

# minutes

MEETING HELD ON

TUESDAY 20 APRIL 2021

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# CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON 20 APRIL 2021**

## DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

## ANNOUNCEMENT OF VISITORS

### Mayor:

HON. ALBERT JACOB, JP

### Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	<i>absent from 9.47pm to 9.49pm</i>
CR PHILIPPA TAYLOR	North-Central Ward	<i>absent from 9.44pm to 9.47pm</i>
CR NIGE JONES	North-Central Ward	
CR CHRISTOPHER MAY	Central Ward	
CR RUSSELL POLIWKA	Central Ward	<i>absent from 8.12pm to 8.14pm</i>
CR RUSS FISHWICK, JP	South Ward – <i>Deputy Mayor</i>	
CR SUZANNE THOMPSON	South Ward	
CR CHRISTINE HAMILTON-PRIME, JP	South-West Ward	
CR JOHN RAFTIS	South-West Ward	
CR JOHN CHESTER	South-East Ward	
CR JOHN LOGAN	South-East Ward	<i>absent from 7.20pm to 7.23pm</i>

### Officers:

MR JAMES PEARSON	Chief Executive Officer	
MR JAMIE PARRY	Director Governance and Strategy	
MS DALE PAGE	Director Planning and Community Development	<i>absent from 8.14pm to 8.16pm</i>
MR NICO CLAASSEN	Director Infrastructure Services	
MR MAT HUMFREY	Director Corporate Services	
MR BRAD SILENCE	Manager Governance	
MR CHRIS LEIGH	Manager Planning Services	<i>to 8.13pm</i>
MR DANIEL DAVINI	Media Advisor	<i>to 9.48pm</i>
MS VIVIENNE STAMPALIJA	Governance Coordinator	
MRS DEBORAH GOUGES	Governance Officer	
MRS WENDY COWLEY	Governance Officer	
MRS NATASHA MOSSMAN	Governance Officer	<i>from 7.35pm</i> <i>absent from 8.56pm to 8.58pm</i>

There were 25 members of the public and one member of the press in attendance.

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

### Disclosures of Financial Interest / Proximity Interest

Nil.

### Disclosures of interest affecting Impartiality

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

<b>Name / Position</b>	<b>Cr John Chester.</b>
<b>Item No. / Subject</b>	CJ046-04/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-2026.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is a member of two committees assisting in managing the Yellagonga Regional Park.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ046-04/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-2026.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Friends of Yellagonga Regional Park.

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ046-04/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-2026.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr May is a member of the Friends of Yellagonga Regional Park.

<b>Name / Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob is Vice Patron of the Sorrento Surf Life Saving Club.

<b>Name / Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is Vice Patron of the Sorrento Surf Life Saving Club and is a Senior Assessor for Surf Life Saving WA.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime is Vice Patron of the Sorrento Surf Life Saving Club.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime's husband is a member of the Sorrento Surf Club.

<b>Name / Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Poliwka is a patron of the Sorrento Surf Club.

<b>Name / Position</b>	<b>Cr John Chester.</b>
<b>Item No. / Subject</b>	CJ055-04/21 - Petition Requested Bin Facilities at Key Access Points to Yellagonga Regional Park.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is a member of two committees assisting in managing the Yellagonga Regional Park.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ055-04/21 - Petition Requested Bin Facilities at Key Access Points to Yellagonga Regional Park.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Friends of Yellagonga Regional Park.

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ055-04/21 - Petition Requested Bin Facilities at Key Access Points to Yellagonga Regional Park.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The lead petitioner is known to Cr May and Cr May is a Friends of Yellagonga Regional Park member.

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Item No. / Subject</b>	CJ056-04/21 - Standards for CEO Recruitment and Selection, Performance Review and Termination.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

<b>Name / Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No. / Subject</b>	CJ057-04/21 - Contribution to the Lord Mayor's Distress Relief Fund – Tropical Cyclone Seroja 2021 Appeal.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A person whose property was damaged by the cyclone is known to Cr Fishwick.

## PUBLIC QUESTION TIME

The following summarised question was taken on notice at the Council Meeting held on 16 March 2021.

**Ms N Brammer, Iluka:**

*Re: CJ040-03/21 - Edgewater Quarry - Community Consultation.*

**Q2** *The cost of the Ocean Reef Marina housing development project is \$5.5 million, how much has been spent on the Edgewater Quarry project to date?*

**A2** Since 2008-09 the Edgewater Quarry project has been a long-standing project of the City. Between 2008-09 and 2020-21, and as a result of numerous Council decisions regarding the site, the City has expended a total of \$421,815 on consultancy fees; geotechnical, environmental and engineering surveys; as well as community consultation processes such as the community reference group, facilitated workshops and the community open day.

The following questions were submitted prior to the Council meeting on 20 April 2021:

**Mr R Repke, Kallaroo:**

*Re: Speed limit and speed cameras on Whitfords Avenue from Marmion to the west and then south until Hilary's Boat Harbour.*

**Q1** *In order to reduce the risk of car and motorbike races should the City not reduce the speed limit to 50 km/h and establish at least two permanent speed cameras, one south of Cumberland Drive, facing east and one north of the John Wilkie Tarn facing north?*

**A1** Main Roads WA is the responsible authority for speed zones and speed limit signage within the Perth Metropolitan area including the City of Joondalup's road network.

In the case of Whitfords Avenue between Hillary's Boat Harbour and Marmion Avenue, the road is classified as an "Other Regional Road" under the *Metropolitan Region Scheme*. Due to this function, it is designed to carry high volumes of traffic with the speed zone reflecting the road classification.

In relation to the request for permanent speed cameras the WA Police is the responsible authority to enforce compliance to the road rules, including traffic speed compliance and the use of speed cameras. Should they decide a camera is warranted, the WA Police would advise the most suitable location.

The speed limit on Whitfords Avenue between Hillarys Boat Harbour and Marmion Avenue varies from 60 km/hr to 70 km/hr, which reflects the road function and speed environment for this section of road.

*Re: Ocean Reef Marina.*

**Q2** *Since the start of planning for the Ocean Reef Marina Project the community have had plenty of opportunities to raise concerns, reality is that 80% plus, who answered the survey, wanted the Marina and now, that all the required approvals are in place and the State is going forward, is there any other way than to go ahead?*



- A2 The Ocean Reef Marina project has received the necessary approvals and DevelopmentWA, on behalf of the State Government, are implementing the project in accordance with the conditions of those approvals. The City considers that the development of the Marina is in the best interest of the community and the State.

*Re: Local Law to protect trees.*

- Q3 *I have asked the City years ago to approve a Local Law that protects all trees on public and private land, as global warming can be reduced by trees. Should the City not be bold, and future oriented and start to work on that Local Law?*

- A3 Council cannot make a local law around such matters on private property. However the City's *Local Government and Public Property Local Law 2014* offers protection for trees on public land.

*Re: Restrict Discretions.*

- Q4 *One of the biggest problem with the Housing Opportunity legislation is that the State Planning Act includes discretions, which are not defined and not limited, should the City not use discretions in a restrictive sense and not publish all applications which are approved using discretions including the arguments why discretions have been granted?*

- A4 The use of discretion is both defined and limited. Discretion is guided by the planning framework relevant to the specific development proposal. The framework defines a set of principles or objectives that a decision-maker considers the proposal against when exercising discretion.

In relation to the publication of applications, a motion was carried at the Annual General Meeting of Electors (AGM) held on 23 March 2021 requesting Council to consider this approach. Information in relation to this request will be presented at an upcoming Council meeting.

*Re: Beach Raking*

- Q5 *In order to keep the beach free of wide and deep tractor tyre marks made by beach raking, can the City limit the tractor activities to the two entrances at Mullaloo Beach and Pinnaroo Point?*

- A5 The tyre marks along the beach are a by-product of the City's beach cleaning service (tractor drawn sand sifting equipment). The machines' focus is to sift the beach sand to a depth of approximately 50mm, removing the ongoing build-up of seaweed rack and buried rubbish, from the beach north of Marmion to south of Ocean Reef.

The end result of the sand sifting leaves this stretch of beach free from decomposing seaweed and buried rubbish, which improves the user experience by reducing the smell and fly activity from decomposing seaweed and other hazards buried rubbish may pose.

The City considers the benefit of this service outweighs the minor visual impact caused by equipment undertaking this service.

**Mr R McCarthy, Padbury:**

Re: *Dog Beach.*

Q1 *How is it that Council declined the petition (CJ190-12/20 refers), thus perpetuating an unexplained dog ban, while having no knowledge at all of the existing policy or alternatives?*

A1 Council considered the report in terms of the substance of your petition at its meeting held on 8 December 2020 (CJ190-12/20 refers) and subsequently resolved not to support the request as detailed in the petition.

Q2 *Why does the City report (CJ190-12/20 refers) elevate commonly overcome routine beach issues to justify denial of the Petition, and importantly, when they are not germane to the subject of the petition?*

A2 Refer to A1 above.

Q3 *Can the Council confirm that access to the foreshore is an entitlement that all ratepayers inherently have, and that the City has a responsibility to facilitate such, and not arbitrarily allocate - unless there are compelling (presently unstated) reasons and/or (presently unclaimed) precedent to deny access?*

A3 Foreshore areas are managed and controlled by the City of Joondalup and are available for the public to use. The allocation of dog exercise areas is a formal decision of Council in accordance with the *Dog Act 1976*.

Q4 *Could the Council comment on the postulate that the petition process (and implicitly the appeal process) are hopelessly compromised and effectively the City does not have a functioning petition process?*

A4 The City of Joondalup petition process is determined by the City's *Meeting Procedures Local Law 2013*.

**Mrs C Baldwin, Iluka:**

Re: *Ocean Reef Marina.*

Q1 *Can you advise if community engagement with the surfing fraternity or surfing groups has occurred regarding the impact on the surf breaks namely Mossies and Big Rock as many surfers are not aware that the surf breaks will be destroyed?*

A1 DevelopmentWA has engaged with Surfing WA and local surfers to investigate opportunities for the creation of new surf breaks.

Q2 *If the City has not engaged with the surfing fraternity in recent times then why not given the importance of these surf breaks to the youth of the area?*

A2 Refer A1 above.

Q3 *Where are the artificial surfing reefs to be located in Ocean Reef to replace the two existing breaks that will be destroyed?*

A3 Investigations by coastal engineers engaged by DevelopmentWA concluded that due to a number of constraints the creation of surf breaks close to the Ocean Reef Marina breakwaters was not possible.

Q4 *Has the surfing community and public been advised of these locations?*

A4 Refer A3 above.

Q5 *Can you advise if and when the City's Youth Support Services will provide support to the surfing fraternity given the loss of the Mossies and Big Rock surf breaks that generations of surfers have enjoyed over the years?*

A5 The City's Youth Services team undertake a range of services within the local community, this includes the Edge and Anchors Youth Centres (located in Currambine and Heathridge respectively) and the City's Youth Truck which visits various locations throughout the district each week. The City's Youth Truck visits the Ocean Reef area on a Tuesday night between 3pm and 6pm at the Mirror Park Skate Park, engaging with both local and visiting youth.

All youth community members are encouraged to visit the City's Youth Services website ([Y-lounge.com.au](http://Y-lounge.com.au)) or the Youth Services Facebook page for more information on the services and assistance provided.

**Mr A Baldwin, Iluka:**

Re: *Ocean Reef Marina.*

Q1 *It has been reported by members of the public that there are currently endangered Australian sea-lions engaged in breeding behaviour and endangered Carnaby Black Cockatoos in distress at the Ocean Reef Marina site.*

*What is the City of Joondalup going to do to protect these endangered species?*

A1 DevelopmentWA are undertaking the construction of the Ocean Reef Marina in accordance with an approved Marina Construction Monitoring and Management Plan as well as a Construction Management Plan. It is suggested that contact be made with the independent Construction Liaison Officer, engaged by DevelopmentWA, regarding the concerns raised.

Q2 *How does the City of Joondalup justify selling a land parcel valued at \$63 million dollars in 2017 for one dollar to DevelopmentWA at present?*

A2 Clause 6 of the Memorandum of Understanding (MOU) between the City and DevelopmentWA (formerly LandCorp) (endorsed by Council at its meeting held in February 2018, CJ031-02/18 refers) outlines the agreed roles of each party. Clause 6.1 (g) states that the City agrees that it shall:

*“(g) Contribute the portion of City owned land required for the Project for a market value (assumed to be nominal consideration). The methodology used to value the required Project land to be agreed between the Parties.”*

The City sought independent expert valuation advice on the current market value for Lots 1029 and 1032. Additional information was also received from Landgate. The lots in question are subject to a number of constraints:

- a The land to be transferred back to the City in freehold that includes the portion not required for the development, is designated Bush Forever and therefore from a market value viewpoint has a very little value.
- b It is highly unlikely that the *Metropolitan Region Scheme* (MRS) Amendment rezoning the project site to enable the development to progress would have been approved and gazetted.
- c Given the above:
  - it is unlikely the City would be able to sell the land on the open market. Therefore, the land is deemed to have minimal market value
  - it is unlikely that the City would be able to develop the land itself. Therefore, the land is deemed to have minimal value.
- d Prior to the gazettal of the MRS Amendment rezoning a portion of the City's freehold land to 'urban', the land was zoned 'Parks and Recreation', without the Ocean Reef Marina development progressing, an amendment to the MRS would not have been sought. Therefore, it is deemed that the value of land should reflect the original 'Parks and Recreation' designation.

It was for the above reasons (as well as other constraints) that the independent valuer determined that the land had a nominal value.

**Ms M Kwok, Ocean Reef:**

*Re: Ocean Reef Marina Project.*

- Q1 *Has Ocean Reef Marina Memorandum of Understanding February 2018 been consulted?*
- A1 The Memorandum of Understanding (MOU) between the City and DevelopmentWA was endorsed by Council in February 2018 (CJ031-02/18 refers). This decision followed extensive engagement with DevelopmentWA (then Landcorp) to ensure the project would be developed in accordance with the City's and community's expectations. The MOU identified that further stakeholders' and community's consultation engagement would be required and that the City and DevelopmentWA (Landcorp) would collaboratively manage this engagement.
- Q2 *Which department and who was involved in the negotiation with DevelopmentWA?*
- A2 Negotiation on the MOU involved the Office of the CEO and the City Projects Business Unit.
- Q3 *Was the one dollar nominal land transfer fee agreed on by Council or by ratepayers?*
- A3 Agreement to transfer the land for a nominal formed part of the MOU executed between the City and DevelopmentWA and endorsed by Council in February 2018.

The Heads of the Agreement endorsed by Council in February 2021 (CJ109-02/21 refers) states that the City agrees it will transfer the City-owned land in accordance with the MOU.

The Major Land Transaction Business Plan for the proposed disposal of Lot 1029 and Lot 1032, Ocean Reef, approved for public advertising by Council in February 2021 (CJ019-02/21 refers), states that in accordance with the terms of the MOU and Heads of the Agreement, the City proposes to transfer the whole of Lot 1032 and Lot 1029 for a nominal fee.

**Q4** *As we do not have paid parking at Ocean Reef Boat Harbour, in Business Plan table 3.1 Operating income (excluding escalation), can you please give a breakdown on what made up \$152,000 baseline figure in parking income?*

**A4** The \$152,000 baseline figure is the current income received from the Ocean Reef Boat Harbour Car Park.

**Ms M O'Byrne, Kinross:**

*Re: Sunlander Drive.*

**Q1** *At what time during the day (10th December 2019) was the Peer Review – Macroplan Currambine Retail Sustainability Assessment forwarded to Councillors?*

**A1** Following a request received from an Elected Member at 1.10pm on Tuesday 10 December 2019, the peer review was sent by email to the Elected Members on the same day at 5.19pm.

**Q2** From the 1,541 letters sent out relating to the Sunlander consultation, one communication was sent to the Kinross Residents Association. What number value did the City attribute to this single correspondence with the Kinross Residents Association?

**A2** The correspondence to the residents' association was counted as one of 1,726 letters/emails (that is, a further 1,725 letters/emails were sent to other parties/residents).

**Q3** *Did the Kinross Residents Association Committee make a response to the invitation for public comment on the Sunlander Development?*

**A3** The City did not receive a submission from the Kinross Residents Association during the consultation period on Amendment No. 1 to Local Planning Scheme No. 3.

**Q4** *What prevented the City from instituting from the very beginning of the Amendment Process and in consultation with the WAPC an absolute legal requirement from Southern Cross Care WA Inc. for provision of the promised aged care once a successful Coles development outcome was achieved?*

**A4** The assessment of Amendment No. 1 to Local Planning Scheme No. 3 was based on the merits of that particular proposal. Assessment and determination of a scheme amendment proposal cannot be used to dictate what type of development may or may not be developed on adjoining sites. However, it is understood that as part of the subdivision of the land, a large parcel of land (over 1 hectare) has been earmarked by the owner for an aged care development.

Re: *Ocean Reef Marina Project.*

Q5 *With the Ocean Reef Marina cheap as chips sell-off of biodiverse land and the wreckage of the irreplaceable Abalone Reef, the City is no longer compliant with the terms of the Durban Commitment (biodiversity - respect for, advance, enhance). Should the City of Joondalup do the honourable thing - fall on its sword and remove itself from the Durban Commitment that it is now making a mockery of?*

A5 The City has been working towards developing a marina at the existing Ocean Reef Boat Harbour site for sometime. A substantial parcel of land was purchased in 1979 for the purpose of developing the marina and since that time the City's plans and policies have been prepared cognisant of the project.

In recent years the Ocean Reef Marina has been the subject of a rigorous planning and environmental approvals process including the marine components being assessed by the Environmental Protection Authority via a Public Environmental Review (the highest level of assessment). In August 2019 the Minister for Environment accepted the EPA's recommendation and approved the development with strict conditions.

The Ocean Reef Marina was also the subject of a Metropolitan Region Scheme (MRS) amendment process. A key component of the Western Australian Planning Commission's (WAPC) deliberations on the amendment was the preparation of a Negotiated Planning Outcome (NPO) for Bush Forever Site 325.

Following gazettal of *MRS Amendment 1270/41 - Ocean Reef Marina*, the draft NPO has been amended and finalised by DevelopmentWA to reflect the change in proponency from the City to DevelopmentWA. The final NPO also includes detailed information regarding the acquisition site. As with the draft version, the final NPO identifies the preparation of a Construction and Environmental Management Plan to support sub-division approval.

In approving the Development Application submitted by DevelopmentWA for some of the early works for the Ocean Reef Marina, Council imposed the preparation and implementation of a Construction Management Plan as condition of approval. It is considered that the conditioned Construction Management Plan together with the final NPO adequately addresses the impacts on surrounding vegetation.

The City considers the development of the marina is consistent with the intention of the Durban Commitment for biodiversity and to be considered in local planning, including economic development.

**Mr D Blackburn, Kingsley:**

Re: *CJ050-04/21 Proposed Redevelopment - Sorrento Surf Club.*

Q1 *In relation to the Sorrento Surf Club proposed re-development, I would like to know how the extraordinary "benefits" were derived and converted to dollar values?*

A1 For each of the benefits identified there are previous reports and documented research to convert the benefit into a financial benefit. For example, with "Continuous health benefits", there are significant health benefits attributable to participation in sports. An Australian study found that for each hour that an individual engages in moderate physical activity brings \$3.02 (in \$2010) per hour of health benefits. (source *Trubka, R., Newman, P., Bilsborough, D., 2010. The Costs of Urban Sprawl – Physical Activity Links to Healthcare Costs and Productivity*, p.4.) The benefit represents healthcare savings. In 2018 dollars this equals to \$3.50 per hour of physical activity. This benefit will accrue to all additional club members and it is conservatively assumed that each member participates in club activities for an hour per week.

Q2 *Would it be possible for the Pracys study to be made available to me?*

A2 At this stage the Pracys study is not a publicly accessible document however an application can be made under the *Freedom of Information Act 1992*.

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

**Ms M O'Byrne, Kinross:**

*Re: Ocean Reef Marina.*

Q1 *The City of Joondalup instituted a Biodiversity Action Plan in 2008-09 as a result of signing on to the Durban commitment, how would the City explain to the Durban Committee, the sale of Lot 1029 and Lot 1032 to DevelopmentWA for one dollar per lot and the destruction of the abalone reef?*

A1 The Director Governance and Strategy confirmed that the City remains committed to the Durban Commitment which recognises that it is multi-faceted in its approach. The Director Governance and Strategy advised that the City is also committed to biodiversity through a number of established plans in relation to pathogen, bush fires and weed management thereby fulfilling obligations under the Durban Commitment.

*Re: Sunlander Drive.*

Q2 *There is no requirement for an aged care component to be delivered with the Coles development at Sunlander Drive, will the City ask Southern Cross Aged Care to deliver on its promise to supply much needed aged care when the commercial portion of the site is sold to Coles?*

A2 The Director Planning and Community Development advised the City, under the previous zoning for the site, has never had the ability to compel the development of aged care accommodation and advised it was always designed as residential R80. The Director Planning and Community Development advised the developer has indicated an intention to develop one of the lots in their sub-division plan for aged persons accommodation.

**Mr R Repke, Kallaroo:**

*Re: Tree Watering.*

Q1 *How many trees have died this summer due to the lack of watering?*

A1 The Director Infrastructure Services advised the question would be taken on notice.

Q2 *Can you detail what internal events contributed to the lack of watering?*

A2 The Director Infrastructure Services advised there was an issue with one of the City's watering trucks.

**Ms F Gilbert, Kallaroo:**

*Re: CJ043-04/21 - Submission on Draft Amendments to the Residential Design Codes - Volume 1: Medium Density Code.*

*Q1 In relation to heights and zero residential parking, do you think the new draft Medium Density Code will lessen the impacts of density on Housing Opportunity Areas (HOAs)?*

**A1** Mayor Jacob acknowledged Ms Gilbert's question and advised a formal Council resolution was yet to be determined in relation to this matter.

*Q2 Do you consider it a risk that the dual coding restriction on receiving the site bonus may be removed from the final Medium Density Code?*

**A2** Mayor Jacob acknowledged Ms Gilbert's question and advised elected members may have differing views and could therefore not respond on their behalf.

**Ms M Kwok, Ocean Reef:**

*Re: Ocean Reef Marina.*

*Q1 In reference to the response to my written question No. 1, can you please elaborate on the process and timeline for the further stakeholders' and community's engagement identified in the Ocean Reef Marina Memorandum of Understanding (MOU)?*

**A1** The Director Corporate Services advised consultation on the Ocean Reef Marina ended on 19 April 2021 with the next step in the process being a report to be presented to Council which will include the outcomes of the consultation. The Director Corporate Services advised that any future consultation will be subject to that report and Council's decision.

*Q2 In reference to my written question No. 4, could you please provide details on whether the parking income is from infringements or car and boat trailer parking charges?*

**A2** The Director Corporate Services advised the parking income was based on a combination of assumptions on the continuance of boat trailer parking at the Ocean Reef Marina and more so, a component of paid parking on City freehold land.

**Mr D Kingston, Edgewater:**

*Re: CJ046-04/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-26.*

*Q1 A statement has been made in the report that the City, between 2015-19, was commencing investigations for a café development at Neil Hawkins park, are those investigations still ongoing?*

**A1** The Director Governance and Strategy advised the investigations are ongoing, however it looks like a decision will be made in the medium term rather than the short term as there are other cafés along the coastal strip which are likely to be a higher priority than at Yellagonga Regional Park.



Q2 *Is the City considering any other commercial sites within the Yellagonga Regional Park?*

A2 Mayor Jacob advised that Duffy House potentially could be considered as a commercial site. In addition, the City has a formal position of support for Luisini Winery. Mayor Jacob commented that some time ago the City considered the development of an environment centre at Lot 1 Joondalup Drive, although this project did not progress.

**Mr M Moore, Edgewater:**

Re: *CJ043-04/21 - Submission on Draft Amendments to the Residential Design Codes - Volume 1: Medium Density Code.*

Q1 *Does the City employ Geographic Information System officers?*

A1 The Director Infrastructure Services advised the City has a geographical information system and staff who manage the information from the system.

Q2 *Are the City able to provide figures on the different coding, that is; R30, R40 and R60, which will be impacted by the Medium Density Code (MDC) so that figures can be calculated for dwelling yields?*

A2 The Director Planning and Community Development responded that City officers were currently calculating dwelling yields as per previous requests and commitments made by the City which will result from the State Government's approval of Amendment 5 of the *Housing Opportunity Areas Local Planning Policy*.

The Director Planning and Community Development advised the City will not calculate dwelling yields for the potential impacts of the MDC until the code is endorsed or changed as resources would be taken from other commitments. However, once a decision has been made they will be addressed as part of any future strategic review and analysis will be conducted at that stage.

## **PUBLIC STATEMENT TIME**

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

**Ms M Aiton, Kallaroo:**

Re: *CJ043-04/21 - Submission on Draft Amendments to the Residential Design Codes - Volume 1: Medium Density Code.*

Ms Aiton addressed Council on behalf of the Kallaroo Residents Association on the Housing Opportunity Areas (HOAs) and the Medium Density Code (MDC). Ms Aiton employed Council not to endorse the submission on the draft MDC.

Ms Aiton explained that the draft code increases density and impacts the HOAs, and it will not work in the City of Joondalup.

**Mrs Z Murphy, Edgewater:**

*Re: CJ043-04/21 - Submission on Draft Amendments to the Residential Design Codes - Volume 1: Medium Density Code.*

Mrs Murphy stated that the Medium Density Codes will increase the intensity of developments and will negatively impact the City's Housing Opportunity Areas with increased dwelling yields and increased vehicles parking on roads.

Mrs Murphy implored Council to be bold and stand with the community towards better outcomes.

*Cr Logan left the Chamber at 7.20pm.*

**Ms M Kwok, Ocean Reef:**

*Re: Petition on the Abalone Reef located at Ocean Reef Marina.*

Ms Kwok stated that the Environmental Protection Authority (EPA) has reported that the abalone reef located off the Ocean Reef beach is going to be severely impacted by the Ocean Reef Marina development.

Mrs Kwok advised that the reef is a major source of abalone producing over 30 tonnes of abalone per year for the commercial fishery, and drawing an additional 80,000 recreational abalone licences annually. Ms Kwok urged Council to consider her petition, and hoped that Council will acknowledge the loss caused by the development.

*Cr Logan entered the Chamber at 7.23pm.*

**Dr T Green, Padbury:**

*Re: CJ043-04/21 - Submission on Draft Amendments to the Residential Design Codes - Volume 1: Medium Density Code.*

Dr Green addressed Council on behalf on the Joondalup Urban Development Association (JUDA), with regard to the draft Medium Density Code (MDC) and the negative impact that the MDC will have, especially to those communities coded R30 to R60.

Dr Green implored Council to send a strong message to State planners stating that the draft MDC will not work in the City of Joondalup, and that more discussion is needed between State and local governments towards achieving better outcomes for the communities that are being affected.

**Ms P Scull, Beldon:**

*Re: Ocean Reef Marina.*

Ms Scull addressed the impact that the Ocean Reef Marina development will have on the precious environment and in particular the abalone reef, explaining that the decisions made today by Council will effect generations to come.

**Mr R Repke, Kallaroo:**

*Re: CJ053-04/21 - Tender 008/21 - Provision of Planting, Maintenance and Truck Watering Services for the City of Joondalup Leafy City Program.*

Mr Repke referred to the newly planted trees that died due to heat stress, which was likely caused by the failure of one water truck and the absence of watering. Mr Repke implored Council to consider an investigation into this matter so that it is not repeated in the future.

Mr Repke suggested that a report be provided outlining the findings of the investigation and that Council defer its decision for the tender until such time.

**Ms I Kelland, Woodvale:**

*Re: CJ043-04/21 - Submission on Draft Amendments to the Residential Design Codes - Volume 1: Medium Density Code.*

Ms Kelland stated that the City's submission on the draft Medium Density Code (MDC) will impact suburban areas within the City and does not protect the Housing Opportunity Areas (HOAs).

Ms Kelland implored Council to ensure that HOAs are protected, and not endorse the draft submission presented to them as the MDC does not go far enough towards better outcomes for the community in the district. Ms Kelland urged Council to give serious consideration towards downcoding the existing residential codes in order to limit the reach of the MDC which is being proposed.

## **APOLOGIES AND LEAVE OF ABSENCE**

**C20-04/21                      REQUESTS FOR LEAVE OF ABSENCE – CR JOHN LOGAN,  
CR RUSS FISHWICK, JP AND MAYOR ALBERT JACOB, JP**

Cr John Logan has requested Leave of Absence from Council duties covering the period 22 April 2021 to 26 April 2021 inclusive.

Cr Russ Fishwick, JP has requested Leave of Absence from Council duties covering the period 7 May 2021 and 17 May 2021 inclusive.

Mayor Albert Jacob, JP has requested Leave of Absence from Council duties covering the period 25 June 2021 to 5 July 2021 inclusive.

**MOVED Cr May, SECONDED Cr Hamilton-Prime that Council APPROVES the requests for Leave of Absence from Council duties covering the following dates:**

- |          |                               |  |
|----------|-------------------------------|--|
| <b>1</b> | <b>Cr John Logan</b>          | <b>22 to 26 April 2021 inclusive;</b>    |
| <b>2</b> | <b>Cr Russ Fishwick, JP</b>   | <b>7 to 17 May 2021 inclusive;</b>       |
| <b>3</b> | <b>Mayor Albert Jacob, JP</b> | <b>25 June to 5 July 2021 inclusive.</b> |

**The Motion was Put and**

**CARRIED (13/0)**

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

## CONFIRMATION OF MINUTES

C21-04/21

### MINUTES OF COUNCIL MEETING HELD ON 16 MARCH 2021

**MOVED** Cr Fishwick, **SECONDED** Cr May that the Minutes of the Council Meeting held on 16 March 2021 be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED (13/0)**

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

*The Governance Officer entered the Chamber at 7.35pm.*

## ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

### HONOURING THE JOONDALUP GIANTS RUGBY LEAGUE CLUB

Mayor Jacob welcomed special guests of the City to the Council meeting from the Joondalup Giants Rugby League Club, President John Harbin, along with Zy Knight, Steve Hanson, Shauna Narrier and Codean Manu.

Mayor Jacob stated that on Saturday October 17, 2020 at Charles Riley Reserve in North Beach, the Joondalup Giants won their second Smarter Than Smoking Senior Men's premiership, the State's highest level of rugby league competition and its first since the year 2000.

Mayor Jacob advised that in a thrilling grand final against the Rockingham Sharks that went to golden point extra-time, a Gus Marshall field goal from 30 metres out gave the Giants victory.

Mayor Jacob noted that the City has long been a proud supporter of the Giants, including helping to facilitate its move from Arena Joondalup to Admiral Park in Heathridge, and providing funding towards the upgrade of their clubrooms.

Mayor Jacob on behalf of the City, congratulated the Joondalup Giants on their premiership success and wished everyone at the club all the very best for the 2021 NRL WA season, which gets under way with a big grand final rematch against the Sharks at Admiral Park on 1 May 2021.

### ANZAC DAY

Mayor Jacob advised that for the first time, the City of Joondalup's Anzac Day Dawn Service taking place on Sunday 25 April, hosted in conjunction with the Joondalup City RSL "Sub-Branch at the Joondalup War Memorial in Central Park, will be ticketed to ensure the number of attendees can be capped and suitable contact tracing can take place.

Mayor Jacob stated that the 2021 service marks the 106-year anniversary of the landing of Australian and New Zealand troops on the shores of Gallipoli during World War I, and will recognise the centenary of the Royal Australian Air Force.

Mayor Jacob informed that under COVID-safe regulations, the capacity of Central Park is restricted to 2,500 attendees and that tickets are available, until fully allocated, at [joondalup.wa.gov.au](http://joondalup.wa.gov.au), adding that those attending must present their ticket in hard copy, or on an electronic device, to gain entry.

Mayor Jacob advised that proceedings will commence at 5.45am, attendees are asked to allow extra time for arrival for mandatory contact registering.

Mayor Jacob stated that the Dawn Service will be streamed on the City's website and Facebook page for those unable to attend in person.

## **THE PASSING OF PRINCE PHILIP, DUKE OF EDINBURGH**

Mayor Jacob on behalf of the Council of the City of Joondalup, acknowledged the passing of His Royal Highness The Duke of Edinburgh, Prince Philip, on April 9 2021.

Mayor Jacob stated that Prince Philip served his Crown, his Country and the Commonwealth for almost 80 years, and his deep affection for Australia saw him make more than 20 visits to our shores.

Mayor Jacob noted that the Duke was also Patron or President to almost 50 Australian organisations.

Mayor Jacob invited everyone to stand and observe a minute's silence as a mark of respect for Prince Philip's passing.

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

- CJ052-04/21 – Tender 002/21 – Provision of Median and Verge Mowing to Nominated Locations in Zone 1 (North) and / or Zone 2 (Central) and / or Zone 3 (South).

**C22-04/21**

### **MOTION TO CHANGE THE ORDER OF BUSINESS**

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

- 1 **CJ052-04/21 – Tender 002/21 – Provision of Median and Verge Mowing to Nominated Locations in Zone 1 (North) and / or Zone 2 (Central) and / or Zone 3 (South),**

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

**The Motion was Put and**

**CARRIED (13/0)**

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

## PETITIONS

### PETITION IN RELATION TO REZONING THE NORTH BURNS BEACH AS A DOG FRIENDLY BEACH

A 116 signature petition has been received from residents of the City of Joondalup requesting Council to rezone the North Burns Beach as a dog beach.

### PETITION IN RELATION TO OCEAN REEF MARINA DEVELOPMENT REMOVAL OF SURF-BREAKS

A 59 signature petition has been received from residents of the City of Joondalup requesting Council engage the community fully in relation to the following:

- 1 Loss of two significant WA surf breaks, Mossies and Big Rock, that cannot be replaced within the proposed Ocean Reef Marina Development, and when and how Council will advise the surfing community.
- 2 Of the seven inner reef surf breaks in the Perth metropolitan area, the two located within the footprint of Ocean Reef Marina, namely Mossies and Big Rock, where is Council going to establish the two replacement surf breaks that have been lost as part of the development.
- 3 As part of the notification for the removal of the surf breaks, a public meeting with the Ocean Reef community be held on-site to explain the reasons behind the decision to remove the surf breaks and support the surfing community given the loss of these breaks and this meeting to include the Mayor, Elected Members and the City Youth Services.

### PETITION IN RELATION TO THE OCEAN REEF MARINA DEVELOPMENT IMPACT ON THE ABALONE REEF

A 50 signature petition has been received from residents of the City of Joondalup requesting Council consider and acknowledge the severe impact of the Ocean Reef Marina Development on the abalone reef that may be destroyed or degraded including how it affects both commercial and recreational abalone fishers.

### PETITION IN RELATION TO AMENDING THE CHILDCARE PREMISES LOCAL PLANNING POLICY

A petition was tabled by Cr May from residents of the City of Joondalup requesting Council amend the *Childcare Premises Local Planning Policy* so the intent of the policy is that no childcare operations (excluding family day care services) are to be located adjoining or opposite a residential property.

**MOVED Cr Thompson, SECONDED Cr Raftis** that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and subsequent reports presented to Council for consideration:

- 1 Petition in relation to Council rezoning the North Burns Beach as a dog friendly beach;
- 2 Petition in relation to Council holding an informal public meeting in relation to the impact the Ocean Reef Marina Development is having on adjoining surf breaks;
- 3 Petition in relation to Council acknowledging the impact of the Ocean Reef Marina Development on the abalone reef;
- 4 Petition in relation to Council amending the *Childcare Premises Local Planning Policy* so the intent of the policy is that no childcare operations (excluding family day care services) are to be located adjoining or opposite a residential property.

*It was requested that each Part of the Motion be voted upon separately.*

**C23-04/21                      PETITION IN RELATION TO REZONING THE NORTH BURNS BEACH AS A DOG FRIENDLY BEACH**

**MOVED Cr Thompson, SECONDED Cr Raftis** that the following petition be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1 Petition in relation to Council rezoning the North Burns Beach as a dog friendly beach.

**The Motion was Put and**

**CARRIED (13/0)**

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

**C24-04/21                      PETITION IN RELATION TO OCEAN REEF MARINA DEVELOPMENT REMOVAL OF SURF-BREAKS**

**MOVED Cr Thompson, SECONDED Cr Raftis** that the following petition be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 2 Petition in relation to Council holding an informal public meeting in relation to the impact the Ocean Reef Marina Development is having on adjoining surf breaks.

**The Motion was Put and**

**LOST (5/8)**

**In favour of the Motion:** Crs Chester, May, Poliwka, Raftis and Thompson.

**Against the Motion:** Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean and Taylor.

**C25-04/21****PETITION IN RELATION TO THE OCEAN REEF MARINA  
DEVELOPMENT IMPACT ON THE ABALONE REEF**

**MOVED Cr Thompson, SECONDED Cr Raftis** that the following petition be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 3 Petition in relation to Council acknowledging the impact of the Ocean Reef Marina Development on the abalone reef.

**The Motion was Put and**

**LOST (6/7)**

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

**Against the Motion:** Mayor Jacob, Crs Hamilton-Prime, Hollywood, Jones, Logan, McLean and Taylor.

**C26-04/21****PETITION IN RELATION TO AMENDING THE CHILDCARE  
PREMISES LOCAL PLANNING POLICY**

**MOVED Cr Thompson, SECONDED Cr Raftis** that the following petition be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 4 Petition in relation to Council amending the *Childcare Premises Local Planning Policy* so the intent of the policy is that no childcare operations (excluding family day care services) are to be located adjoining or opposite a residential property.

**The Motion was Put and**

**CARRIED (12/1)**

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

**Against the Motion:** Cr Taylor.



## REPORTS

### CJ042-04/21 DEVELOPMENT AND SUBDIVISION APPLICATIONS - FEBRUARY 2021

<b>WARD</b>	All
<b>RESPONSIBLE</b>	Ms Dale Page
<b>DIRECTOR</b>	Planning and Community Development
<b>FILE NUMBER</b>	07032, 101515
<b>ATTACHMENTS</b>	Attachment 1 Monthly Development Applications Determined - February 2021 Attachment 2 Monthly Subdivision Applications Processed - February 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 February 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 February 2021 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during February 2021 (Attachment 2 refers).

## BACKGROUND

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

At its meeting held on 23 June 2020 (CJ079-06/20 refers), Council considered and adopted the most recent Town Planning Delegations.

## DETAILS

### Subdivision referrals

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

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	3	2
Strata subdivision applications	18	24
<b>TOTAL</b>	<b>21</b>	<b>26</b>

Of the subdivision referrals, 13 were to subdivide in housing opportunity areas, with the potential for 18 additional lots.

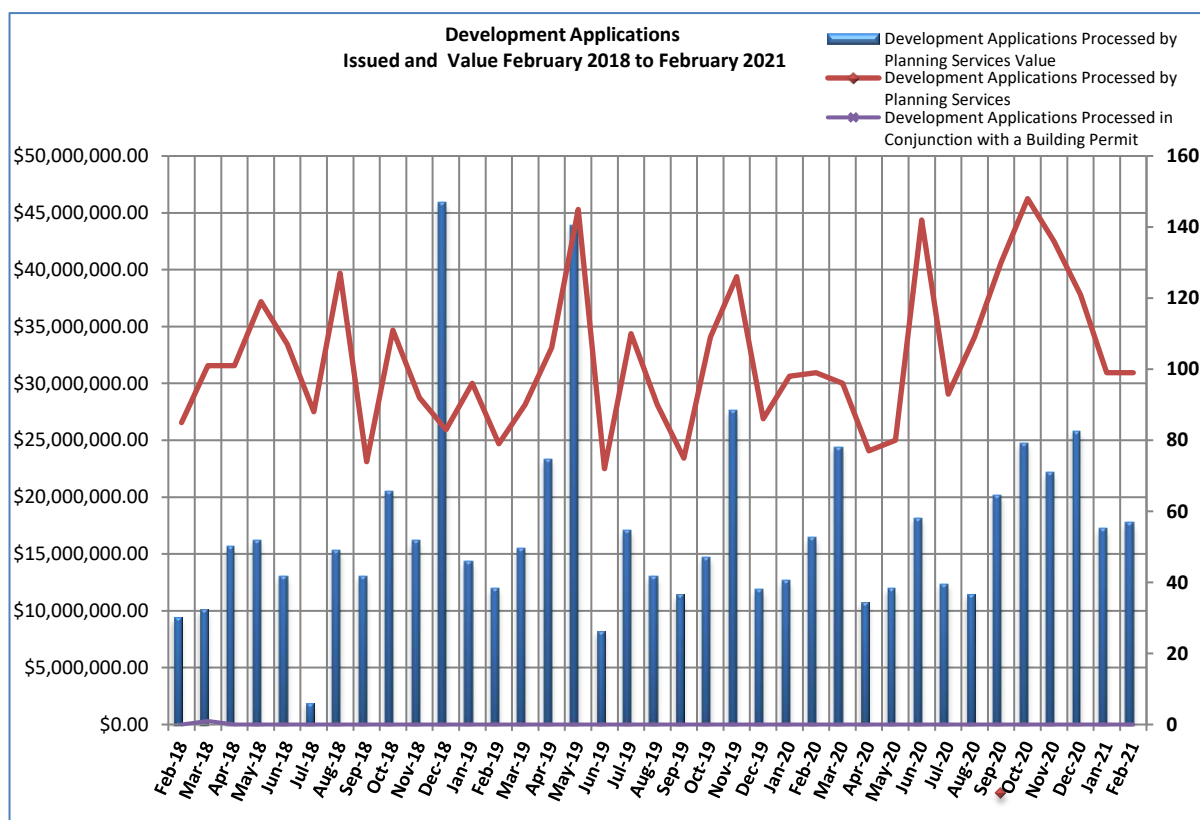
### Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	100	\$18,213,739

Of the 100 development applications, 16 were for new dwelling developments in housing opportunity areas, proposing a total of 16 additional dwellings.

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



The number of development applications received during February 2021 was 109.

The number of development applications current at the end of February was 272. Of these, 22 were pending further information from applicants, and 12 were being advertised for public comment.

In addition to the above, 238 building permits were issued during the month of February with an estimated construction value of \$31,496,933.

### **Issues and options considered**

Not applicable.

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

<b>Legislation</b>	<i>City of Joondalup Local Planning Scheme No. 3. Planning and Development (Local Planning Schemes) Regulations 2015.</i>
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### **Strategic Community Plan**

<b>Key theme</b>	Quality Urban Environment.
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<b>Objective</b>	Quality built outcomes.
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<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
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<b>Policy</b>	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.
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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 100 development applications were determined for the month of February with a total amount of \$63,853.52 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 development applications described in Attachment 1 to Report CJ042-04/21 during February 2021;**
- 2 subdivision applications described in Attachment 2 to Report CJ042-04/21 during February 2021.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ057-04/21, page 127 refers.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf210413.pdf](#)*

## **CJ043-04/21 SUBMISSION ON DRAFT AMENDMENTS TO THE RESIDENTIAL DESIGN CODES - VOLUME 1: MEDIUM DENSITY CODE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106380, 101515
<b>ATTACHMENTS</b>	Attachment 1 Draft <i>Medium Density Code</i> Attachment 2 City of Joondalup submission on the draft <i>Medium Density Code</i> Attachment 3 Development Standards Comparison Table
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.

### **PURPOSE**

For Council to consider and endorse the City of Joondalup submission on the State Government's draft amendments to its *State Planning Policy 7.3: Residential Design Codes - Volume 1: Medium Density Code*.

### **EXECUTIVE SUMMARY**

The Department of Planning, Lands and Heritage (DPLH) has developed the draft *Medium Density Codes* (MDC) to improve the design quality of medium density housing in Western Australia (Attachment 1 refers).

Since late 2019, the DPLH has undertaken extensive consultation with a range of stakeholders and has tested various development typologies to assist in drafting the MDC.

Public consultation by the DPLH commenced on 27 November 2020 and concluded on 16 April 2021. The DPLH has granted the City (and other local governments), an extension of time in which to lodge submissions on the draft MDC, to allow Councils to review and endorse submissions.

The City has reviewed the draft MDC taking account of the current planning framework for residential development including:

- the existing R-Codes (*State Planning Policy 7.3: Residential Design Codes - Volumes 1 and 2*)
- the City's recently adopted *Development in Housing Opportunity Areas Local Planning Policy* (HOALPP)
- the City's *Residential Development Local Planning Policy* (RDLPP).

This report sets out the key implications of the draft MDC on the City's existing planning framework and provides some discussion on the key development standards included. The City's complete draft submission is provided at Attachment 2 to Report CJ043-04/21.

At a broad level, it is considered that the suite of development controls proposed to be introduced in the draft MDC will provide improved, more sustainable development outcomes in medium density areas than currently being delivered under the existing R-Codes.

However, and as detailed in the City's draft submission (Attachment 2 refers), there are a number of opportunities in the draft MDC to reconsider development controls to achieve a better standard of built form, enhance liveability for future residents and also mitigate unfavourable impacts on existing neighbours.

The draft MDC will require a more extensive assessment of single house and grouped dwelling development proposals, meaning each assessment will take much longer to complete than currently required under the existing R-Codes, which will have an impact on the City's existing resources and will add additional pressure to maintain current service levels.

*It is therefore recommended that Council ENDORSES the draft submission provided as Attachment 2 to Report CJ043-04/21 and forwards the submission to the Western Australian Planning Commission for its consideration.*

## BACKGROUND

The draft MDC (Attachment 1 refers) has been in development by the DPLH since late 2019 and forms part of the next stage of Design WA.

Design WA is a State Government initiative to ensure good design is at the centre of all development in Western Australia. Previous stages of Design WA have included the introduction of *State Planning Policy 7.0 – Design of the Built Environment*, *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*, *State Planning Policy 7.2 – Precinct Design* and the *Design Review Guide*.

In preparing the draft MDC, extensive consultation has been undertaken by the DPLH with a range of stakeholders including community representatives, local governments, planning and design experts and the property sector. This has also included consultant input, study tours, economic analysis, initial local government technical review and two phases of design testing.

After public consultation, it is anticipated the draft MDC will be further refined by the DPLH, based on the submissions received. The DPLH currently intends to finalise the document in the last quarter of 2021.

The R-Codes currently consists of two volumes:

**Volume 1** provides development standards for:

- Single houses
- Grouped dwellings
- Multiple dwellings on sites coded R35 and below.

**Volume 2** provides development standards for:

- Multiple dwellings on sites coded R40 and above
- The residential component of mixed-use development.

The introduction of the MDC will effectively split the development standards of the R-Codes into three different parts:

Volume 1 - Part A	Operation of Code	Explanatory Section
Volume 1 - Part B	Low Density Code	Will apply to single houses, grouped dwellings and multiple dwellings in areas coded less than R30.
Volume 1 - Part C	Medium Density Code	Will apply to single houses and grouped dwellings in areas coded R30 and above, and multiple dwellings coded R30 – R60.
Volume 2	Apartments	Will apply to multiple dwellings in areas coded more than R60 as well as the residential component of mixed-used development.

At this point in time, the DPLH is only seeking comment on the draft MDC (Part C).

Most of the City's Housing Opportunity Areas (HOAs) fall within the draft MDC's definition of 'medium density' by virtue of the current density coding in these areas.

At its meeting held on 16 March 2021 (CJ023-03/21 refers), Council resolved to implement its new *Housing Opportunity Areas Local Planning Policy* (HOALPP). The HOALPP works in conjunction with the R-Codes to set controls for development in the HOAs. Therefore, the draft MDC has implications for the City's HOALPP and HOAs.

## DETAILS

The City has undertaken a review of the draft MDC and prepared a draft submission for Council's consideration (Attachment 2 refers). The submission goes into technical detail on matters contained in the draft MDC for DPLH's consideration ahead of finalising the policy.

The purpose of the information below is to highlight the key implications of the draft MDC for the City and provide some discussion on the key development standards included in the City's draft submission.

### Purpose of the draft Medium Density Code

The DPLH has stated that more and better medium density development is needed for the following reasons:

- To provide more choice in homes so that people do not have to move out of their neighbourhood as their needs change.
- To provide young people an opportunity to buy or rent in suburbs near family, jobs and education.
- To provide a diverse mix of people in neighbourhoods.
- To accommodate targeted growth in right locations to limit sprawl.
- To respond to industry and community request for better alternatives to traditional infill.

Broadly, it is considered that the draft MDC will support greater housing diversity in medium density areas and will encourage improved and more sustainable development outcomes than currently being delivered under the existing R-Codes. However, it is felt that there are a number of elements in the draft MDC that require reconsideration.

### Application of the draft Medium Density Code

The R-Codes (including the draft MDC) provide a set of development controls to guide residential development throughout all Western Australia.

A large proportion of the City is zoned 'Residential' under *Local Planning Scheme No. 3* (LPS3) and therefore a significant amount of development that occurs in the City is guided by the R-Codes. The density (coding) in the Residential zone ranges from R5 to R80.

The draft MDC has been prepared to apply to properties with density codes that fall within the 'medium density' range. Specifically, the draft MDC will apply to single houses and grouped dwellings on lots with a density code of R30 and above, and multiple dwellings on lots coded between R30 and R60.

Most of the properties in the City's Residential zone (approximately 80%) are coded R20 or lower, and therefore will not be affected by the draft MDC.

The remainder of the Residential zone (approximately 20%), includes the HOAs which are coded R20/R25, R20/R30, R20/R40 and R20/R60. Therefore, the City's HOAs (except HOA3 which is coded R20/25) will be affected by the draft MDC.

### Relationship with local planning frameworks

Under the current R-Codes, local governments can prepare local planning policies for residential development that replace or add to certain (not all) development standards of the R-Codes. There are some development standards of the R-Codes that the local government can change without needing approval from the WAPC, but there are others that require WAPC approval.

A local planning policy for residential development works hand in hand with the R-Codes in that the standards of the R-Codes remain in place for any standards not modified by the policy.

The draft MDC still allows for local governments to prepare local planning policies that modify the R-Codes, but the MDC reduces the number of elements that can be modified by a local government without needing WAPC approval.

While this may mean a more consistent application of development standards across Western Australia and possibly a higher likelihood of State-level objectives being met, it reduces the control local governments will have in determining appropriate built form outcomes based on local character and context, and local community sentiment.

The City's draft submission (Attachment 2 refers) recommends that certain design elements, like building height, street setbacks and lot boundary setbacks should be able to be modified by local government without the need for WAPC approval.

These provisions are critical built form standards which can have significant impacts on the prevailing/desired streetscape character of an area, and it is therefore more appropriate that local government has the ability to modify these elements to suit local context.

This is most apparent in an area such as the City of Joondalup's Housing Opportunity Areas where new medium density development is taking place in existing suburbs developed originally at lower densities. Additional building height may result in new developments appearing out of context with its surrounds. Reduced parking requirements may result in a proliferation of parking on streets that are not appropriately designed or intended to accommodate the resultant volumes of parking. Reduced setbacks between buildings may reduce the amount of light and ventilation available for rooms thereby making the dwellings less liveable.



It is also noted that this reduced control for local government will add another step in the preparation of local planning policies, resulting in additional administrative burden (for both State and local government) and longer implementation timeframes. This is counterproductive to the broader State Government objective of simplifying and streamlining the planning system.

#### Transitional arrangements for existing local planning policies

The draft MDC recognises that many local governments have existing local planning policies for residential development and allows properly adopted local planning policies to remain in place and continue to have effect following gazettal of the draft MDC.

The draft MDC does include a suite of transitional provisions that will require local governments to conduct an audit of its existing local planning policies within three months of gazettal of the draft MDC and identify any provisions that were previously able to be modified without WAPC approval, however under the draft MDC now requires WAPC's approval. Therefore, after completing this audit, if a local government wishes to retain any of these provisions, WAPC approval will need to be sought.

If a local government does not undertake this audit or seek WAPC approval for relevant provisions, the existing Local Planning Policy will cease to have effect 12 months after the gazettal date of the draft MDC.

In view of the above, if the draft MDC is gazetted as drafted, the City will need to undertake an audit of its relevant local planning policies, namely the RDLPP and the HOALPP.

The HOALPP alters a number of development standards of the R-Codes, some of which require WAPC approval and some of which that do not.

The HOALPP was considered by the WAPC in February 2021 where some development standards that require WAPC approval were supported by the WAPC, some were modified by the WAPC and others were not supported at all.

A review of the City's HOALPP has been undertaken to identify which development standards will be subject to the transitional arrangements set out in the draft MDC and which will therefore need WAPC approval to be retained (even though they did not require WAPC approval to be included when the HOALPP was first adopted). The development standards include:

- parking
- building height
- street setbacks
- lot boundary setbacks (boundary walls)
- setbacks of garages and carports.

As outlined above, the City's draft submission (Attachment 2 refers) recommends that elements such as the above should be able to be modified by a local government without the need for WAPC approval. If the City's recommendation is taken on board by the DPLH, then further approval from the WAPC under the transitional arrangements included in the draft MDC would not be required.

#### Resource impact

The draft MDC includes a number of requirements that seek to improve the liveability of medium density development. These requirements are new for single house and grouped dwelling developments and, while this is supported and will drive better built form outcomes, it is noted that it will require a more extensive assessment, meaning each assessment will take much longer to complete, than currently required under the existing R-Codes.

Statutory timeframes are associated with the assessment and determination of planning applications which are set by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The City is bound by these statutory timeframes and is obligated to determine planning applications within these timeframes. If the City does not adhere to these timeframes, an applicant has an automatic right of appeal (known as a 'deemed refusal') where they can seek intervention and determination by the State Administrative Tribunal (SAT).

The more extensive assessment that will result as a consequence of the draft MDC, will have an impact on the City's existing resources, adding further pressure to adhere to statutory timeframes and maintain current service levels.

It currently cannot be determined the extent to which this will impact the City however, this will be an issue the City will need to consider and manage if the draft MDC is implemented.

It may be that additional resources are required in order to still meet statutory timeframes and maintain current service levels. Additional resources will have a financial impact that will need to be funded possibly in part by the City's ratepayers through rate revenue. Alternatively, existing resources may need be diverted from other work which may mean the City is unable to deliver other projects and initiatives.

#### Support from Department of Planning, Lands and Heritage

The DPLH currently provides a degree of support to local governments in relation to the R-Codes, however further assistance and guidance are required in respect to the application and interpretation of provisions under the R-Codes.

Being a State Planning Policy prepared by DPLH, local governments have the difficult task of implementing such a complex and broad planning policy. Often local governments will interpret certain provisions of the R-Codes differently, and greater ownership from DPLH is needed to clarify the intent of provisions and adjudicate on application and interpretation of the R-Codes for local government and applicants.

Parts of the draft MDC seek to limit the number of provisions that can be varied without the approval of the WAPC which will potentially lead to a higher degree of consistency of provisions across local planning frameworks. However, if there is not also a central point to interpret and apply the R-Codes then it is likely that inconsistency across local governments will remain without greater assistance from State Government.

#### Site area

Clause 1.1, Table A of the draft MDC includes three site categories with different minimum and average site area requirements per dwelling.

Residential development needs to comply with Site Category 1 of Table A unless the site is eligible for the Site Category 2 or 3 site area concessions.

To be classified under 'Site Category 2', the following criteria must be met:

- The development is within Location A.
- The development is proposed on a:
  - corner lot or a lot with frontage to more than one public street/laneway
  - mid-block lot with rear access to a public, constructed laneway
  - lot with a minimum area of 1,200m<sup>2</sup> (which may be achieved through amalgamation).
- For single houses and grouped dwellings, all dwellings have a primary individual frontage to a public street.

To be classified under 'Site Category 3', the following criteria must be met:

- The development is within Location A.
- The development is proposed on a:
  - corner lot with a minimum of two street frontages
  - lot with a minimum area of 1,500m<sup>2</sup> (which may be achieved through amalgamation).
- For single houses and grouped dwellings, all dwellings have a primary individual frontage to a public street.
- A Local Development Plan has been approved by the local government to coordinate development.

A summary of Table A is provided below:

Density Code	Dwelling type	Site area per dwelling (m <sup>2</sup> )		
		Site Category 1	Site Category 2	Site Category 3
R30	Single House and Grouped Dwelling	Min 260 Ave 300	Min 220 Ave 260	Min 180 Ave 220
	Multiple Dwelling	Ave 300	Ave 260	Ave 220
R35	Single House and Grouped Dwelling	Min 220 Ave 260	Min 180 Ave 220	Min 160 Ave 180
	Multiple Dwelling	Ave 260	Ave 220	Ave 180
R40	Single House and Grouped Dwelling	Min 180 Ave 220	Min 160 Ave 180	Min 120 Ave 150
	Multiple Dwelling	Ave 115	Ave 100	Ave 85
R50	Single House and Grouped Dwelling	Min 160 Ave 180	Min 120 Ave 150	Min 100 Ave 120
	Multiple Dwelling	Ave 100	Ave 85	Ave 85
R60	Single House and Grouped Dwelling	Min 120 Ave 150	Min 100 Ave 120	Not Applicable
	Multiple Dwelling	Ave 85	Not Applicable	Not Applicable
R80	Single House and Grouped Dwelling	Min 100 Ave 120	Not Applicable	Not Applicable
	Multiple Dwelling	<i>Refer to Vol 2</i>	Not Applicable	Not Applicable
R100	Single House and Grouped Dwelling	Min 80 Ave N/A	Not Applicable	Not Applicable
	Multiple Dwelling	<i>Refer to Vol 2</i>	Not Applicable	Not Applicable

Generally, sites with multiple street frontages within 'Location A' (close proximity to public transport) and which have a minimum parent lot size of between 1,200m<sup>2</sup> to 1,500m<sup>2</sup> are eligible for the reduced minimum and average site area requirements under Site Category 2 and 3 of the draft MDC.

As an example, an R40 lot which is eligible for Site Category 3 has the same site area requirements (120m<sup>2</sup> minimum, 150m<sup>2</sup> average) as a lot coded R60 (Site Category 1).

The reduced site area concessions under clause C1.1.1 - Table A of the draft MDC could see an increase in residential density in certain areas of a local government area without appropriate strategic planning and consideration under a local planning strategy.

Specifically, in relation to the City's medium density areas (that is the HOAs other than HOA3), it is important to note that under clause C1.1.5 of the draft MDC, the Site Category 2 and 3 concessions do not apply to dual coded lots. Therefore, lots in the City's HOA's are not eligible for these concessions. As a consequence, it is considered essential that C1.1.5 of the draft MDC is retained and the City's draft submission (Attachment 2 refers) reflects this.

While some criteria is included to only allow the use of Site Category 2 or 3 in certain circumstances, the City has some concern with the ability to effectively increase density in areas outside a broader strategic planning process and therefore it is recommended that the DPLH give further consideration to this part of the draft MDC.

### Landscaping

#### *Deep soil areas and tree canopy*

Clause 2.3.1 of the draft MDC requires development to provide a minimum of 20% of each site area (and common property where applicable) as deep soil area, with a minimum dimension of 1.5 metres. This can be calculated across the site where a development application is submitted for all grouped dwellings on the parent property.

The City supports the requirement for deep soil areas for development under the draft MDC as this will contribute to better landscaping outcomes and improved tree canopy as part of medium density development than is currently required under the existing R-Codes.

While the provision of deep soil areas is supported by the City, there appears to be a disconnect between the deep soil area requirements and the minimum tree requirements.

For example, under the draft MDC, a 200m<sup>2</sup> grouped dwelling lot will have a deep soil area requirement of 40m<sup>2</sup> (draft clause C2.3.1), however only a single, small tree is required (draft clause C2.3.5, table 2.3a). A single, small tree only requires a deep soil area of 9m<sup>2</sup> (draft table G2.3a of the Explanatory Guidelines).

It is unclear what the intent is for the balance (approximately 31m<sup>2</sup>) of deep soil area and it appears to be a missed opportunity for additional trees to be provided in an area that is already required to be set aside for landscaping purposes.

The City's HOALPP includes a much higher rate of tree provision per square metre of landscape area (which includes deep soil areas), but in the interests of improved tree canopy coverage across all medium density areas of local governments, it is recommended that the minimum tree requirements be increased in the draft MDC.

The provision of a tree in the street setback area (where a three metre setback is provided) is considered appropriate, but this may encourage applicants to seek a design principle assessment (which may meet the design principles of that particular element) for a slightly less setback (that is 2.9 metres) to the street to avoid the provision of a tree. It is noted that the provision of a tree in the street setback area will be in addition to the current HOALPP requirement to provide a tree in the verge.

More detail is also required as to whether balconies, porches or other structures forward of three metres (which is permissible) would negate the need for a tree in the street setback area or if this requirement relates only to the setback of the dwelling, not minor incursions.

In relation to the retention of significant vegetation, it is considered that the degree of incentive included in the draft MDC is not considered attractive enough to achieve the objective. Retention of significant vegetation as part of development has positive amenity impacts, but also adds additional design and development constraints. If an incentive is being offered to encourage the retention of significant vegetation, it needs to have a value that will offset the additional constraint, challenge or cost it creates.

For example, the City's HOALPP reduces the amount of required landscaped area by between 75m<sup>2</sup> to 125m<sup>2</sup> if a medium or large sized tree is retained on site. This results in a greater reduction of landscaped area on private property and is considered an incentive that is more likely to be taken up (and therefore significant vegetation retained) than the 5% reduction included in the draft MDC.

## Parking

Clause 3.4.1 of the draft MDC references tables 3.4a and b to determine the required resident car and bicycle parking bays for dwellings, with clauses 3.4.4 to 3.4.6 and table 3.4c reflecting the visitor car and bicycle parking requirements.

### *Resident car parking*

#### *Minimum parking requirements*

Under table 3.4a of the draft MDC there is no minimum parking requirement in certain circumstances, like when a site is close to a train station, a high frequency bus route or within an activity centre.

While this may be suitable in highly urbanised areas or within higher order activity centres, the draft MDC applies to a broad range of densities, which include suburban settings like the City's HOAs.

This provision has the potential to result in all development types (that is, single houses, grouped dwellings and multiple dwellings) having no car parking areas for residents on site, which is not considered appropriate in a suburban context.

It is recommended that table 3.4a be amended to reflect the current standards where at least one bay is required per dwelling in a Location A.

#### *Maximum garage bays*

The draft MDC includes a provision that places a maximum cap on the number of car parking bays that can be provided in a garage and does this to reduce potential adverse impacts that garage doors and expansive driveways can have on a streetscape.

It is important to note that the draft MDC does not limit the total number of car parking bays that can be provided on a site, which could be provided as a combination of garage bays, carport bays or uncovered bays.

This principle of the draft MDC is supported as it encourages better streetscapes while not impacting the ability to provide an appropriate number of parking bays to suit the particular needs of future residents.

#### *Location A and B criteria*

Table 3.4a of the draft MDC includes criteria which reduces the resident parking requirement if a site is located close to a train station, a high frequency bus route or in an activity centre. Areas that meet these criteria are in 'Location A'.

The specific criteria are as follows:

- a) *A maximum of 800 metres from a high frequency rail route (measured in a straight line from any part of the lot to the pedestrian entry to the station); and/or*
- b) *A maximum of 250 metres from a high frequency bus route, or multiple bus routes that if combined have timed stops every 15 minutes during weekday peak periods (measured in a straight line from any part of the lot to bus route); and/or*
- c) *Within the defined boundaries of an activity centre."*

It is recommended that the Location A criteria be modified to better reflect the actual distance someone would have to travel to a high-frequency public transport service by:

- Using a “ped-shed” or walkability catchment method where the distance is calculated using public street/paths to accurately measure the walking distance to a high frequency public transport service (in lieu of measuring this distance in a straight line).
- For proximity to high-frequency bus services, measuring the distance to a bus stop in lieu of a bus route. This is consistent with the approach taken for measurement to high-frequency train services and more accurately reflects the actual distance someone would need to travel to access the service (that is one can only get on a bus at a defined stop, not just anywhere along the route).

#### *Visitor car parking provision*

Table 3.4c requires visitor car parking bays be provided for five or more dwellings at a rate of 0.2 bays multiplied by the total number of dwellings on site. The draft MDC also includes a note which clarifies that any fraction of a space is to be rounded up to the nearest whole number. For example, a six grouped dwelling development will require 1.2 bays which would then be rounded to two bays.

This is an increase in the visitor parking standards currently required under the existing R-Codes for grouped dwelling developments. Consequently, visitor parking for the City’s HOAs will also increase if the draft MDC is gazetted as drafted, as visitor parking requirements in HOAs is currently provided in accordance with the R-Codes.

Under the draft MDC visitor bays are not required until five or more grouped dwellings are proposed. While this is consistent with the current R-Codes Volume 1, it differs to the threshold which will be introduced in the R-Codes Volume 1 from 2 July 2021 which requires visitor parking when four or more dwellings are proposed.

It is recommended that the threshold for visitor parking in the draft MDC be reduced to four dwellings consistent with the forthcoming version of R-Codes Volume 1.

#### Building height

In accordance with clause C4.2.1 - Table B of the draft MDC, the permitted building heights vary based on the residential density code of the property, as summarised in the table below:

Density code	Building height (in storeys)
R30	Two
R35	Two
R40	Three
R50	Three
R60	Three
R80	Four
R100	Four

The maximum height limits under the draft MDC for R40, R50 and R60 coded properties are not supported by the City.

As outlined above, the scope of the draft MDC is broad and includes suburban settings like the City’s HOAs. For medium density areas like the HOAs, redevelopment is occurring at densities greater than that of existing housing and, as a result, the scale of new development may be greater than existing housing. The HOAs are in the early stages of transition and there is a need to moderate the scale of development to provide a considered change from present character to future character to ensure a suitable level of amenity is provided for residents and neighbours now and into the future.

It is therefore recommended that the deemed-to-comply standards of the draft MDC be modified to two storeys for areas coded R30 to R60. This modification still allows for the consideration of three-storey development under a 'design principle' assessment where it can be demonstrated that such scale is appropriate within the context and character of the desired/existing streetscape and locality.

In the event the deemed-to-comply standards for building height are not modified as recommended, it is important that local governments retain the ability to amend this part of the R-Codes without the need for WAPC approval so they may determine settings appropriate to their local context.

#### Lot boundary setbacks

##### *Lot boundary setbacks*

A more streamlined approach to lot boundary setbacks is proposed where the setback is determined based on the number of storeys as shown below:

Number of storeys	Lot boundary setbacks under draft MDC	
	R30 to R80	R100
One	1 metre	1 metre
Two	2 metres	1.5 metres
Three	3 metres	3 metres
Four	3 metres	3 metres

This means the setback requirements for single storey / ground floor development are reduced from the current requirements in the existing R-Codes for single houses and grouped dwellings. Under the current requirements, the ground floor should be set back 1.5 metres when a wall is longer than nine metres or includes a large window to a habitable room.

The single storey setback requirements of the draft MDC also represent a reduction in the existing R-Codes for multiple dwellings, which requires a minimum two metre setback for all floors.

Typically, adverse impacts arising from setbacks at ground floor level are minimal due to the dividing fence that separates properties, and there is therefore no objection to this proposed standard.

The minimum setback for upper floors is being increased from the current R-Code requirements (1.2 metres for single houses and grouped dwellings and two metres for multiple dwellings).

This is considered an improvement to current requirements as upper floors generally have more impact on adjoining properties. It is also considered that increased setback requirements for upper floors generally reflect the views of the community.

The setback requirements of the draft MDC are consistent with the setback requirements of the HOALPP for single houses and grouped dwellings, but are less than the setback requirements in the HOALPP for multiple dwellings (two metres for ground floor development and three metres for upper floors).

The City did not require WAPC approval to change the lot boundary setback requirements for multiple dwelling development as part of the HOALPP (but did for single house and grouped dwelling development). However, WAPC approval will need to be sought under the transitional arrangements proposed by the draft MDC.

Under the definition of 'storey' in the draft MDC, double height floors greater than five metres (floor to ceiling) are counted as two floors. This infers that double height floors less than five metres in height are considered to be one floor and can therefore be setback one metre from the boundary of an adjoining property.

It is considered that a five-metre high wall set back one metre from an adjoining property boundary could have a negative impact on adjoining property owners. It is therefore recommended that anything greater than 3.5 metres in height should be considered as two storeys. This recommended height is consistent with the maximum permitted boundary wall height under the existing R-Codes and HOALPP.

### *Boundary walls*

Under the current R-Code requirements, the maximum length and height of a boundary wall for single houses and grouped dwellings is based on the coding of a site, longer boundary walls are permitted for higher coded (R30 and higher) sites. The HOALPP includes a boundary wall requirement that requires shorter boundary walls than the R-Codes (nine metre maximum length).

In the case of multiple dwellings, there is no 'acceptable outcome' for boundary walls under the current R-Code requirements. The HOALPP allows boundary walls for multiple dwellings with the same height and length requirements for single houses and grouped dwellings.

The boundary wall requirements of the draft MDC have been separated into three different categories, depending on the location of the wall and whether it is on the parent lot boundary or internal strata boundary.

In the case of R60 coded properties, boundary wall heights up to seven metres are proposed to parent lot boundaries and up to 12 metres for internal strata lot boundaries.

The three different categories for lot boundary walls are overly complicated and result in inconsistent provisions. Also, the maximum heights proposed to boundaries where there is no existing or simultaneously constructed boundary wall, are inappropriate in the suburban context of some medium density areas.

It is therefore recommended that the approach to boundary walls be reconsidered with thought given to one provision for boundary walls and a separate provision for existing and simultaneously constructed boundary walls, similar to the approach under the current R-Code requirements.

### Overshadowing

The overshadowing provisions proposed by the draft MDC allow for greater overshadowing of adjoining properties than currently allowed by the HOALPP and the City's scheme (LPS3).

Notwithstanding, clause 26(8) of LPS3, which was inserted as part of Amendment No. 5 will continue to prevail over any changes introduced by the draft MDC.

The overshadowing provisions of the draft MDC therefore have no impact on the City's HOAs.

### Visual privacy

In accordance with clause 4.12 of the draft MDC, the assessment of visual privacy is based on whether an adjoining site is vacant or not, with setbacks to existing dwellings assessed in accordance with Table 4.12a and vacant sites against Table 4.12b. These tables are summarised below:



	Draft Medium Density Code			Current R-Codes	
Type of habitable rooms/active habitable space	Adjoining existing dwellings	Adjoining vacant sites		Setback required for ≤R50	Setback required for ≥R50
		Setback required for ≤R25	Setback required for ≥R30		
Major opening from bedroom and study	5 metres	Not Applicable	Not Applicable	4.5 metres	3 metres
Major opening from habitable room other than bedroom and study	6.5 metres			6 metres	4.5 metres
Unscreened outdoor active habitable space	8 metres			7.5 metres	6 metres
Major opening to habitable room (excluding bedroom)	Not Applicable	6 metres	4.5 metres	Not Applicable	Not Applicable
Unscreened outdoor active habitable space		7.5 metres	6 metres		

As shown above, the visual privacy setback requirement under the draft MDC (to existing dwellings) has increased by 0.5 metres for each type of habitable room and for unscreened outdoor active habitable spaces. This is supported by the City.

However, reduced visual privacy setbacks where an adjoining site is vacant is likely to result in inconsistency of visual privacy assessments. The inconsistency can result from the lack of clarity of the term 'vacant site,' as it is unclear if development approvals and/or building approvals already issued by the City would be taken into account. Given the majority of the City's medium density lots are dual coded sites, it would need to be clarified whether a proposal needs to be assessed at the higher density (if the neighbouring site has been cleared for redevelopment) or at the lower density. This could add to the inconsistency in assessments.

### Issues and options considered

The options available to Council in considering the draft MDC and the City's submission are to either:

- endorse the draft submission and forward to the WAPC
- endorse the draft submission with modifications and forward to the WAPC
- or
- not endorse the draft submission.

### Legislation / Strategic Community Plan / Policy implications

#### Legislation

*Planning and Development Act 2005.*  
*Planning and Development (Local Planning Schemes) Regulations 2015.*  
*State Planning Policy 7.3: Residential Design Codes Volume 1.*  
*State Planning Policy 7.3: Residential Design Codes Volume 2.*

#### 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** *Development in Housing Opportunity Areas Local Planning Policy.*  
*Residential Development Local Planning Policy.*

### **Risk management considerations**

Making a submission on the draft MDC highlights areas of concern and shortcomings that the City has identified as part of its review. If a submission is not made, while some of these matters may be raised by others, the WAPC will not be informed of the City's specific issues and recommendations. This may result in less desirable built form outcomes throughout the City's medium density areas.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

The draft MDC is a state planning policy developed by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission. The provision and objectives of this policy will impact residential development throughout Western Australia.

### **Sustainability implications**

The draft MDC seeks to incorporate and expand on sustainability initiatives, including but not limited to:

- introduction/increase of deep soil area requirements on private property to encourage a greater level of landscaping onsite
- include provisions regarding the retention and planting of trees on private property to increase tree canopy cover
- built form provisions to make better use of access to sunlight and cross ventilation to reduce reliance on artificial heating and cooling of dwellings.

### **Consultation**

The draft MDC is a state planning policy which has been prepared by DPLH on behalf of the WAPC. The DPLH has undertaken an extensive public consultation process which commenced on 27 November 2020 and formally concluded on 16 April 2021.

The DPLH has granted the City (and other local governments), an extension of time in which to lodge submissions on the draft MDC, to allow Councils to review and endorse submissions.

### **COMMENT**

The City is generally supportive of the objectives and intent of the draft MDC prepared by the DPLH, which seeks to improve the quality of built form in medium density areas.

Modification to a number of provisions is recommended and general comments are included in the City's draft submission (Attachment 2 refers). It is considered the recommendations and comments outlined in the City's draft submission will improve the draft MDC and consequently the built form outcomes it seeks to achieve.

It is recommended that Council endorses the City's draft submission as contained in Attachment 2 to Report CJ043-04/21 and forwards the submission to the WAPC for consideration.

## **VOTING REQUIREMENTS**

Simple Majority.

## **OFFICER'S RECOMMENDATION**

That Council ENDORSES the City of Joondalup's submission on the draft Medium Density Code as shown in Attachment 2 to Report CJ043-04/21 and forwards it to the Western Australian Planning Commission for its consideration.

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

- 1 ENDORSES the City of Joondalup's submission on the draft Medium Density Code as shown in Attachment 2 of Report CJ043-04/21, subject to the following additions and modifications:**
  - 1.1 Inclusion of general commentary that states the City does not support the draft Medium Density Code in its current form as it lacks rigour and will not produce better built form and amenity outcomes. Furthermore, the City requests the Western Australian Planning Commission to conduct a more thorough review of the potential outcomes and impacts of the Medium Density Code will be across the different areas where it will be applied, particularly in existing infill situations;**
  - 1.2 Section 2.0 (the garden) – inclusion of a deemed-to-comply requirement that places a maximum on the amount of the primary garden area that can be covered, with consideration being provided to solar access and also places a mandate for a minimum area of permeable surface for primary garden and deep soil area, to ensure opportunity for meaningful open space and landscaping;**
  - 1.3 Section 3.3 (size and layout of dwellings) – the requirement for the calculation of minimum internal floor area to be the same as that required under the R-Codes Volume 2 (Apartments);**
  - 1.4 Section 3.4 (parking) – the requirement for visitor parking to be provided at the same rate required by the R-Codes Volume 1 (version to be implemented from 2 July 2021) for all dwelling types, including 'Aged or dependent persons' dwellings';**
  - 1.5 Section 1.1 (site area) – the deletion of reference to 'aged or dependent persons' dwellings' from C1.1.7 so that the minimum and average site area is not able to be reduced for this type of development;**
- 2 FORWARDS the City's amended submission detailed in Part 1 above to the Western Australian Planning Commission.**

*It was requested that Part 1.1 of the Motion be voted upon separately.*

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

- 1 ENDORSES the City of Joondalup's submission on the draft Medium Density Code as shown in Attachment 2 of Report CJ043-04/21, subject to the following additions and modifications:**
  - 1.1 Inclusion of general commentary that states the City does not support the draft Medium Density Code in its current form as it lacks rigour and will not produce better built form and amenity outcomes. Furthermore, the City requests the Western Australian Planning Commission to conduct a more thorough review of the potential outcomes and impacts of the Medium Density Code will be across the different areas where it will be applied, particularly in existing infill situations.**

**The Motion was Put and**

**CARRIED (8/5)**

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

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

- 1 ENDORSES the City of Joondalup's submission on the draft Medium Density Code as shown in Attachment 2 of Report CJ043-04/21, subject to the following additions and modifications:**
  - 1.2 Section 2.0 (the garden) – inclusion of a deemed-to-comply requirement that places a maximum on the amount of the primary garden area that can be covered, with consideration being provided to solar access and also places a mandate for a minimum area of permeable surface for primary garden and deep soil area, to ensure opportunity for meaningful open space and landscaping;**
  - 1.3 Section 3.3 (size and layout of dwellings) – the requirement for the calculation of minimum internal floor area to be the same as that required under the R-Codes Volume 2 (Apartments);**
  - 1.4 Section 3.4 (parking) – the requirement for visitor parking to be provided at the same rate required by the R-Codes Volume 1 (version to be implemented from 2 July 2021) for all dwelling types, including 'Aged or dependent persons' dwellings';**
  - 1.5 Section 1.1 (site area) – the deletion of reference to 'aged or dependent persons' dwellings' from C1.1.7 so that the minimum and average site area is not able to be reduced for this type of development;**
- 2 FORWARDS the City's amended submission detailed in Part 1 above to the Western Australian Planning Commission.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf210413.pdf](#)*

**CJ044-04/21 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 8 March to 23 March 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 8 March to 23 March 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 8 March to 23 March 2021, as detailed in Attachment 1 to Report CJ044-04/21.*

**BACKGROUND**

For the period 8 March to 23 March 2021, 16 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Lease Agreement	1
Section 70A Notification	14
Withdrawal of Caveat	1

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

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**Current financial year impact

Not applicable.

Future financial year impact

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 8 March to 23 March 2021, as detailed in Attachment 1 to Report CJ044-04/21.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ057-04/21, page 127 refers.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf210413.pdf](#)*

## **CJ045-04/21 APPOINTMENT OF COMPLAINTS OFFICERS - LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) REGULATIONS 2021**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	09358, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Local Government (Model Code of Conduct) Regulations 2021</i> Attachment 2 <i>City of Joondalup Code of Conduct Breach Complaint Form</i>
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to:

- appoint the Chief Executive Officer to receive complaints and withdrawal of complaints (and the Director Governance and Strategy where the complainant is the Chief Executive Officer) under the *Local Government (Model Code of Conduct) Regulations 2021*
- note the *City of Joondalup Code of Conduct Breach Complaint Form* in relation to alleged code of conduct breaches by council members, committee members and local government election candidates.

### **EXECUTIVE SUMMARY**

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.103 was inserted into the *Local Government Act 1995* (the Act) to make provisions around the prescription of a model code of conduct for council members, committee members and local government election candidates. Section 5.104 was also inserted into the Act requiring local governments to prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the model code provisions.

The regulations prescribing the model code provisions (as detailed in section 5.103(1) of the Act) are the *Local Government (Model Code of Conduct) Regulations 2021* (Attachment 1 refers) and came into effect on 3 February 2021. Furthermore, when these Regulations came into effect the existing *Local Government (Rules of Conduct) Regulations 2007* were also repealed, although many of the provisions within the *Local Government (Rules of Conduct) Regulations 2007* were incorporated into the model code.



A requirement of the *Local Government (Model Code of Conduct) Regulations 2021* is for the appointment of a person or persons to receive complaints and withdrawal of complaints. In this regard it is recommended to be the Chief Executive Officer, or the Director Governance and Strategy where the complainant is the City's Chief Executive Officer. A *City of Joondalup Code of Conduct Breach Complaint Form* has also been created for the purposes of the conduct framework for council members, committee members and local government election candidates.

*It is therefore recommended that Council:*

- 1 *in accordance with clause 11(3) of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021 AUTHORISES:*
  - 1.1 *the City's Chief Executive Officer to receive complaints and withdrawal of complaints under the Local Government (Model Code of Conduct) Regulations 2021;*
  - 1.2 *the Director Governance and Strategy to receive complaints and withdrawal of complaints under the Local Government (Model Code of Conduct) Regulations 2021, where the complainant is the City's Chief Executive Officer;*
- 2 *NOTES the City of Joondalup Code of Conduct Breach Complaint Form, as detailed in Attachment 2 to Report CJ045-04/21;*
- 3 *NOTES a further report will be presented at a future Council meeting to consider the adoption of the City's Code of Conduct for Council Members, Committee Members and Candidates and the associated complaints management framework.*

## **BACKGROUND**

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.103 was inserted into the *Local Government Act 1995* (the Act) to make provisions around the prescription of a model code of conduct for council members, committee members and local government election candidates. Section 5.104 was also inserted into the Act requiring local governments to prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the provisions stated in the model code.

The relevant new sections in the Act are as follows:

### ***"5.103. Model code of conduct for council members, committee members and candidates***

- (1) *Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) *The model code of conduct must include-*
  - (a) *general principles to guide behaviour; and*
  - (b) *requirements relating to behaviour; and*
  - (c) *provisions specified to be rules of conduct.*
- (3) *The model code of conduct may include provisions about how the following are to be dealt with-*
  - (a) *alleged breaches of the requirements referred to in subsection (2)(b);*
  - (b) *alleged breaches of the rules of conduct by committee members.*

- (4) *The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) *Regulations may amend the model code of conduct.*

#### **5.104. Adoption of model code of conduct**

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt\* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*  
*\* Absolute majority required.*
- (2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend\* the adopted code of conduct to incorporate the amendments made to the model code.*  
*\* Absolute majority required.*
- (3) *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements-*  
*(a) can only be expressed to apply to council members or committee members; and*  
*(b) are of no effect to the extent that they are inconsistent with the model code.*
- (4) *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*
- (5) *The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.*
- (6) *An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*
- (7) *The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website."*

The regulations prescribing the model code provisions (as detailed in section 5.103(1) of the Act) are the *Local Government (Model Code of Conduct) Regulations 2021* (Attachment 1 refers) and came into effect on 3 February 2021. Furthermore, when these Regulations came into effect the existing *Local Government (Rules of Conduct) Regulations 2007* were also repealed, although many of the provisions within the *Local Government (Rules of Conduct) Regulations 2007* were incorporated into the model code.

The thinking behind this action, as stated by the Minister for Local Government and the Department of Local Government, Sport and Cultural Industries, was to have in a single document and point of reference, where:

- minor behavioural matters within the code are dealt with by the local government itself, through a complaint and investigation process
- a breach of a rule of conduct within the code, is deemed a minor breach to be investigated by the Local Government Standards Panel.

## DETAILS

Until such time as a local government adopts its own code based on the *Local Government (Model Code of Conduct) Regulations 2021*, the legislative provisions remain in effect. Ongoing discussions have occurred with elected members over recent times regarding the adoption of the City's own code and finalisation of this matter, and the complaints management process is ongoing and will be submitted to Council at a future meeting.

Notwithstanding there is a requirement under clause 11(3) of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* for the appointment of one or more persons to receive complaints and withdrawals of complaints and for a complaint form to be established.

In view of this it is recommended that the Chief Executive Officer (or the Director Governance and Strategy where the complainant is the City's Chief Executive Officer) is authorised for this purpose.

### Issues and options considered

Council can either:

- authorise the persons recommended in this report  
or
- appoint other persons for the purposes of receiving complaints and withdrawal of complaints under the *Local Government (Model Code of Conduct) Regulations 2021* and the City's own code once it is developed.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** *Local Government Act 1995.*  
*Local Government (Model Code of Conduct) Regulations 2021.*

#### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Effective representation.

**Strategic initiative** Attract a diverse elected body that represents, promotes and reflects the composition of the community.

**Policy** *Code of Conduct for Employees, Elected Members and Committee Members.*

### Risk management considerations

Local governments across the state are now bound by the model code provisions and local governments are required to adopt a new code within three months of the Regulations coming into effect (being 3 February 2021).

Local governments are required to abide by the requirements of the model code (if it does not adopt its own code within that time), and a local government would be deemed non-compliant with the legislative provisions if it does not adopt its own code by 3 May 2021. Discussions are ongoing with elected members around this matter.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Industry consultation has occurred with the Western Australian Local Government Association, Local Government Professionals WA and the Department of Local Government, Sport and Cultural Industries in terms of the complaint process that has now been introduced.

**COMMENT**

The *Local Government (Model Code of Conduct) Regulations 2021* has been imposed on local governments and the local government industry's feedback around the model code, was not reflected in the final version of the model code. Local governments are now bound by the model code provisions, and until such time that local governments adopt their own codes of conduct.

Persons need to be appointed for the purposes of receiving complaints and withdrawal of complaints under the provisions of the *Local Government (Model Code of Conduct) Regulations 2021*.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council:**

- 1 in accordance with clause 11(3) of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* AUTHORISES:**
  - 1.1 the City's Chief Executive Officer to receive complaints and withdrawal of complaints under the *Local Government (Model Code of Conduct) Regulations 2021*;**
  - 1.2 the Director Governance and Strategy to receive complaints and withdrawal of complaints under the *Local Government (Model Code of Conduct) Regulations 2021*, where the complainant is the City's Chief Executive Officer;**
- 2 NOTES the *City of Joondalup Code of Conduct Breach Complaint Form*, as detailed in Attachment 2 to Report CJ045-04/21;**

- 3**     **NOTES** a further report will be presented at a future Council meeting to consider the adoption of the City's *Code of Conduct for Council Members, Committee Members and Candidates* and the associated complaints management framework.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ057-04/21, page 127 refers.

The Motion was Put and

**CARRIED (12/0)**

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

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf210413.pdf](#)

**Disclosures of interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr John Chester.</b>
<b>Item No. / Subject</b>	CJ046-04/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-2026.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is a member of two committees assisting in managing the Yellagonga Regional Park.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ046-04/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-2026.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Friends of Yellagonga Regional Park.

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ046-04/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-2026.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr May is a member of the Friends of Yellagonga Regional Park.

## **CJ046-04/21      DRAFT YELLAGONA INTEGRATED CATCHMENT MANAGEMENT PLAN 2021-2026**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	72568, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Draft Yellagonga Integrated Catchment Management Plan 2021-2026</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to endorse the draft *Yellagonga Integrated Catchment Management Plan 2021–2026* (YICM Plan 2021-26) and for community consultation.

**EXECUTIVE SUMMARY**

The initial *Yellagonga Integrated Catchment Management Plan 2009-14* (the plan) was developed as a joint project with the Cities of Joondalup and Wanneroo. The plan provided a holistic and long-term strategic plan to improve catchment health to protect the values of the Yellagonga Regional Park.

A major review of the *Yellagonga Integrated Catchment Management Plan 2009-14* (YICM Plan 2009-14) was undertaken and the plan was updated to produce the *Yellagonga Integrated Catchment Management Plan 2015-19* (YICM Plan 2015-19), which was endorsed by Council at its meeting held on 31 March 2015 (CJ033-03/15 refers).

The YICM Plan 2015-19 expired in 2019 and a review has been undertaken to provide a progress report on the implementation of projects within the YICM Plan 2015-19, including joint projects undertaken in partnership with the City of Wanneroo and individual projects managed by the City of Joondalup over the past six years.

The City of Joondalup, in partnership with the City of Wanneroo, has prepared the draft YICM Plan 2021-26 to ensure ongoing management and conservation of the park by the two Cities and the Department of Biodiversity, Conservation and Attractions in a collaborative manner. The draft YICM Plan 2021-26 is included as Attachment 1 to Report CJ046-04/21.

## **BACKGROUND**

The Yellagonga Regional Park is an area of high ecological significance including being a Bush Forever site and having Conservation Category Wetlands with Lake Joondalup also being a Class 'A' Reserve.

The development of the initial YICM Plan 2009-14 was an action within the City's *Environment Plan 2007-2011*: Action 2.2 - Develop and implement a Yellagonga Integrated Catchment Management Plan to ensure the effective overall management of the water body. In November 2009, the Cities of Joondalup and Wanneroo jointly endorsed the YICM Plan 2009-14 (CJ247-11/09 refers). The YICM Plan 2015-19 was developed following the five-year implementation and review of the YICM Plan 2009-14.

Significant achievements have been made over the past 11 years through the implementation of the YICM Plan 2009-14, and YICM Plan 2015-19, which have also highlighted the need for the continued strategic management of the Yellagonga Regional Park and its catchment to maintain its environmental, social, economic, cultural, and scientific values.

The draft YICM Plan 2021-26 provides recommendations to improve wetland health through an integrated management process, addressing a range of threats and issues associated with land use activities both past and present that are impacting, or may impact detrimentally on the wetlands within the Yellagonga Regional Park.

The City has worked in partnership with the City of Wanneroo and the Department of Biodiversity, Conservation and Attractions, and in liaison with the Friends of Yellagonga Regional Park and Edith Cowan University since 2009 to implement projects within the YICM Plans.

## **DETAILS**

### **YICM Plan 2015-19**

The YICM Plan 2015-19 reached its five year implementation in the 2018-19 financial year and its implementation continued during the 2019-20 financial year, therefore a review has been undertaken to determine progress made in implementing projects over the six year period. The review has also informed the development of the draft YICM Plan 2021-26.

Substantial progress has been made in implementing projects in the YICM Plan 2015-19 including the highlights listed below.

Joint Projects (City of Joondalup and City of Wanneroo)

- Water Quality Monitoring and Improvement Program:
  - Surface water of the Yellagonga Wetlands has been sampled on a monthly basis (during the wet season and less frequently in the dry) to determine nutrient and metal levels and groundwater on a regular basis since 2010 to collate regular water quality data and assess the condition.
  - Annual reporting of issues and recommendations provided. Annual Water Quality Monitoring Report released to Elected Members, the Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions, and the Yellagonga Regional Park Community Advisory Committee.
  - Recommendations to research further major pollutant source points and to improve water quality have been investigated or implemented to determine nutrient and metal levels.
- Midge Steering Group Partnership Research:
  - Midge larvae sampling at Lake Joondalup and Lake Goollelal was conducted on a weekly basis from July/August to February/March and from July 2015 to March 2020. Water levels and temperature were recorded for each sampling event.
  - Spot treatments of Lake Goollelal using S-Methoprene took place in 2016, 2017, 2018, and 2019, with between approximately 5-30% of the lake being treated each season.
- Local Biodiversity Project:
  - Flora surveys were completed between 2015 and 2017 at six priority sites covering approximately 278ha of remnant vegetation within the Park.
  - *Revegetation Management Plan* – South Lake Joondalup was developed to guide weed control and revegetation activities for this area.
  - Approximately 5ha of revegetation with local provenance species was implemented at four sites.
  - Control of priority weed species was undertaken based on recommendations from flora surveys.
- Smart Monitoring and Management – Yellagonga Wetlands:
  - Leverages smart technology to better manage and protect the Yellagonga wetlands.
  - The project supported by funding from the Australian Government's Smart Cities and Suburbs Program was completed in late 2020. It is anticipated that smart monitoring within the Yellagonga Wetlands will be operational by mid-2021.

City of Joondalup Individual Projects

- Yellagonga Community Awareness and Ecotourism Programs:
  - The Yellagonga Community Awareness Program has been implemented on an annual basis and has included initiatives to raise community awareness of the major issues affecting the Yellagonga Catchment. These have included the Yellagonga School Program, World Wetlands Week initiatives, Fauna Awareness Program, Water Quality Awareness Program, Prevention of Wildlife Feeding Program, Responsible Pet Ownership and Sustainable Gardening Workshops.
  - The Yellagonga Ecotourism events are incorporated into the City's 'Think Green' events calendar and the Environmental Education Program including night stalk fauna tours, Noongar bush tucker tours, and BirdLife WA workshops.



- Stormwater Management Plans:
  - Duffy Terrace Catchment works were completed in February 2020 to capture and infiltrate (at source) part of the overall catchment, reducing nutrient discharge to Walluburnup Swamp (via the Duffy Terrace outlet).
- The following commercial activities took place within the Yellagonga Regional Park but did not form part of the YICM Plan 2015-19:
  - The City received \$300,000 from the Department of Planning, Lands and Heritage in December 2018 for repairs and initial conservation work at Duffy House in Woodvale. This project is currently in the approval stages.
  - The City continued to advocate to the National Trust WA to complete the restoration of the Luisini Winery site as its activation would add to the appeal of the Yellagonga Regional Park. The Luisini Winery building has been conserved and is structurally sound. Parking infrastructure has been completed with bus parking and 110 car bays.
  - Investigations for a Café Development at Neil Hawkins Park continued.
  - A Lake Goollelal Heritage Walk Project brief has been developed detailing the proposed route and associated infrastructure with the project due to commence stakeholder engagement in mid-2021.

### **YICM Plan 2021-26**

In order to further enhance the conservation of the Yellagonga Catchment Area, the draft YICM Plan 2021-26 has been developed. The draft Plan provides a holistic and strategic direction for the Cities of Joondalup and Wanneroo in partnership with the Department of Biodiversity, Conservation and Attractions to continue to implement a wide range of initiatives aimed to conserve the ecological values of the Yellagonga Regional Park.

The values of the Park have been acknowledged by the State Government through the commitment of \$8.5 million towards conserving and enhancing the Park. Additionally, increased rehabilitation funding has been committed to the Department of Biodiversity, Conservation and Attractions and Friends of Yellagonga Regional Park.

A range of threats to the long-term viability of Yellagonga Regional Park are addressed within the draft plan including the drying climate trend, poor water quality, invasive flora and fauna, wildfires, plant pathogens, urban encroachment, traditional stormwater drainage, and habitat degradation and fragmentation.

The draft YICM Plan 2021-26 proposes projects to be implemented over the next five years in order to improve the health of the wetlands and their remnant vegetation.

Key projects that have been incorporated into the draft YICM Plan 2021-26 include the following:

- Water Conservation Project - investigate achieving higher minimum lake levels as recommended by the Department of Water and Environmental Regulation through decreasing groundwater use, environmentally sensitive stormwater drainage, and feasibility of artificial water maintenance in Lakes Joondalup and Goollelal. Maintenance of water levels would assist in preventing acid sulphate soil exposure (and subsequent water contamination), reduce nutrient enrichment and midge outbreaks. This project is implemented in conjunction with the Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions and City of Wanneroo.

- Water Quality Monitoring and Improvement Program - continue monitoring of surface and groundwater quality to enhance the understanding of the movements, nature and concentrations of contaminants and recommend actions to improve water quality in Yellagonga Regional Park. This project is implemented with the City of Wanneroo and Edith Cowan University.
- Local Biodiversity Project - restore, rehabilitate and enhance local biodiversity through the control of exotic flora and fauna species, and implementation of biodiverse revegetation using local provenance species. This project also aims to increase the knowledge of the flora and fauna of the Park through high level strategic surveys, as well as undertake studies and investigations into native fauna. This project will be implemented in partnership with the City of Wanneroo, Department of Biodiversity, Conservation and Attractions through a formal Project Plan signed by all parties.
- Midge Steering Group Partnership Research - for control and management of nuisance midge within the wetland system of the Yellagonga Regional Park, through funding midge larval and water monitoring, nuisance reduction using pesticide application when required, other intervention strategies, research projects in an effort to better understand the factors contributing to the seasonal midge plagues and public information and education. The Midge Steering Group Partnership consists of the City of Joondalup, City of Wanneroo and Department of Biodiversity, Conservation and Attractions. This agreement is formalised with the Midge Management Strategy Partnership Agreement 2020-25.
- Strategic Partnerships Project - enhancing opportunities to work collaboratively with key stakeholders including government and non-government groups (such as Friends of Yellagonga Regional Park) and educational and research organisations. This project also aims to build capacity and gain information relating to best practice approaches to integrated catchment management planning.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** The Natural Environment.

**Objective** Environmental resilience.

**Strategic initiative** Identify and respond to environmental risks and vulnerabilities.

**Policy** Continued implementation of the YICM Plan is consistent with the objectives within the City's *Sustainability Policy* and *Stormwater Management Policy*.

### **Risk management considerations**

A range of impacts threaten the long-term viability of Yellagonga Regional Park including the drying climate trend, poor water quality, invasive flora and fauna, wildfire, plant pathogens, urban encroachment, traditional stormwater drainage, and habitat degradation and fragmentation.

The development and implementation of the draft YICM Plan 2021-26 will provide ongoing guidance for the City and key stakeholders in delivering initiatives that address the threats to the Yellagonga Regional Park and aim to improve the health of the Yellagonga Catchment Area.

**Financial / budget implications**

Implementation of the draft YICM Plan 2021-26 has financial implications for the City. Funds to implement the Local Biodiversity Project and the Water Quality Monitoring and Improvement Program within the plan will be subject to the City's annual budget approval process. Projects identified as existing within the plan are approved within existing service levels and have budgets allocated within existing operating budgets.

A number of projects within the draft YICM Plan 2021-26 have no additional requirements beyond existing staff resources. Projects that are dependent on outcomes of studies, investigations, or involve on-ground works will be subject to detailed costing and the City's annual budget approval process prior to being implemented.

In 2019 the City received \$20,000 through the Australian Government's Communities Environment Program towards revegetation, weed management and feral animal control to support initiatives within the Local Biodiversity Program. The City will continue to apply for relevant grant funding to support projects and initiatives within the draft YICM Plan 2021-26.

The City of Wanneroo will continue to contribute equal funds to the implementation of joint projects undertaken under the draft YICM Plan 2021-26.

The Department of Biodiversity, Conservation and Attractions will contribute staff time, equipment, and consumables to management actions within the YICM Plan relating to on-ground management activities.

**Regional significance**

The draft YICM Plan 2021-26 is a joint initiative of the Cities of Joondalup and Wanneroo with projects to be delivered both jointly and individually to protect the wetlands of the Yellagonga Regional Park. Liaison will continue with the third park co-manager, the Department of Biodiversity, Conservation and Attractions, and key stakeholders including the Yellagonga Regional Park Community Advisory Committee, Friends of Yellagonga Regional Park and Edith Cowan University.

Management of areas within the Yellagonga Regional Park that neither the City of Joondalup nor City of Wanneroo have management orders for, which fall under the management of the Department of Biodiversity, Conservation, will continue to be co-managed by both Cities in partnership with the Department of Biodiversity, Conservation and Attractions through the draft YICM Plan 2021-26. This will ensure the impacts from the Yellagonga Catchment on the Yellagonga wetlands will continue to be managed in an integrated manner and the environmental, social, economic, cultural, and scientific values and integrity of the Yellagonga wetlands and the Yellagonga Regional Park continue to be maintained.

**Sustainability implications**

Environmental management of the Yellagonga Catchment is a key component of a sustainable community. This wetland asset provides social and environmental services to the community including amenity, recreational opportunities, air quality improvement, biodiversity and cultural values and is an important haven for hundreds of species of fauna and flora.

**Consultation**

The two Cities consulted with the Yellagonga Regional Park Community Advisory Committee on the key focus areas of the draft YICM Plan 2021-26 in March 2020, and a meeting was held between the two Cities and the Department of Biodiversity, Conservation and Attractions to discuss projects and responsibilities within the draft plan in July 2020. The Department of Biodiversity, Conservation and Attractions was provided the draft plan for review and provided comment in September 2020.

Following Council endorsement of the draft plan from both the Cities of Joondalup and Wanneroo, the draft YICM Plan 2021-26 will be released for community consultation in mid-2021 in a manner which is consistent with the City of Joondalup's *Community Consultation Policy*.

## COMMENT

The City has made significant progress in implementing projects in the YICM Plan 2015-19 including the delivery of a wide range of community awareness and ecotourism initiatives as well as scientific research to better understand the context of water quality issues within the Yellagonga Catchment. The implementation of these projects has led to increased awareness within the community of the importance of the Yellagonga Catchment Area.

The continuation of water quality monitoring programs has ensured that accurate and consistent water quality data is collected and is available to inform management decisions regarding the Yellagonga Wetlands.

Despite the progress made in implementing the YICM Plan 2015-19, a number of threats and issues remain which pose a serious risk to the health of the Yellagonga Catchment Area. In order to provide ongoing conservation gains across the Yellagonga Catchment Area further long-term management strategies are required as well as commitment and collaboration from the Cities of Joondalup and Wanneroo and the Department of Biodiversity, Conservation and Attractions.

The draft YICM Plan 2021-26 provides the park's co-managers with the strategic direction required to manage the Catchment Area in a sustainable manner to ensure the long-term protection of the Park for future generations.

## VOTING REQUIREMENTS

Simple Majority.

*Cr Poliwka left the Chamber at 8.12pm.*

*The Manager Planning Services left the Chamber at 8.13pm.*

*Cr Poliwka entered the Chamber at 8.14pm.*

*The Director Planning and Community Development left the Chamber at 8.14pm and returned at 8.16pm.*

**MOVED Cr Chester, SECONDED Cr May that Council ENDORSES the release of the draft *Yellagonga Integrated Catchment Management Plan 2021-2026*, included as Attachment 1 to Report CJ046-04/21, for community consultation commencing in mid-2021.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf210413.pdf](#)*

**CJ047-04/21 MINUTES OF REGIONAL COUNCIL MEETINGS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	03149, 101515
<b>ATTACHMENTS</b>	Attachment 1 Mindarie Regional Council - Special Council Meeting Minutes - 4 March 2021 Attachment 2 Mindarie Regional Council - Ordinary Council Meeting Minutes - 25 March 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 Special Council meeting of the Mindarie Regional Council held on 4 March 2021.
- Minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 25 March 2021.

**DETAILS****Mindarie Regional Council Meetings**

A Special Council meeting of the Mindarie Regional Council was held on 4 March 2021.

Mayor Albert Jacob, JP and Cr Russ Fishwick, JP are Council's representatives at meetings of the Mindarie Regional Council, both representatives were apologies for the Special Council meeting of the Mindarie Regional Council held on 4 March 2021.

An Ordinary Council meeting of the Mindarie Regional Council was held on 25 March 2021.

At the time of this meeting Mayor Albert Jacob, JP and Cr Russ Fishwick, JP were Council's representatives to the Mindarie Regional Council. At its meeting held on 16 March 2021 (CJ041-03/21 refers), Council appointed Cr Christopher May as the alternate member to act on behalf of Cr Russ Fishwick, JP to represent the City at the Ordinary Council Meeting of the Mindarie Regional Council held on 25 March 2021 as Cr Russ Fishwick, JP was on a leave of absence. Cr Christopher May was unable to attend the Mindarie Regional Council meeting held on 25 March 2021 due to unforeseen circumstances.

Mayor Albert Jacob, JP was Council's representative at the Ordinary Council meeting of the Mindarie Regional Council held on 25 March 2021.

The attached minutes detail those matters that were discussed at the Ordinary Council meeting of the Mindarie Regional Council that may be of interest to the City of Joondalup.

### **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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the minutes of:**

- 1 the Special Council meeting of the Mindarie Regional Council held on 4 March 2021 forming Attachment 1 to Report CJ047-04/21;**
- 2 the Ordinary Council meeting of the Mindarie Regional Council held on 25 March 2021 forming Attachment 2 to Report CJ047-04/21.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ057-04/21, page 127 refers.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*To access this attachment on electronic document, click here: [RegionalMinutes210413.pdf](#)*

## CJ048-04/21 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2021

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	09882, 101515
<b>ATTACHMENTS</b>	<div>Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of February 2021</div> <div>Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) or the month of February 2021</div> <div>Attachment 3 Municipal and Trust Fund Vouchers for the month of February 2021</div>
<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 February 2021.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of February 2021, totalling \$12,065,586.95.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for February 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 Report CJ048-04/21, totalling \$12,065,586.95.*

### 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 February 2021. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ048-04/21.

The vouchers for the month are appended as Attachment 3 to Report CJ048-04/21.



FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 110901 - 110926 & 110930 - 110989 & EF090528 - EF090785 & EF090788 -EF090149	\$7,583,875.66
	Net of cancelled payments Vouchers 2989A – 2999A	\$4,477,137.49
	Bond Refund Cheques & EFT Payments 110927-110929 & EF090527 & EF090786 – EF090787 Net of cancelled payments.	\$4,573.80
<b>Total</b>		\$12,065,586.95

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / Policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### Risk management considerations

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2020-21 Revised Budget* as adopted by Council at its meeting held on 16 February 2021 (CJ020-02/21 refers), or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for February 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 Report CJ048-04/21, totalling \$12,065,586.95.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ057-04/21, page 127 refers.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf210413.pdf](#)*

## **CJ049-04/21 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED FEBRUARY 2021**

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

---

### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 28 February 2021.

### **EXECUTIVE SUMMARY**

At its meeting held on 30 June 2020 (JSC07-06/20 refers), Council adopted the *2020-21 Annual Budget*. Council subsequently revised the budget at its meeting held on 18 February 2021 (CJ020-02/21 refers). The figures in this report are compared to the revised Budget.

The February 2021 Financial Activity Statement Report shows an overall favourable variance of \$6,669,935 from operations and capital, after adjusting for non-cash items.

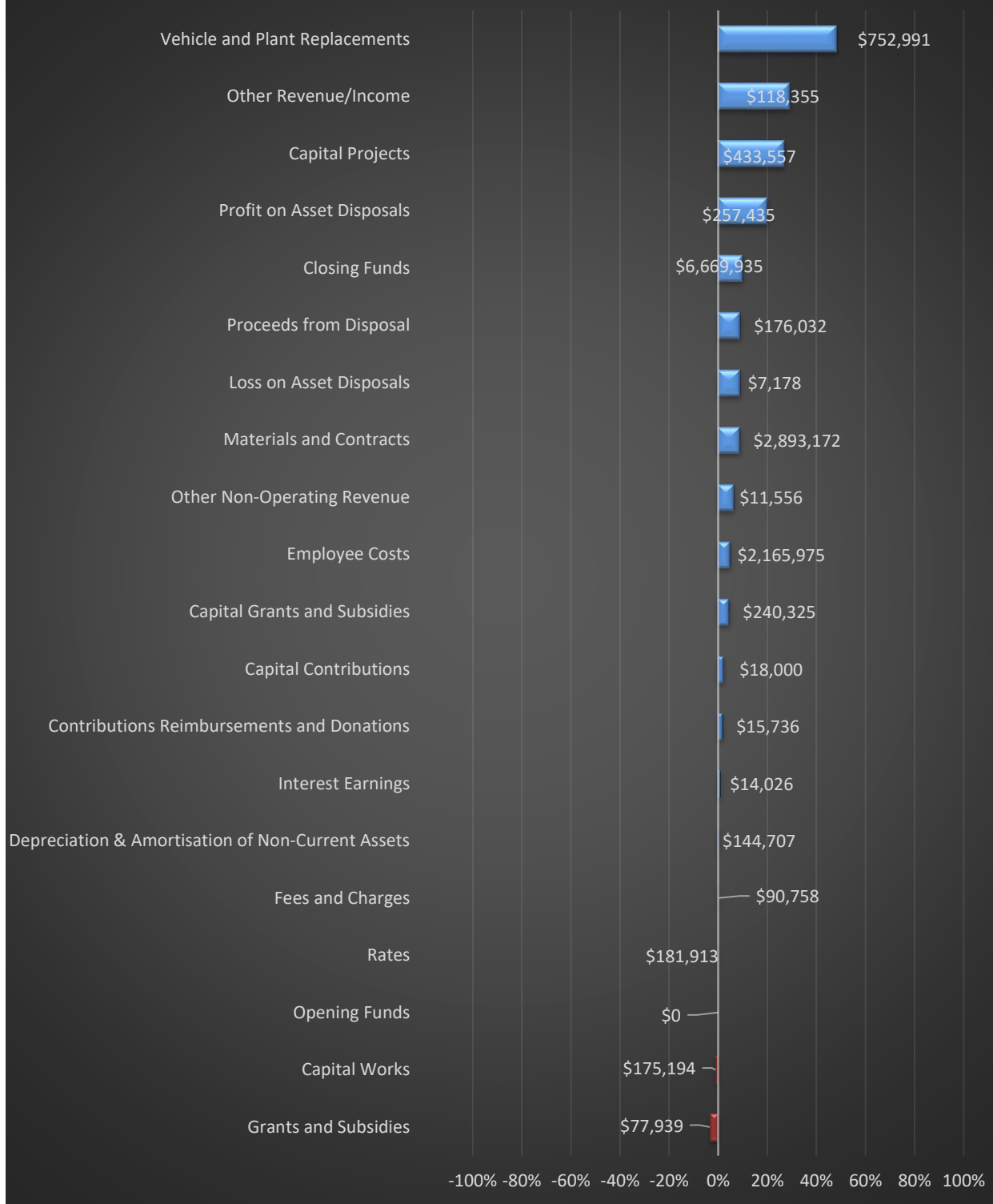
It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 28 February 2021 and results from a number of factors identified in the report.

There are a number of factors influencing the favourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in February. The notes in Attachment 3 to Report CJ049-04/21 identify and provide commentary on the individual key material revenue and expenditure variances to date.

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

The key elements of the variance are summarised below: (update graph following closing funds adjustment).

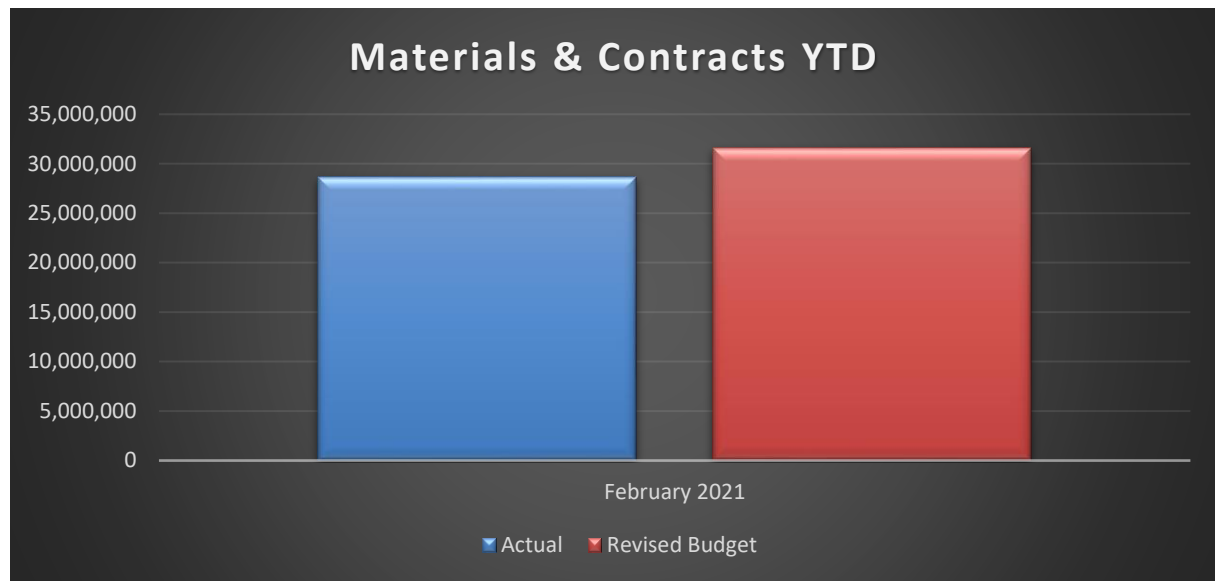
## Summary of Variances by %



The significant variances for February were:

**Materials and Contracts**

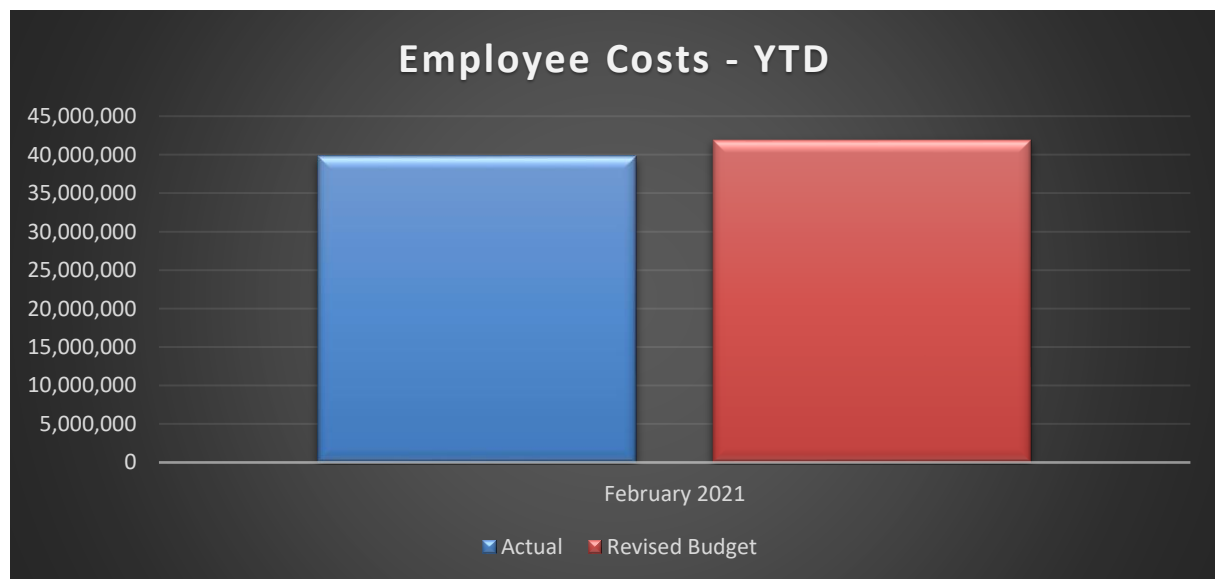
**\$2,893,172**



Materials and Contracts expenditure is \$2,893,172 below budget. This is spread across a number of different areas including External Service Expenses \$884,310, Other Materials \$339,555, Professional Fees & Costs \$270,403, Public Relations, Advertising & Promotions \$267,290, Furniture, Equipment and Artworks \$227,375 and Travel, Vehicles & Plant \$200,382.

**Employee Costs**

**\$2,165,975**



Employee Costs Expenditure is \$2,165,975 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 28 February 2021 forming Attachment 1 to Report CJ049-04/21.*

## 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 28 February 2021 is appended as Attachment 1 to Report CJ049-04/21.

### Legislation / Strategic Community Plan / Policy implications

#### Legislation

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

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### Risk management considerations

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

#### Financial / budget implications

All amounts quoted in this report are exclusive of GST.

#### Regional significance

Not applicable.

#### Sustainability implications

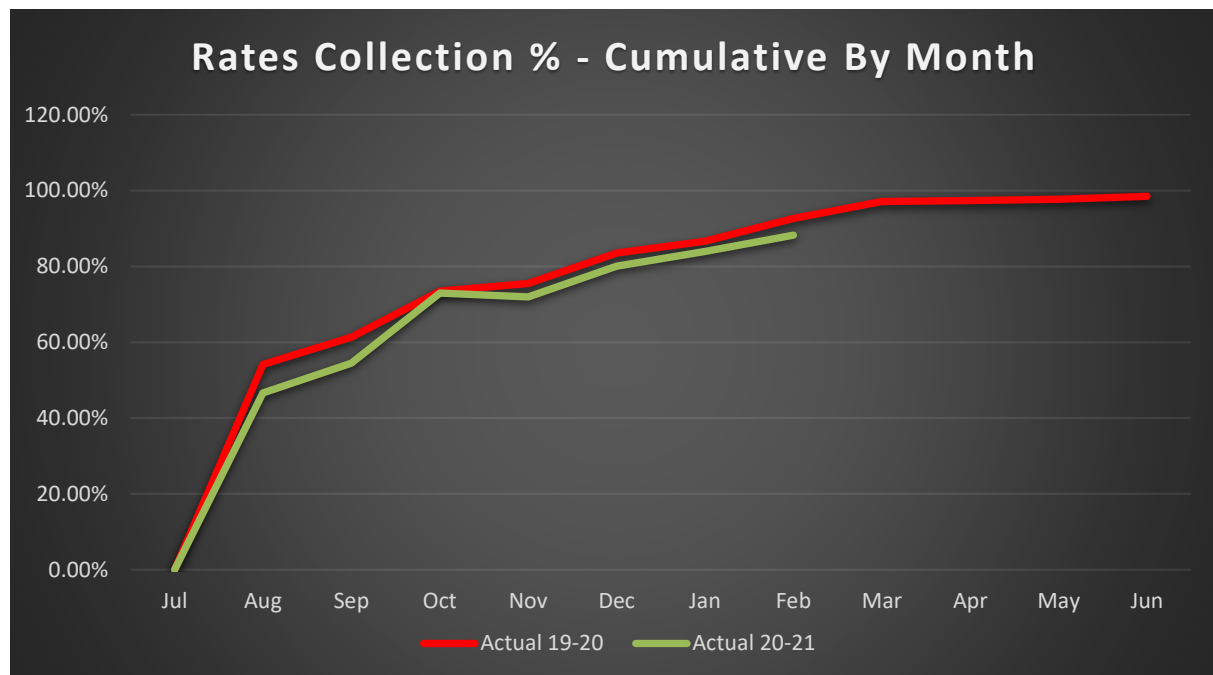
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

## Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the *Annual Budget* was prepared having regard to the *Strategic Financial Plan*, prepared under Section 5.56 of the *Local Government Act 1995*. The Mid Year Review Budget was prepared in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

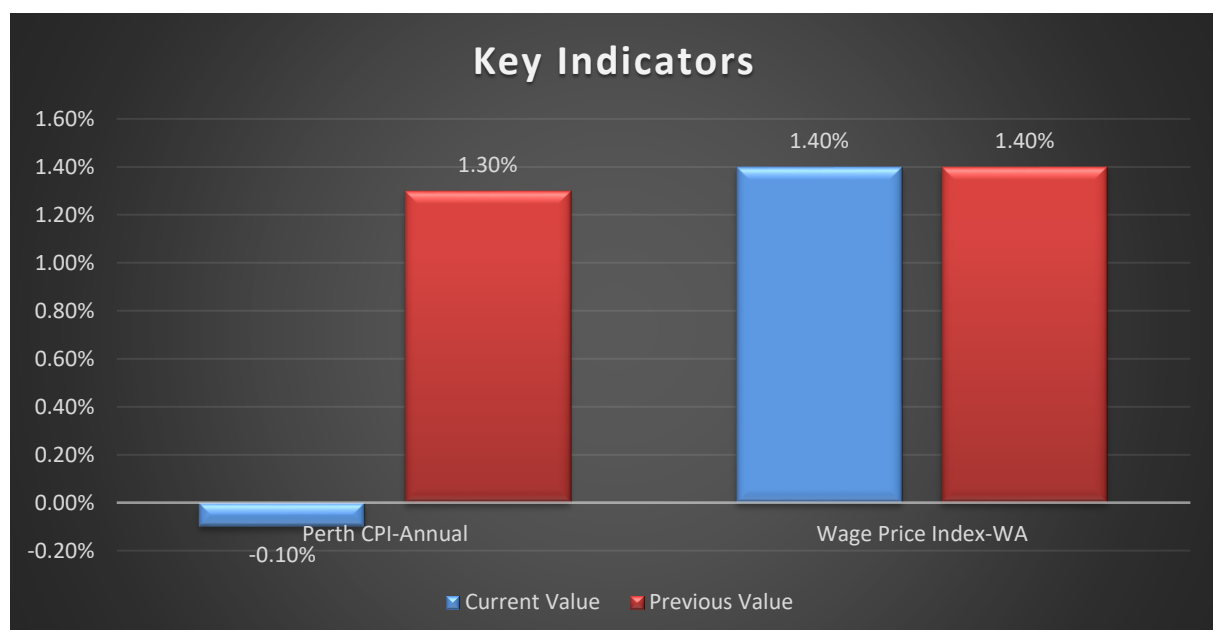
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) is lower than prior year at the end of February.

### Economic Indicators



**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Financial Activity Statement for the period ended 28 February 2021 forming Attachment 1 to Report CJ049-04/21.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ057-04/21, page 127 refers.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf210413.pdf](#)*



**Disclosures of interest affecting Impartiality**

<b>Name / Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob is Vice Patron of the Sorrento Surf Life Saving Club.

<b>Name / Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is Vice Patron of the Sorrento Surf Life Saving Club and is a Senior Assessor for Surf Life Saving WA.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime is Vice Patron of the Sorrento Surf Life Saving Club.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hamilton-Prime's husband is a member of the Sorrento Surf Club.

<b>Name / Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No. / Subject</b>	CJ050-04/21 - Proposed Redevelopment - Sorrento Surf Club.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Poliwka is a patron of the Sorrento Surf Club.

## **CJ050-04/21      PROPOSED REDEVELOPMENT - SORRENTO SURF CLUB**

<b>WARD</b>	South-West	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services	
<b>FILE NUMBERS</b>	05071, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Project Philosophy and Parameters
	Attachment 2	Design requirements for refurbishment and redevelopment options
	Attachment 3	Option 1 - New Building - Floor plan and artist perspectives
	Attachment 4	Option 1 - New Building - Summary of costings
	Attachment 5	Option 2 - Refurbish - Floor plan and artist perspectives
	Attachment 6	Option 2 - Refurbish - Summary of costings
	Attachment 7	Preliminary financial evaluation
	Attachment 8	Floor plan of existing facility
<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 give consideration to progressing the proposed redevelopment of the Sorrento Surf Lifesaving Club (SSLSC).

## EXECUTIVE SUMMARY

The Sorrento Surf Lifesaving Club (SSLSC) currently has over 1,850 members and is a dedicated volunteer organisation providing services to the community including beach patrols (at Sorrento Beach and Hillarys Boat Harbour), lifesaving services, surf skills training and competition, beach safety education and first aid. The clubrooms, which are leased to the SSLSC, are located on West Coast Drive, Sorrento (south of Hillarys Boat Harbour).

The SSLSC was formed in 1958, with the first clubroom being constructed in 1960 south of the present clubrooms. With the northern suburbs expanding, the club's membership increased and in 1978 an extension to the clubroom was built to stand alongside the original clubroom. In 1993, the clubroom was further expanded and renovated, and in 1995 the courtyard was added to the northern end of the building.

In 2016, the City and the State Government installed a beach enclosure at Sorrento Beach to provide a safer swimming environment for the public and surf lifesaving club events. Also, in 2016, there was an additional 75 car parking bays added to the north-west and south-west car parking areas. The beach enclosure has recently been removed.

There are several ongoing issues with the existing site and facility including the following:

- Access to the bin storage area.
- Sand drifts.
- Flooding.
- Stormwater drainage.
- Drain blockages.
- Sewer.
- Grease trap.
- Insufficient ventilation.

The club also has challenges with the existing facility size, layout, and location.

At its meeting on 16 July 2019 (CJ091-07/19 refers), Council considered a report which provided details on options for either the redevelopment or refurbishment of the clubrooms, as prepared by the SSLSC. The proposal included a business case submitted by the club detailing a number of designs, which offered various solutions to addressing the issues faced with the existing facility. These options ranged between \$4 million and \$12 million; from a refurbishment of the existing facility to a demolition of the existing facility and redevelopment.

Following consideration of the options presented and advice from the club that it was no longer able to commit funds on the preliminary works of the project, the Council agreed to undertake preliminary concept designs and indicative costings.

This report presents three options:

Option	Action	Explanation
Option one	Redevelop	Demolition of the existing facility and public toilet building to the north and rebuild a new clubroom facility at an approximate cost of \$8.85 million.
Option two	Refurbish	Partial demolition and extension of the existing facility at an approximate cost of \$5.2 million.
Option three	Do nothing	Continue with the existing club building and public facilities.

It is recommended that before a preferred option is determined that a detailed business case be prepared that further evaluates each option in more detail.

## BACKGROUND

<b>Suburb/Location</b>	189 West Coast Drive, Sorrento, WA 6020.
<b>Applicant</b>	City of Joondalup / Sorrento Surf Lifesaving Club.
<b>Owner</b>	Crown Land - Management Order City of Joondalup.
<b>Zoning</b>	<b>DPS</b> Parks and Recreation.
	<b>MRS</b> Parks and Recreation.
<b>Site area</b>	9,222m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The SSLSC was formed in 1958 and is a dedicated volunteer organisation that provides patrol services from October to March on weekends and public holidays (from Beach Road to Pinnaroo Point, including Hillarys Boat Harbour). Such services include aquatic rescues, administering first aid, emergency care and providing surf safety information to the public.

The first clubroom was constructed in 1960 south of the present clubrooms with funds provided by the then Wanneroo Roads Board, Lotteries Commission grant, club donations and club members providing free labour and supervision during construction. Since then, there have been several extensions and refurbishments with the most recent occurring in 2007, where the club extended the boat shed by 65m<sup>2</sup>, which was jointly funded by Lotterywest, a State Government grant and the City of Joondalup at a cost of approximately \$230,000.

The clubrooms are located on West Coast Drive, Sorrento (south of Hillarys Boat Harbour) (Attachment 8 refers) with a current replacement cost of the facility of \$5.8 million, with written down value of \$1.8 million, and incurs approximately \$41,000 in depreciation each year and consists of the following:

- hall
- courtyard
- boat sheds
- kiosk
- first aid room
- patrol workshop
- gymnasium
- office
- board room
- training room
- internal toilets and change rooms
- storage areas
- kitchen
- bar
- public toilets and change rooms.

The existing facility is nearing 50 years old. While an independent report has been undertaken on the structure of the facility that indicates the facility is structurally sound, the City has been experiencing ongoing site and building issues including the following:

- Sand drifts into the clubroom due to its location and this predominantly affects the hall ceiling space and public toilet ceiling space making them vulnerable to collapse. The City currently undertakes periodic vacuuming of the ceiling spaces to prevent the ceilings from collapsing.

- There is periodic flooding of the main hall due to the eastern side of the clubroom being significantly lower than the natural land levels for the site. The City has processed two insurance claims in the last five years due to flooding to replace the flooring. Increased drainage catchments are required (for example, channel grates) which must be maintained and cleaned weekly to remove sand. If this is not undertaken, this will increase the risk of flooding.
- Stormwater drainage runs directly under the facility with the roof plumbing connecting into it, which over time could potentially undermine the foundations.
- The internal showers and toilets were joined into one line and connected to the sand traps, which was non-compliant with *Australian Standards* and the *Plumbing Code*. This has now been diverted to the sewer pump, which is not ideal as the sand from the shower is being deposited into the pump station.
- The invert levels for the southern showers are so deep there is a minimal fall on the drains to the pump station, which is creating blockages in the line from the toilets to the pump station.
- There is no grease trap for the kiosk on the western side, which is causing grease build-up in the drains leading to blockages.
- The shower facilities have poor ventilation causing mould issues in winter. The ceilings are also low and the roof is flat, which creates leaks in heavy rain.
- Waste removal trucks have difficulty accessing the bin storage area, which is located on the north-eastern side of the clubroom. In 2015-16, a waste truck penetrated the wall of the alfresco area trying to retrieve a bin resulting in significant structural damage.

In addition, the club has identified the following issues with the site and facility:

- Interface with the facility and public beach access. There is the risk to the safety of club members and the public when heavy surf lifesaving equipment is mobilised across the dual use path, which is heavily utilised by cyclists, runners, and walkers.
- Due to the changes to the facility over time, functional relationships between spaces and room sizes are poor. This results in several functional issues for members as well as community users of the facility. Specifically, there is the need for improved and increased training and function space.
- Parking continues to be an issue at the site, particularly during the summer months. This not only causes issues for the public use of the beach and path networks but also the opportunity to stage community-based events.

Prior to July 2019, the SSLSC had been in discussion with the City of Joondalup regarding a proposal to refurbish / redevelop the existing facility. During those discussions, the club submitted a business case to the City for consideration. This business case presented several designs to the City, which offered various solutions to addressing the issues faced with the existing facility. These options ranged between \$4 million and \$12 million; from a refurbishment of the existing facility to a demolition of the existing facility with redevelopment to include a separate operating commercial facility.

At its meeting held on 16 July 2019 (CJ091-07/19 refers), Council considered a number of options as a result of the SSLSC advising that it was not able to continue to expend funds on the preliminary works for the project. It was resolved:

*That Council:*

- 1 *AGREES to undertake preliminary concept designs and indicative costings on a proposed redevelopment of the Sorrento Surf Lifesaving Club subject to funds being allocated within the 2019-20 mid-year budget review;*
- 2 *REQUESTS the Chief Executive Officer to report back the outcomes of the designs and costings as detailed in Part 1 above to assist it to consider including the project into the City's 20 Year Strategic Financial Plan.*

As part of the 2019-20 mid-year budget review, an amount of \$45,000 was allocated for the project, with the City inviting expressions of interest from suitably qualified firms to undertake the concept designs and costings. Hodge Collard Preston Architects were appointed.

This report presents the outcomes of the designs and costings for consideration of the future direction of the project.

## DETAILS

The scope of the contract was to initially review the design options prepared by the SSLSC and further to explore options on how the facility could be designed, ensuring a commercial element remained within the existing footprint, from either a refurbished or redeveloped option.

### Issues and options considered

The City worked with the club to evaluate numerous options in 2017 and 2018. Eleven options were initially evaluated, and these are documented in full within the club's business case. The 11 options were scored, and five options were shortlisted to three as follows:

Option	Action	Explanation
Option one	Redevelop	Demolition of the existing facility and public toilet building to the north and rebuild a new clubroom.
Option two	Refurbish	Partial demolition and extension of the existing facility.
Option three	Do nothing	Continue with the existing club building and public facilities.

A copy of the design requirements for both Option one and Option two are attached (Attachment 2 refers). Both options include a commercial operation that would remain under the management of the City and separate from SSLSC operations.

#### Option one: Redevelopment - demolition of existing club building and public toilet building to the north and rebuild a new clubroom facility.

This option proposes a complete demolition of the existing facility and construction of a new facility, slightly to the north of the existing facility.

*\*\*Please note that the location shown for this option is for preliminary purposes only. The exact location of the new facility will be further developed through the process.*

In summary the works proposed include the following:

- facility moves slightly north
- additional 69 car bays provided
- aligns with SSLSC main patrolled beach
- main surf lifesaving equipment located on ground floor
- main path on the western side re-routed to the east to prevent conflict with cyclists / pedestrians and movement of surf equipment
- northern and southern public amenities demolished, with the amenities being replicated to newly constructed amenities to the north
- club related areas located to the first floor being clubroom, training room, kiosk / kitchen
- commercial element located on the first floor - separate entries that allow each area to operate independent of each other.

This option has been costed at \$8.85 million at current prices. A copy of the plans and perspectives for the redevelopment of Option one is attached (Attachments 3 and 4 refer) along with a summary of the costing for this option.

Option two: Refurbish - with partial demolition and extension of the existing building.

This option proposes a refurbishment and partial demolition / extension of existing facility on the current site. In summary, the works proposed include the following:

- reconfiguration of main entry
- reconfiguration of administration areas including a merchandise store
- relocate the gym to the eastern side of facility
- relocate training room and increase size
- access and inclusion compliant
- significant reconfiguration in male and female changerooms
- new public amenities to the south (part of refurbished facility)
- retain public amenities to the north
- storage of surf club equipment to remain central to facility
- additional storage
- commercial facility to be located on the first floor (separate from club operations).

This option has been costed at \$5.2 million at current prices. A copy of the plans and perspectives for the refurbishment of Option two is attached (Attachments 5 and 6 refer) along with a summary of the costing for this option.

Option three: Do nothing (except ongoing preventative and scheduled maintenance).

The facility is nearing 50 years old and is experiencing ongoing site and building issues including sand drifts, flooding, drainage, sewer and inadequate ventilation. According to the club, the facility cannot accommodate any future growth. Utilisation is expected to increase putting more demand on the club to provide its core function including rescue, patrol, training, competition, and education into the future.

This option proposes that nothing other than regular reactive and proactive maintenance occurs along with the replacement of capital items that come to the end of their lives. It is projected that over the next 10 years an estimated \$3.16 million will be spent on keeping the facility operating.

Quantified Project Objectives

The project objectives have been determined so that options can be evaluated against these and the success criteria of the project is clear.

A full copy of the Philosophy and Parameters for the SSLSC project is attached to Report CJ050-04/21 (Attachment 1 refers).

No	Objective	Success Criteria	Measurement
1	<u>Financial Sustainability (City)</u> Preferred option will provide a better, or no worse, financial impact to the City over a 40 year period.	Recurring operating deficit to the City of the preferred outcome is lower than the current operating deficit, and those annual savings would be sufficient to pay back one-off costs within a 40 year timeframe.  Any one-off investment by the City to refurbish or redevelop is affordable.	The annual 'steady state' operating deficit of the preferred outcome will be estimated in the Business Case and will include operating income (including potential new income stream from commercial tenant), operating cash expenses (building maintenance, contribution to Club) and depreciation. The estimated operating deficit will be compared to the existing operating deficit.  The affordability of the one-off investment is measured using the Strategic Financial Plan and ensuring that the City's financial targets (operating surplus, debt ratios) are within threshold.
2	<u>Financial Sustainability (Club)</u> Preferred outcome will provide a better, or no worse recurring financial impact to the Club than the current operation.	Club generates a moderate operating surplus that is equal to or better than current operating surpluses and is sufficient to replace any of its own assets.	Business Case will evaluate the 'steady state' operating surplus. The estimated steady state operating income will be based on prudent estimates of membership growth and utilisation of Club facilities. Operating expenses will include the day to day building operating expenses, cleaning, staff costs and all other Club operating activities.  Audited accounts will be provided to the City annually for review.
3	<u>Community Safety</u> The Club will continue to provide the same, or better, lifesaving / beach patrol services to the Community.  The building is safe.	Quantity of hours on beach patrol is equal to or greater than current operations.  Zero accidents for the building and it's immediate perimeter.	The Club will continue to record the hours and actions of its lifesaving and beach patrol operations on a daily basis.  In addition, the Club will establish a safety log to track any accidents, or near-misses, at the building or on the perimeter.
4	<u>Building</u> The buildings are fit for purpose now and in the future for both the Club and the community.	Existing major shortcomings (for example stormwater drainage) are alleviated.  Anticipated growth in membership can be facilitated.	Post implementation review of the facility will confirm that major building defects are alleviated.  Community access to public ablutions is adequate and minimal complaints about the facilities are received.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** The *Local Government Act 1995* details provisions for when the City leases property. The Club holds a valid lease, however, any approval to sub-lease needs to be provided by the City and the Minister for Lands.

## 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 and inclusiveness and where appropriate, support decentralising the delivery of City services.

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

## Risk management considerations

The facility is nearing 50 years old and is experiencing ongoing site and building issues including sand drifts, flooding, drainage, sewer and inadequate ventilation. According to the club, the facility cannot accommodate any future growth. The safe beach enclosure installed in 2016 was recently removed. This installation increased utilisation and put more demand on the club to provide its core function including rescue, patrol, training, competition, and education into the future.

The club has reported they require additional space to meet current operational requirements and to grow into the future. The club has a comfortable capacity of approximately 800 active members. It is currently servicing approximately 1,700 members and is only accepting new members via organic growth (for example new age groups for nippers) and when vacancies become available from exiting members.

## Financial / budget implications

Neither the City's existing Capital Works Program nor the Strategic Financial Plan allocate any funds for the project.

The financial analysis is based on the life of the asset of 100 years.

**Disclaimer** The report includes financial projections for refurbishment or redevelopment of the facility. The report does not contend that the financial projections will come to pass exactly as stated but to assist with preliminary financial observations and future feasibility. The projections are best estimates at this point in time however, there is a level of risk and uncertainty in the projections. The actual impacts will vary due to one or more of the following:

- Capital cost / specification / design / tender.
- Utilisation.
- Commercial income received.



<b>Establishment Costs and Funding</b>	The refurbishment option would cost over \$5 million and the redevelopment option almost \$9 million. There is no funding set aside in the Strategic Financial Plan (SFP) for this project, this should only be done after a fully costed business case. The SFP can afford the investment, but ideally external funding opportunities should be explored fully before the City commits to its share.
<b>Annual operating subsidy including Depreciation</b>	<p>The current operating deficit for the two current buildings is approximately \$200,000 per year, including depreciation. The amount can vary each year due to a variety of factors, for example utilisation, income, and maintenance costs.</p> <p>Both the refurbishment and redevelopment options are highly likely to reduce the operating deficit to well below \$100,000 due primarily to a new income stream.</p>
<b>Summary Financial Comments</b>	<p>In summary, the refurbishment or redevelopment of the facilities provides the City with an opportunity to provide an ongoing financial benefit to the City and will assist the City in addressing the \$9.2 million operating deficit (2020-21 budget).</p> <p>A business case will be prepared for the project, which will evaluate options, whole-of-life costs and a critique of options versus the project objectives and may recommend that additional funds are added to the SFP if necessary. The SFP has sufficient capacity to include additional capital costs for this project, especially as there are operational savings. The business case will also re-evaluate the social and economic benefits of the proposed redevelopment.</p>

A full copy of the preliminary financial evaluation for the SSLSC project is attached to Report CJ050-04/21 (Attachment 7 refers).

The SSLSC has indicated it can contribute \$500,000 towards the project, that is based on the works commencing soon. However, if the project is delayed and the club is provided with a project year, it has advised it could work on setting strategies in place to increase its contribution.

The project is also likely to be eligible for grant funding, which will be explored as the project matures through the design stage. It is noted that in the lead up to the 2021 State election, both the Labor and Liberal parties have promised \$8 million to the project. While grant funding is welcomed as it lessens the initial capital cost to the City, it is important to note the following:

- Grant funding - is a one-off. The key issue is the ongoing responsibility for maintenance and capital replacement of a new building (or refurbished).
- Financial objective - the City needs to ensure that the new recurring costs to the City are less than the existing costs. The \$8 million grant is a one-off and does not affect the recurring impacts. It is still recommended that any development includes a commercial income stream to offset the high cost of capital replacement.
- Business Case - it is still important for the City to do a business case, which evaluates both the Refurbishment and Redevelopment option. While the \$8 million grant appears to indicate a preference for redevelopment, it may well be that the Refurbishment option is better for the club and/or the City.

## **Regional significance**

The SSLSC has over 1,850 members including both juniors and seniors. The membership is predominantly local, however, attracts members from the region. The club anticipates membership increasing by 5% next year and has been running at capacity since 2009.

Sorrento Beach is a very popular swimming beach and attracts people from all around the Perth metropolitan area. In late 2016, a beach enclosure was installed at the northern end of Sorrento Beach. In its first season, the installation increased patronage and demand on the club's services, however this enclosure has recently been removed.

## **Sustainability implications**

The City engaged the services of Pracsys (October 2018) to undertake a study on the social return on investment based on the redevelopment of the SSLSC.

The project has the potential to bring significant economic and social benefits to the community (based on concepts proposed by the SSLSC).

Benefits to additional members include the following:

- Continuous health benefits - \$779,000.
- One-off health benefits for new members that are currently inactive - \$252,000.
- Productivity benefits for new members that are currently inactive - \$8,006,000.
- Skills development (education) benefits to junior and under 19 members - \$1,391,000.
- Reduction in the risk of drowning for new members - \$104,000.
- Personal satisfaction from being a part of a sporting organisation - \$3,458,000.

Benefits realised through additional patrolling members include the following:

- Lifesaving benefits - \$16,804,000.
- Volunteering benefits (productivity, civic and individual) - \$688,000.

Commercial benefits to the club and to the City include the following:

- Additional operating revenue - \$1,402,000.
- Lease revenue - \$2,213,000.

Community benefits include the following:

- Sense of community - qualitative.
- Avoided accidents - qualitative.

The project is expected to generate five direct full-time employment (FTE) positions and 17 indirect FTE positions over the construction period.

## **Environmental**

All City managed facility redevelopment projects are planned to reduce the impact of the carbon footprint and consider environmentally sustainable design features where possible within the project budget. If the project proceeds, studies such as coastal hazard risk management and geotechnical surveys would need to be undertaken for the site.

As part of the designs of the two options, consideration was given to future coastal hazard mapping, with erosion lines showing for 2015, 2065 and 2115.

### Social

It is expected that if the redevelopment works are undertaken, the project will lead to higher utilisation rates of the facility. Furthermore, any development at the site should consider access and inclusion principles and will aim to enhance the amenity to the public space.

### Economic

The option of a new facility with a commercial development would provide the City with a revenue stream as a potential café / restaurant that could be leased to a private operator. This development may provide income of \$287,000 per year (\$257,000 rent and \$30,000 rates). The income stream could contribute towards the capital investment costs for the project.

It is proposed that a detailed Retail Needs Assessment be undertaken to better inform the project on the viability of a commercial element and financial projections for such an inclusion in the development.

### **Consultation**

At this stage of the project, there has been no community consultation. Both the SSLSC and Surf Lifesaving WA have been engaged.

However, it is noted that extensive community consultation in accordance with the City's *Community Consultation Policy* will be required if the project progresses.

### **COMMENT**

It is evident that the condition of the clubroom facility for the SSLSC, which is aging and relatively poor condition, provides several challenges to service the existing member base and in addition to allow for any further growth.

The City can afford (from a capital investment perspective) either the refurbishment option or the redevelopment option. There is enough capacity from City reserves to fund the project or alternatively, borrowings could be used.

There are still several significant processes to complete prior to this project getting to construction. To ensure proper project management principles and given that no major capital projects are included in the City's Capital Works Program until the City has undertaken a business case, it is proposed that the next stage of the project is for a business case to be prepared, which will expand all the financials and evaluate each option against the project objectives. The business case will also need to evaluate the impact of each option against the other two objectives, which are community safety and building fit for purpose.

The business case should also re-evaluate the Social and Economic Return on Investment Analysis for the project.

### **VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council REQUESTS the Chief Executive Officer to prepare a detailed business case evaluating both Options 1 and 2, as detailed within Report CJ050-04/21, for the redevelopment / refurbishment of the Sorrento Surf Lifesaving Club, with the business case to include:

- 1 a retail need assessment;
- 2 social and economic return on investment analysis;
- 3 coastal hazard risk management assessment.

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council REQUESTS the Chief Executive Officer to prepare a detailed business case evaluating redevelopment options of the Sorrento Surf Lifesaving Club, with the business case to include:**

- 1 a retail need assessment;**
- 2 social and economic return on investment analysis;**
- 3 coastal hazard risk management assessment.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf210413.pdf](#)*

## **CJ051-04/21      TENDER 001/21 - PROVISION OF WORKS TO REMOVE AND DISPOSE OF GRASS THATCH**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	109246, 101515
<b>ATTACHMENTS</b>	Attachment 1      Schedule of Items Attachment 2      Summary of Submission Attachment 3      Confidential - Tender Summary  <i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by West Tip Waste Control Pty Ltd as trustee for the Stefna Family Trust, trading as West Tip Waste Control Pty Ltd for the provision of works to remove and dispose of grass thatch.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 16 January 2021 through a state-wide public notice for the provision of works to remove and dispose of grass thatch. Tenders closed on 3 February 2021. A submission was received from each of the following:

- FTF Transport Pty Ltd (Alternative Offer).
- West Tip Waste Control Pty Ltd as trustee for the Stefna Family Trust, trading as West Tip Waste Control Pty Ltd.
- Alvito Pty Ltd as trustee for the Tony Stampalia Trust, trading as Incredible Bulk.

The submission from West Tip Waste Control Pty Ltd represents best value to the City. The company demonstrated a sound understanding and appreciation of the City's requirements. It provided a detailed submission, which outlined the qualifications and relative experience of key personnel and demonstrated substantial experience, providing an equivalent scope of works to various local governments such as the Cities of Nedlands, Armadale, Subiaco, and the Town of Cambridge. It is the incumbent supplier to the City. Its methodology for collecting and disposing grass thatch met the City's requirements. The company is well established and has appropriate industry experience.

*It is therefore recommended that Council ACCEPTS the tender submitted by West Tip Waste Control Pty Ltd as trustee for the Stefna Family Trust trading as West Tip Waste Control Pty Ltd for the provision of works to remove and dispose of grass thatch as specified in Tender 001/21 for a period of three years, with an option for a further two 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 to utilise the services of a contractor to remove and dispose of thatch / grass from nominated locations at the City's parks as part of the Turf Management Program. This is due to the City conducting verti-mowing on turf ovals to remove thatch.

The contractor will be required to:

- collect thatch of up to 50 tonnes in a day using a bobcat and compactor
- dispose of the thatch at its chosen site.

The City has a single contract in place with West Tip Waste Control Pty Ltd, which expires on 30 April 2021.

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

## **DETAILS**

The tender for the provision of works to remove and dispose of grass thatch was advertised through state-wide public notice on 16 January 2021. The tender period was for two weeks and tenders closed on 3 February 2021.

### **Tender Submissions**

A submission was received from each of the following:

- FTF Transport Pty Ltd (Alternative Offer).
- West Tip Waste Control Pty Ltd as trustee for the Stefna Family Trust trading as West Tip Waste Control Pty Ltd.
- Alvito Pty Ltd as trustee for the Tony Stampalia Trust trading as Incredible Bulk.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ051-04/21.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ051-04/21.

### **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	40%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

### Compliance Assessment

- The offer from FTF Transport Pty Ltd (Alternative Offer) was deemed to be non-conforming. It did not comply with the City's specification, offering plant and equipment that was deemed unsuitable to conduct the works. The proposed solution, using a 6-wheeler truck with pig combination, semi-trucks and bobcats, is not practicable and has the potential to cause significant damage to the City's parks. It has insufficient insurance coverage and did not provide an accompanying conforming offer as required under the City's tender clause 4.8.
- The offer from Incredible Bulk was deemed partially compliant as it had not included details for quality assurance, or information for registration, licences, and qualifications. It was included for further assessment on the basis that the City could seek further clarification for these items should it qualify for stage two assessment.
- The offer from West Tip Waste Control Pty Ltd was deemed fully compliant.

The offers from West Tip Waste Control Pty Ltd and Incredible Bulk remained for further consideration.

### Qualitative Assessment

Incredible Bulk scored 17% and was ranked second in the qualitative assessment. While it provided a high-level organisation structure, it did not state the number of full-time employees, and provided inadequate information regarding the staff proposed to fulfil the company's obligations under the contract. Specific details regarding the skills of equipment operators, plus industry experience and qualifications for key personnel were lacking with broad, non-specific statements made regarding staff having completed competency and safety awareness training. Arrangements to accommodate extra resources if needed were omitted. It has access to four skid steer loaders and five 19m<sup>3</sup> compactor trucks for the City's contract and has a fully equipped workshop to handle repairs. It did not demonstrate any understanding of the tasks specific to the City's requirements with its proposed methodology and approach not sighted. Examples to demonstrate experience working on contracts of a similar nature were not included. Three references from local governments were noted.

West Tip Waste Control Pty Ltd scored 83.4% and was ranked first in the qualitative assessment. It demonstrated substantial experience in providing similar services whereby it has conducted thatch collection and disposal services to the City since 2017 and has performed hard waste and green waste collections for the Cities of Nedlands and Armadale. It also undertook verge collections for the Town of Cottesloe and City of Subiaco during 2017-20. References were noted for these four local government contracts. The company is well-established, employing staff with experience and qualifications suited to the City's requirements.

The nominated plant / equipment was deemed suitable to undertake the works, and the dedicated resources, who were allocated to the City's contract, hold appropriate licences. It demonstrated a sound understanding and appreciation of the City's requirements and has processes in place which have been accredited to *ISO 9001:2015 Quality Management Systems*.

Given the minimum acceptable score of 50%, West Tip Waste Control Pty Ltd qualified for stage two of the assessment.

### Price Assessment

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

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

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

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
West Tip Waste Control Pty Ltd	\$79,034	\$80,220	\$81,423	\$240,677
Current Contract	\$77,966	\$79,135	\$80,322	\$237,423

The proposed schedule of rates provided by West Tip Waste Control Pty Ltd is 1.4% higher than the City's existing rates.

During January to December 2020, the City incurred \$77,966 for the removal and disposal of grass thatch. Based upon this expenditure it is anticipated that over the next three years, the City will incur expenditure of \$240,677 during the Contract period, and up to \$407,206 over a five-year Contract period, should both one-year extension options be exercised.

It shall be noted that as verti-mowing activities during 2020 were scaled back due to resource availability and COVID-19, expenditure was lower than expected. A comparison of rates has not been conducted against previous years due to contracts being awarded for differing services, thereby not providing an accurate indicative spend.

### Evaluation Summary

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

<b>Tenderer</b>	<b>Weighted Percentage Score</b>	<b>Qualitative Ranking</b>	<b>Estimated Total Comparative Price</b>	<b>Price Ranking</b>
West Tip Waste Control Pty Ltd	83.4%	1	\$240,677	1



Based on the evaluation result the panel concluded that the offer from West Tip Waste Control Pty Ltd provides best value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement for the removal and disposal of thatch from nominated parks. The City does not have the internal resources to execute the services and as such, requires an appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / Policy implications

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

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** To have sporting ovals attractive and well utilised and enrich the lives of the community.

**Policy** Not applicable.

### Risk management considerations

Should the Contract not proceed, the risk to the City will be moderate as it will have a direct impact on the turf renovation programs undertaken on the City's high priority sporting parks, effecting the quality of the turf.

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

### Financial / budget implications

#### Current financial year impact

<b>Account no.</b>	633 Various Parks.
<b>Budget Item</b>	Turf Renovation.
<b>Budget amount</b>	\$ 170,000
<b>Amount spent to date</b>	\$ 56,362
<b>Proposed cost</b>	\$ 18,370 (existing commitments)
	\$ 14,312 (existing contract Feb - April 2021)
	\$ 12,992 (new contract May - June 2021)
<b>Balance</b>	\$ 67,964

The balance does not represent a saving at this time. The projected expenditure on these services is subject to change in accordance with operational requirements and verti-mowing activities.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Mayor Jacob, **SECONDED** Cr Jones that Council **ACCEPTS** the tender submitted by West Tip Waste Control Pty Ltd as trustee for the Stefna Family Trust trading as West Tip Waste Control Pty Ltd for the provision of works to remove and dispose of grass thatch as specified in Tender 001/21 for a period of three years, with an option for a further two 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).

The Motion was Put and **CARRIED (12/0)** by Exception Resolution after consideration of CJ057-04/21, page 127 refers.

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf210413.pdf](#)

**CJ052-04/21      TENDER 002/21 - PROVISION OF MEDIAN AND VERGE MOWING TO NOMINATED LOCATIONS IN ZONE 1 (NORTH) AND/OR ZONE 2 (CENTRAL) AND / OR ZONE 3 (SOUTH)**

**WARD** North, Central, South

**RESPONSIBLE  
DIRECTOR** Mr Mat Humfrey  
Corporate Services

**FILE NUMBERS** 109259, 101515

<b>ATTACHMENTS</b>	Attachment 1	Schedule of Items
	Attachment 2	Summary of Submission
	Attachment 3	Confidential Tender Summary

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

<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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This Item was dealt with later in the meeting, after 'Motions of which Previous Notice has been Given', page 129 refers.

## **CJ053-04/21 TENDER 008/21 - PROVISION OF PLANTING, MAINTENANCE AND TRUCK WATERING SERVICES FOR THE CITY OF JOONDALUP LEAFY CITY PROGRAM**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	109081, 101515
<b>ATTACHMENTS</b>	Attachment 1     Schedule of Items Attachment 2     Summary of Tender Submissions Attachment 3     Confidential Tender Summary  <i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the tender submitted by Baroness Holdings Pty Ltd (Tree Planting and Watering) for the provision of planting, maintenance and truck watering services for the City of Joondalup's *Leafy City Program*.

### **EXECUTIVE SUMMARY**

Tenders were advertised on Wednesday 10 February 2021 through statewide public notice for the provision of planting, maintenance and truck watering services for the City of Joondalup *Leafy City Program*. Tenders closed on Thursday 25 February 2021. A submission was received from each of the following:

- AL Baldock & J Baldock (Psyco Sand).
- Baroness Holdings Pty Ltd (Tree Planting and Watering).
- Environmental Industries Pty Ltd.
- Horizon West Landscape & Irrigation Pty Ltd.
- Pinochle Holdings Pty Ltd (Landscape Australia Construction).
- Sanpoint Pty Ltd (LD Total).
- Total Landscape Redevelopment Service Pty Ltd.
- D & TL Barker Nominees Pty Ltd (WA TreeWorks).

The submission from Baroness Holdings Pty Ltd (Tree Planting and Watering) represents best value to the City. The company demonstrated extensive experience completing similar tree installation, watering and maintenance services. It is the current provider of the City's tree watering and maintenance services and installed the City's trees in 2017. It demonstrated a thorough understanding of the required tasks and has the capacity in terms of personnel and equipment to carry out this project.

*It is therefore recommended that Council ACCEPTS the tender submitted by Baroness Holdings Pty Ltd (Tree Planting and Watering) for the provision of planting, maintenance and truck watering services for the City of Joondalup Leafy City Program for a period of two years and three months with an option of a further 12 months for requirements, as specified in Tender 008/21 at the submitted fixed schedule of rates.*

## **BACKGROUND**

The City has a requirement for the planting, maintenance, and truck watering services for the City of Joondalup's *Leafy City Program*. The requirement set out the programmed and ad hoc planting (May 2021-August 2021) and watering and maintenance (September 2021 to August 2023) of trees during the initial contract period.

The City currently has a single contract for the maintenance and watering service with Baroness Holdings Pty Ltd (Tree Planting and Watering), which will expire on 6 August 2021.

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

## **DETAILS**

The tender for the the provision of planting, maintenance and truck watering services for the City of Joondalup *Leafy City Program* was advertised through statewide public notice on Wednesday 10 February 2021. The tender period was for two weeks and tenders closed on Thursday 25 February 2021.

### **Tender Submissions**

A submission was received from each of the following:

- AL Baldock & J Baldock (Psyco Sand).
- Baroness Holdings Pty Ltd (Tree Planting and Watering).
- Environmental Industries Pty Ltd.
- Horizon West Landscape & Irrigation Pty Ltd.
- Pinochle Holdings Pty Ltd (Landscape Australia Construction).
- Sanpoint Pty Ltd (LD Total).
- Total Landscape Redevelopment Service Pty Ltd.
- D & TL Barker Nominees Pty Ltd (WA TreeWorks).

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ053-04/21.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ053-04/21.

### **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.

### **Compliance Assessment**

The following offers received were assessed as fully compliant:

- AL Baldock & J Baldock (Psyco Sand).
- Baroness Holdings Pty Ltd (Tree Planting and Watering).
- Environmental Industries Pty Ltd.
- Pinochle Holdings Pty Ltd (Landscape Australia Construction).
- Sanpoint Pty Ltd (LD Total).
- Total Landscape Redevelopment Service Pty Ltd.
- D & TL Barker Nominees Pty Ltd (WA TreeWorks).

The offer received from Horizon West Landscape & Irrigation Pty Ltd was assessed as partially compliant. It did not include the Occupational Safety & Health (OSH) Management System Questionnaire with its Submission.

The Submission was included for further assessment on the basis that clarification could be sought from Horizon West Landscape & Irrigation Pty Ltd if shortlisted for consideration.

Based on the findings above, all Submissions received remained for further consideration.

### **Qualitative Assessment**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was 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%

Pinochle Holdings Pty Ltd (Landscape Australia Construction) scored 24.3% and was ranked eighth in the qualitative assessment. It submitted limited information and did not demonstrate sufficient understanding of the City's requirements. It did not demonstrate its capacity to undertake the services. It did not disclose how many employees it had only referring to having a reservoir of fulltime employees. It provided its project team structure identifying three managers and showing their roles, responsibilities, experience and existing commitments. The company demonstrated experience in planting of trees and shrubs on for the City of South Perth in 2019, post construction consolidation maintenance for Stockland in 2020 and maintenance to soft landscaping for Lendlease in 2018-19. The scope for the above experience was summarised with little information to demonstrate tree watering experience.

Horizon West Landscape & Irrigation Pty Ltd scored 39.5% and was ranked seventh in the qualitative assessment. It did not provide sufficient evidence to demonstrate it had the required appreciation or understanding of the requirements of the tender. Its submission was brief and it did not provide a specific methodology, approach or any timeframes. The company demonstrated its capacity in terms of key personnel and equipment to deliver the services.

An organisational chart was provided, identifying all staff from directors to crew members and a list of personnel available 24 hours a day. It indicated that the watering requirement, which is the majority of the scope would be provided by its subcontractor however no specific details on the subcontractor was provided.

LD Total scored 42% and was ranked sixth in the qualitative assessment. LD Total demonstrated some understanding of the required tasks. It provided its methodology on tree planting, staking and tying, tree watering and maintenance and briefly detailed how it would approach reporting and traffic management. It made reference to using approved herbicides to control weed growth and spraying and litter removal in its methodology, however weed control and litter removal were removed from the requirements. The company demonstrated some similar experience providing landscape maintenance services to the City at Iluka estate from 2019 and landscape maintenance services to the City of Wanneroo from 2015. It demonstrated its capacity to undertake the work by providing details of its key personnel, plant and equipment.

WA TreeWorks scored 52.7% and was ranked fifth in the qualitative assessment. The company demonstrated some understanding of the City's requirements. It provided a tree planting methodology with brief bullet point information on pre-commencement and commencement works, tree maintenance and watering methodology with its typical method of undertaking and clean up procedure. It demonstrated its capacity to undertake the works. It employs approximately 25 staff and is a WALGA preferred supplier and a Water Corporation Tier 1 approved supplier. Three examples of works were supplied which included brief details of a tree watering and bowl maintenance contract it held with the Shire of Mundaring, ongoing street tree replacement works it provided to Holland Park and an ongoing grounds planting project for Fiona Stanley Hospital. No scope, value or dates were included.

Environmental Industries Pty Ltd scored 63.1% and was ranked fourth in the qualitative assessment. Environmental Industries Pty Ltd presented a sound demonstration of its understanding of the required tasks, providing a planting methodology including bullet points on prestart, planting method and post procedure actions. It included details on tree planting, services location investigations, excavation, ameliorants and depth of planting. A draft tree watering program was included and delivery of the water explained. It has sufficient capacity in terms of key personnel and equipment to deliver the services. It demonstrated a good level of experience completing projects that contain similar aspects to the requirements. Some values of contracts were provided and period and dates were not properly defined.

Psyco Sand scored 69.7% and was ranked third in the qualitative assessment. Psyco Sand demonstrated a good understanding of the required tasks and very good experience in providing similar services. Its proposed methodology included specifics details on construction, tree planting in hardscape and softscape, traffic management, revegetation and garden beds watering, grass watering, minimising obstruction signage and fencing. It demonstrated its capacity to undertake the services by providing a list of key personnel including brief details of skills and years of experience and a list of plant and equipment available showing year, make and model and listed the equipment that it may need to hire.

Total Landscape Redevelopment Service Pty Ltd scored 78.7% and was ranked second in the qualitative assessment. It demonstrated thorough understanding of the City's requirements, providing a comprehensive response and extensive experience completing works for local governments. It included a two phase implementation process for planning and installation, a table showing watering schedules and timeframes for construction. It also include relevant information on the sizes and capacity of its trucks and how it would approach street watering, turf watering and revegetation watering which would be carried out by specific vehicles.

It provided details of two projects with the City of Cockburn where the scope included street tree watering and cyclical rostered watering of 4,800 trees and a second project of revegetation watering at various revegetation sites including fortnightly cyclical rostered hand watering. It also provided details of two similar projects with the City of Stirling. The company has the capacity to deliver the service.

Tree Planting and Watering scored 80.8% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding and appreciation of the City's requirements. It provided a detailed contract management plan in its Submission, addressing how it will carry out the entire works and included a watering and maintenance schedule for the period of the contract. It covered all the requirements of relevant legislation, key contract dates, the location of trees to be planted, water sources, excavation, methods of planting and reporting. It also covered traffic management and plant and equipment to be used for this project. Tree Planting and Watering demonstrated extensive experience providing tree installation, watering and maintenance services to the Cities of Melville and Wanneroo. It is the current provider of the City's tree watering and maintenance services and installed the City's trees in 2017. Dates, periods and referee contracts of all contracts were provided. The company has the capacity in terms of equipment, fleet and personnel to meet the City's requirements.

Based on the minimum acceptable score (60%), Tree Planting and Watering, Total Landscape Redevelopment Service Pty Ltd, Psyco Sand and Environmental Industries Pty Ltd qualified for stage two (price) assessment.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

The estimated expenditure may vary and is subject to change in accordance with operational needs of the *Leafy City Program*. For the purposes of comparison, the tendered rates offered by the tenderer have been applied to an estimate of the total number of trees intended to be planted (May 2021-August 2021), then watered and maintained (September 2021 to August 2023). This provides a value for comparative evaluation purposes based on the assumption that the program schedule is maintained.

The rates are fixed for the Contract period and are not subject to change.

<b>Tenderer</b>	<b>Installation of trees (May 2021 to August 2022)</b>	<b>Watering and maintenance of trees (September 2022 to August 2023)</b>	<b>Total Estimated Contract Price</b>
Tree Planting and Watering	\$354,395	\$193,357	\$547,752
Total Landscape Redevelopment Service Pty Ltd	\$415,455	\$207,868	\$620,323
Psyco Sand	\$558,620	\$215,665	\$774,285
Environmental Industries Pty Ltd	\$745,993	\$476,208	\$1,222,201

During the last financial year 2019-20 the City incurred \$363,489 for the planting, maintenance and truck watering services for the City of Joondalup's *Leafy City Program* and is expected to incur in the order of \$547,752 over the two years and three months 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 Contract Price	Price Ranking
Tree Planting and Watering	80.8%	1	\$547,752	1
Total Landscape Redevelopment Service Pty Ltd	78.7%	2	\$620,323	2
Psyco Sand	69.7%	3	\$774,285	3
Environmental Industries Pty Ltd	63.1%	4	\$1,222,201	4

Based on the evaluation result the panel concluded that the tender from Baroness Holdings Pty Ltd (Tree Planting and Watering) provides best value to the City and is therefore recommended.

## Issues and options considered

The City has a requirement for the planting, maintenance and truck watering services for the City of Joondalup's *Leafy City Program*. The City does not have the internal resources to supply the required goods/services and as such requires an appropriate external service provider.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with clauses 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** Quality open spaces.

**Strategic initiative** Establish landscapes that are unique to the City and provide statements within prominent network areas.

**Policy** Not applicable.

## Risk management considerations

Should the contract not proceed, the risk to the City will be medium as the City will not be able to progress with the City of Joondalup's *Leafy City Program*.

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 the capacity to provide the services the City.

**Financial / budget implications**

<b>Account no.</b>	SSE2057.
<b>Budget Item</b>	<i>Leafy City Program.</i>
<b>Revised Budget 2020/21</b>	\$ 597,828
<b>Proposed Budget 2021/22</b>	\$ 500,000
<b>Amount spent to date</b>	\$ 90,741
<b>Commitments to date</b>	\$ 192,644
<b>Proposed cost 2020/21 &amp; 2021/22</b>	\$ 354,395
<b>Balance</b>	\$ 460,048

The balance does not represent a saving at this time, the projected expenditure on these services is subject to contingencies for damage due to vandalism, adverse weather conditions or other reasons and tree planting and watering activities.

**Regional significance**

To reduce the environmental impact of climate change and rapid urban growth, the City's *Leafy City Program* aims to increase its overall canopy cover, and create cooler, inviting green urban spaces that will improve the comfort of pedestrian movement and reduce the 'urban heat island' effect generated by existing hardstand surfaces.

**Sustainability implications**Environmental

Increasing canopy cover throughout the City will create cooler, inviting green urban spaces that will improve the comfort of pedestrian movement and reduce the 'urban heat island' effect generated by existing hardstand surfaces.

Social

Outdoor activity is encouraged, and the provision of shaded spaces combined with other sun protection practices contributes to a healthier environment for the community.

Economic

Capital and on-going maintenance costs for enhanced urban forest initiatives will have the potential to be a large financial impact for the City.

**Consultation**

Information about the *Leafy City Program* is available on the City's website.

Residents will be informed of the tree planting four weeks prior to works commencing. Approximately one week prior to the installation date, the proposed location of the tree will be marked on site. This will give residents the opportunity to remove any plants they would like to keep.

## COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Baroness Holdings Pty Ltd (Tree Planting and Watering).

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council ACCEPTS the tender submitted by Baroness Holdings Pty Ltd (Tree Planting and Watering) for the provision of planting, maintenance and truck watering services for the City of Joondalup *Leafy City Program* for a period of two years and three months with an option of a further 12 months for requirements, as specified in Tender 008/21 at the submitted fixed schedule of rates.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf210413.pdf](#)*

**CJ054-04/21 PLAY EQUIPMENT AT MACAULAY PARK, DUNCRAIG**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBERS</b>	07635, 101515
<b>ATTACHMENTS</b>	Attachment 1 Gaps and Overlaps in Playspace Provision Attachment 2 Potential Parks for New Playspaces Attachment 3 Macaulay Park 400 metre Walking Distance
<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 a report on the upgrading of play equipment at Macaulay Park, Duncraig.

**EXECUTIVE SUMMARY**

At its meeting held on 17 November 2020 (C115-11/20 refers), Council considered a notice of motion and subsequently resolved the following:

*“That Council REQUESTS the Chief Executive Officer prepare a report on upgrading and improving the play equipment at Macaulay Park, Duncraig to provide some diversity and variety for children.”*

Macaulay Park, a Local Recreation Park, was upgraded in June 2020 under the City’s *Park Revitalisation Program* which coincided with the end of the useful life of the play equipment at Macaulay Park. However, instead of simply removing the existing play equipment and creating ecozoned areas, seating, tree planting and path network under the *Park Revitalisation Program*, the City used the upgrade of the park as an opportunity to trial the concept of creating an intergenerational park. The intent of this innovative concept was to promote an active, healthy lifestyle for all ages.

In determining the allocation of assets in parks, the City’s provision of play equipment is not based on the size of the park or the distance between parks with playspaces, but on the principle of equitable access to all City residents. This is to ensure that play provision will be spread evenly across all the suburbs, avoiding pockets of dense provision at the expense of other pockets with no provision at all.

The City has undertaken a review of the playspace provision across the city and has identified both gaps and overlaps in the provision of play equipment based on the State Planning Policy “Liveable Neighbourhoods” 400 metres walkable catchment radius. This review has determined that there are currently 31 parks with no playspaces that fall within a 400 metre walkable catchment gap and, therefore, would be considered a higher priority for play provision than Macaulay Park.

*It is therefore recommended that Council:*

- 1 CONTINUES TO SUPPORT the use of the State Planning Policy “Liveable Neighbourhoods” 400 metre walkable catchment radius to prioritise the provision of additional playspaces and the rationalisation of existing playspaces within the City;
- 2 DOES NOT SUPPORT the installation of additional play equipment at Macaulay Park at this time;
- 3 NOTES that the identification of parks for the installation or rationalisation of playspaces will be determined as part of the annual budget development process.

## BACKGROUND

The City of Joondalup has over 370 parks and reserves covering 588 hectares. The *Parks and Public Open Spaces Classification Framework* was developed to guide the City in the effective management of its parks and public open spaces and is a key tool used in the planning and provision of park asset infrastructure in the City of Joondalup.

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

The City’s objective with regard to parks and public open spaces are articulated in *Strategic Community Plan: Joondalup 2022*, as follows:

*“Quality Urban Environment: To have urban and green spaces which are attractive, well-utilised and enrich the lives of the community.*

*Community Wellbeing: To provide facilities of the highest quality which reflect the needs of the community now and into the future.”*

The *Parks and Public Open Spaces Classification Framework* facilitates the achievement of these objectives by:

- applying a strategic approach to the planning and development of public open spaces
- employing quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity
- adopting consistent principles in the management and provision of urban community infrastructure
- supporting a long-term approach to significant facility upgrades and improvements
- understanding the demographic context of local communities to support effective facility planning
- employing facility design principles that will provide for longevity, diversity and inclusiveness
- imbedding safety principles into asset management and design.

To simplify the tasks of managing all parks and public open spaces within the City of Joondalup's boundaries, similar spaces are classified into groups to provide a logical and strategic approach to park asset provision (for example, playspaces and path networks) and maintenance levels of service (irrigation, turf, and landscaping).

Specifically, for parks, the following classifications are used:

Classification	Example	
<b>Sports Parks</b>	Regional	Percy Doyle Reserve
	District	Iluka Open Space
	Local	Emerald Park
<b>Mixed Use Parks</b>	Local	Mawson Park
<b>Recreational Parks</b>	Regional	Tom Simpson Park
	District	Delamere Park
	Local	George Sears Park

In determining the allocation of assets in parks, the City's provision of play equipment is not based on the size of the park or the distance between parks with playspaces, but on the principle of equitable access to all City residents. This is to ensure that play provision will be spread evenly across all the suburbs, avoiding pockets of dense provision at the expense of other pockets with no provision at all.

Equity of access is based on a 400 metre walkable catchment. Under *State Planning Policy "Liveable Neighbourhoods"*, a 400 metre radius is considered a walkable catchment on the basis that road networks can be navigated within this catchment in a five minute walk to public open space. The service level that the City strives to provide is for residents to have access to a playspace within this 400 metre catchment where possible.

In order to address the provision gaps, a balance needs to be created between the gaps and overlaps across the City to provide equal access opportunities to all residents. Council previously used the 400 metre walkable catchment as a tool to assist in its decision making to ensure the equitable spread of assets as part of:

- the annual budget development process
- consideration of a petition of electors which requested the upgrade of Sycamore Park, Duncraig (CJ165-09/18 refers), where Council SUPPORTED the rationalisation of play equipment to address the overlap and gaps in the 400m walkable catchment of playspace provision.

Furthermore, at its meeting held on 18 February 2020 (CJ017-02/20 refers), Council considered a report in relation to a petition received requesting the installation of a playspace at Lacepede Park, Sorrento and resolved, among other things, that it:

- 3 *NOTES the City will continue to apply the 400 metre walkable catchment as defined by the State Planning Policy "Liveable Neighbourhoods" to inform the equitable provision of playspaces within the City."*

During the development of the City's *Five Year Capital Works Program* budgets, the City considers the Playspace Renewal Program in line with the latest condition assessment. The playspaces identified through the condition assessment as being at the end of their useful life are either recommended for renewal or, if they fall within overlapping play provision catchments, are earmarked for rationalisation. In this way, the City is enabled to fill gaps (such as Lacepede Park) in the future while not increasing its asset portfolio. This will ensure that all residents have equitable access to playspaces across the City.

## DETAILS

Macaulay Park, Duncraig is a Local Recreation Park where the only supported asset for a is signage (park name) and play equipment for this classification of park is listed as an optional asset.

Macaulay Park was identified for improvements under the City's *Park Revitalisation Program 2019-20* with a budget of \$100,000 allocated to undertake the works. This program aims to transform old and tired local recreation parks into aesthetically pleasing spaces by modifying the landscape to optimise the City's ground water use and existing infrastructure assets. In this way, the creation of ecozoned areas, integrated path networks, reflective spaces and active zones promotes an expanded use of the park by residents.

The project timing coincided with the play equipment's end-of-useful life. Macaulay Park was identified as an overlap area where all of the surrounding residents fall into the 400 metre walkable catchments of playspaces located at Castlefern Park, Melene Park, Alfreton Park, Glengarry Park and Portree Park.

However, instead of simply removing the existing play equipment and creating ecozoned areas, seating, tree planting and path network under the *Park Revitalisation Program*, the City used the upgrade of the park as an opportunity to trial the concept of creating an intergenerational park. The intent of this innovative concept was to promote an active, healthy lifestyle for all ages.

Macaulay Park connects to a bike/pedestrian bridge over the Mitchell Freeway, so the theme of walking and bike/scooter riding was explored within the park. A new double-circular path network through the park encourages walking, riding and scooting for all ages. The path was designed to circle existing strands of trees where the grass was not growing well, and these shade spaces were mulched and furnished with nature-play items.

The existing playground, a small combination unit and swing set was removed as it was at the end of its useful life, and even though the playspace within the park had been earmarked for rationalisation, low maintenance items that encouraged imaginative and intergenerational play were installed. These items include:

- a chess table that doubles up as a picnic setting
- a swing set
- imaginative-play rubber platypus
- various game stencils
- nature play stepping-rocks, logs and grouped limestone blocks to provide balance activities for children and exercise opportunities for adults.

The irrigation system was modified to create two lush turfed kick about areas in the park. The balancing of turf and mulch areas resulted in a higher quality of turf area while simultaneously achieving a more efficient use of available water resources as per the image below:





Through the Macauley Park revitalisation project, the City has provided the community with a higher level of park amenity and some play offerings in line with the principle of equitable access.

Prior to the commencement of works at Macauley Park, the City notified 151 local residents within a radius of 250 metres of the park, via a letter drop that the existing amenity of Macauley Park was to be improved and the works would involve the following:

- Replacement of the ageing swing set.
- Extensions and alterations to the existing footpath network.
- Installation of mulched garden beds.
- Installation of seating.
- Tree planting.
- Improved irrigation cover.

In response to the notification letters, the City received feedback from two local residents. The first received on 16 April 2020 requested the replacement of the existing aged play equipment. This resident wrote to the City again on the 22 May 2020 to compliment the City on the completed project.

The second resident first wrote to the City about the revitalisation project on the 30 April 2020 voicing his displeasure at the historical timeframes and infrastructure provision in the park from decades ago. In particular, he commented about the protracted process he had gone through in converting the then dry park to an irrigated park and historic play equipment provision in comparison to other parks at the time.

Following the completion of works and extensive written and telephone correspondence with this resident, the City, on 16 October 2020 received a multi-signature letter from this resident which requested the City to upgrade the play equipment provision at Macauley Park to meet “2020 standards”.

The multi-signature letter did not reference the play equipment which was in place from 2005 until 2020 which consisted of a small combination unit and swing set, but rather referenced play equipment that was removed prior to 2005, and which has not been part of the City standard play provision for almost two decades.

At its meeting held on 17 November 2020 (C115-11/20 refers), Council considered a notice of motion and subsequently resolved the following:

*“That Council REQUESTS the Chief Executive Officer prepare a report on upgrading and improving the play equipment at Macauley Park, Duncraig to provide some diversity and variety for children.”*

The reason for the notice of motion was stated as follows:

*“Macauley Park in the past had play equipment comprising:*

- *a large copper log climbing frame*
- *a large curved slide set*
- *a see saw*
- *a space ball swing set with ancillary spring seats.*

*The copper log play equipment became environmentally unacceptable and the climbing frame and swing set were removed. Some years ago, a petition was presented to the council seeking reticulation and an upgrade/replacement to the substandard play equipment. Following that petition the remaining diverse play equipment was removed and replaced with a single four step toddler slide and a basic swing set.*



*Macaulay Park has now recently undergone an “adventure park” transformation with some rocks, logs and a concrete path, however, no play equipment apart from a small swing set and chess table were installed. Similar “adventure parks” transformations have included comprehensive timber play equipment/cubbies such as Juniper Park, Trenton Street Park and Kelvin Park in Duncraig and Blackthorn Park in Greenwood.*

*A petition signed by 50 local residents was presented to the Administration prior to the Council meeting on 20 October 2020 requesting that some diverse and variety of play equipment be provided in the Macaulay Park for their children. Unfortunately, the Petition was rejected by the Administration due to it not conforming with all criteria required.*

*I therefore seek support to enable a report on the provision of play equipment at Macaulay Park to be considered by the Council.”*

Following Council's Resolution, the City has reviewed the playspace provision across the City of Joondalup and determined that across the City there exists both gaps and overlaps in the provision of play equipment based on the 400 metres walkable catchment radius (Attachment 1 refers).

Using the gaps identified as per Attachment 1 of Report CJ054-04/21, the City has undertaken an assessment of potential parks with no play offering and where new playspaces can be located to service these gaps in order to provide a more equitable distribution of play offerings across the City (Attachment 2 refers). Attachment 2 of Report CJ054-04/21 identifies not only the specific gaps, but also the number of additional properties that fall within the walkable catchment of the potential parks identified. The parks identified for potential new playspaces are as follows:

Rank	Park Name	Suburb	Potential Serviced Properties
1	Nanika Park	Joondalup	234
2	Iluka District Open Space	Iluka	233
3	Glenbar Park	Duncraig	206
4	Orient Park	Hillarys	182
5	Trailwood Park	Woodvale	182
6	Oakapple Park	Duncraig	161
7	Monument Park	Beldon	135
8	Callander Park	Kinross	129
9	Rutherglen Park	Kinross	102
10	Wesley Park	Joondalup	102
11	Lady Evelyn Park	Joondalup	88
12	Lacepede Park	Sorrento	87
13	Doncaster Park	Currambine	81
14	Conica Park	Hillarys	79
15	Grand Ocean Park	Burns Beach	77
16	Herreshoff Park *	Ocean Reef	76
17	Abrolhos Park	Heathridge	74
18	Kimberley Park	Hillarys	70
19	De Crillon Park	Currambine	61
20	Welsh Park	Joondalup	60

Rank	Park Name	Suburb	Potential Serviced Properties
21	Sittella Park	Joondalup	55
22	Stilt Park	Joondalup	55
23	Pattaya Park	Iluka	53
24	Candlewood Park	Joondalup	53
25	Calthorpe Park	Kingsley	42
26	Hakea Park	Sorrento	38
27	McCubbin Park	Woodvale	38
28	Sweeney Park	Padbury	34
29	Albion Park	Craigie	34
30	Riversdale Park	Currambine	32
31	Wanbrow Park	Duncraig	26
32	Thornbill Park	Joondalup	24
33	Macaulay Park	Duncraig	19
34	Delonix Park	Woodvale	7

\* A playspace was installed at Herreshoff Park in early 2021.

Based on the table above, there are currently 31 parks with no playspaces that have the potential to service more properties than Macaulay Park.

The City has also undertaken an assessment using Macaulay Park as an example, of the actual walking distance of 400 metres and not a radius of 400 metres to determine any potential additional properties that might fall outside the walkable distance of existing playspaces (Attachment 3 refers).

Based on this assessment, an additional 13 properties within Duncraig and 18 properties within Greenwood were identified that potentially fall outside the 400 metres walkable distance of other playspaces that could potentially be serviced by Macaulay Park.

It should be noted that it is highly likely that the number of properties currently outside a walkable catchment that could be serviced by parks identified in the table above would increase as well. Using the 400 metres walkable radius is therefore an appropriate tool to determine the prioritisation of parks for additional playspaces.

### Issues and options considered

The provision of play equipment in alignment with the 400 metres walkable catchment radius as per the State Planning Policy "*Liveable Neighbourhoods*" provides the City with guidance to ensure equitable access to play equipment for its residents.

Based on the above, Council can either:

#### Option 1

Not support the installation of additional play equipment at Macaulay Park at this time. This is the recommended option as there is existing play offerings at Macaulay Park as detailed in Report CJ054-04/21 and there are 31 parks ranking higher than Macaulay Park for consideration for a playspace.

Option 2

Support the installation of additional play equipment in the form of a small combination unit at Macaulay Park.

Option 3

Support the installation of additional play equipment in the form of a large combination unit at Macaulay Park.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

**Policy** Not applicable.

**Risk management considerations**

Utilising the State Planning Policy "*Liveable Neighbourhoods*" 400 metres walkable catchment radius when considering the installation of play equipment assists the City in the equitable provision of play offering for all residents within the City.

**Financial / budget implications**

	<b>Option 1 (No cost) \$</b>	<b>Option 2 (Small combination unit) \$</b>	<b>Option 3 (Large combination unit) \$</b>
Capital cost	0	40,000	60,000
Annual playground maintenance	0	2,300	3,100
Annual depreciation	0	2,000	3,000
<b>TOTAL CAPITAL</b>	<b>0</b>	<b>40,000</b>	<b>60,000</b>
<b>TOTAL ANNUAL OPERATING</b>	<b>0</b>	<b>4,300</b>	<b>6,100</b>

The City currently has an operating deficit and if the City were to provide additional infrastructure at Macaulay Park this would result in additional depreciation expense and maintenance costs which would increase the operating deficit.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

## Consultation

If Council support the installation of additional play equipment, the City will notify residents as per its *Notification of Public Works Policy*.

## COMMENT

The upgrading of Macaulay Park in June 2020 provided the opportunity for the City to create an intergenerational park to promote an active and healthy lifestyle for all age groups. The playspace, although earmarked for rationalisation, was replaced with low maintenance items to encourage imaginative play.

Residents surrounding Macaulay Park also have access to other parks within a 400 metres walkable catchment offering different play options.

The City currently has 31 parks with no playspaces that fall within a 400 metres walkable catchment gap and, therefore, would be considered a higher priority for play provision than Macaulay Park.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 CONTINUES TO SUPPORT the use of the State Planning Policy "*Liveable Neighbourhoods*" 400 metre walkable catchment radius to prioritise the provision of additional playspaces and the rationalisation of existing playspaces within the City;
- 2 DOES NOT SUPPORT the installation of additional play equipment at Macaulay Park at this time;
- 3 NOTES that the identification of parks for the installation or rationalisation of playspaces will be determined as part of the annual budget development process.

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

- 1 **CONTINUES TO SUPPORT** the use of the State Planning Policy "*Liveable Neighbourhoods*" 400 metre walkable catchment radius to prioritise the provision of additional playspaces and the rationalisation of existing playspaces within the City;
- 2 **SUPPORTS** the installation of a small combination unit at Macaulay Park, Duncraig;
- 3 **LISTS FOR CONSIDERATION** an amount of \$40,000 for the installation of a small combination unit and associated works in the draft 2021-22 budget;
- 4 **NOTES** that the identification of parks for the installation or rationalisation of playspaces will be determined as part of the annual budget development process;
- 5 **REQUESTS** the Chief Executive Officer to prepare a report on City's *Revised Parks and Public Open Space Classification Framework* for Council's consideration in the 2021-22 financial year.

*The Governance Officer left the Chamber at 8.56pm and returned at 8.58pm.*

*It was requested that Part 5 of the Motion be voted upon separately.*

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

- 1 CONTINUES TO SUPPORT the use of the State Planning Policy “*Liveable Neighbourhoods*” 400 metre walkable catchment radius to prioritise the provision of additional playspaces and the rationalisation of existing playspaces within the City;**
- 2 SUPPORTS the installation of a small combination unit at Macaulay Park, Duncraig;**
- 3 LISTS FOR CONSIDERATION an amount of \$40,000 for the installation of a small combination unit and associated works in the draft 2021-22 budget;**
- 4 NOTES that the identification of parks for the installation or rationalisation of playspaces will be determined as part of the annual budget development process.**

**The Motion was Put and**

**CARRIED (7/6)**

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

**Against the Motion:** Crs Chester, Hamilton-Prime, Hollywood, Jones, McLean and Taylor.

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

- 5 REQUESTS the Chief Executive Officer to prepare a report on the City’s *Revised Parks and Public Open Space Classification Framework* for Council’s consideration in the 2021-22 financial year.**

**The Motion was Put and**

**CARRIED (13/0)**

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

### **Reason for departure from Officer’s Recommendation**

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because the adopted “*Parks and Public Open Spaces Classification Framework*” for Local Open Space areas states that it is to accommodate the needs of the surrounding streets and therefore Macaulay Park is to be provided with a small play combination unit.

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf210413.pdf](#)*

**Disclosures of interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr John Chester.</b>
<b>Item No. / Subject</b>	CJ055-04/21 - Petition Requested Bin Facilities at Key Access Points to Yellagonga Regional Park.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is a member of two committees assisting in managing the Yellagonga Regional Park.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ055-04/21 - Petition Requested Bin Facilities at Key Access Points to Yellagonga Regional Park.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of the Friends of Yellagonga Regional Park.

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ055-04/21 - Petition Requested Bin Facilities at Key Access Points to Yellagonga Regional Park.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The lead petitioner is known to Cr May and Cr May is a Friends of Yellagonga Regional Park member.

## CJ055-04/21      PETITION REQUESTED BIN FACILITIES AT KEY ACCESS POINTS TO YELLAGONGA REGIONAL PARK

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBERS</b>	107900, 101515
<b>ATTACHMENT</b>	Attachment 1      Bin Location Map
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider a petition requesting the provision of adequate bin facilities at the key access points to Yellagonga Regional Park.

**EXECUTIVE SUMMARY**

At its meeting held on 17 November 2020 (C109-11/20 refers), Council received a 55 signature petition from residents requesting the provision of adequate bin facilities at the key entrance/exit point of Yellagonga Regional Park to assist in addressing the ongoing and rampant dumping of dog waste base and litter in the wetlands, boardwalk and regional park open space.

The Parks and Wildlife Service, Department of Biodiversity, Conservation and Attractions (the DBCA), manage Western Australia's parks, forests and reserves for wildlife conservation, sustainable recreation, and tourism. The vast majority of Yellagonga Regional Park is under the care, maintenance, and management of the DBCA. As such, the DBCA is directly responsible for the management of the waste and litter generated within the Regional Park.

The greater area of Yellagonga National Park comprises of land parcels under the care and maintenance control of various authorities, including the City of Joondalup. Many 'named' parks which have City infrastructure already accommodate waste for their relevant use, for example, Neil Hawkins Park, Picnic Cove Park. However, the reserve land between these designated areas have no dedicated waste infrastructure for those who may use the broader Yellagonga Regional Park.

*It is therefore recommended that Council:*

- 1 *NOTES the Yellagonga Regional Park is under the care, maintenance and management of the Department of Biodiversity, Conservation and Attractions and as such the provision of waste management services is the responsibility of this Department;*
- 2 *NOTES the City has bin facilities installed at various locations around Yellagonga Regional Park including Neil Hawkins Park, Picnic Cove Park, and McCubbin Park which are considered adequate for the park facilities the City provides;*
- 3 *NOTES the City has offered to assist the Department Biodiversity, Conservation and Attractions in providing the required waste management activities to service the Yellagonga Regional Park on their behalf at a current cost of approximately \$1,180 per bin in the first year, and \$680 per bin per year thereafter;*
- 4 *SUPPORTS the City to provide waste management activities to service the Yellagonga Regional Park on behalf of the Department of Biodiversity, Conservation and Attractions (Option 3) subject to the Department Biodiversity, Conservation and Attractions agreeing to reimbursing the City for the initial and ongoing annual cost incurred by the City to provide this service;*
- 5 *ADVISES the lead petitioner of its decision.*

## **BACKGROUND**

Yellagonga Regional Park is one of seven regional parks within the Swan Coastal Plain and lies approximately 20 kilometres north of the Perth CBD. The 13 kilometre long park consists of a chain of interconnected wetlands and is one of the last remaining freshwater systems in the Perth metropolitan area. The park is a popular destination for local and regional visitors and is highly utilised for a diverse range of passive activities including running and walking, cycling, social and family gatherings, birdwatching, wildflower spotting, and photography.

Yellagonga Regional Park comprises of approximately 58 land parcels, under the ownership or management of the following six different entities:

- Western Australian Planning Commission (WAPC).
- Department of Lands.
- Two private owners.
- City of Joondalup and City of Wanneroo (where management orders are in place).

Areas directly managed by the City of Joondalup equate to 13 hectares (Ha) these include the following:

- Neil Hawkins Park (4.2Ha).
- Neil Hawkins Natural Area (4.7Ha).
- Picnic Cove Park (4.1Ha).

The City of Wanneroo directly manages approximately 50Ha these include the following:

- Studmaster Park (2Ha).
- Poinciana Park (2.5Ha).
- Ariti Avenue Foreshore (1.5Ha).
- Scenic Park (10Ha).
- Rotary Park (6.5Ha).
- Banyandah Park and
- Foreshore Reserve (7.8Ha).
- Lake Joondalup Foreshore Reserve North of Rotary Park (17.3Ha).

The majority of land, approximately 1,200Ha, is managed by the DBCA.

Around the Park, there are at least 20 pedestrian entrances and accessways, both formal and informal and not all of these are well serviced by roadways which would provide easy access to waste trucks to service the bins cost efficiently.

The City has installed bins around key activity nodes within areas it manages which includes the following:

- Neil Hawkins Park: 11 bins located around the car parking and picnic areas, no dog waste dispensers as this is a dog prohibited park.
- Picnic Cove: three bins around the picnic areas, with two dog waste dispensers.
- McCubbin Park / Gascoyne Park within Woodvale Waters Special Area Rate [SAR] area: two bins and two dog waste dispensers.
- Waterview Park: one bin with one dog waste dispenser.

There are also a number of City of Joondalup bins and dispensers installed on key entrance/exit points to Yellagonga Regional Park on or adjacent to the City's road reserve as follows:

- Hocking Road, near the intersection of Mooro Street: one bin and one dog waste dispenser.
- Woodlake Retreat, south west elbow: one bin and one dog waste dispenser.
- Lakeside Drive north eastern verge: one bin and one dog waste dispenser.
- Bindaree Terrace: one bin.

These locations represent a total of 21 bins and eight dog waste dispensers for the service of the area (Attachment 1 refers).

The City avoids the placement of bins in non-activated areas as servicing is difficult due to lack of access. Furthermore, there is an increased risk of anti-social behaviour when bins are placed in areas with limited active surveillance, which may impact on the ecological values of the park.



## DETAILS

At its meeting held on 17 November 2020 (C109-11/20 refers), Council received a 55 signature petition from residents of the City of Joondalup requesting the following:

*“Provide adequate bin facilities at the key entrance/exit points of Yellagonga Regional Park, in particular near parking facilities at Streeton Promenade, the Timberlane Drive entrance (near Gascoyne Park) and entrance to Beenyup Swamp Boardwalk off Woodvale Drive to assist in addressing the ongoing and rampant dumping of dog waste bags and litter in the wetlands, boardwalk and regional park open space”.*

The DBCA manage Western Australia's parks, forests and reserves for wildlife conservation, sustainable recreation, and tourism. The vast majority of Yellagonga Regional Park is under the care, maintenance, and management of the DBCA. As such, the DBCA is directly responsible for the management of the waste and litter generated within the Regional Park.

It is the DBCA's preference for waste, including dog waste, generated by visitors within the Yellagonga Regional Park to be managed by those visitors by bringing and using their own bags and disposing of the waste in their own bins and visitors to the park are informed of this via signage. The DBCA has installed a single bin which is serviced by a contractor on the Wanneroo side of the parkland. Signage and this solitary bin aside, there is no other waste infrastructure or waste servicing of the rest of the Yellagonga Regional Park provided by the DBCA to reduce or address waste generated by visitors to the park.

The City does provide a number of bins at locations surrounding the Yellagonga Regional Park as listed above and detailed in Attachment 1 to Report CJ055-04/21, which includes the provision of dog bag dispensers at specific locations. There are some locations, however, where dogs are prohibited by the City (Neil Hawkins Park) or dog walking is not encouraged by the DBCA and as such, dog bag dispensers are not provided.

The petition specifically identified three locations near parking facilities at Streeton Promenade, at the Timberlane Drive entrance (near Gascoyne Park) and the entrance to the Beenyup Swamp Boardwalk off Woodvale Drive. The land under the control and management of the City of Joondalup at or close to these three locations are already adequately serviced and additional bins are therefore not supported.

### Issues and options considered

The responsibility to manage the waste generated by visitors to the Yellagonga Regional Park rests with the DBCA. Council can either consider one of the following options:

#### Option 1

Support the provision of additional bins on City managed land to service the Yellagonga Regional Park which is under the care and management of the DBCA.

This is not recommended as the City will incur additional costs to install and service bins for an area that is under the management of the DBCA.

#### Option 2

Not support the provision of additional bins on City managed land.

Option 3

Not support the provision of additional bins on City managed land but support the City to provide waste management services on behalf of the DBCA subject to the DBCA reimbursing the City for the initial and ongoing costs incurred in providing this service.

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

**Legislation** *Waste Avoidance and Resource Recovery Act 2007.*

**Strategic Community Plan**

**Key theme** Financial Sustainability.  
The Natural Environment.

**Objective** Effective management.  
Environmental resilience.

**Strategic initiative** Seek out efficiencies and regional collaborations to reduce service delivery costs.

Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

**Policy** *Waste Management Plan 2016-21.*

**Risk management considerations**

While there are no direct risks associated with installing additional bin infrastructure in the City, there is two aspects which must be considered. One is the obvious financial increase to service additional bins and the other being that same service provided for the use of land outside the City's care or control, and what precedent that might establish.

Additionally, the City avoids the placement of bins in non-activated areas as servicing is difficult due to lack of access. Furthermore, there is an increased risk of anti-social behaviour when bins are placed in areas with limited active surveillance, which may impact on the ecological values of the park.

**Financial / budget implications**

The installing and ongoing management of waste infrastructure to service Yellagonga Regional Park can quickly become very costly due to the size and serviceability of the area.

The establishment cost alone for a bin, pole and dog waste dispenser is approximately \$500, with the servicing of the bins on a twice weekly arrangement costing \$520 per year, dog waste bags a further \$20 per year, and finally disposal estimated to be \$140 per year. The grand total per bin and dog waste dispenser is estimated to be \$1,180 in the first year, and \$680 every year thereafter.

The implications to budget will be dependent on whether the City decides to meet the cost, or pass that cost on to the DBCA.

**Regional significance**

The Yellagonga Regional Park is popular destination for local visitors and regional visitors and is co-managed by the Cities of Joondalup and Wanneroo, and the DBCA.

## **Sustainability implications**

### **Environmental**

Environment management, including waste management, of the Yellagonga Region Park is a key component of a sustainable community. This regional park provides social and environmental services to the community including amenity, recreational opportunities and cultural values.

### **Consultation**

The City will continue to liaise directly with the DBCA.

## **COMMENT**

The City already provides waste management services on parks and reserves which are under the care and control of the City. These parks and reserves are used not only by the City's rate payers, but also those outside the local government area. Locations such as the Hillarys Beach Park (Whitfords Nodes), Tom Simpson Park in Mullaloo and Percy Doyle Reserve attracts visitors from much further afield than the City's boundaries.

Although the provision of waste services may not form part of the DBCA's core business, the majority of the land within in the Yellagonga Regional Park on which the waste is generated is under the care and control of the DBCA, and as such, the DBCA should meet the demands of the visitors to this regional facility.

## **VOTING REQUIREMENTS**

Simple Majority.

## **OFFICER'S RECOMMENDATION**

That Council:

- 1 NOTES the Yellagonga Regional Park is under the care, maintenance and management of the Department of Biodiversity, Conservation and Attractions and as such the provision of waste management services is the responsibility of this Department;
- 2 NOTES the City has bin facilities installed at various locations around Yellagonga Regional Park including Neil Hawkins Park, Picnic Cove Park, and McCubbin Park which are considered adequate for the park facilities the City provides;
- 3 NOTES the City has offered to assist the Department Biodiversity, Conservation and Attractions in providing the required waste management activities to service the Yellagonga Regional Park on their behalf at a current cost of approximately \$1,180 per bin in the first year, and \$680 per bin per year thereafter;
- 4 SUPPORTS the City to provide waste management activities to service the Yellagonga Regional Park on behalf of the Department of Biodiversity, Conservation and Attractions (Option 3) subject to the Department Biodiversity, Conservation and Attractions agreeing to reimbursing the City for the initial and ongoing annual cost incurred by the City to provide this service;
- 5 ADVISES the lead petitioner of its decision.

**MOVED Cr May, SECONDED Mayor Jacob that Council:**

- 1 **NOTES** the Yellagonga Regional Park is under the care, maintenance and management of the Department of Biodiversity Conservation and Attractions and as such the provision of waste management services is the responsibility of this Department;
- 2 **NOTES** the City has bin facilities installed at various locations around Yellagonga Regional Park including Neil Hawkins Park, Picnic Cove Park, and McCubbin Park which are considered adequate for the park facilities the City provides;
- 3 **NOTES** the City has offered to assist the Department Biodiversity Conservation and Attractions in providing the required waste management activities to service the Yellagonga Regional Park on their behalf at a current cost of approximately \$1,180 per bin in the first year, and \$680 per bin per year thereafter;
- 4 **REQUESTS** the City to provide waste management activities at key entry and exit points to service the Yellagonga Regional Park within the City of Joondalup;
- 5 **REQUESTS** the Chief Executive Officer to seek reimbursement from the Department Biodiversity Conservation and Attractions for the initial and ongoing annual costs incurred by the City to provide the service as per Part 4 above at a current cost of approximately \$1,180 per bin in the first year, and \$680 per bin per year thereafter;
- 6 **REQUESTS** the Chief Executive Officer to liaise with the City of Wanneroo with the aim to provide a similar service at key entry and exit points to service the Yellagonga Regional Park within the City of Wanneroo;
- 7 **ADVISES** the lead petitioner of its decision.

**The Motion was Put and****CARRIED (9/4)**

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

**Against the Motion:** Crs Hollywood, Jones, Logan and McLean.

**Reason for departure from Officer's Recommendation**

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is to alleviate the pressure on the natural environment from excessive plastic littering and dog walking waste.

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf210413.pdf](#)

## REPORT - SPECIAL CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE - 13 APRIL 2021

### Disclosure of interest affecting Impartiality

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Item No. / Subject</b>	CJ056-04/21 - Standards for CEO Recruitment and Selection, Performance Review and Termination.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

## CJ056-04/21 STANDARDS FOR CEO RECRUITMENT AND SELECTION, PERFORMANCE REVIEW AND TERMINATION

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	00561, 108783
<b>ATTACHMENTS</b>	<p>Attachment 1 DLGSCI <i>Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination</i></p> <p>Attachment 2 DLGSCI Explanatory Notes</p> <p>Attachment 3 <i>Local Government (Administration) Amendment Regulations 2021</i></p> <p>Attachment 4 Draft City of Joondalup <i>Standards for CEO Recruitment and Selection, Performance Review and Termination</i></p>
<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 adopt the *Model Chief Executive Officer Standards* (Model CEO Standards) for Chief Executive Officer (CEO) recruitment and selection, performance review and termination as required by the *Local Government (Administration) Amendment Regulations 2021*.

### EXECUTIVE SUMMARY

The *Local Government (Administration) Amendment Regulations 2021* (CEO Standards Regulations) were published in the *Government Gazette* on 2 February 2021, which introduced new regulations within the *Local Government (Administration) Regulations 1996* including new mandatory minimum model standards for the recruitment, selection, performance review and early termination of local government Chief Executive Officers (Model CEO Standards).

The Model CEO Standards provide a framework for local governments to select a CEO in accordance with the principles of merit, probity, equity and transparency.

Local governments are required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021). Until such time as a local government adopts the Model Standards, the new regulations apply.

*It is therefore recommended that Council:*

- 1 *in accordance with section 5.39B(2) of the Local Government Act 1995 and the requirements of the Local Government (Administration) Regulations 1996, BY AN ABSOLUTE MAJORITY ADOPTS the City of Joondalup Standards for CEO Recruitment and Selection, Performance Review and Termination as detailed in Attachment 4 to Report CJ056-04/21;*
- 2 *NOTES that a review of City of Joondalup policy and procedural requirements relating to the new requirements within the Local Government (Administration) Regulations 1996 and the standards detailed in part 1 above will be undertaken and presented to the Chief Executive Officer Recruitment and Performance Review Committee at a future meeting.*

## **BACKGROUND**

The *Local Government (Administration) Amendment Regulations 2021* were published in the *Government Gazette* on 2 February 2021, which introduced new regulations and mandatory minimum standards into the *Local Government (Administration) Regulations 1996* for the recruitment, selection, performance review and early termination of local government CEOs. In the main the Model CEO Standards have been included as a new Schedule 2 to the *Local Government (Administration) Regulations 1996*.

Key features of these new regulations include the requirement:

- to establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO
- to establish a performance review process by agreement between the local government and the CEO
- to conduct a recruitment and selection process where an incumbent CEO has held the position for a period of 10 or more consecutive years on expiry of the CEO's contract.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

Local governments are required to prepare and adopt the Model Standards within three months of the regulations coming into effect (by 3 May 2021).

## **DETAILS**

The *Local Government (Administration) Amendment Regulations 2021* (CEO Standards Regulations) introduce mandatory minimum standards for the recruitment, selection, performance review and termination of employment in relation to local government CEOs. The aim of the Model CEO Standards is to provide local government with a consistent and equitable process for CEO recruitment, performance review and termination across all local governments, in accordance with the principles of merit, equity and transparency.

It is a requirement that local governments prepare and adopt the Model CEO Standards within three months of the Model CEO Standards coming into operation (by 3 May 2021). Until such time as a local government prepares and adopts its own CEO Standards, the Model CEO Standards detailed within regulations apply.

It is important to note that local governments may introduce additional standards where appropriate, however, any additional standards must be consistent with the Model CEO Standards that have been introduced as part of the *Local Government (Administration) Amendment Regulations 2021*.

Given the City has recently appointed a CEO there are no priority actions from the new Regulations requiring attention.

The City has reviewed the current CEOs employment contract terms and conditions and City processes against the standards and identified only a few minor differences, which can be accommodated within the new standards. Specifically, these relate to the following:

- Clause 8: The Model Standards require appointment of an “Independent person” to the selection panel. The Chief Executive Officer Recruitment and Performance Review Committee does not have currently have an “Independent person” as part of its membership (independent person is not the consultant engaged to assist).

This will not present an issue until a CEO recruitment process is required.

- Clause 13: Recruitment to be undertaken on expiry of certain CEO contracts, which relates to the recruitment to be undertaken if the CEO has held the position for a period of 10 or more consecutive years.

The current CEO employment contract has a renewable clause within it, however, there is no immediate impact given the contract is less than five years old, and upon renewal this may need to be varied to ensure that the 10 year limit / horizon is recognised.

- Terms of Reference of the CEO Recruitment and Performance Review Committee, as the Guidelines suggest broader content in the Terms of Reference when it comes to the recruitment and selection responsibilities which the Committee hold.

The suggestion is that this could be managed by a policy or revised Terms of Reference, the options of which require further consideration.

- Division 3: It is recommended in the Guidelines that an “Independent Observer” be part of the CEO Performance Review, the Committee of which currently includes only Elected Members. Significantly the regulations do not detail how this proposal might operate.

The Guideline also recommends Council develop a policy to guide the performance review process, the employment contract is highly prescriptive and may make the need for a policy unnecessary. Again, this is a matter requiring further consideration.

#### Current Policies / Delegations / Procedures

The City will need to review its current policies, delegations and procedures to ensure they meet the requirements of the Model CEO Standards.

This will necessarily require a review of the following:

- Delegation for appointment of an Acting CEO (refer Item 1.6 under the Council's *Register of Delegated Authority*).
- Procedures for appointment of the CEO (refer to the role of the Chief Executive Officer Recruitment and Performance Review Committee).
- Procedures for performance review of the CEO (governed by procedures contained within the CEO Employment Contract).
- Procedures for termination of the CEO (governed by the terms and conditions of the Employment Contract).
- Terms of Reference of the Chief Executive Officer Recruitment and Performance Review Committee.

#### Chief Executive Officer Recruitment and Performance Review Committee

The procedures related to the above have generally been in the remit of the Chief Executive Officer Recruitment and Performance Review Committee, the role of which is as follows:

- Recommend to Council the selection and appointment process of a Chief Executive Officer.
- Recommend to Council the preferred consultant to assist with the recruitment process for a Chief Executive Officer.
- Undertake the interview of preferred applicant(s) on the advice of the appointment consultant's shortlisted applicants for the position of Chief Executive Officer.
- Recommend to Council the appointment of a preferred applicant as Chief Executive Officer under the terms and conditions of an agreed Chief Executive Officer Employment Contract.
- Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract.
- Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to Council.
- Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract.
- Review the Key Performance Indicators to be met by the Chief Executive Officer.
- Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract.
- Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.



A review of current policies, delegations and procedures to ensure they meet the requirements of the Model CEO Standards will be submitted to the Chief Executive Officer Recruitment and Performance Review Committee for review.

### Issues and options considered

It is a requirement that local governments prepare and adopt the Model CEO Standards within three months of the Model CEO Standards coming into operation (that is by 3 May 2021).

The Council can either:

- adopt the City of Joondalup Standards for CEO Recruitment and Selection, Performance Review and Termination as presented in Attachment 4 to Report CJ056-04/21  
or
- adopt the City of Joondalup Standards for CEO Recruitment and Selection, Performance Review and Termination as presented in Attachment 4 to Report CJ056-04/21 with further amendments, noting that local governments may only introduce additional standards that are consistent with the Model CEO Standards as prescribed in the *Local Government (Administration) Amendment Regulations 2021*.

The City is not recommending any major changes between the Model CEO Standards and the draft City of Joondalup Standards for CEO Recruitment and Selection, Performance Review and Termination (Attachment 4 to Report CJ056-04/21).

One of the major difficulties with the way the Model CEO Standards have been drafted, is that it has used the term 'local government' throughout the model provisions as opposed to Council, or the City. To ensure the City's code is workable and easily understood as to the roles and responsibilities of the parties in the process, the draft City of Joondalup Standards, interchanges the term local government with either "Council" or the "City" (being the body corporate), being conducive of the required level of decision-making authority that is required (that is needing to be a decision of the Council or an administrative function of the body corporate).

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

**Legislation**                      *Local Government Act 1995.*  
    *Local Government (Administration) Amendment Regulations 2021.*  
    *Local Government (Administration) Regulations 1996.*

### **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**                          Not applicable.

### **Risk management considerations**

Local governments are required to adopt the Model CEO Standards (with or without amendment) within three months of the CEO Standards Regulations coming into effect. Although a local government would need to abide by the requirements of the Model CEO Standards if it does not adopt its own standards within that time, a local government would be deemed non-compliant with the legislative provisions.

The City has reviewed the current CEOs contract terms and conditions against the Model CEO Standards and identified only a few minor differences, which can be accommodated within the new standards adopted for the City. As such, it is considered that the Model CEO Standards can be adopted.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Industry consultation has occurred with the Western Australian Local Government Association, Local Government Professionals WA and the Department of Local Government, Sport and Cultural Industries.

It should be noted that at its meeting held on 19 November 2019 (Item CJ150-11/19 refers), Council endorsed the City of Joondalup's submission in response to the Department of Local Government Sport and Cultural Industries' invitation to comment on its Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination.

**COMMENT**

The *Local Government (Administration) Amendment Regulations 2021* (CEO Standards Regulations) bring into effect changes to the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* by introducing mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government chief executive officers.

The Model CEO Standards provide a framework for local governments to select a CEO in accordance with the principles of merit, probity, equity and transparency.

The City of Joondalup, as are all local governments, are required to prepare and adopt the Model CEO Standards within three months of these regulations coming into effect (by 3 May 2021).

The City has reviewed the Model CEO Standards and it is considered they can be applied to the City of Joondalup.

**VOTING REQUIREMENTS**

Absolute Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for Report CJ056-04/21 (as detailed below) was resolved by the Chief Executive Officer Recruitment and Performance Review Committee at its special meeting held on 13 April 2021.

The Committee recommendation is the same as recommended by City officers.

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

- 1** in accordance with section 5.39B(2) of the *Local Government Act 1995* and the requirements of the *Local Government (Administration) Regulations 1996*, **BY AN ABSOLUTE MAJORITY ADOPTS** the City of Joondalup Standards for CEO Recruitment and Selection, Performance Review and Termination as detailed in Attachment 4 to Report CJ056-04/21;
- 2** **NOTES** that a review of City of Joondalup policy and procedural requirements relating to the new requirements within the *Local Government (Administration) Regulations 1996* and the standards detailed in Part 1 above will be undertaken and presented to the Chief Executive Officer Recruitment and Performance Review Committee at a future meeting.

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14agn210420.pdf](#)*

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### Disclosure of interest affecting Impartiality

<b>Name / Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No. / Subject</b>	CJ057-04/21 - Contribution to the Lord Mayor's Distress Relief Fund – Tropical Cyclone Seroja 2021 Appeal.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A person whose property was damaged by the cyclone is known to Cr Fishwick.

### CJ057-04/21 CONTRIBUTION TO THE LORD MAYOR'S DISTRESS RELIEF FUND – TROPICAL CYCLONE SEROJA 2021 APPEAL

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	44606, 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 give consideration to donating an amount of \$10,000 to the Lord Mayor's Distress Relief Fund to assist victims of the recent tropical cyclone Seroja in the State's north.

### EXECUTIVE SUMMARY

On Sunday 11 April 2021, cyclone Seroja crossed Western Australia's northern coastline near Kalbarri which has seen tragic devastation to land and property.

In response to the disaster, the City of Perth has activated the Lord Mayor's Distress Relief Fund to assist individuals and communities affected by the cyclone.

The City of Joondalup has a long-standing history of contributing donations to the fund in the wake of significant disasters and as such, it is recommended that the Council approves a donation of \$10,000 to the Tropical Cyclone Seroja 2021 Appeal to assist victims and demonstrate support to the broader community of the region.

## **BACKGROUND**

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief of personal hardship and distress arising from natural disasters occurring within Western Australia. The perpetual fund is a registered charitable body and has the approval of the Australian Taxation Office for tax deductibility of contributions.

The objectives of the fund are as follows:

- To provide a permanent fund for the alleviation and relief of distress, suffering, hardship and misfortune to individuals brought about by any disaster or emergency of a general application which has been declared as such by the Western Australian government through the Fire and Emergency Services Authority of Western Australia (FESA).
- To provide relief and aid as determined by the Lord Mayor Distress Relief Fund Board to individuals undergoing such distress, suffering, hardship or misfortune brought about by any event mentioned above.
- To provide assistance to individuals for the alleviation and relief of distress, suffering, hardship or misfortune following a minor localised disaster.

The Lord Mayor's Distress Relief Fund has a history of coordinating the raising of funds to assist Western Australians in times of disaster. Recent examples where the fund has been used to directly support Western Australian communities include the:

- 2003 Bridgetown fires
- Western Australians affected by the 2002 Bali bombings
- 2007 Dwellingup fires
- 2009 Toodyay bushfires
- 2011 Gascoyne and Mid-West Floods
- 2011 Perth Hills fires
- 2011 Margaret River fires
- 2014 Parkerville bushfires
- 2015 Esperance bushfires
- 2016 Waroona bushfires
- 2021 Wooroloo and Hills bushfires.

Historically, the Council has donated the following to assist with similar significant disasters:

### **October 2002**

\$5,000 to the Lord Mayor's Distress Relief Fund for the victims and their families of the Bali bombing tragedy.

### **January 2005**

\$10,000 (\$5,000 to Save the Children Australia and \$5,000 to CARE Australia) as part of the Asian Tsunami Disaster.

### **February 2009**

\$10,000 to the Victorian Bushfire Appeal (managed by Red Cross Australia).

### **February 2010**

\$5,000 to the Lord Mayor's Distress Relief Fund for the Toodyay Fires.

**February 2011**

\$7,500 each to the Lord Mayor's Distress Relief Fund for the Carnarvon and Gascoyne Region floods and the Perth Hill's bushfires.

**December 2011**

\$10,000 to the Lord Mayor's Distress Relief Fund for the Margaret River Bushfire Appeal.

**February 2014**

\$7,500 to the Lord Mayor's Distress Relief Fund for the Parkerville Bushfire Appeal.

**December 2015**

\$7,500 to the Lord Mayor's Distress Relief Fund for the Esperance Bushfire Appeal.

**February 2016**

\$7,500 to the Lord Mayor's Distress Relief Fund for the Waroona and District Fires Appeal.

**February 2021**

\$10,000 to the Lord Mayor's Distress Relief Fund for the Wooroloo and Hills Bushfires Appeal.

**DETAILS**

On 11 April 2021, tropical cyclone Seroja crossed a 1,000km stretch of Western Australia's coastline near Kalbarri, leaving a trail of damage to property and businesses. It has been reported that about 70 per cent of Kalbarri's buildings were damaged in the cyclone as winds reached up to 170 kilometres an hour, and there is significant damage in Northampton and surrounding communities. Damage estimates were at the time of this report not available, however, likely to be significant.

As a result the Lord Mayor's Distress Relief Fund has been activated to coordinate donations to assist victims. In accordance with the City's donation guidelines and historical association with the fund Council is requested to consider approval for a donation of \$10,000 towards the fund.

**Issues and options considered:**

The Council may:

- agree to donate an amount to the Tropical Cyclone Seroja 2021 Appeal (recommended \$10,000)  
or
- not agree to donate to the Tropical Cyclone Seroja 2021 Appeal.

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

**Legislation** Not applicable.

**Strategic Community Plan** Not applicable.

**Risk management considerations**

Not applicable.

### Financial/budget implications

The 2020-21 budget does not include funds for such a donation, therefore, it will be necessary to approve the expenditure by an absolute majority.

<b>Account no.</b>	1.526.A5206.3292.0000.
<b>Budget Item</b>	Council Administration – Donations.
<b>Budget amount</b>	\$ 0
<b>Amount spent to date</b>	\$ 10,000
<b>Proposed cost</b>	\$ 10,000
<b>Balance</b>	\$ (20,000)

All amounts quoted in this report are exclusive of GST.

### Regional significance

Any donation will support the broader community of Kalbarri and those areas affected by the cyclone.

### Sustainability implications

Donations to the appeal will greatly assist individuals and communities affected by the devastation caused by the cyclone.

### Consultation

Not applicable.

### COMMENT

A donation of \$10,000 from Council to the Tropical Cyclone Seroja 2021 Appeal is comparable with the donations made to previous natural disasters and tragedies.

It is considered that the Lord Mayor Distress Relief Fund is the most appropriate mechanism for the City to donate towards the relief of those affected by the recent cyclone. There are many ways that the community and organisations can donate to the Lord Mayor Distress Relief Fund, including through any BankWest branch (either in person, EFT, cheque or credit card payment) or at the City of Perth Council offices.

### VOTING REQUIREMENTS

Absolute Majority.

*Cr Taylor left the Chamber at 9.44pm.*

**MOVED Cr Fishwick, SECONDED Cr Hamilton-Prime that Council BY AN ABSOLUTE MAJORITY DONATES an amount of \$10,000 to the Lord Mayor's Distress Relief Fund's Tropical Cyclone Seroja 2021 Appeal in response to the disaster.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Cr Taylor entered the Chamber at 9.47pm.*

*Cr McLean left the Chamber at 9.47pm.*

**C27-04/21**

**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION**

**MOVED** Mayor Jacob, **SECONDED** Cr Jones that pursuant to the *City of Joondalup Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

**CJ042-04/21, CJ044-04/21, CJ045-04/21, CJ047-04/21, CJ048-04/21, CJ049-04/21, and CJ051-04/21.**

**The Motion was Put and**

**CARRIED (12/0)**

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

## **URGENT BUSINESS**

Nil.

## **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.



**C28-04/21****MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC****MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:**

- 1** in accordance with Sections 5.23(2)(c) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following item:
  - 1.1** **CJ052-04/21 – Tender 002/21 – Provision of Median and Verge Mowing to Nominated Locations in Zone 1 (North) and / or Zone 2 (Central) and / or Zone 3 (South);**
- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Item CJ052-04/21 – Tender 002/21 – Provision of Median and Verge Mowing to Nominated Locations in Zone 1 (North) and / or Zone 2 (Central) and / or Zone 3 (South) while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
  - 2.1** Chief Executive Officer, Mr James Pearson;
  - 2.2** Director Corporate Services, Mr Mat Humfrey;
  - 2.3** Director Governance and Strategy, Mr Jamie Parry;
  - 2.4** Director Planning and Community Development, Ms Dale Page;
  - 2.5** Director Infrastructure Services, Mr Nico Claassen;
  - 2.6** Manager Governance, Mr Brad Sillence;
  - 2.7** Governance Coordinator, Mrs Vivienne Stampalija;
  - 2.8** Governance Officer, Mrs Deborah Gouges;
  - 2.9** Governance Officer, Mrs Wendy Cowley;
  - 2.10** Governance Officer, Mrs Natasha Mossman.

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

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

*Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Community Development, Director Infrastructure Services, Manager Governance, Governance Coordinator and three Governance Officers) and members of the public and press left the Chambers at this point; the time being 9.48pm.*

*Cr McLean entered the Chamber at 9.49pm.*

**CJ052-04/21 TENDER 002/21 - PROVISION OF MEDIAN AND VERGE MOWING TO NOMINATED LOCATIONS IN ZONE 1 (NORTH) AND/OR ZONE 2 (CENTRAL) AND / OR ZONE 3 (SOUTH)**

**WARD** North, Central, South

**RESPONSIBLE DIRECTOR** Mr Mat Humfrey  
Corporate Services

**FILE NUMBERS** 109259, 101515

**ATTACHMENTS** Attachment 1 Schedule of Items  
Attachment 2 Summary of Submission  
Attachment 3 Confidential Tender Summary

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

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

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**PURPOSE**

For Council to accept the tenders submitted by Turf Master Pty Ltd as trustee for the Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in zone 1 (North), zone 2 (Central) and zone 3 (South).

**EXECUTIVE SUMMARY**

Tenders were advertised on 16 January 2021 through a state-wide public notice for provision of median and verge mowing to nominated locations in zone 1 (North) and/or zone 2 (Central) and/or zone 3 (South). Tenders closed on 10 February 2021. A submission was received from each of the following:

- D & E Parker Pty Ltd as trustee for Parker Trust trading as Lawn Doctor.
- Environmental Industries Pty Ltd.
- LLS Aust Pty Ltd as trustee for the Lochness Unit Trust (Lochness Landscape Services).
- Turf Master Pty Ltd as trustee for the Turfmaster Unit Trust trading as Turf Master Facility Management.
- D & TL Barker Nominees Pty Ltd (WA TreeWorks).

The submission from Turf Master Facility Management represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. Its submission outlined the qualifications and relative experience of key personnel and it demonstrated substantial experience providing an equivalent scope of works to various local governments such as the Cities of Stirling, Cockburn, Gosnells and Fremantle, and the Town of Cambridge.

It is the incumbent supplier to the City for Central and South zones. Its methodology for mowing the medians and verges met the City's requirements and its approach to mowing areas concurrently was clearly defined. The company is well established and has appropriate industry experience.

*It is therefore recommended that Council ACCEPTS the tender submitted by Turf Master Pty Ltd as trustee for the Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in zone 1 (North) and zone 2 (Central) and zone 3 (South) as specified in Tender 002/21 for a period of three years, with an option for a further two terms of one year each, at the submitted schedule of rates, and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement to utilise the services of a Contractor to mow medians and verges inclusive of traffic management across nominated City of Joondalup locations in zone 1 (North), zone 2 (South), and zone 3 (Central), to accord with its mowing program.

The mowing program consists of mowing activities which have been categorised as follows:

- R1 – mowing of areas, cut and drop where ride on mowers can access.
  - R2 – mowing of areas, cut and drop where the ride on mowers can access.
  - R3 – mowing of areas, cut and drop where the ride on mowers can access.
- Brush cutting of all other areas where the ride on mower cannot access.

It is expected that, to meet the desired service levels per financial year, each category will have the following number of events scheduled:

- R1 categories = 11 x events per year.
- R2 categories = 8 x events per year.
- R3 categories = 5 x events per year.
- Entry Statements / High Profile = 20 events per year.
- Reticulated locations = 12 events per year.

Tender 002/21 was advertised as three separable portions with each zone being separable portions of work. Tenderers could submit an offer for any of the three portions of the work.

Should one Contractor be awarded all three zones being North, Central, and South, the City will require all like category locations to be undertaken concurrently.

The City has two contracts in place, one with Lawn Doctor for zone 1 (North), and one with Turf Master Facility Management for zones 2 and 3 (Central and South). Both contracts will expire on 11 April 2021.

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

## DETAILS

The tender for the provision of median and verge mowing to nominated locations in zone 1 (North) and/or zone 2 (Central) and/or zone 3 (South) was advertised through statewide public notice on 16 January 2021. The tender period was for three weeks and tenders closed on 10 February 2021.

### Tender Submissions

A submission was received from each of the following:

- D & E Parker Pty Ltd as trustee for Parker Trust trading as Lawn Doctor.
- Environmental Industries Pty Ltd.
- LLS Aust Pty Ltd as trustee for the Lochness Unit Trust (Lochness Landscape Services).
- Turf Master Pty Ltd as trustee for the Turfmaster Unit Trust trading as Turf Master Facility Management.
- D & TL Barker Nominees Pty Ltd (WA TreeWorks).

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ052-04/21.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ052-04/21.

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

## **Compliance Assessment**

All offers received were deemed compliant.

## **Qualitative Assessment**

WA TreeWorks scored 23.3% and was ranked fifth in the qualitative assessment. While it provided brief details for its key personnel and proposed operational staff including years of experience, qualifications and experience, information to indicate experience gained in mowing activities was lacking. The company submitted a list of its specialised equipment including three mowers which was considered inadequate to perform the required services for all three zones concurrently. Two examples of contracts were submitted with only one being comparable to the City's requirements for the Shire of Serpentine-Jarrahdale. Its experience was noted in large area slashing and chemical spray services for the Water Corporation. Arrangements to accommodate extra resources if needed were omitted. Three references, one from a local government, were noted. It demonstrated a basic understanding of the City's requirements with no explanation for how it would mobilise and transition between sites. The number of employees and / or crews that would be deployed was not stated.

Lochness Landscape Services scored 66.3% and was ranked fourth in the qualitative assessment. It submitted an organisation structure and a high level overview of industry experience and qualifications for its key personnel which was considered appropriate for the City's contract. A list of its specialised equipment was sighted; however, it was not evident what would be allocated to the City's contract. The ability to provide additional resources was addressed with the company having a swing operator in place as a contingency measure. Additional mowers were noted as being available should an unexpected serviceability issue arise. A list of contracts was evidenced denoting the type of works, length, value, and size, however the specific details of each contract to demonstrate experience in performing similar works was not sighted. It was the prior contractor to the City for median and verge mowing in 2016 for zone 3 (South), has performed landscape maintenance at Harbour Rise Estate for the City in 2017, and is the current contractor to the City for mowing services for public open space dry parks. It demonstrated a reasonable understanding of the required tasks with three teams (six operators) designated for the contract, however, it did not specify how it would achieve the mowing services concurrently.

Environmental Industries Pty Ltd scored 75.3% and was ranked third in the qualitative assessment. It demonstrated extensive experience in providing similar services whereby it has been conducting mowing programs for the Cities of Bayswater, Wanneroo, and Belmont. It undertakes ad hoc mowing for the City and performs landscape maintenance services for the City of Stirling and LWP Property Group. It demonstrated a good understanding of the required tasks and submitted a draft mowing schedule which aligns with the City's proposed mowing cycle program. It was unclear how many teams would be assigned and how the teams would achieve the mowing of like categories concurrently. Details for key supervisory staff illustrating experience and qualifications was noted, however, skills of equipment operators were not evidenced. The fleet to be used for the contract was not considered adequate to cover R2 and R3 categories with only one mower allocated for each. The ability to provide extra resources was addressed with the company having a flexible workforce and other divisions whereby personnel and plant can be acquired.

Turf Master Facility Management scored 81.1% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding of the City's requirements and has an extensive inventory of plant and equipment that fully meets the requirements of the contract for all three zones. Its approach was articulated with adequate numbers of mowing units and traffic management technicians able to be deployed for each of the individual zones with appropriate licences and experience to perform the works.

It has a dedicated team of 13 mowing operators and standby equipment ready to be allocated depending on demand and has a fully equipped workshop and washdown facilities to ensure compliance with the City's specification. It provided references for the Cities of Stirling, Cockburn, and Gosnells for which it has been providing mowing services. It is the incumbent supplier of mowing services to the City for Central and South zones.

Lawn Doctor scored 83.1% and was ranked first in the qualitative assessment. The company is well-established, employing staff with experience and qualifications suited to the City's requirements. The nominated plant / equipment was deemed suitable to undertake the works, and the dedicated resources, who were allocated to the City's contract, hold appropriate licences. It demonstrated a thorough understanding and appreciation of the City's requirements, addressing how its teams will move through the two zones to complete the works. The company demonstrated substantial experience in providing similar services having provided mowing services for the Department of Education and the Cities of Stirling and Wanneroo. It is the incumbent supplier of mowing services to the City for the North zone. References were noted for Department of Education and Cities of Swan and Bayswater.

Given the minimum acceptable score of 50%, Lawn Doctor, Turf Master Facility Management, Environmental Industries Pty Ltd and Lochness Landscape Services qualified to progress to 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 on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates offered by the tenderer have been applied to the number of mowing events required per calendar year, with actual historical usage data applied to additional works for three items using the schedule of additional rates. This provides a value of the tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur, as any future mix of requirements will be based upon demand and are subject to change in accordance with the operational needs of the City.

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

### Zone 1 (North)

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Turf Master Facility Management	\$192,333	\$195,217	\$198,146	<b>\$585,696</b>
Lawn Doctor	\$210,276	\$213,430	\$216,631	<b>\$640,336</b>
Lochness Landscape Services	\$301,908	\$306,436	\$311,033	<b>\$919,376</b>
Environmental Industries Pty Ltd	\$520,034	\$527,835	\$535,752	<b>\$1,583,621</b>

### Zone 2 (Central)

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Turf Master Facility Management	\$150,703	\$152,963	\$155,257	<b>\$458,923</b>
Lawn Doctor	\$152,457	\$154,744	\$157,065	<b>\$464,266</b>
Lochness Landscape Services	\$234,828	\$238,350	\$241,925	<b>\$715,103</b>
Environmental Industries Pty Ltd	\$453,329	\$460,129	\$467,031	<b>\$1,380,488</b>

**Zone 3 (South)**

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Turf Master Facility Management	\$117,113	\$118,869	\$120,652	<b>\$356,634</b>
Lawn Doctor	Not applicable			
Lochness Landscape Services	\$166,278	\$168,772	\$171,303	<b>\$506,352</b>
Environmental Industries Pty Ltd	\$448,919	\$455,653	\$462,488	<b>\$1,367,059</b>

During January to December 2020, the City incurred \$445,409 for the provision of mowing services.

It is anticipated over the next three years the City will incur expenditure of \$1,401,253 during the Contract period, and up to \$2,370,803 over a five year Contract period, if the two one year extension options are exercised.

**Evaluation Summary**

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

<b>Tenderer</b>	<b>Weighted Percentage Score</b>	<b>Qualitative Ranking</b>	<b>Zones</b>	<b>Estimated Total Comparative Price</b>	<b>Price Ranking</b>
Turf Master Facility Management	81.1%	2	1	\$585,696	1
			2	\$458,923	1
			3	\$356,634	1
Lawn Doctor	83.1%	1	1	\$640,336	2
			2	\$464,266	2
			3	Not applicable	Not applicable
Lochness Landscape Services	66.3%	4	1	\$919,376	3
			2	\$715,103	3
			3	\$506,352	2
Environmental Industries Pty Ltd	75.3%	3	1	\$1,583,621	4
			2	\$1,380,488	4
			3	\$1,367,059	3

Based on the evaluation result the panel concluded that the offer from Turf Master Facility Management provides best value to the City and is therefore recommended.

**Issues and options considered**

The City has a requirement for the mowing of medians and verges as it does not have the in-house resources to provide these services.

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

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

## Strategic Community Plan

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Establish landscapes that are unique to the City and provide statements within prominent network areas.
<b>Policy</b>	Not applicable.

## Risk management considerations

Should the contract not proceed, the risk to the City will be high as the mowing service levels in the City's reserves will be impacted.

While the tenderer is a well-established company, has the capacity to provide the services, and has sufficient industry experience, the City will be awarding all three zones to this Contractor. The City will therefore need to closely monitor the Contractor's performance to ensure all desired outcomes and value for money is being achieved. The scheduling of the Contractor's activities is essential to meet the City's mowing programs.

## Financial / budget implications

### Current financial year impact

<b>Account no.</b>	633 Various Parks.
<b>Budget Item</b>	Median and verge mowing to nominated locations.
<b>Budget amount</b>	\$ 475,000
<b>Amount spent to date</b>	\$ 347,345
<b>Commitments</b>	\$ 68,846
<b>Proposed cost</b>	\$ 89,508 (new contract April - June 2021)
<b>Balance</b>	\$ (30,699)

The balance does not represent an overspend at this time. The projected expenditure on these services is subject to change in accordance with operational requirements and mowing activities.

All amounts quoted in this report are exclusive of GST.

## Regional significance

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

Not applicable.



**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by Turf Master Pty Ltd as trustee for the Turfmaster Unit Trust trading as Turf Master Facility Management.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council **ACCEPTS** the tender submitted by Turf Master Pty Ltd as trustee for the Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in zone 1 (North) and zone 2 (Central) and zone 3 (South) as specified in Tender 002/21 for a period of three years, with an option for a further two terms of one year each, at the submitted schedule of rates, and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

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

- 1 ACCEPTS the tender submitted by D & E Parker Pty Ltd as trustee for Parker Trust trading as Lawn Doctor for the provision of median and verge mowing to nominated locations in zone 2 (Central) as specified in Tender 002/21 for a period of three years, with an option for a further two terms of one year each, at the submitted schedule of rates, and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups);**
- 2 DEFERS accepting any tender for the provision of median and verge mowing to nominated locations in zone 1 (North) and in zone 3 (South), as specified in Tender 002/21, until the next Council meeting to be held on 18 May 2021.**

*It was requested that each Part of the Motion be voted upon separately.*

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

- 1 ACCEPTS the tender submitted by D & E Parker Pty Ltd as trustee for Parker Trust trading as Lawn Doctor for the provision of median and verge mowing to nominated locations in zone 2 (Central) as specified in Tender 002/21 for a period of three years, with an option for a further two terms of one year each, at the submitted schedule of rates, and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

**The Motion was Put and**

**CARRIED (12/1)**

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

**Against the Motion:** Cr Jones.

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

- 2 DEFERS accepting any tender for the provision of median and verge mowing to nominated locations in zone 1 (North) and in zone 3 (South), as specified in Tender 002/21, until the next Council meeting to be held on 18 May 2021.

**The Motion was Put and**

**LOST (5/8)**

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

**Against the Motion:** Mayor Jacob, Crs Hamilton-Prime, Hollywood, Jones, Logan, May, McLean and Taylor.

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime** that Council:

- 2 **ACCEPTS** the tender submitted by Turf Master Pty Ltd as trustee for the Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in zone 1 (North) as specified in Tender 002/21 for a period of three years, with an option for a further two terms of one year each, at the submitted schedule of rates, and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups);
- 3 **ACCEPTS** the tender submitted by Turf Master Pty Ltd as trustee for the Turfmaster Unit Trust trading as Turf Master Facility Management for the provision of median and verge mowing to nominated locations in zone 3 (South) as specified in Tender 002/21 for a period of three years, with an option for a further two terms of one year each, at the submitted schedule of rates, and schedule of additional rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

**The Motion was Put and**

**CARRIED (9/4)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean and Taylor.

**Against the Motion:** Crs Fishwick, Poliwka, Raftis and Thompson.

### **Reason for departure from Officer's Recommendation**

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because it will provide greater flexibility albeit at a small additional cost of \$5,343 over the initial three-year contract period.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf210413.pdf](#)*

**C29-04/21****MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC**

**MOVED Mayor Jacob, SECONDED Cr McLean** that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting now be REOPENED TO THE PUBLIC.

**The Motion was Put and**

**CARRIED (13/0)**

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

*Doors opened at 10.29pm. No members of the public or press were present.*

**C30-04/21****MOTION TO RESUME ORDER OF BUSINESS**

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

**The Motion was Put and**

**CARRIED (13/0)**

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

## **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 10.30pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP  
CR JOHN CHESTER  
CR RUSS FISHWICK, JP  
CR CHRISTINE HAMILTON-PRIME, JP  
CR KERRY HOLLYWOOD  
CR NIGE JONES  
CR JOHN LOGAN  
CR CHRISTOPHER MAY  
CR TOM McLEAN, JP  
CR RUSSELL POLIWKA  
CR JOHN RAFTIS  
CR PHILIPPA TAYLOR  
CR SUZANNE THOMPSON