

agenda

Briefing Session

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

ON **TUESDAY 13 JULY 2021**

COMMENCING AT **6.30pm**

JAMES PEARSON
Chief Executive Officer
9 July 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 12 July 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.

TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
	ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS		xii
	OPEN AND WELCOME		xii
	DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY		xii
	DEPUTATIONS		xii
	PUBLIC QUESTION TIME		xii
	PUBLIC STATEMENT TIME		xii
	APOLOGIES AND LEAVE OF ABSENCE		xiii
	REPORTS		1
1	DEVELOPMENT AND SUBDIVISION APPLICATIONS - MAY 2021	ALL	1
2	DRAFT BURNS BEACH LOCAL DEVELOPMENT PLAN	NORTH	5
3	CONFIDENTIAL – CLAIM FOR COSTS IN RELATION TO THE DEVELOPMENT APPLICATION FOR SIX AGED OR DEPENDENT PERSONS’ DWELLINGS AT 16 AND 18 MYAREE WAY, DUNCRAIG	SOUTH	17
4	EXECUTION OF DOCUMENTS	ALL	18
5	ELECTED MEMBERS TRAINING AND DEVELOPMENT SCHEDULE - 2020-21	ALL	21
6	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2021 ANNUAL GENERAL MEETING	ALL	25
7	GOVERNANCE FRAMEWORK REVIEW	ALL	28
8	MINUTES OF REGIONAL COUNCIL MEETINGS	ALL	33
9	LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 2021	ALL	36
10	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 2021	ALL	39

11	REQUEST FOR ADDITIONAL SUBSIDY FOR JOONDALUP KINROSS JUNIOR FOOTBALL CLUB	ALL	45
12	TENDER 009/21 - SHENTON AVENUE UPGRADE DESIGN AND DOCUMENTATION	NORTH	50
13	TENDER 010/21 - BUILDING MINOR WORKS AND MAINTENANCE OF VALUE LESS THAN \$250,000	ALL	57
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN		67
	CLOSURE		67

LATE ITEMS / ADDITIONAL INFORMATION

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

[*AdditionalInformation_210713.pdf*](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 13 July 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

PUBLIC QUESTION TIME

PUBLIC STATEMENT TIME

The following summarised statements were submitted to the Briefing Session held on Tuesday 8 June 2021.

Ms B Williams, Iluka:

Re: Item 15 - Petition Requesting Construction of a Toilet Facility at Sir James McCusker Park, Iluka.

Ms Williams spoke in support of the petition for the construction of a toilet facility at Sir James McCusker Park advising that the park, which is frequented by a significant amount of Iluka and Joondalup residents, would be enhanced by the addition of a time lock system facility similar to the toilet located at the Sheppard's Bush Park in Kingsley.

Ms Williams advised that the addition of a toilet facility at Sir James McCusker Park would address the issue of park visitors requesting to use the toilets in neighbouring resident's homes.

Ms F Gilbert, Kallaroo:

Re: Item 6 - 2021 Annual Review of Register of Delegation of Authority.

Ms Gilbert outlined the importance of the requirement for a new delegation whereby Council has oversight and approves all multiple dwelling applications as the resulting impact of such applications fundamentally changes the amenity and character of an area.

Ms Gilbert referenced the recent proposed development application in Cromer Grove, Kallaroo, which was submitted twice to Council and recommended for approval by the City administration, and on both occasions Council refused the development, and refusal of the application was supported by the State Administrative Tribunal (SAT), highlighting the importance of the creation of a Council delegation where Council has oversight and approves all multiple dwelling applications.

Mr D Kingston, Edgewater:

Re: Item 14 - Cultural Plan 2021-25.

Mr Kingston expressed his concerns regarding the Cultural Plan outlining that the eight aspirational outcomes listed in the report appear to lack relevant performance indicators and queried how Council could review a plan without these indicators present and plan for future cultural activities.

Mr Kingston provided some examples of tools that can be used to measure cultural activity these included; external grants and sponsorship funding achieved; use of the Public Value Measurement Framework to identify the total value spent on cultural activities, or placing specific targets for annual public art installations and cultural events held by the City.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence Previously Approved

Cr John Logan

22 July to 8 August 2021 inclusive.

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS - MAY 2021

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBERS	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined - May 2021 Attachment 2 Monthly Subdivision Applications Processed - 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 number and nature of applications considered under delegated authority during May 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 May 2021 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during May 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 15 June 2021 (CJ079-06/21 refers) Council considered and adopted the most recent Town Planning Delegations.

DETAILS

Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during May 2021 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	5	5
Strata subdivision applications	15	21
TOTAL	20	26

Of the subdivision referrals, 15 were to subdivide in housing opportunity areas, with the potential for 17 additional lots.

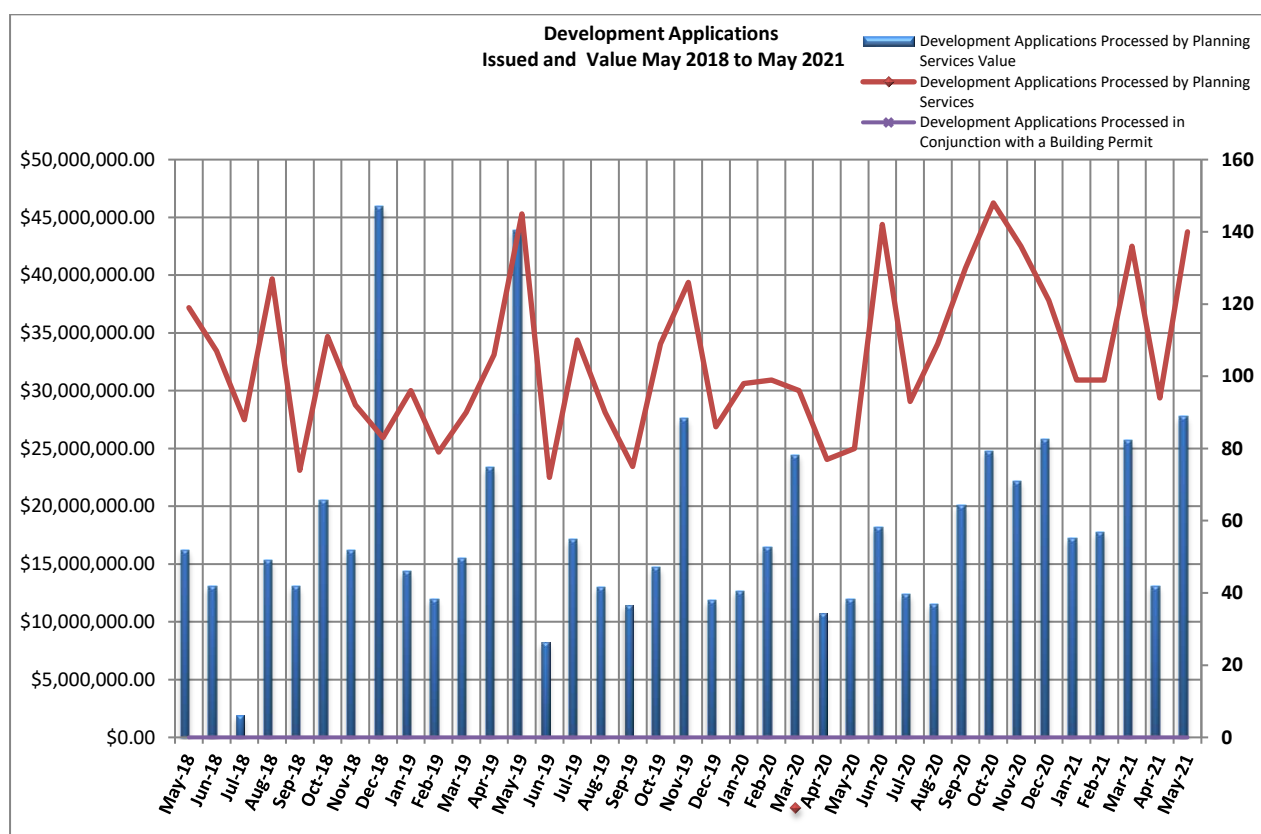
Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	140	\$27,800,625

Of the 140 development applications, 31 were for new dwelling developments in housing opportunity areas, proposing a total of 38 additional dwellings.

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



The number of development applications received during May 2021 was 145.

The number of development applications current at the end of May was 253. Of these, 12 were pending further information from applicants and 11 were being advertised for public comment.

In addition to the above, 313 building permits were issued during the month of May with an estimated construction value of \$43,181,378.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

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

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

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

Risk management considerations

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

Financial / budget implications

A total of 140 development applications were determined for the month of May with a total amount of \$96,014.15 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 May 2021;**
- 2 subdivision applications described in Attachment 2 to this Report during May 2021.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf210713.pdf](#)

ITEM 2 **DRAFT BURNS BEACH LOCAL DEVELOPMENT PLAN**

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	29557, 101515
ATTACHMENTS	Attachment 1 Location Plan Attachment 2 Burns Beach Structure Plan Attachment 3 Subdivision Plan Attachment 4 Draft Burns Beach Local Development Plan Attachment 5 Comparison Table Attachment 6 Schedule of Modifications
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Burns Beach Local Development Plan*, following public consultation.

EXECUTIVE SUMMARY

The City has received a draft local development plan, prepared by CDP Town Planning and Urban Design (planning consultants) on behalf of the property owners Peet Funds Management Pty Ltd.

The local development plan is required by a condition of subdivision approval issued by the Western Australian Planning Commission (WAPC) for the land comprising the 'Northern Residential Precinct' in the *Burns Beach Structure Plan* area. It is a document that is required to address the allocation of residential density codes and built form requirements for the area.

In doing so, the draft *Burns Beach Local Development Plan* (Burns Beach LDP) applies the development provisions of the existing *Burns Beach Structure Plan* along with the provisions of the State Government's *Medium Density Single House Development Standards - Development Zones* (R-MD Codes) as outlined in the WAPC's Planning Bulletin 112/2016.

The draft Burns Beach LDP was advertised for public comment for 21 days concluding on 12 May 2021. A total of 46 submissions was received, comprising 40 objections, three submissions of support, and three submissions that provided comments on the proposal. The main issues raised in the submissions relate to increased traffic, the number of lots in the precinct, the size of the lots, the amount of public open space, a view that the area should be left as a conservation reserve, and the fact that the beach access and coastal path have not yet been constructed.

The submissions received do not directly relate to the content of the draft Burns Beach LDP, which sets out the development standards for future development (houses) in the area. It is noted that the WAPC has already granted subdivision approval for the area which has determined the number, size and layout of the lots as well as the amount of public open space, and therefore comments relating to these matters have been addressed during the assessment and approval of the subdivision. It is also noted that the construction of the beach access and coastal path is not a matter to be addressed by the draft Burns Beach LDP.

The draft Burns Beach LDP meets the condition of subdivision approval as it addresses the allocation of residential density codes and built form development standards. The use of the R-MD Codes for the draft Burns Beach LDP is considered appropriate as the R-MD Codes are accepted alternative provisions to the Residential Design Codes (R-Codes), being developed by the WAPC specifically for greenfield medium density single houses. The R-MD Codes incorporate a range of development standards that reflect contemporary single house development on lots such as those in the Northern Residential Precinct.

Some minor modifications to the draft Burns Beach LDP are recommended by the City to improve the clarity and formatting of the document and to ensure that the Burns Beach LDP only addresses matters required by the condition of subdivision approval.

It is recommended that Council approves the draft Burns Beach Local Development Plan, subject to modifications.

BACKGROUND

Suburb/Location	Lot 9029 (1511) Marmion Avenue, Burns Beach.
Applicant	CDP Town Planning & Urban Design.
Owner	Peet Funds Management Pty Ltd.
Zoning	LPS Urban Development.
	MRS Urban.
Site area	25.56 ha.
Structure plan	<i>Burns Beach Structure Plan.</i>

Lot 9029 (1511) Marmion Avenue, Burns Beach is located in the northern part of Burns Beach south of the Parks and Recreation Reserve, west of Marmion Avenue and east of the Indian Ocean (Attachment 1 refers). It forms the 'Northern Residential Precinct' of the *Burns Beach Structure Plan*.

Burns Beach Structure Plan

The *Burns Beach Structure Plan* covers 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue. The land is zoned 'Urban Development' under the City of Joondalup *Local Planning Scheme No. 3* (LPS3).

The *Burns Beach Structure Plan* supports the development of a residential housing estate (Attachment 2 refers) and was approved by the Western Australian Planning Commission (WAPC) in May 2005.

Modifications to the Burns Beach Structure Plan

Modifications to the structure plan were approved in 2007, primarily to establish development provisions and residential density for the 'Northern Residential Precinct'.

Modifications in 2014 to the 'Northern Residential Precinct' provisions capped the number of dwellings that could be developed in the precinct to 305 dwellings coded R25; 6,072m² of land coded R40; and 10,452m² of land coded R60 (Attachment 2 refers).

The caps were introduced via an appeal to the State Administrative Tribunal over Council's decision not to support the recoding of the 'Northern Residential Precinct' from R20 to R25.

Further modifications to the *Burns Beach Structure Plan* were approved by the WAPC in 2020, to modify the size and land use permissibility of the 'Local Shop Precinct'.

Northern Residential Precinct

The 'Northern Residential Precinct' is the last stage of the *Burns Beach Structure Plan* area to be developed.

The *Burns Beach Structure Plan* allows the 'Northern Residential Precinct' to be developed with a mix of residential dwellings with densities ranging from R25 to R60, public open space and a road network (Attachment 2 refers).

Subdivision approval has previously been granted by the WAPC in the Northern Residential Precinct for 208 lots in the eastern portion of the precinct (WAPC 159851), 110 lots in the western portion of the precinct (WAPC 160429), 34 lots to the south west (WAPC 156568), 10 lots to the south (WAPC 159269) and the coastal road to the west (WAPC 157322) (Attachment 3 refers).

It has been the City's position that the *Burns Beach Structure Plan* should be amended prior to consideration of major subdivision proposals that do not align sufficiently with the structure plan. As such, the City did not support subdivision proposals for the balance of the Northern Residential Precinct as the subdivision plans did not correspond sufficiently with the residential densities and lot layout outlined in the *Burns Beach Structure Plan* (Attachments 2 and 3 refer).

Notwithstanding the City's position in relation to these subdivision proposals, the WAPC approved the subdivision applications subject to conditions which, in relation to applications WAPC 159851 and WAPC 160429, include the preparation and approval of a local development plan to address the allocation of residential density codes and built form requirements for the lots shown on the approved subdivision plan.

DETAILS

The draft Burns Beach LDP has been prepared and submitted by CDP Town Planning and Urban Design (planning consultants) on behalf of the property owners Peet Funds Management Pty Ltd (Attachment 4 refers). The draft Burns Beach LDP applies to the development of single houses in the 'Northern Residential Precinct' of the *Burns Beach Structure Plan*.

The draft Burns Beach LDP:

- allocates R25, R40 and R60 density codes to the lots within the LDP area
- details the built form requirements, utilising the existing structure plan requirements and the R-MD codes
- designates garage locations for specific lots
- specifies primary dwelling orientation for corner and R60 coded lots
- identifies vehicle access restrictions for laneway lots
- identifies which lots are affected by a Bushfire Attack Level (BAL) rating.

The following outlines the details of the provisions, the applicant's justification (in italics), the response to submissions and recommended modifications to the Burns Beach LDP.

Allocation of residential density codes

The draft Burns Beach LDP allocates R25, R40 or R60 density codes to lots within the 'Northern Residential Precinct'. The proposed allocation of the various R-code densities does not align with that in the *Burns Beach Structure Plan*; however, they do align with the subdivision plans approved by the WAPC.

Through the WAPC's approval of the subdivision applications, the WAPC confirmed that the local development plan (not the *Burns Beach Structure Plan*) will become the source of residential density coding for the Northern Residential Precinct.

The applicant states that:

A provision has been included to address Condition 16 of the subdivision approval. That is, the LDP references the R-Code Density Plan and states that the density plan within the LDP supersedes the Structure Plan densities.

Officer Comment

The WAPC approved a subdivision layout for a portion of the 'Northern Residential Precinct' with residential density allocations different to those shown on the *Burns Beach Structure Plan* (Attachments 2 and 3 refer). The City did not support the proposed subdivision due to the misalignment of the R-Code densities and recommended that the *Burns Beach Structure Plan* be amended to resolve this issue. However, the City is not the determining authority for subdivision applications and the WAPC approved the subdivision subject to conditions. It is noted that a structure plan is a 'due regard' document, therefore the determining authority is not bound by the provisions of a structure plan when making decisions.

A condition of the subdivision approval requires the applicant to submit a LDP to address the allocation of residential density codes. The draft Burns Beach LDP includes a plan that depicts the R-Code densities and states that the densities of the plan supersede those depicted within the approved *Burns Beach Structure Plan*.

It is considered that the draft Burns Beach LDP meets the subdivision condition and addresses the allocation of residential density codes.

Built Form Requirements

The draft Burns Beach LDP applies provisions from the existing *Burns Beach Structure Plan* along with provisions from the R-MD Codes as outlined in the WAPC's Planning Bulletin 112/2016 *Medium Density Single House Development Standards – Development Zones*.

The applicant states that:

The proposed LDP is lodged to fulfil Condition 16 of the subdivision approval, to reflect the density codings of the WAPC approved Residential Density Code (R-Code) Plans, and to complement the built form requirements stipulated under LPS3, the Burns Beach Structure Plan, Residential Development LPP, and the R-Codes.

The proposed LDP relates to a total of 360 lots (Attachment 4 refers). The proposed LDP strictly relates to single house development only and includes provisions generally consistent with the City's Medium Density Single House Development Standards Local Planning Policy (R-MD Codes). The development standards contained in the LDP seek to amend, replace, or augment, those requirements of LPS3, the Burns Beach Structure Plan, Residential Development LPP, and the R-Codes. For all those matters not addressed in the proposed LDP, the R-Codes will generally apply.

The built form and street setback provisions proposed will establish a defined character for this specific precinct of the Estate; this based on current WA development standards (generally R-MD codes). The proposed standards pose no detriment to established Burns Beach residential area with their own unique character and built form provisions guided by Structure Plan and R-Codes provisions.

Officer Comment

A table comparing the current *Burns Beach Structure Plan* requirements against the draft Burns Beach LDP provisions is provided at Attachment 5 to this Report.

The following provisions of the draft Burns Beach LDP are taken directly from the R-MD Codes:

- Open space and outdoor living area.
- Street setbacks.
- Garage setbacks.
- Lot boundary setbacks (including boundary walls).
- Visual privacy.
- Solar access for adjoining sites.

The R-MD Codes are a WAPC approved set of provisions that were developed in response to an increase in ad-hoc alternatives to the provisions of the R-Codes in a variety of local government planning documents. The R-MD Codes outline acceptable alternatives to the deemed-to-comply standards of certain clauses of the R-Codes that can apply to greenfield single house development with a density range of R25 to R60.

The use of the R-MD Codes for the draft Burns Beach LDP is considered appropriate as they have been adopted by the State Government and accommodate current single house typologies on smaller lots. It is also noted that the R-MD Codes have successfully been used in the development of the *MacNaughton Crescent Structure Plan* in Kinross.

In addition, the *Burns Beach Structure Plan* was adopted more than 15 years ago and therefore the R-MD Codes provide a more contemporary set of development provisions for greenfield medium density single residential development. It is also noted that the Burns Beach LDP only applies to the 'Northern Residential Precinct' which has not been developed yet and therefore will not apply to existing developed Burns Beach area.

The following development provisions in the draft Burns Beach LDP are proposed to be carried over from the existing *Burns Beach Structure Plan*:

- Street surveillance.
- Building height.
- Street walls and fences.
- Site works.

Although these provisions are repeated from the *Burns Beach Structure Plan*, their inclusion in the draft Burns Beach LDP will reduce the number of documents that need to be referred to when designing or assessing a single house in the precinct, making for an easier to follow process.

In addition to the above, the draft Burns Beach LDP includes a provision relating to the width of garages and incorrectly states that the provision comes from the *Burns Beach Structure Plan*. Rather, the provision comes from the City's *Residential Development Local Planning Policy* and will apply to single house development. Its inclusion on the draft Burns Beach LDP is therefore redundant and recommended to be removed.

The draft Burns Beach LDP designates garage locations for specified lots, particularly corner lots. These are considered acceptable as they accommodate the anticipated servicing, earthworks and retaining wall requirements associated with the subdivision.

Response to submissions

Number of lots proposed

A number of submissions state that too many lots are proposed for the area. These submissions also state the number of lots proposed is different to the original plan and different to that agreed between the City and Peet during SAT mediation for the 2014 amendment to the *Burns Beach Structure Plan*.

In response to the above, the applicant states:

The overall dwelling yields are considerably less (down ~41 dwellings) compared to that approved by the State Administrative Tribunal in determining the current Structure Plan and associated dwelling 'caps'.

Officer Comment

The number of lots in the 'Northern Residential Precinct' has already been determined through various subdivision approvals granted by the WAPC. Therefore, the number of lots is not a matter that can be addressed by the draft Burns Beach LDP, nor is it the subject of Council's consideration.

However, the following information is provided for clarity and to address the submissions received.

Overall, 360 lots have been approved by the WAPC in the 'Northern Residential Precinct'. This is less than the number of lots that could be developed under the requirements of *Burns Beach Structure Plan* for the area as outlined below.

The *Burns Beach Structure Plan* sets out a cap on the number of lots that can be developed in the 'Northern Residential Precinct' (Attachment 2 refers). These caps were included in the *Burns Beach Structure Plan*, following Council's decision to refuse an amendment to the structure plan to recode the R20 areas of the Northern Residential Precinct to R25 (CJ007- 02/14 refers). The landowner appealed Council's decision, and through the SAT process a mediated outcome was reached whereby the R20 areas were allowed to be recoded to R25, subject to the inclusion of the cap.

The caps in the *Burns Beach Structure Plan* include a cap on the total number of R25 coded lots (305 lots) and imposition of maximum land areas for R40 coded land (6,072m²) and R60 coded land (10,452m²).

The subdivisions recently approved by WAPC indicate the entire northern precinct will be subdivided into single lots (Attachment 3 refers), with a coding of R25, R40 and R60. Applying the average lot size requirement for the R40 and R60 density codes would produce the following number of dwellings contemplated under the *Burns Beach Structure Plan*:

	R25	R40	R60	Total
Structure plan requirement	305 lots	6,072 m ² @ 1 dwelling per 220m ² = 27 lots	10,452m ² @ 1 dwelling per 150m ² = 69 lots	401 lots
Approved subdivisions	306 lots	34 lots	20 lots	360 lots

The overall lot yield of 360 lots is less than the 401 lots that could be developed under the structure plan. There is also the theoretical potential for 14 of the 20 proposed R60 lots to be further subdivided into two lots, resulting in a potential total dwelling yield of 374, which is still below the 401 lots that could be developed.

Lot size

Several submissions state that the lots sizes are too small.

Officer Comment

Similar to the concern about the number of lots, the size of the lots has also been approved by the WAPC as part of preceding subdivision applications for the area and is not a matter for consideration in the Burns Beach LDP. It is noted, however, that the sizes of the lots comply with the minimum and average lot sizes related to the relevant R-coding.

Increase in traffic

A number of submissions were concerned with the increase in traffic that will occur, particularly on Burleigh Drive.

The applicant's justification is as follows:

The final dwelling yields will see considerably less 'total traffic numbers' than that permitted by the approved Structure Plan.

Officer Comment

Similar to the number and size of lots, comments regarding an increase in traffic in the area are not relevant to the consideration and assessment of the Burns Beach LDP as traffic was examined during the consideration of the structure plan and the subdivision of the area. The WAPC has granted approval for the number of lots, and therefore the resultant increase in traffic, as part of previous subdivision applications for the area.

Parks and Recreation reserve

A number of submissions state that the area should be left as a parks and recreation reserve.

Officer comment

The subject area is not a reserve for 'Parks and Recreation' and has been zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Urban Development' under the City's local planning scheme since the inception of the development of the Burns Beach estate. The *Burns Beach Structure Plan* allows the development of this precinct for housing and public open space. It is the land further north of the subject site that is reserved 'Parks and Recreation' under the MRS (Attachment 2 refers).

Insufficient Public Open Space

Several submissions state that there is not enough public open space for the number of lots proposed.

Officer comment

The provision of public open space is a matter controlled by the structure plan and the subdivision, not the draft Burns Beach LDP. The location and size of public open space has been determined by the subdivision applications already approved by the WAPC.

It is noted that the last subdivision approval for the 'Northern Residential Precinct' identified that the proposal complied with the requirement for new residential areas to provide 10% of the subdivisible area as public open space.

Beach access and coastal path

Several submissions state that it should be a condition of approval that the beach access points, and coastal path be constructed.

Officer comment

The matter of the construction of beach access, coastal path and any works to be carried out within the foreshore area is outlined in the *Burns Beach Foreshore Management Plan*, which is implemented through the subdivision process. The construction of the beach access and coastal path is not a matter to be addressed by the Burns Beach LDP.

Proposed modifications

An assessment of the draft Burns Beach LDP has been carried out by the City. Whilst it is considered that the majority of the draft Burns Beach LDP is acceptable, the following modifications are recommended (Attachment 6 refers):

- Remove 'retaining wall' from the legend as no retaining walls are identified on the LDP.
- Remove 'BAL affected lots' from the legend as this is not required to be addressed by the LDP (this is covered by a separate subdivision condition and that requires a notification on the certificate of title).
- Insert the word 'the' between 'illustrated on' and 'plan' in paragraph four of the LDP requirements.
- Delete the row 'Garage width' as this is a *Residential Development Local Planning Policy* provision, not a *Burns Beach Structure Plan* or R-MD Code provision (and will apply even if not referenced on the LDP).
- Update references from 'augment' to 'replace' for 'Building Height' and 'Street Walls and Fences'.

Issues and options considered

The options available to Council in considering the draft Burns Beach LDP are to:

- approve the draft Burns Beach LDP as submitted
- require the applicant who prepared the Burns Beach LDP to:
 - modify the plan in the manner specified by the local government; and
 - resubmit the modified plan to the local government
- refuse to approve the draft Burns Beach LDP.

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development (Local Planning Schemes) Regulations 2015.*
 Local Planning Scheme No. 3.
 Burns Beach Structure Plan.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.

Policy *Planning Consultation Local Planning Policy.*
 Medium-density Single House Development Standards Local Planning Policy.

Planning and Development (Local Planning Schemes) Regulations 2015

Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) outlines the process for determining local development plans.

The LPS Regulations state that a local development plan may be prepared under the following circumstances:

- A condition of subdivision approval requires the preparation of a local development plan.
- A local planning policy or structure plan requires a local development plan.
- Another provision of the Scheme requires a local development plan.
- or
- The WAPC and the local government consider one necessary for the purposes of orderly and proper planning.

A condition of subdivision approval requires the preparation of a local development plan in relation to subdivisions WAPC 159851 and WAPC 160429 (Attachment 3 refers).

No such condition was applied to the two smaller subdivisions (WAPC 159269 and WAPC 156568). In order for the entire Northern Residential Precinct to be developed under a single, coordinated set of development standards, the applicant sought approval from the WAPC for the draft Burns Beach LDP to apply to these subdivisions in addition to those that have a requirement as part of their conditional subdivision approval. The WAPC has confirmed that the preparation of a LDP for the lots included in WAPC 159269 and WAPC 156568 is consistent with the purpose of orderly and proper planning.

Once the local government has accepted a LDP, the local government must advertise the LDP within 28 days for a minimum of 14 days. It is noted that the City's *Planning Consultation Local Planning Policy* requires an LDP to be advertised for 21 days. However, the local government may decide not to advertise the LDP if it is satisfied that the LDP is not likely to adversely affect any owners or occupiers within the area covered by the plan.

After the close of advertising the LDP is required to be determined by the local government within 60 days. The local government has the ability to approve, require modifications or refuse the LDP taking into account the submissions received during advertising.

When an area is covered by an approved local development plan, the local government must have due regard to, but is not bound by, the local development plan when deciding an application for development approval.

Medium-density Single House Development Standards Local Planning Policy

The City's *Medium-density Single House Development Standards Local Planning Policy* implements the WAPC's Planning Bulletin 112/2016 *Medium-density single house development standards - Development Zones*. The Planning Bulletin adopts a set of alternatives to the deemed-to-comply provisions of certain clauses of the R-Codes that can be consistently applied to medium density single house development in specified development zones and structure plans. The policy already applies to the *MacNaughton Crescent Structure Plan* in Kinross.

Risk management considerations

Should Council resolve not to approve the draft Burns Beach LDP, the applicant will be unable to meet the condition of subdivision approvals that require the preparation and approval of a LDP. Conditions of subdivision approval need to be met in order for the lots to be created.

The applicant has a right of appeal through the *State Administrative Tribunal Act 2004* should Council refuse the draft Burns Beach LDP or approve the Burns Beach LDP subject to conditions/modifications that the applicant does not support. The same appeal rights also apply in the event that Council does not determine the Burns Beach LDP within 60 days from the last day of advertising.

Financial / budget implications

The applicant has paid fees of \$4,942.75 (including GST) for assessment of the draft Burns Beach LDP. The applicant is required to cover the cost of advertising separately.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft Burns Beach LDP was advertised for public comment for a period of 21 days, concluding on 12 May 2021, by way of:

- 216 letters to residents within 200 metres of the 'Northern Residential Precinct'
- a letter to the Burns Beach Residents Association
- a notice placed on the City's website.

A total of 46 submissions were received, comprising 40 objections, three submissions of support and three submissions that provided comments on the proposal.

The following summarises the main comments outlined in the submissions:

- There are too many lots proposed, the number of lots does not comply with that agreed when the previous amendment to the *Burns Beach Structure Plan* was approved.
- The proposed lots are too small, the density is too high.
- The proposal will lead to an increase in traffic in the area.
- The area should be left as a conservation reserve.
- There is not enough public open space for the area.
- Beach access points and coastal path are still yet to be constructed.

As noted in this report, the comments outlined above are matters that are not relevant to, or unable to be addressed by, the draft Burns Beach LDP.

COMMENT

The draft Burns Beach LDP addresses the WAPC's conditions of subdivision approval as it allocates residential density codes and built form requirements in the 'Northern Residential Precinct' of the *Burns Beach Structure Plan* area. The R-Code densities shown on the draft LDP replace those designated in the *Burns Beach Structure Plan*.

The draft Burns Beach LDP applies provisions from the existing *Burns Beach Structure Plan* as well as the R-MD Codes. Given that the R-MD Codes were developed by the WAPC specifically for greenfield areas of medium-density single houses, such as the 'Northern Residential Precinct', and incorporate a range of development standards that reflect contemporary single house development on smaller lots, the use of the R-MD Codes is considered acceptable in the context of the Northern Residential Precinct.

Minor modifications are proposed to the draft Burns Beach LDP to correct formatting errors and ensure the LDP only addresses matters required by the condition of subdivision approval. It is therefore recommended that Council approves the *Burns Beach Local Development Plan*, subject to modifications.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** pursuant to clause 52 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **REQUIRES** the applicant to modify the proposed *Burns Beach Local Development Plan* included as Attachment 4 to this Report, as outlined within the schedule of modifications included as Attachment 6 to this Report;
- 2** pursuant to clause 52 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **APPROVES** the *Burns Beach Local Development Plan* included as Attachment 4 to this Report, subject to the local development plan being modified as outlined in Part 1 above.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf210713.pdf](#)

ITEM 3 **CONFIDENTIAL - CLAIM FOR COSTS IN RELATION TO THE DEVELOPMENT APPLICATION FOR SIX AGED OR DEPENDENT PERSONS' DWELLINGS AT 16 AND 18 MYAREE WAY, DUNCRAIG**

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBERS	10090, 101515
ATTACHMENTS	Attachment 1 Applicant Claim for Costs (Summary and Overview) Attachment 2 Applicant Legal Advice (Flint Legal) Attachment 3 Applicant Cost Schedule Attachment 4 Supporting Annexures to Applicant Claim Attachment 5 City of Joondalup Legal Advice (McLeods)
	<i>(Please Note: This Report and Attachments are Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (f)(i) *a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.*

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

ITEM 4 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents sealed by affixing the Common Seal during the period 12 May to 8 June 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 documents executed by means of affixing the Common Seal for the period 12 May to 8 June 2021.

EXECUTIVE SUMMARY

The City enters into various agreements by affixing the Common Seal. The *Local Government Act 1995* states that the City is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the Chief Executive Officer are reported to Council for information on a regular basis.

It is therefore recommended the Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 12 May to 8 June 2021, as detailed in Attachment 1 to this Report.

BACKGROUND

For the period 12 May to 8 June 2021, 14 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	13
Withdrawal of Caveat	1

DETAILS**Issues and options considered**

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Demonstrate accountability through robust reporting.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 12 May to 8 June 2021, as detailed in Attachment 1 to this Report.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf210713.pdf](#)

ITEM 5 ELECTED MEMBER TRAINING AND DEVELOPMENT SCHEDULE - 2020-21

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	109290, 00427, 101515
ATTACHMENT	Attachment 1 2020-21 Elected Member Training and Development Schedule
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 receive a report on the training and development undertaken by elected members during the 2020-21 financial year.

EXECUTIVE SUMMARY

With the introduction of new provisions within the *Local Government Act 1995* (the Act), local governments must prepare a report for each financial year on the training completed by elected members in that financial year. The report must be placed on the City's website within one month after the end of the financial year in which the report relates.

This report highlights the training development undertaken by elected members during the 2020-21 financial year, and details not only the mandatory training required under the Act, but also any conference and training events attended by elected members under the City's *Elected Members' Entitlement Policy*.

It is therefore recommended that Council:

- 1 *NOTES the training and development undertaken by elected members during the 2020-21 financial year, as detailed in this Report;*
- 2 *NOTES the 2020-21 Elected Member Training and Development Schedule, as detailed in Attachment 1 to this Report, will be placed on the City's website.*

BACKGROUND

On 16 September 2019 and as part of the State Government's local government reform agenda, certain provisions of the *Local Government Legislation Amendment Act 2019* came into operation which implemented a range of reforms to the Act to deliver on the principles of improved governance, transparency and accountability. Improvements included the need for universal training for elected members, a mandatory code of conduct, chief executive officer employment and performance management standards, a revised gifts framework, and improved reporting and transparency to the community.

In terms of universal training for elected members as well as improved reporting and transparency to the community, new sections 5.126 and 5.127 of the Act were introduced around elected member training and reporting, as follows:

“5.126. Training for council members

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*
 - (a) *prescribe a course of training; and*
 - (b) *prescribe the period within which training must be completed; and*
 - (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
 - (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

5.127. Report on training

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government’s official website within 1 month after the end of the financial year to which the report relates.”*

The *Local Government (Administration) Regulations 1996* prescribes the *Council Member Essentials* training as being the mandatory training (as per section 5.126(1) of the Act) that elected members must complete within their first 12 months of Office. The *Council Member Essentials* training consists of the following modules:

- Understanding Local Government.
- Serving on Council.
- Meeting Procedures.
- Conflicts of Interest.
- Understanding Financial Reports and Budgets.

To enable elected members to develop and maintain skills and knowledge relevant to their role, the City also has an *Elected Members’ Entitlements Policy* that includes provisions around elected member attendance at conference and training events within Australia and overseas.

DETAILS

For the 2020-21 financial year, the mandatory training undertaken by respective elected members, and the training and development undertaken by elected members under the provisions of the City’s *Elected Members’ Entitlements Policy* is detailed in Attachment 1 to this Report.

It should also be noted the mandatory training is only required to be completed within a period of 12 months (that is October 2020), by those elected members that were elected in the 2019 local government elections. Other elected members can undertake the mandatory training if they so wish, but are not required to do so, until such time they may be re-elected at the 2021 local government elections. All elected members elected at the 2019 local government election have completed the mandatory training modules within the required timeframe.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Governance and Leadership.

Objective Effective representation.

Strategic initiative Develop and deliver training initiatives that will foster a skilled and confident elected body.

Policy *Elected Members' Entitlements Policy.*

Risk management considerations

Should Council not adopt the report on elected member training, the City will not comply with the requirements of the Act.

Financial / budget implications

The attendance of conferences and other training events for elected members is accommodated in the City's operational budget (an allocation of \$137,500 in the 2020-21 budget). In terms of the training and events undertaken during the 2020-21 financial year, the cost of elected member attendance under the various training categories (as listed in Attachment 1) at the time of writing of the report, is as follows:

Description	Amount
Mandatory Training	\$ 5,055.00
Interstate Conferences	\$13,248.46
WA Training and Development Events	\$11,836.66

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Local government is a complex entity and makes significant decisions that affect the local government's continued sustainability and community outcomes. Like any board or management structure, it is imperative that elected members have the appropriate skills to be able to undertake their roles to the best of their ability. Such skills are enhanced through the training and development offered to elected members throughout their term of Office.

The Minister for Local Government and the WA State Parliament recognise the need for elected members to undertake continual professional development in fulfilling their role of public office. The introduction of mandatory training requirements into the Act and the need for local governments to adopt a policy in relation to elected member continual professional development, support these views.

It should also be noted that elected members can undertake their own personal and professional development outside of the training and development offered by the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the training and development undertaken by elected members during the 2020-21 financial year, as detailed in this Report;**
- 2 NOTES the 2020-21 Elected Member Training and Development Schedule, as detailed in Attachment 1 to this Report, will be placed on the City's website.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf210713.pdf](#)

ITEM 6 **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2021 ANNUAL GENERAL MEETING**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	00033, 101515
ATTACHMENTS	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 give consideration to nominating its voting delegates for the 2021 Annual General Meeting of the Western Australian Local Government Association (WALGA) to be held on Monday 20 September 2021.

EXECUTIVE SUMMARY

The Annual General Meeting of WALGA is traditionally held during the WA Local Government Convention. The majority of local governments in the state have representatives attending.

Mayor Jacob and Cr Fishwick were nominated as the City's voting delegates in 2020, with Crs Logan and Chester as their proxy delegates (CJ109-08/20 refers).

BACKGROUND

The 2021 WALGA Annual General Meeting will be held on Monday 20 September 2021.

DETAILSVoting Delegates

In order to participate in voting on matters received at the Annual General Meeting, each member Council must register its voting delegates by 27 August 2021. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either elected members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

The current City of Joondalup members of the WALGA North Metropolitan Zone are as follows:

Members	Deputy Members
Mayor. the Hon Albert Jacob, JP.	Cr John Raftis (first deputy member).
Cr Russ Fishwick, JP.	Cr Christopher May (second deputy member).
Cr John Logan.	
Cr Russell Poliwka.	

Cr Fishwick and Mayor Jacob are the City's delegate and deputy delegate respectively, to the WALGA State Council.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Advocate and influence political direction to achieve local and regional development.

Policy Not applicable.

The City's *Elections Caretaker Policy* does not prevent an elected member, whose term is ending in October 2021, from being a delegate or proxy delegate at the Annual General Meeting.

Risk management considerations

If the City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of WALGA.

Financial / budget implications

Not applicable.

Regional significance

Matters considered at the 2021 WALGA Annual General Meeting relate to local government as an industry.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The North Metropolitan Zone Committee of WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

It is considered prudent to designate two voting delegates for the 2021 Annual General Meeting of WALGA to ensure the City is represented and is able to vote on matters affecting the City and the broader local government sector.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOMINATES:

- 1 two voting delegates for the 2021 Annual General Meeting of the Western Australian Local Government Association to be held on Monday 20 September 2021;**
- 2 two proxy voting delegates for the 2021 Annual General Meeting of the Western Australian Local Government Association to be held on Monday 20 September 2021 in the event that Council's appointed representatives are unable to attend.**

ITEM 7 GOVERNANCE FRAMEWORK REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	25548, 101515
ATTACHMENT	Attachment 1 Revised <i>Governance Framework</i> (marked-up)
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 adopt a revised *Governance Framework*.

EXECUTIVE SUMMARY

Governance is an important concept and impacts on all parts of the City and all sectors of the community. The practice of good governance is increasingly seen as critical for ensuring that:

- the City meets legal and ethical compliance
- decisions are made in the interests of stakeholders and the broader community
- the City behaves as a good corporate citizen should.

The principles and practices of good governance plot the specific processes of decision-making, and the processes by which the City is directed, controlled and held to account. Good governance ensures that the City is able to manage its many complex responsibilities effectively in the best interests of the entire community.

For an organisation to demonstrate good governance, there needs to be a clear understanding about its strategic direction, management responsibility and accountability. The City's *Governance Framework* has been developed to set out these matters as well as the roles of elected members and the organisation and their interdependent relationships, along with the financial, legal and ethical considerations required to provide good governance.

The City's framework consists of four key principles required to achieve excellence in governance:

- Culture and vision.
- Roles and relationships.
- Decision-making and management.
- Accountability.

The framework has been recently reviewed to update and reflect current operational practices and the legal framework in which all local governments throughout Western Australia operate.

It is therefore recommended that Council ADOPTS the revised City of Joondalup Governance Framework as detailed in Attachment 1 to this Report.

BACKGROUND

In September 2003, Council established a Governance Review Panel to make recommendations on the operations of the City and specific governance-related issues being experienced at that time. Although the then Minister of Local Government suspended the City of Joondalup Council in December 2003, the governance review progressed on the basis it would document some of the issues being faced by the City and Council at that time, and provide guidance for the incoming Council on a range of improvements that could be implemented to improve corporate governance at the City.

The City's inaugural *Governance Framework* was adopted by Council at its meeting held on 11 October 2005 (Item CJ204-10/05 refers). While the issues facing the City in 2005 have long past and been addressed, the principles and practices within the City's framework have continued to assist with guiding and understanding of the processes of decision-making, and the processes by which the City is directed, controlled and held to account.

The framework was initially developed as an internal document for elected members to assist their understanding of the governance arrangements that exist within a local government. However the framework is also important for employees and the community in articulating the governance arrangements in place at the City.

The *Governance Framework* has been previously reviewed by Council at its meetings held on 15 September 2009 (Item CJ205-09/09 refers), 16 April 2013 (Item CJ049-04/13 refers), 20 September 2016 (Item CJ138-09/16 refers) and 19 May 2020 (Item CJ057-05/20 refers) which has resulted in amendments that strengthen the framework to ensure that it remains relevant and current to the operations of the City and the local government industry more broadly.

DETAILS

The City's *Governance Framework* has been reviewed to ensure it is relevant to the current operations of the City, taking into consideration developments in governance since the adoption of the original framework. Other than minor grammar and formatting, the improvements include better clarification around some aspects of the governance arrangements at the City.

While the content of the original document largely remains the same, the more significant amendments to the framework are detailed below:

Section 7 - Principle One: Vision and Culture

- "Section 7.2.5 - Conduct and ethical standards" (renamed): this section has been amended to reflect the new code of conduct arrangements for elected members, committee members, employees and local government election candidates. It also makes reference to the City's *Statement of Business Ethics* which articulates the ethical standards the City upholds when conducting business, as well as the conduct expectations the City places on business partners, contractors, and suppliers.
- "Section 7.2.7 - Confidentiality": this section is amended by removing the former code of conduct reference and replacing it with the improper use of information and confidentiality provisions that are contained in the codes of conduct at the City.

- “Section 7.2.9 - Acceptance of gifts”: this section is amended by reflecting the City’s *Attendance at Events Policy* which is required to be adopted by the *Local Government Act 1995* (the Act) in regard to the circumstances and provisions around the acceptance of ticket to events by elected members and employees.
- “Section 7.2.11 - Learning and training opportunities”: this section is amended by referencing the training and development policy requirements under the Act; the provisions of which are contained in the City’s *Elected Members’ Entitlements Policy*.

Section 9 - Principle Three: Decision-Making and Management

- “Section 9.3.5 - Joondalup Design Review Panel” (renamed): this section has been amended to reflect the new Joondalup Design Review Panel (as opposed to the former Design Reference Panel) as a result of the State Government’s *Design Review Guide*.

Section 10 - Principle Four: Accountability

- “Section 10.2.4 - CEO performance review”: this section has been amended to make reference to the adopted standards for the recruitment and selection, performance review and termination of the Chief Executive Officer. Such standards are required to be adopted by the Act.

Issues and options considered

Council can either:

- adopt the revised *Governance Framework*
- adopt the revised *Governance Framework* with further amendments
or
- retain the existing *Governance Framework*.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government Act 1995</i> and associated regulations.
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	<i>Code of Conduct for Council Members, Committee Members and Candidates.</i> <i>Code of Conduct for Employees.</i>

The *Local Government Act 1995* is the primary piece of legislation governing the operations of all local governments in Western Australia and contains many sections that relate to the roles and functions of the Mayor, councillors, Chief Executive Officer and employees.

The *Governance Framework* describes the principles and key roles that guide Council in its decision-making and demonstrates to the community the processes by which the City uses to achieve its strategic goals and undertake its daily operations. It also details how the City is directed, controlled and held to account and how the community is involved in the City’s affairs and decision-making processes.

The adoption of the *Governance Framework* has impact on all City policies and the implementation of them.

Risk management considerations

The adoption of a *Governance Framework* highlights the City's commitment to providing good government for its community by defining systems, policies, processes and a methodology for ensuring accountability, probity and openness in the conduct of City business.

Financial/budget implications

There are no financial implications relating to this Report.

Regional significance

Not applicable.

Sustainability implications

The various practices detailed in the framework that support the good governance principles enable the City to manage its assets and operations in a sustainable manner, now and into the future.

Consultation

Various documents have been sourced and referred to in the preparation and development of the City's framework.

COMMENT

The practice of good governance is increasingly seen as critical for ensuring that:

- the City meets legal and ethical compliance
- decisions are made in the interests of stakeholders and the broader community
- the City behaves as a good corporate citizen should.

Although the framework is not enforceable, there are a range of benefits that can be derived from the development and implementation of an effective framework including:

- providing clear guidelines for the roles of the Council, elected members and the CEO, ensuring that all responsibilities are properly allocated, and performance expectations are well understood
- enshrining best practice in relation to 'board processes' (which are relevant to the elected Council body)
- assisting the City in delivering good governance
- ensuring legal and ethical compliance
- influencing processes throughout the organisation by setting guidelines for strategic planning at all levels
- assisting as an induction tool for new elected members and employees.

The City's *Governance Framework* assists elected members and employees to understand the increasing governance demands that are placed on them within the local government industry. The framework also communicates to the community the governance arrangements in place to ensure the City is performing at an optimum level and making progress towards its strategic goals.

It is necessary that the framework is reviewed on a regular basis thereby ensuring the document remains relevant to the current operations of the City and the legal framework in which it operates.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADOPTS the revised *City of Joondalup Governance Framework* as detailed in Attachment 1 to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf210713.pdf](#)

ITEM 8 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 41196, 101515
ATTACHMENTS	Attachment 1 Mindarie Regional Council – Ordinary Council Meeting Minutes – 27 May 2021 Attachment 2 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 17 June 2021 Attachment 3 Mindarie Regional Council – Ordinary Council Meeting Minutes – 24 June 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 Mindarie Regional Council held on 27 May 2021.
- Minutes of the Ordinary Council meeting of the Tamala Park Regional Council held on 17 June 2021.
- Minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 24 June 2021.

DETAILS

Mindarie Regional Council

An Ordinary Meeting of the Mindarie Regional Council was held on 27 May 2021.

Mayor Albert Jacob, JP was Council's representative at the Ordinary Council meeting of the Mindarie Regional Council held on 27 May 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 1 refers).

An Ordinary Meeting of the Mindarie Regional Council was held on 24 June 2021.

Cr Russ Fishwick, JP and Cr Christopher May were Council's representatives at the Ordinary Council meeting of the Mindarie Regional Council held on 24 June 2021, with Mayor Albert Jacob, 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 3 refers).

Tamala Park Regional Council

An Ordinary Meeting of the Tamala Park Regional Council was held on 17 June 2021.

Cr John Chester and Cr Philippa Taylor were Council's representatives at the Ordinary Council Meeting of the Tamala Park Regional Council held on 17 June 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 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 the:

- 1 Ordinary Council meeting of the Mindarie Regional Council held on 27 May 2021 forming Attachment 1 to this Report;**
- 2 Ordinary Council meeting of the Tamala Park Regional Council held on 17 June 2021 forming Attachment 2 to this Report;**
- 3 Ordinary Council meeting of the Mindarie Regional Council held on 24 June 2021 forming Attachment 3 to this Report.**

To access this attachment on electronic document, click here: [RegionalMinutes210713.pdf](#)

ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 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 May 2021 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of May 2021 Attachment 3 Municipal and Trust Fund Vouchers for the month of 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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of May 2021.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of May 2021, totalling \$13,841,143.98.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for May 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 \$13,841,143.98.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of May 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 & EFT Payments 111255 - 111285 & 111287 -111301 & 111303 - 111350 & EF092307 & EF092310 - EF092638 & EF092642 - EF092995 Net of cancelled payments Vouchers 3053A – 3067A	\$9,386,304.85 \$4,445,479.80
	Bond Refund Cheques & EFT Payments 111286 & 111302 & EF092304 - EF092306 & EF092308 - EF092309 & EF092639 - EF092641 Net of cancelled payments.	\$9,359.33
Total		\$13,841,143.98

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 February 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 May 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 \$13,841,143.98.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210713.pdf](#)

ITEM 10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 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 31 May 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.

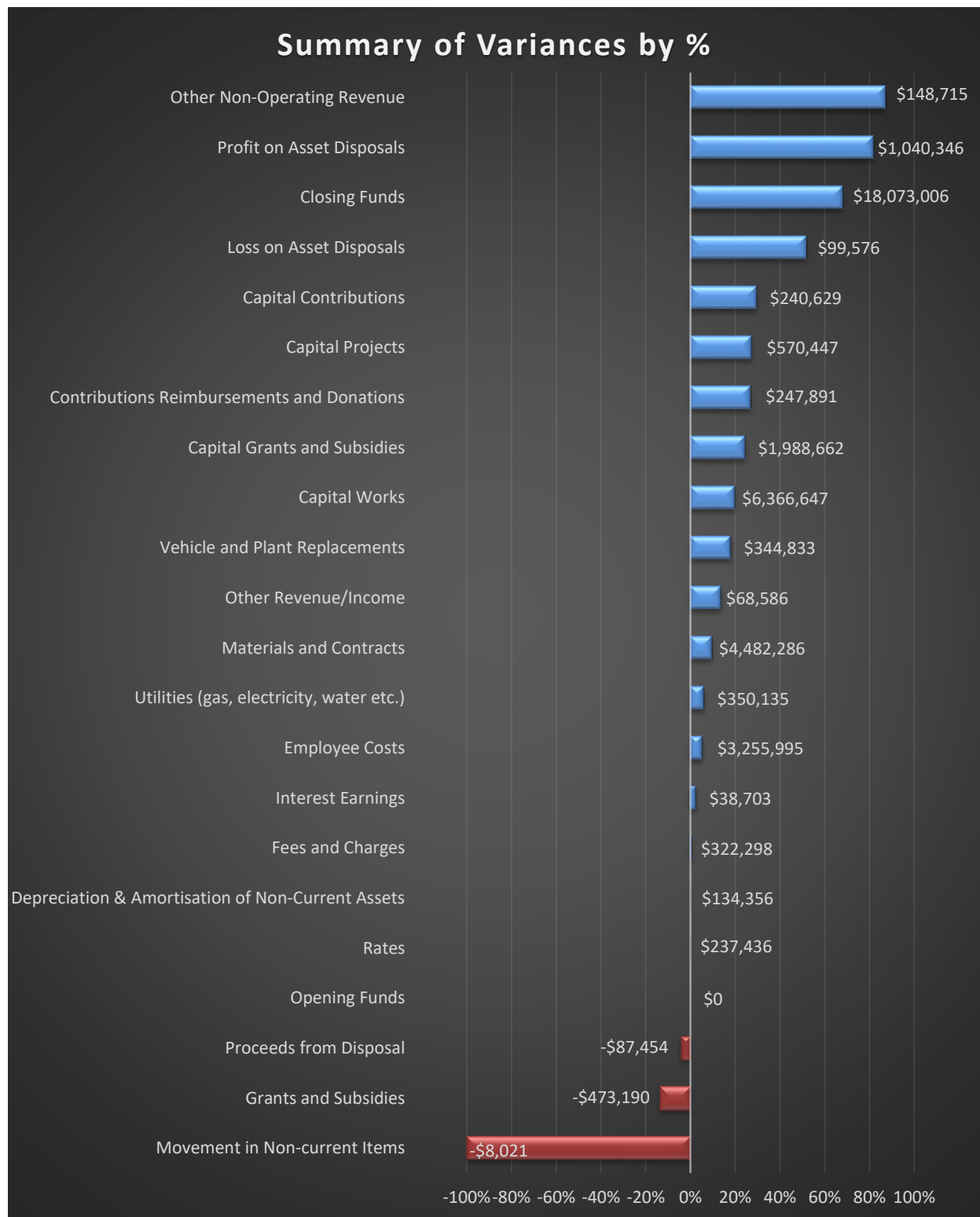
The May 2021 Financial Activity Statement Report shows an overall favourable variance of \$18,073,006 from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 May 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 May. 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.

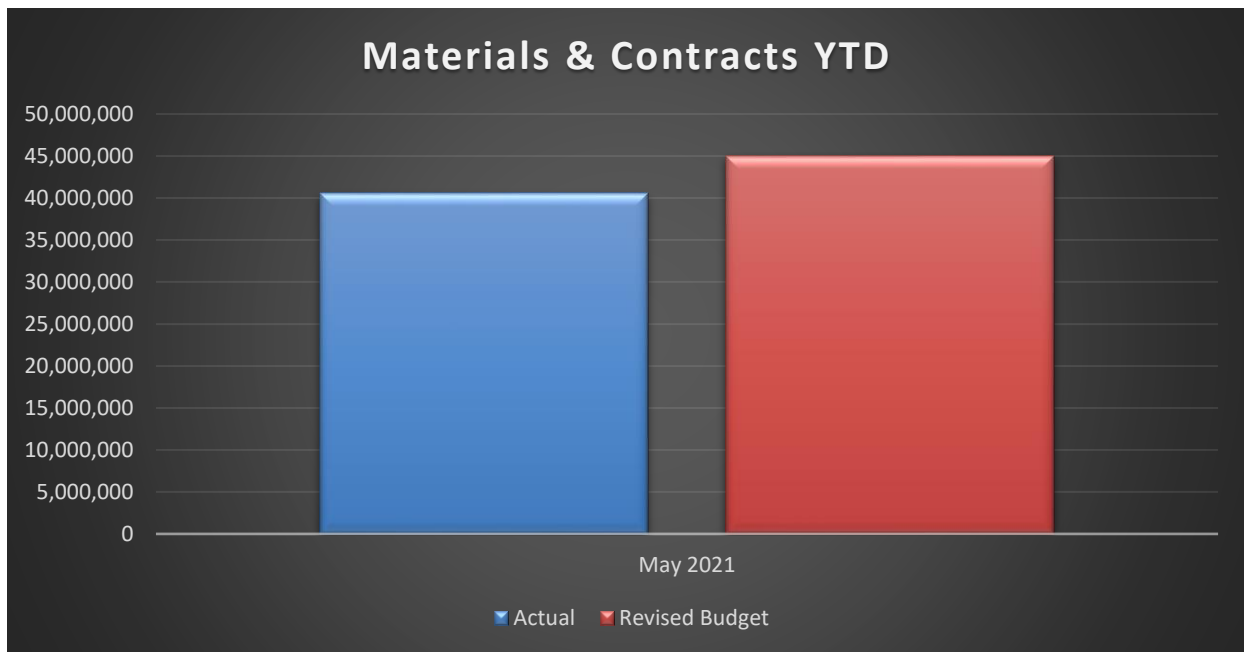
The key elements of the variance are summarised below:



The significant variances for May were:

Materials and Contracts

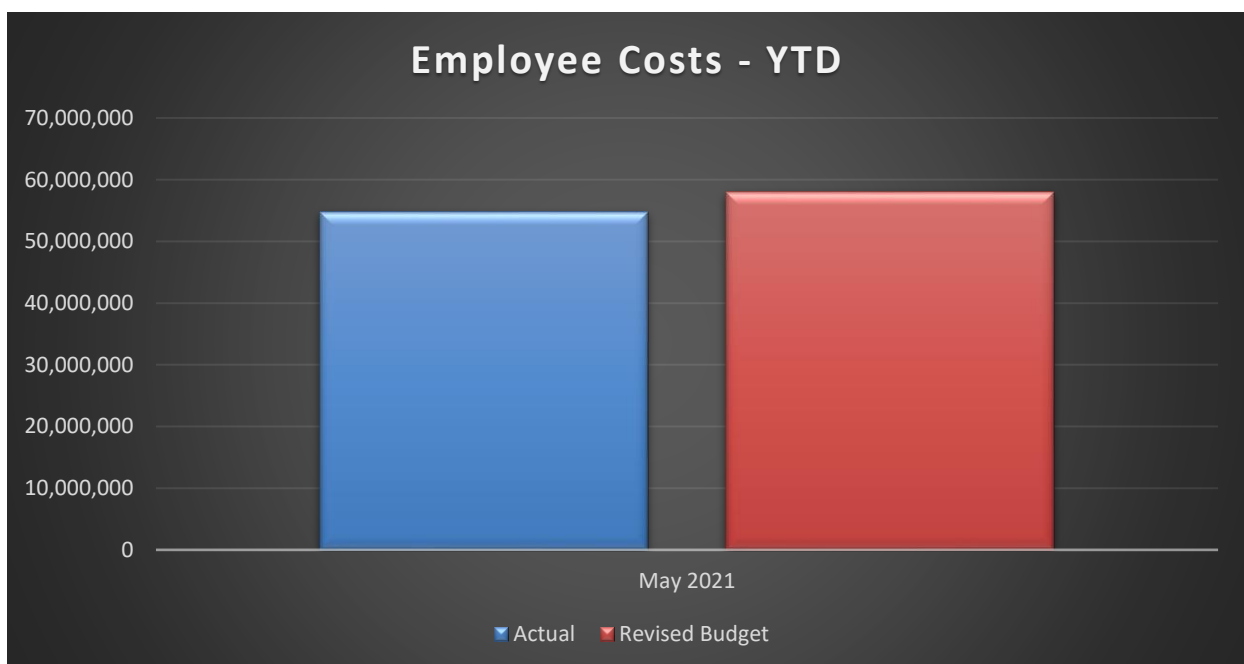
\$4,482,286



Materials and Contracts expenditure is \$4,482,286 below budget. This is spread across a number of different areas including External Service Expenses \$1,391,057, Professional Fees & Costs \$544,098, Other Materials \$433,344, Public Relations, Advertising & Promotions \$408,878, Furniture, Equipment and Artworks \$333,123 and Travel, Vehicles & Plant \$317,081.

Employee Costs

\$3,255,995



Employee Costs Expenditure is \$3,255,995 below budget. Favourable variances predominantly arose from vacancies during the year in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 May 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 31 May 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

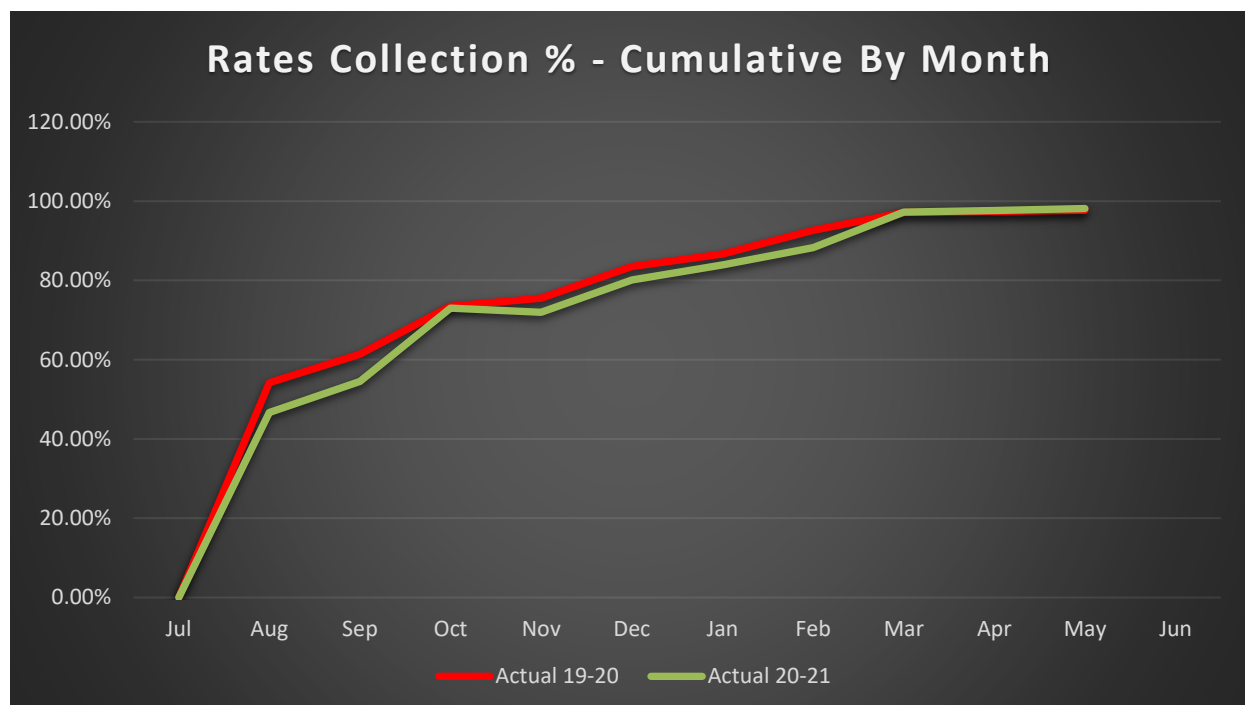
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

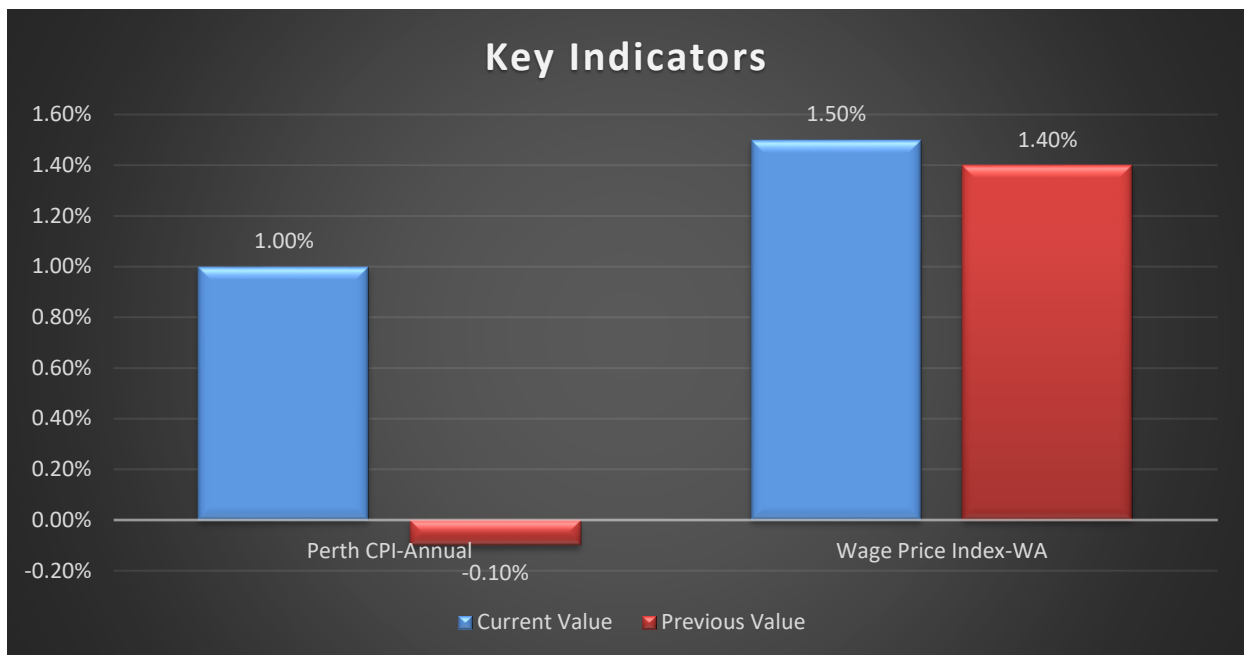
KEY INDICATORS

Rates Collection



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

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. The latest wages data from the WA Treasury shows a lift in the year-on-year WA Wage Price Index at the end of the first quarter.

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 31 May 2021 forming Attachment 1 to this Report.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf210713.pdf](#)

ITEM 11 **REQUEST FOR ADDITIONAL SUBSIDY FOR JOONDALUP KINROSS JUNIOR FOOTBALL CLUB**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	101271, 101515
ATTACHMENTS	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 consider an application for an additional subsidy of fees for the hire of City facilities by Joondalup Kinross Junior Football Club (JKJFC) in 2021.

EXECUTIVE SUMMARY

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

As part of the Framework, Council also reviewed various supporting policies to assist in it managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* (the Policy) allows for various levels of subsidisation of the hire fees for certain community groups. The Policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration for requests over \$5,000.

The City has recently completed the booking process for use of its facilities during the 2021 winter seasonal booking period. Consequently, JKJFC has sought further subsidisation of fees in accordance with the policy:

It is therefore recommended that Council:

- 1 *AGREES to extend the 100% subsidised use for the Joondalup Kinross Junior Football Club in 2021 to a maximum of 144 hours average per week and a value of \$5,392.39;*
- 2 *NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.*

BACKGROUND

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Property Management Framework* (the Framework) which is intended to provide a consistent and concise methodology of property management. Also, at that meeting, Council adopted the *Facility Hire Subsidy Policy* (the Policy) which provides direction relating to subsidised use of City facilities, that is to:

- provide guidance on determining the extent of subsidy to be offered to groups hiring City-managed facilities
- ensure facility hire subsidies are applied in a consistent, transparent and equitable manner.

The Policy applies to all local not-for-profit community groups and groups from educational institutions hiring City facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre, Craigie. The Policy applies to organised groups only and does not apply to individuals.

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

Notwithstanding the above, the City reserves the right that if a group is booking a facility at a subsidised rate and it is not being utilised, it may charge that group for the unutilised booking of that venue at the full community rate.

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

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

Additional subsidies will be provided for the following:

- *Any group who has provided recent, significant cash or in-kind contribution(s) towards the total value of the construction of a hire facility.*
- *Any group who is experiencing significant financial difficulties.*
- *Any other group who can provide reasonable justification for receiving an additional subsidy.*

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

DETAILS

The City has recently completed the winter seasonal booking process for use of its facilities during the 2021 annual booking period. Consequently, JKJFC have sought further subsidisation of fees in accordance with the Policy.

Joondalup Kinross Junior Football Club

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Windermere Park Falkland Park Carlton Park Callander Park Caledonia Park	Eligible	100%	144	34
Total			144	34

The JKJFC is a not-for-profit sporting club with the largest junior member base in the West Perth District with over 850 registered players of which 85% are residents of the City. The Club caters for junior girls' teams in addition to a Starkick program catering for players of all abilities and junior boys' teams. The Club books with the City on a seasonal tenure (April to September – Winter season) at the following active reserves:

- Windermere Park.
- Falkland Park.
- Carlton Park.
- Callander Park.
- Caledonia Park.

The JKJFC is requesting an additional subsidy to cover the extra hours exceeded above their allowable hours.

This request does not include the use of clubrooms located at Windermere Park as these are leased to the Club (expiring 30 June 2022) on an exclusive seasonal arrangement. These clubrooms are leased to both JKJFC and Joondalup Kinross Cricket Club (seasonal based) based on annual rental of a peppercorn, both clubs pay outgoings for the facility.

In accordance with the *Facility Hire Subsidy Policy* (the Policy), the City of Joondalup will subsidise 100% of the cost of hire charges for City managed facilities and active reserves for local junior recreational or sporting groups, if the group is able to demonstrate that they provide recreational and/or sporting activities for people under 18 years of age. For a club that has 700 members or more, the club is provided up to 110 hours per week of subsidised use.

JKJFC (the Club) have gone over their 110 hours per week allocation and therefore owe the City \$5,392.40 in which they are requesting to be subsidised. The Club have not previously requested to extend their subsidised use as they have traditionally been within the 110 hours, although have this year reported an increase in the number of junior male and female teams resulting in an increased demand for the use of City facilities and reserves.

While there is an hourly cap on hours within the Policy, the City acknowledges that this cap does not fit all hirers needs, therefore it is recommended that Council agrees to extend the 100% subsidised use for the Joondalup Kinross Junior Football Club in 2021 to a maximum of 144 hours per week and a value of \$22,950.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$22,950	\$17,558	\$5,392	\$22,950	\$0	\$22,950	\$0

Issues and options considered

Council may agree or not agree to the request for an additional subsidy of fees on a case by case basis.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Financial diversity.

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

Policy *Facility Hire Subsidy Policy*.

Risk management considerations

The following risks may arise pending the consideration of the additional requests for subsidised use of City facilities:

- The user groups may not have the financial capacity to meet the costs proposed by the City for the additional use above the group's allocated subsidy.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Making exceptions for groups may set a precedent and cause complications when determine subsidies for other groups.

Financial / budget implications

The cost to the City across all levels of subsidised use of City managed community facilities is approximately \$1.3 million each year.

In 2021, Council approved approximately \$69,692 of additional subsidies and waivers of fees for venue bookings. A summary of those 2021 additional subsidies and waivers of fees in excess of \$5,000 has been provided below:

Group	Request type	Amount approved
Grandparents Rearing Grandchildren	Additional subsidy	\$14,258
Greenwood Tennis Club (Juniors)	Waiver of hire fees	\$3,760
Kingsley Senior Group	Additional subsidy	\$20,988
University of the Third Age (UWA) Inc – Joondalup Region	Waiver of hire fees	\$6,071
Whitford Senior Citizens Club	Additional subsidy	\$24,615
Total		\$69,692

If Council approves the requested additional subsidy and waivers of fees requested by JKJFC for 2021, the City will lose \$5,392.40 in income in the seasonal bookings.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

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

Both the *Property Management Framework* and *Facility Hire Subsidy Policy* are currently undergoing a detailed review, with both scheduled to be formally considered by Council.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** **AGREES** to extend the 100% subsidised use for Joondalup Kinross Junior Football Club in 2021 to a maximum 144 hours per week and a value of \$5,392.40;
- 2** **NOTES** that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.

ITEM 12 **TENDER 009/21 - SHENTON AVENUE UPGRADE DESIGN AND DOCUMENTATION**

WARD	North
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	109386, 101515
ATTACHMENTS	Attachment 1 Summary of Tender Submission 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 Arup Australia Pty Ltd for the Shenton Avenue Upgrade design and documentation.

EXECUTIVE SUMMARY

A restricted tender was issued via Tenderlink on 3 March 2021 following an Expression of Interest (EOI) process for the Shenton Avenue upgrade design and documentation. Tenders closed on 16 April 2021. A submission was received from Arup Australia Pty Ltd.

The submission from Arup Australia Pty Ltd represents value to the City. The company demonstrated a very good understanding and appreciation of the City's requirements with its detailed proposed program, in accordance with the City's preferred timelines. The company has in the past provided services to the City in an earlier phase of the Shenton Avenue Concept Design project. The company is a well-established organisation with appropriate industry experience and proven capacity and capability to deliver the service.

It is therefore recommended that Council ACCEPTS the tender submitted by Arup Australia Pty Ltd for the provision of Shenton Avenue Upgrade Design and Documentation as specified in Tender 009/21 for the fixed lump sum of \$1,038,925 (GST Exclusive).

BACKGROUND

The City's recent Major Road Network Review indicated that the number of movements in the section between the Mitchell Freeway and Joondalup Drive on Shenton Avenue contain undesirable levels of service and have the potential to significantly worsen in the future unless network improvements are made. Shenton Avenue is one of the City's major east-west corridors with a section of the road east of Mitchell Freeway lying within the Joondalup Activity Centre Plan Area.

As a result, the City wishes to improve the capacity of this section, having been successful in its application for funding from the Metropolitan Regional Roads Group (MRRG), and requires the services of an experienced and capable consultant to undertake design and documentation for the section upgrade to address current and future issues.

The City requires a supplier who can:

- perform ground feature surveys
- conduct service investigation and service relocation design
- prepare design and documentation (including all necessary modelling, investigation, studies, and assessments)
- undertake Road Safety Audits at design stages
- liaise with utility service providers
- liaise with, and obtain necessary approvals from Main Roads WA (MRWA)
- liaise with, and obtain necessary approvals from Public Transport Authority (PTA)
- prepare a bill of quantities
- prepare a cost estimate.

To identify companies with the capability and capacity to undertake the works, an EOI for the Shenton Avenue upgrade design and documentation was advertised through state-wide public notice on 25 July 2020. The EOI closed on 18 August 2020, following which the Chief Executive Officer approved a list of four acceptable tenderers from the submissions received.

Subsequently, a tender was issued via Tenderlink on 25 November 2020 following the EOI process for the Shenton Avenue upgrade design and documentation. Tenders closed on 22 December 2020. A submission was received from each of the following:

- Arup Australia Pty Ltd.
- Pritchard Francis Consulting Pty Ltd.

On completion of the evaluation process the evaluation panel recommended that the City decline both offers on the following basis:

- At the time of submitting offers, neither tenderer had access to technical criteria from Public Transport Authority (PTA) for the rail tunnel component and had therefore made numerous assumptions and price exclusions.
- PTA had subsequently informed the City that it had project-specific technical requirements, which was to be provided to the City.
- PTA had also requested the appointment of a third-party consultant, to review design documentation, plus a PTA project engineer and Rail Safety Manager.
- Both submissions were likely to attract multiple variations due to the current uncertainty of PTA approvals and lack of technical data with lump sum prices expected to exceed the allocated budget.
- The budget had no provision for costs associated with the PTA's new requirements.

It was recommended that a new restricted tender be issued, to encompass PTA's design criteria to enable the shortlisted tenderers to submit responses based upon key critical technical information pertaining to the rail tunnel extension design.

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 009/21 was issued as a restricted tender via Tenderlink on Wednesday, 3 March 2021, specifying the revised requirements of the City.

An invitation to tender was sent to the previously approved acceptable tenderers, namely:

- Arup Australia Pty Ltd
- Pritchard Francis Consulting Pty Ltd
- WSP Australia Pty Ltd
- GHD Pty Ltd.

A tender briefing was held on 16 March 2021 for prospective tenderers to ask contractual and technical questions, with key PTA staff in attendance.

The tender period was for six weeks and closed on 16 April 2021.

Tender Submissions

A submission was received from Arup Australia Pty Ltd.

Pritchard Francis Consulting Pty Ltd declined to submit an offer due to the uncertainty around the PTA tunnel extension and therefore the potential time and cost risks to themselves.

WSP Australia Pty Ltd declined to submit an offer due to several critical risks around the PTA tunnel extension, which they felt could not be adequately addressed in the tender submission which could impact the contract between them and the City.

GHD Pty Ltd did not provide a reason as to not offering a submission.

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

Evaluation Panel

The evaluation panel comprised five members including:

- one with tender and contract preparation skills
- two with the appropriate technical expertise and involvement in supervising the contract
- two interested parties from PTA 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 comprehensive weighting method of tender evaluation (includes weighting to each selection criterion and price) was selected to evaluate the offers for this requirement.

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

Price and Qualitative Criteria		Weighting
1	Price	50%
2	Project Proposal	45%
3	Social and economic effects on the local community	5%

Compliance Assessment

The Offer received Arup Australia Pty Ltd was deemed partially compliant:

Arup Australia Pty Ltd declared that *“Arup is a profitable operating business with a reliable service delivery model. There are claims made against and issues arising involving the Company and its associated entities from time to time. In our experience, such claims are settled or resolved between the parties in due course. The Company mitigates risk by holding commercially acceptable insurance.”*

The City's assessment is that this does not pose as an unacceptable risk to the City.

The evaluation panel also identified, through the company's critical assumptions, proposed changes to the conditions of contract, which have subsequently been resolved. These items included standard of care, rejection of services, damages and insurance.

Qualitative Assessment

Arup Australia Pty Ltd scored 80% in the price and qualitative assessment. It provided an organisational chart showing its key personnel who will be allocated to the City's contract and submitted CV's for most of its project team. Its submission outlined the qualifications and relative experience of key personnel, many having very good experience in completing equivalent scopes of works for MRWA, involving various local governments such as the Cities of Wanneroo, Perth, Subiaco, Stirling, Swan and Cockburn. Its proposed staff include, Overhead Line Equipment Lead and Electrical and High Voltage Lead who are subject matter experts in their respective areas of rail engineering and have worked on PTA Metronet projects.

The company provided details of its chosen seven sub-consultants and submitted an overview for each company. While CV's were not sighted for each sub-consultant, their company qualifications, registrations and licences were noted for each and were deemed satisfactory.

Specific experience of Arup Australia Pty Ltd was noted, working on design and development projects with similar or greater complexity than the City's contract, including the Mitchell Freeway Widening (Hodges Drive to Hepburn Avenue), the Mitchell Freeway Interchange Upgrade (Hutton Street) and the Nicholson Road Bridge Over Rail which were all conducted for MRWA, and for the PTA, it recently delivered the Morley to Ellenbrook Line Project Definition Plan. Having good working relationships with both the PTA and MRWA is highly significant and beneficial to the project, as Arup Australia Pty Ltd understands the specific project approval requirements of both these key stakeholders.

It provided a very clear and thorough project methodology and program, addressing all project elements and stages, key tasks, milestones and dependencies along with various risk mitigation measures, indicating completion of the project by April 2022.

The company is a well-established organisation with appropriate industry experience and has the capacity and capability to deliver the service.

Price Assessment

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

Tenderer	Contract Price (Ex GST)		
	Consultancy Services	Optional Item – Pre-feasibility report	Total Contract Price
Arup Australia Pty Ltd	\$ 992,069	\$46,856	\$1,038,925

Evaluation Summary

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

Tenderer	Qualitative Weighted Percentage Score	Price Weighted Percentage Score	Total Weighted Percentage Score	Total Contract Price
Arup Australia Pty Ltd	30%	50%	80%	\$1,038,925

Based on the evaluation result the panel concluded that the offer from Arup Australia Pty Ltd provides value to the City and is therefore recommended.

Issues and options considered

The City has a requirement to design an extension to PTA's rail tunnel under the Shenton Avenue/ Pontiac Way intersection as well as modifications to traffic signalised intersections in order to facilitate improvements to the Shenton Avenue corridor under the Shenton Avenue Upgrade project. The City does not have the internal resources to provide the required services and requires the appropriate external consultant 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 Quality Urban Environment.

Objective Integrated spaces.

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

Policy Not applicable.

Risk management considerations

The City's Major Road Network Review indicates that a number of movements within the Shenton Avenue corridor currently contain undesirable Levels of Service and have the potential to significantly worsen in the future unless network improvements are made.

In addition to these short to medium term issues, there continues to be the longer term demand on the corridor which, due predominantly to the proximity of intersections, will continue to be problematic. Therefore, if the project does not proceed, the Level of Service for Shenton Avenue will continue to deteriorate resulting in significant queuing during peak hours.

Mitigating this risk at this time would allow the City to make use of current grant funding approved by the MRRG which may be withdrawn should this project not proceed.

Financial / budget implications

Account no.	RDC2024
Budget Item	Shenton Avenue Upgrade Design
Budget amount	\$ 1,130,000
Amount spent to date	\$ 0
Proposed cost	\$ 992,069
Balance	\$ 137,931

Separable Portion

Account no.	RDC2008
Budget Item	Major Road & Intersection Improvement Program
Budget amount	\$ 50,000
Amount spent to date	\$ 1,298
Proposed cost	\$ 46,856
Balance	\$ 1,846

While not specifically designing a part of the Shenton Avenue corridor, the separable portion of the offer was included for a potential longer-term solution to reduce demand on the corridor. By including it as part of this contract, the City can include the proposed solution in the discussions with MRWA for the project providing a holistic approach as well as leverage off the offer financially.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Shenton Avenue is one of the City's major east-west corridors with a section of the road east of Mitchell Freeway lying within the Joondalup Activity Centre Plan Area with a critical interchange with Mitchell Freeway. It is essential that the corridor operates in a satisfactory manner in the future both in terms of impact on the Mitchell Freeway and surrounding road network.

Improving the capacity of the section of Shenton Avenue between the Mitchell Freeway and Joondalup Drive will cater for existing traffic demands and accommodate expected future demand in traffic flows along the overall corridor.

Consultation

The City will engage with the Lake Joondalup Baptist College, PTA and MRWA as part of the design and documentation phase.

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 Arup Australia Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Arup Australia Pty Ltd for the provision of Shenton Avenue Upgrade Design and Documentation as specified in Tender 009/21 for the fixed lump sum of \$1,038,925. (GST Exclusive).

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf210713.pdf](#)

ITEM 13 TENDER 010/21 - BUILDING MINOR WORKS AND MAINTENANCE OF VALUE LESS THAN \$250,000

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	109408, 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 Hickey Constructions Pty Ltd for the provision of building minor works and maintenance of value less than \$250,000.

EXECUTIVE SUMMARY

Tenders were advertised on 1 May 2021 through state-wide public notice for the provision of building minor works and maintenance of less than \$250,000. Tenders closed on 19 May 2021. A submission was received from each of the following:

- Hoskins Investments Pty Ltd as trustee for M R Hoskins Family Trust (AE Hoskins Building Services).
- Access Without Barriers Pty Ltd (AWB Co.).
- Devco Holdings Pty Ltd as trustee for The Devereux Family Trust (Devco Builders).
- Hickey Constructions Pty Ltd.
- JDS Building & Maintenance Services Pty Ltd.
- M Construction (WA) Pty Ltd.
- Marawar Pty Ltd.
- Orixon Pty Ltd.
- Programmed Facility Management Pty Ltd (Programmed Building Projects).
- Protek Carpentry & Fencing Services Pty Ltd (Protek 24/7).
- Tardan Pty Ltd (Western Projects).
- Trayd Australia Pty Ltd.
- Vidal Consultants Pty Ltd (Vidal Construction).

The submission from Hickey Constructions 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 Bayswater, Wanneroo 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 Hickey Constructions Pty Ltd for the provision of building minor works and maintenance of less than \$250,000 as specified in Tender 010/21, for a period of three years, with an option for a further two (2) terms of one (1) year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups) applicable to extension options only.

BACKGROUND

The City has a requirement to undertake maintenance and repairs to its existing assets and associated facilities from time to time and requires a suitably qualified and experienced Contractor to undertake these works.

The Contractor, who must be a registered builder, will be allocated work arising over and above the work conducted by the City's in-house building maintenance team, with each individual project having an inclusive value of less than or equal to \$250,000. The works will exclude electrical, plumbing and mechanical services as the City has nominated service providers for these activities. The Contractor will, however, be responsible for coordination of works with these nominated service providers as required.

The Contractor shall also provide an after-hours call out service for emergency situations with the nominated person required to attend site within 30 minutes outside the hours of 7.00am and 3.30pm Monday to Friday (excluding Public Holidays).

The City has a single contract in place with Hickey Constructions Pty Ltd which expires on 12 August 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 building minor works and maintenance of less than \$250,000 was advertised through state-wide public notice on 1 May 2021. The tender period was for two weeks and tenders closed on 19 May 2021.

Tender Submissions

A submission was received from each of the following:

- Hoskins Investments Pty Ltd as trustee for M R Hoskins Family Trust (AE Hoskins Building Services).
- Access Without Barriers Pty Ltd (AWB Co.).

- Devco Holdings Pty Ltd as trustee for The Devereux Family Trust (Devco Builders).
- Hickey Constructions Pty Ltd.
- JDS Building & Maintenance Services Pty Ltd.
- M Construction (WA) Pty Ltd.
- Marawar Pty Ltd.
- Orixon Pty Ltd.
- Programmed Facility Management Pty Ltd (Programmed Building Projects).
- Protek Carpentry & Fencing Services Pty Ltd (Protek 24/7).
- Tardan Pty Ltd (Western Projects).
- Trayd Australia Pty Ltd.
- Vidal Consultants Pty Ltd (Vidal Construction).

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.

The predetermined minimum acceptable pass score was set at 60% due to the technical nature of the services delivered under the contract and the projected volumes of work. The City needs to be assured that the successful Contractor has the capability and capacity to deliver the services to ensure a high standard of service is maintained.

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- AWB Co.
- Hickey Constructions Pty Ltd.
- Orixon Pty Ltd.

The following offers received were assessed as partially compliant:

- AE Hoskins Building Services did not submit specific details for its asbestos licence despite nominating an employee for the scope of works who holds this certification.
- Devco Builders and Protek 24/7 did not include specific details for loss of keys insurance with the latter company providing critical assumptions which were not compliant with the City's scope of works.
- JDS Building & Maintenance Services Pty Ltd did not include specific details for loss of keys insurance or quality assurance documentation.
- M Construction (WA) Pty Ltd, Marawar Pty Ltd and Programmed Building Projects did not include specific details for loss of keys insurance or submit police clearances.
- Trayd Australia Pty Ltd did not provide quality assurance documentation.

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

- AE Hoskins Building Services.
- AWB Co.
- Devco Builders.
- Hickey Constructions Pty Ltd.
- JDS Building & Maintenance Services Pty Ltd.
- M Construction (WA) Pty Ltd.
- Marawar Pty Ltd.
- Orixon Pty Ltd.
- Programmed Building Projects.
- Protek 24/7.
- Trayd Australia Pty Ltd.

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

- Western Projects did not indicate any compliance with the conditions of tendering and contract, or compliance with the specification. It has currently insufficient insurance coverage for loss of keys, has provided no quality assurance or quality management process documentation, and no details for its asbestos licence and police clearance certificates despite being a pre-requisite of the tender. It is not proposing to engage any sub-contractors, yet there are trades which are required which have not been nominated in the submission.
- Vidal Consultants has currently insufficient insurance coverage for Public Liability, has provided no quality assurance or quality management process documentation, and no details for its asbestos licence or police clearances. Sub-contractors nominated do not include asbestos removal therefore it is uncertain who will be undertaking this task as very limited information was provided for employees to ascertain whether the licence and qualifications are held in-house.

Qualitative Assessment

Trayd Australia Pty Ltd scored 14.3% and was ranked eleventh in the qualitative assessment. It did not demonstrate sufficient experience completing similar projects focussing on minor works projects with no examples for ongoing maintenance contracts. It did not demonstrate adequate capacity to carry out the works with brief details provided for key personnel which did not include relevant skills of all trades required under the scope of works. Specialised equipment that will be used and ability to provide additional personnel were not addressed. Methodology and approach to the works were not specifically addressed.

Programmed Building Projects scored 17.2% and was ranked tenth in the qualitative assessment. Limited information was submitted for its key personnel and trades personnel to determine whether the resources have adequate qualifications and experience to perform City's scope of works. Details for the proposed plant and equipment to be used, how it will source additional personnel, and emergency contact information was omitted from the submission. Whilst it provided an extensive list of contracts it has performed it did not include the exact nature of the services provided to ascertain whether the contracts are similar in scale and complexity to the City's requirements. It did not demonstrate an understanding of the required tasks with no information provided for the criterion.

M Construction (WA) Pty Ltd scored 22.9% and was ranked ninth in the qualitative assessment. It did not fully demonstrate the capacity required to undertake the works for the City with skills of supervisory and trade staff not included. The ability to provide additional personnel was not fully addressed and specialised equipment to be used was omitted from the submission. It did not demonstrate its understanding of the City's requirements with a generic methodology included which was not tailored to the City's scope of works. Examples of contracts completed did not provide adequate information to determine any similarity to the City's requirements.

Marawar Pty Ltd scored 33.3% and was ranked eighth in the qualitative assessment. It demonstrated some experience completing repairs and maintenance for a local government however little detail was provided to enable the Evaluation Panel to gain an understanding of exactly what was provided under the scope of works. The company demonstrated some capacity to undertake the works with resumes included for its key supervisory staff only. Information for its tradespersons was lacking and a list of its proposed plant and equipment was omitted. It demonstrated a limited understanding of the required tasks providing a high-level overview for how it will perform the works.

Protek 24/7 scored 34.2% and was ranked seventh in the qualitative assessment. It demonstrated some experience in completing similar minor works projects, however it made no reference to any ongoing maintenance contracts. It did not demonstrate sufficient understanding of the required tasks with the Evaluation Panel noting conflicts within the submission. It demonstrated reasonable capacity to perform the scope of works however full details of all tradespersons to be utilised were missing. The ability to provide additional personnel and resources was not specifically addressed and minimal details were submitted for its proposed plant and equipment.

JDS Building & Maintenance Services Pty Ltd scored 46.8% and was ranked sixth in the qualitative assessment. It demonstrated good experience in completing similar projects providing project overviews for ongoing maintenance, and construction and fit out contracts, for various health departments and City of Armadale. It demonstrated limited capacity to undertake the works providing only minimal information for its employees and plant / equipment. It did not fully demonstrate its understanding of the required tasks with no details provided for how it will physically complete the various works.

Devco Builders scored 52.6% and was ranked fifth in the qualitative assessment. It demonstrated very good experience in completing similar projects for local governments, including the City, which encompassed preventative and reactive maintenance services, minor works projects and new installations. It has the capacity to perform the tasks with appropriately qualified and experienced personnel and sub-contractors allocated for the City's scope of works. It has ability to draw upon additional resources if required and has nominated persons for contacting in an emergency. It did not demonstrate an understanding of the required tasks with no information provided to explain its proposed methodology and approach to the works.

Orixon Pty Ltd scored 60.1% and was ranked fourth in the qualitative assessment. It demonstrated some capacity to undertake the works with information for experience of tradespersons lacking. Its submitted list of plant and equipment was considered suitable for the works and it has team members rostered to respond to emergency situations. The ability to provide additional resources was adequately addressed. It demonstrated good experience in completing similar projects having performed minor construction and maintenance repair projects for the Department of Building Management and Works and Western Power. It demonstrated a sound understanding of the required tasks with a detailed methodology and approach to the works provided.

AE Hoskins Building Services scored 62.1% and was ranked third in the qualitative assessment. It demonstrated substantial experience in completing similar projects having conducted reactive, preventative and minor works for numerous local governments. It demonstrated a good understanding of the required tasks providing its approach for reactive maintenance work and methodology to assess larger non-reactive minor works. Whilst it provided information for its proposed personnel and resources, details to demonstrate skills of tradespersons were not sighted. Emergency contact details were omitted.

AWB Co. scored 62.9% and was ranked second in the qualitative assessment. It demonstrated capacity to carry out the works with comprehensive information provided for its proposed personnel and resources. It demonstrated substantial experience in completing similar projects conducting reactive and renewal maintenance, minor works and cyclical routine maintenance for local governments, and general building maintenance for Department of Education and Department of Training and Workforce Development (via Programmed Facility Management). It demonstrated a good understanding of the requirement tasks providing its methodology and approach to the works. It provided sufficient details to demonstrate its capacity to conduct the works including its plant and equipment, and summary of appropriate experience and qualifications for key personnel.

Hickey Constructions Pty Ltd scored 70.3% and was ranked first in the qualitative assessment. The company has been providing ongoing maintenance and emergency call out services and minor works for various local governments including the Cities of Bayswater, Wanneroo, and Belmont. It is the incumbent supplier to the City. It demonstrated a thorough understanding of the City's requirements with comprehensive process charts included to explain how it will undertake the works. It submitted comprehensive information for its proposed plant and equipment and resumes for key personnel to illustrate relative experience and qualifications. The ability to provide additional resources was addressed and emergency contact information was provided for four persons.

Given the minimum acceptable qualitative score of 60%, AE Hoskins Building Services, AWB Co., Hickey Constructions Pty Ltd, and Orixon Pty Ltd qualified to progress to the stage two 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 actual historical usage data for eight maintenance items and six new / renovation works items. 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 three years of the contract but are subject to a price variation in years four and five of the contract to a maximum of the CPI for the preceding year, subject to extension options being exercised.

Tenderer	Year 1	Year 2	Year 3	Estimated Total Price
AE Hoskins Building Services	\$1,975,628	\$1,975,628	\$1,975,628	\$5,926,884
AWB Co.	\$1,954,930	\$1,973,711	\$1,994,317	\$5,922,958
Hickey Constructions Pty Ltd	\$1,676,192	\$1,676,192	\$1,676,192	\$5,028,576
Orixon Pty Ltd	\$2,182,201	\$2,182,201	\$2,182,201	\$6,546,603

From 1 April 2020 to 31 March 2021 the City incurred expenditure of \$1,643,098. A direct comparison of the schedule of rates offered under this tender and the tendered rates of the current contract cannot be undertaken due to the following:

- The tender has provision for new disciplines such as carpenter, bricklayer, painter, and general labourer, which are all grouped under one rate for qualified tradesman in the current contract.
- The current contract requires the Contractor to perform the majority of emergency standby hours. Since the tender's closure date, the City has commenced recruitment for two replacement carpenters. Subject to the successful appointment of these employees, the number of emergency standby hours to be conducted by the Contractor will be considerably reduced.
- The incumbent Contractor sub-contracts the painting component of the scope of works. Expenditure incurred for this activity has therefore been captured under contractor new works and sub-contractor renovation works using a percentage mark-up and not the rate for a qualified tradesman.

In order to achieve an estimated contract value for each tenderer the following calculations have been conducted:

- Expenditure for the qualified tradesman during normal working hours has been broken down into a percentage of time the tradesperson would have undertaken carpentry, bricklaying and general labouring activities and aligned to the tendered rates for each of these disciplines.

- Hours taken to perform painting under contractor new works and sub-contractor renovation works have been extrapolated and aligned to the tendered rates for the qualified painter.
- Hours for emergency standby (3,284) have been reduced by 1,919 to 1,365 hours per annum being 13 possible weeks standby at 15 hours per day per annum.

When compared to the current schedule of rates for the qualified tradesman during normal and outside of normal working hours, the new rates remain unchanged.

It is anticipated that over the next three years, the City will incur expenditure of \$5,028,576 during the Contract period and up to \$8,456,764 if the two (2) one year options are exercised.

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
Hickey Constructions Pty Ltd	70.3%	1	\$5,028,576	1
AWB Co.	62.9%	2	\$5,922,958	2
AE Hoskins Building Services	62.1%	3	\$5,926,884	3
Orixon Pty Ltd	60.8%	4	\$6,546,603	4

Based on the evaluation result the panel concluded that the offer from Hickey Constructions 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 building minor works and maintenance of less than \$250,000 on an as required basis. The City does not have the internal resources to supply all 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 Quality facilities.

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

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the City will need to request quotes for numerous minor building and maintenance works which would reduce workflow and potentially delay many building projects. The additional staff hours spent requesting quotes will also result in reduced value for money for the City.

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.	Various accounts
Budget Item	Building minor works and maintenance
Budget amount	\$ 1,500,000
Amount spent to date	\$ 0
Committed	\$ 0
Proposed cost	\$ 1,478,723
Balance	\$ 21,277

The balance for 2021-22 does not represent a saving at this time. The proposed cost includes calculations based upon expected usage for emergency standby hours and an assumption that the historical pattern of usage is maintained for other items. There is no guarantee that this will eventuate.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the 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 Hickey Constructions Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the provision of building minor works and maintenance of value less than \$250,000 as specified in Tender 010/21, for a period of three years, with an option for a further two (2) terms of one (1) year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups) applicable to extension options only.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf210713.pdf](#)

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**

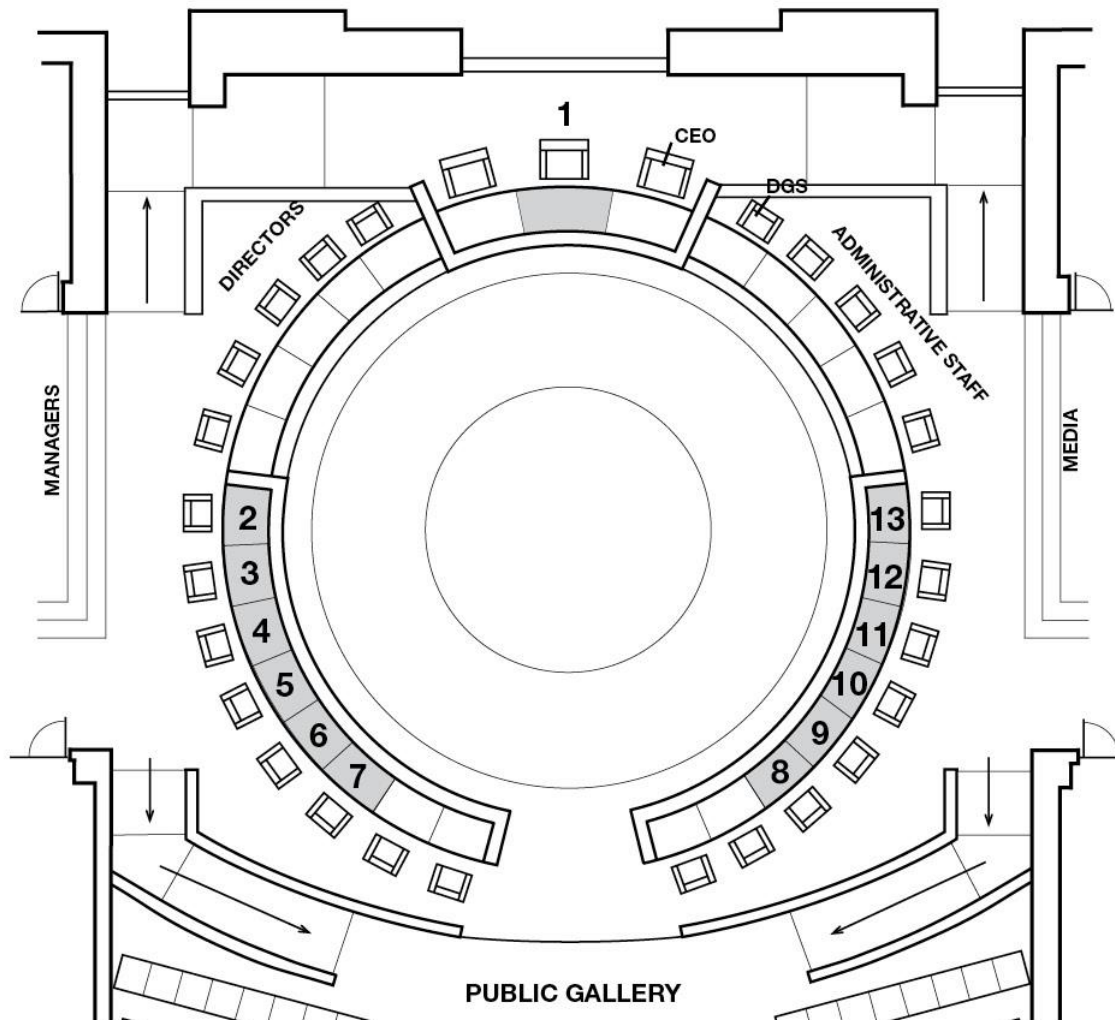
Name / Position		
Meeting Date		
Item No. / Subject		
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality*	*Delete where not applicable
Extent of Interest		
Signature		
Date		

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)