

# minutes

## Ordinary Meeting of Council

MEETING HELD ON

TUESDAY 20 SEPTEMBER 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*

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# CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 20 SEPTEMBER 2022**

## DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

## ANNOUNCEMENT OF VISITORS

### Mayor:

HON. ALBERT JACOB, JP

### Councillors:

CR TOM MCLEAN, JP	North Ward	<i>absent from 9.21pm to 9.23pm</i>
CR ADRIAN HILL	North Ward	
CR NIGE JONES	North Central Ward	<i>absent from 10.32pm to 10.36pm</i>
CR DANIEL KINGSTON	North Central Ward	<i>absent from 9.42pm to 9.46pm</i>
CR RUSSELL POLIWKA	Central Ward	<i>absent from 9.42pm to 9.46pm</i>
CR CHRISTOPHER MAY	Central Ward	<i>absent from 7.58pm to 8.01pm</i> <i>absent from 9.58pm to 10.01pm</i>
CR SUZANNE THOMPSON	South Ward	
CR RUSS FISHWICK, JP	South Ward	
CR JOHN RAFTIS	South-West Ward	
CR CHRISTINE HAMILTON-PRIME, JP	South-West Ward	
CR JOHN LOGAN	South-East Ward	<i>absent from 9.46pm to 9.50pm</i>
CR JOHN CHESTER	South-East Ward	

### Officers:

MR JAMES PEARSON	Chief Executive Officer	
MR JAMIE PARRY	Director Governance and Strategy	<i>absent from 10.28pm to 10.34pm</i>
MR CHRIS LEIGH	Director Planning and Community Development	<i>absent from 9.48pm to 9.50pm</i>
MR MATTHEW MACPHERSON	Acting Director Infrastructure Services	
MR MAT HUMFREY	Director Corporate Services	<i>absent from 10.20pm to 10.25pm</i>
MR LUKE WILLCOCK	Manager Economic Development and Advocacy	<i>until 9.45pm</i>
MS CATHRINE TEMPLE	Manager Planning Services	<i>until 8.37pm</i>
MRS KYLIE BERGMANN	Manager Governance	
MR STUART MCLEA	Media and Communications Officer	<i>absent from 10.44pm to 10.46pm</i> <i>absent from 10.59pm to 11.03pm</i>
MRS DEBORAH GOUGES	Governance Officer	
MR CONNOR TILBURY	Administration Officer	<i>until 7.50pm</i>

There were 35 members of the public and no member of the press in attendance.

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

### Disclosures of Financial Interest / Proximity Interest

Nil.

### Disclosures of Interest affecting Impartiality

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member / employee is also encouraged to disclose the nature of their interest.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ148-09/22 - State Development Assessment Unit Referral – Development Application for an Eight Storey Mixed Use Development in the Sorrento Activity Centre, West Coast Drive, Sorrento.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Stuart Hawkins who provided a deputation is known to Cr Hamilton-Prime. Cr Hamilton-Prime has previously engaged with Mr Stuart Hawkins on local issues.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ149-09/22 - Petition in relation to Extension of Animal Exercise Areas in Hillarys.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Shaun Key who provided a deputation is known to Cr Hamilton-Prime. Cr Hamilton-Prime has previously engaged with Mr Shaun Key on this matter and assisted with advice on how to submit a petition.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ153-09/22 - Invest and Trade WA Mission to India: July 2022 – Outcomes Report.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime attended the Trade WA Mission to India on behalf of the City.

<b>Name / Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ158-09/22 - Tender 002/22 Ocean Reef Park - Construction of New Toilet/Changeroom Facility.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob's brother provides electrical contracting services for Hickey Constructions.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ162-09/22 - Costings for the Completion of Lane 5 through to Clontarf Street.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Adele Andrich who provided a deputation is known to Cr Hamilton-Prime. Cr Hamilton-Prime has previously engaged and met Ms Adele Andrich on this matter and assisted with advice on how to submit a petition.

## PUBLIC QUESTION TIME

The following summarised questions were submitted prior to the Council meeting:

### A Andrich, Sorrento:

Re: Lane No. 3 – Sorrento.

Q1 The City of Joondalup recently and officially blocked off Laneway 3's exit to Cliff Street, what was the total cost of consultation with the immediate neighbourhood to Lane 3 over time including when City of Wanneroo had jurisdiction?

A1 The status quo of pedestrian only access through the western section of Lane 3 did not change. The upgrade project which was to provide a better level of access for pedestrians with various mobility requirements was completed in 2020-21, and affected residents were notified of the works as per the City's *Notification of Public Works Policy*. This was not separately costed, however, is estimated to be less than \$100.00.

Q2 What was the total cost of clearing trees, cacti and other greenery, and preparing the ground for the installation of the new pathway which is at least 25 metres long and 2.4 metres wide facing Cliff Street and 3.3 metres across facing down Lane 3?

Q3 What was the total cost of preparing the ground for, then installing new fence line about 30 metres in length to the right of Lane 3 looking down the lane?

Q4 What was the total cost of putting in the retention wall to the property immediately adjoining Lane 3, including the cost of preparatory groundwork and placement of steps as access to the property side entrance off Lane 3?

A2 - 4 The total project cost for the works in upgrading the pedestrian path network at Lane 3 was \$89,308. This includes surveying and detailed design, traffic management, demolition and clearing, earthworks, concrete path, reinstatement works and project management costs.

Q5 What was the total cost of all the reports generated over time, including when City of Wanneroo had jurisdiction to underpin the closure of Lane 3 to Cliff Street?

A5 Refer A1 above.

### M O'Byrne, Kinross:

Re: Laneways, Sorrento.

Q1 Can the City please indicate what proportions of the following funding sources available to the City - FLRG, MRDG, MUNI were allocated to any part of the preparatory reports and closure work on Lane 3 over each of the five years referenced in the 5 Year Capital Works Program 2018-19 to 2022-23?

A1 The status quo of pedestrian only access through the western section of Lane 3 did not change. The upgrade project which was to provide a better level of access for pedestrians with various mobility requirements was fully funded (100%) by municipal (MUNI) funds in 2020-21, as a project such as this would not qualify for any grant funding.

- Q2 *How is the City of Joondalup meeting its duty of care to heavy duty vehicle drivers forced to drive their fully laden furniture trucks, or garbage trucks in reverse out of an undulating 4-metre-wide lane road system into the pathway of entering traffic which is travelling potentially at the full permitted road speed?*
- A2 Drivers of any vehicle are required to drive to the conditions of the road they are on and be cognisant of any potential hazards through appropriate situational awareness.
- Q3 *Can the City please explain how it has devised risk identification, risk mitigation strategies and evaluation of insurable risks for all road users and residents of the blocked laneways system, Laneways 1 and 5, Sorrento?*
- A3 The City does not perceive this situation as a risk of such significance that an explicit risk assessment is required.
- Q4 *What road-risk control measures does the City of Joondalup have in place to manage the significant risk and exposure of the Council to litigation in Laneways 1 and 5, Sorrento?*
- A4 Refer A3 above.
- Q5 *Since there is no warning of possible adverse traffic movements at the entrance to Laneways 1, or at further locations along that laneway. How would the City hold itself accountable to the disabled members of the community that may wish to visit residents, conduct business in the Laneways 1 and 5?*
- A5 Refer A2 above.

**L Corbellini, Duncraig:**

Re: *Shade Sails – Marri Park, Duncraig.*

- Q1 *What aspects of the City's Playground Shade Policy regarding artificial shade are considered not to be met in relation to the Marri Park playspace?*
- A1 Section 4.2 of *City Playground Shade Policy* criteria 'C' states that artificial shade can be installed in locations where the establishment of natural shade (trees) is difficult or impossible. Tree planting around the playspace is possible in Marri Park.
- A2 *How many other playspaces within the suburb of Duncraig are shaded by artificial shade structures in the warmer months?*
- Q2 There are no playspaces in Public Open Space in Duncraig with shade sails. There are many playspaces in parks in Duncraig which are well shaded by trees, for example Juniper Park, Kelvin Park, Granadilla Park, Greenlaw Park, Castlefern Park and Salata Park.
- Q3 *With respect to the current review of the City's Playground Shade Policy that was mentioned in the Briefing Session Agenda. Will residents have an opportunity to consider and provide input to any revised draft policy before it is finalised?*
- A3 The City does not intend to undertake community consultation as part of the review of the policy.



Q4 *What is the timeline for the review of the City's Playground Shade Policy?*

A4 The policy committee meeting will be held on 31 October 2022 and the City's *Playground Shade Policy* will be reviewed at this meeting.

**R Silver, Mullaloo:**

Re: *Safety of Coastal Dual Use Paths.*

Q1 *Can the City investigate and monitor pedestrian safety on coastal dual use paths, such as speeding bicycles, E-bikes and E-Scooters as unreported accidents have happened?*

A1 The City has installed on-ground decal signage along the Coastal Path reinforcing safe path behaviour and has installed new "Sharing the Coastal Path" signage along the route to help highlight safe path etiquette and behaviour.

The WA Police Services are the agency authorised to take action under the *Road Traffic Code 2000*. Awareness by all path users to be respectful and tolerant is essential to making any shared path perform safely.

E-rideables are subject to speed limits, other mobile path users such as skateboard riders are expected to display the same caution. Pedestrians are also expected to walk in a safe manner keeping to the left and if walking a dog keeping it close on a lead.

Re: *Elcar Street Dog Park.*

A2 *Can the City allocate more resources to monitor Elcar Street Dog Park, as park rules aren't being adhered to, for example small children not being closely supervised by an adult, large dogs in small dog area, people not cleaning up after dogs and untrained reactive dogs entering the area.*

Q2 The City will organise targeted patrols of Elcar Park to monitor the behaviour of dogs and their owners. As part of these patrols the City will use the opportunity to educate users of the park on responsible dog ownership and the requirements under the *Dog Act 1976* and the City's Animal Local Law. This includes the requirement that dogs must be under effective control at all times that people responsible for the control of a dog are also required to remove and dispose of any excreta.

Small dog/large dog enclosures are provided as guidelines for owners as to where they can recreate their dogs and City Officers will monitor and educate users on the purpose of these guidelines.

Q3 *Can the City examine modifying the park layout to reduce incidents and to cater for people with mild disabilities to have a use of this great facility.*

A3 During the design process for Elcar Park dog exercise area, the City engaged with other Local Governments to seek feedback on potential designs. It was found by other Local Governments who have installed dog parks that formal benches and picnic settings resulted in dog owners becoming distracted and leaving their dogs to their own devices, which resulted in dog attacks. In lieu of this the City did not include the installation of formal bench seating or shelters.

The Elcar Dog Exercise Area rules state:

- pets must not be left unattended
- pets must be under voice command of their owner at all times
- owners are legally responsible for the behaviour of their dog at all times.

To abide by the above park rules, dog owners would need to be in close proximity of their dog at all times, which negates being seated for long periods, hence the City has only provided low limestone seating walls for temporary respite.

Council tonight will be considering a report in relation to extension of animal exercise areas in Hillarys (CJ149-09/22 refers). This report recommends to Council to request that a holistic review of the City's animal exercise areas be undertaken including the development of a framework to guide the planning, identification and delivery of animal exercise areas. If this recommendation is supported by Council your comments will be taken into consideration at this time.

### **G Andrich, Sorrento:**

*Re: Laneways, Sorrento.*

*Q1 What is the overall cost to the City over time of blocking off access to Cliff Street from Laneway 3 including investigations, community and professional consultations, preparations, and all installations?*

A1 The status quo of pedestrian only access through the western section of Lane 3 did not change. The upgrade project which was to provide a better level of access for pedestrians with various mobility requirements was completed in 2020-21, and affected residents were notified of the works as per the City's *Notification of Public Works Policy*. This was not separately costed, however, is estimated to be less than \$100.00.

The total project cost for the works in upgrading the pedestrian path network at Lane 3 was \$89,308. This includes surveying and detailed design, traffic management, demolition and clearing, earthworks, concrete path, reinstatement works and project management costs.

*Q2 What is the total cost over time to the City for the repeated investigations utilising consultants and City staff into the opening of Lanes 1 and 5, including the cost of subsequent reports derived from such investigations?*

A2 The City only has on record the recent costing information provided by a consultant to develop the current item on the agenda relating to Lane 5, which was undertaken for \$5,000. There have been several Council reports written and correspondence engaged into on the matter over more than 20 years. It appears this previous work was done in-house and the City is unable to determine the overall staff time spent.

*Q3 What is the permitted speed limit for all road users of Lanes 1 and 5?*

A3 The default urban speed limit of 50km/h applies. Regardless of the signed speed limit, all drivers are required to drive safely according to the conditions of the road.

Q4 *What accident reporting, near-miss reporting register does the City of Joondalup maintain with specific reference to the contractors who operate the garbage removal trucks in Lanes 1 and 5?*

A4 The City's contractor maintains their own register with respect to accidents and near misses and, where systemic or repeat issues are found, these are addressed at regular contract meetings to resolve.

Q5 *What accidents, near-miss incidences occurring in laneways 1 and 5 has the City of Joondalup been notified of since 2000 by the garbage collecting contractors?*

A5 A search of the City's record keeping system regarding accidents, incidents, damage and complaints did not yield any reports of specific accidents or near miss incidences occurring in Lane 1 or Lane 5 by the City's waste contractors.

**B Hewitt, Edgewater:**

Re: *Quarry Park, Edgewater.*

Q1&2 *Can the City please advise what works have been undertaken in Quarry Park to clear the asbestos contamination. Are these works completed and at what cost?*

A1&2 Asbestos was removed from Quarry Park Edgewater in August 2022. A number of small asbestos pieces were removed from the base of the cliff in the northern section of the reserve. No asbestos was found in the large open grassed section of the reserve. Recently illegally dumped sheets of asbestos were removed at the same time.

The cost of the asbestos removal and inspection report was \$6,336.

A further inspection will be undertaken in December 2022.

Re: *Ocean Reef Park.*

Q3 *For at least \$1 million it is proposed to demolish and reconstruct toilet and change room facilities at Ocean Reef Park. Can the City please explain why these facilities will not be attached to the sewerage system and remain on a septic tank system?*

A3 The City investigated multiple options for a potential sewer connection as part of the detailed design process. Several challenges were identified that would render a sewer connection either non-compliant or cost prohibitive, due to clashes with existing water mains, gas mains and drainage pipes in the area.

Q4 *What would be the cost to connect to the sewerage system?*

A4 As a sewer connection is unable to be fully-gravity fed from this location, a pumping station, pressure main and power supply would be required, resulting in over \$100,000, excluding fees to the Water Corporation to progress the connection.

Re: *Weed Management Plan.*

Q5 *Can the City please advise progress on the City's Weed Management Plan and when will this plan be implemented?*

A5 The draft Weed Management Plan is scheduled to be presented to Council seeking endorsement for community consultation in November 2022. Community consultation on the draft Weed Management Plan will be undertaken in quarter two or quarter three of 2022-23.

**S Key, Greenwood:**

Re: *CJ149-09/22 - Petition in relation to Extension of Animal Exercise Areas in Hillarys.*

Q1 *The report mentions no reason why the beach cannot be extended south which was also raised by Cr Thompson but no information was given, can the City please tell me why this is not possible?*

A1 The report sets out a number of matters that require consideration in deciding whether or not to extend the Hillarys Dog Beach. Whilst one relates to a consideration specific to extending the beach north (for example implications for the Hillarys Horse Beach), the remainder are applicable to whether the beach is extended north or south, including:

- the need for any additional infrastructure and associated costs
- strategies to ensure environmental values are not compromised
- management of potential conflict with other beach users. Kite surfers that use Pinnaroo Point to the north is provided in the report as one example of a beach user, but not intended to be the only user group where conflict may arise
- impact on City resources to monitor and enforce any time restrictions associated with an extension.

Q2 *Does the City think 800 metres of beach is adequate for the 25,000 registered dogs in the City of Joondalup, as well as those that come from out of area?*

A2 A holistic review of all animal exercise areas within the City, including the Hillarys Dog Beach, will assist in guiding the City on whether the current provision of dog exercise areas is adequate.

Q3 *How many petitions has the City received over the last 15 years to find or extend dog beaches in the City of Joondalup?*

A3 The City has received six petitions that relate to dog beaches since 2009. The City has also received other requests that relate to the provision of animal exercise areas within the City in this time. These requests have related to additional areas for dog exercise as well as for other animals such as horses.

Q4 *On Stamp page 33 of the Council Meeting Agenda, Option 1 - dot point five, states implications for the Hillary's horse beach, yet none are listed in the report. Can the City please explain what these implications could be?*

A4 The Hillarys Horse Beach is located immediately north of the Hillarys Dog Beach, supported by horse and float car parking. Horse owners are able to park and access the beach from daybreak to midday, Monday to Saturday. All other times horses are prohibited from the beach area.

Dogs are also able to be exercised within the Hillarys Horse Beach area under established restrictions which relate to the horse exercise times.

The petition requests consideration be given to extending the Hillarys Dog Beach either permanently or in a time limited way (such as at certain times of the day or seasonally).

As there is a shared portion of the beach for horses and dogs, modifying one (for example the dog beach) has direct implications for the other (for example the horse beach), such as:

- whether the horse beach needs to also be modified as a consequential outcome of any change to the extent of the dog beach
- whether the restrictions for horse exercise area requires modification as a consequential outcome of any change to dog exercise restrictions.

### S Apps, Woodvale:

Re: CJ149-09/22 - Petition in relation to Extension of Animal Exercise Areas in Hillarys.

Q1 The attachment on the report shows the dog beach ending to the south before the Hillary Beach Park. I believe that this is not correct.

Can the administration please reconfirm these details and provide an updated map with the correct end point detailing the actual length of the dog only portion of the beach?

A1 The following image and extent of the permitted dog exercise area identified is extracted from the Beach Management Plan 2010:

Designated Dog Exercising Beach Area – Hillarys Beach





Q2 *The wording of the petition presented to Council was as follows:*

To the Mayor and Councillors of the City of Joondalup

**We, the undersigned all being electors of the City of Joondalup, do respectfully request that the Council:**

prepare a report to investigate extending the area that dogs are permitted to be exercised at Hillarys Dog Beach. Whether this be permanent or before certain times in the morning and after certain times in the evening or as a seasonal extension. In addition, a consideration of the feasibility of additional dog beaches to be located along other sections of the coastline within the City of Joondalup to ease the congestion on the only dog beach within the City and meeting the growing demand for dog exercise beaches.

*What were the findings of the investigation to extend the dog beach, whether north or south?*

A2 As outlined in the report, in order to fully understand whether there is merit in extending the Hillarys Dog Beach as well as the feasibility of any additional dog beaches along the coastline within the City of Joondalup it was first important to confirm the City of Wanneroo's intent via its Coastal Management Plan to determine if there would be any opportunity for synergy in linking into an animal exercise area at Catalina Beach south.

This was clarified through the City of Wanneroo Council's adoption of its Coastal Management Plan in May 2022 which does not contemplate any future animal exercise area at Catalina Beach south in the short term.

In investigating the matters set out in the petition further since the City of Wanneroo's position has been established, rather than electing to proceed or not proceed with both extending the existing Hillarys Dog Beach and resolving a position on whether to create any additional dog beaches, it is considered more appropriate to complete a holistic review of dog exercise areas. This approach would include consideration of the matters outlined in the petition and also inform a guiding framework that the City and Council can use in responding to site or issue specific requests as well as proactively making change to existing situations.

Q3 *Are there any reason/s that would not allow the dog beach to be extended south an additional 300-400 metres?*

A3 The report sets out a number of matters that require consideration in deciding whether or not to extend the Hillarys Dog Beach. Whilst one relates to a consideration specific to extending the beach north (such as implications for the Hillarys Horse Beach), the remainder are applicable to whether the beach is extended north or south, including:

- the need for any additional infrastructure and associated costs
- strategies to ensure environmental values are not compromised
- management of potential conflict with other beach users. Kite surfers that use Pinnaroo Point to the north is provided in the report as one example of a beach user, but is not intended to be the only user group where conflict may arise
- impact on City resources to monitor and enforce any time restrictions associated with an extension.

Q4 *Since 2010, when the community consultation process was completed for the draft Beach Management Plan (CJ158-09/10 refers), what was the City's population and how many dogs were registered at the time?*

Q5 *What has been in the increase in dog registrations from 2010 to 2022?*

A4&5 The population in 2010 for City of Joondalup was 160,053 with 22,936 active dog registrations.

In 2022, the City's population is 163,567 with 24,424 active dog registrations (current at September 2022).

### **M Sideris, Mullaloo:**

*Re: Pinnaroo Point.*

Q1 *Please advise when the City of Joondalup Pinnaroo Point Coastal Hazard Risk Management and Adaptation Planning Report R788 Rev 1 July 2016, and the City of Joondalup Report Sorrento Surf Life Saving Club Redevelopment Updated Coastal Hazard Risk Management and Adaptation Planning R1601 Rev 1 December 2021, were submitted to the Department of Planning, Lands and Heritage (DPLH) for critical analysis and approval for use by the City?*

A1 The Pinnaroo Point CHRMAP was initially provided to the Department of Planning, Lands and Heritage (DPLH) in 2017 as part of the Crown land lease process. The CHRMAP was then submitted to the DPLH in 2021 as part of the Development Application process.

At this stage the City of Joondalup Report Sorrento Surf Life Saving Club Redevelopment Updated Coastal Hazard Risk Management and Adaptation Planning R1601 Rev 1 December 2021 has not been submitted to the Department of Planning, Lands and Heritage as the project design is yet to be finalised. The report will however form part of the package of documents submitted with the planning application at a future date which will be determined by the Western Australian Planning Commission.

Q2 *Referring to the recently published City of Joondalup Coastal Monitoring 2021-22 Data Report R1668 that identified Pinnaroo Point had receded substantially (changes up to 10 metre) over the last year and worsened since the previous period.*

*What action has the City and Council taken in order to satisfy SPP 2.6 which states: 'Where new information or methods become available that significantly modify the understanding of the coastal hazards then all areas within the newly defined risk areas should be reviewed again through the Coastal Hazard Risk Management and Adaptation Planning hierarchy above, as part of the ongoing monitoring and review process'?*

A2 The purpose of the City's ongoing Coastal Monitoring Program is to monitor shoreline movement along the coast and assist the City in its coastal adaptation planning and management. Whilst there has been an increase in the recession of the vegetation line, the management of erosion issues at Pinnaroo Point is ongoing and management actions are implemented and reviewed on an ongoing basis, in alignment with the recommendations of the City's coastal engineering consultants.

In regard to satisfying SPP 2.6, the City is currently developing a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) which utilises coastal vulnerability assessments as well as the outcomes of the coastal monitoring program to identify the preferred approach to managing coastal hazards. Consideration will be given to further coastal adaptation options in the development of the CHRMAP to mitigate the impacts of coastal erosion.

Q3 *With no Crown Land sub lease agreement signed for Lot 501 Pinnaroo and a known financial benefit to ratepayers for the Burns Beach concept Council financial analysis demonstrates that while the City build option would result in a greater initial capital investment, the commercial building lease would provide the City with a significant recurring income.*

*Can the City please advise when or if Council were advised or provided with advice to reconsider the Sublease of the Lot 501 land and pursue a similar build option for Lot 501 Pinnaroo Point?*

A3 Council was not advised to reconsider the Sublease of Lot 501 at Pinnaroo Point. The premise that the City would necessarily receive a higher financial benefit through constructing and then leasing the building at Pinnaroo Point is not supported. Building and then leasing may provide shorter lease terms with greater control, however, this comes with the City accepting the financial risk associated with the far higher capital commitment.

Q4 *Please confirm that the costs for sunk costs consisting of legal, consultant and administration costs, as provided in the responses 15 March 2022, 17 May 2022 and 28 June 2022 accurately reflect the budget amount for the Lot 501 Café/Kiosk project and reported to Council in the various reports to Council and listed in those reports as budget amount spent, are escalated to represent 2022 dollar values, as requested but not yet conformed?*

A4 The budget amounts listed in the various reports relate to the financial year the budget applies to. As they are budget figures and reported within one financial year, budget figures are not escalated.

#### **M Kwok, Ocean Reef:**

Re: *Weed Management.*

Q1 *Is the City responsible for weed management at the Lakeside Shopping Centre car park?*

A1 The responsibility lies with Shopping Centre Management, Lend Lease Funds Management Ltd.

Q2 *Is the City responsible for weed management within infrastructure at Hillarys Boat Harbour?*

A2 The responsibility lies with the State Government which owns the land.

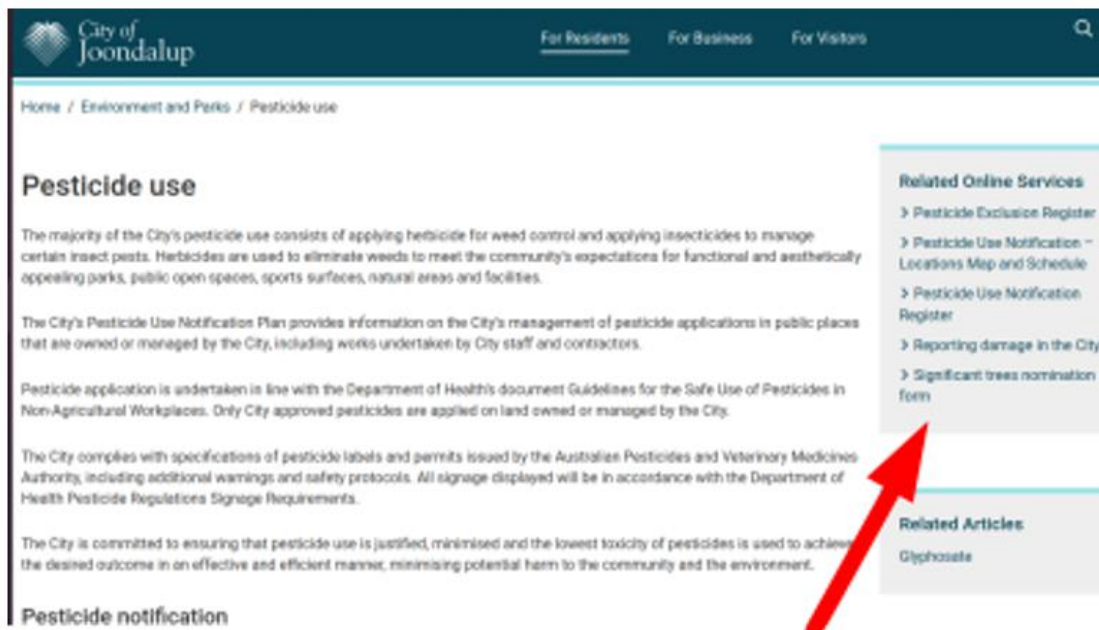
Q3 *When the draft Weed Management Plan is out for public consultation in November, how does the City ensure feedback, comments and concerns from the public are considered in decision making process?*

A3 In developing the draft Weed Management Plan the City has considered the concerns of the community as well as previous Council decisions in determining the objectives and management actions of the Plan.

The City considers all feedback obtained through the community consultation process and will make amendments to the draft Weed Management Plan as required. It is important to note that the feedback received from community consultation forms a part of developing the final Weed Management Plan, the draft plan will also be subject to a peer review process as well as consultation with relevant State Government agencies.



- Q4 *Is it possible to add the Pedestrian Accessway Planting and Maintenance Service link onto 'Related Online Services' in 'Pesticide Use' page on City's website to make it easier to locate and more accessible to residents?*



- A4 Yes, the link can be added.

**M Moore, Edgewater:**

Re: *Urban Infill Dwelling Targets.*

Q1 *How many dwellings were added in each of the five year periods 2011- 2016 and 2016 - 2021?*

Q2 *How many infill dwellings have been in the Joondalup Activity Centre Plan area?*

Q3 *How many of these dwellings have been in the Housing Opportunity Area?*

Q4 *In the period 2011 - 2021 how many of the infill dwellings have been apartments?*

Q5 *How many of the infill dwellings have been aged and dependent persons dwellings?*

A1-5 The City is doing a target analysis to review the City's infill and total dwelling targets, as set out in the project scope of works adopted at the Council meeting held 19 April 2022. This will consider development undertaken to date and the potential yield of City Centre and high-density precincts.

Four data sources are anticipated to be used to quantify development undertaken to date. These are:

- census data based on number of dwellings
- infill dashboard data based on rateable properties
- land creation data based on subdivision and strata subdivisions
- building permit data based on approvals issued.

The most accurate indication of the extent of development which has occurred will be given by a review of all datasets together.

The total number of dwellings needed as set out in the North-West Sub-regional Framework is 22,630.

The targets analysis completed to date indicates that there have been approximately 3,500 additional dwellings developed in the City since 2011. This number will however be further refined, including where these additional dwellings have been provided, and confirmed through the targets analysis.

**The following summarised questions were submitted verbally at the Council meeting:**

**S Key, Greenwood:**

*Re: CJ149-09/22 Petition in Relation to Extension of Animal Exercise Areas in Hillarys.*

*Q1 In relation to Report CJ149-09/22, Attachment 1 - Location Map Hillarys Exercise Area, is the map a true and accurate representation of the exercise area?*

*A1 The Director Planning and Community Development advised that Attachment 1 to the report may not be a correct reflection of the extent of the dog beach. After being brought to attention of the administration, this has been clarified as an error. A correct map, extracted from the Beach Management Plan, has been provided in response to a separate question that was received by the City.*

*Q2 Can the sign located at the southern end of the Hillarys Dog Beach be placed in the correct location in accordance with the Beach Management Plan map, approximately 350 metres south of where the sign is currently located?*

*A2 The Director Planning and Community Development advised that this can be done. The signs that are in place at Hillarys Dog Beach are to be audited to ensure they are in line with the extent of the dog beach as per the Beach Management Plan.*

**G Stickland, Craigie:**

*Re CJ153-09/22 – Invest and Trade WA Mission to India: July 2022 – Outcomes Report.*

*Q1 Can the City please advise what was the cost to the ratepayers, for Council's participation in the Invest and Trade WA Mission to India?*

*A1 The Chief Executive Officer advised the cost to the City was \$6,000. This cost consisted of airfares and accommodation for the Deputy Mayor, as well as staff time involved. The staff time was part of the normal allocation of work for the Economic Development and Advocacy Team.*

**K Reeder, Sorrento:**

*Re: Item CJ148-09/22 State Development Assessment Unit Referral – Development Application for an Eight Storey Mixed Use Development in the Sorrento Activity Centre, West Coast Drive, Sorrento.*

*Q1 The Development Application provides for an eight-storey, 31.1-metre-high building, which is 4 metres higher than what was applicable in the eight-storey R-codes. In essence making the development application the height of a nine-and-a-half-storey building.*

*Can the City please confirm that the Development Application has a building height larger than outlined in the R-codes, making the overall height of this Development Application much larger than eight storeys?*

A1 The Director Planning and Community Development advised that while the R-codes, Volume 2 provide guidance as to what an indicative storey height would be, as far as floor to ceiling height, this development is structured in such a way as to recognise possible variation depending on the inclusions chosen by the developer. The height as referred to in the R-codes, Volume 2, therefore is presented in two ways – in storeys, as well as indicative metres.

In relation to the Development Application for an eight-storey mixed use development in the Sorrento Activity Centre, the building is substantially larger than what the current framework contemplates.

### **K Williams, Sorrento:**

*Re: Item CJ148-09/22 State Development Assessment Unit Referral – Development Application for an Eight Storey Mixed Use Development in the Sorrento Activity Centre, West Coast Drive, Sorrento.*

Q1 *The people of the City of Joondalup and the WA Planning Commission came to a unanimous conclusion that anything above four to five storeys would not be acceptable for the development area that is in Sorrento. Why has this matter resurfaced? What has changed?*

A1 The Director Planning and Community Development advised that since the current Activity Centre Plan was put in place, primarily what has changed is the land ownership. Over the last couple of years one developer, Megara Property, has acquired most of the land holding, and the current proposal reflects the development intentions of Megara Property.

Q2 *How can the Council have before them a development application which is not in accord with the previous policy position?*

A2 The Director Planning and Community Development advised that the City does not control what a developer chooses to submit. A developer may make an application, whether it is in line with the policy and framework or not. The City Administration or the Council will then assess that application against the framework and form a recommendation as to whether it is appropriate. The Council makes a recommendation in line with policy, but not the final decision.

### **M Kwok, Ocean Reef:**

*Re: Item CJ155-09/22 Review of Procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings.*

Q1 *When did the City start to provide Elected Members electronic copies of deputation presentations following the Briefing Sessions?*

A1 The Director Governance and Strategy advised that the deputation presentations have been provided to Elected Members sometime within the last 18 months.

- Q2 *Since the City receives deputation presentations before the Briefing Sessions, is it possible to provide deputation presentations to the Elected Members on the same day?*
- A2 Mayor Jacob advised that Elected Member's email addresses are published on the City's website, and as such people may contact Elected Members directly to provide deputations. There is the opportunity for open communication between Councillors and the public on an ongoing basis.

The Director Governance and Strategy advised that deputation presentations are requested to be submitted to the City by 12 noon on the day of the meeting, although this deadline is not always achieved. On meeting days, there are many logistical factors that the administration is required to contend with, making it difficult to circulate the presentations to Elected Members.

## **PUBLIC STATEMENT TIME**

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

**M O'Byrne, Kinross:**

*Re: CJ162-09/22 - Costings for the Completion of Lane 5 Through to Clontarf Street.*

Ms Mary O'Byrne noted that the Audit and Risk Committee Charter under 7.1a of the *Local Government Act 1995* assists the City with risk management by monitoring compliance with laws and regulations. Ms O'Byrne provided a reminder that the Audit Committee are expected to understand their legal and regulatory obligations under the Act and to apply them to every risky situation within the Joondalup district.

Ms O'Byrne's advised in relation to the safety issues which have been raised in regard to Lanes 1 and 5, the Department of Fire and Emergency Service report requires for Elected Members to immediately apply a process to mitigate the considerable and foreseeable risk to the lives and health of laneway residents.

Ms O'Byrne explained that it is unreasonable for residents to be situated on a blocked lane road system, forced to face reversing trucks approaching from a rise of 6-7 metres, at a section of road that is both entrance and exit to the block system.

Ms O'Byrne stated that the City may be held liable for accidents in Lanes 1 and 5 resulting from negligence on its' part.

**A Andrich, Sorrento:**

*Re: CJ162-09/22 - Costings for the Completion of Lane 5 Through to Clontarf Street.*

Ms Adele Andrich provided a detailed description of Lanes 1 and 5, explaining that Lane 1, is the primary access, is described as having poor visibility and reduced manoeuvring space for entering and exiting from private properties, with the result of frequent minor collisions and damage to vehicles and properties. Ms Andrich advised that the City of Joondalup has no enforceable functional means of recording near misses or accidents in the laneway from their contracted services.

Ms Andrich advised that the Department of Fire and Emergency Services (DFES) have provided a comprehensive assessment report, supporting the connection of Laneway 5 to Clontarf Street. Ms Andrich explained that DFES report highlights that the current road configuration will have a significant impact on firefighting operations and supported the connection of Lane 5 to Clontarf Street as it would greatly improve the safety of responders and improve effectiveness of fire response for community.

Ms Andrich emphasised that Housing Opportunity Areas (HOA) infill is causing significant growth in the road usage of Lane 1 and should never have been approved with the present conditions not being resolved.

Ms Andrich appealed to Elected Members to support progressing a solution to opening Lane 5 through to Clontarf Street.

### **D Gration, Sorrento**

*Re: CJ148-09/22 - State Development Assessment Unit Referral – Development Application for an Eight Storey Mixed Use Development in the Sorrento Activity Centre, West Coast Drive, Sorrento.*

Mr Dale Gration spoke against the proposed development application advising that as an owner of a neighbouring property the development will affect them personally; by way of the building overshadowing on their property, having an effect of direct sunlight to their rooms in their home and direct sunlight on their solar panels, intrusion of privacy to their backyard and an overall economic impact to their family.

Mr Gration explained that the proposed development belongs in the suburb of Scarborough and not Sorrento, as the building is not in line with the approved Sorrento Activity Centre Plan principles.

### **D Murray, Sorrento:**

*Re: CJ148-09/22 - State Development Assessment Unit Referral – Development Application for an Eight Storey Mixed Use Development in the Sorrento Activity Centre, West Coast Drive, Sorrento.*

Mr Daniel Murray a Sorrento community member, spoke against the eight-storey proposed development.

Mr Murray expressed his concerns relating to the overshadowing and affect on neighbouring residents, and in particular if the application is approved the precedent that will be set for future high-rise buildings in the area, which could lead to uncontrollable growth.

Mr Murray requested that Council consider the long-term future of the Sorrento community and asked that development be restricted to a size and height that is acceptable, where the privacy of residents is not compromised.

Mr Murray requested that both the Council and the developers work with the community in a way that is transparent and of service to the good of all involved.

**S Hawkins, Sorrento**

*Re: CJ148-09/22 - State Development Assessment Unit Referral – Development Application for an Eight Storey Mixed Use Development in the Sorrento Activity Centre, West Coast Drive, Sorrento.*

Mr Stuart Hawkins, on behalf of Marmion, Sorrento, Duncraig Progress and Ratepayers' Association Inc. spoke against the proposed development application and requested that Council re-affirms their previous decision from 2017.

Mr Hawkins provided background, that between 2016 and 2018, the City of Joondalup and the Western Australian Planning Commission (WAPC) made a detailed assessment of redevelopment of the site and formed certain height limits for the site that were appropriate at the time and remain appropriate in 2022.

Mr Hawkins encouraged Council to provide a very clear, unambiguous direction to the WAPC that the development application is not supported and that their decision should be for WAPC to not grant approval.

**R McCarthy, Padbury:**

*Re: CJ149-09/22 - Petition in Relation to Extension of Animal Exercise Areas in Hillarys.*

Mr Rory McCarthy addressed Council in relation to the report advising that the question of extending the dog beach at Hillarys was not being addressed in the report, and the petition has not received an adequate response to its request to extend the beach, either north, south, or access at certain times of the morning and/ or evening.

Mr McCarthy requested that these questions should be addressed in the proposed holistic review, and the review be completed as a priority and be shared with the community.

**R Repke, Kallaroo:**

*Re: Beach Erosion Management*

Mr Rainer Repke spoke on the topic of Beach Erosion Management, detailing that measures taken to date to stop erosion of the coastline have been small, explorative and ineffective.

Mr Repke advised that he has analysed comparison measures from the Cities of Cockburn, Fremantle, Stirling and Wanneroo.

Mr Repke explained that the three options available to the City are:

- do nothing
- continue to do ad hoc measures
- for local governments with coastlines within their district, to form a Beach Erosion Management group with a rotating chairperson to discuss and design a coordinated approach to reduce beach erosion.

Mr Repke supports the third option, explaining a united approach will assist with management of equipment and reduced costs to local governments. Mr Repke suggested that the City of Joondalup take up a leadership role in this area.

**C Gonser, Edgewater:**

*Re: Glyphosate.*

Ms Carin Gonser addressed Council expressing her concerns in regard to the inadequate placement of glyphosate signage at Mirror Park, as the signage was not sufficiently visible which has had an effect on her health whilst walking at the park.

Ms Gonser requested that the signage be placed in high traffic entry areas to parks and public open spaces to alert the public of the spraying of the chemical in the area.

**R Seebach, Sorrento:**

*Re: CJ148-09/22 - State Development Assessment Unit Referral – Development Application for an Eight Storey Mixed Use Development in the Sorrento Activity Centre, West Coast Drive, Sorrento.*

Mr Rudi Seebach a community member living in Sorrento spoke against the proposed development application and explained that he also attended the Council Chamber back in 2017 when the previous development application was denied by Council, which was a favourable outcome for the community.

Mr Seebach explained that due to work commitments he was not able to attend the developer's community meetings, although his wife attended and advised that the developer avoided pertinent questions relating to excessive height and increased traffic flow, leading him to believe that the public participation process not to be transparent from the start.

Mr Seebach urged Council to carefully consider their decision and vote in the best interest of the Sorrento community.

## **APOLOGIES AND LEAVE OF ABSENCE**

**C108-09/22**

### **REQUEST FOR LEAVE OF ABSENCE – CR NIGE JONES**

**MOVED Cr May, SECONDED Cr Kingston that Council APPROVES the Request for Leave of Absence from Council Duties covering the following dates:**

**1 Cr Nige Jones Tuesday 1 November 2022 inclusive.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

## CONFIRMATION OF MINUTES

### **C109-09/22                    MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 AUGUST 2022**

**MOVED** Cr Thompson, **SECONDED** Cr Jones that the Minutes of the Ordinary meeting of Council held on 16 August 2022 be **CONFIRMED** as a true and correct record.

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

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

### **C110-09/22                    MOTION TO SUSPEND ORDER OF BUSINESS**

**MOVED** Mayor Jacob, **SECONDED** Cr Hamilton-Prime that Council, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to allow Elected Members the opportunity to express their condolences on the passing of Her Majesty Queen Elizabeth II, before “Announcements by the Presiding Member Without Discussion”.

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

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

### **C111-09/22                    MOTION OF CONDOLENCE**

**MOVED** Mayor Jacob, **SECONDED** Cr Hamilton-Prime that Council **RECORDS** its regret at the death of Her Majesty Queen Elizabeth II and offers its sympathy to His Majesty King Charles III and the Royal Family.

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

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

### **Condolences for Her Majesty Queen Elizabeth II**

Mayor Jacob invited Elected Members to express their condolences on the passing of Her Majesty Queen Elizabeth II.

The following Elected Members expressed their condolences:

- Cr Hamilton-Prime
- Cr Jones
- Cr May
- Cr Hill
- Cr McLean.



Mayor Jacob stated as Australians, and with 17 per cent of the City's population born in the United Kingdom and others in our community having strong connections with countries in the Commonwealth, he was aware of how many in the City of Joondalup were saddened by Her Majesty's passing.

Mayor Jacob advised that fittingly, the City recently held a tree planting event at Chichester Park in Woodvale to commemorate the Queen's Platinum Jubilee, and this tree will serve to honour the Queen for her 70 years of service to Australia and the Commonwealth, as well as creating a legacy for members of the community to enjoy.

Mayor Jacob asked Elected Members, staff and the general public to stand and observe a minute's silence in honour of Her Majesty Queen Elizabeth II.

**C112-09/22**

**MOTION TO RESUME ORDER OF BUSINESS**

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council RESUMES the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

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

### Award win for innovative campaign

Mayor Jacob announced that the City of Joondalup took out a significant national award for an innovative communications and media campaign that it undertook in February 2022.

Mayor Jacob advised the City won an Australian Business Award in the category of Communications Excellence.

Mayor Jacob noted that on 14 February, Valentine's Day, the City's Field Officers got into the spirit of this annual day of love by only issuing caution notices for parking offences, adding that rather than people finding an infringement notice on their windscreen, the ticket instead contained a note of caution with text wishing them a lovely Valentine's Day and asking them to "pay their good luck forward."

Mayor Jacob stated the initiative was in line with a change in approach to parking offences at the City with a focus on education rather than enforcement.

Mayor Jacob congratulated all involved in the great success story.

Mayor Jacob informed that the City of Joondalup beat other marketing and PR agencies and private businesses from across Australia to win this award. A special mention to our Communications and Stakeholder Relations and Community Safety business units for their efforts.

### Bali Bombings/Kingsley

Mayor Jacob announced that 12 October 2022 marks the 20-year anniversary of the Bali bombings, a dark day in the nation's and local community's history.

Mayor Jacob advised that of the 202 people who lost their lives in the terrorist attack, 88 of which were Australians, seven were members of the Kingsley Amateur Football Club.

Mayor Jacob informed that as part of commemorations, and as a mark of respect to all people affected, the City is sponsoring a Kingsley legends football match at Kingsley Park on Friday 7 October 2022.

Mayor Jacob noted that activities would commence at 4.00pm, including a junior football match at half-time of the main game.

### Safety put first as bridge causes concerns

Mayor Jacob advised that planning for a new pedestrian bridge over Moolanda Boulevard in Kingsley will start soon, noting that this follows the demolition of the original structure earlier this month.

Mayor Jacob informed that the timber bridge, built in 1986, was removed due to concerns about its structural integrity, adding that Council resolved at its August meeting to increase the City's 2022-23 budget by \$300,000 to fund the removal of the bridge and for design work to begin on a replacement structure, noting that Main Roads WA is expected to contribute \$100,000 towards the design of the project.

### Relay for Life 2022

Mayor Jacob announced that Relay for Life is back where it belongs, adding that first time since 2019, this wonderful event returns to HBF Arena, (Pentanet Stadium), following its cancellation in 2020 and last year's venue shift to Kings Park.

Mayor Jacob informed that Relay for Life 2022 will be held on 15-16 October where hundreds of people, from all walks of life, will again march throughout the night to raise funds for the Cancer Council of WA, adding that it is the only event of its kind in Perth this year.

Mayor Jacob noted the City is proud to sponsor this important community fundraising challenge, adding that the daunting disease has touched most, if not all, of us.

Mayor Jacob advised that with fundraising efforts and support, we can help those in need and help find a cure, urging people to visit [relayforlife.org.au](http://relayforlife.org.au) to get involved.

*The Administration Officer left the Chamber at 7.50pm.*

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

- CJ152-09/22 - Walk of Fame.

## **PETITIONS**

Nil.

## REPORTS

### CJ147-09/22 DEVELOPMENT AND SUBDIVISION APPLICATIONS – JULY 2022

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	07032, 101515
<b>ATTACHMENT</b>	Attachment 1 Monthly Development Applications Determined – July 2022 Attachment 2 Monthly Subdivision Applications Processed – July 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 note the number and nature of applications considered under delegated authority during July 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 July 2022 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during July 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 28 June 2022 (CJ092-06/22 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 July 2022 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	7	79
Strata subdivision applications	9	9
<b>TOTAL</b>	<b>16</b>	<b>88</b>

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

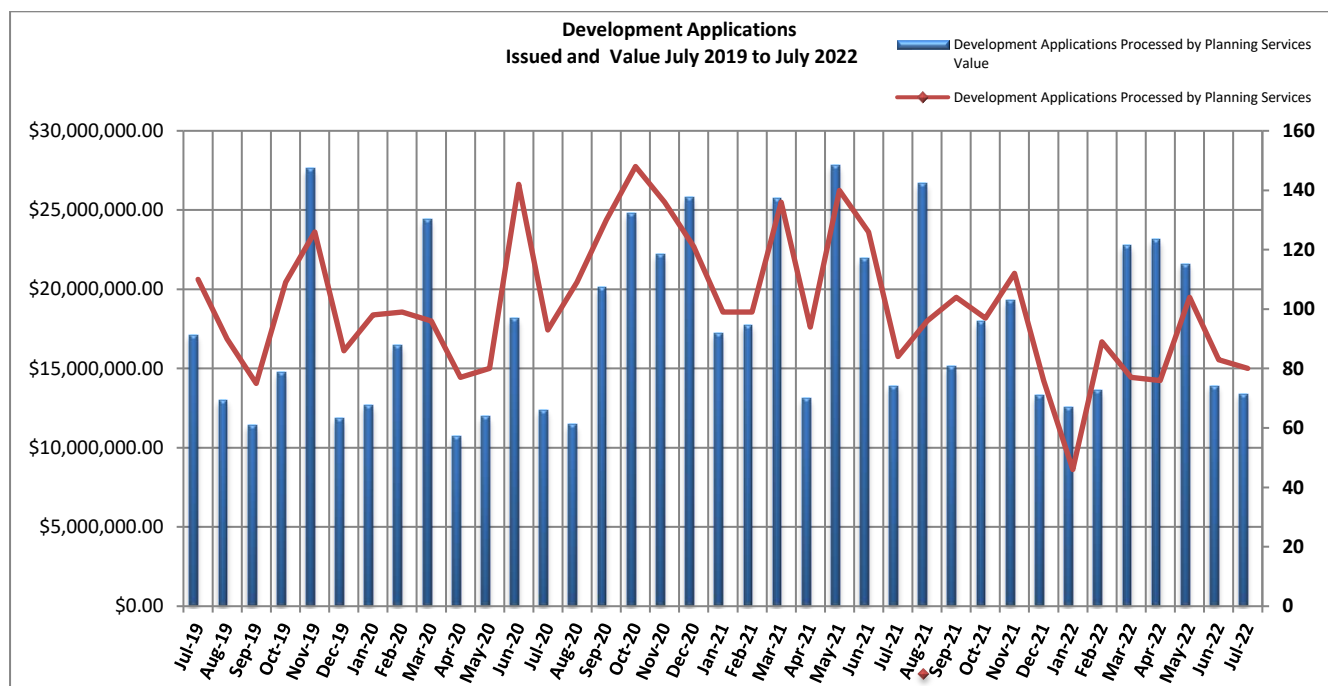
### Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	80	\$13,392,538

Of the 80 development applications, 15 were for new dwelling developments in housing opportunity areas, proposing a total of 15 additional dwellings.

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



The number of development applications received during July 2022 was 88.

The number of development applications current at the end of July was 201. Of these, 34 were pending further information from applicants and 14 were being advertised for public comment.

In addition to the above, 234 building permits were issued during the month of July with an estimated construction value of \$35,331,690.

### **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.*

### **10-Year Strategic Community Plan**

**Key theme** Place.

**Outcome** Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**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 80 development applications were determined for the month of July with a total amount of \$47,512.68 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 development applications described in Attachment 1 to Report CJ147-09/22 during July 2022;**
- 2 subdivision applications described in Attachment 2 to Report CJ147-09/22 during July 2022.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ162-09/22, page 114 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf220913.pdf](#)*

**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ148-09/22 - State Development Assessment Unit Referral – Development Application for an Eight Storey Mixed Use Development in the Sorrento Activity Centre, West Coast Drive, Sorrento.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Stuart Hawkins who provided a deputation is known to Cr Hamilton-Prime. Cr Hamilton-Prime has previously engaged with Mr Stuart Hawkins on local issues.

**CJ148-09/22 STATE DEVELOPMENT ASSESSMENT UNIT REFERRAL – DEVELOPMENT APPLICATION FOR AN EIGHT STOREY MIXED USE DEVELOPMENT IN THE SORRENTO ACTIVITY CENTRE, WEST COAST DRIVE, SORRENTO**

**WARD** South-West

**RESPONSIBLE DIRECTOR** Mr Chris Leigh  
Planning and Community Development

**FILE NUMBER** 110332, 101515

**ATTACHMENTS**

- Attachment 1 Location plan
- Attachment 2 Architectural plans
- Attachment 3 Applicant development application report
- Attachment 4 Design Report
- Attachment 5 Landscaping concept
- Attachment 6 Transport impact assessment
- Attachment 7 Waste management plan
- Attachment 8 Acoustic report
- Attachment 9 Sustainability report
- Attachment 10 Economic benefit analysis
- Attachment 11 City assessment against the *Sorrento Activity Centre Plan*
- Attachment 12 'Without prejudice' conditions of development approval
- Attachment 13 Technical advice

*(Please note: The Attachments are only available electronically)*

**AUTHORITY / DISCRETION** Advocacy – Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

**PURPOSE**

For Council to consider a development application referred by the State Development Assessment Unit for an eight storey mixed use development in the Sorrento Activity Centre and consider making a submission to the Western Australian Planning Commission.



## EXECUTIVE SUMMARY

The *Planning and Development Act 2005* (as amended by the *Planning and Development Amendment Act 2020*), introduced a new Part 17 that grants the Western Australian Planning Commission (WAPC) temporary decision-making powers to determine proposals over \$20 million in metropolitan Perth. The WAPC is supported in its decision-making process by a new team, the State Development Assessment Unit (SDAU), within the Department of Planning, Lands and Heritage (DPLH).

In late 2021, a Part 17 development application was lodged with the SDAU for a mixed use development in the Sorrento Activity Centre. The eight storey development consists of ground floor restaurant/café, small liquor store and 75 residential apartments. Extensive upgrades are also proposed within the public areas adjoining the site, including landscaping, alfresco areas and on-street parking.

As an application being processed by the SDAU, the local government's role is as a referral agency only. The SDAU formally referred the development application to the City on 14 July 2022 and has invited a submission on the proposal, with comments due by 23 September 2022. Should a submission be provided, it will be taken into consideration by the WAPC when determining the application, along with comments from other referral agencies and submissions received during community consultation.

Concurrent to the development application being processed, a new structure plan, the draft Sorrento Precinct Structure Plan (SPSP) has been lodged with the City for assessment and recommendation to the WAPC. This structure plan reflects the scale of redevelopment proposed and if approved by the WAPC will replace the current *Sorrento Activity Centre Plan* (SACP). As the SPSP has not been presented to Council for consideration at this point, it is not considered to be a draft planning instrument that is being seriously considered for approval and therefore has not been given due regard to in the assessment of the development application. As such, the assessment of the development application has only been undertaken against the requirements of the existing SACP.

While the overall design of the proposed development is of a high standard, the proposed height of the development at eight storeys is inconsistent with the SACP maximum height of five storeys and is considered to result in a development that is not sympathetic to the surrounding area. There are also several areas of the development where, in the City's view, further information should be provided prior to the application being determined by the WAPC. This includes the details on the interface with adjoining residential properties and matters relating to landscaping, traffic and works within the verge. While the City would ordinarily seek to resolve these matters directly with the applicant, this is not possible given local government's role in the SDAU process, and instead can be included in the submission.

It is recommended that Council provides a submission on the development application outlining the concerns with the development as well as matters that should be addressed prior to the application being determined by the WAPC. Despite having concerns with the proposed development, it is also recommended that 'without prejudice' conditions and advice notes, as well as technical advice relating to traffic, waste, landscaping and environmental health, be provided in the event the WAPC supports the proposal.

## BACKGROUND

**Suburb/Location** Lot 145 (2) Drakes Walk, Sorrento.  
Lots 146 (4) and 147 (2) Padbury Circle, Sorrento.  
Lots 2 (130), 148 (136A-136B) and 149 (134) West Coast Drive, Sorrento.

<b>Applicant</b>		Planning Solutions.
<b>Owner</b>		Lot 2 (130), Lot 149 (134) and Lot 148 (136A-136B) West Coast Drive, Lot 147 (2) and Lot 146 (4) Padbury Circle – WCD Pty Ltd. Lot 145 (2) Drakes Walk – George M Rafferty.
<b>Zoning</b>	<b>LPS</b>	Centre.
	<b>MRS</b>	Urban.
<b>Site area</b>		5,777m <sup>2</sup> .
<b>Structure plan</b>		<i>Sorrento Activity Centre Plan.</i>

### Subject site

The proposed development is across six lots in the Sorrento Activity Centre as detailed above. The activity centre currently consists of a residential dwelling, liquor store and two restaurants to the north, the Sorrento Commercial Centre in the centre and a BP service station to the south (Attachment 1 refers). The area to the east of the site is residential development with a density code of R20, predominately comprising two storey single houses. Immediately adjoining the site is a vacant residential lot to the south east and a two storey residential dwelling to the north east (density code of R20). The Sorrento foreshore and beach is to the west.

With the exception of the BP service station, all existing buildings will be demolished to accommodate the development.

### Development application process for significant projects (SDAU process)

The State Government introduced a new development application process for significant projects as part of its COVID-19 economic recovery plans. The *Planning and Development Act 2005* (as amended by the *Planning and Development Amendment Act 2020*), introduced a new Part 17 that grants the WAPC temporary decision-making powers to determine proposals with a development cost of \$20 million or more in metropolitan Perth. The WAPC is supported in its decision-making process by a new team, the SDAU, within the Department of Planning, Lands and Heritage (DPLH).

Other than the *Environmental Protection Act 1986*, the WAPC is not bound by any planning or non-planning law, rule or other requirement when determining this application. However, in making its decision, the WAPC must have due regard to:

- the purpose and intent of any applicable planning scheme
- orderly and proper planning
- the preservation of amenity
- the need to facilitate development in response to the economic effects of the COVID-19 pandemic
- any relevant State planning policies or policies of the WAPC.

### *Local government's role in applications processed by the SDAU*

The local government's role in the application is as a referral agency only, providing a submission for consideration by the WAPC which makes the final decision on the application. The SDAU is responsible for all other aspects of the development application process, including lodgement, community consultation and analysis of submissions, and coordinating design review by the State Design Review Panel.

### *Subject application*

The application was formally referred to the City by the SDAU on 14 July 2022, with comments initially due 26 August 2022. An extension to provide comments was sought to enable sufficient time for the development application to be considered at the October Council Meeting and align with Council's consideration of a draft new structure plan (*Sorrento Precinct Structure Plan*) that has been received for the activity centre (details below). Despite this, the WAPC has only granted an extension until 23 September 2022, noting this would allow Council to consider the subject application at its September Council Meeting.

Prior to the SDAU formally referring the development application, it had been subject to three separate meetings of the State Design Review Panel, with amendments following each meeting. As part of this process, the City provided high level technical advice to the SDAU on compliance with the *Sorrento Activity Centre Plan* and matters relating to traffic, landscaping, waste and environmental health. This advice did not provide comment on whether the development should be supported or not, and this initial and informal information does not form part of the City's formal submission.

While the City has noted and agreed that an amendment to the existing SACP, or a new structure plan, would be required to accommodate development that was not envisaged by the SACP, no position has been established in regard to the appropriateness of any proposed development.

As the development has been reviewed by the State Design Review Panel and given the City's role in the process, including a limited time to provide a submission, it has not been presented to the Joondalup Design Review Panel.

### Current Sorrento Activity Centre Plan

The SACP is the primary planning instrument for the assessment of development applications within the activity centre.

The draft SACP proposed a maximum building height of six storeys on a number of lots central to the activity centre and was supported by City officers. Council, at its meeting of 21 March 2017 (CJ022-03/17 refers), resolved to advise the WAPC that it supported the draft *Sorrento Activity Centre Plan* (SACP) subject to modifications, including reducing the maximum building height to four storeys.

The SACP was subsequently approved by the WAPC on 18 September 2018, with a minimum height of three storeys, and a maximum height of five storeys to the site's central to the activity centre on West Coast Drive and The Plaza (Lots 2, 148 and 149). The Minister for Planning also approved a modification to the associated amendment to *Local Planning Scheme No. 3* to include Lot 145 (2) Drakes Walk within the activity centre boundary, however this lot is not included within the SACP provisions.

Since the approval of the SACP, the only major development approved within the activity centre boundary has been the redevelopment of the BP Service Station at Lot 800 to a maximum height of two storeys.

The service station was approved by the Development Assessment Panel at its meeting on 18 November 2019, notwithstanding that it did not meet several requirements of the SACP, including the height being less than the minimum three storeys required for that site.

### Draft Sorrento Precinct Structure Plan

Concurrent to the development application, the City has received a draft new structure plan for the activity centre, the *Sorrento Precinct Structure Plan (SPSP)*, and if approved, will replace the current SACP. The *SPSP* provides for a scale of development commensurate to the proposed development application.

The key differences between the current SACP and proposed SPSP are as follows:

- Including Lot 145 (2) Drakes Walk, Sorrento within the precinct plan boundary.
- Amending the density from R80 to R-AC3 and reducing the dwelling target from 77 to 75 dwellings.
- Increasing the maximum height from five storeys to six storeys with an option for an additional two storeys where there is a demonstrated community benefit.
- Modifying the built form requirements.
- Updating references to reflect the development requirements of *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes Vol 2)*.
- Aligning the format with *State Planning Policy 7.2 – Precinct Design (SPP7.2)* and providing additional co-consultant inputs in support of the changes.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)*, structure plans are determined by the WAPC. The local government's role in the process is to undertake community consultation and provide a recommendation, including any possible modifications, to the WAPC. The DPLH will assess the structure plan and present a report and recommendation to the WAPC.

Consultation on the SPSP was undertaken between 14 July and 26 August 2022, and submissions received are currently being considered in conjunction with the technical assessment. To meet statutory timeframes, the SPSP will be presented to the October Council Meeting to consider a recommendation to the WAPC. This is the earliest meeting the structure plan can be considered by Council given the consultation and assessment processes involved.

#### *Status of the Sorrento Precinct Structure Plan in considering the development application*

The City considers the appropriate orderly and proper planning process would be for the SPSP to be determined by the WAPC, or at the very least have a formal position from Council, prior to progressing with the determination of the development application. This would provide the appropriate statutory framework for consideration for the intended scale of development and address broader planning matters, such as those set out under SPP7.2. Notwithstanding this preferred proper and orderly process, nothing prevents the landowners from lodging the subject development application ahead of a decision on the SPSP.

Under the LPS Regulations, regard can be given to a draft local planning scheme or amendment to the scheme that has been advertised under the LPS Regulations and any other proposed local planning instrument that the local government is seriously considering approving or adopting. As the SPSP has not been presented to Council for consideration as yet, it is not considered to be a planning instrument that is being seriously considered for approval, and therefore has not been given due regard in the development application assessment. It is noted that consultation has been undertaken on the SPSP as a statutory requirement of the LPS Regulations, which requires consultation on a structure plan to commence within 28 days of a structure plan being accepted for assessment, and this is required to be undertaken irrespective of whether it will be supported or not supported by Council.

As outlined above, a request to extend the time to provide a submission on the development application was sought by the City to allow the SPSP and development application to be considered concurrently at the October Council Meeting. However, as an extension has only been granted until 23 September 2022, the technical assessment on the development application has been based on the current SACP, with no regard to the requirements of the draft SPSP.

## DETAILS

The proposed eight-storey mixed use development comprises of the following key elements:

- Three ground floor commercial tenancies comprising two restaurant/cafes and liquor store – small.
- A public plaza and outdoor alfresco area
- 75 residential dwellings on levels 1-7, including 15 dwellings meeting silver level requirements of the *Liveable Housing Design Guidelines* (as required under the R-Codes Vol 2). The dwelling configurations are:
  - six single bedroom dwellings
  - thirty two bedroom dwellings
  - thirty three three bedroom dwellings
  - six four bedroom dwellings.
- 155 residential parking bays, 68 commercial parking bays and 12 residential visitor parking bays.
- A landscaped podium located in level 2 for private residential public open space.
- Residential amenities including fitness studio, private dining areas, swimming pool and sundeck.
- Four on-street car parking bays on West Coast Drive.
- Landscaping within and surrounding the site, including retaining an existing Sheoak tree within The Plaza verge.

The development plans and supporting technical studies are provided in Attachments 2 to 10 to Report CJ148-09/22.

The applicant in their submission to the SDAU has provided the following summary on the design of the proposal:

*“The proposed design is carefully considered, given the local context is predominately low-density residential development. The bulk of the building is strategically pushed towards West Coast Drive and the street corner, to ensure the building bulk ‘steps away’ from the adjacent low-density development. This strategy also ensure sight lines are retained for the residents located along Padbury Circle. The height of the development is expressed at the street corner, assisting to create the landmark feature of the Sorrento Activity Centre.”*

*“Through articulation, carefully considered internal layouts, landscaping and materiality, the intent of the development is to enhance the overall amenity of the area. The arrangement of the built form respects the immediate locality and protects privacy, view corridors and solar access. The impacts of overshadowing have also been minimised, ensuring no significant overshadowing of the public realm.”*

An assessment against the SACP is provided in Attachment 11 to Report CJ148-09/22. Regard has also been given to the requirements of the *R-Codes Vol 2*. The following matters have been identified as key considerations for the application.

### Land use permissibility

The development proposes the following land uses:

- Restaurant/Café (approximately 1,074m<sup>2</sup> gross leasable area).
- Liquor Store-Small (approximately 300m<sup>2</sup> gross leasable area).
- Multiple Dwelling (75 dwellings).

Under the SACP, the land uses proposed are permitted ('P') uses on the sites zoned 'Commercial'.

The land use Multiple Dwelling is a discretionary ('D') use on the 'Residential' zoned site (Lot 146 (4) Padbury Circle). Multiple dwellings is considered an appropriate land use in this instance given the density code of R80 and the SACP development outcomes anticipate the site being developed for multiple dwellings.

The nature of land uses is also consistent with the requirements for a local centre under *State Planning Policy 4.2: Activity Centres for Perth and Peel*.

### Built form

#### *Building Height*

The development is proposed to be a maximum height of eight storeys, whereas the SACP stipulates a maximum height of five storeys. The areas of the development that do not meet maximum building height requirements is outlined below.



In relation to the height, the applicant has provided the following justification:

*The height of 8 storeys is deemed suitable for the SACP area considering the site's prominent location and context, exemplary design, and the building being designed to integrate with its surrounds. The height is expressed at the most prominent corner of the site, with upper floors of the building stepping away from West Coast Drive and lower zoned neighbours on Padbury Circle and adjoining Geneff Park. This has been done to create greater setbacks between the development and adjacent residential dwellings than required by the SACP and reduce perceptions of bulk and scale than what could be built under the SACP.*

*The proposed built form redistributes the permissible building heights and massing set out under the current SACP, providing for a taller and slimmer development than envisioned under the current local planning framework, but still essentially achieving the density targets (77 dwellings) with the SACP. In terms of establishing desired future character, it is intended the existing SACP will be amended to facilitate the proposed development, ensuring the development is consistent with the desired future scale and character of the street and local area. Initial feedback from the City and DPLH have indicated that they have no in-principal objection to the proposed SACP amendment. The SACP amendment has been lodged with the City and is being assessed at the time of lodging this development application.*

The maximum height of five storeys in the SACP was considered appropriate due to the low position of the site and the steep slope up to the adjoining residential properties at the rear, resulting in a future development that could sit within the landscape. A five storey building height also results in overshadowing that would not extend to the beach, with some overshadowing of the foreshore dunes at 9am in winter, autumn and spring.

While the positioning of the building, including stepping back the maximum building height from the street and adjoining properties does reduce the potential impact of the development, it is still considered to result in a building that is out of context with the immediately surrounding area and will disrupt the streetscape. The building height also results in the shadow extending further into the foreshore and beach for morning periods during winter. As such, a maximum eight storey building height is not considered appropriate.

Supporting the proposed building height under the current SACP also presents a risk in relation to access to views. The SACP permits a development to four storeys on the BP service station site and requires the subject development to have a building setback of four metres above the third storey, with a setback of nil proposed to the fifth storey. This setback is established in the SACP to ensure permeability between buildings and a view corridor for residential properties to the rear. While the BP site is currently developed to an equivalent height of two storeys and therefore provides access to views, there is nothing to prevent the site from developing to four storeys. This highlights the need to have an appropriate local planning framework and development provisions for the entirety of the activity centre, ensuring that a development to the scale proposed does not detrimentally affect the surrounding area.

The R-Codes Vol 2 sets out possible development incentives that could be considered in exchange for additional development potential, such as height. While the redevelopment of the site and public realm would deliver a degree of community benefit, this is not considered to outweigh the amenity impacts from the proposed height of the development.

In relation to the building height, it is recommended that the submission to the WAPC advises that the building height is not supported due to the reasons outlined above.

*Interface with adjoining residential properties to the east*

The development has been designed with the bulk of the development set back from the adjoining residential properties to the east, and focused primarily to West Coast Drive and The Plaza.

The development proposed immediately adjacent to these residential properties comprises a three storey building element, and the landscape podium and communal open space for residents. For the majority of the boundary, a landscape buffer comprising trees is provided.

The following comments are made in relation to the interface with the adjoining residential properties and compliance with current planning the requirements (refer pages 8 and 9 of Attachment 2).

Element	Officer Comment
Landscaping	A landscaping buffer is proposed between the proposed three storey building element and the adjoining two storey dwelling. While this area is accessible from the street, there are some concerns on how the area will be maintained given it is segregated from the remainder of the landscaped areas and open space.
Building setbacks	The three storey element closest to the boundary is setback three metres and complies with 'acceptable outcomes' of the R-Codes Vol 2. The landscaped podium area (level 2) has a maximum height of 7 metres from natural ground level and is proposed to have a minimum 0.5 metre setback, impacting on the adjoining vacant lot. There is limited detail with the application to determine the extent of impact this may have on future development of the adjoining residential lot. It is possible that the adjoining lot could add retaining and fill to this area which will reduce the overall height and resultant impact.
Visual privacy from the apartments	<p>The three bedroom dwelling on Level 3 closest to the north eastern boundary has a visual privacy setback of approximately 4 metres, with 7.5 metres required under the 'acceptable outcomes' of the R-Codes Vol 2 as the adjoining lot has a density code of R20.</p> <p>Privacy screening could be provided to approximately 2.5 metres of the balcony to bring the privacy setback to 7.5 metres, without impacting on the portion of the balcony directly accessible from the indoor primary living area.</p> <p>The elevation directly facing the adjoining residential property comprises highlight windows and privacy screening to prevent direct overlooking.</p>
Visual privacy from the landscape podium	The solid portion of wall above the landscape podium level appears to be 1.5 metres, where a height of 1.6 metres is required to comply with the 'acceptable outcomes' of the R-Codes Vol 2.



In relation to the interface with adjoining properties to the east, it is recommended that the submission to the WAPC includes the following advice:

- Prior to the application being considered by the WAPC, the following matters are to be addressed:
  - Further information be provided by the applicant to demonstrate the impact of the landscape podium setback on adjoining properties.
  - Visual privacy be considered against the requirements of the R-Codes (including consideration of any comments from the adjoining residents) and where appropriate, modifications to the design to ensure visual privacy requirements of the R-Codes are met.
- In the event the WAPC supports the proposed development conditions of approval are recommended requiring detailed landscaping plans and maintenance details for the proposed landscape buffer.

#### *Ground floor façade*

There are a number of aspects of the ground floor façade that are not strictly in compliance with the requirements of the SACP or *R-Codes Vol 2*, these are as follows:

- Residential dwellings are located on the ground floor of Padbury Circle.
- A building setback of one metre is proposed for the portion of the development on 2 Drakes Walk.
- A street setback greater than two metres is proposed to The Plaza and West Coast Drive.
- There is a lack of detail to confirm awnings meet the minimum height and depth.
- There is a lack of detail to confirm that the glazing to the liquor store has a sill height that permits street activation, with the development plans suggesting a sill height of 1.6 metres.

The provisions of the SACP were adopted on the basis that the activity centre could be redeveloped in a fragmented manner given the multiple lots and different land ownership. As the proposed development is occurring across the majority of the activity centre as a cohesive built form, it is considered that strict compliance with these requirements may not deliver the best quality outcome and alternatives can be considered.

Overall, it is considered that the ground floor façade is appropriate, with alfresco areas and landscaping integrating with the public realm and the ground floor commercial uses providing activation to the street. The apartments on the ground floor occurs for a small portion of the façade and given the level of commercial activation provided by the remainder of the development, is considered appropriate.

In relation to the ground floor facade, it is recommended that the submission to the WAPC includes the following advice:

- Prior to the application being determined by the WAPC, further detail be provided to ensure awnings are provided to the required height and depth and that the glazing to the liquor store is at an appropriate sill height to provide street activation.
- In the event the WAPC supports the proposed development conditions of approval are recommended to require glazing to be clear and full details of colours and materials being submitted.

### Vehicle access

The vehicle access points proposed to the site do not strictly comply with the requirements of the SACP. Under the SACP, the existing rear accessway connecting the sites from Raleigh Road to Padbury Circle was to be maintained through a public access easement on each lot. Given that development could have occurred in a fragmented way given multiple land ownership, this access arrangement ensured vehicle access points from West Coast Drive was minimised.

In relation to the other vehicle access requirements of the SACP, the development proposes the following:

- An entry only vehicle access point from West Coast Drive to the commercial parking area, generally in the location specified under the SACP.
- Vehicles exiting from the commercial parking area are to exit via the BP Service Station onto Raleigh Road, with an existing easement legally allowing vehicles to pass through the service station site.
- The vehicle access point originally required from Padbury Circle under the SACP has been shifted further east to Drakes Walk. Given that this lot was included in the activity centre boundary (but not recognised in the SACP) it is considered that this is an appropriate shift.

As the redevelopment of the site is for a cohesive development across the majority of lots within the activity centre, the access points and arrangements required through the SACP are not considered a necessary requirement and the access points proposed are functional and appropriate.

The access point from West Coast Drive also serves as the access for service vehicles, including delivery and waste vehicles. The vehicle modelling provided has demonstrated that an 8.8 metre long waste truck can manoeuvre through the site, however there is no further detail or modelling demonstrating that longer delivery vehicles can safely manoeuvre. Typically, the City would require movement diagrams for a 12 metre long truck. Should the site not be designed for the expected size of delivery vehicles, there is a risk that these vehicles will park on the road, on-street parking or verge.

In relation to the vehicle access, it is recommended that the submission to the WAPC includes the following advice:

- Further detail be provided prior to the application being considered by the WAPC as to the method and location for commercial delivery vehicles to ensure that the expected size of delivery vehicles can safely manoeuvre through the site.
- In the event the WAPC supports the proposed development, conditions of approval are recommended to:
  - provide further details to ensure that visitors to the site are aware of how to access the parking for the site (for example directional signage)
  - ensure that sufficient vehicle sightlines are provided for vehicles exiting from Drakes Walk, as required by the R-Codes and Australian Standards.

### Car parking

The car parking provided and required for the site is set out below, demonstrating that there is a one bay shortfall for the commercial parking bays.

	Required	Provided
Residential	93 residential bays	155 residential bays (surplus of 63)
	11 residential visitor bays	12 residential visitor bays (surplus of one)
	10 residential motorcycle bays	16 residential motorcycle bays (surplus of seven).
Commercial	68.7 (69) bays required	68 commercial bays (shortfall of one bay)

Given that residential and commercial/visitor parking areas are provided in two separate parking areas with a security gate to residential parking, it considered appropriate that the development has the required number of bays on-site within the commercial parking area.

It is recommended that the submission to the WAPC include advice that further details and/or amended plans be provided to demonstrate the number of commercial bays meets the SACP requirements.

### Traffic

A traffic impact assessment (TIA) was submitted as part of the application (Attachment 6 refers). It is considered that the traffic modelling undertaken is appropriate and overall, while there will be an expected increase in traffic, it demonstrates that road network will still function. The anticipated increase in traffic generation between the existing and proposed development is between 60-80 vehicles during morning and afternoon peak periods.

The additional traffic volumes on West Coast Drive, The Plaza and Raleigh Road are unlikely to have a significant impact on volumes of these roads.

The assessments of the intersection of The Plaza and Raleigh Road with West Coast Drive confirm that while the majority of approaches to these intersections will operate within acceptable limits once the development is in place, there is potential significant delays during peak periods for right turn manoeuvres, especially at The Plaza and West Coast Drive intersection. For this intersection, the modelling in the report demonstrates that the right turn manoeuvre will result in a poor level of service with a predicted delay time of 323 seconds by 2031 during the weekend peak period. The TIA suggests this may be improved by widening the median on West Coast Drive for vehicle storage, however this is not the City's preference.

The development proposes enhancements of The Plaza to create a shared zone. Given the impact on traffic performance identified in the TIA, there is further need for the treatment of this area to be considered based on road safety and performance levels. Other options that need to be considered include a roundabout and on-street parking on The Plaza rather than West Coast Drive to ensure that area remains functional. This will require further discussions with the developer and other key stakeholders (such as Main Roads) to identify and agree on the most appropriate treatments.

In relation to traffic, it is recommended that the submission to the WAPC includes the following advice:

- Prior to the development being considered by the WAPC the applicant:
  - undertake further analysis for treatment options for The Plaza and Raleigh Road intersections with West Coast Drive
  - undertake a SIDRA analysis for The Plaza and West Coast Drive intersection based on a roundabout option.
- In the event the WAPC supports the proposed development conditions of approval are recommended that the developer undertake further analysis of potential intersection upgrades.

### Landscaping

Under the SACP, no open space is required on-site and landscaping provisions only apply where it is between the building and street. It is noted that the SACP was approved prior to R-Codes – Vol 2 and therefore references outdated provisions of the R-Codes that required significantly less landscaping compared to current standards.

While there is no requirement under the SACP, the open space and landscaping for the apartments has been designed in accordance with the requirements of the R-Codes Vol 2. In this regard the applicant has indicated the development includes the following:

- 610m<sup>2</sup> landscaping area on the ground level and 708m<sup>2</sup> on the upper levels. This exceeds the required landscaping area of 578m<sup>2</sup>.
- Forty-four trees on-site, comprising one large tree, six medium trees and 38 small trees. 31 of these trees are provided on upper levels in planter beds. This exceeds the requirements of one large tree and four medium trees.
- Retention of an existing Sheoak tree within the Padbury Circle verge.

The extent of landscaping and integration with the built form is considered appropriate for a highly urbanised site. Given the coastal location, the type of tree species that would be appropriate for the site is limited. While the applicant has demonstrated tree species for the ground level, species for the upper levels and details on the depth of deep soil area to sustain growth has not been provided.

The existing Sheoak verge tree being retained is also supported in principle. However, an arborist report has not been provided to demonstrate that it is suitable for retention and that the development (during and post construction) will not impact the tree.

In relation to landscaping, it is recommended that the submission to the WAPC includes the following advice:

- Prior to the application being considered by the WAPC, the following matters are addressed:
  - The possible tree species proposed to be planted on structure be identified, noting that no species are currently listed in the landscaping concept.
  - Further information is provided to demonstrate that the tree planting on structure is supported by sufficient deep soil area.
  - An arborist report be completed for the tree being retained in the verge to address the suitability for retention and strategies to ensure the tree is protected during construction.
- In the event the WAPC supports the proposed development conditions of approval are recommended requiring:
  - a detailed landscaping plan
  - the tree being retained to be protected in accordance with an arborist report
  - landscaping to be established and maintained in accordance with the approved landscaping plan.

### Works within the public realm

The development proposes the following works within the public realm adjoining the site:

- Upgrades to landscaping and pedestrian connections within the verges adjacent the subject site.
- Upgrades to the median strip in The Plaza.
- Development of a large public plaza and outdoor alfresco area on the site and linking with The Plaza and West Coast Drive verges to assist in activating the public realm.

- Relocating the bus bay on West Coast Drive to the northern side of The Plaza intersection.
- Removal of the existing parking within the verge and addition of four bays within the existing bus bay on West Coast Drive.

A concept plan for these upgrades is provided in Attachment 5 to Report CJ148-09/22.

The general enhancement of the verge area and creation of a large public plaza is supported and is consistent with the SACP that requires the adjacent verges and footpath to be upgraded to a high quality and to facilitate space activation. However, the indicative design proposed does not align with the City's requirements as follows:

- The following proposed works on the verge are not supported:
  - Permanent structures, including retaining walls and decking. The critical purpose of road verges is to accommodate above and below ground services, pedestrian safe refuge, and pedestrian movement. The construction of permanent structures will conflict and compromise these primary functions. Furthermore, the construction of decks for adjacent commercial use effectively privatises the verge which is a public environment. This raises concerns regarding the City's responsibility regarding public liability and indemnity in these now "private" areas.
  - Showers are not supported on the east side of West Coast Drive as this creates public risk as beach users are required to cross the road to access this facility. Currently there is adequate provision of beach showers at Sorrento Foreshore Park to accommodate beach users.
- No trees are permitted within the truncation area of The Plaza and West Coast Drive as this conflicts with traffic sightline requirements.
- The purpose of a footpath is to provide pedestrian thoroughfare along the road and provide a step-up safety refuge from the road. The footpath curvilinear design also does not provide an unencumbered pedestrian thoroughfare along West Coast Drive. The proposed footpath design also does not provide a step-up safety refuge from the road as it is set back behind planted beds, thus facilitating only the commercial building front.
- Trees are to be set back a minimum of 1 metre from back of kerb (2 metres is preferred) to reduce kerb and road damage from roots and allow the growth of an uncompromised tree canopy.
- Tree species need to be appropriate for the coastal location.
- The Plaza Road median is managed and maintained by the City. It has been paved to accommodate safe pedestrian refuge and crossing. Treatment and maintenance of this area does not fall under the responsibility of the developer. The City will not consider the landscaping of this median as it will impede pedestrian safety and the City's bore license is currently fully allocated, therefore planting cannot be supported in this location.

The applicant has stated that the ability for the bus bay and four on street bays is still subject to agreement with the Department of Transport and the City. While the relocation of the bus bay will enhance the public space in front of the development, there appears to be no further assessment to determine whether the relocation of the bus stop is appropriate. There are also road safety concerns with converting the space to on-street parking given the high traffic volumes and traffic speeds of West Coast Drive. Rather it is recommended that on-street parking be considered for lower order roads of The Plaza or Padbury Circle. It is noted that should sufficient bays be provided on-site there is no requirement under the SACP for bays to be provided.

In relation to the works outside the property boundary it is recommended the submission to the WAPC includes the following advice:

- The City does not support the works proposed within the public realm and amendments and further details are required to ensure it meets the City's requirements.
- In the event the WAPC supports the proposed development conditions of approval are included to require further detailed design of the public realm.

### Coastal Local Planning Policy

The City's coastal hazard map from 2016 identifies the site being at risk of inundation between 2065 and 2115. In accordance with the City's *Local Planning Policy* and consistent with *State Planning Policy 2.6 State Coastal Planning Policy*, coastal hazard risk management and adaptation planning (CHRMAP) should be undertaken by the applicant prior to a decision. The applicant has not addressed this requirement or provided any information addressing the risk of coastal erosion and/or inundation.

In addition to the requirement for a CHRMAP, a notification should be included on the certificate of title to alert prospective purchasers that the site is in a vulnerable coastal area and is likely to be subject to coastal erosion and/or inundation over the next 100 years.

To address this, it is recommended that the submission to the WAPC include the following:

- Prior to WAPC making a decision further information is provided by the applicant demonstrating regard to the requirement for a CHRMAP.
- A condition of development approval be included that notification is included on the certificate of title alerting landowners to the coastal risk.

### City of Joondalup submission

There are many aspects of the development that will be a positive contribution to the area, however as outlined above there are several areas that require further consideration. There is also a lack of detail on some aspects of the development to fully assess the impact and appropriateness. Ordinarily the City would seek to resolve these prior to providing a recommendation or making a decision on a development application. This is not possible given the role of the local government in this development application process and the time given to provide a submission, and this would need to be done through the SDAU.

On this basis, it is recommended that the submission to the WAPC includes the following:

- Acknowledges the high quality design, however the development is not supported in its current form due to the height and lack of an appropriate planning framework for a development of this scale to be considered.
- Outline the matters that should be resolved prior to the WAPC determining the application.
- Provide 'without prejudice' conditions in the event the WAPC considers approving the development without further modification (Attachment 12 refers).
- Provide technical advice relating to traffic, landscaping, waste management and environmental health to assist the SDAU in their assessment (Attachment 13 refers).

### Next steps

Once the City has provided a submission to the WAPC, the SDAU will undertake a detailed assessment of the proposal, consider community feedback received during the consultation period, give due regard to comments submitted by referral agencies, and prepare a report and final recommendation to the WAPC. This process may include further liaison between the applicant and the SDAU.

The application will ultimately be determined at a WAPC meeting, which will be convened in a similar manner to Development Assessment Panel meetings insofar as being open to the public to attend and can include deputations. If an approval is granted, the WAPC will be responsible for clearing all relevant conditions of the development approval in consultation with the City and other State Government departments.

### Issues and options considered

The options available to Council in considering the submission on the development application are to either:

- provide a submission to the WAPC, as outlined in the recommendation
- provide a submission to the WAPC, with modification  
or
- not provide a submission to the WAPC.

### Legislation / Strategic Community Plan / Policy implications

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

### 10-Year Strategic Community Plan

**Key theme**                      Place.

**Outcome**                      Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy**                              *Coastal Local Planning Policy.*

### Planning and Development Act 2005

Under the *Planning and Development Act 2005*, the WAPC is not bound by the requirements of any legal instrument, such as the City's *Local Planning Scheme No. 3*, when determining a development application under Part 17. In accordance with Section 276(6) of the *Planning and Development Act 2005*, in considering and determining the development application, the WAPC must have due regard to:

- (a) the purpose and intent of any planning scheme that has effect in the locality to which the development application relates; and
- (b) the need to ensure the orderly and proper planning, and the preservation of amenity, of that locality; and
- (c) the need to facilitate development in response to the economic effects of the COVID-19 pandemic; and
- (d) any relevant State planning policies and any other relevant policies of the Commission.

In relation to local government submissions, in accordance with Section 276(4) of the *Planning and Development Act 2005*, the WAPC must:

- (a) give any local government to whose district the development application relates an opportunity to make submissions to the Commission within a period specified by the Commission; and
- (b) have due regard to any submissions made by the local government within that period.

### **Risk management considerations**

An extension of time to provide a submission has been granted until 23 September 2022. Should Council defer a decision on the development application submission beyond this date, or decide not to provide a submission, the application can be determined by the WAPC without input from the local government.

### **Financial / budget implications**

The City does not receive any fee for SDAU applications, however are requested to play a key role in the assessment process which requires significant amount of City officer time to complete. By comparison, should the application be processed as a Development Assessment Panel application, a development application fee of \$34,196 would have been applicable.

Depending on the arrangements for maintenance of landscaping and works within the verge, the City could become responsible for on-going maintenance within this area.

### **Regional significance**

Although the Sorrento Activity Centre is a local centre, given its location on the coast adjacent to the Sorrento foreshore and beach, the redevelopment has the potential to create a regionally attractive coastal node.

### **Sustainability implications**

#### Environmental

A sustainable design assessment report for the development is provided in Attachment 9 to Report CJ148-09/22.

The sustainable design assessment report outlines that development has been designed to deliver a 5-star Green Star rating and 7-star NATHERS rating. This is achieved through choice of building material and building design, including cross ventilation, solar access, waterwise planting, efficient fittings and fixtures, and the provisions of solar PV cells.

External to the site, the development will overshadow the adjoining foreshore and beach, with overshadowing of dune vegetation. The overshadowing diagrams demonstrate that this predominately occurs during winter months for a short period of the day. Given the minimal time that overshadowing will occur it is expected to have negligible impact to the vegetation.

#### Economic

To support the development, and as required by the SDAU process, an economic benefit study was submitted as part of the development application (Attachment 10 refers). The study identified the following key benefits:

- Construction of the entire development will support a total of 255 full-time equivalent direct and indirect job years during construction of the development, with many accruing locally. This equates to \$55.1 million in total value added in the Western Australian economy.
- Once construction is completed, and during the operational phase, the development will support 73 ongoing jobs (directly and indirectly). There will be an estimated \$6.8 million per annum direct and indirect value-added contribution generated from the daily operation and management of the project to the Western Australian economy.



## Social

The proposed development includes significant upgrades to The Plaza and public realm, including landscaping, alfresco areas, and on-street parking. These improvements will contribute to the public amenity of the area.

The enhancement of this area to provide greater public benefit is positive and would be expected for any significant redevelopment on the site. However, the works proposed as part of this development are not supported in its current form, as discussed in the details section of this report.

## **Consultation**

The SDAU is responsible for undertaking public consultation for the development application and considering submissions received.

As the timing for the SDAU undertaking consultation on the development application and the City undertaking consultation for the SPSP coincided, a joint consultation process was undertaken by the City and the SDAU.

To align with the City's consultation requirements for the SPSP, consultation was undertaken from 14 July to 26 August 2022 by way of:

- letters to 474 nearby properties
- an email to the Marmion Sorrento Duncraig Progress and Ratepayers Association
- an email to the City's Engagement Network
- a notice published on the City and DPLH websites and social media accounts
- a notice in the local newspaper
- two signs on site.

The co-branded advertising provided the ability for submissions to be made on the development application, the draft SPSP, or both, through the advertising period.

Submissions on the SPSP have been provided to the City for consideration as part of the assessment and details on the outcomes of consultation will be presented to Council at the October meeting.

The SDAU are responsible for reviewing and reporting on submissions received for the development application.

## **COMMENT**

There are many aspects of the development that will be a positive contribution to the area, however there are areas that require further consideration. In particular, the overall height of the development is not considered appropriate in the current planning framework and results in a development that is not sympathetic to the surrounding area. It is therefore recommended that the WAPC is advised that the development is not supported in its current form.

There are also several areas of the development where further information should be provided prior to the application being considered by the WAPC. This includes the details on the interface with adjoining residential properties and matters relating to landscaping, traffic and works within the verge.

It is recommended that the submission outlines the concerns with the development and matters that should be addressed prior to being considered by the WAPC. Despite having concerns with the development, it is recommended that 'without prejudice' conditions and advice notes (Attachment 12 refers) and technical advice relating to traffic, waste, landscaping and environmental health (Attachment 13 refers) be provided in the event the WAPC is to support the proposal.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 ADVISES the Western Australian Planning Commission that in relation to the development application WAPC ref SDAU-049-21 for the proposed eight storey mixed use development at Lot 145 (2) Drakes Walk, Lots 146 (4) and 147 (2) Padbury Circle and Lots 2 (130), 148 (136A-136B) and 149 (134) West Coast Drive, Sorrento:
  - 1.1 While the building design is of high quality and redevelopment of the area is welcomed, the proposal is not supported for the following reasons:
    - 1.1.1 The consideration of the development application prior to the draft Sorrento Precinct Structure Plan is premature and not orderly and proper planning;
    - 1.1.2 The proposed height is out of context with the immediately surrounding area and will have an adverse impact on the streetscape, adjoining properties and foreshore;
    - 1.1.3 The proposed eight storey building height and setback to the south western boundary of nil to the fifth storey does not meet the requirements of the *Sorrento Activity Centre Plan* and future development of the adjoining site (Lot 800 (2) Raleigh Road) could result in loss of views for residential properties to the east;
    - 1.1.4 Matters relating to the works within the verge, traffic and interface with adjoining residential properties to the east have not been adequately addressed to ensure the development does not adversely affect the area;
  - 1.2 Prior to the application being considered by the Western Australian Planning Commission, the following additional information should be provided by the applicant:
    - 1.2.1 Further detail on the interface between the landscape podium and residential property to the south east (Lot 155 (3) Raleigh Road) to determine the impact of the proposed 0.5 metre setback on the residential property;
    - 1.2.2 Further detail on the impact of visual privacy from the landscaping podium to the eastern boundary and balcony of the three bedroom dwelling closest to the north eastern boundary to determine the impact on adjoining residential properties (Lot 155 (3) Raleigh Road and Lot 2 (4) Drakes Walk) in accordance with *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*;

- 1.2.3 Modelling demonstrating that a 12 metre long service vehicle can manoeuvre appropriately through the site;
- 1.2.4 Further traffic modelling for alternative treatment options for The Plaza and Raleigh Road intersections with West Coast Drive to improve performance levels be undertaken. This should include SIDRA analysis for alternative treatments including a roundabout at The Plaza and West Coast Drive intersections;
- 1.2.5 Details of potential tree species to be planted on the upper levels and depth of deep soil areas;
- 1.2.6 An arborist report for the Sheoak verge tree indicated to be retained to confirm that it is suitable for retention and will not be impacted during and post construction;
- 1.2.7 Alternative design for works within the public realm that would meet the requirements of the City of Joondalup;
- 1.2.8 A Coastal Hazard Risk Map and Adaptation Plan being undertaken as required under the *City of Joondalup Coastal Local Planning Policy*;
- 1.3 PROVIDES 'without prejudice' conditions and advice notes, as outlined in Attachment 12 to Report CJ148-09/22, in the event the Western Australian Planning Commission supports the application;
- 1.4 PROVIDES technical advice regarding traffic, landscaping, waste and environmental health matters, as outlined in Attachment 13 to Report CJ148-09/22, to be considered as part of the assessment;
- 2 NOTES the City of Joondalup submission comprises Council's resolution, conditions and advice notes (Attachment 12 refers), and technical advice (Attachment 13 refers).

**MOVED Cr Hamilton-Prime, SECONDED Cr Raftis that Council:**

- 1 **ADVISES the Western Australian Planning Commission that in relation to the development application WAPC ref SDAU-049-21 for the proposed eight storey mixed use development at Lot 145 (2) Drakes Walk, Lots 146 (4) and 147 (2) Padbury Circle and Lots 2 (130), 148 (136A-136B) and 149 (134) West Coast Drive, Sorrento:**
  - 1.1 **While the building design is of high quality and redevelopment of the area is welcomed, the proposal is NOT SUPPORTED for the following reasons:**
    - 1.1.1 **The consideration of the development application prior to the draft Sorrento Precinct Structure Plan is premature and not orderly and proper planning;**
    - 1.1.2 **The proposed height is out of context with the immediately surrounding residential area in which it is situated and if implemented will have a significant adverse impact on the streetscape and residential character of the local area, overlooking into nearby private residential areas, and overshadowing of adjoining properties and foreshore;**

- 1.1.3 **The proposed eight storey building height and setback to the south western boundary of nil to the fifth storey does not meet the requirements of the Sorrento Activity Centre Plan and future development of the adjoining site (Lot 800 (2) Raleigh Road) could result in loss of views for residential properties to the east;**
  - 1.1.4 **Matters relating to the works within the verge, traffic and interface with adjoining residential properties to the east have not been adequately addressed to ensure the development does not adversely affect the area;**
- 1.2 **Prior to the application being considered by the Western Australian Planning Commission, the following additional information should be provided by the applicant:**
  - 1.2.1 **Further detail on the interface between the landscape podium and residential property to the south east (Lot 155 (3) Raleigh Road) to determine the impact of the proposed 0.5 metre setback on the residential property;**
  - 1.2.2 **Further detail on the impact of visual privacy from the landscaping podium to the eastern boundary and balcony of the three bedroom dwelling closest to the north eastern boundary to determine the impact on adjoining residential properties (Lot 155 (3) Raleigh Road and Lot 2 (4) Drakes Walk) in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments;**
  - 1.2.3 **Modelling demonstrating that a 12 metre long service vehicle can manoeuvre appropriately through the site;**
  - 1.2.4 **Further traffic modelling for alternative treatment options for The Plaza and Raleigh Road intersections with West Coast Drive to improve performance levels be undertaken. This should include SIDRA analysis for alternative treatments including a roundabout at The Plaza and West Coast Drive intersections;**
  - 1.2.5 **Details of potential tree species to be planted on the upper levels and depth of deep soil areas;**
  - 1.2.6 **An arborist report for the Sheoak verge tree indicated to be retained to confirm that it is suitable for retention and will not be impacted during and post construction;**
  - 1.2.7 **Alternative design for works within the public realm that would meet the requirements of the City of Joondalup;**
  - 1.2.8 **A Coastal Hazard Risk Map and Adaptation Plan being undertaken as required under the City of Joondalup Coastal Local Planning Policy;**
- 1.3 **REAFFIRMS Council's previous decision of 21 March 2017 in relation to the *Sorrento Activity Centre Plan* recommending that the height of buildings on Lots 147-149, Lot 2 and Lot 800 be limited to a maximum of four storeys, and SUPPORTS the Western Australian Planning Commission's final decision of May 2018 that the number of storeys for this local centre be limited to four storeys with a fifth storey element, focused around The Plaza and western frontage, which together determined the following maximum acceptable height limits for the site to be appropriate:**

LOT	MAXIMUM HEIGHT	BUILDING LEVELS
Lot 146	10.6 metres	3 storeys
Lot 147 Lot 800	13.5 metres	4 storeys
Lot 2 Lot 148 Lot 149	17 metres	5 <sup>th</sup> storey element

- 1.4 **PROVIDES** ‘without prejudice’ conditions and advice notes, as outlined in Attachment 12 to this report, in the event the Western Australian Planning Commission supports the application;
- 1.5 **CONSIDERS** that the previously approved maximum acceptable heights for the site remain appropriate and sufficient to facilitate redevelopment of the site;
- 1.6 **CONSIDERS** that, in relation to Lot 145 which did not form part of the Sorrento Activity Centre Plan when considered by Council in March 2017, the maximum building height should be limited to three storeys (10.6 metres) as the lot directly adjoins an existing residential property and noting that the suggested height is consistent with the previous decision for Lot 146;
- 1.7 **PROVIDES** technical advice regarding traffic, landscaping, waste and environmental health matters, as outlined in Attachment 13 to this Report, to be considered as part of the assessment;
- 2 **NOTES** the City of Joondalup submission comprises Council’s resolution, conditions and advice notes (Attachment 12 refers), and technical advice (Attachment 13 refers).

*Cr May left the Chamber at 7.58pm and returned at 8.01pm.*

**AMENDMENT MOVED** Cr Thompson, **SECONDED** Cr May that the following Part, which formed part of the Officer’s Recommendation, be **ADDED** to the Alternative Motion:

**“1.3 PROVIDES ‘without prejudice’ conditions and advice notes, as outlined in Attachment 12 to Report CJ148-09/22, in the event the Western Australian Planning Commission supports the application;”**

**The Amendment was Put and**

**CARRIED (11/2)**

**In favour of the Amendment:** Mayor Jacob, Crs Chester, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

**Against the Amendment:** Crs Fishwick and Hamilton-Prime.

**The Original Motion as amended, being:**

**That Council:**

- 1 ADVISES the Western Australian Planning Commission that in relation to the development application WAPC ref SDAU-049-21 for the proposed eight storey mixed use development at Lot 145 (2) Drakes Walk, Lots 146 (4) and 147 (2) Padbury Circle and Lots 2 (130), 148 (136A-136B) and 149 (134) West Coast Drive, Sorrento:**
  - 1.1 While the building design is of high quality and redevelopment of the area is welcomed, the proposal is NOT SUPPORTED for the following reasons:**
    - 1.1.1 The consideration of the development application prior to the draft Sorrento Precinct Structure Plan is premature and not orderly and proper planning;**
    - 1.1.2 The proposed height is out of context with the immediately surrounding residential area in which it is situated and if implemented will have a significant adverse impact on the streetscape and residential character of the local area, overlooking into nearby private residential areas, and overshadowing of adjoining properties and foreshore;**
    - 1.1.3 The proposed eight storey building height and setback to the south western boundary of nil to the fifth storey does not meet the requirements of the Sorrento Activity Centre Plan and future development of the adjoining site (Lot 800 (2) Raleigh Road) could result in loss of views for residential properties to the east;**
    - 1.1.4 Matters relating to the works within the verge, traffic and interface with adjoining residential properties to the east have not been adequately addressed to ensure the development does not adversely affect the area;**
  - 1.2 Prior to the application being considered by the Western Australian Planning Commission, the following additional information should be provided by the applicant:**
    - 1.2.1 Further detail on the interface between the landscape podium and residential property to the south east (Lot 155 (3) Raleigh Road) to determine the impact of the proposed 0.5 metre setback on the residential property;**
    - 1.2.2 Further detail on the impact of visual privacy from the landscaping podium to the eastern boundary and balcony of the three bedroom dwelling closest to the north eastern boundary to determine the impact on adjoining residential properties (Lot 155 (3) Raleigh Road and Lot 2 (4) Drakes Walk) in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments;**
    - 1.2.3 Modelling demonstrating that a 12 metre long service vehicle can manoeuvre appropriately through the site;**

- 1.2.4 Further traffic modelling for alternative treatment options for The Plaza and Raleigh Road intersections with West Coast Drive to improve performance levels be undertaken. This should include SIDRA analysis for alternative treatments including a roundabout at The Plaza and West Coast Drive intersections;
- 1.2.5 Details of potential tree species to be planted on the upper levels and depth of deep soil areas;
- 1.2.6 An arborist report for the Sheoak verge tree indicated to be retained to confirm that it is suitable for retention and will not be impacted during and post construction;
- 1.2.7 Alternative design for works within the public realm that would meet the requirements of the City of Joondalup;
- 1.2.8 A Coastal Hazard Risk Map and Adaptation Plan being undertaken as required under the City of Joondalup Coastal Local Planning Policy;
- 1.3 PROVIDES 'without prejudice' conditions and advice notes, as outlined in Attachment 12 to Report CJ148-09/22, in the event the Western Australian Planning Commission supports the application;
- 1.4 REAFFIRMS Council's previous decision of 21 March 2017 in relation to the *Sorrento Activity Centre Plan* recommending that the height of buildings on Lots 147-149, Lot 2 and Lot 800 be limited to a maximum of four storeys, and SUPPORTS the Western Australian Planning Commission's final decision of May 2018 that the number of storeys for this local centre be limited to four storeys with a fifth storey element, focused around The Plaza and western frontage, which together determined the following maximum acceptable height limits for the site to be appropriate:

LOT	MAXIMUM HEIGHT	BUILDING LEVELS
Lot 146	10.6 metres	3 storeys
Lot 147 Lot 800	13.5 metres	4 storeys
Lot 2 Lot 148 Lot 149	17 metres	5 <sup>th</sup> storey element

- 1.5 PROVIDES 'without prejudice' conditions and advice notes, as outlined in Attachment 12 to this report, in the event the Western Australian Planning Commission supports the application;
- 1.6 CONSIDERS that the previously approved maximum acceptable heights for the site remain appropriate and sufficient to facilitate redevelopment of the site;
- 1.7 CONSIDERS that, in relation to Lot 145 which did not form part of the Sorrento Activity Centre Plan when considered by Council in March 2017, the maximum building height should be limited to three storeys (10.6 metres) as the lot directly adjoins an existing residential property and noting that the suggested height is consistent with the previous decision for Lot 146;

- 1.8 PROVIDES technical advice regarding traffic, landscaping, waste and environmental health matters, as outlined in Attachment 13 to this Report, to be considered as part of the assessment;**
- 2 NOTES the City of Joondalup submission comprises Council's resolution, conditions and advice notes (Attachment 12 refers), and technical advice (Attachment 13 refers).**

**was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Due to size of the Attachments, they have been broken into parts as follows:*

*To view Attachments 1 to 3, [click here](#).*

*To view Attachment 4, [click here](#).*

*To view Attachment 5, [click here](#).*

*To view Attachments 6 to 13, [click here](#).*



**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ149-09/22 - Petition in relation to Extension of Animal Exercise Areas in Hillarys.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Shaun Key who provided a deputation is known to Cr Hamilton-Prime. Cr Hamilton-Prime has previously engaged with Mr Shaun Key on this matter and assisted with advice on how to submit a petition.

## CJ149-09/22      PETITION IN RELATION TO EXTENSION OF ANIMAL EXERCISE AREAS IN HILLARYS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	21067, 101515
<b>ATTACHMENT</b>	Attachment 1      Location Map – Hillarys Animal Exercise Area
<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:

- a petition to extend the Hillarys Dog Beach and the feasibility of providing additional dog beaches along the City of Joondalup coast
- the outcomes of the City of Wanneroo's adopted *Coastal Management Plan* and the possibility of the establishment of an additional animal beach for the northern corridor to be located at Catalina Beach south.

**EXECUTIVE SUMMARY**

There are currently around 24,800 dogs registered in the City of Joondalup and currently 265 locations in the City of Joondalup where dogs are permitted to be off their lead. Hillarys Dog Beach is the only beach location along the City's coast where dogs are able to be exercised.

Over the last ten years the City has received a number of petitions – both for and against – requesting that additional facilities be provided (or not provided) along the coast for animal exercise and primarily for dogs.

Most recently a petition was received in November 2021 to request the Hillarys Dog Beach be extended, either permanently or at certain times of the day and/or year. The petition also requests that the feasibility of providing additional dog beaches along the coast be considered.

In parallel with the City's consideration of a number of petitions relating to the provision of dog beaches, the City of Wanneroo has been developing its *Coastal Management Plan* to guide infrastructure along its coastline, including the provision of animal exercise areas.

In response to a Notice of Motion from February 2018 (C10-02/18 refers), City officers have been liaising with the City of Wanneroo in relation to the development of its *Coastal Management Plan* and in particular the possibility of including an animal exercise area at Catalina Beach south as this would adjoin the City of Joondalup's northern boundary.

The outcome of the City of Wanneroo's *Coastal Management Plan*, and in particular whether Catalina Beach south would be identified as a future animal exercise area, has a direct influence on the feasibility and need for any additional dog beaches in the City of Joondalup.

The City of Wanneroo adopted its *Coastal Management Plan* in May 2022 and identifies a location in Alkimos as the most appropriate location for an additional dog beach in the near future. Catalina Beach south, along with two other locations are identified as 'dog exercise investigation locations', however there is no firm commitment in the plan to establish dog exercise areas at these locations.

Now that the outcomes associated with Catalina Beach south is known and given the history and divergent views in the community relating to animal exercise areas along the City's coastline, before committing to either extend the Hillarys Dog Beach or identify any additional dog beaches, it is considered that a holistic review of animal exercise areas is needed.

It is anticipated that this review would then inform a framework that can guide decision-making in proactively planning for any new animal exercise areas and infrastructure upgrades to existing locations as well as responding to site or issue specific requests that may be received from the community.

*It is therefore recommended that Council:*

- 1 *NOTES that while Catalina Beach south is identified as a 'dog exercise investigation location' in the City of Wanneroo's adopted Coastal Management Plan, there is no firm commitment in the plan to establish a dog exercise area at this location;*
- 2 *DECLINES the petitioners' request to extend Hillarys Dog Beach and the consideration of additional dog beaches along the coastline at this time;*
- 3 *REQUESTS that the City undertakes a holistic review of its animal exercise areas and develop a framework to guide the planning, identification and delivery of animal exercise areas;*
- 4 *ADVISES the lead petitioner of Council's decision.*

## **BACKGROUND**

Dog exercise areas along the coastal foreshore, along with animal exercise areas more broadly in the City of Joondalup, have been the subject of several reports and multiple petitions over the past 13 years.

### **Hillarys Dog Beach**

The Hillarys Dog Beach is a stretch of coastline, dedicated all year round to the exercising of dogs and has been for many years.

Dogs are able to be exercised within the dog beach area off-lead but need to remain under effective control and supervision.

Dogs are also able to be exercised in the Hillarys Horse Beach area that is immediately north of the dog beach, under certain restrictions (such as on lead during times when horses are able to access this portion of the beach).

Collectively, the Hillarys Dog Beach and Hillarys Horse Beach are referred to as the 'Hillarys Animal Exercise Beach'.

### **Beach Management Plan**

At its meeting held on 21 September 2010 (CJ158-09/10 refers), Council endorsed a *Beach Management Plan*, providing a holistic review of coastal activities in response to several coastal-related petitions received by the City throughout 2009.

One of the issues presented by way of a petition was the perceived inadequacy of carparking facilities at the Hillarys Dog Beach.

Following significant community consultation, as a way to resolve this issue the *Beach Management Plan* sought to retain the Hillarys Dog Beach location as an ongoing facility for dog owners, prohibit the exercising of horses on the adjacent beach and reconfigure the horse-float carpark to allow for a greater number of car bays for dog beach users.

In adopting the *Beach Management Plan*, Council also resolved to phase-out the closure of the horse beach over a four year period by applying restrictions over its use by horse owners and requested the City to engage the City of Wanneroo in the possible establishment of a horse beach within its district.

### **Closure (and reopening) of the Hillarys Horse Beach**

At its meeting held on 17 May 2016 (CJ071-05/16 refers), consistent with the decision to adopt the *Beach Management Plan*, Council supported the closure of the Hillarys Horse Beach, noting that an amendment to the City's *Animals Local Law* was required to give effect to the closure.

At its meeting held on 13 December 2016 (CJ208-12/16 refers), Council adopted the necessary changes to the local law to close the Hillarys Horse Beach while extending the area in which dogs were allowed to be exercised. This local law came into effect on 24 January 2017, following its publication within the Government Gazette.

On 13 June 2017, a petition (*Petition No 9 – Horse Beach Joondalup*) with 2,061 signatures was tabled at the Legislative Council, opposing Council's decision to close the Hillarys Horse Beach. The petition was then forwarded to the Environment and Public Affairs Committee of the Legislative Council for consideration and to provide a report to Parliament.

In August 2017, a motion was moved in the Legislative Council to disallow the City's *Animals Amendment Local Law 2016*. The Legislative Council considered the motion and subsequently disallowed the local law amendment in November 2017, resulting in the Hillarys Horse Beach officially reopening on 10 November 2017.

The Hillarys Horse Beach is located immediately north of the Hillarys Dog Beach, supported by horse and float car parking. Horse owners are able to park and access the beach from daybreak to midday, Monday to Saturday. All other times horses are prohibited from the beach area.

**Petition to amend Beach Management Plan to extend Hillarys Dog Beach northwards to Kallaroo/Mullaloo foreshore boundary**

At its meeting held on 16 February 2016 Council received a petition (C04-02/16 refers) requesting the Hillarys Dog Beach be extended to the north to the Kallaroo / Mullaloo boundary between the restricted hours of 6.00am to 10.00am in an effort to reduce congestion in terms of parking and area use.

Council considered a report on the petition at its meeting held on 15 August 2017 (CJ137-08/17 refers) and declined the petition noting it was considered that dogs and their owners are well catered for and there is no requirement at that time to extend the existing dog beach.

The report was considered during the time that the adjoining Hillarys Horse Beach was closed and therefore noted that the closure had in effect given additional permanent access to a section of beach for dogs with no conflict with horses. While this was correct at the time, as outlined above, the Hillarys Horse Beach has been reopened and while dogs are able to be exercised in this area, some restrictions, such as being required to be on-lead during times that horses are able to access the beach, are in place.

**Petition to designate a portion of the Burns Beach foreshore as a dog exercise area**

At its meeting held on 16 February 2016 Council received a petition (C03-02/16 refers) requesting a section of the Burns Beach foreshore be designated as an animal exercise area.

Council considered a report on the petition at its meeting held on 15 August 2017 (CJ137-08/17 refers) and declined the petition noting it was considered that dogs and their owners are well catered for and there is no requirement at that time to provide an additional dog beach.

In considering the petition the report noted that the northern portion of Burns Beach beyond the groyne and (the then) Jack Kikeros Hall was the only potential location as there are no *Beach Management Plan* activities identified for the location, it was not well utilised for swimming because of rocky outcrops and there is also significant seasonal sand movements.

The report noted that these same issues also potentially make it unattractive for use as a dog beach and that other considerations, such as access and the need to protect dunes would need to be addressed along with the impact and potential conflict with future residential development adjacent to this area of beach.

**Notice of Motion to commence discussions with City of Wanneroo about additional animal beach at Catalina Beach south**

At its meeting held on 20 February 2018 (C10-02/18 refers), Council, in response to a notice of motion, requested the City's Administration to commence discussions with the City of Wanneroo and report back to Council on the possibility of the establishment of an additional animal beach for the northern corridor to be located at Catalina Beach south.

The notice of motion noted that the issue of an additional animal beach for the northern corridor had been discussed but unresolved for some time and that it was becoming increasingly apparent that there is little opportunity to expand or create new facilities within the City of Joondalup.

The notice of motion further noted that there is, however, the opportunity to explore establishing an additional animal beach immediately north of Joondalup's local government boundary, half way between the suburbs of Burns Beach and Mindarie at the beach known as Catalina Beach south as the coastal portion of the Catalina housing estate is still in the process of being developed, and the future beach access had yet to be constructed, it presented as an option that would be unlikely to impinge on existing users.

The outcome of the City's response to this notice of motion is the subject of this report and forms part of the recommendation.

### **Petition to allow dogs on lead and along pathways in Central Park**

At its meeting held on 26 June 2018 (C54-06/18 refers), Council received a petition requesting the designation of Central Park (which currently prohibits dogs whether on or off the lead) be changed to allow dogs on leads to enter the park within the active areas and along its pathways.

Council considered a report on the petition at its meeting dated 19 February 2019 (CJ018-02/19 refers) and supported the designation of certain areas within Central Park as dogs on lead areas, subject to a subsequent review every two years.

Council considered a report on the two-yearly review and reaffirmed this designation at its meeting dated 19 July 2022 (CJ110-07/22 refers).

### **Elcar Park dog exercise area**

The community was invited to provide feedback from 26 November 2018 to 17 December 2018 to determine firstly, the overall level of support for the establishment of a fenced dog exercise area in one of its existing parks and secondly, their overall support for the five proposed park locations.

At its meeting held on 16 April 2019 (CJ044-04/19 refers), Council considered the outcomes of consultation relating to the establishment of a proposed fenced dog exercise area and supported Elcar Park, Joondalup as the preferred location.

The fenced dog exercise area was subsequently constructed and opened in October 2019.

### **Petition to change the regulation that bans dogs from all beaches**

At its meeting held on 21 April 2020 (C22-04/20 refers), Council received a petition requesting that Council change the regulation that bans dogs from all beaches apart from the dog beach.

Council considered a report on the petition at its meeting dated 8 December 2020 (CJ190-12/20 refers) and declined the petition noting it was considered that dogs and their owners have sufficient areas for exercise and there is no requirement to provide an additional dog beach at this time.

The report prepared noted that, in addition to the Hillarys Dog Beach, the City has in excess of 300 parks and reserves and dogs can be exercised in most of these.

The report also acknowledged that the existing dog beach does get very congested at peak times, both in relation to car parking and to dogs on the beach, not dissimilar to the situation with a wide range of other beach related activities at various locations along the City's coastal strip.

The report concluded that beach use needs to be managed and balanced for all members of the community including dog owners and those who wish to visit the beach dog free.

### **Opposing petitions to establish (and not establish) a dog friendly beach at north Burns Beach**

At its meeting held on 20 April 2021 (C23-04/21 refers), Council received a petition requesting that Council rezone the North Burns Beach as a dog friendly beach.

At its meeting held on 20 July 2021 (C57-07/21 refers), Council received a petition strongly opposing any reclassification of any part of Burns Beach as a dog exercise beach.

Council considered a report on the two petitions at its meeting dated 16 November 2021 (CJ164-11/21 refers) and declined both petitions noting that any additional animal exercise beach in the northern corridor will be considered as part of a future report examining the possibility of establishing an animal beach at Catalina Beach south (such as in response to the notice of motion tabled at Council meeting dated 20 February 2018).

### **Petition to extend the dog exercise area at Hillarys Dog Beach**

At its meeting held on 16 November 2021 (C121-11/21 refers), Council received a petition requesting that Council investigate extending the dog exercise area at Hillarys Dog Beach. In accepting the petition Council requested the City to prepare a report to investigate extending the Hillarys Dog Beach considering whether this be permanent or at certain times of the day and/or year. In addition, Council requested the City to consider the feasibility of additional dog beaches along other section of the coastline within the City of Joondalup.

This report and its recommendation respond to Council's request in relation to this petition.

## **DETAILS**

### **Dogs in the City of Joondalup**

There are currently around 24,800 dogs registered within the City of Joondalup.

The *Dog Act 1976* (the Act) gives powers to local governments to regulate and control dogs. When in any public place dogs must be tethered or on a leash, however the Act allows local governments to designate an area to be a dog exercise area when a dog can be exercised off leash or specifically designate an area where dogs are prohibited.

There are currently 265 locations in the City of Joondalup where dogs are permitted to be off their lead.

In addition to the matters outlined in the 'Background' section of this report primarily relating to animal exercise areas along the coastal areas, the City has also responded to other requests from the community regarding the review of the designation of dog exercise areas, associated infrastructure such as fencing around children's play equipment and the behaviour of dogs in designated areas. Such requests have been responded to on a site or issue specific basis with no overall management framework to guide these decisions.

## **Existing coastal dog exercise areas**

### City of Joondalup

The Hillarys Dog Beach is the only dog exercise beach in the City of Joondalup.

The Hillarys Dog Beach is located approximately 5 kilometres from the southern end of the City, and therefore approximately 12 kilometres from the northern end of the City.

### City of Wanneroo

The City of Wanneroo has three dog beaches, with the Quinns dog beach 16.5 kilometres to the north, being the closest to the City of Joondalup's northern boundary. As outlined below, the City of Wanneroo has also identified a need for an additional dog exercise beach, however the preferred location at Alkimos is further north than the Quinns dog beach.

### City of Stirling

The City of Stirling has three dog beaches, located in North Beach, Trigg and Scarborough. The North Beach dog beach is the closest to the City of Joondalup, located four kilometres south of the City's boundary.

## **Notice of Motion – Catalina Beach south**

Catalina Beach south is located in the City of Wanneroo, approximately half way between the suburbs of Burns Beach (in the City of Joondalup) and Mindarie (in the City of Wanneroo).

In response to Council's request at its meeting held on 20 February 2018 (C10-2/18 refers), City of Joondalup officers have had ongoing discussions with the City of Wanneroo in relation to the opportunity of this beach being designated as an animal exercise area.

During this time the City of Wanneroo has been progressing the development of its *Coastal Management Plan*, which guides the direction and location of coastal infrastructure in the City of Wanneroo, including animal exercise beaches.

The City of Wanneroo Council endorsed its *Coastal Management Plan* on 10 May 2022 following public consultation. The plan identifies the need to provide an additional dog exercise area within the City of Wanneroo boundaries and has identified a section of beach in Alkimos. The preferred location has been identified between Alkimos Beach estate and the Eden Beach estate as the location to provide an additional dog beach. The *Coastal Management Plan* also identifies three other locations as 'dog exercise investigation locations', being Catalina Beach south, Eglinton and North Two Rocks. While Catalina Beach south is identified for investigation, there is no firm commitment within the Coastal Management Plan to proceed with a dog exercise beach in this location.

The City of Wanneroo's *Coastal Management Plan* also considers the possibility of including a horse beach, however notes that the majority of the coastline is not suitable. The plan states that Catalina Beach south was initially identified as a preferred location and it is no longer considered to be suitable due to the presence of priority vegetation where access would need to be provided and the potential conflicts that may arise between horses and beach goers. In relation to the provision of a horse beach the *Coastal Management Plan* also notes that the existing Hillarys Horse Beach provides suitable access and parking for horse floats and considers this beach to sufficiently meet the demand for horse exercise in the area.

In view of the outcome of the City of Wanneroo's *Coastal Management Plan*, it is not considered feasible or appropriate for the City of Joondalup to factor in Catalina Beach south as part of any future planning for animal exercise areas.

### **Petition to extend the dog exercise area at Hillarys Dog Beach**

At its meeting held on 16 November 2021 (C121-11/21 refers), Council requested the City to prepare a report to investigate extending the Hillarys Dog Beach considering whether this be permanent or at certain times of the day and/or year. In addition, Council requested the City to consider the feasibility of additional dog beaches along other section of the coastline within the City of Joondalup.

In order to fully understand whether there is merit in extending the Hillarys Dog Beach – and what timing or seasonal restrictions may be appropriate – as well as the feasibility of any additional dog beaches along the coastline within the City of Joondalup it was first important to confirm the City of Wanneroo's intent via its *Coastal Management Plan* to determine if there would be any opportunity for synergy in linking into an animal exercise area at Catalina Beach south.

This was clarified through the City of Wanneroo Council's adoption of its *Coastal Management Plan* in May 2022 which does not contemplate any future animal exercise area at Catalina Beach south.

In investigating the matter further since the City of Wanneroo's position has been established, having regard to the information set out in the 'background' section of this report it is clear that there is ongoing demand in the City of Joondalup for dog and animal exercise areas along its coastline. It is also clear that while there appears to be demand for additional animal exercise areas along the City's coast, concern also exists amongst the community about the establishment of any additional animal exercise areas.

As such rather than electing to proceed or not proceed with both extending the existing Hillarys Dog Beach and resolving a position on whether to create any additional dog beaches, it is recommended a holistic review of dog exercise areas be undertaken. This strategic approach would then inform a guiding framework that the City and Council can use in responding to site or issue specific requests as well as proactively making change to existing situations.

### **Issues and options considered**

The 295-signature petition notes that the existing dog beach is frequently crowded and congested, particularly in the mornings. In order to address this, the petition requests that the City considers extending the area that dogs are permitted to be exercised at Hillarys Dog Beach, potentially permanent or before certain times in the morning and after certain times in the evening or as a seasonal extension. In addition, the petition requests that consideration be given to the feasibility of additional dog beaches to be located along other sections of the coastline within the City of Joondalup.

There are two options:

#### **Option 1 – Support the request to extend the Hillarys Dog Beach and consider additional dog beaches along the coastline**

There are a number of matters that require consideration in deciding whether or not to extend the Hillarys Dog Beach either permanently or at certain times of the day or year, including the following:



- The need for any additional infrastructure and associated costs.
- Strategies to ensure environmental values are not compromised.
- Management of potential conflict with other beach users, such as kite surfers that use Pinnaroo Point immediately north to launch.
- Impact on City resources to monitor and enforce any time restrictions associated with an extension.
- Implications for the Hillarys Horse Beach.

The need to extend the Hillarys Dog Beach would also be directly influenced on whether any additional dog beaches along the City's coastline were to be established, noting that an additional dog beach may reduce the demand placed on Hillarys Dog Beach.

The feasibility of an additional dog beach along the City's coastline requires the consideration of a range of issues, including the following:

- Suitability of locations along the coastline.
- Financial and resourcing implications to establish an additional dog beach (such as additional infrastructure requirements and monitoring).
- Catchments for existing dog beaches – including those not in the City of Joondalup.
- Utilisation of existing dog beaches – potentially including those not in the City of Joondalup.
- Availability of alternate (non-beach) dog exercise areas throughout the City.
- Community consultation – noting there appears to be positions in the community both for and against the establishment of any additional dog beaches.

It is considered that the matters such as those listed above need to be understood before deciding whether or extend the existing Hillarys Dog Beach or identify any additional dog beaches along the coast.

*This option is not recommended*

#### Option 2 – Decline the request and undertake a holistic review of dog exercise areas across the City

The City has in excess of 300 parks and reserves and dogs can be exercised in most of these, however the City has not reviewed the need for animal exercise areas for some time.

The outcome of the City of Wanneroo's Coastal Management Plan demonstrates there are no short-term opportunities for a shared animal exercise area at Catalina Beach south.

With the outcome of the City of Wanneroo's Coastal Management Plan now known, it is recommended a holistic review of dog exercise areas be undertaken. This strategic approach would then inform a guiding framework that the City and Council can use in responding to site or issue specific requests as well as proactively making change to existing situations.

It is anticipated that the review would also include community consultation to understand the needs and ranges of views in the community.

Collectively, this would also mean that decisions and infrastructure investments are being made in a strategic, evidence-based manner informed by community desires.

*This option is recommended.*

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

**Legislation** *Dog Act 1976.*

**10-Year Strategic Community Plan**

**Key theme** Community.

**Outcome** Active and social - you enjoy quality local activities and programs for sport, learning and recreation.

**Policy** Not applicable.

**Risk management considerations**

Dogs are often considered by owners to be part of the family and the welfare of the dogs is taken seriously by the City.

The City has numerous parks and reserves where dogs can be exercised 'off lead', as well as the Hillarys Dog Beach.

Electing not to extend the Hillarys Dog Beach or identify any additional locations for dog beaches along the coast may lead to increased congestion at the beach and may also result in dissatisfaction from the petition signatories.

However, choosing to extend the Hillarys Dog Beach or identify any additional locations for dog beaches along the coast, in the absence of a greater understanding of the range of issues relating to the matter may result in unintended consequences and broader dissatisfaction in the community.

**Financial / budget implications**

Extending the Hillarys Dog Beach, either permanently or with some form of time restriction, or identifying additional locations for dog beaches along the coast will have infrastructure and resourcing implications that will ultimately increase the cost of providing this service to the community.

The additional cost depends on the specifics of the outcome, however no additional costs associated with the request of the petition are currently budgeted for.

**Regional significance**

As outlined above, the Hillarys Dog Beach is the only dog beach in the City of Joondalup. It is located approximately 5 kilometres from the southern end of the City, and therefore approximately 12 kilometres from the northern end of the City.

The City of Wanneroo has three dog beaches, with the Quinns dog beach 16.5 kilometres to the north, being the closest to the City of Joondalup's northern boundary. The City of Wanneroo has also identified a need for an additional dog exercise beach, however the preferred and alternative location in Alkimos is further north than the Quinns dog beach.

The City of Stirling has three dog beaches, located in North Beach, Trigg and Scarborough. The North Beach dog beach is the closest to the City of Joondalup, located four kilometres south of the City's boundary.

## **Sustainability implications**

Not applicable.

## **Consultation**

In 2010 as part of the community consultation process for the draft Beach Management Plan (CJ158-09/10 refers) the issue of greatest interest to respondents was the extension of the Hillary's Dog Beach, of which 95% of participants in the consultation process provided feedback on.

However, options for extending or retaining the current Hillarys Dog Beach area displayed inconsistent results across data sources (random sample and general public participants) and received the greatest polarity of views between various beach users.

This divergent view is consistent with subsequent engagement with the community on the issue of dog beaches, noting petitions both for and against additional dog beaches as outlined in the 'Background' section of this report.

It is therefore recommended that community consultation be undertaken ahead of extending the Hillarys Dog Beach or identifying additional dog beaches along the coast.

The City's recommended approach to undertake a holistic review and prepare a guiding framework would include community consultation in its development.

## **COMMENT**

The issue of animal exercise areas along the City's coast, and more broadly, has been discussed a number of times over the past ten years with ongoing and recurring interest from the community.

The provision of animal exercise areas at beaches needs to be appropriately and proportionately balanced with other beach goes and while there are parts of the community requesting more beach facilities for animal exercise, there are other parts of the community who oppose any additional facilities.

There had been the opportunity for an additional animal exercise area to be established immediately north of the City's northern boundary at Catalina Beach south. While this facility would have been located in the City of Wanneroo, it would have provided an additional animal exercise area in immediate proximity to the City's northern catchment.

The City of Wanneroo adopted its *Coastal Management Plan* in May 2022 and while identifying the area as an area to investigate for a dog beach, is prioritising the provision of a dog beach elsewhere and provides no firm commitment to proceed with one at Catalina Beach south in the future.

The City has in excess of 300 parks and reserves and dogs can be exercised in most of these, however the City has not reviewed the need for animal exercise areas for some time.

With the outcome of the City of Wanneroo's *Coastal Management Plan* now known, it is recommended a holistic review of dog exercise areas be undertaken to inform a guiding framework that can then be used to respond to site or issue specific requests as well as proactively planning for and making change to existing situations.

It is therefore recommended that the petition be declined at this time and instead the City focus on this holistic review.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES that while Catalina Beach south is identified as a 'dog exercise investigation location' in the City of Wanneroo's adopted *Coastal Management Plan*, there is no firm commitment in the plan to establish a dog exercise area at this location;
- 2 DECLINES the petitioners' request to extend Hillarys Dog Beach and the consideration of additional dog beaches along the coastline at this time;
- 3 REQUESTS the City to undertake a holistic review of its animal exercise areas and develop a framework to guide the planning, identification and delivery of animal exercise areas;
- 4 ADVISES the lead petitioner of Council's decision.

## MOVED Cr Raftis, SECONDED Cr Thompson that Council:

- 1 **NOTES that while Catalina Beach south is identified as a 'dog exercise investigation location' in the City of Wanneroo's adopted Coastal Management Plan, there is no firm commitment in the plan to establish a dog exercise area at this location;**
- 2 **ACKNOWLEDGES the petitioners' request to extend Hillarys Dog Beach and requests the City to:**
  - 2.1 **REVIEW the extent of current facilities and ensures the dog beach is signposted and provided with appropriate facilities, such as rubbish bins, for the full extent of the dog beach;**
  - 2.2 **INVESTIGATE the extension of the dog beach south of the current area with the outcome of this investigation to be presented to Elected Members by November 2022;**
- 3 **REQUESTS the City to undertake a holistic review of its animal exercise areas and develop a framework to guide the planning, identification and delivery of animal exercise areas to be presented to Elected Members by June 2023;**
- 4 **ADVISES the lead petitioner of Council's decision.**

*The Manger Planning Services left the Chamber at 8.37pm.*

**AMENDMENT MOVED Cr Fishwick, SECONDED Cr Thompson that Part 2.2 and Part 3 of the Motion be AMENDED to read as follows:**

**“2.2 INVESTIGATE the extension of the dog beach south of the current area with the outcome of this investigation to be presented to an Elected Member Strategy Session by November 2022;**

**3 REQUESTS the City to undertake a holistic review of its animal exercise areas and develop a framework to guide the planning, identification and delivery of animal exercise areas to be presented to Council by June 2023;”**

**The Amendment was Put and**

**CARRIED (10/3)**

**In favour of the Amendment:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Jones, Kingston, May, Poliwka, Raftis and Thompson.

**Against the Amendment:** Crs Hill, Logan and McLean.

During debate it was requested if Part 2.2 could be voted on separately.

**The Original Motion as amended, being:**

**That Council:**

**1 NOTES that while Catalina Beach south is identified as a ‘dog exercise investigation location’ in the City of Wanneroo’s adopted Coastal Management Plan, there is no firm commitment in the plan to establish a dog exercise area at this location;**

**2 ACKNOWLEDGES the petitioners’ request to extend Hillarys Dog Beach and requests the City to:**

**2.1 REVIEW the extent of current facilities and ensures the dog beach is signposted and provided with appropriate facilities, such as rubbish bins, for the full extent of the dog beach;**

**3 REQUESTS the City to undertake a holistic review of its animal exercise areas and develop a framework to guide the planning, identification and delivery of animal exercise areas to be presented to Council by June 2023;**

**4 ADVISES the lead petitioner of Council’s decision.**

**The Motion was Put and**

**CARRIED (11/2)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

**Against the Motion:** Crs Hamilton-Prime and Hill.

**That Council:**

**2.2 INVESTIGATE the extension of the dog beach south of the current area with the outcome of this investigation to be presented to an Elected Member Strategy Session by November 2022;**

**The Motion was Put and**

**CARRIED (7/6)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Kingston, Poliwka, Raftis and Thompson.

**Against the Motion:** Crs Hamilton-Prime, Hill, Jones, Logan, May and McLean.

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf220913.pdf](#)*

## CJ150-09/22 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1    Signing and Common Seal Register - extract for between 1 August and 9 August 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 for between 1 August and 9 August 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 for between 1 August and 9 August 2022, as detailed in Attachment 1 to Report CJ150-09/22.*

### BACKGROUND

For between 1 August and 9 August 2022, three documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Scheme Amendment No.11	1
Replacement Agreement	1
Section 70A Notification	1

### DETAILS

#### Issues and options considered

Not applicable.

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

**Legislation**                      *Local Government Act 1995.*

**10-Year Strategic Community Plan**

**Key theme**                      Leadership.

**Outcome**                      Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

**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.



**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council NOTES the Signing and Common Seal Register for between 1 August and 9 August 2022, as detailed in Attachment 1 to Report CJ150-09/22.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ162-09/22, page 114 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf220913.pdf](#)*

## **CJ151-09/22      ROLE AND FUNCTIONING OF THE AUDIT AND RISK COMMITTEE**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBERS</b>	107022, 101515
<b>ATTACHMENT</b>	Attachment 1      Draft Audit and Risk Committee Charter
<b>AUTHORITY / DISCRETION</b>	Review - Council reviews a decision made by officers.

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### **PURPOSE**

For Council to consider possible changes to the role and functioning of the Audit and Risk Committee.

### **EXECUTIVE SUMMARY**

At its meeting held on 20 July 2021 (CJ099-07/21 refers), Council requested the Chief Executive Officer to prepare a report for the first ordinary meeting of the Audit and Risk Committee (and subsequent Council meeting) following the 2021 election, detailing the possible changes to the role and functioning of the Audit and Risk Committee (Committee), including but not limited to the following:

- the reporting of the City's Internal Auditor to the Committee
- the possibility of developing an Audit Charter on the function of the Committee.

This report provides details of the current reporting structure of the City's Internal Auditor and possible changes to this reporting structure.

At its meeting held on 1 March 2022 (Item 3 refers), the Audit and Risk Committee feedback was provided by the Committee on the Terms of Reference for the Committee, and this, together with input from other relevant sources, was incorporated into a draft Audit Charter detailing the functions of the Committee.

At its meeting held on 8 August 2022 (Item 1 refers), the Audit and Risk Committee's amended recommendation to Council was:

*That Council:*

- 1      *MAINTAINS the current functional reporting relationship between the Internal Auditor and the Audit and Risk Committee;*
- 2      *ADOPTS the updated Audit and Risk Committee Charter, forming Attachment 1 to this Report, subject to the following changes:*
  - a      *that Part 2.3(g) be amended to read "Information provided to the Committee is to be used only to carry out their responsibilities, unless expressly agreed by Council;*

- b that a new Part 5.1(i) be added as follows: "5.1(i) review the strategic risks to the City and the plans to minimise or respond to those risks. This includes assessing whether risks that may prevent the City from achieving its objectives or maintaining its reputation have been identified.";*
  - c that Part 4.1 be renumbered to align to the numbering convention within the Charter; 3 ADOPTS the revised Terms of Reference for the Audit and Risk Committee as reflected in the draft Audit and Risk Committee Charter, forming Attachment 1 to this Report;*
- 3 ADOPTS the revised Terms of Reference for the Audit and Risk Committee as reflected in the draft Audit and Risk Committee Charter, forming Attachment 1 to this Report.

At its meeting held on 16 August 2022 (CJ146-08/22 refers), Council requested a procedural motion, that Item CJ156-08/22 – Role and Functioning of the Audit and Risk Committee BE REFERRED BACK to the Chief Executive Officer for further consideration so that an updated report can be presented to the 20 September 2022 Council Meeting.

*It is therefore recommended that Council:*

- 1 MAINTAINS the current functional reporting relationship between the Internal Auditor and the Audit and Risk Committee;
- 2 ADOPTS the updated Audit and Risk Committee Charter, forming Attachment 1 to Report CJ151-09/22;
- 3 ADOPTS the revised Terms of Reference for the Audit and Risk Committee as reflected in the draft Audit and Risk Committee Charter, forming Attachment 1 to Report CJ151-09/22.

## **BACKGROUND**

The *Local Government Act 1995* (the Act) and the *Local Government (Audit) Regulations 1996* requires local governments to establish an audit committee with certain roles and responsibilities.

The City has established a committee under section 7.1A of the Act, which is a formally appointed committee of Council in accordance with the Act, and is responsible to Council.

## **DETAILS**

### Reporting of the City's Internal Auditor to the Audit and Risk Committee

The internal audit function within a local government structure is independent from operational functions, systems and processes. To be most effective the function must be free from management control that may adversely impact on this independence and the auditing and reporting function. The Internal Auditor operates independently and reports directly to the Chief Executive Officer to eliminate undue influence on audit activities, findings and reports. The internal audit program is not subject to direction or approval from Directors, Managers or the Executive Leadership Team, however operational support is provided by the Manager Audit and Risk Services. This differs from listed companies (that are bound by the rules of the Australian Securities Exchange) whereby the final decision on the internal audit scope, annual plan and budget is reserved for the Board or Board Audit Committee on recommendation from internal audit and management.

One of the key objectives of the Internal Auditor position is to provide an independent and objective internal audit function that provides assurance on the City's systems of internal controls, compliance and risk management processes.

This is undertaken by the following:

- The provision of advice, support and recommendations to the Chief Executive Officer, Executive Leadership Team and the Committee on a range of audit, compliance and risk management matters in accordance with legislation, policies, protocols and professional standards.
- Preparation and presenting reports to the Chief Executive Officer, Executive Leadership Team and/or the Committee that contain detailed findings including identification of risks and recommendations to mitigate risks.
- Performing specialist assignments and investigations including:
  - as requested by the Chief Executive Officer
  - from requests for reports from the Committee
  - from notifications received from external oversight agencies (such as the Corruption and Crime Commission, Public Sector Commission and the Department of Local Government, Sport and Cultural Industries).

The Internal Auditor can liaise directly with the Presiding Member of the Committee to discuss reports that are included on Committee meeting agendas, has a direct line of communication with the Committee through attendance at committee meetings, and the Committee can request reports which can relate to matters that are progressed as internal audit reviews. The annual Internal Audit Plan is presented to the Committee for review.

This liaison and direct line of communication is referred to as a functional reporting relationship.

The Internal Auditor is an employee of the City and is bound by the *City of Joondalup Inside Workforce Enterprise Agreement 2018* which sets out the terms and conditions of employment. This means that the Chief Executive Officer is responsible for employment of the Internal Auditor. This differs from listed companies (that are bound by the rules of the Australian Securities Exchange) whereby decisions on the employment of the head of internal audit are reserved for the Board (on recommendation from the Board Audit Committee), as well as the Board or relevant Board Committee reviewing the reasonableness of the remuneration of the head of internal audit.

As per section 7.1B (delegation of some powers and duties to audit committee) of the Act, the only powers that a local government may delegate to its audit committee are any of its powers and duties under Part 7 – Audit, of the Act. This does not include the ability for an Internal Auditor to report directly to an audit committee, outside of the current functional reporting mechanism.

### Audit Charter

Following an amendment to the Act requiring all local governments to establish an audit committee, at its meeting held on 29 August 2006 (CJ142-08/06 refers), Council adopted an *Audit Committee Charter* (the Charter). The Charter included details on the Committee's objectives and functions, powers and membership, and duties and responsibilities. The Charter was included with the agenda for meetings of the Committee until August 2015, and from the meeting held in November 2015 the Charter was replaced by updated Terms of Reference for the Committee.

The Western Australian Auditor General produced a report in June 2020 titled *Western Australian Public Sector Audit Committees – Better Practice Guide* (the Guide). The Guide recognises that audit committees are an essential part of an entity's governance framework in the provision of independent advice and assurance on systems of risk management, internal control, and financial and performance reporting.

The Guide provides better practice principles and guidance to accountable authorities and those with responsibility for audit committee activities. The Guide includes toolkits to assist the development of effective audit committees and promote the better practice principles included in the Guide. This includes a toolkit designed to assist entities to develop an audit committee charter that reflects the better practice principles. The Office of the Auditor General (OAG) sourced information from the Institute of Internal Auditors Australia (and global) and the Australian National Audit Office to develop the Guide.

The City has used the OAG Guide and toolkit, the *Local Government Operational Guidelines (Number 09 Audit in Local Government)* published by the Department of the Local Government, Sport and Cultural Industries, and the previous Charter to develop a draft Audit Charter for consideration by the Committee and Council.

### Responsibilities of the Office of the Auditor General

The Auditor General's functions and powers are prescribed in the *Auditor General Act 2006*. On 28 October 2017, the [Local Government Amendment \(Auditing\) Act 2017](#) was proclaimed, giving the Auditor General the mandate to audit local government authorities within Western Australia, which includes performance audits and annual financial audits.

The Auditor General seeks to develop an audit program that is balanced in its coverage and includes topics that matter to Parliament and the community. The audit program is informed by enquiries received, expressions of concern and requests for audits from Members of Parliament and the community. The OAG's audit program is developed using the criteria of materiality, impact, risk, context, coverage, and auditability/efficiency. Deciding what to audit is a key part of the Auditor General's independence and this is not subject to direction from Parliament or government. However, the topic selection process involves annual discussions on the proposed forward audit program with the oversight committees of Public Accounts Committee and Estimates and Financial Operations Committee.

In accordance with section 24 of the *Auditor General Act 2006* the OAG issued the *Audit Practice Statement* (dated March 2017) which provides a concise and consolidated summary of why, what and how audits are undertaken. This Statement is available on the OAG website ([www.audit.wa.gov.au](http://www.audit.wa.gov.au)).

### **Issues and options considered**

There are a number of options for Council to consider.

For the reporting of the City's Internal Auditor to the Committee, Council can either:

- maintain the current functional reporting relationship as described in this report or
- advocate for a change to the *Local Government Act 1995* to allow for the ability for an Internal Auditor to report directly to an audit committee.

For the development of an Audit Charter on the function of the Committee, Council can either:

- continue to use the current Terms of Reference to reflect the role of the Committee or
- adopt, or amend and adopt, the draft Charter, forming Attachment 1 to Report CJ151-09/22.

If Council determines to adopt the draft Charter, it is recommended that Council also adopt the revised Terms of Reference for the Audit and Risk Committee as reflected in the draft Charter.

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

**Legislation**                      *Auditor General Act 2006.*  
*Local Government Act 1995.*  
*Local Government Amendment (Auditing) Act 2017.*  
*Local Government (Audit) Regulations 1996.*  
*Local Government (Financial Management) Regulations 1996.*

### **10-Year Strategic Community Plan**

**Key theme**                      Leadership.

**Outcome**                      Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

**Policy**                          Not applicable.

### **Risk Management Considerations**

An independent internal audit service provides objective review and assurance on risks associated with the City's systems, governance, and compliance processes. An Audit and Risk Committee Charter that clearly communicates the roles and responsibilities of the Committee reduces the risk of the Committee being less accountable and effective.

### **Financial / Budget Implications**

Not applicable.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Not applicable.

### **Consultation**

Not applicable.

## COMMENT

The Internal Auditor operates independently, free from management interference and / or influence, and has access to all relevant City systems, records, and personnel. The previous Charter, which was discontinued, contained more detailed information about the Committee's accountabilities and functions than the current Terms of Reference for the Committee. However, it has become dated and included some details that did not comply with legislation and current practice. Updating this Charter to include the better practice principles from the OAG's guidelines results in a contemporary Charter that reflects the Committee's roles and responsibilities.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Raftis, SECONDED Cr Thompson that Council:**

- 1 MAINTAINS the current functional reporting relationship between the Internal Auditor and the Audit and Risk Committee;**
- 2 ADOPTS the updated Audit and Risk Committee Charter, forming Attachment 1 to Report CJ151-09/22;**
- 3 ADOPTS the revised Terms of Reference for the Audit and Risk Committee as reflected in the draft Audit and Risk Committee Charter, forming Attachment 1 to Report CJ151-09/22.**

**AMENDMENT** MOVED Cr Kingston, SECONDED Cr Raftis that Part 2 of the Motion be amended to read as follows:

*"2 ADOPTS the updated Audit and Risk Committee Charter, forming Attachment 1 to Report CJ151-09/22, subject to the following changes:*

- 2.1 that part 2.3(g) of the Audit and Risk Committee Charter be amended to read "respect that information provided to the Committee is to be used in accordance with s5.93 of the Local Government Act 1995";"*

**The Amendment was Put and**

**LOST (6/7)**

**In favour of the Amendment:** Mayor Jacob, Crs Chester, Kingston, Poliwka, Raftis and Thompson.

**Against the Amendment:** Crs Fishwick, Hamilton-Prime, Hill, Jones, Logan, May and McLean.

**The Motion as MOVED Cr Raftis, SECONDED Cr Thompson was Put and**

**CARRIED (11/2)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Logan, May, McLean, Poliwka, Raftis and Thompson.

**Against the Motion:** Crs Jones and Kingston.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf220913.pdf](#)*

**C113-09/22                    MOTION TO CHANGE THE ORDER OF BUSINESS**

**MOVED** Mayor Jacob, **SECONDED** Cr Fishwick that Council, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of:

**1.1      CJ152-09/22 - Walk of Fame**

to be discussed after “Motions of which previous notice has been given”.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

**CJ152-09/22      WALK OF FAME**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBER</b>	109153, 101515
<b>ATTACHMENTS</b>	Attachment 1      Confidential - Independent member for the 2022 ‘Walk of Fame’ Selection Group  <i>(Please Note: Attachment 1 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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This Item was dealt with later in the meeting, after ‘Motions of Which Previous Notice has been Given’, page 117 refers.



**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ153-09/22 - Invest and Trade WA Mission to India: July 2022 – Outcomes Report.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime attended the Trade WA Mission to India on behalf of the City.

## CJ153-09/22      INVEST AND TRADE WA MISSION TO INDIA: JULY 2022 – OUTCOMES REPORT

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBER</b>	35563, 101515
<b>ATTACHMENTS</b>	Attachment 1      Joondalup Mission to India - Outcomes and Next Steps
<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 note the outcomes report of the City's delegation as part of the West Australian Government's Invest and Trade WA Mission to India 2022.

**EXECUTIVE SUMMARY**

At its meeting held on 28 June 2022 (CJ105-06/22 refers), Council decided to support the City's participation in the WA Government's Invest and Trade Mission to India 2022. The City's delegation intended to promote economic development by building the profile of Joondalup in a key market for international study, skilled workers, innovation in the digital economy and other sectors, and investment attraction.

Several City of Joondalup key stakeholders participated, including senior representatives from Edith Cowan University and North Metropolitan TAFE which provided an opportunity to showcase Joondalup as a destination for education and the collaborative relationship the City has with the Learning Precinct.

The outcomes achieved by the City of Joondalup included the following:

- Confirmation of partnership in the Joondalup Innovation Challenge 2022 by Indian institutions Amity University, WeSchool and Pandit Deendayal Energy University.
- Initiated discussions with key investors about opportunities in the City of Joondalup.
- Improved relationships with key stakeholders.
- Built the City's profile to support advocacy in India for our community.

The City briefed key local stakeholders and the business community at our event on 25 August 2022. Feedback from attendees was overwhelmingly positive with comments including that the event helped local businesses to better understand the broader economic impact of engaging with the Indian market and the flow on benefits of international students in our region.

The Department of Jobs, Tourism Science and Innovation advised that the Mission to India overall resulted in a range of outcomes for Western Australia including activation of Free Trade Agreement, more than 20 Memorandums of Understanding signed, press and social media coverage 260+ clips, announcement of a new Chennai office, direct flight negotiations, international education pipeline development and renewed Sister-State with Andhra Pradesh.

In total the WA Mission to India featured the largest delegation from WA to India and the first Australian State since international borders opened. More than 100 business and government representatives attended with the City of Joondalup showcased as the only Local Government to attend. The mission was led by Deputy Premier Roger Cook and Hon David Templeman, Minister for International Education – both of whom are key political stakeholders for the City of Joondalup.

*It is therefore recommended that Council notes the Outcomes Report of the City of Joondalup's participation in the WA Government's Invest and Trade WA Mission to India in July 2022.*

## **BACKGROUND**

India is the world's largest democracy and has a population of 1.3 billion people. Its youthful population, diversified economy and strong growth trajectory present significant opportunities for Western Australian business across a range of industry sectors including education; agriculture; mining and mining equipment, technology and services (METS); energy; tourism, events and creative industries; and innovation.

In 2021, India was Western Australia's seventh largest trading partner with total trade valued at A\$4.6 billion, which accounts for over 17 per cent of total trade between Australia and India. With the recent signing of the interim Australia-India Economic Cooperation and Trade Agreement, there are now further opportunities for the State, and in term the City of Joondalup, to strengthen this important relationship.

The WA Mission to India, between July 12-19, focused on reconnecting India and WA and leveraging the interim free trade agreement between Australia and India. It included visits to Delhi, Mumbai, Visakhapatnam and Chennai, with a focus on business investment, tourism, education, events and innovation as well as government relations. The Deputy Premier Hon. Roger Cook also opened WA's second trade and investment office in Chennai to complement their operations in Mumbai.

At its meeting held on 28 June 2022 (CJ105-06/22 refers), Council decided to support the City's participation in the Invest and Trade Mission to India 2022. The City's delegation intended to promote economic development by building the profile of Joondalup in a key market for international study, skilled workers, innovation, in the digital economy and other sectors, and investment attraction.

The City's delegation was intended to offer a range of benefits to the Joondalup community though providing a range of exchange, promotion and information sharing opportunities, including:

- visit and formally announce partnership with the two universities who have recently confirmed partnership on the Joondalup Innovation Challenge, Amity University and WeSchool
- showcase the Joondalup Innovation Challenge to other education providers (there are 37 universities in Mumbai alone)
- showcase Joondalup as a destination for international education
- explore opportunities to increase collaboration with the WA sister State of Andhra Pradesh
- exploring opportunities for Indian nurses to complete work integrated learning and registration in Joondalup
- investigate tech start up hubs in both Cities and showcase Joondalup's cyber security, robotics and innovation credentials.

## DETAILS

The WA Mission to India featured more than 100 business and government representatives from the following sectors:

- Tourism, events and creative industries.
- International education and skilled migration.
- Mining and METS.
- Energy.
- Primary industries.
- Innovation hubs and smart cities.

The Mission was attended by Hon Roger Cook MLA, Deputy Premier, Hon David Templeman MLA, Minister for International Education, Mr Yaz Mubarakai MLA, Parliamentary Secretary and Dr Jags Krishnan MLA, Member for Riverton.

City of Joondalup stakeholders who attended the Mission included Michelle Hoad, Managing Director of North Metro TAFE, Andrew Woodard, Executive Dean of the School of Science at Edith Cowan University and Derryn Belford, CEO of Study Perth.

Other organisations of note who sent a delegation included the Chamber of Commerce and Industry WA (CCIWA), the Australian Export Grains Innovation Centre (AEGIC), Business Events Perth, Rio Tinto, Roy Hill and Woodside Energy.

The City of Joondalup was the only local government to attend which allowed us to take on a more significant role on the tour. Other local governments had intended to attend, however where not able to meet the logistical requirements.

For the City of Joondalup, the outcomes and next steps are summarised at Attachment 1 to Report CJ153-09/22.

Some of the key outcomes are highlighted as follows:

- Confirmation of partnership in the Joondalup Innovation Challenge 2022 by Indian institutions Amity University, WeSchool and Pandit Deendayal Energy University. This has allowed for the international growth of the Joondalup Innovation Challenge while building Joondalup's reputation as a destination for international students and innovation.
- Media coverage showcasing Joondalup's participation in the Mission to India has positioned Joondalup as a destination for international education and Investment.

- Discussions commenced with key investors in the areas of hospitality, education and technology about future opportunities for investment in the City of Joondalup.
- Renewed opportunities to engage with key stakeholders, share the experiences on the Mission to India and explore partnerships for future opportunities. These include:
  - Joondalup education providers Edith Cowan University and North Metro TAFE
  - WA Department of Jobs, Tourism, Science and Innovation and Invest and Trade WA
  - State Ministers and Parliamentary Secretaries
  - Red Piranha
  - HCL Technologies
  - Chamber of Commerce and Industry WA
  - The Australia Indian Business Council.
- Improved ability to advocate for our community through 47 new direct contacts made in Indian government, education and industry.

To share the outcomes from the Mission to India with key stakeholders and the business community the City hosted a briefing event on 25 August 2022. The event attracted 100 registrations and featured a presentation by the Executive Director of Invest and Trade WA, a panel discussion featuring representatives from the City of Joondalup, Edith Cowan University, North Metro TAFE and CCIWA. The Trade and Investment Commissioner for India/Gulf also provided an overview of outcomes from the Mission including some of the opportunities being explored to extend and continue connections. Feedback from attendees was overwhelmingly positive with comments including that the event helped local businesses to better understand the broader economic impact of engaging with the Indian market and the flow on benefits of international students in our region.

The State Government has advised that the Mission to India resulted in a range of outcomes for Western Australia including:

- activation of Free Trade Agreement
- more than 20 Memorandums of Understanding signed
- press and social media coverage 260+ clips
- government to government engagement
- invest and Trade WA Reconnect WA launch and messaging
- announcement of new Chennai office
- direct flight negotiations
- commercial and collaborative outcomes in primary industries
- international education pipeline development
- renewed Sister-State with Andhra Pradesh.

Our community has benefited from this trip through increased presence of the City of Joondalup with state government, businesses, and Indian stakeholders. As a result, the City will actively maintain contact and relationships with stakeholders in WA and in India to secure outcomes such as investment, partnerships and trade exchange.

The City will follow up these opportunities through a series of actions outlined as the Next Steps in Attachment 1 to Report CJ153-09/22. The outcomes and next steps will be reported on in the *Corporate Business Plan* under Outcome 4.2 Innovative and Confident as part of the activity *International Economic Development Activities Plan*.

### **Issues and options considered**

Not applicable.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** Not applicable.

### 10-Year Strategic Community Plan

**Key theme** Economy.

**Outcome** Prosperous and local – you feel supported to grow your businesses in the City.

Appealing and welcoming – you welcome residents, and local and international visitors to the City.

**Policy** Nil.

### Risk management considerations

Following successful engagement and having established in-person relationships on the Trade Mission to India it is important to maintain relevant connections so as not to risk offending or not leveraging key contacts.

There is a risk that the City commits time and resources to building relationships that do not result in outcomes.

### Financial / budget implications

As outlined in the Council Report in June 2022 (CJ105-06/22 refers), the cost of the City's delegation to India was estimated to be approximately \$10,600. The City secured the following arrangements for the CEO James Pearson and Deputy Mayor Cr Christine Hamilton-Prime:

Flights	\$7,540.72
Accommodation	<u>\$1,878.88</u>
Total	\$9,419.60

As the CEO was unable to travel due to illness, the City was able to work with providers to cancel bookings and save significantly on fees to pay just \$1,359.73 in cancellation fees.

The total cost of the City's delegation, including the cancellation fees, was \$6,067.53. This funding was allocated to the CEO's travel budget and the Deputy Mayor's travel budget for the 2022-23 financial year.

### Regional significance

The City's collaboration with regional partners and stakeholders maximises opportunities for the future economic growth of the North West Metropolitan Perth Region. The City's participation in the WA Mission to India and actively maintaining contact and relationships with stakeholders in WA and in India to secure outcomes such as investment, partnerships and trade exchange will further strengthen its position as the centre for the north metropolitan region and provide flow on benefits as a leader in the region.

The City's participation in the Mission created opportunities to work collaboratively with North Metropolitan TAFE and Edith Cowan University delegates on the Mission to India to position Joondalup as a destination for education, talent and investment.

## Sustainability implications

Not applicable.

## Consultation

Significant consultation was undertaken to inform the development of the City's *Strategic Community Plan - Joondalup 2032* and this has been considered in the evaluation of the WA Mission to India.

## COMMENT

*The City's Economic Development Strategy – Expanding Horizons*, outlines the key theme of being a 'Global City' and highlights 'Development of partnership activity to attract international talent to the City – students, researchers and entrepreneurs for example' as a key activity.

The City's *International Economic Development Activities Plan* focusses on building strategic global relationships with several target markets aligning to Joondalup's economic strengths, cultural alignment, educational links, established relationships and presence. The plan lists India as a target market, with particular reference to international education and the attraction of students and their families to Joondalup.

The City of Joondalup actively pursues global engagement opportunities and has done so since the development of the *Economic Development Strategy* in 2014 and the *International Economic Development Activities Plan* in 2017.

## VOTING REQUIREMENTS

Simple Majority.

*Cr McLean left the Chamber at 9.21pm and returned at 9.23pm.*

**MOVED Cr Hamilton-Prime, SECONDED Mayor Jacob that Council NOTES the Outcomes Report of the City of Joondalup's participation in the WA Government's Invest and Trade WA Mission to India in July 2022.**

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson.

**Against the Motion:** Cr Kingston.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf220913.pdf](#)*

## CJ154-09/22 STATUS OF PETITIONS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	05386, 101515
<b>ATTACHMENT</b>	Attachment 1 Status of Petitions – 16 August 2016 to 16 August 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 status of outstanding petitions.

### BACKGROUND

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

### DETAILS

#### Issues and Options Considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 16 August 2022, with a comment on the status of each petition.

#### Legislation / Strategic Community Plan / Policy Implications

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

#### 10-Year Strategic Community Plan

**Key Theme** Leadership.

**Outcome** Engaged and informed - you are able to actively engage with the City and have input into decision-making.

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

#### Risk Management Considerations

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

#### Financial / Budget Implications

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

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

*Cr Kingston and Cr Poliwka left the Chamber at 9.42pm.*

*The Manager Economic Development and Advocacy left the Chamber at 9.45pm.*

*Cr Kingston and Cr Poliwka entered the Chamber at 9.46pm.*

*Cr Logan left the Chamber at 9.46pm.*

*The Director Planning and Community Development left the Chamber at 9.48pm.*

**MOVED Cr Thompson, SECONDED Cr Fishwick that Council:**

- 1 **NOTES the status of outstanding petitions submitted to Council during the period 16 August 2016 to 16 August 2022, forming Attachment 1 to Report CJ154-09/22;**
- 2 **in relation to the petition requesting the City provides funding in the 2022-23 budget for the installation of a shade sail over the Marri Park playground (northern end) in Duncraig:**
  - 2.1 **NOTES that Marri Park playspace is not eligible for the installation of artificial shade under the *City Playground Shade Policy*;**
  - 2.2 **NOTES that the City is currently reviewing the *City Playground Shade Policy* with a report to be submitted to a future Policy Committee meeting for consideration;**
  - 2.3 **ADVISES the lead petitioner.**

**The Motion was Put and****CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf220913.pdf](#)*



## **CJ155-09/22      REVIEW OF PROCEDURES FOR STRATEGY SESSIONS, BRIEFING SESSIONS, COUNCIL / COMMITTEE MEETINGS AND ELECTRONIC MEETINGS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	08122, 101515
<b>ATTACHMENTS</b>	Attachment 1      Procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings (marked-up)
<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 amendments to the *Procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings* (the Procedures).

### **EXECUTIVE SUMMARY**

At its meeting held on 18 December 2007 (CJ264-12/07 refers), Council initially adopted its procedures for Strategy Sessions, Briefing Sessions and Council Meetings to provide information on their purpose and certain procedural matters relating to public question time, public statement time and deputations. Council made further adjustments to the Procedures at its meetings held on 17 March 2009 (CJ047-03/09 refers), 19 November 2013 (CJ213-11/13 refers) and 21 April 2020 (CJ045-04/20 refers), which have remained in effect since that time.

With changes in legislation and the repeal of the *Local Government (Rules of Conduct) Regulations 2007*, the Procedures have been updated to reflect this change. There has also been some discussion amongst Elected Members about audio recording of Briefing Sessions which has been included in the revised Procedures, as well as a number of minor amendments to reflect current operations and practices.

*It is therefore recommended that Council ADOPTS the revised Procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings as detailed in Attachment 1 to Report CJ155-09/22.*

### **BACKGROUND**

At its meeting held on 18 December 2007 (CJ264-12/07 refers) Council initially adopted its procedures for Strategy Sessions, Briefing Sessions and Council Meetings to provide information on their purpose and certain procedural matters relating to public question time, public statement time and deputations. Council made adjustments to the Procedures around public question time and public statement at its meeting held on 17 March 2009 (CJ047-03/09 refers).

The Procedures were further amended on 19 November 2013 (CJ213-11/13 refers) following the adoption of the *City of Joondalup Meeting Procedures Local Law 2013*. And further amendments were made on 21 April 2020 (CJ045-04/20 refers) to incorporate changes in legislation to allow for electronic Council and Committee meetings.

## DETAILS

The *Procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings* were presented to Elected Members during an Information Session on 31 May 2022. The following amendments are proposed following feedback from Elected Members:

- Amend incorrect references to the *Local Government (Rules of Conduct) Regulations 2007*, which are now repealed, and replace with *Local Government (Model Code of Conduct) Regulations 2021*.
- Amend references to the City's Code of Conduct to the *City's Code of Conduct for Council Members, Committee Members and Candidates* and *Code of Conduct for Employees*.
- Inclusion of point 10 under General Procedures for Strategy Sessions to advise that the electronic, visual or audio recording of Strategy Sessions is not permitted unless prior approval has been given by the Presiding Member.
- Inclusion of an additional point under deputations in regard to statements being made politely and in good faith to be consistent with other similar sections.
- Amendment to the 'Recording of the Proceedings of the Briefing Session,' under General Procedures for Briefing Sessions, to indicate that proceedings of the Briefing Session shall be electronically recorded, and made available to the public on the City's website.

It should be noted that the City is currently examining the principles of a proposed policy for live streaming of meetings, currently proposed in the recent local government reforms. Matters related to live video streaming, including privacy will be raised as a matter of course for the Council's consideration which may require a further review of the Procedures.

## Issues and options considered

Council can choose to either:

- adopt the revised Procedures as presented
- adopt the revised Procedures as presented with further amendments  
or
- retain the current Procedures.

## Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Local Government Act 1995.*  
    *Local Government (Administration) Regulations 1996.*  
    *Local Government (Model Code of Conduct) Regulations 2021.*  
    *City of Joondalup Meeting Procedures Local Law 2013.*

## 10-Year Strategic Community Plan

**Key theme**                        Leadership.

**Outcome**                        Proactive and represented - you are confident that the City is advocating on your behalf for initiatives that benefit the community.

**Policy** Not applicable.

**Risk management considerations**

Should Council not adopt relevant procedures for the conduct of meetings, the transparency and integrity of the City's decision-making processes may be questioned.

**Financial / budget implications**

There are no financial implications associated with this report.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The proposed changes to the *Procedures for Strategy Sessions, Briefing Sessions, Council / Committee Meetings and Electronic Meetings* will bring the procedures in line with current legislation and changes to the City's Codes of Conduct, will reflect the Council's desire to electronically record the proceedings of Briefing Sessions and make that available on the City's website, and generally reflect current operations and practices.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Jones, **SECONDED** Cr Hamilton-Prime that Council **ADOPTS** the revised *Procedures for Strategy Sessions, Briefing Sessions, Council/Committee Meetings and Electronic Meetings* as detailed in Attachment 1 to Report CJ155-09/22.

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ162-09/22, page 114 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf220913.pdf](#)

## **CJ156-09/22 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2022**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of July 2022 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds for the month of July 2022) Attachment 3 Municipal and Trust Fund Vouchers for the month of July 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 note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of July 2022.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of July 2022, totalling 13,986,037.21.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for July 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 Report CJ156-09/22, totalling 13,986,037.21.*

### **BACKGROUND**

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

### **DETAILS**

The table below summarises the payments drawn on the funds during the month of July 2022. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ156-09/22.

The vouchers for the month are appended as Attachment 3 to Report CJ156-09/22.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112491 - 112497 & 112501 - 112524 & EF102925 - EF103544 Net of cancelled payments	\$9,088,525.95
	Vouchers 3335A – 3347A	\$4,895,604.26
	Bond Refund Cheques & EFT Payments 112498 - 112500 & EF102922 - EF102924 Net of cancelled payments.	\$1,907.00
	<b>Total</b>	\$13,986,037.21

### Issues and Options Considered

There are two options in relation to the list of payments. Council can choose to either:

#### 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.

### 10-Year Strategic Community Plan

#### Key theme

Leadership.

#### Outcome

Accountable and financially-sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

#### 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 City of Joondalup *2022-23 Budget* as adopted by Council at its meeting held on 28 June 2022 (CJ104-06/22 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council NOTES the Chief Executive Officer's list of accounts for July 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 Report CJ156-09/22, totalling 13,986,037.21.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ162-09/22, page 114 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf220913.pdf](#)*

## **CJ157-09/22 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2022**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

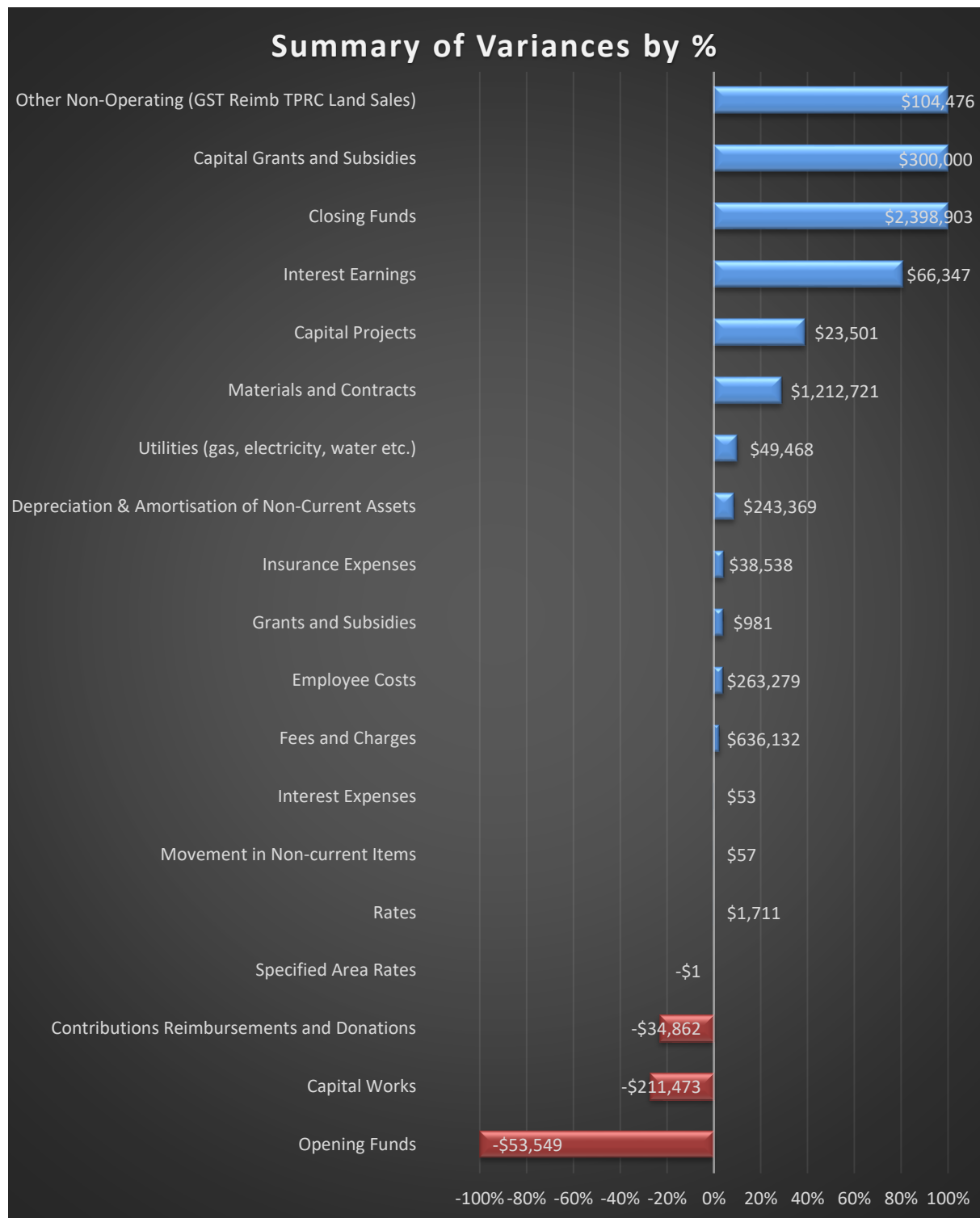
At its meeting held on 28 June 2022 (CJ104-06/22 refers), Council adopted the *2022-23 Annual Budget*. The figures in this report are compared to the adopted budget.

The July 2022 Financial Activity Statement Report shows an overall favourable variance of \$2,398,903 from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 July 2022 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of the *2021-22 Annual Financial Statements*.

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 July and the finalisation of 2021-22 end of year process which has meant that the opening funds total is currently not included. The notes in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The key elements of the variance are summarised below:

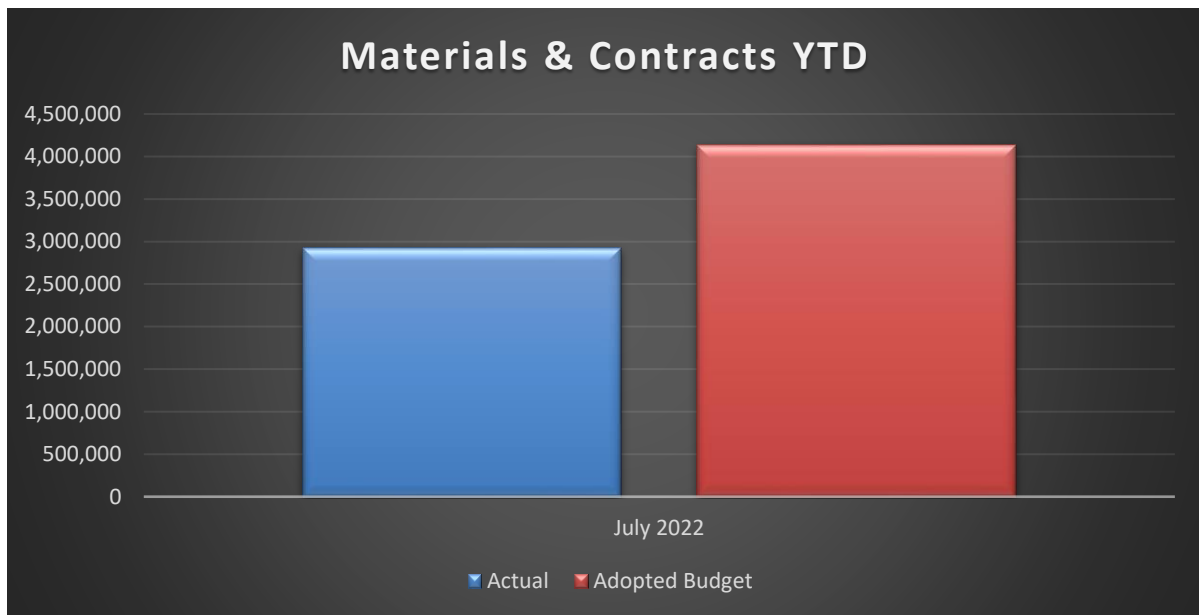




The significant variances for July were:

**Materials and Contracts**

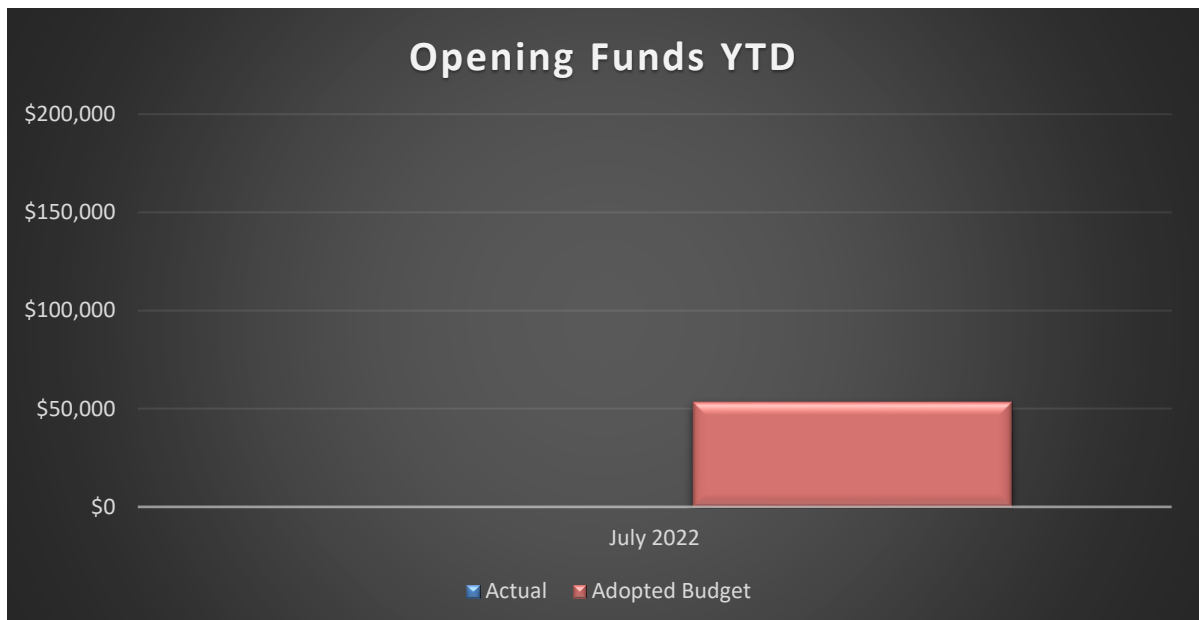
**\$1,212,721**



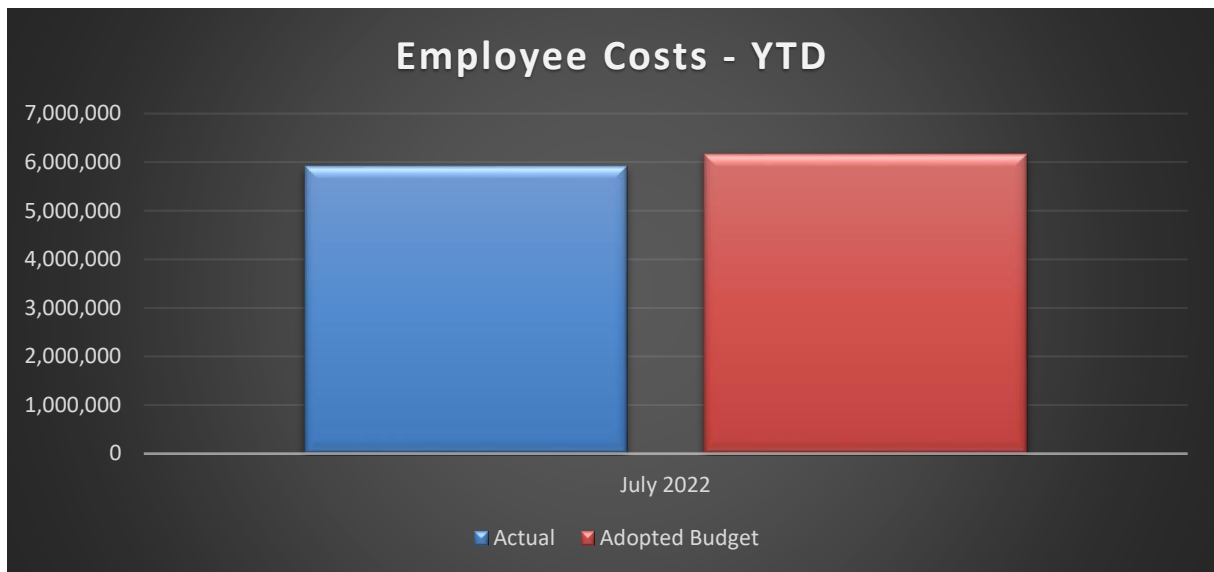
Materials and Contracts expenditure is \$1212,721 below budget. This is spread across a number of different areas including External Service Expenses \$354,735, Computing \$354,102 and Waste Management Services \$262,387.

**Opening Funds**

**(\$53,549)**



Opening Funds for July 2022 is \$53,549 below budget. The variation in the Closing Funds for the period ended 30 June 2022 is prior to end of year finalisation. The final balance will be available after the Financial Statements for 2021-22 have been audited.

**Employee Costs****\$263,279**

Employee Costs expenditure is \$263,279 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 July 2022 forming Attachment 1 to Report CJ157-09/22.*

**BACKGROUND**

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

**DETAILS****Issues and options considered**

The Financial Activity Statement for the period ended 31 July 2022 is appended as Attachment 1.

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

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

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

## 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcome** Accountable and financially-sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

### Risk management considerations

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

### Financial / budget implications

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

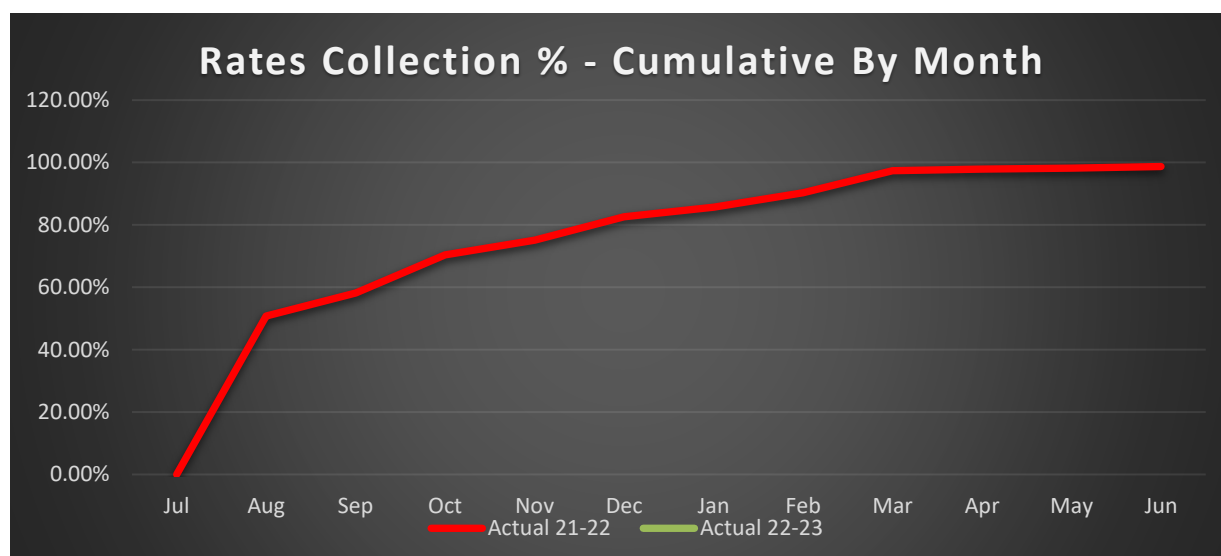
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

### Consultation

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

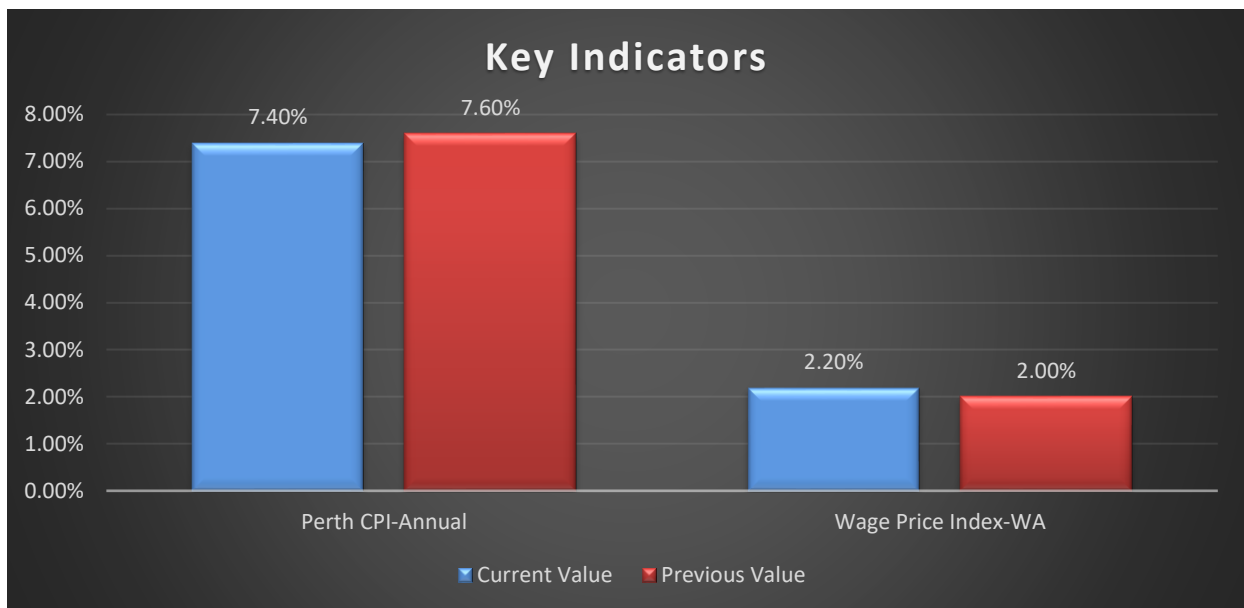
## KEY INDICATORS

### Rates Collection



Rates notices for 2022-23 were issued in the third week of July 2022 therefore collection rate performance data for July is not available, similar to the prior year.

## **Economic Indicators**



During July, the Perth CPI for the second quarter of 2022 was released. Perth saw a slightly lower increase in CPI compared to the national average, reflecting slightly slower rises in the prices of dwellings and automotive fuel.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2022-23 adopted budget or has been authorised in advance by Council where applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council NOTES the Financial Activity Statement for the period ended 31 July 2022 forming Attachment 1 to Report CJ157-09/22.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ162-09/22, page 114 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf220913.pdf](#)

**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ158-09/22 - Tender 002/22 Ocean Reef Park - Construction of New Toilet/Changeroom Facility.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob's brother provides electrical contracting services for Hickey Constructions.

## CJ158-09/22 TENDER 002/22 OCEAN REEF PARK - CONSTRUCTION OF NEW TOILET/CHANGEROOM FACILITY

**WARD** North-Central

**RESPONSIBLE DIRECTOR** Mr Mat Humfrey  
Corporate Services

**FILE NUMBER** 109913, 101515

**ATTACHMENTS**

Attachment 1	Schedule of Items
Attachment 2	Summary of Tender Submissions
Attachment 3	Confidential Tender Summary

*(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).*

**AUTHORITY / DISCRETION** Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to accept the tender submitted by Hickey Constructions Pty Ltd for the construction of new toilet/changeroom facility at Ocean Reef Park.

**EXECUTIVE SUMMARY**

Tenders were advertised on 25 June 2022 through state-wide public notice and published by Tenderlink for the construction of new toilet/changeroom facility at Ocean Reef Park. Tenders closed on 20 July 2022. A submission was received from each of the following:

- Hickey Constructions Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- The Trustee for M R Hoskins Family Trust (A E Hoskins Building Services).
- Solution 4 Building Pty Ltd.
- Construct360 Pty Ltd.
- CP Projects Pty Ltd.

The submission from Hickey Constructions Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience completing community facility refurbishment projects for WA government agencies including local governments. It has in the past successfully completed various refurbishment projects for the City and recent works included the Warwick Bowling Club extension and refurbishment of existing facility and Emerald Park extension and refurbishment of changerooms. It is currently undertaking new construction for the Shire of Dandaragan (pavilion and café on foreshore Jurien Bay). Hickey Constructions Pty Ltd is well established with significant industry experience and proven capacity to complete the works for the City.

The recommended tender exceeds the budget amount. However, funds are available from the Strategic Asset Management Reserve to utilise for this project dependent on Council approval for the Asset Renewal Reserve adjustment in the 2022-23 Capital Works Program.

*It is therefore recommended that Council:*

- 1 *ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the Ocean Reef Park – construction of new toilet/changeroom facility as specified in Tender 002/22 for the fixed lump sum of \$934,437 (excluding GST) for completion of works within 12 months from commencement of contract;*
- 2 *BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 Annual Budget by increasing the capital works expenditure Budget for the Ocean Reef Park Toilets and Changerooms project (BCW2625) by \$120,000;*
- 3 *BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 Annual Budget by increasing transfers from the Asset Renewal Reserve by \$120,000 to fund the additional expenditure for the Ocean Reef Park Toilets and Changerooms project (BCW2625).*

## **BACKGROUND**

The City has a requirement to engage an appropriately qualified and experienced Contractor to construct a new toilet/changerooms facility at Ocean Reef Park, 1/7 Marina Boulevard, Ocean Reef. The works shall include, but not be limited to the following:

- Demolition of existing facility.
- Construction of new toilet/changerooms facility.
- Construction of retaining walls.
- New septic tank with leach drains.

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

## **DETAILS**

The tender for the construction of new toilet/changeroom facility at Ocean Reef Park was advertised through state-wide public notice and published by Tenderlink on 25 June 2022. The tender period was for three weeks with tenders closing on 20 July 2022.

## Tender Submissions

A submission was received from each of the following:

- Hickey Constructions Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- A E Hoskins Building Services.
- Solution 4 Building Pty Ltd.
- Construct360 Pty Ltd.
- CP Projects Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ158-09/22.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ158-09/22.

A confidential tender summary is provided in Attachment 3 to Report CJ158-09/22.

## 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 Ocean Reef Park project poses multiple issues identified during the design process, as the building is situated on a challenging site where contours and existing electrical assets need to be navigated. 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 submissions received were assessed as compliant and remained for further consideration.

## **Qualitative Assessment**

CP Projects Pty Ltd scored 50% and was ranked sixth in the qualitative assessment. The company has experience completing refurbishment projects for various organisations including state and local governments including the City of Canning. Five examples of works were provided and though some of these works involved construction of new bathrooms and disabled bathrooms most were fit-outs and refurbishments, with internal demolition works only, not similar to the City's requirements. It did not fully demonstrate an understanding of the required tasks or the capacity required to undertake the work.

Construct360 Pty Ltd scored 57.9% and was ranked fifth in the qualitative assessment. The company demonstrated an understanding of the required tasks. It has experience completing various refurbishment projects for private and public sector in WA including the Cities of Swan and Wanneroo. Examples of works were provided however these involved mainly commercial remediation works and no new facility or community facility construction project similar to the City's requirements. It has sufficient capacity to carry out the works. Afterhours contacts for emergency requirements were not supplied.

Solution 4 Building Pty Ltd scored 61.3% and was ranked fourth in the qualitative assessment. The company has extensive experience completing community facility refurbishment projects for local governments including the Cities of Wanneroo and Swan. It demonstrated a good understanding of the required tasks. It has sufficient capacity to undertake the works, however, after hours contacts for emergency requirements and the ability to provide additional personnel were not addressed.

A E Hoskins Building Services scored 71.6% and was ranked third in the qualitative assessment. It demonstrated the capacity and experience required to carry out the works. Five examples of works were provided and these were for the Cities of Mandurah (Western Foreshore public toilet construction), Melville (construction of Karlup Ceramics Studio and Tompkin Park sporting club and function centre refurbishment) and Stirling (Des Penman Sporting Pavilion and Balga Cricket Club building upgrades). It demonstrated a good understanding of the required tasks.

LKS Constructions (WA) Pty Ltd scored 75.7% and was ranked second in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has extensive experience completing community facility refurbishment projects for various local governments in WA including the Cities of Rockingham, Wanneroo and Stirling. It has sufficient capacity to undertake the works.

Hickey Constructions Pty Ltd scored 80% and was ranked first in the qualitative assessment. The company demonstrated extensive experience completing community facility refurbishment projects for WA government agencies including local governments. It has in the past successfully completed various refurbishment projects for the City and recent works included the Warwick Bowling Club extension and refurbishment of existing facility and Emerald Park extension and refurbishment of changerooms. It is currently undertaking new construction for the Shire of Dandaragan (pavilion and café on foreshore Jurien Bay). It demonstrated a thorough understanding and appreciation of the City's requirements. Hickey Constructions Pty Ltd is well established with significant industry experience and proven capacity to complete the works for the City

Given the minimum acceptable qualitative score of 60%, Hickey Constructions Pty Ltd, LKS Constructions (WA) Pty Ltd, A E Hoskins Building Services and Solution 4 Building Pty Ltd qualified for stage two of the assessment.



## Price Assessment

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

Tenderer	Fixed Lump Sum (exclusive of GST)
Hickey Constructions Pty Ltd	\$934,437
Solution 4 Building Pty Ltd	\$991,849
A E Hoskins Building Services	\$1,097,310
LKS Constructions (WA) Pty Ltd	\$1,124,880

## Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Lump Sum Price	Price Ranking
Hickey Constructions Pty Ltd	80%	1	\$934,437	1
Solution 4 Building Pty Ltd	61.3%	4	\$991,849	2
A E Hoskins Building Services	71.6%	3	\$1,097,310	3
LKS Constructions (WA) Pty Ltd	75.7%	2	\$1,124,880	4

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 for the construction of a new toilet/changerooms facility at Ocean Reef Park. 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.

### 10-Year Strategic Community Plan

#### Key theme

Community.

#### Outcome

Active and social – you enjoy quality local activities and programs for sport learning and recreation.

#### Key theme

Leadership.

#### Outcome

Accountable and financially-sustainable – you are provided with a range of City services which are delivered in a financially responsible manner.

#### 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>	CWO006659.
<b>Budget Item</b>	Ocean Reef Park – construction of new toilet/changeroom facility.
<b>Budget amount</b>	\$ 850,000
<b>Amount spent to date</b>	\$ 2,165
<b>Committed</b>	\$ 17,660
<b>Proposed cost</b>	\$ 934,437
<b>Balance</b>	\$ (104,262)

The recommended tender exceeds the 2022-23 budget amount of \$850,000. As this budget is partly funded from the Asset Renewal Reserve, it is proposed to meet this shortfall by drawing additional funding from the Asset Renewal Reserve in 2022-23.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The City conducted community consultation for the project in May 2021 in accordance with the City's *Community Consultation and Engagement Policy and Protocol*. The aim of the community consultation was to determine the level of support for a new, upgraded facility.

Targeted consultation was undertaken with residents living within 200 metres of Ocean Reef Park, Community Engagement Network members and representatives from the clubs and groups currently using the park. In addition, consultation documentation was available on the City's website for any other interested community members to make comment.

Of the 59 completed comment forms, 88% of respondents either strongly supported or supported the replacement of the facility (52). One person opposed the project, three were neutral and three did not provide a response. One of the sporting clubs provided feedback on the location and size of the proposed storage area. The City took this feedback into consideration as part of the detailed design stage of the project.

### **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**

Absolute Majority.

**MOVED Cr Jones, SECONDED Cr Kingston that Council:**

- 1 ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the Ocean Reef Park – construction of new toilet/changeroom facility as specified in Tender 002/22 for the fixed lump sum of \$934,437 (excluding GST) for completion of works within 12 months from commencement of contract;**
- 2 BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 Annual Budget by increasing the capital works expenditure Budget for the Ocean Reef Park Toilets and Changerooms project (BCW2625) by \$120,000;**
- 3 BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 Annual Budget by increasing transfers from the Asset Renewal Reserve \$120,000 to fund the additional expenditure for the Ocean Reef Park Toilets and Changerooms project (BCW2625).**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf220913.pdf](#)*

## **CJ159-09/22 TENDER 025/22 - SUPPLY AND LAYING OF CONCRETE KERBING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	110208, 101515
<b>ATTACHMENT</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions Attachment 3 Confidential Tender Summary
	<i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i>
<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 Weskerb Pty Ltd for the supply and laying of concrete kerbing.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 9 July 2022 through state-wide public notice and published by Tenderlink for the supply and laying of concrete kerbing. Tenders closed on 26 July 2022. A submission was received from each of the following:

- Kerb Direct Kerbing Pty Ltd as Trustee for Kerb Direct Kerbing Trust.
- Allstate Kerbing and Concrete Pty Ltd as Trustee for Allstate Kerbing and Concrete Trust (Allstate Kerbing and Concrete).
- Weskerb Pty Ltd.

The submission from Weskerb Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has been providing similar services to the Town of Bassendean and the Cities of Bayswater and Joondalup. Weskerb Pty Ltd is a well-established company with considerable industry experience and proven capacity to provide the services to the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Weskerb Pty Ltd for the supply and laying of concrete kerbing as specified in Tender 025/22 for a period of two years with an option to extend the Term of the Contract, by up to two years, with an additional option available of up to one year, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth (All Groups) CPI.*

## **BACKGROUND**

The City has a requirement for the supply and laying of concrete kerbing, constructing concrete pram ramps and carrying out minor concrete reinstatements associated with kerbing works as and when such works are required by the City.

The City had a contract with Weskerb Pty Ltd which expired on 19 August 2022. Weskerb Pty Ltd has provided a good level of service throughout the term of its contract.

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

## **DETAILS**

The tender for the supply and laying of concrete kerbing was advertised through state-wide public notice and published by Tenderlink on 9 July 2022. The tender period was for two weeks and tenders closed on 26 July 2022.

### **Tender Submissions**

A submission was received from each of the following:

- Kerb Direct Kerbing Pty Ltd as Trustee for Kerb Direct Kerbing Trust.
- Allstate Kerbing and Concrete Pty Ltd as Trustee for Allstate Kerbing and Concrete Trust (Allstate Kerbing and Concrete).
- Weskerb Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ159-09/22.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ159-09/22.

A confidential tender summary is provided in Attachment 3 to Report CJ159-09/22.

### **Evaluation Panel**

The evaluation panel comprised four members:

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

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

### **Evaluation Method and Weighting**

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

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in providing similar services	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

### Compliance Assessment

All submissions were assessed as compliant.

### Qualitative Assessment

AllState Kerbing and Concrete scored 65.4% and was ranked third in the qualitative assessment. It demonstrated a very good understanding of the required tasks and may have the capacity to provide the services. The company demonstrated considerable experience in providing similar services to various local governments including the Cities of Rockingham, Nedlands and Stirling and has carried out works for the Cities of Gosnells and Armadale and for Densford Civil.

Kerb Direct scored 66.9% and was ranked second in the qualitative assessment. It has considerable experience in providing similar services to local governments including the Shire of Kalamunda and the Cities of Wanneroo, Kwinana and Perth. Other examples of works were provided and these included kerbing works for the Cities of Fremantle and Subiaco and the provision of barrier kerb to a high traffic roundabout at Perth International Airport. It demonstrated a very good understanding of the required tasks and may have the capacity to provide the services.

Weskerb Pty Ltd scored 67.5% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. Weskerb Pty Ltd is the current provider of this service to the City and has done since 2010. It has been providing similar services to the City of Bayswater since 2010 and the Town of Bassendean since 2020. Weskerb Pty Ltd is a well-established company with proven capacity to provide the services to the City.

Based on the minimum acceptable score of 50%, all tenderers qualified to progress to stage two (price) assessment.

### Price Assessment

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

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of 29 scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained.

The rates are fixed for the first year of the contract but are subject to a price variation in years two to five to a maximum of the CPI for the preceding year, should the City exercise the two options to extend the term of the contract. For estimation purposes, a 4.5% CPI increase was applied to the rates in years two to five.

Tenderer	Year 1	Year 2	Total
Weskerb Pty Ltd	\$1,107,384	\$1,157,215	<b>\$2,264,599</b>
Allstate Kerbing and Concrete	\$1,370,485	\$1,432,156	<b>\$2,802,641</b>
Kerb Direct Kerbing Pty Ltd	\$1,399,064	\$1,462,022	<b>\$2,861,086</b>

During 2021-2022, the City incurred \$979,099 for the supply and laying of concrete kerbing. It is anticipated the City will incur an estimated expenditure of \$2,264,599 during the two-year contract term and up to \$6,058,176 should the City exercise both extension options.

### Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Price	Price Ranking
Weskerb Pty Ltd	67.5%	1	\$2,264,599	1
Allstate Kerbing and Concrete	65.4%	3	\$2,802,641	2
Kerb Direct Kerbing Pty Ltd	66.9%	2	\$2,861,086	3

Based on the evaluation result, the panel concluded that the tender from Weskerb Pty Ltd provides best value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement for the supply and laying of concrete kerbing as and when such works are required by the City. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$250,000.

#### 10-Year Strategic Community Plan

#### Key theme

Place.

#### Outcome

Attractive and leafy – you have access to quality public open spaces and enjoy appealing streetscapes.

#### Policy

Not applicable.

**Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City will not be able to complete the kerb maintenance and capital works resurfacing program on time.

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 proven capacity to provide the services to the City.

**Financial / budget implications**

<b>Account no.</b>	Various maintenance and capital works accounts.
<b>Budget Item</b>	Supply and laying of concrete kerbing.
<b>Budget amount</b>	\$1,266,000
<b>Amount spent to date</b>	\$ 56,523
<b>Proposed cost</b>	\$1,107,384
<b>Balance</b>	\$ 102,093

The balance for 2022-23 does not represent a saving at this time as expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.



**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council ACCEPTS the tender submitted by Weskerb Pty Ltd for the supply and laying of concrete kerbing as specified in Tender 025/22 for a period of two years with an option to extend the Term of the Contract, by up to two years, with an additional option available of up to one year, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ162-09/22, page 114 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf220913.pdf](#)*

## **CJ160-09/22 TENDER 028/22 – PROVISION OF REPAIRS, ROUTINE AND PREVENTATIVE MAINTENANCE, REPLACEMENT OF EXISTING EQUIPMENT, AND NEW MECHANICAL INSTALLATIONS TO THE VALUE OF \$10,000**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	110273, 101515
<b>ATTACHMENTS</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Submissions Attachment 3 Confidential Tender Summary  <i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i>
<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 Australian Airconditioning Services Pty Ltd for the provision of repairs, routine and preventative maintenance, replacement of existing equipment, and new mechanical installations to the value of \$10,000.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 9 July 2022 through state-wide public notice and published by Tenderlink for the provision of repairs, routine and preventative maintenance, replacement of existing equipment, and new mechanical installations to the value of \$10,000. Tenders closed on 27 July 2022. A submission was received from each of the following:

- AMS Technology Group Pty Ltd.
- Australian Airconditioning Services Pty Ltd.
- Precise Air Group Pty Ltd.

The submission from Australian Airconditioning Services Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements with its submitted methodology and approach to service delivery in accordance with the City's specifications. Its submission outlined the qualifications and relative experience of key personnel and the company's experience in completing equivalent scopes of works for the City of Wanneroo and Towns of Bassendean and Mosman Park. It has been the incumbent supplier to the City since 2011 performing mechanical services and new installations. The company is well established with appropriate industry experience.

*It is therefore recommended that Council ACCEPTS the tender submitted by Australian Airconditioning Services Pty Ltd for the provision of repairs, routine and preventative maintenance, replacement of existing equipment, and new mechanical installations to the value of \$10,000, as specified in Tender 028/22, for a period of three years, with an option to extend the term of the contract by two (2) terms of one (1) year each, at the submitted schedule of fixed rates, with any price variations subject to the annual percentage change in the Perth CPI (All Groups) applicable to extension options only.*

## **BACKGROUND**

The City has a requirement for a contractor to provide repairs, routine and preventative maintenance, replacement of existing equipment, and new mechanical installations to the value of \$10,000.

The scope of the requirements shall consist of, but not be limited to the following:

- Undertaking routine and preventative inspections.
- Reporting on findings and where necessary, providing detailed reports and costing for repair work to the City.
- Maintaining the mechanical services in accordance with the applicable Australian Standards.
- Maintaining and improving the levels of systems performance, reliability and availability.
- Developing and maintaining a maintenance record system.
- Providing a single point of communication and responsibility for inspection and maintenance.
- Providing an effective breakdown call out response and rectification service.
- Maintaining the existing maintenance log books which includes all activities conducted for each site identifying the site, specific equipment asset number, maintenance activity to be performed and the interval at which each maintenance activity will be performed.
- Replacing an asset where it has reached the end of its lifecycle or is beyond economical repair with a “like for like” product. Where this cannot be achieved, the asset is to be replaced by an equivalent product which has been approved by the Superintendent.
- Performing brand new mechanical installations in accordance with the City’s purchasing protocols.

The City currently has a single contract in place with Australian Airconditioning Services Pty Ltd which expires on 30 September 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 provision of repairs, routine and preventative maintenance, replacement of existing equipment, and new mechanical installations to the value of \$10,000 was advertised through state-wide public notice and published by Tenderlink on 9 July 2022. The tender period was for two weeks, and tenders closed on 27 July 2022.

## Tender Submissions

A submission was received from each of the following:

- AMS Technology Group Pty Ltd.
- Australian Airconditioning Services Pty Ltd.
- Precise Air Group Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ160-09/22.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ160-09/22.

A confidential tender summary is provided in Attachment 3 to Report CJ160-09/22.

## Evaluation Panel

The evaluation panel comprised three members:

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

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

## Evaluation Method and Weighting

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. The predetermined minimum acceptable pass score was set at 55%. The technical nature of the services delivered under the Contract and the projected volumes of work require an increased minimum acceptable score to ensure a high standard of service is maintained.

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

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

## Compliance Assessment

The following two offers received were assessed as fully compliant:

- AMS Technology Group Pty Ltd.
- Australian Airconditioning Services Pty Ltd.

The offer from Precise Air Group Pty Ltd was assessed as partially compliant due to it seeking limits to its aggregated liability, having pricing exclusions within its critical assumptions, and no details for the level of cover for key insurance. The company was included for evaluation on the basis that the City could seek further clarification from the tenderer if it qualified for stage two assessment.

Based upon the above findings, all three offers from AMS Technology Group Pty Ltd, Australian Airconditioning Services Pty Ltd and Precise Air Group Pty Ltd remained for further consideration.

### **Qualitative Assessment**

AMS Technology Group Pty Ltd scored 43.8% in the qualitative assessment and was ranked third in the qualitative assessment. It demonstrated a reasonable understanding of the required tasks with a high level overview provided for the steps it will undertake prior to commencing on site. It will upload a full asset schedule into its operational software SIMPRO which is linked to the asset management system. YouTube media clips explained the software system operational features and capabilities. While it addressed its methodology and approach to the works, most of the data and reporting examples were screenshots of dashboards rather than an explanation of how it will process work orders using the City's ROC application. Warranty information was lacking. It demonstrated some experience in providing similar services with examples provided for local governments Cities of Bayswater, Vincent and Gosnells. The scope of works detailed for these contracts was predominantly for minor works type projects and not ongoing maintenance arrangements. Specialised equipment to be used for the works was lacking and the ability to provide additional personnel and plant / equipment if required was omitted. Information to illustrate relevant experience for its key personnel was addressed, however, specific experience for all nominated sub-contractors was not included.

Precise Air Group Pty Ltd scored 62.4% and was ranked second in the qualitative assessment. It demonstrated substantial experience in providing similar services having conducted mechanical services to high security government facilities via JLL Australia and preventative maintenance, emergency and ad hoc services, including new installations, to numerous commercial and government organisations including City of Stirling since 2017, Fremantle Port Authority since 2016 and ANZ Retail Banking since 2014. It submitted an organisation chart depicting the account management structure with three technicians and two apprentices allocated to the City's scope of works. Roles of the key personnel and responsibilities assigned, plus skills, aptitude, qualifications and responsibilities were noted. Specific details for sub-contractors detailing the length of service, industry experience and the like were lacking. A list of specialised equipment that will be used was not submitted, however, it was noted that all employees will wear suitable personal protective equipment. The company demonstrated a sound understanding of the required tasks including comprehensive information for its proposed transition, and all the foreseeable risks and the corresponding resolution techniques. It confirmed its ability to meet the City's required response times and KPIs assigned and explained how it will capture asset information for uploading into its Uptick software. In-depth procedures for preventative and reactive service requests / emergency repairs were noted. Warranty information was not sighted.

Australian Airconditioning Services Pty Ltd scored 81.8% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the required tasks providing a step by step explanation for how work orders will be received and processed using its job allocation software and the City's ROC application. Warranty information was clearly stated, breakdown timeframes were acknowledged and accepted, how it will comply with Australian Standards was defined, and the contract establishment schedule was populated. The company described its on-call service provision which met the City's expectations. Examples of reports for numerous types of jobs completed were sighted.

It demonstrated extensive experience in providing similar services having performed equivalent scopes of works for the City of Wanneroo since 2018, Towns of Bassendean and Mosman Park since 2017 and 2015 respectively, and the City since 2011. Its nominated key personnel and sub-contractors have the appropriate industry experience, qualifications and expertise to under the scope of works. The company submitted details for its emergency contacts, how it will provide additional resources, and a comprehensive list of the key plant and equipment to be used.

Given the minimum acceptable qualitative score of 55%, Australian Airconditioning Services Pty Ltd and Precise Air Group 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 new contract will consist of two components being the regular servicing (preventative maintenance) and repair (reactive maintenance) of current assets. The City may also require minor modifications to existing infrastructure to be carried out in accordance with the City's purchasing protocols.

To calculate the estimated expenditure for each year, the tendered rate for servicing each asset / unit has been applied to the number of times the asset will require maintenance / inspecting / testing each year. This provides an estimated cost per annum to maintain the assets to the relevant Australian Standards.

For repair works and minor modifications, the tendered hourly rates and mark-up percentages have been applied to actual historical usage data for 12 scheduled items over the last 12 months. 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, and costs will be paid on the actual usage in the future based upon operational requirements.

The schedule of rates is fixed for the three-year contract term, with all tenderers having factored in their price increases for years two and three. The rates for years 4 and 5 are subject to a price variation to a maximum of the CPI for the preceding year, should the City exercise the option to extend the term of the contract. For estimation purposes, a 4.5% CPI increase was applied to the rates in years 4 and 5.

Tenderer	Annual maintenance of assets based upon Schedule of Fixed Rates (clause 3.4.3)			Total Estimated Expenditure Years 1-3 (excl GST)
	Year 1	Year 2	Year 3	
Australian Airconditioning Services Pty Ltd	\$186,629	\$188,244	\$189,906	\$564,779
Precise Air Group Pty Ltd	\$272,035	\$277,772	\$283,725	\$833,532

Tenderer	Estimated repair / modification of assets based upon Schedule of Fixed Rates (clause 3.4.4)			Total Estimated Expenditure Years 1-3 (excl GST)
	Year 1	Year 2	Year 3	
Australian Airconditioning Services Pty Ltd	\$295,718	\$295,719	\$295,719	\$887,156
Precise Air Group Pty Ltd	\$314,164	\$317,600	\$301,877	\$933,641

Tenderer	Estimated Contract Value (clauses 3.4.3 and 3.4.4) Annual Maintenance and repair / modification of assets			Total Estimated Expenditure Years 1-3 (excl GST)
	Year 1	Year 2	Year 3	
Australian Airconditioning Services Pty Ltd	\$482,347	\$483,963	\$485,625	<b>\$1,451,935</b>
Precise Air Group Pty Ltd	\$586,199	\$595,372	\$585,602	<b>\$1,767,173</b>

From 1 July 2021 until 29 June 2022, the City incurred \$464,485 for repair, routine and preventative maintenance of mechanical systems. It is anticipated that the City will incur an estimated expenditure of \$1,451,935 during the three-year contract term, on the proviso it requires similar quantities to 2021-22, and up to \$2,489,727 should the City exercise both extension options.

The schedule of rates offered for servicing all 42 items offered under this Request have been compared to the City's current contract. The offered rates represent a 14% price increase for Year 1 when compared to the existing rates using the number of times the asset will require maintenance / inspecting / testing each year. It is for noting that the current contract has received no price increase during its three-year contract term.

### 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
Australian Airconditioning Services Pty Ltd	81.8%	1	<b>\$1,451,935</b>	1
Precise Air Group Pty Ltd	62.4%	2	<b>\$1,767,173</b>	2

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

### Issues and options considered

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

### Legislation / Strategic Community Plan / Policy implications

#### Legislation

A 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.

## 10 -Year Strategic Community Plan

<b>Key theme</b>	Place.
<b>Outcome</b>	Function and accessible – you have access to quality community facilities that are functional and adaptable.
<b>Policy</b>	Not applicable.

### Risk Management Considerations

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

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

### Financial / Budget Implications

#### Current financial year impact

<b>Account no.</b>	Various capital and maintenance accounts.	
<b>Budget Item</b>	Provision of mechanical services and new mechanical installations to the value of \$10,000.	
<b>Budget amount</b>	\$ 385,000	(operational budget only)
<b>Amount spent to date</b>	\$ 16,121	
<b>Proposed cost</b>	\$ 46,000	(estimated expenditure under existing contract)
	\$ 360,770	(new contract)
<b>Balance</b>	(\$ 37,891)	

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 new contract have been projected based upon expenditure patterns evidenced during 2021-22 for both operational and capital works. The balance, therefore, does not represent an overspend 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

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

### Consultation

Not applicable.



## COMMENT

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

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Jones, SECONDED Cr Hamilton-Prime that Council ACCEPTS the tender submitted by Australian Airconditioning Services Pty Ltd for the provision of repairs, routine and preventative maintenance, replacement of existing equipment, and new mechanical installations to the value of \$10,000, as specified in Tender 028/22, for a period of three years, with an option to extend the term of the contract by two terms of one year each, at the submitted schedule of fixed rates, with any price variations subject to the annual percentage change in the Perth CPI (All Groups) applicable to extension options only.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ162-09/22, page 114 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach 12brf220913.pdf](#)

## **CJ161-09/22 IMPROVEMENTS TO THE WALTER PADBURY BOULEVARD /HEPBURN AVENUE INTERSECTION**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	10105, 101515
<b>ATTACHMENTS</b>	Attachment 1 Option Five Concept Attachment 2 Option Ten Concept
<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 grant offered as part of the State Government 2021 election commitments for improvements to the Walter Padbury Boulevard/Hepburn Avenue intersection.

### **EXECUTIVE SUMMARY**

The City has investigated improvement options for the intersection of Hepburn Avenue and Walter Padbury Boulevard since 2011. In October 2014, Main Roads WA (MRWA) advised that traffic signals at this intersection were not supported for a number of reasons including the low volume of traffic on the side road, the intersections relatively low crash rates/ranking and increasing traffic congestion on Hepburn Avenue.

Following advice received from MRWA, the City commissioned a Major Road Network Review (MRNR) in October 2015 to inform the future network requirements and prioritise improvements to specific sections or intersections of the City's major arterial roads. Included in this review was Hepburn Avenue, as a key east/west arterial road with the outcome (June 2019) concluding that the intersection of Hepburn Avenue and Walter Padbury Boulevard was performing well for the modelling period (up to 2031) and modifications were not required.

At its meeting held on 19 November 2019 (C145-11/19 refers), Council received a 32 signature petition from residents of the City of Joondalup seeking support for the installation of traffic signals at Hepburn Avenue and Walter Padbury Boulevard. Council considered two reports in relation to the petition at its meetings held on 17 March 2020 (CJ032-03/20 refers) and 15 September 2020 (CJ136-09/20 refers) with items being referred back to the Chief Executive Officer to allow further engagement with MRWA.

As part of the 2021 State Government elections, a commitment of \$3 million was made by the State to fund improvements to the Walter Padbury Boulevard and Hepburn Avenue intersection. Since that time, the City has liaised closely with MRWA to generate a number of options for consideration of which Option 5, being traffic signals at Lilburne Road and a dual lane roundabout at Walter Padbury Boulevard, is the preferred option.

*It is therefore recommended that Council:*

- 1 *NOTES the outcome of the modelling and option analysis undertaken by the City and Main Roads WA;*
- 2 *SUPPORTS Option 5 being a dual lane roundabout at the Walter Padbury Boulevard and Hepburn Avenue intersection and traffic signals at the Lilburne Avenue and Hepburn Avenue intersection;*
- 3 *BY AN ABSOLUTE MAJORITY ACCEPTS the offer of grant funding from the State Government to undertake the works as per Part 2 above;*
- 4 *BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 budget by the addition of \$50,000 to the Capital Works Expenditure Budget for the Hepburn Avenue intersection improvements;*
- 5 *BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 budget by the addition of \$50,000 to the Non-operating Grant, Subsidies and Contributions Revenue Budget;*
- 6 *ADVISES the lead petitioner of its decision.*

## **BACKGROUND**

Hepburn Avenue is a major four lane divided district distributor road that services multiple suburbs and provides access for local and regional traffic. The traffic volumes on Hepburn Avenue range between 26,700 vpd east of Marmion Avenue to 33,900 vpd west of Mitchell Freeway.

Walter Padbury Boulevard is a single carriageway, two lane divided local distributor road that services residential areas within Padbury, more commonly known as Hepburn Heights. The Intersection with Hepburn Avenue is currently a T-junction under give way control. The traffic volumes on Walter Padbury Boulevard just north of Hepburn Avenue are approximately 5,200 vpd.

For local distributor roads, the maximum desirable traffic volume is 6,000vpd. On this basis, the traffic volumes on Walter Padbury Boulevard are considered to be within acceptable limits for a road of this type.

Lilburne Road is a single carriageway, two lane divided local distributor road that services the residential areas and school precinct south of Hepburn Avenue. The traffic volumes are approximately 5,500 vpd south of Hepburn Avenue. On the basis of the maximum desirable traffic volume for local distributor roads being 6000vpd, Lilburne Road traffic volumes are considered to be within acceptable limits for a road of this type. The intersection with Hepburn Avenue is a T-junction under give way control.

The City has previously investigated the intersection of Hepburn Avenue and Walter Padbury Boulevard for the installation of traffic signals following the opening of St Stephens School Early Learning Centre in 2011 and the potential impact on traffic for the local area.

Throughout 2013 and 2014 the City liaised with Main Roads WA to seek an agreement in principle for the installation of traffic signal controls at this location. In October 2014, MRWA advised that traffic signals at this intersection were not supported for a number of reasons including the low volume of traffic on the side road, the intersections relatively low crash rates/ranking and increasing traffic congestion on Hepburn Avenue. MRWA recommended that the City consider developing its own strategic road network plans.

Following advice from MRWA, the City commissioned the Major Road Network Review (MRNR) which commenced in October 2015 and was completed in June 2019. Within the MRNR is the city-wide mesoscopic transport model covering the City of Joondalup boundary which provides an insight into existing and expected traffic patterns on a city-wide level. Hepburn Avenue was one of the 11 road corridors that was assessed in further detail at the microsimulation level. By modelling the road corridor, the impacts of individual intersection improvements on the overall movement of vehicles along the road corridor can be understood.

The findings of the MRNR were intended to be a strategic plan for the implementation of intersection upgrades across the City's road network.

The modelling indicated the level of service (LoS) for the intersections on Hepburn Avenue between Glengarry Drive and Gibson Avenue will require a holistic approach to approve traffic movements at the key intersections.

### History of Council Decisions

At its meeting held on 19 November 2019 (C145-11/19 refers), Council received a 32 signature petition from residents of the City of Joondalup requesting the following:

- "1 Provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;*
- 2 Council resolutely lobby the State Government's Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed."*

At its meeting held on the 17 March 2020 (CJ032-3/20 refers) in response to the petition of the 19 November 2019, a Procedural Motion was supported by Council that: *"the matter be referred back to the Chief Executive Officer to investigate alternate access/egress options to Hepburn Heights."*

As part of the investigation for alternative access/egress into Hepburn Heights, the City commissioned new traffic video surveys undertaken on Thursday 2 July and Saturday 4 July 2020 to capture vehicle and pedestrian movements at the intersection to provide data which would determine the most optimum improvements required, if any. The outcome of the data analysis and investigation concluded that the intersection of Hepburn Avenue and Walter Padbury Boulevard did not justify the pursuit of traffic signals at the intersection at this time and may lead to increased delays and frustration experienced by motorists and was unlikely to be approved by Main Roads WA. Further inspection of the area did determine opportunities to improve emergency access and egress to the estate.

At its meeting held on the 15 September 2020 (C136-09/20 refers) in response to the outcomes for alternative access/egress options, the matter was again referred back to the Chief Executive Officer requesting that: *"the Chief Executive Officer to allow further engagement with Main Roads WA and other stakeholders on possible novel solutions to improve the intersection at Walter Padbury Boulevard and Hepburn Avenue, Padbury."*

### **DETAILS**

As part of the 2021 State Government elections, a commitment of \$3 million was made by the State to fund improvements to the Walter Padbury Boulevard and Hepburn Avenue intersections.

In response to the State Governments grant funding offer, MRWA and the City worked together to generate a number of options which would go through a three stage approach, being:

- **Stage 1 – Performance:** a long list of potential options were developed to further determine their suitability in terms of performance, after which, the highest performing treatments would be short listed. Treatment options were modelled for their traffic performance by MRWA who at the same time indicated their opinion of preferred treatment options for short listing.
- **Stage 2 – Assessment:** Modelling undertaken by MRWA was assessed by the City using a Multi-criteria assessment (MCA) tool. This tool was developed by the City to help guide larger scale infrastructure capital investment decisions and is based on the work by the Department of Main Roads Queensland and Infrastructure Australia. All treatments were ranked accordingly against metrics beyond solely traffic performance. This was to determine a short list of possible treatments for further assessment.
- **Stage 3 – Selection:** Short listed treatments would then be further considered in accordance with feasibility of construction, both in terms of the physical footprints of the works and the potential cost. Those which were both highly ranked, constructable and affordable were then able to be put forth for formal consideration.

In total, a long list of 10 options were proposed to be modelled as part of stage 1 by MRWA and included variations of treatments for both intersections.

Following modelling, the traffic modelling data was input into the City's MCA tool. The table below outlines the various options and their respective ranked score (out of a total of five) following stages 1 and 2.

Option	Treatments	Description	Score	Rank
Option 1	Traffic Signal / No Change	Traffic Signal at Lilburne, As is at Walter Padbury	3.571429	6
Option 2	Traffic Signal / US Ban Right	Traffic Signal at Lilburne, Ban right turn out of Walter Padbury (unsignalised)	3.75	4
Option 3	Traffic Signal / TS Ban Right	Traffic Signal at Lilburne, Traffic signal with ban right turn out of Walter Padbury	3.714286	5
Option 4	Traffic Signal / Traffic Signal	Traffic Signals at both Lilburne and Walter Padbury	3.892857	2
Option 5	Traffic Signal / Roundabout	Traffic Signal at Lilburne, Roundabout at Walter Padbury	4.142857	1
Option 6	Roundabout / No Change	Roundabout at Lilburne, As is at Walter Padbury	3.25	8
Option 7	Roundabout / US Ban Right	Roundabout at Lilburne, Ban right turn out of Walter Padbury (unsignalised)	3.178571	10
Option 8	Roundabout / TS Ban Right	Roundabout at Lilburne, Traffic signal with ban right turn out of Walter Padbury	3.178571	9
Option 9	Roundabout / Traffic Signal	Roundabout at Lilburne, Traffic signal at Walter Padbury (full movement)	3.535714	7
Option 10	Roundabout / Roundabout	Roundabout at both Lilburne and Walter Padbury	3.857143	3

Three treatments were considered to warrant further assessment, being Options 5, 4 and 10 in order. Before further effort was invested, the outcome of the MCA was consulted with MRWA and approval in principle sought for the possible shortlisted treatments.

In May 2022, MRWA indicated they were fully supportive of the following two options:

- Option 5: Traffic Signal at Lilburne Road & roundabout at Walter Padbury Boulevard (Attachment 1 refers).
- Option 10: Roundabout at Lilburne Road & roundabout at Walter Padbury Boulevard (Attachment 2 refers).

MRWA indicated MRWA's least preferred option of the top three was Option 4 (traffic signal at Lilburn Road & traffic signal at Walter Padbury Boulevard) citing *"the current level of safety and congestion concerns are low and therefore the benefits are considered minimal"*.

As such Option 5 and Option 10 proceeded to stage 3 and both conceptualised and costed on the basis of the information and time available. The intersection treatment, advantages and disadvantages are provided in the table below:

<b>OPTION 5: Traffic signals at the intersection of Lilburne Road/ Hepburn Avenue combined with a dual lane roundabout at the intersection of Hepburn Avenue/ Walter Padbury Boulevard</b>	
Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• This combination of new traffic signals and roundabout provides improved road safety plus performance benefits. The road treatment combination will reduce the potential for right turn crashes at both intersections and control turning movements for ease of access.</li> </ul>	<ul style="list-style-type: none"> <li>• Pedestrian access at Walter Padbury Blvd proposed roundabout is not ideal with pedestrians having to pick gaps between traffic when crossing. To counter the pedestrian risks involved there will be a need to locate pedestrian crossings away from the circulating aisles of the roundabout where possible.</li> <li>• There will be the need for significant civil works at the intersection of Walter Padbury boulevard to cater for the large roundabout footprint. On this basis, the civil works will require substantial funding.</li> </ul>
<ul style="list-style-type: none"> <li>• Pedestrian access at the proposed traffic signals will provide controlled pedestrian crossings as part of the traffic signal operation.</li> </ul>	
<ul style="list-style-type: none"> <li>• This traffic treatment combination will have a positive impact on the speed environment.</li> </ul>	
<ul style="list-style-type: none"> <li>• The estimated cost of this option is aligned with the state government grant of 3 million dollars.</li> </ul>	

<b>OPTION 10: Dual lane roundabouts on Hepburn Avenue at Lilburne Road and Walter Padbury Boulevard.</b>	
Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• This combination of two new roundabouts provides improved road safety plus performance improvements. The road treatment combination will reduce the potential for right turn crashes at both intersections.</li> </ul>	<ul style="list-style-type: none"> <li>• Pedestrian access at both intersections is not ideal with pedestrians having to pick gaps between traffic when crossing. To counter the pedestrian risks involved there will be a need to locate pedestrian crossings away from the circulating aisles of the roundabout where possible.</li> </ul>

<b>OPTION 10: Dual lane roundabouts on Hepburn Avenue at Lilburne Road and Walter Padbury Boulevard.</b>	
Advantages	Disadvantages
<ul style="list-style-type: none"> <li>This traffic treatment combination will have a positive impact on the speed environment.</li> </ul>	<ul style="list-style-type: none"> <li>There will be the need for significant civil works at both intersections to cater for the large roundabout footprints. On this basis, the civil works will require substantial funding.</li> <li>The estimated cost of this option is not aligned with the state government grant of \$3 million and will require a significant contribution from the City through the <i>Five Year Capital Works Program</i>.</li> </ul>

The preliminary cost detailed below were based on a 5% design concept plus discussions with Main Roads WA and City projects of a similar nature. The cost estimates are subject to detailed design in particular the impact on project costs associated with third party utility services and Western Power asset modifications and are as follows:

- Option 5 – Traffic signals at Lilburne Road and roundabout at Walter Padbury Boulevard - \$3.2 million.
- Option 10 – Roundabouts at both Lilburne Road and Walter Padbury Boulevard - \$4.4 million.

Based on the above, Option 5 being traffic signals at Lilburne Road and a dual lane roundabout at Walter Padbury Boulevard is the preferred option.

### Design and Construction Timing

Subject to Council's support and the State Government's funding agreement, an indicative project schedule, which is subject to third party approvals and availability of consultancy services, is provided below:

Milestone	Timelines
Preliminary design	Late 2022 to early 2023
Detailed design	Early 2023 to early 2024
External approvals	Early 2023 to early 2024
Construction	Early 2024 to early 2025

### Issues and options considered

Council can choose to either:

Option 1 - Do nothing and not accept the grant offer.

This is not recommended. Although these two intersections are not considered by the City to be the highest priority for upgrading when considering the City's road network as a whole, the grant funding offered is specific for section of Hepburn Avenue only. Not accepting the grant funding offered by MRWA will mean that the City will have to fund these upgrades, when required, in the future.

Option 2 - Accept the grant offered and amend the *2022-23 Budget*

Accepting the grant offered will provide funding for the upgrading of the intersections of Hepburn Avenue with both Lilburne Road and Walter Padbury Boulevard. This is the recommended option.

Amending the *2022-23 Budget* will enable the City to commence the work as per the indicative timeline provided in this report.

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

#### **Legislation**

*Section 6.8 of the Local Government Act 1995:*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) *is authorised in advance by resolution\*; or*
  - (c) *is authorised in advance by the mayor or president in an emergency*
- (1a) *In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*

*\* Absolute majority required.*

### **10-Year Strategic Community Plan**

#### **Key theme**

Place.

#### **Outcome**

Connected and convenient - you have access to a range of interconnected transport options.

#### **Policy**

Not applicable.

### **Risk management considerations**

There is a reputational risk for the City if the grant funding is not accepted as expectations have been created for the delivery of this project following the announcements made during the last State Government election.

Additional internal resources will be engaged to minimise the risk of the City not being able to deliver the project in alignment with the grant conditions and delivery expectations.

### **Financial / budget implications**

Accepting the grant will reduce the City's future expenditure to upgrade these Hepburn Avenue intersections.

Accepting the grant will require a budget amendment to the 2022-23 budget to include this project as follows:

- \$50,000 to be added to the *Capital Works Program 2022-23 Budget* (Expenditure).
- \$50,000 to be added to *Capital Grants 2022-23 Budget* (Revenue).



The budget allocation would allow the appointment of an internal resource to commence design and relevant approvals to ensure the project is on track for completion as per the indicative timeline provided in this report.

If approved, funding for future years will be included in the draft *Five Year Capital Works Program* for consideration by Elected Members during the budget development process.

### **Regional significance**

Hepburn Avenue is a key east / west arterial road providing access to Hillary's Boat Harbour to the west and the Greenwood train station, Mitchell Freeway and Wanneroo Road to the east.

### **Sustainability implications**

Not applicable.

### **Consultation**

The City has been liaising with MRWA regarding this project to determine the most appropriate design solution which is the subject of this report.

No recent community consultation has been undertaken by the City, however, consultation undertaken in 2015 showed strong support for upgrading the intersection of Walter Padbury Boulevard and Hepburn Avenue. If intersection upgrade works are supported by Council, affected residents will be notified as per the City's *Notification of Public Works Policy* prior to the works commencing.

### **COMMENT**

Upgrading of the Walter Padbury Boulevard and Hepburn Avenue intersection requires a network approach to ensure improvements align with the overall network operations. As such, the preferred option is to install traffic signals at the intersection of Lilburne Road and Hepburn Avenue and a dual lane roundabout at the intersection of Walter Padbury Boulevard and Hepburn Avenue. These intersection improvements are supported by MRWA.

### **VOTING REQUIREMENTS**

Absolute Majority.

### **OFFICER'S RECOMMENDATION**

That Council:

- 1 NOTES the outcome of the modelling and option analysis undertaken by the City and Main Roads WA;
- 2 SUPPORTS Option 5 being a dual lane roundabout at the Walter Padbury Boulevard and Hepburn Avenue intersection and traffic signals at the Lilburne Avenue and Hepburn Avenue intersection;
- 3 BY AN ABSOLUTE MAJORITY ACCEPTS the offer of grant funding from the State Government to undertake the works as per Part 2 above;

- 4 BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 budget by the addition of \$50,000 to the Capital Works Expenditure Budget for the Hepburn Avenue intersection improvements;
- 5 BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 budget by the addition of \$50,000 to the Non-operating Grant, Subsidies and Contributions Revenue Budget;
- 6 ADVISES the lead petitioner of its decision.

*The Director Planning and Community Development entered the Chamber at 9.50pm.*

*Cr Logan entered the Chamber at 9.50pm.*

**MOVED Cr Fishwick, SECONDED Cr Hamilton-Prime that Council:**

- 1 **NOTES the outcome of the modelling and option analysis undertaken by the City and Main Roads WA;**
- 2 **SUPPORTS Option 5 being a dual lane roundabout at the Walter Padbury Boulevard and Hepburn Avenue intersection and traffic signals at the Lilburne Avenue and Hepburn Avenue intersection;**
- 3 **BY AN ABSOLUTE MAJORITY ACCEPTS the offer of \$3 million grant funding commitment from the State Government and upon the initial progress payment being received undertakes the works as per Part 2 above;**
- 4 **BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 budget by the addition of \$50,000 to the Capital Works Expenditure Budget for the Hepburn Avenue intersection improvements;**
- 5 **BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 budget by the addition of \$50,000 to the Non-operating Grant, Subsidies and Contributions Revenue Budget;**
- 6 **ADVISES the lead petitioner of its decision.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf220913.pdf](#)*

**Disclosure of Interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ162-09/22 - Costings for the Completion of Lane 5 through to Clontarf Street.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Adele Andrich who provided a deputation is known to Cr Hamilton-Prime. Cr Hamilton-Prime has previously engaged and met Ms Adele Andrich on this matter and assisted with advice on how to submit a petition.

## CJ162-09/22      COSTINGS FOR THE COMPLETION OF LANE 5 THROUGH TO CLONTARF STREET

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	87539, 101515
<b>ATTACHMENTS</b>	Attachment 1      JDSI Technical Memorandum
<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 the costings for the completion of Lane 5 from Lane 1 through to Clontarf Street, Sorrento.

**EXECUTIVE SUMMARY**

The opening of Lane 5, Sorrento, has been considered by Council at its meeting held on 21 October 2014 (CJ194-10/14 refers) and again at its meeting held on 28 June 2022, (CJ102-06/22 refers), where Council resolved, amongst other things, the following:

- “1      *NOTES that there is merit in the construction of Lane 5 through to Clontarf Street in the long term and that a note has been placed on the property file flagging the need for a truncation at the intersection of Lane 1 and Lane 5;*
- 6      *REQUESTS the Chief Executive Officer prepare a report by September 2022 with detailed costings for the completion of Lane 5 from Lane 1 through to Clontarf Avenue for inclusion within the City’s Five Year Capital Works Program.”*

In compiling the June 2022 report, a comprehensive assessment was undertaken of the local laneway network, the history of the sites and previous decisions of Council. In relation to Lane 5 specifically, it was noted in the report that the unconstructed section of this lane was primarily due to the topography, unknown earthwork requirements, and land acquisition needs of which previous investigations have indicated could be costly.

In order for a detailed costing to be prepared, the City engaged the services of JDSI Consulting Engineers to prepare an Opinion of Probable Cost (OPC) for the design and construction of Lane 5 through to Clontarf Street. In developing the OPC, JDSI assumed a construction methodology comprising of a microfine cement grout injection with a permanent block faced anchored to the continuous microfine grout block which requires adjacent landowner approval to undertake grouting within the private property. This was estimated at a cost of \$753,445  $\pm$  30%.

Concurrently with the development of OPC by JDSI, the City undertook a review of the preliminary cost estimate that had previously been provided to Council. The City's estimate takes into consideration the complexity of constructing a concrete pile retaining walls within the constraints of the laneway and is estimated at \$930,000  $\pm$  20%.

Irrespective of which retaining option is pursued, the physical construction of Lane 5 through to Clontarf Street can only occur once the land acquisition for the truncation on the corner of Lane 1 and Lane 5 has been completed. The most prudent approach to acquire the land necessary for the works would be through a future development as opposed to a compulsory acquisition under the *Public Works Act*, which would introduce additional complexity, cost, consultation and time to the project.

*It is therefore recommended that Council:*

- 1 *NOTES that project cost estimates for the construction of Lane 5 between Lane 1 and Clontarf Street as detailed in Report CJ162-09/22;*
- 2 *DOES NOT SUPPORT listing for consideration during the budget development process, a project to progress the construction of Lane 5 through to Clontarf Street at this time;*
- 3 *RECONFIRMS its decision of 28 June 2022 (CJ102-06/22 refers) which reads as follows:*

*“NOTES that there is merit in the construction of Lane 5 through to Clontarf Street in the long term and that a note has been placed on the property file flagging the need for a truncation at the intersection of Lane 1 and Lane 5.”*

## **BACKGROUND**

The opening of Lane 5, Sorrento, has been considered by the Capital Works Committee at its meeting held on 7 October 2014 and by Council at its meeting held on 21 October 2014 (CJ194-10/14 refers). In this report, Council considered the potential benefits, costs and technical constraints required to construct the opening of Lane 5 in Sorrento, between the existing built Lane 1 and Clontarf Street as well as whether or not to instigate a Capital Works Project to open up Lane 5.

As per the 21 October 2014 report (CJ194-10/14 refers), *“a preliminary design estimate was prepared based on the following assumptions:*

- *Rock likely to be found on site, with loose material over old drainage and sewer trenches.*
- *Either reinforced block wall (two leaf) or precast reinforced panels to approximately two and a half metres high.*
- *Removal of 450m<sup>3</sup> material off site.*
- *Relocation of gas and Telstra services is not required.*

- *Protection of the existing shallow 150mm diameter PVC sewer is required, typically by concrete encasement and subject to Water Corporation approval. Alternatively, relocation of the sewer to a central alignment may provide an improved outcome for construction and sustainability.*
- *Reconstruction of the existing drainage system in the lower section of the laneway.*
- *Construction of laneway.*

*The preliminary cost estimate for the project is \$550,000 with a likely cost variation of + 20% subject to detailed design and review of ground conditions and construction techniques.”*

Council resolved as follows:

- “1 *NOTES the potential benefits, estimated costs and technical constraints required to construct Lane 5, Sorrento between the existing built Lane 1 and Clontarf Street as detailed in Report CJ194-10/14;*
- 2 *DOES NOT SUPPORT listing for consideration a project to open Lane 5, Sorrento in the current Five Year Capital Works Program, due to the high cost and limited benefit of the project;*
- 3 *SUPPORTS the retention of the Lane 5 at 100, 102 and 104B West Coast Drive, Sorrento in public ownership to allow for future changes to the Laneway;*
- 4 *PLACES a note on the property file noting the need for a truncation at the intersection of lane 1 and lane 5 to allow turning movements for waste and service vehicles to be requested if and when lot 402 Clontarf Street is subdivided.”*

At its meeting held on 21 September 2021 (C89-09/21 refers), a 61 signature petition in relation to the City undertaking a process regarding the renaming, reviewing and development of the laneways in Sorrento and Marmion was received by Council. At the same meeting (C101-09/21 refers), Council considered a Notice of Motion which included a request for an investigation into completing Lane 5 through to Clontarf Street.

A comprehensive assessment was undertaken of the local laneway network, the history of the sites and previous decisions of Council and a report on the outcomes was considered by Council at its meeting held on 28 June 2022 (CJ102-06/22 refers). In relation to Lane 5 specifically, it was noted in the report that the unconstructed section of this lane was primarily due to the topography, unknown earthwork requirements, and land acquisition needs of which previous investigations have indicated could be costly.

The June 2022 report detailed that the preliminary estimates (subject to detailed design) indicated that the order of costs for removal of excess soil, temporary piling, and construction of retaining walls, relocation of services, construction of laneway, kerbing, drainage and connection to Clontarf Street are in the order of \$700,000 ± 20%. The report of 2014 indicated an approximate cost of \$550,000 ± 20% however, the market had moved considerably since this original opinion of probable costs.

Council resolved, amongst other things, as follows:

- “1 *NOTES that there is merit in the construction of Lane 5 through to Clontarf Street in the long term and that a note has been placed on the property file flagging the need for a truncation at the intersection of Lane 1 and Lane 5;*
- 6 *REQUESTS the Chief Executive Officer prepare a report by September 2022 with detailed costings for the completion of Lane 5 from Lane 1 through to Clontarf Avenue for inclusion within the City’s Five Year Capital Works Program.”*

## DETAILS

In order for a detailed costing to be prepared, the preparation of a detailed design is required which for a project of this level of complexity would require 12-18 months to complete preliminary investigation works such as a site survey, detailed design, and service utility adjustments to occur prior to construction. A detailed design is only undertaken when a project has been approved and budgeted for by Council, which is not the case here. It is therefore assumed that the Council decision of June 2022 was to provide Council with the appropriate level of assurance regarding the likely cost of this project to enable an informed decision to be made should Council support the delivery of this project.

The City engaged an external consultant, JDSI Consulting Engineers, to prepare an opinion of probable cost (OPC) for the design and construction of Lane 5.

The City has now received a technical memorandum from JDSI (Attachment 1 refers) covering, amongst other things, the following:

- Retaining structure, construction material and methodology.
- Works footprint and impact on access.
- Critical assumptions.
- Possible methodology for delivery.
- Indicative timeline.
- OPC of design.
- OPC of construction.

In their technical memorandum, JDSI has proposed a construction methodology comprising of a microfine cement grout injection with a permanent block faced anchored to the continuous microfine grout block. A critical assumption to enable this construction methodology is adjoining landowner approval and consent without any costs to the City of the microfine cement grout injection into their property boundary. This is by no means a given.

JDSI has also made an assumption that the Water Corporation will agree to the concrete encasement of the existing sewer lane located in Lane 5. Additionally, JDSI has assumed minimal cap rock to be encountered that would not impact on the design and ultimate cost of the retaining wall. They however, noted, that should consent from the adjoining property owners not be obtained the cost for an alternate solution will be substantially higher than that of the microfine grout injection option.

The preliminary OPC for the microfine grout injection and block option is \$735,445 consisting of \$614,445 for construction and \$121,000 for design and supervision fees.

Simultaneous with the development of the preliminary OPC by JDSI, the City undertook a review of the preliminary cost estimate based on a concept design to open Lane 5 that was previously provided to Council.

The opening of Lane 5 would be a multifaceted project involving many different factors including the following:

- Complex structural design.
- Complex construction methodology.
- Access issues.
- Land acquisition issues.
- Services modifications.

### Complex Structural Design

Construction of this section of Lane 5 will require the design and construction of a retaining wall structure along both sides of the laneway as well as retaining along Clontarf Street to construct the Lane 5 and Clontarf Street intersection. In addition, the verge along Clontarf Street either side of the proposed intersection would need to be retained back from the road to provide sufficient sightlines between vehicles exiting the laneway and vehicles/pedestrians on Clontarf Street. Concrete piling could be considered as a suitable retaining system; however, this would be confirmed at the detailed structural design phase. The likely costs associated with this type of retaining system are significant and will have a huge impact on the project construction cost.

### Complex Construction methodology

This section of Lane 5 would require significant excavation to construct the laneway to get the laneway road level to tie in with the Clontarf Street road level. The construction of the road pavement and kerbing for laneway would take up most of the laneway space, (4.5 metres of the available 6 metres). Therefore, the use of a conventional limestone retaining wall would not be able to be considered as the footprint would extend into the adjoining residential blocks.

A retaining with a small footprint, such as concrete piling, would be required as the primary retaining system solution. In order to safely retain the earth on both sides of the laneway, 450mm diameter piles would be required. This is due to the fact that the height difference between laneway road surface level and adjoining property surface levels will be 2.6 metres at the deepest point. In order to install the piles, a 20 tonne pile drilling vehicle would need access to the top of the unconstructed laneway section. In addition, due to the vehicles size it would not be able to complete the pile drilling within the laneway road reserve and would need to access the site from Clontarf Street via the vacant portion of land at No. 100 (Lot 403) West Coast Drive. This would therefore require an agreement between the City and the landowner to access the site for the purpose of completing the concrete piling construction works.

### Land acquisition

The corner of the laneway at the junction of Lane 1 and Lane 5 has no truncation making turning movements difficult, especially for waste vehicles or other service vehicles. A truncation can be sought via either compulsory acquisition or can be requested should the adjoining lot subdivide.

Compulsory acquisition could occur, but this would require the City to purchase the required land at market rates, adding cost to the overall project. In addition, compulsory acquisition would take approximately two years to process and would introduce additional complexity, cost, consultation and time to the project. Therefore, the most prudent approach would be to acquire the land necessary for the works would be through a future development and not the compulsory acquisition process under the *Public Works Act*.

In addition to the land required for the truncation of Lane 1 and Lane 5, some retaining structures, such as the structure proposed by JDSI, would require additional land or at least, landowner approval, to enable the construction of the retaining structures. This applies more specifically to the northern end of the project area on the east side adjacent to No. 1 (Lot 402) Clontarf Street which currently sits above the first 30 metre section of Lane 5 extending south from Lane 1. While the project has already indicated that land acquisition would be needed at the Lane 1 / Lane 5 intersection the need to acquire a 1-2 metre strip of land from the western boundary of No. 1 (Lot 402) may also be required to enable the construction of the retaining wall.

### Service modifications

While preliminary investigations indicate that only stormwater drainage and sewer services are present within this section of Lane 5, there may be other services present which have not been identified. If other services are present these may also require modification which would result in additional cost not currently included in the estimates.

### Summary

In consideration of all the factors, the cost of constructing Lane 5 through to Clontarf Street has been re-estimated with contingencies applied against construction items requiring further investigation. The table below outlines the City's estimated costs.

<b>Construction Task</b>	<b>Cost</b>	<b>Totals</b>
<b>Civil Works</b>		
Detailed Civil Design	\$20,000	
Land Acquisition	\$60,000	
Demolition and Construction Costs	\$180,000	
Traffic Management	\$70,000	\$330,000
<b>Structural Works/Retaining Walls</b>		
Detailed Structural Design, Geotech Investigation & Survey	\$70,000	
Retaining/Piling	\$365,000	\$435,000
<b>Other</b>		
Community Engagement	\$10,000	\$10,000
Sub Total		\$775,000
20% Contingency		\$155,000
<b>Total</b>		<b>\$930,000</b>
<b>+/- 20% - Cost estimate accuracy</b>		<b>\$186,000</b>
<b>Expected Total Cost</b>		<b>\$1,116,000</b>

### **Issues and options considered**

Council can either:

- Option 1            Do nothing (leave Lane 5 in its current configuration).
- Option 2            Support listing for consideration during the budget development process, a project to progress the construction of Lane 5 through to Clontarf Street. The timeframe and budget for this project would need to include concept and detailed design, compulsory acquisition of the land required and the eventual construction following the compulsory acquisition process.
- This is not the recommended option.
- Option 3            Reconfirm its previous decisions of 2014 and June 2022 that there is merit in the construction of Lane 5 through to Clontarf Street in the long term noting the City's action to place a note on the property file flagging the need for a truncation of intersection of Lane 1 and Lane 5.



Once the land for the truncation has been acquired by the City via a future development, a project to progress the construction of Lane 5 through to Clontarf Street can then be listing for consideration during a future budget development process.

This is the recommended option.

### Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Road Traffic Code 2000.*  
*Traffic Act 1974.*

### 10-Year Strategic Community Plan

**Key theme**                      Place.

**Outcome**                      Connected and convenient - you have access to a range of interconnected transport options.

**Policy**                          Not applicable.

### Risk management considerations

If Council supported a project to open Lane 5 to Clontarf Street, construction risks may include the potential for vibration damage to properties near the site derived from construction activity particularly where rock is found. Pre-works dilapidation reports may be employed to reduce the risk of any claims against the contractor engaged to undertake the works.

The compulsory acquisition of adjacent land may cause a reputational risk to the City which can be mitigated by acquiring the land at a time when that parcel of land is being redeveloped.

Project cost is subject to available contractors and their rates which are currently inflated due to limited availability in the current market. Additionally, as the project has only been concept designed there are a number of factors which may influence cost relating to constructability, material availability, community impact, and limitations on applicable works period which would be during the summer months only.

### Financial / budget implications

As detailed in this report, the various project cost estimates relating to the construction of Lane 5 between Lane 1 and Clontarf Street are as follows:

Estimate	Rationale	\$
City estimate 2014	Based on construction rates for similar projects at the time	550,000 (± 20%)
City estimate June 2022	Escalated City estimate 2014	700,000 (± 20%)
JDSI OPC	Microfine grout injection option	735,445 (± 30%)
City estimate September 2022	Based on current construction rates	930,000 (± 20%)

The cost incurred by the City for the JDSI Opinion of Probable Cost was \$5,000.

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

No applicable.

**COMMENT**

The cost estimates developed by the City and an external third party, as detailed in this report, are deemed adequate to assist with the development of a future budget. Capital works projects are prioritised annually as part of the budget and Five Year Capital Works Program development and projects are prioritised on merit against the needs of the wider City of Joondalup. Once a project has been approved by Council, the City can then allocate the appropriate resources and commence with the detailed design to enable the project to be tendered for construction.

It must again be noted that the physical construction of Lane 5 through to Clontarf Street can only occur once the land acquisition for the truncation on the corner of Lane 1 and Lane 5 has been completed.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 NOTES that project cost estimates for the construction of Lane 5 between Lane 1 and Clontarf Street as detailed in Report CJ162-09/22;
- 2 DOES NOT SUPPORT listing for consideration during the budget development process, a project to progress the construction of Lane 5 through to Clontarf Street at this time;
- 3 RECONFIRMS its decision of 28 June 2022 (CJ102-06/22 refers) which reads as follows:

*“NOTES that there is merit in the construction of Lane 5 through to Clontarf Street in the long term and that a note has been placed on the property file flagging the need for a truncation at the intersection of Lane 1 and Lane 5”.*

*Cr May left the Chamber at 9.58pm and returned at 10.01pm.*

*The Director Corporate Services left the Chamber at 10.20pm and returned at 10.25pm.*

**MOVED Cr Raftis, SECONDED Cr Thompson that Council:**

- 1** NOTES that project cost estimates for the construction of Lane 5 between Lane 1 and Clontarf Street as detailed in Report CJ162-09/22;
- 2** AGREES to list for consideration as part of the 2023-24 budget development process an allocation of \$100,000 to undertake the detailed design of a constructed vehicle connection from Lane 5 to Clontarf Street, Sorrento and the investigation of associated land acquisition to facilitate the project;
- 3** RECONFIRMS its decision of 28 June 2022 (CJ102-06/22 refers) which reads as follows:

***“NOTES that there is merit in the construction of Lane 5 through to Clontarf Street in the long term and that a note has been placed on the property file flagging the need for a truncation at the intersection of Lane 1 and Lane 5”.***

**AMENDMENT MOVED Cr Kingston, SECONDED Cr Raftis that a new Part be ADDED to the Motion to read as follows:**

- “4** REQUESTS the Chief Executive Officer advocate and lobby the State Government to undertake a review of emergency service infrastructure in the vicinity of laneways in Sorrento to facilitate reasonable improvements by the relevant authority according to the relative risk of an emergency.”

**The Amendment was Put and**

**LOST (6/7)**

**In favour of the Amendment:** Crs Chester, Kingston, May, Poliwka, Raftis and Thompson.

**Against the Amendment:** Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hill, Jones, Logan and McLean.

*The Media and Communications Officer left the Chamber at 10.44pm and returned at 10.46pm.*

**The Motion as MOVED Cr Raftis, SECONDED Cr Thompson was Put and**

**LOST (6/7)**

**In favour of the Motion:** Crs Chester, Kingston, May, Poliwka, Raftis and Thompson.

**Against the Motion:** Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hill, Jones, Logan and McLean.

*During debate Cr Hamilton-Prime foreshadowed an Alternate Motion.*

**MOVED Cr Hamilton-Prime, SECONDED Cr Logan that Council:**

- 1 **NOTES** that project cost estimates for the construction of Lane 5 between Lane 1 and Clontarf Street as detailed in Report CJ162-09/22;
- 2 **DOES NOT SUPPORT** listing for consideration during the budget development process, a project to progress the construction of Lane 5 through to Clontarf Street at this time;
- 3 **RECONFIRMS** its decision of 28 June 2022 (CJ102-06/22 refers) which reads as follows:  
  
*“NOTES that there is merit in the construction of Lane 5 through to Clontarf Street in the long term and that a note has been placed on the property file flagging the need for a truncation at the intersection of Lane 1 and Lane 5”;*
- 4 **REQUESTS** the Chief Executive Officer advocate and lobby the State Government to undertake a review of emergency service infrastructure in the vicinity of laneways in Sorrento to facilitate reasonable improvements by the relevant authority according to the relative risk of an emergency.

**C114-09/22**

**PROCEDURAL MOTION – THAT THE MOTION BE NOW PUT**

**MOVED Cr Logan, SECONDED Cr May** that the Motion be now PUT as per 10.1(b) of the *Meeting Procedures Local Law 2013*.

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka and Thompson.

**Against the Motion:** Cr Raftis.

**The Motion as MOVED Cr Hamilton-Prime, SECONDED Cr Logan was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka and Thompson.

**Against the Motion:** Cr Raftis.

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf220913.pdf](#)*

C115-09/22

**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION**

**MOVED** Cr Jones, **SECONDED** Cr Hamilton-Prime that pursuant to the *City of Joondalup Meeting Procedures Local Law 2013 – Clause 4.8 – Adoption by exception resolution*, Council **ADOPTS** the following items:

**CJ147-09/22, CJ150-09/22, CJ155-09/22, CJ156-09/22, CJ157-09/22, CJ159-09/22, CJ160-09/22.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

## REPORTS OF THE CHIEF EXECUTIVE OFFICER

Nil.

## URGENT BUSINESS

Nil.

## MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### **C158-09/22            NOTICE OF MOTION NO.1 – CR MAY – CCTV CAMERAS**

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 20 September 2022:

***That Council REQUESTS the Chief Executive Officer to prepare a report on the following:***

- 1        Feasibility, costs and options for the provision of CCTV (either permanent or mobile) to monitor the inside of underpasses deemed to have high incidents of vandalism and antisocial behaviour, namely City of Joondalup underpasses connecting to major activity centres and train stations;***
- 2        Other options to improve community safety and deter antisocial behaviour and vandalism at any underpasses identified as requiring improvements;***
- 3        Number of incidents reported to the City of vandalism, graffiti and other antisocial behaviour in underpasses connecting major activity centres and train stations, compared to underpasses generally, in the last three years;***
- 4        Identification of what the City administration views as priority underpasses for additional security measures, including but not limited to, mobile or permanent CCTV and improved lighting, based on incidents of vandalism and antisocial behaviour, current and likely future foot traffic (for example, new infrastructure planned or proximity to an infill/HOA area);***
- 5        An estimate of costs incurred for removal of graffiti and repair of other vandalism of underpass infrastructure over the last three years.***

## REASON FOR MOTION

Following a Notice of Motion for endorsed by Council in December 2021 calling for a report to investigate CCTV in busy underpasses surrounding Whitford City, I moved a further notice of Motion in August 2022, requesting allocation of funding for the provision of CCTV in the underpass which I view as having the most issues around vandalism and antisocial behaviour.

The August 2022 motion was defeated, with a key reason provided that the Motion did not call for a further report into the matter. Subsequently, I propose this Motion to Council to provide a further report on the issue of problematic underpasses, requesting further detail on incidents reported to the City in which CCTV and other security measures may assist with deterring, or assisting Police in identifying offenders, as well as providing the community with a greater sense of safety when using these underpasses. Once the report is held, it will provide Council with more concrete evidence to consider investment in CCIV or other security measures as identified by the City.

## OFFICER'S COMMENT

A report can be prepared.

In relation to reporting on the number of incidents reported to the City of vandalism, graffiti and other antisocial behaviour in underpasses, the City maintains data on services that it directly provides, such as graffiti removal. Other antisocial and criminal behaviour, such as damage and vandalism, is managed directly by the WA Police and the City therefore does not have this data available internally. The City will however work with WA Police to obtain relevant information for inclusion in a report.

**MOVED Cr May, SECONDED Cr Hamilton-Prime that Council REQUESTS the Chief Executive Officer to prepare a report on the following:**

- 1 Feasibility, costs and options for the provision of CCTV (either permanent or mobile) to monitor the inside of underpasses deemed to have high incidents of vandalism and antisocial behaviour, namely City of Joondalup underpasses connecting to major activity centres and train stations;**
- 2 Other options to improve community safety and deter antisocial behaviour and vandalism at any underpasses identified as requiring improvements;**
- 3 Number of incidents reported to the City of vandalism, graffiti and other antisocial behaviour in underpasses connecting major activity centres and train stations, compared to underpasses generally, in the last three years;**
- 4 Identification of what the City administration views as priority underpasses for additional security measures, including but not limited to, mobile or permanent CCTV and improved lighting, based on incidents of vandalism and antisocial behaviour, current and likely future foot traffic (for example, new infrastructure planned or proximity to an infill/HOA area);**
- 5 An estimate of costs incurred for removal of graffiti and repair of other vandalism of underpass infrastructure over the last three years.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

**C116-09/22                    MOTION TO CLOSE THE MEETING TO MEMBERS OF THE PUBLIC**

**MOVED Mayor Jacob, SECONDED Cr Poliwka that Council:**

- 1** in accordance with Section 5.23(2)(b) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following item:
  - 1.1** CJ152-09/22 - Walk of Fame;
  
- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Item CJ152-09/22 - Walk of Fame while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
  - 2.1** Chief Executive Officer, Mr James Pearson;
  - 2.2** Director Corporate Services, Mr Mat Humfrey;
  - 2.3** Director Governance and Strategy, Mr Jamie Parry;
  - 2.4** Director Planning and Community Development, Mr Chris Leigh;
  - 2.5** Acting Director Infrastructure Services, Mr Matthew Macpherson;
  - 2.6** Manager Governance, Mrs Kylie Bergmann;
  - 2.7** Governance Officer, Mrs Deborah Gouges.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Community Development, Acting Director Infrastructure Services, Manager Governance and Governance Officer) and members of the public and press left the Chamber at this point; the time being 10.59pm.*



**CJ152-09/22 WALK OF FAME**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBER</b>	109153, 101515
<b>ATTACHMENTS</b>	Attachment 1 Confidential - Independent member for the 2022 'Walk of Fame' Selection Group  <i>(Please Note: Attachment 1 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 agree to appoint an independent member for the 2022 'Walk of Fame' Selection Group.

**EXECUTIVE SUMMARY**

At its meeting held on 25 June 2022 (CJ076-06/19 refers), Council established a Walk of Fame. The second installation of the project is now due to commence in accordance with previous Council recommendations. The next stage of the project requires the appointment of an independent community member who will form part of the Selection Group along with the Mayor and Chief Executive Officer who will oversee the selection process.

*It is therefore recommended that Council AGREES to appoint an independent member for the 2022 'Walk of Fame' Selection Group.*

**BACKGROUND**

The 'Walk of Fame' was designed to recognise people with strong ties to the City who have demonstrated success in the following categories:

- Sporting.
- Business.
- Community.

At its meeting held on 25 June 2019 (CJ076-06/19 refers), Council agreed to the establishment of the "Walk of Fame" project.

The recommendations detailed the following:

- 1 *AGREES to the establishment of the City of Joondalup 'Walk of Fame' program as detailed in Report CJ076-06/19;*
- 2 *APPROVES the establishment of a 'Walk of Fame' Selection Group, consisting of the Mayor, the Chief Executive Officer and an independent community member;*
- 3 *APPROVES the Mayor and the Chief Executive Officer to identify and recommend to Council an independent community member for the 'Walk of Fame' Selection Group;*
- 4 *APPROVES the 'Walk of Fame' being located in Central Walk, Joondalup;*
- 5 *APPROVES the use of concrete pavers and the specification of the pavers;*
- 6 *ENDORSES the 'Walk of Fame' nomination criteria as detailed in Report CJ076-06/19;*
- 7 *ENDORSES the community nomination process subsequent to the inaugural induction;*
- 8 *NOTES the inaugural inductees to the 'Walk of Fame' program will be selected by the 'Walk of Fame' Selection Group once established;*
- 9 *AGREES the group of nominees who have already been identified, researched and deemed to meet the selection criteria, to be the inaugural inductees into the 'Walk of Fame' and that an inscribed concrete paver for each inductee be installed in Central Walk Joondalup prior to the end of the 2019 calendar year.*

As identified in Report CJ076-06/19 a group of inductees were identified using the following nomination criteria:

- The nominee has resided in the City for over five years and/or attended an educational institution that is located within the City of Joondalup for five years or more  
Area of recognition: Sports/ Business or Professional/ Community.
- Clubs played for are located within the City of Joondalup.
- Business/ Professional/ Community achievements.
- Nominee involvement with the community/ philanthropy within the City of Joondalup.
- Awards Received Elsewhere.
- Media Profile.

The nominee was required to meet the first criteria relating to residency within the City of Joondalup and/ or attending a school in the City of Joondalup for no less than five years before consideration of the additional criteria was given.

Due to delays in relation to COVID and the implementation of the infrastructure to allow the launch of the Walk of Fame, the inaugural launch of the project was held on 14 May 2021 whereby 11 recipients were inducted.

Concrete pavers have been installed for the inaugural inductees included:

- Justin Langer
- Casey Dellacqua
- Jessica Bratich Johnson
- Shaun Tan
- Michael Malone
- David Hussey
- Greg Hire
- Matt Priddis
- Mike Hussey
- Brian Bratich
- Daniel Ricciardo.

At its meeting held on 25 June 2019 (CJ076-06/19 refers), Council endorsed a community nomination process subsequent to the inaugural induction. City officers will continue to undertake a validation process to ensure accuracy of the information provided.

## **DETAILS**

A selection group comprising the Mayor, the Chief Executive Officer and an independent community member needs to be formed to oversee the selection process for future 'Walk of Fame' nominees.

The Mayor and the Chief Executive Officer are required to identify and recommend to Council an independent community member for the 'Walk of Fame' Selection Group. A proposed independent community member has been identified for endorsement to the 'Walk of Fame' Selection Group.

Once the appointment has been made a community process for the next round of nominations can commence. The community nomination process will be developed by the City promoted via a marketing campaign and engagement with the community.

### *Selection of Independent Community Member*

The 'Walk of Fame' program (CJ076-06/19 refers) did not stipulate how the independent community member for the Selection Group should be chosen. It is proposed that a past inductee is the most suitable appointment in terms of having a connection with the project. It would therefore be recommended the independent community member is selected on the following Selection Group criteria:

- Be a past inductee.
- Reside in Perth.
- Has maintained a local connection within the City of Joondalup.
- Contributes to the diversity of the panel.

A recommendation to Council for the independent member for the 2022 'Walk of Fame' Selection Group is contained in Confidential Attachment 1.

### Nominees for Walk of Fame

Following Council approval of the independent community member for the Selection Group it is proposed a public nomination process be undertaken to identify the Nominees for the Walk of Fame. This will be implemented via a marketing plan and engagement with the community to call for public nominations.

Once the project is underway and nominations have been sought, the City will provide a report to the 'Walk of Fame' Selection Group which will include the nomination form, nominee profile and the outcome of how the nominee met the selection criteria against the scoring matrix. The 'Walk of Fame' Selection Group will review and consider the nominees for induction to the 'Walk of Fame'

The final task involves arrangements for the construction of concrete pavers and an event to induct the nominees.

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

**Legislation** Not applicable.

#### **10-Year Strategic Community Plan**

**Key Theme** Economy.

**Outcome** Appealing and welcome – you welcome residents, and local and international visitors to the City.

### **Risk management considerations**

There are risks to the reputation of the City from formally recognising individuals. It may be received negatively by some members of the community who perceive others as being more deserving. Controversy or other negative publicity associated with a person inducted to the Walk of Fame could reflect negatively on the City. To minimise this risk, the City will adhere to clear selection criteria and transparency of the nomination, selection and awarding process while respecting the privacy of nominees.

A risk from discontinuing the Walk of Fame process is that the City will be perceived not to value the achievements of members of the Joondalup community and to be neglecting the activation of Central Walk, which is a key part of the CBD.

### **Financial / budget implications**

There are currently no funds specifically listed for the next installations for the 'Walk of Fame'.

The costs associated with this program are relatively low and can be met within the City's existing resources.

Costs include:

- individual pavers - \$1,000 (per recipient)
- marketing, printing, promotion including a small event on the day at City Walk - \$3,000.

**Regional significance**

Not applicable.

**Sustainability implications**

The sustainability of the program is unclear due to the reliance of community to nominate eligible persons. It has been evidenced through similar programs in other local governments that the nomination pool has reduced considerably over the years, resulting in the change of frequency of the award cycle.

**Consultation**

Through a marketing plan the community will be engaged to nominate individuals as part of the process for the Walk of Fame. A summary of the responses will be provided to the City's administration to check validity and prepare a report for the Selection Group.

**COMMENT**

The City of Joondalup has an established Walk of Fame which is now due to commence the second installation of the project in accordance with previous Council decision. The next stage of the project requires the appointment of an independent community member who will form part of the Selection Group along with the Mayor and the Chief Executive Officer who will oversee the nomination and selection process.

Once this process has been initiated the community will be engaged to take part in the nomination process and the City will prepare a report which will include the nomination form, nominee profile and the outcome of how the nominee met the selection criteria against the scoring matrix.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council AGREES to appoint an independent member for the 2022 'Walk of Fame' Selection Group.

**MOVED Mayor Jacob, SECONDED Cr Fishwick that Council AGREES to appoint Jessica Bratich-Johnson as the independent member for the 2022 'Walk of Fame' Selection Group.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

**C117-09/22                    MOTION TO OPEN THE MEETING TO MEMBERS OF THE PUBLIC**

**MOVED** Mayor Jacob, **SECONDED** Cr May that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting now be REOPENED TO THE PUBLIC.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

*Doors opened at 11.03pm.*

*Two members of the public and no members of the press were present.*

In accordance with Clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, Mayor Jacob read aloud the motions in relation to:

- CJ152-09/22 - Walk of Fame.

**C118-09/22                    MOTION TO RESUME ORDER OF BUSINESS**

**MOVED** Mayor Jacob, **SECONDED** Cr Hamilton-Prime that Council **RESUMES** the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

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

Nil.

## **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 11.03pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP  
CR TOM MCLEAN, JP  
CR ADRIAN HILL  
CR NIGE JONES  
CR DANIEL KINGSTON  
CR RUSSELL POLIWKA  
CR CHRISTOPHER MAY  
CR SUZANNE THOMPSON  
CR RUSS FISHWICK, JP  
CR JOHN RAFTIS  
CR CHRISTINE HAMILTON-PRIME, JP  
CR JOHN LOGAN  
CR JOHN CHESTER