

# agenda

## Briefing Session

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

**ON** **TUESDAY 10 MAY 2022**

**COMMENCING AT** **6.30pm**

**MAT HUMFREY**

Acting Chief Executive Officer  
6 May 2022

**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 9 May 2022.**

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

PO Box 21 Joondalup WA 6919

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

## IMPORTANT INFORMATION

### ATTENDANCE AT MEETINGS DURING STATE OF EMERGENCY

On Tuesday 26 April 2022, the Premier announced that Covid-19 public health measures will be eased in Western Australia.

From 12:01am Friday 29 April 2022 the following will apply to the Council Chambers and Civic Centre building:

- masks are no longer required however, will be encouraged where physical distancing is not possible
- capacity limits will be removed
- check-in requirements are no longer required
- access doors to the Civic Centre Building will be no longer be locked prior to a public Briefing/Council meeting however, City Staff and Security staff will be present to provide assistance to members of the public and to ensure public safety is maintained
- hand sanitiser will continue to be provided by the City and members of the public are encouraged to use it when required
- City staff will continue to clean the public microphone/lectern following each use
- members of the public are encouraged not to attend a meeting should they feel unwell or if they have been in contact with a known Covid-19 case.

Members of the public are able to access audio of the proceedings at <https://joondalup.wa.gov.au/kb/resident/live-council-meeting-audio-feed>.

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

## **DISCLAIMER**

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

## **PROCEDURES FOR PUBLIC STATEMENT TIME**

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

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

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

[\*AdditionalInformation.pdf\*](#)

# CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 10 May 2022** commencing at **6.30pm**.

## ORDER OF BUSINESS

### OPEN AND WELCOME

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

### DEPUTATIONS

The following summarised deputations were submitted to the Briefing Session held on Tuesday 12 April 2022.

#### DEPUTATION NO. 1 – ITEM 4 – LOCAL PLANNING STRATEGY REVIEW

Ms Gilbert and Mr Moore addressed Elected Members in relation to Item 4 – Local Planning Strategy Review.

Ms Gilbert advised that no timelines or deadlines have been provided for the Local Planning Strategy Review, adding that it is critical that the City's review proceeds as a priority as the Medium Density Code will be implemented in the third quarter of the year and will include changes that will intensify development in Housing Opportunity Areas.

Ms Gilbert stated that the City's Local Planning Strategy Review needs to be correct and incorporate the right coding and ensure there is no reliance on the Local Planning Policies which can be ignored by the Development Assessment Panel when reviewing applications.

Ms Gilbert advised that confidence is low in Housing Opportunity Areas, adding that residents are looking forward to a Local Planning Strategy that will build on the liveability of communities in the City of Joondalup that residents can be proud of.

Ms Gilbert urged Council to provide the community with the proposed timelines and deadlines for the Local Planning Strategy Review and progress with the review as a priority.

Mr Moore noted that it will be four years in June 2022, since the community was promised a holistic solution to Housing Opportunity Areas, adding the only achievement during this period was the Local Planning Policy that has been amended by the Western Australian Planning Commission and once the Medium Density Code is implemented will be removed completely.

Mr Moore urged Elected Members to stand up for their community and its commitment to a holistic approach to planning for Housing Opportunity Areas.

**DEPUTATION NO. 2 – ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 8 FEBRUARY 2022**

Ms Leech addressed Elected Members in relation to Motions 3, 4, 5, 7 and 17 of Item 6 – Minutes of the Annual General Meeting of Electors held on 8 February 2022 and spoke in support of the following points and requested that the City of Joondalup:

- Trials Weedseeker technology to achieve a reduction in the use of glyphosate products in locations not listed as sensitive areas.
- To prepare a full list of sensitive areas in addition to those already determined, including footpaths and kerb lines surrounding community gardens, dual pathways along coastal routes, cafes, and restaurants with outside seating.
- On an annual basis in July and January advertise through social media platforms, community news and the City's website including the following, the *Pesticide Exclusion Register*, the *Pesticide Use Notification Register* and the location map and schedule.
- To present a report by April 2022 on the petition tabled at the July 2021 Council meeting, which refers to reinstating 24 hour signage in areas that have been sprayed with glyphosate, and for the report to not be delayed until the *Weed Management Plan* is finalised.
- Through the use of advisory signage, advises the public of the number of days that are required to pass before 50% of the applied glyphosate has decayed after the initial concentrate is applied. This will enable the public to be informed of the latent site contamination and its effectiveness persistent beyond the initial 24 hours.

Ms Leech urged Elected Members to implement these small changes which will improve the health of the community and reduce the environmental impact on future generations.

**DEPUTATION NO. 3 – ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 8 FEBRUARY 2022**

Mr Boyland and Ms Mehra addressed Elected Members in relation to Item 6 – Minutes of the Annual General Meeting of Electors held on 8 February 2022.

Mr Boyland advised that in June 2018, Council stated that an equitable, coordinated, strategic suite of measures to better manage built form outcomes and other density impacts in all of its Housing Opportunity Areas was being pursued by the City, adding that four years later and no progress had been made.

Mr Boyland stated that the problems the community identified back in 2016 and 2017 have not gone away and are still here in 2022, adding that without the down coding amendment, the quality of builds will be compromised leading to issues with:

- higher dividing walls
- ventilation
- outlook and shadowing
- sustainable heating and cooling
- reduced tree canopies
- reduced or no onsite residential parking or visitor parking.

Mr Boyland noted that this will have a considerable impact on cul-de-sac areas where increased street parking will create congestion and access issues for residents and visitors, and services.

Mr Boyland urged Elected Members to approve the proposed motion to instruct the City to proceed with the residential down coding of the areas west of the Mitchell Freeway.

Ms Mehra advised that family homes are being demolished, 80 to 100 year old trees are being chopped down and turned into mulch, and the beautiful suburb of Duncraig is being decimated without thought and consideration to what dwellings are appropriate for the area.

Ms Mehra stated that down coding to R30 would encourage duplexes and suitable accommodation that young families and downsizers alike would want and enjoy.

Ms Mehra stated that Elected Members have a responsibility to ensure that the Joondalup community and their amenity are protected and enhanced so that they are wonderful liveable communities, communities that Elected Members could proudly state they had a role in creating.

#### **DEPUTATION NO. 4 – ITEM 6 – MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 8 FEBRUARY 2022**

Ms Kung addressed Elected Members in relation to Motions 6 and 13 of Item 6 – Minutes of the Annual General Meeting of Electors held on 8 February 2022.

Ms Kung spoke in relation to Motion 6 in support of progressing the Edgewater Quarry Master Plan and explained that a similar motion was presented to the 2021 Annual General Meeting of Electors, although dismissed due to the impending contamination investigations and its impact on the future of the Edgewater Quarry site. It was added the City has indicated that the project is on hold until the outcome of the investigation is known.

Ms Kung urged Elected Members to accept Parts 1 to 6 of the Electors' motion so that the Edgewater Quarry Master Plan can be progressed with the inclusion of the contamination investigation report, towards the upgrade and improvement to the Edgewater Quarry Site, and for Council to take into consideration the 1000 signature petition previously received to retain this site as a green space to be enjoyed by the whole community.

Ms Kung spoke in relation to Motion 13 in support of the requirements for developers to remove the asbestos fencing and replace the fencing with a safe option when developing sites, and advised that a Senior Toxicologist working for the Department of Health (DoH) has provided the following information on the matter:

- The DoH along with other agencies consider that wherever possible, asbestos should be removed, and early and proper removal of asbestos containing material, which is ageing, should be considered especially in conjunction with any other property renovations or development, as it has the potential to become a risk.
- In accordance with Regulation 453 of the *Work Health and Safety Act 2020* a person conducting a business or undertaking that is to carry out the demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the demolition is identified so far as reasonably practical, that the asbestos is removed before the demolition has commenced.
- The local government Environmental Health Officer has the power under the *Health Asbestos Regulations 1992* to issue a notice to an owner to have asbestos removed if it is deemed a public health risk.



Ms Kung explained that if the asbestos fences are in very poor condition and disturbed, there is the potential for contamination of the surrounding soil which might trigger a memorial on the title of land under the *Contaminated Sites Act 2003*. If so, any clean up could be very expensive and time consuming, and if the property is on-sold without addressing or disclosing any potential risks associated with damage to asbestos fences, the owner may seek compensation or redress under Consumer Protection legislation.

Ms Kung highlighted that the City has a duty of care to the community and asked Council to lead the way towards better outcomes in relation to the removal of asbestos fencing from development sites.

### **DEPUTATION NO. 5 – ITEM 7 – RESPONSE TO MOTIONS CARRIED AT SPECIAL ELECTORS’ MEETING – 10 MARCH 2022**

Mr Leyland and Mr Abbott spoke in support of the motions carried at the Special Electors’ Meeting held on 10 March 2022.

Mr Leyland explained that the pro-choice movement have undertaken a Business and Community Impact Survey for the district of Joondalup, where 111 respondents were involved with overwhelming responses greater than 90% for the following questions to the survey:

- Are you worried about Covid-19 when you leave your home? Responses - 95% not worried.
- Do you think that proof of vaccination requirements to enter cafes, restaurants and other venues cause social issues within the community? Responses - 90% said yes.
- Do you think that proof of vaccination requirements are effective in keeping the community safe from Covid-19? Responses - 93% said no
- Do you think that proof of vaccination requirements should be removed? Responses – 95% said yes.
- Should a person's employment be terminated if they have not been vaccinated with the required doses of Covid-19 vaccine? Responses – 92% said no.
- Do you think the Covid-19 mandatory vaccination policy is effective in keeping the community safe from Covid-19? Responses - 90% said no.
- Should the Covid-19 mandatory vaccination policy be removed? Responses - 92% said yes.

Mr Leyland explained that the survey data showed that 52% of employees became vaccinated to keep their jobs, and 22% of businesses have seen a reduction in the number of employees as a result of the Covid mandates. Equally, 68% of businesses have experienced a decrease in revenue and a 64% of businesses have experienced an increase in business expenses, and a further 31% of businesses have reported negative or violent interactions with customers as a result of the imposing vaccine mandates.

Mr Abbott a business owner of a Pilates Studio in the City of Joondalup advised how the Covid mandates and mask requirements have significantly affected his business and also his family.

Mr Abbott explains that memberships have significantly reduced since the Covid mandates were introduced, leading to a 15% decline in business revenue, which equates to approximately \$7,500 per month.

Mr Abbott expressed that many of his clients who come to the Pilates Studio are vulnerable and physically limited and attend the gym to better their health. The mandates have affected the clientele’s ability to reach their health goals, and instead is leading to more people having to access more healthcare services.

Mr Abbott urged Elected Members to consider what has been said tonight as part of their deputation, as the Covid mandates are heavily impacting the community, and without the Council's support, we the community have no voice.

### **DEPUTATION NO. 6 – ITEM 7 – RESPONSE TO MOTIONS CARRIED AT SPECIAL ELECTORS' MEETING – 10 MARCH 2022**

Mr Selent spoke in support of the motions carried at the Special Electors' Meeting held on 10 March 2022 and raised the following areas of concern being accountability, transparency and conflicts of interest, and went on to advise:

- The Therapeutic Goods Administration (TGA) are the regulatory authority of therapeutic goods and responsible to review and approve medical vaccines, yet they are funded by the pharmaceutical and manufacturing industry.
- The Informed Medical Options Party (IMOP) said the TGA's Advisory Committee and their assessments heavily weigh towards pharmaceutical solutions rather than root cause approaches.
- All trials the TGA used for assessing the vaccines and their safety were done by the manufacturers, none of them were independent resulting in a conflict of interest.
- In the 2020-21 budget papers, the Australian Government has provided indemnity to AstraZeneca in respect of injury caused by their Covid-19 vaccines.
- According to IMOP's investigations, since 2000 Pfizer has been convicted of 75 offences and paid a total of US\$10 billion and AstraZeneca has been convicted of 26 offences paying a total penalty of US\$1.3 billion.
- In 2021 Channel 9 ran a Get Vaccinated campaign and the chairman of Nine Entertainment is also the chairman of the Board of Guardians of the Future Fund (BGFF). The BGFF have increased their investment in pharmaceutical and vaccine manufacturers in the same timeframe from 1.7 billion investments to 2.5 billion.

### **DEPUTATION NO. 7 – ITEM 7 – RESPONSE TO MOTIONS CARRIED AT SPECIAL ELECTORS' MEETING – 10 MARCH 2022**

Mr Walters spoke in support of the motions carried at the Special Electors' meeting and provided statistical information on a review of the Pfizer trials conducted by a Canadian group of doctors and experts.

Mr Walters provided data on the following to provide clarity on why some people choose to decline the vaccines at great personal cost:

- Pfizer trials were meant to be conducted for three years however ended after only two months resulting in no long-term data of its effects. The trial group who took the vaccine had more deaths than the group that took a placebo.
- The efficacy derivation of the trials was questionable with 3,400 out of 40,000 who reported symptoms but were not tested with no reason given on why they were excluded.
- The teenager's trial included 1,000 children receiving the vaccine of which one immediately suffered a severe adverse reaction and was in a wheelchair nine months later with Pfizer recording the child with functional abdominal pain.
- Concerns of under reporting between active and passive surveillance.
- Pfizer's perspective is that there is a lot more profit in reaching the entire healthy population with a vaccine than the relatively few sick people with treatments. There will be no emergency use authorisation if treatments were available.

- The United States has three levels of vaccine approval namely emergency use; full approval which was given last year; and full approval and access to the children's schedule. If the vaccines are on the children's schedule the pharmaceutical company has no liability.
- There are safe and effective treatments available, information on these can be found on <https://c19early.com> and <https://covid19criticalcare.com> which have treatment protocols.
- The PCR test has created thousands of false positives and there is no evidence to support asymptomatic spreading.

### **DEPUTATION NO. 8 – ITEM 7 – RESPONSE TO MOTIONS CARRIED AT SPECIAL ELECTORS' MEETING – 10 MARCH 2022**

Mr Perez Navas-Parejo and Ms Kwok addressed Elected Members in support of the motions carried at the Special Electors' Meeting held on 10 March 2022.

Mr Perez Navas-Parejo highlighted the following:

- Premier Mark McGowan has been challenged by Liberal Party leader Dr David Honey to justify continuation of the mandates, as medical experts have advised they have served their purpose.
- The *Covid-19 Vaccination Policy* clearly states vaccinations are not mandatory and individuals can choose not to vaccinate.
- Prime Minister Morrison and Premier Mark McGowan have clearly stated employers cannot and should not mandate Covid-19 vaccines.
- The *Commonwealth of Australia Constitution Act*, section 109 Inconsistency of Laws explains why vaccine mandates have been dropped in South Australia and Queensland.
- The *Public Health Act 2016* (the Act) recognises shared responsibilities and has embedded the requirement for public health planning under Part 5 of the Act, at both a state and local government level. Many local governments advocated for public health planning and are producing public health plans in anticipation for the commencement of Part 5.

Ms Kwok highlighted the following:

- In 2014 the City of Wanneroo developed in partnership with the Department of Health and community agencies a three-year strategic public health plan that provides a framework to improve the health and wellbeing of its community.
- Out of the leading causes of death in the City of Wanneroo Covid-19 deaths are ranked number 38 on the list.
- The Mental health issues in active lifestyles and access to services are worse than they were pre-covid pandemic.
- The issues the community are facing are community safety, job losses, people unable to attend University, families splitting up, discrimination in the community and bullying.
- Emergency services have lost many experienced and highly skilled professionals as well as essential volunteers.
- Businesses are suffering financial losses from people being too scared to go out for fear of catching Omicron and are instead ordering online.
- Access to services that promote health are being denied.
- The *Public Health Act 2016* has required the City of Joondalup to put in place a Public Health Plan and this is an opportunity for the City to be in an advocacy position with the Health Department to facilitate a health and wellbeing plan for the community.

**DEPUTATION NO. 9 – ITEM 12 – WANDINA PARK, DUNCRAIG – REQUEST FOR ADDITIONAL IMPROVEMENTS**

Ms O’Byrne spoke in support of additional improvements for Wandina Park, Duncraig.

Ms O’Byrne highlighted the following concerns:

- There is a gradient drop from south to north of the park of between 2.5 metres to 3 metres.
- The surrounding residential areas will be impacted by water runoff and soil erosion.
- Heavy maintenance vehicles access to the park will damage the proposed hydroseeding at the northern dry turf portion of the park.
- The access and exit points through the park being sandy and dry areas could be a hazard to residents.
- The access on Grant Street / Barker Drive is soft and unvegetated causing concerns for vehicles entering and exiting the park.

Ms O’Byrne provided suggestions for the hydroseeding to become established to increase amenity and access:

- The removal of low stumps and insert an extra gate on Grant Street / Barker Drive.
- Establish parking point for large and small vehicles.
- To assess possible maintenance issues prior to hydroseeding to prevent unnecessary maintenance vehicle access.
- To schedule operations to allow time for the seeded area to become established.
- To create walkways to play spaces and path access for maintenance.
- To assist in forming a Friends’ Group to undertake regular weeding and watering. This group could have assisted in preventing the deterioration of the Geraldton waxes, mud shifting from the fence line on the northern perimeter and prevented wheat grasses becoming established.

Ms O’Byrne acknowledged the park was difficult to maintain and stated residents were grateful with the time and funds the City is contributing towards the park in an effort to resolve the issues.

## **PUBLIC QUESTION TIME**

The following summarised questions were submitted to the Briefing Session held on Tuesday 12 April 2022.

**P Navas-Parejo, Greenwood:**

*Re: Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

*Q1 Regarding item 7 motion 1 recommendation “that Council supports that no person should be discriminated against, within the legal definition of discrimination.”*

*What actions could the City take to ensure this message goes out to residents, business owners and service providers in the City?*

A1 The position of not condoning unlawful discrimination in any form, is one that the City of Joondalup has long held. The audio and minutes of the Council meeting, including the specific recommendation referred to, will become a matter of public record.

Q2 *How many employees in the City of Joondalup have left employment due to vaccine hesitancy?*

A2 Whilst vaccine hesitancy may or may not contribute to an employee's choice to leave employment from the City, to know how many would require each employee leaving to specify the reason for leaving, which employees are not required to do.

The City is aware of two employees who no longer work with the City due to a choice not to be vaccinated.

Q3 *How would the City assist the number of very skilled professionals that have chosen not to vaccinate due to high-risk from adverse reactions vs benefits from the inoculation that are now not able to contribute to the community?*

A3 Businesses, premises and individuals within Western Australia, have a legislative obligation to comply with the relevant Directions that have been introduced by the State Government in the interests of protecting the community as a whole during the pandemic.

In exercising a choice not to be vaccinated, each individual is responsible for their decision and its consequences it is not considered to be within the Council's responsibilities to assist them.

Q4 *Wanneroo Council had their Briefing Session from the Special Electors' Meeting last Tuesday (Audio from 4.10.19 City of Wanneroo - Council Members' Briefing Session - 5 April 2022). Previously electors have mentioned that local State Members and Ministers did not respond to their questions or acknowledge the concern raised. One of the suggestions from Councillors is to supply audio from Special Electors' Meeting via USB to each of the State Members and Ministers.*

*Would the City take the same action to relay the message to our State Members and Ministers on our behalf?*

A4 The audio from the Special Electors' Meeting held on 10 March 2022 is available on the City of Joondalup website at [Play Audio – City of Joondalup](#). Should the Council resolve to write to the Western Australian Premier, and relevant State Government Ministers, a link can be provided to the audio from the Special Electors' Meeting.

### **A Leyland, Burns Beach:**

Re: *Item 7 – Response to Motions Carried at Special Electors' Meeting – 10 March 2022.*

Q1 *Given that the Covid pandemic has dramatically affected lives of people around the world for over two years, what surveys have been conducted by the City of Joondalup to assess the impact of Federal and State Covid restrictions, Directions and mandates on the residents and businesses in the area of the City of Joondalup?*

A1 The City has conducted and participated in a range of surveys with its residential and business community over the last two years. This has included a Community Resilience Scorecard and partnered with two organisations to undertake business surveys that has allowed the City to understand the impacts of the Covid pandemic on the local economy. Details of these are available on the City's website.

Q2 *What is the City of Joondalup's plan to return to support its residents and businesses to recover from the impacts of Federal and State Covid restrictions, Directions and mandates?*

A2 The City of Joondalup's response and recovery approach to the pandemic as it applies to business support and the wellbeing of the community has been widely publicised. This has included our Emerge Stronger – Support for local businesses, Digital Helpline and Support Services. For further information please refer to the City's website pages through the following link. <https://www.joondalup.wa.gov.au/category/covid>

#### **D Blackburn, Kingsley:**

Re: *Item 4 – Local Planning Strategy Review.*

Q1 *For the "Housing Review" the report states "It will not be limited to matters of infill nor will it assume the existence of the City's existing Housing Opportunity Areas".*

*As the HOAs have been in place since 2013 why is this potentially disruptive "non-existence" approach being taken?*

A1 Some members of the community raised concern, as part of the work undertaken in 2018-2019 to develop a comprehensive new planning framework for the City's housing opportunity areas, which drew criticism in that its scope was retained to existing boundaries of the housing opportunity areas.

The project being undertaken is a broader review of the City's planning framework, notably a review of its Local Planning Strategy. This requires broader analysis of housing considerations for the City beyond just infill and the existing Housing Opportunity Areas.

Q2 *Is this project being undertaken in an attempt to expand the infill areas and increase residential density to further reduce residential amenity?*

A2 No. The *Planning and Development Act 2005* requires all local governments to maintain a local planning scheme, including regular five-yearly review of the scheme. This includes review of the local planning strategy, which provides the strategic direction for the scheme. Council requested that the review of the housing component of the local planning strategy be brought forward.

Q3 *The Report states that "a community consultation plan for the housing review as the first deliverable to be provided to a future Council meeting for endorsement".*

*Considering the Report's "Timeline of Consultations and Decisions" showing past activity running from 2009 to 2021 and the other deliverables of this new project, for how many more years is this project expected to run?*

- A3 Timeframes associated with the project will depend on the decision-making process followed for each phase and in some instances are beyond the City's control. Community consultation associated with Phase 1 (Problem Definition and Scoping) is anticipated to be undertaken in the second half of 2022. The results of Phase 1 are anticipated to be presented at the end of 2022 or early 2023.

The timeframes associated with Phases 2 to 4 will depend on the scope of studies and range of issues confirmed through Phase 1 and are collectively estimated to take 18 months from Council endorsement of the scope of works associated with these phases.

Phase 5 (Statutory Approval) relates to any amendments to the local planning strategy and local planning scheme that may be required to implement outcomes of the review and will be initiated at the conclusion of Phase 4. The process for these amendments is set out in state regulations, including statutory public advertising and approval processes. The timeframe associated with the statutory approval component of the project may take up to 18 months depending on the level of complexity and decision-making processes by State Government.

Where appropriate, opportunities will be explored to undertake project processes in parallel to reduce overall timeframes.

- Q4 *The Report states "The significant influence of state policy and planning legislation, which can limit the extent to which community feedback can be acted upon in decision-making, presents a key challenge for community consultation".*

*What areas of planning affecting housing and residential amenity does Local Government have effective control over?*

- A4 Local government, through the local planning strategy and scheme, has responsibility for local planning, however must comply with state and regional planning policies, requirements in the exercise of that responsibility and must seek approval from the State Government for these documents.

Local planning strategies are approved by the Western Australian Planning Commission. Local planning schemes are approved by the Minister for Planning.

### **J Hope, Beldon:**

Re: *Item 7 – Response to Motions Carried at Special Electors' Meeting – 10 March 2022.*

- Q1 *It is my understanding that when submitting questions to the City for inclusion in discussion at the City's meetings, that it is solely at the discretion of the incumbent Mayor's personal opinion as to whether he or she deems the question acceptable and has the right to veto those questions. This begs the thought whose freedom of speech is being protected here? As public servants only allowing issues that the Mayor approves of is hardly serving the public's interest. When will this be amended?*

- A1 The procedures for public question time are dealt with in the *Local Government (Administration) Regulations 1996* (LG Admin Regs) and the *City of Joondalup Meeting Procedures Local Law 2013*. In addition, the Council adopted on 21 April 2020 (CJ045--04/20 refers), the Procedures for Strategy Sessions, Briefing Sessions, Council/Committee Meetings and Electronic Meetings (the Procedures).

In accordance with the Procedures, "...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..."

The Procedures may be amended at any time, should the Council decide. The Procedures are due for review in 2022-23.

**Q2** *Is a condition of entry to buildings opened by the City of Joondalup such as; Community Halls dependent on Proof of Vaccination?*

*If so that is discrimination and segregation of people who choose body sovereignty over tyranny. Please clarify the City's position.*

**A2** Entry into any City facility is subject to the relevant State Government Health direction at the time.

### **L Colussi, Duncraig:**

**Re:** *Item 7 – Response to Motions Carried at Special Electors' Meeting – 10 March 2022.*

**Q1** *At the start of the Special Electors' meeting more than three people left from inside, which meant the chambers were not at the prescribed capacity, why then were other people not allowed to enter in their place?*

**A1** It was unclear at that point whether or not those individuals had left permanently or if they were accessing ablutions or other services in the foyer area. The City took a precautionary approach not to allow any further attendees into the Chambers to ensure that the approved capacity of the Chambers could not be breached.

**Q2** *Could we please have a breakdown of the costs for the extra measures of COVID marshals, security guards, rangers and extra City staff present for the Special Electors' Meeting, the Ordinary Council Meeting and the Briefing Session on 12 April 2022?*

**A2** A breakdown of the costs for the extra security measures at Briefing and Council Meetings is as follows:

|                      |   |
|----------------------|---|
| 1 x Security Manager | \$70 per hour (minimum 4 hours)<br>\$280 (ex GST)                                     |
| 3 x Security Guards  | \$57 per hour (minimum 4 hours)<br>\$684 (ex GST)                                     |
| 4 x Field Officers   | \$46.30 per hour (including on costs that is overtime)<br>minimum 4 hours<br>\$740.80 |
| 4 x Covid Marshals   | \$36.19 per hour (ex GST)<br>\$579.04 ex GST (approx. 4 hours)                        |
| <b>Total</b>         | <b>\$2,283.84 approximately per meeting</b>   |



Q3 *Please also clearly explain the justifications in having these extra layers of security measures? Please be specific about any incidences that may have occurred.*

A3 At the Special Electors' Meeting on 10 March 2022, people working for the City were confronted by several members of the public who verbally and physically intimidated them and created a disturbance serious enough to warrant calling the Police.

Following the Special Electors' Meeting, the security arrangements in place for public Briefing Sessions and Council Meetings were reviewed and additional security arrangements put in place to ensure the safety and wellbeing of community members, elected members and staff.

### **K Lukies, Hillarys:**

Re: *Item 7 – Response to Motions Carried at Special Electors' Meeting – 10 March 2022.*

Q1 *Are all Elected Members aware that under a State of Emergency the following can happen as taken from section 158 of the Public Health Act 2016?*

*“If an authorised officer gives a direction to a person under section 157(1)(j) to undergo medical observation, medical examination or medical treatment or to be vaccinated, an authorised officer or police officer may use reasonable force to ensure that the direction is complied with, including, if necessary —*

- (a) to apprehend and detain the person to whom the direction applies (the relevant person) and take the relevant person to a place where the person is required to undergo medical observation, medical examination or medical treatment or to be vaccinated in accordance with the direction; and*
- (b) to detain the relevant person at the place where he or she is required to undergo medical observation, medical examination or medical treatment or to be vaccinated in accordance with the direction; and*
- (c) to restrain the relevant person —*
  - (i) to enable a medical observation, medical examination or medical treatment to be carried out; or*
  - ii) and to enable the relevant person to be vaccinated.”*

A1 The City cannot speak on behalf of individual Elected Members and their particular knowledge of provisions of the *Public Health Act 2016*.

### **J Kung, Edgewater:**

Re: *Item 6 – Minutes of the Annual General Meeting of Electors Held on 8 February 2022 – Motion No. 6.*

Q1 *In relation to the Edgewater Quarry Park site, has the Chief Executive Officer undertaken the required investigation to determine the presence and level of contamination of the site as required by the Department of Water and Environmental Regulation?*

A1 Consultants have been engaged and are in the process of doing the necessary investigations.

Q2 *If this investigation has taken place, when is a report on the findings anticipated?*

A2 The investigations have not been completed.

Q3 *If this investigation has not taken place, what reason/s are given for this?*

A3 See A1 & 2 above.

**M Kwok, Ocean Reef:**

Re: *Item 6 – Minutes of the Annual General Meeting of Electors Held on 8 February 2022.*

Q1 *It is stated in the report that the Weed management Plan is scheduled to be considered by Council in 2022-2023, this could mean any time between now to the end of December 2023 which is a further 20 months away.*

*Is it acceptable for a petition tabled in July 2021 to wait for potentially 2.5 years for a response?*

A1 The timing of a report back to Council for its consideration is dependent on the nature or substance of the petition. The response to Motion 7 of the AGM details the history of Council's decisions regarding the display of signage when undertaking chemical weed control noting that the substance of this petition was considered a number of times by Council and was ultimately not supported.

At its meeting on 15 March 2022 (CJ034-03/22 refers), Council was informed that the City is currently reviewing the Weed Management Plan which is scheduled to be considered by Council in 2022-23. The substance of the petition tabled at the July 2021 Council Meeting (C60-07/21) will be considered as part of this process.

Q2 *Do we have a rough idea when the Weed Management Plan will be ready for review?*

A2 At its meeting held on 15 March 2022 (CJ034-03/22 refers), Council was informed that the City is currently reviewing the Weed Management Plan which is scheduled to be considered by Council in 2022-23. Council will then determine if the draft Weed Management Plan will be released for public consultation.

Q3 *In relation to Motion 4 it states that Council:*

*“4.2 NOTES that the inclusion of other sensitive facilities will be considered as part of the City’s review of its Weed Management Plan.”*

*Since the City is waiting for review of Weed Management Plan to consider inclusion of other sensitive areas, does it mean Council resolution Part 4 to Report CJ184-12/21 using non-chemical weed management methods in sensitive areas will not be put out to tender until the Weed Management Plan has been reviewed?*

A3 No. Tender 018/22 for Non-Chemical Application for the Control of Weeds to Nominated Locations has been advertised.

Q4 *In relation to Motion 5 it states that the Electors of the City of Joondalup REQUESTS that Council on an annual basis in July and January advertise through social media platforms, community news and the City's website the following:*

- 1 *Pesticide Exclusion Register (no spray verge);*
- 2 *Pesticide Use Notification Register;*
- 3 *Pesticide Use Notification – Locations Map and Schedule.*

*The Officer's recommendation states:*

*"That Council SUPPORTS the City in advertising annually through social media platforms, community news and the City's website."*

*Since annual basis in July and January meant six monthly, does the officer's recommendation support the motion?*

A4 The Officer's recommendation supports advertising annually leaving the decision when best to advertise to the City as circumstances may change regarding the best time to advertise.

Re: *Item 7 – Response to Motions Carried at Special Electors' Meeting – 10 March 2022.*

Q5 *"the City of Joondalup does not play a role in public health policy". In this document <https://ww2.health.wa.gov.au/~media/Files/Corporate/general-documents/Public-Health-Act/public-health-planning/Public-Health-Planning-Guide.pdf>:*

- 1.1 *The Public Health Act 2016 recognises this shared responsibility and has embedded the requirement for public health planning (under Part 5 of the Public Health Act) at both a State Government and local government level.*
- 1.3 *In addition to the more traditional environmental health roles, local government are now required to initiate a range of other activities, programmes, assets and services, intended to protect and promote the health of communities on behalf of their ratepayers.*

*Has City of Joondalup fulfilled the requirement to initiate a range of other activities, programmes, assets and services, intended to protect and promote the health of communities on behalf of their ratepayers?*

A5 The requirement for the development of a dedicated public health plan is to occur within two years after the final stage of implementation of the *Public Health Act 2016* (the Act). Although the final stage of implementation of the Act is yet to occur, the City already has public health and community wellbeing as a focus within the *Joondalup 2022 Strategic Community Plan* and the proposed *2032 Strategic Community Plan* and in a number of informing strategies and activities.

While the City supports the health and wellbeing of our community, this does not include creating public health policy at State or Federal Government level which is the context in which the comment in the City's report is made.

**Ms J Walters, Sorrento:**

*Re: Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

*Q1 In your Preliminary Comments the City states:*

*Advocacy positions are carefully considered as part of the City’s strategic community planning processes, including consultation and aligned to the strategic intent of the City. As such it is not recommended the Council adopt an advocacy position regarding the issues raised at the Special Electors’ meeting.*

*In what way does advocating for Pro - Choice not align with the strategic intent of the City?*

*A1 Matters related to pro-choice were not raised as a strategic priority during the City’s comprehensive consultation on its proposed ten-year strategic community plan. Should the Council consider an advocacy position be prepared for community consultation, this is a matter that Council may determine.*

*Q2 Regarding the recommendation:*

*“That the Council agree for the City to write to the Premier and relevant State Government Ministers to convey the concerns of residents who attended the Special Electors’ meetings.”*

*Would the Councillors who do support Pro - Choice be prepared to add their comments and signatures to the proposed letter?*

*A2 The City cannot speak on behalf of individual Elected Members.*

**M O’Byrne, Kinross:**

*Re: Item 12 – Request for Additional Improvements – Wandina Park, Duncraig.*

*Q1 What reply does the City of Joondalup make to the locally held belief that the City itself contributed to the runoff problems at Wandina Park, when it cleared the original native vegetation in the lower part of the park for park maintenance?*

*A1 The City did not clear the original native vegetation in the lower part of the park for park maintenance. Aerial imagery of Wandina Park over the years shows the following:*

- 1965 - Part of what is now known as Wandina Park had already been cleared prior to urbanisation.*
- 1977 - Construction of new homes, and the formalisation of the park with a mixture of open areas and trees.*
- 2005 - Extra tree planting has taken place.*
- 2019 - Drainage installed with minimal impact to the park.*
- 2021 - The latest upgrade including further tree planting.*

Q2 *Why does the locally well-supported Friends' Group for Wandina Park, Duncraig have to be informally recognised rather than formally recognised, when it is the wish of the local community overall to have their Wandina Park Friends' Group formally recognised?*

A2 Friends' Groups vary from informal groups of a few people to more formal incorporated bodies with the desire to conserve and protect a natural area managed by the City of Joondalup. The level of involvement and type of activities undertaken by these volunteers depends upon the particular needs of the natural area, as well as the intentions and expertise of the overall group.

As stated in the Report, there is nothing stopping interested residents in getting together and undertaking informal activities such as weed and rubbish removal.

Re: *Item 6 – Minutes of the Annual General Meeting of Electors Held on 8 February 2022 – Motion 6.*

Q3 *Why were the costs associated with redeveloping the Edgewater Quarry as improved public open space not included in the community consultation?*

A3 The community consultation was based on the Edgewater Quarry Community Reference Group (EQCRG) preferred concept for a viable development outcome. The redevelopment of the Edgewater Quarry as a public open space was part of a previous project, which did not proceed to implementation.

Q4 *What indicators has the State Government given the City of Joondalup that the State Government is itself thinking of amending the management arrangements for the Edgewater Quarry?*

A4 The administration is not aware of any considerations by the State Government regarding the Edgewater Quarry at this time.

Re: *Item 6 – Minutes of the Annual General Meeting of Electors Held on 8 February 2022 – Motion 10.*

Q5 *Why has Motion 10 - that 'future Electors AGMs be held on a date and time that is set aside for this purpose' not been assigned a recommendation to be voted on by elected members?*

A5 The Officer's recommendation for Motion No. 10 can be found on page 61 and page 73 of the Briefing Session Agenda, and is as follows:

*“That Council NOTES the setting of the date and time for the Annual General Meeting of Electors is a matter to be determined by Council, in accordance with section 5.27 of the Local Government Act 1995.”*

**B Gould, Iluka:**

*Re: Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

*Q1 The council chamber and foyer was full at the Special Electors’ meeting. Can you advise how many listeners were tuning in to the live audio of the Special Electors’ meeting?*

A1 101 people listened to the live audio from the Special Electors’ meeting on 10 March 2022.

*Q2 How many times was the audio recording of the Special Electors’ meeting listened to?*

A2 The audio recording from the Special Electors’ meeting held on 10 March 2022 has been accessed 482 times.

*Q3 On what evidence can Council claim that the community “appears” to be accepting of the vaccination mandates, have you asked the community?*

A3 The City states that the majority of the community appears to be accepting of Covid-19 vaccinations, given the majority of the population has received vaccinations. The City also states that “there are a diverse range of views in the community in relation to the Covid-19 vaccine mandates”.

*Q4 How does a 95% vaccination rate demonstrate that the majority of the community appear to be accepting? Didn’t the mandates coerce people to take the vaccinations or lose their business / jobs / access to facilities?*

A4 A 95% vaccination rate indicates that a majority of people have accepted being vaccinated. The City is not aware of data that indicates the impact of mandates on individuals decisions on whether or not to get vaccinated.

*Q5 In what way does the City of Joondalup currently actively cooperate with other local governments across the State, the Western Australian Local Government Association (WALGA), Local Government Professionals WA, and other professional bodies, association and/or business entities in regard to COVID-19 requirements?*

A5 The City receives regular Covid-19 updates for local governments from WALGA.

The City’s Chief Executive Officer regularly meets with WALGA and other local government CEOs to discuss matters related to Covid-19.

**M McCallum, Hillarys:**

Re: *Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

Q1 *Since the City of Joondalup is following State Government health directions on mandatory vaccination policy is the City aware that over the last 17 days, there have been three deaths reported to the Therapeutic Goods Administration (TGA) in 5 to 11 year olds caused by an adverse reaction to the vaccine? A vaccine that you are endorsing for the community.*

- *Case No: 719838  
11 March - 7-year-old male – cardiac arrest, generalised tonic-clonic seizure.*
- *Case No: 724023  
25 March - 9-year-old female – cardiac arrest.*
- *Case No: 724925  
28 March - 6-year-old male - adverse event following immunisation.*

A1 The City is not aware of the specific examples given. The City understands that public health authorities monitor reports of suspected adverse reactions to COVID-19 vaccines.

Q2 *Is the City aware that according to Federal Government - Australian COVID-19 Vaccination Policy, the Australian Government strongly supports immunisation and will run a strong campaign to encourage vaccination, it is not mandatory and individuals may choose not to vaccinate?*

A2 Individuals may choose not to vaccinate The City is aware that proof of vaccination is required for employment in certain occupations and entry to certain premises

Q3 *Is the City aware that in the Commonwealth of Australia Constitution Act 1900; under section 109 inconsistency of laws: When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid?*

A3 Yes.

Q4 *How many employees in the City of Joondalup have been suspended without pay, terminated or left their jobs because they did not want to take the experimental vaccine?*

A4 Two people have had their employment with the City terminated and one employee is on leave without pay as they have not complied with vaccine requirements for their occupations.

Q5 *Does the City make reasonable workplace adjustments for a person offered employment, in order to perform genuine and reasonable requirements of the employment?*

A5 The City would consider a person’s capacity to fulfil the inherent requirements of a role when considering employment and whether reasonable adjustments can be made to the substantive role in order to accommodate a person to perform those inherent requirements.

**J Smith, Beldon:**

*Re: Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

*Q1 Is the Council aware of the criteria for initiating, sustaining and prolonging a State of Emergency and if so, what is that?*

A1 Yes. On 15 March 2020, Hon Francis Logan, Minister for Emergency Services, declared a State of Emergency in Western Australia due to the pandemic caused by Covid-19. The declaration was enabled through section 56 of the *Emergency Management Act 2005* (the Act). The criteria for declaring a State of Emergency is listed in section 56. The requirements for duration and extension of a State of Emergency declaration is listed in section 57 and 58 of the Act.

*Q2 If the Council is not aware of this criteria, then why not?*

A2 Refer A1.

*Q3 If the rules under the State of Emergency cause harm to residents what responsibilities does the Council have to address the causes of harm and support residents?*

A3 The question will be taken on notice.

*Q4 What avenues have the Council got at their disposal to survey the impacts that the mandate is having on all its residents to gauge the true impacts?*

A4 The City has conducted and participated in a range of surveys with its residential and business community over the last two years. This has included a Community Resilience Scorecard and partnered with organisations to undertake business surveys that have allowed the City to understand the impacts of the Covid pandemic on the economy. The City will continue to consult and survey the community on a range of issues. Details are available on the City’s website.

*Q5 The definition of discrimination is ‘the unjust or prejudicial treatment of different categories of people’ please can you advise how the Council can justify their support of rules and legislation where it discriminates against its residents?*

A5 Directions were introduced by the State Government to prevent the spread of Covid-19 and are part of law. The *Emergency Management Act 2005* states that a person (including the City of Joondalup), must comply with the Directions.

**M Moore, Edgewater:**

*Re: Item 4 – Local Planning Strategy Review.*

*Q1 Can the City please provide an indicative timetable for each of the five phases?*

*Q2 How many years will it be before a Scheme Amendment is initiated to implement the recommendations of the review?*



A1&2 Timeframes associated with the project will depend on the decision-making process followed for each phase and in some instances are beyond the City's control.

Community consultation associated with Phase 1 (Problem Definition and Scoping) is anticipated to be undertaken in the second half of 2022. The results of Phase 1 are anticipated to be presented to at the end of 2022 or early 2023.

The timeframes associated with Phases 2 to 4 depend on the scope of studies and range of issues confirmed through Phase 1, and are collectively estimated to take 18 months from Council endorsement of the scope of works associated with these phases.

Phase 5 (Statutory Approval) relates to any amendments to the local planning strategy and local planning scheme that may be required to implement outcomes of the review and will be initiated at the conclusion of Phase 4. The process for these amendments is set out in state regulations, including statutory public advertising and approval processes. The timeframe associated with the statutory approval component of the project may take up to 18 months depending on the level of complexity and decision-making processes by State Government.

Where appropriate, opportunities will be explored to undertake project processes in parallel to reduce overall timeframes.

Q3 *Will the existing coding of the Housing Opportunity Areas (HOAs) be reviewed and will down coding of some areas be possible?*

A3 The project will review the density coding of the HOAs, and all other residential areas of the City. This may result in recommendations for down coding of some areas, and conversely may result in recommendations for upcoding of some areas.

Q4 *Can the City please explain what constitutes "sustainable neighbourhoods" as part of Phase - Building sustainable neighbourhoods: liveability and diversity for future generations?*

Q5 *Can the City please explain what is meant by liveability and diversity as part of Phase - Building sustainable neighbourhoods: liveability and diversity for future generations?*

A4&5 Establishing a vision and objectives around sustainability, liveability and diversity will be a critical part of the project, and a key focus of community consultation undertaken in Phase 2: Aligned and Informed Understanding.

Community consultation to understand community values around housing and liveability alongside understanding of what State policy, in particular principles of Design WA, seeks to achieve will frame the development of a collective vision and objectives around the concepts of sustainable neighbourhoods, liveability and diversity and what they mean for housing across the City of Joondalup.

**M Blonk, Kingsley (on behalf of N Jamieson):**

*Re: Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

*Q1 The City holds considerable power and influence to pro-actively advocate on behalf of the vulnerable and at risk, and to encourage businesses in the City to adopt policy that reflects equitable access to services and resources.*

*What is the City pro-actively doing to promote equitable access to allied health and support services?*

**A1** The Chief Executive Officer advised that Council supports that no person should be discriminated against in accordance with the legal definition of discrimination. The City’s actions reflect that position including in relation to allied health care providers.

**G Boyland, Marmion:**

*Re: Item 6 – Minutes of the Annual General Meeting of Electors Held on 8 February 2022.*

*Q1 Please advise if the City has considered utilising traffic modelling for traffic flow and to identify potential congestion points in areas of high-density housing that are expected to be generated in the community over the next decade, in particular in the Housing Opportunity Area (HOA) in Duncraig?*

**A1** The Director Planning and Community Development advised the City’s proposed Local Planning Strategy review that is on tonight’s agenda will consider all the City’s housing areas and will include HOAs and as part of that review, it would be anticipated that traffic analysis and traffic modelling would be undertaken to understand potential impacts for any changes to densities.

*Q2 How will the City combat the influx of people in HOAs and address issues such as the provision of green spaces, improved community amenity, upgrades to street lighting and streetscaping, sufficient road and path infrastructure?*

**A2** The Director Planning and Community Development advised the first phase of the Local Planning Strategy Review project is to focus on the housing component of the project and the first task within the component is to undertake a Housing Needs Analysis. This analysis would identify through consultation values and needs in the community, not just around housing but the requirements in the neighbourhoods to support housing.

The Director Planning and Community Development explained in addition to the needs analysis, the City is intending to undertake a technical analysis relating to housing supply and demand.

**N Mehra, Duncraig:**

*Re: Item 6 – Minutes of the Annual General Meeting of Electors Held on 8 February 2022.*

*Q1 Please advise once the Medium Density Code comes into existence, how does the City plan to protect the community amenity in HOAs that were not planned or built for high density living?*

- A1 The Director Planning and Community Development advised the relationship between the Medium Density Code that the State is proposing and the City's existing Development Opportunity Areas Local Planning Policy is such that there will be transition period of 12 months, during which the City will be required to undertake an audit of its local planning policy and identify what provisions are important to be retained and seek Western Australian Planning Commission approval to keep these.
- Q2 *There was a unanimous decision to down code Housing Opportunity Areas to R30, with subsequent surveys supporting the down coding. What will it take for Council to honour this decision?*
- A2 The Director Planning and Community Development advised Council initiated the Scheme Amendments 88 and 92 for District Planning Scheme No. 2 in 2017 that was advertised at the time and the consultation outcome considered by Council, it was decided that Council did not support proceeding with the amendments at that stage, the scheme amendment process for those two amendments has come to a conclusion.

### **C Weatherley, Mullaloo:**

- Re: *Item 7 – Response to Motions Carried at Special Electors' Meeting – 10 March 2022.*
- Q1 *Can you please clarify Mr CEO your thoughts on the discrimination that is being experienced in the community due to the Covid mandates?*
- A1 The Chief Executive Officer said that his thoughts on questions are not relevant. What is relevant is the City's policy position which is long held and that is the City does not support discrimination in accordance with the legal definition.

### **M Moore, Edgewater:**

- Re: *Item 4 – Local Planning Strategy Review.*
- Q1 *In relation to the Local Planning Strategy Review, why isn't the first phase of the project focused on what type of City the community wants to live in?*
- A1 The Director Planning and Community Development advised that the first phase of the Local Planning Strategy Review is the housing component, and this has been based on direction received by Council in May 2021.
- The Director Planning and Community Development explained the first task involved with the housing review is to undertake problem definition and scoping, which will be part of eliciting what the community values and needs to inform the project going forward, further engagement will be undertaken with the community to identify the type of community they would like to live in as part of this project.
- Q2 *Can it be explained how the City is going to address building communities in the Local Planning Strategy Review?*
- A2 The Director Planning and Community Development advised that the City is undertaking a broader holistic review of its entire Local Planning Strategy, not just a housing review and not just a review of existing HOAs.

The Director Planning and Community Development explained as part of the review there are two subprojects that consider other matters and go into the planning for communities such as the provision for commercial centres and public open spaces, transport networks and heritage aspects to name a few. It was added through this broader holistic review of the Planning Strategy the City will be providing communities that are more than about housing and density.

**M O'Byrne, Kinross:**

*Re: Item 6 – Minutes of the Annual General Meeting of Electors Held on 8 February 2022.*

*Q1 Has the City approached the State Government in relation to amending the Management Orders for Edgewater Quarry Park?*

A1 The Director Corporate Services responded at this stage the City has not made a formal approach to the State Government to amend the management orders for the Edgewater Quarry site.

**M Kwok, Ocean Reef:**

*Re: Item 6 – Minutes of the Annual General Meeting of Electors Held on 8 February 2022.*

*Q1 Can the City please explain what the tender process for Tender 018/22 for Non-Chemical Application for the Control of Weeds to Nominated Locations?*

A1 The Director Infrastructure Services advised the City has advertised Tender 018/22, through the usual tender process the City follows, this includes; public advertising of the tender, access of the tender documents for respondents, tenders required to be received by the prescribed date and the City's tender evaluation process.

*Q2 Can the City please advise what stage of the process Tender 018/22 is currently?*

A2 The Director Infrastructure Services advised the Tender 018/22 has been advertised, and the City is waiting on submissions to be received and the close of the tender at which time submissions will be evaluated.

## **PUBLIC STATEMENT TIME**

**The following summarised statements were submitted to the Briefing Session held on Tuesday 12 April 2022.**

**A Boylan, Duncraig:**

*Re: Item 7 – Response to Motions Carried at Special Electors' Meeting – 10 March 2022.*

Mrs Boylan a long-term resident of the City of Joondalup explained how the Covid mandates are affecting her family and serious consideration is being taken on moving outer state and leaving family and friends, to avoid the needless discrimination brought about by the mandates.

Mrs Boylan advised that her children aged 16 and 10 years of age are discriminated on a daily basis; by being refused; entry to cafés and cinemas, work opportunities, university admission, and all this segregation and discrimination has taken a toll on her family and their mental health.

Mrs Boylan asked how parents can teach their children that everyone is equal and that they should not discriminate against others, when the government is discriminating against the unvaccinated.

Mrs Boylan urged Council to end this discrimination, as our society and especially our children are suffering from the affect from these Covid mandates.

**T Schaafsma, Iluka:**

*Re: Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

Mr Schaafsma advised that section 51, 23 (a) of the *Australian Constitution Act 1901* (Constitution) provides medical protection and supports peace, order and good government, in respect to medical and dental services so not to impose any civil prescription.

Mr Schaafsma explains that section 51, 23 (a) of the Constitution is reinforced by the High Court where case law has supported that the government cannot provide a legal or practical compulsion for anyone to accept any medical procedure, it is required to be voluntary, and consent cannot be forced.

Mr Schaafsma went on to say the provisions of the Western Australian *Public Health Act 2016* and the consequential mandates need to be challenged, as they are invalid and contrary to section 109 of the Constitution, where it states that; “*When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be valid.*”

**B Hewitt, Edgewater:**

*Re: Item 4 – Local Planning Strategy Review.*

Ms Hewitt spoke on behalf of the Edgewater Community Residents’ Association, advising that the Planning Strategy Review does not address many of the key issues that the community have been asking to be rectified since amendment 73 of the Local Planning Scheme No. 2 was initiated.

These issues include:

- there is no specific mention of the Housing Opportunity Areas (HOAs) being laid aside and not retaining the present level of coding
- there is no firm timeline or end date to the review
- there is no tangible progress to date
- the medium density codes will exacerbate the issue of HOAs
- there is no explanation of building sustainable neighbourhoods.

**P Gould, Iluka:**

*Re: Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

Ms Gould spoke in support of the motions carried at the Special Electors’ Meeting and encouraged Council to interact and listen to the community to get an understanding of the views of their electors on the Covid-19 mandates.

Ms Gould advised she had interviewed several business owners and community members, a lot of whom did not know who their Councillors were and who were not receiving support in relation to the effects of the Covid mandates. Ms Gould advised the comments made at the end of the survey were informative and offered to provide these comments to Councillors.

Ms Gould advised as an unvaccinated therapist she was no longer able to visit clients and when she did take the vaccine, she did not freely consent to the injection. It was added, the only reason that she become vaccinated was to continue with her studies and to work and support her family.

**M Blonk, Kingsley (on behalf of N Jamieson):**

*Re: Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

Ms Blonk spoke on behalf of Ms N Jamieson who advised her seven-year-old son had an extreme rare neurodegenerative genetic condition Cockayne syndrome, with the average age of death being eight years old.

Ms Blonk, on behalf of Ms Jamieson, explained the difficulty the current mandate and hospital restrictions are having on her family and how having to decide to send her child to the hospital where he can be in comfort to die alone or to keep him at home to die in pain without medical intervention surrounded by his loved ones was extremely difficult.

Ms Blonk, on behalf of Ms Jamieson, requested Council to please advocate for the families of children with disabilities and terminal medical conditions to influence the removal of the Covid mandates and restrictions.

**J Hope, Beldon:**

*Re: Item 7 – Response to Motions Carried at Special Electors’ Meeting – 10 March 2022.*

Ms Hope spoke in support of the motions carried at the Special Electors’ Meeting and questioned the City’s process of submitting questions to City of Joondalup public meetings and the discretion of the Mayor on determining which questions were to be allowed.

Ms Hope stated that the requirement of City buildings requiring proof of vaccinations to enter is discriminatory and segregates the community. Ms Hope commented that having to provide personal medical information was inappropriate as the information was private.

**G Boyland, Marmion:**

*Re: Item 3 - Outdoor Youth Recreation Facilities - Percy Doyle Reserve.*

Mr Boyland spoke in support of the outdoor youth recreation facilities at Percy Doyle Reserve and commended Council on moving forward with the proposal to fund the concept design and technical analysis for the facilities.

Mr Boyland advised the City to look at alternative measures to costly CCTV and lighting as an anti-social behaviour deterrent which leads to a false sense of security and does not prevent anti-social behaviour.

Mr Boyland suggested that an alternative would be to make the area family orientated with seating, shelters, and children's' playgrounds which would attract more people to the facilities making it a highly visible and well patronised area therefore it would be extremely unlikely that anti-social behaviour would occur.

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Leave of Absence Previously Approved**

Cr Tom McLean                      14 to 20 July 2022 inclusive.

## REPORTS

### ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS - MARCH 2022

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Chris Leigh<br>Planning and Community Development  |
| <b>FILE NUMBERS</b>           | 07032, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1 Monthly Development Applications Determined – March 2022<br>Attachment 2 Monthly Subdivision Applications Processed – March 2022   |
| <b>AUTHORITY / DISCRETION</b> | Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’) |

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority during March 2022.

#### 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 March 2022 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during March 2022 (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 March 2022 is shown in the table below:

| Type of subdivision referral    | Number of referrals | Potential additional new lots |
|---------------------------------|---------------------|-------------------------------|
| Subdivision applications        | 5                   | 5                             |
| Strata subdivision applications | 6                   | 9                             |
| <b>TOTAL</b>                    | <b>11</b>           | <b>14</b>                     |

Of the subdivision referrals, seven were to subdivide in housing opportunity areas, with the potential for 10 additional lots.

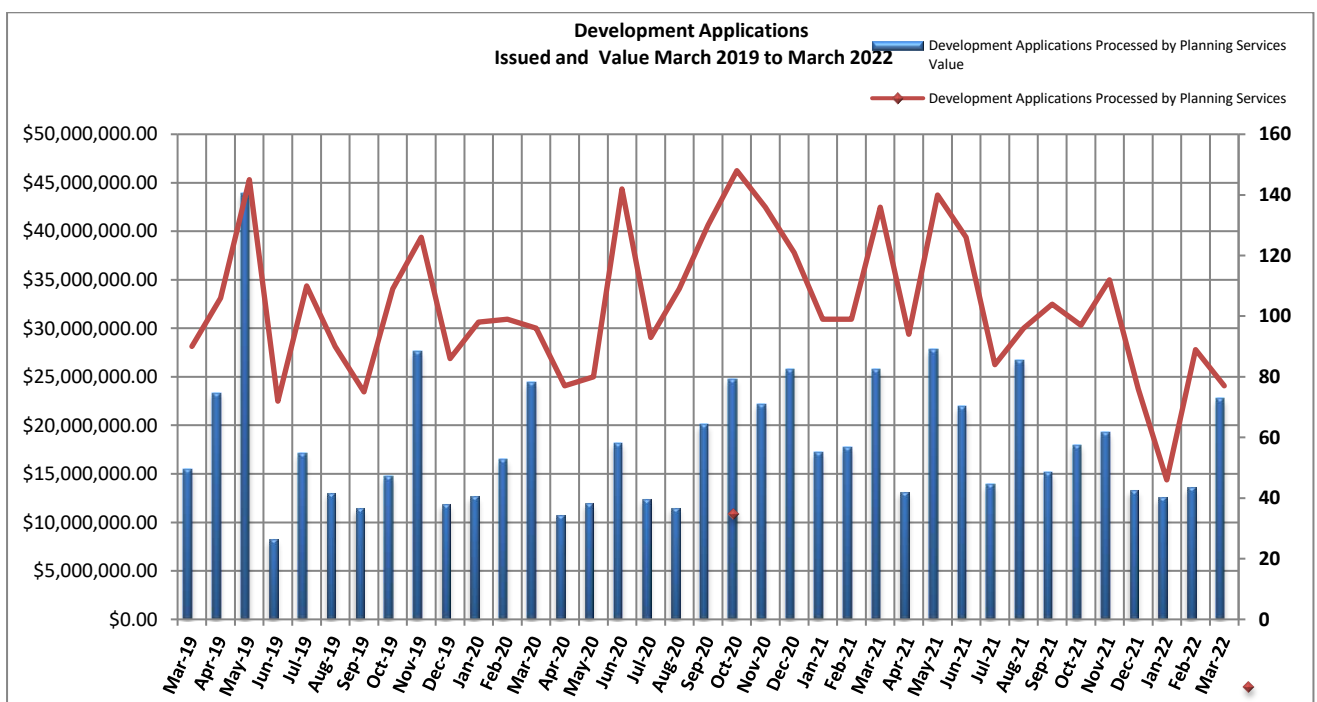
Development applications

The number of development applications determined under delegated authority during March 2022 is shown in the table below:

|   | Number | Value (\$)   |
|---|--------|--------------|
| Development applications processed by Planning Services | 77     | \$22,777,172 |

Of the 77 development applications, 15 were for new dwelling developments in housing opportunity areas, proposing a total of 22 additional dwellings.

The total number and value of development applications determined between March 2019 and March 2022 is illustrated in the graph below:



The number of development applications received during March 2022 was 103.

The number of development applications current at the end of March was 234. Of these, 39 were pending further information from applicants and 17 were being advertised for public comment.

In addition to the above, 280 building permits were issued during the month of March with an estimated construction value of \$32,996,548.

### **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 77 development applications were determined for the month of March with a total amount of \$64,856.60 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 March 2022;**
- 2 subdivision applications described in Attachment 2 to this Report during March 2022.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf220510.pdf](#)

## ITEM 2 **PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 - TOURISM AND HOSPITALITY LAND USE PERMISSIBILITY CHANGES**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Chris Leigh<br>Planning and Community Development                              |
| <b>FILE NUMBERS</b>           | 45001, 101515   |
| <b>ATTACHMENTS</b>            | Nil   |
| <b>AUTHORITY / DISCRETION</b> | Legislative - includes the adoption of local laws, planning schemes and policies. |

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### **PURPOSE**

For Council to consider a proposed amendment to *Local Planning Scheme No. 3* (LPS3) to amend the permissibility of certain land uses in the 'Commercial' zone throughout the local government area and in the 'City Centre' precinct of the *Joondalup Activity Centre Plan*.

### **EXECUTIVE SUMMARY**

At its meeting held on held on 16 October 2018 (CJ170-10/18 refers), Council considered a report on the stimulation of hospitality and tourism ventures within the City, which outlined the hospitality and tourism related initiatives being undertaken by the City and presented a number of recommendations to further stimulate hospitality and tourism ventures. This included the investigation of additional development and land uses that could be made exempt from requiring development (planning) approval.

As the City was undertaking research following Council's decision in October 2018, the State Government began progressing reforms to the broader planning system that would have a direct impact on the work the City had commenced. The reforms progressed by the State Government came into effect on 15 February 2021 as amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

The amendments include, among other things, additional land uses that are exempt from requiring development approval. This has influenced the direction of the work the City has been progressing and in particular the proposed scheme amendment the subject of this report as some of the land uses originally envisaged to be included in the amendment no longer need to be included as the changes to the LPS Regulations have already made the land uses exempt (subject to conditions).

The amendment to LPS3 proposes to amend the land use permissibility of 'Cinema/Theatre' from a 'D' (discretionary) land use to a 'P' (permitted) land use in the 'Commercial' zone and change the land use permissibility of 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' from a 'D' (discretionary) land use to a 'P' (permitted) land use in the 'City Centre' precinct of the *Joondalup Activity Centre Plan*.

The proposed land use permissibility changes are consistent with the objectives of the zones to which they relate. It is therefore recommended that Council prepares the amendment to LPS3 for the purposes of public advertising for a period of 42 days.

## **BACKGROUND**

### Council resolution

In response to a Notice of Motion, Council at its meeting held on 12 December 2017 (C96-12/17 refers), resolved in part, as follows:

*That Council REQUESTS the Chief Executive Officer to prepare a report that examines initiatives which can stimulate opportunities and employment in hospitality and tourism ventures within the City of Joondalup, with the examination of measures including, but not limited to:*

- 4 *investigating opportunities for greater City discretion to approve uses within Commercial and Industrial zones within the City of Joondalup, particularly for proponent initiatives which may have tourism potential.*

In response to the Council resolution, a report was presented to Council at its meeting held on 16 October 2018 (CJ170-10/18 refers) which outlined the hospitality and tourism related initiatives currently being undertaken by the City and discussed a number of potential actions and initiatives to encourage economic development and tourism in the City of Joondalup.

Council at its meeting held on 16 October 2018 (CJ170-10/18 refers) resolved, in part, as follows:

- 3 *REQUESTS the Chief Executive Officer to investigate what additional types of development could be exempt from needing planning approval, with a subsequent report to be presented to Council seeking to initiate an amendment to Local Planning Scheme No. 3 to give effect to the exemptions;*

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

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) require development approval for all development (works and/or land use) unless explicitly exempted under those Regulations.

As part of the State Government's reform of the planning system, amendments to the LPS Regulations came into effect in February 2021, which include additional land uses that are exempt from requiring development approval. This has influenced the direction of the scheme amendment as some of the land uses originally intended to be included in the amendment no longer need to be.

Prior to the amendments to the LPS Regulations, the following were exempt from requiring development approval:

- Internal building works.
- A single house that complies with the R-Codes and local planning policies.
- Demolition of a single house.
- Temporary development.
- Development exempted under a local planning policy.
- Permitted ('P') land uses where there is no works component (no physical building works).
- Operating a Home Office.

In addition to the exemptions provided for by the LPS Regulations, local governments can include further exemptions in their own local planning schemes (with approval from the Minister for Planning), or in local planning policies. The above exemptions have been expanded under the amended LPS Regulations.

Of the land uses identified in the previous report presented to Council as potentially suitable to be exempt from the need for development approval, the following discretionary ('D') land uses are now exempt in the revised LPS Regulations (subject to specific conditions) where there is no works component:

- 'Restaurant/cafe' up to 300m<sup>2</sup> in the 'Commercial', 'Centre', or 'Mixed Use' zone.
- 'Recreation – Private' up to 300m<sup>2</sup> in the 'Commercial', 'Centre', 'Mixed Use' or 'Light industry' zone with no more than 60% obscured glass area on the ground floor.

The above means that, provided the conditions for exemption are met, a 'Restaurant/café' is now exempt from development approval in the 'Mixed Use' zone as it is currently a 'D' use. This land use is already 'P' (permitted) in the 'Commercial' and 'Centre' zones and therefore already capable of being exempt from development approval.

'Recreation – private' is also now exempt in the 'Commercial', 'Mixed Use' and 'Centre' zones which includes the *Joondalup Activity Centre Plan* and the *Whitfords Activity Centre Plan*.

It should be noted that the exemption relates to the land use only. New buildings or changes in land use that also includes external works such as additions or increases in floorspace will still require a development approval for the works component associated with the development.

## DETAILS

While the LPS Regulations now exempt the land uses 'Restaurant/café and 'Recreation – private', the land uses of 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' are still relevant for consideration for exemption as these land uses are identified in earlier reporting to Council.

The scheme amendment proposes to:

- change the land use permissibility in Table 3 Zoning Table of 'Cinema/Theatre' from a 'D' (discretionary) land use to a 'P' (permitted) land use in the 'Commercial' zone
- change the land use permissibility in Table 3b Joondalup Activity Centre Zoning Table of 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' from a 'D' (discretionary) land use to a 'P' (permitted) land use in the 'City Centre' zone.

It is noted that the exemption only applies to the land use, it does not apply to any works associated with that land use. Therefore, an application for development approval would still be required to build a new 'Cinema/Theatre' in the 'Commercial' zone or build a new 'Medical Centre' in the 'City Centre' precinct.

It is considered that the proposed scheme amendment will assist hospitality and tourism ventures in the City as it will remove the need of applying for development approval for a change of use for those land uses, potentially resulting in time and cost savings for businesses. The proposed scheme amendment may also reduce the number of overall development applications received by the City, thereby allowing other applications to be processed more quickly.

The proposed changes to land use permissibility are considered appropriate as those land uses align with the objectives of the zone and are not likely to have significant amenity impacts on surrounding properties.

### Issues and options considered

The options available to Council in considering the proposed scheme amendment are to:

- prepare the amendment to the local planning scheme without modification
- prepare the amendment to the local planning scheme with modifications  
or
- not prepare the amendment to the local planning scheme.

### Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Planning and Development Act 2005.*  
    *Planning and Development (Local Planning Schemes)*  
    *Regulations 2015.*

### Strategic Community Plan

**Key theme**                              Quality Urban Environment.

**Objective**                              City Centre development.

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

**Objective**                              Activity Centre development.

**Strategic initiative**              Promote the primacy of the Joondalup City Centre in the application of the Activity Centres Hierarchy.

**Policy**                                      Not applicable.

### *Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015*

Part 5 of the *Planning and Development Act 2005*, along with the LPS Regulations, enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. The proposed amendment is considered to be a standard amendment under the LPS Regulations as it is consistent with the objectives of the 'Commercial' zone and the 'City Centre' precinct.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is necessary. Should the EPA decide that an environmental review is not required, and notifies the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received and decide whether to support the amendment, with or without modifications, or not support the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

### Local Planning Scheme No. 3

The following extract of Table 2 of LPS3 sets out the objectives of the 'Commercial' zone.

**Table 2 Zone Objectives**

|            |   |
|------------|---|
| Commercial | <ul style="list-style-type: none"> <li>• To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.</li> <li>• To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or improve the existing streetscape.</li> <li>• To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</li> </ul> |
|------------|---|

### Joondalup Activity Centre Plan

The following extract of the *Joondalup Activity Centre Plan* sets out the objectives of the City Centre precinct.

#### *“1.5.1.1. City Centre Objectives:*

- a) *Encourage the highest intensity of mixed use development and the greatest concentration of employment intensive land uses.*
- b) *Support mixed-use development along Joondalup Drive and Grand Boulevard to form intense inner-city development corridors.*
- c) *Establish the Joondalup Drive/Grand Boulevard and Shenton Avenue/Grand Boulevard intersections as the primary gateways into the city centre.*
- d) *Improve connectivity from Joondalup Train/Bus Stations to surrounding precincts.*
- e) *Establish a local mobility hub at Collier Pass city square to improve connectivity between Joondalup Train Station and other precincts within the JAC.*
- f) *Establish a series of interconnected, function and unique square that form part of an integrated pedestrian network.*
- g) *Provide car parking in negotiation with Lakeside Shopping Centre as the major trip generator in the City Centre.*
- h) *Reinforce Central Walk (north-south) and Boas Avenue (east-west) as the primary pedestrian spines by activating buildings at ground floor uses.*
- i) *Encourage the amalgamation of smaller lots into larger parcels to optimise redevelopment potential.”*

### **Risk management considerations**

If less applications for development approval are received, there is a risk that the City will receive less revenue through application fees, however with applications for change of use, the administrative cost of processing the application often outweighs the fee payable.



**Financial / budget implications**

As the proponent, the City will cover any costs associated with the proposed scheme amendment, which includes the cost of publishing a notice in the local newspaper, and the Government *Gazette* in the event that the proposal is approved by the Minister for Planning. The costs are estimated to be \$1,000.

**Regional significance**

Not applicable.

**Sustainability implications**

The proposed land use permissibility changes could facilitate business investment in these industries which creates local employment opportunities and contributes to local economic growth.

**Consultation**

Should Council agree to initiate the proposed scheme amendment, advertising is required for 42 days. In accordance with the LPS Regulations and the City's *Planning Consultation Local Planning Policy*, it is proposed that advertising would be undertaken as follows:

- a notice published in the local newspaper
- a notice and documents placed on the City's website
- letters to relevant service authorities.

**COMMENT**

The amendment to change the land use permissibility of 'Cinema/Theatre' from 'D' to 'P' in the 'Commercial' zone of LPS3 and 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' from 'D' to 'P' in the 'City Centre' precinct of the *Joondalup Activity Centre Plan* is considered appropriate as those land uses align with the objectives of those zones and are considered suitable for those zones.

It is therefore recommended that Council agrees to prepare the proposed amendment to LPS3 for the purpose of public advertising.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 in accordance with section 75 of the *Planning and Development Act 2005* and Regulation 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PREPARE the amendment to the City of Joondalup *Local Planning Scheme No. 3* to:
  - 1.1 change the land use permissibility of 'Cinema/Theatre' in the 'Commercial' zone in Table 3 Zoning Table of from 'D' to 'P';
  - 1.2 change the land use permissibility of 'Cinema/Theatre', 'Medical Centre' and 'Reception Centre' in the 'City Centre' precinct of Table 3b Joondalup Activity Centre Zoning Table of from 'D' to 'P';and proceed to advertise the amendment for a period of 42 days;
- 2 in accordance with Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* DETERMINES that the scheme amendment is a standard amendment as the proposed land use permissibility changes are consistent with the objectives of the zones to which they relate.

## ITEM 3 **PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 - LOT 15 (21) SHEPPARD WAY, MARMION**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | South-West  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Chris Leigh<br>Planning and Community Development  |
| <b>FILE NUMBERS</b>           | 33662, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1 Sheppard Way Structure Plan<br>Attachment 2 Location Plan<br>Attachment 3 Applicant's Scheme Amendment Report<br>Attachment 4 Scheme Amendment Map<br>Attachment 5 Concept Plans |
| <b>AUTHORITY / DISCRETION</b> | Legislative - includes the adoption of local laws, planning schemes and policies.   |

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### PURPOSE

For Council to consider a proposal to amend the City of Joondalup *Local Planning Scheme No. 3* (LPS3) to change the density coding of Lot 15 (21) Sheppard Way, Marmion, from R40 to 'uncoded'.

### EXECUTIVE SUMMARY

The City has received an application for an amendment to LPS3, on behalf of the owners of Lot 15 (21) Sheppard Way, Marmion.

The land is zoned 'Mixed Use' under LPS3 with an allocated residential density code of R40 and is located within the *Sheppard Way Structure Plan* area (Attachment 1 refers). The site was previously a service station and is currently occupied by a commercial dry-cleaning business.

The amendment proposes to remove the R40 residential density coding of the lot. 'Uncoding' the land will mean that clause 26 of LPS3 will apply to the site.

Clause 26 was included in LPS3 following recommendations in the City's *Local Planning Strategy* and *Local Housing Strategy* and sets out that lots with a land area of 1,000m<sup>2</sup> or more within the 'Mixed Use' or 'Commercial' zone have an applicable density code of R80. Lots in the 'Mixed Use' or 'Commercial' zone that are less than 1,000m<sup>2</sup> in size have an applicable density code of R40.

Most 'Mixed Use' or 'Commercial' zoned sites throughout the City are 'uncoded' with clause 26 guiding the applicable residential density coding.

Lot 15 (21) Sheppard Way, Marmion, has a land area of 1,128m<sup>2</sup> and therefore a residential density code of R80 would apply if the land is 'uncoded'.

The site adjoins the Marmion Village Shopping Centre which is zoned 'Commercial' and is 'uncoded', and therefore a density code of R80 applies to the site (as the site is over 1,000m<sup>2</sup>). Given this and the 'Mixed Use' zone applicable to the subject site, it is appropriate that consideration be given to 'uncoding' the site to allow for development at a higher density, aligning with the intent of the City of Joondalup's *Local Planning Strategy* and LPS3.

An amendment to 'uncode' the site was previously considered by Council at its meeting held on 19 November 2019 (CJ142-11/19 refers). Council resolved to not support the amendment at that time.

The scheme amendment currently proposed is considered a standard amendment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) as the amendment is consistent with the *Local Planning Strategy*.

In accordance with the LPS Regulations, if an amendment to the planning scheme affects the area to which a structure plan relates, the amendment must include a statement that outlines whether the structure plan is to be revoked, amended, or is not affected when the amendment takes effect. In the instance, if the proposed amendment to LPS3 is approved by the Minister for Planning, it is proposed that the *Sheppard Way Structure Plan* be revoked.

It is recommended that Council adopts the proposed amendment to LPS3 for the purposes of public advertising.

## BACKGROUND

|                        |   |
|------------------------|---|
| <b>Suburb/Location</b> | Lot 15 (21) Sheppard Way, Marmion.            |
| <b>Applicant</b>       | Peter D Webb and Associates.                  |
| <b>Owner</b>           | Mr E. Marra, Mr D Beardmore, Mrs L Beardmore. |
| <b>Zoning</b>          | <b>LPS</b> Mixed Use.                         |
|                        | <b>MRS</b> Urban.                             |
| <b>Site area</b>       | 1,128m <sup>2</sup>                           |
| <b>Structure plan</b>  | <i>Sheppard Way Structure Plan</i> .          |

Lot 15 (21) Sheppard Way, Marmion, is zoned 'Mixed Use' with a residential density code of R40 under LPS3. The site is located in the *Sheppard Way Structure Plan* (Attachment 1 refers), an area that is bound by Sheppard Way to the north, residential properties that have frontage to Whiley Road to the east and Marmion Village Shopping Centre to the west and south (Attachment 2 refers).

The building on site, formerly a service station, currently operates as a commercial dry-cleaning business. The site itself is bound by two-storey dwellings to the east and the carpark of the Marmion Village Shopping Centre to the west and south. The wider surrounding area is characterised predominately by single dwellings.

Council adopted the *Sheppard Way Structure Plan* at its meeting held on 19 September 2006 (CJ163-09/06). The structure plan encompasses Lot 4 (25) Sheppard Way and Lot 1 (23) Whiley Road, Marmion, and was to facilitate a medium density mixed-use development. The corresponding scheme amendment at that time (Amendment No. 33) to *District Planning Scheme No. 2* (DPS2) rezoned the land from 'Commercial' with a residential density code of R20 to 'Mixed Use' with a residential density code of R40.

The two lots were amalgamated and subsequently subdivided into five new lots, comprising of four vacant lots ranging in size from 216m<sup>2</sup> to 231m<sup>2</sup> fronting Whiley Road and one larger lot (the subject lot). The four smaller lots were developed as two-storey dwellings, with the remaining lot operating as the dry-cleaning business and is the subject of this amendment.

### Former District Planning Scheme No. 2 / Local Planning Scheme No. 3

In accordance with *State Planning Policy 4.2 – Activity Centres for Perth and Peel* (SPP4.2) and recommendations in both the City's *Local Planning Strategy* and *Local Housing Strategy* aimed at encouraging residential development within centres in order to provide greater housing choice, former DPS2 removed residential density codes from the majority of 'Commercial' and 'Mixed Use' sites, with the exception of those where a structure plan already applied.

A clause in (the now former) DPS2 then allocated a residential density code to the land based on the size of the lot which stated:

*“Unless a density code is specified on the Scheme Map, for lots with a land area of less than 1,000m<sup>2</sup> within the Commercial, Business or Mixed-Use zone on the Scheme Map the applicable density code is R40.*

*Unless a density code is specified on the Scheme Map, for lots with a land area of 1,000m<sup>2</sup> or more within the Commercial, Business or Mixed-Use zone on the Scheme Map the applicable density code is R80.”*

On 23 October 2018, LPS3 was gazetted and includes the previous DPS2 provisions (now clause 26(1) and (2) in LPS3), slightly modified to remove reference to the 'Business' zone as that zone no longer exists in LPS3.

As the subject site currently has a specified density code of R40 on the scheme map, clause 26 of LPS3 does not automatically apply to the site. The applicant therefore seeks to uncode the land to enable clause 26(2) of LPS3 to apply which in effect will mean the site has a residential density code of R80.

### Previous scheme amendment application

At its meeting held on 19 November 2019 (CJ142-11/19 refers), Council considered the same amendment to 'uncode' the site. Council resolved not to support the scheme amendment for the following reasons:

- 1 *The dwellings on the immediately adjoining lots have been developed to the R40 residential code and consequently, there is a potential for negative impact on the amenity of these properties by virtue of the possibility of a four-storey development on Lot 15 (21) Sheppard Way, Marmion;*
- 2 *Lot 15 (21) Sheppard Way, Marmion is not located near a train station and is not located on a high frequency bus route. As such, there are more suitably located sites for infill development in the City of Joondalup;*
- 3 *Marmion Village shopping centre is designated a neighbourhood centre under the City's Local Planning Strategy, however, the addition of a small number of additional dwellings that could potentially be developed as a result of the proposed scheme amendment will not provide any significant additional economic benefits to the shopping centre.*

## DETAILS

An application has been received from Peter D Webb and Associates (planning consultant) on behalf of the owners of the land to amend LPS3 to recode Lot 15 (21) Sheppard Way, Marmion, from 'R40' to 'uncoded' (Attachments 3 refers). In doing so, clause 26 of LPS3 will apply which will result in the site having a residential density code of R80. The zoning of the land would remain as 'Mixed Use' (Attachment 4 refers).

### Applicant's submission

The applicant's justification in support of the scheme amendment is summarised as follows:

- The proposal is in accordance with the relevant state and local planning frameworks.
- The subject site is well-located adjacent to an existing Neighbourhood Shopping Centre (Marmion Village Shopping Centre).
- The subject site is in excess of 1,000m<sup>2</sup> in area and is orientated north-south which will ensure no detrimental effects of overshadowing on residential properties.
- The proposal is consistent with the *City of Joondalup Local Planning Strategy and Local Housing Strategy*.

The previous amendment proposal included a concept plan prepared by the applicant showing the possible future development of the site. The applicant has prepared a new concept plan for this proposal (Attachment 5 refers). While the concept is attached for reference, it is relevant to note that this is indicative only and just one possible way in which the site could be developed and should not be construed as what is necessarily intended to be developed on the site.

### Revocation of Sheppard Way Structure Plan

Clause 35A of the LPS Regulations requires that where an amendment to a local planning scheme affects the area to which a structure plan relates, the amendment must include a statement that when the amendment takes effect the structure plan is either to be revoked, amended or not affected.

At the time of approval, structure plans were considered part of the planning scheme, however the LPS Regulations now only require that due regard be given to structure plans, effectively providing a guide for development only. In addition, the introduction of various local planning policies and state planning policies have made the provisions of the structure plan outdated.

The City's *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, *State Planning Policy 7.3 Residential Design Codes (R-Codes)* and the City's *Residential Development Local Planning Policy* are considered to provide a comprehensive suite of contemporary provisions for future development of the site.

### **Issues and options considered**

The subject site adjoins Marmion Village Shopping Centre, which is classified as a Neighbourhood Centre under the City of Joondalup *Local Commercial Strategy*. The City of Joondalup *Local Planning Strategy* also contains strategic recommendations for housing, which include:

- promote compact residential development close to activity centres
- encourage diversity of housing in terms of lot sizes and housing types to reflect changing demographics.

Clause 26(2) of LPS3 is one of the implementation mechanisms for the above recommendations by allowing a residential density of R80 on lots 1,000m<sup>2</sup> or greater in size in the 'Commercial' and 'Mixed Use' zones where a density code is not otherwise specified.

The existing R40 coding for the site was adopted over 12 years ago and the strategic planning and legislative context has changed since then via the State Government's *Directions 2031* and *Perth and Peel @3.5 Million* suite of documents and SPP4.2; and the City of Joondalup's *Local Planning Strategy* and *Local Housing Strategy*. Given this, a higher density coding than the existing R40 coding is appropriate for consideration.

This consideration should not be viewed as an ad hoc amendment, the likes of which the City does not ordinarily support. Rather, given the subject site is part of the neighbourhood centre, and the proposal is consistent with the intent of the City's *Local Planning Strategy* and *Local Housing Strategy* to allow a density code of R80 for lots zoned 'Mixed-Use' with a land area of 1,000m<sup>2</sup> or more, it is considered to be an adjustment of a coding anomaly for the site.

It is however acknowledged that the subject site adjoins existing residential properties developed at two storeys under a R40 density code. As such, conditions are proposed to accompany the scheme amendment in order to minimise potential amenity impacts of subsequent development on adjoining residents.

### Sheppard Way Structure Plan

#### *Residential requirements*

The *Sheppard Way Structure Plan* currently applies to all development within the structure plan area. The structure plan states that all residential development is to be in accordance with the R-Codes unless otherwise provided for in the structure plan. The R-Codes consists of Volume 1 which applies to single houses and grouped dwellings and Volume 2 which applies to multiple dwellings. Residential development is also subject to the development provisions of the City's *Residential Development Local Planning Policy*.

The table below outlines the development provisions of the structure plan against the deemed-to-comply provisions of the R-Codes Volume 1 (single houses and grouped dwellings) and the acceptable development outcomes Volume 2 (multiple dwellings) for an R80 coded site, or where relevant, the applicable replacement standard from the City's *Residential Development Local Planning Policy* (RDLPP).

| <b>Development requirement</b> | <b>Structure Plan requirement</b>   | <b>R-Codes Volume 1/RDLPP<br/>(Single houses and grouped dwellings)<br/>(R80)</b>                          | <b>R-Codes Volume 2/RDLPP<br/>(Multiple dwellings)<br/>(R80)</b>   |
|--------------------------------|---|--|--|
| Front setback                  | 3 metres  | 1 metre  | 2 metres   |
| Side setback                   | Not stipulated where not a boundary wall, meaning as per R-Codes.                       | Based on length and height of wall.  | 3 metres<br>3.5 metres average where length >16 metres   |
| Buildings on the boundary      | Maximum two storeys high to both boundaries provided overshadowing does not exceed 60%. | Maximum 3.5 metres high, average 3 metres high, for 2/3 length of the boundary, to one side boundary only. | Maximum 3.5 metres high, average 3 metres high, for 2/3 length of the boundary, to one side boundary only. |

| <b>Development requirement</b>                             | <b>Structure Plan requirement</b>                           | <b>R-Codes Volume 1/RDLPP (Single houses and grouped dwellings) (R80)</b>  | <b>R-Codes Volume 2/RDLPP (Multiple dwellings) (R80)</b>  |
|--|---|--|---|
| Rear setbacks  | Nil setback permitted                                       | Based on length and height of wall   | 3 metres  |
| Garage setback   | 3 metres  | 4.5 metres and 0.5 metres behind the dwelling alignment  | No specific requirements  |
| Car bays   | Two bays per dwelling, one must be covered.                 | Two bays per dwelling  | One bay per single bedroom dwelling<br>1.25 bays per two or more bedroom dwelling   |
| Retaining wall height                                      | 2 metres  | Based on height and setback. 0.5 metres where setback nil.   | No specific requirements.   |
| Corner lots (not applicable to subject site)               | Buildings on corner lot must address both street frontages. | Buildings must address the primary street.   | For mixed use development, ground floor uses, including non-commercial uses, are to address, enhance and activate the street. |
| Secondary street frontage (not applicable to subject site) | 1 metre   | 1 metre  | 2 metres  |
| Building Height  | Wall height 7 metres<br>Roof ridge 9.5 metres               | Wall height (all) 7 metres<br>Overall height:<br>Gable, skillion and concealed roof 8 metres<br>Pitched roof 10 metres | Four storeys (overall height of 15 metres)  |
| Open Space   | 40%   | 30%  | Requirements for tree canopy, deep soil area, communal open space.  |
| Front fencing  | Maximum 1 metres visually permeable.                        | Maximum 1.2 metres visually permeable from mid-point of verge.   | Maximum 1.2 metres (average) visually permeable.  |

In comparing the provisions of the structure plan to those of the R-Codes, the R-Codes are considered contemporary and appropriate for development of the site, with the exception of the provisions discussed below.



### *Street setbacks*

It is considered that the structure plan provides for a more appropriate street setback (3 metres) than that of the R-Codes. The R-Codes require a minimum 2 metres street setback for R80 coded lots and 4 metres setback for R40 coded lots. The adjoining residential R40 lots have also been constructed to align with the 3 metres minimum required under the structure plan. Given the intended revocation of the structure plan, it is considered appropriate that the 3 metres front setback provision be incorporated within LPS3 to ensure future development of the lot has a street setback that complements the adjoining residential properties.

### *Building height*

The R-Codes allow for development to a height of up to four storeys for lots coded R80, subject to the development being setback 3 metres from the boundary. The effect of clause 26 of LPS3 will potentially allow development of a four storey building on a lot of this size within the 'Mixed Use' zone.

In adopting the local planning policies applicable to the zones at the time that LPS3 was approved, consideration was given to the building height allowed and the impact that this may have on adjacent residential properties. In response to this consideration, the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, which would also apply to the site, includes a clause that requires any development in the 'Commercial' or 'Mixed Use' zone R80 zone that abuts the Residential zone to have a maximum building height of two storeys within 6 metres of the common boundary.

While the residential properties adjacent to the subject site are zoned 'Mixed Use' rather than 'Residential', it is considered that the current arrangement reflects what is intended by the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*. It is therefore considered appropriate to apply the same control to the subject site to alleviate potential amenity concerns is valid and worthy of inclusion within LPS3 in relation to development on the subject site. As such, should the structure plan be revoked, it would be appropriate for the same height requirement to be included within LPS3 for the subject site.

All other elements provided within the above comparison table do not differ significantly, with the R-Codes providing for a more comprehensive suite of requirements, and in some cases more stringent requirements, than that contained within the structure plan. As such, the R-Codes are considered adequate and appropriate to guide future residential development (accompanied by the specific provisions relating to street setbacks and building height recommended above).

### *Non-residential development*

The structure plan also contains provisions for non-residential development. It was intended that the site would incorporate an element of commercial development that could integrate with the adjoining shopping complex although this is not a mandatory requirement.

If the site is developed with non-residential development, development would be guided by the provisions of the City's *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*. This policy sets out provisions pertaining to setbacks, parking and height and would also enable development to a maximum height of four storeys, the same as permitted under the R-Codes - Volume 2.

The table below outlines the differences between the structure plan and the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*.

| <b>Development requirement</b> | <b>Structure Plan requirement</b>   | <b>Commercial, Mixed Use and Service Commercial Zone LPP</b>   |
|--------------------------------|---|--|
| Front setback                  | 3 metres  | 3.5 metres   |
| Side setback                   | Not stipulated where not a boundary wall.   | 3 metres   |
| Buildings on the boundary      | Maximum two storeys high to both boundaries provided overshadowing does not exceed 60%.   | Refer side setback requirement.  |
| Rear setbacks                  | Nil permitted   | Nil permitted or where a lot abuts the Residential zone, a minimum of 3 metres.  |
| Active frontages               | Buildings designed to have active frontages with minimal blank facades fronting the street and shopping centre.                                     | Ground floor commercial frontage to have minimum 50% clear glazed windows and a maximum sill height of 700mm above finished floor level.   |
| Pedestrian Shelter             | Canopies or awnings to the exterior ground floor level shall be permitted to within 1 metre of the boundary.  | Buildings must have a continuous pedestrian shelter along all commercial frontages.  |
| Servicing                      | Bin, service areas and air conditioning units shall be screened from view from the street and shopping centre.                                      | Service yards, bin storage areas and external fixtures must be screened from view and located at the rear of the building.   |
| Building Height                | Wall height 7 metres<br>Roof ridge 9.5 metres   | Wall height 12 metres<br>Wall height (concealed roof) 13 metres<br>Pitched roof height 15 metres<br>Where a lot abuts the Residential zone, the maximum building height within 6 metres of the common boundary shall be in accordance with Commercial R40:<br>Wall height 6 metres<br>Wall height (concealed roof) 7 metres<br>Pitched roof height 9 metres                              |
| Commercial frontage            | Buildings shall be setback from the shopping centre to allow for pedestrian access between the car park and the frontage to the commercial tenancy. | Ground floor external tenancies must have an entrance onto the commercial frontage and be outward facing to facilitate activation.<br>Building entrances must directly front the street, car park and key pedestrian routes.<br>Buildings must provide a continuous pedestrian shelter along all commercial frontages to a minimum height of 3 metres and a minimum depth of 1.5 metres. |

The development provisions of the policy are considered to be more stringent and prescriptive than those contained within the structure plan and align with the expectations set for all non-residential development within the City. They also apply to any future non-residential development that may occur at the adjoining Marmion Village complex, providing a consistent approach to redevelopment, whilst ensuring an appropriate built form outcome is achieved.

### *Land Use Permissibility*

The following table compares the land use permissibility outlined in the structure plan to the 'Mixed Use' zone of LPS3.

| <b>Sheppard Way Structure Plan</b> |                       | <b>Local Planning Scheme No. 3</b> |                       |
|------------------------------------|-----------------------|------------------------------------|-----------------------|
| <b>Land Use</b>                    | <b>Permissibility</b> | <b>Land Use</b>                    | <b>Permissibility</b> |
| Bank*                              | P                     | Office                             | P                     |
| Grouped Dwelling                   | D                     | Grouped Dwelling                   | D                     |
| Hairdresser*                       | P                     | Shop                               | D                     |
| Home Business 1, 2, 3*             | P                     | Home Occupation,<br>Home Business  | P                     |
| Dry Cleaning Agency*               | P                     | Shop                               | P                     |
| Medical Centre                     | P                     | Medical Centre                     | P                     |
| Newsagent*                         | D                     | Shop                               | D                     |
| Office                             | P                     | Office                             | P                     |
| Single House                       | P                     | Single House                       | D                     |

\* These land uses no longer exist in LPS3, therefore the equivalent land use and permissibility has been included.

The structure plan states that all other land uses are not permitted ('X' land use), however, structure plans are now only given 'due regard' under the LPS Regulations and no longer have the force and effect of the scheme. Therefore, it is more appropriate that all land uses be assessed in accordance with the 'Mixed Use' zone of LPS3 and not the structure plan, which serves as further justification for revocation of the structure plan.

### *Retail Net Lettable Area (NLA)*

Under the structure plan the maximum retail NLA for the mixed use and commercial portions can be up to 100m<sup>2</sup> each (200m<sup>2</sup> total) and not be able to be varied. Since the structure plan came into effect, the City's *Local Commercial Strategy* has been adopted with an indicative shop retail floorspace threshold of 2,000m<sup>2</sup> for the entire Marmion Village Neighbourhood Centre. Any future development that incorporates retail NLA, either on the subject site or the adjoining shopping complex site will be assessed against the threshold in the Local Commercial Strategy.

### Previous Council decision not to progress with an amendment

At its meeting held on 19 November 2019 (CJ142-11/19 refers), Council considered the same proposal to amend LPS3 to 'uncode' Lot 15 (21) Sheppard Way and elected to not progress with the proposal for a number of reasons. Further consideration of the reasons is discussed below.

### *Amenity*

Concern was raised that the dwellings immediately adjoining the site may be negatively impacted by virtue of a potential four storey development. The adjoining properties to the east have a density code of R40, are zoned 'Mixed Use' and have been developed as two storey, residential properties.

In the absence of formal development plans it is not possible to what specific amenity impacts that may arise from the development of a four-storey residential building. However, as outlined above, in preparing the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, it was considered appropriate to only allow a maximum height of two storeys within 6.0m of a boundary that abuts a residential zoned site. Whilst the provision would not apply in this instance as the adjoining residential properties have an underlying mixed use zoning, the intent of the policy provision exists in this instance.

As such, an inclusion of the same provision within LPS3 for the subject site is considered appropriate in ensuring that potential height impacts are managed in a similar way to development on other 'Commercial' or 'Mixed Use' sites throughout the City. In addition, the provisions of the R-Codes for which future residential development would be assessed also provide considered measures to appropriately manage potential amenity impacts.

### *Location*

The subject site's proximity to a train station or a high frequency bus route also formed a reason in Council's decision to not support the amendment. Whilst proximity to public transport is one characteristic that may support the allocation of higher density, it is not the only consideration or required in every instance.

Clause 26(2) was included in LPS3 as a recommendation of the *Local Planning Strategy*. It aims to encourage a diverse range of housing typologies within activity centres, in line with the direction of State and Western Australian Planning Commission policies to accommodate urban growth and make better use of existing urban land.

The Marmion Village Shopping Centre is a designated Neighbourhood Centre within the City's *Local Commercial Strategy*. It is considered appropriate that higher density residential development occur within activity centres as it is the activity centre itself that provides the community benefit and the nexus for the higher density residential development given the location of a range of goods and services directly adjoining the development.

The *Local Commercial Strategy* references such centres as being a stopping or transfer point for a bus network. A bus service (route 423) is provided nearby on Cliff Street, with a bus stop located approximately 300 metres from the subject site, providing access to both Warwick and Stirling train stations.

### *Economic benefits*

A further reason included in Council's decision not to proceed with the amendment when proposed in 2019 relates to concern that the development of additional dwellings at Lot 15 (21) Sheppard Way, Marmion, would not provide any significant additional economic benefits to the shopping centre.

The City's *Local Commercial Strategy* encourages consideration to be given to residential development within commercial centres outside the Joondalup City Centre on vacant and underutilised land. In addition, the *Local Housing Strategy* states that medium to high density housing can co-exist with existing commercial activities. Whilst it is not anticipated that the scale of any redevelopment of the site would have significant additional economic benefits for the shopping centre, it is not considered that this is the primary reason as to why higher density residential development within activity centres is or is not suitable. It is also considered that whilst not significant, additional residents within the centre's catchment would likely result in some increase in access to goods and services offered within the centre.

### Options

The options available to Council in considering the scheme amendment are to:

- proceed to advertise the amendment to the local planning scheme without modification
- proceed to advertise the amendment to the local planning scheme with modifications or
- not proceed to advertise the amendment to the local planning scheme.

Should Council adopt the proposed scheme amendment for the purpose of advertising, a further report will be presented to Council following the close of the advertising period.

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

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

### **Strategic Community Plan**

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

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

**Policy**                              *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy.*

### *Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015*

Part 5 of the *Planning and Development Act 2005* along with the LPS Regulations enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the proposed scheme amendment is consistent with the City of Joondalup *Local Planning Strategy* and would not result in any significant environmental, social, economic or governance impacts on land in the scheme area, it is considered to be a standard amendment under the LPS Regulations.

Clause 35A of the LPS Regulations states that if an amendment to a local planning scheme affects the area to which a structure plan approved under the scheme relates, the amendment must include a statement that outlines whether the structure plan is to be revoked, amended, or is not affected when the amendment takes effect.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is necessary. Should the EPA decide that an environmental review is not required, and notifies the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received and decide whether to support the amendment, with or without modifications, or not support the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

### Structure Plan Framework

The Structure Plan Framework outlines the manner and form in which a structure plan and activity centre plan is to be prepared under the LPS Regulations. Clause 16 of the Framework outlines that the WAPC may revoke its approval of a structure plan under the deemed provisions of the LPS Regulations and provides for common circumstances in which this would occur, including where the zoning of the land is covered within the scheme and following finalisation of the subdivision of the land.

### Local Planning Scheme No. 3

The proposal is to recode the subject site from R40 to uncoded. The 'Mixed Use' zoning will remain the same. The objectives of the 'Mixed Use' zone (Table 2 of LPS 3) are:

| Zone name | Objectives  |
|-----------|---|
| Mixed Use | <ul style="list-style-type: none"> <li>• To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.</li> <li>• To allow for the development of a mix of varied but compatible land uses which do not generate nuisance detrimental to the amenity of the district or to the health, welfare and safety of its residents.</li> <li>• To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas.</li> </ul> |

The proposal is consistent with clause 26(2) of LPS 3 which allocates a residential density code of R80 on larger sites within the 'Mixed Use' zone:

*Unless a density code is specified on the Scheme Map, for lots with a land area of 1,000m<sup>2</sup> or more within the Commercial or Mixed-Use zone on the Scheme Map the applicable density code is R80.*

### **Risk management considerations**

Should Council elect not to proceed to advertise the amendment, the amendment will not progress any further, unless Council is directed by the Minister for Planning under Section 76 of the *Planning and Development Act 2005*.

**Financial / budget implications**

The applicant has paid fees of \$5,904.06 (including GST) to cover all costs associated with the assessment of the scheme amendment. The fees do not include the cost of advertising as the applicant is required to cover these costs separately.

**Regional significance**

Not applicable.

**Sustainability implications**

The proposal will allow more dwellings to be constructed on a site within an established suburb, close to parks, schools, public transport and adjacent to a shopping centre. This is consistent with the current local and state planning frameworks aimed at consolidating urban areas. A consolidated urban form provides for the more efficient use of urban land and infrastructure with improved access to shops and services, while minimising impacts on significant environment features.

**Consultation**

Should Council initiate the scheme amendment, it is required to be advertised for public comment for 42 days. In accordance with the LPS Regulations and the City's *Planning Consultation Local Planning Policy*, it is proposed that advertising would be by way of:

- letters to adjoining and nearby landowners
- a sign on the site
- a notice placed in the Joondalup Community Newspaper
- a notice and documents placed on the City's website
- letters to relevant service authorities.

**COMMENT**

Lot 15 (21) Sheppard Way, Marmion, forms part of the Marmion Village Neighbourhood Centre. The City's suite of documents, including the *Local Housing Strategy*, the *Local Commercial Strategy* and the *Local Planning Strategy* all reference the need for higher density development within these centres to accommodate urban growth within existing underutilised land.

The 'uncoding' of the subject site will enable development to occur at the higher density code of R80, allowing the site to be consistent with other 'Mixed Use' sites within the City that are over 1,000m<sup>2</sup>.

Inclusion of development provisions within LPS3 to require a 3 metres front building setback and a maximum building height of two storeys within 6 metres of the eastern boundary is considered appropriate to manage potential amenity impacts on adjoining residential properties.

It is therefore recommended that Council adopts the proposed amendment to LPS3 for the purposes of public advertising and resolves that the proposed amendment include a statement noting the subsequent revocation of the *Sheppard Way Structure Plan*.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

**1** in accordance with section 75 of the *Planning and Development Act 2005* and Regulation 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to ADOPT the amendment to the City of Joondalup *Local Planning Scheme No. 3* to:

- 1.1 recode Lot 15 (21) Sheppard Way, Marmion from 'R40' to 'uncoded' as shown in Attachment 4 to this Report;
- 1.2 insert requirement No. 5 in Table 8 'Site specific development standards and requirements';

**Table 8 Site specific development standards and requirements**

| No. | Description of land               | Requirement  |
|-----|-----------------------------------|--|
| 5.  | Lot 15 (21) Sheppard Way, Marmion | 1.1 A minimum front building setback of 3 metres applies to the land.<br>1.2 A maximum building height of two storeys within 6 metres of the eastern boundary applies to the land. |

and proceed to advertise the amendment for a period of 42 days;

**2** pursuant to Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* DETERMINES that the scheme amendment is a standard amendment as the proposal is consistent with the *City of Joondalup Local Planning Strategy*;

**3** pursuant to Regulation 35A(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment to the City of Joondalup *Local Planning Scheme No. 3* include the following statement:

*"Approval of the Sheppard Way Structure Plan is to be revoked when this amendment is approved and takes effect."*

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf220510.pdf](#)



## ITEM 4 **PROPOSED SEVEN MULTIPLE DWELLINGS AT LOT 503 (9) TOTTENHAM ROAD, JOONDALUP**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | North  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Chris Leigh<br>Planning and Community Development   |
| <b>FILE NUMBERS</b>           | 70560, 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1 Location Plan<br>Attachment 2 Development Plans<br>Attachment 3 Building Perspectives<br>Attachment 4 Landscaping Plan<br>Attachment 5 Applicant's Statement Addressing SPP7.0<br>Attachment 6 Waste Management Plan<br>Attachment 7 Summary of City's Assessment<br>Attachment 8 Summary of Submissions and Applicant Response<br>Attachment 9 Environmentally Sustainable Design Checklist<br>Attachment 10 Bushfire Attack Level Assessment Report |
| <b>AUTHORITY / DISCRETION</b> | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.  |

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### PURPOSE

For Council to determine a development application for seven multiple dwellings at Lot 503 (9) Tottenham Road, Joondalup.

### EXECUTIVE SUMMARY

An application for development approval has been received for seven multiple dwellings within a five storey building at Lot 503 (9) Tottenham Road, Joondalup.

The subject lot is zoned 'Centre' under the City's *Local Planning Scheme No. 3 (LPS3)* and is subject to the requirements of the *Joondalup Activity Centre Plan (JACP)*. Under the JACP the site is within the Health and Wellness Precinct, with a residential density of RAC-0. The land use 'Multiple Dwelling' is a discretionary ("D") use.

The development is primarily subject to the requirements of LPS3, the JACP and *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* (the R-Codes).

The application was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)* for a period of 14 days between 17 January 2022 and 31 January 2022. Advertising included letters to surrounding landowners/occupiers, two signs on site (one on each road frontage) and a notice on the City's website. Seventeen submissions were received, all objecting to the proposal.

The application is required to be determined by Council as the development includes more than five multiple dwellings.

It is considered that the proposed development satisfies the requirements of LPS3, the JACP and the R-Codes. It is therefore recommended that the application be approved, subject to conditions.

## BACKGROUND

|                        |   |
|------------------------|---|
| <b>Suburb/Location</b> | Lot 503 (9) Tottenham Road, Joondalup.                        |
| <b>Applicant</b>       | CF Town Planning and Development.                             |
| <b>Owner</b>           | Spire Corporation Pty. Ltd.                                   |
| <b>Zoning</b>          | <b>LPS</b> Centre.  |
|                        | <b>MRS</b> City Centre.                                       |
| <b>Site area</b>       | 500m <sup>2</sup>   |
| <b>Structure plan</b>  | Joondalup Activity Centre Plan (Health and Wellness Precinct) |

The subject site is currently vacant, and is bound by Tottenham Road to the east, McLarty Avenue to the west, a vacant lot to the north and a three storey building to the south (Attachment 1 refers). The subject site is located 25 metres south of Queensbury Park, approximately 350 metres to Lakeside Shopping Centre and approximately 700 metres to the Joondalup Train Station.

Development in surrounding streets comprises predominantly single storey dwellings to the east, with multiple dwellings located along Grand Boulevard. Some commercial development is located on the ground floor of mixed-use buildings further north and east along Grand Boulevard and Piccadilly Circuit.

The site has a Water Corporation sewer easement to the western portion of the lot which extends approximately 14 metres inwards from the McLarty Avenue boundary. Development over this easement is restricted, with only lightweight construction being permissible in this location. The proposed development proposes only lightweight structures (a bin store) in this easement and is therefore considered acceptable in this respect.

A vehicle access easement to the north-western corner of the site restricts the location of the driveway, which is to coincide with the existing constructed crossover. This ensures that the existing on-street car parking bays and street trees are not impacted by the development of the lot. The proposed development locates the driveway consistent with this vehicle access easement.

## DETAILS

The proposed development comprises the following:

- Seven multiple dwellings within a five storey building. All dwellings are two bedrooms (plus study) with two bathrooms, except one (unit 7) which has three bedrooms.
- The proposed building is built side boundary to side boundary with a concealed roof design.
- The northern and southern facades contain textured concrete tilt up panels, extensive glazing to doors and balustrading and contrasting render colours.

- The ground floor comprises the pedestrian entrance (lift and stairwell), 11 resident car bays (including four bays provided by way of two-level car stackers), two visitor parking bays and bin storage within an open-air 1.5 metre high bin enclosure.
- Vehicular access via McLarty Avenue.
- Pedestrian entry from Tottenham Road, which provides direct access to the lift and internal stairs.

The development plans, building perspectives, landscaping plan, and statement against the design principles of *State Planning Policy 7: Design of the Built Environment* (SPP7) are provided as Attachments 2 to 5 of this Report.

#### Joondalup Design Review Panel (JDRP)

The proposal was presented to the JDRP on 20 October 2021. A summary of the JDRP comments, as well as the applicant's response to these items is included in the tables below.

It should be noted that the comments provided by the JDRP are based on the original development plans submitted with the application. Changes were undertaken in response to comments received at design review and are reflected in the plans presented for Council determination in Attachment 2. The key changes include the reduction in the number of apartments (from nine to seven) and reduction in overall height of the building from six storeys to five storeys.

| Summary of Design Reference Panel comment  | Summary of Applicant response  |
|--|--|
| Queried the design of the proposed building size and scale, particularly in relation to the surrounding buildings, and that there is a reliance on the front elevation for aesthetics as the building is built boundary to boundary. | <ul style="list-style-type: none"> <li>• The new development will provide distinguishable architectural features and a high level of passive surveillance of the public realm.</li> <li>• Overall, the proposal reflects the anticipated development within a key activity centre as shown by the JACP. This includes the vision that the streetscape character will contain developments up to a potential height of six (6) storeys, which is consistent with the proposed development (5 storeys).</li> </ul>   |
| The front entrance does not appear inviting to visitors of the site. The long corridor is a poor design outcome and presents issues with regard to safety, legibility and access.  | <ul style="list-style-type: none"> <li>• An informal seating area is located at the entry point of the development and can be observed from the street and internal pedestrian path. In addition, all dwellings comprise balconies orientated towards the public realms to provide for good passive surveillance and security.</li> </ul>  |
| The ground floor has no relationship to the public realm. The ground floor consists of a parking area and narrow pedestrian entrances only. No address at a human scale.   | <ul style="list-style-type: none"> <li>• The proposed development has been provided with an informal meeting spot at the street level to provide an element of activation for the development.</li> <li>• Given the constraints of the land, the ground floor has been designed to accommodate car parking to services the development.</li> <li>• The proposed development has been designed to provide all dwellings to have a balcony and major openings orientated towards the street to provide for an active frontage and improve passive</li> </ul> |

| Summary of Design Reference Panel comment  | Summary of Applicant response   |
|--|---|
|  | surveillance of the street. Given this, the proposed development addresses the intent of the Joondalup Activity Centre Plan.  |
| Fencing (to McLarty Avenue) does not meet the requirements in terms of visual permeability.  | <ul style="list-style-type: none"> <li>Amended plans have been provided to remove this fencing.</li> </ul>  |
| The rear of the development is being treated as a rear boundary, however, is still a street frontage. More effort could be provided to soften the McLarty Street frontage.   | <ul style="list-style-type: none"> <li>Amended plans have been provided to remove fencing and carport structures and increase landscaping.</li> </ul>   |
| Lack of light via the internal lightwells to the study windows (units 1 – 6) and bedroom 3 window (unit 7).  | <ul style="list-style-type: none"> <li>Most habitable rooms within the development have been provided with natural light access through the western or eastern sides of the building and not a lightwell. Only a small number of rooms (studies) within the development will rely on the lightwell.</li> <li>The lightwell provides adequate dimensions to allow for natural light to penetrate into the dwellings during the day.</li> </ul> |
| The stairwell is not easily accessible from the Tottenham Road entrance. Issues with legibility.   | <ul style="list-style-type: none"> <li>The development comprises a defined pedestrian entry path from the street, which connects to an existing pedestrian footpath.</li> <li>A pedestrian path has been provided from the street to the foyer area of the development which provides for good connectivity for both the occupants and visitors.</li> </ul>   |
| The carport detracts from the overall development, being a lean-to design. The height of the carport will provide minimal protection to cars and detracts from the McLarty Avenue Street frontage.                 | <ul style="list-style-type: none"> <li>Amended plans have been provided to remove this carport.</li> </ul>  |
| Although recognising that this is a difficult site with minimal landscaping requirements, it is considered that there is the need for an increase in landscaping across the site (potentially within the carpark). | <ul style="list-style-type: none"> <li>Amended plans have been provided to increase the landscaping to the rear of the lot.</li> </ul>  |
| The car park should be level. The change in levels is exacerbating the building height.  | <ul style="list-style-type: none"> <li>Amended plans have been provided that result in a level car park.</li> </ul>   |

### Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, the JACP, *State Planning Policy 7 Design of the Built Environment* (SPP7) and the R-Codes.

In relation to the relationship between the R-Codes and residential standards in the JACP, the Western Australian Planning Commission (WAPC) resolved at its meeting held on 1 May 2019 that the provisions of a properly approved structure plan or activity centre plan continue to apply to the extent of any inconsistency with the R-Codes and are not superseded by the new requirements.

As the JACP was properly endorsed by the WAPC, the requirements of the JACP apply in the event of any inconsistency with requirements of the R-Codes.

A summary of the City's assessment against the provisions of both the JACP and applicable provisions of the R-Codes is included in Attachment 7, which also outlines the requirements of the R-Codes that are replaced by the JACP.

The key design elements and the design elements related to the primary concerns raised during consultation are discussed in more detail below.

### Land use

The subject site is zoned 'Centre' under LPS3 and is subject to the requirements of the JACP. Under the JACP the site is located in the Health and Wellness Precinct. The land use of 'multiple dwelling' is a discretionary or 'D' land use in this precinct, as per Table 3b of LPS3.

Given that the residential nature of the proposed development is consistent with adjoining residential development, and is also within easy walking distance of health, shopping, business and transport services, multiple dwellings are considered to be an appropriate form of development in this location.

### Joondalup Activity Centre Plan (JACP)

The JACP is the primary guiding document in assessing development within the Joondalup Activity Centre. It is noted that the JACP came into effect prior to volume 2 of the R-Codes, with the requirements of the JACP applying in the event of any inconsistency between the two documents.

Prior to the current Joondalup Activity Centre Plan (JACP), applications within the City Centre were assessed against the *Joondalup City Centre Development Plan and Manual* (JCCDPM).

In response to the WAPC's *State Planning Policy 4.2: Activity Centres* (SPP4.2), consultants were appointed in 2014 to prepare a master plan for the Joondalup City Centre area. The draft JACP was endorsed by Council in June 2017 and then approved by the WAPC in October 2018. As such, the JCCDPM was superseded by the JACP.

Overall, the JACP seeks to increase the urban intensity of the City Centre in the next era of the City's development, including allowing for taller buildings. The provisions of the JACP are considered to reflect the longer term aspirations relating to residential population, employment, built form and desired future character of the activity centre.

### Building height

Under the JACP, development is required to have a minimum height of 13.5 metres with a maximum height of 20.5 metres (indicatively between four and six storeys). A maximum height of 18.14 metres is proposed (five storeys), which is within the building height requirements of the JACP.

It is noted that the predominant concern from surrounding residents is the proposed building height, and particularly, that the proposed height is considered to be inconsistent with the existing character of the locality.

Whilst it is noted that the proposed building height is not consistent with the existing dwellings in the immediate locality, the proposal does respond to the desired future character of the area in terms of height and scale, as currently set out by the Health and Wellness precinct requirements of the JACP.

The development is considered an appropriate outcome given the competing priorities of increased intensity in the City Centre balanced with the existing development in the immediate locality.

The development provides a frontage to both Tottenham Road and McLarty Avenue, which, through the use of balconies, extensive glazing and differing building materials and colours, will provide an attractive façade to both streets, and will provide activation to these frontages and surveillance of the public realm. The proposed design is similar to the adjoining property to the south, with balconies fronting the street.

It is considered that the proposal, whilst greater in scale to the existing housing in the immediate locality, is consistent with the future vision of the area, and is consistent with the longer-term aspirations of the Health and Wellness Precinct. Whilst being the first to be built to this scale in this locality under the JACP, there are still a number of vacant lots, which would be expected to be developed in the future at a similar scale, therefore ensuring that the proposal is not inconsistent with future development of the area. It is therefore considered that the proposed building height meets the requirements of the JACP and is considered appropriate.

#### *Street and side setbacks*

The proposed building has a nil setback to the primary street (Tottenham Road) for the upper floors and majority of the ground floor. Nil setbacks are permissible to the primary street, with a maximum setback of 3 metres permitted.

The surrounding buildings on the western side of Tottenham Road are setback between 0.5 metres and 1 metre from the primary street, therefore ensuring that the proposal is consistent with the existing and any future development. The proposed setbacks are not considered to negatively impact the public realm due to the façade treatment on the ground floor of the car park, and the activation provided from the upper floors facing both Tottenham Road and McLarty Avenue.

The development is set back 14.2 metres from the McLarty Avenue boundary. Although this is not a primary street boundary, it is considered that the elevation of this façade has been given appropriate consideration to ensure that the development does not negatively impact on this streetscape. No fencing is proposed to the McLarty Avenue boundary, with landscaping and visitor parking being easily accessible from the street.

Nil setbacks are proposed to the northern and southern boundaries, which are permissible under the JACP. The nil setbacks to the side lot boundaries maximise the useable floor area of the dwellings and is consistent with the built character expected along Tottenham Road (which is buildings being built boundary to boundary). A void is proposed which extends from the upper floor to the car-park, which allows sunlight and ventilation to the study/bedroom three windows.

### *Adaptable buildings*

The JACP contains provisions for developments to have a minimum floor to floor height of 4.5 metres at the ground floor. The development includes a floor to floor height of 4.1 metres, with a floor to ceiling height of 3.8 metres. This is considered appropriate in this instance due to the configuration and size of the ground floor retaining potential to be converted to a commercial land use, where a 3.8 metre ceiling height would be sufficient for retail, office or small scale hospitality (café etc).

Whilst it is noted that there is the opportunity for the ground floor to accommodate a commercial land use, the provision of parking for the existing residential development plus the commercial development would need to be considered at that time. Any commercial development on the ground floor would result in the modification of the existing parking provision for the residential component, plus the potential need for additional parking for the commercial component.

Based on the above, it is considered that the development is potentially adaptable for non-residential development on the ground floor should there be future market demand.

### *Open space and landscaping*

The JACP requires that private open space for multiple dwellings be provided in the form of courtyards or balconies with a minimum area of 10m<sup>2</sup> and no dimension less than 2 metres. Each dwelling meets this requirement for balcony area and minimum dimension.

While the landscaping requirements of the R-Codes do not strictly apply to the proposal, the design does have regard to Tree Canopy and Deep Soil Areas (element 3.3), Communal Open Space (element 3.4), Private Open Space and Balconies (element 4.4) and Landscape Design (element 4.12). Small portions of landscaping have been introduced onto each balcony to assist in screening of air-conditioning units and to provide an attractive outlook both from inside and outside of the dwellings.

As the proposal is less than 12 dwellings, there is no requirement for communal open space, however informal communal areas have been provided at the front entrance, in the form of a small, landscaped area with a bench seat, and to the rear of the building, with a grassed area and landscaped garden beds with bench seat. This could be used as a meeting place for residents or an area to await transport. It is therefore considered that there is adequate private and communal space available for the development.

The subject site is currently vacant and has no significant vegetation. The proposal incorporates four small trees to the rear of the site with associated landscaped garden beds and a grassed area. The landscaping is considered to provide an attractive frontage as viewed from the street and adjoining properties.

While the requirement for deep soil areas and trees specified under the R-Codes do not apply (as the JACP requirements prevail), in the context of a multiple dwelling in a highly urbanised environment, the amount of landscaping is considered sufficient to achieve the element objectives of the R-Codes and exceeds the requirements of the JACP.

Submissions were received in relation to the bulk of the building as viewed from the street, and the lack of landscaping on site. It is considered that the proposal is consistent with the footprint of buildings in the immediate locality, with greater landscaping and trees than the surrounding multiple dwellings, therefore ensuring that the proposal will add to the existing streetscape, in particular, the McLarty Avenue frontage.

Based on the above, it is considered that the open space, communal areas and landscaping are sufficient.

*State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (the R-Codes)*

The R-Codes volume 2 provides the built form controls for multiple dwellings, with these requirements applying except where replaced by requirements under the JACP. The policy is performance based, separated into different design elements (for instance plot ratio and solar access). For each design element there are element objectives that are required to be met, in addition to the overall policy objectives. A development that satisfies these objectives is considered to meet the requirements and therefore should not be refused against the policy.

To assist in guiding the assessment against the element objectives, acceptable outcomes and design guidance is provided. These are more specific measurable requirements for each design element. The R-Codes makes it clear that these acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway and whilst meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.

*State Planning Policy 7 Design of the Built Environment (SPP7)* is an overarching policy that establishes 10 broad principles of good design that are applicable to all planning proposals. These principles have been used to establish the policy objectives and element objectives of the R-Codes. Through a proposal meeting the objectives of the R-Codes it is also considered to meet the requirements of SPP7.

*Plot ratio*

Element 2.5 Plot ratio objective states:

*O 2.5.1 The overall bulk and scale of development is appropriate for the existing or planned character of the area.*

Under the RAC-0 zoning, the acceptable outcome for plot ratio is based on the local precinct controls for that area. The JACP does not provide any specific controls for plot ratio, with the scale and bulk of the development being guided by building height requirements, setback requirements and parking provisions. The proposed development meets the requirements of the JACP in relation to building height, setbacks and parking, and it is therefore considered that the plot ratio and overall bulk of the development is appropriate for both the existing and planned character of the area.

*Visual Privacy*

Element 3.5 Visual Privacy objectives state:

*O 3.5.1 The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.*

The acceptable outcomes suggest that a balcony be set back 6 metres from an adjoining property boundary and a bedroom window be set back 3 metres from an adjoining property boundary. The proposed west facing balconies are setback 1.71 metres from the southern lot boundary, and the west facing bedroom 2 windows are set back 1.43 metres from the northern lot boundary.



The overlooking to the south is indirect and occurs on a 45 degree angle. The cone of vision falls to the roof of the parking structure below, with no overlooking of any habitable room windows or outdoor living spaces. It is therefore considered that there will be no loss of privacy between the properties as a result of the location of the balconies.

The adjoining lot to the north is currently vacant. Due to the easement running through both this site and the adjoining sites, no building apart from lightweight parking structures can be situated in this location. The existing location of the joint crossover also guides the location of development of the adjoining lot, therefore ensuring that the cone of vision from the bedroom 2 windows will have no significant impact on any future development to the northern lot.

#### *Car and bicycle parking*

Element 3.9 Car and bicycle parking objectives state:

- O 3.9.1 Parking and facilities are provided for cyclists and other modes of transport.*
- O 3.9.2 Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*
- O 3.9.3 Car parking is designed to be safe and accessible.*
- O 3.9.4 The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.*

The acceptable outcomes suggest a total of nine car parking bays are required on site, comprising seven resident bays and two visitor bays. The proposed development includes eleven resident bays and two visitor bays, which includes car stackers that convert four bays into eight.

All parking is screened from the primary street, with all vehicle access being provided from McLarty Avenue. All resident bays (apart from unit 1) are located behind a sliding gate and wall, with pedestrian access available via a pedestrian gate. On-street visitor parking bays exist on both McLarty Avenue and Tottenham Road. The visitor parking accessible via McLarty Avenue is designed to be accessible and clearly visible to visitors to the site. The impact of the parking on the streetscape is reduced with the use of landscaping, including three small trees between the boundary and the parking bays.

It is considered that the car parking is appropriate to the location within the City Centre. The subject site has access to existing on-street parking bays on both McLarty Avenue and Tottenham Road, is within an 800 metre (10 minute walk) catchment of the Joondalup Train Station, with good access to public transport and cycle paths available in the immediate area. It is considered that the area is highly walkable, with the site connected by footpaths and dual use paths which lead to services and employment opportunities within the Joondalup City Centre.

Submissions were received raising concern over the additional demand on the existing on-street parking bays as a result of the proposed new dwellings. As discussed above, the on-site visitor parking requirements are met, and the on-site resident parking bays being provided in excess of the requirements. It is therefore considered that car bays provided on site are acceptable for the proposed development and additional parking demand.

The acceptable outcomes suggest six bicycle bays are required, five for residents and one for visitors. The development includes five bicycle bays however these are provided external to the building, with no cover, making it unlikely that the bays will be used by residents of the dwellings. It should be noted that there is an alternative location, between bay 6 and the stairwell, in which covered, resident bicycle parking can be provided. It is recommended that a condition of any approval includes a requirement for the relocation of bicycle parking.

Based on the above, it is considered the car and bicycle parking proposed meets the element objectives, and that bicycle parking can be resolved subject to a condition of approval.

#### *Solar and daylight access*

Element 4.1 Solar and daylight access objectives state:

- O 4.1.1 *In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- O 4.1.2 *Windows are designed and positioned to optimise daylight access for habitable rooms.*
- O 4.1.3 *The development incorporates shading and glare control to minimise heat gain and glare:*
  - *from mid-spring to autumn in climate zones 4, 5 and 6 AND*
  - *year-round in climate zones 1 and 3.*

The acceptable outcomes suggest 70% of dwellings being provided at least two hours of direct sunlight between 9.00am and 3.00pm. Given the orientation, all dwellings meet this acceptable outcome, with units 1, 3, 5 and 7 receiving more than two hours of direct sunlight in the morning and units 2, 4, 6 and 7 receiving more than two hours of direct sunlight in the afternoon. Due to the orientation and width of the lot, there is minimal opportunity for windows and openings to face directly north. The depth of the units to the light source will optimise daylight internally. It is therefore considered that the amount of light provided to these units is appropriate.

Each habitable room is suggested to have at least one window in an external wall, with a glazed area not less than 10 percent of the floor area. The study windows of units 1 to 6, and bedroom 3 window of unit 7 have a glazed area equivalent to 8.8 percent of the floor area. The reduced window size is considered acceptable given the lower order (and therefore reduced use) of the studies and unit 7 bedroom 3, whilst also allowing sufficient opening to allow breezes to flow throughout each dwelling.

A submission was received in relation to the lack of openings on the northern elevation of the building. Whilst this concern is acknowledged it is considered that with future development on the site to the north able to be developed with a nil setback to this boundary, openings along the northern boundary may be blocked by a building on this site. Although there are no openings facing directly north, it is considered the proposal, with its east-west orientation maximises light and ventilation to the proposed dwellings and ensures that sunlight to the building is not impacted by future development on adjoining properties.

## Storage

Element 4.6 Storage objective states:

*O 4.6.1 Well-designed, functional and conveniently located storage is provided for each dwelling.*

The acceptable outcomes suggest that storerooms of 5m<sup>2</sup> are provided for dwellings that include three bedrooms. Units 1 to 6 propose two bedrooms, however the study is of a size and configuration that could be utilised as an alternative bedroom. The storerooms for units 1 to 6 are 4.11m<sup>2</sup> area and whilst not meeting the suggested area of 5m<sup>2</sup>, do meet the acceptable outcomes suggested for internal dimension and height.

It is considered that a storeroom area of 4.11m<sup>2</sup> is acceptable for dwellings of this size (111m<sup>2</sup>). The storerooms are regular in shape, with an outwards opening door to maximise storage space internally with each unit incorporating additional storage provided within the dwelling. Each storeroom is located outside of the entrance for the respective dwelling, making it functional and conveniently located and given the provision of bicycle requirements elsewhere in the development, along with the nature of the development not requiring larger gardening items such as lawn mowers, will not need to cater for these bulky items.

Given the above, it is considered that the storeroom size is therefore considered to achieve the element objective.

## Waste management

Element 4.17 Waste management objectives state:

*O 4.17.1 Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.*

*O4.17.2 Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.*

A *Waste Management Plan* supports the design and addresses waste generation rates, waste storage design and other considerations related to noise, odour and location in order to minimise impact on the surrounding and future residents. Bins are to be stored adjacent to the parking area, screened by a 1.8 metre high fence, setback 12.3 metres from the McLarty Avenue boundary. The proposed waste management method includes on site collection, which is considered acceptable.

## Issues and options considered

Council may determine an application for development approval by:

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

## Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *City of Joondalup Local Planning Scheme No. 3 (LPS3).  
Planning and Development (Local Planning Schemes)  
Regulations 2015 (Regulations).*

## Strategic Community Plan

|                             |  |
|-----------------------------|--|
| <b>Key theme</b>            | Quality Urban Environment.   |
| <b>Objective</b>            | Quality built outcomes.  |
| <b>Strategic initiative</b> | Building and landscape is suitable for the immediate environment and reflect community values.   |
| <b>Policy</b>               | <i>Environmentally Sustainable Design Policy.<br/>State Planning Policy 7 Design of the Built Environment (SPP7).<br/>State Planning Policy 7.3 Residential Design Codes – Volume 1 (R-Codes).</i> |

### Local Planning Scheme No.3

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

- To designate land for future development as an activity centre.
- To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.

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

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

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

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

- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including –*
  - (i) *the compatibility of the development with the desired character of its setting; and*
  - (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*

- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate;*
- (zc) *any advice of a Design Review Panel.*

State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments

The overall policy objectives for multiple dwellings are as follows:

- To provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.
- To encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.
- To encourage design that considers and respects local heritage and culture.
- To facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.

The overall policy objectives for the planning, governance and development processes are as follows:

- To encourage design that is responsive to site, size and geometry of the development site.
- To allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives.
- To ensure clear scope for scheme objectives to influence the assessment of proposals.
- To ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.

Joondalup Activity Centre Plan (JACP)

The overall objectives of the JACP that relate to urban form are as follows:

- Create an identifiable and unique civic heart that is enlivened and activated through a series of connected city squares. each with a unique character and function.
- Create an attractive city centre that sets Joondalup apart through the use of high-quality design, materials, street furniture, public art landscape and the retention of vegetation where appropriate.
- Promote buildings with scale and character that reflects JACs status as the primary centre of the north-west sub-region.
- Encourage development at gateways to the city to enhance arrival and contribute to the city's character and identity.
- Encourage increased development intensity, building scale and design quality along transport corridors to appropriately frame the city centre.

- Encourage buildings and development that are able to adapt to changing economic, technological, environmental and social conditions.
- Encourage buildings that have a well-considered relationship to the street enabling the city to become more intense and active while retaining a human scale.
- Enhance the natural environment and emphasise the existing 'bush' identity and landscape quality throughout the JAC.

The objectives for the Health and Wellness Precinct are as follows:

- Establish Shenton Avenue as the northern gateway to the Joondalup Activity Centre and as a multi-modal east-west connection linking Joondalup Arena and Joondalup Health Campus.
- Encourage more intense development on both sides of Joondalup Drive and Grand Boulevard.
- Improve pedestrian connectivity between Joondalup Arena and Joondalup Health Campus.
- Establish Kennedy Drive as an east-west connector for all transport modes.
- Establish a centrally located community focal point or neighbourhood centre to serve the residential community in the precinct.
- Encourage mixed use development throughout the precinct by focusing street base non-residential activity around the neighbourhood centre/community focal points, along Grand Boulevard, and surrounding key institutions such as the JHC and Private Hospital.

### **Risk management considerations**

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

### **Financial / budget implications**

The applicant has paid fees of \$6,840 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The applicant has completed the City's *Environmentally Sustainable Design Checklist* (Attachment 9 refers) to the extent that it is applicable to the development. The applicant has indicated that the following characteristics are factored into the development:

- Natural landforms and topography.
- Passive shading of glass.
- Insulation and draught sealing.
- Floor plan zoning based on water and heating needs and the supply of hot water.
- Renewable energy technologies (photo-voltaic cells).
- Low energy technologies.
- Natural and/or fan forced ventilation.
- Water efficient technologies.
- Recyclable materials.
- Low-VOC products.

## **Consultation**

The application was advertised for a period of 14 days, commencing on 17 January 2022 and concluding on 31 January 2022. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of 33 properties in the vicinity of the subject site, being a total of 47 letters.
- Two signs were installed on site, one on the Tottenham frontage and one on the McLarty Avenue frontage.
- Development plans and information were made available for public viewing on the City's website and at the City's administration building.

Seventeen submissions were received, all objecting to the proposal. The key concerns raised during public consultation are as follows:

- The proposal, at five storeys high, is inconsistent with the buildings in the immediate locality, which are a maximum of three storeys in height. The proposal ignores the existing scale and character of the area.
- Parking and vehicle access will affect the neighbouring streets. The City has reduced parking permits along Tottenham Drive and McLarty Avenue. Two visitor parking bays is inadequate for the scale of the proposal.
- The design is not solar passive and the north facing elevation is lacking openings, resulting in poor ventilation to the dwellings.

The key issues raised in the submissions are discussed in the planning assessment above. A full summary of the submissions, and the applicant's response, is provided in Attachment 7 to this Report.

## **COMMENT**

As outlined above, it is considered that the development is appropriate in the context of its location and meets the relevant requirements of LPS3, the JACP and the R-Codes.

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

## **VOTING REQUIREMENTS**

Simple Majority.



## RECOMMENDATION

That Council APPROVES under Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 27 August 2021 submitted by CF Town Planning and Development for the proposed Multiple Dwellings (seven new dwellings) at Lot 503 (9) Tottenham Road, Joondalup, subject to the following conditions and advice notes:

- 1 This approval relates to the seven (7) new multiple dwellings and associated works only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;
- 2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 3 All development shall be contained within the property boundaries;
- 4 All external walls of the proposed building shall be of a clean finish and shall at all times be free of vandalism, to the satisfaction of the City;
- 5 The car parking bays, driveways and/or access points/crossovers shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standards (AS2890), prior to the occupation of the development and thereafter maintained to the satisfaction of the City;
- 6 No solid walls, fences or other structures higher than 0.75 metres shall be constructed within 1.5 metres of where the driveway meets the street boundary;
- 7 A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall include details regarding mitigation measures to address impacts associated with construction works and shall be prepared to the specification and satisfaction of the City. The construction works shall be undertaken in accordance with the approved Construction Management Plan;
- 8 A detailed landscaping plan shall be submitted to, and approved by, the City prior to the commencement of development. The plan is to indicate the proposed landscaping treatment(s) in the subject site and the adjoining road verge(s), and shall:
  - 8.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - 8.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;
  - 8.3 Show spot levels and/or contours of the site;
  - 8.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
  - 8.5 Be based on water sensitive urban design principles to the satisfaction of the City;
  - 8.6 Be based on Designing out Crime principles to the satisfaction of the City;
  - 8.7 Show all irrigation design details;

- 9 Landscaping and reticulation shall be established in accordance with the approved landscaping plan and relevant Australian Standards prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 10 A full schedule of colours and materials for all exterior parts to the development (including any retaining walls and in particular the northern and southern facades of the building with a nil setback) is to be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
- 11 A total of six bicycle parking spaces shall be designed and installed in accordance with the *Australian Standard for Off-street Car Parking – Bicycles (AS2890.3-1993)*, prior to occupation of the development and thereafter maintained to the satisfaction of the City. Five of these shall be resident bicycle parking bays and shall be installed within a secure part of the building and be located under cover. Details of the bicycle parking bays shall be submitted to and approved by the City prior to the commencement of development;
- 12 Lighting shall be installed along the common driveway, pathways and entrances prior to the development first being occupied, to the satisfaction of the City. The lighting design is to minimise light spillage onto the surrounding residential properties and be in accordance with the requirements of *Australian Standard AS4282*;
- 13 All external fixtures and utilities (such as meter boxes, drying areas, air conditioning units, piping, ducting and water tanks) shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street or integrated with the building design to the satisfaction of the City. Details shall be submitted to and approved by the City prior to the commencement of development;
- 14 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the City of Joondalup for execution prior to commencement of development, and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:  
  
*'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner'*;
- 15 The development shall at all times comply with the requirements and recommendations of the *Bushfire Assessment Report* prepared by Structerre Consulting Engineers and dated 24 June 2016 as detailed in Attachment 10 of this Report.

#### Advice notes

- 1 Any existing infrastructure/assets within the road reserve (such as footpath, kerbing and street trees) are to be retained and protected during construction of the development and are not to be removed or altered. Should any infrastructure or assets be damaged during the construction of the development, it is required to be reinstated to the satisfaction of the City;

- 2 The City encourages the applicant/owner to incorporate materials and colours to the external surface of the building, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours;
- 3 This approval does not include the dividing fence(s). You are advised that in accordance with the *Dividing Fences Act 1961* you are required to reach agreement with the adjoining owners as to the height, appearance and location of the dividing fence;
- 4 The applicant/owner is advised that verge treatments are required to comply with the City's *Street Verge Guidelines*;
- 5 The Section 70A Notification form attached with this decision notice should be completed by the applicant/landowner and submitted to the City for the affixing of the common seal of the City of Joondalup. The documentation will then need to be lodged with the Registrar of Titles for the endorsement on the certificate of title;
- 6 The owner/applicant is advised that the subject site has been identified as being within a bushfire prone area as designated by the Fire and Emergency Services (FES) Commissioner. As a result:
  - 6.1 Condition 15 is required in accordance with clause 6.10 of *State Planning Policy 3.7 – Planning for Bushfire Prone Areas (SPP3.7)*; and a Bushfire Attack Level (BAL) Assessment and/or additional construction methods may be required as part of the Building Permit;
- 7 The Construction Management Plan shall be prepared using the City's Construction Management Plan template which can be provided upon request;
- 8 The applicant is advised of the existing sewer main which runs parallel to the rear lot boundary of the subject site. As such, further approvals may be required from the Water Corporation in relation to construction of the building and associated works which are proposed within close proximity to the sewer main.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf220510.pdf](#)

## ITEM 5 EXECUTION OF DOCUMENTS

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr James Pearson<br>Office of the CEO  |
| <b>FILE NUMBERS</b>           | 15876, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1    Signing and Common Seal Register -<br>Extract from 23 February to 19 April 2022  |
| <b>AUTHORITY / DISCRETION</b> | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). |

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal between 23 February to 19 April 2022.

### 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 Signing and Common Seal Register between 23 February to 19 April 2022, as detailed in Attachment 1 to this Report.*

### BACKGROUND

For the period between 23 February to 19 April 2022, 15 documents were executed by affixing the Common Seal. A summary is provided below:

| Type                                 | Number |
|--------------------------------------|--------|
| Temporary Withdrawal of Caveat       | 1      |
| Scheme Amendment                     | 2      |
| Fencing Amendment Local law 2021     | 1      |
| Section 70A Notification             | 5      |
| Restrictive Covenant                 | 1      |
| Removal of Section 70A Notification  | 1      |
| Replacement Agreement                | 1      |
| Lease Agreement                      | 1      |
| Caveator Consent to Amendment Caveat | 1      |
| Deed of Variation                    | 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 implications**Current 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 Signing and Common Seal Register between 23 February to 19 April 2022, as detailed in Attachment 1 to this Report.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf220510.pdf](#)*

## ITEM 6 **MINUTES OF REGIONAL COUNCIL MEETINGS**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy   |
| <b>FILE NUMBERS</b>           | 03149, 101515   |
| <b>ATTACHMENT</b>             | Attachment 1 Mindarie Regional Council –<br>Ordinary Council Meeting Minutes –<br>24 March 2022<br><br><i>(Please Note: These Minutes are only available electronically).</i> |
| <b>AUTHORITY / DISCRETION</b> | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').                              |

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

The following minutes are provided:

- Ordinary Minutes of the Mindarie Regional Council meeting held on 24 March 2022.

### **DETAILS**

#### **Mindarie Regional Council Ordinary Council Meeting – 24 March 2022**

An ordinary meeting of the Mindarie Park Regional Council was held on 24 March 2022.

At the time of the meeting Mayor Albert Jacob and Cr Christopher May were Council's representatives at the Mindarie Regional Council meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup (Attachment 1 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 ordinary meeting of the Mindarie Regional Council held on 24 March 2022 forming Attachment 1 to this Report.**

*To access this attachment on electronic document, click here: [RegionalMinutes220510.pdf](#)*



## **ITEM 7 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY TO 31 MARCH 2022**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy   |
| <b>FILE NUMBERS</b>           | 20560, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 January 2022 to 31 March 2022<br>Attachment 2 Capital Works Program Quarterly Report for the period 1 January 2022 to 31 March 2022 |
| <b>AUTHORITY / DISCRETION</b> | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').  |

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### **PURPOSE**

For Council to receive the Corporate Business Plan Quarterly Progress Report for the period 1 January 2022 to 31 March 2022 and the Capital Works Quarterly Report for the period 1 January 2022 to 31 March 2022.

### **EXECUTIVE SUMMARY**

The City's Corporate Business Plan 2021-22 to 2025-26 is the City's five year delivery program which is aligned to the strategic direction and priorities set within the 10 year Strategic Community Plan: Joondalup 2022.

The Corporate Business Plan contains the major projects and priorities which the City proposes to deliver over the five year period and specific milestones for projects and priorities in the first year (2021-22).

The Corporate Business Plan Quarterly Progress Report, for the period 1 January 2022 to 31 March 2022, provides information on the progress of 2021-22 projects and programs against these quarterly milestones and is shown as Attachment 1 to this report.

A Capital Works Quarterly Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to this Report.

*It is therefore recommended that Council RECEIVES the:*

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 January 2022 to 31 March 2022, which is shown as Attachment 1 to this Report;*
- 2 *Capital Works Quarterly Report for the period 1 January 2022 to 31 March 2022, which is shown as Attachment 2 to this Report.*

## BACKGROUND

The City's Corporate Business Plan 2021-22 to 2025-26 demonstrates how the objectives of the City's Strategic Community Plan: Joondalup 2022 are translated into a five year delivery program.

The Corporate Business Plan 2021-22 to 2025-26 was endorsed by Council on 21 September 2021 (CJ136-09/21 refers). The Plan contains the major projects and priorities for the five year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2021-22 financial year.

The City's Corporate Reporting Framework requires the development of quarterly reports against annual projects and priorities, which are presented to Council on a quarterly basis.

The City's Corporate Business Plan and quarterly reports are in line with the Department of Local Government, Sport and Cultural Industries' Integrated Planning and Reporting Framework, which requires planning and reporting on local government activities.

## DETAILS

The Corporate Business Plan Quarterly Progress Report provides information on progress against the milestones for the 2021-22 projects and programs contained within the Corporate Business Plan.

A commentary is provided against each quarterly milestone on the actions completed, and project status is reported via colour coding which indicates if the project has been completed, is on track or slightly behind schedule. Information is also provided on the budget status for each item. The milestones being reported this quarter are the grey shaded sections of Attachment 1 to this Report.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** The *Local Government Act 1995* provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

*"This Act is intended to result in:*

- a) better decision making by local governments;*
- b) greater community participation in the decisions and affairs of local governments;*
- c) greater accountability of local governments to their communities; and*
- d) more efficient and effective government.*

## Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.

**Policy**

The City's Governance Framework recognises the importance of effective communication, policies and practices in Section 7.2.4. Section 10.2 further acknowledges the need for accountability to the community through its reporting framework, which enables an assessment of performance against the Strategic Community Plan, Strategic Financial Plan, Corporate Business Plan and Annual Budget.

**Risk management considerations**

The Corporate Business Plan Quarterly Progress Reports provide a mechanism for tracking progress against milestones for major projects and programs.

**Financial / budget implications**

2021-22 projects and programs in the Corporate Business Plan were included in the 2021-22 Annual Budget.

**Regional significance**

Not applicable.

**Sustainability implications**

The projects and programs in the Corporate Business Plan are aligned to the key themes in Joondalup 2022 which have been developed to ensure the sustainability of the City.

The key themes are as follows:

- Governance and Leadership.
- Financial Sustainability.
- Quality Urban Environment.
- Economic Prosperity, Vibrancy and Growth.
- The Natural Environment.
- Community Wellbeing.

**Consultation**

Not applicable.

**COMMENT**

The Corporate Business Plan 2021-22 to 2025-26 was endorsed by Council at its meeting held on 21 September 2021 (CJ136-09/21 refers). A detailed report on progress of the Capital Works Program has been included with the Corporate Business Plan Quarterly Progress Report. This Report provides an overview of progress against all the projects and programs in the 2021-22 Capital Works Program.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 RECEIVES the Corporate Business Plan Quarterly Progress Report for the period 1 January 2022 to 31 March 2022, which is shown as Attachment 1 to this Report;**
- 2 RECEIVES the Capital Works Quarterly Report for the period 1 January 2022 to 31 March 2022, which is shown as Attachment 2 to this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf220510.pdf](#)*

## ITEM 8 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2022

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services   |
| <b>FILE NUMBERS</b>           | 09882, 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of March 2022<br>Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds for the month of March 2022)<br>Attachment 3 Municipal and Trust Fund Vouchers for the month of March 2022 |
| <b>AUTHORITY / DISCRETION</b> | Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').   |

### PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of March 2022.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of March 2022, totalling \$20,288,236.82.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for March 2022 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 \$20,288,236.82.*

### 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 March 2022. 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<br>112311 - 112357 & EF098881 - EF099205 &<br>EF099212 - EF099583<br>Net of cancelled payments | \$15,334,872.95        |
|                   | Vouchers 3258A – 3273A  | \$4,940,447.07         |
|                   | Bond Refund Cheques & EFT Payments<br>EF098877 – EF098880 & EF099206 – EF099211<br>Net of cancelled payments.                   | \$12,916.80            |
| <b>Total</b>      |   | <b>\$20,288,236.82</b> |

### Issues and Options Considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / Policy Implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### Risk Management Considerations

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

**Financial / Budget Implications**

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

**Regional Significance**

Not applicable.

**Sustainability Implications**

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

**Consultation**

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 *2021-22 Revised Budget* as adopted by Council at its meeting held on 15 March 2022 (CJ028-02/22 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 March 2022 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 \$20,288,236.82.**

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf220510.pdf](#)

## **ITEM 9**                                    **FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2022**

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

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 March 2022.

### **EXECUTIVE SUMMARY**

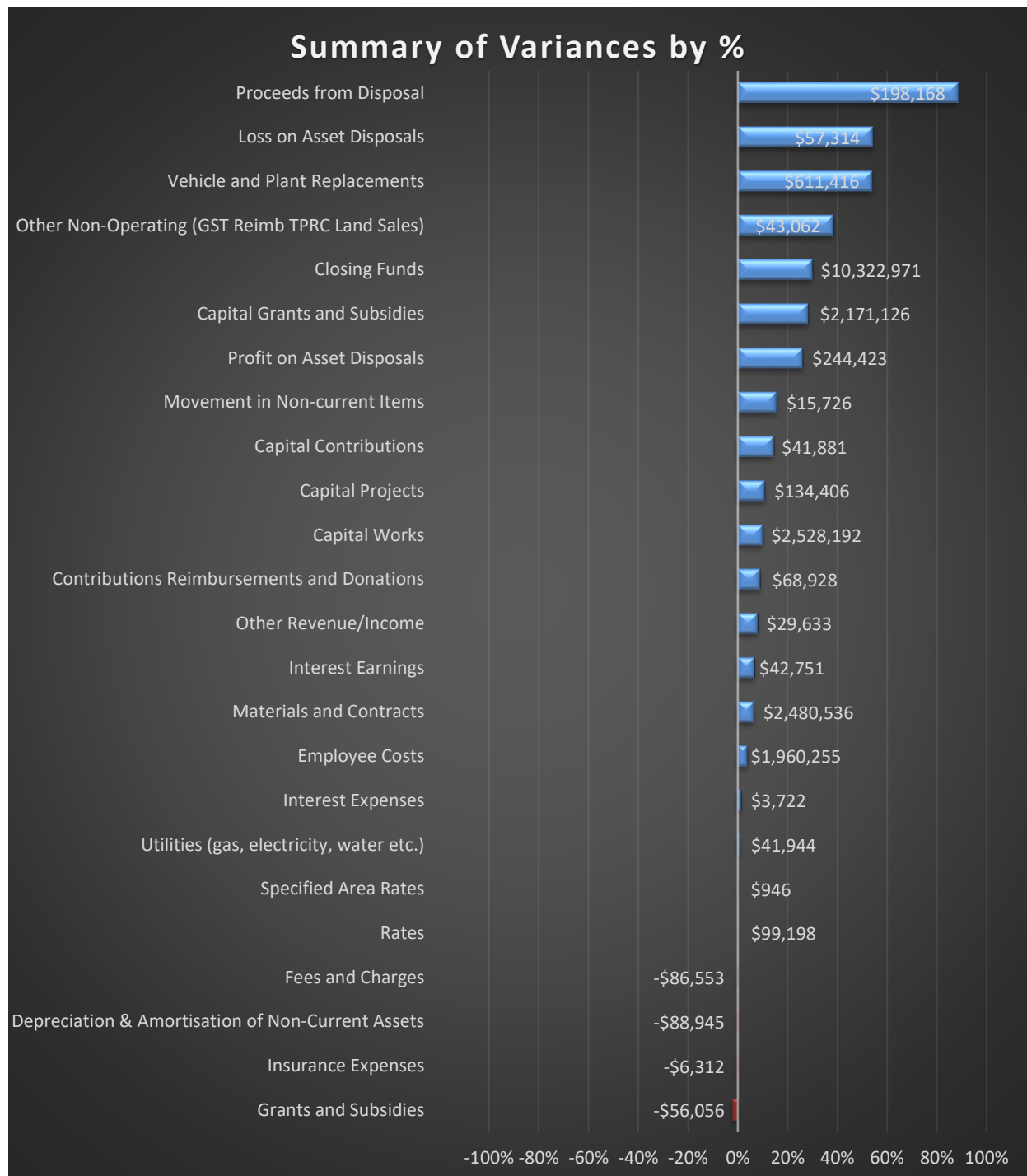
At its meeting held on 15 June 2021 (CJ092-06/21 refers), Council adopted the 2021-22 Annual Budget. Council subsequently amended the budget at its meeting held on 17 August 2021 (CJ131-08/21 refers), 21 September 2021 (CJ139-09/21 refers), 12 October 2021 (CJ147-10/21 refers) and 16 November 2021 (CJ169-11/21 refers). Council thereafter revised the budget at its meeting held on 15 February 2022 (CJ028-02/22 and CJ029-02/22 refers). Council subsequently amended the revised budget on 15 March 2022 (CJ042-03/22 refers). The figures in this report are compared to the revised budget.

The March 2022 Financial Activity Statement Report shows an overall favourable variance of \$10,322,971 from operations and capital, after adjusting for non-cash items.

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 March. The notes in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.



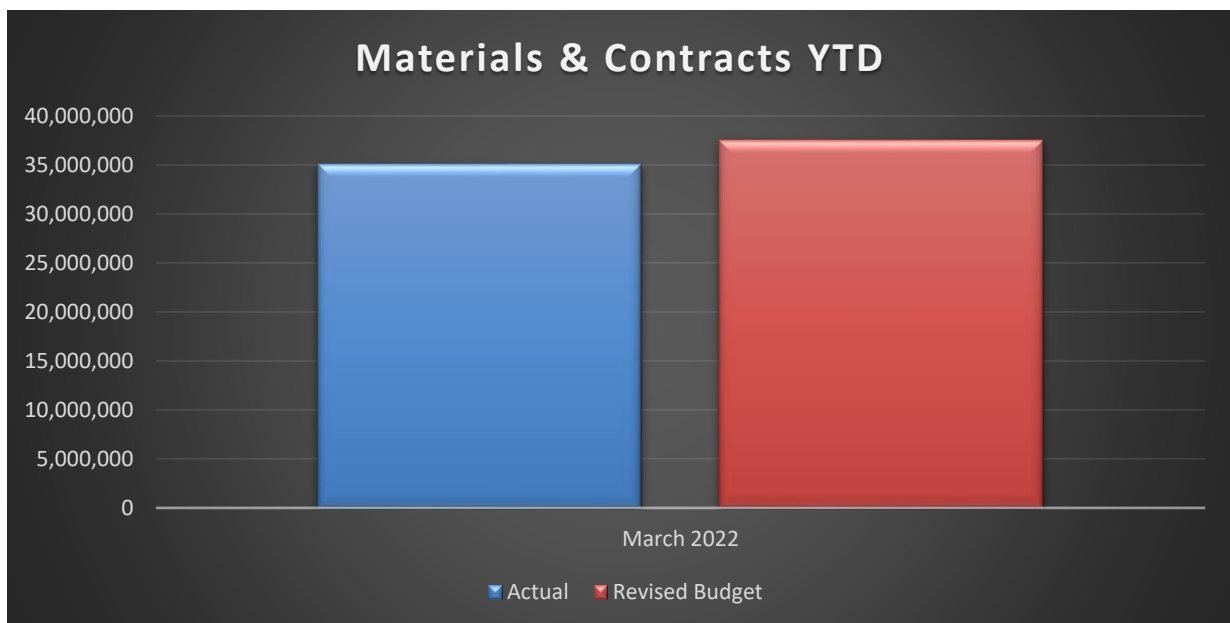
The key elements of the variance are summarised below:



The significant variances for March were:

**Materials and Contracts**

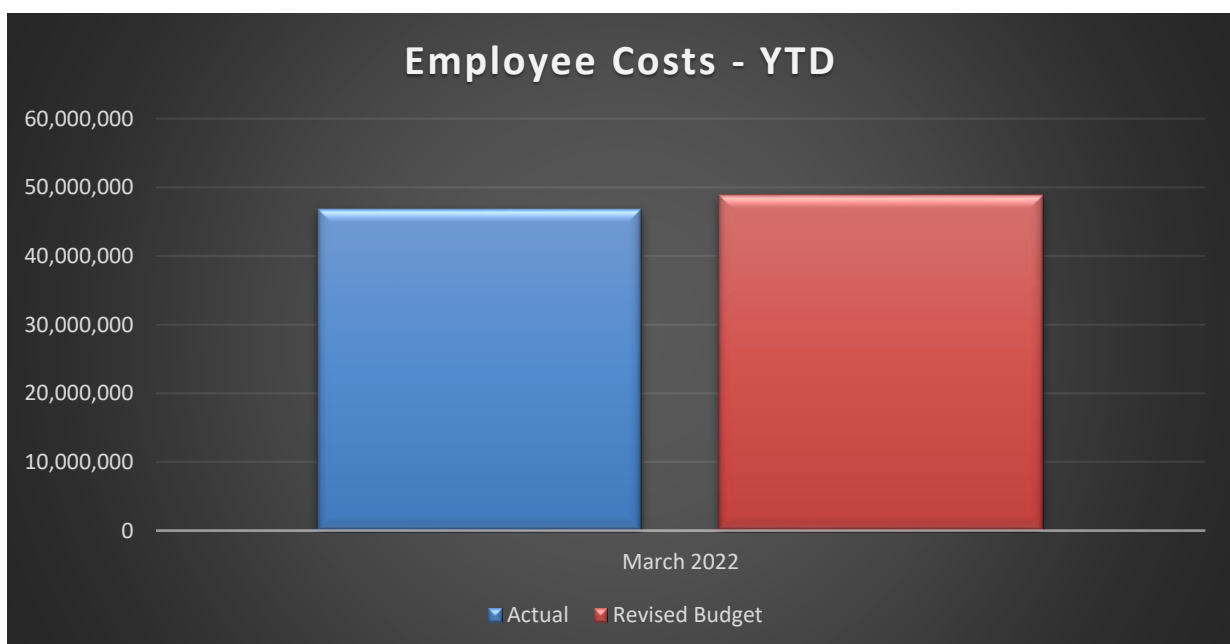
**\$2,480,536**



Materials and Contracts expenditure is \$2,480,536 below budget. This is spread across a number of different areas including External Service Expenses \$1,013,632, Waste Management Services \$451,743, Contributions and Donations \$368,343, Public Relations, Advertising and Promotions \$305,358, Other Materials \$285,378 and Furniture, Equipment and Artworks \$236,210. This was partially offset by an unfavourable variance on Computing (\$404,179).

**Employee Costs**

**\$1,960,255**



Employee Costs expenditure is \$1,960,255 below budget. Favourable variances predominantly arose from vacancies in various areas.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2022 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 March 2022 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

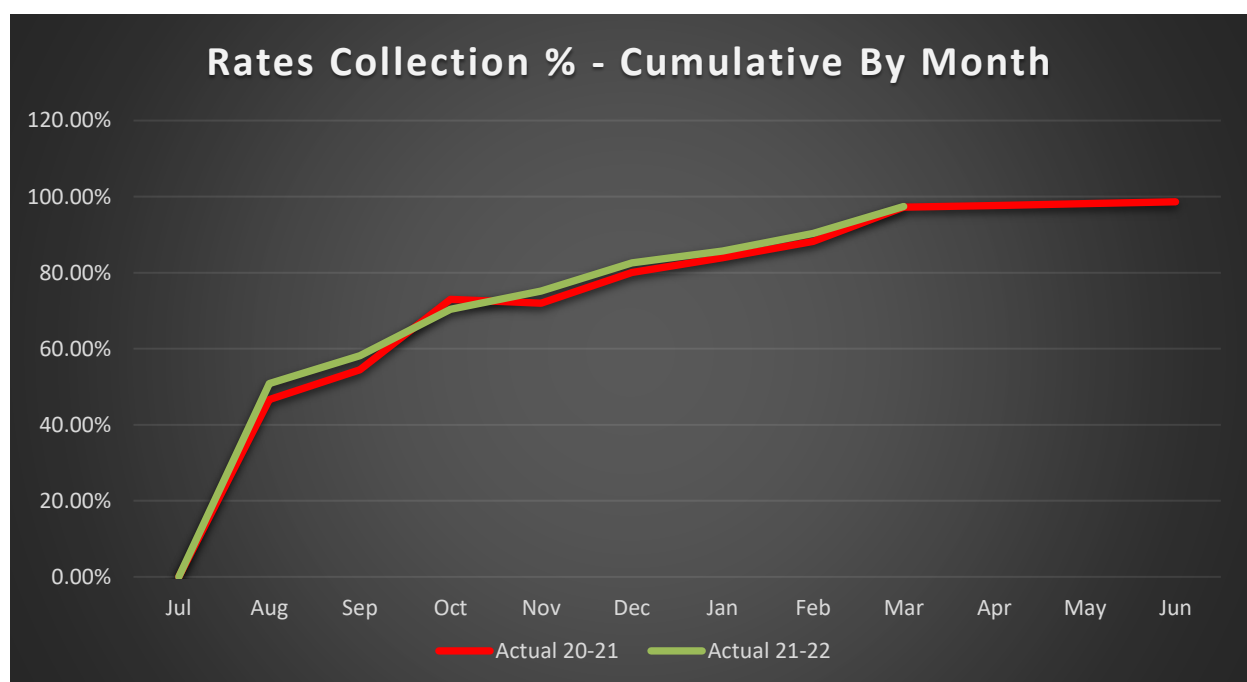
Expenditure has been incurred in accordance with revised budget parameters, which have been structured on financial viability and sustainability principles.

## 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*.

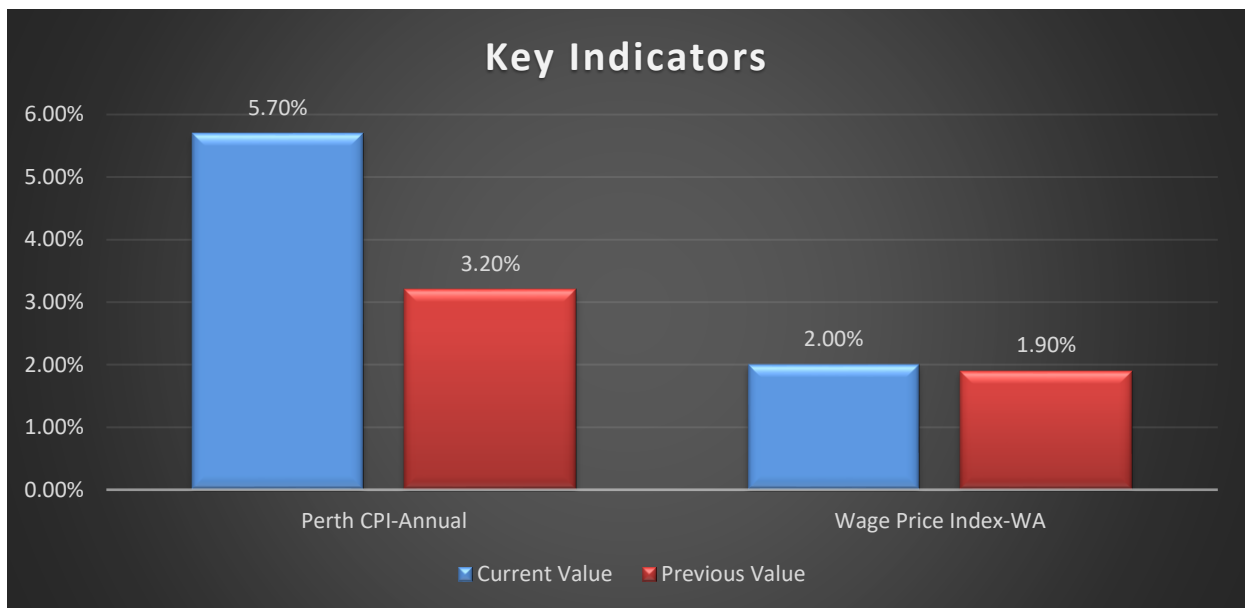
## KEY INDICATORS

### Rates Collection



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

## **Economic Indicators**



During February the Western Australia Wage Price Index for the fourth quarter of 2021 was released. Western Australia recorded the slowest quarterly rise in wages of 0.5% and had the lowest annual wages growth of 2%. This underperformance came despite little disruption from COVID-19 in the fourth quarter.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2021-22 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 March 2022 forming Attachment 1 to this Report.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf220510.pdf](#)

## ITEM 10 REQUEST FOR WAIVER OF HIRE FEES - BURNS BEACH PRIMARY SCHOOL

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE A/DIRECTOR</b> | Mr Mike Smith<br>Corporate Services   |
| <b>FILE NUMBERS</b>           | 101271, 87651, 101515   |
| <b>ATTACHMENTS</b>            | Nil   |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

---

### PURPOSE

For Council to consider an application for a waiver of hire fees for the Burns Beach Primary School for the use of Bramston Park during 2022.

### EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework* which guides the City management 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* allows for various levels of subsidisation of the hire fees for educational institutions hiring City managed facilities. The policy states that for groups seeking further subsidisation, an application must be made to the City with a report presented to Council for its consideration for requests over \$5,000.

The Burns Beach Primary School adjacent to Bramston Park, Burns Beach, opened in January 2022 and does not have an oval on the school grounds. The City's management order over Bramston Park prevents the City from entering into a lease or licence agreement, including a shared use agreement with the Department of Education (DoE) for school use of the park. The City is in discussions with the Department of Planning, Land and Heritage (DoPLH) to change the management order to allow the City to licence the park, with the intent for the City to enter into a shared use agreement with the DoE for use of the park by the Burns Beach Primary School.

In order to provide students with a space for their activities until this change occurs, the school has placed a booking for Bramston Park during school hours and has been charged in accordance with the City's Scheduled Fees and Charges and *Facility Hire Subsidy Policy*. The school has submitted a request for a waiver of hire fees for this booking to the value of \$6,521.

If the DoE were to have a shared use agreement with the City for use of Bramston Park by the Burns Beach Primary School, the DoE would be required to pay 25% of the total costs incurred by the City to maintain the park. The cost to the City in 2020-21 to maintain the park was \$10,263, which would make the school's contribution under a shared use agreement \$2,566. The difference between what the school is currently required to pay as part of its booking and what it would be expected to pay under a shared use agreement is \$3,955.

*It is therefore recommended that Council:*

- 1 *NOTES the booking request from the Burns Beach Primary School for the use of Bramston Park, Burns Beach, Monday to Friday 8.00am to 3.00pm on school term days for 2022;*
- 2 *NOTES that the total cost payable by the Burns Beach Primary School as per Part 1 above after the subsidy has been applied as per the Facility Hire Subsidy Policy is \$6,521;*
- 3 *AGREES to waive part of the hire fees for Burns Beach Primary School as per Part 1 above to the value of \$3,955 and charge Burns Beach Primary School a minimum of \$2,566 for its 2022 bookings of Bramston Park, Burns Beach;*
- 4 *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;*
- 5 *NOTES that use of Bramston Park, Burns Beach, by the Burns Beach Primary School from 2023 is subject to change pending the outcome of the City's application to amend its management order over the park.*

## **BACKGROUND**

### Facility Hire Subsidy Policy

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Property Management 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* 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.

Regarding the dealing of 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.”*

### Shared use arrangements

At its meeting held on 25 November 2008 (CJ253-11/08 refers), Council considered options for the management of shared use arrangements between the City and the Department of Education (then the Department of Education and Training) for the use of City parks for regular school activities. Council resolved to adopt a cost sharing model which sees the Department of Education (DoE) and the Catholic Education WA (CEWA) pay the City a fixed percent (25%) of the annual maintenance cost for where City parks are used by a school.

As a result, there are several sites within the City where private and public schools utilise City parks on a regular basis for the ongoing delivery of sport, leisure, and recreation.

Shared use is a facility planning and management principle. Issues arose previously where the DoE / CEWA neglected to maintain their portion to an acceptable standard. As a result, the condition of parks at these sites were significantly different in relation to the side the City maintained. To overcome this problem, individual long-term agreements were formalised for each site.

The agreements outline how the parks will be used and maintained. For parks that are wholly owned by the City, there is a 25% charge to the DoE / CEWA for maintenance. Schools have priority use over the oval during on school days between 8.00am and 4.00pm.

### **DETAILS**

Bramston Park, Burns Beach is currently vested to the City under management order from the Department of Planning, Lands and Heritage (DoPLH) for the purpose of ‘Public Recreation’. This management order prevents the City from entering into any lease or licence agreements, including shared use agreements with the DoE for school use.

The Burns Beach Primary School adjacent to Bramston Park opened in January 2022 and does not have an oval on its grounds. Due to the restrictions on licencing in the City’s management order over Bramston Park, the DoE have been unable to enter into a shared use agreement with the City for use of the park by the school. In order to provide students with a space for their activities, the school has placed a booking for Bramston Park between 8.00am and 3.00pm on school term days for 2022.



Under the City's Facility Hire Subsidy Policy, educational institutions are entitled to a 100% subsidy for park use up to eight hours per week per term, with any additional hours charged at the regular community hire rate. The Burns Beach Primary School currently book Bramston Park for an average of 35 hours per week. The total cost payable by the school for its 2022 booking after the subsidy has been applied is \$6,521. The school has requested that this cost be waived.

The City is in discussions with the DoPLH to change the management order to allow the City to licence the park, with the intent to enter into a shared use agreement with the Burns Beach Primary School, however the timeline for this to be completed is currently unknown.

If the DoE were to have a shared use agreement with the City for use of Bramston Park by the Burns Beach Primary School, the DoE would be required to pay 25% of the total costs incurred by the City to maintain the park. The cost to the City in 2020-21 to maintain the park was \$10,263, which would make the school's contribution under a shared use agreement \$2,566. The difference between what the school is currently required to pay as part of its booking and what it would be expected to pay under a shared use agreement is \$3,955.

### **Issues and options considered**

It is the City's intent to enter into a shared use agreement with the DoE for use of Bramston Park by the Burns Beach Primary School, however it is unable to due to the restrictions of the current management order. The hire fees for the school for use of the park exceed what the school would have been charged if a shared use arrangement had been in place.

Council may agree or not agree to the request for a waiver of fees, or it may consider waiving part of the hire fees to bring the cost payable by the school in line with what would be charged if a shared use arrangement were in place.

Should the school opt to reduce its bookings for the year, the cost payable would reduce below the equivalent cost the school would pay under a shared use agreement. In order to ensure the City recovers costs consistent with a shared use agreement, Council may also consider agreeing to charge the school a minimum \$2,566 in hire fees in 2022, which is the equivalent of what the school would be charged under a shared use agreement.

### **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 City compromises its strategic initiative in examining alternative revenue streams.
- Making exceptions for groups may set a precedent and cause complications when determining subsidies for other groups.

### **Financial / budget implications**

The cost to the City across all levels of subsidised use of City managed community facilities is approximately \$1.4 million each year.

If Council approves the waiver of hire fees requested by the Burns Beach Primary School for 2022, the City will lose approximately \$6,521 in income.

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

Not applicable.

### **COMMENT**

The intent of the *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.

The City had intended to enter into a shared use agreement with the DoE for the use of Bramston Park by the Burns Beach Primary School, however has been unable to do so due to the limitations of the management order. In order to remain consistent with this intent, it is recommended that Council consider waiving part of the hire fees to bring the cost payable by the school in line with what would be charged if a shared use arrangement were in place.

It is also recommended that Council consider agreeing to charge the school a minimum of \$2,566 in hire fees in 2022, which is the equivalent to what the school would be charged under a shared use agreement.

Once the management order for Bramston Park has been amended to enable the City to enter into a licence agreement, the City will contact DoE to continue discussions toward a shared use agreement for the Burns Beach Primary School.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1 NOTES the booking request from the Burns Beach Primary School for the use of Bramston Park, Burns Beach, Monday to Friday 8.00am to 3.00pm on school term days for 2022;**
- 2 NOTES that the total cost payable by the Burns Beach Primary School as per Part 1 above after the subsidy has been applied as per the Facility Hire Subsidy Policy is \$6,521;**
- 3 AGREES to waive part of the hire fees for Burns Beach Primary School as per Part 1 above to the value of \$3,955 and charge Burns Beach Primary School a minimum of \$2,566 for its 2022 bookings of Bramston Park, Burns Beach;**
- 4 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;**
- 5 NOTES that use of Bramston Park, Burns Beach, by the Burns Beach Primary School from 2023 is subject to change pending the outcome of the City's application to amend its management order over the park.**

**ITEM 11****CONFIDENTIAL - PINNAROO POINT FOOD AND BEVERAGE FACILITY**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | South-West   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 108334; 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1     Draft Agreement to Lease<br>Attachment 2     Draft Sub-sublease<br><br><i>(Please Note:     This Report and Attachments are Confidential and will appear in the official Minute Book only).</i> |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                          |

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

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

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

## ITEM 12 COMMUNITY FUNDING PROGRAM 2021-22

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services  |
| <b>FILE NUMBERS</b>           | 50591, 101515   |
| <b>ATTACHMENTS</b>            | Nil   |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

### PURPOSE

For Council to consider funding applications for the Community Funding Program 2021-22.

### EXECUTIVE SUMMARY

The Community Funding Program (CFP) aims to provide financial support to incorporated community groups to conduct projects, programs, events or activities that benefit the City of Joondalup community. The CFP was developed after a review of the City's funding programs in 2020-21, and the subsequent adoption of the revised *Community Funding Program Policy* by Council at its meeting held on 17 August 2021 (CJ127-08/21 refers).

The inaugural round of the CFP was held in March 2022, with a funding pool of \$192,500 available. Applications for small grants (under \$10,000) and large grants (over \$10,000) were accepted during this round.

The City received three applications for large grants and 22 small grant applications this round, totalling \$171,312 in requested funds.

The applications were assessed, and two of the three large grant applications are recommended for funding. The 22 small grant applications are all under \$10,000 and have been considered by the Chief Executive Officer.

The large grant applications are as follows:

| Club   | Project Title                            | Requested       | Recommended     |
|--|--|-----------------|-----------------|
| The Spiers Centre Inc  | Neighbourhood Friends                    | \$18,645        | \$18,645        |
| Futsal Association of Western Australia                        | Bringing Futsal to Joondalup             | \$14,938        | \$12,574        |
| Mullaloo Beach Primary School Parents and Citizens Association | Sustainability Hub and Outdoor Classroom | \$22,020        | \$0             |
| <b>TOTAL</b>   |  | <b>\$52,603</b> | <b>\$31,219</b> |

*It is therefore recommended that Council:*

- 1 *APPROVES a grant of \$18,645 to The Spiers Centre Inc for their Neighbourhood Friends Project, subject to the organisation entering into a formal funding agreement with the City of Joondalup;*
- 2 *APPROVES a grant of \$12,574 to the Futsal Association of Western Australia for their Bringing Futsal to Joondalup project, subject to the organisation entering into a formal funding agreement with the City of Joondalup;*
- 3 *DOES NOT APPROVE a grant of \$22,020 to the Mullaloo Beach Primary School Parents and Citizens Association for their Sustainability Hub and Outdoor Classroom project.*

## **BACKGROUND**

The CFP was developed after a review of the City's funding programs in 2020-21, and the subsequent adoption of the revised *Community Funding Program Policy* by Council at its meeting held on 17 August 2021 (CJ127-08/21 refers).

CFP aims to provide financial support to incorporated community groups to conduct projects, programs, events or activities that benefit the City of Joondalup community. All applications for the CFP must meet the following criteria:

- The project, program, event or activity that funding is being sought for must benefit or service the City of Joondalup community.
- The project, program, event or activity must align with one or more of the Community Funding Program Priorities:
  - strengthen community participation
  - encourage connected communities
  - promote healthy and active lifestyles
  - build resilient and sustainable communities.
- The project, program, event or activity has not received financial support through another funding program from the City within the same financial year.
- The applicant must be incorporated under the *Associations Incorporations Act 2015* (or other *Australian State Government Incorporations Act*).

The inaugural round of the CFP was held in March 2022, with a funding pool of \$192,500 available. Applications for small grants (under \$10,000) and large grants (over \$10,000) were accepted during this round.

## **DETAILS**

The City received three applications for large grants and 22 small grant applications this round, totalling \$171,312 in requested funds. Small grant applications which are valued under \$10,000 are considered by the Chief Executive Officer.

## Large grant applications

### The Spiers Centre Inc – Neighbourhood Friends

The Spiers Centre Inc submitted an application that sought support to deliver a neighbourhood community support service from January 2023 to December 2023. The Spiers Centre Inc is a neighbourhood centre based in Heathridge that provides support, information, financial counselling and emergency relief services to residents in the northern suburbs of Perth.

The proposed project aims to provide support to vulnerable and at-risk people within the City of Joondalup region who as a result of the COVID-19 pandemic and associated restrictions, have experienced higher levels of isolation, anxiety and social barriers. The proposed target group were identified in the application as people who are already known to The Spiers Centre Inc but are not having their needs met by existing services provided by the organisation.

The project involves the appointment of a project officer who will deliver programmed activities tailored to the needs of vulnerable and at-risk people, both at The Spiers Centre Inc., Heathridge, and at other locations as required for those unable to attend in person. These activities include sharing of stories and ideas, mindfulness and wellness activities, as well as art and craft activities.

The Spiers Centre Inc has indicated that approximately 50 City of Joondalup residents will benefit from this program.

The key outcomes of the Neighbourhood Friends project include the following:

- Increased connection to community by at-risk and vulnerable people.
- Provision of a safe and inclusive space for social interaction for at-risk and vulnerable people.

The costs of the program are itemised in the table below. The Spiers Centre Inc has also indicated it will source an additional \$4,157 from other sources to contribute to the project, covering items including venue hire, administrative support costs and other activity materials.

| Program Items                         | Amount Requested | Amount Recommended |
|---------------------------------------|------------------|--------------------|
| Project officer                       | \$16,500         | \$16,500           |
| Program materials – art supplies      | \$800            | \$800              |
| 5 x tablets                           | \$995            | \$995              |
| Wellness and mindfulness activity kit | \$350            | \$350              |
| <b>Total</b>                          | <b>\$18,645</b>  | <b>\$18,645</b>    |

The Spiers Centre Inc were deemed eligible for a grant under the criteria. The organisation last applied for funding in March 2015 as part of the City's previous Community Funding Program, however withdrew the application. The organisation currently has no outstanding grants with the City.

The Neighbourhood Friends project is recommended for funding as it met the funding priorities of building resilient and sustainable communities and encouraging connected communities. The project was identified as timely, had potential for significant impact for the target group, and there was strong evidence provided supporting the need for the project.

A detailed project plan was not provided with the application. The Spiers Centre Inc explained that while the organisation had a general outline of the activities it would provide as part of the project, the project officer would develop a more comprehensive programme during the initial stages of the project. Funding for the project was recommended on the condition that a detailed project plan be submitted to the City prior to the second funding instalment being paid.

#### Futsal Association of Western Australia – Bringing Futsal to Joondalup

The Futsal Association of Western Australia submitted an application that sought support for the delivery of a children's futsal competition and associated development clinics within the Joondalup region. The project is intended to run between June and December 2022.

The Futsal Association of Western Australia are a new state sporting association, formed in 2021 with the aim to promote and develop the sport of Futsal in Western Australia. The project includes delivery of a Sunday futsal competition to be held at Bouncers Sports Centre, Joondalup, in addition to school holiday futsal clinics at Lake Joondalup Baptist College, Joondalup. The competition is aimed at children aged two to 12 years old, while the holiday clinics are aimed at children aged 10 to 15 years. The project also incorporates coach development to ensure a quality experience for participants. Coaches will be provided with the opportunity to obtain formal coaching qualifications, in addition to first aid certificates.

There are currently adult futsal competitions at HBF Arena, but no offering for junior participation. The nearest junior futsal competition is located in Scarborough. Indoor soccer is available at Bouncers Sports Centre and Craigie Leisure Centre, however this is considered a different sport in that the rules of the game and pitch requirements vary to that of futsal.

The Futsal Association of Western Australia has indicated that approximately 100 City of Joondalup residents will benefit from this program.

The key outcomes of the Bringing Futsal to Joondalup project include the following:

- Four coaches to have formal coaching and first aid qualifications.
- Increased participation in futsal by children aged two to 15 years.
- Creation of a new futsal league within the Joondalup region.

The costs of the program are itemised in the table below. The Futsal Association of Western Australia has also committed \$17,200 of its own funds to the project, covering items including coach payments and uniforms, venue hire, and some marketing costs.

| <b>Program Items</b>                                | <b>Amount Requested</b> | <b>Amount Recommended</b> |
|---|-------------------------|---------------------------|
| 2 x Futsal size 4 ball packs                        | \$819                   | \$819                     |
| 6 x Portable Aluminium Goals                        | \$1,549                 | \$1,549                   |
| Markers, cones and bibs                             | \$345                   | \$345                     |
| Venue hire  | \$2,996                 | \$2,405                   |
| Football Federation of Australia Coaching B Licence | \$4,400                 | \$4,400                   |
| First Aid Certificates                              | \$476                   | \$476                     |
| Level One Coaching Certificate                      | \$173                   | \$173                     |
| Participant uniforms                                | \$1,773                 | \$0                       |
| Marketing – materials and online                    | \$2,407                 | \$2,407                   |
| <b>Total</b>  | <b>\$14,938</b>         | <b>\$12,574</b>           |



The Futsal Association of Western Australia were deemed eligible for a grant under the criteria. The organisation has not previously applied for any funding from the City.

The Bringing Futsal to Joondalup project is recommended for funding as the program meets the funding priorities of strengthening community participation, and promoting healthy and active lifestyles. The project provides new opportunities for junior participation, in addition to increasing the skills of futsal coaches to provide a positive experience for participants.

As part of its application, Futsal Association of Western Australia requested funds for uniforms for program participants. It was determined that the \$1,773 requested for team uniforms is considered to be a recurrent operational cost that would be expected to be covered by the organisation and / or the project participants, and is not eligible under section 4 of the CFP Guidelines.

The Futsal Association of Western Australia requested that its request for \$2,996 in venue hire be reduced by \$591 as it was unable to provide a quote as required in the funding guidelines. The organisation indicated it would instead cover these costs from its own funds. The recommendation reflects this request.

#### Mullaloo Beach Primary School Parents and Citizens Association – Sustainability Hub and Outdoor Classroom

The Mullaloo Beach Primary School Parents and Citizens Association submitted an application that sought support to create a sustainability hub / outdoor classroom where students can learn about implementing sustainable practices, such as recycling, composting and growing food.

School parents and citizens associations (P&Cs) provide feedback and advice on school policies and activities, assist in providing resources to enhance student outcomes and are involved in a variety of school activities including fundraising, school functions and canteens. The proposed project includes the installation of recycled plastic bench seats, a mural and a sustainability hub.

The Mullaloo Beach Primary School Parents and Citizens Association has indicated that approximately 2,000 City of Joondalup residents will benefit from this program, including current students, their parents, and the wider school community.

The key outcomes of the Sustainability Hub and Outdoor Classroom project include the following:

- Increase in sustainable practices of students and the wider school community.
- Production of a mural on school grounds.
- Regular use of the outdoor classroom by students, staff and community members.

The costs of the program are itemised in the table below. The Mullaloo Beach Primary School Parents and Citizens Association have not committed any of its own funds to the project, nor indicated it has sought funding from other sources.

| <b>Program Items</b>            | <b>Amount Requested</b> | <b>Amount Recommended</b> |
|---------------------------------|-------------------------|---------------------------|
| 5 x Recycled plastic bench seat | \$11,540                | \$0                       |
| Artist payment for mural        | \$2,895                 | \$0                       |
| Recycling hub                   | \$4,785                 | \$0                       |
| Woodchips                       | \$500                   | \$0                       |

| <b>Program Items</b>     | <b>Amount Requested</b> | <b>Amount Recommended</b> |
|--------------------------|-------------------------|---------------------------|
| Art supplies / materials | \$500                   | \$0                       |
| Concrete                 | \$1,800                 | \$0                       |
| <b>Total</b>             | <b>\$22,020</b>         | <b>\$0</b>                |

The Mullaloo Beach Primary School Parents and Citizens Association were deemed eligible for a grant under the criteria. The Mullaloo Beach Primary School Parents and Citizens Association currently has no outstanding grants with the City, though has previously received funding through the earlier version of the Community Funding Program:

| <b>Round</b>      | <b>Project</b>              | <b>Amount funded</b> |
|-------------------|-----------------------------|----------------------|
| Round two 2014-15 | Colour festival school fete | \$0                  |
| Round one 2015-16 | Rainwater tank              | \$748                |
| Round two 2016-17 | Indigenous art mural        | \$2,000              |
| Round one 2018-19 | Morning fitness sessions    | \$0                  |
| Round two 2018-19 | Community gardening project | \$1,500              |
| Round two 2018-19 | Sorrento mural project      | \$3,824              |
|                   | <b>Total</b>                | <b>\$8,072</b>       |

The Sustainability Hub and Outdoor Classroom project is not recommended for funding. The recycling hub specified in the application was not explained beyond a broad concept. The quote provided was from an exhibition and signage company and did not specify the product or service that would be provided. As this item was unable to be identified due to the lack of detail, it is not recommended for funding.

There was also not enough detail provided for the mural to recommend this item be funded. A location for the mural was not identified, nor details about who would paint it. Two potential artists were mentioned in the application, however no quotes or evidence of a discussion between the artists and the organisation were provided. The quote provided for the mural painting was instead a cost to provide relief teaching cover.

While the selection of recycled materials for the proposed bench seating was appreciated, there was little ongoing community benefit for the cost, and outdoor seating for students were assessed to be the responsibility of the school and / or Department of Education. It was also noted that the bench seating was to be concreted in place and therefore a permanent fixture to the school facilities. As a result, this item is not eligible under section 4 of the CFP Guidelines which states that development of facilities not owned or managed by the City will not be funded.

The Sustainability Hub and Outdoor Classroom project was deemed to have potential, and the City will offer support to the Mullaloo Beach Primary School Parents and Citizens to revise its application should it wish to resubmit the project in future Community Funding Program rounds.

### **Issues and options considered**

The Council may consider each application on its individual merits and approve or not approve as desired.

## Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative** Support and encourage opportunities for local volunteering.

Promote the sustainable management of local organisations and community groups.

Support and facilitate the development of community leaders.

**Policy** The Community Funding Program is conducted in line with the *Community Funding Program Policy*.

### Risk management considerations

Due to the transient nature of association committees it is possible that an organisation may find it difficult to maintain and provide reasonable information to complete an acquittal to the standard required in the funding agreement.

This risk is managed by the City being proactive in maintaining contact with organisations who have outstanding grant acquittals to ensure they are completed on time and with the relevant evidence and information.

### Financial / budget implications

#### Current financial year impact

|                                  |                            |
|----------------------------------|----------------------------|
| <b>Account no.</b>               | 1.443.A4409.3299.4023.     |
| <b>Budget Item</b>               | Community Funding Program. |
| <b>Budget amount</b>             | \$192,500                  |
| <b>Small grant proposed cost</b> | \$115,717                  |
| <b>Large grant proposed cost</b> | \$31,219                   |
| <b>Balance</b>                   | \$45,564                   |

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

The CFP encourages facilitates opportunities for the development of a healthy, connected, sustainable and involved community.

### Consultation

Promotion of this CFP funding round was conducted in February and March 2022 via the City's social media channels, e-newsletters, website, and relevant business unit contact lists.

**COMMENT**

Funds for the CFP were committed during the mid-year budget review, and therefore only one funding round was delivered in 2021-22 for the full funding pool of \$192,500.

From 2022-23, CFP will be delivered in two funding rounds per financial year, to be held in August and February. A total of \$125,000 will be made available for the August round, with the remaining \$67,500 available in the February round. Any unallocated funds from the August round will also be included in the February round.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1 APPROVES a grant of \$18,645 to The Spiers Centre Inc for their Neighbourhood Friends Project, subject to the organisation entering into a formal funding agreement with the City of Joondalup;**
- 2 APPROVES a grant of \$12,574 to the Futsal Association of Western Australia for their Bringing Futsal to Joondalup project, subject to the organisation entering into a formal funding agreement with the City of Joondalup;**
- 3 DOES NOT APPROVE a grant of \$22,020 to the Mullaloo Beach Primary School Parents and Citizens Association for their Sustainability Hub and Outdoor Classroom project.**

**ITEM 13 PETITION - COASTAL PAID PARKING**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 105362; 101515  |
| <b>ATTACHMENTS</b>            | Nil   |
| <b>AUTHORITY / DISCRETION</b> | Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

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**PURPOSE**

For Council to consider the preparation of a policy for paid parking in coastal areas, which seeks to outline the circumstances where Council would and would not approve the application of paid parking in coastal locations.

**EXECUTIVE SUMMARY**

Council received a petition at its meeting held on 12 October 2021, requesting that Council oppose the application of paid parking in coastal locations. At its meeting held on 15 March 2022 (CJ034-03/22 refers), a recommendation was made, in part, that Council:

- “3 *NOTES that in relation to the petition requesting the City not to install paid public parking at Ocean Reef Marina, and any coastal location within the City of Joondalup, that Council:*
- 3.1 *NOTES that the setting of all Fees and Charges, including parking fees, on City managed land will be considered as part of the Annual Budget;*
  - 3.2 *ADVISES the lead petitioner of Council’s decision as detailed above.”.*

In considering this item, Council amended the officer’s recommendation:

- “1 *Part 3 of the motion be amended to read as follows:*

*NOTES that in relation to the petition requesting the City not to install paid public parking at Ocean Reef Marina, and any coastal location within the City of Joondalup, that the item be REFERRED BACK to the Chief Executive Officer to report by no later than May 2022.;*

- 2 *Parts 3.1 and 3.2 of the motion be deleted.”.*

During the debate on this item, the primary concern raised by Elected Members appeared to be the prevention of paid parking for people attending the beach for leisure purposes. This is not an uncommon position, with the majority of studies and surveys that the City is aware of supporting the providing of free parking for people to attend the beach.

While paid parking is one option to ensure that parking is used efficiently by as many members of the public as possible, there are other options. For example, in areas where parking is of a premium, local governments often implement time limits for parking as way of ensuring turnover. Time limited parking is relatively easily enforced, ensures that parking is free of charge while ensuring efficient use of parking by as many people as possible.

There are other circumstances that Council may wish to consider when deciding whether or not to completely rule out paid parking in coastal locations. Some examples where Council may wish to impose a fee include:

- use of parking bays for specific purposes, such as boat trailer parking
- exclusive parking rights for boat pen holders within the Marina
- the management of private parking areas within a coastal area
- where parking is requested as a part of an event or commercial use
- where free parking is available, however longer term or secure parking is provided in addition to this.

If Council were to consider circumstances where paid parking in coastal locations is and is not appropriate, it would be recommended that a policy is drafted for consideration by the Policy Committee. The Committee could consider each scenario in detail prior to making a final recommendation to Council.

## **BACKGROUND**

Parking in coastal locations is a difficult issue for many local governments to manage. For approximately one third of the year, parking will be in high demand on weekends and public holidays. For the other two thirds of the year, this parking will be largely empty, even on weekends. This pattern of parking means that large carparks are often required and usually have a higher than normal cost per hour used due to the large portions of time the carpark is not used to capacity.

There is a general presumption that parking to attend the beach in the Perth metropolitan will be provided by local governments without a fee being paid. To be clear, it is not being recommended or suggested that this be changed in anyway.

In the business case that accompanied Council's consideration of the land transactions for the Ocean Reef Marina, an income amount was shown for parking revenue at the Ocean Reef Marina. This fee was calculated at the extremely low value of \$0.50 per hour for the Marina area. This fee was used for determining the long-term impact of the Marina, it should not be taken as a recommendation that the exact fee be charged on each bay. Rather, the fee acted as proxy for the range of income streams that could be achieved at the Ocean Reef Marina through such arrangements as;

- paid access for boat trailer parking
- paid access for exclusive parking for boat pen holders
- any commercial parking arrangements whereby the City manages parking on private land.

The presence of a parking fee within the Business Case for the Ocean Reef Marina appears to have caused some concern within the community. This concern resulted in a 72-signature petition being received requesting that the Council:

- opposes the application of any paid public parking at Ocean Reef Marina
- opposes any further application of paid public parking at any other coastal location controlled by the City of Joondalup
- ceases any representations to the State Government for the application of paid public parking at Ocean Reef Marina, Hillarys Boat Harbour, or any other coastal location.

At the March 2022 Ordinary Council Meeting, the City advised that *“The setting of all Fees and Charges, including parking fees, is considered by Council as part of the Annual Budget. The City is not responsible for setting parking fees on State Government managed land including Hillarys Boat Harbour. Therefore, the setting of parking fees on all City managed land will be considered as part of the 2022-23 Annual Budget.”*

A recommendation was provided as a part of that report that stated:

*“That Council:*

3 *NOTES that in relation to the petition requesting the City not to install paid public parking at Ocean Reef Marina, and any coastal location within the City of Joondalup, that Council:*

3.1 *NOTES that the setting of all Fees and Charges, including parking fees, on City managed land will be considered as part of the Annual Budget;*

3.2 *ADVISES the lead petitioner of Council’s decision as detailed above.”.*

At the meeting, Council resolved to amend the recommendation to:

*“1 Part 3 of the Motion be amended to read as follows:*

*“NOTES that in relation to the petition requesting the City not to install paid public parking at Ocean Reef Marina, and any coastal location within the City of Joondalup, that the item be REFERRED BACK to the Chief Executive Officer to report by no later than May 2022.”;*

*2 Parts 3.1 and 3.2 of the Motion be deleted.”.*

## **DETAILS**

The ability to regulate and control parking on land that the City manages is set out in the *City of Joondalup Parking Local Law 2013*. Under this law, the City is able to create parking stations that require the payment of a fee in order for the bay to be used. Failure to pay the prescribed fee creates an offence under the local law and infringements can be issued. At present, the only area where paid parking stations have been created for general parking is in the Joondalup Central Business District (CBD). Specific use parking (boat trailer parking) exists at two sites currently.

The local law also provides for other mechanisms for the management of parking within the City. These options include the implementation of time restrictions, setting aside bays for specific uses or the requirement to have a permit to park in certain locations. These options will be necessary in the Ocean Reef Marina precinct to ensure that the parking is used as efficiently as possible and that the needs of residents, businesses and visitors to the area are balanced.

In the report to the March Ordinary Council Meeting, the recommendation was made that Council note the request and that the setting of fees is determined by Council each year when it considers its budget. Council is required to consider and determine its fees and charges each year as a part of its budget deliberations. Council is also required, under the provisions of the *Local Government Act 1995*, to determine its budget no sooner than 1 June, immediately prior to the financial year to which the budget applies.

Policies are a valuable tool for Councils to provide guidance to the administration of a local government and the public alike, of the decisions Council is likely to make in any given scenario. While Council does have the ability to set aside the provisions of its own policies, this is generally only done in exceptional circumstances.

The management of parking in the Ocean Reef Marina precinct will be complex. Within the Marina district there will be several competing requirements for parking including residential and commercial that would be expected within urban area, as well as specific uses such as boat trailer parking, provision of parking for boat pen holders, club parking as well as public parking for those wishing to visit the beach or other Marina facilities. It is likely that Council will require several approaches to be successful in the managing this precinct.

During the recent consideration of parking within the Joondalup CBD, Council resolved to review the parking arrangements within the CBD every two years. It is highly probable that the management of parking in the Ocean Reef Marina district will also likely require regular review, particularly as the Marina precinct evolves. Given the range of possible outcomes, it is not recommended to remove any option at this stage.

The use of fees to manage parking in coastal locations is not without controversy. In the early 2000's the Town of Cottesloe considered charging fees for parking at its two carparks closest to Cottesloe Beach. The State Government at that time amended the *Local Government (Administration) Regulations 1996* to specifically prevent the Town of Cottesloe from considering any local law that would allow the charging of fees for parking west of Broome Street in the district of Cottesloe. The intervention of the State in the consideration of a local matter shows the level of public interest in the matter at the time. There is nothing to suggest that public sentiment towards paid parking to access the beach has changed since.

### **Issues and options considered**

*Option 1 – Council resolves to oppose paid parking at coastal locations in accordance with the request in the petition.*

This option has been considered in detail and is not recommended at this time. The two primary concerns with this approach are that the only record of such a decision would be the resolution itself and secondly, a blanket approach such as this may result in unintended consequences.

If Council wishes to consider preventing the implementation of paid parking in coastal locations, it would be advised to do so via the creation of a policy as outlined in Option 3.

*Option 2 – Council declines the request within the petition.*

This option has been previously recommended to Council on the basis that Council are required to consider and set fees and charges as a part of the annual budget process. Council has considered this option and referred the matter back to the Chief Executive Officer to allow for further options to be considered.

*Option 3 – Council resolves to create a policy in relation to parking arrangements within coastal locations, which addresses the issue of paid parking for beach access.*



The setting of parking fees is one method of ensuring publicly available parking is used in the most efficient way. If a decision is to be made on paid parking in coastal areas, a policy will allow the decision to be appropriately recorded and reviewed as necessary. A policy also has the advantage of being able to outline when and how a decision is to be implemented, and to provide guidance to the City in the implementation of the decision. This is the recommended option.

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

**Legislation** *Local Government Act 1995 s3.58 and s3.59.*

### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

### **Strategic initiative**

**Policy** Not applicable.

### **Risk management considerations**

There are no perceived risks associated with the recommendation made.

### **Financial / budget implications**

There are no perceived financial implications in the recommendation made.

### **Regional significance**

Nil.

### **Sustainability implications**

Nil.

### **Consultation**

While Council have received a petition, no further specific consultation has been undertaken on this issue. It would be recommended that prior to any policy being adopted, the policy be advertised to allow for feedback from the community.

### **COMMENT**

The management of parking within the Ocean Reef Marina site will be complex and challenging. While there is currently no intention to charge parking fees for attendance at public facilities (beach), parking fees are a legitimate way of recovering the cost of parking management for specific use parking, such as boat trailer parking or access for pen holders.

The concerns of the community on paid parking in coastal locations is understood. Given the complexities of the issue and the need to ensure any Council decision is reviewed and managed correctly, it is being recommended that a policy for paid parking in coastal areas be drafted for consideration by the Policy Committee and then referred to Council. A policy is considered the most efficient way to ensure the community's concerns are addressed while minimising the risk of any unintended consequences.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council REQUESTS the Chief Executive Officer prepare a report on the development of a policy for paid parking in coastal areas, to be presented to the Policy Committee at its meeting to be held on 1 August 2022.**

**ITEM 14**                      **CONFIDENTIAL**      -      **TENDER**      **003/22**      -  
**ENTERPRISE**                    **BUSINESS**  
**IMPLEMENTATION**                      **PLATFORM**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 109914; 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1      Schedule of Items<br>Attachment 2      Summary of Qualitative Tender Submissions<br>Attachment 3      Tender Summary<br><br>(Please Note: <i>This Report and Attachments are Confidential and will appear in the official Minute Book only</i> ). |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.   |

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

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

(e)(ii) *information that has a commercial value to a person.*

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

## ITEM 15 **TENDER 011/22 - UPGRADE TO SORRENTO FOOTBALL CLUB CHANGEROOMS**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | South-West   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services   |
| <b>FILE NUMBERS</b>           | 109983, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1     Schedule of Items<br>Attachment 2     Summary of Tender Submissions<br>Attachment 3     Confidential Tender Summary<br><br><i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i> |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.  |

### PURPOSE

For Council to accept the tender submitted by Hickey Constructions Pty Ltd for the Upgrade to Sorrento Football Club changerooms.

### EXECUTIVE SUMMARY

Tenders were advertised on 5 March 2022 for the upgrade to Sorrento Football Club changerooms. Tenders closed on 23 March 2022. A submission was received from each of the following:

- Construct360 Pty Ltd.
- Hickey Constructions Pty Ltd.
- Hoskins Investments Pty Ltd as Trustee for MR Hoskins Family Trust (AE Hoskins and Sons).
- Riverslea Construction Pty Ltd.
- Solution 4 Building Pty Ltd.

The submission from Hickey Constructions Pty Ltd represents best value to the City. The company has extensive experience completing community facility refurbishment projects for WA local governments. It has in the past successfully completed numerous similar projects for the City and is currently undertaking the extension and refurbishment of Emerald Park clubrooms, due for completion June 2022. Hickey Constructions Pty Ltd demonstrated a sound understanding of the City's requirements. The company is a well-established company with significant industry experience and proven capacity to complete the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the upgrade to Sorrento Football Club changerooms as specified in Tender 011/22 for the fixed lump sum of \$945,751 (excluding GST) for completion of works within seven months from commencement of contract.*

## **BACKGROUND**

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake works for the upgrade to Sorrento Football Club changerooms at 42 Beddi Road, Duncraig. The new changerooms, umpire room, physio rooms and extension of undercover area will be upgraded to Federation Internationale de Football Association (FIFA) standards as it is to be used as a training ground for women's football teams participating in the 2023 FIFA Women's World Cup to be held in Australia.

In the 2021 State Election a commitment of \$1,000,000 was made towards the upgrade of changeroom and toilet facilities for the Sorrento Football Club at the Percy Doyle Reserve in Duncraig.

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 to undertake works for the upgrade to Sorrento Football Club changerooms was advertised through state-wide public notice on 5 March 2022. The tender period was for two weeks and tenders closed on 23 March 2022.

### **Tender Submissions**

A submission was received from each of the following:

- Construct360 Pty Ltd.
- Hickey Constructions Pty Ltd.
- Hoskins Investments Pty Ltd as Trustee for MR Hoskins Family Trust (AE Hoskins and Sons).
- Riverslea Construction Pty Ltd.
- Solution 4 Building Pty Ltd.

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

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

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

### **Evaluation Panel**

The evaluation panel comprised three members, being:

- one with tender and contract preparation skills
- two with the appropriate operational expertise and involvement in supervising 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 upgrade to Sorrento Football Club changerooms Project involves significant works to an existing facility that is likely to present multiple challenges throughout the construction process. As such it is essential to seek a highly qualified contractor that is able to deal with these unexpected challenges professionally. The predetermined minimum acceptable qualitative score for this tender was therefore set at 60%.

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

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

## Compliance Assessment

All offers received were assessed as fully compliant and remained for further consideration.

## Qualitative Assessment

Riverslea Construction Pty Ltd scored 35.9% and was ranked fifth in the qualitative assessment. The company did not demonstrate experience undertaking refurbishment of community facility refurbishment projects nor any local government projects. Examples of works included Kalamunda Hotel beer garden renovation, Como Hotel refurbishment, Matilda Bay Restaurant extension and the Tavern at the Rocks renovation. It did not demonstrate sufficient understanding of the required tasks. The project methodology and process appeared generalised and did not address the requirements directly. It provided a number of names of subcontractors, but detailed information overall was not provided. It provided the names roles, trades and length of service of nine employees, but no further information was evident. The company did not sufficiently demonstrate it has the capacity required to undertake the works.

Construct360 Pty Ltd scored 53.3% and was ranked fourth in the qualitative assessment. It did not fully demonstrate experience completing community facility refurbishment projects. All examples of previous work provided to various organisations were dissimilar to the City's project. Examples such as NMT Balga Campus - roof replacement, Leeming Primary School toilet refreshment and the Shree Swaminrayan Temple alterations and renovations. It provided an adequate understanding of the requirements by providing an acceptable methodology that included key project deliverables and detailed Gantt Chart/tender program. It included details of ten subcontractors to provide services. An organisational chart and details of staff was provided, and additional resourcing can be obtained from the Consult360 Group.

It stated it has the ability to undertake six commercial construction projects concurrently, currently it has two projects in progress. The company demonstrated some capacity required to undertake the works.

A E Hoskins Building Services scored 74.8% and was ranked equal second in the qualitative assessment. It demonstrated extensive experience completing community facility refurbishment projects for local governments in WA including the Cities of Stirling for Balga Cricket Club building upgrade and Des Penman sporting pavilion upgrade, Melville for Tompkins Park refurbishment and Canning for the Shelley Park Changeroom upgrade. It demonstrated a sound understanding of the required tasks and proposed an appropriate methodology for the project which covered works to be carried out in various phases. It provided a substantial list of subcontractors it has used previously and who have agreed to participate in this project who will deliver the required services for this project, such as demolition, electrical, carpentry, cabinetry, painting, plumbing and earthworks were listed. A detailed company organisation chart and particulars of six key personnel were included and it is able to provide additional resources. It demonstrated the capacity required to provide the services to the City.

Hickey Constructions Pty Ltd scored 74.8% and was ranked equal second in the qualitative assessment. The company has extensive experience completing community facility refurbishment projects throughout WA for multiple local governments and state government agencies. It has in the past successfully completed numerous similar projects for the City including Falkland Park construction of new amenities, Warwick Bowling Club extension and refurbishment and Mildenhall internal refurbishment works. Hickey Constructions Pty Ltd is currently undertaking the extension and refurbishment of Emerald Park clubrooms, due for completion June 2022. It also included examples of various other refurbishment works carried out for Federation of WA Police Youth and Cultural Centres, Department of Culture and the Arts and the Cities of Wanneroo, Bayswater and Belmont, all similar projects of varying terms and values. It demonstrated a sound understanding of the required tasks outlined in its method statement and detailed a Gantt Chart for proposed construction and project delivery. The structure of business and details of key personnel were provided. The company has ample industry experience and proven capacity to complete the works.

Solution 4 Building Pty Ltd scored 76.3% and was ranked first in the qualitative assessment. It demonstrated substantial experience completing community facility construction and refurbishment projects for numerous local governments in WA. It provided four examples of works carried out for the City of Wanneroo, Shelvock Park, construction of a new sports amenities building and Wanneroo City Soccer Club upgrades and extension, City of Kalamunda Forrestfield United Club, refurbishment and installation works and the City of Belmont Miles Park Community Centre. It demonstrated a very good understanding of the City's requirements. It provided a construction methodology detailing the programming and breakdown of the works, covering much of the services required. A comprehensive Gantt chart following the Critical Path was included. Its proposed sub-contractors were listed with details of the services they will provide and most sub-contractors having provided the same or similar services to the company in the past three years. Its structure of business and details of current key project positions including their profile, qualifications, length of service and industry experience were provided. It demonstrated it has the capacity required to deliver the project for the City. Given the minimum acceptable score of 60%, Solution 4 Building Pty Ltd, Hickey Constructions Pty Ltd and AE Hoskins and Sons qualified to progress to the stage two assessment.

### **Price Assessment**

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

| <b>Tenderer</b>              | <b>Fixed Lump Sum<br/>(exclusive of GST)</b> |
|------------------------------|--|
| Hickey Constructions Pty Ltd | \$945,751                                    |
| Solution 4 Building Pty Ltd  | \$1,006,857                                  |
| AE Hoskins and Sons          | \$1,399,859                                  |

### **Evaluation Summary**

| <b>Tenderer</b>              | <b>Weighted<br/>Percentage<br/>Score</b> | <b>Qualitative<br/>Ranking</b> | <b>Lump Sum<br/>Price</b> | <b>Price<br/>Ranking</b> |
|------------------------------|--|--------------------------------|---------------------------|--------------------------|
| Solution 4 Building Pty Ltd  | 76.3%                                    | 1                              | \$1,006,857               | 2                        |
| Hickey Constructions Pty Ltd | 74.8%                                    | 2 (equal)                      | \$945,751                 | 1                        |
| AE Hoskins and Sons          | 74.8%                                    | 2 (equal)                      | \$1,399,859               | 3                        |

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

### **Issues and Options Considered**

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake works for the upgrade to Sorrento Football Club changerooms.

The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

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

**Legislation** A 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 Council has approved the project and there is an expectation from the facility users that the works will proceed.



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

### Financial / Budget Implications

|                             |  |
|-----------------------------|--|
| <b>Account no.</b>          | CW006937.  |
| <b>Budget Item</b>          | Upgrade to Sorrento Football Club changerooms.               |
| <b>Budget amount</b>        | \$ 1,000,000 (\$200,000 2021-22, \$800,000 2022-23 Proposed) |
| <b>Amount spent to date</b> | \$ 72,745  |
| <b>Proposed cost</b>        | \$ 945,751   |
| <b>Balance</b>              | \$ (18,496)  |

The shortfall of funds for this contract will be reconsidered during the 2022-23 Mid-Year Review process should savings not be identified during construction.

All amounts quoted in this report are exclusive of GST.

### Grant from DLGSC

By way of an agreement between the State of Western Australia acting through DLGSC and the City, funding to assist with the upgrade of changeroom and toilet facilities for the Sorrento Football Club at the Percy Doyle Reserve in Duncraig is being provided. In the 2021 State Election a commitment of \$1,000,000 was made towards the upgrade.

The facility is to be upgraded to Federation Internationale de Football Association (FIFA) standards as it is being considered to be used as a training ground for women's football teams participating in the 2023 FIFA Women's World Cup to be held in Australia.

The Grant is subject to the following project milestones:

| <b>Main Activities / Milestones</b>     | <b>Milestone Dates</b> |
|---|------------------------|
| Execution of agreement                  | October 2021           |
| Commencing construction                 | July 2022              |
| 50% project completion                  | November 2022          |
| <b>Expected project completion date</b> | <b>March 2023</b>      |

The grant funding also extends to the provision of a new prefabricated grandstand that is excluded from this contract. The estimated cost for the construction and installation of the grandstand is \$100,000 ex GST, of which further funding will be required. The City will liaise with the Sorrento Football Club to identify opportunities for additional funding, noting that the grandstand will not impact the FIFA requirements relating to the 2023 FIFA Women's World Cup.

### Regional Significance

Not applicable.

### Sustainability Implications

Not applicable.

### Consultation

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the upgrade to Sorrento Football Club changerooms as specified in Tender 011/22 for the fixed lump sum of \$945,751 (excluding GST) for completion of works within seven months from commencement of contract.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf220510.pdf](#)

## ITEM 16 **TENDER 012/22 - CRAIGIE LEISURE CENTRE GEOTHERMAL REFRUBISHMENT**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | Central  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 109982; 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1 Schedule of Items<br>Attachment 2 Summary of Tender Submissions<br>Attachment 3 Confidential Tender Summary<br><br><i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i> |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.  |

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### PURPOSE

For Council to accept the tender submitted by Melchor MEP Pty Ltd for the Craigie Leisure Centre - geothermal refurbishment.

### EXECUTIVE SUMMARY

Tenders were advertised on 26 February 2022 through statewide public notice and published by Tenderlink for the Craigie Leisure Centre - geothermal refurbishment. Tenders closed on 16 March 2022. A submission was received from each of the following:

- Envar Engineers and Contractors Pty Ltd.
- Melchor MEP Pty Ltd.
- The Trustee for SS Family Trust (SOS Mechanical Solutions).

The submission from Melchor MEP Pty Ltd represents best value to the City. The company demonstrated a good understanding of the required tasks. It has extensive experience completing medium to large mechanical, electrical and plumbing (MEP) dominant projects. Though it did not fully demonstrate geothermal experience as an entity, its key personnel proposed to manage this project have extensive geothermal experience gained from other organisations. Also, the company has several MEP trades people within its organisation which will likely prove useful during the construction phase. It is noted that the geothermal well/bore works is only one component or part of this project. Melchor MEP Pty Ltd is well established with significant industry experience and capacity to complete the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Melchor MEP Pty Ltd for the Craigie Leisure Centre - geothermal refurbishment as specified in Tender 012/22 for the fixed lump sum of \$1,165,581 (excluding GST) for completion of works within nine months from commencement of contract.*

## BACKGROUND

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake works for the refurbishment of the Craigie Leisure Centre geothermal infrastructure at 751 Whitfords Avenue, Craigie. The geothermal system provides heating for water bodies at Craigie Leisure Centre and has been in operation since 2005.

The City installed a geothermal bore in 2005 as part of the major Craigie Leisure Centre redevelopment project after approval was granted by Council in August 2004 (CJ204 - 08/04 refers). Hydrogeological services were then provided by WorleyParsons during the installation stages. Drilling works commenced in 2005, with a number of issues during the drilling stage resulting in an abandoned original bore, a secondary bore drilled shorter than anticipated and a third hole drilled after an emergency Council meeting requiring an additional \$300,000 to be approved to complete the project. The initial capital cost for the installation was approximately \$1 million.

The geothermal bore system was given project completion in November 2007; more than 18 months after the re-developed centre was in operation. When the 50-metre pool was constructed in 2009, a back-up electric heat pump and chiller system was incorporated into the heating system to provide back-up heat, should the geothermal system be unable to meet the operational requirements to maintain heating set points. Whilst this system was designed as back up only, over the past 10 years of operations, it has been more heavily relied upon to provide consistent heating in the facility across all seasons of the year.

As part of the original project projections, the City earmarked \$1 million in the City's *Strategic Financial Plan in 2024-25* to consider the renewal of an existing bore or drilling of a new bore to maintain the system for a further 20 years (the usual lifespan of a bore).

The use of the geothermal system to heat the aquatic facilities saves the City an estimated \$500,000 a year in utility costs, compared to similar sized facilities that utilise electrical or gas heating to maintain heated waterbodies. Undertaking a systematic and planned upgrade to the geothermal heating system would ensure the City will be able to utilise a cost-effective and "green" energy source for many years.

The City has been working with a hydrogeological consultant and a water engineering consultant since 2019 in anticipation of the potential required works. Through this process, the consultants examined a number of options and strategies, including a new geothermal bore, utilising alternative heating systems / energy sources as well as exploring different strategies to refurbish the existing infrastructure. The current geothermal system has served the leisure centre well since the installation and the use of this cost-effective resource (geothermal heating) available has both financial and environmental benefits.

The consultants and City officers undertook a risk assessment of the current infrastructure and all options presented and determined that the strategy of the bore and infrastructure refurbishment met the best cost effective option for the City as well as mitigating risks of the current system failing prior to refurbishment. The aquatic facility and associated programs and services brings in approximately \$4.5 million in income per annum to the City and the risk of not being able to provide temperature-controlled water would be detrimental to the overall leisure centre operations and could result in lengthy aquatic facility closures.

The City's intention is to maintain the operation of the remainder of the Centre while the geothermal refurbishment work is occurring.

The Craigie Leisure Centre is an operational facility and portions of the facility will be open to the public during the course of the refurbishment project. Any shut-off of services for cut-ins, demolition or installation will need to be scheduled in detail with the superintendent well in advance of the intended shut-off time of services. At all times the contractor is expected to plan all work, and take all measures necessary to protect the safety of the public, City of Joondalup staff and others working on the site.

Timing of the work and scheduling of closing, demolition, installation and commissioning is an essential part of the project and is critical to the City. The City's proposed time frame for any shutdown of the services is oriented around a time period at the beginning of the Western Australian school holidays from 16 December 2022 and a length of time needed to complete the work at the lowest possible cost, but with the actual shut-down and change-over period minimised to as few days as possible and scheduled in advance to allow the City to plan staffing and programming and to notify the public. As part of the tender submission, Respondents are to advise their preferred time schedule for lowest cost, and any options which would deliver the refurbished geothermal project in a time period which allows the City to minimise lost revenue.

This is a "Design and Construct" contract and the contractor is responsible for all aspects of project management, design, documentation, coordination with the City, consultant, sub-contractors, suppliers, other contractors and sub-trades and for construction, commissioning, handover to operating staff, training of operating staff and the City's service providers, defects period rectification and consequent maintenance activities.

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 Craigie Leisure Centre - geothermal refurbishment was advertised through state-wide public notice and published by Tenderlink on 26 February 2022. The tender period was for two weeks and tenders closed on 16 March 2022.

### **Tender Submission**

A submission was received from each of the following:

- Envar Engineers and Contractors Pty Ltd.
- Melchor MEP Pty Ltd.
- SOS Mechanical Solutions.

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

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

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

## Evaluation Panel

The evaluation panel comprised five members, being:

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

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

## Evaluation Method and Weighting

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

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

The geothermal system is a highly specific piece of infrastructure for the City and it is critical that the contractor appointed holds the appropriate technical skills, experience and capacity to complete the works. The predetermined minimum acceptable qualitative score for this tender was therefore set at 65%.

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

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

## Compliance Assessment

The following offers received were assessed as fully compliant:

- Envar Engineers and Contractors Pty Ltd.
- Melchor MEP Pty Ltd.

The offer received from SOS Mechanical Solutions was assessed as non-compliant. SOS Mechanical Solutions did not address any of the selection criteria and the information provided was very limited to enable a proper assessment of its Offer.

### Qualitative Assessment

Melchor MEP Pty Ltd scored 65.2% and was ranked second in the qualitative assessment. The company has extensive experience completing medium to large mechanical, electrical and plumbing dominant projects. Though it did not fully demonstrate geothermal experience as an entity, its key personnel proposed to manage this project have extensive geothermal experience gained from other organisations. It demonstrated a good understanding of the required tasks. Melchor MEP Pty Ltd is well established with significant industry experience and capacity to complete the works for the City.

Envar Engineers and Contractors Pty Ltd scored 68.4% and was ranked first in the qualitative assessment. The company demonstrated the capacity and experience required to undertake the works for the City. It has extensive experience completing similar projects for various organisations in WA including the Cities of Stirling and Joondalup. It demonstrated a sound understanding of the City's requirements.

Given the minimum acceptable qualitative score of 65%, Envar Engineers and Contractors Pty Ltd and Melchor MEP Pty Ltd qualified for stage two of the assessment.

### Price Assessment

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

The tender was published with optional additions and deductions to the scope of works. These were included to allow for either additional improvements to the base scope of work should funds allow or deductions if the base scope of work exceeded the project budget. The options are as follows:

- New geothermal submersible pump and ancillaries.
- New geothermal heat exchanger and slip stream pump for water play pool system.
- Geothermal injection well redevelopment (cleaning).
- HDPE supply piping from the production bore to geothermal heat exchange in lieu of specified ABS.
- Stainless steel supply piping from the production bore to the geothermal heat exchangers in lieu of specified ABS.
- Deduction of one heat pump from the project scope.
- Reuse of existing pressure sustaining valve.
- Deletion of piping insulation on all geothermal piping.

The pricing below is inclusive of the addition of a new geothermal submersible pump and ancillaries and HDPE supply piping in lieu of specified ABS. Refer to Attachment 3 to this Report for a breakdown of the pricing.

| Tenderer                                | Fixed Lump Sum<br>(Exclusive of GST) |
|---|--------------------------------------|
| Melchor MEP Pty Ltd                     | \$1,165,581                          |
| Envar Engineers and Contractors Pty Ltd | \$1,292,800                          |

## Evaluation Summary

| Tenderer                                | Weighted Percentage Score | Qualitative Ranking | Lump Sum Price | Price Ranking |
|---|---------------------------|---------------------|----------------|---------------|
| Melchor MEP Pty Ltd                     | 65.2%                     | 2                   | \$1,165,581    | 1             |
| Envar Engineers and Contractors Pty Ltd | 68.4%                     | 1                   | \$1,292,800    | 2             |

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

## Issues and options considered

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

## Legislation / Strategic Community Plan / Policy implications

**Legislation** A 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 extreme as the aquatics facility generates income per annum and failure to refurbish the geothermal infrastructure would leave the City in a risky position that if the infrastructure failed, the reactive repair requirements would be costly as well as involve unplanned income losses.

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



**Financial / budget implications**

|                             |   |
|-----------------------------|---|
| <b>Account no.</b>          | CW006713  |
| <b>Budget Item</b>          | Craigie Leisure Centre - geothermal refurbishment   |
| <b>Budget amount</b>        | \$ 1,360,000  |
| <b>Amount spent to date</b> | \$ 84,219 (design and documentation)                |
|                             | \$ 48,026 (committed – consultant / superintendent) |
| <b>Proposed cost</b>        | \$ 1,165,581  |
| <b>Balance</b>              | \$ 62,174 (allocated contingency)                   |

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Melchor MEP Pty Ltd for the Craigie Leisure Centre - geothermal refurbishment as specified in Tender 012/22 for the fixed lump sum of \$1,165,581 (excluding GST) for completion of works within nine months from commencement of contract.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf220510.pdf](#)

## ITEM 17 TENDER 014/22 - LAYING OF BRICK PAVERS

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 110006; 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1 Schedule of Items<br>Attachment 2 Summary of Submissions<br>Attachment 3 Confidential Tender Summary<br><br><i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i> |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                                       |

### PURPOSE

For Council to accept the tender submitted by Construct Paving Services Pty Ltd for the laying of brick pavers within the City.

### EXECUTIVE SUMMARY

Tenders were advertised on 26 February 2022 through state-wide public notice and published by Tenderlink for the laying of brick pavers within the City. Tenders closed on 22 March 2022. A submission was received from each of the following:

- Construct Paving Services Pty Ltd.
- HCC (Aust Pty Ltd (Positive Paving Pty Ltd).
- Safety Tactile Pave Pty Ltd as trustee for STP Family Trust (Safety Tactile Pave).

The submission from Construct Paving Services Pty Ltd represents best value to the City. The company demonstrated a good understanding and appreciation of the City's requirements with its submitted methodology and approach to service delivery in accordance with the City's specifications. Its submission outlined the qualifications and relative experience of key personnel and the company's experience in completing equivalent scopes of works for Pearsall Primary School and the Department of Local Government, Sport and Cultural Industries. The company is well established with appropriate industry experience.

*It is therefore recommended that Council ACCEPTS the tender submitted by Construct Paving Services Pty Ltd for the laying of brick pavers as specified in Tender 014/22, for a period of two years, with two options to extend the term of the contract by one term of two years, and a further term of one year, at the submitted schedule of rates, with any price variations subject to the annual percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for a contractor to lay brick pavers within the City of Joondalup for various capital works projects and for general reactive streetscape maintenance.

The scope of the requirements shall consist of, but not be limited to:

- laying of all brick pavers to the lines and levels specified by the City
- supply of all joint filling sand
- supply of bedding sand when requested by the City
- box out where required.

The volume of works provided under this Contract will be dependent upon the City's scheduled programs and requested on an "as required basis."

The City currently has a single contract in place with HCC (Aust) Pty Ltd which expires on 31 May 2022.

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 laying of brick pavers was advertised through state-wide public notice and published by Tenderlink on 26 February 2022. The tender period was for three weeks, and tenders closed on 22 March 2022.

### **Tender Submissions**

A submission was received from each of the following:

- Construct Paving Services Pty Ltd.
- HCC (Aust) Pty Ltd (Positive Paving Pty Ltd).
- Safety Tactile Pave Pty Ltd as trustee for STP Family Trust (Safety Tactile Pave).

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

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

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

### **Evaluation Panel**

The evaluation panel comprised four members:

- one with tender and contract preparation skills
- three 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 50%.

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

| Qualitative Criteria |   | Weighting |
|----------------------|---|-----------|
| 1                    | Capacity  | 40%       |
| 2                    | Demonstrated experience in providing similar services | 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 partially compliant:

- Construct Paving Services Pty Ltd. The company has no quality assurance in place and submitted a quality statement only.
- Safety Tactile Pave Pty Ltd as trustee for STP Family Trust (Safety Tactile Pave). The company did not submit registrations / licence information.

The Panel considered that further details could be sought should the two tenderers qualify for stage two of the evaluation process.

The following offer received was assessed as fully compliant:

- HCC (AUST) Pty Ltd trading as Positive Paving Pty Ltd.

Based upon the above findings, all three offers from Construct Paving Services Pty Ltd, Safety Tactile Pave and Positive Paving Pty Ltd remained for further consideration.

## Qualitative Assessment

Safety Tactile Pave scored 44% in the qualitative assessment and was ranked third in the qualitative assessment. It demonstrated a basic understanding of the required tasks with generic statements provided for how it will perform the scope of works. It demonstrated very good experience in providing similar services having performed brick paving repairs and maintenance for the Public Transport Authority, City of Wanneroo, Town of Claremont, Total Eden and Dowsing Group. It has been installing tactiles for the City over the last four years. It submitted an organisation chart showing key personnel that will be available for the City's scope of works with minimal information to support competency in operating equipment. Details of plant and equipment to be used was not specifically addressed with quantities of machinery held and the ability to source additional personnel omitted.

Construct Paving Services Pty Ltd scored 55.8% and was ranked second in the qualitative assessment. It has been sub-contracting to the City's incumbent supplier for 10 years and is familiar with the City's scope of works. It demonstrated reasonable experience having installed brick pavers for the Department of Local Government, Sport and Cultural Industries and Pearsall Primary School, and demonstrated a very good understanding of the required tasks providing a list of the tasks that will be completed for new paving and for capital works projects which complied with the City's specifications. Whilst the company's capacity to perform the City's volume of works was questionable, further clarification was sought to determine ability to service multiple work sites concurrently. The company confirmed that it will engage three sub-contracting companies to perform the works.

Positive Paving Pty Ltd scored 70.8% and was ranked first in the qualitative assessment. It demonstrated a sound understanding of the required tasks providing an explanation of all the tasks it will undertake. It demonstrated substantial experience in providing similar services having completed brick paving works for the Cities of Fremantle and Canning, Downer EDI and Crothers Pty Ltd. It is the incumbent supplier to the City. It has four full-time brick layers and provided details for their qualifications and relevant industry experience. Ability to provide additional resources was adequately addressed.

Given the minimum acceptable qualitative score of 50%, Positive Paving Pty Ltd and Construct Paving Services 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 have been applied to actual historical usage data for 11 scheduled items. This provides a value of each tenderer for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. There is no guarantee that this will transpire, 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 12 months of the contract but are subject to a price variation in years two to five of the contract (subject to the City exercising the extension options) to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates tendered for years two to five.

| Tenderer                          | Year 1    | Year 2    | Estimated Total Price |
|-----------------------------------|-----------|-----------|-----------------------|
| Construct Paving Services Pty Ltd | \$451,516 | \$460,547 | <b>\$912,063</b>      |
| Positive Paving Pty Ltd           | \$456,864 | \$466,001 | <b>\$922,865</b>      |

During 2021 the City incurred \$436,487 for the laying of brick pavers. It is anticipated that the City will incur an estimated expenditure of \$912,063 during the two-year contract term, on the basis it requires similar quantities to 2021, and up to \$2,349,710 over five years, should the City exercise all extension options.

A direct comparison of the tendered rates and the City's current contracted rates has been undertaken for the 11 scheduled items. The proposed new contract represents a 3% increase when compared to the City's existing contracted rates. It is for noting that there has been no application for a CPI increase since the current contract commenced on 1 June 2019.

## 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 |
|-----------------------------------|---------------------------|---------------------|-----------------------------------|------------|
| Construct Paving Services Pty Ltd | 55.8%                     | 2                   | \$912,063                         | 1          |
| Positive Paving Pty Ltd           | 70.8%                     | 1                   | \$922,865                         | 2          |

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

## Issues and options considered

The City has a requirement for the laying of brick pavers across the City of Joondalup. The City does not have the internal resources to provide the required services and requires an appropriate external contractor to undertake the works.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** A 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** Quality Urban Environment.

**Objective** Integrated Spaces.  
Quality Built Outcomes.

**Strategic initiative** Enable safe, logical and accessible pedestrian movements throughout public spaces.

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

**Policy** Not applicable.

## Risk Management Considerations

Should the contract not proceed, the risk to the City will be moderate as the City will experience delays in completing its capital works and maintenance activities. There may also be an increase in the exposure to hazardous risks within paved areas due to lack of general reactive streetscape maintenance.

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

Additional clarifications were sought to ascertain the company's capacity to perform the volume of works to meet the demands of the City's Capital Works Program and ability to service multiple sites concurrently. The company has nominated three sub-contracting companies with suitable experience who will be engaged to the City's scope of works.

### **Financial / Budget Implications**

#### Current financial year impact

|                             |   |
|-----------------------------|---|
| <b>Account no.</b>          | Various capital and maintenance accounts.     |
| <b>Budget Item</b>          | Laying of brick pavers.                       |
| <b>Budget amount</b>        | \$ 600,000 (capital and operational)          |
| <b>Amount spent to date</b> | \$ 243,261 (288 days capital and operational) |
| <b>Commitments</b>          | \$ 35,690 (operational and capital)           |
| <b>Proposed cost</b>        | \$ 39,699 (47 days existing contract)         |
|                             | \$ 37,626 (1 month new contract)              |
| <b>Balance</b>              | \$ 243,724                                    |

As Capital related works are unable to be determined with certainty due to the varied nature of individual project requirements, the proposed costs for the remaining two months of the financial year have been projected based upon expenditure patterns evidenced during 2021-22 for both operational and capital works. The balance, therefore, does not represent a saving at this time as actual expenditure will depend on usage under the contract.

All amounts quoted in this report are exclusive of GST.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

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

### **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Construct Paving Services Pty Ltd for the laying of brick pavers as specified in Tender 014/22, for a period two years, with two options to extend the term of the contract by one term of two years, and a further term of one year at the submitted schedule of rates, with any price variations subject to the annual percentage change in the Perth CPI (All Groups).**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf220510.pdf](#)*



## ITEM 18 **TENDER 020/22 - BULK GREEN WASTE COLLECTION AND PROCESSING SERVICES**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mat Humfrey<br>Corporate Services  |
| <b>FILE NUMBERS</b>           | 110098, 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1 Schedule of Items<br>Attachment 2 Summary of Submissions<br>Attachment 3 Confidential Tender Summary<br><br><i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i> |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.                                       |

### PURPOSE

For Council to accept the tender submitted by Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk for bulk green waste collection and processing services.

### EXECUTIVE SUMMARY

Tenders were advertised on 5 March 2022 through state-wide public notice and published by Tenderlink for bulk green waste collection and processing services. Tenders closed on 23 March 2022. A submission was received from each of the following:

- Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk.
- Craneswest (WA) Pty Ltd trading as Western Tree Recyclers.
- West Tip Waste Control Pty Ltd as trustee for the Stefna Family Trust trading as West Tip Waste Control Pty Ltd.

The submission from Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk represents best value to the City. The company demonstrated a sound understanding and appreciation of the City's requirements with its submitted methodology and approach to service delivery in accordance with the City's requirements. The submission outlined the relative experience of key personnel and the company's capacity to undertake the scope of works. It demonstrated extensive experience in providing similar services for local governments, such as the City of Swan, Towns of Cambridge and Bassendean and the Shire of Peppermint Grove. It is the incumbent supplier to the City. The company is well established with appropriate industry experience.

*It is therefore recommended that Council ACCEPTS the tender submitted by Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk for bulk green waste collection and processing services (Price Option A) as specified in Tender 020/22, for a period of one year, with an option to extend the term of the contract by up to one year, at the submitted schedule of rates, with any price variations, applicable to the extension option only, subject to the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for bulk green waste collections from its residents within the City of Joondalup, on an annual basis, and the conveyance and discharge of the contents to recycling facilities for green waste processing and recovery to meet the City's minimum diversion target of 99%.

The scope of the requirements shall consist of:

- collection of an unlimited volume of clean green waste placed loose on the verge of resident's properties and delivery of the same to a nominated processing facility
- sorting, processing and recovery of the clean green waste at a nominated processing facility to achieve the City's diversion target.

Tender 020/22 was advertised with the following three price options, with the City reserving the right to appoint one or two contractors for these services:

- Option A – collect, deliver and process clean green waste at a nominated processing facility.
- Option B – collect and deliver clean green waste to a nominated processing facility.
- Option C – process the clean green waste only at a nominated processing facility.

It is the City's preference to award a contract to a contractor who has nominated a processing facility within 20kms from the corner of Craigie Drive and Ocean Reef Road in the suburb of Craigie.

The City currently has a single contract in place with Alvito Pty Ltd as trustee for the Tony Stampalia Trust, trading as Incredible Bulk for bulk green waste collection including processing / recovery services which expires on 30 June 2022.

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 bulk green waste collection and processing services was advertised through state-wide public notice and published by Tenderlink on 5 March 2022. The tender period was for two weeks, and tenders closed on 23 March 2022.

### **Tender Submissions**

A submission was received from each of the following:

- Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk.
- Craneswest (WA) Pty Ltd trading as Western Tree Recyclers.
- West Tip Waste Control Pty Ltd as trustee for the Stefna Family Trust trading as West Tip Waste Control Pty Ltd.

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

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

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

## Evaluation Panel

The evaluation panel comprised four members:

- one with tender and contract preparation skills
- three 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 City wishing to attract a high calibre contractor capable of collecting approximately 22 tonnes of loose clean green waste directly from residential verges and driveways within the City of Joondalup, and the associated risks of damage to public and private properties.

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

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

## Compliance Assessment

The Submissions from Incredible Bulk, Waste Tip Waste Control and Western Tree Recyclers, although not fully compliant in the areas of registration, licences, and qualifications, were included for further assessment on the basis that the City could seek further clarification for these items should they qualify for stage two assessment.

## Qualitative Assessment

Incredible Bulk scored 65.1% and was ranked third in the qualitative assessment. The company submitted an offer for Options A,B and C. It demonstrated a sound understanding of the required tasks including a detailed collection methodology and explanation of how it will approach the tasks and the crew that will be allocated to the complete the scope of works. It has extensive experience in providing similar services to local governments including the City of Swan, Shire of Peppermint Grove and the Towns of Cambridge and Bassendean and is the incumbent supplier to the City.

It has nominated sufficient plant and equipment to perform the services and has the capacity to undertake the volumes of work required. Information to support qualifications and licences, skills of equipment operators, and the ability to provide additional resources was not adequately met at the time of the assessment. Qualifications and licences were later clarified.

Western Tree Recyclers scored 65.6% and was ranked second in the qualitative assessment. The company submitted an offer for Option C only. It provided a brief summary of the contracts it has held which included six local governments being the Cities of Armadale, Cockburn, Kalamunda, Stirling, Wanneroo and Shire of Mundaring. An organisation structure supported by an overview of roles, qualifications and years of experience was sighted, in addition to the plant and equipment that will be utilised to process the clean green waste at the recycling facility. The ability to provide additional resources was addressed. Whilst it demonstrated a very good understanding of the required tasks, its methodology for recording tare and gross weights at the processing facility weighbridge was considered a risk to the City, with the contractor transporting the waste having responsibility for recording this information on a docket using a drop off box.

West Tip Waste Control Pty Ltd scored 78.3% and was ranked first in the qualitative assessment. The company submitted an offer for Options A and B only. The company has a large and skilled workforce and has extensive industry experience in waste management with six similar waste collection and processing contracts held for local governments Cities of Nedlands, Subiaco, Fremantle, Armadale, Joondalup and Town of Cottesloe. Whilst the company operates a fleet of fifty vehicles and has sufficient plant and equipment to perform the works, it will need to procure additional vehicles and a skid-steer to cover contingencies. The ability to provide additional personnel was adequately addressed. It demonstrated a thorough understanding of the required tasks providing a detailed description of how it will allocate a crew and schedule the works over a 49 week schedule. Examples of reports that will be generated were provided and key contract risks were clearly articulated.

Given the minimum acceptable qualitative score of 60%, Incredible Bulk, Waste Tip Waste Control and Western Tree Recyclers 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 actual volumes for clean green waste collected, delivered and processed from 1 January 2021 to December 2021, including additional services, were used in the assessment. This provides a value of each tenderer for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. There is no guarantee that this will transpire, 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 12 months of the contract but are subject to a price variation in year two of the contract (subject to the City exercising the extension option) to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates tendered for year two.

Please refer to Attachment 3 for the price assessment.

## Evaluation Summary

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

As the tender includes provision for the City to appoint one or two contractors for these services based upon operational requirements, the following combinations have been considered.

| Option | Tenderer                       | Price Rank | Weighted Percentage Score | Qualitative Rank |
|--------|--------------------------------|------------|---------------------------|------------------|
| A      | Incredible Bulk                | 1          | 65.1%                     | 3                |
| B      | West Tip Waste Control Pty Ltd | 2          | 78.3%                     | 1                |
| C      | Western Tree Recyclers         |            | 65.6%                     | 2                |
| A      | West Tip Waste Control Pty Ltd | 3          | 78.3%                     | 1                |
| B      | West Tip Waste Control Pty Ltd | 4          | 78.3%                     | 1                |
| C      | Incredible Bulk                |            | 65.1%                     | 3                |
| B      | Incredible Bulk                | 5          | 65.1%                     | 3                |
| C      | Western Tree Recyclers         |            | 65.6%                     | 2                |

Based on the evaluation result the panel concluded that the offer from Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk provides best value to the City and is therefore recommended for Option A.

## Issues and options considered

The City has a requirement for the collection of clean green waste plus processing and recovery of the same. The City does not have the internal resources to provide the collection services and currently does not have an appropriate waste disposal facility to process this waste stream. It therefore requires an external Contractor to provide these services.

Three price options were considered for the tender area as follows:

- Option A – collect, deliver and process clean green waste at a nominated processing facility
- Option B – collect and deliver clean green waste to a nominated processing facility
- Option C – process the clean green waste only at a nominated processing facility.

The City has considered a combination of the tendered prices offered across the three options to ensure the City obtains value for money and has noted that the offer from Incredible Bulk offers the best value across the eight combinations under Option A.

## 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

|                             |  |
|-----------------------------|--|
| <b>Key theme</b>            | The Natural Environment.<br>Financial Sustainability.  |
| <b>Objective</b>            | Environmental resilience.<br>Effective Management.   |
| <b>Strategic initiative</b> | Demonstrate current best practice in environmental management for local water, waste biodiversity and energy resources.<br><br>Seek out efficiencies and regional collaborations to reduce service delivery costs. |
| <b>Policy</b>               | <i>Waste Management Plan 2016-2021.</i>  |

## Risk Management Considerations

Should the contract not proceed, the risk to the City will be high as the City will experience a reduction in agreed service levels. There may also be a loss of reputation if services are delayed or cancelled.

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

Whilst Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk did not include details for licences, qualifications and skills within its submission, the City has requested and subsequently received this information, and is satisfied that the level of expertise and the licences held by the nominated personnel are adequate to perform the works.

## Financial / Budget Implications

### Current financial year impact

Not applicable.

### 2022/2023 financial year impact

|                       |   |
|-----------------------|---|
| <b>Account no.</b>    | 625-A6205-3377-6437.<br>625-A6205-3376-6437.  |
| <b>Budget Item</b>    | Collection and Processing (bulk green waste). |
| <b>*Budget amount</b> | \$ 1,069,320 (Proposed).                      |
| <b>Proposed cost</b>  | \$ 1,110,287                                  |
| <b>Balance</b>        | (\$ 40,967)                                   |

The balance does not represent an overspend at this time as expenditure will depend on actual usage under the contract.

\*As the waste budget for 2022-23 has yet to be finalised, the estimated contract price will be included as part of budget consideration. As this is a popular service, with residents placing unlimited amounts of green waste on verges throughout the year, it is difficult to forecast volumes with certainty. Should the City experience similar volumes to 2021-22, then the increased cost will result in less surplus being allocated to the waste management reserve in 2022-23. There will be no additional cost to the rate payer.

The proposed cost can be reduced if the City settles invoices within 30 days of invoice issue date utilising the discounted tonnage rate offered by Incredible Bulk. As these payment terms are in conflict with the City's standard terms of payment of 30 days from statement date (end of the month in which the service was provided), this discounted rate has not been used to estimate expenditure in respect of this tender assessment, but the City will endeavour to benefit from the reduced rate, subject to ongoing operational requirements.

All amounts quoted in this report are exclusive of GST.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

#### Environmental

The proposed new contract will maintain the reduction in the amount of waste going to landfill and support the City's *Waste Management Plan 2016-2021* target of 65% waste diversion from landfill by 2020.

#### Economic

The inclusion of the option to purchase mulch for use by the City is in line with Project 11 in the City's *Waste Management Plan* to develop options for improving the value of green waste. Not only does the City benefit from improving the value of green waste but also has the opportunity to purchase high quality mulch for use by Parks Maintenance and Operations.

### **Consultation**

Not applicable.

### **COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk represents best value to the City.

### **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk for bulk green waste collection and processing services (Price Option A) as specified in Tender 020/22, for a period of one year, with an option to extend the term of the contract by up to one year, at the submitted schedule of rates, with any price variations, applicable to the extension option only, subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf220510.pdf](#)*



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

### **NOTICE OF MOTION NO. 1 - CR CHRISTOPHER MAY - POPULATION MANAGEMENT OF INVASIVE BIRD SPECIES, FOXES AND FERAL CATS**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr May has given notice of his intention to move the following Motion at the Council Meeting to be held on 17 May 2022:

***That Council:***

- 1 NOTES that the proliferation of the introduced Corella and Rainbow Lorikeet bird species impacts the populations of endemic bird species throughout competing for roosting sites, nesting space and foraging habitat;***
- 2 NOTES the adverse impact of foxes and other introduced predators such as feral cats have on endemic wildlife populations within natural areas, including Yellagonga Regional Park;***
- 3 REQUESTS the Chief Executive Officer prepare a report on options for the City of Joondalup to work with the Department of Biodiversity, Conservation and Attractions, WALGA, neighbouring local governments and other agencies as necessary to engage in population management of invasive bird species, such as Corellas and Rainbow Lorikeets;***
- 4 REQUESTS the City of Joondalup liaise with the Department of Biodiversity, Conservation and Attractions and City of Wanneroo as required, to support the removal of foxes, feral cats and other introduced predatory species within all sections of Yellagonga Regional Park and other natural areas as required.***

### **REASON FOR MOTION**

Corellas, feral cats and foxes continue to cause a significant environmental impact in and around the City's natural areas, as well as Yellagonga Regional Park. This motion aims to allow council to be presented with potential options to work with stakeholders to reduce pest populations and protect endemic wildlife within the City of Joondalup district going forward.

**NOTICE OF MOTION NO. 2 - CR CHRISTOPHER MAY - MITCHELL FREEWAY WIDENING WORKS**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr May has given notice of his intention to move the following Motion at the Council Meeting to be held on 17 May 2022:

***That Council:***

- 1** *NOTES the recent Mitchell Freeway widening works and clearing associated with the provision of noise walls and cycle paths, reducing the space between the freeway and residential areas;*
- 2** *NOTES the limited space available for future widening and other infrastructure works in the reserve between Mitchell Freeway City of Joondalup managed land, comprising mostly of residential areas;*
- 3** *NOTES that the existing reserve between the Mitchell Freeway serves as a necessary buffer between homes and the associated visual, noise and emissions pollution associated with the heavy traffic volumes of the Mitchell Freeway;*
- 4** *NOTES the importance of vegetation in the reserves between residential areas and the Mitchell Freeway assists in mitigating the Urban Heat Island effect, air pollution, provides visual amenity and habitat for bird life;*
- 5** *REQUESTS the City of Joondalup adopts the position of supporting the retention of all existing land between the Mitchell Freeway and residential areas, acting as a buffer, and encourage Main Roads WA to adopt the efficient use of land minimising the footprint of future infrastructure such as cycle paths and noise walls to preserve vegetation;*
- 6** *REQUESTS Main Roads WA remove invasive species from their reserves along the Mitchell Freeway, such as Brazilian Pepper Trees, and plant and maintain appropriate trees and ground covers that support bird life and reduce the urban heat island effect.*

**REASON FOR MOTION**

To encourage Main Roads WA to consider the importance of vegetation in the reserves between residential areas and the Mitchell Freeway assists in mitigating the Urban Heat Island effect, air pollution, provides visual amenity and habitat for bird life. In addition, encourages Main Roads WA to minimise the footprint of infrastructure works to ensure vegetation is retained, where possible, as the City of Joondalup already does.

## **CLOSURE**



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

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

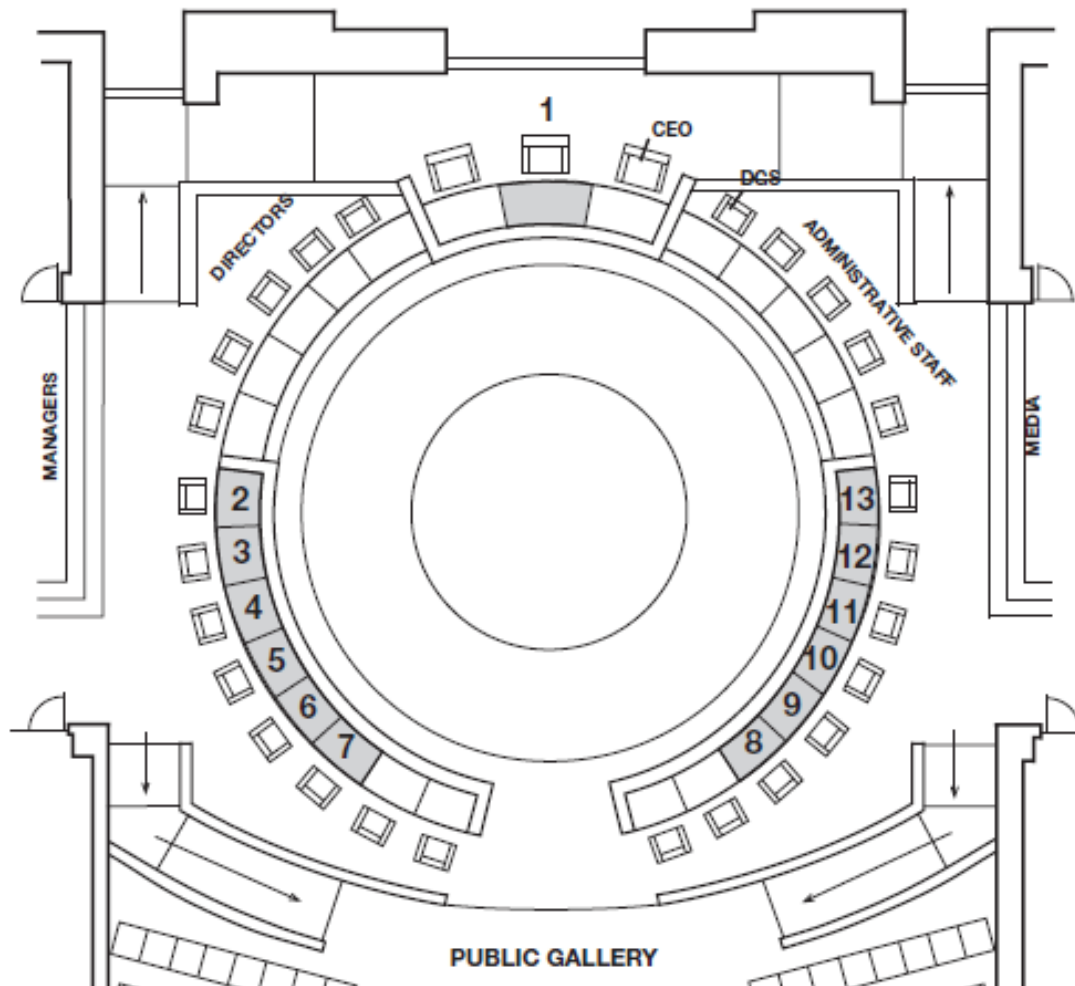
|                               |   |  |
|-------------------------------|---|--|
| <b>Name /<br/>Position</b>    |   |  |
| <b>Meeting Date</b>           |   |  |
| <b>Item No. /<br/>Subject</b> |   |  |
| <b>Nature of<br/>Interest</b> | Financial Interest *<br>Proximity Interest*<br>Interest that may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

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

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

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

## Council Chamber – Seating Diagram



### Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/25)

#### North Ward

- 2 Cr Adrian Hill (Term expires 10/25)
- 3 Cr Tom McLean, JP (Term expires 10/23)

#### North-Central Ward

- 4 Cr Daniel Kingston (Term expires 10/25)
- 5 Cr Nige Jones (Term expires 10/23)

#### Central Ward

- 6 Cr Christopher May (Term expires 10/25)
- 7 Cr Russell Poliwka (Term expires 10/23)

#### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/25)
- 9 Cr John Raftis (Term expires 10/23)

#### South-East Ward

- 10 Cr John Chester (Term expires 10/25)
- 11 Cr John Logan (Term expires 10/23)

#### South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/25)
- 13 Cr Suzanne Thompson (Term expires 10/23)