

# agenda

## Briefing Session

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

**ON** **TUESDAY 9 NOVEMBER 2021**

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

**JAMES PEARSON**  
Chief Executive Officer  
5 November 2021

### **Acknowledgement of Traditional Custodians**

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

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Residents and / or ratepayers of the City of Joondalup are requested to lodge questions in writing by 9.00am on **Monday 8 November 2021.**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## IMPORTANT INFORMATION

### ATTENDANCE AT MEETINGS DURING STATE OF EMERGENCY

As the State is now in Phase 5 of the COVID-19 roadmap, public attendance numbers at City of Joondalup meetings has been changed accordingly, where public attendance at Briefing Sessions and Council Meetings are no longer restricted, and Council Chamber can be at full capacity.

There is no longer a requirement to pre-register to attend meetings or pre-register for public question time and / or public statement time. The registers for public question time and public statement time will be available in the lobby for interested residents to complete upon arrival.

There is still the requirement for the City to maintain a mandatory contact register. Residents are requested to scan the City of Joondalup SafeWA QR Code on entry to the Council Chamber or complete the manual contact register located in the lobby before entering Chamber.

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

- follow the direction of the Presiding Members and City employees when attending meetings
- maintain physical distancing where possible
- use the hand sanitiser that is provided by the City at the venue
- not attend a meeting should they feel unwell or if they have been in contact with a known COVID-19 case, or been overseas in the preceding two weeks
- download the SafeWA app from the [Apple App Store](#) or the [Google Play Store](#).

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

*Further information can be provided by contacting the Governance Coordinator on 9400 4369.*

## CIVIC CENTRE EMERGENCY PROCEDURES

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

### Alarms

The City of Joondalup emergency system has two alarm tones:

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

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

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

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

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



## CODE OF CONDUCT

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

### Personal Integrity

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

### Relationship with others

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

### Accountability

A council member or committee member should –

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

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

## BRIEFING SESSIONS

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

### INTRODUCTION

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

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

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

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

### PURPOSE OF BRIEFING SESSIONS

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

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

### PROCEDURES FOR BRIEFING SESSIONS

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

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

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

## RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

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

## PROCEDURES FOR DEPUTATIONS

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

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



## PROCEDURES FOR PUBLIC QUESTION TIME

### Questions asked Verbally

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

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

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

- 1 Only City of Joondalup residents and / or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a report contained in the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident / ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included in the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

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

## **DISCLAIMER**

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

## **PROCEDURES FOR PUBLIC STATEMENT TIME**

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

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

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

[AdditionalInformation\\_211109.pdf](#)

## **CITY OF JOONDALUP – BRIEFING SESSION**

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 9 November 2021** commencing at **6.30pm**.

### **ORDER OF BUSINESS**

**OPEN AND WELCOME**

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

**DEPUTATIONS**

**PUBLIC QUESTION TIME**

**PUBLIC STATEMENT TIME**

**APOLOGIES AND LEAVE OF ABSENCE**

## REPORTS

### ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – SEPTEMBER 2021

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07032, 101515
<b>ATTACHMENT</b>	Attachment 1 Monthly Development Applications Determined – September 2021 Attachment 2 Monthly Subdivision Applications Processed – September 2021
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’)

#### PURPOSE

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

#### EXECUTIVE SUMMARY

Schedule 2 (deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide for Council to delegate powers under a local planning scheme to the Chief Executive Officer (CEO), who in turn has delegated them to employees of the City.

The purpose of delegating certain powers to the CEO and officers is to facilitate the timely processing of development and subdivision applications. The framework for the delegations of those powers is set out in resolutions by Council and is reviewed annually, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during September 2021 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during September 2021 (Attachment 2 refers).

#### BACKGROUND

Clause 82 of schedule 2 (deemed provisions for local planning schemes) of the Regulations enables Council to delegate powers under a local planning scheme to the CEO, and for the CEO to then delegate powers to individual employees.

At its meeting held on 15 June 2021 (CJ079-06/21 refers) Council considered and adopted the most recent Town Planning Delegations.

## DETAILS

### Subdivision referrals

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

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	7	6
Strata subdivision applications	17	20
<b>TOTAL</b>	<b>24</b>	<b>26</b>

Of the subdivision referrals, 16 were to subdivide in housing opportunity areas, with the potential for 19 additional lots.

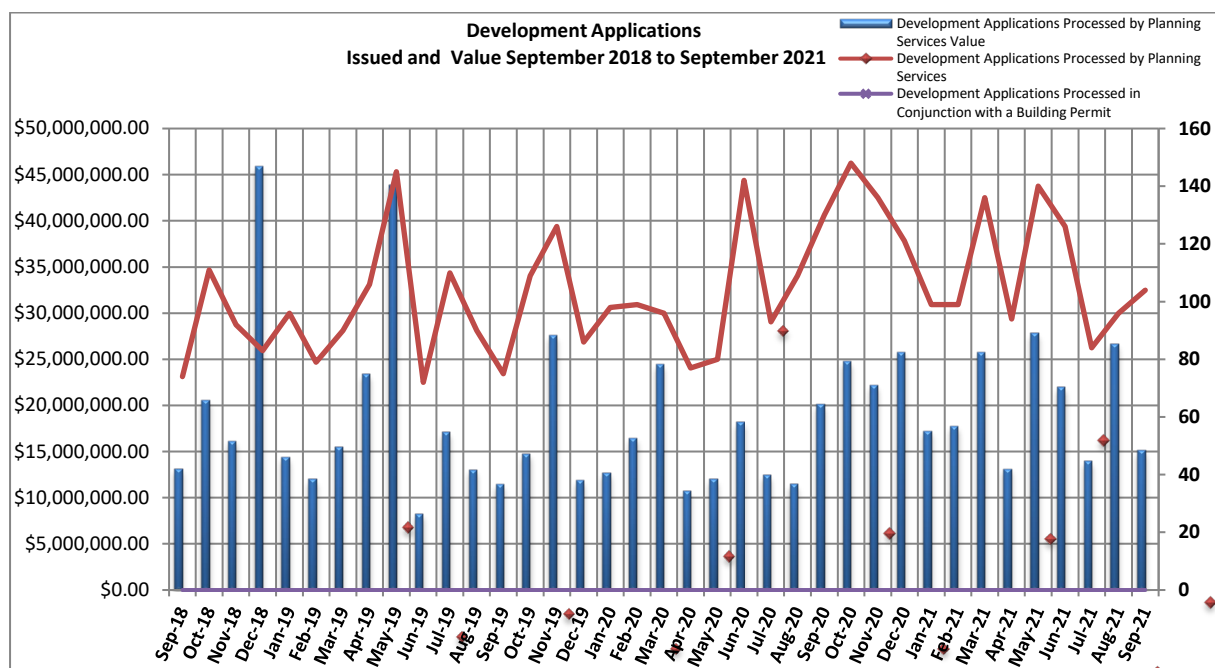
### Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	104	\$15,110,675

Of the 104 development applications, 13 were for new dwelling developments in housing opportunity areas, proposing a total of 12 additional dwellings.

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



The number of development applications received during September 2021 was 118.

The number of development applications current at the end of September was 246. Of these, 30 were pending further information from applicants and nine were being advertised for public comment.



In addition to the above, 272 building permits were issued during the month of September with an estimated construction value of \$38,560,178.

### **Issues and options considered**

Not applicable.

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

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

### **Strategic Community Plan**

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

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

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

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

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

### **Risk management considerations**

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

### **Financial / budget implications**

A total of 104 development applications were determined for the month of September with a total amount of \$56,523.78 received as application fees.

All figures quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

## **Consultation**

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

## **COMMENT**

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

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

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

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf211109.pdf](#)*

## ITEM 2                      PROPOSED                      REVOCATION                      OF                      THE CAMBERWARRA LOCAL STRUCTURE PLAN

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBERS</b>	103150, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location plan Attachment 2 <i>Camberwarra Local Structure Plan</i> map Attachment 3 <i>Camberwarra Local Structure Plan</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For Council to consider advertising a proposal to revoke the *Camberwarra Local Structure Plan*. The proposed revocation is to be progressed as an amendment to *Local Planning Scheme No. 3*.

### EXECUTIVE SUMMARY

The *Camberwarra Local Structure Plan* was adopted by Council at its meeting of 9 December 2014 (CJ225-12/14 refers) and by the Western Australian Planning Commission (WAPC) on 23 January 2015. The structure plan was developed to facilitate the subdivision, zoning, densities and built form of the former Cambewarra Primary School site.

The structure plan specifies that land use permissibility is in accordance with the corresponding zone or reserve under the (now former) *District Planning Scheme No. 2*. The estate has two remaining vacant lots, both of which have recently obtained a building permit to construct a dwelling. Following construction of these final two dwellings, the estate will be completely developed.

As part of the approval of *Local Planning Scheme No. 3* (LPS3), the Western Australian Planning Commission (WAPC) advised the City that a separate review of the City's existing structure plan areas should be undertaken to assess whether existing structure plans are still relevant and required.

The *Camberwarra Local Structure Plan* area is zoned 'Urban Development' under LPS3, and it is considered that there are no development provisions within the structure plan area that need to be retained and incorporated into LPS3. As all dwellings in the estate are developed or have approval to develop, it is considered that the structure plan is no longer required to guide development of the area.

In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (the LPS Regulations), an amendment to LPS3 to incorporate the zonings outlined in the *Camberwarra Local Structure Plan* will automatically revoke the structure plan where a statement to that effect is included as part of the scheme amendment proposal. This type of scheme amendment is classified as a 'basic' amendment and there is no statutory provision to advertise this form of amendment.

Although the formal planning process to revoke the structure plan does not require public consultation, it is recommended that Council agrees to seek feedback on the proposal from the landowners within the structure plan area, prior to Council's further consideration of initiating a basic amendment to LPS3 to rezone the land within the *Camberwarra Local Structure Plan* area to facilitate the revocation of the structure plan.

## BACKGROUND

<b>Suburb/Location</b>		Craigie, including Currajong Crescent, Summit Lane, Pinnacle Road and Observation Road.
<b>Owner</b>		Various.
<b>Zoning</b>	<b>LPS</b>	Urban Development.
	<b>MRS</b>	Urban.
<b>Site area</b>		3.5 hectares.
<b>Structure plan</b>		<i>Camberwarra Local Structure Plan</i> .

The *Camberwarra Local Structure Plan* applies to the land bounded by Currajong Crescent to the north, Argus Close to the west, Camberwarra Drive to the south and includes the properties on Observation Road (Attachment 1 refers).

The structure plan area was originally the site of the Camberwarra Primary School. The school was identified as surplus to Department of Education requirements and the facility ceased operations in 2008. The site was rezoned in 2011 to 'Urban Development' under DPS2 to facilitate residential development. Following the rezoning, the Department of Education entered into an agreement with Landcorp to develop the site.

The *Camberwarra Local Structure Plan* was adopted by Council at its meeting of 9 December 2014 (CJ225-12/14 refers) and by the Western Australian Planning Commission (WAPC) on 23 January 2015. Upon approval of the structure plan, the site was formally acquired by Landcorp who developed a 41 residential lot subdivision and an area of public open space. The subject area has now been fully developed, except for two lots - an R50 coded lot on Summit Lane and an R30 coded lot on Pinnacle Road. Both sites have recently received a building permit to construct a dwelling.

The structure plan set residential densities of between R30 to R60, with two large parcels of land to the north of the subdivision, along Currajong Crescent, specifically set aside to support the future development of grouped or multiple dwellings. However, in November 2018, approval was granted by the WAPC for the further subdivision of these lots into 11 single residential lots. A condition of this approval was that a Local Development Plan be approved to address site constraints. Council, at its meeting of 19 February 2019, approved the *Currajong Local Development Plan* which facilitated the development of the R60 lots within the structure plan area (CJ004-02/19 refers).

As part of the approval of LPS3, the WAPC advised that a separate review of the City's existing structure plan areas should be undertaken to assess the current status of each structure plan. This would determine if a structure plan covers an area:

- where development is still occurring, in which case the structure plan is still relevant and needs to be retained
- where development is complete or nearing completion, in which case the structure plan can be revoked via an amendment to LPS3 to rezone the area. This may include introducing relevant development provisions from the structure plan into the scheme.

It is important that the above assessments be undertaken as all structure plans that were in place prior to the introduction of the LPS Regulations in October 2015 will be automatically revoked in October 2025 unless their period of approval is formally extended.

## **DETAILS**

It is proposed that the *Camberwarra Local Structure Plan* be revoked as the estate is developed or has the relevant approvals for new dwellings to be constructed. Under the LPS Regulations, an amendment to the planning scheme to incorporate the zonings indicated in the structure plan will also revoke the structure plan, provided a statement is included to that effect. This means that the approval of an amendment to LPS3 to rezone the structure plan area from 'Urban Development' to those outlined in the structure plan, for example, 'Residential' and 'Public Open Space', will automatically revoke the structure plan. Such a scheme amendment is classified as 'basic' under the LPS Regulations. There is no statutory provision to advertise this class of amendment.

However, prior to initiating the amendment to rezone the land within the structure area, it is considered appropriate to advertise the proposal to revoke the structure plan to the landowners within the structure plan area and seek their feedback, prior to Council's further consideration.

## **Issues and Options Considered**

### Current need for the *Camberwarra Local Structure Plan*

The structure plan consists of two zones being 'Residential' and 'Public Open Space.' The public open space is now formally known as 'Pinnacle Park'. The 'Residential' zone is divided into lots with four densities - R30, R40, R50 and R60 (Attachments 2 and 3 refer).

### *General development provisions*

The structure plan contains development provisions, which apply to all lots within the subdivision. These provisions relate to:

- the required orientation of all lots
- corner lot façades to ensure each street is addressed
- eave overhangs to major openings to allow for shading
- the roof and design features of garages and carports to align with the main dwelling
- boundary fencing provisions
- outbuildings where visible from the public domain.

Aside from the provisions around outbuildings, the remaining elements are no longer relevant given the build out of the estate. Should the structure plan be revoked, development of outbuildings will be considered against the Residential Design Codes (R-Codes) which require that such structures are not located within the primary or secondary street setback. Where they are proposed to be within the primary or secondary street setback area, the outbuilding must be assessed against the objective of the City's *Residential Development Local Planning Policy* (RDLPP) which requires that the structures are designed and constructed out of materials that match the dwelling. It is considered that the R-Codes and RDLPP are appropriate in ensuring the intent behind the provision in the structure plan is maintained.

*Residential R30 and R40*

Twenty-nine single house lots within the subdivision have a density code of R30. There are also an additional two areas within this density that are known as 'Area A' and 'Area B' which have separate front building setback provisions. Two lots are coded R40 and consist of a four unit grouped dwelling development and a seven unit grouped dwelling development. The lots in either density do not directly adjoin public open space. All lots have been developed aside from one R30 lot which has recently obtained development and building approval for a new dwelling. The following table outlines the R30/R40 structure plan provisions and the current equivalent R-Code or RDLPP provisions:

<b>Development Requirement</b>	<b>Structure Plan requirement</b>	<b>R-Codes/RDLPP requirement</b>	<b>Comment</b>
Front setbacks	<p>3 metres minimum. 5 metres maximum. No average.</p> <p>Lots in Area B: 2 metres minimum. 4 metres maximum.</p> <p>Primary façade to open space = 3 metre setback.</p> <p>Garages and carports: 4.5 metres from primary street or 0.5 metres behind dwelling frontage.</p> <p>Garages and carports in Area B: 3.5 metres from primary street.</p>	<p>2 metres minimum setback. 4 metres average setback.</p> <p>Garages set back 4.5 metres from the primary street and 0.5 metres behind dwelling alignment.</p> <p>3 metre set back where garages allow parking parallel to the street.</p>	<p>Dwellings constructed and/or approved for construction.</p>
Side setbacks	<p>Boundary walls to north/south orientated lots to western boundary.</p> <p>Boundary walls to east/west orientated lots to the southern boundary (excluding street and POS boundaries).</p> <p>Maximum height 3.5 metres.</p> <p>Average height 3 metres. 2/3 length of boundary behind street setback.</p> <p>2 metre side setback to a side boundary abutting Public Open Space.</p>	<p>Walls may be built up to a lot boundary behind the street setback.</p> <p>Maximum wall height 3.5 metres.</p> <p>Average height of 3 metres.</p> <p>2/3 length of boundary behind street setback.</p>	<p>Dwellings constructed and/or approved for construction.</p> <p>Any further applications for boundary walls would be assessed against the Local Housing Objectives or Deemed to Comply criteria.</p> <p>Minimal risk in removing nominated boundary given substantial development of estate.</p>

Development Requirement	Structure Plan requirement	R-Codes/RDLPP requirement	Comment
Building Height	<p>Maximum height of two storeys, loft areas wholly contained within the roof space.</p> <p>Maximum height as measured from NGL: Maximum wall height (pitched roof): 7 metres.</p> <p>Maximum total height to roof ridge: 10 metres.</p> <p>Maximum wall and total height (parapet with concealed roof): 8 metres.</p>	<p>Maximum wall height: 7 metres.</p> <p>Maximum total building height (gable/skillion/concealed): 8 metres.</p> <p>Maximum roof height (hipped and pitched): 10 metres.</p>	Same provision.

### Residential R50 and R60

The R50 coded lots directly adjoin Pinnacle Park and are provided with vehicle access from a rear laneway. The dwellings are orientated to have their primary facades toward the public open space. One vacant R50 lot remains, however has a recently approved building permit for a new dwelling. Construction has not yet commenced.

The R60 coded lots are located along Currajong Crescent and provide laneway access for vehicles. These lots are subject to the provisions of the *Currajong Local Development Plan* (LDP) in addition to the structure plan, R-Codes and RDLPP. The dwellings to these lots have been constructed. The following table outlines the structure plan provisions and the current equivalent LDP, R-Codes or RDLPP provisions:

Development Requirement	Structure Plan requirement	LDP/R-Codes/RDLPP requirement	Comment
Front setbacks	<p>3 metres minimum. 5 metres maximum. No average.</p> <p>Primary façade to open space = 3 metre setback.</p> <p>Garages and carports 4.5 metres from primary street or 0.5 metres behind dwelling frontage.</p>	<p><u>R50:</u> 1 metres minimum. 2 metres average.</p> <p><u>R60 LDP:</u> 2 metre minimum</p> <p>Garages set back 4.5 metres from the primary street and 0.5 metres behind dwelling alignment.</p> <p>3 metre set back where garages allow parking parallel to the street.</p>	Dwellings constructed and/or approved for construction.
Side setbacks	Boundary walls to north/south orientated lots to western boundary.	Walls may be built up to a lot boundary behind the street setback.	Dwellings constructed and/or approved for construction.

Development Requirement	Structure Plan requirement	LDP/R-Codes/RDLPP requirement	Comment
	<p>Boundary walls to east/west orientated lots to the southern boundary (excluding street and public open space boundaries).</p> <p>Laneway lots abutting public open space, boundary walls permitted to both side boundaries.</p> <p>Maximum height: 3.5 metres Average height: 3 metres.</p> <p>2/3 length of boundary behind street setback</p> <p>2 metres side setback to a side boundary abutting public open space.</p>	<p>Maximum wall height: 3.5 metres. Average height: 3 metres.</p> <p>2/3 length of boundary behind street setback.</p> <p><u>R60 LDP:</u> Nil side setbacks permitted.</p> <p>No maximum length.</p> <p>Maximum height 3.5 metres.</p>	<p>RDLPP more onerous for R50 lots and only allow for one boundary wall.</p> <p>No side boundaries adjacent to public open space.</p>
Laneway setbacks	<p>1.5 metres setback to ground floor of dwelling (inclusive of garages and carports).</p> <p>Store not within 1.5 metres of vehicle access point, 0.5 metres setback permitted.</p> <p>Nil setback to dwelling upper floor balcony on a laneway boundary.</p>	<p>Nil setback to a laneway with 6 metres maneuvering space immediately in front of opening.</p> <p><u>R60 LDP:</u> Garages and carports located as designated.</p> <p>Setback 4 metres from laneway.</p>	Dwellings constructed and/or approved for construction.
Building Height	<p>Multiple dwellings – N/A.</p> <p>Maximum building height of two storeys.</p> <p>Maximum height as measured from NGL:</p> <p>Maximum wall height (pitched roof): 7 metres. Maximum total height to roof ridge: 10 metres.</p> <p>Maximum wall and total height (parapet with concealed roof): 8 metres.</p>	<p>Maximum wall height: 7 metres.</p> <p>Maximum total building height (gable/skillion/concealed): 8 metres.</p> <p>Maximum roof height (hipped and pitched): 10 metres.</p>	Same provision.



An additional provision of the LDP requires that fencing be a maximum height of 900mm above natural ground level. This provision will continue to apply.

### Zoning

The land within the structure plan area is zoned 'Urban Development' under LPS3. If the proposed revocation of the structure is supported, it is proposed to rezone this land to 'Residential R30', 'Residential R40', 'Residential R50', 'Residential R60', 'Public Open Space' and 'Local Road' in accordance with the structure plan map (Attachments 2 and 3 refer). As noted previously, the rezoning of the land will automatically revoke the structure plan where a statement to that effect is included within the scheme amendment proposal.

### Land use permissibility

The structure plan states that land use permissibility is to be in accordance with the 'Residential' zone under the scheme. If a scheme amendment is supported and the structure plan revoked, land use permissibility will be in accordance with the 'Residential' zone of LPS3 - similar to the previous planning scheme.

### Options

The options available to Council in considering revoking the *Camberwarra Local Structure Plan* are to:

- resolve to advertise the proposal to revoke the structure plan to the existing landowners within the structure plan area  
or
- resolve not to advertise the proposal to revoke the structure plan to the existing landowners within the structure plan area.

Council can also proceed with an amendment to LPS3 to rezone the land within the structure plan area without first advertising the proposal to revoke the structure plan, however this is not recommended.

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

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

### **Strategic Community Plan**

**Key theme**                              Quality Urban Environment.

**Objective**                              Quality built outcomes.

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

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

**Policy**                                      Not applicable.

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

Clause 28 of the deemed provisions of the LPS Regulations states that structure plans have effect for 10 years from their date of approval. This includes structure plans that were approved before the LPS Regulations came into effect, which are taken to have been approved on commencement day of the LPS Regulations and are therefore valid until 19 October 2025.

The WAPC may extend the period of approval of a structure plan, revoke a structure plan, or amend the planning scheme that covers a structure plan area which automatically revokes the structure plan.

The LPS Regulations state that an amendment to a scheme map that is consistent with an approved structure plan is a 'basic' amendment if the scheme includes the zones outlined in the structure plan. A statement must be included within the amendment proposal that when the amendment takes effect the approval of the structure plan is to be revoked.

### Structure Plan Framework

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

### Local Planning Scheme No. 3

The objectives of the 'Residential' zone in LPS3 are:

Zone name	Objectives
Residential	<ul style="list-style-type: none"> <li>To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>

The objectives of the 'Public Open Space' and 'Local Road' reserves in LPS3 are:

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> <li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li> <li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> </ul>
Local Road	<ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>

### Currajong Local Development Plan

The deemed provisions of the LPS regulations state that a local government must not revoke approval of a local development plan unless the local planning scheme is amended so that the development to which the plan relates is rendered a non-conforming use. As a 'Single House' is a 'P' (permitted) use in the 'Residential' zone (that is, it is not a non-conforming use), the LDP will continue to apply until it expires after a period of 10 years, being 2029, despite the lots being fully developed.

### **Risk Management Considerations**

Not applicable.

### **Financial / Budget Implications**

The City will be required to cover the costs associated with any advertising of the proposal to revoke the structure plan. Approximately 52 letters would be sent to landowners within the structure plan area with a direct cost of approximately \$70.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Not applicable.

### **Consultation**

There are no provisions within the LPS Regulations or Structure Plan Framework which requires consultation to be undertaken prior to a structure plan being revoked. However, it is considered appropriate that the landowners within the structure plan area be informed in writing of the proposal to revoke the structure plan and obtain any feedback which can be reported back to Council, prior to an amendment to rezone the land within the structure plan area being considered by Council.

### **COMMENT**

The area encompassed by the *Camberwarra Local Structure Plan* is nearing completion with all dwellings in the estate developed or having approval to develop. The provisions of the R-Codes and the City's *Residential Development Local Planning Policy* are considered sufficient to ensure that any further development or redevelopment has an appropriate built form outcome.

While there is no requirement to advertise a proposal to revoke a structure plan, it is considered appropriate to advertise the proposal to the landowners within the structure plan area and seek any feedback, prior to Council's further consideration of an amendment to rezone the land within the structure plan area.

It is therefore recommended that Council advertises the proposed revocation of the *Camberwarra Local Structure Plan* to the landowners within the structure plan area for a period of 14 days.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council ADVERTISES the proposal to revoke the *Camberwarra Local Structure Plan* to the landowners within the structure plan area, for a period of 14 days.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf211109.pdf](#)

### **ITEM 3                      PROPOSED CITY OF JOONDALUP ACCESS AND INCLUSION PLAN (2021-22 TO 2023-24)**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	71568, 101515
<b>ATTACHMENTS</b>	Attachment 1     Draft <i>City of Joondalup Access and Inclusion Plan (2021-22 to 2023-24)</i> Attachment 2     Community Consultation Outcomes Report
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

#### **PURPOSE**

For Council to consider and approve the draft *City of Joondalup Access and Inclusion Plan (2021-22 to 2023-24)*.

#### **EXECUTIVE SUMMARY**

The *Disability Services Act 1993*, (the Act), requires public authorities (including local governments) to ensure that their services, buildings and information are accessible to people with a disability. Actions and strategies relating to access are required to be informed and managed by an Access and Inclusion Plan (AIP).

The *City of Joondalup Access and Inclusion Plan (2018-21)* expired in June 2021 and a draft new Access and Inclusion Plan (AIP) for the 2021-22 to 2023-24 period (Attachment 1 refers) has been prepared and is now presented to Council for consideration and approval.

The draft AIP has been informed by an extensive round of community consultation as well as direct internal and external input. The AIP has been reviewed and has in-principal approval from the Department of Communities and is now required to receive final approval from Council.

#### **BACKGROUND**

The Act requires public authorities (including Local Governments) to ensure their services, buildings and information are accessible to people with disability. This is managed through the City's Access and Inclusion Plan (AIP).

The City recognises that some members of the community experience access and inclusion issues to participate in everyday life. This may include people with disability and their families and carers; people from diverse genders, backgrounds and cultures; the elderly; people with mental health issues; and people who experience other access and inclusion issues, such as parents using prams.

The Act requires AIPs to address seven prescribed outcomes in the areas of accessible services, buildings, information, customer service, consultation, complaints, and employment. This is to ensure equitable access to all services a public authority provides. The City, with the support of the Department of Communities, has included an eighth outcome that looks to expand the focus of the AIP from physical accessibility to also improve social inclusion.

The eight outcomes of the City's AIP are as follows:

- 1 The City of Joondalup will provide events and services that are planned to maximise physical accessibility and social inclusivity.
- 2 The City of Joondalup will provide buildings and facilities that maximise physical accessibility and social inclusivity.
- 3 The information that the City of Joondalup provides will be accessible to all community members.
- 4 All community members will receive the same level and quality of service from the staff of the City of Joondalup.
- 5 All community members will have the same opportunities to provide feedback and lodge complaints to the City of Joondalup.
- 6 Community consultation processes and tools will be designed to be accessible and inclusive.
- 7 All community members have equal employment opportunities at the City of Joondalup.
- 8 The City of Joondalup will provide opportunities and advocate for an increase in inclusion.

In accordance with requirements of the Act, the AIP will be reviewed at least every five years, and must be approved by Council.

## **DETAILS**

The strategies and actions of the draft new AIP have been informed by statistical and industry research, as well as consultation with residents and ratepayers, local community groups, not-for-profit organisations, government agencies and internal stakeholders.

Research has been undertaken, including consultation with the WA Access and Inclusion Officer Network and Department of Communities to enquire how various local governments implement their AIPs. The Department suggests that local governments consider the following in implementing their AIPs:

- Include actions and strategies in the AIP as the implementation plan rather than creating a separate document.
- Minimise the number of actions which are already embedded as standard practice or required by legislation and focus on bigger key actions.
- Keep wording of the outcomes focussed on general inclusion of the whole community, they do not need to be disability specific provided the intent of the Act is still carried out.

In keeping with the advice provided above, the City's draft AIP lists the implementation of new projects and programs to be carried out in the future while continuing to implement all strategies and legislated actions achieved in the past.

Any new project, program or activity listed within the AIP will be subject to normal budget approval processes in the relevant years required.

In previous years, the City had a public facing AIP supported by an internal implementation plan. This new draft AIP incorporates all actions in one document thereby negating the requirement for the implementation plan.

### Issues and options considered

Council may choose to:

- approve the AIP
- not approve the AIP  
or
- approve the AIP with specified changes.

Should the Council choose to not approve the AIP, the City would be required to advise the Department of Communities to seek further advice, as it is a legislative requirement that the City not only has an AIP, but that it is reviewed every five years.

### Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Disability Services Act 1993.*  
    *Equal Opportunity Act 1994.*  
    *Disability Discrimination Act 1992 (Cwlth).*  
    *Carers Recognition Act 2004.*  
    *Access to Premises Standards (2010).*

### Strategic Community Plan

**Key theme**                              Community Wellbeing.

**Objective**                                Quality Facilities, Community Spirit and Community Safety.

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

Understand the demographic context of local communities to support effective facility planning.

**Policy**                                      Not applicable.

### Risk management considerations

It is a legislative requirement set out under the *Disability Services Act 1993* for the City to have an AIP.

Not having an approved and relevant AIP could limit the accessibility of City managed buildings, parks, services, and events to those experiencing barriers in participation. This would not only reduce the number of people accessing City services but would also create inequity within the community.

To mitigate any risk that the draft AIP may not best represent the needs of the community and reflect current best practice, the draft AIP has been prepared by the City and informed by extensive community consultation. This consultation, while open to the broader community, was also specifically targeted to those impacted by disability or exclusion. This included individuals living with disability, family, and friends of those living with disability, voluntary and professional carers, service providers and local community groups. The City also consulted with other local governments and public authorities to learn what else is being done in this sector, what could be relevant to the City and what could be included within the City's draft AIP.

### **Financial / budget implications**

Any new projects and/or activities that arise from the AIP will be considered within the relevant annual business planning and budgetary processes undertaken by the City. This provides for decision-making on resource allocations to be made as part of the overall budget process on an annual basis. Therefore, it is important to note, that should Council support this AIP, it is not fully committing to the actions and relevant future costs, but rather ongoing consideration and commitment to the strategies, with actions subject to budget approval annually.

External grant funding and partnership opportunities may also be sought for programs and projects that align with actions in the AIP.

### **Regional significance**

While the City's AIP does only apply to the City of Joondalup, it is known that the Cities of Wanneroo and Stirling (and others) not only also have their own AIP, but there can be significant crossover between not only local governments, but also other public authorities. Therefore, the City does look for opportunities for joint program delivery and advocacy with other authorities wherever possible and relevant.

It should also be noted that the City is also represented on a number of state and regional inter-agency support networks that have an ability to support the City's AIP.

### **Sustainability implications**

#### Social

In planning for better access, the City positions itself as a strong and progressive local government responsive to the changing needs of its local community, as well as meeting national and state government legislative and policy requirements.

Aside from the legislative requirements of having an AIP, improved accessibility and inclusion enhances opportunities for the entire community to access information, facilities, local businesses, employment, education, events, and services, and to connect more broadly.

Accessibility equates to usability and supports the efficiency and effectiveness of customer service delivery to the maximum number of current and future residents. A focus on increasing accessibility improves a city's 'liveability' and enables people to comfortably remain in, and contribute to, their local community throughout their lifecycle - irrespective of ability.

## Consultation

### Community Consultation

The City undertook community consultation for a period of three weeks in early 2021. All members of the community were invited to provide feedback, between 4 February and 3 March 2021, on how well the City is currently addressing access and inclusion concerns, and what improvements still need to be made. While the consultation was open to the community, the City was specifically targeting feedback from people with disability, people from culturally and linguistically diverse backgrounds, as well as people who volunteer and work in those sectors.

Feedback was sought by way of an online survey form and a series of three online and in-person focus groups.

There was a total of 154 consultation participants across the survey and focus groups. This included 141 valid responses to the survey and 13 focus group attendees across the three focus group sessions. A total of 71 participants identified themselves as a:

- person with disability
- carer, family member or friend of a person with disability
- employee of a disability organisation
- volunteer with a disability organisation
- person from a culturally and linguistically diverse (CaLD) background
- carer, family member or friend of a person from a CaLD background
- employee of a CaLD support organisation
- volunteer with a CaLD support organisation.

Overall, participants were relatively positive about the City's current approach to access and inclusion issues. For example, in regard to events, the majority of survey respondents "agreed" or "strongly agreed" that accessibility information was easy to find, event signage was easy to understand, event layouts allowed for easy access, accessible toilets were available and easy to access, and that they felt included in the event. Similarly, positive feedback was received regarding accessing City services, interacting with City staff, and applying for employment and volunteering positions.

A number of the following themes from the feedback were identified, including a strong desire for:

- Increase of co-design opportunities with people with disability.
- Establishment of a disability reference group.
- Increased provision of accessible footpaths and kerb ramps.
- Increased provision of accessible parks and playgrounds.
- Increased provision of accessible parking, parking for parents with prams and parking for seniors.
- Increased accessibility of information by improving City websites and providing access specific information on events and services.
- Increased accessibility to beaches.

A copy of the Community Consultation Outcomes Report is included as Attachment 2.



**COMMENT**

Strategies and actions have been included in the AIP which correlate with each outcome to provide a tangible and measurable roadmap to implement the AIP. The Department of Communities has reviewed the draft, providing in-principal approval of the AIP, while also commending the City on its format. The Department is of the view that the way the City has structured the AIP is very clear where new actions expand on what is already in place and how they expand on it. The performance measures look achievable, practical and easy to understand. The Department commented that taking this type of evaluative approach brings a great deal of confidence and accountability to the City and the community.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council APPROVES the *City of Joondalup Access and Inclusion Plan (2021-22 to 2023-24)*.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf211109.pdf](#)*

## **ITEM 4                      PROPOSED 16 GROUPED DWELLINGS (AGED OR DEPENDENT PERSONS' DWELLINGS) AT LOT 803 (15) BURLOS COURT, JOONDALUP**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	104930, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location Plan Attachment 2    Development Plans Attachment 3    Building Perspectives Attachment 4    Landscaping Plan Attachment 5    Applicant's Statement Addressing <i>State Planning Policy 7: Design of the Built Environment (SPP7)</i>  Attachment 6    Waste Management Plan Attachment 7    Environmentally Sustainable Design Checklist Attachment 8    Traffic Impact Statement
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

### **PURPOSE**

For Council to determine a development application for 16 single-storey, grouped dwellings (aged or dependent persons' dwellings) at Lot 803 (15) Burlos Court, Joondalup.

### **EXECUTIVE SUMMARY**

An application for development approval has been received for 16 single-storey, grouped dwellings (aged or dependent persons' dwellings) at Lot 803 (15) Burlos Court, Joondalup (subject site).

The subject site is zoned 'Residential – Restricted Use' and has a density code of R60 under the City's *Local Planning Scheme No.3* (LPS3). In accordance with Table 5 under clause 20 Restricted Uses of LPS3, the subject site is restricted to 'Grouped Dwelling' or 'Multiple Dwelling' land uses - for Aged or Dependent Persons' Dwellings only. The site is not located in a Housing Opportunity Area.

The development is primarily subject to the requirements of LPS3, the City's *Residential Development Local Planning Policy* (RDLPP) and *State Planning Policy 7.3 Residential Design Codes - Volume 1* (R-Codes).

The application was advertised in accordance with the City's *Planning Consultation Local Planning Policy* for 21 days between 21 May 2021 and 11 June 2021. Advertising included letters to surrounding landowners/occupiers, a sign on site and a notice on the City's website. Three submissions were received comprising one in support, one objection and one neutral submission.

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

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 803 (15) Burlos Court, Joondalup.
<b>Applicant</b>	Archivision Architectural Drafting.
<b>Owner</b>	Berman Property 5 Pty Ltd.
<b>Zoning</b>	<b>LPS</b> Residential – Restricted Use, R60.
	<b>MRS</b> Urban.
<b>Site area</b>	4,410m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site was previously owned by the City. A previous subdivision of land resulted in the creation of the site as well as the vehicle accessway to the south of the site, which now forms part of Lot 700, and the telecommunications site to the south east of the site (Lot 804).

The site is currently undeveloped and is bound by a telecommunications site to the south-east, residential dwellings to the north-east and east, a portion of a pedestrian access way to the north, and the vehicle access to a residential lot to the south (Attachment 1 refers). Being located at the end of a cul-de-sac, the site has a narrow frontage to Burlos Court, and this is the only point of access to the site.

In August 2014, Amendment No. 57 under the City's former *District Planning Scheme No. 2* (DPS2) rezoned the subject site from 'Civic and Cultural' to 'Residential – Restricted Use, R60'. Subsequently, at its meeting on 6 October 2014, Council endorsed the finalisation of the subdivision of the land (previously Lot 701).

Following the subdivision of the land, the subject site went to auction in June 2018 without being sold. Private offers in September and November of the same year were also unacceptable as they fell short of the market valuation at the time. In March 2020 an offer for the land was supported in-principle and, at its meeting held on 23 June 2020, Council resolved to dispose of the subject site (CJ076-06/20 refers).

In accordance with Table 5 under LPS3, the subject site is required to be developed for the purpose of aged and dependent persons' dwellings, being either 'Grouped Dwellings' or 'Multiple Dwellings'.

An 'aged person' is defined under *State Planning Policy 7.3: Residential Design Codes* (R-Codes) as "a person who is aged 55 years or over", and a 'dependent person' is defined as "a person with a recognised form of disability requiring special accommodation for independent living or special care."

## DETAILS

The proposed development consists of the following:

- 16 single-storey 'aged or dependent persons' grouped dwellings.
- Each dwelling has two bedrooms and two bathrooms.
- Rendered brick walls with feature face brick elements and colourbond roofing throughout the development.
- A 6.15 metre wide crossover and a 5.5 metre wide shared pedestrian/vehicle communal street accessed from Burlos Court.
- Each unit has a double garage which is integrated into the dwelling.
- Four visitor parking bays at the front of the development, including one wheelchair accessible bay.
- The frontage remains open, with front fencing proposed to the truncation of the lot adjacent to Unit 4. The fencing is open style above a 0.75 metre solid portion, with 1.8 metre piers.

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

### Joondalup Design Review Panel (JDRP)

The proposal was presented to the JDRP on 18 November 2020. The issues raised by the JDRP, the applicant's response and the City's comments on these are summarised in the table below.

It should be noted that the comments provided by the JDRP were based on the original development plans submitted with the application, rather than the plans presented for Council determination at Attachment 2.

No.	JDRP Comment	Applicant Response	City Comment
1	<p><u>Overdevelopment of site</u></p> <ul style="list-style-type: none"> <li>• No communal open space areas;</li> <li>• Reduced setbacks to the communal street;</li> <li>• The unit sizes all exceeding the 100m<sup>2</sup> maximum area; and</li> <li>• Tight and squeezed areas.</li> </ul>	<p>There is no requirement to provide communal open space within the development, and it is not considered necessary given the close proximity of the site to public open space and generous, oversized outdoor living areas.</p> <p>Sufficient space has been allocated to the communal street to facilitate vehicle and pedestrian access in addition to framing the hardstand areas with shrubs and trees, creating an intimate and inviting streetscape environment where residents are likely to cross paths and interact.</p>	<p>Communal open space is not required for the development under the R-Codes.</p> <p>The setbacks to the communal street do not impact vehicle or pedestrian access around the site and are internal to the site to avoid any impacts on the public realm or adjoining properties.</p> <p>The plot ratio area of the units exceeds the 'deemed-to-comply' requirement, however the open space and outdoor living areas for each unit are also greater than</p>

No.	JDRP Comment	Applicant Response	City Comment
		<p>The units exceeding 100m<sup>2</sup> plot ratio provides for improved internal functionality and amenity and is a positive feature of the development. The associated design principles have been addressed above.</p>	<p>required under the R-Codes.</p>
2	<p><u>Vehicle Access, Movement Around Site and Waste</u></p> <ul style="list-style-type: none"> <li>• Turning circles particularly around visitor bay 4 are tight for both vehicles and waste trucks.</li> <li>• Separate pedestrian path from vehicles is required within site.</li> <li>• Noted the tight small area for the bin store and whether it accommodated all the units.</li> </ul>	<p>The issues associated with visitor bay 4 have been resolved through its relocation.</p> <p>Dedicated pedestrian priority path with 1.2 metres width has been provided for within the communal access way.</p> <p>Waste management has been reviewed and revised to comply with the City's requirements and is addressed in the waste management plan included with this submission.</p>	<p>The amended plans relocated the visitor bay to ensure that sufficient turning circles were able to be provided.</p> <p>Additionally, the applicant incorporated a shared pedestrian path within the communal access away to provide for safe and unobstructed movement throughout the site.</p> <p>The bin store area was increased, and a sufficient area is provided for the required number of bins for the residents.</p>
3	<p><u>Drying Courts</u></p> <ul style="list-style-type: none"> <li>• Located in small tight spaces</li> <li>• Unit 4 drying court is not a good outcome due to the solid fence and that it lacks surveillance to the street. It was suggested that the drying court be relocated and to increase the landscaping in this area.</li> </ul>	<p>The drying court to unit 4 has been relocated, and a larger overall space provided to improve functionality and access without being visible from Burlos Court.</p>	<p>The amended plans relocated the drying court to unit 4, with the area now outside of the street setback area. The drying courts for the remaining dwellings are located in a convenient location for residents being adjacent to the laundry.</p> <p>There are no provisions under the R-Codes regarding the size and dimension of drying courts, however due to the size and nature of the dwellings the areas provided are considered appropriate.</p>

No.	JDRP Comment	Applicant Response	City Comment
4	<p><u>Streetscape interface</u></p> <ul style="list-style-type: none"> <li>• Development is internally orientated.</li> <li>• The internal layout has a number of issues in terms of activation and community/resident interaction.</li> <li>• The laneway that leads onto the court is poor from a CPTED perspective.</li> <li>• Noted that the doors to the units are setback from the communal street and are not very visible. The entry way should be visible that includes a porch or verandah.</li> </ul>	<p>Lot frontage to Burlos Court is relatively narrow once the required vehicle and pedestrian and access and visitor parking has been accounted for, leaving minimal lot frontage available for adjacent dwellings to present to and connect with the street. The street to the south-west of the site is private property and therefore cannot be utilised as a primary frontage for dwellings.</p> <p>All dwellings present to the internal streetscape with clearly visible entrance points and major openings, accessible via the shared path environment.</p> <p>There is no laneway leading into the court, the street to the south-west is private property.</p> <p>All dwellings have been provided with porches protruding out from the dwellings and visible from the communal street to ensure clear legibility and weather protection for visitors.</p>	<p>The dwellings facing Burlos Court incorporate major openings to address the street frontage, with the amended plans reconfiguring the internal layout of unit 4 to improve this.</p> <p>The development site does not abut any other street boundaries. The remaining dwellings have been oriented to face the internal communal street.</p> <p>Each dwelling includes a porch to the communal street to improve the visibility of the entry point and to allow for a more enhanced relationship to the communal street.</p> <p>The private driveway to the south-west of the site does not form part of the subject site or Burlos Court and as such cannot be used for accessed.</p>
5	<p><u>Landscaping</u></p> <ul style="list-style-type: none"> <li>• Noted that the landscaping plan and proposal needs further development.</li> <li>• Plant densities or sizes are not indicated so the outcome is not very clear. Lack of trees provided, noting that this will not be a well shaded development.</li> <li>• Front setbacks could be increased to allow for more landscaping.</li> </ul>	<p>Landscaping has been reviewed and revised to include additional trees and improve the view corridor from Burlos Court.</p> <p>The landscape plan includes a legend outlining detail of each plant species, size and number, and the location of each proposed plant is shown on the landscaping plan.</p>	<p>Areas for landscaping across the site have been increased, with additional trees provided on site.</p> <p>The landscaping concept plan has been reviewed by the City's technical officers and is generally consistent with the City's specifications along with the relevant landscaping requirements of the R-Codes.</p>

No.	JDRP Comment	Applicant Response	City Comment
	<ul style="list-style-type: none"> <li>The proposed turf for each unit is not a good idea in relation to terms of maintenance and general practicalities as each unit will need its own mower.</li> </ul>	<p>Turf has been selected as the default to increase the potential usable area within the outdoor living, however this could be substituted for mulch and shrubs should this be of a concern to the City.</p>	<p>If approved, it is recommended a condition is included to require the lodgement and approval of a formalised landscaping plan.</p>
6	<p><u>General/Other</u></p> <ul style="list-style-type: none"> <li>The Panel commented that the development could potentially be a heat sink due to the large amount of paving and black roofs.</li> <li>Queried the location of the air conditioning condensers.</li> <li>Commented on the alleyway and access to this area.</li> <li>Noted the location of the meter boxes adjoining units 15 and 16, and that this area could be used better.</li> <li>Queried the impact on the neighbouring property in relation to the parapet wall, with concerns that there is a lack of connection between the two sites. The Panel suggested that more information should be provided on the neighbouring infrastructure so that the panel members have a better idea of what is being proposed.</li> <li>Solar access issues and lack of eaves noted. The Panel queried what advanced glazing solutions is, as stated on the ESD form.</li> </ul>	<p>The roof colours have been amended from black to a lighter colour and there has been a considerable increase in the number of trees on site which will both contribute to passive measures to naturally cool the site.</p> <p>The location of air conditioning units has been added to the plans, provided at ground level, away from outdoor living areas and major openings to reduce visual and noise impacts.</p> <p>The 'alleyway' between units 15 and 16 does not connect to a public road, and therefore cannot be used as an alternate access route. Accordingly, this space has been landscaped to reduce passive hardstand areas.</p> <p>The meter box locations for units 15 and 16 have been retained to avoid visual impact to the internal streetscape. It is acknowledged that the space adjacent to the meter boxes is not paved, however the improved amenity of landscaping is considered an overall better solution.</p> <p>The impact of built form is discussed under item 7 of the response to request for information.</p>	<p>The amended plans provided by the applicant have removed the black coloured roofing from the dwellings and provided additional trees on site as required by the R-Codes.</p> <p>Amendments to the plans also include the air conditioning unit locations to avoid any impact on surrounding properties.</p> <p>The amended plans show fencing along the south-west boundary to prevent any access to the adjoining property. The area which was previously paved now incorporates landscaping.</p>

No.	JDRP Comment	Applicant Response	City Comment
		<p>The parapet walls primarily adjoin adjacent parapet walls to the west, a private access road to the south, and the service area of a commercial development to the east. There is only one small section of boundary wall to the north associated with unit 2.</p> <p>The indication of advanced glazing on the ESD form was an error, advanced glazing solutions are not proposed for the development.</p> <p>Notwithstanding, there will be considerably improved shading of glazed areas as a result of the increased tree canopy in the revised plans.</p>	

### Planning Assessment

The City has completed an assessment of the proposal and the application is considered to comply with the majority of the 'deemed-to-comply' development standards of the RDLPP and R-Codes, except for the following:

#### *Street setbacks*

In accordance with the 'deemed-to-comply' requirements of clause 5.1.2 of the R-Codes, dwellings which front the communal street are required to have a setback of 2.5 metres to the dwelling and 1.5 metres to a porch.

All units within the proposed development front the communal street and propose a reduced setback to both the dwelling and the porch ranging between nil to 1.5 metres for the dwelling component and 0.3 metres to one metre for the porches.

As the development does not comply with the relevant 'deemed-to-comply' requirements of the R-Codes, the proposal is required to be assessed against the applicable 'design principles' which are outlined below:

*"Buildings set back from street boundaries an appropriate distance to ensure they:*

- *Contribute to, and are consistent with, an established streetscape;*
- *Provide adequate privacy and open space for dwellings;*
- *Accommodate site planning requirements such as parking, landscape and utilities; and*
- *Allow safety clearances for easements for essential service corridors.*



*Buildings mass and form that:*

- *Uses design features to affect the size and scale of the building;*
- *Uses appropriate minor projections that do not detract from the character of the streetscape.*
- *Minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and*
- *Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.”*

It is considered that the proposal meets the applicable ‘design principles’ outlined as follows:

- The development is oriented internally to the communal street - as such it is not considered to impact the Burlos Court streetscape, particularly as units 1 and 4 have openings which address the primary street.
- The differing setbacks to the communal street and provision of a porch, allows for articulation in the building façade to create an attractive internal streetscape. The inclusion of various openings and use of design features such as different materials ensure that the size and scale of the development is appropriate.
- The provision of parking meets the ‘deemed-to-comply’ requirements of the R-Codes and sufficient landscaping is provided across the site.
- The setbacks do not impact on the privacy of the proposed dwellings or to surrounding properties and do not result in reduced open space across the site that may otherwise result in overdevelopment.

Given the above, it is considered that the reduced setbacks to the communal street meet the applicable ‘design principles’ and therefore are supported.

*Lot boundary setbacks*

In accordance with the ‘deemed-to comply’ standard of clause 5.1.3 of the R-Codes, the dwellings are to be set back from external (side and rear) lot boundaries as per Table 2a and 2b of the R-Codes. In the case of single storey dwellings, the R-Codes require either a one metre or 1.5 metre setback depending on the length of the wall and whether that wall contains a major opening. In accordance with the City’s RDLPP, boundary walls are permitted to one lot boundary for a maximum length of two-thirds the length of the lot boundary and to an average and maximum height of three metres and 3.5 metres respectively, or where simultaneously constructed are of a similar dimension as that adjoining.

The proposed building setbacks of the development generally meet the required ‘deemed-to-comply’ requirements except for the following:

<b>External (side and rear) setbacks</b>	<b>Deemed-to-comply Standard</b>	<b>Proposed</b>
Unit 1, south-east boundary adjacent telecommunications site	1.5 metre setback	1 metre
Unit 2, north-east boundary adjacent lots 564 and 565 Burley Griffin Mews	1.5 metre setback	Minimum 1 metre
Unit 11, northern boundary adjacent Lot 700 Burlos Court	1.5 metre setback	1 metre
Unit 12, northern boundary adjacent Lot 700 Burlos Court	1.5 metre setback	1 metre
Unit 15, southern boundary adjacent vehicle access to Lot 700 Burlos Court	1.5 metre setback	1.3 metres

Boundary walls	Deemed-to-comply Standard	Proposed
Boundary wall to eastern lot boundary adjacent telecommunications site	3 metre average height	3.1 metres
External (parent lot) boundary walls to northern, eastern, western and southern lot boundaries	Boundary wall to one lot boundary	Boundary walls to four lot boundaries
Unit 9, internal eastern (indicative lot) boundary wall	Two-thirds the boundary length (4.55 metres)	7 metres

As the development does not meet the relevant 'deemed-to-comply' standards of the R-Codes, the proposal is required to be assessed against the applicable 'design principles' which are outlined below:

*"Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:*

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

*Buildings built up to boundaries (other than the street boundary) where this:*

- *Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *Does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *Does not have any adverse impact on the amenity of the adjoining property;*
- *Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework."*

It is considered that the proposal meets the applicable 'design principles' outlined as follows:

- The walls adjoining each lot boundary incorporate openings to reduce the perceived building bulk to adjoining properties.
- The subject site also includes angled lot boundaries which result in the setbacks generally increasing along the boundary for the length of the wall.
- The orientation of the lot will ensure that sufficient access to sunlight and ventilation into the building and open space areas are maintained to the adjoining residential properties to the northern and western boundaries.
- The proposed setbacks do not result in a reduced open space area across the overall site, or to individual units.
- As the subject site is adjacent to a non-residential land use (telecommunication site) to the east and a vehicle access way to Lot 700 the south-west, the setbacks and boundary walls to these sites will have minimal (if any) impact on amenity.
- The boundary walls to the western lot boundary assist in providing increased safety and privacy to Lot 700 as requested by the landowner during public consultation. Additionally, the walls to this boundary generally abut boundary walls on the adjoining site.
- The residential properties to the north (Lots 561, 562, 653, 654 and 565 Burley Griffin Mews) did not object to the proposal during the public consultation period, and therefore any perceived impact on amenity is not considered significant.

- The internal boundary wall to unit 9 will have little impact on the adjoining unit as it is located away from any major openings or the designated outdoor living area.
- Given the development meets the visual privacy requirements of the R-Codes, there is no loss of privacy to adjoining residents, and the boundary walls are considered to provide for greater privacy between properties.
- Apart from the boundary wall next to the telecommunications site, the remaining external boundary walls across the site are considered appropriate in terms of location and scale given they meet the 'deemed-to-comply' requirements relating to length and height.
- The external boundary walls are separated from one another which ensures there is limited impact on the streetscape and adjoining properties.

Given the above, it is considered that the development meets the 'design principles' in relation to lot boundary setbacks.

### *Landscaping*

The 'deemed-to-comply' requirements of clause 5.3.2 of the R-Code require a minimum of one tree per dwelling with a 2 x 2 metre planting area. In addition, landscaping of the street setback area should not include more than 50% of the area as impervious surfaces.

The development proposes 16 trees across the site, with each individual unit provided with a tree, except for units 2 and 12. The minimum two metre wide planting area dimension is not achieved for the following units:

- Unit 1: minimum 1.9 metres.
- Units 6, 9 and 11: minimum 1.6 metres.
- Units 3, 5, 7, 8 and 10: minimum 1.72 metres.

In addition to the above, the development proposes 27.4% of the street setback area as landscaping, which is 22.6% less than the 'deemed-to-comply' requirement. It is noted that under the previous R-Codes visitor parking bays were excluded from impervious surfaces calculation and as such the landscaped area in the street setback area would have exceeded 30% under the previous R-Codes.

As the development does not meet the relevant 'deemed-to-comply' of the R-Codes, the proposal is required to be assessed against the applicable 'design principles' which are outlined below:

#### *"Landscaping of open spaces that:*

- *Contribute to the appearance and amenity of the development for the residents;*
- *Contribute to the streetscape;*
- *Enhance security and safety for residents;*
- *Contribute to positive local microclimates, including the provision of shade and solar access as appropriate; and*
- *Retaining existing trees and/or provides new trees to maintain and enhance the tree canopy and local sense of place.*

It is considered that the proposal meets the applicable 'design principles' outlined as follows:

- The landscaping requirements for the site were affected late in the assessment process due to R-Code amendments which were gazetted on 2 July 2021. The proposal was amended to consider the new requirements of the R-Codes, particularly in regard to providing tree coverage across the site.

- The landscaping plan was reviewed by the City's landscape architect who provided recommendations on tree species which were appropriate within a minimum 1.6 metre wide tree planting area. The amended plans incorporate tree species consistent with the recommendation and as such the reduced areas are considered adequate to provide sufficient tree growth across the site.
- Although a reduced dimension for some of the tree planting areas is proposed by the applicant, all of the areas exceed 4m<sup>2</sup> in area to ensure there is adequate space for tree growth.
- Although units 2 and 12 do not have a tree within their landscaped area, a total of 16 trees are provided across the development site as per the 'deemed-to-comply' requirement of the R-Codes.
- The extent of landscaping visible from Burlos Court positively contributes to the amenity of the area and provides an attractive street appearance.
- The reduced landscaped area within the street setback area is the result of a narrow lot frontage, a two metre wide street setback and the requirement to provide two-way vehicle access to and from the subject site. It is considered that the landscaping within the verge and development site itself beyond the street setback area, contribute to improving the amenity of the streetscape, while also providing for shade around the site.
- In 2016, the City engaged a consultant as part of the sale of the lot to provide an arboricultural report on the existing vegetation on site. The report determined that the existing vegetation was heavily degraded, and the trees noted in the report were not worthy of retention. Given a total of 16 new trees are proposed on site, the proposal will enhance the tree canopy coverage across the site and assist in providing a local sense of place for residents.

As a result of the above, it is considered that the landscaping within the front setback area and the number of trees and their associated tree planting area across the site are appropriate and achieve the 'design principles' of the R-Codes and is supported in this instance.

#### *Vehicle access and parking*

In accordance with the 'deemed-to-comply' requirements of clauses 5.3.3, 5.3.4 and 5.3.5 of the R-Codes, one bay per dwelling and one visitor bay per four dwellings is required. In addition, the driveway is to be a minimum width of four metres and enable vehicles to pass in the opposite direction, and the crossover width is to not exceed six metres.

In respect to vehicle access (clause 5.3.5), the development proposes a 5.5 metre wide driveway which includes a 1.2 metre pedestrian path within the site. Vehicles will be required to utilise a portion of the pedestrian path only when two vehicles are passing in opposite directions. The proposed crossover is 6.31 metres wide to allow for access to the subject site.

As the increase in crossover width does not comply with the relevant 'deemed-to-comply' standard of the R-Codes, the proposal is required to be assessed against the applicable 'design principles' which are outlined below:

*"Vehicular access provided for each development site to provide:*

- *Vehicle access safety;*
- *Reduced impact of access points on the streetscape;*
- *Legible access;*
- *Pedestrian safety;*
- *Minimal crossovers; and*
- *High quality landscaping features."*

It is considered that the proposal meets the applicable 'design principles' outlined as follows:

- Given the nature of the street being a cul-de-sac, the crossover width will have little impact on the streetscape and will allow for improved vehicle safety and convenience for those entering and exiting the site.
- As the dwellings face internally to the communal street, there is only one vehicle access point which services the entire development.
- No public footpath abuts the site and therefore pedestrian safety is not compromised.
- Although the overall landscaping within the street setback does not meet the deemed-to-comply requirements of the R-Codes, the landscaped area will positively contribute to the streetscape and mitigate the impact of vehicle access and parking as viewed from the street.

In addition to the above, it is also noted that the development meets the deemed-to-comply requirement in terms of parking, with the development including two car bays per dwelling within the garage of each unit. Four visitor bays have been provided in a convenient location as they are visible from the entry point to the site and are not located behind security barriers for the site. One of the visitor bays is designed to be wheelchair accessible as required by the R-Codes.

As a result, it is considered that the proposed crossover width meets the applicable 'design principles' of the R-Codes and is therefore supported in this instance.

#### *Aged or dependent persons' dwelling*

In accordance with the 'deemed-to-comply' standards of clause 5.5.2 of the R-Codes, aged or dependant persons' dwellings are permitted to have a maximum plot ratio area of 100m<sup>2</sup>, provide a visitor parking at the rate of one bay per four dwellings (one bay being wheelchair accessible) and developed in accordance with Australian Standard AS4299 in relation to internal spaces and accessibility. The pedestrian path required under clause 5.3.6 which is to be 1.2 metres wide and separate from the vehicle access, is also required to be as per AS4299 to ensure that the path is accessible.

The proposal meets the requirements of AS4299 regarding the grade of the pedestrian path, the internal spaces such as entries and corridor widths within individual units and with respect to the provision of the first visitor car bay being 3.8 metres in width (such as wheelchair accessible).

The proposal does however propose an increase in plot ratio area for each dwelling as identified in the table below:

<b>Unit No.</b>	<b>Proposed plot ratio area</b>
1 and 11	120m <sup>2</sup>
2 and 16	115m <sup>2</sup>
3, 5, 7, 8 and 10	118m <sup>2</sup>
4	107m <sup>2</sup>
6	109m <sup>2</sup>
12	111m <sup>2</sup>
13 and 14	112m <sup>2</sup>
15	114m <sup>2</sup>

As the development does not comply with the relevant 'deemed-to-comply' standard of the R-Codes, the proposal is required to be assessed against the applicable 'design principles' which are outlined below:

*"Aged or dependent persons' dwellings for the housing of aged or dependent persons designed to meet the needs of aged or dependent persons; and*

- *Reduces car dependence, ie is located in close proximity to public transport and services;*
- *Has due regard to the topography of the locality in which the site is located in respect to access and mobility;*
- *Had due regard to the availability of community facilities including parks and open space;*
- *Does not impinge on neighbour amenity; and*
- *Responds to a demand for aged or dependent persons' accommodation in the locality which is recognised in the local planning framework."*

It is considered that the proposal meets the applicable design principles outlined as follows:

- The subject site is within 150 metres of Candlewood Shopping Centre, which is at the end of the street at the corners of Candlewood Boulevard, Moondarra Way and Burlos Court. On the Candlewood Boulevard Street frontage adjacent to the shopping is also a high frequency bus stop, with busses between Banksia Grove and Joondalup Station. Given these facilities are close to the site, it will allow future residents to live more freely without the dependence on personal vehicles.
- The development site is relatively flat, and vehicle access and pedestrian paths have been designed to allow for access and mobility within the subject site.
- Burlos Court provides pedestrian access (between Lots 985 and 700) through to Aswan View which leads to Water Tower Park. This provides accessibility to public open space and recreation areas which are within a short distance from the subject site. Gates have been provided adjacent the courtyards of units 11 and 12 to allow for an alternative connection to Water Tower Park via the pedestrian access way to the north of the site.
- The open space provision for the subject site exceeds the 'deemed-to-comply' requirements of the R-Codes, and therefore the increase in plot ratio area for each unit is not considered to compromise the potential to provide for outdoor areas or affect the amenity of both residents and neighbouring properties.
- The proposed internal dwelling sizes are not uncommon for applications proposing aged or dependent persons' dwellings. The minor increase in plot ratio area accommodates the need for larger internal corridors and doorways as required under the applicable *Australian Standards*.
- The dwellings provide adequate internal living space for future residents, ensuring the dwellings have low-maintenance outdoor areas but do not compromise the liveability of the dwellings.
- As the development site was rezoned for the purpose of aged or dependent persons' dwellings, there is a clear intent for this development type within the local area.

Given the above, it is considered that the proposed plot ratio area is appropriate and meets the relevant 'design principles' and as such is supported.

#### *Waste management*

In accordance with clause 5.4.4 of the R-Codes, where rubbish bins are not collected from the street, a communal pick-up area is to be provided which is conveniently located for collection, accessible for residents, provides sufficient space to store all rubbish bins and is not visible from the primary street.

The development proposes a communal bin storage area and onsite collection as identified in the applicant's *Waste Management Plan* (Attachment 6 refers). The *Waste Management Plan* has been reviewed by the City's technical officers and considered to provide for adequate waste services for the site. The bin store is located adjacent to visitor bay 3 and is not visible from the primary street. The location ensures that a waste truck is not required to manoeuvre around the bend in the communal street and limits the area of paving required to sustain the weight of a waste truck. The bin store area is of a sufficient size to cater for the number of bins required on site.

In view of the above, waste management for the site which includes storage area and collection is appropriate. Should Council resolve to approve the development, it is recommended that a condition of approval relating to waste management and collection in accordance with the Waste Management Plan prepared by the applicant be imposed.

### Issues and options considered

Council may determine an application for development approval by:

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

### Legislation / Strategic Community Plan / Policy implications

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

#### Strategic Community Plan

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

**Strategic initiative**        Building and landscape is suitable for the immediate environment and reflect community values.

**Policy**                              *Environmentally Sustainable Design Policy.  
Residential Development Local Planning Policy (RDLPP).  
State Planning Policy 7 Design of the Built Environment (SPP7).  
State Planning Policy 7.3 Residential Design Codes - Volume 1  
(R-Codes).*

#### Local Planning Scheme No.3

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

- *"To provide a range of housing and choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development."*

Clause 20 (1) and Table 5 of LPS3 details restricted uses for land within the Scheme area.

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (fa) *any local planning strategy for this Scheme endorsed by the Commission;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including –*
  - (i) *the compatibility of the development with the desired character of its setting; and*
  - (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*



- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

### State Planning Policy 7.3 Residential Design Codes - Volume 1

The overall policy objectives for residential developments are as follows:

- To provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.
- To encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.
- To encourage design which considers and respects heritage and local culture.
- To facilitate residential development that offers future residents the opportunities for better living choices and affordability.

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

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

#### **Risk management considerations**

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

#### **Financial / budget implications**

The applicant has paid fees of \$6,583 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

The applicant has completed the City's *Environmentally Sustainable Design Checklist* (Attachment 7 refers) to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Northern orientation of daytime living/working areas with large windows, and minimal windows to the east and west.
- Passive shading of glass.
- Sufficient thermal mass in building materials for storing heat.
- Insulation and draught sealing.
- Floor plan zoning based on water and heating needs and the supply of hot water.
- Low energy technologies.
- Natural and/or fan force ventilation.
- Water efficient technologies.

## Consultation

The application was advertised for public comment for a period of 21 days in accordance with the *Planning Consultation Local Planning Policy*. Advertising commenced on 21 May 2021 and concluded on 11 June 2021. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of 12 properties in the vicinity of the subject site, however excluded the commercial shopping centre.
- A sign was installed on site.
- Development plans and information were made available for public viewing on the City's website and at the City's administration building.

Three submissions were received, one in support, one in objection and one being a neutral submission. The key concerns raised during public consultation and the City's responses are as follows:

- *There are too many units proposed all with double garages. Reducing the number of units would result in fewer or no discretions sought.*

The number of dwellings proposed is considered appropriate as the site area requirements of the R-Codes is achieved. Although there is a plot ratio area discretion sought, the overall open space area for the site is not compromised by the increased living area or number of dwellings. While only one car bay is required per dwelling, the inclusion of two car bays allows for additional parking on site for residents and is consistent with the requirement of a typical two-bedroom dwelling.

- *The pathway behind the site is vital as it provides access for residents in the area to the shopping centre.*

The subject site is privately owned and as such there is no requirement for public access to be provided from the existing path at the rear of the site through to Burlos Court.

- *Increased vehicle traffic within Burlos Court.*

A traffic impact statement was provided with the application which did not identify any traffic impacts or concerns as a result of the development (Attachment 8 refers).

## COMMENT

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

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council **APPROVES** under clause 68(2) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 8 October 2020 submitted by Archivision Architectural Drafting for the proposed Grouped Dwelling (16 New Aged or Dependent Persons' Dwellings) at Lot 803 (15) Burlos Court, Joondalup, subject to the following conditions and advice notes:

### Conditions

- 1 This approval relates to the sixteen new aged or dependent persons' dwellings only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;
- 2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 3 All development shall be contained within the property boundaries;
- 4 At least one permanent occupant of each dwelling shall be an aged or dependent person or the surviving spouse of that person;
- 5 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense, and lodged with the City of Joondalup for execution prior to commencement of development, and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:
  - 5.1 *"At least one permanent occupant of the dwelling(s) shall be an aged or dependent person or the surviving spouse of that person in accordance with State Planning Policy 7.3: Residential Design Codes."*;
- 6 Boundary walls shall be of a clean finish and made good to the satisfaction of the City;
7. The development shall be designed and constructed to comply with deemed-to-comply requirements of C2.2 and C2.3 of Clause 5.5.2 of the *Residential Design Codes – Volume 1*;
- 8 The driveway, pedestrian path and crossover are to be constructed prior to occupation of the dwellings to the specification and satisfaction of the City;
- 9 The pedestrian path as shown on the approved plans shall:
  - 9.1 Be constructed of materials different to the vehicular driveway to differentiate between the pedestrian path and vehicle access. Signage shall be provided at the driveway entry advising of the use of the communal street as shared vehicle and pedestrian space to the satisfaction of the City;
  - 9.2 The pedestrian path shall be designed and constructed to provide wheelchair accessibility connecting entries to all buildings with the public footpath and car parking areas;

- 10 Lighting shall be installed along the driveway and pedestrian pathways prior to the occupation of the development, to the satisfaction of the City. The lighting shall be placed and oriented so as to avoid unacceptable levels of light spill into adjacent neighbouring properties;
- 11 The 'infill panels' above the brick wall of the front fence as indicated on the approved plans shall be visually permeable as defined in the *Residential Design Codes – Volume 1*;
- 12 Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site to the satisfaction of the City;
- 13 A detailed landscaping plan shall be submitted to, and approved by the City, prior to commencement of construction. The plan is required to detail the hard and soft landscaping of all external areas within the development site along with the irrigation and maintenance details to the specification and satisfaction of the City. The landscaping shall be installed in accordance with the approved landscaping plan prior to occupation of the development and maintained thereafter, to the satisfaction of the City;
- 14 A minimum of one tree per dwelling and associated tree planting areas shall be provided onsite to the specification of the City prior to occupation of the dwellings, and thereafter maintained to the satisfaction of the City;
- 15 The street setback area, excluding the impervious surfaces shown on the approved plans, shall be landscaped and thereafter maintained to the satisfaction of the City;
- 16 No solid walls, fences or other structures higher than 0.75 metres shall be constructed within 1.5 metres of where the driveway meets the street boundary;
- 17 The designated visitor parking bays as depicted on the approved plans shall remain unobstructed and permanently marked as a 'visitor bay' to the satisfaction of the City;
- 18 The development shall be constructed and operate in accordance with the *Waste Management Plan* as detailed in Attachment 6 of this Report to the satisfaction of the City.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf211109.pdf](#)

## ITEM 5 PROPOSED AMENDMENTS TO CHILD CARE PREMISES LOCAL PLANNING POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	85510, 101515
<b>ATTACHMENT / S</b>	Attachment 1 Current <i>Child Care Premises Local Planning Policy</i> Attachment 2 Child Care premises determined since 2016 - summary table Attachment 3 Child Care Policies - local government comparison table Attachment 4 Draft revised <i>Child Care Premises Local Planning Policy</i> – tracked changes Attachment 5 Draft revised <i>Child Care Premises Local Planning Policy</i> – clean copy
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider a report in response to:

- a petition received by Council regarding the location of child care premises adjoining or opposite residential properties
- Council's resolution of August 2021 requesting possible amendments to the *Child Care Premises Local Planning Policy* to prevent childcare premises being built in residential areas.

### EXECUTIVE SUMMARY

At its meeting held on 20 April 2021 (C26-04/21 refers), Council received a Petition of Electors requesting the *Child Care Premises Local Planning Policy* be amended so that child care premises could not be located adjoining or opposite residential properties.

At its meeting held on 17 August 2021 (C78-08/21 refers), Council requested a report be prepared detailing possible amendments to the *Child Care Premises Local Planning Policy* to prevent child care premises from being built in residential areas.

The City's *Child Care Centres Policy* was initially adopted by Council in 1999. It has been reviewed several times since then and was renamed the *Child Care Premises Local Planning Policy* in 2017 following the adoption of the City's new *Local Planning Scheme No. 3 (LPS3)*.

Child care centres provide an important service to the local community. Traditionally, child care centres have been located in residential areas to provide convenient access to this service and have often taken the form and scale consistent with that of surrounding houses. LPS3 currently allows child care centres to be developed in residential areas as the land use aligns with the objective of the 'Residential' zone as a non-residential use which is considered to be compatible with and complementary to residential development.

More recently, the business model for child care appears to be changing. Where traditional child care centres have reflected the form and scale of surrounding housing, or even retrofitted existing houses, modern child care centres are purpose built developments with a much larger capacity. While the land use is and remains compatible with and complementary to residential development, the built form and capacity of this new business model appears to have grown to such a scale that, in some instances, the development is no longer appropriate in a wholly residential setting.

In response to this changing trend, and in consideration of the petition received and Council's request, an analysis of current policy settings has been undertaken. This analysis includes:

- characteristics of recent child care centre proposals in the City of Joondalup
- benchmarking against Planning Bulletin 72/2009 – Child Care Centres
- comparison against a number of other local government child care centre policies
- consideration of recent trends in child care centre development.

Based on this analysis it is recommended that the *Child Care Premises Local Planning Policy* is amended to introduce greater control regarding size and location to:

- limit child care premises to a maximum of 50 children in the 'Residential' zone
- require child care premises to directly adjoin a non-residential use
- prevent child care premises from being located in or on the corner of a cul-de-sac.

Placing a limit of 50 children for child care premises in the 'Residential' zone will likely result in development of a single lot only and therefore a scale that is more in keeping with surrounding residential properties. Centres accommodating more than 50 children are likely to require larger sites that, if provided in the City's residential areas, would typically require lot amalgamation. A limit of 50 children also aligns with the acceptable limit included in the City of Canning's local planning policy for child care centres in residential areas.

Requiring child care premises to adjoin a non-residential use (such as shopping centres, medical centres or consulting rooms, schools, parks or community purpose buildings) on at least one boundary will not prevent them from potentially adjoining or being located next to residential properties. It will, however, mean that there is at least one boundary with less sensitive land uses that a child care premises design could locate some of its more amenity impacting characteristics toward. It will also mean that child care premises will be co-located with existing non-residential development (with potential higher traffic and noise impacts) already occurring and known.

It is considered that the proposed amendments to the policy will address the locational concerns raised in the petition and Council's resolution, while still allowing for child care premises to continue to be distributed throughout neighbourhoods to provide convenient access to this service.

It is therefore recommended that Council supports the draft revised *Child Care Premises Local Planning Policy* at Attachment 5 for the purposes of public consultation for a period of 21 days.

## **BACKGROUND**

The City's *Child Care Centres Policy* was initially adopted by Council in 1999 and has subsequently been reviewed several times to include provisions relating to amenity, location, noise, traffic and parking.

In 2017 (CJ174-10/17 refers), the policy was renamed the *Child Care Premises Local Planning Policy* as a result of a change to the land use name and definition, following the adoption of LPS3 (Attachment 1 refers). While there were no fundamental changes made to the policy, provisions from the former scheme (*District Planning Scheme No. 2*) were included in the revised policy such as car parking and landscaping, as these provisions were no longer included in LPS3.

### Petition of Electors

At its meeting held on 20 April 2021 (C26-04/21 refers), Council received a 32-signature petition from residents of Woodvale requesting Council to amend the *Child Care Premises Local Planning Policy* so that child care operations are not located adjoining or opposite a residential property.

The petition requests that Council:

*Instruct the City of Joondalup's administration to provide the Council with the necessary documentation to amend the Child Care Premises Local Planning Policy so the intent of the policy is that No Child Care Operations (excluding family day care service) are to be located adjoining or opposite a residential property.*

*We ask that policy, under 5.1.1 Neighbouring Uses, include the following – Child Care Premises (excluding family day care services) are not allowed adjoining/adjacent/opposite a residential property.*

*We ask that in the policy, under Road Hierarchy, 5.1.2 that the following is included – Child Care Premises (excluding family day care services) are NOT to be located in/adjoining an ACCESS ROAD.*

### Council resolution

In response to a Notice of Motion, Council at its meeting held on 17 August 2021 (C78-08/21 refers) resolved as follows:

*“REQUESTS the Chief Executive Officer prepare a report for the November 2021 Council meeting, detailing possible amendments to the Child Care Premises Local Planning Policy to prevent child care premises being built in residential areas”.*

### Effect of a local planning policy

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), the local government can prepare a local planning policy in respect to any matter related to planning and development in the scheme area. A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations.

Local planning policies outline acceptable development standards and provide guidance to local governments (or other decision makers) in the exercise of discretion. This allows the local government to ensure that the local planning framework reflects the needs and values of their local community. Local government or the relevant determining authority is required to have 'due regard' to any applicable local planning policy when determining an application for development approval.



## DETAILS

### Planning for child care premises

#### Planning Bulletin 72/2009 – Child Care Centres

In 2009, the Western Australian Planning Commission (WAPC) published updated guidelines for the location of Child Care Centres in the form of Planning Bulletin 72/2009 (PB72/2009).

Planning Bulletins are a non-statutory and non-binding guidance document prepared by the WAPC on legislation, planning practices and policy positions of the WAPC.

The purpose of PB72/2009 is to outline a consistent policy approach in the planning for child care centres and provide provisions to guide (but not obligate) local governments in the preparation of the local planning framework for child care centres.

Generally, the City's policy existing aligns with the planning bulletin. It is however noted that there are a number of suggested provisions in the guidelines that were not included in the City's policy and instead a more conservative approach to development was taken. For example the following:

- The planning bulletin includes the requirement for sites in residential areas to be greater than 1,000m<sup>2</sup>. The City's policy does mandate larger lot sizes as this provision would usually require the amalgamation of residential sites to achieve the 1,000m<sup>2</sup> size, thereby encouraging larger centres to establish in residential areas.
- The planning bulletin states operation hours to be limited to between 7.00am to 7.00pm Monday to Saturday. The City's policy has a more conservative approach with more limited standard operating hours, particularly on Saturdays (8.00am to 1.00pm).
- The planning bulletin states the minimum car bay provision should be one car bay per five children which includes the provision of bays for staff. The City's policy requires each staff member to be provided a car bay in addition to the provision of car bays based on the number of children at the centre. Analysis of the approved child care premises within the City indicates that ratio of car bays to children/staff for these centres is greater than that outlined in the planning bulletin.

#### Location of child care premises

The petition requests that the *Child Care Premises Local Planning Policy* be amended so that child care premises are not located adjoining or opposite residential properties. Council's resolution of August 2021 is to consider potential amendments to the policy to prevent child care premises being built in residential areas at all.

#### *Distribution of recently considered child care premises*

Since 2016, there have been 20 child care premises applications determined, being eleven in the 'Residential' zone and nine in non-residential zones (Attachment 2 refers). Of those, 18 applications proposed centres adjoining or opposite a residential property. This includes seven of the nine centres located in zones other than the 'Residential' zone.

It is therefore evident that, regardless of the zone, child care centres are generally located adjoining or opposite residential properties. If Council's intent is to avoid any child care premises from being near a residential property, this will significantly limit the potential location of these centres, even when they are located in non-residential zones. This is not considered appropriate, as it will unreasonably restrict access to child care services within the City of Joondalup. However, there are options that can be considered to control the location of child care premises, as outlined further in this report.

The City has also reviewed seven other local government child care policies (Attachment 3 refers). All local governments allow child care premises in the 'Residential' zone, subject to requirements. The City of Stirling and the City of Melville include specific provisions for sites located in the 'Residential' zone, including requirements for centres to be located on a Local Distributor road, the preference for corner sites, and in the case of the City of Stirling, within 100 metres of an activity centre.

#### *Land use permissibility*

Broadly, the location of child care premises is controlled by LPS3 through land use permissibility (whether or not the land use is permissible within a particular zone).

The only way to prevent child care premises from being able to be considered in the 'Residential' zone is to change LPS3 and make the land use an 'X' (not permitted) use in the zone.

In deciding whether or not to change the land use permissibility of child care premises, consideration would need to be given to:

- whether doing so would be contrary to the objectives of the 'Residential' zone
- whether doing so would actually prevent the potential amenity impacts being raised as concerns because child care premises would still be able to be developed on land with a zoning other than 'Residential'.

LPS3 states that one of the objectives of the 'Residential' zone is:

*To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

As outlined above, it is considered that the land use of child care premises is consistent with the objectives of the Residential zone - providing a necessary service in neighbourhoods - and should therefore be capable of being developed in these areas. It is however acknowledged that more recent trends in child care premises development demonstrate that the now typical child care premises is of a capacity and scale that is not always compatible within a residential setting.

While a local planning policy cannot change land use permissibility, it can provide guidance to discretionary decision-making, including decisions pertaining to land use. As such, rather than preventing child care premises from being located within a residential area entirely, it is considered more appropriate to update the controls within the policy to limit their scale and potential impact in these locations to guide discretionary decision-making.

In addition, based on the analysis outlined in Attachment 2 it is also clear, even when a child care premises development is not located on land zoned Residential, it is often located adjoining or adjacent to residential properties. As such, it is considered that controls should not only apply to the development of child care premises on land zoned Residential, but some should also apply in circumstances where a child care premises development is located on land zoned other than Residential.

It is recommended that no change to LPS3 land use permissibility be undertaken.

#### Scale of child care premises in the Residential zone

The scale of a child care premises and the number of children accommodated have a direct influence that centre will have on the amenity of the area in terms of noise, traffic and building scale. Generally, as the scale of a child care premises increases, so does the building footprint and the amount of noise and traffic associated with the development.

In considering what an appropriate policy standard may be to control the scale of child care premises near to residential properties the City undertook analysis of a number of other local government child care policies (Attachment 3 refers).

*Planning Bulletin 72/2009* suggests the sites intended for child care premises development in residential areas should be greater than 1,000m<sup>2</sup>.

This suggestion is embedded in a number of other local government policies (such as Cities of Canning and Stirling and the Towns of Victoria Park and Cambridge). While it is likely that the intent of the provision is to ensure sufficient area is provided for appropriate car parking, landscaping and building setbacks, requiring a minimum lot size encourages the amalgamation of lots which in turn encourages the development of larger scale centres. These larger centres could potentially have a greater amenity impacts on adjoining properties. It is considered more appropriate that child care premises in the 'Residential' zone be of a smaller scale as this is likely to reduce their impact on neighbouring properties.

It is not recommended to include a minimum lot size in the City's policy.

The City of Canning's policy, for example, acknowledges the potential impacts from larger child care premises by including additional provisions for premises accommodating more than 50 children, such as demonstrating that the proposal will not have a significant detrimental impact on residential amenity, the management of outdoor areas to minimise the impact on the amenity of adjoining properties and the location of the site next to existing non-residential uses on one or more sides.

As the above provisions would appear to be appropriate considerations relevant to any child care centre proposal, and to a degree are already addressed in the City of Joondalup's existing policy, it is considered an alternative measure would be to modify the City's policy to cap the maximum number of children that a centre can accommodate in the 'Residential' zone. A reduced number of children at the centre would likely also lead to a smaller building footprint, as well as less noise and traffic generated by the centre. It could also assist to ensure a more appropriate scale of building that is more in keeping with the surrounding residential context.

A review of child care premises determined in the City over the last five years (Attachment 2 refers) indicates that of the 11 centres determined in the 'Residential' zone, eight involved the amalgamation of 2 lots to create a lot of 1,400m<sup>2</sup> or more. Child care premises on two amalgamated lots generally accommodate over 70 children, whereas child care premises on a single lot have 40 children or less.

Research indicates that lot amalgamation occurs for child care premises in excess of 70 children; therefore, placing a limit of less than 70 children for child care premises in the 'Residential' zone may result in development of a single lot only - a scale that is more in keeping with surrounding residential properties.

Having regard to the analysis undertaken on other local government local planning policies (Attachment 3 refers) coupled with the review of child care premises determined in the City of Joondalup in the last five years (Attachment 2 refers), it would appear that a more appropriate limit on the number of children would be 50. A limit of 50 would accommodate the scale of child care premises approved on a single lot (Attachment 2 refers) and also aligns with a cap imposed in City of Canning's local planning policy for child care centres in residential areas (Attachment 3 refers).

It is recommended that that the City's policy be amended so that child care premises in the 'Residential' zone can only accommodate a maximum of 50 children.

This is likely to encourage development on a single lot rather than the amalgamation of residential lots to create large child care premises.

### Neighbouring uses

Concern has been raised in regard to residential properties surrounding a child care centre on all sides.

The City's policy currently states that it is preferable to locate child care premises adjacent to non-residential uses such as shopping centres, medical centres or consulting rooms, schools, parks and community purpose buildings. In addition, the policy states that where a child care premises is proposed to be located next to a residential property, the applicant must demonstrate that the proposal will not have an undue impact on residential amenity in terms of noise, location of car parking, increased traffic and building scale.

Apart from having a preference that a child care premises adjoins a non-residential use, there is no specific expectation in the current policy that a child care premises is required to be co-located with other non-residential land uses.

Similar language is used in other local government child care policies examined (Attachment 3 refers) which encourage child care premises to be located near or adjacent to non-residential land uses such as schools, shopping centres, medical facilities, parks and community buildings. The Cities of Stirling and Melville policies include specific requirements for child care premises in the 'Residential' zone, such as being located adjacent to non-residential land uses and on local distributor roads.

Requiring a centre to adjoin a non-residential land use would allow the design of the centre to specifically locate potential noise generating activities such as car parking or outdoor play areas adjoining the less-sensitive non-residential use - thereby reducing the potential impact child care premises may have on residential properties that do adjoin the centre. Doing so would also mean that child care premises are located where there is existing non-residential development (with its potential higher traffic and noise impacts) already occurring and known.

It is recommended that the City's policy is amended to require that child care premises directly adjoin non-residential land uses on at least one boundary.

It is however noted that, even with the proposed changes to the policy, most child care premises will adjoin at least one residential property. It is therefore important to ensure that potential amenity impacts on surrounding residential properties are acknowledged, considered and appropriately managed. As outlined above, the City's policy already requires a development proposal to demonstrate that the amenity of adjoining residential properties is not unduly impacted by noise, location of car parking, increased traffic and building scale in a number of ways.

In relation to noise, the draft policy includes development standards that state noise-generating activities such as outdoor play areas, vehicle accessways, car parking areas and plant and equipment are to be located away from noise-sensitive land uses (such as residences). The draft policy also requires an acoustic report to be submitted with an application for a child care premises to demonstrate how the development meets the *Environmental Protection (Noise) Regulations 1997* and what management measures are required to ensure this occurs. These management measures are then captured in an approval (if granted) through a condition requiring the preparation and ongoing implementation of a Noise Management Plan. This condition of approval then gives the City the ability to enforce compliance of the various noise management measures.

In relation to carparking and traffic, the draft policy includes development standards that set out the minimum number of car parking bays for both staff and customers, the location of car parking, the access arrangements for car parking areas and the provision of a footpath between the car park and street to the building entrance. The draft policy also requires vehicle access to a child care premises to be from a Local Distributor Road and that child care premises are not to be located in or at the corner of cul-de-sacs. Further a traffic and road safety impact report is required to be submitted with an application for a child care premises to demonstrate how the development impacts the surrounding road network and what traffic safety considerations are relevant.

In relation to building scale, the draft policy includes development standards in relation to building height and building setbacks to both the street and neighbouring properties. In addition, child care premises is a type of development that requires design review as per the City's *Joondalup Design Review Local Planning Policy*. As such a child care premises' built form and scale and how it integrates with the context and character of the surrounding area is factored in as part of design review and therefore a valid consideration in the decision-making process.

The development standards included in the draft policy that guide appropriate layout and design coupled with the requirement for design review, technical reporting and the subsequent setting of appropriate conditions (if approved) collectively contribute to determining whether a proposal may have an undue impact on the amenity of surrounding residential properties.

It is recommended that the City's policy retains the requirement for applications that adjoin a residential property to demonstrate that the noise, parking, traffic and building scale will not have an undue impact on the residential amenity of the adjoining properties.

### Road Hierarchy

The petition requests the policy be amended so that child care premises are not located in or adjoining an access road.

Some recent child care centre applications have raised community concern in regard to their location on, and vehicle access to, roads designated as Access Roads and in particular cul-de-sac roads.

Assessment of other local government child care policies (Attachment 3 refers) indicate there is a wide range of measures regarding road hierarchy from general considerations, to specific requirements such as not being located in cul-de-sacs or being located on corner sites, and if on a corner taking access from the lowest order road.

The Cities of Stirling, Melville and Canning policies indicate a preference for corner sites, to ensure that the design of child care premises can mitigate impacts on adjoining residential properties. The City of Stirling additionally notes that the assessment of corner lot child care premises will place a strong emphasis on the effect of traffic and parking.

The City of Joondalup's policy currently states that child care premises should be located on local distributor roads. This approach is consistent with a number of other local government policies. It remains the City's position that vehicle access to child care premises is most suitably located on roads designated as Local Distributor Roads as these roads are designed to carry higher volumes of vehicles with appropriate traffic and pedestrian infrastructure such as median islands, controlled intersections and footpaths embedded in the road design.

Generally, the use of access roads for vehicle access encourages vehicle turning movements in these lower order streets, and particularly cul-de-sac roads, which is likely to have an adverse impact on the amenity of those nearby residences. It is noted that City of Stirling and City of Melville policies specifically preclude a site from being located on a cul-de-sac given potential traffic impacts on adjoining properties.

It is recommended that the City's policy be amended to more strongly require that child care premises can only to be located on local distributor roads, and to specify that child care premises cannot be located in, or on the corner of, a cul-de-sac road.

### Operating hours

A common request as part of more recent child care premises applications has been to extend operating hours to allow the business to open earlier and remain open until later in the day.

The City's current policy allows child care premises to operate as follows:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday	Not permitted

The City's policy is the most restrictive when compared to the other local government policies analysed (Attachment 3 refers). Typically, all policies have the same commencement time, but others allow for later closing times (ranging from 6.30pm to 7.00pm). Some also allow premises to be open all day on Saturday.

While it is not considered appropriate to extend the opening hours for child care centres in or abutting the 'Residential' zone, it is considered appropriate for the policy to make a distinction between staff and customers, by allowing staff to arrive and depart the centre beyond the open and closing times outlined in the policy, to allow for setting up and cleaning. Staff movements to and from the site are less impacting than customer movements and can be more easily managed operationally to ensure compliance.

It is recommended that the policy be amended to allow staff to arrive and depart the centre within half an hour of the operating hours outlined in the policy.

### Policy terminology

Several local government policies, including the City of Joondalup's, include development provisions that are described as being 'preferable' or 'encouraged'.

It is considered that this type of language used within the City's policy should be updated to be firmer in its intent by replacing references to words like 'should', 'preferred' or 'encouraged' be replaced with phrases such as 'be required', 'shall' or 'must'.

Notwithstanding the above strengthening of terminology, in applying a local planning policy, the State Administrative Tribunal has determined that the existence of a local planning policy cannot replace the discretion of the decision maker in that a policy is not to be inflexibly applied regardless of the merits of the particular case, but there must generally be a clear reason to depart from a sound planning policy.

This means that while the strengthening of terminology will provide greater clarity of the City's expectation and 'starting point' for development control, there is still the ability for a decision-maker to deviate from the provisions of a policy if sufficient merit exists.

It is recommended that terminology in the City's policy be amended such that references like 'should', 'preferred' or 'encouraged' be replaced with phrases such as 'be required', 'shall' or 'must'.

### **Complaint analysis of recent child care premises approvals**

As part of its analysis the City has investigated the number and nature of complaints received following approval of recent child care premises to determine the appropriateness of development controls in the policy that inform conditions of approval (Attachment 2 refers).

Since 2016, 20 new child care premises have been determined within the City of Joondalup, of which 15 were approved. Of those 15 centres approved, eight are located in the 'Residential' zone. Of the eight approved in the 'Residential' zone, four have been constructed and are operating, one is under construction and the other three have not yet commenced construction.

Of the four that are operating, one centre has received ongoing noise complaints. On investigation, it was identified that the centre was not complying with their conditions of development approval and has had to undertake remedial works to the development.

A separate centre has received one parking and traffic complaint prior to opening, but since opening there have been no further complaints.

There were also several child care premises that received complaints during construction, but have had no further complaints since opening.

Based on this analysis it would appear that once operating, child care premises do not receive many complaints, nor is there a trend in the type of complaints received that would require additional policy controls or a change in approach to condition setting.

### **Issues and options considered**

The options available to Council in considering an amendment to LPS3 to change the permissibility of the land use 'Child Care Premises' are:

- seek to progress an amendment to the local planning scheme to change the land use permissibility of child care premises  
or
- not seek to progress an amendment to the local planning scheme.

No amendments to LPS3 are recommended.

The options available to Council in considering amendments to the *Child Care Premises Local Planning Policy* (Attachments 4 and 5 refer) are:

- advertise the draft revised *Child Care Premises Local Planning Policy* without modifications (as per Attachment 5)
- advertise the draft revised *Child Care Premises Local Planning Policy* with modifications  
or
- not support the advertising of the draft revised *Child Care Premises Local Planning Policy*.

It is recommended that the amended policy as shown in Attachment 5 be advertised for public comment.

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

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

### **Strategic Community Plan**

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

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

**Policy**                              *Child Care Premises Local Planning Policy.*

### **Risk management considerations**

The revised policy will make it more difficult for larger child care premises to be established in the 'Residential' zone. This could reduce the level of child care services available to the local community in the future. However, the revised policy may also result in child care premises located in residential settings that are more moderate in their amenity impacts on surrounding residential properties.

### **Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The revised policy could make it more difficult for larger child care premises to be established in the 'Residential' zone. This could reduce the level of child care services available to the local community in the future and may also reduce the availability of local employment opportunities.

### **Consultation**

The consultation requirements for a new or amended planning policy are set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) and the City's *Planning Consultation Local Planning Policy*.

The deemed provisions of the LPS Regulations require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The local government may make an amendment to a local planning policy without advertising if, in the opinion of the local government, the amendment is of a minor nature.



The *Planning Consultation Local Planning Policy* provides guidance on what is considered to be a minor amendment and states that these include correction of typographical or formatting errors, updates to legislation references and similar but does not include an amendment to development provisions or standards. In this instance, the proposed amendments are not considered meet this definition of minor and therefore the modified policy is recommended to be advertised for 21 days.

The revised policy is proposed to be advertised for 21 days as follows:

- a notice published in the local newspaper
- resident and ratepayer organisations
- an email to the Community Engagement Network
- letter to the Australian Childcare Alliance (Western Australia)
- a notice and documents placed on the City's website
- a notice on the City's social media platforms.

If, in the opinion of the local government, the policy is inconsistent with any State planning policy, then notice of the proposed policy is also required to be given to the Western Australian Planning Commission. The proposed policy is not considered to be inconsistent with any State planning policy.

## COMMENT

It is considered that the proposed changes to the *Child Care Premises Local Planning Policy* will strengthen and clarify the requirements for the development of child care premises and enable more appropriately located and scaled centres in the 'Residential' zone, and provide greater protection of amenity for surrounding residential properties.

It is recommended that Council supports the advertising of the draft revised *Child Care Premises Local Planning Policy* (Attachment 5 refers) for a period of 21 days.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council, in accordance with clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft revised *Child Care Premises Local Planning Policy*, as shown in Attachment 5 to this Report, for a period of 21 days.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf211109.pdf](#)

## ITEM 6 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBERS</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents sealed by affixing the Common Seal during the period 28 September 2021 to 28 October 2021.
<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 the period 28 September 2021 to 28 October 2021.

### EXECUTIVE SUMMARY

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

*It is therefore recommended the Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 28 September 2021 to 28 October 2021, as detailed in Attachment 1 to this Report.*

### BACKGROUND

For the period 28 September 2021 to 28 October 2021, five documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Removal of Section 70A Notification	1
Section 70A Notification	4

### DETAILS

#### Issues and Options Considered

Not applicable.

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

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

**Strategic Community Plan**

**Key theme**                      Governance and Leadership.

**Objective**                      Corporate capacity.

**Strategic initiative**              Demonstrate accountability through robust reporting.

**Policy**                          Not applicable.

**Risk Management Considerations**

Not applicable.

**Financial / Budget Implications**Current financial year impact

Not applicable.

Future financial year impact

Not applicable.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 28 September 2021 to 28 October 2021, as detailed in Attachment 1 to this Report.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf211109.pdf](#)*



*It is therefore recommended that Council:*

- 1 *BY AN ABSOLUTE MAJORITY and in accordance with clause 9 of Schedule 2.2 of the Local Government Act 1995, PROPOSES to the Local Government Advisory Board that:*
  - 1.1 *an Order be made under section 2.2(1)(c) of the Local Government Act 1995 to change the ward boundaries of the City of Joondalup as detailed in Attachment 3 to this Report;*
  - 1.2 *an Order be made under section 2.3(3) of the Local Government Act 1995 to name the new wards detailed in part 1.1 above as follows:*
    - 1.2.1 *Ward 1 – North Ward;*
    - 1.2.2 *Ward 2 – North-Central Ward;*
    - 1.2.3 *Ward 3 – Central Ward;*
    - 1.2.4 *Ward 4 – South-West Ward;*
    - 1.2.5 *Ward 5 – South-East Ward;*
    - 1.2.6 *Ward 6 – South Ward;*
  - 1.3 *the changes in parts 1.1 and 1.2 above be implemented from the 2023 ordinary local government elections;*
  - 1.4 *no change occurs to the councillor representation levels for the City's wards and that all councillors will continue to represent their respective wards and that their terms continue in line with their relevant Local Government Election result;*
- 2 *REQUESTS the Chief Executive Officer, to investigate and formulate options for possible Aboriginal or botanical naming of the City's wards, and to subsequently seek community feedback as part of the City's next formal review in 2029;*
- 3 *FORWARDS its decision, and the City's Final Report as detailed in Attachment 4 to this Report, to the Local Government Advisory Board for its consideration.*

## **BACKGROUND**

The City of Joondalup was established by virtue of the *Joondalup and Wanneroo Order 1998* which came into operation as of 1 July 1998. The order created two new local governments, the City of Joondalup and the now City of Wanneroo. At that time, the City of Joondalup was established without a ward system.

On 27 August 1999 a seven ward system for the City was agreed to, with the wards being named as follows:

- North Coastal.
- Marina.
- Whitfords.
- South Coastal.
- Pinnaroo.
- South.
- Lakeside.

Schedule 2.2 of the Act requires all local governments to carry out reviews of their ward boundaries and the number of councillors for each ward, so that no more than eight years elapse between successive reviews.

In 2005 the City conducted a review of its ward names, boundaries and councillor representation levels. At its meeting held on 13 December 2005 (C73-12/05 refers), Council recommended to the Local Government Advisory Board that an order be made to:

- abolish the seven ward system and divide the City of Joondalup district into six wards
- name the new six wards as:
  - North
  - North-Central
  - Central
  - South-West
  - South-East
  - South
- designate two Councillors for each of the new wards.

The Governor in Executive Council made the *District of the City of Joondalup (Change of Wards and Representation) Order 2006*, as published in the *Government Gazette* on 17 February 2006 putting into effect Council's recommendations after the 2006 local government elections. This ward structure and level of councillor representation levels has remained in place since that time.

During 2013, the City conducted another statutory review. Following the release of a discussion paper, and a subsequent public comment period, Council at its meeting held on 10 December 2013 (CJ246-12/13 refers) resolved that:

- a change to the North Ward and North-Central Ward boundaries occur, by transferring the suburb of Connolly from the North Ward to the North-Central Ward
- no change occur to the councillor representation levels for the City's wards.

Following the consideration of the Local Government Advisory Board, the Governor in Executive Council made the *Local Government (Joondalup – Change of Boundaries) Order 2014*, as published in the *Government Gazette* on 15 July 2014 putting into effect Council's recommendations from the 2015 local government elections.

As stated above, schedule 2.2 of the Act requires all local governments to carry out reviews of their ward boundaries and the number of councillors for each ward, so that no more than eight years elapse between successive reviews. As the last review occurred and was reported to Council at its meeting held on 10 December 2013 (CJ246-12/13 refers), Council is legislatively required to undertake a review before 10 December 2021.

In conducting a review and in preparing a discussion paper, the Act states a local government is to have regard to factors such as:

- community of interests
- physical and topographic features
- demographic trends
- economic factors
- the ratio of councillors to electors in the various wards.

At its meeting held on 16 March 2021 (CJ027-03/21 refers) Council commenced the formal review through the adoption of a discussion paper that was released for public comment (Attachment 1 refers). The discussion paper detailed the factors of assessment and provided several ward boundary options to promote discussion. Any advantages and disadvantages of changing ward boundaries or councillor representation levels based on the above criteria and other considerations were also highlighted in the discussion paper.

At the close of the consultation period, 72 responses were received.

## DETAILS

The Local Government Advisory Board expects a balanced representation ratio per Ward of plus or minus 10% of the councillor/elector ratio across the whole of the City of Joondalup. However, a councillor to elector deviation of greater than plus or minus 10% will be considered by the Local Government Advisory Board if the local government can provide adequate justification for such circumstances (for example where development and subsequent population growth is expected to correct over representation in a future period).

As the Local Government Advisory Board considers this to be the most relevant determining factor, further information is detailed below.

### Current ratio of councillors to electors

The structure of the City of Joondalup Council currently consists of a Mayor (popularly elected by the City's electors) and 12 councillors elected from six wards. Detail of the current wards, number of electors and councillor representation levels is shown below (based on the 2019 Local Government Electoral Rolls used for the City of Joondalup elections):

	Ward Suburb (Electors)	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
<b>North</b>	Burns Beach (2,494) Currambine (4,694) Iluka (3,865) Joondalup (5,836) Kinross (4,389) Silent (406)	21,684	2	1 : 10,842	- 16.28%
<b>North-Central</b>	Edgewater (3,166) Connolly (2,699) Heathridge (4,513) Mullaroo (4,235) Ocean Reef (5,789) Silent (317)	20,719	2	1 : 10,360	- 11.11%
<b>Central -</b>	Beldon (2,661) Craigie (4,252) Kallaroo (3,828) Woodvale (6,598) Silent (266)	17,605	2	1 : 8,803	5.58%
<b>South-West -</b>	Hillarys (8,078) Padbury (5,706) Sorrento (5,756) Silent (346)	19,886	2	1 : 9,943	- 6.65%



	<b>Ward Suburb (Electors)</b>	<b>Number of Electors</b>	<b>Number of Councillors</b>	<b>Councillor: Elector Ratio</b>	<b>% Ratio Deviation</b>
<b>South- East -</b>	Greenwood (6,880) Kingsley (9,396) Silent (219)	16,495	2	1 : 8,248	11.54%
<b>South -</b>	Duncraig (10,984) Marmion (1,705) Warwick (2,608) Silent (201)	15,498	2	1 : 7,749	16.89%
<b>Total</b>		<b>111,887</b>	<b>12</b>	<b>1 : 9,324</b>	

The percentage ratio deviation shown in the above table provides an indication of the percentage difference between the average councillor / elector ratio for the whole of the City of Joondalup district (one councillor to 9,324 electors) and the councillor / elector ratio for each ward.

It is expected that a local government will have similar ratios of councillors to electors across the wards of its district, generally falling within a deviation of plus or minus 10%. The percentage ratio deviation is calculated by subtracting the councillor / elector ratio for a ward from the average councillor / elector ratio for the whole district. The result is then divided by the average councillor / elector ratio for the whole district and multiplied by 100 to give a percentage. A negative result indicates that the ward is under-represented, and a positive result indicates the ward is over-represented.

The above table demonstrates that there is an imbalance in representation across the City with both the North Ward as well as the North-Central Ward being under-represented (-16.28% and -11.11% respectively). Both the South-East Ward and South Ward are considered to be over-represented (11.54% and 16.89% respectively), whereas the Central and South-West wards are regarded as having balanced representation within tolerance levels.

#### Future ratio of councillors to electors

The current councillor / elector ratio is based on the number of electors per ward that a councillor represents based on the electoral rolls used for the 2019 local government elections. The Western Australian Electoral Commission is unable to provide future projections of electors per suburb or ward due to a range of demographic and enrolment uncertainties and therefore it is not possible to project councillor / elector ratios in future years with any level of certainty.

However, in an attempt to provide an indicative future projection councillor representation levels in each of the City's existing wards, estimated population figures from the Australian Bureau of Statistics, as well as historical population to elector ratios for each suburb, have been used.

The following table indicates the potential estimated population by suburb and ward in 2029 (being the year of the next review) and the estimated ratio of councillors to electors, should the current ward system and representation levels remain.

Ward	Suburb (No. Electors)	No. Electors	No. Councillors	Councillor : Elector Ratio	% Ratio Deviation (from ave.)
<b>North Ward</b>	Burns Beach (2,651) Currambine (4,474) Iluka (3,583) Joondalup (6,348) Kinross (4,111) Silent (406)	21,573	2	1 : 10,787	- 17.94%
<b>North-Central Ward</b>	Edgewater (3,210) Connolly (2,313) Heathridge (4,584) Mullaloo (3,888) Ocean Reef (5,493) Silent (317)	19,805	2	1 : 9,903	- 8.28%
<b>Central Ward</b>	Beldon (2,633) Craigie (4,312) Kallaroo (3,634) Woodvale (6,579) Silent (266)	17,424	2	1 : 8,712	4.73%
<b>South-West Ward</b>	Hillarys (7,404) Padbury (5,510) Sorrento (5,663) Silent (347)	18,924	2	1 : 9,462	- 3.45%
<b>South-East Ward</b>	Greenwood (6,976) Kingsley (9,185) Silent (219)	16,380	2	1 : 8,190	10.45%
<b>South Ward</b>	Duncraig (10,942) Marmion (1,635) Warwick (2,870) Silent (201)	15,648	2	1 : 7,824	14.45%
<b>Total</b>		109,754	12	1 : 9,146	

While only indicative, the table demonstrates the possible growth or decline in councillor / elector representation ratios in 2029 albeit the number and ratios are relatively static as compared to 2019 elector figures. The table demonstrates City's existing North Ward and South Ward will continue to have a councillor / elector ratio imbalance (-17.94% and 14.45% respectively) should the current ward structure and councillor per ward levels remain.

### Public submissions on the discussion paper

The discussion paper released for consultation, outlined six options that were developed by way of example to encourage discussion and views (Attachment 2 refers). The City highlighted it was not promoting any particular option, and that the community may suggest alternative options for Council's consideration. Due to the current imbalance of the councillor / elector ratio of the current ward system, the discussion paper did not put forward the current structure as an option.

The following options were offered for consideration:

- 1 Create six new wards considering potential population growth and its effect on councillor / elector ratios. There would be two councillors per ward.
- 2 Create six new wards considering potential population growth and its effect on councillor/elector ratios. There would be two councillors per ward. This option has a greater north-south orientation as compared to option 1.
- 3 Create three new wards based on major north-south orientated roads, community of interest factors and councillor / elector ratios. There would be four councillors per ward.
- 4 Create three new wards with more distinctive north and south suburb groupings and considering community of interest factors, potential population growth and its effect on councillor / elector ratios. There would be four councillors per ward.
- 5 Create four new wards with more distinctive north and south suburb groupings and considering community of interest factors, potential population growth and its effect on councillor / elector ratios. There would be three councillors per ward.
- 6 No ward system. No wards and all councillors elected by all electors in the City of Joondalup.

The City collected a total of 72 valid submissions throughout the 44-day advertised consultation period. Submissions that were considered valid include all those which contained contact details enabling identification and were submitted within the advertised timeframe.

A total of 53 Community Engagement Network members submitted feedback, as well as 17 community members who were not directly engaged. There were also two resident / ratepayer groups who submitted feedback, including Beldon Residents Association Inc, and Marmion Sorrento Duncraig Progress and Ratepayers Association Inc. The overall response rate is 1.7% from stakeholders who were engaged directly by the City.

Responses were spread relatively evenly across the scales for options 1, 2 and 5. Ratings for options 3, 4 and 6 had slightly higher levels of "oppose" and "strongly oppose". Responses were also weighted 1–5 with 1 being "strongly oppose", 2 being "oppose", 3 being "neutral", 4 being "support", and 5 being "strongly support". The options with the highest average ratings were options 1 and 2 with average ratings of 3 for each. The lowest average ratings were for options 3 and 6 with average ratings of 2.4 for each. This data is shown in the table below:

<b>The City has developed 6 options for consideration. Please indicate whether you support or oppose each of the options presented. (weighted averages <math>\bar{x}</math>)</b>	<b><math>\bar{x}</math></b>
Option 1	3
Option 2	3
Option 3	2.4
Option 4	2.6
Option 5	2.7
Option 6	2.4

Respondents were also asked to select their most preferred option from the six options presented.

A total of 14 respondents indicated that option 2 was their most preferred (that is, *create six new wards considering potential population growth and its effect on councillor / elector ratios. There would be two councillors per ward. This option has a greater north-south orientation as compared to Option 1.*).

Further, 13 respondents respectively indicated that option 1 (that is, *create six new wards considering potential population growth and its effect on councillor/elector ratios. There would be two councillors per ward.*), and option 6 (that is, *no ward system. No wards and all councillors elected by all electors in the City of Joondalup.*) were their most preferred.

This data is shown in the table below:

<b>If you were to select only 1 option, which would be your most preferred?</b>	<b>N</b>	<b>%</b>
Option 1	13	18.6%
Option 2	14	20.0%
Option 3	6	8.6%
Option 4	9	12.9%
Option 5	11	15.7%
Option 6	13	18.6%
None of these	2	2.8%
No response	2	2.8%
<b>Total submissions (community members)</b>	<b>70</b>	<b>100%</b>

The full *Community Consultation Outcome Report* is detailed in Appendix 4 of Attachment 4 to this Report.

#### Formal assessment of presented options

It is not possible for the existing ward structure and boundaries to continue into the future and therefore a boundary adjustment is necessary, particularly for the North Ward, North-Central Ward, South-East Ward and South Ward. All the options presented in the discussion paper satisfied the councillor / elector deviation tolerances, now and as estimated at the time of the City's next eight-year statutory review (2029). However, options that created wards of large geographical size and do not support councillor or community considerations stated above, should be excluded from further consideration. It is also not desirable for the City to go to a no ward system.

Any revised ward boundaries should not be restricted to those that currently satisfy the councillor / elector representation deviation tolerances but consider deviation tolerances into the future and at the time of the next review. In view of this, option 1 (six new wards with two councillors per ward), option 2 (six new wards with two councillors per ward) and option 5 (four new wards with three councillors per ward) satisfy all factors and councillor / elector representation deviation tolerances as of 2029, the year of the City's next formal review. These options are a change to the current ward structure, but not as significant as other options presented in the discussion paper.

However, option 5 while achieving the required tolerances, creates large geographical areas (not as large as options 3 and 4) as well as results in two-thirds of the elected body in each ward expiring at every second local government election. This could place a burdensome workload on the remaining ward councillor, should new councillors be elected for the first time.

With the above options eliminated from further consideration, options 1 and 2 remain possible options considering all the matters that have been detailed in this Report. These options present acceptable alternatives considering the assessment factors described in the Act and those matters that are considered relevant as detailed above.

Option 1 presents more desirable councillor / elector representation deviation levels as opposed to option 2, both at that time of this review, and the anticipated levels at the next review (2029). However, the inclusion of Beldon in Ward 2 in option 1, creates a challenge in the delineation of the boundary for that ward. It will require the northern ward boundary (between Edgewater and Beldon) to progress westwards along the northern side of Ocean Reef Road. For Beldon to then connect to Woodvale, the boundary will need to progress eastwards just south of Ocean Reef Road. It is considered that the inclusion of Beldon in Ward 2, based on this thin road connection is not desirable.

Option 2 is not too dissimilar to the City's current ward structure, with only one or two suburbs transferring between wards. In view of this it is considered that it will cause less confusion to the Joondalup community and possibly be more acceptable. It was also the strongest supported option as a result of the community consultation period.

The City's discussion paper was based on the elector numbers used for the 2019 elections. To offer more up to date councillor/ elector deviation levels, the below table demonstrates the recommended option deviances based on the elector number used for the 2021 local government elections:

Option 2 (6 Wards, 2 Councillors per Ward)			Current 2021 (No silent electors included)			
	Suburb	No of Electors	Total Electors	No. of Councillors	Councillor : Elector Ratio	% Ratio Deviation
Ward 1	Burns Beach	2,698	18,208	2	9,104	3.42%
	Kinross	4,581				
	Currambine	4,782				
	Joondalup	6,147				
Ward 2	Iluka	4,067	20,558	2	10,279	-9.05%
	Ocean Reef	5,935				
	Connolly	2,710				
	Heathridge	4,655				
	Edgewater	3,191				
Ward 3	Mullaloo	4,369	18,195	2	9,098	3.49%
	Beldon	2,799				
	Craigie	4,389				
	Woodvale	6,638				
Ward 4	Kallaroo	3,954	18,149	2	9,075	3.73%
	Hillarys	8,272				
	Sorrento	5,923				
Ward 5	Kingsley	9,475	19,132	2	9,566	-1.48%
	Greenwood	6,901				
	Warwick	2,756				
Ward 6	Padbury	5,937	18,873	2	9,437	-0.11%
	Duncraig	11,180				
	Marmion	1,756				
			<b>113,115</b>	<b>12</b>	<b>9,426</b>	

It must be recognised the City of Joondalup has highly populated urban areas and suburbs of different sizes adjacent to each other which create difficulties in maintaining balanced representation levels now and into the future. The City therefore will continue to have challenges in maintaining the necessary tolerances as required by the Local Government Advisory Board.

While option 2 does create an over-representation imbalance in Ward 2 (-9.13% on current levels and an anticipated -6.57% in 2029) it is still within the necessary tolerances as desired by the Local Government Advisory Board. However, representation levels at a future point in time cannot be determined with any level of certainty and are subject to many variables. All other wards are detailed as being with the necessary councillor / elector tolerance levels.

It is a requirement that a final report be submitted to the Local Government Advisory Board detailing all aspects of the City's ward review process. This final report (Attachment 4 refers) identifies the advantages and disadvantages of the various options against the formal assessment factors, as well as other matters Council and the Local Government Advisory Board should consider in respect of any formal review. The final report highlights and justifies the City's preferred option is option 2 (as detailed above) and as per the new ward map detailed as Attachment 3 to this Report.

### **Issues and Options Considered**

The discussion paper was developed to assist the community in formulating ideas and comments on the review as well as clarify the matters and factors that are required when a local government undertakes a formal review of its ward boundaries and councillor representation levels.

The discussion paper outlined several options, which were developed by way of example to encourage discussion. The City did not promote any particular option, and the community were able to suggest alternative options for Council's consideration.

Council can:

- create new wards in a district already divided into wards
- change the boundaries of a ward or wards
- abolish any or all of the wards into which the district is divided
- change the names of wards
- change the number of offices of councillor on Council
- or
- specify or change the number of offices of councillor per ward.

Following an assessment of the public comments received, a number of options have been formulated and are detailed in the final report to the Local Government Advisory Board (Attachment 4 refers). Considering the options presented, or other options the City should consider, Council must have regard to the following factors:

- Community of interests.
- Physical and topographic features.
- Demographic trends.
- Economic factors.
- The ratio of councillors to electors in the various wards.

Should Council decide to implement a new ward and representation structure, it can choose whether to re-allocate continuing councillors to the new wards or have a complete spill of positions at the next election, when the new structure will be implemented.

If Council opts to reallocate continuing councillors to new wards it needs to keep in mind that clauses 2 and 3 of Schedule 4.2 of the Act states as near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of councillors representing each ward are to retire every two years.

In accordance with section 2.19(3) of the Act a councillor does not have to be an elector of a ward to be a councillor of that ward. In this regard and should a new structure be implemented that is substantially different to the existing structure, an indication of which councillors should be allocated to a respective ward, may need to be determined.

Notwithstanding, it is recommended that the current councillors be allocated to the wards they currently represent, albeit the ward boundaries will be different but somewhat similar to the current ward structure.

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

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

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Effective representation.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

Clauses 6 through 9 of Schedule 2.2 of the Act requires a local government to carry out a review of its ward boundaries and number of offices of councillor for each ward at least once every eight years.

The proposed review only applies to ward boundaries, names of wards and the representation levels of councillors per ward, not how the Mayor is elected or any such change to the method of electing a Mayor. Any change to the method of filling the Office of Mayor is a separate process under the Act and therefore will not change should Council determine to alter ward boundaries or councillor representation levels as an outcome of the review.

### **Risk Management Considerations**

Should Council not undertake a review of its ward boundaries and councillor representation levels, it will be in contravention of the requirements of the Act.

### **Financial / Budget Implications**

Any consultation process and the preparation of a discussion paper will be included within the City's current operational budget. The Local Government Advisory Board may recover the amount of costs connected to any inquiry of the board from the local government.

### **Regional Significance**

Ensuring that there is an acceptable ratio of councillor to elector representation has significance for the region to ensure an appropriate level of community representation at the local government level.

## Sustainability Implications

The review of ward boundaries and councillor representation across the City of Joondalup will:

- attempt to provide a fair and equitable representation for the electors of the district
- ensure that the correct level of representation will assist individual elected members performing their role under section 2.10 of the Act
- aid in the ability of Council to provide good government for the people in the City of Joondalup district.

## Consultation

The review process involves a number of steps as follows:

- Council resolves to undertake the review.
- Public submission period opens.
- Discussion paper provided to the community to generate comment.
- Public submission period closes.
- Council considers all submissions and relevant factors and makes a decision.
- Council submits a report to the Local Government Advisory Board for its consideration.
- The Local Government Advisory Board submits a recommendation to the Minister for Local Government (if any change is proposed by Council).

The Act requires that any review is advertised for a six week public comment period. To aid discussion and feedback from the community, a discussion paper was developed and the community consultation process was undertaken between 29 April 2021 and 11 June 2021. A total of 3,255 stakeholders were directly engaged by the City during the community consultation process. Stakeholders identified included the following:

- Community Engagement Network members (3,236).
- Resident / ratepayer groups (19).

The City advertised the consultation to other community members via the following means:

- Webpage linked through the "Community Consultation" section of the City's website visible from 29 April 2021 to 11 June 2021.
- Public notice poster erected on the City's community noticeboards from 29 April 2021 to 11 June 2021.
- Public notice advertisement published in the *Joondalup Times* community newspaper on 29 April 2021.
- Public notice eNewsletter item published in the City's Joondalup Voice Online eNewsletter and emailed to subscribers.
- Public notice e-screen display visible on the e-screens located at the City's customer services centres, libraries, and Craigie Leisure Centre from 29 April 2021 to 11 June 2021.
- Public notice Facebook post (boosted) published through the City's Facebook account on 29 April 2021.
- Twitter post published through the City's Twitter account on 29 April 2021.

Any changes recommended by the Local Government Advisory Board to the Minister for Local Government and approved by the Governor, is recommended to be in place from the 2023 local government elections.



## COMMENT

The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the City of Joondalup district and the desires of the City of Joondalup community. Any of the following may be considered:

- Creating new wards in a district already divided into wards.
- Changing the boundaries of a ward.
- Abolishing any or all the wards into which the district is divided.
- Changing the name of a district or ward.
- Changing the number of offices of councillor on Council.
- Specifying or changing the number of offices of councillor for a ward.

The City of Joondalup Council has formally resolved that the number of councillors for the City of Joondalup Council be retained at 12, with a Mayor being elected by the City of Joondalup electors (C52-06/09 of 16 June 2009 and CJ175-08/09 of 18 August 2009 refer). In this regard the starting point for the basis of the review was to maintain that current level of councillor representation across the district. It is not recommended that this position change.

The City's current ward structure, and representation levels, has served the City and its community well. However, some change is required to retain balanced representation across its ward system, especially as both under-representation and over-representation occurs throughout the City of Joondalup district. Notwithstanding mass or dramatic change to the City's ward structure is not considered appropriate and to be in the best interests of the City's community.

Relevant to future ward reviews, Council, has adopted a *Local Housing Strategy* (LHS) the purpose of which is to provide a firm rationale for determining future housing needs and higher residential densities within the City of Joondalup. Although the LHS is under review, the City will potentially see, over time, greater housing choice and dwelling numbers throughout the district, and therefore population and elector growth. However, such growth is not anticipated to occur in the immediate future and is cognisant of an appropriate take-up of development opportunities from relevant property owners. At the time of the next review, the housing growth in the City's district may become evident and therefore the results of this take-up, needs to be monitored and understood before additional substantial change to the City's ward structure is undertaken.

As detailed in discussion paper and in the final report to be submitted to the Local Government Advisory Board, the future development of the Ocean Reef Marina and its surrounding precinct could result in approximately 1,000 new residential dwellings being developed and approximately 3,000 to 3,500 new residents. The only other pockets of development remaining are within the suburbs of Burns Beach and Iluka, which will result in limited land releases, but not considered significant from a population and demographic viewpoint. However, this is again a factor the City will need to monitor in terms of any future ward boundary adjustments.

In view of the above, it is considered appropriate to undertake a change to the City's ward boundaries as detailed in option 2 (Attachment 3 refers). Although, based on 2019 statistics, this would create an over-representation in Ward 4 close to acceptable tolerances, it is difficult for the City to achieve a more balanced result, without compromising ward boundary integrity, or satisfying the needs of the Joondalup community or the effective and efficient operation of the City of Joondalup Council.

One of the key principles for the review is the City's preference to keep entire suburbs within ward boundaries, thereby supporting the formal review factors of community of interest and physical and topographical features. Considering the difficulty in achieving balanced representation across all wards based on this principle, it is hoped that any +/- deviances will be acceptable to the Local Government Advisory Board.

It is not suggested that the councillor representation levels in the City's current wards change and therefore current sitting councillors will continue their terms based on their individual local government election result.

During the community consultation process, and in further discussion with elected members, it was highlighted that Aboriginal naming could be used for wards in the City's district, as a reflection and possible recognition of the connection the Joondalup region has with Aboriginal and First Nation peoples. Any name changes along these lines should progress with full and considered consultation with local Aboriginal Elders who are knowledgeable and experienced in adequately detailing and / or describing the Aboriginal significance of certain areas within the City of Joondalup district.

Notwithstanding, such significant consultation will take time to progress with the need for due care and thorough research. Therefore, the City does not believe this consultation, as well as a possible community feedback process, could be achieved as part of this review. However, it could be a matter that is considered and consulted on as part of the City's next formal review, and within any developed discussion paper on ward options, names and councillor representation levels.

Discussion with elected members also identified the possible naming of wards with common botanical species associated with each geographical area. Although certain botanical species may be found in particular wards (and therefore naming along these lines could be implemented) the current descriptors used by the City does allow some recognition of a ward's geographical location in proximity to the entire City of Joondalup district and are also well known to the community. Again, should Council consider that botanical names are worthy to seek feedback on, it could do so as part of the next formal review.

It is therefore recommended that the current naming of wards be retained, however, such considerations be investigated and formulated as part of the community consultation process and developed discussion paper, as part of the next review in 2029.

## **VOTING REQUIREMENTS**

Absolute Majority.

## **RECOMMENDATION**

**That Council:**

- 1 BY AN ABSOLUTE MAJORITY and in accordance with clause 9 of Schedule 2.2 of the *Local Government Act 1995*, PROPOSES to the Local Government Advisory Board that:**
  - 1.1 an Order be made under section 2.2(1)(c) of the *Local Government Act 1995* to change the ward boundaries of the City of Joondalup as detailed in Attachment 3 to this Report;**

- 1.2 an Order be made under section 2.3(3) of the *Local Government Act 1995* to name the new wards detailed in part 1.1 above as follows:
  - 1.2.1 Ward 1 – North Ward;
  - 1.2.2 Ward 2 – North-Central Ward;
  - 1.2.3 Ward 3 – Central Ward;
  - 1.2.4 Ward 4 – South-West Ward;
  - 1.2.5 Ward 5 – South-East Ward;
  - 1.2.6 Ward 6 – South Ward;
- 1.3 the changes in parts 1.1 and 1.2 above be implemented from the 2023 ordinary local government elections;
- 1.4 no change occurs to the councillor representation levels for the City's wards and that all councillors will continue to represent their respective wards and that their terms continue in line with their relevant Local Government Election result;
- 2 REQUESTS the Chief Executive Officer, to investigate and formulate options for possible Aboriginal or botanical naming of the City's wards, and to subsequently seek community feedback as part of the City's next formal review in 2029;
- 3 FORWARDS its decision, and the City's Final Report as detailed in Attachment 4 to this Report, to the Local Government Advisory Board for its consideration.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf211109.pdf](#)

## ITEM 8                    2020-21 CUSTOMER SATISFACTION MONITOR

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	69609, 101515
<b>ATTACHMENT</b>	Attachment 1    2020-21 Customer Satisfaction Monitor Improvement Plan
<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 receive the results of the 2020-21 Customer Satisfaction Monitor.

### EXECUTIVE SUMMARY

The Customer Satisfaction Monitor is conducted every two years to measure the level of overall satisfaction with the City, as well as assess the performance of externally facing (resident relevant) services.

The City appointed Research Solutions to design and deliver the 2020-21 Customer Satisfaction Monitor. The survey was undertaken in June and July 2021 and involved random sampling and telephone interviewing of 600 respondents from within the City. The sample was cross-checked to ensure that it matched the demographic profile and population spread of Joondalup in terms of age, gender, and location to obtain a representative sample.

Overall, the 2020-21 results indicated high levels of community satisfaction (6+/10), with 91.8% satisfied with the services provided by the City. In addition, the results indicated that:

- 96.5% were satisfied with Joondalup as a place to live.
- 72.1% were satisfied with their value for money from Council Rates.
- 84.5% were satisfied with the City's customer service experience.

At an individual service level, a high level of satisfaction was achieved across all 20 externally facing services that were measured. Services with the highest satisfaction levels recorded were Library services (94.6%), Craigie Leisure Centre (93.0%), Parks (92.3%) and Emergency management (90.7%); while the areas with the lowest satisfaction levels recorded were City communications (80.8%), Tourism and visitor attraction (77.8%), Parking management and provision (75.3%) and Community consultation and engagement (74.3%).

### BACKGROUND

The Customer Satisfaction Monitor is conducted every two years to measure the level of overall satisfaction with the City as well as the performance in delivering individually specific services. The survey was originally scheduled for 2019/20, however had to be postponed to 2020-21 due to the COVID-19 pandemic.

Through a Request for Quotation process, the City appointed Research Solutions to design and deliver the 2020-21 Customer Satisfaction Monitor, which aimed to measure familiarity and satisfaction with individually specific services as well as:

- overall satisfaction with the City of Joondalup
- satisfaction with Joondalup as a place to live
- satisfaction with the value for money provided by Council rates
- satisfaction with the City's customer satisfaction experience.

The survey was undertaken in June and July 2021 and involved random sampling and telephone interviewing of 600 respondents from within the City. The sample was cross-checked to ensure that it significantly matched the demographic profile and population spread of Joondalup in terms of age, gender and location to obtain a representative sample.

## DETAILS

Respondents were asked to rate their level of satisfaction on a scale of zero to 10, where zero is completely dissatisfied and 10 is completely satisfied. Overall community satisfaction was indicated by a score of 6+/10.

Results generally indicated high levels of overall community satisfaction across all individual services (6+/10), with 91.8% satisfied with the services provided by the City. In addition, the results indicated that:

- 96.5% were satisfied with Joondalup as a place to live
- 72.1% were satisfied with their value for money from Council Rates
- 84.5% were satisfied with the City's customer service experience.

The questionnaire for the 2020-21 survey was amended to increase the number of services being measured from 11 (measured in 2018) to 20. The change aligned the services being measured to the City's Service Cost Model and *Corporate Business Plan*. The City's services contained within the 2021 questionnaire also provided more information to respondents on what the service entailed, addition, this year, those with no experience of the service were able to opt out of providing a satisfaction rating.

At an individual service level, a high level of satisfaction was achieved across all 20 externally facing services that were measured, with more half of respondents being very satisfied (rating 8+/10) with 15 of the 20 services. Satisfaction levels were recorded from those respondents who felt familiar enough with the service or facility to be able to comment. Respondents expressing dissatisfaction were asked to provide suggestions for improvement.

Areas with the highest satisfaction levels were recorded for Library services (94.6%), Craigie Leisure Centre (93.0%), Parks (92.3%) and Emergency management (90.7%); while the areas with the lowest satisfaction levels were recorded for City communications (80.8%), Tourism and visitor attraction (77.8%), Parking management and provision (75.3%) and Community consultation and engagement (74.3%).

The following table provides an indication of satisfaction levels against all 20 externally facing services that were measured.

<b>Service</b>	<b>Overall Satisfaction (6+/10),</b>
City communications (communicating with the community through mediums like the community newspaper, Facebook, Twitter, its website and civic functions)	80.8%
Community consultation and engagement (seeking community feedback / input through submissions, surveys, focus groups, workshops etc.)	74.3%
Community development (programs and initiatives for seniors, youth, volunteers, culturally and linguistically diverse, access and inclusion)	82.1%
Community facilities (use of community halls and buildings, clubrooms, courts, and toilets)	88.9%
Community safety (programs, graffiti removal, public area CCTV)	85.7%
Conservation and natural area management (bushland, wetland, coast)	88.8%
Cultural services (festivals, events, concerts, visual arts, public art the City provides)	84.8%
Emergency management (bushfire management, COVID response, resilience, preparedness)	90.7%
Roads (resurfacing, lighting, street sweeping)	87.3%
Environmental health services (food and public building inspections, noise, immunisations)	86.1%
Landscaping design (streetscapes design, installation of footpaths, seating, play equipment)	85.2%
Craigie Leisure Centre (pools, gym, fitness classes, recreation and sports, activities)	93.0%
Libraries services (programs, events, lending)	94.6%
Parking management and provision (on-street parking, multi-storey car park)	75.3%
Parks (maintenance, mowing, turf, irrigation, mulching)	92.3%
Pool inspections (safety, compliance)	86.1%
Ranger services (animal control and enquiries, dog and cat registrations, reporting damage to public property, beach patrols, targeted patrols for anti-social behaviour, and litter infringements)	86.5%
Tourism and visitor attraction (places and activities within the City of Joondalup to visit and explore)	77.8%
Transport and traffic management (management and control of traffic on local roads, road safety)	86.2%
Waste management (weekly rubbish collection, fortnightly recycling collection, green waste, bulk waste, e-waste disposal, education, general litter collection)	87.6%

### Issues and Options Considered

Data collected from the 2020-21 Customer Satisfaction Monitor will be used to inform future service reviews and service level planning.

### Legislation / Strategic Community Plan / Policy Implications

**Legislation** Not Applicable.

### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Active democracy.

**Strategic initiative** Fully integrate community consultation practices into City activities.

**Policy** *Community Consultation and Engagement Policy.*

### **Risk Management Considerations**

Monitoring levels of customer satisfaction with services provided by the City is essential to assist in the delivery of effective and efficient services to the community. These results will inform continuous improvement and reporting of performance against the Global Reporting Initiative (GRI) Standard, which is included in the City's Annual Report.

### **Financial / Budget Implications**

<b>Account no.</b>	531 A5301 3265 0000.
<b>Budget Item</b>	Customer Satisfaction Monitor.
<b>Budget amount</b>	\$35,000
<b>Amount spent to date</b>	\$37,230
<b>Balance</b>	-\$2,230

All amounts quoted in this Report are exclusive of GST.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Customer satisfaction is a measure of an organisation's sensitivity to customer needs. From an organisational perspective, collecting longitudinal data is essential for determining long-term success and sustainability.

### **Consultation**

The sampling size of 600 respondents for the overall Customer Satisfaction Monitor produces a sampling precision of +/- 4% at the 95% confidence interval; that is, there is a 95% certainty that the results obtained will be within +/- 4% if a census was conducted of all households within the City of Joondalup. This percentage is in accordance with the level specified by the Auditor General.

### **COMMENT**

The 2020-21 Customer Satisfaction Monitor results show that overall satisfaction ratings remain high, and most residents were satisfied with the services provided by the City of Joondalup. The City's consultant has highlighted areas for improvement where there is opportunity to increase very satisfied ratings. The following six services is where this opportunity is most evident:

- Cultural services.
- City communications.
- Community development.
- Parking management and provision.
- Community consultation and engagement.
- Tourism and visitor attraction.

An Improvement Plan has been developed to identify actions that can be implemented for the six services above to increase the level of very satisfied scores. The Improvement Plan is shown as Attachment 1 to this Report.

A summary with infographics of the results of the 2020-21 Customer Satisfaction Monitor is being developed to communicate the results of the survey to the community.

The results of the 2020-21 Customer Satisfaction Monitor will form the baseline measurement for future comparisons and will be utilised to inform the City's service planning activities. The next Customer Satisfaction Monitor is scheduled for 2022-23.

## **RECOMMENDATION**

**That Council:**

- 1 NOTES the results of the 2020-21 Customer Satisfaction Monitor;**
- 2 NOTES the actions provided in the 2020-21 Customer Satisfaction Monitor - Improvement Plan which is shown as Attachment 1 to this Report.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf211109.pdf](#)



## ITEM 9                    **CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2021**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENT / S</b>	Attachment 1    Corporate Business Plan Quarterly Progress Report for the period 1 July 2021 to 30 September 2021  Attachment 2    Capital Works Program Quarterly Report for the period 1 July 2021 to 30 September 2021
<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 receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2021 to 30 September 2021 and the *Capital Works Quarterly Report* for the period 1 July 2021 to 30 September 2021.

### EXECUTIVE SUMMARY

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

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

The *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2021 to 30 September 2021 provides information on the progress of 2021-22 projects and programs against these quarterly milestones and is shown as Attachment 1 to this Report.

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

*It is therefore recommended that Council:*

- 1        *RECEIVES the Corporate Business Plan Quarterly Progress Report for the period 1 July 2021 to 30 September 2021, which is shown as Attachment 1 to this Report;*
- 2        *RECEIVES the Capital Works Quarterly Report for the period 1 July 2021 to 30 September 2021, which is shown as Attachment 2 to this Report;*

- 3 *NOTES the amendments to several 2021-22 projects in the Quarter 1 Corporate Business Plan Quarterly Progress Report from the 2021-22 to 2025-26 Corporate Business Plan approved by Council at its meeting held on 21 September 2021 as detailed in Table 1 of this Report.*

## BACKGROUND

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

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

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

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

## DETAILS

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

A commentary is provided against each quarterly milestone on the actions completed, and project status is reported via colour coding which indicates if the project has been completed, is on track or slightly behind schedule. Information is also provided on the budget status for each item.

The milestones being reported this quarter are the grey shaded sections outlined in Attachment 1. "*Business as usual*" activities within each key theme have also been separated from strategic projects and programs within the report.

Amendments to several 2021-22 projects have been made in the Quarter 1 *Corporate Business Plan Quarterly Progress Report* from the *2021-22 to 2025-26 Corporate Business Plan* approved by Council at its meeting held on 21 September 2021. The amendments have been made to better reflect project status or proposed actions in 2021-22. Amendments are listed in the table one below.

**Table 1**

Q1 Report Page No	Project Name	Details of Amendment
Page 47	Joondalup City Centre Street Lighting Stage 4	This project was deleted from the Quarter 1 Report as construction was completed in 2020-21.
Page 47	Joondalup City Centre Street Lighting Stage 5	The milestones of this project were amended to better reflect the action to be undertaken in 2021-22. The milestones are now listed as follows:

Q1 Report Page No	Project Name	Details of Amendment
		<b>Quarters 1, 2, 3 and 4:</b> <ul style="list-style-type: none"> <li>• Continue construction.</li> </ul>
Page 52	Digital City Plan	<p>The timelines of this project have been further refined as follows:</p> <p><b>Quarters 1, 2 and 3:</b></p> <ul style="list-style-type: none"> <li>• Develop the draft Digital City Plan.</li> </ul> <p><b>Quarter 4:</b></p> <ul style="list-style-type: none"> <li>• Undertake targeted consultation.</li> <li>• Finalise draft Plan.</li> </ul> <p>Previously, all three milestones above were listed for all four quarters.</p>

In relation to the Warwick Community Facilities Project and Woodvale Library and Community Hub Project, the comment is provided (on page 64) that these projects are deferred until the City's Social Needs Analysis has been finalised, as agreed by the Major Projects and Finance Committee held on 13 September 2021.

### Legislation / Strategic Community Plan / Policy implications

#### Legislation

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

*"This Act is intended to result in:*

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

#### Strategic Community Plan

##### Key theme

Governance and Leadership.

##### Objective

Corporate capacity.

##### Strategic initiative

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

##### Policy

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

**Risk management considerations**

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

The key themes are as follows:

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

**Consultation**

Not applicable.

**COMMENT**

The *Corporate Business Plan 2021-21 to 2024-25* was endorsed by Council at its meeting held on 21 September 2021 (CJ136-09/21 refers). A detailed report on progress of the Capital Works Program has been included with the *Corporate Business Plan Quarterly Progress Report*. This Report provides an overview of progress against all the projects and programs in the 2021-22 Capital Works Program.

Minor amendments to the *Corporate Business Plan 2021-22* project details and milestones for several projects (as listed on pages 2 and 3 of this report) have been made in the interest of better reflecting the current project status or refinement of milestones.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1** RECEIVES the *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2021 to 30 September 2021, which is shown as Attachment 1 to this Report;
- 2** RECEIVES the *Capital Works Quarterly Report* for the period 1 July 2021 to 30 September 2021, which is shown as Attachment 2 to this Report;
- 3** NOTES the amendments to several 2021-22 projects in the Quarter 1 *Corporate Business Plan Quarterly Progress Report* from the *2021-22 to 2025-26 Corporate Business Plan* approved by Council at its meeting held on 21 September 2021 as detailed in Table 1 of this Report.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf211109.pdf](#)

## ITEM 10 MINUTES OF REGIONAL COUNCIL MEETINGS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	03149, 41196, 101515
<b>ATTACHMENT</b>	Attachment 1 Mindarie Regional Council - Ordinary Council Meeting Minutes - 16 September 2021  <i>(Please note: These minutes are only available electronically).</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

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

### EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 16 September 2021.

### DETAILS

#### Mindarie Regional Council

An Ordinary Meeting of the Mindarie Regional Council was held on 16 September 2021.

Mayor Albert Jacob, JP and Cr Russ Fishwick, JP were Council's representatives at the Ordinary Council meeting of the Mindarie Regional Council held on 16 September 2021.

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

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

**Legislation** Not applicable.

#### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

**Risk Management Considerations**

Not applicable.

**Financial / Budget Implications**

Not applicable.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 16 September 2021 forming Attachment 1 to this Report.**

*To access this attachment on electronic document, click here: [RegionalMinutes211109.pdf](#)*

## ITEM 11                    **SETTING OF 2022 COUNCIL MEETING DATES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	08122, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to set its meeting dates for the 2022 calendar year.

### **EXECUTIVE SUMMARY**

In accordance with the *Local Government Act 1995*, it is necessary for a local government to give local public notice of its Ordinary Council Meeting dates for the upcoming 12 months.

It is recommended the current monthly timeframe for meetings be maintained and deputation sessions continue to be held at the commencement of Briefing Sessions.

### **BACKGROUND**

At its meeting held on 12 December 2006 (CJ236-12/06 refers), Council introduced a rolling four-weekly cycle, which enabled the fourth week to be used to hold additional information sessions, or for scheduling various committee meetings.

At its meeting held on 30 September 2008 (CJ196-09/08 refers), Council adopted a revised cycle based on a monthly timeframe; that is each Tuesday was set aside for either a Strategy Session (first Tuesday), Briefing Session (second Tuesday) or Council Meeting (third Tuesday). This allowed the fourth and fifth Tuesday (when they occur) of the month to be available for various other non-standard meetings to be scheduled where required.

### **DETAILS**

The proposed meeting schedule is based on the monthly timeframe that commenced in 2009. Maintaining the monthly meeting cycle will provide a level of continuity for members of the public.

Historically the August Council meeting has a commencement time of 12.00noon to enable attendance and participation by high school students, and as such it is proposed that the meeting scheduled for August 2022 commence at 12.00noon for this purpose.



In order to accommodate the Christmas holiday period, the December meetings have been scheduled one week earlier, as is current practice.

The Australian Local Government Association (ALGA) will be holding its Annual National General Assembly Conference in Canberra between 19 and 22 June 2022. The scheduled Council meeting date in June 2022 is required to be changed to the fourth week of the month as the ALGA conference falls in the third week of June, this will enable elected members to attend the conference, should they wish to do so.

### Issues and Options Considered

Council can either:

- adopt the proposed meeting dates  
or
- adopt a modified set of meeting dates.

### Legislation / Strategic Community Plan / Policy Implications

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

### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### Risk Management Considerations

Failure to set and advertise Council's meeting dates will contravene the requirements of the *Local Government Act 1995*.

### Financial / Budget Implications

#### Current financial year impact

<b>Account no.</b>	1.522.A5202.3277.0000.
<b>Budget Item</b>	Advertising – Public and Statutory.
<b>Budget amount</b>	\$2,600
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 680
<b>Balance</b>	\$1,920

All amounts quoted in this Report are exclusive of GST.

### Regional Significance

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

It is recommended the current monthly timeframe for meetings be maintained for 2022, subject to the following:

- June Council meeting date be change to the fourth Tuesday of the month, to enable Elected Members to attend the ALGA NGA being held from 19 – 22 June 2022.
- August Council meeting commencing at 12.00noon to enable attendance and participation by high school students.
- December meetings being scheduled one week earlier in order to accommodate the Christmas holiday period.

A schedule of committee meeting dates has been developed, cognisant of the desire to streamline the scheduling of committee meetings so they are held either on the same day as other scheduled meetings, or on the Monday, Tuesday or Wednesday of weeks one, two and three so to minimise potential conflicts with other Council activities and provide a 'meeting-free' week in the fourth week of each month, where possible, thereby making more effective use of elected members' attendance and time.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council:

- 1 **SETS** the following meeting dates and times for the Council of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Briefing Sessions to be held at 6.30pm in the Council Chamber	Council meetings to be held in the Council Chamber
Tuesday 8 February 2022	7.00pm on Tuesday 15 February 2022
Tuesday 8 March 2022	7.00pm on Tuesday 15 March 2022
Tuesday 12 April 2022	7.00pm on Tuesday 19 April 2022
Tuesday 10 May 2022	7.00pm on Tuesday 17 May 2022
Tuesday 14 June 2022	7.00pm on Tuesday 21 June 2022
Tuesday 12 July 2022	7.00pm on Tuesday 19 July 2022
Tuesday 9 August 2022	12.00noon on Tuesday 16 August 2022
Tuesday 13 September 2022	7.00pm on Tuesday 20 September 2022
Tuesday 11 October 2022	7.00pm on Tuesday 18 October 2022
Tuesday 8 November 2022	7.00pm on Tuesday 15 November 2022
Tuesday 6 December 2022	7.00pm on Tuesday 13 December 2022

- 2** in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, GIVES local public notice of the meeting dates detailed in Part 1 above;
- 3** INVITES a number of students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12.00noon on Tuesday 16 August 2022;
- 4** NOTES the Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association North Zone meetings are generally scheduled to be held on Thursdays;
- 5** AGREES that, where possible, no meetings are to be scheduled in the fourth week of every month;
- 6** NOTES that, where possible, meetings for designated Council committees be scheduled to occur on Mondays, Tuesdays or Wednesdays of weeks one, two or three of any month to minimise potential conflicts with other Council activities.

## **ITEM 12                      SETTING MEETING DATE FOR ANNUAL GENERAL MEETING OF ELECTORS 2021**

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

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### **PURPOSE**

For Council to determine the meeting date for the 2021 Annual General Meeting (AGM) of Electors.

### **EXECUTIVE SUMMARY**

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the local government accepts the annual report. It is anticipated that Council will accept the Annual Report at its meeting to be held on 14 December 2021.

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

Should Council adopt the Annual Report at its meeting to be held on 14 December 2021, the earliest date to issue local public notice is Thursday 16 December 2021, meaning that the earliest date the Annual General Meeting of Electors can be held is Friday 31 December 2021, with the last date being Tuesday 8 February 2022.

It is considered that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 8 February 2022, prior to the scheduled Briefing Session. Elected Members are more likely to be available at this time due to their attendance at the Briefing Session and it also provides opportunity for the public to attend who may also be attending the scheduled meeting.

*It is therefore recommended that Council AGREES to convene the 2021 Annual General Meeting of Electors on Tuesday 8 February 2022, commencing at 5.30pm in the Council Chamber.*

## BACKGROUND

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

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

In recent years, the Annual General Meeting of Electors has been convened at 5.30pm and was held immediately prior to the scheduled Briefing Session or Council meeting (refer below, for AGM of Elector’s meeting dates and attendance). The 2020 Annual General Meeting of Electors meeting was delayed and held on 23 March 2021, due to the delayed finalisation of the financial statements by the Office of Auditor General (OAG), in addition the meeting was required to be re-scheduling due to a COVID-19 lockdown in February 2021.

It is recommended that the AGM of Electors be held at 5.30pm immediately prior to the scheduled Briefing Session to be held on Tuesday 8 February 2022.

AGM Date	Start Time	Finish Time	Prior to Meeting	Attendees
Tuesday, 10 December 2013	5.30pm	5.56pm	Council	6
Tuesday, 2 December 2014	5.35pm	6.36pm	Briefing	12
Tuesday 15 December 2015	5.40pm	6.22pm	Council	6
Tuesday, 6 December 2016	5.30pm	6.31pm	Briefing	78
Tuesday, 12 December 2017	5.30pm	7.02pm	Council	27
Tuesday, 4 December 2018	5.30pm	6.27pm	Briefing	14
Tuesday 10 December 2019	5.30pm	6.52pm	Council	33
Tuesday 23 March 2021	5.30pm	10.15pm	Nil	67

## DETAILS

The Office of Auditor General (OAG) will be undertaking their final audit in October / November 2021, with the audited financial statements and independent auditor’s report anticipated to be received by late November 2021. The audited financial statements are scheduled to be presented to a Special Audit and Risk Committee meeting prior to the December Council meeting, providing recommendations to Council at its meeting to be held on 14 December 2021.

The audited financial statements are a key component of the City’s Annual Report, which will be presented to Council in a separate report to the Council meeting. The finalised Annual Report will include the audited financial statements.

The receipt of the City’s Annual Report by Council and the holding of an AGM of Electors meeting are both statutory requirements of the *Local Government Act 1995*. A decision is required on the date to hold the AGM of Electors, being aware of Council’s decision on 16 October 2007, as well as complying with the legislative requirements relating to the public notice period and AGM of Electors meeting date being no more than 56 days from Council’s acceptance of the annual report. It is therefore recommended that the AGM of Electors be held on 8 February 2022.

## Issues and Options Considered

It is a statutory requirement that Council sets a meeting date for the 2021 Annual General Meeting of Electors.

Council can either:

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

## Legislation / Strategic Community Plan / Policy Implications

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

### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Active democracy.

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

**Policy** Not applicable.

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

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

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

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

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

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

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

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

**“5.55 Notice of annual reports**

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

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

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

- Attendances and apologies.
- Contents of the *2020-21 Annual Report*.
- General business.

**Risk Management Considerations**

The risk associated with failing to set a date for the 2021 Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

**Financial / Budget Implications**

Not applicable.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

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

While the City advertises the meeting in accordance with the *Local Government Act 1995*, the City will promote the scheduled meeting date as soon as possible and will publicise the *2020-2021 Annual Report* through the City’s website once it is adopted by Council at its meeting to be held on 14 December 2021.

**COMMENT**

The audited financial statements for 2020-21 will be the subject of a separate report to Council. Once these statements are adopted by Council, they will be included into the finalised *2020-21 Annual Report*.

In order for the City to meet its legislative requirements, it is therefore recommended that Council convenes the 2021 Annual General Meeting of Electors on Tuesday 8 February 2022, commencing at 5.30pm, prior to the scheduled Briefing Session.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council AGREES to convene the 2021 Annual General Meeting of Electors on Tuesday 8 February 2022, commencing at 5.30pm in the Council Chamber.**



## **ITEM 13 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2021**

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of September 2021, totalling \$20,002,506.42.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for September 2021 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$20,002,506.42.*

### **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 September 2021. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 111677 - 111722 & 111724 – 111760 & 111763 – 111780 & EF094945 – EF095243 & EF095246 – EF095258 & EF095260 - EF095522 Net of cancelled payments Vouchers 3126A – 3145A	\$14,959,842.05 \$5,036,664.37
	Bond Refund Cheques & EFT Payments 111723 & 111761 – 111762 & 111781 & EF095244 – EF095245 & EF095259 Net of cancelled payments.	\$6,000.00
<b>Total</b>		<b>\$20,002,506.42</b>

### Issues and Options Considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / Policy Implications

#### Legislation

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

#### Strategic Community Plan

##### Key theme

Financial Sustainability.

##### Objective

Effective management.

##### Strategic initiative

Not applicable.

**Policy** Not applicable.

### **Risk Management Considerations**

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

### **Financial / Budget Implications**

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

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

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

### **Consultation**

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

### **COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2021-22 Adopted Budget* as adopted by Council at its meeting held on 15 June 2021 (CJ092-06/21 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for September 2021 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$20,002,506.42.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf211109.pdf](#)

## **ITEM 14                    FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2021**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</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 30 September 2021.

### **EXECUTIVE SUMMARY**

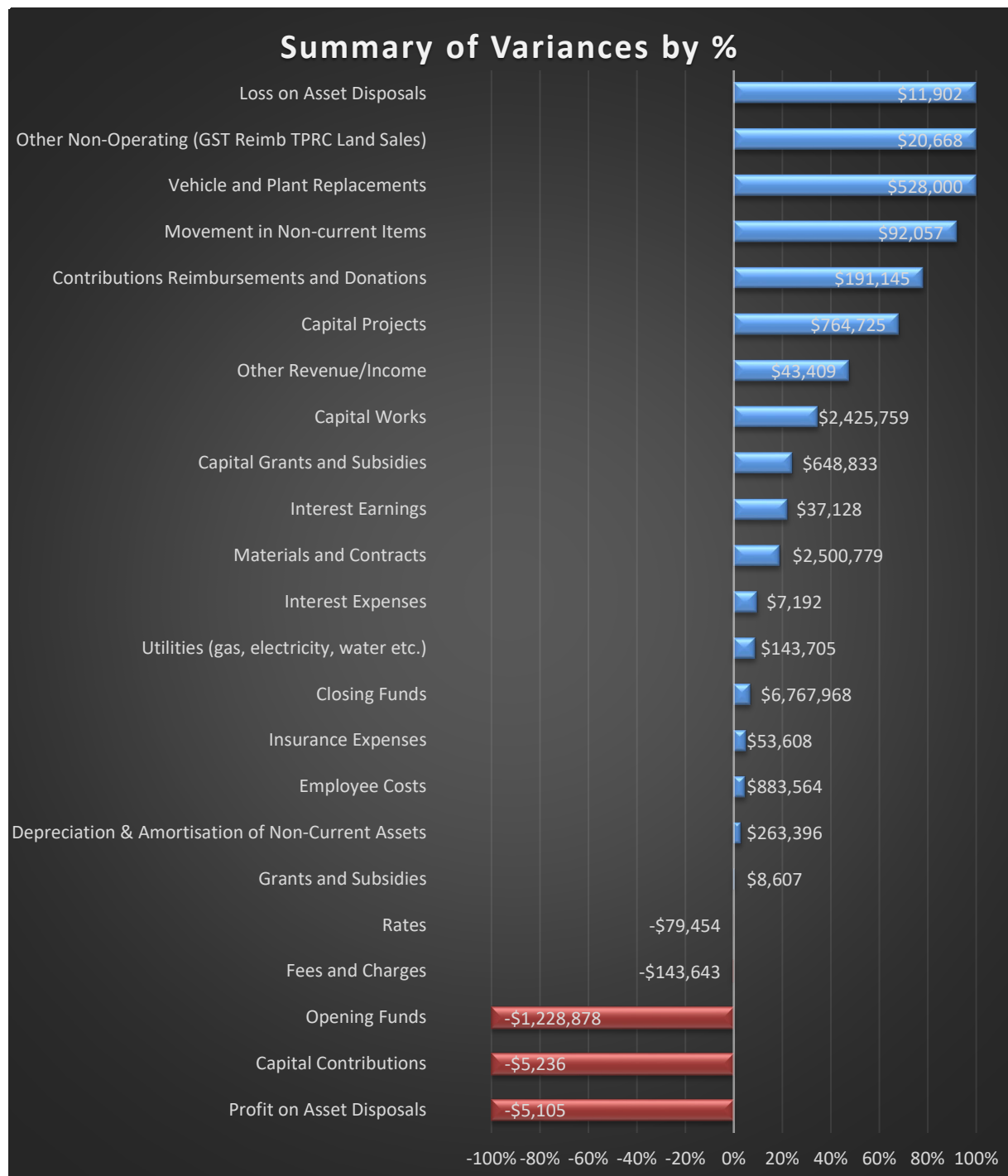
At its meeting held on 15 June 2021 (CJ092-06/21 refers), Council adopted the *2021-22 Annual Budget*. Council subsequently amended the budget at its meeting held on 17 August 2021 (CJ131-08/21 refers) and 21 September 2021 (CJ139-09/21 refers). The figures in the report are compared to the adopted budget (as amended).

The September 2021 Financial Activity Statement Report shows an overall favourable variance of (\$6,767,968) from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 30 September 2021 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of the *2020-21 Annual Financial Statements*.

There are a number of factors influencing the unfavourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in September and the finalisation of 2020-21 end of year process, which has meant that the opening funds total is currently not included. The notes in Attachment 3 to this Report, identify and provide commentary on the individual key material revenue and expenditure variances to date.

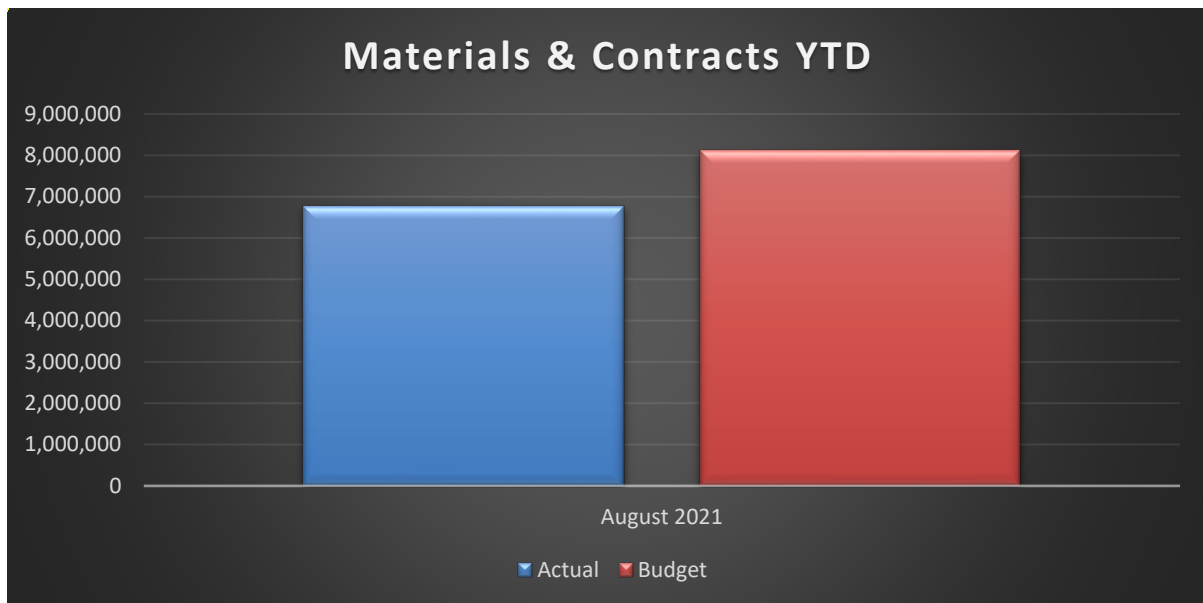
The key elements of the variance are summarised below:



The significant variances for September were:

**Materials and Contracts**

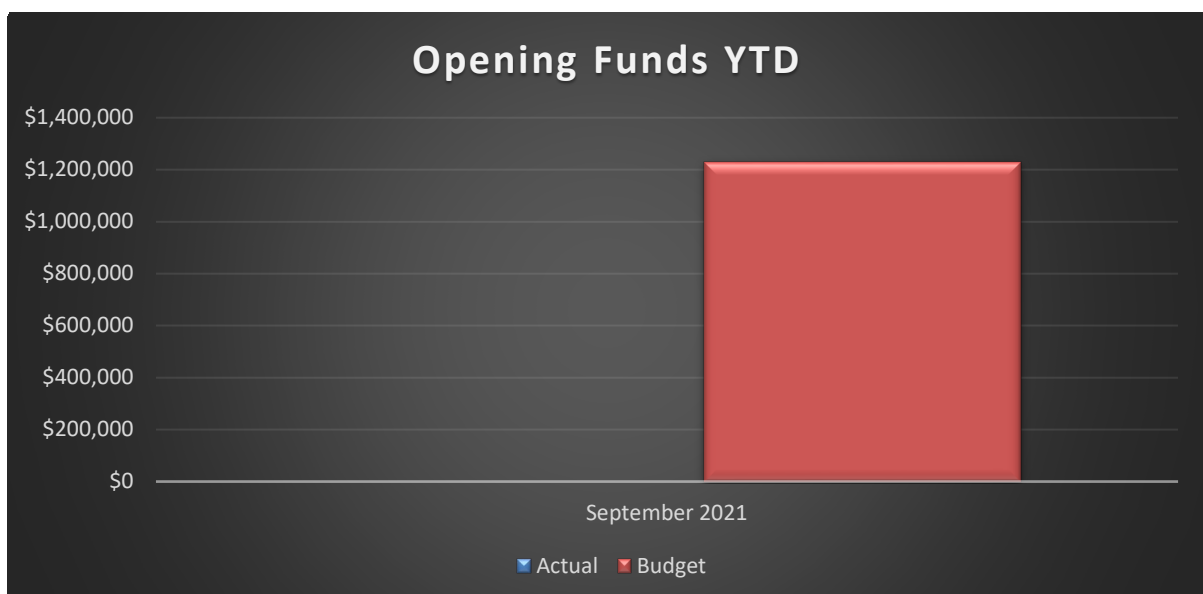
**\$2,500,779**



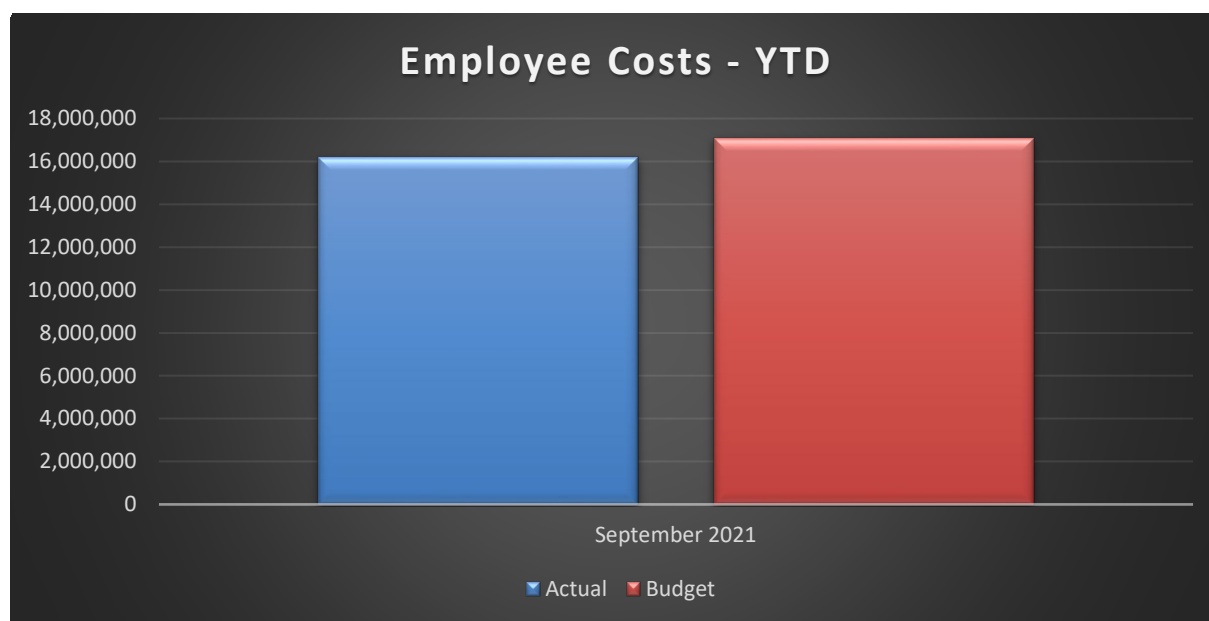
Materials and Contracts expenditure is \$2,500,779 below budget. This is spread across a number of different areas including External Service Expenses \$675,944, Computing \$662,399, Waste Management Services \$362,113, Professional Fees and Costs \$216,573, Public Relations, Advertising and Promotions \$140,788 and Travel, Vehicles and Plant \$108,814.

**Opening Funds**

**(\$1,228,878)**



Opening Funds for September 2021 is \$1,228,878 below budget. The variation in the Closing Funds for the period ended 30 June 2021 is prior to end of year adjustments being processed. The final balance will be available after the Financial Statements for 2020-21 have been audited.

**Employee Costs****\$883,564**

Employee Costs expenditure is \$883,564 below budget. Favourable variances predominantly arose from vacancies in various areas.

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

**BACKGROUND**

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

**DETAILS****Issues and Options Considered**

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

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

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

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

## Strategic Community Plan

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

## Risk Management Considerations

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

## Financial / Budget Implications

All amounts quoted in this Report are exclusive of GST.

## Regional Significance

Not applicable.

## Sustainability Implications

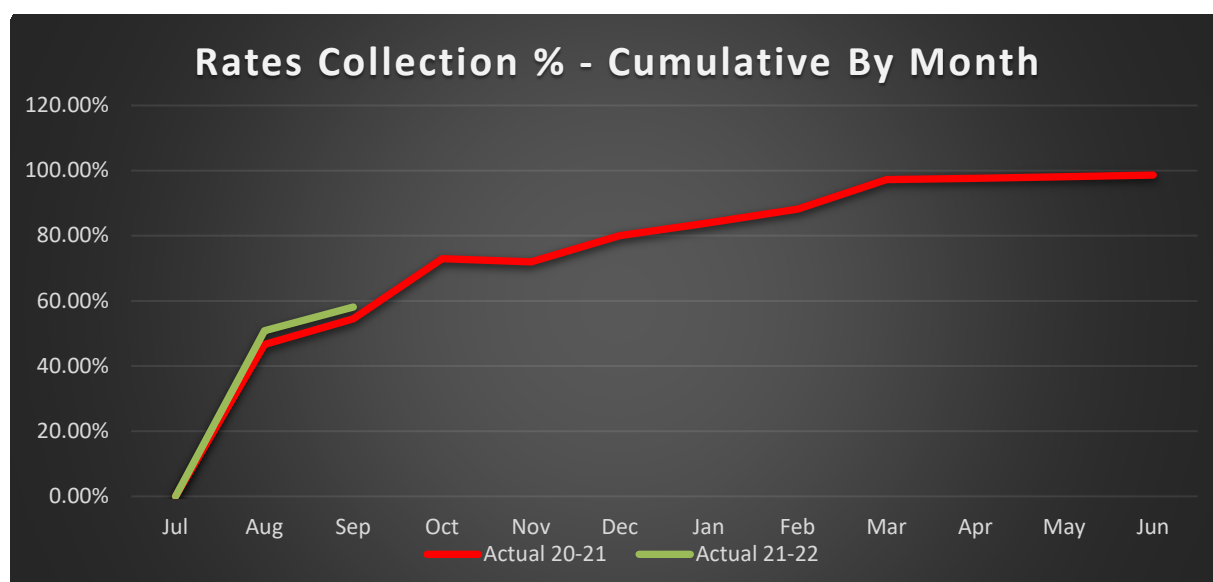
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

## Consultation

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

## KEY INDICATORS

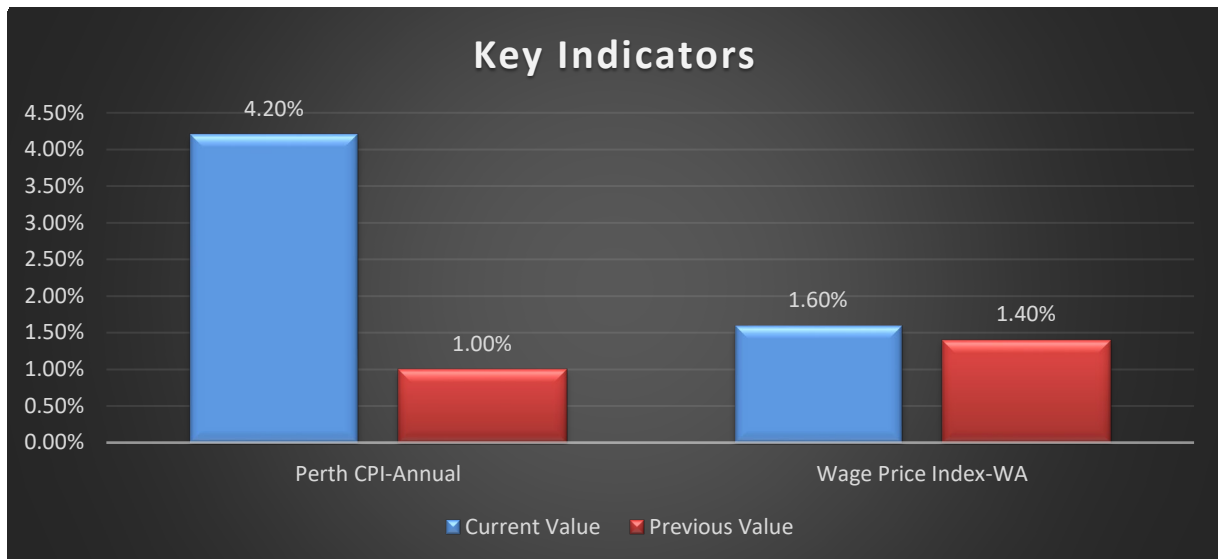
### Rates Collection





Rates collections as a percentage of rates issued (debtors) is slightly ahead of the prior year at the end of September.

### **Economic Indicators**



During July, the Perth CPI for the second quarter of 2021 was released. This saw a significant rebound that has been reflected across all other capital cities. The latest wages data from the WA Treasury shows a lift in the year-on-year WA Wage Price Index at the end of the first quarter.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the *2021-22 Adopted Budget* (as amended) or has been authorised in advance by Council where applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

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

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf211109.pdf](#)

## ITEM 15                    PETITIONS IN RELATION TO DOG EXERCISE BEACH

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	05386, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to consider two petitions received in relation to the future provision of dog beaches within Burns Beach.

### EXECUTIVE SUMMARY

At its meeting held on 21 February 2018 (C10-02/18 refers), Council supported a motion that requested *“the Chief Executive Officer 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”*.

At its meeting held on 20 April 2021 (C23-04/21 refers), Council received a Petition of Electors 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 of Electors with regards to *“the undersigned strongly oppose reclassification of any part of Burns Beach as a Dog Exercise Beach”*.

The City is continuing discussions with the City of Wanneroo about the potential establishment of a dog beach in the northern corridor.

*It is therefore recommended that Council:*

- 1     *DECLINES both petitioners' requests in relation to consideration of an animal exercise beach at north Burns Beach, 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;*
- 2     *ADVISES the lead petitioners of its decision.*

## BACKGROUND

At its meeting held on 21 February 2018 (C10-02/18 refers), Council supported a motion that requested *“the Chief Executive Officer 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”*.

At its meeting held on 20 April 2021 (C23-04/21 refers), Council received a Petition of Electors 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 of Electors with regards to *“the undersigned strongly oppose reclassification of any part of Burns Beach as a Dog Exercise Beach”*.

The City is liaising with the City of Wanneroo (CoW) in relation to the development of their new *Coastal Management Plan (CMP)* for the entire coastline with City of Wanneroo, which will guide the direction on the location of any infrastructure with CoW including animal exercise beaches.

## DETAILS

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 an area where dogs are prohibited.

Council last considered the provision of dog exercise areas on its beaches at its meeting held on 8 December 2020 (CJ190-12/20 refers), following receipt of a petition requesting Council consider changing the regulations that bans dogs from all beaches apart from the dog beach. Council considered that there were sufficient areas for dogs to exercise and there was no requirement to provide an additional dog beach at that time.

The two petitions received both relate to the provision of a dog beach at Burns Beach. Further to the Notice of Motion that was carried at the meeting held on 20 February 2018 (C10-2/18 refers) that requested the Chief Executive Officer commence discussions with CoW to investigate the possibility of establishing an additional animal beach for the northern corridor, the City has continued to liaise with the CoW on the progress of their CMP.

The new CMP will guide the CoW’s direction on the location of infrastructure and accessibility to these areas to ensure that development along the CoW coast is undertaken in a strategic and sustainable manner.

As part of the new CMP consideration will be given to a number of potential locations for additional dog exercise beaches within the CoW’s coastline. Should the southern boundary of the CoW be considered a suitable location for a new dog exercise beach, the City will have an opportunity to explore providing a portion of its beach located at its northern boundary linking the two locations together.

As the coastal portion of Catalina housing estate is still in the process of being developed, with any beach access at this location still to be constructed, an opportunity exists to provide adequate infrastructure without impacting on existing users.

## Issues and Options Considered

### Option 1 – Progress investigations into a dog beach at Burns Beach

Given the growing population and ongoing requests from the community to consider provision of greater access to the City's beaches for dogs, the City could commence investigations into the potential to establish a dog beach at Burns Beach. Notwithstanding the Notice of Motion to report back on discussions with the CoW on the possibility of establishing an additional dog beach in the northern corridor.

This option is not recommended.

### Option 2 – Decline the Petitions

It has previously been considered that there is sufficient provision for dogs to be exercised at the Hillarys Dog Beach and at the over 300 parks and reserves. The City should continue to wait for the outcome of the CoW's CMP to determine if there are any synergies to be realised in co-locating a dog beach on the City's northern boundary before reporting back to Council on any future provision of dog exercise beaches.

This option is recommended.

## Legislation / Strategic Community Plan / Policy Implications

### Legislation

*Dog Act 1976.*

### Strategic Community Plan

#### Key theme

Community Wellbeing.

#### Objective

Quality facilities.

#### Strategic initiative

Understanding the demographic context of local communities to support effective facility planning.

#### 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.

There is a risk that if no consideration is given to enhancing the existing foreshore dog beach provision, by providing access to exercise dogs on a beach in the northern portion of the City, one of the petitioners may express a degree of dissatisfaction.

Equally in determining any future locations of a dog beach needs take into consideration that large sections of the City foreshore have rocky outcrops where there are also significant seasonal sand movements which make many of the City's beaches unsuitable.

**Financial / Budget Implications**

There are no financial implications related to the recommendation.

**Regional Significance**

The City's coastline is a popular destination for local and regional visitors with the northern part of Burns Beach neighbouring the City of Wanneroo.

**Sustainability Implications**

Any future provision of an animal exercise beach would need to give due consideration to the impact on the natural environment of the City's foreshore area including protection of the dunes, flora and fauna.

**Consultation**

The City is liaising with City of Wanneroo to determine if an opportunity exists to establish an additional dog beach to the north of Burns Beach adjoining the beach to the south of Mindarie.

**COMMENT**

It has previously been considered that dogs and their owners are well catered for in the City of Joondalup and that there is no requirement to extend the existing dog beach or provide an additional dog beach. The City will continue to liaise with City of Wanneroo to establish if any synergies can be realised with any future animal exercise beach within the City of Wanneroo.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1** **DECLINES** both petitioners' requests in relation to consideration of an animal exercise beach at north Burns Beach, 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;
- 2** **ADVISES** the lead petitioners of its decision.

## **ITEM 16**                      **TENDER 014/21 - CHICHESTER PARK COMMUNITY SPORTING FACILITY PROJECT**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	109520, 101515
<b>ATTACHMENTS</b>	Attachment 1      Summary of Submissions Attachment 2      Confidential Tender Summary
<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 Geared Construction Pty Ltd for the Chichester Park Community Sporting Facility Project.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 7 August 2021 through state-wide public notice inclusive of publishing via Tenderlink for the Chichester Park Community Sporting Facility Project. Tenders closed on 8 September 2021. A submission was received from each of the following:

- BE Projects (WA) Pty Ltd.
- Classic Contractors Pty Ltd.
- Devlyn Australia Pty Ltd.
- Geared Construction Pty Ltd.
- Hickey Constructions Pty Ltd.
- Swan Group WA Pty Ltd.

The submission from Geared Construction Pty Ltd represents best value to the City. The company demonstrated a sound understanding of the requirements. It has successfully completed projects with similar scope of work, outcomes and requirements for local governments including the Cities of Wanneroo, Stirling and Joondalup. Geared Construction Pty Ltd has sufficient industry experience and proven capacity to complete the works for the City.

The lump sum price of the tender submissions for the project reflected the current construction market with prices continuing to escalate and shortages being seen with labour and material. As a result, the recommended construction tender submission and other estimated project costs will exceed the existing budget allocation. Therefore, a further \$1,243,426 would be required to undertake all works for the project.

*It is therefore recommended that Council:*

- 1 *ACCEPTS the tender submitted by Geared Construction Pty Ltd for the Chichester Park Community Sporting Facility Project as specified in Tender 014/21 for the fixed lump sum of \$4,437,853 (excluding GST) for completion of works by February 2023;*
- 2 *REQUESTS an additional \$1,243,426 be listed for consideration in the 2022-23 Capital Works Program for the Chichester Park Community Sporting Facility project.*

## **BACKGROUND**

Chichester Park located on Trappers Drive, Woodvale is classified as a district park and includes two active sport playing fields (north and south), a clubroom, floodlighting, car parking, disc golf course and a playground. As a district park, the playing fields and infrastructure service the local area and several surrounding suburbs. Currently, five sporting clubs hire the playing fields and the clubroom.

The clubroom, which was constructed in 1992, consists of a small meeting room, kitchen, toilets, change rooms and user group storage. The existing clubroom facility is deemed inadequate and is not well utilised due to the size and condition of the meeting room and kitchen, limited available storage space, size and location of the change rooms and drainage issues around the facility. The City has therefore identified the need to redevelop the clubroom facility which will include a new BBQ / picnic area plus additional car parking.

At its meeting held on 18 April 2017 (CJ063-04/17 refers), Council considered the project and requested the City arrange community consultation to ascertain the level of support for the redevelopment. Since then, two rounds of community consultation have taken place. The first consultation was undertaken in July / August 2017, gaining support from over 90% of the respondents, and the second consultation took place in March / April 2019 gaining support from 92% of the respondents. The latter consultation process was conducted following the development of concept plans which Council requested at its meeting held on 10 October 2017 (CJ169-10/17 refers).

The City applied to the Department of Local Government, Sport and Cultural Industries' 2020-2021 Community Sporting and Recreation Facilities Fund (CSRFF) grant program, which is aimed to increase participation in sport and recreation through development of good quality; multipurpose; well designed and well utilised facilities and was successful in securing a grant contribution of \$400,000 of the \$1,093,790 requested (a shortfall of \$693,790).

Council noted the outcome of the grant application at its meeting held on 17 March 2020 (CJ037-03/20 refers) and at its meeting held on 21 July 2020 (CJ097-07/20 refers) where it requested the shortfall of \$693,790 be listed for consideration in 2021-22 of the City's *Five Year Capital Works Program* and *20 Year Strategic Financial Plan* to enable the City to proceed with the detailed design and construction tender stage.

The City has subsequently advertised a tender through state-wide public notice and via Tenderlink for the provision of architectural and specialist consultancy services for the Chichester Park Community Sporting Facility project with tenders closing on 1 September 2020. The scope of works was to develop design documentation, prepare tender and construction documentation, and carry out contract administration of the construction works. Following an evaluation of the 12 submissions received The Trustee for the BDG Trust trading as Bollig Design Group was awarded the contract on 8 October 2020.

The project architectural consultant has completed the development of the design documentation component of the works. The project will include a new multi-purpose community sporting facility (replacing the existing clubroom in the current location), barbeque / picnic area and construction of additional car parking. The new two storey community sporting facility will include four change rooms; umpire change room; first aid room; toilets; kitchen; meeting room; associated storage and a covered verandah area. As part of the project, underground drainage has already been installed in late 2020 to address the flooding issues on the southern playing field.

The City now requires the services of a suitably qualified and experienced contractor to construct the new Chichester Park Community Sporting Facility, which will be divided into two separable portions (to run concurrently) as follows:

- Separable Portion One – car parking along Trappers Drive, Standish Way and Landor Gardens.
- Separable Portion Two – demolition of existing clubroom facility, construction of new community sporting facility, BBQ / picnic / drink fountain, bin store, access pedestrian and vehicle ramps and retaining walls, existing main car park modification works.

A tender briefing was held on 16 August 2021 for prospective tenderers to view the existing site layout and associated services.

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

## **DETAILS**

The tender for the Chichester Park Community Sporting Facility Project was advertised through state-wide public notice inclusive of publishing via Tenderlink on 7 August 2021. The tender period was for four weeks and tenders closed on 8 September 2021.

### **Tender Submissions**

A submission was received from each of the following:

- BE Projects (WA) Pty Ltd.
- Classic Contractors Pty Ltd.
- Devlyn Australia Pty Ltd.
- Geared Construction Pty Ltd.
- Hickey Constructions Pty Ltd.
- Swan Group WA Pty Ltd.

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

A confidential tender summary is provided in Attachment 2 to this Report.

### **Evaluation Panel**

The evaluation panel comprised four members:

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



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

### **Evaluation Method and Weighting**

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

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

The predetermined minimum acceptable pass score was set at 60% due to the complex nature of the construction activities. The site presents major challenges due to level / contour changes between the existing carpark, clubroom and playing surface. The City wishes to attract a high calibre contractor competent in completing this type of work.

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

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Demonstrated experience completing community sporting facility construction projects	40%
2	Demonstrated understanding of the required tasks	30%
3	Capacity	25%
4	Social and economic effects on the local community	5%

### **Compliance Assessment**

All offers received were assessed as fully compliant.

### **Qualitative Assessment**

Classic Contractors Pty Ltd scored 39% and was ranked sixth in the qualitative assessment. It did not fully demonstrate experience completing community sporting facility construction projects. It provided details of some small to medium sized construction projects it has delivered to both the commercial and residential sectors but none were similar to this requirement. It did not sufficiently demonstrate its understanding of the required tasks. It included its project methodology and process which appeared generic and did not address the requirements directly. It provided a number of names of sub-contractors, some with brief particulars, but detailed information overall was not provided. It did not submit sufficient information demonstrating the capacity required to provide the services. After hours contacts and the ability to provide additional personnel was not addressed.

Hickey Constructions Pty Ltd scored 56% and was ranked fifth in the qualitative assessment. It demonstrated its understanding of the required tasks, outlined in its extensive method statement of construction. A preliminary construction programme consisting of a basic Gantt Chart was provided. It has experience completing community sporting facility extension and refurbishment projects for local governments including the Cities of Wanneroo and Joondalup. Examples of works were provided, however, none of these were of a similar scale to this requirement. Though it demonstrated the capacity required to provide the services, it is noted the company has a small team of number of full-time employees.

Swan Group WA Pty Ltd scored 57.8% and was ranked fourth in the qualitative assessment. The company has the capacity required to undertake the works. It has experience completing various design and construction projects for both state and local government agencies including Crown Perth, WA Police Force and the City of Perth. Case studies were provided however it is noted these did not include community sporting facility projects. It demonstrated a good understanding of the City's requirements.

BE Projects (WA) Pty Ltd scored 61.5% and was ranked third in the qualitative assessment. The company has substantial experience completing projects with elements comparable with this requirement. It listed numerous sporting facility projects undertaken for various local governments including the Cities of Kalamunda, Rockingham, Mandurah and Joondalup and the Shire of Goomalling. It demonstrated a good understanding of the required tasks. Its submission included a construction management plan though it is noted that minimal detail on each sub-contractor was provided. It has the capacity required to deliver the service to the City.

Geared Construction Pty Ltd scored 63.5% and was ranked second in the qualitative assessment. The company demonstrated a sound understanding of the requirements. It has substantial experience completing projects with similar scopes of work for local governments including the Cities of Wanneroo, Stirling and Joondalup. Geared Construction Pty Ltd is well established with sufficient industry experience and proven capacity to complete the works for the City.

Devlyn Australia Pty Ltd scored 64.5% and was ranked first in the qualitative assessment. The company demonstrated the capacity required to deliver the project for the City. It has substantial experience completing Community Sporting Facility construction projects with similar scopes of work throughout Western Australia. Client examples were provided and these included the Cities of Wanneroo and Rockingham and the Shire of Dalwallinu. It demonstrated a sound understanding of the City's requirements.

Given the minimum acceptable qualitative score of 60%, Devlyn Australia Pty Ltd, Geared Construction Pty Ltd and BE Projects (WA) Pty Ltd qualified to progress to the stage two assessment.

### Price Assessment

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

Tenderer	Fixed Lump Sum (Exclusive of GST)
Geared Construction Pty Ltd	\$4,437,853
BE Projects (WA) Pty Ltd	\$4,685,426
Devlyn Australia Pty Ltd	\$4,830,665

### Evaluation Summary

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

Tenderer	Weighted Percentage Score	Qualitative Ranking	Lump Sum Price	Price Ranking
Geared Construction Pty Ltd	63.5%	2	\$4,437,853	1
BE Projects (WA) Pty Ltd	61.5%	3	\$4,685,426	2
Devlyn Australia Pty Ltd	64.5%	1	\$4,830,665	3

Based on the evaluation result, the panel concluded that the offer from Geared Construction Pty Ltd provides best value to the City and is therefore recommended.

### Issues and Options Considered

The City engaged the services of a Quantity Surveyor to review the lump sum price and cost breakdown from Geared Construction Pty Ltd to ensure the submission provided value for money. The Quantity Surveyor compared the lump sum price and cost breakdown with the pre-tender estimate that was prepared for the project. The tender submission was more than the pre-tender estimate, which was not unusual in light of current construction market conditions. The Quantity Surveyor advised that “in the last few months, the market is flooded with over demand for labour and a shortage in the supply of materials. It is not uncommon for builders to allow for risk in their tenders relating to the high demand of tradesmen and materials shortages due to the Government’s stimulus packages, as well as the effects of COVID-19 measures implemented state-wide on construction sites.” Overall, the Quantity Surveyor stated that “in our opinion, the builder has submitted a tender that has been priced reasonably to reflect current market conditions.”

The lump sum price of the tender submissions for the project reflected the current construction market with prices continuing to escalate and shortages being seen with labour and material. As a result, the recommended construction tender submission and other estimated project costs will exceed the existing budget allocation for the project. Therefore, a further \$1,243,426 would be required to undertake all works for the project, should the recommended response be accepted.

A review of the project components has been undertaken to determine if anything proposed in the scope of works could be removed to reduce the capital cost. The project components are related to the development of the new community sporting facility so would be difficult to remove without impacting the building (such as external services; site preparation; temporary facilities; CCTV; photovoltaic panels; paths, stairs and ramps; landscaping). The additional car parking has been included to address the traffic and parking issues at the site identified during the planning stages of the project.

It is considered that Council has three options for the project:

- 1 Accept the recommended tender submission and fund the project shortfall.
- 2 Not accept any tender submission and not proceed with the project.
- 3 Readvertise the construction tender.

The advantages and disadvantages of the three options are outlined in the following table.

Option	Advantages	Disadvantages
Accept the recommended tender submission and fund the project shortfall.	Based on the classification of the park (district park); heavy utilisation of the southern playing field; and inadequate existing facilities, a new community sporting facility will better service the sporting clubs and local wider community’s needs.  The current clubroom facility is nearing 30 years old, it is therefore considered appropriate to upgrade it.	\$1,243,426 of additional funds are required for the project.

Option	Advantages	Disadvantages
Not accept any tender submission and not proceed with the project.	Existing unspent project budget funds are not required.  Additional funds for the project are not required.	The sporting clubs will continue to operate within the existing limited facility and with the size, location, functionality and layout issues.  The funds spent to date on concept and detailed designs for the project could be considered an ineffective use of resources.  Refund grant funding to the State Government.
Readvertise the construction tender.	May attract contractors that did not make a submission for this tender.	Project would be delayed.  The City would need to apply for an extension for the CSRFF grant contribution which may not be approved by the State Government.  Given the current construction market, tender prices are likely to increase.

If Council agrees to accept the recommended tender submission, construction will commence in early 2022 and be completed in early 2023. The sporting fields and majority of the park will be unaffected by the construction works. The existing clubroom facility and parts of the car parking will be unavailable during construction. Temporary facilities will be provided during construction for the sporting clubs that use the sporting fields.

### Legislation / Strategic Community Plan / Policy Implications

#### Legislation

A state-wide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$250,000.

#### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

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

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

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	To conduct business in a financially sustainable manner.
<b>Strategic initiative</b>	Manage liabilities and assets through a planned, long-term approach.
<b>Policy</b>	<i>Requests for New or Capital Upgrades to Existing Community Buildings Policy.</i> <i>Public Art Policy.</i> <i>Asset Management Policy.</i> <i>Community Consultation and Engagement Policy.</i>

### Risk Management Considerations

The CSRFF program provides the City with an excellent opportunity to upgrade facilities with support from State Government. If the project does not proceed, the risk to the City will be moderate as the City has received grant funding which is subject to adherence with agreed project timelines. Furthermore, the facility is reaching 30 years of age and is heavily utilised by sporting clubs which will be required to operate within the restrictions of the current infrastructure. Likewise, the high demand for change rooms in addition to the increase in women's sport participation has increased the need to ensure that there are adequate facilities to accommodate this.

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

### Financial / Budget Implications

#### Project budget impact

The lump sum price of the tender submissions for the project reflected the current construction market with prices continuing to escalate and shortages being seen with labour and material. As a result, the recommended construction tender submission and other estimated project costs will exceed the existing budget allocation. Therefore, a further \$1,243,426 would be required to undertake all works for the project as shown in the following table.

<b>Item</b>	<b>Amount</b>
Current project budget	\$4,346,000
Construction contract tender 014/21	\$4,437,853
Other project costs / professional fees / contingency	\$1,151,573
<b>Total estimated expenditure</b>	<b>\$5,589,426</b>
<b>Balance</b>	<b>-\$1,243,426</b>

All amounts quoted in this Report are exclusive of GST.

### Future financial year impact

The *10-year Strategic Financial Plan (SFP)* was presented to Council at its meeting held on 20 July 2021 (CJ106-07/21 refers) and included the following assumptions for the project:

- Capital cost of \$4,346,000.
- Grant funding of \$400,000.
- City funding of \$3,946,000 (comprising of \$100,000 municipal funds and \$3,846,000 reserve funds).

The recurring annual financial impacts of the project presently included in the SFP are:

- depreciation of \$59,000
- increase to operating cash expenses of \$30,000
- increase to operating income of \$3,000
- overall net worsening of the City's operating results of \$86,000.

The revised total project cost of \$5,589,426 will result in an annual increase in depreciation of approximately \$16,000. Therefore, the overall recurring annual cost will increase from \$86,000 to \$102,000. The City's 10 Year SFP shows annual operating deficits in several years, the SFP shows a steady improvement to address this. The SFP already includes the \$86,000 annual deficit impact initially estimated for the project. The additional annual impact of \$16,000 as a result of the additional capital costs does not materially affect the City's long-term operating projections overall.

The key consideration is the increase in capital cost of \$1,243,426 for the project and the affordability for the City.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

#### Environmental

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

In mid-2018, the City undertook an arboricultural assessment of the trees near the proposed construction area. The arboricultural report recommended four trees be removed due to existing health and structural condition and made recommendations to Tree Protection Zones and Structural Root Zones. The location of the new facility has been designed to ensure minimal impact to the existing vegetation and has factored in the structural root / tree protection zones.

The arboricultural report also assessed the fenced Banksia Woodlands area to the north of the proposed facility location. It was determined that the proposed works would be unlikely to have an impact on this area. The City liaised with the Federal Government Department of Agriculture, Water and the Environment (formerly the Department of Environment and Energy) regarding this vegetation. Following communication with the Federal Government, a self-assessment in accordance with the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* was undertaken to determine whether the surrounding vegetation would be subject to significant impact.

The results of the self-assessment indicated that the project is unlikely to have a significant impact on the health and viability of the vegetation. However, the native vegetation at the site contains species characteristic of Threatened Ecological Communities protected under the *EPBC Act*. Therefore, the implementation of environmental protection measures, including the management of pathogens and soil disturbance during construction is therefore required. Sand drift netting is to be installed around the fence adjacent to the vegetation directly to the north of the development to minimise any dust and / or sediment drift that may occur.

### Social

The proposed development at the site considers access and inclusion principles and aims to enhance the amenity of the public space. One of the main challenges with the site is the contour / level changes which create issues with access from the existing car park and compliance with access and inclusion requirements. To address this, a vehicle ramp and separate pedestrian pathways have been proposed to link the existing car park to the proposed new community sporting facility and park playing surface.

### Economic

One of the main principles of the City's *Masterplan Framework* is the development of shared and multi-purpose facilities to avoid duplication and to reduce the ongoing maintenance and future capital expenditure requirements.

### **Consultation**

The City has consulted with the community in accordance with the City's approved *Community Consultation Policy and Protocol*. In July / August 2017, the City undertook community engagement on the proposed project with over 90% of the respondents supporting the redevelopment. This was considered by Council at its meeting held on 10 October 2017 (CJ169-10/17 refers). Following the development of the proposed concept plans, further community engagement was conducted in March / April 2019 with over 92% of respondents supporting the main components of the redevelopment. This was considered by Council at its meeting held on 20 August 2019 (CJ109-08/19 refers).

The City has liaised with the Federal Government Department of Agriculture, Water and the Environment regarding the fenced Banksia Woodlands area to the north of the proposed construction area and has undertaken a self-assessment in accordance with the *EPBC Act*.

### **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 Geared Construction Pty Ltd represents value to the City.

The lump sum price of the tender submissions for the project reflected the current construction market with prices continuing to escalate and shortages being seen with labour and material. As a result, the recommended construction tender submission and other estimated project costs will exceed the existing budget allocation. Therefore, a further \$1,243,426 would be required to undertake all works for the project.

Chichester Park is one of eight district level parks within the City, and the infrastructure supports five sporting clubs with over 1,300 registered members. Based on the classification of the park; heavy utilisation of the southern playing field and inadequate existing facilities; it is recommended the City fund the \$1,243,426 project shortfall to better service the sporting clubs and local wider community's needs.

The City has undertaken a number of community sporting facility developments over the last 10 years such as those at Seacrest Park, Sorrento; Forrest Park, Padbury; Bramston Park, Burns Beach; and Penistone Park, Greenwood. The works proposed at Chichester Park, is the only new community sporting facility development currently planned to be undertaken by the City in the next 10 years.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1 ACCEPTS the tender submitted by Geared Construction Pty Ltd for the Chichester Park Community Sporting Facility Project as specified in Tender 014/21 for the fixed lump sum of \$4,437,853 (excluding GST) for completion of works by February 2023;**
- 2 REQUESTS an additional \$1,243,426 be listed for consideration in the 2022-23 *Capital Works Program* for the Chichester Park Community Sporting Facility project.**

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf211109.pdf](#)



## **ITEM 17                      TENDER 019/21 - PROVISION OF PRELIMINARY WORKS PRIOR TO ROAD RESURFACING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	109659, 101515
<b>ATTACHMENTS</b>	Attachment 1     Schedule of Items Attachment 2     Summary of Submissions Attachment 3     Confidential Tender Summary
<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 Dowsing Group Pty Ltd for the provision of preliminary works prior to road resurfacing.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 21 August 2021 through state-wide public notice inclusive of publishing via Tenderlink for the provision of preliminary works prior to road resurfacing. Tenders closed on 14 September 2021. A submission was received from each of the following:

- Asphaltech Pty Ltd.
- Dowsing Group Pty Ltd.
- East to West Plant Services Pty Ltd.
- Sparta Enterprises Pty Ltd as trustee for The D'Adamo Family Trust trading as Stirling Paving.
- WCP Civil Pty Ltd.

The submission from Dowsing Group Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements with its submitted methodology and approach to service delivery in accordance with the City's requirements. Its submission outlined the qualifications and relative experience of key personnel and it demonstrated extensive experience in completing equivalent scopes of works for various local governments such as the City of Melville and Shire of Ashburton. It is listed as a preferred supplier for WALGA (Roads, Infrastructure and Depot Services) and was the previous supplier of preliminary works prior to road resurfacing to the City between 2015 and 2018. The company is well established with appropriate industry experience.

*It is therefore recommended that Council ACCEPTS the tender submitted by Dowsing Group Pty Ltd for the provision of preliminary works prior to road resurfacing as specified in Tender 019/21, for a period of one year and 10 months, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups), applicable to year two of the contract only.*

## **BACKGROUND**

The City has a requirement for a contractor to perform preliminary works prior to road resurfacing which may include, but not be limited to:

- removal of kerbing
- kerb backfilling (sand)
- removal of pram ramps
- removal of concrete and asphalt crossover sections
- reinstatement of irrigation works with like for like materials.

Tasks are to be completed in conjunction with the City's road resurfacing program.

The ability to provide sufficient resources to deliver the services in a timely manner is crucial to the success of the program and the subsequent achievement of quarterly financial targets.

The City currently has a single contract in place with Axiis Contracting Pty Ltd which expires on 2 December 2021.

The new contract will be for a term of one year and 10 months. This is due to the City's desire to align the expiry date of the proposed new contract for preliminary works prior to road resurfacing with the expiry date of the City's existing contract for the supply and laying of asphalt – major works which will improve work efficiency.

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 preliminary works prior to road resurfacing was advertised through state-wide public notice inclusive of publishing via Tenderlink on 21 August 2021. The tender period was for three weeks and tenders closed on 14 September 2021.

### **Tender Submissions**

A submission was received from each of the following:

- Asphaltech Pty Ltd.
- Dowsing Group Pty Ltd.
- East to West Plant Services Pty Ltd.
- Sparta Enterprises Pty Ltd as trustee for The D'Adamo Family Trust trading as Stirling Paving.
- WCP Civil Pty Ltd.

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

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

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

## Evaluation Panel

The evaluation panel comprised three members:

- 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 50%.

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

Qualitative Criteria		Weighting
1	Capacity	45%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

## Compliance Assessment

The following offers received were assessed as fully compliant:

- Asphaltech Pty Ltd.
- Dowsing Group Pty Ltd.

The following offers received were assessed as partially compliant on the condition that clarifications could be sought, or negotiated further, if shortlisted for consideration:

- East to West Plant Services Pty Ltd did not provide details for its registration, licences, or qualifications under the compliance criteria.
- Sparta Enterprises Pty Ltd as trustee for The D'Adamo Family Trust trading as Stirling Paving did not satisfy the requirements for quality assurance / quality management.
- WCP Civil Pty Ltd included critical assumptions which required further assessment.

On this basis, the following offers were included for further assessment:

- Asphaltech Pty Ltd.
- Dowsing Group Pty Ltd.
- East to West Plant Services Pty Ltd.
- Sparta Enterprises Pty Ltd as trustee for The D'Adamo Family Trust trading as Stirling Paving.
- WCP Civil Pty Ltd.

## Qualitative Assessment

East to West Plant Services scored 47.5% and was ranked fifth in the qualitative assessment. The company demonstrated some capacity in providing resources to perform the works. While it nominated its plant and equipment and stated its number of full-time employees it was uncertain how many of these were located in Perth. It provided details for emergency contact however the ability to provide additional resources was not adequately addressed. It did not demonstrate sufficient experience in providing similar services, citing one project it had undertaken for John Holland Group where the exact scope of works was unclear, and did not address the requirement to provide a list of contracts with periods and dates. References were noted. It demonstrated a sound understanding of the required tasks providing an in-depth methodology and approach to the works which were in accordance with the requirements of the tender.

Stirling Paving scored 48.8% and was ranked fourth in the qualitative assessment. The company demonstrated limited capacity submitting high level information for its key personnel and sub-contractor and no explanation for how it will supplement its specialised equipment and personnel if required. Details for emergency contact out of hours were provided. It has previously performed similar works for the City from 2000 to 2015 however scopes of works for other contracts it has were lacking and a list of contracts with periods and dates was omitted. References were noted. It demonstrated a sound understanding of the required tasks listing all the relevant steps necessary for completing the services.

WCP Civil Pty Ltd scored 75.8% and was ranked third in the qualitative assessment. It demonstrated its capacity in allocating resources, including contingencies necessary to fulfil the works, and submitted its organisation structure supported by resumes for its key supervisory staff to illustrate relevant qualifications, skills and experience. Skills of employees who would be operating the plant and equipment were not sighted. The company demonstrated considerable experience in providing similar services to the cities of South Perth, Stirling, Albany, Perth and Shire of Peppermint Grove with most elements of the works comparable to the City's requirements. Contract dates and periods were provided, and references were noted. It demonstrated a reasonable understanding of the required tasks submitting a generic methodology which did not address timeframes.

Asphaltech Pty Ltd scored 82.1% and was ranked second in the qualitative assessment. It demonstrated substantial experience providing similar services to the cities of Melville, Stirling and South Perth, Town of Victoria Park and Shire of Mundaring, submitted details for relevant referees, and listed its current contracts. It demonstrated its capacity by providing details of its key supervisory personnel accompanied by resumes depicting appropriate experience and qualifications. Details for equipment operators were omitted. It nominated numerous contacts for outside of hours emergencies, has a large fleet, and is able to provide back-up machinery and extra crew members if required. While the company demonstrated a sound understanding of the required tasks for successful kerb removal and backfilling, and the removal of concrete pram ramps and crossovers, it did not submit proposed timeframes.

Dowsing Group Pty Ltd scored 85.5% and was ranked first in the qualitative assessment. It demonstrated extensive experience having been the City's previous contractor for the provision of preliminary works prior to road resurfacing between 2015 and 2018 and being on the WALGA preferred supplier list for Roads, Infrastructure and Depot Services. It has also performed comparable services for the City of Melville and Shire of Ashburton and included details of numerous contracts it has with similar scopes of works for other local governments. References were provided. It demonstrated capacity to perform the works allocating three teams plus supervisory personnel with relevant qualifications and experience. The nominated plant and equipment and ability to provide additional resources was considered satisfactory to undertake the works. It demonstrated a thorough understanding of the required tasks and included timeframes within its approach.

Given the minimum acceptable qualitative score of 50%, three tenderers, Asphaltech Pty Ltd, Dowsing Group Pty Ltd and WCP Civil Pty Ltd qualified to progress to the stage two assessment.

### Price Assessment

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

The estimated expenditure over a 12 month period will vary based upon demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates offered by the tenderer have been applied to actual historical usage data for all scheduled items from 1 July 2020 to 30 June 2021. This provides a value of the tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur, as any future mix of requirements will be based upon demand and are subject to change in accordance with the operational needs of the City.

The rates are fixed for the first 12 months of the contract but are subject to a price variation in the second year of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates tendered for year two (a period of 10 months).

Tenderer	Year 1	Year 2 (10 months)	Estimated Total Price
Asphaltech Pty Ltd	\$850,537	\$722,957	<b>\$1,573,494</b>
Dowsing Group Pty Ltd	\$845,329	\$718,530	<b>\$1,563,859</b>
WCP Civil Pty Ltd	\$1,860,248	\$1,581,211	<b>\$3,441,459</b>

During 2020-21 the City incurred \$602,172 for preliminary works prior to road resurfacing. It is anticipated that over the next one year and 10 months, the City will incur expenditure of \$1,563,859 during the contract period.

### Evaluation Summary

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

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Dowsing Group Pty Ltd	85.5%	1	\$1,563,859	1
Asphaltech Pty Ltd	82.1%	2	\$1,573,494	2
WCP Civil Pty Ltd	75.8%	3	\$3,441,459	3

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

### Issues and Options Considered

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

## Legislation / Strategic Community Plan / Policy Implications

**Legislation** A state-wide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$250,000.

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Integrated Spaces.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### Risk Management Considerations

Should the contract not proceed, the risk to the City will be high as this service is essential for the City to complete its capital works road preservation and resurfacing program, and the City does not have capacity internally to provide this.

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

### Financial / Budget Implications

#### Current financial year impact

<b>Account no.</b>	Various RPR Capital Works accounts.
<b>Budget Item</b>	Preliminary works prior to road resurfacing.
<b>Budget amount</b>	\$ 800,000
<b>Amount spent to date</b>	\$ 88,229
	\$ 173,868 commitments
<b>Proposed cost</b>	\$ 493,109 (seven months new contract)
<b>Balance</b>	\$ 44,794

The balance for 2021-22 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

This contract will ensure the City is able to upgrade and maintain the road network in a safe and usable state for the community.

**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 Dowsing Group Pty Ltd represents value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Dowsing Group Pty Ltd for the provision of preliminary works prior to road resurfacing as specified in Tender 019/21, for a period of one year and 10 months, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups) applicable to year two of the contract only.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf211109.pdf](#)*

## **ITEM 18                    TENDER 021/21 - SUPPLY AND INSTALLATION OF CONCRETE    PATHS,    CROSSOVERS    AND ASSOCIATED WORKS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	109780, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions Attachment 3    Confidential Tender Summary
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by Axiis Contracting Pty Ltd for the supply and installation of concrete paths, crossovers and associated works.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 11 September 2021 through statewide public notice and published by Tenderlink for the supply and installation of concrete paths, crossovers and associated works. Tenders closed on 29 September 2021. A submission was received from each of the following:

- Axiis Contracting Pty Ltd.
- Dowsing Group Pty Ltd.
- Techsand Pty Ltd.

The submission from Axiis Contracting 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 similar services for various local governments in WA including the Cities of Armadale, Gosnells, South Perth, Stirling and Bayswater. It is the City's incumbent contractor since 2016 over two successive contracts. Axiis Contracting Pty Ltd is well established with significant industry experience and proven capacity to complete the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Axiis Contracting Pty Ltd for the supply and installation of concrete paths, crossovers and associated works as specified in Tender 021/21 for a period of three years with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*



## **BACKGROUND**

The City has a requirement for the supply and installation of concrete paths, crossovers and associated works within the City. The scope of work involves but not limited to:

- boxout of topsoil and earthworks where required for installation of new paths
- removal and disposal of existing concrete, asphalt, slab paths and crossovers
- construction of cast in-situ concrete paths and vehicle crossovers
- supply and installation of handrails with Smart Lock system and bollards as required
- verge and median reinstatement including irrigation where applicable
- installation of mulch at public accessways and parks as required
- any other concrete or related works that have not been specifically mentioned in this tender that the City may require to be undertaken from time to time.

The services are to be provided on an 'as and when required' basis as directed by the superintendent. The contractor shall supply a site-specific quote for each works location within 10 working days of receiving the City's work request containing the relevant details and / or design pertaining to the works.

The City has a contract in place with Axiis Contracting Pty Ltd for concrete paths, crossovers and associated works which expires on 31 December 2021.

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

## **DETAILS**

The tender for the supply and installation of concrete paths, crossovers and associated works was advertised through statewide public notice and published by Tenderlink on 11 September 2021. The tender period was for two weeks and tenders closed on 29 September 2021.

### **Tender Submission**

A submission was received from each of the following:

- Axiis Contracting Pty Ltd.
- Dowsing Group Pty Ltd.
- Techsand Pty Ltd.

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

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

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

### **Evaluation Panel**

The evaluation panel comprised three members, being:

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

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

### **Evaluation Method and Weighting**

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. As this contract covers various projects from multiple programs and to ensure the selected contractor possesses the necessary knowledge, experience and capacity to deliver the works and programs required under the contract, the predetermined minimum acceptable qualitative score for this requirement was therefore set at 60%.

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

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Demonstrated understanding of the required tasks	35%
2	Capacity	30%
3	Demonstrated experience in providing similar services	30%
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**

Techsand Pty Ltd scored 65.9% and was ranked third in the qualitative assessment. The company has extensive experience completing construction and maintenance of footpaths, concrete crossovers and associated works for Western Australian local governments including the Town of Cambridge and the Cities of Stirling and Nedlands. It has in the past successfully completed similar works for the City. It has sufficient capacity to provide the services. It demonstrated a sound understanding of the required tasks.

Dowsing Group Pty Ltd scored 70.5% and was ranked second in the qualitative assessment. The company demonstrated a thorough understanding of the required tasks. It has extensive experience completing concrete footpaths and associated works for Western Australian local governments including the Town of Claremont and the Cities of Melville, Belmont, Wanneroo and Cockburn. It demonstrated the capacity required to undertake the works.

Axiis Contracting Pty Ltd scored 73.1% and was ranked first in the qualitative assessment. The company has extensive experience completing similar services for various local governments in Western Australia including the Cities of Armadale, Gosnells, South Perth, Stirling and Bayswater. It is the City's incumbent contractor since 2016 over two successive contracts. It demonstrated a thorough understanding and appreciation of the City's requirements. Axiis Contracting 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%, Axiis Contracting Pty Ltd, Dowsing Group Pty Ltd and Techsand Pty Ltd qualified for stage two of the assessment.

### Price Assessment

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

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

The rates are fixed for the first year of the contract but are subject to a price variation in years two and three and also four and five (if the optional extension of one plus one year terms were exercised) of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two, three, four and five.

Tenderer	Year 1	Year 2	Year 3	Total
Axiis Contracting Pty Ltd	\$1,368,646	\$1,396,019	\$1,423,939	\$4,188,604
Dowsing Group Pty Ltd	\$1,408,196	\$1,436,360	\$1,465,087	\$4,309,643
Techsand Pty Ltd	\$1,439,899	\$1,468,697	\$1,498,071	\$4,406,667

During 2020-21, the City incurred \$1,428,278 for concrete paths, crossovers and associated works. The City is expected to incur in the order of \$4,188,604 over the three-year contract period and \$7,122,487 over five years should the City exercise both the extension options.

### Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Axiis Contracting Pty Ltd	73.1%	1	\$4,188,604	1
Dowsing Group Pty Ltd	70.5%	2	\$4,309,643	2
Techsand Pty Ltd	65.9%	3	\$4,406,667	3

Based on the evaluation result the panel concluded that the tender from Axiis Contracting 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 installation of concrete paths, crossovers and associated works within the City involving various projects from multiple programs. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** A state-wide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$250,000.

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Integrated spaces.

**Strategic initiative** Enable safe, logical and accessible pedestrian movements throughout public spaces.

**Policy** Not applicable.

### Risk Management Considerations

Should the contract not proceed, the risk to the City will be moderate as installation and or maintenance of footpaths will be delayed and asset upgrading of footpaths may reduce in serviceability if works discontinue.

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

### Financial / Budget Implications

<b>Account no.</b>	Various Capital Works accounts.
<b>Budget Item</b>	Concrete paths, crossovers and associated works.
<b>Estimated Budget amount</b>	\$1,456,844
<b>Amount spent to date</b>	\$110,164
<b>* Estimated cost (from 9 October 2021 to 31 December 2021)</b>	\$396,121 (current contract)
<b>Proposed cost (from 1 January 2022 to 30 June 2022)</b>	\$684,323 (new contract)
<b>Balance</b>	\$266,236

\* Based on amount spent during 2020-21 (the City incurred \$858,263 for the first half of the financial year from 1 July 2020 to 31 December 2020).

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

All amounts quoted in this Report are exclusive of GST.

### Regional Significance

Not applicable.

### Sustainability Implications

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Axiis Contracting Pty Ltd for the supply and installation of concrete paths, crossovers and associated works as specified in Tender 021/21 for a period of three years with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf211109.pdf](#)

## **ITEM 19                      EXTENSION OF CONTRACT 040/16 - PROVISION OF TRANSACTIONAL BANKING SERVICES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	106155, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to authorise the extension of Contract 040/16 for the provision of transactional banking services.

### **EXECUTIVE SUMMARY**

The City has an existing Contract 040/16 with the Westpac Banking Corporation to provide the City with transactional banking services that commenced on 27 December 2016 following the Council decision to accept Westpac's offer in response to the City's Request for Tender. This contract expires on 27 December 2021 and does not presently include an extension option within the contract. In order to realign the commencement of a new contract to 1 June 2022, it is necessary to extend the current contract until 31 May 2022, by when a new tender will be called and finalised.

### **BACKGROUND**

The City has a current contract with Westpac for transactional banking services that was entered into following Council's acceptance of Westpac's offer (CJ218-12/16 refers) that expires on 27 December 2021. The contract does not contain provisions for extensions.

A public tender process is required before a new contract is entered into for the provision of this service as the value of these services is expected to exceed the tender threshold of \$250,000 prescribed in the *Local Government (Functions and General) Regulations 1996*.

Due to the existing start and end dates of the current contract, if a new service provider were to be engaged, the process of transition from the current provider would have to be undertaken in the period between August and December. This coincides with the peak season for rates receipts, when banking transaction volumes are much higher than later in the year.

With a view to the future, it is proposed to recalibrate the start date of a new arrangement for transactional banking services to the latter part of the financial year, after the peak rates season as well as the summer leisure and cultural programmes and school holidays. It is therefore proposed that the current contract be extended to 31 May 2022, thus allowing the commencement of a new contract on 1 June 2022.

## DETAILS

The current contract with Westpac Banking Corporation does not contain provisions for extensions. The City must enter into a new arrangement for this service following due process in accordance with procurement requirements prescribed in the *Local Government Act 1995* (Act) and the *Local Government (Functions and General) Regulations 1996* (Regulations).

The Regulations prescribe that the City must undertake a public tender process to acquire goods or services where the expected value exceeds \$250,000. The cost that the City incurred in bank charges and merchant service fees in the past five financial years exceeds this threshold. At the time that Council accepted the submission from Westpac Banking Corporation to enter into the current contract, the report to Council indicated that the City had incurred \$282,517 in transactional banking services charges in 2015-16 (CJ218-12/16 refers). The value of such services to be acquired now is therefore expected to exceed the tender threshold of \$250,000 and the City is required to issue a public tender for transactional banking services.

In order to recalibrate the start date of a new contract to 1 June 2022, to time the commencement of a new contract to be just prior to the start of a new financial year and rating season, as well as to accommodate a tender process and a potential transition process (if the tender process results in a new service provider) that does not coincide with the peak rates season, it is proposed that Council extend the current contract with Westpac Banking Corporation to 31 May 2022.

Westpac Banking Corporation have been approached in this regard and have advised no objection to such an extension of the current contract, should Council so decide. It may be noted that the contract extension is contemplated on the same terms and conditions, including pricing to which Westpac has assented.

In 2020, regulation 11(2) of the Regulations was amended to include clause (ja) providing the following conditions under which a local government need not invite public tenders:

*“The contract is a renewal or extension of the term of a contract (the **original contract**) where*

- (i) the original contract is to expire within 3 months; and*
- (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and*
- (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government.”*

Under the provisions of regulation 11(2)(ja):

Reg 11(2)(ja) Condition	Comment/Details	Does the proposal comply?
Original contract to expire within three months?	Expiry 27/12/2021, less than three months from date.	Yes ✓
Extension for not more than 12 months from original contract expiry?	Extension till 31 May 2022, just over five months from original expiry date	Yes ✓
Existing state of emergency applying to City of Joondalup?	State-wide state of emergency pertaining to COVID-19 currently in place, applies to all local government jurisdictions.	Yes ✓

The proposed extension, therefore, would comply with the conditions stipulated in Regulation 11(2)(ja) and would comply with the current legislation.

## Issues and Options Considered

### Decline to extend the current contract

If it is determined not to extend the current contract, as of 28 December 2021, the City would not have a firm arrangement in terms of banking services and pricing. Potentially, this places the City at risk of changes to pricing not presently envisaged as well as uncertainty regarding services currently received under the contract. Uninterrupted banking services are critical to the City's operations and the risk of disruption in circumstances where no certainty exists about the length or price of services is not considered acceptable.

This option is not recommended.

### Extend the current contract

Extending the current contract would continue the services provided under the contract beyond the expiry date of 27 December 2021 under the same terms and with the same pricing applicable. This both minimises the risk of disruption without a firm arrangement for banking services as well as the uncertainty regarding service levels and prices. Westpac Banking Corporation have indicated assent to extending the contract for the proposed period on the terms and pricing that presently applies.

This option is recommended.

Council has given the Chief Executive Officer (CEO) delegated authority to extend contracts, but this applies only where the existing contract includes extension provisions. The current Contract 040/16 does not include a provision for extension, consequently the CEO does not have delegated authority to extend the contract with Westpac Banking Corporation.

## Legislation / Strategic Community Plan / Policy Implications

**Legislation**                      *Local Government (Functions and General) Regulations 1996.*

### **Strategic Community Plan**

**Key theme**                      Financial Sustainability.

**Objective**                      Effective management.

**Strategic initiative**              Not applicable.

**Policy**                              *Purchasing Policy.*

## Risk Management Considerations

Extending the current contract enables the City to go to tender in early 2022 to ensure a new contract commences at a more appropriate time in the financial year, as well as minimising the risk of disruption to transactional banking services without a firm arrangement for banking services as well as the uncertainty regarding service levels and prices.

## Financial / Budget Implications

The current pricing structure under the existing contract will continue for the extension period. Transaction volumes determine overall cost, which is not anticipated to be significantly different from previous years.



**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Westpac Banking Corporation have been approached.

**COMMENT**

The current contract for the provision of transactional banking services with Westpac Banking Corporation is due to expire on 27 December 2021. Under the *Local Government Act 1995*, the City is required to go to tender to obtain these services. In order to recalibrate the start of a new contract to a more suitable date, an extension of the current contract is required. Although, the current contract does not include a provision for extension, the *Local Government (Functions and General) Regulations 1996* permit Council to extend the contract until 31 May 2022, including existing contract prices. Westpac has confirmed agreement to an extension for this period with no change to pricing.

A tender is expected to be issued and presented to Council at a future meeting to appoint a suitable service provider for a new contract before the expiry of the period of extension, to facilitate a transition to a new service provider should this be the outcome of the tender process.

Should the extension of the current contract not proceed, the City will not have a firm contract or pricing in place after 27 December 2021.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council

- 1 **EXTENDS** the current Contract 040/16 Provision of Transactional Banking Services with Westpac Banking Corporation until 31 May 2022;
- 2 **NOTES** that Westpac will maintain prices for services contained in the current contract for the period of the contract extension until 31 May 2022;
- 3 **NOTES** that a Request for Tender process for Provision of Transactional Banking Services will be initiated and concluded prior to 31 May 2022.

## **ITEM 20                    2021-22 BUDGET AMENDMENT – CAPITAL WORKS ADDITIONAL GRANT FUNDING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	109072, 101515
<b>ATTACHMENT / S</b>	Attachment 1    Local Road and Community Infrastructure Program Phase 2 Projects
<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 approve amendments to the *2021-22 Budget* reflecting additional approved grant funding.

### **EXECUTIVE SUMMARY**

To facilitate amendments to the *2021-22 Capital Works Program* budget in respect of additional grant funding from the Federal Black Spot and Roads to Recovery and reallocation of project grant funding allocations within the Local Road and Community Infrastructure Program (LRCI) Phase 2 program. The additional expenditure to be incurred is offset by additional grant funding.

### **BACKGROUND**

During recent tender process undertaken in respect of Federal Black Spot funded projects, it was identified that additional funding would be necessary to complete the scope of works. The Federal Black Spot projects are fully grant funded, and the City therefore submitted a variation request to the funding body to accommodate the additional expenditure required. These additional funds have now been approved by the funding body and the projects will remain fully funded by the Federal Government.

Further funding changes have also occurred in respect of the Roads to Recovery grant which is provided by the Federal Government. Three projects currently fully funded by the Roads to Recovery grants in the 2021-22 financial year have been identified as requiring additional funds for completion. The three projects are in the same location and were initially only identified as requiring road surfacing. When commencing design works and reviewing the layout of the road in conjunction with the current Main Roads Western Australia and Austroads guidelines, however, it was identified that additional works would be required to meet these requirements. Additional funds were accordingly requested through the Roads to Recovery grant process, which is expected to be approved by the funding body.

The Local Roads and Community Infrastructure Program (LRCI) was established to stimulate additional infrastructure construction activity in local communities across Australia to manage the economic impacts of COVID-19. The City completed the first phase of this funding in the 2020-21 financial year. The second phase of the LRCI funding is due to be completed with funds fully expended by 30 June 2022. Based on current progress, in order to facilitate completion by this date, a number of adjustments are required to individual project expenditure budgets, although overall budget expenditure on the LRCI Program Phase 2 will not change. These amendments are necessary to reallocate grant funds unspent or expected to remain unspent on LRCI projects that are completed or currently in progress.

## DETAILS

The Federal Black Spot and Roads to Recovery funded projects are fully funded by the Federal Government. The details of the individual projects are below:

Project Name	21-22 Adopted Grant	21-22 Adopted Project Budget	Additional Grant Approved	Amended Project Budget
SBS2037 – Marmion/McWhae	\$323,306	\$323,306	\$225,000	\$548,306
SBS2090 – Marmion Ave and Cambria	\$261,627	\$261,627	\$462,000	\$723,627
RPR3212 – Winton/Cord Roundabout	\$73,000	\$73,000	\$66,500	\$139,500
RPR3213 – Cord Street (Eastbound)	\$32,000	\$32,000	\$50,000	\$82,000
RPR3214 – Cord Street (Westbound)	\$21,000	\$21,000	\$58,500	\$79,500
<b>Total</b>	<b>\$710,933</b>	<b>\$710,933</b>	<b>\$862,000</b>	<b>\$1,572,933</b>

LRCI Phase Two amendments mainly relate to reallocation of LRCI grant funds from completed projects due to a combination of competitive pricing and less works required to complete the project scope than originally estimated. To ensure the grant allocation for Phase Two is fully utilised, a number of projects require changes to the original scope of works with consequent change to estimated expenditure. Attachment 1 outlines the breakdown for all LRCI Phase Two projects showing the budget expenditure amendment required and the reason for the change to works.

### Issues and options considered

#### Option 1 – Do not amend the 2021-22 Budget

Council can choose not to amend the adopted *2021-22 Budget*. This would restrict the City's ability to incur the necessary expenditure to complete these projects within the grant agreement timeframes.

This option is not recommended.

#### Option 2 – Amend the 2021-22 Budget

Amending the *2021-22 Budget* will allow the City to incur the necessary expenditure to complete these projects within the grant agreement conditions.

This option is recommended.

**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.*

**Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

The City's ability to complete the designated projects within the grant agreement timeframes will be impacted without Council's approval to incur the necessary expenditure. The amendment is essential to ensure the City is able to meet the grant funding obligations.

The additional expenditure is fully funded by the additional grant revenue.

**Financial / budget implications**

The total additional expenditure required in 2021-22 for the designated projects is:

- \$862,000 to be added to the Capital Works Program 2021-22 Budget (Expenditure).
- \$862,000 to be added to Capital Grants 2021-22 Budget (Revenue).

No overall additional expenditure will be incurred in respect of LRCI Phase 2 projects, budget reallocations between projects will increase or decrease budget expenditure at project level with a net zero overall change to the LRCI program expenditure budget.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable

**COMMENT**

The 2021-22 budget amendments proposed in light of grant funding approved will allow the City to incur the necessary additional capital expenditure necessary to complete these projects as required under the grant funding agreements.

**VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION**

**That Council BY AN ABSOLUTE MAJORITY:**

- 1 AMENDS the 2021-22 Budget by the addition of \$862,000 to the Capital Works Expenditure Budget;**
- 2 AMENDS the 2021-22 Budget by the addition of \$862,000 to Non-operating Grant, Subsidies and Contributions revenue;**
- 3 AMENDS the individual LRCI Phase 2 project expenditure budgets as outlined in Attachment 1 to this Report;**
- 4 AMENDS the individual LRCI Phase 2 project grant revenue budgets as outlined in Attachment 1 to this Report;**
- 4 NOTES that overall budget expenditure on LRCI Phase 2 remains unchanged.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf211109.pdf](#)*

**ITEM 21                      CONFIDENTIAL – BEACH ENCLOSURE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	105359, 101515
<b>ATTACHMENT / S</b>	Attachment 1    Revised Process Decision Tree
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

- *a matter that if disclosed, would reveal information that has a commercial value to a person.*

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

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

### **NOTICE OF MOTION NO.1 – CR MAY – PROVISION OF BASKETBALL FACILITIES**

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 16 November 2021:

***That the Council:***

- 1**      ***REQUESTS the Chief Executive Officer to investigate the best location for the provision of a basketball pad at one of the following parks in Craigie:***
  - a***      ***Otago Park, Craigie;***
  - b***      ***Camberwarra Park, Craigie; or***
  - c***      ***Albion Park, Craigie;***
  
- 2**      ***REQUESTS the Chief Executive Officer to investigate the provision of a basketball pad at one of the following parks in Kallaroo:***
  - a***      ***Whitfords-West Park, Kallaroo; or***
  - b***      ***Bridgewater Park, Kallaroo;***
  
- 3**      ***Lists for consideration in the 2022-23 Capital Works Program for the 2022-23 Budget, a basketball pad at one location in Craigie, determined as best suited to service the surrounding area, and provide minimal noise disruption to nearby residential homes;***
  
- 4**      ***Considers the provision of a basketball pad at either Bridgewater Park, Kallaroo or Whitfords-West Park, Kallaroo in the context of the Youth Outdoor Recreation Strategy and Business Case for Interconnected Mountain Bike Trails.***

### **REASON FOR MOTION**

Within the area, approximately the equivalent size of one suburb, West of Eddystone Avenue, Craigie and East of Dampier Avenue, Kallaroo, there are no publicly accessible basketball facilities.

Both of these areas are seeing an increase in population and dwellings due to infill, and a shift toward a younger demographic.

It is therefore reasonable to conclude that there is a significant service gap of these facilities within the areas specified, based on both resident demand and number of dwellings in total area specified above.

### **OFFICER'S COMMENT**

A report can be prepared.

**NOTICE OF MOTION NO. 2 – CR MAY – INITIATIVES TO REDUCE THE PROLIFERATION OF ABANDONED TROLLEYS**

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 16 November 2021:

***That the Council:***

- 1** ***ADOPTS the position of supporting State Government legislation or initiatives to reduce the proliferation of abandoned trolleys, including (but not limited to) mandatory proximity wheel locks and other effective measures to reduce, and ultimately eliminate, the number of abandoned trolleys in and around the Joondalup CBD, as well as public places and residential areas surrounding other major retail centres, such as Whitford City;***
- 2** ***REQUESTS the Mayor and/or Chief Executive Officer write to the relevant Minister and Department expressing the City of Joondalup's position;***
- 3** ***CONTINUES to proactively engage with retailers to significantly reduce, with a view to eliminating, the number of abandoned shopping trolleys in public places.***

**REASON FOR MOTION**

The constant pollution of abandoned trolleys in City parks, underpasses and residential areas. Particularly within the Joondalup CBD, Whitford City and other smaller retail centres. While volunteering in parts of our natural areas, I have noticed trolleys dumped in wetlands and coastal areas.

The areas trolleys are dumped also appear to be less appealing and contribute to a poor reputation of an area.

This motion will present little to no material cost to the City however, will send a strong message to the State Government that reform is needed in this space, like in other states, and to retailers, that better management of trolleys and consideration of their impacts on the surrounding community is expected.

**OFFICER'S COMMENT**

A report can be prepared.



## **CLOSURE**



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

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

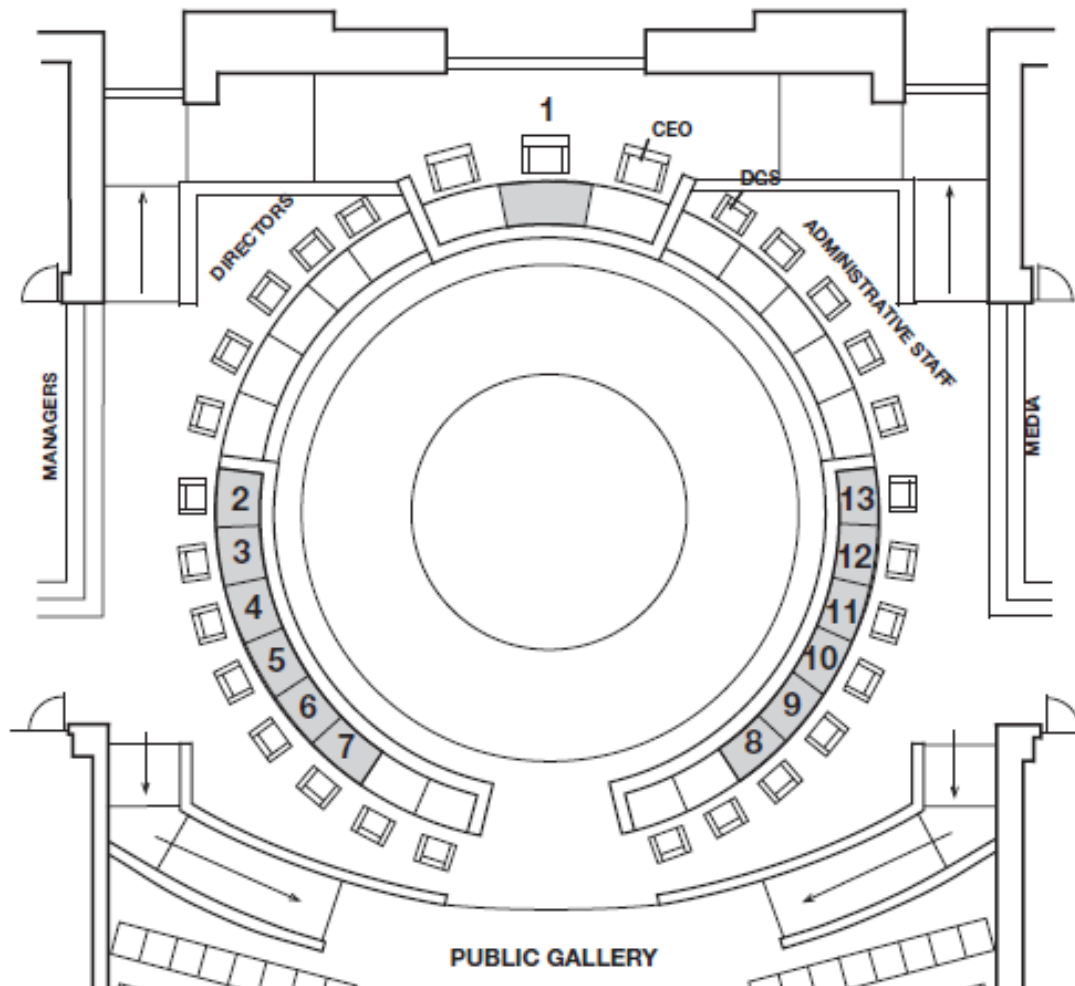
<b>Name / Position</b>		
<b>Meeting Date</b>		
<b>Item No. / Subject</b>		
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<b>*Delete where not applicable</b>
<b>Extent of Interest</b>		
<b>Signature</b>		
<b>Date</b>		

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

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

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

## Council Chamber – Seating Diagram



### Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/25)

### North Ward

- 2 Cr Adrian Hill (Term expires 10/25)
- 3 Cr Tom McLean, JP (Term expires 10/23)

### North-Central Ward

- 4 Cr Daniel Kingston (Term expires 10/25)
- 5 Cr Nige Jones (Term expires 10/23)

### Central Ward

- 6 Cr Christopher May (Term expires 10/25)
- 7 Cr Russell Poliwka (Term expires 10/23)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/25)
- 9 Cr John Raftis (Term expires 10/23)

### South-East Ward

- 10 Cr John Chester (Term expires 10/25)
- 11 Cr John Logan (Term expires 10/23)

### South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/25)
- 13 Cr Suzanne Thompson (Term expires 10/23)