joondalup Plumbing Services is well established with significant industry experience and proven capacity to provide the services to the City.

Given the minimum acceptable qualitative score of 55%, Joondalup Plumbing Services, On Tap Plumbing and Gas Pty Ltd, Majestic Plumbing Pty Ltd, Techworks Plumbing Pty Ltd, MI Plumbers and A E Hoskins and Sons qualified for stage two of the assessment.

Price Assessment

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

The estimated expenditure over a 12-month period will vary based upon demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tenderer for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. There is no guarantee that this will occur, and actual costs will be paid on the actual usage in the future.

The rates offered by the tenderers are applicable for the term of the contract.

Tenderer	Year 1	Year 2	Year 3	Total
Joondalup Plumbing Services	\$1,027,856	\$1,027,856	\$1,027,856	\$3,083,568
MI Plumbers	\$1,186,475	\$1,186,475	\$1,186,475	\$3,559,425
A E Hoskins and Sons	\$1,199,761	\$1,199,761	\$1,199,761	\$3,599,283
On Tap Plumbing and Gas Pty Ltd	\$1,245,300	\$1,245,300	\$1,245,300	\$3,735,900
Techworks Plumbing Pty Ltd	\$1,252,679	\$1,252,679	\$1,252,679	\$3,758,037
Majestic Plumbing Pty Ltd	\$1,259,418	\$1,259,418	\$1,259,418	\$3,778,254

During 2019-20, the City incurred \$992,470 for plumbing maintenance services and minor plumbing works. The City is expected to incur in the order of \$3,083,568 over the three-year contract period and \$5,185,764 over five years should the City exercise the extension option. For estimation purposes, a 1.5% CPI increase was applied to the rates in years four and five.

Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price		Price Rank
			3 Years	5 Years (Optional)	
Joondalup Plumbing Services	83.7%	1	\$3,083,568	\$5,185,764	1
MI Plumbers	64.8%	4	\$3,559,425	\$5,986,033	2
A E Hoskins and Sons	64.2%	5	\$3,599,283	\$6,053,066	3
On Tap Plumbing and Gas Pty Ltd	71%	2	\$3,735,900	\$6,282,821	4
Techworks Plumbing Pty Ltd	66%	3	\$3,758,037	\$6,320,049	5
Majestic Plumbing Pty Ltd	66%	3	\$3,778,254	\$6,354,049	6

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

Issues and options considered

The City has a requirement for provision of plumbing maintenance services to City owned infrastructure such as 150 buildings at various sites located within its boundaries, public showers, drinking fountains, ablutions, and the like. The City does not have the internal resources to provide the required services and requires an appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

Legislation A statewide public tender was advertised, opened and evaluated in accordance with 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 \$250,000.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City needs to repair and maintain City's assets to the standards required for public health and safety.

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

Financial / budget implications

Account no.	Various accounts.
Budget Item	Plumbing maintenance services and minor plumbing works.
Current Budget amount (estimated)	\$ 1,007,000
Proposed 2021-22 Budget amount (estimated)	\$ 1,037,804
Amount spent to date	\$ 798,937
Estimated cost (from 25 May 2021 to 30 June 2021)	84,993 (current contract)
Proposed cost (from 1 July 2021)	\$ 1,027,856 (new contract)
Balance (2020-21)	\$ 123,070
Balance (2021-22)	\$ 9,948

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

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The provision of plumbing services to the City's buildings and assets within parks and reserves assists the City in efficient use of its water resources.

Consultation

Not applicable.

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 Joondalup Plumbing Services represent best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by RW and JA Olsen trading as Joondalup Plumbing Services for the provision of plumbing maintenance services and minor plumbing works of value less than \$100,000 as specified in Tender 006/21 for a period of three years with an option for a further one plus one year terms at the submitted schedule of rates, applicable for the term of the contract.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf2.10608.pdf](#)

ITEM 12 TENDER 011/21 - PROVISION OF CLEANING AND WASHROOM HYGIENE SERVICES FOR CITY OF JOONDALUP COMMUNITY FACILITIES, LIBRARIES AND CHILD HEALTH CENTRES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	109455, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Submissions Attachment 3 Confidential Tender Summary
	<i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Bellrock Cleaning Services Pty Ltd for the provision of cleaning and washroom hygiene services for City of Joondalup community facilities, libraries and child health centres.

EXECUTIVE SUMMARY

Tenders were advertised on 10 April 2021 through state-wide public notice for the provision of cleaning and washroom hygiene services for City of Joondalup community facilities, libraries and child health centres. Tenders closed on 28 April 2021. A submission was received from each of the following:

- All Clean Property Services Plus Pty Ltd.
- Bellrock Cleaning Services Pty Ltd as trustee for Bellrock Cleaning Services Trust.
- B.I.C. Services Pty Limited.
- CSCH Pty Ltd (Charles Service Company).
- Dunbar Services (WA) Pty Ltd.
- Facilities First Australia Pty Ltd.
- G.J. and K. Cleaning Services Pty Limited (GJK Facility Services).
- Netronix Pty Ltd (GJK Indigenous Solutions).
- Glad Group Pty Ltd (Glad Commercial Cleaning).
- The Trustee for The MJ Family Trust (Grace Rose Didier Cleaning Services).
- Iconic Property Services Pty Ltd.
- Bakenga, Jessie Furaha (The Mother Theresa Cleaning Services).
- Office Cleaning Experts Pty Ltd (OCE Corporate Cleaning).

- DMC Cleaning Corporation Pty Ltd as trustee for Panich Family Trust trading as DMC Cleaning.
- Pickwick Group Pty Ltd as trustee for The Pickwick Cleaning Services Unit Trust.

The submission from Bellrock Cleaning Services Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements with its submitted methodology and approach to service delivery in accordance with the City's requirements. Its submission outlined the qualifications and relative experience of key personnel and it demonstrated extensive experience in completing equivalent scopes of works for various local governments such as the Cities of Fremantle, Swan, Busselton, South Perth and Belmont. It is the incumbent supplier to the City. The company is well established and has appropriate industry experience.

It is therefore recommended that Council ACCEPTS the tender submitted by Bellrock Cleaning Services Pty Ltd for the provision of cleaning and washroom hygiene services for City of Joondalup community facilities, libraries and child health centres as specified in Tender 011/21, for a period of three years, at the submitted schedule of rates and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for professional cleaning services to be provided to its community facilities, libraries and child health centres at 46 locations. The cleaning services shall be undertaken in accordance with the service levels, frequencies and times stated in the specification.

The City has a single contract in place with Bellrock Cleaning Services Pty Ltd which expires 31 July 2021.

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 cleaning and washroom hygiene services for City of Joondalup community facilities, libraries and child health centres was advertised through state-wide public notice on 10 April 2021. The tender period was for two weeks and tenders closed on 28 April 2021.

Tender Submissions

A submission was received from each of the following:

- All Clean Property Services Plus Pty Ltd.
- Bellrock Cleaning Services Pty Ltd as trustee for Bellrock Cleaning Services Trust.
- B.I.C. Services Pty Limited.
- CSCH Pty Ltd (Charles Service Company).
- Dunbar Services (WA) Pty Ltd.
- Facilities First Australia Pty Ltd.
- G.J. and K. Cleaning Services Pty Limited (GJK Facility Services).
- Netronix Pty Ltd (GJK Indigenous Solutions).

- Glad Group Pty Ltd (Glad Commercial Cleaning).
- The Trustee for The MJ Family Trust (Grace Rose Didier Cleaning Services).
- Iconic Property Services Pty Ltd.
- Bakenga, Jessie Furaha (The Mother Theresa Cleaning Services).
- Office Cleaning Experts Pty Ltd (OCE Corporate Cleaning).
- DMC Cleaning Corporation Pty Ltd as trustee for Panich Family Trust trading as DMC Cleaning.
- Pickwick Group Pty Ltd as trustee for The Pickwick Cleaning Services Unit Trust.

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

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

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements.

There is an extremely high level of expectation of cleanliness from the general public. The City needs to be assured that the successful contractor has a good understanding of the associated risks to public health, and equally that it has the capacity to deliver the services, including the ability to provide additional resources during business and after hours, as required. The predetermined minimum acceptable qualitative score for this tender was therefore set at 55%.

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Grace Rose Didier Cleaning Services.
- GJK Indigenous Solutions.

The following offers received were assessed as partially compliant:

- All Clean Property Services Plus Pty Ltd did not include specific details for loss of master keys insurance.
- B.I.C. Services Pty Limited provided critical assumptions regarding potential price changes which require negotiation.
- Dunbar Services (WA) Pty Ltd did not provide adequate quality assurance documentation.
- OCE Corporate Cleaning provided critical assumptions which are not accepted by the City and require negotiation.
- All Clean Property Services Plus Pty Ltd, Bellrock Cleaning Services Pty Ltd, B.I.C. Services Pty Ltd, Charles Service Company, Facilities First Australia Pty Ltd, GJK Facility Services, Glad Commercial Cleaning, Iconic Property Services Pty Ltd, OCE Corporate Cleaning, DMC Cleaning and Pickwick Group Pty Ltd did not provide sufficient level of detail for police clearance certifications required under the contract.

The following offer was assessed as non-compliant and was not considered further:

- The Mother Theresa Cleaning Services did not address any of the compliance or qualitative criteria other than submit references. A schedule of rates was not included for the majority of items.

These offers were included for further assessment on the basis that clarifications could be sought, if shortlisted for consideration.

- All Clean Property Services Plus Pty Ltd.
- Bellrock Cleaning Services Pty Ltd.
- B.I.C. Services Pty Limited.
- Charles Service Company.
- Dunbar Services (WA) Pty Ltd.
- Facilities First Australia Pty Ltd.
- GJK Facility Services.
- GJK Indigenous Solutions.
- Glad Commercial Cleaning.
- Grace Rose Didier Cleaning Services.
- Iconic Property Services Pty Ltd.
- OCE Corporate Cleaning.
- DMC Cleaning.
- Pickwick Group Pty Ltd.

Qualitative Assessment

All Clean Property Services Plus Pty Ltd scored 30.6% and was ranked thirteenth in the qualitative assessment. It demonstrated a general understanding of the requirements providing little information to illustrate how all the facilities will be cleaned concurrently. The company demonstrated reasonable experience with contracts noted for the Lotterywest Commission, Programmed Facility Management and City of Swan. Details for the proposed cleaning team were lacking and a list of specialised equipment was omitted. The ability to provide additional resources was not adequately addressed.

Glad Commercial Cleaning scored 31.3% and was ranked twelfth in the qualitative assessment. It demonstrated a basic understanding of the requirements. The company did not provide information for the time in business or number of employees but did provide resumes for key personnel to demonstrate appropriate industry experience. Emergencies will be managed via a national communications centre available 24 hours a day, seven days a week. It demonstrated some experience providing examples of contracts held for the Cities of Swan, Perth and Melville with the exact scopes of works not included.

GJK Indigenous Solutions scored 31.8% and was ranked equal eleventh in the qualitative assessment. The company provided resumes for key executive personnel who have relevant industry experience and hold appropriate qualifications. While it demonstrated experience in providing similar services it submitted very brief information for each of the eight contracts to enable comparison against the City's requirement. It did not demonstrate an understanding of the required tasks with limited information provided for its transition arrangements and no explanation provided for how it will schedule the cleaning of all the facilities and how many staff it will engage. It provided brief details for how it will manage out of hours contact.

GJK Facility Services scored 31.8% and was ranked equal eleventh in the qualitative assessment. The company demonstrated reasonable experience providing cleaning services to the Cities of Perth (36 carparks), Greater Geelong, Melbourne and Port Phillip. Specific details within the scope of works under these contracts did not include sufficient information to ascertain whether the contracts are similar in scale and complexity to the City's requirement. It did not demonstrate an understanding of the requirements with no approach or methodology provided for the scheduling and numbers of cleaners required to perform the services. Its submitted personnel have the appropriate qualifications and industry experience however general information was provided for the plant and equipment to be used.

Dunbar Services (WA) Pty Ltd scored 36% and was ranked tenth in the qualitative assessment. While it provided the number of staff employed it is unclear how many are in Perth with the company having been established in Tasmania. It did not demonstrate sufficient understanding of the required tasks with the methodology and approach not addressing how it will schedule the activities to ensure cleaning is conducted in accordance with the City's timeframes and frequencies, or how many staff it will allocate to the contract. It demonstrated reasonable experience with a contract noted with the City of Stirling.

Grace Rose Didier Cleaning Services scored 46.5% and was ranked ninth in the qualitative assessment. The company has been providing relief cleaning of beaches and park toilets for the City since 2020 and has provided general cleaning to two other contracts. It demonstrated a general understanding of the required tasks providing a summary plan of its approach to the services including how it will group the City's buildings and how many staff it will deploy. The company has a small number of staff and provided details of qualifications and experience for key personnel which were appropriate for the scope of works.

B.I.C. Services Pty Ltd scored 46.8% and was ranked eighth in the qualitative assessment. It demonstrated good experience having provided periodical cleaning for the City of Bunbury. Other examples of contracts noted were for cleaning tenant spaces for commercial precincts. The company provided a general overview for how it will deliver the service and included a transition plan. The number of cleaners to be engaged was not addressed. Minimal information was provided for nominated managerial staff and details of specialised equipment to be used for the City's requirement inadequate.

DMC Cleaning scored 48.7% and was ranked seventh in the qualitative assessment. It has the capacity to provide the services but did not submit a list of equipment to be used for the City's requirement. The company demonstrated reasonable experience in providing similar services citing contracts for regional local governments the Shires of Boddington, Merredin, Capel, Northam, Brookton and Toodyay. The company demonstrated some understanding of the requirements, submitting a methodology aligned to the City's requirements, however, the ability to record cleaner's time spent on site was not addressed.

Pickwick Group Pty Ltd scored 51.6% and was ranked sixth in the qualitative assessment. The company demonstrated good experience providing cleaning services to Brisbane City Council (QLD), Randwick City Council (NSW) and Hills Shire Council (NSW).

It is likely the company has the capacity to provide the services, but the response did not stipulate the number of staff in WA, and its ability to provide sanitary services was unknown. It demonstrated limited understanding of the requirements with the methodology for how the cleaning will be scheduled to ensure all sites are cleaned to the specifications unclear.

Facilities First Australia Pty Ltd scored 54.4% and was ranked fifth in the qualitative assessment. The company demonstrated a reasonable understanding and appreciation of the City's requirements however it did not specify how it will provide hygiene services. It has substantial experience providing similar services to local governments including the Cities of Rockingham, Cockburn, Nedlands, and Joondalup. It has proven capacity to complete the services with appropriately experienced and qualified staff appointed.

Iconic Property Services scored 63.7% and was ranked fourth in the qualitative assessment. The company demonstrated extensive experience performing cleaning services and submitted details of five local government contracts for Cities of Perth, Wanneroo, Bunbury, Shire of Peppermint Grove and Town of Victoria Park where it has serviced identical types and a comparable number of facilities to the City's requirement. The approach to how the facilities will be cleaned concurrently and how it will perform sanitary services was not clear. The company has the capacity to perform the scope of works and provide additional resources.

Charles Service Company scored 63.8% and was ranked third in the qualitative assessment. The company demonstrated substantial experience performing similar services for the Cities of Joondalup, Kwinana, Nedlands and Melville and provided full project reference sheets for these contracts. It demonstrated its understanding of the requirements providing details for staff numbers and its service strategy. It has a large inventory of equipment available for the City's requirements, has nominated experienced key personnel, and has a supplier for sanitary services.

Bellrock Cleaning Services Pty Ltd scored 69.2% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding of the required tasks providing an in depth approach to the works. It demonstrated extensive experience providing cleaning services to various buildings and facilities for local governments the Cities of Fremantle, Swan, Busselton, South Perth and Belmont. It is the incumbent supplier to the City. It has capacity to carry out the services and provided a list of specialised equipment and details for emergency contact.

OCE Corporate Cleaning scored 70.9% and was ranked first in the qualitative assessment. The company demonstrated extensive experience providing cleaning services and submitted comprehensive information for contracts it has performed for local governments the Cities of Mandurah, Kalamunda, Claremont, Gosnells and Rockingham. It has sufficient capacity to undertake the services with an exhaustive list of specialised equipment available to perform the tasks. It demonstrated a sound understanding of the required tasks.

Given the minimum acceptable qualitative score of 55%, Bellrock Cleaning Services Pty Ltd, OCE Corporate Cleaning, Iconic Property Services Pty Ltd and Charles Service Company qualified for stage two of the assessment.

Price Assessment

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

The estimated expenditure over a 12 month period will vary based upon demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates offered by the tenderer have been applied to the number of cleaning minutes required for all facilities per calendar year, with actual historical usage data applied to additional works for 18 items using the schedule of rates and schedule of additional rates for reactive cleans. This provides a value of the tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur, as any future mix of requirements will be based upon demand and are subject to change in accordance with the operational needs of the City.

The rates are fixed for the first year of the contract but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 1.5% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Estimated Total Price
Bellrock Cleaning Services Pty Ltd	\$784,126	\$795,887	\$807,826	\$2,387,839
OCE Corporate Cleaning	\$806,968	\$819,072	\$831,359	\$2,457,399
Iconic Property Services Pty Ltd	\$832,918	\$845,412	\$858,093	\$2,536,423
Charles Service Company	\$914,190	\$927,903	\$941,822	\$2,783,915

From April 2020 to March 2021 the City incurred expenditure of \$849,399. This expenditure included the cleaning of stand-alone public toilets and attached public toilet facilities, which has been excluded in the new contract and subsequently tendered for separately in 2021, and COVID-19 cleaning totalling \$201,721. The remaining expenditure relates to the cleaning of buildings at \$647,678. The new contract will have an increased number of minutes cleaned and a change in service level to increase the frequency of cleaning for 12 buildings when compared to the 2020 weekly cleaning schedule. It is anticipated that over the next three years the City will incur expenditure of \$2,387,839 during the contract period.

Evaluation Summary

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

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Bellrock Cleaning Services Pty Ltd	69.2%	2	\$2,387,839	1
OCE Corporate Cleaning	70.9%	1	\$2,457,399	2
Iconic Property Services Pty Ltd	63.7%	4	\$2,536,423	3
Charles Service Company	63.8%	3	\$2,783,915	4

Based on the evaluation result the panel concluded that the offer from Bellrock Cleaning Services Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the provision of cleaning services for City buildings. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Expenditure for the cleaning of facilities has increased due to additional hygiene requirements resulting from the COVID-19 pandemic. It is expected that this will continue in the medium-long term.

Legislation / Strategic Community Plan / Policy implications

Legislation A state-wide 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 \$250,000.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Providing safe, clean and hygienic facilities for the public and the community.

Strategic initiative Support a long-term approach to significant facility upgrade.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to maintain the cleanliness of its community facilities.

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

Financial / budget implications

Account no.	642 A6402 3359 6340	
Budget Item	Cleaning Services	
Budget amount	<u>Buildings and Toilets</u> 2020-21	<u>Buildings Only</u> 2021-22
	\$ 864,220	\$ 631,118
Amount spent to date	\$ 757,625	\$ 0
Committed	\$ 118,095	\$ 0
Proposed cost	\$ 0	\$ 653,438 (new contract)
Balance	(\$ 11,500)	(\$ 22,320)

The balance for 2021-22 does not represent an overspend at this time. The proposed cost includes both scheduled and reactive works the latter calculated on historical usage of the most commonly used items and an assumption that the historical pattern of usage is maintained. There is no guarantee that this will eventuate.

Any overspend will be covered by the reactive building maintenance budget which will be monitored throughout the year.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by Bellrock Cleaning Services Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Bellrock Cleaning Services Pty Ltd for the provision of cleaning and washroom hygiene services for City of Joondalup community facilities, libraries and child health centres as specified in Tender 011/21, for a period of three years, at the submitted schedule of rates and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf210608.pdf](#)

ITEM 13 TENDER 012/21 - PROVISION OF CLEANING AND WASHROOM HYGIENE SERVICES FOR CITY OF JOONDALUP STAND-ALONE PUBLIC TOILETS AND CLEANING OF ATTACHED PUBLIC TOILET FACILITIES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	109456, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Submissions Attachment 3 Confidential Tender Summary <i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Bellrock Cleaning Services Pty Ltd for the provision of cleaning and washroom hygiene services for City of Joondalup stand-alone public toilets and cleaning of attached public toilet facilities.

EXECUTIVE SUMMARY

Tenders were advertised on 10 April 2021 through state-wide public notice for the provision of cleaning and washroom hygiene services for City of Joondalup stand-alone public toilets and cleaning of attached public toilet facilities. Tenders closed on 28 April 2021. A submission was received from each of the following:

- Bellrock Cleaning Services Pty Ltd as trustee for Bellrock Cleaning Services Trust.
- B.I.C. Services Pty Limited.
- Brightmark Group Pty Ltd.
- Dunbar Services (WA) Pty Ltd.
- G.J. and K. Cleaning Services Pty Limited (GJK Facility Services).
- Netronix Pty Ltd (GJK Indigenous Solutions).
- The Trustee for The MJ Family Trust (Grace Rose Didier Cleaning Services).
- Iconic Property Services Pty Ltd.
- Bakenga, Jessie Furaha (The Mother Theresa Cleaning Services).
- Office Cleaning Experts Pty Ltd (OCE Corporate Cleaning).

The submission from Bellrock Cleaning Services Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements with its submitted methodology and approach to service delivery in accordance with the City's requirements.

Its submission outlined the qualifications and relative experience of key personnel and it demonstrated extensive experience in completing equivalent scopes of works for various local governments such as the Cities of Fremantle, Swan, Busselton, South Perth and Belmont. It is the incumbent supplier to the City. The company is well established and has appropriate industry experience.

It is therefore recommended that Council ACCEPTS the tender submitted by Bellrock Cleaning Services Pty Ltd for the provision of cleaning and washroom hygiene services for City of Joondalup stand-alone public toilets and cleaning of attached public toilet facilities as specified in Tender 012/21, for a period of three years, at the submitted schedule of rates and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for professional cleaning services to be provided to its stand-alone public toilets and attached public toilet facilities at 63 locations. The cleaning services shall be undertaken in accordance with the service levels, frequencies and times stated in the specification.

The City has a single contract in place with Bellrock Cleaning Services Pty Ltd which expires 31 July 2021.

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 cleaning and washroom hygiene services for City of Joondalup stand-alone public toilets and cleaning of attached public toilet facilities was advertised through state-wide public notice on 10 April 2021. The tender period was for two weeks and tenders closed on 28 April 2021.

Tender Submissions

A submission was received from each of the following:

- Bellrock Cleaning Services Pty Ltd as trustee for Bellrock Cleaning Services Trust.
- B.I.C. Services Pty Limited.
- Brightmark Group Pty Ltd.
- Dunbar Services (WA) Pty Ltd.
- G.J. and K. Cleaning Services Pty Limited (GJK Facility Services).
- Netronix Pty Ltd (GJK Indigenous Solutions).
- The Trustee for The MJ Family Trust (Grace Rose Didier Cleaning Services).
- Iconic Property Services Pty Ltd.
- Bakenga, Jessie Furaha (The Mother Theresa Cleaning Services).
- Office Cleaning Experts Pty Ltd (OCE Corporate Cleaning).

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

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

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements.

There is an extremely high level of expectation of cleanliness from the general public. The City needs to be assured that the successful contractor has a good understanding of the associated risks to public health, and equally that it has the capacity to deliver the services, including the ability to provide additional resources during business and after hours, as required. The predetermined minimum acceptable qualitative score for this tender was therefore set at 55%.

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Grace Rose Didier Cleaning Services.
- GJK Indigenous Solutions.

The following offers received were assessed as partially compliant:

- B.I.C. Services Pty Limited provided critical assumptions regarding potential price changes which require negotiation.
- Dunbar Services (WA) Pty Ltd did not provide adequate quality assurance documentation.

- OCE Corporate Cleaning provided critical assumptions which are not accepted by the City and require negotiation.
- Bellrock Cleaning Services Pty Ltd, B.I.C. Services Pty Ltd, Brightmark Group Pty Ltd, Dunbar Services (WA) Pty Ltd, GJK Facility Services, Iconic Property Services Pty Ltd and OCE Corporate Cleaning, did not provide sufficient level of detail for the national police clearance certifications required under the contract.

The following offer was assessed as non-compliant and was not considered further:

- The Mother Theresa Cleaning Services did not address any of the compliance or qualitative criteria other than provide references. Furthermore, the offer submitted was for the provision of cleaning and washroom hygiene services for City of Joondalup community facilities, libraries and child health centres and not for the provision of cleaning and washroom hygiene services for City of Joondalup stand-alone public toilets and cleaning of attached public toilet facilities.

These offers were included for further assessment on the basis that clarifications could be sought, if shortlisted for consideration.

- Bellrock Cleaning Services Pty Ltd.
- B.I.C. Services Pty Limited.
- Brightmark Group Pty Ltd.
- Dunbar Services (WA) Pty Ltd.
- GJK Facility Services.
- GJK Indigenous Solutions.
- Grace Rose Didier Cleaning Services.
- Iconic Property Services Pty Ltd.
- Office Cleaning Experts Pty Ltd (OCE Corporate Cleaning).

Qualitative Assessment

GJK Indigenous Solutions scored 29.7% and was ranked equal eighth in the qualitative assessment. The company provided resumes for key executive personnel who have relevant industry experience and hold appropriate qualifications. While it demonstrated experience in providing similar services it submitted very brief information for each of the eight contracts to enable comparison against the City's requirement. It did not demonstrate an understanding of the required tasks with limited information provided for its transition arrangements and no explanation provided for how it will schedule the cleaning of all the facilities and how many staff it will engage. It provided brief details for how it will manage out of hours contact.

GJK Facility Services scored 29.7% and was ranked equal eighth in the qualitative assessment. The company demonstrated reasonable experience providing cleaning services to the Cities of Perth (36 carparks), Greater Geelong, Melbourne and Port Phillip. Specific details within the scope of works under these contracts did not include sufficient information to ascertain whether the contracts are similar in scale and complexity to the City's requirement. It did not demonstrate an understanding of the requirements with no approach or methodology provided for the scheduling and numbers of cleaners required to perform the services.

Dunbar Services (WA) Pty Ltd scored 35% and was ranked seventh in the qualitative assessment. While it provided the number of staff employed it is unclear how many are in Perth with the company having been established in Tasmania. It did not demonstrate sufficient understanding of the required tasks, with the methodology and approach not addressing how it will schedule the activities to ensure cleaning is conducted in accordance with the City's timeframes and frequencies, or how many staff it will allocate to the contract. It demonstrated reasonable experience with a contract noted with the City of Stirling.

B.I.C. Services Pty Ltd scored 47.3% and was ranked sixth in the qualitative assessment. It demonstrated good experience having provided periodical cleaning for the City of Bunbury. Other examples of contracts noted were for cleaning tenant spaces for commercial precincts. The company provided a general overview for how it will deliver the service including a generic transition plan. The number of cleaners to be engaged was not addressed. Minimal information was provided for nominated managerial staff with only basic details of specialised equipment to be used for the City's provided.

Grace Rose Didier Cleaning Services scored 53.9% and was ranked fifth in the qualitative assessment. The company has been providing relief cleaning of beaches and park toilets for the City since 2020 and has provided general cleaning to two other contracts. It demonstrated a general understanding of the required tasks providing a summary plan of its approach to the services including how it will group the City's buildings and how many staff it will deploy. The company has a small number of staff and provided details of qualifications and experience for key personnel which were appropriate for the scope of works.

Iconic Property Services scored 54.6% and was ranked fourth in the qualitative assessment. The company demonstrated extensive experience performing cleaning services and submitted details of local government public toilet cleaning contracts for Cities of Perth and Wanneroo and Shire of Peppermint Grove where it has serviced identical types and a comparable number of facilities to the City's requirement. The approach to how the facilities will be cleaned concurrently and how it will perform sanitary services was not clear. The company has the capacity to perform the scope of works and provide additional resources.

Brightmark Group Pty Ltd scored 55.3% and was ranked third in the qualitative assessment. It demonstrated substantial experience in providing similar services with contracts held for public toilet and change room cleaning for the Shires of Augusta-Margaret River and Serpentine-Jarrahdale, and the Cities of Gosnells, Melville, and Mandurah. Periodicity of visits and number of buildings / sites serviced were noted. It demonstrated a general understanding and appreciation of the tasks with no clarification provided for the number of cleaning staff allocated to each of its nominated five teams. Its specialised equipment included items not required under the contract.

Bellrock Cleaning Services Pty Ltd scored 64.8% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding of the required tasks providing an in depth approach to the works. It demonstrated extensive experience providing public toilet cleaning services to local governments the Cities of Fremantle, Swan, Busselton, South Perth and Belmont. It is the incumbent supplier to the City. It has capacity to carry out the services and provided details for emergency contact. Some of the specialised equipment items allocated to the contract were unnecessary.

OCE Corporate Cleaning scored 67.7% and was ranked first in the qualitative assessment. The company demonstrated extensive experience providing cleaning services and submitted comprehensive information for contracts it has performed for local governments the Cities of Mandurah, Kalamunda, Claremont, Gosnells and Rockingham. It demonstrated a sound understanding of the required tasks providing details for how it will service each facility and the number of cleaners it will assign. It has sufficient capacity to undertake the services with the ability to allocate relief cleaners.

Given the minimum acceptable qualitative score of 55%, Bellrock Cleaning Services Pty Ltd, Brightmark Group Pty Ltd and OCE Corporate Cleaning qualified for stage two of the assessment.

Price Assessment

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

The estimated expenditure over a 12 month period will vary based upon demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates offered by the tenderer have been applied to the number of cleaning minutes required for all facilities per calendar year, with actual historical usage data applied to additional works for seven items using the schedule of rates and schedule of additional rates for reactive cleans. This provides a value of the tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur, as any future mix of requirements will be based upon demand and are subject to change in accordance with the operational needs of the City.

The rates are fixed for the first year of the contract but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 1.5% CPI increase was applied to the rates in years two and three:

Tenderer	Year 1	Year 2	Year 3	Estimated Total Price
Bellrock Cleaning Services Pty Ltd	\$214,099	\$217,311	\$220,570	\$651,980
Brightmark Group Pty Ltd	\$227,968	\$231,388	\$234,859	\$694,215
OCE Corporate Cleaning	\$261,682	\$265,607	\$269,591	\$796,880

From April 2020 to March 2021 the City incurred expenditure of \$849,399. This expenditure included the cleaning of community facilities, libraries and child care centres equating to \$647,678 which has been excluded in the new contract and subsequently tendered for separately in 2021. The remaining expenditure relates to the cleaning of public toilets and COVID-19 cleaning of \$201,721. An additional amount of \$20,121 was spent on relief cleaning of public toilets outside of the contract due to the City having inadequate resources to conduct these services in-house. The new contract has an adjusted service level with an increase in the frequency of cleaning to incorporate additional COVID-19 cleaning into the cleaning schedule. It is anticipated that over the next three years the City will incur expenditure of \$651,980 during the contract period.

Evaluation Summary

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

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Bellrock Cleaning Services Pty Ltd	64.8%	2	\$651,980	1
Brightmark Group Pty Ltd	55.3%	3	\$694,215	2
OCE Corporate Cleaning	67.7%	1	\$796,880	3

Based on the evaluation result the panel concluded that the offer from Bellrock Cleaning Services Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the provision of cleaning services for City toilets. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Legislation / Strategic Community Plan / Policy implications

Legislation A state-wide 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 \$250,000.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Providing safe, clean and hygienic facilities for the public and the community.

Strategic initiative Support a long-term approach to significant facility upgrade.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be extreme as the City will not be able to maintain the cleanliness of its facilities to meet the level of service to the public and the community.

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

Financial / budget implications

Account no.	642 A6402 3359 6340	
Budget Item	Cleaning Services	
Budget amount	<u>Buildings and Toilets</u> 2020-21	<u>Toilets Only</u> 2021-22
	\$ 864,220	\$ 189,734
Amount spent to date	\$ 757,625	\$ 0
Committed	\$ 118,095	\$ 0
Proposed cost	\$ 0	\$ 178,416 (new contract)
Balance	(\$ 11,500)	\$ 11,318

The balance above for 2021-22 does not represent a saving against budget at this time. The proposed cost includes both scheduled and reactive works the latter calculated on historical usage of the most used items and an assumption that the historical pattern of usage is maintained. There is no guarantee that this will eventuate, with costs incurred on actual usage in future.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by Bellrock Cleaning Services Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Bellrock Cleaning Services Pty Ltd for the provision of cleaning and washroom hygiene services for City of Joondalup stand-alone public toilets and cleaning of attached public toilet facilities as specified in Tender 012/21, for a period of three years, at the submitted schedule of rates and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf210608.pdf](#)

The cultural programs include the following events and activities:

- Joondalup Festival.
- Valentine's Concert.
- Little Feet Festival.
- Music in the Park concerts x 2.
- Professional and Community Art Exhibitions.
- Mural Arts program.
- Art Acquisitions / Commissions.
- Community Funding / Arts Development Scheme.
- NIADOC Week.
- Sunday Serenades.

With an established annual cultural calendar and an energised and committed community, the City has taken the opportunity to further shape its arts and cultural activities in line with community defined aspirations and the Strategic Community Plan vision in the form of the draft Cultural Plan 2021-25.

Since its early days, the City has seen the importance of cultural planning and implemented various cultural plans in line with its Strategic Financial Plan. Some relevant background information on the arts and cultural development strategy include the following:

- **1992:** Joondalup – A *Cultural Plan 1992* developed for the former City of Wanneroo by LandCorp details the need for a performing arts and cultural facility for the Joondalup region.
- **1999:** The City implements a *Cultural Development Action Plan 1999-2003*.
- **2003:** The City implements a *Cultural Development Action Plan 2003-2007*.
- **2010:** The City implements a *Cultural Action Plan 2010-2015*.
- **2015:** Cultural Development outcomes were included in the *Community Development Plan 2015-18* because the Joondalup Performing Arts and Cultural Facility business case was being developed and at the time it was decided there was no need for a stand-alone Cultural Plan.
- **2018:** \$40,000 was allocated to engage a consultant to assist with the development of a cultural plan to guide the annual arts and events program.
- **2018:** The City commissioned Ciemitis Public Art to undertake an audit of arts and cultural practitioners in the City titled 'Connecting Creatives'.

In September 2019 the City engaged a consultant to develop the City's draft Cultural Plan 2021-25. From November 2019 to March 2020 the City undertook the community engagement stage of the project, consulting the community on how it engages with the existing arts and cultural program and how the City can improve its services in future delivery. The key findings and vision for the plan has been formed, based on the consultation results.

While the City has continued its active commitment to delivering cultural projects, it is necessary to set in place a strategic direction to guide future initiatives.

DETAILS

The draft Cultural Plan 2021-25 has been developed following extensive engagement with the wider community and specific relevant groups within the arts and cultural industry.

The draft Cultural Plan 2021-25 defines a visionary future shift for the City's cultural sector, guiding both City-led and community activities. This structure provides the City with both an inspiring, overarching scheme, alongside a practical agenda for cultural activity, to guide the allocation of resources and funding over the coming five years.

To ensure alignment of priorities and allocated resources, the draft Cultural Plan 2021-25 is classified as an issue specific plan under the City's *Integrated Planning Framework*.

In order to develop the draft Cultural Plan 2021-25, a best practice approach was followed centred on community and stakeholder engagement.

In December 2019, the City launched an extensive program of engagement, this involved the following approaches:

- Strategic Community Reference Group Meeting (SGRG) (August 2019).
- an online community survey (November – December 2019).
- event-based engagement, referred to as a 'String Survey' (December 2019).
- stakeholder and community workshops, referred to as 'Think Tanks' (February 2020).

This engagement explored the following range of topics:

- Engagement with cultural activities both within the City, and within the wider Perth metro area.
- Satisfaction with the existing cultural program and infrastructure offer.
- Priorities for new programming and infrastructure.
- New ideas and concepts.

The draft *Cultural Plan 2021-25* proposes the following vision:

- The City's values guide all cultural activities, ensuring a consistent quality and approach across programming and activation, reflective of community values.

With this vision being supported by the following four key values:

- **Belonging and connection:** The City's cultural program has a critical role to play in facilitating belonging and connection. Activities and programs across the City's many activity centres and suburbs bring together people of diverse ages, interests, and cultures, and create safe places to engage in and contribute to culture.
- **Showcasing local stories:** The City's cultural heritage is brimming with fascinating characters, stories and customs dating back tens of thousands of years. Interpreting these through cultural programming which is authentically connected to place is a point of difference for the City.
- **Accessible and inclusive:** Diversity, accessibility and inclusion is central to all cultural programming and is championed by the City. Activities which allow for different ages, abilities, cultures, and backgrounds to participate and contribute are supported.
- **Providing opportunities for locals:** An impressive collection of creatives call the City of Joondalup home. This community is well placed to bring local stories and themes to life, and as such are the priority for local commissions and programming. Prioritising local practitioners creates professional development opportunities, contributing to a transition from locally recognised to nationally relevant creative practices.

The City's efforts towards achieving the draft vision fall into eight categories, each of which is defined by an aspirational outcome, aligned with objectives from the City's Strategic Community Plan. Goals have then been defined to support each aspirational objective.

It is not a legislative requirement for the City to have a cultural plan, although it is generally considered best practice within local government. It is also timely for the City to implement a Cultural Plan as the State government is launching the Western Australian Cultural Infrastructure Framework 2030+ in December 2020 - <https://www.dlqsc.wa.gov.au/culture-and-the-arts/cultural-infrastructure-toolkit>.

Issues and options considered

The City's role is changing, transitioning from provider to facilitator, allowing the community to lead the next chapter of cultural programming.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Cultural development.

Strategic initiative

- Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.
- Invest in publicly accessible visual art that will present a culturally enriched environment.
- Actively engage event promoters to host iconic, cultural, and sporting events within the City.
- Promote local opportunities for arts development.

Community spirit.

- Promote the sustainable management of local organisations and community groups.
- Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

Policy *Visual Arts Policy.*
Public Art Policy.

Risk management considerations

To ensure the City meets the Community Wellbeing aspiration defined in the Strategic Community Plan as '*The City has world-class facilities and a thriving cultural scene....*', the City needs to continue with its ongoing commitment to cultural development and planning through the draft Cultural Plan 2021-25. Without the plan, the City is limiting its ability to respond to community needs and to be proactive in preparing for opportunities, inspired by future trends and public interest, and continuing to increase well-being, economic and cultural vitality in the community.

Financial / budget implications

The cultural plan will provide strategic direction for the City's programs but will not make budget recommendations that will impact the *Strategic Financial Plan*.

The allocation of funds for the City's arts and cultural programs will be determined through the annual budget process.

Regional significance

The draft Cultural Plan 2021-25 aims to further reinforce the City of Joondalup as a centre of cultural excellence with an inspiring creative sector that provides rich and diverse experiences across the City of Joondalup.

The City's innovative and high-quality cultural program represents best practice, supports neighbourhood vitality, and enhances the cultural experience and reputation of the City of Joondalup. Community access to arts and culture is integral to a vibrant community, producing a strong sense of place. It enables the celebration of diversity, creativity and innovation and helps create social connection and cohesion. Creativity not only adds to the liveability of a city, it also adds to its economic vitality, a strong cultural reputation provides a draw card to visitors and is a positive economic force. The City of Joondalup has developed a cultural reputation to be proud of and is viewed as a regional leader, positioned as the northern region of Perth's best place to work, live, and visit.

Sustainability implications

The proposed five-year delivery of the draft Cultural Plan 2021-25 ensures the ongoing viability of the plan's aspirational objectives and outcomes. The plan also identifies, possibilities to support and create opportunities for artists and cultural organisations, recognising the importance of long-term growth and economic benefits. Along with promoting a sense of well-being through participation in and access to the arts and creative industries.

Consultation

Developing the City's cultural plan involved listening to the community via engagement-based activities on a shared understanding of the value of arts and culture. This engagement was built on findings from the City's Connecting Creatives audit undertaken in 2019, an audit of cultural practitioners in the City of Joondalup.

In December 2019, the City launched an extensive program of engagement, this involved the following:

- Strategic Community Reference Group Meeting (SGRG) (August 2019).
- an online community survey (November – December 2019).
- event-based engagement, referred to as a 'String Survey' (December 2019).
- stakeholder and community workshops, referred to as 'Think Tanks' (February 2020).

This engagement explored the following range of topics:

- Engagement with cultural activities both within the City of Joondalup, and within the wider Perth metro area.
- Satisfaction with the existing cultural program and infrastructure offer.
- Priorities for new programming and infrastructure.
- New ideas and concepts.

A total of 1,280 community members were engaged:

- 77% of respondents are residents of the City of Joondalup
- 70% have lived in Joondalup for over 10 years.

The Joondalup Cultural Plan - Community and Stakeholder Engagement Outcomes report was completed by Element WA in June 2020 - <https://www.joondalup.wa.gov.au/wp-content/uploads/2020/06/CulturalPlanOutcomes.pdf>

COMMENT

The need for the City to continue to focus on cultural development and planning continues to be important in maintaining the regions high cultural profile. The resulting draft Cultural Plan 2021-25 has been developed to respond to community feedback, increasing access to the arts, and embedding cultural moments in everyday life. The plan provides strategic direction for the City of Joondalup's activities for the period of 2021-25, ensuring investment is directed towards the programming and infrastructure which is most valued by the community.

The plan defines a visionary future state for the City's cultural sector, guiding both City-led and community activities. The City's efforts towards achieving its vision fall into eight categories, each of which is defined by an aspirational outcome, aligned with objectives from the City's Strategic Community Plan. Goals have then been defined to support each aspirational objective.

This structure provides the City with both an inspiring, overarching scheme, alongside a practical agenda for cultural activity, to guide the allocation of resourcing and funding over the coming five years.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADOPTS the *City of Joondalup Cultural Plan 2021-25* as detailed in Attachment 1 to this Report.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf210608.pdf](#)

ITEM 15 PETITION REQUESTING CONSTRUCTION OF A TOILET FACILITY AT SIR JAMES MCCUSKER PARK, ILUKA

WARD	North
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBERS	11526, 101515
ATTACHMENT	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to approve a community consultation process to determine the level of support for installing a public toilet facility within Sir James McCusker Park, Iluka.

EXECUTIVE SUMMARY

At its meeting held on 16 March 2021 (C11-03/21 refers), Council requested the Chief Executive Officer to prepare a report on the feasibility of constructing a single universal-access toilet on a time lock system at Sir James McCusker Park in Iluka, close to the existing barbeque and picnic area.

Sir James McCusker Park was originally established by a developer during the 1990s and was subsequently transferred to the City to maintain. At the time of construction, a toilet facility was not included in the original design for the park and there are currently no plans in the City's *Five Year Capital Works Program* to retrospectively install one.

The City continues to receive community requests to construct a toilet facility at the park due to its popularity for long-stay uses such as picnicking, BBQs and weddings, which is made attractive by the high amenity gardens, water features and community infrastructure installed at this location.

As one of the premier parks within the City of Joondalup, Sir James McCusker Park attracts both local residents and visitors from the surrounding region. The installation of a toilet facility in this location aligns to the park's current classification as a Regional Recreation Park and popularity for long-stay use.

It is therefore recommended that Council:

- 1 *NOTES that the provision of a toilet facility within Sir James McCusker Park aligns with its current classification as a Regional Recreation Park;*
- 2 *NOTES that preliminary cost estimates to install a toilet facility at Sir James McCusker Park range from \$80,000 to \$120,000 depending on the design option that is pursued;*

- 3 *REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken on the potential installation of a public toilet facility within Sir James McCusker Park;*
- 4 *ADVISES the lead petitioner of its decision.*

BACKGROUND

At its meeting held on 16 March 2021 (C11-03/21 refers), a 159-signature petition was received by Council, and resolved that the petition be:

RECEIVED and REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1 *Petition in relation to Council constructing a single universal-access toilet on a time lock system at Sir James McCusker Park in Iluka close to the barbeque and picnic area.*

Consideration is now being given to the potential installation of a modest toilet facility to service park attendees due to the nearest public toilet options being located a considerable distance of between 800 metres and 1.1 kilometre away in either Delamere Park in Currambine or Bramston Park in Burns Beach.

DETAILS

Park Classification

The City has developed an internal advisory document, the *Parks and Public Open Spaces Classification Framework* (PPOSCF), which is a key tool used in the planning and provision of park asset infrastructure. The objective of the framework is to inform decision-making processes that are based on strategic and sustainable planning principles.

By appropriately classifying parks and public open spaces, the City is able to determine where assets should be allocated according to the function, size, geography and catchment of an area. This ensures the community has access to quality park infrastructure that reflects their needs now and into the future. It also enables assets to be managed into the long-term, taking into account the costs associated with renewing and maintaining park infrastructure to a high standard.

In the case of Sir James McCusker Park, its current classification is a Regional Recreation Park. This level of classification supports the consideration of toilet facilities, subject to community consultation. Factors considered in classifying a park within this category include:

- features that encourage long-stay usage for recreational activities
- features that attract residents from across the City and surrounding region
- located near a natural place of interest (such as lake and beach)
- located near commercial activities (for example close to shopping or café facilities).

These factors are considered consistent with the current popularity and large catchment area of Sir James McCusker Park. By way of comparison, other example Regional Recreation Parks include the following, all of which are serviced by publicly-accessible toilet facilities:

- Tom Simpson Park, Mullaloo.
- Hillarys Beach Park, Hillarys.
- Sorrento Beach Park, Sorrento.
- Neil Hawkins Park, Joondalup.

Community Requests

Since 2003, the City has received 17 individual requests for the installation of a toilet facility within Sir James McCusker Park, and more recently, a 159-signature petition supporting the construction of a single universal access toilet on a time-locking system.

While this only equates to an average of one request per annum over this period, the City has not historically pursued any community consultation processes to determine the general level of support for a toilet facility at this location.

In light of the petition received and the alignment of a toilet facility to the park's current classification, it is considered appropriate to undertake a community consultation process to inform the City's *Forward Capital Works Program*, should the proposal be supported.

Issues and options considered

Based on the information provided in this report, Council can either:

- support a community engagement process to seek community feedback on the proposed installation of a public toilet facility within Sir James McCusker Park. This is the recommended option
or
- not support a community engagement process.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

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 *Community Consultation Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

The costs associated with undertaking a community engagement process are estimated to be approximately \$4,000 for printing, postage, and sign production and installation.

The costs associated with installing a modest toilet facility at Sir James McCusker Park, including a universal access toilet, wastewater drainage solution, connecting path network, auto-locking door system and power connection, is estimated to be between \$80,000 and \$120,000, depending on the final design pursued and if the facility is able to be connected to the sewer system.

There are currently no budgeted funds within the forward *Capital Works Program* or *Strategic Financial Plan* for the installation of a toilet facility at Sir James McCusker Park.

In terms of ongoing operating expenses associated with servicing a single universal access toilet for cleaning, annual depreciation, reactive maintenance and utility costs, are estimated at approximately \$11,000 per annum.

Regional significance

The unique features and infrastructure contained within Sir James McCusker Park consistently attract visitors from beyond the local suburban catchment area, providing a high-quality asset for both local and regional users.

As a destination park with feature landscaping, amphitheatre and picnicking infrastructure, the site currently encourages long-stay usage.

Sustainability implications

Environmental

Sir James McCusker Park is home to a large area of natural vegetation and feature water bodies that have experienced a history of nutrient issues of which the City continues to manage. The design of a potential toilet facility within the park would need to give consideration to mitigating any adverse impacts on the surrounding environment, including the option for a sewer connection.

Social

The lack of a dedicated toilet facility within Sir James McCusker Park adversely affects visitors who are required to walk a significant distance in order to utilise a toilet facility in either Delamere Park in Currambine (which requires crossing Marmion Avenue) or Bramston Park in Burns Beach, that is over 1km away. This is considered to be a significant distance for persons to travel to utilise a public toilet facility within a location that encourages long-stay use.

Consultation

Conducting a community consultation process will provide the City with the opportunity to assess the level of support within the community to proceed with the installation of a toilet facility and to consider any issues raised through the feedback received.

The timing of any consultation process will need to take into consideration other planned consultation activities across the City's service and project areas and the avoidance of popular holiday periods in order to maximise participation in the feedback process.

If supported, it is anticipated that an appropriate consultation period would be scheduled at the earliest from September 2021. This will also enable feedback to be considered in alignment with annual capital works planning processes.

COMMENT

The establishment of new public toilet infrastructure within parks and reserves can elicit some opposition within the community, particularly from neighbouring residents who may have concerns with the potential attraction of anti-social activities to the area.

A community consultation process enables the opportunity for feedback to be considered and for design and siting options to be modified accordingly, should the proposal be supported to proceed to a design and construction phase.

It should be noted that there are currently no budgeted funds within the City's *Five Year Capital Works Program* or *Strategic Financial Plan* for a new toilet facility within Sir James McCusker Park.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES that the provision of a toilet facility within Sir James McCusker Park aligns with its current classification as a Regional Recreation Park;**
- 2 NOTES that preliminary cost estimates to install a toilet facility at Sir James McCusker Park range from \$80,000 to \$120,000 depending on the design option that is pursued;**
- 3 REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken on the potential installation of a public toilet facility within Sir James McCusker Park;**
- 4 ADVISES the lead petitioner of its decision.**

ITEM 16 TRANSFER OF MARMION AVENUE TO MAIN ROADS WA AND LAND TENURE ADJUSTMENTS TO OCEAN REEF ROAD

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	00363, 101515
ATTACHMENTS	Attachment 1 Letters from MRWA regarding reclassification of Ocean Reef Road and Marmion Avenue Attachment 2 Road Responsibility Maps – Marmion Avenue Attachment 3 Road Responsibility Maps – Ocean Reef Road Attachment 4 Land Tenure Map – Ocean Reef Road and Conidae Park
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the following matters:

- The handover of maintenance responsibility of Marmion Avenue between Ocean Reef Road and the boundary of the City of Joondalup and the City of Wanneroo to Main Roads WA (MRWA).
- Approval in principle to amend lot boundaries affecting a portion of Ocean Reef Road and Conidae Park to enact a previous Council Resolution.

EXECUTIVE SUMMARY

Both Marmion Avenue and Ocean Reef Road are dual carriageway roads designed in accordance with the *Main Roads WA Metropolitan Functional Road Hierarchy* and the *Metropolitan Regional Scheme*. Ocean Reef Road is currently classified as a local government road and is the responsibility of the Cities of Wanneroo and Joondalup. As of August 2020, Council granted approval to transfer maintenance requirements of Ocean Reef Road between Marmion Avenue and the boundary with the City of Wanneroo to MRWA in preparation of Ocean Reef Road being proclaimed a state road, and therefore formally transferring the associated assets to MRWA.

Once a road is classified as a state road, the City will no longer be responsible for maintaining or upgrading the road. The City's involvement in decision-making regarding the roads will also be altered once transfer occurs, specifically concerning access and development on the road.

There are two types of access control for state roads:

- 1 Non-access controlled roads - these roads permit frontage access at the determination of the Local Government Authority, and depending on the classification of the road. In general, frontage access is less acceptable the busier the road is. For example, frontage access is acceptable on local access roads, but limited to commercial developments or historic access on distributor roads. For those roads under the City's care and control, but still designated as district distributor 'A' roads, referral to MRWA is required.
- 2 Access controlled roads - these roads typically have very little to no property frontage access except in some isolated instances such as major commercial properties (service stations, major shopping centres), and access is still required from side streets in the first instance. The decision on such roads rests solely with MRWA.

Generally, however, MRWA will either advise or seek the City's input should upgrades be required on roads under their care and control, especially if it impacts on the wider roading network.

In addition to the section of Ocean Reef Road approved to be transferred in 2020, the section from Marmion Avenue to the boundary with the City of Wanneroo, now meets MRWA's criteria to be reclassified from a local government road, to a state road. In discussions with MRWA, it has been found that there are a small number of land tenure matters that are outstanding on Ocean Reef Road, whereby the road is built within lot boundaries, one of which is under the care and control of the City. A position in this regard will be required to transfer the road assets and responsibilities in a clean manner.

It is therefore recommended that Council:

- 1 *in regard to Marmion Avenue SUPPORTS in principle the reclassification and transfer of ownership of Marmion Avenue from Ocean Reef Road to the boundary with the City of Wanneroo to Main Roads WA;*
- 2 *in regard to Ocean Reef Road AUTHORIZES the Chief Executive Officer to support all relevant, required land tenure adjustments to be undertaken by Main Roads WA in relation to the lot boundary of Conidae Park;*
- 3 *ADVISES Main Roads WA of its decision.*

BACKGROUND

Original Request to Transfer

At its meeting held on 30 June 2010, the City of Swan Council resolved to request the reclassification of Gngangara Road from a local government road to a state road and to prepare a submission to MRWA to commence the process.

At its meeting held on 24 August 2010 the City of Wanneroo Council supported the recommendation that a joint submission to MRWA with the City be undertaken to seek reclassification of Ocean Reef Road and Gngangara Road to a state road and therefore responsibility to MRWA. The road reclassification was to include Gngangara Road and Ocean Reef Road to Marmion Avenue.

At its meeting held on 14 December 2010 (CJ227-12/10 refers), Council approved a joint submission to MRWA with the City of Wanneroo to seek the reclassification of Ocean Reef Road and Marmion Avenue to become a state road.

Ocean Reef Road Transfer History

In August 2011 the Cities of Joondalup, Wanneroo and Swan submitted a joint application to MRWA requesting a road reclassification for Ocean Reef Road and Gnangara Road. At the time the City of Wanneroo had commenced the duplication of Ocean Reef Road from Hartman Road east and the realignment of Gnangara Road from Mirrabooka Avenue to Ocean Reef Road. At this time, the City of Swan had not commenced the duplication works of Gnangara Road east of Alexander Drive. This occurred in late 2016.

In 2012 MRWA finalised the classification assessment of Ocean Reef Road and Gnangara Road. The duplication of Ocean Reef Road and realignment of Gnangara Road had been completed by the City of Wanneroo. The completion of these works was taken into consideration by MRWA as part of the reclassification assessment. In March 2012 MRWA advised the City that the reclassification of Ocean Reef Road was not supported as it did not meet the criteria to become a state road and that it would be reviewed again in approximately five years' time.

On 1 November 2018, the City received formal correspondence from MRWA regarding the classification review of Ocean Reef Road and Gnangara Road. MRWA advised the City that the section of Ocean Reef Road from Marmion Avenue to the City's border with the City of Wanneroo now met the criteria for state road. MRWA requested the City to provide in-principle support to transfer ownership of Ocean Reef Road. A similar request was also sent to the Cities of Swan and Wanneroo.

At its meeting held on 12 December 2018, the City of Swan Council resolved to support in-principle, the reclassification of Gnangara Road as a state road from Alexander Drive to Tonkin Highway (NorthLink WA Project).

The City of Wanneroo, at its Council Meeting held on 5 February 2019, agreed in principle to transfer to MRWA its section of Ocean Reef Road between the City of Joondalup boundary and Gnangara Road, as well as the section of Gnangara Road between Ocean Reef Road and the City of Swan boundary.

At its meeting held on 19 March 2019 (CJ029-03/19 refers), Council considered a report regarding the proposed reclassification of Ocean Reef Road and resolved that it:

- "1 *SUPPORTS in-principle the reclassification of Ocean Reef Road from Marmion Avenue to the boundary with the City of Wanneroo to a state road classification;*
- 2 *ADVISES Main Roads WA of its decision."*

Following Council's decision, the City liaised with MRWA regarding the reclassification of Ocean Reef Road between Marmion Avenue and the City of Wanneroo boundary to a state road classification. At the time MRWA was unable to confirm the timeline for the reclassification and formal proclamation; however, MRWA advised the City on 21 July 2020 (letter dated 23 June 2020) of its intention to take over the maintenance responsibility for this section of Ocean Reef Road effective as at 1 July 2020.

At its meeting held on 18 August 2020 (CJ116-08/20 refers), Council resolved that it:

- "1 SUPPORTS Main Roads WA to take over maintenance responsibility of Ocean Reef Road between Marmion Avenue and the boundary with the City of Wanneroo, until formal proclamation occurs;*
- 2 NOTES that the City will enter into an arrangement with Main Road WA to delineate the maintenance responsibility between Main Roads WA and the City for Ocean Reef Road between Marmion Avenue and the boundary with the City of Wanneroo."*

A letter has been received from MRWA seeking full responsibility of the section of Ocean Reef Road in question, and indicated an effective date of 21 June 2021 for this to come into affect (Attachment 1 refers). Again, this is a step toward formal proclamation.

While the resolutions above relating to Ocean Reef Road give suitable authority to the City to enact a transfer of responsibility, neither specifically address the land tenure conflict recently determined and requiring approval to formalise.

Marmion Avenue Transfer History

Following from the original request in 2010 from the City to Main Roads WA, a letter similar to that of Ocean Reef Road has been received for the portion of Marmion Avenue from Ocean Reef Road to Yanchep Beach Road. The effective date for this responsibility is 21 June 2021 (Attachment 1 refers).

DETAILS

Transfer Responsibilities

Following the receipt of the letters from MRWA regarding the transfer of the respective road sections, a meeting was held between the City and MRWA to refine the scope of responsibilities into the future. This discussion focussed on which party should be responsible for different elements, such as City entry statements on what would be a MRWA median island. At this meeting, road responsibility maps were developed to clearly outline the areas of responsibility, particularly around intersections with City controlled side streets.

These maps have been largely developed in line with MRWA operational responsibility guidelines and are presented in Attachment 2 for Marmion Avenue, and Attachment 3 for Ocean Reef Road. As the guideline is not a 'one-size-fits-all' some adjustments to the maps have been proposed and mutually agreed upon.

Land Tenure Adjustments

Upon review of the maps, it was determined that there is no land tenure matters of concern regarding the transfer of Marmion Avenue, although one land transfer is required for Ocean Reef Road.

This site is an approximately 596m² portion of land parcel associated with Conidae Park, Attachment 4 refers. The land is Crown land, zoned as public open space under the care and control of the City. As it is not freehold, and there is not a material loss of value due to it already having a road portion over the land, compensation would not be likely. It is understood that typically, were this to occur over an entire lot area, the process would be akin to a change in a management order regarding the care and responsibility on the title for the lot. However, as this applies to only a portion of land, another process is likely to be required.

At present, that process, whether it be a boundary adjustment of the lot such as an excision, a subdivision or otherwise is yet to be determined. Previously, Lysander Park was subject to a land excision in 2017. The Department of Lands through its publication '*Crown Land Administrative Registration Practice Manual*' sets out the necessary procedures in respect to the land excision process for reserves created under Section 152 of the *Planning and Development Act 2005* (this includes reserves formerly created under Section 20A of the *Town Planning and Development Act 1928*). This however was required to allow building of a bore site. No construction or alteration works are proposed as part of this transfer, and thus may be possible through a more simplified process.

Currently, the City does not have sufficient staff resourcing or expertise to adequately arrange a land transfer of this manner. The proposal negotiated with MRWA is that they will facilitate and process acquiring the land from the City in the most suitable manner, subject to Council approval to formalise any relevant requirements to facilitate the land transfer.

It is a recommendation herein to authorise the CEO to pursue the outstanding land tenure issue as a matter to formalise the transfer and avoid future legacy issues.

Road Access Authority

Further, there is distinction between Marmion Avenue and Ocean Reef Road in terms of access category, with Marmion Avenue being a non-controlled access road and Ocean Reef a controlled access road. The differences have been previously outlined in the background to this report.

This is likewise reflected in the responsibility maps provided, where only the carriageway on Marmion Avenue is the responsibility of MRWA, as opposed to the entire road reserve, from boundary to boundary on Ocean Reef Road.

Issues and options considered

Two options with respect to Marmion Avenue will need to be considered:

Option 1 Provide in-principle support for the transfer of the section of Marmion Avenue to the City's northern boundary with the City of Wanneroo to MRWA. This is the recommended option.

The advantage of this option is that it would reduce the City's maintenance and upgrade costs associated with this road.

Option 2 Retain responsibility for the section of Marmion Avenue within the City's boundary.

The advantage of this option is that the section of road would remain the responsibility of the City including the decision-making processes required for maintenance and upgrading of the road.

The disadvantage of this option is that the City would continue to incur costs for road maintenance and future upgrades. Additionally, retaining this section of Marmion Avenue could cause confusion around responsibility if the section of Marmion Avenue within the City of Wanneroo's boundary, who similarly supported their portion to be transferred to MRWA.

Three options are possible with respect to the outstanding land tenure matter on Ocean Reef Road:

Option 1 Do not approve to support and assist facilitating relevant land transfer arrangements regarding a portion of Conidae Park to be transferred along with Ocean Reef Road to MRWA.

Given the portion of land is Crown land which is subject to a management order to the City of Joondalup, only contains public infrastructure, is zoned locally as Public Open Space, and the Minister has the inherent authority to acquire land in the public interest, choosing not to support an adjustment would likely just delay the process and consume officer time to defend the position which would be better directed on community projects.

This option is not recommended.

Option 2 The City of Joondalup expand its internal resources to adequately undertake the land tenure adjustment internally, as opposed to MRWA.

The advantage of this is that the City would have a degree of control over the process, however, it would likely arrive at the same outcome in the end, but at greater direct cost to the community.

This option is not recommended.

Option 3 Support authorising the CEO to enter into the relevant required land tenure processes and agreements to enact the original intent of Council's previous resolution regarding Ocean Reef Road.

The advantage of this option is that it captures the intent of Council in regard to the land in question but gives sufficient flexibility to proceed through the specific transfer or adjustment process which best addresses the land tenure issue in a streamlined manner.

This option is recommended.

Legislation / Strategic Community Plan / Policy implications

Legislation *Main Roads Act 1930, Part 4 – 'Highways and main roads'.
Land Administration Act 1997.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated spaces.

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

Policy Not applicable.

Risk management considerations

The only risk consideration in relation to this item would be potential reputational risk arising from the public and the state government dependent on the position adopted by the City.

Financial / budget implications

Financial implications for the transfer of Ocean Reef Road have been previously addressed in the report presented to Council at its meeting held on 15 August 2020 (CJ116-08/20 refers). Further, given the nature of the land tenure adjustment and its scale, the City is confident that it will not trigger major land transaction requirements under the *Local Government Act 1995* and associated regulations.

Regarding Marmion Avenue, the City's budget for maintenance is not allocated on a street by street basis, however, it is estimated that the City, on average, spends \$70,000 per annum on maintaining this section of Marmion Avenue based on the below:

- maintenance requirements for similar roads for example pot-hole and kerb repairs
- using unit rates for draining maintenance based on the number of drainage pits
- contract rates for mowing or landscaping costs
- allowance / provisional sum for minor maintenance costs including footpath repairs.

The maintenance estimates are detailed in the table shown below, which indicate the items MRWA will assume maintenance and replacement over upon taking over responsibility:

Marmion Avenue Maintenance Estimates

Task / Service	Inclusions	Typical Annual Cost	MRWA / CoJ
Median Maintenance	Landscaping, mowing, pruning and other soft landscaping maintenance	\$48,000	MRWA
Carriageway / Pavement Maintenance	Pot-hole patching, isolated box out, crack seal and threshold treatments where relevant and street sweeping	\$8,000	MRWA
Drainage Maintenance	Drainage replacement, cleaning and inspections	\$12,500	MRWA & CoJ
Footpath Maintenance	Path replacement, sweeping, crack sealing, line marking	\$1,500	CoJ
TOTAL:		\$70,000	

While the above is only an estimate, it provides an indication of the overall annual maintenance cost to the City and what will be transferred to MRWA.

This stretch of road is currently included in the City's infrastructure assets register along with associated drainage and related infrastructure. At June 2021, the carrying value of the road surface assets is estimated to be \$3,164,838 with the other associated sub surface assets such as underpasses and drainage an additional estimated \$6,426,168.

The transaction will be a disposal of the asset for minimal consideration (one dollar). If transfer to MRWA takes place effective 21 June 2021, this would effectively result in a loss on disposal charge of \$9,591,006 to the City's operating expenses in future. While this is a non-cash cost, it will have a significant negative impact on the City's operating surplus ratio. MRWA grants received for construction and upgrade of this road are likely to have funded much of the cost of these, but the bulk of the carrying value in the City's books reflects fair value increases arising from revaluations, which is mandated by the *Local Government (Financial Management) Regulations 1996*. There is no provision in the proposed transfer arrangement to compensate the City for the loss that will be incurred should the transfer go ahead on these terms.

Annual depreciation on the road assets alone is approximately \$155,000 based on current asset values. Once the assets are transferred, the City will no longer incur this, which will be an annual saving in operating cost.

On the basis that Marmion Avenue is reclassified as a state road, the costs associated with road maintenance and road upgrades will be the responsibility of the State Government. However, in accordance with current practice for state roads, the City may be responsible for maintenance of the verge, part costs of maintenance of median island landscaping and 50% of the street lighting tariff.

As a comparison to the current historic agreement with MRWA for Marmion Avenue from Beach Road to Ocean Reef Road, the City receives a per annum reimbursement payment of two-thirds of the City's annual maintenance costs for this section of road. The City is also reimbursed on an annual basis for street lighting.

In relation to the seal and kerb replacement costs, the City will save approximately \$114,198 per annum over the 20-year lifecycle of the road.

On the basis that the reclassification proceeds, the anticipated ongoing maintenance costs will be subject to final agreement with MRWA.

Regional significance

Ocean Reef Road and Marmion Avenue are significant arterial roads that extends beyond the City's border to the east and north respectively. Greater control of entire lengths of continuous roadway will bring efficiencies in movement through the municipalities.

Sustainability implications

The reclassification of Marmion Avenue to a state road will have some positive economic implications for the City. The reduction in maintenance costs including median landscaping and road upgrade requirements will become the responsibility of the State.

If the option to not support the reclassification of Marmion Avenue, the maintenance and road upgrade costs will remain the responsibility of the City.

Consultation

There has been engagement between the City and MRWA on the road sections subject to this report. This has been in line with operational guidelines set down by MRWA about the interactions and responsibilities of parties where local roads meet state roads. This engagement has led to the information provided in this report presented for consideration by Council.

Historically, consultation has occurred with the Cities of Wanneroo to ensure alignment of decisions to facilitate the eventual proclamation of Ocean Reef and Marmion Avenue.

To the general public, it is largely expected that there will be no noticeable difference between the City and MRWA management of the road sections. Aesthetically, the City will still deliver the level of service accustomed to the City, with MRWA's support. As such, no further consultation with the community is proposed.

COMMENT

Marmion Avenue is a significant arterial road and extends beyond the City's jurisdiction to the north. Currently, the responsibility lies with the City for intersection upgrades, road resurfacing, lighting maintenance, verge and median maintenance costs. The heavy demand on Marmion Avenue, is likely to cause an increase in the City's maintenance costs for this road over time. The reclassification to a state road is considered a positive outcome given these demands and the future anticipated traffic growth in the region.

Ocean Reef Road's land tenure matters can be considered minor and administrative in nature in the context of the transfer of Ocean Reef Road. If Ocean Reef Road were to remain a City road, the land tenure matter would have simply been a legacy matter to be formalised when time and resources permitted relative to other priorities. The transfer of Ocean Reef Road to MRWA, and their willingness to formalise the land matter represents an opportunity to the City to address this legacy issue.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 in regard to Marmion Avenue SUPPORTS in principle the reclassification and transfer of ownership of Marmion Avenue from Ocean Reef Road Reef to the boundary with the City of Wanneroo to Main Roads WA;**
- 2 in regard to Ocean Reef Road AUTHORISES the Chief Executive Officer to support all relevant, required land tenure adjustments to be undertaken by Main Roads WA in relation to the lot boundary of Conidae Park;**
- 3 ADVISES Main Roads WA of its decision.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf210608.pdf](#)

ITEM 17 CONFIDENTIAL – FUTURE OF THE RESOURCE RECOVER FACILITY AGREEMENT

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	03149, 101515
ATTACHMENT	Attachment 1 Final Draft Report – Review of Proposed Settlement Figures
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- (e)(ii) *information that has a commercial value to a person.*

A full report is provided to elected members under separate cover. The report is not for publication.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

CLOSURE



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

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

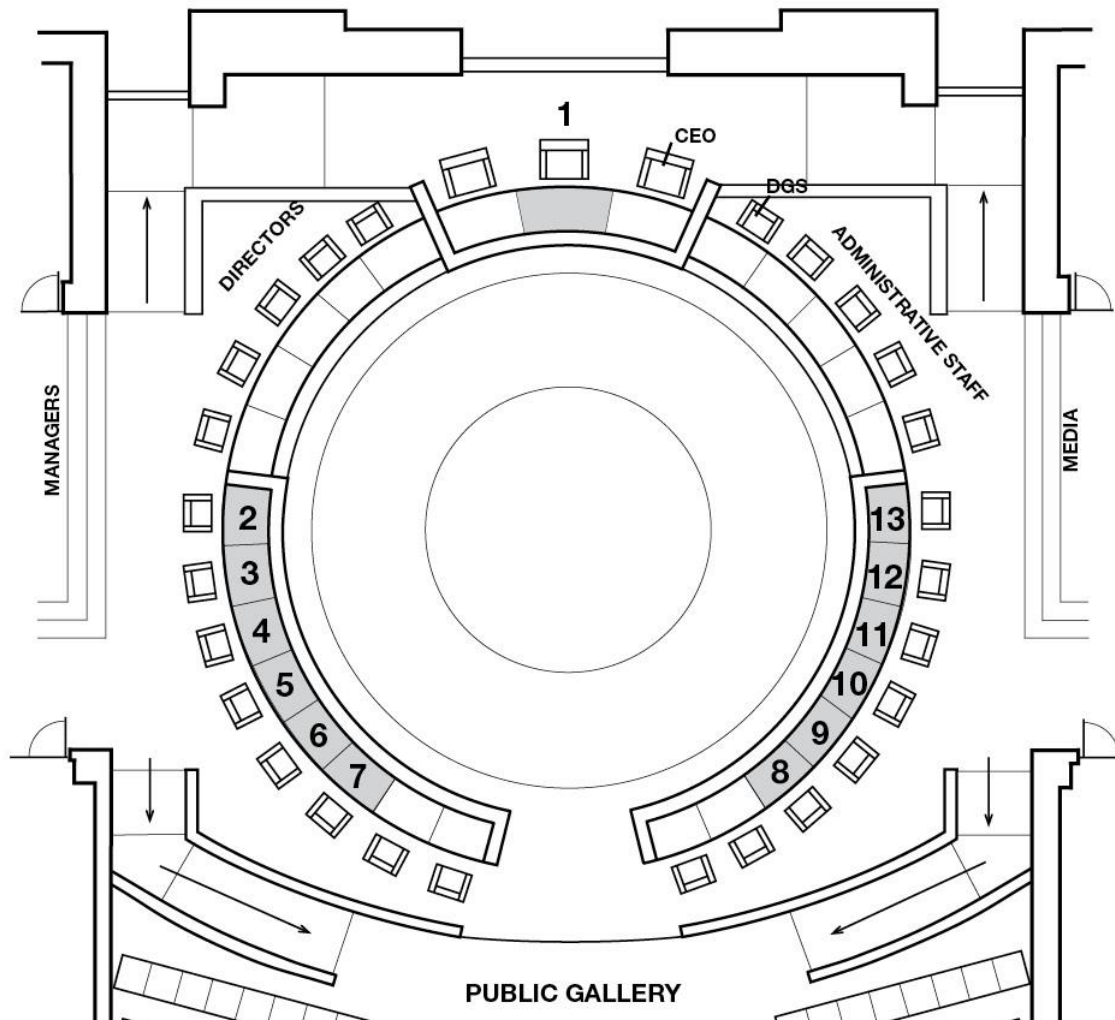
Name / Position		
Meeting Date		
Item No. / Subject		
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<i>*Delete where not applicable</i>
Extent of Interest		
Signature		
Date		

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.”*

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 10/23)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
- 5 Cr Nige Jones (Term expires 10/23)

Central Ward

- 6 Cr Christopher May (Term expires 10/21)
- 7 Cr Russell Poliwka (Term expires 10/23)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
- 9 Cr John Raftis (Term expires 10/23)

South-East Ward

- 10 Cr John Chester (Term expires 10/21)
- 11 Cr John Logan (Term expires 10/23)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
- 13 Cr Suzanne Thompson (Term expires 10/23)