

minutes

MEETING HELD ON **TUESDAY, 25 JUNE 2013**

TABLE OF CONTENTS

ITEM NO	TITLE	PAGE NO
	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	6
	PUBLIC QUESTION TIME	3
	PUBLIC STATEMENT TIME	5
	APOLOGIES AND LEAVE OF ABSENCE	6
C26-06/13	REQUESTS FOR LEAVE OF ABSENCE – CRS LIAM GOBBERT AND TERESA RITCHIE – [102280]	6
	CONFIRMATION OF MINUTES	6
C27-06/13	MINUTES OF COUNCIL MEETING, 27 MAY 2013	6
	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	7
	DECLARATIONS OF INTEREST	8
	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS	9
C28-06/13	CONSIDERATION OF CHANGE TO ORDER OF BUSINESS – [08122], [02154]	9
	PETITIONS	10
C29-06/13	PETITION REQUESTING THE IMMEDIATE DEMOLITION OF THE UNAPPROVED CONSTRUCTION OF UNITS 2 AND 3 AT LOT 1, 14 MERTZ COURT, HILLARYS – [44753]	10
C30-06/13	PETITION REQUESTING THAT COUNCIL DOES NOT APPROVE THE SALE OF ANY PORTION OF LOT 971, 52 CREANEY DRIVE, KINGSLEY – [11367, 05386]	10
C31-06/13	PETITION IN RELATION TO NO LIGHTING, PARKING ENFORCEMENT AND TIMES OF USE – MIRROR PARK SKATE PARK – [22103, 05386, 06009, 06161]	10
C32-06/13	PETITION IN RELATION TO NO LIGHTING, PARKING ENFORCEMENT AND TIMES OF USE AT MIRROR PARK SKATE PARK AND INCREASE IN HOME INVASIONS – [22103, 05386, 06009, 06161]	10
C33-06/13	PETITION REQUESTING REVIEW OF THE CURRENT ONE WAY TRAFFIC MANAGEMENT ISLAND LAYOUT ON HOBSON'S GATE, CURRAMBINE – [21479, 05386 102883]	11

	REPORTS	12
CJ087-06/13	DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – [07032]	12
CJ088-06/13	PROPOSED OMNIBUS AMENDMENT (AMENDMENT NO. 65) – CONSIDERATION FOLLOWING ADVERTISING – [102568]	16
CJ089-06/13	PROPOSED SIGNAGE ADDITION TO SHENTON HOUSE AT LOT 466 (57) SHENTON AVENUE, JOONDALUP – [04723]	28
CJ090-06/13	PROPOSED SIGNAGE ADDITIONS TO EXISTING BETTING AGENCY AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE – [102308]	35
CJ091-06/13	PROPOSED AGED OR DEPENDENT PERSONS' DWELLINGS AT LOT 501 (7) ARAWA PLACE, CRAIGIE – [06729]	42
CJ092-06/13	JOONDALUP MEN'S SHED UPDATE – [77613]	56
CJ093-06/13	PROPOSED LIGHTING – MIRROR PARK SKATE PARK – [59155]	62
CJ094-06/13	REVIEW OF REGISTER OF DELEGATION OF AUTHORITY – [07032]	71
CJ095-06/13	EXECUTION OF DOCUMENTS – [15876]	75
CJ096-06/13	STATUS OF PETITIONS – [05386]	78
CJ097-06/13	MINUTES OF EXTERNAL COMMITTEES – [03149, 48543, 05526]	82
CJ098-06/13	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2013 ANNUAL GENERAL MEETING – [00033]	87
CJ099-06/13	LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2013 – [09882]	90
CJ100-06/13	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2013 – [07882]	93
CJ101-06/13	TENDER 012/13 – PROVISION OF ENVIRONMENTAL CONSULTANCY SERVICES FOR THE OCEAN REEF MARINA DEVELOPMENT – [103082]	96
CJ102-06/13	CAT ACT 2011 – DELEGATIONS – [05089]	103
CJ103-06/13	WARWICK OPEN SPACE – PROPOSED SYNTHETIC HOCKEY PITCH PROJECT – [100981, 07496, 26520]	107
CJ104-06/13	PETITION IN RELATION TO THE INSTALLATION OF SHADE SAILS AND BARBECUES AT MARRI PARK, DUNCRAIG – [03146]	128
CJ105-06/13	CONFIDENTIAL – SALE OF PROPERTY TO RECOVER UNPAID RATES – [06285]	135

C34-06/13	COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]	136
	REPORTS – CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE – 4 JUNE 2013	137
CJ106-06/13	CONFIDENTIAL – CHIEF EXECUTIVE OFFICER - NEW CONTRACT OF EMPLOYMENT – [74574]	137/217
	REPORTS – ART COLLECTION AND ADVISORY COMMITTEE – 6 JUNE 2013	139
CJ107-06/13	INSIDE OUT BILLBOARD PROJECT REPORT – [35613]	139
CJ108-06/13	PUBLIC ARTWORK COMMISSION FOR CITY CENTRE, JOONDALUP – [35613]	145
C35-06/13	COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]	151
	REPORTS – POLICY COMMITTEE – 10 JUNE 2013	152
CJ109-06/13	RESCISSION OF THE CENTRES STRATEGY POLICY – [20454]	152
CJ110-06/13	DRAFT AMENDED CHILD CARE CENTRES POLICY - CONSIDERATION FOLLOWING ADVERTISING – [85510]	156
CJ111-06/13	DRAFT AMENDED SIGNS POLICY– CONSIDERATION FOLLOWING ADVERTISING – [01907]	161
CJ112-06/13	DRAFT AMENDED SMALL SCALE RENEWABLE ENERGY SYSTEMS POLICY - CONSIDERATION FOLLOWING ADVERTISING – [102705]	166
CJ113-06/13	DRAFT CONSULTING ROOMS POLICY - CONSIDERATION FOLLOWING ADVERTISING - [102788]	170
CJ114-06/13	DRAFT ENVIRONMENTALLY SUSTAINABLE DESIGN POLICY (FORMERLY THE ENVIRONMENTALLY SUSTAINABLE BUILDINGS IN THE CITY OF JOONDALUP POLICY) - CONSIDERATION FOLLOWING ADVERTISING – [21452]	175
CJ115-06/13	SUSTAINABILITY POLICY AND SUSTAINABILITY STATEMENT POLICY — MAJOR REVIEW – [101288]	180
	REPORTS – CHIEF EXECUTIVE OFFICER	185
CJ116-06/13	PROPOSAL FOR LEVYING DIFFERENTIAL RATES FOR THE 2013-14 FINANCIAL YEAR – [102883]	185
CJ117-06/13	DRAFT 2013-14 BUDGET – [102883]	189

C36-06/13	MOTION TO GO BEHIND CLOSED DOORS – [02154, 08122]	216
CJ106-06/13	CONFIDENTIAL – CHIEF EXECUTIVE OFFICER - NEW CONTRACT OF EMPLOYMENT – [74574]	217/137
CJ118-06/13	CONFIDENTIAL - EMPLOYMENT CONTRACT – DIRECTOR GOVERNANCE AND STRATEGY – [99481]	219
C37-06/13	MOTION TO GO TO OPEN DOORS – [02154, 08122]	220
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	221
	ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING	221
	CLOSURE	221

CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY, 25 JUNE 2013.**

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

ANNOUNCEMENT OF VISITORS

Mayor:

TROY PICKARD

Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North-Central Ward	<i>Absent from 9.08pm to 9.10pm</i>
CR SAM THOMAS	North-Central Ward	<i>Absent from 9.05pm to 9.08pm</i>
CR LIAM GOBBERT	Central Ward	<i>Absent from 8.36pm to 8.38pm</i>
CR GEOFF AMPHLETT, JP	Central Ward	
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	<i>Deputy Mayor</i>
CR JOHN CHESTER	South-East Ward	<i>Absent from 8.22pm to 8.24pm</i>
CR BRIAN CORR	South-East Ward	
CR RUSS FISHWICK, JP	South Ward	
CR TERESA RITCHIE	South Ward	

Officers:

MR GARRY HUNT	Chief Executive Officer	<i>Absent from 9.52pm to 9.55pm</i>
MR MIKE TIDY	Director Corporate Services	
MR JAMIE PARRY	Director Governance and Strategy	
		<i>Absent from 9.52pm to 9.58pm</i>
MS DALE PAGE	Director Planning and Community Development	<i>to 9.52pm</i>
MR NICO CLAASSEN	Director Infrastructure Services	<i>to 9.52pm</i>
MR BRAD SILLENCE	Manager Governance	
MR JOHN CORBELLINI	Manager Planning Services	<i>to 9.52pm</i>
MR STUART McLEA	Media and Communications Officer	<i>Absent from 8.43pm to 8.45pm and from 9.52pm</i>
MR JOHN BYRNE	Governance Coordinator	<i>Absent from 9.52pm to 9.58pm</i>
MRS LESLEY TAYLOR	Governance Officer	<i>Absent from 9.52pm to 9.58pm</i>
MRS ROSE GARLICK	Governance Officer	<i>Absent from 9.52pm to 9.58pm</i>

There were 14 members of the public and one member of the press in attendance.

PUBLIC QUESTION TIME

The following questions were received prior to the ordinary Council meeting to be held on 25 June 2013:

Mr A Toulalan, Kallaroo:

Re: Visitor Centre.

Q1 Will the City investigate establishing an accredited Visitor Centre to act as a central booking and coordination office for accommodation, car hire, tours, activities, attractions and tourist information within the City of Joondalup considering that Fremantle, Mandurah, Rockingham, Swan Valley, Perth and Armadale all have accredited Visitor Centres?

A1 The City investigated the establishment of a Visitor Centre when it developed its *Tourism Development Plan 2005 – 2009*. The City decided to work instead with key tourism agencies such as Experience Perth and the Perth Visitor Centre to maximise opportunities to not only promote the tourism attractions offered by the City of Joondalup, but to also promote the whole northern corridor through recognised tourism outlets.

The City partners with Experience Perth (and the Cities of Wanneroo and Stirling) to produce the Experience Perth Holiday Guide which includes a Sunset Coast section. The guide is available as an e-book on the Experience Perth website, as well as being distributed at all the trade and consumer events attended by Experience Perth nationally and internationally. Experience Perth also produces a separate Sunset Coast Holiday Planner which is also available as an e-book and is widely distributed.

The City produces a 48-page *Explore Joondalup* booklet each year which is also widely distributed to all residents and key stakeholders, as well as producing an annual lift out in either *The West Australian* or *The Sunday Times* promoting the attractions offered in Joondalup and the north west metropolitan region.

Re: Short Stay Accommodation in residential areas.

Q2 When enacting the ban on short stay accommodation in residential areas, did Council consider the effect on short stay requirements where the purpose of stay is migration in the context that migrating families on average require furnished accommodation for only four to eight weeks due to the high cost while they secure a long term unfurnished rental in Perth's tight rental market and are thus now unable to stay in Joondalup which deprives the City of their economic benefit and possible future permanent residency?

A2 An amendment to include short stay accommodation as a land use within the City's *District Planning Scheme No. 2* was advertised in late 2007. Thirty one submissions were received of which 27 were objections, principally relating to the potential impact of short stay accommodation on the amenity of a residential area.

In making its decision on the final format of the amendment the Council took into account a number of factors, including the submissions of objection and the potential impacts of Short Stay Accommodation on residential areas. As a result, on 15 April 2008, the Council resolved to adopt a modified amendment to prohibit short stay accommodation within the 'Residential' zone.

The following questions were submitted verbally at the Council meeting:**Mrs M Macdonald, Mullaloo:**

Re: *CJ101-06/13 – Tender 012/13 – Provision of Environmental Consultancy Services for the Ocean Reef Marina Development.*

Q1 *Will Strategen provide a detailed environmental report on the affect of the proposed marina on the coast north of the marina and Mullaloo Beach which includes a discussion on the impact of climate change?*

A1 Mayor Pickard advised that the question would be taken on notice.

Re: *CJ093-06/13 – Proposed Lighting - Mirror Park Skate Park.*

Q2 *Why are there no crime statistics within the report on the Mirror Park skate park?*

A2 Mayor Pickard advised that the issue before Council this evening was whether or not to light the skate park and not the assessment of anti social behaviour at the facility.

Mrs K Fasolo, Ocean Reef:

Re: *CJ093-06/13 – Proposed Lighting - Mirror Park Skate Park.*

Q1 *How many parking fines have been issued at Mirror Park skate park?*

Q2 *What are the nature of the complaints regarding the skate park?*

A1-2 Mayor Pickard advised that these questions would be taken on notice.

Ms S Fleming, Ocean Reef:

Re: *CJ093-06/13 – Proposed Lighting - Mirror Park Skate Park.*

Q1 *Is Council genuinely considering the community's request and petitions not to install lighting over Mirror Park skate park?*

A1 Mayor Pickard advised that Council duly considers petitions. The challenge faced is that the petition is being lodged at the same meeting that the decision is being made on the proposed lighting to the facility.

Q2 *Would Council consider approaching Main Roads WA or the relevant government department with a view to installing speed humps along Oceanside Promenade?*

A2 Mayor Pickard advised that the question would be taken on notice.

PUBLIC STATEMENT TIME

The following statements were submitted verbally at the Council meeting:

Mr D Blackburn, Kingsley:

Re: Petition requesting that Council does not approve the sale of any portion of Lot 971, 52 Creaney Drive, Kingsley.

Mr Blackburn spoke with regard to the petition relating to the sale of any portion of Lot 971, 52 Creaney Drive, Kingsley.

Mr D Moroney, Hillarys:

Re: CJ103-06/13 – Warwick Open Space - Proposed Synthetic Hockey Pitch Project.

Mr Moroney spoke in support of the proposed synthetic hockey pitch and club rooms project at Warwick open space.

Mrs M Macdonald, Mullaloo:

Re: CJ093-06/13 – Proposed Lighting - Mirror Park Skate Park.

Mrs Macdonald spoke in relation to anti social behaviour in and around Mirror Park skate park.

Mrs R Murphy, Hillarys:

Re: Petition requesting the immediate demolition of the unapproved construction of Units 2 and 3 at Lot 1, 14 Mertz Court, Hillarys.

Mrs Murphy spoke with regard to the petition relating to the immediate demolition of the unapproved construction of Units 2 and 3 at Lot 1, 14 Mertz Court, Hillarys.

Ms S Fleming, Ocean Reef:

Re: CJ093-06/13 – Proposed Lighting - Mirror Park Skate Park.

Ms Fleming spoke with regard to the suggestion of speed humps being installed at both Ocean Reef Road and Oceanside Promenade in relation to the Mirror Park skate park.

APOLOGIES AND LEAVE OF ABSENCE**C26-06/13 REQUESTS FOR LEAVE OF ABSENCE – CRS LIAM GOBBERT AND TERESA RITCHIE - [102280]**

Cr Liam Gobbert requested Leave of Absence from Council duties covering the period 1 July to 8 July 2013 inclusive.

Cr Teresa Ritchie requested Leave of Absence from Council duties covering the period 12 August to 16 August 2013 inclusive.

MOVED Cr Hollywood, SECONDED Cr Gobbert that Council APPROVES the requests for Leave of Absence from Council duties covering the following dates:

- | | | |
|----------|--------------------------|---|
| 1 | Cr Liam Gobbert | 1 July to 8 July 2013 inclusive. |
| 2 | Cr Teresa Ritchie | 12 to 16 August 2013 inclusive. |

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

CONFIRMATION OF MINUTES**C27-06/13 MINUTES OF COUNCIL MEETING HELD 27 MAY 2013**

MOVED Cr McLean, SECONDED Cr Amphlett that the Minutes of the Council Meeting held on 27 May 2013 be CONFIRMED as a true and correct record.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

COMMUNITY ART EXHIBITION

Mayor Pickard congratulated the category winners of the City of Joondalup's 2013 Community Art Exhibition Awards and to all the local artists who contributed to this year's spectacular display.

Mayor Pickard advised Chloe Tupper's painting '*Still Life with Faceted Jar, Hibiscus Leaves and Turnip*' was named the most outstanding artwork in any media category, winning a \$1500 prize.

Mayor Pickard stated the City purchased two artworks for its prestigious collection - '*The Kite Flyers*' by Susan Hoy and '*The Jewel of Joondalup*' by Lyn Franke.

Mayor Pickard commented that eleven artworks alone were sold on the opening night of the exhibition.

Mayor Pickard stated this is the 16th time the City has hosted this annual event with more than 160 professional and emerging artists, as well as students contributing both traditional and contemporary pieces in a variety of mediums.

Mayor Pickard believed their efforts again reinforce the City's reputation as being home to an active and vibrant arts community.

Mayor Pickard commented that Thousands of people had an opportunity to view these artworks while on display at Lakeside Joondalup Shopping City between 8 June and 22 June 2013.

DIGITAL CITY

Mayor Pickard advised the City of Joondalup will officially launch its Digital City Strategy at the Joondalup: Innovation City business forum at Joondalup Resort on Wednesday 26 June 2013.

Mayor Pickard stated the City of Joondalup is the first local government in the Perth metropolitan area to develop and launch a digital strategy.

Mayor Pickard believed the key areas of focus of this innovative strategy are to lead and position Joondalup as a Digital City by building infrastructure, platforms and content, actively growing Council's internal digital capacity and realising Joondalup's potential as an Education City.

Mayor Pickard commented realising these objectives will certainly improve e-services for the local community and assist local businesses take advantage of new technologies and the digital economy.

Mayor Pickard advised innovative projects and initiatives outlined in this important document also aim to build small business capacity and confidence, grow and attract new business in innovative sectors and build community capacity and innovative government services.

Mayor Pickard stated the event to be held on Wednesday, 26 June is the second of the City's business forums for 2013 and follows on from the successful Billion Dollar City Forum held in February.

Mayor Pickard reported that a capacity audience of 150 guests, including members of the local business community, will hear from guest speakers:

- Mr Geof Heydon – Business Development Manager, Digital Productivity and Services Flagship, CSIRO
- Mr Peter Gurney, Community Account Manager (WA) NBN Co.

DECLARATIONS OF INTEREST

Disclosures of Financial / Proximity Interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No./Subject	CJ106-06/13 - Confidential – Chief Executive Officer - New Contract of Employment.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Name/Position	Mr Jamie Parry – Director Governance and Strategy.
Item No./Subject	CJ118-06/13 - Confidential – Employment Contract – Director Governance and Strategy.
Nature of interest	Financial.
Extent of Interest	Mr Parry holds the position of Director Governance and Strategy.

Disclosures of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) 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 the interest.

Name/Position	Cr John Chester.
Item No./Subject	CJ101-06/13 – Tender 012/13 – Provision of Environmental Consultancy Services for the Ocean Reef Marina Development.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The principal of Natural Areas Consulting is an acquaintance.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ103-06/13 – Warwick Open Space – Proposed Synthetic Hockey Pitch Project.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick is a member of the Friends of Warwick Bushland.

Name/Position	Mr Mike Tidy - Director Corporate Services.
Item No./Subject	CJ106-06/13 - Confidential – Chief Executive Officer - New Contract of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of his employment relationship with the Chief Executive Officer.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

CJ106-06/13 Confidential - Chief Executive Officer - New Contract of Employment.
 CJ118-06/13 Confidential - Employment Contract – Director Governance and Strategy.

C28-06/13 CONSIDERATION OF CHANGE TO ORDER OF BUSINESS – [08122], [02154]

MOVED Cr Hollywood, **SECONDED** Cr Amphlett that Council, in accordance with Clause 14(4) of the City of Joondalup *Standing Orders Local Law 2005*, **DEFERS** consideration of the following item to be dealt with at the end of the Council meeting prior to consideration of Item CJ118-06/13:

CJ106-06/13 Confidential – Chief Executive Officer – New Contract of Employment

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

PETITIONS**C29-06/13** PETITION REQUESTING THE IMMEDIATE DEMOLITION OF THE UNAPPROVED CONSTRUCTION OF UNITS 2 AND 3 AT LOT 1, 14 MERTZ COURT, HILLARYS – [44753, 05386]

A 26 signature petition has been received on behalf of residents of the City of Joondalup requesting the immediate demolition of the unapproved construction of Units 2 and 3 at Lot 1, 14 Mertz Court, Hillarys.

C30-06/13 PETITION REQUESTING THAT COUNCIL DOES NOT APPROVE THE SALE OF ANY PORTION OF LOT 971, 52 CREANEY DRIVE, KINGSLEY – [11367, 05386]

Cr Chester tabled a 1,977 signature petition on behalf of residents of the City of Joondalup requesting that Council does not approve the sale of any portion of Lot 971, 52 Creaney Drive, Kingsley.

C31-06/13 PETITION IN RELATION TO NO LIGHTING, PARKING ENFORCEMENT AND TIMES OF USE – MIRROR PARK SKATE PARK – [22103, 05386, 06009, 06161]

Cr Thomas tabled a 70 signature petition on behalf of residents of the City of Joondalup requesting that:

- 1 no lights be placed over or near the Mirror Park skate park, Ocean Reef
- 2 no parking be enforced along Ocean Reef Road and Venturi Road, Ocean Reef
- 3 Council enforce adherence to the times of use of the skate park.

CJ32-06/13 PETITION IN RELATION TO NO LIGHTING, PARKING ENFORCEMENT AND TIMES OF USE AT MIRROR PARK SKATE PARK AND INCREASE IN HOME INVASIONS – [22103, 05386, 06009, 06161]

Cr Thomas tabled a 18 signature petition on behalf of residents of the City of Joondalup requesting that:

- 1 no lights to be placed over or near the Mirror Park skate park, Ocean Reef
- 2 no parking be enforced along Ocean Reef Road and Venturi Road, Ocean Reef
- 3 Council enforce adherence to the times of use of the skate park
- 4 Council take notice when making its decision of the increase in home invasions.

C33-06/13 PETITION REQUESTING REVIEW OF THE CURRENT ONE WAY TRAFFIC MANAGEMENT ISLAND LAYOUT ON HOBSONS GATE, CURRAMBINE – [21479, 05386 102883]

Cr McLean tabled a 326 signature petition on behalf of residents of the City of Joondalup requesting that Council review the current one-way traffic management island layout on Hobsons Gate, Currambine in order to fund changes in the 2014-15 Budget.

MOVED Cr McLean, SECONDED Cr Chester that the following petitions be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for information:

- 1 Petition requesting the immediate demolition of the unapproved construction of Units 2 and 3 at Lot 1, 14 Mertz Court, Hillarys;**
- 2 Petition requesting that Council does not approve the sale of any portion of Lot 971, 52 Creaney Drive, Kingsley;**
- 3 Petition requesting that no lights be placed over or near the Mirror Park skate park, Ocean Reef in addition to the following:**
 - 3.1 enforcement of ‘no parking’ along Ocean Reef Road and Venturi Road, Ocean Reef;**
 - 3.2 adherence to the times of use of the skate park;**
 - 3.3 consideration of the increase in home invasions as part of any future Council decision;**
- 4 Petition requesting that Council review the current one way traffic management island layout on Hobsons Gate, Currambine in order to fund changes in the 2014-15 Budget.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

REPORTS**CJ087-06/13 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - APRIL 2013**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – April 2013 Attachment 2 Monthly Subdivision Applications Processed – April 2013 Attachment 3 Monthly Building R-Code Applications Decision – April 2013
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

Clause 8.6 of *District Planning Scheme No. 2 (DPS2)* allows Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, *Residential Design Codes (R-Code)* applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed on a two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies the following applications determined by the administration with delegated authority powers during April 2013 (Attachments 1, 2 and 3 refer):

- 1 Planning applications (applications for planning approval (development applications) and R-Code applications).
- 2 Subdivision applications.
- 3 Building R-Code applications.

BACKGROUND

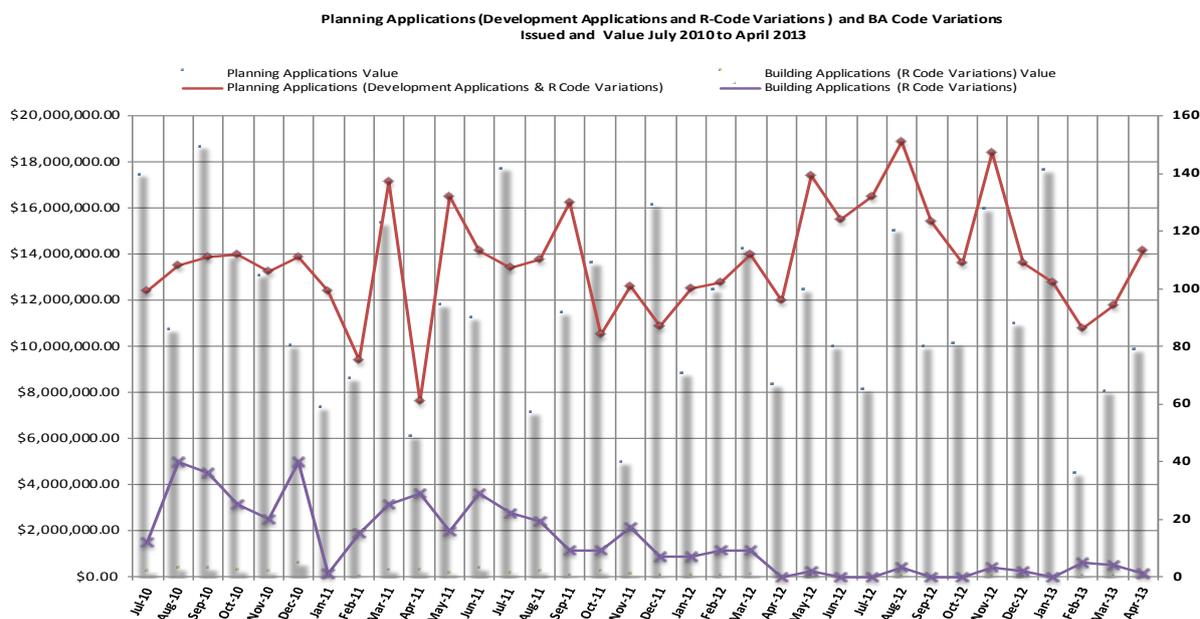
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 15 May 2012 (CJ075-05/12 refers), Council considered and adopted the most recent town planning delegations. These were then incorporated into the Register of Delegations of Authority when Council considered the review of this at its meeting held on 26 June 2012 (CJ108-06/12 refers).

DETAILS

The number of applications determined under delegated authority during April 2013, is shown in the table below:

Applications determined under delegated authority – April 2013		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	113	\$9,862,618
Building applications (R-Codes applications)	1	\$13,295
TOTAL	114	\$9,875,913

The total number and value of planning and building applications determined between July 2010 and April 2013 is illustrated in the graph below:



The number of development applications received during April was 141. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of development applications current at the end of April was 208. Of these, 54 were pending additional information from applicants, and 41 were being advertised for public comment.

In addition to the above, 313 building permits were issued during the month of April with an estimated construction value of \$29,572,921.

The number of subdivision and strata subdivision referrals processed under delegated authority during April 2013 is shown in the table below:

Subdivision referrals processed under delegated authority for April 2013		
Type of referral	Number	Potential additional new lots
Subdivision applications	0	0
Strata subdivision applications	2	2

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup District Planning Scheme No. 2.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

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

Clause 8.6 of DPS2 permits development control functions to be delegated to persons or Committees. 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 114 applications were determined for the month of April with a total amount of \$40,301 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 the DPS2.

Of the 113 development applications determined during April 2013 consultation was undertaken for 48 of those applications. Building R-Codes applications made as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning R- Codes application. The two subdivision applications processed during April 2013 were not advertised for public comment.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to Report CJ087-06/13 during April 2013;**
- 2 Subdivision applications described in Attachment 2 to Report CJ087-06/13 during April 2013;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ087-06/13 during April 2013.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ107-06/13, page 136 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie and Taylor.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf110613.pdf](#)

CJ088-06/13 PROPOSED OMNIBUS AMENDMENT (AMENDMENT NO. 65) - CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	102568, 101515
ATTACHMENTS	Attachment 1 Advertised version of proposed Omnibus Amendment No. 65 Attachment 2 Scheme amendment process flowchart Attachment 3 Proposed Omnibus Amendment No. 65 including modifications
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the adoption of a proposed Omnibus Amendment (Amendment No. 65) to *District Planning Scheme No. 2* (DPS2), following public consultation.

EXECUTIVE SUMMARY

At its meeting held on 11 December 2012 (CJ268-12/12 refers), Council resolved to initiate Amendment No. 65 to DPS2 for the purposes of public consultation. The amendment proposes the following changes to DPS2:

- Clarify references to local government in DPS2.
- Revise the list of developments that do not require planning approval to generally accord with the exemptions set out in the state government's *Model Scheme Text* and to include additional standard forms of development.
- Adjust the use classes included in DPS2 by adding, deleting and altering use classes in the zoning table and their associated definitions to generally accord with the state government's *Model Scheme Text*.
- Update the car parking standards to reflect Western Australian Planning Commission State Planning Policy.
- Clarify that the landowner is responsible for landscaping the verge adjacent to a development prior to the occupation of the development or the commencement of the land use.

The purpose of these changes is to primarily improve the operation of DPS2 by correcting minor deficiencies and anomalies and introduce provisions which will provide more clarity and certainty for applicants and decision makers alike. It is not intended to review the strategic direction of DPS2 as part of this amendment.

The proposed scheme amendment was advertised for public comment for 42 days, closing on 10 April 2013. No submissions were received.

Following consultation, minor modifications have been recommended to the amendment to provide further clarity on what development is exempt from requiring planning approval and to better align with the state government's *Model Scheme Text*. The recommended modifications are considered minor and do not alter the intent of the provisions previously adopted by Council at its meeting held on 11 December 2012 (CJ268-12/12 refers), and subsequently advertised for public comment. Given this, it is considered that further consultation is not required on Amendment No. 65.

It is recommended that Council adopts the proposed scheme amendment subject to modifications and forwards the proposed amendment to the Western Australian Planning Commission for determination.

BACKGROUND

The City's DPS2 came into operation on 28 November 2000. The City is currently undertaking a review of DPS2 with the view that a new scheme will be developed. However, as part of this review, several items have been identified that could be updated now, through an amendment to DPS2, to address existing issues and improve the functionality of DPS2.

Amendment No. 65 was drafted to address these items. Council considered the amendment at its meeting held on 11 December 2012 (CJ268-12/12 refers), and resolved as follows:

- "1 Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No. 65 to the City of Joondalup District Planning Scheme No. 2 as outlined at Attachment 1 to Report CJ268-12/12 for the purposes of public advertising for a period of 42 days;*
- 2 Prior to the advertising period commencing FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required."*

The proposed amendment was referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required and subsequently Amendment No. 65 was advertised for public comment commencing on 27 February 2013. The advertised version of Amendment No. 65 is included as Attachment 1.

The process flow chart for amendments to DPS2 is included in Attachment 2.

DETAILS

The advertised version of the proposed Omnibus Amendment No. 65 to DPS2 is summarised and explained below.

Proposal 1 – Responsible Authority (clause 1.2)

Where reference is made to "local government" within the scheme, it is proposed to clarify this to mean a reference to the Council of the City of Joondalup by stating this under clause 1.2.

Intent of Proposal

Reference is made to “local government” throughout the scheme, however no definition is provided for “local government”, and only “Council” is defined to mean the Council of the City of Joondalup. Legal advice has recommended clarifying the definition of “local government” as meaning the Council of the City of Joondalup.

Proposal 2 – Application for Planning Approval

Clause 6.1.3 of DPS2 lists development that is exempt from the need for planning approval. It is proposed to revise this list to better align with the state government’s *Model Scheme Text* while still maintaining the majority of the existing exemptions under DPS2. The following exemptions are proposed in addition to those in the current DPS2:

- Additions to a ‘Grouped Dwelling’, where those additions are in accordance with the requirements of the scheme, any relevant structure plan, local planning policy and the acceptable development standards of the Residential Design Codes.
- An outbuilding to a ‘Single House’ or ‘Grouped Dwelling’ that is less than 10m² in area which complies with the acceptable development standards of the Residential Design Codes with the exception that it may abut two boundaries (excluding street boundaries).
- A patio to a ‘Single House’ or ‘Grouped Dwelling’ where:
 - (i) the posts and roof/eaves are setback a minimum of 500 millimetres from any boundary (with the exception of a street boundary)
 - (ii) the wall/post height is no greater than 3.5 metres above natural ground level
 - (iii) the cumulative length of all structures (including the proposed patio) located less than one metre from the boundary or boundaries adjacent to the location of the proposed patio does not exceed nine metres in length.
- The erection of a boundary fence where it:
 - (i) replaces an existing estate fence of the same height, and with same or similar construction and materials
 - (ii) is constructed in accordance with the *Dividing Fences Act 1961*
 - (iii) with the exception of estate fencing, complies with the requirements of the scheme, any relevant Structure Plan, Local Planning Policy and the acceptable development standards of the Residential Design Codes.
- Cubby houses constructed in accordance with the provisions of the relevant local planning policy.
- Signage where it complies with the provisions listed in Table 1 of the relevant local planning policy.

- In the case of land within the Central Core district, City Fringe district, Mixed Use Corridor district, Business Boulevard district, Business Support district, and Arena district of the Joondalup City Centre Structure Plan, a change of land use from a permitted or 'P' use to another permitted or 'P' use within the district where the land is situated, where:
 - (i) the minimum car parking standard is the same
 - (ii) there are no changes to the land, building or use of the site which would change the car parking provision for the site.

Intent of Proposal

The proposed revision of this clause in line with the wording of the state government's *Model Scheme Text* will ensure that this scheme's exemptions are consistent with state wide practice and standards and will more clearly outline under what circumstances an application for planning approval is not required.

The current exemptions for development under DPS2 are largely retained under the revised clause with the exception of certain forms of 'single house' and boundary fence development. 'Single house' and boundary fence developments that do not comply with the provisions of the DPS2, a local planning policy, the acceptable development standards of the *Residential Design Codes*, or which affect a heritage place will now require planning approval rather than being assessed as part of a building licence application, which, considering the recent and substantial changes to the state's building legislation, is now no longer an appropriate process for the assessment of development requiring the exercise of discretion by Council.

The additional exemptions proposed under Amendment No. 65 will streamline the approval process for certain types of compliant development. This will ensure that minor development that accords with the City's standards under DPS2 and its local planning policies will be encouraged and incentivised. It will also reduce the burden currently put on the City to assess in great detail, minor developments which are fully compliant with the City's standards and policies. The additional exemptions proposed are discussed below.

Compliant Minor Outbuildings and Additions

Compliant additions to grouped dwellings are proposed to no longer require planning approval, together with outbuildings to single houses that have walls to two boundaries (provided these outbuildings do not exceed 10m² or have a wall height greater than 2.4 metres) and patios that are located 500 millimetres off the boundary (provided they are less than 3.5 metres in height and do not lead to structures over nine metres in length within one metre of the boundary). These forms of development create minimal impact on neighbouring properties and meet the relevant performance criteria of the *Residential Design Codes*. As a result, it is not considered to be necessary for a full planning assessment to be conducted on development that complies with these standards. In addition, this will streamline the planning process for applicants, and allow staff resources to be directed to more complex applications.

Replacement Estate Fencing

Replacement estate fencing, which is the same height and uses the same or similar materials and construction as the existing fence is specifically exempt. It is not considered necessary to require planning approval for the replacement of an existing estate fence, even

when this fence may not comply with the acceptable development requirements of the *Residential Design Codes*.

Compliant Signage

Signage that accords with the provisions of the City's *Signs Policy* is proposed to no longer require planning approval. This exemption will formalise the intended operation of the policy.

Changes of Permitted Uses

Allowing a change of use from a permitted land use to another permitted land use within certain districts of the City Centre, without the need for a planning approval, will provide for a straight-forward transition of these land uses. However, this will be limited to where the required provision of car parking does not change. This exemption is proposed as part of Scheme Amendment No. 64, which was adopted by Council at its meeting held on 11 December 2012 (CJ271-12/12 refers) and forwarded to the Western Australian Planning Commission for consideration. This amendment is associated with the endorsement of the Joondalup City Centre Structure Plan.

Proposal 3 – Table 1 (clause 3.2) – The Zoning Table

The following additional use classes are proposed to be included in the zoning table:

ZONES	USE CLASSES								
	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREATION	SERVICE INDUSTRIAL	SPECIAL RESIDENTIAL	RURAL
Betting Agency	X	X	D	D	X	D	X	X	X
Industry – Service	X	X	X	X	X	X	P	X	X
Self Storage Facility	X	X	X	X	X	X	P	X	X
Small Bar	X	D	D	P	X	P	X	X	X
Tattoo Studio	X	D	D	D	X	X	D	X	X

"P" - Use Class that is permitted.

"D" - Use Class that is not permitted, but to which the Council may grant its approval.

"X" - Use Class that is not permitted.

The following uses are proposed to be deleted from the zoning table:

'Beauty Parlour', 'Cinema Complex', 'Department Store', 'Hairdresser', 'Hall', 'Sports Ground', 'Theatre' in accordance with the *Model Scheme Text*.

The Use Class 'Cinema' is proposed to be amended to 'Cinema/Theatre' in accordance with the *Model Scheme Text*.

Intent of Proposal

The proposed changes to the zoning table primarily seek to rectify existing anomalies that have been identified when assessing development applications as well as inserting land uses that currently exist within the City of Joondalup but are not specified in the zoning table of the scheme.

Currently, betting agencies, self storage facilities and tattoo studios are required to be dealt with as an 'unlisted use' under DPS2 as there is no use class in DPS2 for these forms of development. It is therefore proposed to include these use classes within Table 1, and to specify the permissibility of these uses in the various zones of DPS2, as outlined in the above table.

A definition of 'industry – service' is provided within Schedule 1 of DPS2, however no use class is allocated in Table 1. It is essential that the use class permissibility of the 'Industry – Service' land use be included within DPS2. It is considered appropriate for this use to be allocated as a permitted ("P") use within the 'Service Industrial' zone and a prohibited ("X") use within all remaining zones.

The Department of Planning's *Planning Bulletin 85: Small Bar Licensed Premises (September 2007)* recommended the application of a new use class 'small bar' in response to changes to the *Liquor Control Act 1988*. It is considered appropriate to include this use class in DPS2 and allocate it as a permitted ("P") use within the 'Commercial' and 'Private Clubs and Recreation' zones, a discretionary ("D") use in the 'Business' and 'Mixed Use' zones and a prohibited ("X") use in all remaining zones. Given that a 'small bar' is of a lower intensity than a 'tavern', with a restriction on patron numbers to 120, it is considered that the use meets the objectives of the 'Commercial' zone and 'Private Clubs/Recreation' zone, and therefore should be considered as a permitted ("P") use.

Amendment No. 65 proposes to merge the use classes 'cinema', 'cinema complex' and 'theatre' into one use class 'cinema/theatre' in accordance with the state government's *Model Scheme Text*. The permissibility for 'cinema/theatre' is proposed to be identical to that of the current 'cinema' use class in DPS2, being discretionary ("D") in the 'Commercial', 'Business', 'Civic and Cultural', and 'Private Clubs and Recreation' zones, and a prohibited ("X") use in all remaining zones.

The use classes 'beauty parlour', 'hairdresser' and 'department store' are proposed to be deleted from Table 1 of DPS2 as these land uses are included in the definition of 'shop' under the *Model Scheme Text*, which is already listed within Table 1 and Schedule 1 of DPS2 respectively. By incorporating the land use 'department store' into the definition of 'shop' it becomes a permitted ("P") use in the 'Commercial' zone where it is currently a discretionary ("D") use, and remains a prohibited ("X") use in all other zones. Also, by incorporating 'beauty parlour' and 'hairdresser' into the definition of 'shop' they become prohibited ("X") uses in the 'Mixed Use' zone and 'Business' zone, and may only be permitted subject to clauses 3.5.2 and 3.6.3 of DPS2. These clauses set out that a 'shop' may be permitted in the respective zone only where:

- the total floor space for the shop does not exceed 200m²
- the parcel of land is on a green title lot not less than 1,000m²
- the aggregate shopping NLA of adjoining Business and Mixed Use zoned properties does not exceed 1,000m²
- the lot has a direct street frontage of at least 20 metres.

The use classes 'hall' and 'sports ground' are proposed to be deleted from Table 1 as they are not currently defined in Schedule 1 of DPS2 and are not considered necessary as they can be assessed under other use classes (such as 'civic building' and 'special place of assembly').

Proposal 4 – Table 2 (clause 4.8) – Car Parking Standards

The following additions and changes are proposed to be made to the car parking standards (new inclusions are marked *):

USE CLASS	NUMBER OF ON-SITE PARKING BAYS (NLA = NET LETTABLE AREA)
Betting Agency *	1 per 50m ² NLA
Car sales premises	1 per 200m ² of display area plus 1 per employee
Cinema/Theatre *	1 per 4 seats
Convenience Store *	4 per 100m ² NLA
Educational Establishment *	1 per 3 persons accommodated
Hardware Store*	1 per 30m ² NLA
Landscape Supplies *	1 per 500m ² display area plus 1 per employee
Office	1 per 30 50m ² NLA
Place of Assembly	1 per 4 seats persons accommodated
Public Place of Worship	1 per 4 seats persons accommodated
Self Storage Facility *	1 per 100m ² NLA
Shop/Shopping Centres under 40,000 30,000m ²	7.5 per 100m ² NLA
Shopping Centres from 10,000 to 30,000m²	700 bays for the first 10,000m² NLA plus 6.25 per 100m² NLA thereafter
Shopping Centres from 30,000 to 50,000m ²	4950 1500 bays for the first 30,000m ² NLA plus 5.25 4.5 per 100m ² NLA thereafter
Shopping Centres greater than 50,000m ²	3000 2400 bays for the first 50,000m ² NLA plus 4.8 4 per 100m ² NLA thereafter
Showrooms	1 per 30 50m ² NLA
Small Bar *	1 per 4 persons accommodated
Transport Depot *	1 per employee
Vehicle Panel Beating/Spray Painting & Vehicle Repairs *	1 per 50m ² NLA
Warehouse *	1 per 50m ² NLA

Intent of Proposal

The proposed amendments seek to resolve issues that have been identified where some common types of development have no corresponding car parking standards in DPS2, to provide standards for new uses included in DPS2, and to reduce parking requirements for some land uses.

Changes to the existing parking standards for 'office', 'shop', 'shopping centre' and 'showrooms' will bring the standards into line with those recommended in *State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP 4.2). While the revised standards reflect a slightly reduced car parking standard, it is considered that this will not have a negative impact on parking provision given the relatively high standards currently applied by DPS2. These standards will also balance the requirements for parking against the principle of encouraging other modes of transport, and does not lead to large parking surpluses that undermine land efficiency in the City's activity centres.

The proposed car parking standards for 'convenience store', 'hardware store', 'warehouse', 'landscape supplies', 'self storage facility', 'transport depot', 'vehicle panel beating/spray painting' and 'vehicle repairs' were obtained from previous Council decisions that set car parking standards for those forms of development as none were provided in DPS2. With the exception of 'self storage facility' and 'transport depot' the proposed parking standards have been applied to more than one development application. While these car parking standards were applied to specific developments, it is considered that these standards are also applicable to the general use class, and were not based on the site specific circumstances of those developments.

The proposed car parking standard for the use class 'betting agency' is one bay per 50m² NLA. Council has previously approved a car parking standard of one bay per 30m² NLA for 'betting agency' as the operation of the land use was akin to the use classes 'office' and 'bank'. As it is proposed that the 'office' standard is modified to one bay per 50m² NLA it is considered appropriate that this new standard also be applied to 'betting agency'.

The use classes 'educational establishment' and 'shop' have related parking standards in DPS2 for other use classes or specific use types, including 'tertiary college' and 'shopping centre' respectively, but not a parking standard for that specific use class. The parking standards of these use classes have been based on these related use types. This is on the basis that they operate in the same manner and that the car parking standard for these related uses is generally higher than would be expected for other use types, such as 'primary school' or 'hairstylist'.

The parking standards for 'place of assembly' and 'public worship' have been modified to reflect a standard that refers to the number of persons accommodated rather than the number of seats, as these uses do not always have a seat for each person accommodated. Therefore, the proposed standard will more adequately cater for visitors.

Proposal 5 – Schedule 1 (clause 1.9) – Interpretations

The following changes are proposed to be made to the definitions within DPS2:

- Inserting the following new definitions into Schedule 1:

 'betting agency', 'cinema/theatre', 'self storage facility', 'small bar' and 'Joondalup City Centre Structure Plan'.
- Altering the definitions of the following uses in Schedule 1:

 'home business – category 1', 'shop', 'showroom'.
- Deleting the following definitions from Schedule 1:

 'beauty parlour', 'cinema', 'cinema complex', 'department store'.

Intent of Proposal

The addition of definitions for 'betting agency', 'cinema/theatre', 'small bar' and 'self storage facility' provides definitions for new land uses proposed to be included in the scheme, as described under Proposal 3. Where the land uses are already defined in the *Model Scheme Text*, those definitions have been used. The addition of the definition 'Joondalup City Centre Structure Plan' is to avoid uncertainty when reference is made to this in DPS2 in the list of exemptions.

The proposed changes to the definitions of 'shop' and 'showroom' will bring the definitions in line with those of the *Model Scheme Text* and SPP 4.2 and provides further clarification as to what should be classified as a shop and a showroom. This will greatly assist in the determination of development applications for these land uses.

Proposed changes to the definition of 'home business – category 1' will allow a greater area of a dwelling to be used for a home business (30m² instead of 20m²) when only one resident is involved. Currently the definition allows for 20m² of the dwelling to be used for a home business provided only one resident is involved but allows 30m² of dwelling to be used if more than one resident is involved. The involvement of an extra resident in a home business does not have any bearing on the amenity of the area given that customers and employees (other than those already residing at the premise) are not permitted and no changes to the external appearance of the dwelling are permitted under this category. It will however, increase the flexibility for residents undertaking small scale business activities from home.

The definitions proposed to be deleted are for those land uses proposed to be deleted from DPS2.

Proposal 6 – Landscaping Requirements for Non Residential Buildings

It is proposed to reword clause 4.12.1 of DPS2 to state that the road verge adjacent to a non-residential development is to be landscaped and maintained by the owner of that lot, and the landscaping is to be undertaken prior to the occupation of the development.

Intent of Proposal

This proposal is intended to clarify that the owner of a non residential property is responsible for the landscaping and maintained of the adjacent road reserve and ensure that any non-residential development includes landscaping the adjacent road verge prior to the occupancy of the building or commencement of the land use.

Issues and options considered

The issue to be considered by Council is the suitability of the proposed provisions.

The options available to Council in considering the DPS2 amendment proposal are:

- adopt the proposed amendment
- adopt the proposed amendment, with modifications
or
- refuse to adopt the proposed amendment.

In all the above options, the proposal is forwarded to the Western Australian Planning Commission (WAPC) for the Minister for Planning's determination.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development Act 2005 and Town Planning Regulations 1967.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy Not applicable.

Part 5 of the *Planning and Development Act 2005 and Town Planning Regulations 1967* enables local government to amend a local planning scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purposes of public advertising at its meeting held on 11 December 2012. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Risk management considerations

Not applicable.

Financial/budget implications

The City, as the applicant, is required to cover the costs associated with the scheme amendment process. The cost incurred for the advertising of the amendment which consists of placing a notice in the relevant newspapers was \$848.61. Additional costs of approximately \$6,700 have been incurred for legal advice on the proposed scheme amendment. These costs have been met from existing budgets.

Although Amendment No. 65 is likely to reduce the number of applications for planning approval received by the City through the additional exemptions proposed for minor compliant additions, patios, outbuildings, the fees associated with these forms of development are typically the lowest received by the City. It is estimated that the efficiencies created as a result of exempting these forms of development will more than compensate for any loss in revenue over the long term.

Regional significance

Due to the nature of the proposed amendments to DPS2, there is unlikely to be any implications beyond the City of Joondalup.

Sustainability implications

Not Applicable.

Consultation

The proposed scheme amendment was advertised for public comment for 42 days, closing on 10 April 2013. Consultation included:

- a notice placed in the Joondalup Weekender on 28 February 2013
- a notice placed in The West Australian newspaper on 27 February 2013
- a notice placed on the notice board at the City's administration building
- a notice and documents placed on the City's website.

No submissions were received.

COMMENT

Following consultation, minor modifications to proposal 2 of the amendment have been drafted to provide more clarity to what development is exempt from requiring planning approval and to better align the exemptions with those included in the state government's *Model Scheme Text*. These modifications are highlighted in Attachment 3 and include the following:

- Modifying the exemption for 'single house' and additions to 'grouped dwelling' developments to be consistent with wording provided in the *Model Scheme Text*, while at the same time including incidental development in the scope of these exemptions. The *Residential Design Codes* defines incidental development as any development that is associated with a dwelling and incidental to the main residential function. By including incidental development in these exemptions it ensures that any minor development associated with the use of the primary residential dwelling (such as letter boxes and clothes lines) does not need planning approval provided it complies with the requirements of DPS2, the acceptable development standards of the *Residential Design Codes* and the standards of Council's local planning policy.
- Removing the requirement for planning approval for single houses on lots less than 350m² as the minimum lot size for which planning approval is required is set out in and required by the *Residential Design Codes* and though it currently applies to lots less than 350m², this requirement may change as a result of the *Residential Design Codes* review.
- Standardising reference to the Heritage List under DPS2, including reference to a heritage place rather than a heritage area, as the term used in DPS2.
- Clarifying the wording on the exemptions for patios and outbuildings, by only exempting these types of development where the City is not required to exercise any other discretion under the Scheme, the *Residential Design Codes* or local planning policy.
- Standardising boundary fence provisions based on the existing *Model Scheme Text* exemptions for 'single house' development and separating out the estate fence exemption, in order to clarify the provisions.

- Replacing the term prohibited use with “X” use under the exemption for Home Business – Category 1, which is the technical term used in the scheme.

The modifications made following advertising provide further clarity to what development is exempt from requiring planning approval, and do not alter the intent of the provisions previously adopted by Council at its meeting held on 11 December 2012 and subsequently advertised for public comment. Given this, it is considered that further consultation is not required on the amendment.

It is considered that the proposed Amendment No. 65 will improve the functionality of DPS2 and will address a number of existing issues identified in the scheme review. It is recommended that these amendments be implemented now to improve the operation of DPS2, rather than wait for the full scheme review to be completed and the new scheme to be adopted, which may take several years. The proposed amendment does not seek to review or amend the strategic direction of DPS2, but rather improve the operation of the scheme while the new scheme is being prepared. The advertising of the proposed Amendment No. 65 has not raised any issues that would warrant not proceeding with the proposal. The minor technical modifications proposed after advertising will ensure the proposed amendment is implemented as intended.

Considering the above, it is recommended that the proposed Amendment No. 65 be adopted subject to modifications, as shown in Attachment 3, and the documents be endorsed and submitted to the WAPC for the Minister for Planning’s determination.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Corr, SECONDED Cr McLean that Council:

- 1 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, **ADOPTS Amendment No. 65 to the City of Joondalup District Planning Scheme No. 2, included as Attachment 3 to Report CJ088-06/13, subject to modifications included therein;**
- 2 **AUTHORISES the affixation of the Common Seal and to endorse signing of the documents;**
- 3 Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, **FORWARDS Amendment No. 65 to the City of Joondalup District Planning Scheme No. 2, and Council’s decision to the Western Australian Planning Commission for consideration.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf110613.pdf](#)

CJ089-06/13 PROPOSED SIGNAGE ADDITION TO SHENTON HOUSE AT LOT 466 (57) SHENTON AVENUE, JOONDALUP

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	04723,101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a signage addition to Shenton House at Lot 466 (57) Shenton Avenue, Joondalup.

EXECUTIVE SUMMARY

The City has received an application for a signage addition at the recently constructed development at Lot 466 (57) Shenton Avenue, Joondalup, more commonly known as Shenton House.

This application proposes a pylon sign located on the south west corner of the site on Grand Boulevard.

Both the *Joondalup City Centre Development Plan and Manual* (JCCDPM) and the City's *Signs Policy* state that pylon signs are not permitted in this area of the city centre.

However, *District Planning Scheme No. 2* (DPS2) allows Council to exercise discretion in relation to these provisions. As such, the proposed sign has been assessed against the objectives of the policy and the objectives for signage under the JCCDPM and the draft *Joondalup City Centre Structure Plan* (JCCSP). The proposal has also been assessed against the requirements of DPS2.

The sign is considered to be of an appropriate scale in consideration of its location in the City Centre and will not result in any negative visual impacts. The sign is considered to satisfy the relevant objectives of the City's *Signs Policy* and the City's DPS2.

It is considered that the nature of the proposed pylon sign, being primarily for the purpose of indicating the location and availability of car parking for visitors to the development is acceptable and that the approval of a pylon sign within this area of the City Centre, when viewed within the context of the surrounding area would be appropriate for this site. It is considered that the proposed pylon sign will have no adverse impact on the site or the surrounding locality.

It is therefore recommended that Council approve the proposal subject to conditions.

BACKGROUND

Suburb/Location	Lot 466 (57) Shenton Avenue, Joondalup.
Applicant	Project Neon.
Owner	Perth Diocesan Trustees.
Zoning	DPS Centre.
	MRS Central City Area.
Site area	4,075m ² .
Structure plan	<i>Joondalup City Centre Development Plan and Manual (JCCDPM); and draft Joondalup City Centre Structure Plan (JCCSP).</i>

The site is bordered to the north and west by Shenton Avenue and Grand Boulevard respectively. To the south the site is bordered by a vacant lot that has planning approval for a hospital, office and shop. Central Walk adjoins the site to the east. The on-site car parking area is located on the eastern facade of the development. An access leg is provided along the southern boundary of the site connecting the car park to Grand Boulevard (Attachment 1 refers).

At its meeting held on 15 December 2009 (CJ269-12/09 refers), Council approved the land uses of Office, Restaurant, Place of Worship, and Medical Centre on the site, as well as the associated car parking, building and structures. The approval encompassed the retention of the existing building (church) on site to be used as offices. Construction of the development has now been completed and the site is partially operational. The car parking is fully operational; however, the internal layout of the building is yet to be complete.

On 4 June 2010 an addition of a bunker and minor alterations were approved, subject to conditions. The bunker addition will be used for the provision of radiotherapy treatment. The minor alterations related to the relocation of a lift shaft and glazing. A car parking shortfall of 20 bays (9.3%) was also endorsed for the site with 195 bays in lieu of 215 bays.

DETAILS

The applicant seeks approval for new signage to direct visitors to, and patients of, the development to the on-site car parking.

The signage addition (being a single pylon sign) consists of:

- the name of the building - commonly known as 'Shenton House'
- an indicative illustration of the location of parking
- an electronic display of the number of 'visitor' parking bays available on site.

The pylon pole has a maximum height of 4.4 metres with a sign clearance of 2.7 metres. The sign portion has dimensions of 1.64 metres in width and 1.7 metres in height, providing an area of 2.79 m² (Attachment 2 refers).

The proposed pylon sign will be located on the corner of the southern and western boundaries of the site. The sign will be adjacent to the access way servicing the on-site parking and also roadside parking on Grand Boulevard.

The proposal has been considered in the context of the JCCDPM and the City's *Signs Policy*, which states that pylon signs are considered not permitted in the Central Business District. DPS2 allows Council to exercise discretion in relation to these provisions. As such, the proposed sign has been assessed against the objectives of the policy and the objectives for signage under the JCCDPM and the draft JCCSP. The proposal has also been assessed against the requirements of DPS2.

Issues and options considered

Council in determining this application must consider the appropriateness of a pylon sign in this location, having regard to the JCCDPM, draft JCCSP, the City's *Signs Policy*, and also the nature of the proposed sign.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- or
- refuse to grant its approval of the application.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>City of Joondalup District Planning Scheme No. 2.</i>
Strategic Community Plan	
Key theme	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Building and landscaping is suitable for the immediate environment and reflect community values.
Policy	<i>Signs Policy.</i>

The JCCDPM and *Signs Policy* stipulate that pylon signs in the Central Business District are not permitted. The application seeks a variation to this provision.

Clause 4.5 of DPS2 gives the Council discretion to consider the variations sought to DPS2 standards:

4.5 Variations to site and development standards and requirements

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does*

not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

4.5.2 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:

- (a) Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
- (b) Have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

In exercising discretion under clause 4.5, the matters listed under clause 6.8 require consideration:

6.8 Matters to be considered by Council

6.8.1 The Council when considering an application for Planning Approval shall have due regard to the following:

- (a) Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) Any relevant submissions by the applicant;*
- (c) Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) Any planning policy of the Council adopted under the provisions of clause 8.11*
- (e) Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*

- (h) *The comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *The comments or wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *Any other matter which in the opinion of the Council is relevant.*

9.8 Operation of agreed structure plan

9.8.3 Without limiting the generality of the preceding subclause, under an Agreed Structure Plan:

- (b) *the standards and requirements applicable to zones and R Codings under the Scheme shall apply with the necessary changes or alterations to the areas having corresponding designations under the Agreed Structure Plan. However an Agreed Structure Plan may make provision for any standard or requirement applicable to zones or R Codings to be varied, and the standard or requirement varied in that way shall apply within the area of the Agreed Structure Plan, or any stipulated part of that area, as if it was a variation incorporated in this scheme."*

The objectives of the *Signs Policy* are:

- 1 to provide guidance on the design and placement of signs located within the City of Joondalup
- 2 to protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs
- 3 to encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup
- 4 to facilitate a reasonable degree of signage to support business activities within the City of Joondalup
- 5 to complement the provisions for signs as specified in the City of Joondalup's *Signs Local Law 1999*.

Risk Management considerations:

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

Financial/budget implications

The applicant has paid the fees of \$139 (excluding GST) in accordance with the fees and charges schedule for assessment of the application.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The development application has not been advertised as it is considered that the proposed signage does not have a significant impact on the amenity of any adjoining or nearby landowners within the locality.

COMMENT

The applicant is seeking approval for a proposed pylon sign located on the south western corner of the site, for the purposes of directing visitors to the parking on the site. This car parking has been provided in accordance with the development approval for the site, for use by visitors to, and tenants of the development, and the landowners do not have approval to operate this as a public car park, which is a separate land use under DPS2.

The pylon sign is considered to satisfy the objectives of the City's *Signs Policy* and the objectives of the JCCDPM and draft JCCSP. The proposal has also been assessed against the requirements of DPS2.

The design and location of the proposed pylon sign does not present any safety concerns nor will it detract from the visual amenity or character of the locality and streetscape. The windows of the retained building and recently constructed building are not proposed to be obscured as a result of the pylon sign. Furthermore, the sign will be contained wholly within the property boundary of the site and the sign shall not impede pedestrian movement or create a pedestrian hazard. The pylon sign is proposed to be parallel to the existing access leg to the on-site parking and there will not be any associated vehicle and traffic hazards. The pylon sign attached to the associated pole will have a clearance of 2.7 metres from ground level allowing for adequate sightlines with regards to pedestrians and vehicles.

The adjacent property to the south of the site is currently vacant; however has an approval for a hospital, office and shop development of seven storeys in height. The proposed pylon sign height will be equal to the floor level of the first floor of the proposed development and would be adjacent to a vehicle access leg on the ground floor of the proposed development. Accordingly, the proposed sign will not obscure windows of the adjoining site.

In conclusion, the pylon sign is considered appropriate given the context of the site and surroundings. The pylon sign is considered not to detract from the visual amenity of the streetscape or character of the locality. The pylon sign will assist visitors to the site to distinguish the location of parking for the site and its visitor bay capacity at any given time. The sign is inherently informational and directional in nature and not an advertising device. The proposed pylon sign is considered to satisfy the objectives of the *Signs Policy* and the objectives of the JCCDPM and draft JCCSP. In addition, the proposal also does not contravene the requirements of DPS2.

It is recommended that the proposal be approved subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 EXERCISES discretion under clauses 4.5.1 of the *City of Joondalup District Planning Scheme No. 2* and the *City's Signs Policy* and determines that a pylon sign within the Central Business District is appropriate in this instance;**
- 2 APPROVES the application for planning approval, dated 19 February 2013, submitted by Project Neon, the applicant on behalf of the owner, Perth Diocesan Trustees for a sign addition at Lot 466 (57) Shenton Avenue, Joondalup subject to the following conditions:**
 - 2.1 This decision constitutes planning approval only and is valid for two years from the date of this decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**
 - 2.2 The signage is to be established and thereafter maintained to a high standard to the satisfaction of the City;**
 - 2.3 All signage including footings, cabling and associated development shall be contained within the property boundary;**
 - 2.4 Low level illumination is to be used;**
 - 2.5 The illumination must not flash, pulsate or chase;**
 - 2.6 The sign must not include fluorescent, reflective or retro reflective colours.**

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Against the Motion: Cr Corr.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf110613.pdf](#)

CJ090-06/13 PROPOSED SIGNAGE ADDITIONS TO EXISTING BETTING AGENCY, AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	102308, 101515
ATTACHMENTS	Attachment 1 Location plans Attachment 2 Development plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for signage additions to an approved 'betting agency' located at Lot 929 (1244) Marmion Avenue, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for signage additions on Lot 929 (1244) Marmion Avenue, Currambine (Attachment 1 refers). The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Business' under the City's *District Planning Scheme No. 2 (DPS2)*. Additionally the site is also located within the *Currambine District Centre Structure Plan (CDCSP)* area.

The signage proposed is for a tenancy approved for use as a 'betting agency' (CJ076-05/12 refers). The application proposes both wall signage and window signage. The wall signs are proposed on the tenancy's western, northern and eastern facades (Attachment 2 refers). These wall signs are considered to comply with the requirements of City's *Signs Policy*. The window signs are obscured glazing intended to provide privacy to toilet facilities within the tenancy, the location of which is dictated by existing internal plumbing fixtures on site. The remainder of glazing for the tenancy is to remain un-obscured and visually permeable.

As part of determining the application for the land use, Council imposed a condition which prohibited obscure or reflective glazing to windows. The applicant's proposal does not comply with this condition and includes a vinyl block out graphic to portions of the tenancy's eastern and northern facades. The obscured glazing does not include any text and has been designed to present as a feature on the building facade rather than as advertising material.

As well as being inconsistent with the requirements of a condition previously imposed by Council, the amount of window signage proposed does not meet the amount permitted under the City's *Signs Policy* with a total of 19.4m² of window signs proposed or 25.1% of the buildings glazing proposed to include signage in lieu of the maximum 10m² or 25% set out under the policy.

The application has been assessed against the objectives of the *Signs Policy* and the objectives for advertising signs in DPS2 and is considered to comply with these objectives due to the necessity of screening the tenancy's toilet facilities; the fact that the obscured glazing is limited to areas adjoining these facilities; and that the signage does not include text and is well designed so as to protect the quality of the streetscape.

It is recommended that the application be approved subject to conditions requiring no further obscure glazing of windows. In resolving the inconsistency with Council's previous decision, any approval is also proposed to supersede the current condition prohibiting the obscuring of any windows or glazed doors.

BACKGROUND

Suburb/Location	Lot 929 (1244) Marmion Avenue, Currambine.
Applicant	TPG - Town Planning, Urban Design and Heritage.
Owner	Davidson Pty Ltd & Roman Catholic Archbishop.
Zoning	DPS2 Business.
	MRS Urban.
Site area	7.5ha.
Structure plan	<i>Currambine District Centre Structure Plan (CDCSP)</i> .

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject tenancy is located adjacent to Marmion Avenue, fronting Chesapeake Way, the main street in the Currambine District Centre. Attachment 1 shows the location of the subject tenancy.

The building in which the subject tenancy is located was constructed in 2011. This application for planning approval relates to signage on an approved 'betting agency'. Council considered and approved an application for a change of use to 'betting agency' at its meeting held on 15 May 2012 (CJ076-05/12 refers). One of the conditions imposed by Council in making its determination was that obscure or reflective glazing to windows or doors would not be permitted.

DETAILS

The applicant seeks approval for signage additions to a tenancy which is approved for use as a 'Betting Agency'. A total of three window signs to the eastern and northern facades are proposed (obscured window graphics for toilets). Additionally a total of four wall signs to the eastern, northern and western facades are proposed. The development plans associated with the application for planning approval are provided as Attachment 2.

All wall signs proposed are to be illuminated. Although not part of the planning assessment undertaken for this application the applicant has included a floor plan of the proposed fit out of the tenancy. These show that within the tenancy, adjacent to the northern aspect of the development, diagonal partitions are proposed, which obscure the majority of surveillance into and out of the tenancy from the northern facade.

The signage proposed has been assessed against the City's *Signs Policy*. The maximum amount of window signage permitted is 10m² or 25% of the glazing, whichever is lesser. In this instance window signs on the northern and eastern facades (obscured window graphics) equate to 19.4m² or 25.1% of the tenancy's glazing. In respect to the wall signs proposed the City's *Signs Policy* allows a maximum of 25% of the building facade to have signage. The applicant's proposal indicates a total of 35.6m² of wall signs across the three tenancy facades, which equates to 15.9% of the tenancy facade, and therefore considered to comply with the City's *Signs Policy*.

Issues and options considered

In determining this application, Council is required to consider whether the signage proposed is appropriate, and meets the relevant objectives of DPS2 and the City's *Signs Policy*.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
or
- refuse to grant its approval of the application.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>City of Joondalup District Planning Scheme No. 2.</i>
Strategic Community Plan	
Key theme	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
Policy	<i>Signs Policy.</i>

In considering the application Council shall have regard to matters listed in Clause 6.8 of DPS2:

6.8 *Matters to be considered by Council.*

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) *Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *Any relevant submissions by the applicant;*
- (c) *Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *Any planning policy of the Council adopted under the provisions of clause 8.11*

- (e) *Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *The comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *The comments or wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *Any other matter which in the opinion of the Council is relevant.*

The objectives of the provision and control of advertising under DPS2 are as follows:

- *To ensure that the visual quality and character of particular localities and transport corridors are not eroded.*
- *To achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic.*
- *To minimize the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising.*
- *To prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content.*
- *To reduce and minimise clutter.*
- *To promote a high standard of design and presentation in outdoor advertising.*

The *Signs Policy* outlines governing principles and guides the placement of signs in the City of Joondalup. DPS2 states that any local planning policy shall not bind the City in respect of any application for planning approval but that the City shall have due regard to the provisions of any policy and the objectives which the policy is designed to achieve before making its decision.

The objectives of the *Signs Policy* are as follows:

- *To provide guidance on the design and placement of signs located within the City of Joondalup.*
- *To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.*
- *To encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.*
- *To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.*
- *To complement the provisions for signs as specified in the City of Joondalup's Signs Local Law 1999.*

Risk management considerations

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

Financial/budget implications

The applicant has paid fees of \$1,460 (excluding GST) in accordance with the fees and charges schedule to cover all costs associated with the assessment and determination of the application.

Regional significance

Not applicable.

Sustainability implications

There are not considered to be any sustainability implications as a result of the signage additions proposed. The sustainability implications of this development were considered during the assessment of the application to construct the building.

Consultation

The proposal has not been advertised as it is considered that the development satisfies the relevant requirements of DPS2, the CDCSP and City's *Signs Policy*. It is noted that the land use itself has already received approval, and is not the subject of this application.

COMMENT

The application is for signage additions to a tenancy with an approved land use of 'betting agency', at the Currambine Central Shopping Centre.

The proposed signage has been assessed in accordance with City's *Signs Policy*, with window signs and wall signs proposed as part of this application. The wall signs proposed

comply with the requirements of this policy. However, the window signs do not comply with the standards set out in the policy, with a total of 19.4m² (in lieu of 10m²) of signage or 25.1% (in lieu of 25%) of glazing proposed to be obscured by these window signs. In this regard the application needs to be considered against the objectives of the policy and the objectives for the control of advertisements in DPS2 (included in the Legislation / Strategic Community Plan / policy implications section above).

The location of the proposed window signs has been based on the need to provide privacy to toilet facilities within the tenancy, the location of which is dictated by existing internal plumbing fixtures. Obscured glazing has been limited to only those windows that adjoin toilet facilities. In addition the obscuring of the windows is a graphic representation rather than text, reducing the association with advertising material, and thus respecting the amenity of the area and protecting the quality of the streetscape to a higher degree.

The remainder of windows in the subject tenancy are to remain clear, offering opportunity for surveillance at a pedestrian level into and out of the tenancy from the eastern and western facades of the tenancy. It is noted that surveillance to the northern facade is restricted due to the diagonal partitions proposed internal to the tenancy.

It is felt that the signs proposed for the windows are on a scale that represents the needs of the applicant, and is commensurate with the size of the tenancy, its internal design (obscuring the tenancies toilet facilities from the street) and amount of existing glazing. As a result, the application is considered to meet the objectives of both the *Signs Policy* and the objectives for the control of advertisements in DPS2.

Conclusion

The applicant's proposal is for signage additions to an approved 'betting agency'. The proposed wall signage is compliant with the City's *Signs Policy* and the proposed window signs considered to meet the objectives of the policy and DPS2. It is noted the proposed obscure glazing is to provide privacy to toilet facilities, with the remainder of glazing remaining clear, and allowing some visibility and casual surveillance in and out of the tenancy. While in this instance it is considered appropriate to vary Council's previous decision based on the need to provide privacy, further obscuring of glazing would likely result in detrimental impacts on the surveillance and amenity of the area. A condition is recommended prohibiting the further obscuring of any windows or glazed doors for this tenancy.

The application is recommended for approval subject to conditions. In resolving the inconsistency with Council's previous decision, any approval is also proposed to supersede the current condition prohibiting the obscuring of any windows or glazed doors.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 **EXERCISES** discretion under the City's *Signs Policy* and determines that window signs occupying 19.4m² or 25.1% of the tenancy glazing are appropriate in this instance;
- 2 **APPROVES** the application for planning approval, dated 12 March 2013, submitted by TPG - Town Planning, Urban Design and Heritage, the applicant on behalf of the owner, Davidson Pty Ltd and Roman Catholic Archbishop for signage additions at Lot 929 (1244) Marmion Avenue, Currambine subject to the following conditions:
 - 2.1 This decision constitutes planning approval only and is valid for two years from the date of this decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
 - 2.2 The signage is to be established and thereafter maintained to a high standard to the satisfaction of the City;
 - 2.3 All signage shall be contained within the property boundary;
 - 2.4 The signage is to be established in accordance with the approved plans and thereafter maintained to a high standard to the satisfaction of the City;
 - 2.5 Low level illumination is to be used;
 - 2.6 The illumination must not flash, pulsate or chase;
 - 2.7 The sign must not include fluorescent, reflective or retro reflective colours;
- 3 **NOTES** its previous decision (CJ076-05/12 refers) included a condition preventing the use of obscure or reflective glazing on the tenancy facade, and that this decision supersedes the previous decision to the extent of that inconsistency only;
- 4 **ADVISES** the applicant that further to Part 3 above, all other conditions of approval DA11/1250 remain in effect.

The Motion was Put and

CARRIED (10/3)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Ritchie, Taylor and Thomas.

Against the Motion: Crs Chester, Corr and Norman.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf110613.pdf](#)

CJ091-06/13 PROPOSED AGED OR DEPENDENT PERSONS' DWELLINGS AT LOT 501 (7) ARAWA PLACE, CRAIGIE

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	06729, 101515
ATTACHMENTS	Attachment 1 Location Plan Attachment 2 Development Plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for 12 'Aged or Dependent Persons' Dwellings' on Lot 501 (7) Arawa Place, Craigie, formerly the Craigie High School site.

EXECUTIVE SUMMARY

An application for development approval has been received for 12 aged or dependent persons' dwellings to be constructed in a grouped dwelling arrangement on proposed Lot 29, which is to be created as a result of the subdivision of Lot 501 (7) Arawa Place, Craigie.

This application is intended to meet an identified need to cater for the housing needs and assisted living of young people with varying levels of dependency within a private and secure care facility.

The site is zoned 'Urban Development' under the City's *District Planning Scheme No. 2* (DPS2) and 'Residential' under the *Craigie High School Site Local Structure Plan* which was adopted by Council at its meeting held on 19 April 2011 (CJ062-04/11 refers) and subsequently adopted by the Western Australian Planning Commission (WAPC) on 15 December 2011.

The structure plan allocates a density of R40 to the subject site. 'Aged or Dependent Persons' Dwellings' is a discretionary ("D") land use and is considered to meet the objectives of the 'Residential' zone.

The application has been assessed against the statutory provisions of the structure plan and the *Residential Design Codes of Western Australia* (R-Codes). While the development complies with the acceptable development standards of clause 6.11.2 of the R-Codes (Aged or Dependent Persons' Dwellings), a performance based assessment is required to

be undertaken for reduced internal building setbacks, increased internal boundary wall lengths and general access requirements.

In this instance, the proposal is considered to satisfy all applicable performance criteria of the R-Codes and it is recommended that Council approves the application, subject to conditions.

BACKGROUND

Suburb/Location	Lots 500 (1) and 501 (7) Arawa Place, Craigie.
Applicant	Taylor Burrell Barnett.
Owner	Department of Education.
Zoning	DPS Urban Development.
	MRS Urban.
Site area	99,089m ² .
Structure plan	<i>Craigie High School Site Local Structure Plan (No. 13).</i>

The subject site is located within the former Craigie High School site located on Camberwarra Drive and Arawa Place, Craigie. The site abuts Cawarra Park (north) and Otago Park (south-east). Whitford Catholic Primary School is located across Camberwarra Drive to the west of the site.

The *Craigie High School Site Local Structure Plan* was adopted by Council at its meeting held on 19 April 2011 (CJ062-04/11 refers) and subsequently adopted by the Western Australian Planning Commission (WAPC) on 15 December 2011. The structure plan was prepared to provide guidance for the future subdivision and development of the site.

An application for subdivision was lodged with the WAPC for the creation of 128 residential lots across both the subject lot (Lot 501) and the adjoining Lot 500 (1) Arawa Place. Approval for subdivision was granted by the WAPC in October 2012, with the applicant currently addressing the clearance of all required conditions to allow for the issuing of titles.

The development is to be located on proposed Lot 29 which will be created as a result of the subdivision of the site (Attachment 1 refers).

Future Lot 29 is located on the southern boundary of the structure plan area, adjoining existing residential properties on Arawa Place to the south and proposed Residential 20 (R20) and Residential 25 (R25) lots to the north and west. The subject site has a residential coding of R40 under the structure plan.

The site is subject to the statutory provisions of the structure plan, the requirements of the *Residential Design Codes of Western Australia* (R-Codes) and the *City's District Planning Scheme No. 2* (DPS2).

DETAILS

The applicant seeks approval for 12 'Aged or Dependent Persons' Dwellings' on the subject site.

This application is intended to meet an identified need to cater for the housing needs and assisted living of young people with varying levels of dependency within a private and secure care facility. It is anticipated that the development will cater particularly to those with injuries

associated with brain trauma as opposed to a physical disability; however, the applicant notes that there is potential for occupants to reside on site that suffer from some degree of physical disability.

Schedule 1 of DPS2 defines an "Aged or Dependent Person" as having the same meaning as is given to that term in the R-Codes. Appendix 1 of the R-Codes defines an "Aged Person" as "A person who is aged 55 years or over" and a "Dependent Person" as "A person with a recognised form of disability requiring special accommodation for independent living or special care."

Landcorp, on behalf of the landowner, will look to release an expression of interest for the operation of this facility after receiving development approval from the City in order to find a suitable service provider for the site. It is anticipated that the service provider will provide medical and other support services on site similar to that of an aged care facility. A permanent staff member will be on site at all times through shift work arrangements.

The proposed development consists of:

- twelve, two-bedroom, grouped, dependent persons' dwellings
- individual parking facilities for each dwelling, accommodating the parking of one vehicle
- a communal recreational building consisting of a lounge area, kitchen and office facilities
- nine car bays for visitors including the provision of one universal access bay
- communal open space.

The development plans are provided as Attachment 2.

The proposal has been assessed against the statutory provisions of the structure plan and is considered to meet all development requirements. In addition, the proposal has been assessed against the general provisions of the R-Codes with the following table outlining those elements of the proposal which do not strictly meet the acceptable development standards:

Criteria	Acceptable Development Standard	Proposed
6.2.1 – Setback of buildings generally.	2.5m street setback where a grouped dwelling has its main frontage to a vehicle access way.	<u>Unit 6 -9</u> 1.5m minimum setback to internal vehicle access way. <u>Unit 10</u> 1.8m minimum setback to internal vehicle access way.
6.3.1 – Buildings setback from the boundary. <u>Wall heights less than 3.5m:</u> Walls less than 9.0m in length containing no major openings to be setback 1.0m from common boundaries. Walls greater than 9.0m in length containing no major		<u>Communal Facility</u> Walls containing no major openings setback 0.8m from the right (eastern) boundary and 0.8m from the left (eastern) boundary.

Criteria	Acceptable Development Standard	Proposed
openings to be setback 1.5m from common boundaries.		<p><u>Unit 2</u> Carport wall setback nil from the left (northern) boundary.</p> <p><u>Unit 3</u> Carport wall setback nil from the right (southern) boundary.</p> <p><u>Unit 5</u> Carport wall setback nil from the rear (western) boundary.</p> <p><u>Unit 6</u> Carport wall setback nil from the left (eastern) boundary.</p> <p><u>Unit 7</u> Carport wall setback from to the left (eastern) boundary.</p> <p><u>Unit 8</u> Carport wall setback nil from rear (western) boundary.</p> <p><u>Unit 9</u> Carport wall setback nil from the right (northern) boundary.</p> <p><u>Unit 10</u> Carport wall setback nil from the right (northern) boundary.</p> <p><u>Unit 11</u> Wall containing no major openings setback 0.8m from the right (eastern) boundary.</p> <p><u>Unit 12</u> Carport wall setback 0.8m from the left (western) boundary.</p>

Criteria	Acceptable Development Standard	Proposed
6.3.2 – Buildings on boundary.	Boundary walls no greater than 2/3 the length of the boundary (7.33m – 8.26m) behind the front setback.	<p><u>Unit 1</u> South boundary walls total length = 10.0m.</p> <p><u>Unit 6</u> North West boundary walls total length = 10.0m.</p> <p><u>Unit 7</u> North West boundary walls total length = 10.0m.</p> <p><u>Unit 10</u> South boundary walls total length = 10.0m.</p> <p><u>Unit 12</u> East boundary walls total length = 10.0m.</p>
6.3.3 – Setback of retaining walls.	Retaining walls to be set back 1.5m from common boundaries in accordance with Table 2b.	<p><u>Unit 5, 6 and 7</u> Retaining with nil setbacks to the southern (internal) boundaries.</p>
6.5.4 – Vehicular access.	<p>Formed driveways designed for two way access and for vehicles to enter in forward gear where the driveway serves five or more dwellings.</p> <p>Minimum width of 4m where the number of dwellings served is five or more and designed to allow vehicles to pass in opposite directions.</p>	<p>One way access only.</p> <p>Driveway varies in width from 3.0 – 6.0m.</p>
6.5.5 Pedestrian access.	<p>Pedestrian path separate to vehicular access to be barrier free and at least 1.2m in width.</p> <p>Communal access way no closer than 3m to wall with a major opening unless screened.</p>	<p>Pedestrian path varies in width from 1.0m - 1.4m.</p> <p>Communal accessway closer than 3m to walls with major openings but there will be internal fencing adjacent to the dwelling(s) to assist with the screening of major openings.</p>

In addition to the above, the development is also required to be considered against Part 6.11.2 of the R-Codes. The following table outlines how the development meets the Acceptable Development Standards of 6.11.2:

Acceptable Development Standard	Proposed
A maximum plot ratio area of 100m ² per dwelling.	All dwellings are less than 100m ² (plot ratio of approximately 86m ²).
A minimum number of five dwellings.	Twelve dwellings proposed.
<p>All ground floor units, to incorporate as a minimum the following:</p> <ul style="list-style-type: none"> • An accessible path of travel from the street frontage, car parking area or drop-off point in accordance with the requirements of AS4299:1995 clause 3.3.2; • Level entry to the front entry door with preferably all external doors having level entries. 	<p>Accessible path of travel provided to all units to Australian Standards.</p> <p>Level entry provided to the front and external doors.</p>
<p>All dwellings to incorporate as a minimum, the following:</p> <ul style="list-style-type: none"> • All external and internal doors to provide a minimum 820mm clear opening (AS4299:1995 clause 4.3.3); • Internal corridors to be a minimum 1000mm wide, width to be increased to a minimum 1200mm in corridors with openings on side walls; • A visitable toilet (AS4299:1995, clause 1.4.12), preferably located within a bathroom; • Toilet and toilet approach doors shall have a minimum 250mm nib wall on the door handle side of the door and provision for the installation of grab rails in accordance with AS4299:1995, clause 4.4.4 (h). 	<p>820mm clear openings provided.</p> <p>Internal corridors greater than 1.2m in width.</p> <p>Visitable toilet located within bathroom to Australian Standards.</p> <p>250mm nib wall provided and provision for the installation of grab rails made.</p>
Visitor's car spaces at the rate of one per four dwellings, with a minimum of one space. Equates to a minimum of three required for this application.	Nine visitor's car spaces provided.
The first visitor's car space shall provide a wheelchair accessible parking space and be a minimum width of 3.8m in accordance with AS4299:1995, clause 3.7.1.	Wheelchair accessible space provided adjacent to communal facility. Design of this space is to Australian Standards.
At least one occupant is a disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person, and the owner of the land agrees to enter into	<p>All occupants proposed will meet "Dependent Person" as defined within the R-Codes.</p> <p>Approval to be conditioned for Section</p>

Acceptable Development Standard	Proposed
a legal agreement, binding the owner, their heirs and successors in title requiring that this provision be maintained.	70a notification to be placed on certificate(s) of title stipulating development limitations.
Provide an outdoor living area in accordance with the requirements of clause 6.4.2 but having due regard to a one third reduction in the area specified in Table 1.	Outdoor living areas provided in accordance with clause 6.4.2. Noted that all dwellings comply with minimum site areas as required under clause 6.1.2.

The proposed communal facility has been assessed against the statutory provisions of the structure plan and DPS2. The proposed setbacks to this building and the general development provisions of Part 4 of DPS2 are considered to be met.

Issues and options considered

The issues that Council must consider in determining this application include whether or not the relevant Performance Criteria of the R-Codes have been met, and whether the objectives of DPS2 and the structure plan have been satisfied.

Council must also consider whether this discretionary 'D' use is appropriate in this instance.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
or
- refuse to grant its approval of the application.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup District Planning Scheme No. 2 (DPS2).
Residential Design Codes of Western Australia (R-Codes).*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative

- Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.
- Buildings and landscaping is suitable for the immediate environment and reflect community values.
- The community is able to effectively age-in-place through a diverse mix of facilities and appropriate urban landscapes.

Policy Not applicable.

Residential Design Codes of Western Australia (R-Codes)

Clause 2.5 of the R-Codes allows for the exercise of discretion in respect to any aspect of a proposed development which departs from the acceptable development standards, except in relation to minimum or average site area. In exercising discretion under the R-Codes, Council shall have regard to the provisions of clause 2.5.2, which are as follows:

2.5 Exercise of Discretion

2.5.2 Discretion shall be exercised having regard to the following considerations:

- (a) the stated purposes and aims of the scheme;*
- (b) the provisions of parts 1-7 of the R Codes, as appropriate;*
- (c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provisions;*
- (d) the explanatory guidelines of the codes that correspond to the relevant provision;*
- (e) any local planning strategy incorporated into the scheme;*
- (f) the provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- (g) orderly and proper planning.*

City of Joondalup District Planning Scheme No. 2 (DPS2)

In considering the application Council shall also have regard to matters listed in Clause 6.8 of DPS2:

6.8 Matters to be considered by Council

6.8.1 The Council when considering an application for Planning Approval shall have due regard to the following:

- (a) Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) Any relevant submissions by the applicant;*
- (c) Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) Any planning policy of the Council adopted under the provisions of clause 8.11*
- (e) Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) Any policy of the Commission or its predecessors or successors or any*

planning policy adopted by the Government of the State of Western Australia;

- (g) Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) The comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) The comments or wishes of any objectors to or supporters of the application;*
- (j) Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) Any other matter which in the opinion of the Council is relevant.*

Risk management considerations

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

Financial/budget implications

The applicant has paid fees of \$6,350 (excluding GST) to cover all costs associated with the assessment and determination of the application.

Regional significance

The redevelopment of the former Craigie High School site is being undertaken in conjunction with *Directions 2031 and Beyond* to allow for the better utilisation of urban land through the encouragement of infill development sites. The adoption of the structure plan allowed for creation of approximately 128 residential lots, assisting in developing the aspirations of *Directions 2031 and Beyond* within the City of Joondalup.

Sustainability implications

Social

The development of the subject site into aged or dependent persons' dwellings is intended to meet an identified need and gap in the community, positively catering for the housing needs and assisted living of young adults in an ongoing manner. The development will ensure that those requiring special care are not forced to live in places not suited to meeting their assisted living needs, while improving the services available within the City and the wider metropolitan region.

Consultation

Public consultation was not undertaken as the proposal meets the acceptable development standards of the R-Codes to all external boundaries of the subject site. The land use 'Aged

or Dependent Persons' Dwellings' is a discretionary ("D") use which only requires consultation if considered appropriate by the Council.

COMMENT

The application seeks approval for 12 'Aged or Dependent Persons' Dwellings' and associated structures on the subject site. Council is required to exercise discretion in relation to the proposed land use, the building setbacks to internal boundaries and general access requirements.

Land Use

The subject site is zoned 'Urban Development' under DPS2 which requires the adoption of a structure plan prior to any subdivision or development of the site. The structure plan, which was adopted by the WAPC on 15 December 2011, zones the subject site 'Residential' and states that land use permissibility shall be in accordance with the corresponding zone under DPS2.

The proposed land use 'Aged or Dependent Persons' Dwellings' is a discretionary ("D") land use within the 'Residential' zone under DPS2.

The development is considered to meet the objectives of the "Residential" Zone by providing an opportunity for grouped dwellings in selected locations so that there is a choice in the type of housing available while providing the opportunity for aged persons and dependent persons to reside in residential areas.

Building Setbacks

Although the proposed dwellings have reduced setbacks to the internal vehicle access way, the proposed "street" setbacks meet the performance criteria of 6.2.1 and the objectives of 6.2 of the R-Codes.

The dwellings are proposed to be set back from the internal vehicle access way so as to ensure that a cohesive internal streetscape is developed. These reduced "street" setbacks are internal to the site only and will not impact on other existing streetscapes. In addition, the reduced "street" setbacks will not result in insufficient open space around the dwellings. A significant amount of private open space is provided for each dwelling and the size and dimensions of the outdoor living areas meet the relevant acceptable development standards of the R-Codes.

It is considered that the reduced (side and rear) setbacks to internal lot boundaries also meet the relevant performance criteria of the R-Codes. Although some of the side and rear setbacks are less than those required under the acceptable development standards of the R-Codes, it is considered the setbacks proposed still allow for adequate access to direct sun and ventilation to each of the individual dwellings, to adjoining properties and appurtenant open spaces. The proposed setbacks are also considered adequate to protect the privacy between adjoining dwellings.

Each of the dwellings will be constructed in accordance with a 'typical' floor plan. The floor plan indicates that access to major openings will not be restricted or impacted by any reduced setbacks between adjoining dwellings and that openings will be located in close proximity to areas of open space within each individual dwelling's lot. The dwellings have each been designed to ensure that there is no loss of privacy to another dwelling and that building bulk is ameliorated through the use of variation in materials and the use of openings

to provide sufficient articulation as viewed from adjoining properties and the proposed streetscape.

Boundary Walls

The development includes a number of boundary walls (to internal boundaries) which do not strictly meet the acceptable development standards of the R-Codes and instead require assessment against the relevant performance criteria of clause 6.3.2 of the R-Codes.

The boundary walls proposed comply with the acceptable development standards pertaining to height; but require discretion to be exercised in relation to their length. All boundary walls considered against the performance criteria have a length of 10 metres, which is approximately two metres in excess of the length permitted as a right.

It is however considered that the boundary walls proposed make effective use of the limited space on the lot and will enhance privacy between adjoining dwellings. It is considered there will not be a detrimental impact in respect to solar access as the walls do not overshadow major openings of the adjoining dwellings.

Retaining Walls

Retaining walls are proposed on the southern boundaries of units 5, 6 and 7 adjoining the internal vehicle accessway. The retaining walls are considered to be acceptable as they are only one metre in height and, will only impact on a small portion of the internal accessway. Set back at over six metres from the existing residential properties to the south of the subject site, it is considered that there will be no impact on nearby residents.

Vehicular Access

The development is proposed to be accessed from an entry/exit point at the south-eastern corner of proposed Lot 29 and is proposed to have a one-way internal road network. It is considered that the internal road width and layout will allow for the safe manoeuvring of vehicles through the site and safe reversing of vehicles from the individual carports and the visitor's car bays on the northern portion of the site.

Pedestrian Access

It is considered that provision has been made for safe and comfortable access for pedestrians between the communal car parking area, public streets and individual dwellings in accordance with clause 6.5.5 of the R-Codes.

A pedestrian footpath is proposed to allow for direct access to all common areas and individual dwellings in a safe manner. While the width of the footpath meets the required width of 1.2 metres in most parts, exceeding it in others, some portions of the pedestrian path are limited to one metre in width. It is noted that the Australian Standards require a width of one metre and are referred to the acceptable development standards of aged and/or dependent persons dwellings within clause 6.11.2 of the R-Codes. Given that this complies with Australian Standards it is considered appropriate to support a reduced width.

Screening of major openings located within three metres of communal access ways will be achieved through the erection of fences which comply with the acceptable development standards of clause 6.2.5 of the R-Codes. The nature of the fences proposed will allow for privacy to occupants of the dwelling, yet will ensure that surveillance opportunities over communal spaces are maintained.

Conclusion

The proposed development is considered to meet the objectives of the 'Residential' zone as contained within DPS2 and the relevant performance criteria and objectives of the R-Codes where those elements do not explicitly meet the acceptable development standards. The development will allow for a gap in the community to be filled by being able to accommodate dependent persons.

The land use and development is compatible with the intended scale and nature for the development of the former Craigie High School site. The application is recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council:

- 1 DETERMINES that the performance criteria under clause 6.2.1, 6.3.1, 6.3.2, 6.3.3, 6.5.4 and 6.5.5 of the Residential Design Codes of Western Australia have been met and the following are appropriate in this instance:**
 - 1.1 Reduced building setbacks to the communal street from units 6, 7, 8, 9 and 10;**
 - 1.2 Reduced building setbacks to internal lot boundaries from units 2, 3, 5, 6, 7, 8, 9, 10,11 and 12 and communal facility;**
 - 1.3 Boundary wall lengths of 10 metres to units 1, 6, 7, 10 and 12;**
 - 1.4 Retaining with a nil setback to the southern (internal) boundaries of units 5, 6 and 7;**
 - 1.5 One way vehicular access with a minimum driveway width of three metres;**
 - 1.6 A minimum pedestrian access width of one metre;**
- 2 APPROVES the application for planning approval dated 22 January 2013, submitted by Taylor Burrell Barnett, on behalf of the owners, Department of Education, for 12 'Aged and/or Dependent Persons Dwellings' at Lot 501 (7) Arawa Place, Craigie, subject to the following conditions:**
 - 2.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**

- 2.2 A Construction Management Plan being submitted and approved prior to the commencement of development. The management plan shall detail how it is proposed to manage:**
- 2.2.1 all forward works for the site;**
 - 2.2.2 the delivery of materials and equipment to the site;**
 - 2.2.3 the storage of materials and equipment on the site;**
 - 2.2.4 the parking arrangements for the contractors and subcontractors;**
 - 2.2.5 the management of dust during the construction process;**
 - 2.2.6 other matters likely to impact on the surrounding properties;**
- 2.3 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:**
- 2.3.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
 - 2.3.2 provide all details relating to paving, treatment of verges and tree planting in the car park;**
 - 2.3.3 show spot levels and/or contours of the site;**
 - 2.3.4 indicate any natural vegetation to be retained and the proposed manner in which this will be managed;**
 - 2.3.5 be based on water sensitive urban design principles to the satisfaction of the City;**
 - 2.3.6 be based on Designing out Crime principles to the satisfaction of the City;**
 - 2.3.7 show all irrigation design details;**
- 2.4 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;**
- 2.5 The car parking area adjacent to the communal facility shall be provided with one shade tree for every four bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the City;**
- 2.6 An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval, prior to the commencement of development;**
- 2.7 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;**

- 2.8 All visitor bays shall be marked and permanently set aside as such prior to the development first being occupied;
- 2.9 Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of development;
- 2.10 All development shall be contained within the property boundaries;
- 2.11 Retaining walls and boundary walls shall be of a clean finish and made good to the satisfaction of the City;
- 2.12 The external surface of the dwellings, including roofing, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City;
- 2.13 At least one permanent occupant of each dwelling shall be an 'aged' or 'dependent person' or the surviving spouse of that person;
- 2.14 The landowner shall lodge a section 70A notification pursuant to the *Transfer of Land Act 1893* on the Certificate of Title of the development site, prior to the commencement of development works. This notification shall be sufficient to alert prospective landowners that the dwellings are restricted in occupancy to aged or dependent persons or the surviving spouse of that person;
- 2.15 All dwellings shall comply with AS4299:1995 (Australian Standard for Adaptable Housing). Details are to be provided with the Building Permit Application.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf110613.pdf](#)

CJ092-06/13 JOONDALUP MEN'S SHED UPDATE

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	77613, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to note the update on recent developments with regard to a facility for the Joondalup Men's Shed (JMS) and to endorse cessation of work on this project until January 2017.

EXECUTIVE SUMMARY

At its meeting held on 22 November 2011 (CJ215-11/11 refers), Council endorsed a portion of Reserve 34330, Lot 9541 (16) Sail Terrace, Heathridge as the preferred site for the construction of a free-standing building for the Joondalup Men's Shed facility.

At its meeting held on 23 October 2012 (CJ202-10/12 refers), Council requested the Chief Executive Officer to investigate further options for the Joondalup Men's Shed facility given the estimated cost of over \$2.2 million to proceed with the construction of a two storey facility on the Reserve 34330 site and the inability of the JMS to raise these funds. The options Council requested to be investigated were as follows:

Options Considered	Details
Option One	Two storey facility on Heathridge Leisure Centre site; provide JMS additional time to raise funds needed.
Option Two	Explore a number of other options for the development of the Heathridge site including refurbishment of currently under-utilised rooms and construction of a single storey facility.
Option Three	Further research on alternative sites.
Option Four	Secure extended tenure at current site.

Work commenced on investigating these options and at this stage Option Four appears to be the most viable way forward within the next five to 10 years. The Joondalup Men's Shed (JMS) has had discussions with senior representatives from the Department of Education and it is probable that the JMS will be able to secure a further five year lease at their existing site. The existing lease is due to expire in January 2016 and a further five year lease will provide a facility for the JMS for at least the next eight years.

BACKGROUND

On 16 November 2010, the JMS submitted a proposal to the City that identified seven possible sites for the development of a Joondalup Men's Shed in the City of Joondalup.

The nominated sites were investigated by the City but were deemed unsuitable for the purposes of a Men's Shed by Council at its meeting held on 15 March 2011 (CJ036-03/11 refers).

However, as Council acknowledged the need for a Men's Shed in the City, it requested the identification of suitable City-owned and other sites that have the potential to be leased to the JMS. Reserve 34330, Lot 9541 (16) Sail Terrace, Heathridge (adjacent to the existing City of Joondalup Leisure Centre) was considered to be the most suitable site.

After designing and costing the two storey facility considered most suitable by the JMS on the Heathridge site, it was determined that the cost (estimated at over \$2.2 million) of such a facility is prohibitive to development and outside the fundraising capacity of the JMS at this point in time.

Therefore, in October 2012, Council requested the Chief Executive Officer to investigate the following options (CJ202-10/12 refers):

Options Considered	Details
Option One	Two storey facility on Heathridge Leisure Centre site; provide JMS additional time to raise funds needed.
Option Two	Explore a number of other options for the development of the Heathridge site including refurbishment of currently under-utilised rooms and construction of a single storey facility.
Option Three	Further research on alternative sites.
Option Four	Secure extended tenure at current site.

Since October 2012, the City has worked on investigating and exploring the options endorsed by Council. Concurrently, discussions have been held between the JMS and senior representatives of the Department of Education about the future of the JMS lease at the former Padbury Senior High School site. Outcomes of these discussions indicate that the JMS are highly likely to secure a further five year lease (post January 2016) at the existing site, meaning they will have no need for an alternative facility until the beginning of 2021.

DETAILS

The following options have been explored to date in relation to the provision of a permanent facility for the JMS.

Option 1 is to provide further time for the JMS to source funding of approximately \$2.2 million to construct a free-standing two-storey facility on a portion of Reserve 34330 in Sail Terrace, Heathridge. This option is feasible given the likely extension of JMS' current tenure at their existing site.

Option 2 is to scale back the proposed Men's Shed facility development on the site already agreed by Council to incorporate some of the facility requirements within the existing Leisure Centre. There are several issues with this option in terms of the facility split over two areas, particularly for people with disabilities. Even with the reduction of the facility to a single storey and the use of some of the existing rooms at the Heathridge Leisure Centre, the estimated cost of this facility is at least \$1.4 million. This is also outside the current fundraising capacity of the JMS.

Option 3 is to consider an alternative site for the development of the Joondalup Men's Shed. City officers have investigated several possible site options; however given the developments in relation to Option 4 it is proposed that this work be put on hold until at least January 2017.

Option 4 is to work with JMS and the Department of Education to secure a longer term lease to enable the Joondalup Men's Shed to continue operating from the former Padbury Senior High School site on a more permanent basis. While the school site is not a purpose built facility that accommodates all of the JMS requirements, it does have the capacity for the majority of operations of a Men's Shed and currently the JMS has use of the facility at no cost to the JMS.

On 16 April 2013, the JMS had discussions with senior representatives from the Department of Education and it is probable that the JMS will be able to secure a further five year lease at the former Padbury Senior High School site. The existing lease is due to expire in January 2016 and a further five year lease will provide a facility for the JMS for at least the next eight years.

It is acknowledged however that the Department of Education will need to seek approval from the WA Planning Commission to enable the site to continue to be used for its current purpose after January 2016. The outcome of this approval will impact on the Department's capacity to offer a further five year lease to the JMS; however the Department representatives have indicated it is unlikely that there will be a demographic need for the site to return to use as a high school for at least 10 years.

Given that there are positive indications that the JMS will secure a further five year lease (post January 2016) at the existing site, it would be prudent for the City to conduct no further work in the short term towards long term accommodation options, though the City will continue to liaise informally with the JMS during this time.

The City will make formal contact with JMS in 2017 to discuss options for securing long term accommodation. It is anticipated that the JMS will establish a building fundraising program during the current lease period.

Issues and options considered

Council can either:

- continue to progress one of the options as presented
or
- cease progressing options for the establishment of a men's shed facility.

Legislation / Strategic Community Plan / policy implications

Legislation: Relevant building and environmental health permits. If a lease for City-managed land is approved, "power to lease" will need to be obtained from the Department of Regional Development and Lands, if necessary.

Strategic Community Plan

Key Theme: Community Wellbeing.

Objective: Quality facilities.

Policy: *Community Development Policy.*
Community Facilities Built Policy.
Sustainability Policy.
Positive Ageing Plan 2009-2012.
Access and Inclusion Plan 2012-2014.

Risk management considerations

The Department of Education has not yet provided written confirmation of a lease extension for the Joondalup Men's Shed. Ceasing work towards a permanent facility could mean the JMS will not have appropriate accommodation options at the end of the current lease in January 2016.

The JMS is currently seeking a letter of confirmation of the discussions held on 16 April 2013 to provide as much certainty as possible in relation to a five year lease post January 2016.

Financial/budget implications

The City allocated \$150,000 in the five year Capital Works Program in 2012-13 and \$100,000 in 2013-14 for design development and project management of a permanent facility for the JMS. Funds of \$5,000 have been utilised on the project to date. The balance of \$145,000 in 2012-13 will be reflected as savings and the funding of \$100,000 allocated for 2013-14 for this project will be removed from the Capital Works Program.

JMS is being encouraged to assess their current site in terms of refurbishments and improvements to make the best use of the available space and resources and to apply to the City's Community Funding Program, Lotterywest and other funding bodies to ensure maximum efficiency and effectiveness.

Regional significance

The JMS has attracted members outside the City boundaries due to a limited number of Men's Sheds in the region.

Sustainability Implications

Environmental

If the JMS can be housed in the former Padbury Senior High School site for a further five years, this will minimise environmental impacts in the short term as no development will be required.

Social

Men's Sheds build community capacity, linking community group and agency members or clients to sheds. The JMS currently has linkages to over 15 organisations within the community.

Economic

The development of a new Men's Shed in the City is dependent on the JMS being able to secure funding and therefore being in a financial position to construct such a facility.

New facilities require designated funds within the City's budget for the ongoing maintenance and upkeep to ensure best practice asset management processes are implemented.

Consultation

Council and City representatives have met on a number of occasions with JMS representatives to discuss the current status of the project and to consider possible alternatives for the provision of a Men's Shed facility.

COMMENT

As requested by Council in October 2012, work commenced on investigating the four options for the ongoing provision of a facility for the Joondalup Men's Shed.

At this point in time, Option Four appears to be the most viable way forward within the next five to ten years for the ongoing provision of a facility for the Joondalup Men's Shed. It is probable that the Department of Education will extend the lease of the former Padbury Senior High School site for a further five years (post January 2016) for the Joondalup Men's Shed. This will be dependent however on the site continuing to be utilised for its current purpose and the JMS being able to co-exist harmoniously in short proximity to the Department of Education administration offices.

Given these recent developments, it is considered prudent for the City to cease investigation of the other three options for the provision of a Joondalup Men's Shed facility until January 2017. Formal contact will then be made with the JMS to determine the requirements for the ongoing provision of a Men's Shed facility.

If the provision of another five year lease by the Department of Education for the JMS to be accommodated at the former Padbury Senior High School site does not come to fruition, a further report will be presented to Council.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council:

- 1 NOTES the investigations undertaken in relation to the ongoing provision of a facility for the Joondalup Men's Shed;**
- 2 REQUESTS the Chief Executive Officer cease current work towards a permanent facility until January 2017.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ107-06/13, page 136 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie and Taylor.

CJ093-06/13 PROPOSED LIGHTING - MIRROR PARK SKATE PARK

WARD	North-Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	59155, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to receive an update on the usage of Mirror Park skate park since its opening in December 2012 and to approve the installation of lighting and changing the hours of operation at the skate park.

EXECUTIVE SUMMARY

At its meeting held on 21 August 2012 (CJ147-08/12 refers), Council resolved to build a skate park at Mirror Park in Ocean Reef.

As part of that resolution, the installation of standard lighting was not included and the closing time of the skate park was set at 7.00pm. Council requested a report be provided once the skate park had been open for a period of six months in order to assess the impact on local residents and to review the opening and closing times.

Mirror Park skate park was officially opened on 14 December 2012 and has been highly utilised by people of all ages since then. A successful skate, BMX and scooter competition was held on 25 February 2013 and included attendance by competition participants, families and local residents.

This report provides Council with an overview of Mirror Park skate park over the last six months, detailing the overall success of the park while highlighting some of the challenges faced by the City and local residents since its construction.

The report recommends that lighting is installed in the future, however requests Council note the issues surrounding parking and concerns of some local residents with regard to after-hours use.

BACKGROUND

Suburb/Location	Reserve 42041 Lot 11665 (14) Mirror Place, Ocean Reef.
Owner	Land Owned by the Crown – Managed by the City.
Zoning	DPS Parks and Recreation. MRS Urban.
Site area	47755m ² .

At its meeting held on 21 August 2012 (CJ147-08/12 refers) Council resolved that it:

- “1 *ENDORSES the final design for a skate park at Mirror Park, Ocean Reef, as shown in Attachment 1 to Report CJ147-08/12;*
- 2 *AGREES to contract Convic Pty Ltd to construct the Mirror Park skate park in accordance with the final design as shown in Attachment 1 to Report CJ147-08/12 at a cost of \$439,000;*
- 3 *AGREES to the permitted hours for the skate park at Mirror Park, Ocean Reef initially being 7.00am to 7.00pm Monday to Saturday, and 9.00am to 7.00pm Sunday and public holidays and that this be subject to a further report to Council after six months of the skate park being commissioned;*
- 4 *NOTES that the Skate Park Facility Management Plan as shown in Attachment 2 to Report CJ147-08/12 will be utilised as the framework for a co-ordinated approach to the management of the Mirror Park skate park.”*

The report to the 21 August 2012 Council meeting included a professional acoustics report on the proposed skate park. The findings from the acoustic report were as follows:

- Use of the skate park by teenagers and children during day-time will comply with the noise regulations. Use by teenagers and children after 7.00pm may cause concern due to lower noise limits.
- Use of the skate park by young adults who are more experienced skateboarders has the potential to breach the assigned noise levels at all times.

The acoustics report also recommended some potential strategies that the City could undertake to mitigate the potential noise issues if the skate park were to be built, including:

- using heavy gauge steel for the grind rails to minimise noise (this was incorporated into construction)
- capping and hot dip galvanising the rails and capping the coping ends to minimise noise (this was incorporated into construction)
- ensuring construction joints are flush finished and the saw cuts are only four millimetres wide to minimise the noise (this was incorporated into construction)
- use of facility not being permitted between the hours of 7.00pm to 7.00am Monday to Saturday, and 7.00pm to 9.00am Sunday and Public Holidays (this has been implemented)
- providing highly visible signs advising of non-permitted use times (there are two signs on-site advising of this information)

- having a presence by the City's Youth Outreach Services, Rangers and City Watch to reinforce the message that the skate park is not to be utilised during non-permitted times (this has been implemented)
- not installing lighting to restrict use of the facility after 7.00pm (there is presently no lighting installed).

The construction of the skate park was completed on 19 November 2012 and was handed over to the City on 21 November 2012. The park was officially launched by way of a community event on 14 December 2012.

DETAILS

Management Plan

Since the opening of the skate park at Mirror Park, the City has employed the following strategies in line with the Council's resolution of August 2012 and the Skate Park Facility Management Plan:

- 1 Use of the facility not being permitted between the hours of 7.00pm to 7.00am Monday to Saturday and 7.00pm to 9.00am Sunday and public holidays.
- 2 Providing highly visible signs advising of opening and closing times.
- 3 Having a presence by the City's Youth Outreach and Youth Mobile Services, Rangers and City Watch to reinforce the message that the skate park is not to be utilised during non-permitted hours.
- 4 Monitoring of CCTV footage and providing reports to Police as appropriate.
- 5 Rapid removal of reported graffiti.
- 6 Restricting use of the facility after 7.00pm by not providing suitable lighting pending a further report to Council.
- 7 Provision of additional bins and the implementation of daily litter patrols at the park.

The City's Youth Services staff have established a presence at the skate park through Youth Outreach Workers who visit the park on a regular basis on weekday evenings and the Mobile Youth Service is stationed there two evenings per week. All youth workers provide support, information and referral when engaging with young people at the park. They also re-iterate the expectations about closing times and promote appropriate behaviour and discuss strategies for maintaining community harmony.

Feedback on and demand for lighting

Mirror Park skate park has become a community facility that has attracted large scale usage. This was highlighted at the BMX, skate and scooter competition held in February 2013 with 700 people in attendance.

Families and young people of all ages have been enjoying the skate park in the mornings, after school and at weekends. The facility is meeting a high demand for such facilities in the City of Joondalup from young people, families and the community.

The skate park has been extremely popular with small children who are learning to skate board, scooter or BMX. One effect of this is that older, more experienced users have to be very mindful of the younger users who are often not aware of skate park etiquette and have not developed spatial awareness of other users. Older users of the skate park have expressed concern for the younger users and work hard at preventing collisions with children.

A solution proposed by the older users of the park is to install lighting to allow the park to be used after 7.00pm. This would increase time available to older users to use the park into the evening after younger users have left.

Another impact of the high usage of the skate park has been the pressure on parking. Many users and parents of users are parking their vehicles on the verge next to the skate park. Some users also shine their lights into the skate park in the evenings so they can use the park when it is dark. The introduction of lighting to increase the available hours of the facility could potentially spread the usage of the park and ease parking issues.

Opening times – Other skate parks

Many metropolitan local governments operate and manage skate parks in their communities. Recent research indicates that the opening and lighting hours are variable as indicated in the table below.

Local Government	Skate Park	Opening Times	Lighting Times
City of Bayswater	Crimea Skate Park Morley.	Open all hours.	6.00pm to 9.00pm every night.
City of Melville	Leeming Skate Park.	Open all hours.	Automatic lights turn off at 8.00pm.
City of Rockingham	Daniel Kelley Memorial Skate Park.	Open all hours.	Floodlit at darkness - activated lights.
City of Stirling	Carine Skate Park.	Open all hours.	No lighting.

Resident complaints

The table below highlights the total number of City Watch complaints the City has received for Mirror Park skate park from December 2012 to 30 April 2013:

Month	Number of Complaints
December	31
January	30
February	16
March	14
April	17
Total	108

Ninety six of the 108 complaints can be attributed to three households that abutt Mirror Park on the north-eastern side.

Of the complaints received by City Watch, most related to:

- after hours noise - these are complaints from residents about people using the skate park after the 7.00pm closing time
- parking on the verge
- rubbish around the skate park
- hooning in streets around Mirror Park.

Overall the levels of graffiti and other criminal activity at the skate park at Mirror Park since its opening have been minimal for a facility of this type in an open public space. However, there have been a minority of residents who have felt their lives have been disrupted by users of the skate park and have contacted the City regularly with complaints.

Issues and options considered

The following options are suggested for Council's consideration:

- keep the existing opening times and not install lighting
- keep the existing opening times and install lighting
- install lighting and increase usage time to 9.00pm on Friday and Saturday nights
or
- install lighting and increase usage time to 9.00pm every day.

Due to the high usage rates of Mirror Park skate park and the request for lighting from users, Option Four is considered the most appropriate. By lighting the skate park it is anticipated that usage can be spread over a longer period of time easing the pressure on the skate park and car park at peak periods. The inclusion of lighting will also have the benefit of increasing natural surveillance of the skate park due to the ability for the facility to be opened and use for longer periods of time.

The City's Kinross skate park at MacNaughton Park is currently lit until 10.00pm every day and the lights operate on an automatic timer system. If lighting is approved for Mirror Park skate park, this will also operate on an automatic timer system.

There is the option of trialling the increased usage time to 9.00pm every day for a period of six months to ascertain its effectiveness. If this proves not to be effective, the 9.00pm closure could be applied only on Friday and Saturday nights.

Legislation / Strategic Community Plan / policy implications

Legislation

Environmental Protection (Noise) Regulations 1997.

Strategic Community Plan

Key Theme

- Quality Urban Environment.
- Community Wellbeing.

Objective

- Quality open spaces.
- Quality facilities.
- Community spirit.

Strategic Initiative

- Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.
- Understand the demographic context of local communities to support effective facility planning.
- Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

Policy

Not applicable.

Risk management considerations

It is recognised that there are a number of risk management considerations in the provision of skate park facilities. These include the potential for personal injury, anti-social behaviour, noise, graffiti, vandalism and infrastructure failure.

To date no reports of major personal injuries or failure of infrastructure have been received by the City. There have however been reports received in relation to anti-social behaviour and noise as previously highlighted.

A comparison of graffiti reports from Mirror Park skate park and Kinross skate park between 1 January and 30 April 2013 show that there has been two and a half times less the number of graffiti reports for Mirror Park.

The installation of lighting at Mirror Park skate park has the potential to increase anti-social behaviour and noise impacts, however to some extent this can be mitigated by increased natural surveillance over longer periods of time. The City's Skate Park Facility Management Plan will also be utilised to manage any issues of this nature.

Financial/budget implications

The budget for the construction, associated infrastructure and internal labour charges for Mirror Park skate park has been fully expended. Underground infrastructure and poles that can incorporate the lights as part of the CCTV component have already been installed. Lights would be installed to the top of the CCTV poles on customised pole brackets to match the existing infrastructure. Signage that states the new opening times would also need to be installed in line with the original design. Costs are as follows:

Item	Cost
Visible lighting fully installed and commissioned	\$27,821
New signage to denote extended opening hours (in line with original design)	\$10,000
Total cost	\$37,821

Funding of \$37,821 will need to be included for consideration as part of the 2014-15 Capital Works Program if Council wishes to proceed with the installation of the lighting and extended opening hours of the skate park at Mirror Park. The ongoing costs for the lighting will be included in the 2014-15 operational budget.

Regional significance

The Mirror Park skate park was planned as a local-level rather than regional facility.

Sustainability implications

Social

Social sustainability is enhanced through the development of resilience and empowerment in young people, their families and members of the community. By increasing the opening times of Mirror Park skate park more young people will be able to use the park and express themselves in a positive, healthy and active way.

Economic

There will be costs associated with the running of lighting at Mirror Park skate park however this is not anticipated to have a long term economic impact.

Consultation

Since Mirror Park skate park has been opened, there has been internal consultation in accordance with the City's Skate Park Facility Management Plan. Regular consultation has also occurred with local Police.

Feedback from community members has been a mixture of positive comments about the benefits of the facility and expressions of concern about anti-social behaviour occurring outside of opening times.

COMMENT

Mirror Park skate park has been open to the public for six months. The skate park has proven to be extremely popular and its modern, well thought-out design has been well received by young people, families and the local community.

The City's other permanent skate park at MacNaughton Park Kinross is lit until 10.00pm every day. Similar facilities operated by other local governments are also lit to allow for after-hours usage.

It is acknowledged that there is a small number of residents who claim they have been adversely impacted by the development of a skate park at Mirror Park. The inclusion of lighting and extended usage hours may cause further concern with the potential for increased noise after 7.00pm.

Taking this into account it is recommended that the skate park be lit until 9.00pm from Monday to Sunday which provides for an additional two hours usage. This will be one hour less than the lighting times at the Kinross skate park. As occurs at the Kinross skate park, the lighting hours could be regularly reviewed with the switch off time changed if deemed necessary.

The City's Skate Park Facility Management Plan will continue to be utilised to manage any concerns raised in relation to the Mirror Park skate park.

As the full budget for Mirror Park skate park has been expended, funding of \$37,821 will be required in the Capital Works Program to install the lighting and new signage in 2014-15.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 APPROVES the installation of lighting to Mirror Park skate park;
- 2 LISTS for consideration in the 2014-15 Capital Works Program an amount of \$37,821 to cover the cost of the installation of lighting and the purchase of new signage at the Mirror Park skate park;
- 3 Following the installation of the lighting APPROVES the operating times of Mirror Park skate park being:
 - 3.1 Monday to Saturday 7.00am to 9.00pm;
 - 3.2 Sunday and Public holidays 9.00am to 9.00pm.

MOVED Cr Thomas, SECONDED Cr Taylor that Council:

- 1 **NOTES** the update provided on the operation of the Mirror Park skate park since its opening in December 2012;
- 2 **DEFERS** consideration of the proposal to install lighting to the skate park at this time;
- 3 **REQUESTS** that the Chief Executive Officer provide a further report on the proposal to install lighting at the Mirror Park skate park in 12 months.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Taylor that an additional Part 4 be added to the Motion to read as follows:

- "4 REQUESTS the Chief Executive Officer to investigate and report back to Council a recommended course of action for:***
- 4.1 A mechanism to deter the use of car headlights to illuminate the Mirror Park skate park after dark, whilst still maintaining casual surveillance of the park from Ocean Reef Road;***
 - 4.2 The design and installation of bollards adjoining Mirror Park skate park to prevent illegal parking between the existing formal parking area adjoining Ocean Reef Road and the skate park whilst ensuring the provision of adequate overflow parking."***

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

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

- 1 NOTES the update provided on the operation of the Mirror Park skate park since its opening in December 2012;**
- 2 DEFERS consideration of the proposal to install lighting to the skate park at this time;**
- 3 REQUESTS that the Chief Executive Officer provide a further report on the proposal to install lighting at the Mirror Park skate park in 12 months;**
- 4 REQUESTS the Chief Executive Officer to investigate and report back to Council a recommended course of action for:**
 - 4.1 A mechanism to deter the use of car headlights to illuminate the Mirror Park skate park after dark, whilst still maintaining casual surveillance of the park from Ocean Reef Road;**
 - 4.2 The design and installation of bollards adjoining Mirror Park skate park to prevent illegal parking between the existing formal parking area adjoining Ocean Reef Road and the skate park whilst ensuring the provision of adequate overflow parking.**

Was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

CJ094-06/13 REVIEW OF REGISTER OF DELEGATION OF AUTHORITY

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Schedule of proposed amendments Attachment 2 Revised Register of Delegation of Authority
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to undertake a formal review of its delegations within the Register of Delegation of Authority.

EXECUTIVE SUMMARY

Section 5.46 of the *Local Government Act 1995* (the Act) requires that at least once every financial year, delegations are to be reviewed by the delegator. The Council last reviewed its delegations on 26 June 2012 (CJ108-06/12 refers).

A schedule of proposed amendments to the Register of Delegation of Authority is submitted as Attachment 1 to this Report. The Register of Delegation of Authority incorporating the proposed amendments is submitted as Attachment 2 to this Report.

It is therefore recommended that Council:

- 1 *ENDORSES the review of its delegations in accordance with section 5.46 of the Local Government Act 1995;*
- 2 *BY AN ABSOLUTE MAJORITY and in accordance with section 5.42 of the Local Government Act 1995 and clause 8.6.1 of the City of Joondalup District Planning Scheme No. 2 DELEGATES the local government functions as listed in the amended Register of Delegation of Authority forming Attachment 2 to Report CJ094-06/13.*

BACKGROUND

Section 5.46 of the Act requires that at least once every financial year, delegations are to be reviewed by the delegator. The Council last reviewed its delegations on 26 June 2012 (CJ108-06/12 refers), and therefore a formal review by Council is required.

DETAILS

The Register of Delegation of Authority is updated on a regular basis when authority is delegated by Council to the Chief Executive Officer (or other officers), or where the Chief Executive Officer delegates his powers or duties to other officers.

In accordance with the *Local Government Act 1995*, the delegator (being Council in this instance) is to review its delegations periodically.

The purpose of this annual review is for Council to consider its delegations to the Chief Executive Officer, or delegations direct to other officers, and determine their ongoing suitability.

An annual review of the Register of Delegation of Authority has been undertaken to determine:

- the appropriateness of the existing delegations and whether to amend or delete any delegations
- the need for any additional delegations
- administrative corrections such as changes to position titles.

A schedule of proposed amendments (Attachment 1 refers) lists those amendments that have been identified as requiring Council approval. The proposed amendments reflect:

- recent changes to legislation
- improved wording to assist with the understanding of the delegation currently in place
- the inclusion of additional officers to improve workflow processes and service delivery
- administrative changes to position numbers.

The proposed changes do not amend or alter the current delegations that are already in place.

Issues and options considered

Council can either:

- accept the proposed amendments
- vary the proposed amendments
or
- reject the proposed amendments,

and adopt the revised Register of Delegation of Authority accordingly.

Legislation / Strategic Community Plan / policy implications

Legislation

Sections 5.42, 5.43, 5.44 and 5.46 of the *Local Government Act 1995* define the ability of a local government to delegate the exercise of its powers or the discharge of its duties.

Clause 8.6.1 of the *City of Joondalup District Planning Scheme No. 2*.

Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic initiative	Continuously strive to improve performance and service delivery across all corporate functions.
Policy	Not applicable.

Risk management considerations

The Council is required to review its delegations at least once every financial year. Failure to complete the review would result in non-compliance with its statutory responsibilities under the *Local Government Act 1995*.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community. Delegated authority allows Council to concentrate on policy development, representation, strategic planning and community leadership.

The Act requires each delegator to review its delegations at least once every financial year. Both Council and the Chief Executive Officer are to review their respective delegations and make the necessary amendments. Such amendments to the various delegations from the Council to the Chief Executive Officer (or officers), and from the Chief Executive Officer to various officers have occurred throughout the year and in accordance with the legislative provisions. Two new amendments to the delegations from Council to other officers' require an absolute majority decision of Council.

This formal review process will ensure that the Register of Delegation of Authority reflects the focus of Council. The register will continue to be reviewed, with items submitted to Council when necessary. An annual review will continue to occur.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Gobbert, SECONDED Cr Norman that Council:

- 1 ENDORSES the review of its delegations in accordance with section 5.46 of the *Local Government Act 1995*;**
- 2 BY AN ABSOLUTE MAJORITY and in accordance with section 5.42 of the *Local Government Act 1995* and clause 8.6.1 of the *City of Joondalup District Planning Scheme No. 2* DELEGATES the local government functions as listed in the amended Register of Delegation of Authority forming Attachment 2 to Report CJ094-06/13.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf110613.pdf](#)

CJ095-06/13 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents executed by affixing the Common Seal for the period 30 April 2013 to 15 May 2013
AUTHORITY / DISCRETION	Information - Includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 30 April 2013 to 15 May 2013 (Attachment 1 refers).

EXECUTIVE SUMMARY

The City of Joondalup enters into various agreements by affixing its 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 recommended that Council NOTES the Schedule of Documents covering the period 30 April 2013 to 15 May 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ095-06/13.

DETAILS

During the period 30 April 2013 to 15 May 2013, six documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Lease Agreement	1
Transfer of Land	1
Restrictive Covenant	1
Section 70A Notification	2
Mortgagee's Deed of Covenant	1

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 that is relevant and easily accessible by the community.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council NOTES the Schedule of Documents covering the period 30 April 2013 to 15 May 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ095-06/13.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ107-06/13, page 136 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie and Taylor.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf110613.pdf](#)

CJ096-06/13 STATUS OF PETITIONS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	05386, 101515
ATTACHMENTS:	Attachment 1 Status of Petitions – 21 February 2012 to 16 April 2013
AUTHORITY/DISCRETION:	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the status of outstanding petitions.

BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions.

As part of that report, it was advised that quarterly reports would be presented to Council in the future.

DETAILS**Issues and options considered**

Attachment 1 provides a list of all outstanding petitions, which were received during the period 21 February 2012 to 16 April 2013, with a comment on the status of each petition.

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

Clause 22 of the City's *Standing Orders Local Law 2005* states:

"22. Petitions

- (1) *A petition received by a member or the CEO is to be presented to the next ordinary Council meeting;*
- (2) *Any petition to the Council is:*
 - (a) *as far as practicable to be prepared in the form prescribed in the Schedule;*

- (b) *to be addressed to the Council and forwarded to a member or the CEO;*
- (c) *to state the name and address of the person to whom correspondence in respect of the petition may be served;*
- (3) *Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action."*

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

- Fully integrate community consultation practices into City activities.
- Optimise opportunities for the community to access and participate in decision-making processes.
- Adapt to community preferences for engagement formats.

Policy Implications

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

Risk Management Considerations

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

Financial/Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council NOTES:

- 1** the status of outstanding petitions submitted to Council during the period 21 February 2012 to 16 April 2013, forming Attachment 1 to Report CJ096-06/13;
- 2** that a report in relation to the petition requesting Council oppose the establishment of a community garden in Regents Park or Charing Cross Park, Joondalup, will be presented to Council following the development of a proposal by the Community Garden Working Group for the establishment of a community garden within the City;
- 3** that a report in relation to the petition requesting Council take prompt action to remedy the traffic issues in Castlegate Way, Woodvale by truncating the street at the northern end adjacent to the medical centre was presented to Council at its meeting held on 19 March 2013 (CJ033-03/13 refers);
- 4** that a report in relation to the petition requesting Council complete the Marri Park playground precinct by the installation of shade sails over the play equipment and BBQs to further enhance the area is proposed to be presented to Council at its meeting to be held on 25 June 2013;
- 5** in relation to the petition requesting the removal of the 13 metre light poles installed within the small roundabout at the intersection of Iluka Avenue and Oceanside Promenade, Mullaloo that Council:
 - 5.1** NOTES that the current street lighting and landscaping at the intersection with Oceanside Promenade and Iluka Avenue, Mullaloo meets the road safety requirements for roundabout intersection design;
 - 5.2** RETAINS the existing street lighting within the central roundabout island at the intersection with Oceanside Promenade and Iluka Avenue, Mullaloo;
 - 5.3** DOES NOT SUPPORT the replacement of the Norfolk Island Pine tree within the central roundabout island at the intersection with Oceanside Promenade and Iluka Avenue, Mullaloo with low lying shrub landscaping treatment;
 - 5.4** ADVISES the lead petitioner of Council's decision;
- 6** that a report in relation to the petition to access suitable areas of the City on behalf of residents of the City of Joondalup residents endorsing the application of the WASP Paramotor Club to be given access to suitable areas of the City of Joondalup's coastal land, so that they may safely participate in their sport, is proposed to be presented to Council at its meeting to be held on 20 August 2013;

- 7** that a report in relation to the petition requesting the provision of an additional 20 parking bays being developed on the Whitfords West Park area opposite the Whitford Shopping Centre and Whitfords Avenue Medical Centre is proposed to be presented to Council at its meeting to be held on 24 September 2013;
- 8** that a report in relation to the petition requesting the permanent closing off of access into Tyinga Crescent from the roundabout located at the north end of Tyinga Crescent and Grand Ocean Entrance, Burns Beach is proposed to be presented to Council at its meeting to be held on 8 October 2013.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ107-06/13, page 136 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie and Taylor.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf110613.pdf](#)

CJ097-06/13 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	101515, 03149, 48543, 05526
ATTACHMENT	Attachment 1 Minutes of the Local Emergency Management Committee – 2 May 2013 Attachment 2 Minutes of the Mindarie Regional Council – 2 May 2013 Attachment 3 Minutes of the WALGA State Council – 3 May 2013 <i>(Please Note: These minutes are only available electronically)</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the minutes of various external committees.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Local Emergency Management Committee meeting held on 2 May 2013.
- Minutes of the Mindarie Regional Council meeting held on 2 May 2013.
- Minutes of the WALGA State Council meeting held on 3 May 2013.

DETAILS

The following information details those matters that were discussed at these external meetings and may be of interest to the City of Joondalup.

Local Emergency Management Committee - 2 May 2013

An ordinary meeting of the Local Emergency Management Committee was held on 2 May 2013.

Cr John Chester and the City's Manager Asset Management, Principal Environmental Health Officer and Emergency Management Officer are Council's representatives on the Local Emergency Management Committee.

There were no matters of interest to the City of Joondalup resolved at the Local Emergency Management Committee meeting.

Mindarie Regional Council - 2 May 2013

An ordinary meeting of the Mindarie Regional Council meeting was held on 2 May 2013.

Cr Russ Fishwick JP, Cr Liam Gobbert and Cr Kerry Hollywood are Council's representatives on the Mindarie Regional Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Mindarie Regional Council meeting:

9.3 Request from City of Stirling for a further extension to 30 June 2014 for the exemption to dispose of waste at Mindarie Regional Council's Facilities

It was resolved by the Mindarie Regional Council as follows:

"That the City of Stirling be advised that:

- 1 *The Mindarie Regional Council will not provide any further exemptions to the City of Stirling from delivering waste to its Tamala Park Landfill Site or Neerabup Resource Recovery Facility;*
- 2 *As of 1 July 2013 the City of Stirling will commence delivering municipal waste to the Mindarie Regional Council, at a location specified by the Mindarie Regional Council, in accordance with its Constitutional obligations, save for any valid pre-existing exemptions."*

11 Motions of Which Previous Notice Has Been Given

It was resolved by the Mindarie Regional Council as follows:

- 1 *The Mindarie Regional Council (MRC) commence urgent talks with the City of Stirling aimed at retaining them as a member of the MRC;*
- 2 *The Chairperson and the Chief Executive Officer be authorised to enter into the talks detailed in (1) above;*
- 3 *The Chief Executive Office presents a report to the next ordinary meeting of Council on the outcome of the talks with the City of Stirling;*
- 4 *The MRC no longer supports the withdrawal of Stirling from the MRC for the following reasons:*
 - (a) *Agreement could not be reached between the City of Stirling and the MRC on the Adjustment of Assets and Liabilities as required by s.699 (3)(a) of the Local Government Act 1960 as:*
 - (iii) *the adjustment proposed by the City of Stirling, together with the reduction in tonnage supplied by the City of Stirling, would over time reduce the competitiveness of the Regional Council; and*

- (iv) *induce the other member councils to leave seeking the same methodology used to facilitate the withdrawal of the City of Stirling or to exercise their option for exemptions.*
- (b) *The significant cost on the remaining members if the City of Stirling were to withdraw, both in terms of the capital settlement required (\$6.2 million) and in terms of the higher cost per tonne that has been borne by the remaining members for the last two years. This is illustrated by the members' gate fee increasing from \$105 per tonne in the last year of Stirling tipping to a forecast \$152.50 for the 2013/14 financial year (significantly driven by a reduction in tonnage).*
- (c) *That the MRC requests the Minister not to approve Stirling's application to withdraw.*

WALGA State Council - 3 May 2013

An ordinary meeting of the WALGA State Council meeting was held on 3 May 2013.

Mayor Troy Pickard and Cr Geoff Amphlett JP are Council's representatives on the WALGA State Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the WALGA State Council meeting:

5.1 Constitutional Recognition (05-074-03-0001 WFS)

It was resolved by the WALGA State Council as follows:

- "1 *That the payment of WA's contribution of \$1.19 million to the Australian Local Government Association's (ALGA) "National Campaign for Constitutional Recognition" be made from the Association's reserve funds in accordance with the periodic call for funds issued by the ALGA.*
- 2 *That such payment is made on condition that all States and Territory Local Government Associations contribute to the National Campaign prior to its commencement and as per previous agreements on National contributions.*
- 3 *That such payment is made on condition that unexpended funds are returned to WALGA within 30 days in the event that the referendum does not proceed."*

5.2 Elected Member Fees and Allowances – Submission to the Salaries and Allowances Tribunal (05-034-01-0001 TL)

It was resolved by the WALGA State Council as follows:

- "1 *That the Association's submission to the Salaries and Allowances Tribunal in relation to Elected Member Fees and Allowances be endorsed.*
- 2 *The Association investigate the matter of remuneration to Elected Members being linked to training and experience."*

5.5 Draft State Planning Strategy – WALGA Submission (05-036-03-0022 CG)

It was resolved by the WALGA State Council as follows:

“That the submission to the Western Australian Planning Commission regarding the draft State Planning Strategy be endorsed.”

At the Ordinary Council meeting of the City of Joondalup held on 13 April 2013 to consider the matter of Draft State Planning Strategy (CJ046-04/13 refers), Council resolved as follows:

“That Council ENDORSES the City of Joondalup’s submission to the Department of Planning on the Draft State Planning Strategy shown as Attachment 2 to Report CJ046-04/13.”

5.8 Financial Assistance Grants Review (05-100-03-0001 PS)

It was resolved by the WALGA State Council as follows:

“That the Association’s interim submission to the Commonwealth Grants Commission’s review of Financial Assistance Grants be endorsed.”

At the Ordinary Council meeting of the City of Joondalup held on 19 February 2013 to consider the matter of Review of Financial Assistance Grants (CJ016-02/13 refers), Council resolved as follows:

“That Council ENDORSES the completed Western Australian Local Government Association survey on Financial Assistance Grants forming Attachment 2 to Report CJ016-02/13.”

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 Cr Corr, **SECONDED** Cr McLean that Council **NOTES** the minutes of the:

- 1** Local Emergency Management Committee meeting held on 2 May 2013 forming Attachment 1 to Report CJ097-06/13;
- 2** Mindarie Regional Council meeting held on 2 May 2013 forming Attachment 2 to Report CJ097-06/13;
- 3** WALGA State Council meeting held on 3 May 2013 forming Attachment 3 to Report CJ097-06/13.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

To access this attachment on electronic document, click here: [external minutes110613.pdf](#)

CJ098-06/13 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2013 ANNUAL GENERAL MEETING

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER:	00033, 101515
ATTACHMENTS:	Nil.
AUTHORITY / DISCRETION:	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to give consideration to nominating its voting delegates for the 2013 Annual General Meeting of the Western Australian Local Government Association (WALGA) to be held on Wednesday 7 August 2013.

EXECUTIVE SUMMARY

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

Crs Amphlett and Norman were nominated as the City's voting delegates in 2012, with Crs Chester and Thomas as their 'proxy' delegates.

BACKGROUND

The 2013 WALGA Annual General Meeting will be held on Wednesday 7 August 2013.

DETAILS**Voting delegates**

In order to participate in the voting on matters received at the Annual General Meeting, each member Council must register its voting delegates by Friday 12 July 2013. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

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

Members

Cr Geoff Amphlett
Cr Russ Fishwick
Cr Mike Norman
Cr Christine Hamilton-Prime

Deputies

Cr Brian Corr
Cr John Chester
Cr Teresa Ritchie
Cr Liam Gobbert

Crs Amphlett and Fishwick are the City's delegate and deputy delegate respectively, to the WALGA State Council.

Mayor Troy Pickard is the WALGA State President.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

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

Financial/budget implications

Not applicable.

Regional significance

Matters considered at the 2013 WALGA Annual General Meeting relate to local government as an industry.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

It is considered prudent to designate two voting delegates for the 2013 Annual General Meeting of the WALGA to ensure the City is represented and is able to vote on matters affecting the City and local government sector.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council GIVES consideration to nominating its:

- 1 Two voting delegates for the 2013 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 7 August 2013;
- 2 'Proxy' voting delegates for the 2013 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 7 August 2013 in the event that Council's appointed representatives are unable to attend.

MOVED Mayor Pickard, SECONDED Cr Hamilton-Prime that Council APPOINTS:

- 1 **Cr Geoff Amphlett and Cr Mike Norman as the Council's voting delegates for the 2013 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 7 August 2013;**
- 2 **Mr Garry Hunt, Chief Executive Officer and Cr Russ Fishwick as the Council's 'Proxy' voting delegates for the 2013 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 7 August 2013 in the event that Council's appointed representatives are unable to attend.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

CJ099-06/13 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2013

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENT	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of April 2013 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of April 2013. Attachment 3 Municipal and Trust Fund Vouchers for the months of April 2013.
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of April 2013.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of April 2013 totalling \$13,397,678.61.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for March 2013 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ099-06/13, totalling \$13,397,678.61.

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 April 2013. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 95285 - 95499 & EF030839 – EF031478 Net of cancelled payments	\$ 7,621,008.43
	Vouchers 1111A – 1117A	\$ 5,724,330.90
Trust Account	Trust Cheques 205593 – 205680 Net of cancelled payments	\$52,339.28
Total		\$13,397,678.61

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

Not applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2012-13 Annual Budget as adopted and revised by Council at its meeting of 10 July 2012 or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council NOTES the Chief Executive Officer's list of accounts for April 2013 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations of 1996* forming Attachments 1, 2 and 3 to Report CJ099-06/13, totalling \$13,397,678.61.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ107-06/13, page 136 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie and Taylor.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf110613.pdf](#)

CJ100-06/13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2013

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882, 101515
ATTACHMENTS	Attachment 1 Financial Activity Statement for the period ended 30 April 2013
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the Financial Activity Statement for the period ended 30 April 2013.

EXECUTIVE SUMMARY

Council adopted the mid-year budget review for the 2012-13 financial year at its meeting held on 19 February 2013 (CJ022-02/13 refers). The figures in this report are compared to the revised budget figures.

The April 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$6,748,005 for the period when compared to the 2012-13 Revised Budget.

The variance can be summarised as follows:

The operating surplus is \$89,663 above budget, made up of higher operating revenue of \$444,412 and higher operating expenditure of \$354,749.

Higher operating revenues are primarily as a result of Fees and Charges \$407,735, Profit on Asset Disposal \$343,112 and Interest Earnings \$109,039. These are offset by revenue below budget on Grants and Subsidies \$156,581, Contributions, Reimbursements and Donations \$161,367, Other Revenue \$69,048 and Rates \$28,367.

Operating expenditure is below budget on Materials and Contracts \$1,114,866, Employee Costs \$615,615 and Loss on Asset Disposal \$122,047. These are offset by higher Depreciation and Utilities expenditure which are \$1,930,938 and \$269,397 above budget respectively.

The favourable variance on Materials and Contracts is spread across a number of areas including External Service Expenses \$465,452, Professional Fees and Charges \$562,414, Furniture, Equipment and Artworks \$185,614, and Public Relations and Advertising

\$138,680. These are partly offset by unfavourable variances of \$400,335 on Waste Management Services and \$100,603 on Material Purchases.

The capital deficit is \$5,192,562 below budget as a result of lower expenditure on Capital Projects \$756,577, Capital Works \$4,130,982, Motor Vehicle Replacements \$406,974 and Equity Investments \$330. This is partially offset by lower capital revenue of \$102,301.

Further details of the material variances are contained in Appendix 3 of the Attachment to this Report.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 April 2013 forming Attachment 1 to Report CJ100-06/13.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 30 April 2013 is appended as Attachment 1.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* as amended 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 fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial/budget implications

Not applicable.

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*, which was made available for public comment.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of the 2012-13 Revised Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council NOTES the Financial Activity Statement for the period ended 30 April 2013 forming Attachment 1 to Report CJ100-06/13.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ107-06/13, page 136 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie and Taylor.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf110613.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr John Chester.
Item No/Subject	CJ101-06/13 – Tender 012/13 – Provision of Environmental Consultancy Services for the Ocean Reef Marina Development.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The principal of Natural Areas Consulting is an acquaintance.

CJ101-06/13 TENDER 012/13 – PROVISION OF ENVIRONMENTAL CONSULTANCY SERVICES FOR THE OCEAN REEF MARINA DEVELOPMENT

WARD North-Central

RESPONSIBLE DIRECTOR Mr Mike Tidy
Corporate Services

FILE NUMBER 103082, 101515

ATTACHMENTS Attachment 1 Summary of Tender Submissions
Attachment 2 Summary of Schedule of Rates

(Please Note: Attachment 2 is confidential and will appear in the official minute book only)

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

PURPOSE

For Council to accept the tender submitted by Strategen for the provision of environmental consultancy services for the Ocean Reef Marina development.

EXECUTIVE SUMMARY

Tenders were advertised on 16 March 2013 through statewide public notice for the provision of environmental consultancy services for the Ocean Reef Marina development for a period of three years with an option of two further 12 month periods. Tenders closed on 11 April 2013. Eight submissions were received from:

- RPS Environment and Planning Pty Ltd.
- Strategen.
- Worley Parsons Services Pty Ltd.
- Eco Logical Australia Pty Ltd / Preston Consulting Pty Ltd.
- Natural Area Holdings Pty Ltd trading as Natural Area Consulting.
- Cardno WA Pty Ltd.
- Aurora Environmental (Perth) Pty Ltd.
- Dinglebird Environmental Pty Ltd.

The submission from Strategen represents best value to the City. The company has extensive experience in providing lead consultancy services on similar marina type developments including the recent successful completion of the Mangles Bay project. It demonstrated a thorough understanding of the City's requirements and has employees with the appropriate level of expertise and experience.

It is therefore recommended that Council ACCEPTS the tender submitted by Strategen for the provision of environmental consultancy services for the Ocean Reef Marina development as specified in Tender 0012/13 for a period of three years with an option of two further 12 month periods at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

BACKGROUND

The City has a requirement to engage a suitably qualified and experienced environmental consultant for the provision of environmental consultancy services to assist the City with the implementation of an integrated environmental and planning approvals strategy for the Ocean Reef Marina development project.

The strategy, endorsed by Council at its meeting held on 11 December 2012 (CJ286-12/12 refers), will guide the process by which the City intends to seek environmental and planning approvals for the Ocean Reef Marina Structure Plan.

The City has previously obtained environmental consultancy services for the Ocean Reef Marina Project on a sub-consultant and quotation basis from Strategen. With the progression of the project, the scope of the services required and resultant expenditure a tender is now required.

Tender assessment is based on the best value concept. Best value is determined after considering respondents' experience and performance history and other environmental or local economic factors as may be appropriate.

DETAILS

The tender for the provision of environmental consultancy services for the Ocean Reef Marina development was advertised through statewide public notice on 16 March 2013. The tender period was for three weeks and tenders closed on 11 April 2013.

Tender Submissions

Eight submissions were received from:

- RPS Environment and Planning Pty Ltd.
- Strategen.
- Worley Parsons Services Pty Ltd.
- Eco Logical Australia Pty Ltd / Preston Consulting Pty Ltd.
- Natural Area Holdings Pty Ltd trading as Natural Area Consulting.
- Cardno WA Pty Ltd.
- Aurora Environmental (Perth) Pty Ltd.
- Dinglebird Environmental Pty Ltd.

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

Evaluation Panel

The evaluation panel comprised of four members:

- one with tender and contract preparation skills
- three with the appropriate technical expertise and/or 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

All offers received were fully compliant and were considered for further evaluation.

Qualitative Assessment

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

Dinglebird Environmental scored 49.1% and was ranked eighth in the qualitative assessment. The company demonstrated a general understanding of the scope and work required. The proposed approach to obtain environmental approval was inconsistent with the City's identified approach. It did not demonstrate the level of experience and capacity required to undertake the work.

Aurora Environmental (Perth) Pty Ltd scored 51.1% and was ranked seventh in the qualitative assessment. The company demonstrated some understanding of the required tasks. However, its proposed methodology lacked detail on *Environmental Protection Act 1986* and *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) assessments. In addition, it did not demonstrate experience in completing similar projects with relevance to the Ocean Reef Marina. The panel is not confident the company has the capacity required to provide the services.

Cardno WA Pty Ltd scored 56.4% and was ranked sixth in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It submitted a detailed methodology and approach including timeframes to complete the work. Cardno WA Pty Ltd is a global multidisciplinary firm and is well resourced to provide the services. However, it did not demonstrate experience in completing similar marina development projects. Examples of works were provided but only components of these projects were considered relevant to the City's requirements. Referee details were not supplied.

Natural Area Consulting scored 60.6% and was ranked fifth in the qualitative assessment. It demonstrated a sound understanding of the required tasks. Its submission included the company's proposed methodology and staged approach to complete the required tasks. However, Natural Area Consulting did not demonstrate capacity and experience in

undertaking works of a similar scale or complexity to the Ocean Reef Marina development project. The company is a small size business and indicated it will give consideration to employing further personnel if a key skill gap is identified to ensure the project is completed on time.

Eco Logical Australia Pty Ltd / Preston Consulting Pty Ltd scored 71.5% and were ranked fourth in the qualitative assessment. The companies demonstrated a thorough understanding of the required tasks. The submission included an overview of the scope of work, the proposed approach and methodology to carry out the tasks. Eco Logical Australia / Preston Consulting have sufficient resources to provide the services as a team. However, both have limited experience or depth in providing a lead environmental consultancy role in similar marina projects.

Worley Parsons scored 76.8% and was ranked third in the qualitative assessment. The company demonstrated a thorough understanding of the required tasks. It provided a detailed methodology and approach to complete the tasks. A schedule of tasks including timeframe was provided. It demonstrated experience in completing similar projects and provided examples of works. However, not all of these projects indicated a lead environmental consultancy role.

Strategen scored 82% and was ranked second in the qualitative assessment. The company demonstrated a thorough understanding of the required tasks. Its submission included a specific scope of works and methodology to undertake the tasks. Strategen proposed to carry out the tasks in accordance with the six stages of work required by the City; however it also indicated a seventh stage of work. Strategen has experience completing similar marina development projects including the proposed Mangles Bay development and is currently providing environmental services for the Ocean Reef Marina development project for the City. Strategen has an in-depth knowledge of the project and its history, and is well resourced and has the capacity to undertake the work.

RPS scored 88.9% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding and appreciation of the City's requirements. The company submitted a comprehensive response and indicated it will deliver its services in accordance with the six stages of work required by the City. RPS has extensive experience as a specialist environmental consultant in the development of coastal infrastructure projects including marina and waterfront developments in metropolitan and regional WA. It is an international consultancy firm and is well resourced to carry out the work for the City.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City. A summary of the rates submitted by each tenderer is provided in confidential Attachment 2.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two, three, four and five of the contract to a maximum of the percentage change in the Perth CPI (All Groups) Index for the preceding year.

An estimate of expenditure over the three year contract period, or over a five year period if the extension option is exercised, is not able to be accurately calculated as it is dependent upon the progress of the Ocean Reef Marina development project and the specific consultant employees allocated to tasks.

Based on the assumption that the City will be responsible for undertaking all required tasks up to and including the post-lodgement phase of the Environmental and Planning Approvals Strategy, it was determined that the role of Director/Principal Consultant will have considerable input into the project. The price ranking of the tenderers is based upon these rates only.

Evaluation Summary

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

Tenderer	Price Ranking (Director/ Principal Consultant Only)	Weighted Percentage Score	Qualitative Ranking
RPS Environment and Planning Pty Ltd	6	88.9%	1
Strategen	5	82%	2
Worley Parsons Services Pty Ltd	8	76.8%	3
Eco Logical Australia Pty Ltd / Preston Consulting Pty Ltd	4	71.5%	4
Natural Area Holdings Pty Ltd trading as Natural Area Consulting	1	60.6%	5
Cardno WA Pty Ltd	7	56.4%	6
Aurora Environmental (Perth) Pty Ltd	3	51.1%	7
Dinglebird Environmental Pty Ltd	2	49.1%	8

Based on the evaluation result the panel concluded that the tender from Strategen provides best value to the City and is therefore recommended for the contract.

Strategen in collaboration with the project team and relevant state government departments and agencies developed the Environmental Planning Approvals Strategy currently being implemented for the Ocean Reef Marina. Using a similar strategy it has had recent success in obtaining approvals for other marina infrastructure projects including Mangles Bay. Strategen has a demonstrated knowledge of the complexities involved in obtaining approvals for coastal developments including the federal *Environment and Biodiversity Conservation Act 1999* (Cwlth), and Section 48A and Section 38 assessments under the state *Environmental Protection Act 1986*.

Although RPS Environment and Planning Pty Ltd scored 88.9% and was ranked first in the qualitative assessment, it has had no previous involvement in the Ocean Reef Marina development project. RPS Environment and Planning Pty Ltd is a well respected environmental consultancy firm with experience in a variety of projects; however the lack of specific knowledge and involvement in the Ocean Reef Marina project may cause considerable delay in the City's implementation of the environmental planning approvals strategy for the project. Any such delay will have cost implications to the City.

Issues and options considered

The City has a requirement for the provision of environmental consultancy services for the Ocean Reef Marina development. The City does not have the internal resources to provide the required services and requires a suitably qualified and experienced environmental consultant to undertake the works.

Legislation / Strategic Community Plan / policy implications

Legislation A statewide public tender was advertised, opened and evaluated in accordance with Regulation 11(1) 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 \$100,000.

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Destination City.

Strategic initiative Facilitate the establishment of major tourism infrastructure.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as progress on the Ocean Reef Marina development project would cease.

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 experience and proven capacity to provide the services to the City.

Financial/budget implications

Account no.	220-C 1001-3359-0000.
Budget Item	Environmental consultancy services for the Ocean Reef Marina development.
Budget amount	\$200,000.
Amount spent to date	\$55,400.
Amount committed to date	\$38,000.
Proposed cost	Nil.
Balance	\$106,600.

Funds have been budgeted in 2013-14 and 2014-15 in the order of \$350,000 for this contract.

All amounts quoted in this report are exclusive of GST.

Regional significance

As an integral member of the project team the environmental consultant has substantial input in ensuring the identified regional significance is maintained.

Sustainability implications

As the environmental consultant on the project team, the consultant will take a lead role in monitoring, assessing, addressing and managing local, state and federal government environmental sustainability issues.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Strategen represents best value to the City and to the Ocean Reef Marina Project.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Taylor, SECONDED Cr Thomas that Council ACCEPTS the tender submitted by Strategen for the provision of environmental consultancy services for the Ocean Reef Marina development as specified in Tender 0012/13 for a period of three years with an option of two further 12 month periods at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf110613.pdf](#)

CJ102-06/13 CAT ACT 2011 - DELEGATIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	05089, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a delegation to the Chief Executive Officer pursuant to the operation of the *Cat Act 2011* (the Act).

EXECUTIVE SUMMARY

The Act is progressively being phased in, with sections that have already come into effect by Royal Assent on 1 November 2012 and the final sections to commence 1 November 2013. To facilitate preparations for and the effective enforcement of the provisions of the Act, it is necessary for the required delegations to be in place prior to the commencement of the full operational aspects of the Act in November 2013.

It is recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY in accordance with Section 44 of the Cat Act 2011 DELEGATES to the Chief Executive Officer all the powers and duties of the local government under the Cat Act 2011;*
- 2 *NOTES that the delegation in Part 1 above will be recorded in the City's Register of Delegation of Authority.*

BACKGROUND

The Act provides for all cats to be registered. The City must provide a certificate of registration and a registration tag. Cats are also required to be sterilised and micro chipped unless an exemption applies for breeding purposes, or a condition exists that prevents the cat being micro chipped on health grounds.

Local governments are required to keep an up-to-date register of cats. This register is similar to the current dog register and will contain owners and cat details. The application process is also similar to the dog registration application process. Cat owners seeking to breed cats must apply for approval to breed and on approval will receive a certificate. Cats can be impounded by an authorised person if found wandering unaccompanied in any public place or in a private place at the request of the property owner or occupier or under a warrant.

The City is required to implement the requirements of the Act and inform City of Joondalup residents of their obligations. The *Cat Regulations 2012* has been introduced with implementation phased in over the period November 2012 to November 2013. Amendments to the regulations, which will deal with fees and charges related to the registration of cats, are yet to be gazetted, having been delayed pending consideration of fees that may be amended in future in relation to the *Dog Act 1976*. These provide specific detail in regard to annual registration time frames, applicable fees and supplementary requirements.

The operational aspects of the Act that come into effect from 1 November 2013 cover matters dealing with:

- breeding
- control in the community
- registration
- identification (inclusive of micro chipping)
- sterilisation of cats.

DETAILS

The Act makes provision for a number of actions and decisions that may be taken by the local government or an authorised officer of the local government. These include but are not limited to:

- grant, renew or refuse to register a cat
- cancel a registration of a cat
- grant, renew or refuse approval to breed cats
- cancel a breeding approval
- give notice in relation to the above decisions
- issue infringements
- in certain circumstances enter onto property to follow up a matter in relation to the *Cat Act 2011*
- trap cats
- gather evidence including documents, photographs and requiring a person to answer questions.

Section 44 of the Act provides for the Council to delegate to the CEO, by absolute majority, the exercise of any of its powers or the discharge of any of its duties under another provision of the Act. There is an exception to this ability to delegate to the CEO in relation to the determination of objections.

Section 69 of the Act provides for a person who is dissatisfied in relation to a decision about a registration or approval to breed, in certain circumstances, to make an objection to that decision. Section 70 of the Act provides that an objection can only be dealt with by Council or Committee authorised by Council.

If delegated to the CEO under section 44 of the Act the CEO may in turn on delegate any powers or duties except the form and content of an infringement, the power to grant an extension to pay an infringement beyond 28 days and the power to withdraw an infringement.

Issues and options considered

There are several possible options in relation to determining any delegation under the Act to the CEO:

Option 1

There are no delegations made to the CEO. This would be unwieldy and place an unnecessary burden on Council to deal with essentially administrative approval processes under the Act. This option is not recommended.

Option 2

There is only a partial delegation made to the CEO. Again this would be unwieldy and complicated depending on which specific powers were delegated and place an unnecessary burden on Council to deal with essentially administrative approval processes under the Act. This option is not recommended.

Option 3

Delegate to the CEO the exercise of all of Council's powers or the discharge of all of its duties that are permitted to be delegated under the Act. This would provide for the most efficient and effective day to day operation of the Act and its regulations. This option is recommended.

It should be noted that Council cannot under section 70, delegate to the CEO the power to consider an objection made under section 69.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Cat Act 2011.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Strong leadership.
Strategic initiative	Participate in state and federal policy development processes affecting local government.
Policy	Not applicable.

Risk management considerations

Prior to the final operational commencement of the Act on 1 November 2013 it is necessary for the City to have the appropriate delegations in place for the City's role firstly in preparing for that date and secondly to ensure that the provisions of the Act are able to be applied efficiently and effectively.

Financial/budget implications

There are no financial implications associated with this delegation.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

There has been no consultation in relation to the consideration of a proposed delegation to the CEO under the Act.

COMMENT

Considering that the function and duties of a local government under the Act are administrative in nature, it is appropriate that Council delegates its powers under the Act to facilitate the implementation and application of the provisions of the Act.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1 BY AN ABSOLUTE MAJORITY in accordance with Section 44 of the *Cat Act 2011* DELEGATES to the Chief Executive Officer all the powers and duties of the local government under the *Cat Act 2011*;**
- 2 NOTES that the delegation in Part 1 above will be recorded in the City's Register of Delegation of Authority.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Disclosure of interest affecting impartiality

Name/Position	Cr Russ Fishwick, JP.
Item No/Subject	CJ103-06/13 – Warwick Open Space – Proposed Synthetic Hockey Pitch Project.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick is a member of the Friends of Warwick Bushland.

CJ103-06/13 WARWICK OPEN SPACE - PROPOSED SYNTHETIC HOCKEY PITCH PROJECT

WARD	South
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	100981, 07496, 26520, 101515
ATTACHMENTS	Attachment 1 Warwick Open Space aerial map Attachment 2 Synthetic hockey pitch feasibility study Attachment 3 Community consultation results analysis report Attachment 4 Floodlighting impact study Attachment 5 Proposed development site plan Attachment 6 Proposed clubroom floor plan Attachment 7 MacDonald Park site plan Attachment 8 Project capital cost estimate breakdown Attachment 9 Financial evaluation report
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the feasibility study, concept plan, estimated capital costs and results of the community consultation undertaken for the proposed synthetic hockey pitch development at Warwick Open Space, Warwick and seek endorsement to proceed with the project.

EXECUTIVE SUMMARY

The Whitford Hockey Club currently utilises one of the two ovals at MacDonald Park, Padbury during the winter sporting season. In 2009, Hockey WA released a Strategic Facilities Plan that outlined the need for synthetic hockey pitch facilities within the metropolitan area.

At its meeting held on 11 October 2011 (CJ177-10/11 refers), Council considered the proposal made by the Whitford Hockey Club to develop a synthetic hockey pitch at MacDonald Park. The City acknowledged the need identified in the needs assessment and Hockey WA's Strategic Facilities Plan for additional synthetic hockey pitches in the northern metropolitan area. However, Council did not support the proposal for the facilities to be located at MacDonald Park due to the anticipated impact it would have on the surrounding residents and other sporting clubs that utilise the park. Council resolved for the City to work with the club to explore other locations that would be more suitable for the development.

As part of the feasibility study, the consultant considered a number of location options that would be suitable for the construction of a synthetic hockey pitch and supporting infrastructure and it was determined that Warwick Open Space, Warwick was the preferred location. Warwick Open Space is the most suitable location for the proposed development due to a number of factors including the size and capacity to cater for multiple senior hockey pitches; the compatibility with existing land-uses; location in proximity to neighbouring residents; and the fact that it is vested in the City for parks and recreation use.

Warwick Open Space is located on Lloyd Drive, Warwick and is currently utilised by softball in winter and cricket in summer. Current infrastructure at the park includes two softball diamonds, softball batting cage, cricket centre wicket, six floodlights (which do not meet Australian Standards) and 100 car parking bays that are shared with the nearby Warwick Sports Centre.

Warwick Open Space is located within a large parcel of land and is surrounded by bushland. The nearest resident to the oval is 200 metres and across a main road (Wanneroo Road). A number of restrictions that prevented MacDonald Park being considered as a suitable site being the anticipated noise, traffic and lighting issues that a synthetic hockey pitch development is likely to create, are anticipated to have little impact on Warwick Open Space surrounding residents due to their proximity to the site.

Developing the synthetic hockey pitch infrastructure at Warwick Open Space would require the relocation of the softball and cricket clubs to alternative venues. It is anticipated that this can be successfully achieved by relocating the softball club to MacDonald Park and if necessary constructing additional cricket training nets/centre wicket at another park within the Warwick/Greenwood area.

As part of the feasibility study, a site plan and clubroom floor plan were developed for the proposed development and include:

- synthetic hockey pitch with perimeter fencing
- two grass hockey pitches
- floodlighting
- clubroom facility including benches function room, changerooms, toilets, kitchen/kiosk/bar, meeting room and storage
- additional car parking.

If Council supported the development this would create one of the largest hockey developments within the northern metropolitan area which will be considered a regional hockey complex and attract sporting clubs and people from outside the City.

A number of management options for the proposed development were explored and the City/club managed model was recommended which would involve the Whitford Hockey Club leasing the clubroom and synthetic hockey pitch, with the grass hockey pitches being managed by the City. The lease agreement would be aligned with the City's recently adopted Property Management Framework. This option would provide facilities to meet the needs of the Whitford Hockey Club, attract other hockey/sporting clubs and ensures that the grassed areas of the oval continue to be available for other sporting clubs/group and the local community and residents to use for passive recreation activities.

The estimated capital cost for the project is \$7,024,000 (2015-16 value). The project would be eligible for the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund (CSRFF) program, which if successful will contribute up to one-third of the project - \$2,341,000. The Whitford Hockey Club has committed \$600,000 to the project dependent on the facility management model and tenure arrangement. The City would therefore be required to fund the remainder of the capital costs for the project - \$4,083,000 should the CSRFF grant application be successful.

Community consultation with City of Joondalup residents living within a 500 metre radius from the site was conducted in February/March 2013. The consultation provided the local community with an opportunity to provide feedback on the proposed redevelopment at Warwick Open Space. The City received 537 valid responses with the majority indicating support for all proposed works at Warwick Open Space.

The concerns that were raised through the consultation process can be mitigated or managed through the detailed design stage of the project. In terms of the potential impact of the proposed floodlighting the findings of the report suggest there will limited impact upon fauna due in part to the small number of species that may be sensitive to the effects of light.

Given the results of the consultation, it is suggested that further community consultation for the project does not need to be conducted. To avoid any issues arising from this, project stakeholders and City of Joondalup residents within 500 metres of the site could be advised of the results of the initial consultation, the support received for the development and decision to proceed with the project.

If the development of synthetic hockey pitch infrastructure at Warwick Open Space is supported, a submission could be made to this year's CSRFF Forward Planning Grant funding round for construction in 2015-16.

It is therefore recommended that Council:

- 1 *NOTES the findings and recommendations of the completed feasibility study for the synthetic hockey pitch development project;*
- 2 *NOTES the findings and additional comments received as part of the of the community consultation process undertaken for the synthetic hockey pitch development project;*
- 3 *NOTES the findings of the completed floodlighting impact study for the synthetic hockey pitch development project;*
- 4 *NOTES the synthetic hockey pitch development project will be listed as part of the City's Community Sport and Recreation Facilities Fund project submission report to be considered by Council at the September 2013 ordinary meeting;*

- 5 *Subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000, APPROVES the proposed synthetic hockey pitch, grassed hockey pitches, clubroom, additional car parking, floodlighting and associated works at Warwick Open Space as detailed in Report CJ103-06/13 at a capital cost estimate of \$7,024,000 (including escalation to 2015-16);*
- 6 *SUPPORTS the City/club management model for the synthetic hockey pitch development project – whereby the Whitford Hockey Club lease the clubroom and synthetic hockey pitch (and associated floodlighting) and the City manage the grass hockey pitches (and associated floodlighting) and carpark;*
- 7 *NOTES that a further report will be presented to Council in early 2014 outlining the proposed City/club management model for the project – whereby the Whitford Hockey Club lease the clubroom and synthetic hockey pitch (and associated floodlighting) and the City manage the grass hockey pitches (and associated floodlighting) and carpark;*
- 8 *NOTES that the report detailed in Part 7 above will include more detailed financial projections for the Whitford Hockey Club including the proposed lease arrangement and the outcome of the City's Community Sport and Recreation Facilities Fund application for this project;*
- 9 *REQUESTS that the existing allocation of \$5,400,000 within 2017-18 of the City's 20 year Strategic Financial Plan for the construction be brought forward to 2015-16 and a further \$1,624,000 be listed for consideration to total \$7,024,000 for the synthetic hockey pitch development project subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000;*
- 10 *REQUESTS that \$7,024,000 be listed for consideration within 2015-16 of the City's Five Year Capital Works Program for the synthetic hockey pitch development project subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000;*
- 11 *AGREES that further community consultation for the synthetic hockey pitch development project is not required and REQUESTS the Chief Executive Officer to advise the project stakeholders and City of Joondalup residents within 500 metres of the site of the results of the initial consultation, the support received for the development and decision to proceed with the project.*

BACKGROUND

The Whitford Hockey Club is one of the largest in Western Australia with over 500 members and has a distinct focus on junior players with more than 312 junior players, of which over 100 players are under the age of ten. Of the Club's 30 teams, 12 require a synthetic turf pitch for competition games based on the grade they play in.

The club currently hires the south oval at MacDonald Park where they set up three grass pitches, and the Lesser Hall in the Fleur Freame Pavilion during the winter season. They also hire the synthetic hockey pitch at Arena Joondalup for five hours per week. Access to this synthetic facility is limited due to Arena Joondalup's own programming.

Currently the top teams of the club play in the 'Promotion One (Willow Bridge)' grade of the 'Elite Turf Premier League'. The 'Elite Turf Premier League' facilitates the highest level of

club hockey and a pathway of promotion for all elite players within clubs and all clubs within the structure. All games within this league are played on synthetic turf.

In 2009 Hockey WA released a Strategic Facilities Plan that outlined the need for synthetic hockey pitch facilities within the metropolitan area. The plan indicated possible locations in the northern corridor which included a pitch within the City of Stirling, City of Wanneroo and City of Joondalup.

In 2010, in partnership with the City, the Whitford Hockey Club developed an application for the Department of Sport and Recreation's Community Sporting Recreation Facilities Fund (CSRFF) bi-annual Small Grant Round to undertake a feasibility study to assess the need and suitability of a synthetic hockey pitch at MacDonald Park, Padbury. This application was endorsed by Council at its meeting held on 17 August 2010 (CJ134-08/10 refers). The grant application was successful with the City contributing \$10,133 to the project.

A needs assessment and feasibility study was managed by the Whitford Hockey Club with an appointed consultant who considered a number of location options for the proposed synthetic hockey pitch and recommended the preferred location as the Club's existing location at MacDonald Park.

At its meeting held on 11 October 2011 (CJ177-10/11 refers), Council considered the proposal made by the Whitford Hockey Club to develop a synthetic hockey pitch at MacDonald Park. The City acknowledged the need identified in the needs assessment and Hockey WA's Strategic Facilities Plan for additional synthetic hockey pitches in the northern metropolitan area. However, Council did not support the proposal for the facilities to be located at MacDonald Park due to the anticipated impact it would have on the surrounding residents and other sporting clubs that utilise the park. Council resolved for the City to work with the club to explore other locations that would be more suitable for the development.

As part of the feasibility study, the consultant considered a number of location options that would be suitable for the construction of a synthetic hockey pitch and supporting infrastructure including:

- 1 Arena Joondalup, Joondalup
- 2 Belridge Senior High School, Beldon
- 3 Edgewater Quarry, Edgewater
- 4 MacDonald Park, Padbury (included in the study as this is still the Whitford Hockey Club's preferred location)
- 5 Percy Doyle Reserve, Duncraig
- 6 Warwick Open Space, Warwick
- 7 Yellagonga Park, Woodvale.

Each site was rated against a set of criteria and it was determined that Warwick Open Space, Warwick has the potential to cater for the development of the synthetic hockey pitch and associated supporting infrastructure.

Warwick Open Space is located on Lloyd Drive, Warwick. An aerial map of the park is included as Attachment 1. The oval is Crown Land vested in the City for the purpose of parks and recreation and is 4.58 hectares. It is currently considered a District Park under the City's Parks and Public Open Spaces Classification Framework. The site is also classified as 'Bush Forever'.

Warwick Open Space is currently utilised by Perth Outlaws Softball Club in winter and the Warwick Greenwood Junior Cricket Club and Greenwood Senior Cricket Club in summer. Current infrastructure at the park includes two softball diamonds, softball batting cage,

cricket centre wicket, six floodlights (which do not meet Australian Standards) and 100 car parking bays that are shared with the nearby Warwick Sports Centre.

Warwick Open Space is located within a large parcel of land and is surrounded by bushland. The nearest resident to the oval is 200 metres and across a main road (Wanneroo Road). A number of restrictions that prevented MacDonald Park being considered as a suitable site being the anticipated noise, traffic and lighting issues that a synthetic hockey pitch development is likely to create, are anticipated to have little impact on Warwick Open Space surrounding residents due to their proximity to the site.

Warwick Open Space also has a number of other benefits over other sites including:

- size and capacity to cater for multiple hockey pitches
- strategic location in that it fills a large part of the current gap in facility provision within the northern corridor
- compatibility with existing land uses
- being managed by the City.

A copy of the full feasibility study is included as Attachment 2.

DETAILS

Relocation of sporting clubs

The Warwick Sports Centre (WSC) clubroom (built in 1993) is leased by a joint association and is approximately 100 metres away from the oval. This association is made up of Warwick Bowling Club, Greenwood Tennis Club and the Perth Outlaws Softball Club. Due to the distance of the sports centre from the oval, it is not possible to extend the facility to accommodate the needs of the proposed hockey clubroom.

The softball club has previously raised issues with the City in regard to the WSC facility layout, distance from the oval and lack of access from their playing area to the clubroom. The cricket clubs that use Warwick Open Space during the summer sporting season do not have access to the WSC or toilets/changeroom.

If the City proceeds with Warwick Open Space as the preferred site for the synthetic hockey development, it is necessary to relocate the Whitford Hockey Club to this park. In order to relocate, the club would need in addition to the synthetic hockey pitch, at least two grass hockey pitches. To relocate the Whitford Hockey Club the existing sporting clubs using Warwick Open Space would also need to be relocated to other venues.

It will therefore be necessary to relocate the Perth Outlaws Softball Club to the facilities currently utilised by Whitford Hockey Club at MacDonald Park, as they will no longer require them if relocated to Warwick Open Space. The softball club could have access to the south oval and the lesser hall within the Fleur Freame Pavilion during the winter sporting season. In order to undertake this relocation, it is proposed to develop the required softball infrastructure at MacDonald Park. The relocation of the softball club has been considered as part of the concept design and cost estimates for the project.

It is understood that the use of Warwick Open Space by the two cricket clubs can be absorbed within their existing bookings at other parks in the Warwick and Greenwood area. If necessary, the City can construct cricket infrastructure (practice nets and centre wicket) to assist with redistributing training/games at some of the other parks in the area. The possible requirement for additional cricket infrastructure has been considered as part of the cost estimates for the project.

Forecast Usage

It has been estimated by the consultant undertaking the feasibility study, that the synthetic hockey pitch would be used primarily by hockey clubs during the winter sporting season seven days per week.

During the summer sporting season, the usage by hockey clubs would be reduced with a limited summer season competition. The remainder of the time, the synthetic hockey pitch could be utilised by nearby high schools and other codes of sport such as soccer (summer competition), gridiron and touch football.

Community and Stakeholder Consultation

Community Consultation with City of Joondalup residents living within a 500 metre radius from the site (204 households) was conducted for 21 days from Monday 18 February to Monday 11 March 2013. The consultation provided the local community with an opportunity to provide feedback on the proposed redevelopment at Warwick Open Space.

The consultation was advertised through the following methods:

- Direct mail out - cover letter, frequently asked question sheet and comment form was sent to all residents within 500 metres of Warwick Open Space, Warwick high school, Department of Sport and Recreation, Hockey WA, Friends of Warwick Bushland group, local residents association and the user groups currently using facilities at the site.
- Site signage - three signs were placed at Warwick Open Space during the community consultation period.
- 'Club's In Focus' e-newsletter - information was added to the February 2013 edition with links to website for further details or to complete the comment form.
- Website - information and comment form was available on the community consultation page of City's website during the community consultation period.

The full results of the community consultation are included as Attachment 3. The City received 537 valid responses of which 25 were from residents living within a 500 metre radius of the site or stakeholders directly consulted, which is a response rate of 12.3%. 500 submissions were made by individuals living outside the 500 metre radius of the site. The City also received 12 responses from representatives of organisations/groups, six of which were contacted directly for comment and six from organisations/groups that were not contacted directly for comment. A summary of the results is included below.

With regard to the residential location of respondents, the majority live within the City of Joondalup (64.6%). However, there are also a proportion from the City of Wanneroo (14.3%) and the City of Stirling (8.2%).

Of the 537 valid responses received, 299 respondents stated that they were affiliated with an organisation/group which had an interest in Warwick Open Space. Significantly, almost 50% of the responses received were from members of the Whitford Hockey Club. Notably, 14 stated they were affiliated with the softball/cricket club currently using the oval and ten with the Friends of Warwick Bushland group.

Existing user groups

As part of the consultation undertaken, meetings were held with the softball club and cricket clubs that currently use Warwick Open Space. Given the softball clubs existing issues with Warwick Sports Centre and the layout, distance from the oval and lack of access from their playing area to the clubroom; they have indicated they support relocation to MacDonald Park provided softball infrastructure is installed.

The cricket clubs indicated that the use of Warwick Open Space should be able to be absorbed within their existing bookings at other parks in the Warwick and Greenwood area. If necessary, the City can construct cricket infrastructure to assist with redistributing training/games at some of the other parks in the area.

Demographics

Of the 537 valid responses collected, almost one quarter of these were submitted by people aged between 35 and 44 years. The City also received a significant proportion of responses from people aged between 18 and 34, and 45 and 54 years.

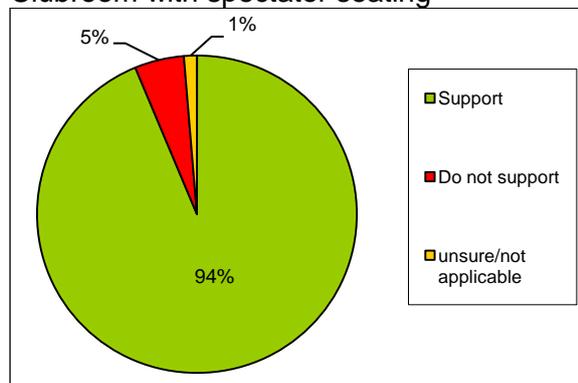
Use of Warwick Open Space

The majority of respondents (56.4%) do not currently use Warwick Open Space oval, but are interested in the project. Of these, approximately half stated that they were members of the Whitford Hockey Club. Additionally, over one third of respondents stated that they either lived near the Warwick Open Space oval or used the oval for informal recreation (such as playing, walking, jogging, dog walking, etc). It should be noted that, of these, only a small proportion live within 500 metres of the site.

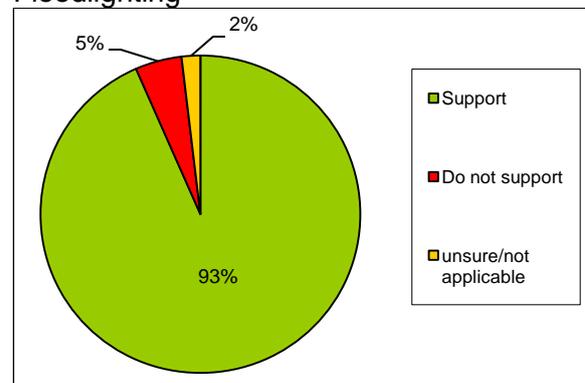
New proposed infrastructure

Respondents were asked to indicate if they supported the development of a clubroom facility with spectator seating, fenced synthetic hockey pitch, grass hockey pitches, new sports floodlighting and additional car parking. Of the responses received, the majority indicated support for all proposed works at Warwick Open Space as shown in the below charts.

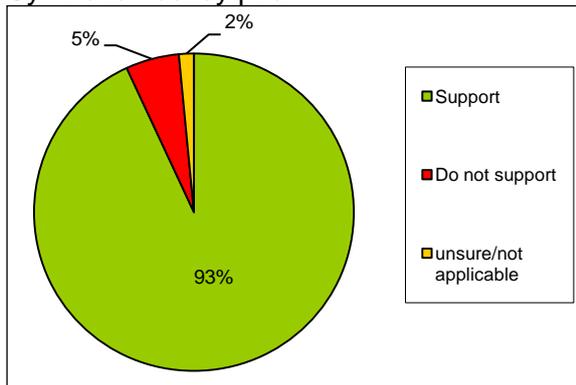
Clubroom with spectator seating



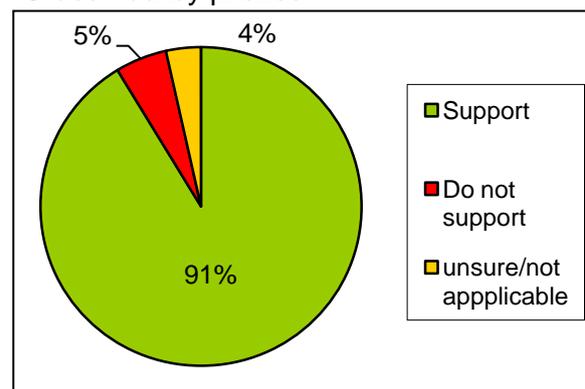
Floodlighting



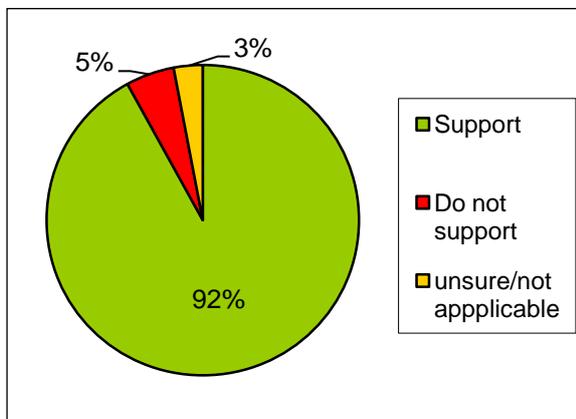
Synthetic hockey pitch



Grass hockey pitches



Car Parking



Additional Comments

Respondents who indicated that they did not support the various new infrastructure proposed as part of the project were asked why. A total of 29 individual respondents did not support one or more of the infrastructure proposed. The two main reasons for opposition included:

- concerns about potential impacts on the surrounding bushland (such as grass clippings/weeds, floodlighting disturbing animals, dumping, inappropriate access, dangerous vehicular traffic etc)
- concerns that the proposal would restrict usage of the oval for existing user groups (such as cricket clubs), and individuals (such as dog-walkers).

In addition to the above reasons for opposition from individual respondents, the City also received five detailed responses from representatives of organisations/groups opposing the project. The detailed responses by these organisations/groups are included in Attachment 3, however in summary the majority relate to concerns regarding the potential impacts on the surrounding bushland.

A summary of the concerns raised through the consultation and response to these is included in the below table.

Concern	Response
Noise increase impacting nearby residents.	Given proximity of residents to the site, impact of the development will be minimal. Noise reduction strategies will be included within the detailed design stage of the project.
School's oval and tennis court will be used as a thoroughfare.	Hockey players and spectators will be required to utilise the current road and path networks for access/egress of the site.
Lloyd Drive will not be able to cope with increase in vehicle traffic.	The existing traffic system can be reviewed as part of the detailed design stage of the project.
Potential increase in vandalism and break-ins at surrounding buildings including school, school pool (in summer months), bowling club and tennis club.	Higher activation of the area creates additional passive surveillance by players and spectators. CCTV will also be considered as part of the project.
Warwick Open Space is a conservation area and not dedicated for recreational activities.	The location of proposed infrastructure is within the oval that is zoned 'Parks and Recreation'. Therefore the proposed infrastructure is consistent with the overall purpose of the reserve.
Light pollution from floodlights would be detrimental to the flora, fauna and fungi within the nature reserve.	The City engaged an Environmental Consultant who has completed an initial assessment on the possible impact of light upon flora and fauna. The outcomes are outlined in a further section of the report below.
Site is Bush Forever therefore all vegetation within the nature reserve needs to be conserved.	No vegetation has been proposed to be cleared as part of the development.
Increase in usage will affect trails and paths. Additionally, people may create new paths for access/egress by foot.	The existing trails, paths and fencing can be reviewed as part of the detailed design stage of the project and funds allocated to fencing and signage if appropriate.
Grass clippings will be dumped into the bushland.	Management of the reserve will require all grass clippings to be taken off-site as part of the overall maintenance strategy of the reserve.
Construction material and machinery impacting the bushland. Materials must be certified free of dieback and free of seed, cuttings and invasive weed species.	If the project is supported, environmental implications will be addressed through tender documentation.
Increase in the number of people exercising dogs therefore dog droppings and/or dogs foraging in the bush are likely to impact local flora and fauna.	The existing trails, paths and fencing can be reviewed as part of the detailed design stage of the project and funds allocated to fencing and signage if appropriate.
No buffer zone as everything is 'crammed' into the site.	Appropriate buffer zones will be included and assessed as part of the detailed design and planning application process.
Carpark location and length. The long edge make the bush vulnerable to disturbance, weed invasion and dieback infection.	Appropriate buffer zones will be included and weed invasion and dieback infection will be included and assessed as part of the detailed design process.

Concern	Response
Watering of ovals. If bore water, will draw down the local table and may affect bushland vegetation.	Existing oval watering systems will be modified with the installation of the hybrid synthetic pitch. As part of the detailed design stage of the project water harvesting methods will be explored for suitability with this type of project.

Floodlighting impact assessment

Following the concerns raised through the consultation in relation to the potential impact of the sports floodlighting on the local fauna, an environmental consultant was engaged to undertake an impact assessment. The findings of the report suggest there will be limited impact upon fauna due in part to the small number of species that may be sensitive to the effects of light. The impact on insect mortality is difficult to predict as the effects of the lights will interact with the effects of the existing lights including street lights, car park lights and current floodlighting. The report also suggested that the effect of the power of the light is minimal as the City will take the appropriate measures to ensure light spill is minimised. The full report is included as Attachment 4.

Approvals

As part of the consultation, feedback was received from the Friends of Warwick Bushland group in regard to approval for the project from the federal and state governments.

Discussion with the relevant government agencies has confirmed that a development application (DA) would need to be submitted for the project as the development is to occur on crown land vested in the City for Parks and Recreation. When the Department of Planning receives the application, they coordinate with other relevant state departments that need to make comment on the proposed works – for this project they would refer it to the Department of Environment and Conservation (DEC) as the site is classified as Bush Forever.

Once DEC receive the application from the Department of Planning, they assess the project based on the potential impact to the adjacent bushland. As the project does not require clearing of any vegetation a clearing permit is not required. The results of the floodlighting impact assessment would also be included in the application.

It is understood that federal government approval is unlikely to be required but until an application is made and the project assessed, the requirements and approval outcome cannot be confirmed.

Warwick Open Space Management Plan

The City is currently developing the Warwick Open Space Management Plan to protect native vegetation and ecosystems within the bushland at the site. A flora, fauna and fungi survey has been conducted to inform the development of the plan. The plan will have a five year timeframe and identify key environmental threats and provide recommendations to guide the long term management of the bushland area.

The City is conducting stakeholder consultation with the Friends of Warwick Bushland group to inform the development of the management plan. Other key stakeholders will be consulted in regard to the Draft Warwick Open Space Management Plan during the public consultation period.

Site and concept plan

As part of the feasibility study, a site plan and clubroom floor plan were developed and are included as Attachments 5 and 6.

The site plan (Attachment 5 refers) indicates the layout of the proposed development including the following infrastructure:

- Full size hybrid (wet/dry) synthetic hockey pitch with perimeter fencing.
- Two full size grass hockey pitches (need to relay new turf).
- Floodlighting for pitches – 18 metres in height to an illumination level of 500 lux for the synthetic pitch and 250 lux for the grass pitches (will meet Australian standards for outdoor hockey).
- Clubroom facility including benches for scorers and players and spectator viewing area.
- Additional car parking.

The clubroom floor plan (Attachment 6 refers) includes a single storey clubroom facility consisting of:

- function room of 400m² (with view over synthetic hockey pitch)
- changerooms including umpire room
- first aid room
- toilets
- kitchen/kiosk/bar
- meeting room of 26m²
- storage.

The proposed development will create one of the largest hockey developments within the northern metropolitan area. It is anticipated that this project will be considered more of a regional hockey complex rather than a local hockey area and as such will attract clubs from outside the City.

The project also includes the development of the following infrastructure at MacDonald Park (south oval) for the relocation of the softball club (Attachment 7 refers):

- Two softball diamonds with back nets.
- Softball practice batting cage.

The project has also considered the possible requirement for additional cricket infrastructure (practice nets and centre wicket) at other parks within Greenwood and Warwick.

Facility management

A number of management options for the proposed development were explored including a City managed; club managed; or City/club managed model. The preferred model is the City/club managed model which would involve the Whitford Hockey Club leasing the clubroom and synthetic hockey pitch with the grass hockey pitches being managed by the City. The lease agreement would be aligned with the City's recently adopted Property Management Framework.

Through this management model the club would be responsible for all the maintenance and utilities of the clubroom and synthetic hockey pitch and still able to generate income through bar takings and by making the facilities available for other groups/clubs to hire outside of their requirements. The club would also be expected to fund the resurfacing costs of the synthetic hockey pitch.

The grass pitches however would be managed by the City and the hockey club would be required to hire them during the winter sporting season. This would allow the City to make the grassed areas available to other sporting groups outside the hockey club's requirements. It would also ensure that the grassed areas are available to the community and residents.

The Whitford Hockey Club also supports this option and believes it is financially sustainable for them and will allow them to continue to grow as a club.

Issues and options considered

There are a number of options for consideration for the synthetic hockey pitch project in relation to further community consultation and external grant funding.

Community consultation

Development projects such as this would normally include two rounds of community consultation. The first, which the results of are included in this report, provides the local community with an opportunity to provide feedback on the proposed project. The second round of consultation seeks comment on the specific project details such as the site plan, facility layout and any changes to the project as an outcome to the first round of consultation.

Given the overwhelming support for the proposed works indicated as part of the initial consultation, one option for the project is to not undertake further consultation for the project. The risk associated with not undertaking further consultation on the project is in relation to ensuring that the local community engaged as part of the initial consultation is advised of this decision. This issue could be addressed by advising City of Joondalup residents within 500 metres of the site and other stakeholders the results of the initial feedback, the support received for the project and decision to proceed with the project.

External grant funding

It has been identified that this project would be suitable for consideration as part of the Department of Sport and Recreation's CSRFF program. Given the size and scale of the project it is recommended that detailed design be undertaken in 2014-15 and construction planned for 2015-16. An application could be made to this year's Forward Planning Grant funding round for construction in 2015-16 (which closes on 27 September 2013). The CSRFF program considers a contribution of up to one-third for projects that demonstrate an increase in sport participation as a result of the development.

The City has the option to not submit an application for CSRFF and fund the project in full. Given the project eligibility, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round. It is however, necessary that the City includes a budget allocation for the whole project, in the event the application for CSRFF is unsuccessful.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

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 Not applicable.

Risk management considerations

If the Council supports the proposed development of hockey facilities at Warwick Open Space, consideration needs to be given to risks associated with such a project.

Financial

Any capital project brings risks in relation to contingencies and over runs against original design. The capital cost estimate is based on high level concept designs and may differ once further detailed designs are undertaken for the project.

Although the Whitford Hockey Club has demonstrated some capacity to contribute to the project (which includes a loan from Hockey WA and its own cash resources) the club would still need to secure approximately \$250,000 to meet their commitment of the construction costs. Also, should the Department of Sport and Recreation not agree to fund a full one-third of the project both these factors increase the risk that the City will be required to contribute further funds to the project.

There is also a financial risk associated with the City/club managed models for this project. Through this management model the Whitford Hockey Club are leased the facilities and responsible for all operating expenses. If the club is unable to meet these financial obligations, the City may be required to assist, resulting in unplanned budget expenditure.

Impact on existing sporting clubs

In order to relocate the Whitford Hockey Club to Warwick Open Space, the softball club and two cricket clubs that currently use the oval would also need to be relocated. It is proposed to relocate the softball club to MacDonald Park – effectively swapping the locations of the hockey club and softball club. Development timelines would need to be planned to ensure minimal disruption to the clubs, however it is anticipated that there could be some impact to their current arrangement while the construction of infrastructure is taking place.

It is anticipated that the two cricket clubs can absorb the use of Warwick Open Space within their allocation of other parks in the Warwick and Greenwood area by making changes to

their training and game schedules. If necessary the City has factored into the project costs the construction of cricket training nets and centre wicket at another park in the local area.

There is also a risk associated with not undertaking further consultation on the project. This issue could be addressed by advising all City of Joondalup residents within 500 metres of the site and other key stakeholders of the results of the initial feedback, the support received for the project and decision to proceed with the project.

Financial/budget implications

Within the 2011-2031 20 Year Strategic Financial Plan there is an allocation of \$5,400,000 in 2017-18 for the construction of this project. Also listed is an estimated \$2,400,000 external funding, giving a net position of \$3,000,000.

There is currently nothing listed within the City's Five Year Capital Works Program for this project.

All figures quoted in this report are exclusive of GST.

Estimated capital project costs

The estimated capital cost of the proposed development is \$6,244,000 at today's value. A full breakdown of costs associated with this option is included as Attachment 8. A breakdown of the capital costs is as follows:

\$ 300,000	Site preparation works
\$ 2,578,000	Clubroom facility
\$ 1,245,000	Synthetic hockey pitch
\$ 36,000	Other (car park, grass pitches, relocation of softball & cricket club)
\$ 733,000	Contingencies
\$ 447,000	Professional fees
\$ 205,000	CCTV, new bore, water quality filter (these additional costs have been determined by the City and have been added to the total shown on Attachment 8).

TOTAL = \$6,244,000

The capital costs are estimated to increase to \$7,024,000 by 2015-16. The proposal is for the City to apply for the Department of Sport and Recreation's CSRFF program which if successful will contribute up to one-third of the project - \$2,341,000. The Whitford Hockey Club has committed \$600,000 to the project dependent on the facility management model and tenure arrangement. These funds are coming from current savings (\$150,000), Hockey WA loan (\$200,000), and the remainder from fundraising and in-kind contribution. The City would therefore be required to fund the remainder of the capital costs for the project - \$4,083,000 should the CSRFF grant application be successful. This report has not considered final funding arrangements however one possible option is that the City's contribution to the project could be funded by a loan.

While a CSRFF application may result in a contribution of up to one-third for the works it is necessary that the City includes a budget allocation for the whole project, in the event the grant funding application is unsuccessful.

Estimated ongoing operating costs

A financial model has been developed for recommended management option for the project –City/club managed. A full breakdown of costs associated with this model is included as Attachment 9.

In this model, the Whitford Hockey Club would lease the clubroom and synthetic hockey pitch from the City. For the purposes of the financial model, a lease charge of \$6,000 per annum has been included. The City's recently endorsed Property Management Framework states that a lease fee is determined based on 0.1% of the capital cost of the leased property. The City would be responsible for the grass pitches, the car park and some of the floodlighting maintenance.

Within this model the club would generate income through the hire of the clubroom and synthetic hockey pitch to other clubs/groups and through bar sales. The Club would be responsible for all utilities and ongoing maintenance costs associated with the clubroom and synthetic hockey pitch.

From a City perspective in the first year of operation, it is expected that the facilities would generate an estimated \$14,000 in revenue and (\$159,000) expenditure for the City, giving a deficit of (\$145,000).

Financial Summary

The financial impact to the City of the project up until 2030-31 on the City/club managed option can be summarised as follows (the projected income figures are based on the City's current Fees and Charges for team sports):

Net cumulative cashflows (including inflation)	City/club managed option
Capital expenditure and one-off	(\$7,024,000)
Grants and contributions	\$2,941,000
Borrowings	\$4,083,000
Funding repayments and interest	(\$5,287,000)
Expenditure recurring	(\$4,162,000)
Income recurring	\$343,000
Surplus (deficit) / total	(\$9,106,000)

Whitford Hockey Club – ability to meet financial commitments

The Whitford Hockey Club's annual operating expenses for running the facility are estimated at approximately \$197,000 from 2016-17 comprising:

- \$70,000 – Replacement pitch
- \$47,000 – Employee Costs
- \$38,000 – Materials & Contracts
- \$42,000 – Utilities

The above figures are subject to further review between the City and Whitford Hockey Club.

One of the risks associated with option two and three is the Whitford Hockey Club's ability of meeting the ongoing operating costs and being sustainable. If the club is unable to meet these financial obligations, the City may be required to assist, resulting in unplanned budget expenditure. Therefore it is important for the City to have confidence in the financial forecasts of the club to generate income and cover expenses. The club has developed and

provided to the City a 10 year financial forecast based on a City/club managed model. For the purposes of the forecast, the club used a lease charge of \$10,000 per annum. In summary the following comments have been made in relation to their financial forecast:

- The income projections made by the club have a satisfactory rationale.
- The expense projections made by the club have an unsatisfactory rationale and more review is required by the club should the project be supported.
- 71% of the expenses are fixed. However, only 34% of the income is fixed.
- To substantiate the income projections made by the club further, written confirmation should be obtained from Hockey WA to confirm that they will allocate games other than just the Whitford Hockey Club's to the new facility.
- Ongoing Financial Management – The City would need to further assess the rigour, controls and processes that would be employed by the club to manage their ongoing financials.

Regional significance

The need for additional synthetic hockey pitch facilities in the north metropolitan area is documented in the Hockey WA Strategic Facilities Plan and supported by the feasibility study. Warwick Open Space is currently considered a District Park under the City's Parks and Public Open Spaces Classification Framework. The proposed project will create one of the largest hockey developments within the northern metropolitan area. If supported, the park would become a Regional Park as it would incorporate a large number of multi-use sport and recreation based facilities and have the capacity to service the needs of the Joondalup community and may also attract users from outside the City of Joondalup region.

Sustainability implications

Environmental

One of the benefits of Warwick Open Space as the preferred location for the development is the site is relatively flat and clear, meaning only minimal earth works would be required.

The proposed synthetic pitch will be a hybrid (wet/dry) based playing surface, which would require some watering to enable games to be played (however the water requirements are lower than those needed for a full water based pitch). Depending on the amount of watering required, this could have an impact on the City's water usage for the area. However, if the project is supported, as part of the detailed design stage of the project water harvesting methods will be explored for suitability with this type of project. The development of a synthetic pitch would also reduce the level of weed spraying, fertilising and mowing required for part of the existing grass turf area.

The clubroom facility will be planned to reduce the impact of the carbon footprint and consider environmental sustainability design features.

Social

The project has included consultation with local residents and user groups of the oval to ensure that feedback received represents the diverse needs of the City's community. Any developments at the site will consider access and inclusion principles and will aim to enhance the amenity of the public space.

The proposed project will create one of the largest hockey developments within the northern metropolitan area and able to attract elite level games. It is anticipated that this project will be considered more of a regional hockey complex rather than a local hockey area and as such will attract clubs and people from outside the City.

Through the City/club management model, the City is able to ensure that the grassed areas of the oval continue to be available for the local community and residents to use for informal play, exercise and dog walking.

Economic

If the Whitford Hockey Club is unable to raise the additional required funds for their committed contribution to the project there is a risk that the City may be required to allocate additional funding to the project for it to proceed. Similarly, if the Department of Sport and Recreation contributes less than a third to the project, again the City would be required to allocate additional funding.

Through the City/club management model, if the hockey club is unable to meet the on-going operating costs for the facilities the City may be required to assist resulting in expenditure of unplanned budget funds.

Consultation

Results of the initial community consultation completed recently have been outlined in the details section of this report. The full results of the community consultation are included as Attachment 3. A decision needs to be made whether further community consultation will be undertaken for this project.

COMMENT

The Feasibility Study supports the need determined by Hockey WA and the Whitford Hockey Club for additional synthetic hockey pitches in the north metropolitan area. The study undertaken considered a number of location options within the City of Joondalup with Warwick Open Space being the preferred location for the development of a synthetic hockey pitch and associated infrastructure. Warwick Open Space is the most suitable location for the proposed development due to a number of factors including the size and capacity to cater for multiple senior hockey pitches; the compatibility with existing land-uses; location in proximity to neighbouring residents; and the fact that it is vested in the City for parks and recreation use.

Developing the synthetic hockey pitch infrastructure at Warwick Open Space would require the relocation of the softball and cricket clubs to alternative venues. It is anticipated that this can be successfully achieved by relocating the softball club to MacDonald Park and if necessary constructing additional cricket training nets/centre wicket at another park within the Warwick/Greenwood area.

If the Council is to proceed with the proposal to develop hockey infrastructure at Warwick Open Space, the proposed development including synthetic hockey pitch, grass hockey pitches, clubroom and additional car parking will create one of the largest hockey developments within the north metropolitan area. It is anticipated that this project will be considered a regional hockey complex and attract sporting clubs and people from outside the City.

The preferred management model for the development is for a City/club managed facility. This option would provide facilities to meet the needs of the Whitford Hockey Club, attract other hockey/sporting clubs and ensures that the grassed areas of the oval continue to be available for other sporting clubs/group and the local community and residents to use for passive recreation activities.

The City received a response rate of 12.3% from the recent community consultation undertaken for the proposed synthetic hockey pitch project. The low level of responses from people living within 500 metres of the park supports the view that the site is anticipated to have little impact on Warwick Open Space surrounding residents due to their proximity to the site.

With 299 submissions made by interested individuals that stated that they were affiliated with an organisation/group which had an interest in Warwick Open Space, it is clear that the development of the facilities is important to sporting clubs. Significantly, almost 50% of the responses received were from members of the Whitford Hockey Club.

The facilities proposed for the site were supported by the majority of respondents with over 91% of people supporting all the proposed works. Given the support for the proposed works indicated as part of the initial consultation, it is suggested that further community consultation for the project does not need to be conducted. To avoid any issues arising from this, project stakeholders and City of Joondalup residents within 500 metres of the site could be advised of the results of the initial consultation, the support received for the development and decision to proceed with the project.

The concerns that were raised through the consultation process can be mitigated or managed through the detailed design stage of the project. In terms of the potential impact of the proposed floodlighting the findings of the report suggest there will limited impact upon fauna due in part to the small number of species that may be sensitive to the effects of light.

If Council supports the development of synthetic hockey pitch infrastructure at Warwick Open Space, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round for construction in 2015-16. If supported, the project will be listed as part of the City's CSRFF project submission report to be considered by Council at the September 2013 ordinary Meeting.

VOTING REQUIREMENTS

Simple Majority.

Cr Chester left the Chamber at 8.22pm and returned at 8.24pm.

MOVED Cr Fishwick, SECONDED Cr Ritchie that Council:

- 1 NOTES the findings and recommendations of the completed feasibility study for the synthetic hockey pitch development project;**
- 2 NOTES the findings and additional comments received as part of the of the community consultation process undertaken for the synthetic hockey pitch development project;**
- 3 NOTES the findings of the completed floodlighting impact study for the synthetic hockey pitch development project;**
- 4 NOTES the synthetic hockey pitch development project will be listed as part of the City's Community Sport and Recreation Facilities Fund project submission report to be considered by Council at the September 2013 ordinary meeting;**
- 5 Subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000 and an agreed contribution from the Whitford Hockey Club, APPROVES the proposed synthetic hockey pitch, grassed hockey pitches, clubroom, additional car parking, floodlighting and associated works at Warwick Open Space as detailed in Report CJ103-06/13 at a capital cost estimate of \$7,024,000 (including escalation to 2015-16);**
- 6 SUPPORTS the City/club management model for the synthetic hockey pitch development project – whereby the Whitford Hockey Club lease the clubroom and synthetic hockey pitch (and associated floodlighting) and the City manage the grass hockey pitches (and associated floodlighting) and carpark;**
- 7 NOTES that a further report will be presented to Council in early 2014 outlining the proposed City/club management model for the project – whereby the Whitford Hockey Club lease the clubroom and synthetic hockey pitch (and associated floodlighting) and the City manage the grass hockey pitches (and associated floodlighting) and carpark;**
- 8 NOTES that the report detailed in Part 7 above will include more detailed financial projections for the Whitford Hockey Club including the proposed lease arrangement and the outcome of the City's Community Sport and Recreation Facilities Fund application for this project;**
- 9 REQUESTS that the existing allocation of \$5,400,000 within 2017-18 of the City's 20 year Strategic Financial Plan for the construction be brought forward to 2015-16 and a further \$1,624,000 be listed for consideration to total \$7,024,000 for the synthetic hockey pitch development project subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000;**
- 10 REQUESTS that \$7,024,000 be listed for consideration within 2015-16 of the City's Five Year Capital Works Program for the synthetic hockey pitch development project subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000;**

- 11** **AGREES** that further community consultation for the synthetic hockey pitch development project is not required and **REQUESTS** the Chief Executive Officer to advise the project stakeholders and City of Joondalup residents within 500 metres of the site of the results of the initial consultation, the support received for the development and decision to proceed with the project.

The Motion was Put and

CARRIED 13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf110613.pdf](#)

CJ104-06/13 PETITION IN RELATION TO THE INSTALLATION OF SHADE SAILS AND BARBECUES AT MARRI PARK, DUNCRAIG

WARD	South
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	03146, 101515
ATTACHMENTS	Attachment 1 Locality Map
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a petition requesting the installation of shade sails over the play equipment and barbecues at Marri Park, Duncraig.

EXECUTIVE SUMMARY

At the ordinary meeting of Council held on 11 December 2012 (C80-12/12 refers), a 101 signature petition from residents of the City of Joondalup was tabled requesting the City upgrade the playground precinct at Marri Park, Duncraig. The wording on the petition is as follows:

"We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council complete the Marri Park playground precinct.

The Marri Park play equipment in Duncraig is used by the local community on a daily basis, there are always children playing here. The playground is situated across the road from the local primary school and many families meet here after school. It is the Hub of West Duncraig.

The new equipment is fantastic but during the long hot Perth summers the equipment cannot be used due to the scorching heat of the metal frames and rubber matting under foot. Shade sails need to be installed so our children can play safely and enjoy this community facility year round.

To complete the area installing bbq's would further enhance the area and would be well utilised by local families and the sporting clubs who use the adjoining fields."

The use of built shade structures, such as shade sails over playgrounds is not generally supported by the City with natural shade provided by trees being the preferred option. An assessment of the playground at Marri Park confirmed that there was no natural shading to the playground therefore six trees, varying from 45 to 100 litre containers, are scheduled to be planted around the playground at Marri Park to provide shade for the playground.

The City's current Parks and Public Open Spaces Classification Framework (PPOSCF) provides guidance on the eligibility of a particular park for infrastructure when planning and considering requests for additional infrastructure. Under the framework, Marri Park is classified as an Active District Park and does not meet the criteria for the installation of barbecue facilities. A review of the PPOSCF is currently underway and it is proposed that Marri Park will be classified as a Local Sports Park. Under the proposed PPOSCF the provision of barbecue facilities are not supported assets for a park of this type.

It is therefore recommended that Council:

- 1 *DOES NOT APPROVE the installation of a shade structure over the playground at Marri Park;*
- 2 *NOTES six trees are scheduled to be planted around the playground at Marri Park to provide shade for the play area;*
- 3 *DOES NOT APPROVE the installation of barbecue facilities at Marri Park, Duncraig;*
- 4 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

A petition of electors (including 101 eligible signatures) was received by Council at its meeting held on 11 December 2012 (C80-12/12 refers). The petition requested that the City consider installing the following for Marri Park, Duncraig:

- shade sails over the new play equipment
- a barbecue area.

The City's PPOSCF as adopted by Council at its meeting held on 16 February 2010 (CJ014-02/10 refers), provides a guide of the type of infrastructure that is present or can be provided in each classification of parks. Marri Park is currently classified as an Active District Park. Active district parks are intended to service the local area, as well as surrounding suburbs. Organised sporting activities, both senior/junior are predominantly undertaken at Active District Parks, though passive recreational activities such as walking and play equipment use also occur. The table below shows the type of infrastructure that may be present in an Active District Park and what assets are currently in Marri Park.

Infrastructure in Active District Parks	Assets in Marri Park
Major sporting infrastructure (for example tennis courts, cricket wickets practise and competition).	Sporting infrastructure (main cricket wicket and practise wickets).
Floodlighting to facilitate sports participation.	Flood lighting.
<ul style="list-style-type: none"> • One community facility. • Change rooms and toilet facilities. 	Change room and toilet facilities.
Capacity for 100 cars to park within or around the perimeter of the park grounds.	Car park.
Play equipment.	Play equipment.
Bench seating.	Bench seating.

Infrastructure in Active District Parks	Assets in Marri Park
	A picnic shelter.

A review of the PPOSCF is currently underway and it is proposed that Marri Park will be classified as a Local Sports Park. Sports parks provide for formal structured sporting activities such as team competitions, physical skill development and training. They are predominantly designed to accommodate the playing surface and infrastructure requirements of specific sports. People attend these parks with the main purpose of engaging in organised sporting activity, training, competition or viewing as a spectator. In the reviewed PPOSCF it is proposed that local sports parks will contain the following supported assets:

- Irrigation.
- Path network.
- Signage – park name.
- Sports infrastructure.
- Waste bins.

Barbecue facilities are not a supported asset for a Local Sports Park.

The following works for Marri Park are currently listed in the 2012-13 Five Year Capital Works Program:

- 2013-14 Cricket wicket repairs.
- 2016-17 Marri Park toilets/change room mini-makeover.

Recent Capital Works projects in Marri Park include:

- 2010-11 Landscape Master Plan works – irrigation upgrade and creation of hydrozones and ecozones.
- 2010-11 Replacement of main cricket wicket pad and carpet.
- 2010-11 New rubber mats for practise cricket wicket.
- 2010-11 New drinking fountain.
- 2011-12 New swing gate and concrete pad.
- 2011-12 Two new stairways.
- 2011-12 Replacement of playground and new picnic shelter.
- 2011-12 Sump redevelopment.
- 2011-12 New playground equipment.
- 2012-13 New benches.

DETAILS

The playground in Marri Park is approximately 215 square metres in area and comprises of a medium size combo unit, dual rocker and swing set. There is currently no shade over the play equipment which on warm days can make the play equipment and rubber soft fall hot to touch.

The use of built shade structures over play equipment is not generally supported by the City, with natural tree shade being the preferred option for the provision of shade to playgrounds. The use of trees to create shade is aesthetically pleasing, cost effective and also provides environmental benefits.

It is recognised that some of the City's playgrounds do not have sufficient natural shade therefore a program was developed to plant shade trees to 30 playgrounds in 2012-13 and 30 in 2013-14 to provide shade. Marri Park has been listed on the 2012-13 tree planting program, six trees varying in pot sizes of 45 and 100 litres will be planted this winter planting season around the playground.

There are currently no barbecues at Marri Park. Under the current PPOSCF, Marri Park is classified as an Active District Park and does not meet the criteria for the installation of barbecue facilities. A review of the PPOSCF is currently underway and it is proposed that Marri Park will be classified as a Local Sports Park. Under the proposed PPOSCF the provision of barbecue facilities are not a supported asset for a park of this type.

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.

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy *Parks and Public Open Spaces Classification Framework.*

Risk management considerations

Local authorities are responsible for playgrounds and have a duty of care to provide safe environments for the local community. Currently there is no shade provided over the play equipment at Marri Park, however the provision of adequate shade through the planting of trees around the play equipment will make the equipment accessible to use on hot days and will reduce the risk of skin cancer and sunburn to children using the playground.

Financial/budget implications

The cost to install a barbecue facility averages \$8,000. There are no funds listed in the current Five Year Capital Works Program. The cost to maintain and clean barbecue facilities averages \$3,000 per annum.

The cost to install shade sails averages \$35,000.

\$2,190 is allocated from the tree planting program as listed on the 2012-13 Capital Works Program for the installation of six trees around the playground in Marri Park.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Marri Park is well used by the local community. The provision of adequate shade for the playground will increase the amenity of the play equipment.

VOTING REQUIREMENTS

Simple Majority.

Cr Gobbert left the Chamber at 8.36pm and returned at 8.38pm.

Marketing and Communications Officer left the Chamber at 8.43pm and returned at 8.45pm.

MOVED Cr Fishwick, SECONDED Cr Ritchie that Council:

- 1 DOES NOT APPROVE the installation of a shade structure over the playground at Marri Park;
- 2 NOTES six trees are scheduled to be planted around the playground at Marri Park to provide shade for the play area;
- 3 DOES NOT APPROVE the installation of barbecue facilities at Marri Park, Duncraig;
- 4 ADVISES the lead petitioner of Council's decision.

The Motion was Put and

LOST (0/13)

Against the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

MOVED Cr Fishwick, SECONDED Cr Ritchie that Council:

- 1 **NOTES** six trees have been planted around the playground at Marri Park to provide shade for the play area;
- 2 **SUPPORTS** the installation of a shade structure over the playground at Marri Park;
- 3 **SUPPORTS** the installation of barbecue facilities at Marri Park;
- 4 **BY AN ABSOLUTE MAJORITY APPROVES** the installation of barbecue facilities at Marri Park to be funded in the 2013-14 Capital Works Program mid year review;
- 5 **REQUESTS** the installation of a shade structure over the playground at Marri Park be listed for consideration in the 2014-15 Capital Works Program;
- 6 **ADVISES** the lead petitioner of Council's decision.

It was requested that each Part of the Motion be put separately.

AMENDMENT MOVED Cr Corr, SECONDED Mayor Pickard that:

- 1 **Part 6** be renumbered to read **Part 7**;
- 2 **a new Part 6** be added to the Motion as follows:

"6 That Council SUPPORTS the installation of a drinking fountain at Marri Park and REQUESTS that it be listed in the 2013-14 Capital Works Program mid year review;"

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Mayor Pickard advised that he would put Parts 1, 3, 4, 6 and 7 collectively; followed by Parts 2 and 5.

The Original Motion as amended, being:

That Council:

- 1 **NOTES** six trees have been planted around the playground at Marri Park to provide shade for the play area;
- 3 **SUPPORTS** the installation of barbecue facilities at Marri Park;
- 4 **BY AN ABSOLUTE MAJORITY APPROVES** the installation of barbecue facilities at Marri Park to be funded in the 2013-14 Capital Works Program mid year review;

6 SUPPORTS the installation of a drinking fountain at Marri Park and REQUESTS that it be listed in the 2013-14 Capital Works Program mid year review.

7 ADVISES the lead petitioner of Council's decision.

Was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

The Original Motion as amended, being:

That Council:

2 SUPPORTS the installation of a shade structure over the playground at Marri Park;

5 REQUESTS the installation of a shade structure over the playground at Marri Park be listed for consideration in the 2014-15 Capital Works Program.

Was Put and

LOST (3/10)

In favour of the Motion: Crs Fishwick, Ritchie and Taylor.

Against the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Thomas.

REASON:

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which is significantly different to what the officers recommended is because Council considered that a barbeque facility is needed given the lack of barbeque facilities in close proximity to Marri Park.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf110613.pdf](#)

**CJ105-06/13 CONFIDENTIAL – SALE OF PROPERTY TO
RECOVER UNPAID RATES**

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	06285, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

The Chief Executive Officer advised that this Item is

WITHDRAWN.

Cr Thomas left the Chamber at 9.05pm.

C34-06/13 COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]

MOVED Cr Gobbert, **SECONDED** Cr Amphlett that pursuant to the *Standing Orders Local Law 2005 – CLAUSE 48 – Adoption of Recommendations En Bloc*, Council **ADOPTS** the following items:

CJ087-06/13, CJ092-06/13, CJ095-06/13, CJ096-06/13, CJ099-06/13 and CJ100-06/13.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie and Taylor.

REPORTS – CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW COMMITTEE – 4 JUNE 2013

Disclosure of Financial Interest

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No./Subject	CJ106-06/13 - Confidential – Chief Executive Officer - New Contract of Employment.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Disclosure of interest affecting impartiality

Name/Position	Mr Mike Tidy - Director Corporate Services.
Item No./Subject	CJ106-06/13 - Confidential – Chief Executive Officer - New Contract of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of his employment relationship with the Chief Executive Officer.

CJ106-06/13 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER - NEW CONTRACT OF EMPLOYMENT

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	74574, 101515
ATTACHMENT	<p>Attachment 1 Draft new Employment Contract of the Chief Executive Officer for the City of Joondalup (with track changes and no schedules)</p> <p>Attachment 2 Adopted 2012-13 Key Performance Indicators with track changes showing proposed additions and deletions for 2013-14</p> <p>Attachment 3 Key Performance Indicators with 2013-14 additions and deletions accepted but format unchanged</p> <p>Attachment 4 Draft 2013-14 Key Performance Indicators in new format comprising Indicators, Measures and Deliverables</p> <p>Attachment 5 Draft New Employment Contract of the Chief Executive Officer for the City of Joondalup (with schedules)</p>

(Please Note: These attachments are 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.

This Item was dealt with later in the meeting, prior to consideration of Item CJ118-06/13.

**REPORTS – ART COLLECTION AND ADVISORY COMMITTEE –
6 JUNE 2013****CJ107-06/13 INSIDE OUT BILLBOARD PROJECT REPORT**

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	35613, 101515
ATTACHMENT	Attachment 1 Inside Out Billboard Site Locations
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to be provided with information on the feasibility of the Administration Building and Central Walk as alternative sites for situating the 'Inside Out Billboard Project'.

EXECUTIVE SUMMARY

This report provides information regarding the possibility of locating the billboard at Central Walk or the City's Administration Building to supplement information previously provided on other City Centre locations.

Both locations were assessed by a Civil and Structural Design Consultant and are regarded as feasible. However, the Administration Building site would require substantial relocation of all existing telecommunications equipment to prevent disruption to mobile services. The only site at the Central Walk location deemed feasible was the roof of Paddy Malone's (U13/115 Grand Boulevard building).

BACKGROUND

At its meeting held on 11 February 2013, the Art Collection and Advisory Committee (ACAC) resolved as follows (in part):

- 1 *DEFERS consideration of the location of the 'Inside Out Billboard Art Project' pending further advice from the Chief Executive Officer regarding the possibility of locating the billboard at other sites including Central Walk or the City's Administration Building.*

Previously the ACAC had considered the installation of the 'Inside Out Billboard Project' at the following sites:

- Boas Avenue and Central Walk (opposite Licensing Centre).
- Corner Grand Boulevard and Reid Promenade (north west corner adjacent to Law Courts).
- Reid Promenade (opposite Medicare).
- Joondalup Library front elevation.
- Grand Boulevard (Corner with Teakle Court).

DETAILS

The proposed 'Inside Out Billboard Project' involves an initial installation of a 6 metre x 3 metre commercial billboard that will be dedicated to displaying contemporary art. It is intended as an outside gallery in the public domain and will be one-sided. The proposed structure will be a purpose built billboard to meet the specific needs of the City Centre location chosen.

Issues and options considered

City of Joondalup Administration Centre

In the Administration Building report from the Civil and Structural Design Consultant, it is reported that the location of the Administration Building to host the 'Inside Out Billboard Project' is feasible however it would require a relocation of antennae and services on the roof itself or to another site (such as the Library Building) as any signage activity would likely disrupt mobile services. The stated preference of the communication providers contained within the report is for good planning/placement of signage and antennae.

Central Walk

In the Central Walk report conducted by the Civil and Structural Design Consultant, it is reported that the location of the roof atop Unit 13/115 Grand Boulevard building, Central Walk (Paddy Malone's) to host the 'Inside Out Billboard Project' is feasible in that the roof of the building is structurally adequate to support the structure and wind loads likely to be imposed on the billboard.

Verbal feedback from the consultant indicated that no other sites in the Central Walk location were viewed as suitable for this project.

This option would require an annual lease agreement with the landlord. Preliminary discussions have been held with a representative of the landlord who has indicated an openness to use of the site in this way subject to agreeing terms for the lease.

Other Sites

Following the resolution of the ACAC, a further review of possible sites to locate the 'Inside Out Billboard' was undertaken. Further to this review, it was determined that the previously suggested sites remained as the most suitable locations for the project.

Legislation / Strategic Community Plan / policy implications

Legislation As the construction and installation of the 'Inside Out Billboard' will be undertaken by the City, it would be regarded as a 'public work' and no planning approval would be required. Section 6 (3) of the *Planning and Development Act 2005* requires the responsible authority to be consulted with at the time the public work is being formulated.

The structure would be classified as a class 10b within the *Building Code of Australia* and require a building permit as required by the *Building Act 2011*. The structure may also require a Structural Engineer Certificate.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Cultural development.

Strategic initiative Invest in publicly available visual art that will present a culturally-enriched environment.

Policy The City's *Art and Memorabilia Collections Policy*.

Risk management considerations

All works considered would need to meet stringent public safety criteria.

Financial/budget implications

There are no funds allocated in the 2012-13 budget. If Council was to proceed with the construction and installation of the billboard, the following costs are likely:

Initial cost of development and installation of structure (including printing of first artwork and plaque)	\$20,000
---	----------

Artist installation:

Printing and installation of artwork (Covered in cost of structure above)	N/C
Printing of 20 limited edition A3 prints	\$ 1,500
Artist fee	\$ 3,000

TOTAL for first instalment	\$24,500
-----------------------------------	-----------------

Each installation thereafter:

Change of artwork (printing and installation)	\$ 3,000
Printing of 20 limited edition A3 prints	\$ 1,500
Artist fee	\$ 3,000

TOTAL for each installation thereafter	\$ 7,500
---	-----------------

Ongoing annual expenses – for a lifespan of five years

Change artwork: every three months (Including printing and installation)	(\$3,000 x 4)	\$12,000
Printing of limited edition A3 prints	(\$1,500 x 4)	\$ 6,000
Artist fees	(\$3,000 x 4)	\$12,000
TOTAL expense per annum		\$30,000

All figures quoted in this report are exclusive of GST, however do not include any costs to relocate existing services from the City of Joondalup Administration Centre if that is the preferred site.

Regional significance

The City's art collection, including its public art, archives and memorabilia, plays an important part in shaping and developing a sense of community.

The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

Sustainability implications

The installation of public artworks has positive sustainability implications. Public artworks physically enrich a locality and provide a catalyst for public discussion about current social, economic and environmental issues. Public artworks strengthen the public realm by creating points of interest, animating spaces and providing beauty, character and colour to places. A new public artwork will build upon the relevance of the City's public spaces for the local community and increase the value of the City's cultural resources.

Consultation

At the meeting of the Art Collection and Advisory Committee held on 15 October 2012 it was agreed not to undertake any community consultation on the project.

In order to determine the structural viability of the suggested sites, the City engaged with an external qualified Civil and Structural Design Consultant who produced a formal report on both sites.

COMMENT

Location of the Billboard Project at either of the proposed sites is feasible but further reports would be necessary on the costs involved. In the case of the Administration Building it will not achieve a previously discussed aim of hiding the telecommunications infrastructure.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Art Collection and Advisory Committee at its meeting held on 6 June 2013.

The original recommendation as presented by City officers to the Committee is as follows:

That the Art Collection and Advisory Committee gives CONSIDERATION to progressing the proposed Inside Out Billboard project, including determining the preferred location.

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 SELECTS the Joondalup Library as its preferred site for the installation and construction of the proposed 'Inside Out Billboard Art Project';
- 2 AGREES to list an amount of \$24,500 for consideration within the 2013-14 draft Budget and to allow for the construction of the proposed Inside Out Billboard at the site in Part 1 above;
- 3 AGREES that the structure of the billboard be a purpose built structure to meet the specific requirements of the selected site as detailed in Part 1 above;
- 4 AGREES that:
 - 4.1 Every six months a new artist will be commissioned to create a new work specifically for the Inside Out Billboard;
 - 4.2 The Chief Executive Officer, following liaison with members of the Art Collection and Advisory Committee, approves the scheduled artwork to be displayed on the 'Inside Out Billboard' every six months.

Cr Taylor left the Chamber at 9.08pm.

Cr Thomas entered the Chamber at 9.08pm.

MOVED Cr Gobbert, SECONDED Cr Chester that Council:

- 1 SELECTS the Joondalup Library as its preferred site for the installation and construction of the proposed 'Inside Out Billboard Art Project';**
- 2 AGREES to list an amount of \$24,500 for consideration within the 2013-14 draft Budget and to allow for the construction of the proposed Inside Out Billboard at the site in Part 1 above;**
- 3 AGREES that the structure of the billboard be a purpose built structure to meet the specific requirements of the selected site as detailed in Part 1 above;**

4 AGREES that:

- 4.1 Every six months a new artist will be commissioned to create a new work specifically for the Inside Out Billboard;**
- 4.2 The Chief Executive Officer, following liaison with members of the Art Collection and Advisory Committee, approves the scheduled artwork to be displayed on the 'Inside Out Billboard' every six months.**

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie and Thomas.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn250613.pdf](#)

CJ108-06/13 PUBLIC ARTWORK COMMISSION FOR CITY CENTRE, JOONDALUP

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	35613, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the commissioning of a public artwork for a City Centre location in Joondalup, the preferred location being the intersection of Central Walk for the purposes of a water feature sculpture.

EXECUTIVE SUMMARY

This report presents further details regarding the preferred location for a public artwork being the intersection of Central Walk for the purpose of a water feature sculpture.

A series of site inspections were conducted to establish the feasibility of the site for the purpose of a water feature sculpture and the cost of remedial works necessary to prepare the site for installation of a water feature sculpture.

The proposed site is feasible although a water main extension and an electrical extension would be necessary at a total cost of \$32,500.

The total budget for the commission is \$100,000 (from which \$96,790 remains after costs incurred to date) with a further \$50,000 currently proposed for the 2013-14 budget. Assuming approval of the proposed budget then this would leave \$114,290 for the commission itself to include the cost of materials, labour and installation.

Given the complexities of the site, the infrastructure demands of the artwork medium and the need to locate artists working in this medium, a new timetable has been prepared. On the current timetable the project will be completed in May 2015.

BACKGROUND

At its meeting held on 20 November 2012, Council resolved in part:

That Council:

- 1 *AGREES that the total funds available for the public artwork project being \$50,000 carried forward from 2011/12 financial year and \$50,000 allocated as part of the 2012/13 financial year be combined for a single \$100,000 project; and*
- 2 *REQUESTS a further report be presented to the Art Collection and Advisory Committee investigating the preferred location being the intersection of Central Walk for the purposes of a water feature sculpture and present further alternative options to the committee if a sculpture at this location is an unviable option.*

The City of Joondalup's current Public Art Collection includes 35 works of public art including mosaics, murals, sculptures, street bollards, architectural details and street furniture. The majority of works are located in and around the Joondalup City Centre although it should be noted that the three previous public artworks have been installed outside Joondalup City Centre.

\$100,000 has been budgeted for a new public artwork in the 2012-13 financial year, with a further \$50,000 proposed for the 2013-14 budget.

DETAILS

Issues and options considered:

Council has nominated the intersection of Central Walk as the preferred location for the purposes of a water feature sculpture and has requested further alternative options to the committee if a sculpture at this location is an unviable option.

The site is situated on Crown land. Initial discussions with the Department of Regional Development and Lands (DRDL) has indicated that the DRDL will assess, and if appropriate, sign-off on Development Applications and Building Permits to allow for planning and construction to be undertaken on Crown land. DRDL has indicated that it does not need to be involved in the design stage of these type of projects however.

Following examination of the site, the proposed site is feasible although a water main extension and an electrical extension would be necessary at a total cost of \$32,500.

A timeline for the public art project has been developed and is outlined in detail below.

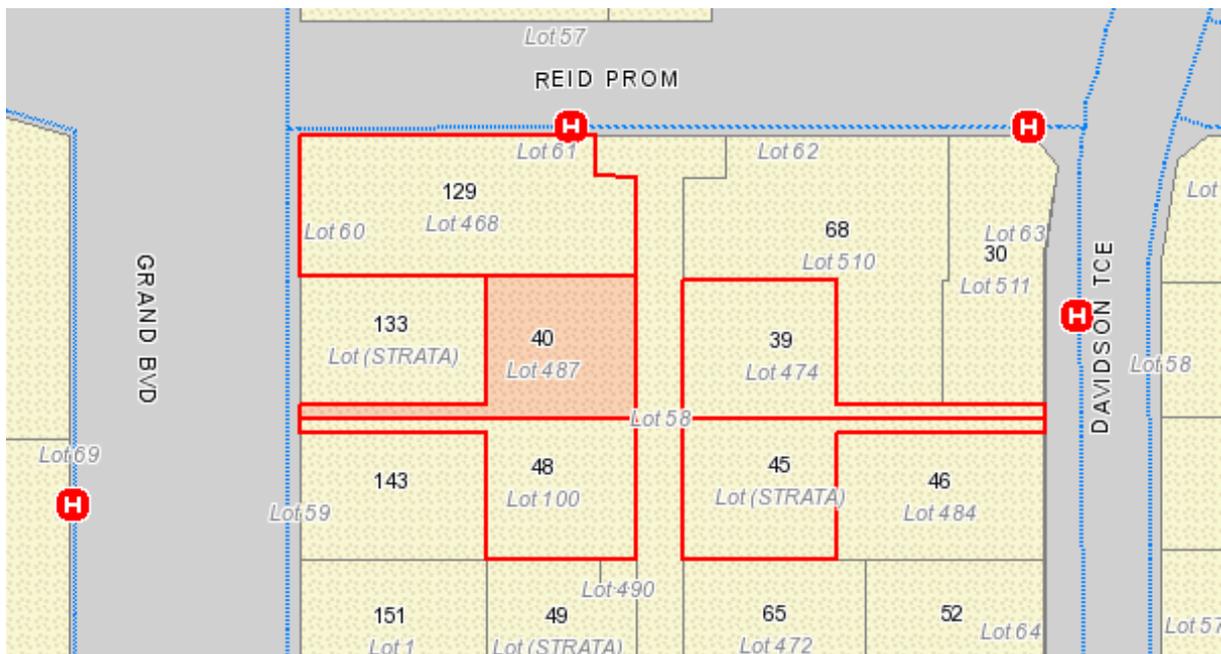
Proposed site



The proposed site is at the intersection of Central Walk.

The particular infrastructural needs of a water feature are as follows:

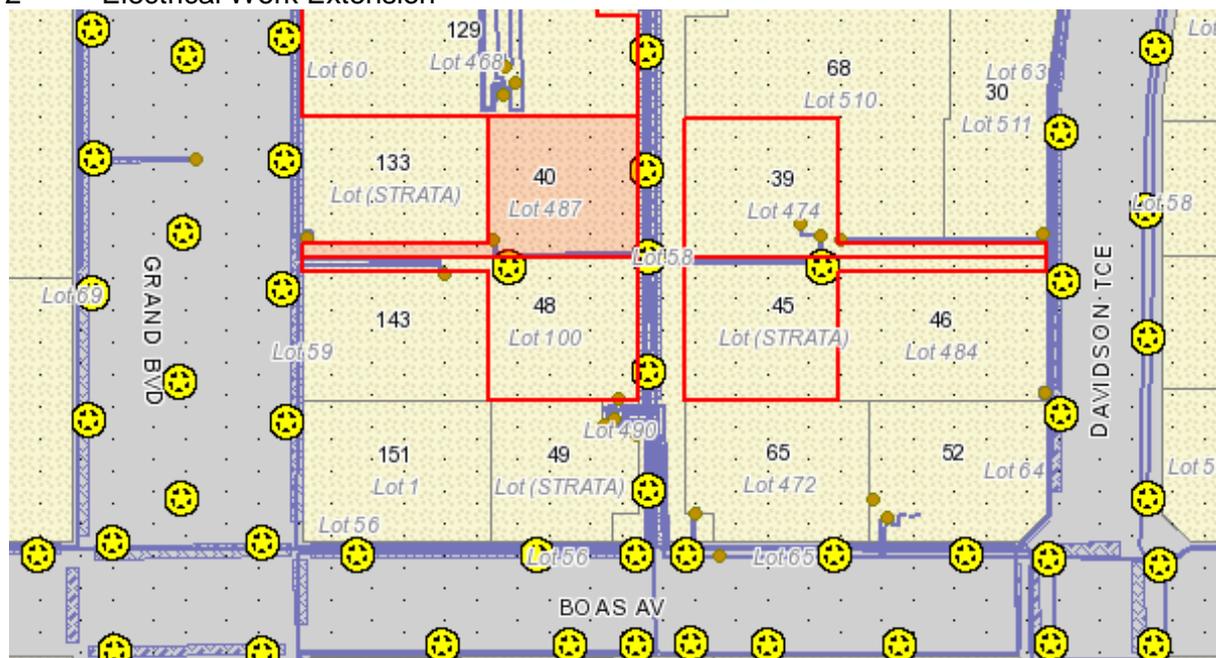
1 Water Work Extension



A water extension will be required from Reid Promenade to the Central Walk intersection, which is a distance of 70 metres. It is estimated that an all-in cost for a water main extension is \$300 per metre at a total cost of \$21,000. This work would be undertaken by an external contractor.

A water meter would need to be installed at a cost of \$3,000.

2 Electrical Work Extension



The City is about to undertake some works in Central Walk which requires the extension of power to service these works. The extent of the power requirement for the proposed feature is not known at this stage and therefore whether or not it might be able to draw power from this upgrade. If not, an electrical extension will be required from Boas Avenue which is a distance of approximately 70 metres and would cost in the vicinity of \$5,500 to include vacuum trenching, paving removal & reinstatement. This work would be undertaken by an external contractor.

An electric meter would need to be installed at a cost of \$3,000.

Total costs for all anticipated site preparation works is \$32,500.

Legislation / Strategic Community Plan / policy implications

Legislation

As the construction and installation of the public art will be undertaken by the City, it would be regarded as a 'public work' and no planning approval would be required. Section 6(3) of the *Planning and Development Act 2005* requires the responsible authority to be consulted with at the time the public work is being formulated.

The structure would be classified as a class 10b within the *Building Code of Australia* and would require a building permit as required by the *Building Act 2011*. The structure may also require a Structural Engineer Certificate.

Strategic Community Plan

Key theme	Community Wellbeing.
Objective	Cultural development.

- Strategic initiative**
- Invest in publicly accessible visual art that will present a culturally-enriched environment.
 - Promote local opportunities for arts development.

Policy The City's *Art and Memorabilia Collections Policy*.

Risk management considerations

All works considered would need to meet stringent public safety criteria.

Financial/budget implications

The 2011-12 budget allowed an amount of \$50,000 to commission public art. This amount remained unspent and was carried forward to 2012-13. Total funds of \$100,000 have now been carried forward to the 2013-14 budget.

The total budget for the commission is \$100,000 (from which \$96,790 remains after costs incurred to date) with a further \$50,000 currently proposed for the 2013-14 budget. Assuming approval of the proposed budget and a total cost for all water and electrical work of \$32,500 (not including operational and maintenance costs), \$114,290 would remain for the commission itself to include the cost of materials, labour and installation.

Regional significance

The City's Art Collection, including its public art, archives and memorabilia, plays an important part in shaping and developing a sense of community.

The ongoing provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

Sustainability implications

Estimated Timeline

Given the complexities of the site, the infrastructure demands of the artwork medium and the need to locate artists working in this medium, a new timetable has been prepared. On the current timetable the project will be completed in May 2015.

Action	Result	Estimated timeline
1 Site report	Full site inspection and report to determine possible site restrictions for artist brief.	3 months COMPLETE
2 EOI Call-Out	Open and national expression of interest call-out to gather broad scope of interested and available artists working with the requested medium (water).	4 months
3 Artist short-listing	Suitable artists are short-listed.	1 month
4 Short-listed artists present proposal	Artists submit brief proposal.	3 months

Action	Result	Estimated timeline
5 Selection of artist	Final selection of artist by Art Collection and Advisory Committee.	2 months
6 Design concept stage	Selected short-listed artist presents detailed concept plans.	2 months
7 ACAC feedback	Submission of report and ACAC feedback on detailed concept plans and selection of artist.	2 months
8 Commission stage	Contract finalised.	1 month
9 Design approved	Final design presented for approval by CEO/Council. Consultation with Department of Regional Development and Lands.	3 months
10 Artwork fabrication	Artwork is created.	9 months
11 Artwork installation	Artwork is installed on site.	2 months
	TOTAL	32 months

COMMENT

The preferred location being the intersection of Central Walk for the purposes of a water feature sculpture is a feasible proposition and it is considered that a public art commission will add meaning to and build a stronger sense of place, identity and uniqueness to the City Centre and community.

VOTING REQUIREMENTS

Simple Majority.

Cr Taylor entered the Chamber at 9.10pm.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Art Collection and Advisory Committee at its meeting held on 6 June 2013.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council:

- 1 **NOTES** that the intersection of Central Walk is crown land controlled by the Department of Regional Development and Lands and any development will be subject to their approval of an appropriate development application and building permit;
- 2 **SUPPORTS** the installation of a water feature sculpture at the intersection of Central Walk as detailed in Report CJ108-06/13 subject to confirmation by relevant emergency services that they do not object to the proposed development;

- 3 REQUESTS the Chief Executive Officer to call expressions of interest from suitable artists for the design, construction and installation of a water feature sculpture at the preferred location.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

C35-06/13

COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]

MOVED Cr Corr, SECONDED Cr Ritchie that pursuant to the *Standing Orders Local Law 2005* – CLAUSE 48 – Adoption of Recommendations En Bloc, Council ADOPTS the following items:

CJ109-06/13, CJ110-06/13, CJ111-06/13, CJ112-06/13, CJ113-06/13, CJ114-06/13 and CJ115-06/13.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

REPORTS – POLICY COMMITTEE – 10 JUNE 2013**CJ109-06/13 RESCISSION OF THE CENTRES STRATEGY POLICY**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	20454, 101515
ATTACHMENT	Attachment 1 Centres Strategy Policy
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies

PURPOSE

For Council to consider the proposed rescission of the *Centres Strategy Policy*.

EXECUTIVE SUMMARY

As a result of the Minister for Planning granting approval to Scheme Amendment No. 66, *District Planning Scheme No. 2* (DPS2) no longer sets out the maximum retail floor space for each commercial centre. As such, DPS2 now aligns with the requirements of State Planning Policy 4.2 – *Activity Centres for Perth and Peel* (SPP 4.2), which does not outline any retail floor space caps.

The City is in the process of developing a *Local Commercial Strategy* to implement the requirements of SPP 4.2 which would replace the existing *Centres Strategy Policy*. The existing *Centres Strategy Policy* contains reference to maximum retail floor space for each commercial centre and does not align with SPP 4.2 or DPS2. As such, when considering applications for major developments, scheme amendments or structure plans, it will no longer be used as an assessment tool for retail expansions and instead due regard will be given to the draft *Local Commercial Strategy*.

Considering the above, it is recommended that the *Centres Strategy Policy* be rescinded.

BACKGROUND**Metropolitan Centres Strategy (superseded by State Planning Policy 4.2)**

The City developed the *Centres Strategy Policy*, which was adopted as a local planning policy in 2000, to guide the implementation of the state government's *Metropolitan Centres Strategy*. The *Centres Strategy Policy* promoted retail and incremental expansion of existing centres throughout the City. It also identified the different types, functions and locations of centres within the City and recommended maximum net lettable area (NLA) for each centre. The recommended maximum NLA was also reflected in Schedule 3 of the City's DPS2.

The *Metropolitan Centres Strategy* has since been superseded by SPP 4.2 in 2010. While SPP 4.2 continues to provide guidance on the development and hierarchy of activity centres the key difference between SPP 4.2 and the *Metropolitan Centre Strategy* is the removal of retail floor space caps. Instead SPP 4.2 encourages employment self sufficiently through land use diversity and intensity. Where major development (a building with a proposed shop retail net lettable area of more than 10,000m² or an extension with more than 5,000m²) is proposed, the retail floor space expansion is either to be in line with an agreed structure plan, a *Local Commercial Strategy* or justified through a Retail Sustainability Assessment (RSA).

Draft Local Commercial Strategy

The City's draft *Local Commercial Strategy* (LCS) was adopted by Council for the purposes of public advertising at its meeting held on 17 April 2012 (CJ072-04/12 refers). The strategy identifies indicative retail floor space thresholds for all the commercial centres within the City. Where an applicant proposes to increase the retail floor space beyond the recommended thresholds an RSA is required to justify the proposal. The draft LCS is currently being reviewed and refined in response to the feedback received by the City during the public consultation period.

Section 76 order and Scheme Amendment No. 66

In response to an order issued by the Minister for Planning under Section 76 of the *Planning and Development Act 2005*, at its meeting held on 21 August 2012 (CJ173-08/12 refers), Council initiated Scheme Amendment No. 66 to DPS2 for the purpose of public advertising. Amendment No. 66 proposed to remove various clauses and Schedule 3 from DPS2 in order to remove the maximum retail floor space allocations that currently apply to commercial centres, so as to align DPS2 with SPP 4.2.

Following the conclusion of the public consultation period, at its meeting held on 11 December 2012 (CJ290-12/12 refers), Council considered the submissions received and resolved to adopt the amendment. The amendment was forwarded to the Department of Planning and final approval was granted by the Minister for Planning on 17 April 2013.

DETAILS

Scheme Amendment No. 66 removed various clauses and Schedule 3 from DPS2 in order to remove the maximum retail floor space allocations that currently apply to commercial centres so as to align DPS2 with SPP 4.2. As a result, the *Centres Strategy Policy* is no longer a relevant assessment tool for commercial development and is proposed to be rescinded.

Issues and options considered

The options available to Council are:

- support the rescinding of the local planning policy
or
- not support the rescinding of the local planning policy.

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

City of Joondalup District Planning Scheme No. 2.

Under subclause 8.11.4 of DPS2, Council may rescind a local planning policy by preparing a new policy to supersede an existing policy, or by publishing a notice in the local newspaper.

Strategic Community Plan**Key theme**

Economic Prosperity, Vibrancy and Growth.

Objective

Activity Centre development.

Strategic initiative

Understand local commercial needs and opportunities.

Promote the primacy of the Joondalup City Centre in the application of the Activity Centre Hierarchy.

Policy

Centres Strategy Policy.

Risk management considerations

There is not considered to be any risk associated with revoking the *Centres Strategy Policy* as any proposed retail expansion within a centre will need to comply with the requirements of SPP 4.2 and have due regard to the City's draft *Local Commercial Strategy* and if necessary provide a retail sustainability assessment as part of an application for development approval.

Financial/budget implications

The cost of notices in the local newspaper advising of the rescission of the policy will be approximately \$600.

Regional significance

Not applicable.

Sustainability implications

In response to SPP 4.2 the City has developed a draft *Local Commercial Strategy*. The draft *Local Commercial Strategy*, once finalised and endorsed, will be used to assess development within the City's commercial centres so as to develop centres which are sustainable and provide opportunities for people to live and work within those centres.

The strategy will provide a framework to guide retail expansion in the appropriate locations without impacting on other centres. This will assist in meeting the employment self sufficiency targets that have been set for the City through the WAPC's *Directions 2031 and Beyond*. Therefore the *Centres Strategy Policy* no longer has a function within the framework for developing sustainable activity centres.

Consultation

In accordance with clause 8.11.4(b) of DPS2, the City is required to publish notification of the rescission of a local planning policy by publishing a notice in the local community newspaper once a week for two consecutive weeks.

COMMENT

As retail floor space caps are no longer supported under SPP 4.2 or DPS2 (as a result of Scheme Amendment No. 66), any proposal to increase retail floor space within a commercial centre will now be guided by:

- SPP 4.2
- agreed structure plans
- the draft *Local Commercial Strategy*
- retail sustainability assessments.

As such, the *Centres Strategy Policy* is no longer relevant in the assessment of commercial development where an increase in retail floor space is proposed, therefore it is recommended that the policy be revoked.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 10 June 2013.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Corr, SECONDED Cr Ritchie that Council:

- 1 In accordance with clause 8.11.4(b) of *District Planning Scheme No. 2*, **RESCINDS** the *Centres Strategy Policy* as detailed in Attachment 1 to Report CJ109-06/13;
- 2 **PUBLISHES** a formal notice of rescission of the *Centres Strategy Policy* in accordance with clause 8.11.4(b) of the *City of Joondalup District Planning Scheme No. 2*.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of CJ108-06/13, page 151 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15a9n250613.pdf](#)

CJ110-06/13 DRAFT AMENDED CHILD CARE CENTRES POLICY - CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	85510, 101515
ATTACHMENT	Attachment 1 Draft Amended Child Care Centres Policy
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft amended *Child Care Centres Policy* following advertising and decide whether to adopt the policy as final.

EXECUTIVE SUMMARY

The City's *Child Care Centres Policy* provides guidance on the location, siting and design of child care centres. A review of the policy found it was generally operating well. It was considered, however, that updates were required in regard to the road classifications referenced in the policy, as well as format and text changes in line with the current review of the City's policy manual. Additional detail was also added to provide clarity in regard to the development requirements and locational criteria.

At its meeting held on 20 November 2012 (CJ258-11/12 refers), Council resolved to advertise the draft amended policy for public comment. The policy was advertised for 21 days, closing on 14 March 2013. No submissions were received.

It is recommended that Council:

- 1 *In accordance with clause 8.11.3(c) of the City of Joondalup District Planning Scheme No. 2, finally ADOPTS the draft amended Child Care Centres Policy, shown in Attachment 1 of Report CJ110-06/13;*
- 2 *PUBLISHES a formal notice of the final adoption of the Child Care Centres Policy in accordance with clause 8.11.3(d) of the City of Joondalup District Planning Scheme No. 2.*

BACKGROUND

On 15 July 2008, the Council adopted draft amendments to the *Child Care Centres Policy* to bring the policy into line with community expectations and assist with the assessment of child care centre applications. The following issues were addressed in the draft amended policy:

- Amenity.
- Appropriate location.
- Traffic and car parking.
- Noise attenuation.
- Operating hours.
- Location of outdoor play areas.

The *Child Care Centres Policy* has been in operation for a number of years and the current review has found that generally it continues to operate well.

At its meeting held on 15 May 2012 (CJ093-05/12 refers), Council resolved that a report be prepared on the *Child Care Centres Policy* with a view to including in the policy provisions to permit child care centres to be located within residential precincts subject to noise and traffic impact statements being submitted demonstrating that the proposal would not adversely impact the amenity of surrounding residences in terms of noise and traffic. This matter arose from a recent application to extend an existing child care centre in a residential precinct in Duncraig where, despite the proposal having merit and limited impact on adjoining neighbours, it did not meet the locational requirements of the existing policy.

At its meeting held on 20 November 2012 (CJ258-11/12 refers), Council considered a report on the review of the *Child Care Centres Policy* and resolved to advertise the draft amended policy for public comment.

The policy was advertised for 21 days, closing on 14 March 2013. No submissions were received as result of the public advertising.

DETAILS

The proposed amendments to the *Child Care Centres Policy* are as follows:

- The inclusion of provisions within the policy setting out development requirements and locational criteria to:
 - clarify that when a child care centre is proposed to be located next to residential properties, the applicant is required to demonstrate that the proposal will not unduly impact the surrounding uses, for example by way of noise or traffic impacts
 - clarify that a Traffic and Road Safety Impact Report is required for all new child care centres or expansion in capacity of existing centres
 - apply the operating time restrictions to child centre centres that abut or are opposite a residential property.
- Update references to the Main Roads road hierarchy by including reference to District Distributor A and District Distributor B (previously only one category of District Distributor).
- Text and format changes in line with the current policy manual review.

The proposed amendments are outlined as tracked changes to the current *Child Care Centres Policy* in Attachment 1.

Issues and options considered

Council has the option to:

- adopt the draft policy
- adopt the draft policy, with modifications
or
- not to proceed with the draft amended policy.

Legislation / Strategic Community Plan / policy implications

Legislation

City of Joondalup District Planning Scheme No. 2.

Clause 8.11 of the DPS2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the scheme area.

If Council decides to finally adopt a policy, notification of the final adoption shall be published once in a newspaper circulating with the scheme area.

If Council considers that a provision of a policy affect the interests of the Western Australian Planning Commission, a copy of the policy shall be forwarded to the Western Australian Planning Commission.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

For the City's commercial and residential areas to be filled with quality buildings and appealing streetscapes.

Policy

Child Care Centres Policy.

Risk management considerations

If the policy remains unchanged, the ability for the City to consider new applications for child care centres within the 'Residential' zone is restricted. The proposed amendments will provide greater flexibility in the locating of child care centres in appropriate areas of the 'Residential' zone.

Financial/budget implications

The costs associated with advertising the draft amended policy in the local newspaper and notice to publicise the final adoption of the policy will be approximately \$810 and can be met from within existing budgets.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft amended policy was advertised for public comment for a period of 21 days, closing on 14 March 2013, as follows:

- A notice was published in the Joondalup Times for two consecutive weeks (21 and 28 February 2013).
- A notice and documents were placed on the City's website.

No submissions were received.

COMMENT

No submissions were received as a result of the public consultation and no further changes to the policy are proposed.

The proposed amendments to the policy will provide clarity in regard to the development requirements and locational criteria for child care centres. It is anticipated that these changes will assist in further minimising impacts of future child care centre developments on the surrounding area.

As the advertising of the amended *Child Care Centres Policy* has not raised any issues that would warrant not proceeding with the proposal, it is recommended that the draft amended *Child Care Centres Policy* be adopted as final, and that a notice of the final adoption be published in accordance with clause 8.11.3(d) of the City of Joondalup's *District Planning Scheme No. 2*.

None of the provisions included in the amended policy are considered to affect the interests of the Western Australian Planning Commission and as such forwarding of the local planning policy to the Commission is not recommended.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 10 June 2013.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Corr, SECONDED Cr Ritchie that Council:

- 1** In accordance with clause 8.11.3(c) of the *City of Joondalup District Planning Scheme No. 2*, finally **ADOPTS** the draft amended *Child Care Centres Policy*, shown in Attachment 1 to Report CJ110-06/13;
- 2** **PUBLISHES** a formal notice of the final adoption of the *Child Care Centres Policy* in accordance with clause 8.11.3(d) of the *City of Joondalup District Planning Scheme No. 2*.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of CJ108-06/13, page 151 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16agn250613.pdf](#)

CJ111-06/13 DRAFT AMENDED SIGNS POLICY- CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	01907, 101515
ATTACHMENT	Attachment 1 Draft Amended Signs Policy
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft amended *Signs Policy* following advertising and decide whether to adopt the policy as final.

EXECUTIVE SUMMARY

The City's *Signs Policy*, which has been in operation since October 2009, provides guidance on the permissible types and locations of signage within the City of Joondalup. The local planning policy was last reviewed in August 2012, when an amended policy was adopted by Council (CJ167-08/12 refers).

The *Signs Policy* has again been reviewed and a further amended policy has been drafted to include provisions for monolith signs; clarify the restriction of illuminated variable message signs; revise the standard requirements for pylon signs; and clarify that signs should be site specific and not located within the road reserve. The wording of the policy has also been revised to reflect the terminology used within the draft *Joondalup City Centre Structure Plan* (JCCSP).

At its meeting held on 19 March 2013 (CJ036-03/13 refers) Council resolved to advertise the draft amended policy (Attachment 1 refers) for public comment.

The draft amended policy was advertised for 21 days closing on 26 April 2013. No submissions were received.

The draft amended policy, shown as Attachment 1, represents a more comprehensive and effective planning tool and is recommended for final approval.

BACKGROUND

At its meeting held on 13 October 2009 (CJ225-10/09 refers), Council adopted a new *Signs Policy* that provides guidance for the types and locations of signage within the City of Joondalup.

An updated *Signs Policy* was adopted as final by Council at its meeting held on 21 August 2012 (CJ167-08/12 refers) which provides additional provisions for inflatable signs, and deals with the permissibility of illuminated variable message board signs.

A further review of the policy has now been undertaken as a result of potential improvements identified through the application of the policy in the assessment of development applications. While the latest review has found that the *Signs Policy* is operating effectively, it has been identified that certain modifications would further improve the operation of the policy.

At its meeting held on 19 March 2013 (CJ037-03/13 refers), Council resolved as follows:

“That Council:

- 1 *ADOPTS the proposed amendments to the Signs Policy as detailed in Attachment 1 to Report CJ037-03/13, for the purpose of advertising, subject to allowing the use of illuminated variable message signs by not for profit organisations to promote significant community events;*
- 2 *In accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES the proposed amendments to the Signs Policy as detailed in Attachment 1 to Report CJ037-03/13 and as amended, for public comment for a period of 21 days.”*

The draft amended policy was advertised for 21 days, closing on 14 March 2013. No submissions were received as result of the public advertising.

DETAILS

The proposed amendments to the *Signs Policy* are as follows:

- Clarification in Section 4.1 of the policy that signs should be located on land to which they relate, and are not to be located within the road reserve.
- Minor amendments to the standard sign requirements of pylon signs to clarify the permitted number of free standing signs per frontage, and the provision or maintenance of vehicle sightlines within the lot.
- Addition of the category ‘Monolith Signs’ and the provision of standard sign requirements applicable to this type of signage.
- Amendments to the Variable Message Board sign requirements to include use of this type of sign for a period of time that is in accordance with a Traffic Management Plan approved by the City, and in accordance with Council’s resolution, to allow use by not for profit organisations to promote significant community events.
- Updating of the ‘Applicable Zones’ categories to reflect the terms used in the draft JCCSP.

Attachment 1 illustrates the proposed amendments as tracked changes to the current *Signs Policy*.

Issues and options considered

Council has the option to:

- adopt the draft policy
- adopt the draft policy, with modifications
or
- not to proceed with the draft amended policy.

Legislation / Strategic Community Plan / policy implications

Legislation

City of Joondalup District Planning Scheme No. 2.

Clause 8.11 of DPS2 enables Council to prepare, amend and add to the local planning policies that relate to any planning and development matter within the scheme area.

If Council decides to finally adopt a policy, notification of the final adoption shall be published once in a newspaper circulating with the scheme area.

If Council considers that a provision of a policy affect the interests of the Western Australian Planning Commission, a copy of the policy shall be forwarded to the Western Australian Planning Commission.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Signs Policy.

Risk management considerations

While there is minimal risk if the proposed modifications to the *Signs Policy* are not made, the modifications will improve the operation of the current policy.

Financial/budget implications

The costs associated with advertising the draft amended policy in the local newspaper and notice to publicise the final adoption of the policy will be approximately \$810 and can be met from within existing budgets.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The amended policy was advertised for public comment for a period of 21 days, closing on 26 April 2013, as follows:

- A notice published in the Joondalup Times for two consecutive weeks (4 and 11 April 2013).
- A notice and documents placed on the City's website.

No submissions were received.

COMMENT

No submissions were received during the advertising period and no further changes to the policy are proposed.

The amendments to the *Signs Policy* propose the inclusion of provisions for monolith signs, provide additional clarity that advertising signs are not to be located on the road reserve, and generally improve the operation of the policy.

As the advertising of the draft amended policy has not raised any issues that would warrant not proceeding with the proposal, it is recommended that the draft amended *Signs Policy*, shown in Attachment 1, be adopted as final, and that a notice of the final adoption be published in accordance with clause 8.11.3(d) of DPS2.

None of the provisions included in the amended policy are considered to affect the interests of the Western Australian Planning Commission and as such forwarding of the policy to the Commission is not recommended.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 10 June 2013.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Corr, SECONDED Cr Ritchie that Council:

- 1** In accordance with clause 8.11.3(c) of the *City of Joondalup District Planning Scheme No. 2*, finally **ADOPTS** the draft amended *Signs Policy*, shown in Attachment 1 to Report CJ1111-06/13;
- 2** **PUBLISHES** a formal notice of the final adoption of the *Signs Policy* in accordance with clause 8.11.3(d) of the *City of Joondalup District Planning Scheme No. 2*.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of CJ108-06/13, page 151 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17agn250613.pdf](#)

CJ112 -06/13 DRAFT AMENDED SMALL SCALE RENEWABLE ENERGY SYSTEMS POLICY - CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	102705, 101515
ATTACHMENT	Attachment 1 Draft Amended Small Scale Renewable Energy Systems Policy
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft amended *Small Scale Renewable Energy Systems Policy* following advertising, and decide whether to adopt the policy as final.

EXECUTIVE SUMMARY

The City's *Small Scale Renewable Energy Systems Policy* provides criteria for the development of small scale renewable energy systems on land or buildings within the City of Joondalup. At its meeting held on 21 August 2012 (CJ160-08/12 refers), Council considered amendments to the format and text of the policy. Consideration of the policy was deferred, and a report requested examining the development standards relating to height and noise requirements for wind energy systems.

In response to Council's request, further amendments were made to the *Small Scale Renewable Energy Systems Policy* to include a minimum height clearance of three metres from natural ground level for wind turbine blades. At its meeting held on 20 November 2012 (CJ257-11/12 refers), Council considered the amendments and resolved to advertise the draft amended policy. The policy was advertised for 21 days, closing on 14 March 2013, with no submissions received.

It is recommended that the draft amended Small Scale Renewable Energy Systems Policy, shown in Attachment 1 to Report CJ112-06/13, be adopted as final.

BACKGROUND

The City has recently undertaken a review of the Policy Manual. As part of this review the *Small Scale Renewable Energy Systems Policy* was reviewed. Minor amendments were proposed to the policy, which included format improvements and wording changes to improve consistency and clarity. At its meeting held on 20 March 2012 (CJ032-03/12 refers), Council resolved to advertise the draft amended policy for public consultation.

At its meeting held on 21 August 2012 (CJ160-08/12 refers), Council considered the adoption of the policy following the public consultation period during which no submissions were received, and resolved to defer consideration of the policy to examine the development standards related to wind energy systems, including potential noise impacts.

In response to Council's request, further amendments were made to the policy to include a minimum height clearance of three metres from natural ground level for wind turbine blades. At its meeting held on 20 November 2012 (CJ257-11/12 refers), Council considered the draft amended policy, which included the rationale for the development provisions included in the policy and highlighted the alignment of the policy with the *Environmental (Noise) Regulations 1997* and resolved to advertise the draft amended policy.

The policy was advertised for 21 days, closing on 14 March 2013. No submissions were received as result of the public advertising.

DETAILS

The proposed amendments to the *Small Scale Renewable Energy Systems Policy* include text and format changes in line with the policy manual review as well as the inclusion of a provision requiring a three metre minimum clearance height for wind turbine blades. Attachment 1 illustrates the proposed amendments as tracked changes to the current *Small Scale Renewable Energy Systems Policy*.

Issues and options considered

Council has the option to:

- adopt the draft policy
- adopt the draft policy, with modifications
or
- not to proceed with the draft amended policy.

Legislation / Strategic Community Plan / policy implications

Legislation

City of Joondalup District Planning Scheme No. 2.

Clause 8.11 of the DPS2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the scheme area.

If Council decides to finally adopt a policy, notification of the final adoption shall be published once in a newspaper circulating with the scheme area.

If Council considers that a provision of a policy affect the interests of the Western Australian Planning Commission, a copy of the policy shall be forwarded to the Western Australian Planning Commission.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Environmentally sensitive building designs are showcased, promoted and encouraged.
Buildings and landscaping is suitable for the immediate environment and reflect community values.

Policy *Small Scale Renewable Energy Systems Policy.*

Risk management considerations

Not applicable.

Financial/budget implications

The costs associated with advertising the draft amended policy in the local newspaper and notice to publicise the final adoption of the policy will be approximately \$810 and can be met from within existing budgets.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft amended policy was advertised for public comment for a period of 21 days, closing on 14 March 2013, as follows:

- A notice was published in the Joondalup Times for two consecutive weeks (21 and 28 February 2013).
- A notice and documents were placed on the City's website.

No submissions were received.

COMMENT

No submissions were received as a result of the public consultation and no further changes to the policy are proposed.

The amendments to the text and formatting of the policy will bring it in line with the current policy review standards. The additional provisions requiring a ground level clearance of three metres for wind turbine blades will ensure that the blades are clear of any impediments while still allowing the diameter of the blades to be two metres.

As the advertising of the modified *Small Scale Renewable Energy Systems Policy* has not raised any issues that would warrant not proceeding with the proposal, it is recommended that the draft amended *Small Scale Renewable Energy Systems Policy*, shown in Attachment 1, be adopted as final, and that a notice of the final adoption be published in accordance with clause 8.11.3(d) of the *City of Joondalup District Planning Scheme No. 2*.

None of the provisions included in the amended policy are considered to affect the interests of the Western Australian Planning Commission and as such forwarding of the local planning policy to the Commission is not recommended.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 10 June 2013.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Corr, SECONDED Cr Ritchie that Council:

- 1 In accordance with Clause 8.11.3(c) of the *City of Joondalup District Planning Scheme No. 2*, finally **ADOPTS** the draft amended *Small Scale Renewable Energy Systems Policy*, shown in Attachment 1 to Report CJ112-06/13;
- 2 **PUBLISHES** a formal notice of the final adoption of the *Small Scale Renewable Energy Systems Policy* in accordance with clause 8.11.3(d) of the *City of Joondalup District Planning Scheme No. 2*.

The Motion was Put and **CARRIED (13/0)** by En Bloc Resolution following consideration of CJ108-06/13, page 151 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18agn250613.pdf](#)

**CJ113-06/13 DRAFT CONSULTING ROOMS POLICY -
CONSIDERATION FOLLOWING ADVERTISING**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	102788, 101515
ATTACHMENT	Attachment 1 Draft Consulting Rooms Policy
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Consulting Rooms Policy* following advertising and decide whether to adopt the policy as final.

EXECUTIVE SUMMARY

The *City of Joondalup District Planning Scheme No. 2* (DPS2) includes 'Consulting Rooms' as a use class within the zoning table. However, DPS2 provides no further guidance regarding the development of consulting rooms. In addition, the draft *Local Planning Strategy* includes an action to prepare a *Consulting Rooms Policy*.

A draft local planning policy has been prepared to provide guidance on the establishment of consulting rooms to ensure they do not have an adverse impact on the amenity of nearby residents. The draft policy provides guidelines on the location, car parking design, building design and landscaping of consulting rooms within the 'Residential', 'Special Residential' and 'Urban Development' zones that contain residential development as it is within these areas that they are most likely to have an impact on residential amenity.

At its meeting held on 20 November 2012 (CJ259-11/12 refers), Council resolved to adopt the draft *Consulting Rooms Policy* for the purpose of advertising. The draft policy was advertised for 21 days, closing on 14 March 2013. No submissions were received.

It is recommended that Council:

- 1 *In accordance with clause 8.11.3(c) of the City of Joondalup District Planning Scheme No. 2, finally ADOPTS the draft Consulting Rooms Policy, included as Attachment 1 of Report CJ113/06/13;*
- 2 *PUBLISHES a formal notice of the final adoption of the Consulting Rooms Policy in accordance with clause 8.11.3(d) of the City of Joondalup District Planning Scheme No. 2.*

BACKGROUND

At its meeting held on 16 February 2010 (CJ007-02/10 refers), Council adopted a draft *Local Planning Strategy* (LPS) for the City of Joondalup. The LPS contains a strategy and action relating to consulting rooms as set out below:

Strategy: Encourage the establishment of local medical centres and consulting rooms in appropriate locations.

Action: Prepare a local planning policy on medical consulting rooms to provide guidance on appropriate locations, preservation of residential character and amenity, design, traffic and parking.

The draft *Consulting Rooms Policy* was prepared and Council at its meeting held on 20 November 2012 (CJ259-11/12 refers) resolved to adopt the draft policy for the purposes of advertising.

The draft policy was advertised for 21 days, closing on 14 March 2013. No submissions were received as result of the public advertising.

DETAILS

'Consulting rooms' is defined under DPS2 as:

"consulting rooms means a building used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care."

DPS2 identifies 'consulting rooms' as being able to be considered for approval in the following zones:

'Residential' zone	D (discretionary)
'Mixed Use' zone	P (permitted)
'Business' zone	P (permitted)
'Commercial' zone	P (permitted)
'Civic and Cultural' zone	D (discretionary)
'Special Residential' zone	D (discretionary)

'Consulting rooms' are not permitted in the following zones:

- 'Private Clubs/Recreation' zone.
- 'Service Industrial' zone.
- 'Rural' zone.

The draft local planning policy has been prepared to provide guidelines for the establishment of consulting rooms in the 'Residential', 'Special Residential' and 'Urban Development' zones only. Key aspects of the draft policy include:

- outlining that proposals that contribute to the concentration of consulting rooms along a street will generally not be supported
- outlining that battle-axe lots and lots at the head of cul-de-sacs be avoided due to the constraints of those sites

- requiring all parking to be provided on-site and in such a way that it does not detract from the streetscape
- requiring the building to maintain a residential appearance and outlining that variations to DPS2 setback requirements may be considered to achieve this
- not permitting the verge to be paved in order to discourage parking and requiring the verge area to be landscaped
- outlining that applications for all new 'consulting rooms' will be advertised for public comment.

The draft *Consulting Rooms Policy* is included as Attachment 1 to this Report.

Issues and options considered

Council has the option to:

- adopt the draft policy
- adopt the draft policy, with modifications
or
- not to proceed with the draft amended policy.

Legislation / Strategic Community Plan / policy implications

Legislation

City of Joondalup District Planning Scheme No. 2.

Clause 8.11 of the DPS2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the scheme area.

If Council decides to finally adopt a policy, notification of the final adoption shall be published once in a newspaper circulating with the scheme area.

If Council considers that a provision of a Policy affect the interests of the Western Australian Planning Commission, a copy of the policy shall be forwarded to the Western Australian Planning Commission.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

Buildings and landscaping in suitable for the immediate environment and reflect community values.

Policy

Consulting Rooms Policy.

Risk management considerations

If there is no local planning policy in place, there is the risk that consideration and approval of consulting rooms may occur in an ad hoc manner with no ability to adequately defend decisions in the State Administrative Tribunal.

Financial/budget implications

The costs associated with advertising the draft policy in the local newspaper and notice to publicise the final adoption of the policy will be approximately \$810 and can be met from within existing budgets.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft *Consulting Rooms Policy* was advertised for public comment for a period of 21 days, closing on 14 March 2013, as follows:

- A notice published in the Joondalup Times for two consecutive weeks (21 and 28 February 2013).
- A notice and documents placed on the City's website.

No submissions were received.

COMMENT

No submissions were received during the advertising period and no further changes are proposed to the draft *Consulting Rooms Policy*.

The policy will provide guidance on the appropriate location and establishment of consulting rooms and will minimise the impact of consulting rooms on the amenity of nearby residents.

As advertising of the draft *Consulting Rooms Policy* has not raised any issues that would warrant not proceeding with the proposal, it is recommended that the draft *Consulting Rooms Policy* as per Attachment 1, be adopted as final, and that a notice of the final adoption be published in accordance with clause 8.11.3(d) of the DPS2.

None of the provision included in the policy are considered to affect the interests of the Western Australian Planning Commission and as such forwarding of the local planning policy to the Commission is not recommended.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 10 June 2013.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Corr, SECONDED Cr Ritchie that Council:

- 1 In accordance with clause 8.11.3(c) of the City of Joondalup District Planning Scheme No. 2, finally ADOPTS the draft Consulting Rooms Policy, included as Attachment 1 to Report CJ113-06/13;**
- 2 PUBLISHES a formal notice of the final adoption of the Consulting Rooms Policy in accordance with clause 8.11.3(d) of the City of Joondalup District Planning Scheme No. 2.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of CJ108-06/13, page 151 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19agn250613.pdf](#)

CJ114-06/13 DRAFT ENVIRONMENTALLY SUSTAINABLE DESIGN POLICY (FORMERLY THE ENVIRONMENTALLY SUSTAINABLE BUILDINGS IN THE CITY OF JOONDALUP POLICY) - CONSIDERATION FOLLOWING ADVERTISING

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	21452, 101515
ATTACHMENTS:	Attachment 1 Draft Amended Environmentally Sustainable Design Policy
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies

PURPOSE

For Council to consider the draft *Environmentally Sustainable Design Policy* following advertising and decide whether to adopt the policy as final.

EXECUTIVE SUMMARY

The City's *Environmentally Sustainable Buildings in the City of Joondalup Policy* (adopted in 2011) was reviewed in 2012 in line with the new standard policy template. The review resulted in several formatting and wording improvements. Included in these amendments was a change of the policy name to *Environmentally Sustainable Design Policy* to better reflect the purpose of the policy.

At its meeting held on 21 August 2012 (CJ165-08/12 refers), Council resolved to advertise the draft policy for public comment. The policy was advertised for 21 days, closing on 4 October 2012. No submissions were received.

Following advertising, at its meeting held on 20 November 2012 (CJ255-11/12 refers), Council resolved to make further amendments to the policy and readvertise the draft policy, including these amendments. The policy was advertised for a period of 21 days, closing on 14 March 2013. No submissions were received.

It is recommended that Council:

- 1 *In accordance with clause 8.11.3(c) of the City of Joondalup District Planning Scheme No. 2, finally ADOPTS the draft amended Environmentally Sustainable Design Policy, shown in Attachment 2 of Report CJ114-06/13;*
- 2 *PUBLISHES a formal notice of the final adoption of the Environmentally Sustainable Design Policy in accordance with clause 8.11.3(d) of the City of Joondalup District Planning Scheme No. 2.*

BACKGROUND

At its meeting held on 15 May 2012 (CJ093-05/12 refers), Council requested that a report be prepared to consider the possible amalgamation of the *Environmentally Sustainable Design for City Buildings Policy* and the *Environmentally Sustainable Buildings in the City of Joondalup Policy*. A report was subsequently prepared outlining that the policies were prepared under different legislation, and therefore it was not appropriate to combine the policies. Council, at its meeting held on 21 August 2012, considered this report and did not pursue combining these policies.

The City has recently undertaken a review of the Policy Manual. As part of this review the *Environmentally Sustainable Buildings in the City of Joondalup Policy* was reviewed. The review resulted in several formatting and wording improvements. Included in these amendments was a change of the policy name to *Environmentally Sustainable Design Policy* to better reflect the purpose of the policy.

Council considered the draft policy at its meeting held on 21 August 2012 (CJ165-08/12 refers), and resolved to advertise the draft policy with minor text updates for public comment for a period of 21 days. Advertising concluded on 4 October 2012 and no submissions were received.

Council considered the draft policy following advertising, at its meeting held on 20 November 2012 (CJ255-11/12 refers), and resolved as follows:

That Council:

- 1 *APPROVES the proposed amendments to the Environmentally Sustainable Design Policy as shown in Attachment 1 to Report CJ165-08/12 for the purpose of public advertising with the following amendments:*
 - 1.1 *An additional dot point be ADDED under heading 4 - Details, subheading 4.1 -Design Principles to read as follows:*
 - *“Designing buildings so materials can be easily recycled if in the future the building is to be demolished.”;*
 - 1.2 *The words ‘seek to’ between the words ‘will’ and ‘prioritise’ in paragraph two under heading 3 – Statement be DELETED;*
- 2 *ADVERTISES the proposed amendments to the Environmentally Sustainable Design Policy for public comment for a period of 21 days, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2.*

The draft policy was advertised for 21 days, closing on 14 March 2013. No submissions were received as result of the public advertising.

DETAILS

The review of the City's *Environmentally Sustainable Buildings in the City of Joondalup Policy* resulted in several formatting and wording improvements in line with the current review of the policy manual. Included in these amendments was a change of the policy name to *Environmentally Sustainable Design Policy* to better reflect the purpose of the policy. In addition, Council required amendments to ensure building design allowed materials to be easily recycled if buildings are demolished and further strengthened provisions prioritising the assessment of applications for planning approval that demonstrate design and assessment against a national recognised rating tool. Attachment 1 illustrates the proposed amendments as tracked changes to the current *Environmentally Sustainable Design Policy*.

Issues and options considered:

Council has the option to:

- adopt the draft policy
- adopt the draft policy, with modifications
or
- not to proceed with the draft amended policy.

Legislation/Strategic Plan/Policy Implications

Legislation

City of Joondalup District Planning Scheme No. 2.

Clause 8.11 of DPS2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the scheme area.

If Council decides to finally adopt a policy, notification of the final adoption shall be published once in a newspaper circulating with the scheme area.

If Council considers that a provision of a policy affect the interests of the Western Australian Planning Commission, a copy of the policy shall be forwarded to the Western Australian Planning Commission.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

Environmentally sensitive building designs are showcased, promoted and encouraged.

Policy

Environmentally Sustainable Design Policy.

Risk Management Considerations:

Not applicable.

Financial/Budget Implications:

The costs associated with advertising the draft amended policy in the local newspaper and notice to publicise the final adoption of the policy will be approximately \$810 and can be met from within existing budgets.

Regional Significance:

Not applicable.

Sustainability Implications:

Not applicable.

Consultation:

The draft amended policy was advertised for public comment for a period of 21 days, closing on 14 March 2013, as follows:

- A notice published in the Joondalup Times for two consecutive weeks (21 and 28 February 2013).
- A notice and documents placed on the City's website.

No submissions were received.

COMMENT

No submissions were received during the advertising period and no further changes are proposed to the policy.

The amendments to the text and formatting of the policy will bring it in line with the current policy review standards. The draft amended policy demonstrates the City's continued commitment to environmental sustainability.

As the advertising of the draft policy has not raised any issues that would warrant not proceeding with the proposal, it is recommended that the draft *Environmentally Sustainable Design Policy*, shown in Attachment 1, be adopted as final, and that a notice of the final adoption be published in accordance with clause 8.11.3(d) of the DPS2.

None of the provision included in the draft policy are considered to affect the interests of the Western Australian Planning Commission and as such forwarding of the local planning policy to the Commission is not recommended.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 10 June 2013.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Corr, SECONDED Cr Ritchie that Council:

- 1 In accordance with clause 8.11.3(c) of the *City of Joondalup District Planning Scheme No. 2*, finally **ADOPTS** the draft amended *Environmentally Sustainable Design Policy*, shown in Attachment 1 to Report CJ114-06/13;
- 2 **PUBLISHES** a formal notice of the final adoption of the *Environmentally Sustainable Design Policy* in accordance with clause 8.11.3(d) of the *City of Joondalup District Planning Scheme No. 2*.

The Motion was Put and **CARRIED (13/0)** by En Bloc Resolution following consideration of CJ108-06/13, page 151 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20agn250613.pdf](#)

CJ115-06/13 SUSTAINABILITY POLICY AND SUSTAINABILITY STATEMENT POLICY — MAJOR REVIEW

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	101288, 101515
ATTACHMENTS:	Attachment 1 Revised Sustainability Statement Policy Attachment 2 Sustainability Policy (current)
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the proposed amendments to the *Sustainability Policy* and *Sustainability Statement Policy* as a result of the 2011 Policy Manual review process.

EXECUTIVE SUMMARY

During the review of the Policy Manual in 2011, the *Sustainability Policy* and *Sustainability Statement Policy* were identified as requiring significant amendments to:

- consolidate both policies into one document to remove duplications
- modernise the policy content to reflect the City's current approach to integrating sustainability into service delivery
- align the policies to the new standardised policy template.

The policies were originally adopted by the Commissioners in 2005 to reflect a commitment by both the Council and the City to implement sustainable practices. The *Sustainability Statement Policy* was based on the principles agreed to at the *2002 Johannesburg World Summit of Local Governments*, while the *Sustainability Policy* was based on the framework endorsed at the *1992 United Nations Rio Declaration on Environment and Development*. These commitments have since evolved and developed over this period at subsequent United Nations conferences on the subject of sustainability.

Given the current level of integration of sustainable practices at the City and the normative approach to sustainable planning and decision-making that local governments now adopt, it is considered appropriate that the policies be consolidated and significantly amended.

It is recommended that Council adopt the proposed amendments to the *Sustainability Statement Policy*, provided as Attachment 1, and revoke the current *Sustainability Policy*, provided as Attachment 2.

BACKGROUND

A review of the Policy Manual was conducted in 2011 to assess all current policies against the following criteria:

- Consistency — with regard to language, style and format.
- Relevance — in terms of new plans and strategies that now supersede previously endorsed positions within existing policies.
- Duplication — identified sections of policies that duplicate other policies, City plans and strategies, local laws, and/or State legislation.
- Operational content — identified sections of policies deemed as being too operational and therefore more appropriate to be incorporated into a City protocol or operational plan.

As a result of the review process, a standardised policy format was developed and current policies were categorised as requiring either:

- minor amendments (changes that do not impact on the application of the policy)
or
- major amendments (significant changes that alter the City's position on an issue or matter).

The *Sustainability Policy* and *Sustainability Statement Policy* were identified as requiring major amendments, based on a preliminary review of their relevance and last review date. As a result, this report outlines the proposed amendments to these policies and the justification for the proposed changes.

DETAILS

Policy History:

The two sustainability policies were first introduced by the Commissioners in 2005 (CJ269–12/05 refers) as separate City and Council policies. The *Sustainability Policy* was intended to provide direction in applying sustainability principles to the development of policies and strategies at the City. It was based on a framework adopted at the 1992 *United Nations Rio Declaration on Environment and Development*.

The *Sustainability Statement Policy* intended to define sustainability in alignment with the *WA State Sustainability Strategy* and articulate the principles of sustainability that would underpin Council activities. These principles were based on the 2002 *Johannesburg World Summit of Local Governments Report*.

At its meeting held on 26 April 2006 (CJ065–04/06 refers), on the recommendation of the Sustainability Advisory Committee, the Council *Sustainability Policy* was amended to include a new principle and change several existing principles. The title of the policy was also changed from *Sustainability Policy* to *Sustainability Statement Policy*.

Further amendments were also adopted by Council at its meeting held on 12 December 2006 (CJ238–12/06 refers) on the recommendation of the Sustainability Advisory Committee, to make minor amendments to the statements in both sustainability policies, which removed references to a transition period for implementing sustainable practices.

Proposed Amendments:

As a consequence of developing dual policies, there is significant duplication between them. Furthermore, the documents upon which the policies were originally based have since developed significantly at the subsequent United Nations Conference held in Rio in 2012 (namely, the "Rio 20" Conference). As such, the principles and framework referenced within the current policies are considered out-dated and require simplification to reflect the City's current approach to integrating sustainable practices.

It is recommended that the *Sustainability Policy* be revoked and the following amendments are made to the Council *Sustainability Statement Policy* as outlined in Attachment 1:

- Remove references to specific principles contained within the *2002 Johannesburg World Summit of Local Governments*.
- Modify the Statement to succinctly describe the City's commitment to:
 - lead the community through improved sustainable practices
 - working and engaging with its community and stakeholders to deliver sustainable outcomes
 - achieving a thriving business environment and community well being
 - ensuring long term protection of the environment through a "Precautionary Principle"
- Incorporate references to governance in the Statement, to reflect a quadruple-bottom line approach to sustainability, rather than the previous triple-bottom line approach.
- Remove the Sustainability Statement contained at the end of the policy due to its duplication of details discussed in the opening statement. This was also in accordance with the decision made by Council to remove all Sustainability Statements within all policies at its meeting held on 15 May 2012 (CJ093-05/12 refers).
- Reorder the structure of the policy to reflect the standardised policy template.

Issues and Options Considered:

Council can either:

- adopt the proposed amendments to the *Sustainability Statement Policy*, as outlined in Attachment 1 and revoke the *Sustainability Policy*, provided as Attachment 2
- further modify the *Sustainability Statement Policy* and/or the *Sustainability Policy* or
- retain the policies in their current formats.

It is recommended that option 1 be adopted.

Legislation/Strategic Plan/Policy Implications

Legislation: *Local Government Act 1995.*

Strategic Community Plan

Key theme Sustainability is covered across all areas of *Joondalup 2022*.

Objective Refer above.

Strategic initiative Refer above.

Policy *Sustainability Policy and Sustainability Statement Policy.*

Risk Management Considerations:

In order to remain transparent and to facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City. If not effectively maintained, there are risks associated with potentially misleading the community through publicly available, unreviewed policies.

Financial/Budget Implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability Implications:

Achieving sustainability is an important element of good governance. It recognises the need for local governments to consider the wider environmental, social and economic implications of decisions and actions on the community. As such, it is considered important that the City has a statement through a policy mechanism that demonstrates its ongoing commitment to applying and integrating sustainable practices.

Consultation:

Not applicable.

COMMENT

Through the Policy Manual Review process, the City has attempted to consolidate where it can, duplications across policies. The current sustainability policies are examples of significant and unnecessary policy duplication.

It is considered opportune to significantly amend the policies while still retaining a statement on the City's commitment to promote and implement sustainable practices for the benefit of the community.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 10 June 2013.

The original recommendation as presented by City officers to the Committee is as follows:

That Council:

- 1 *ADOPTS the proposed amendments to the Sustainability Statement Policy as outlined in Attachment 1 of this Report;*
- 2 *REVOKES the Sustainability Policy, provided as Attachment 2 to this Report.*

The Committee's subsequent recommendation to the Council is as follows (changes identified):

COMMITTEE RECOMMENDATION

That Council:

- 1 *ADOPTS the proposed amendments to the Sustainability Statement Policy as outlined in Attachment 1 of this Report for the purposes of public advertising with the ADDITION of a definition for 'Precautionary Principle' as follows:*

"Precautionary Principle means: Avoidance of the risk of serious or irreversible environmental damage will not be postponed because of a lack of full, scientific knowledge."
- 2 *REVOKES the Sustainability Policy, provided as Attachment 2 to this Report.*

MOVED Cr Corr, SECONDED Cr Ritchie that Council:

- 1 **ADOPTS the proposed amendments to the Sustainability Statement Policy as outlined in Attachment 1 to Report CJ115-06/13 for the purposes of public advertising with the ADDITION of a definition for 'Precautionary Principle' as follows:**

"Precautionary Principle means: Avoidance of the risk of serious or irreversible environmental damage will not be postponed because of a lack of full, scientific knowledge.";
- 2 **REVOKES the Sustainability Policy, provided as Attachment 2 to Report CJ115-06/13.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of CJ108-06/13, page 151 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21agn250613.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ116-06/13 PROPOSAL FOR LEVYING DIFFERENTIAL RATES
FOR THE 2013-14 FINANCIAL YEAR**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	102883, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

To consider submissions in response to the City's advertised proposal for applying differential rates for the 2013-14 Financial Year.

EXECUTIVE SUMMARY

At its special meeting held on 14 May 2013, (JSC02-05/13 refers) Council resolved to apply differential rates in the draft 2013-14 Budget, to advertise seeking public submissions in relation to the proposed differential rates and minimum payments and that a report be presented to Council to consider any submissions received before the adoption of the draft 2013-14 Budget.

The advertising period for submissions closed on Monday 10 June 2013. No submissions were received.

It is recommended that Council APPLIES differential rates for rating in the 2013-14 Financial Year in accordance with Section 6.33 of the Local Government Act 1995 and that the differential rates and minimum payments for the draft 2013-14 Budget be those as advertised.

BACKGROUND

The report considered by Council, at its meeting held on 14 May 2013, (JSC02-05/13 refers), set out the reasons and basis of the proposed differential rates for the 2013-14 Financial Year.

Differential rating was introduced in 2008-09. The 2013-14 differentials propose an increase of 5.2% for residential, commercial and industrial rates including minimum payments.

DETAILS

In accordance with the provisions of Section 6.36 of the *Local Government Act 1995* (the Act), the City advertised its intention to apply differential rating in the 2013-14 Financial Year and the differential rates it proposed to apply.

The City placed advertisements in The West Australian on Friday 17 May 2013 and in subsequent editions of the local newspapers on 21, 24, 28 and 31 May 2013 as well as on the City's public notice boards and website.

The period of advertising was for a minimum 21, days during which the City invited submissions in relation to the proposed differential rates. The closing day for public submissions is Monday 10 June 2013. No submissions were received.

Issues and options considered

The City is required under Section 6.36 of the Act to consider any submissions received in relation to the proposed differential rates. The Council may resolve to set the rates in the dollar for the draft 2013-14 Budget as advertised or may set alternative rates in the dollar after any submissions received have been considered.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 6.33 of the *Local Government Act 1995* sets out the provisions in relation to differential rating and enables the City to apply separate rates in the dollar for different categories of property based on zoning, land use and whether they are improved or unimproved.

Section 6.36 of the *Local Government Act 1995* requires that if the City intends to apply differential rating it must give local public notice of its intention to do so and invite submissions in relation to the proposed differential rates and minimum payments, within 21 days of the date of the notice. Before making a final resolution in relation to the setting of the rates in the dollar and the adoption of the budget the Council is required to consider any submissions received.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

There are no risk management issues for applying a differential rate provided the statutory provisions are complied with.

Financial/budget implications

The application of differential rating is apportioning the total rate revenue between different categories of property. There are no net budget implications from applying differential rating. The City could derive exactly the same total revenue by applying a general rate to all categories of property.

Regional significance

Not applicable.

Sustainability implications

Applying differential rating is important to ensure an equitable distribution of rates across all sectors of the community. Having a reasonable rate increase is considered prudent and in the best interests of the long term financial sustainability of the City of Joondalup.

Consultation

The proposed differential rates have been advertised and submissions invited in accordance with the requirements of Section 6.36 of the Act. No submissions were received.

COMMENT

The proposal to apply differential rates was considered by Council on 14 May 2013 (JSC02-05/13 refers) which resolved to advertise and invite submissions on the proposal from the public. No submissions were received and it is recommended that the differential rates and minimum payments advertised be applied in the draft 2013-14 Budget.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr McLean that Council APPLIES differential rates for rating in the 2013-14 Financial Year in accordance with Section 6.33 of the *Local Government Act 1995* and that the differential rates and minimum payments for the draft 2013-14 Budget be as follows:

	Rate in \$	Minimum Payment
General Rate - GRV		\$
Residential Improved	0.058036	767
Residential Vacant	0.081772	767
Commercial Improved	0.070784	783
Commercial Vacant	0.116070	783
Industrial Improved	0.064741	783
Industrial Vacant	0.116070	783
General Rate - UV		
Residential	0.008737	767
Rural	0.008695	767

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

CJ117-06/13 DRAFT 2013-14 BUDGET

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	102883, 101515
ATTACHMENT	Attachment 1 City of Joondalup draft 2013-14 Budget Executive Report Attachment 1a Statement of Comprehensive Income by Nature or Type - (grey) Attachment 1b Statement of Comprehensive Income by Program - (grey) Attachment 2 Statement of Cash Flows - (grey) Attachment 3 Rate Setting Statement - (grey) Attachment 4 Rating Information Statement - (grey) Attachment 5 Notes to and Forming Part of the Budget - (blue) Attachment 6 Capital Expenditure - (yellow) Attachment 7 Vehicle and Plant Replacement Program (pink) Attachment 8 Schedule of Fees and Charges - (white) Attachment 9 Business Unit Services Matrix - (white)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the draft 2013-14 Budget.

EXECUTIVE SUMMARY

The process of preparing the draft 2013-14 Budget commenced in late 2012. It has encompassed detailed budget analysis and preparation, Executive review and Elected Member workshops.

The draft 2013-14 Budget has been developed within a strategic financial planning framework after due consideration of Council priorities and the resource allocation requirements of these priorities.

The process for the development of the draft 2013-14 Budget has incorporated clear links to Council's new *Strategic Community Plan* (Joondalup 2022) adopted in October 2012 and new *20 Year Strategic Financial Plan* adopted in November 2012.

It is recommended that Council, BY AN ABSOLUTE MAJORITY:

- *ADOPTS the annual budget for the City of Joondalup for the year ending 30 June 2014, incorporating the following:*
 - 1 *Budget Statements.*
 - 2 *Rates.*
 - 3 *Emergency Services Levy.*
 - 4 *Domestic Refuse Charges.*
 - 5 *Private Swimming Pool Inspection Fees.*
 - 6 *Early Payment Incentives.*
 - 7 *Payment Options.*
 - 8 *Late Payment Interest.*
 - 9 *Emergency Services Levy Interest Charge.*
 - 10 *Instalment and Payment Arrangement Administration Fees and Interest Charges.*
 - 11 *Capital Works Program.*
 - 12 *Transfers from Reserves.*
 - 13 *Transfers to Reserves.*
 - 14 *Transfers from Trust*
 - 15 *Fees and Charges.*
 - 16 *Material Variances for Reporting Purposes.*

- *APPROVES:*
 - 17 *The creation of a Non-Current Long Service Leave Liability Reserve*
 - 18 *The transfer of the balance of the Non-Current Provision for Long Service Leave Liability to the Non-Current Long Service Leave Liability Reserve in 2012-13;*
 - 19 *The transfer of the balance of the Cash in Lieu of Public Open Space Reserve to the Trust Fund in 2012-13.*

BACKGROUND

The 2013-14 budget process has been in progress since late 2012. The contents of the budget have been refined over this period after presentations, analysis and review by the Chief Executive Officer, executive and senior staff, followed by workshops and consultation with Elected Members.

The draft 2013-14 Budget has been guided by a long term financial planning framework aimed at securing the financial sustainability of the City. This requires continuing commitment and the draft 2013-14 Budget represents another step in that commitment.

The financial parameters of the draft Budget were established and projected based on agreed assumptions driven by the 20 Year Strategic Financial Plan.

DETAILS

Development of the draft 2013-14 Budget

The City of Joondalup's 2013-14 Budget has been prepared against a backdrop of a significant review and assessment of the City's strategic direction. In the last 12 months the City has adopted Joondalup 2022 and a new *20 Year Strategic Financial Plan*.

The 2013-14 Budget is significant step towards the City's new vision "A global City: bold, creative and prosperous" while still delivering a financially responsible and sustainable rate increase that will enable the City to provide for the services, facilities and works the community have identified in Joondalup 2022.

The budget process has been conducted over many months and has involved extensive analytical and review stages as summarised below:

- continuous analysis of 2012-13 financial performance
- assess financial capacity, sustainability, assets and reserves
- set budget parameters
- submission of operational and capital proposals
- initial assessment of proposals:
 - Operations
 - Capital
 - Community Need
 - Plans and Strategies
- reference and alignment to the new *Strategic Community Plan, Corporate Business Plan* and *20 Year Strategic Financial Plan*
- initial review of service delivery and confirmation of service standards
- critical analysis of 2012-13 Annual Plan performance
- review proposals for capacity:
 - Rating and revenue
 - Resources to implement and deploy
- determine potential reductions
- executive analysis
- Elected Member Workshops (during February, March, April, and May 2013).

The integrated planning framework is depicted in the following diagram:



Operating Budget

The City continues to experience cost pressures with labour costs, materials and external contractors. In the latter case waste disposal is a significant issue with increasing disposal costs and reduced revenues from recyclables.

Other challenges the City has had to address in framing the draft 2013-14 Budget include:

- declining interest rates reducing investment returns
- continued pressure on operating costs
- accommodating the impacts of legislative change such as, Building Application revenue 33% less than what it was in 2011-12
- a 0.25% increase to the Superannuation Guarantee
- the full implementation of the Cat Act to apply from October 2013
- resourcing continued demand for services and facilities.

The City has reviewed all fees and charges to ensure they reflect legislative requirements, current policies and are set at appropriate levels for the services provided. The City is mindful of the impacts of fee increases on the community and in most cases the increases are less than 5%. Parking fees are proposed to be increased for 2013-14. Each category of parking is proposed to increase by 10 cents per hour. Registration fees for cats have not been included in the Fees and Charges schedule (Attachment 8) as these are set by State Government regulation and are yet to be determined.

The operating budget provides for the resources required to enable the City to provide for the services, facilities and works the community have identified in Joondalup 2022. There

will be little or no capacity to undertake or implement unbudgeted or unplanned works or services during 2013-14.

Capital Budget

The 2013-14 expenditure program contains a number of significant projects and programs including the following:

- \$5.4 million to commence a Multi Storey Car Park between Reid Promenade and Boas Avenue.
- \$1 million in major projects for the completion of the Currambine Community Centre.
- \$1.9 million for a new Delamere Park and car park.
- \$0.9 million to upgrade the building facilities at Admiral Park.
- \$2.2 million to advance the Ocean Reef Marina, Joondalup Performing Arts and Cultural Facility and other significant projects.
- \$2.2 million to complete streetscape and landscaping works on Shenton Avenue and at other locations in the City.
- \$1.2 million for new footpaths, shared use paths, bicycle parking facilities and slab path replacements.
- \$10.4 million for various road construction, drainage and streetlight works including:
 - improvements to the Whitfords Nodes car park entry off Whitfords Avenue
 - Ocean Reef Road and Swanson Way intersection modifications
 - additional parking facilities including in the vicinity of schools
 - beautification of the sump at Otago Park
 - Joondalup City Centre lighting
 - road preservation and resurfacing, local traffic treatments and blackspot projects, stormwater drainage and other street lighting works
- \$4.5 million in other building works, facility upgrades and mini-makeovers.
- \$5 million for parks equipment, playground equipment, shelters, barbecues and parks reticulation refurbishments in accordance with Landscape Master plans or asset preservation plans.
- \$0.4 million on capital for natural areas, landscaping and conservation including fencing, paths and firebreaks.

(Attachment 1 refers)

Reserve Transfers

The City will transfer the following amounts to and from various reserve accounts during 2013-14:

- Transfer to the Parking Facility Reserve \$1.9 million being surplus funds generated from paid parking operations.
- Transfer to various reserves \$1.5 million in interest that is expected to be earned from the investment of reserve funds during 2013-14.
- Transfer from the Parking Facility Reserve \$697,000 to fund the operations of the Cat Bus service within the City Centre and for the purchase of additional parking equipment and CCTV for the City Centre.
- Transfer from the Waste Management Reserve \$1.2 million to lower the impact of increased refuse disposal costs.

- Transfer to the Waste Management Reserve \$229,557 being the recovery of capital contributions to the Materials Recovery Facility.
- Transfer to the Non-Current Long Service Leave Liability Reserve \$242,999 to cover the increase in long service leave liabilities.
- Transfer from the Joondalup Performing Arts and Cultural Facility Reserve an amount of \$859,528 to continue the progress of this project.
- Transfer from the Ocean Reef Marina Reserve \$522,338 to partly fund the continuation of the Marina project.
- Transfer from the Strategic Asset Management Reserve \$6.2 million to partly fund the construction of the Currabine Community Centre (\$1 million), contribution to the Warwick Leisure Centre extension (\$2 million), partly fund the construction of Delamere Park (\$1 million), partly fund the redevelopment of facilities at Admiral Park (\$358,990), the redevelopment of facilities at Timberlane Hall (\$400,000), the replacement of airconditioning chillers at Joondalup Library and the Civic Centre (\$498,000), the construction of an Animal Care Facility (\$450,000) and the continuation of the Cafes/Kiosks/Restaurants, Joondalup City Centre Office Development and Jinan Garden Projects (\$411,171).
- Transfer from the Vehicle, Plant and Equipment Reserve \$257,400 for the replacement of various vehicles, plant and equipment.
- Transfer from the Public Art Reserve \$98,409 for a public art project.
- Transfer from the Town Planning Scheme Revoked Reserve \$42,984 to partly fund the Moolanda Park Playground Equipment upgrade.
- Transfer from the Capital Works Carried Forward Reserve \$3.3 million to provide for 2012-13 uncompleted works to be undertaken in 2013-14.

It is also proposed to make changes to the way Long Service Leave liabilities and Cash in Lieu Public Open Space funds are managed and this will impact on a current and a proposed reserve account although there is no net impact for the 2013-14 Budget.

Long Service Leave is made up of liabilities that are classified as current for those that are due within the next 12 months and non-current for due beyond the next 12 months. Up until now the City has provided for these liabilities, both current and non-current through a provision for Long Service Leave liabilities within the Municipal Fund. Recently the Department of Local Government expressed the view that the treatment of the non-current component of Long Service Leave should be managed by placing the funds in a reserve account and not in a provision.

Regulation 31 of the *Local Government (Financial Management) Regulations 1996* requires that the budget is to include the net current assets carried forward, reconciled to the Rate Setting Statement. The City has historically included the reconciliation showing an adjustment to account for the non-current component of the Long Service Leave liability. The Department of Local Government's view is that as the regulations only refer to 'current' there should be no non-current adjustments in this reconciliation. Further it was suggested that as the non-current component relates to funds to be used in a future financial year section 6.11 of the *Local Government Act 1995* should apply and a reserve account be established.

The City's historical use of a provision is in accordance with established general accounting practice for the treatment of Long Service Leave, however, it is acknowledged that legislative requirements should prevail. It is proposed therefore to transfer the balance of the provision relating to non-current Long Service Leave liabilities of \$2,071,265 to a Non-Current Long Service Leave Liability Reserve to be established for the purpose. There is no net impact for the budget as it is in effect simply a change in accounting treatment and none of the financial

amounts involved change. It is proposed to make the change in 2012-13 so that the new financial year will commence with the change in place.

In relation to Cash in Lieu Public Open Space the City has traditionally held these funds in a reserve account established for the purpose. The use of the funds is currently governed by the provisions of the *Planning and Development Act 2005*. Section 154 of this Act provides that funds received by a local government as cash in lieu of public open space should be placed in an account in the local governments trust fund. All of the cash in lieu of public open space funds held by the City pre-date the current Act. The Department of Local Government has advised that cash in lieu of public open space funds that pre-date the current *Planning and Development Act 2005* should also be held in the City's Trust Fund. It is proposed therefore to transfer the balance of the Cash in Lieu of Public Open Space Reserve of \$1,651,155 to the City's Trust Fund. There is no net impact for the budget as it is in effect simply a change in treatment of existing funds and none of the financial amounts involved change. It is proposed to make the change in 2012-13 so that the new financial year will commence with the change in place.

Loan Borrowings

There are no loan borrowings proposed in 2013-14.

Material Variances

The *Local Government Act 1995* requires that each year a local government is to adopt a materiality level for the purpose of reporting variances in the monthly Statement of Financial Activity. At its meeting held on 19 October 2010 (CJ179-10/10 refers), Council resolved that in future a materiality level be determined as part of budget adoption each year if it was not proposed to make any changes.

The current level of variance which is considered material for the purposes of reporting under Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* is \$50,000 or 5% of the appropriate base, whichever is the higher. It is not proposed to make any changes to that level.

Rate and Refuse Charge Increases

Differential rating is proposed to continue in the 2013-14 financial year. Differential rates have been proposed for residential improved, residential vacant, commercial improved, commercial vacant, industrial improved and industrial vacant. The proposed differential rates for commercial and industrial vacant land are twice the lowest differential rate. The proposed differential for residential vacant land is 41% higher than the lowest differential rate. The intent of these differentials is to encourage the development of vacant residential, commercial and industrial land.

The proposed differential rates provide for a rate increase of 5.2%. The corresponding minimum payments are also proposed to be increased by 5.2%. The 2013-14 proposed rate increase recognises the need for long term financial sustainability. The proposed rate increase is slightly more than projected in the City's, *20 Year Strategic Financial Plan*. With a 5.2% overall rate increase and based on an average gross rental value of \$18,697 the average residential improved rates levy (excluding refuse charge) within the City of Joondalup will be \$1,085.

The City's domestic refuse charge is proposed to increase 6.4% to \$333 in 2013-14. The City is using some funds from its Waste Management Reserve to help contain the impact of refuse cost increases.

Issues and options considered

The process for the development of the draft 2013-14 Budget has involved:

- the identification of long term directions for financial management of income and expenditure following a rigorous analysis and consideration of Council's current financial position
- the establishment of financial parameters for the 2013-14 financial year including consideration of rating income, grants, fees and charges and other income, and likely demands on expenditure.

The City has for a number of years offered a variety of options for the payment of rates including those required under legislation. In 2012-13 the City offered AdvancePay as a further alternative option for the payment of rates. This will be continued in 2013-14 whereby following the payment of the 2013-14 rates and charges ratepayers can, if they wish, commence paying the following years rates in advance in weekly, fortnightly or monthly payments, by direct debit, with no fees or interest charges for any payments received by the City prior to the due date in August 2014.

Legislation / Strategic Community Plan / policy implications

Legislation The accompanying Budget for 2013-14 has been prepared in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

When setting the Annual Budget the City is exposed to financial risk over the long term if insufficient regard is given to both revenue and expenditure implications beyond the budget period. Financial planning through the *20 Year Strategic Financial Plan* helps mitigate the long term risks.

Financial/budget implications

These are detailed in the budget papers.

All amounts quoted in this report are to be exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The Council has as a key financial objective, the long term financial sustainability of the City of Joondalup in order to strengthen it's the capacity to achieve its key objectives as set out in the strategic plan.

Consultation

The City of Joondalup's 2013-14 Budget has been prepared against a backdrop of a significant review and assessment of the City's strategic direction. In the last 12 months the City has adopted Joondalup 2022 and a new *20 Year Strategic Financial Plan*.

The 2013-14 Budget is a significant step towards the City's new vision "A global City: bold, creative and prosperous" while still delivering a financially responsible and sustainable rate increase that will enable the City to provide for the services, facilities and works the community have identified in Joondalup 2022.

The proposed differential rates for the 2013-14 year have been advertised for public comment for 21 days. No submissions were received.

COMMENT

The City's newly adopted *20 Year Strategic Financial Management Plan*, which reflects the vision of Joondalup 2022, has guided the draft 2013-14 Budget development along with a rigorous approach to its preparation by applying the following principles:

- Improving and managing financial risks relating to debt, assets and liabilities.
- Provision of reasonable stability in the level of rate burden.
- Consideration of the future financial impacts of Council decisions.
- Provision of accurate and timely disclosure of financial information.

The 2013-14 Budget delivers a financially responsible and sustainable rate increase of 5.2% that will enable the City to provide for the services, facilities and works the community have identified in Joondalup 2022.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council BY AN ABSOLUTE MAJORITY:

1 ADOPTS the annual budget for the City of Joondalup for the year ending 30 June 2014 as per Appendix 1 to CJ117-06/13, comprising:

- 1.1 Executive Report (Attachment 1 refers - grey);**
- 1.2 Statement of Comprehensive Income by Nature or Type (Attachment 1a refers - grey);**
- 1.3 Statement of Comprehensive Income by Program (Attachment 1b refers - grey);**

- 1.4 **Statement of Cash Flows (Attachment 2 refers - grey);**
- 1.5 **Rate Setting Statement (Attachment 3 refers - grey);**
- 1.6 **Rating Information Statement (Attachment 4 refers - grey);**
- 1.7 **Notes to and Forming Part of the Budget (Attachment 5 refers - blue);**
- 1.8 **Capital Expenditure (Attachment 6 refers - yellow);**
- 1.9 **Vehicle and Plant Replacement Program (Attachment 7 refers - pink);**
- 1.10 **Schedule of Fees and Charges (Attachment 8 refers - white);**
- 1.11 **Business Unit Services Matrix (Attachment 9 refers - white);**

2 Rates:

- 2.1 In accordance with the provisions of Sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995* IMPOSES Differential Rates and Minimum Payments for the 2013-14 Financial Year in accordance with the following tables:

2.1.1 Gross Rental Valued Properties:

On each Residential, Commercial and Industrial Lot or other piece of rateable land as follows:

Rating Zones	Gross Rental Value Rates (Cents in the dollar)	Minimum Payment (\$)
Residential Improved	5.8036	767
Residential Vacant	8.1772	767
Commercial Improved	7.0784	783
Commercial Vacant	11.6070	783
Industrial Improved	6.4741	783
Industrial Vacant	11.6070	783

2.1.2 Unimproved Valued Properties:

On each Residential and Rural Lot or other piece of rateable land as follows:

Rating Zones	Unimproved Value Rates (Cents in the dollar)	Minimum Payment (\$)
Residential	0.8737	767
Rural	0.8695	767

- 2.2 In accordance with the provisions of Section 6.32 and Section 6.37 of the *Local Government Act 1995* IMPOSES Specified Area Rates for the 2013-14 Financial Year in accordance with the following tables:

Specified Area	Gross Rental Value Rates (Cents in the dollar)	Purpose
Harbour Rise (described in 2.2.1)	0.58982	Maintaining enhanced landscaping which will be applied during 2013-14
Iluka (described in 2.2.2)	0.51053	Maintaining enhanced landscaping which will be applied during 2013-14
Woodvale Waters (described in 2.2.3)	0.56710	Maintaining enhanced landscaping which will be applied during 2013-14

- 2.2.1 Harbour Rise Specified Rate area comprises the area bounded by:

Going along Whitfords Avenue from the corner of Seychelles Lane and following the shared boundaries of Whitfords Avenue with Lots 9009 Martinique Mews, Lots 470-478, 413-414, lot 397, Lots 331-333, crossing Barbados Turn and continuing north with shared boundaries of Curacao Lane and Lots 337-334, 378, 377, 403, 402, 376-367, and Lot 9009 Angove Drive;

North-east along the boundary of Lot 9009 Angove Drive, across Mallorca Avenue and following the boundaries of Lot 251 and 250 where they meet Angove Drive;

Following the shared boundaries of Ewing Drive with Lots 250, 249, 409, 410, 247, 245-240, 411 and to strata Lots 1 and 2 (Lot 408) and then across Ewing Drive along the boundary that strata Lot 1 (Lot 201) Ewing Drive shares with lot 650 Ewing Drive, and along the rear boundaries of strata Lot 1 (Lot 201) Ewing Drive and Lots 200-198 Marbella Drive;

Along the boundary that Lot 198 Marbella Drive shares with Lot 171 and 172 Waterford Drive, across Marbella Drive and continuing along the rear boundaries of strata Lots 1 and 2 (Lot 197) to strata Lots 1 and 2 (Lot 190) Algarve Way, along the boundary that Lot 184 Tobago Rise shares with Lot 181 Waterford Drive, across Tobago Rise and then along the boundary between Lot 1 Tobago Rise and Lots 182 and 183 Waterford Drive, continuing along the rear boundaries of Lots 75-66 The Corniche and Lots 142-149 The Corniche. Along the rear boundary of Lot 150 The Corniche until the boundary between Lot 204 and Lot 166 Lukin Road is reached. Along the boundary between Lots 204 and 166 Lukin Road, along the front boundaries of Lots 166-164 Lukin Road. Along the

boundary of Lot 164 Lukin Road that is shared with Hepburn Avenue and continuing along Hepburn Avenue along the south-eastern boundaries of Leeward Park;

Continuing along the shared boundaries of Hepburn Avenue with Lot 170 Amalfi Drive, Lots 492-503 Seychelles Lane and Lot 909 Martinique Mews;

2.2.2 Iluka Specified Rate area comprises the area bounded by Shenton Avenue, Marmion Avenue, Burns Beach Road and the Foreshore Reserve;

2.2.3 Woodvale Waters Specified Rate area comprises the area bounded by Timberlane Drive and Yellagonga Regional Park with street addresses of Grey-Smith Gardens, Phillips Fox Terrace, Buvelot Place, Wakelin Close, Conder Place, Streeton Parade, Withers Grove, Olsen Court, Heysen Crest, Fullwood Walk except for Lots 156 Streeton Parade and Lot 12240 Phillips-Fox Terrace;

3 Emergency Services Levy

In accordance with the provisions of Sections 36B and 36L of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES the 2013-14 Emergency Services Levy Rates and Minimum and Maximum Payments on Residential, Vacant Land, Commercial, Industrial and Miscellaneous lots as follows:

ESL CATEGORY	ESL Rate (Cents in \$)	Minimum and Maximum Payments ESL CHARGES BY PROPERTY USE			
		Residential and Vacant Land		Commercial, Industrial and Miscellaneous	
		Minimum	Maximum	Minimum	Maximum
1	1.27	\$60	\$310	\$60	\$175,000

4 Domestic Refuse Charges:

In accordance with the provisions of Section 67, Division 3, Part 6 of the *Waste Avoidance and Resource Recovery Act 2007*, IMPOSES the following domestic refuse charges for the 2013-14 financial year:

a	Per existing unit serviced	\$333.00
b	Each Additional Service	\$333.00
c	Collection from within the property boundary	\$53.30
d	New Refuse Service - Purchase and delivery of bin	\$67.65 (inclusive of GST)

5 Private Swimming Pool Inspection Fees:

In accordance with the *Building Act 2011* and Regulation 53 of the *Building Act Regulations 2012*, IMPOSES for the 2013-14 financial year, a Private Swimming Pool Inspection Fee of \$23.10 (inclusive of GST) for each property where there is located a private swimming pool;

6 Early Payment Incentives:

6.1 In accordance with the provisions of Section 6.46 of the *Local Government Act 1995*, OFFERS early payment incentives for the payment of rates and charges being full payment of all current and arrears of rates including specified area rates, emergency services levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) within 28 days of the issue date on the annual rate notice, for eligibility to enter the early incentive prize draw;

6.2 The Major Prizes will comprise those as follows:

6.2.1 Lexus CT200H Prestige Hybrid 5 door hatch to the value of \$42,623 including on-road costs);

6.2.2 Volkswagen Golf Series 7 103STI 5 Door hatch to the value of \$31,853 (including on-road costs);

6.3 The Chief Executive Officer is AUTHORISED to finalise the additional Naming Rights Prize Package Sponsors and Other Prize Sponsors to be determined in accordance with past practice;

7 Payment Options:

7.1 In accordance with the provisions of Section 6.45 of the *Local Government Act 1995*, OFFERS the following payment options for the payment of rates (including specified area rates), emergency services levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST):

7.1.1 One Instalment:

7.1.1.1 Payment in full (including all arrears) within 28 days of the issue date of the annual rate notice to be eligible to enter the rates incentive scheme for prizes;

7.1.1.2 Payment in full within 35 days of the issue date of the annual rate notice and no entitlement to enter the rates incentive scheme for prizes;

7.1.2 Two Instalments:

7.1.2.1 The first instalment of 50% of the total current rates (including specified area rates), emergency services levy, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) and instalment charge, plus the total outstanding

arrears payable within 35 days of date of issue of the annual rate notice;

7.1.2.2 The second instalment of 50% of the total current rates (including specified area rates), emergency services levy, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) and instalment charge, payable 63 days after the due date of first instalment;

7.1.3 Four Instalments:

7.1.3.1 The first instalment of 25% of the total current rates (including specified area rate), emergency services levy, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) and instalment charge, plus the total outstanding arrears payable within 35 days of date of issue of the annual rate notice;

7.1.3.2 The second, third and fourth instalments, each of 25% of the total current rates (including specified area rates), emergency services levy, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) and instalment charge, payable as follows:

- The second instalment 63 days after due date of first instalment;
- The third instalment 63 days after due date of second instalment;
- The fourth instalment 63 days after due date of third instalment;

7.2 The City offers AdvancePay as a further alternative option for the payment of rates whereby following the payment of the 2013-14 rates and charges ratepayers can, if they wish, commence paying the 2014-15 rates in advance in weekly, fortnightly or monthly payments, by direct debit, with no fees or interest charges for any payments received by the City prior to the due date in August 2014;

8 Late Payment Interest:

In accordance with the provisions of Section 6.13 and 6.51 of the *Local Government Act 1995*, IMPOSES interest on all current and arrears of rates (including Specified Area rates), current and arrears of domestic refuse charges, current and arrears of private swimming pool inspection fees (including GST) at a rate of 11% per annum, calculated on a simple interest basis on arrears amounts which remain unpaid and current amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of the instalment as the case may be and continues until the instalment is fully paid. Excluded are deferred rates, instalment current amounts not yet due under the two or four-payment instalment option, registered pensioner portions and current government pensioner rebate

amounts. Interest is calculated daily on the outstanding balance and is debited to the account monthly in arrears;

9 Emergency Services Levy Interest Charge:

In accordance with the provisions of Section 36S of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES interest on all current and arrears amounts of emergency services levy at the rate of 11% per annum, calculated on a simple interest basis on amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of an instalment and continues until the arrears is fully paid. Excluded are instalment current amounts not yet due under the two or four-payment instalment option, registered pensioner portions and current government pensioner rebate amounts. Interest is calculated daily on the outstanding balance and is debited to the account monthly in arrears;

10 Instalment and Payment Arrangement Administration Fees and Interest Charges:

10.1 In accordance with the provisions of Section 6.45 of the *Local Government Act 1995*, for the 2013-14 financial year, IMPOSES the following administration fees and interest charges for payment of rates (including specified area rates), domestic refuse charge and private swimming pool inspection fees (inclusive of GST):

10.1.1 Two Instalment Option:

An administration fee of \$12 (inclusive of GST) for instalment two, together with an interest charge of 5.5% per annum, calculated on a simple interest basis on 50% of the total current general rate, specified area rate (where applicable), emergency services levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) calculated 35 days from the date of issue of the annual rate notice to 63 days after the due date of the first instalment;

10.1.2 Four Instalment Option

An administration fee of \$12 (inclusive of GST) for each of the second, third and fourth instalments, together with an interest charge of 5.5% per annum, calculated on a simple interest basis on:

75% of the total current general rate, specified area rate (where applicable), emergency service levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) calculated 35 days from the date of issue of the annual rate notice to 63 days after the due date of the first instalment;

50% of the total current general rate, specified area rate (where applicable), emergency service levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) calculated from the due date of the second instalment to the due date of the third instalment;

25% of the total current general rate, specified area rate (where applicable), emergency service levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) calculated from the due date of the third instalment to the due date of the fourth instalment;

10.1.3 Special Payment Arrangements:

Special fortnightly, monthly or bi-monthly payment arrangements can be made with the City for those ratepayers who may be unable to pay in full or according to the instalment plans offered. An administration fee of \$34 if paid by Direct Debit (bank account only) or \$52 if paid by another method is charged on each special payment arrangement and penalty interest of 11% per annum, from and including the thirty sixth day from the issue of the rates notice, is applied to the outstanding balance until the account is paid in full;

10.2 In accordance with the provisions of Section 6.49 of the *Local Government Act 1995*, AUTHORISES the Chief Executive Officer to enter into special payment arrangements with ratepayers for the payment of general rates, specified area rates (where applicable), emergency services levy, domestic refuse charges (inclusive of GST where applicable) and private swimming pool inspection fees (inclusive of GST) during the 2013-14 financial year;

11 ADOPTS the Five Year Capital Works Program with the 2013-14 program incorporated into the 2013-14 Budget as set out in the budget papers in Attachment 6 (yellow attachment);

12 AUTHORISES as part of the 2013-14 Budget the following transfers from Reserves:

Reserve	Amount	Purpose
Waste Management	\$1,200,786	To lower the impact of increasing refuse disposal costs
Ocean Reef Marina	\$ 522,338	To fund the continuation of the Marina Project
Joondalup Performing Arts and Cultural Facility	\$ 859,528	To fund the continuation of this project
Parking Facility	\$6,052,000	To commence the Multi Storey Car park Project, fund the operations of the Cat Bus service for 2013-14 and for the acquisition of parking and CCTV equipment for the City Centre
Public Art	\$ 98,409	For a public art project
Town Planning Scheme No 10 (Revoked)	\$ 42,984	To partly fund the Moolanda Park Playground Equipment upgrade

Reserve	Amount	Purpose
Vehicle, Plant and Equipment	\$ 257,400	To partly fund the replacement of vehicles, plant and equipment
Strategic Management Asset	\$6,165,232	To partly fund the construction of the Currambine Community Centre, contribution to the Warwick Leisure Centre extension, partly fund the construction of Delamere Park, partly fund the redevelopment of facilities at Admiral Park, the redevelopment of facilities at Timberlane Hall, the replacement of airconditioning chillers at Joondalup Library and the Civic Centre, the construction of an Animal Care Facility and the continuation of the Cafes/Kiosks/Restaurants, Joondalup City Centre Office Development and Jinan Garden Projects
Capital Works Carried Forward	\$3,281,349	2012-13 uncompleted works to be undertaken in 2013-14

- 13 **AUTHORISES** as part of the 2013-14 Budget the following transfers to Reserves:

Reserve	Amount	Purpose
Parking Facility	\$1,851,171	Surplus paid parking funds to provide for future parking and other Joondalup City Centre works and services
Waste Management	\$ 229,557	The recovery of capital contributions to the Materials Recovery Facility
Non-Current Long Service Leave Liability	\$ 242,999	Increase in cover for future long service leave liabilities
All reserves	\$1,464,491	Interest earned on the investment of reserve funds

- 14 **AUTHORISES** as part of the 2013-14 Budget the following transfers from the Trust Fund:

Trust	Amount	Purpose
Cash in Lieu Public Open Space	\$641,463	To undertake works on various parks and reserves

- 15 **ADOPTS** as part of the 2013-14 Budget, the Fees and Charges, as set out in Attachment 8 (white attachment) to the Budget, with those fees and charges being applicable from Monday 8 July 2013 unless indicated otherwise in Attachment 8 (white attachment) to the Budget;

- 16 **ADOPTS** for the financial year ended 30 June 2014 a variance amount of \$50,000 or 5% of the appropriate base, whichever is the higher, to be a material variance for the purposes of reporting under Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*;
- 17 **APPROVES** the creation of a Non-Current Long Service Leave Liability Reserve to facilitate the funding of the non-current portion of long service leave liabilities to City employees previously held as a cash backed provision in the Municipal Fund;
- 18 **APPROVES** the transfer of \$2,071,265 from the Municipal Fund Provision for Non-Current Long Service Leave Liability to the Non-Current Long Service Leave Liability Reserve in 2012-13;
- 19 **APPROVES** the transfer of \$1,651,155 being the balance of the Cash in Lieu of Public Open Space Reserve to the Trust Fund in 2012-13.

AMENDMENT MOVED Cr Fishwick, **SECONDED** Cr Hamilton-Prime that new Parts 20 and 21 be added to the Motion as follows:

- “20 **REQUESTS** the State Government to amend the *Rates and Charges (Rebates and Deferments) Act 1992* to include rubbish charges where this is imposed by local governments as a separate service fee so that eligible pensioners within the meaning of the Act are able to receive a discount;
- 21 **REQUESTS** the proposed amendment to the *Rates and Charges (Rebates and Deferments) Act 1992* mentioned in part 20 above be referred to the North Metropolitan Zone of WALGA seeking its support for the proposed amendment to the Act.”.

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

The Original Motion as amended, being:

That Council BY AN ABSOLUTE MAJORITY:

- 1 **ADOPTS** the annual budget for the City of Joondalup for the year ending 30 June 2014 as per Appendix 1 to CJ117-06/13, comprising:
 - 1.1 **Executive Report** (Attachment 1 refers - grey);
 - 1.2 **Statement of Comprehensive Income by Nature or Type** (Attachment 1a refers - grey);
 - 1.3 **Statement of Comprehensive Income by Program** (Attachment 1b refers - grey);
 - 1.4 **Statement of Cash Flows** (Attachment 2 refers - grey);

- 1.5 Rate Setting Statement (Attachment 3 refers - grey);
- 1.6 Rating Information Statement (Attachment 4 refers - grey);
- 1.7 Notes to and Forming Part of the Budget (Attachment 5 refers - blue);
- 1.8 Capital Expenditure (Attachment 6 refers - yellow);
- 1.9 Vehicle and Plant Replacement Program (Attachment 7 refers - pink);
- 1.10 Schedule of Fees and Charges (Attachment 8 refers - white);
- 1.11 Business Unit Services Matrix (Attachment 9 refers - white);

2 Rates:

- 2.1 In accordance with the provisions of Sections 6.32, 6.33 and 6.35 of the *Local Government Act 1995* IMPOSES Differential Rates and Minimum Payments for the 2013-14 Financial Year in accordance with the following tables:

2.1.1 Gross Rental Valued Properties:

On each Residential, Commercial and Industrial Lot or other piece of rateable land as follows:

Rating Zones	Gross Rental Value Rates (Cents in the dollar)	Minimum Payment (\$)
Residential Improved	5.8036	767
Residential Vacant	8.1772	767
Commercial Improved	7.0784	783
Commercial Vacant	11.6070	783
Industrial Improved	6.4741	783
Industrial Vacant	11.6070	783

2.1.2 Unimproved Valued Properties:

On each Residential and Rural Lot or other piece of rateable land as follows:

Rating Zones	Unimproved Value Rates (Cents in the dollar)	Minimum Payment (\$)
Residential	0.8737	767
Rural	0.8695	767

- 2.2 In accordance with the provisions of Section 6.32 and Section 6.37 of the *Local Government Act 1995* IMPOSES Specified Area Rates for the 2013-14 Financial Year in accordance with the following tables:

Specified Area	Gross Rental Value Rates (Cents in the dollar)	Purpose
Harbour Rise (described in 2.2.1)	0.58982	Maintaining enhanced landscaping which will be applied during 2013-14
Iluka (described in 2.2.2)	0.51053	Maintaining enhanced landscaping which will be applied during 2013-14
Woodvale Waters (described in 2.2.3)	0.56710	Maintaining enhanced landscaping which will be applied during 2013-14

- 2.2.1 Harbour Rise Specified Rate area comprises the area bounded by:

Going along Whitfords Avenue from the corner of Seychelles Lane and following the shared boundaries of Whitfords Avenue with Lots 9009 Martinique Mews, Lots 470-478, 413-414, lot 397, Lots 331-333, crossing Barbados Turn and continuing north with shared boundaries of Curacao Lane and Lots 337-334, 378, 377, 403, 402, 376-367, and Lot 9009 Angove Drive;

North-east along the boundary of Lot 9009 Angove Drive, across Mallorca Avenue and following the boundaries of Lot 251 and 250 where they meet Angove Drive;

Following the shared boundaries of Ewing Drive with Lots 250, 249, 409, 410, 247, 245-240, 411 and to strata Lots 1 and 2 (Lot 408) and then across Ewing Drive along the boundary that strata Lot 1 (Lot 201) Ewing Drive shares with lot 650 Ewing Drive, and along the rear boundaries of strata Lot 1 (Lot 201) Ewing Drive and Lots 200-198 Marbella Drive;

Along the boundary that Lot 198 Marbella Drive shares with Lot 171 and 172 Waterford Drive, across Marbella Drive and continuing along the rear boundaries of strata Lots 1 and 2 (Lot 197) to strata Lots 1 and 2 (Lot 190) Algarve Way, along the boundary that Lot 184 Tobago Rise shares with Lot 181 Waterford Drive, across Tobago Rise and then along the boundary between Lot 1 Tobago Rise and Lots 182 and 183 Waterford Drive, continuing along the rear boundaries of Lots 75-66 The Corniche and Lots 142-149 The Corniche. Along the rear boundary of Lot 150 The Corniche until the boundary between Lot 204 and Lot 166 Lukin Road is reached. Along the boundary between Lots 204 and 166 Lukin Road, along the front boundaries of Lots 166-164 Lukin Road. Along the

boundary of Lot 164 Lukin Road that is shared with Hepburn Avenue and continuing along Hepburn Avenue along the south-eastern boundaries of Leeward Park;

Continuing along the shared boundaries of Hepburn Avenue with Lot 170 Amalfi Drive, Lots 492-503 Seychelles Lane and Lot 909 Martinique Mews;

2.2.2 Iluka Specified Rate area comprises the area bounded by Shenton Avenue, Marmion Avenue, Burns Beach Road and the Foreshore Reserve;

2.2.3 Woodvale Waters Specified Rate area comprises the area bounded by Timberlane Drive and Yellagonga Regional Park with street addresses of Grey-Smith Gardens, Phillips Fox Terrace, Buvelot Place, Wakelin Close, Conder Place, Streeton Parade, Withers Grove, Olsen Court, Heysen Crest, Fullwood Walk except for Lots 156 Streeton Parade and Lot 12240 Phillips-Fox Terrace;

3 Emergency Services Levy

In accordance with the provisions of Sections 36B and 36L of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES the 2013-14 Emergency Services Levy Rates and Minimum and Maximum Payments on Residential, Vacant Land, Commercial, Industrial and Miscellaneous lots as follows:

ESL CATEGORY	ESL Rate (Cents in \$)	Minimum and Maximum Payments ESL CHARGES BY PROPERTY USE			
		Residential and Vacant Land		Commercial, Industrial and Miscellaneous	
		Minimum	Maximum	Minimum	Maximum
1	1.27	\$60	\$310	\$60	\$175,000

4 Domestic Refuse Charges:

In accordance with the provisions of Section 67, Division 3, Part 6 of the *Waste Avoidance and Resource Recovery Act 2007*, IMPOSES the following domestic refuse charges for the 2013-14 financial year:

a	Per existing unit serviced	\$333.00
b	Each Additional Service	\$333.00
c	Collection from within the property boundary	\$53.30
d	New Refuse Service - Purchase and delivery of bin	\$67.65 (inclusive of GST)

5 Private Swimming Pool Inspection Fees:

In accordance with the *Building Act 2011* and Regulation 53 of the *Building Act Regulations 2012*, IMPOSES for the 2013-14 financial year, a Private Swimming Pool Inspection Fee of \$23.10 (inclusive of GST) for each property where there is located a private swimming pool;

6 Early Payment Incentives:

6.1 In accordance with the provisions of Section 6.46 of the *Local Government Act 1995*, OFFERS early payment incentives for the payment of rates and charges being full payment of all current and arrears of rates including specified area rates, emergency services levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) within 28 days of the issue date on the annual rate notice, for eligibility to enter the early incentive prize draw;

6.2 The Major Prizes will comprise those as follows:

6.2.1 Lexus CT200H Prestige Hybrid 5 door hatch to the value of \$42,623 including on-road costs);

6.2.2 Volkswagen Golf Series 7 103STI 5 Door hatch to the value of \$31,853 (including on-road costs);

6.3 The Chief Executive Officer is AUTHORISED to finalise the additional Naming Rights Prize Package Sponsors and Other Prize Sponsors to be determined in accordance with past practice;

7 Payment Options:

7.1 In accordance with the provisions of Section 6.45 of the *Local Government Act 1995*, OFFERS the following payment options for the payment of rates (including specified area rates), emergency services levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST):

7.1.1 One Instalment:

7.1.1.1 Payment in full (including all arrears) within 28 days of the issue date of the annual rate notice to be eligible to enter the rates incentive scheme for prizes;

7.1.1.2 Payment in full within 35 days of the issue date of the annual rate notice and no entitlement to enter the rates incentive scheme for prizes;

7.1.2 Two Instalments:

7.1.2.1 The first instalment of 50% of the total current rates (including specified area rates), emergency services levy, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) and instalment charge, plus the total outstanding

arrears payable within 35 days of date of issue of the annual rate notice;

7.1.2.2 The second instalment of 50% of the total current rates (including specified area rates), emergency services levy, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) and instalment charge, payable 63 days after the due date of first instalment;

7.1.3 Four Instalments:

7.1.3.1 The first instalment of 25% of the total current rates (including specified area rate), emergency services levy, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) and instalment charge, plus the total outstanding arrears payable within 35 days of date of issue of the annual rate notice;

7.1.3.2 The second, third and fourth instalments, each of 25% of the total current rates (including specified area rates), emergency services levy, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) and instalment charge, payable as follows:

- The second instalment 63 days after due date of first instalment;
- The third instalment 63 days after due date of second instalment;
- The fourth instalment 63 days after due date of third instalment;

7.2 The City offers AdvancePay as a further alternative option for the payment of rates whereby following the payment of the 2013-14 rates and charges ratepayers can, if they wish, commence paying the 2014-15 rates in advance in weekly, fortnightly or monthly payments, by direct debit, with no fees or interest charges for any payments received by the City prior to the due date in August 2014;

8 Late Payment Interest:

In accordance with the provisions of Section 6.13 and 6.51 of the *Local Government Act 1995*, IMPOSES interest on all current and arrears of rates (including Specified Area rates), current and arrears of domestic refuse charges, current and arrears of private swimming pool inspection fees (including GST) at a rate of 11% per annum, calculated on a simple interest basis on arrears amounts which remain unpaid and current amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of the instalment as the case may be and continues until the instalment is fully paid. Excluded are deferred rates, instalment current amounts not yet due under the two or four-payment instalment option, registered pensioner portions and current government pensioner rebate

amounts. Interest is calculated daily on the outstanding balance and is debited to the account monthly in arrears;

9 Emergency Services Levy Interest Charge:

In accordance with the provisions of Section 36S of the *Fire and Emergency Services Authority of Western Australia Act 1998*, IMPOSES interest on all current and arrears amounts of emergency services levy at the rate of 11% per annum, calculated on a simple interest basis on amounts which remain unpaid after 35 days from the issue date of the original rate notice, or the due date of an instalment and continues until the arrears is fully paid. Excluded are instalment current amounts not yet due under the two or four-payment instalment option, registered pensioner portions and current government pensioner rebate amounts. Interest is calculated daily on the outstanding balance and is debited to the account monthly in arrears;

10 Instalment and Payment Arrangement Administration Fees and Interest Charges:

10.1 In accordance with the provisions of Section 6.45 of the *Local Government Act 1995*, for the 2013-14 financial year, IMPOSES the following administration fees and interest charges for payment of rates (including specified area rates), domestic refuse charge and private swimming pool inspection fees (inclusive of GST):

10.1.1 Two Instalment Option:

An administration fee of \$12 (inclusive of GST) for instalment two, together with an interest charge of 5.5% per annum, calculated on a simple interest basis on 50% of the total current general rate, specified area rate (where applicable), emergency services levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) calculated 35 days from the date of issue of the annual rate notice to 63 days after the due date of the first instalment;

10.1.2 Four Instalment Option

An administration fee of \$12 (inclusive of GST) for each of the second, third and fourth instalments, together with an interest charge of 5.5% per annum, calculated on a simple interest basis on:

75% of the total current general rate, specified area rate (where applicable), emergency service levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) calculated 35 days from the date of issue of the annual rate notice to 63 days after the due date of the first instalment;

50% of the total current general rate, specified area rate (where applicable), emergency service levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) calculated from the due date of the second instalment to the due date of the third instalment;

25% of the total current general rate, specified area rate (where applicable), emergency service levy, domestic refuse charge and private swimming pool inspection fees (inclusive of GST) calculated from the due date of the third instalment to the due date of the fourth instalment;

10.1.3 Special Payment Arrangements:

Special fortnightly, monthly or bi-monthly payment arrangements can be made with the City for those ratepayers who may be unable to pay in full or according to the instalment plans offered. An administration fee of \$34 if paid by Direct Debit (bank account only) or \$52 if paid by another method is charged on each special payment arrangement and penalty interest of 11% per annum, from and including the thirty sixth day from the issue of the rates notice, is applied to the outstanding balance until the account is paid in full;

10.2 In accordance with the provisions of Section 6.49 of the *Local Government Act 1995*, AUTHORISES the Chief Executive Officer to enter into special payment arrangements with ratepayers for the payment of general rates, specified area rates (where applicable), emergency services levy, domestic refuse charges (inclusive of GST where applicable) and private swimming pool inspection fees (inclusive of GST) during the 2013-14 financial year;

11 ADOPTS the Five Year Capital Works Program with the 2013-14 program incorporated into the 2013-14 Budget as set out in the budget papers in Attachment 6 (yellow attachment);

12 AUTHORISES as part of the 2013-14 Budget the following transfers from Reserves:

Reserve	Amount	Purpose
Waste Management	\$1,200,786	To lower the impact of increasing refuse disposal costs
Ocean Reef Marina	\$ 522,338	To fund the continuation of the Marina Project
Joondalup Performing Arts and Cultural Facility	\$ 859,528	To fund the continuation of this project
Parking Facility	\$6,052,000	To commence the Multi Storey Car park Project, fund the operations of the Cat Bus service for 2013-14 and for the acquisition of parking and CCTV equipment for the City Centre
Public Art	\$ 98,409	For a public art project

Reserve	Amount	Purpose
Town Planning Scheme No 10 (Revoked)	\$ 42,984	To partly fund the Moolanda Park Playground Equipment upgrade
Vehicle, Plant and Equipment	\$ 257,400	To partly fund the replacement of vehicles, plant and equipment
Strategic Management Asset	\$6,165,232	To partly fund the construction of the Currambine Community Centre, contribution to the Warwick Leisure Centre extension, partly fund the construction of Delamere Park, partly fund the redevelopment of facilities at Admiral Park, the redevelopment of facilities at Timberlane Hall, the replacement of airconditioning chillers at Joondalup Library and the Civic Centre, the construction of an Animal Care Facility and the continuation of the Cafes/Kiosks/Restaurants, Joondalup City Centre Office Development and Jinan Garden Projects
Capital Works Carried Forward	\$3,281,349	2012-13 uncompleted works to be undertaken in 2013-14

- 13 **AUTHORISES** as part of the 2013-14 Budget the following transfers to Reserves:

Reserve	Amount	Purpose
Parking Facility	\$1,851,171	Surplus paid parking funds to provide for future parking and other Joondalup City Centre works and services
Waste Management	\$ 229,557	The recovery of capital contributions to the Materials Recovery Facility
Non-Current Long Service Leave Liability	\$ 242,999	Increase in cover for future long service leave liabilities
All reserves	\$1,464,491	Interest earned on the investment of reserve funds

- 14 **AUTHORISES** as part of the 2013-14 Budget the following transfers from the Trust Fund:

Trust	Amount	Purpose
Cash in Lieu Public Open Space	\$641,463	To undertake works on various parks and reserves

- 15 **ADOPTS** as part of the 2013-14 Budget, the Fees and Charges, as set out in Attachment 8 (white attachment) to the Budget, with those fees and charges being applicable from Monday 8 July 2013 unless indicated otherwise in Attachment 8 (white attachment) to the Budget;

- 16 **ADOPTS** for the financial year ended 30 June 2014 a variance amount of \$50,000 or 5% of the appropriate base, whichever is the higher, to be a material variance for the purposes of reporting under Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*;
- 17 **APPROVES** the creation of a Non-Current Long Service Leave Liability Reserve to facilitate the funding of the non-current portion of long service leave liabilities to City employees previously held as a cash backed provision in the Municipal Fund;
- 18 **APPROVES** the transfer of \$2,071,265 from the Municipal Fund Provision for Non-Current Long Service Leave Liability to the Non-Current Long Service Leave Liability Reserve in 2012-13;
- 19 **APPROVES** the transfer of \$1,651,155 being the balance of the Cash in Lieu of Public Open Space Reserve to the Trust Fund in 2012-13;
- 20 **REQUESTS** the State Government to amend the *Rates and Charges (Rebates and Deferments) Act 1992* to include rubbish charges where this is imposed by local governments as a separate service fee so that eligible pensioners within the meaning of the Act are able to receive a discount;
- 21 **REQUESTS** the proposed amendment to the *Rates and Charges (Rebates and Deferments) Act 1992* mentioned in part 20 above be referred to the North Metropolitan Zone of WALGA seeking its support for the proposed amendment to the Act.

was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22agn250613.pdf](#)

C36-06/13 MOTION TO GO BEHIND CLOSED DOORS – [02154, 08122]

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council:

- 1** in accordance with Sections 5.23(2)(a) of the *Local Government Act 1995* and Clause 67 of the City's *Standing Orders Local Law 2005*, RESOLVES to close the meeting to members of the public to consider the following items:
 - 1.1** CJ106-06/13 Confidential – Chief Executive Officer – New Contract of Employment.
 - 1.2** CJ118-06/13 Confidential – Employment Contract – Director Governance and Strategy.

- 2** PERMITS the following employees to remain in the Chamber during discussion on Items CJ106-06/13 and CJ118-06/13 while the meeting is sitting behind closed doors as detailed in Parts 1.1 and 1.2 above:
 - 1.1** Director Corporate Services, Mr Mike Tidy;
 - 1.2** Manager Governance, Mr Brad Sillence;

- 3** PERMITS Mr Garry Hunt, Chief Executive Officer to remain in the Chamber during discussion on Item CJ118-06/13 whilst the meeting is sitting behind closed doors as detailed in Part 1 above.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

Members of the staff (with the exception of the Director Corporate Services and Manager Governance) and members of the public and press left the Chambers at this point; the time being 9.52pm.

Disclosure of Financial Interest

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No./Subject	CJ106-06/13 - Confidential – Chief Executive Officer - New Contract of Employment.
Nature of interest	Financial.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Disclosure of interest affecting impartiality

Name/Position	Mr Mike Tidy - Director Corporate Services.
Item No./Subject	CJ106-06/13 - Confidential – Chief Executive Officer - New Contract of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of his employment relationship with the Chief Executive Officer.

CJ106-06/13 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER - NEW CONTRACT OF EMPLOYMENT

WARD	All	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	74574, 101515	
ATTACHMENT	Attachment 1	Draft new Employment Contract of the Chief Executive Officer for the City of Joondalup (with track changes and no schedules)
	Attachment 2	Adopted 2012-13 Key Performance Indicators with track changes showing proposed additions and deletions for 2013-14
	Attachment 3	Key Performance Indicators with 2013-14 additions and deletions accepted but format unchanged
	Attachment 4	Draft 2013-14 Key Performance Indicators in new format comprising Indicators, Measures and Deliverables
	Attachment 5	Draft New Employment Contract of the Chief Executive Officer for the City of Joondalup (with schedules)

(Please Note: These attachments are 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.
-------------------------------	---

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

a matter affecting an employee.

A full report was provided to Elected Members under separate cover. The report is not for publication.

MOVED Mayor Pickard, SECONDED Cr Hamilton-Prime that Council:

- 1 APPROVES the Key Performance Indicators for 2013-14 as set out in Attachment 4 to Report CJ106-06/13 (marked Confidential) as amended;**
- 2 BY AN ABSOLUTE MAJORITY is SATISFIED, in accordance with the requirements of section 5.36(2)(b) of the *Local Government Act 1995*, with the provisions of the new proposed Employment Contract of the Chief Executive Officer for the City of Joondalup as set out in Attachment 5 to Report CJ106-06/13 (marked Confidential) appended hereto in the official Minute Book;**
- 3 RE-APPOINTS Garry George Hunt as Chief Executive Officer of the City of Joondalup on the Employment Contract of the Chief Executive Officer for the City of Joondalup referred to in Part 2 above for a term of four years commencing 26 June 2013;**
- 4 AUTHORISES the Mayor and Director Corporate Services to prepare and execute the necessary documents to give effect to the re-appointment in Part 3 above.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

The Chief Executive Officer entered the Chamber at 9.55pm.

Disclosure of Financial Interest

Name/Position	Mr Jamie Parry – Director Governance and Strategy
Item No./Subject	CJ118-06/13 - Confidential – Employment Contract – Director Governance and Strategy.
Nature of interest	Financial.
Extent of Interest	Mr Parry holds the position of Director Governance and Strategy.

CJ118-06/13 CONFIDENTIAL - EMPLOYMENT CONTRACT – DIRECTOR GOVERNANCE AND STRATEGY

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	99481, 101515
ATTACHMENT	Attachment 1 Curriculum Vitae Attachment 2 Key Projects Completed or Progressed <i>(Please Note: These attachments are confidential and will appear in the official Minute Book only)</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

a matter affecting an employee.

A full report was provided to Elected Members under separate cover. The report is not for publication.

MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:

- 2 ENDORSES the recommendation of the Chief Executive Officer to renew the employment contract of the Director Governance and Strategy for a further five year period from 21 April 2014;**
- 3 NOTES that the terms of the employment contract will be the same as the current contract which expires on 18 April 2014.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

C37-06/13

MOTION TO GO TO OPEN DOORS – [02154, 08122]

MOVED Cr Amphlett, SECONDED Cr Taylor that Council in accordance with Clause 67 of the City's *Standing Orders Local Law 2005*, RESOLVES the meeting be now held with OPEN DOORS.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

The doors opened at 9.58pm, with members of the staff and press returning to the Chamber at this point.

In accordance with the City's *Standing Orders Local Law 2005*, Mayor Pickard read aloud the motions in relation to:

CJ106-06/13 Confidential – Chief Executive Officer – New Contract of Employment.

CJ118-06/13 Confidential – Employment Contract – Director Governance and Strategy.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 10.01pm the following Elected Members being present at that time:

MAYOR TROY PICKARD
CR KERRY HOLLYWOOD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR SAM THOMAS
CR LIAM GOBBERT
CR GEOFF AMPHLETT, JP
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR BRIAN CORR
CR RUSS FISHWICK, JP
CR TERESA RITCHIE