

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD IN
CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

ON **TUESDAY, 4 DECEMBER 2012**
COMMENCING AT **6.30 pm**

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on Monday, 3 December 2012

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 17 March 2009:

INTRODUCTION

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

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

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

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the City of Joondalup.

PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public.

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

PROCEDURES FOR BRIEFING SESSIONS

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

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

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session;
- 5 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
 - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995* and the City's Code of Conduct;
 - (b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
 - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda;
- 11 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members;
- 12 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4.00pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session;
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

Questions asked verbally

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

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing;
- 2 Questions must relate to a matter contained on the agenda;
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right;
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting;
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision;
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to;
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session;
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing;
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session;

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda;
- 2 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address;
- 3 Public statement time will be limited to two minutes per member of the public;
- 4 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so;
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements;
- 6 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee;
- 7 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the Presiding Member who will make a ruling;
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes;
- 9 Statements will be summarised and included in the notes of the Briefing Session.

DEPUTATION SESSIONS

Council will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00pm on the Monday prior to a Briefing Session.)

A time period of 15 minutes is set-aside for each deputation, with five minutes for Elected Members' questions. Deputation sessions are open to the public.

* *Any queries on the agenda, please contact Governance Support on 9400 4369*

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information041212.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 4 December 2012** commencing at **6.30pm**.

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on Tuesday, 13 November 2012

Mr R Repke, Kallaroo:

Re: Item 32 – Upgrade of Tom Simpson Park

Q1 If the contractors have not lived up to their obligations, should the City not request refunds and compensation for damages?

A1 A range of contractors are being used for the upgrade works at Tom Simpson Park. The report does not indicate that contractors have not met their obligations, however it is acknowledged that there have been some delays with the delivery of materials required to complete the project. This is being followed up with the supplier.

Q2 Are the contracts drafted including fixed prices, fixed completion dates, penalties for exceeding the time limits, clear specifications of the work to be done and damage to the Park which has to be avoided?

A2 A range of contractors are being used for the upgrade works at Tom Simpson Park. The works are being supervised by the City.

Q3 Who was in charge of supervising the project? Why did things go astray and which consequences should be drawn?

A3 The upgrade works at Tom Simpson Park are being supervised by the City. This project has been under development for three to four years. During the period between development and delivery, costs have increased and this has been confirmed by an independent Quantity Surveyor.

- Q4 *Who should have asked the supervisor for periodical reports?*
- A4 Supervision of the contract is handled administratively.
- Q5 *As these things happen in the best families, is not the most important point to make sure that the organisation of the administration is upgraded to avoid a reoccurrence?*
- A5 The City is currently reviewing the way the Capital Works Program is delivered in terms of planning, design, costing and delivery.

4 PUBLIC STATEMENT TIME

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Teresa Ritchie 27 November to 4 December 2012 inclusive.

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

7 REPORTS

ITEM 1 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – OCTOBER 2012

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	07032, 101515
ATTACHMENTS:	Attachment 1 Monthly Development Applications Determined - October 2012 Attachment 2 Monthly Subdivision Applications Processed - October 2012

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 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 October 2012 (Attachments 1 and 2 refer):

- 1 Planning applications (development applications and Residential Design Codes applications); and
- 2 Subdivision 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 Delegated Authority Manual when Council considered the review of this at its meeting of 26 June 2012 (CJ108-06/12 refers).

DETAILS

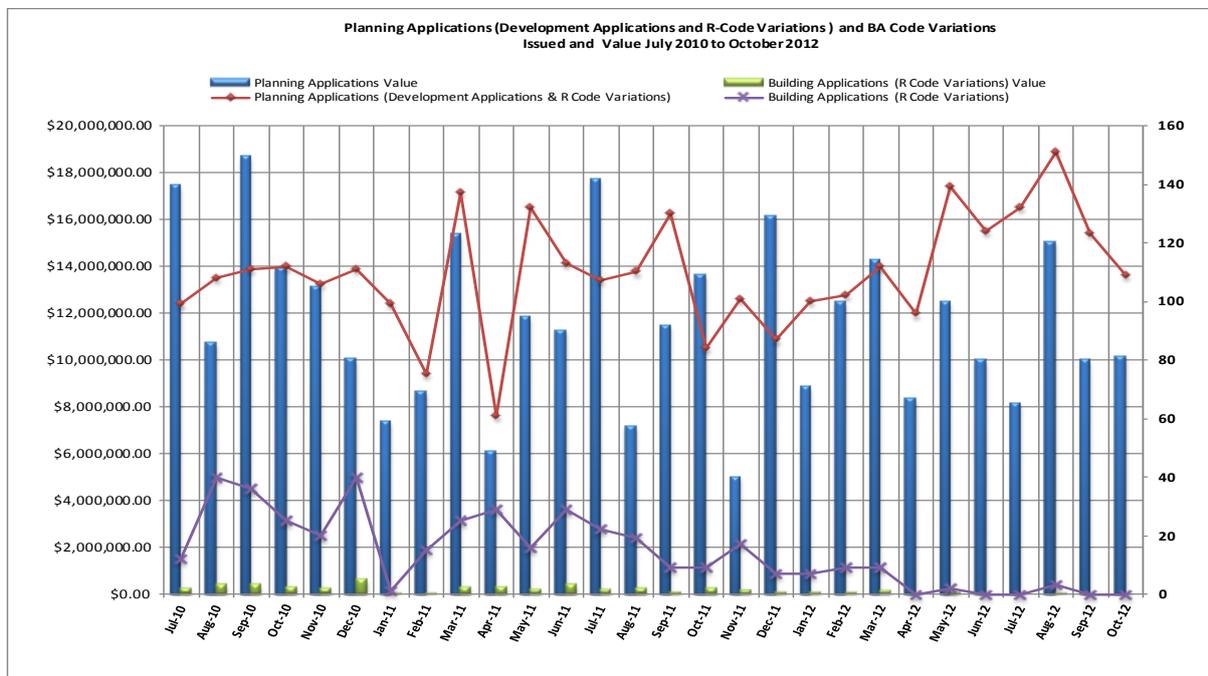
The number of applications determined under delegated authority during October 2012, is shown below:

Approvals determined under delegated authority – October 2012		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	109	\$ 10,118,653
Building applications (R – Codes applications)	0	\$ 0
TOTAL	109	\$ 10,118,653

The number of development applications received during October was 120. (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 October was 172. Of these, 44 were pending additional information from applicants, and 51 were being advertised for public comment.

In addition to the above two building applications and 367 building permits were issued during the month of October with an estimated construction value of \$43,690,658.



Subdivision approvals processed under delegated authority for October 2012		
Type of approval	Number	Potential additional new lots
Subdivision applications	2	6
Strata subdivision applications	2	2

Legislation/Strategic Community Plan/Policy Implications

Legislation

Clause 8.6 of the *District Planning Scheme No. 2* 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.

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

Policy

As above.

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 109 applications were determined for the month of October with a total amount of \$40,145 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 Residential Design Codes, any relevant policy and/or the DPS2.

Of the 109 development applications determined during October 2012, consultation was undertaken for 56 of those applications. Applications for Residential Design Codes 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 application (R Codes application). The four subdivision applications processed during October 2012 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 City, rather than day-to-day operational and statutory responsibilities.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 Development applications and R-Codes applications described in Attachment 1 to this Report during October 2012;**
- 2 Subdivision applications described in Attachment 2 to this Report during October 2012.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf041212.pdf](#)

ITEM 2 RETROSPECTIVE PLANNING APPROVAL – UNAUTHORISED SECURITY FENCE ADDITION TO MOTOR INDUSTRY TRAINING ASSOCIATION AT LOT 805 (10) INJUNE WAY, JOONDALUP

WARD:	North	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development	
FILE NUMBER:	27581, 101515	
ATTACHMENTS:	Attachment 1	Location Plan
	Attachment 2	Site Photos
	Attachment 3	Development Plans

PURPOSE

For Council to determine an application for retrospective planning approval of unauthorised fence additions to the Motor Industry Training Association development located at Lot 805 (10) Injune Way, Joondalup.

EXECUTIVE SUMMARY

An application for retrospective planning approval has been received for an existing galvanised steel fence constructed along the Injune Way boundary and to a portion of the truncation fronting Joondalup Drive, and for an existing chain mesh fence constructed along the Joondalup Drive boundary at Lot 805 (10) Injune Way, Joondalup. The fences enclose the Motor Industry Training Association complex.

The site in question is subject to both the provisions of the current Joondalup City Centre Development Plan and Manual (JCCDPM) and the draft Joondalup City Centre Structure Plan (JCCSP), with both documents overriding the provisions relating to boundary fencing contained within the *City of Joondalup District Planning Scheme No. 2*.

The existing security fences and access gate the subject of this application do not meet the fencing requirements stipulated under both the JCCDPM and the draft JCCSP, as the fences exceed the maximum height of 1.8 metres.

This application was previously the subject of a report to the 23 October 2012 Council meeting, where it was resolved to defer the matter to enable further discussions with the applicant. The report has subsequently been amended to include additional information from the applicant regarding the proposal; no changes have been made to the existing development.

The application has been assessed against the objectives of both structure plans and is considered to satisfy these. It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location:	Lot 805 (10) Injune Way, Joondalup.
Applicant:	Motor Industry Training Association of WA Inc.
Owner:	Motor Industry Training Association of WA Inc.
Zoning:	DPS: Centre.
	MRS: Central City Area.
Site Area:	49,323m ² .
Structure Plan:	Joondalup City Centre Development Plan and Manual (JCCDPM). Draft Joondalup City Centre Structure Plan (JCCSP).

The subject site is located at the northern end of the City's Southern Business District, or the area commonly known as the "Quadrangle." It is bounded by Hodges Drive to the north, Joondalup Drive to the east and Injune Way to the south (Attachment 1 refers). At its meeting held on 18 December 2007 (CJ286-12/07 refers), Council approved an educational establishment, proposed by the Motor Industry Training Association. Construction of the development has now been completed, with the site fully operational as a training facility specialising in providing training to apprentices, pre apprentices and school to work transitional students.

In addition, at its meeting held on 11 October 2011 (CJ176-10/11 refers), Council approved a development which will accommodate the National Electrical and Communications Association College of Electrical Training on the adjoining lot located to the south-west of the site. The Metropolitan North-West Joint Development Assessment Panel also approved a development for a hardware store and showrooms on the adjacent lot to the south-east of the site at its meeting held on 29 August 2012 (DAP 12/00505 refers).

The site is zoned Central City Area under the Metropolitan Region Scheme and Centre under the City's *District Planning Scheme No. 2* (DPS2). It is also subject to the provisions of both the JCCDPM where the site falls within the Southern Business District's Technology Park precinct, and the draft JCCSP, where it falls under the Business Support precinct.

This application was previously presented to Council at its meeting held on 23 October 2012 (CJ200-10/12 refers) for consideration. A number of concerns were raised in relation to the existing chain mesh fencing located along the Joondalup Drive frontage and as such the matter was deferred to enable further discussions with the applicant. The applicant has now provided additional information and justification regarding this chain mesh fence.

DETAILS

Two separate security fences are the subject of this application. The first being the existing black galvanised steel fence located along the entire southern (Injune Way) boundary of the property and to the south-east truncation fronting Joondalup Drive. This fence has a maximum height of 2.2 metres as measured from natural ground level. An access gate has also been erected within this fence to the southern boundary providing the only vehicle access point to the site. The gate is constructed to a height of 2.1 metres and is similarly constructed of black galvanised steel posts.

The second fence, also the subject of this application, is an existing black chain mesh fence with three strands of barbed wire located to the top of the fence. This fence is located along the Joondalup Drive frontage and has a height of 1.8 metres as measured from the natural ground level to the top of the chain mesh and a height of 2.2 metres as measured from the natural ground level to the top of the barbed wire. This fence is largely obscured by existing mature vegetation which is considered to reduce the visual impact onto Joondalup Drive.

The existing chain mesh fencing to Joondalup Drive was erected out of concern from the owners of the site, as remnants of anti-social vehicle behaviour was evident through visible car and motorbike tracks both on the adjoining vacant sites and across the verge to the front entrance of the subject site (Injune Way). Similarly concerns have arisen that should no fence be erected to this portion of the site, vandalism and hoon behaviour would occur within the existing premises.

The applicant in addition states that *“MITA is an industry owned not for profit training facility that has significant levels of high tech equipment, IT equipment and vehicles used for training purposes. Since the erection of the fence we have had no intrusions to the property and no graffiti.”* The applicant had previously looked into providing galvanised fencing to the Joondalup Drive boundary, however due to the associated costs it was considered that the chain mesh fencing could provide the same level of security at a reduced cost. Furthermore, the black chain mesh fence was specifically chosen by the MITA Board to complement the existing vegetation on site, ensuring that the fence would remain inconspicuous along the existing streetscape.

Under the JCCDPM Technology Park precinct, fencing located between a street frontage and a building shall be of a permeable construction, of a high aesthetic standard and shall be a maximum of 1.8 metres in height. The City considers that whilst both visually permeable fences are constructed to a high standard, the fences exceed the required height as stipulated within this development plan.

The City, however, must also take into account the fencing provision of the draft JCCSP which states that fencing shall be visually permeable above 0.75 metres from natural ground level, to a maximum height of 1.8 metres. Requirements pertaining to materials and finishes are not specified.

The City's local laws pertaining to boundary fencing had been considered in an assessment of this application; however it was noted that those provisions relate only to dividing boundary fencing and as such do not apply in this instance. The City also took into account Part 6.1.3(a) of DPS2 which states that planning approval is not required if the development consists of the erection of a boundary fence. It was determined however that under Part 9.8.3(b) of DPS2, the provisions of the structure plan would prevail over relevant scheme provisions.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Legislation/Strategic Community Plan/Policy Implications

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

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.*

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.”*

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

Policy:

Not Applicable.

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 \$417 (excluding GST) to cover all costs with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

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

COMMENT

The applicant is seeking retrospective approval of two existing unauthorised security fences to the southern and south-eastern (truncation) boundary located along Injune Way and to the eastern boundary fronting Joondalup Drive. Both fences the subject of this application generally comply with the fencing provisions of both the JCCDPM and draft JCCSP, although seek a departure to the maximum height requirement of 1.8 metres required under both structure plans.

The existing fence to the southern (Injune Way) boundary is constructed of black galvanised steel posts and has a constructed height of 2.1 metres with a maximum height of 2.2 metres as measured from natural ground level. This fence allows for full visual permeability to the site whilst providing a high level of security, doing so in an aesthetically pleasing manner. The finish and materials are of a high standard and the non compliant height of 2.2 metres is not considered to have a detrimental impact on the existing streetscape as viewed from both Injune Way and Joondalup Drive.

The black chain mesh fence located along the Joondalup Drive frontage has been constructed to a height of 1.8 metres with three strands of barbed wire located above the chain mesh increasing the height to 2.2 metres as measured from natural ground level. The fence is largely obscured by mature and at times dense vegetation.

This fence allows for security to be maintained to the site while being discrete and sympathetic to the existing streetscape. The applicant has stated that they would like to seek approval for the fence to remain as existing given the security afforded to the site by this fence, the lack of impact on Joondalup Drive in comparison to the existing galvanised fence to Injune Way and the expense involved in the erection of a galvanised fence. It is further noted that this fence has been constructed in an identical manner as the chain mesh fence to the adjoining railway reserve located to the Joondalup Drive and Hodges Drive boundaries.

Modifications to this fence have been discussed with the land owner who has suggested the replacement of the three strands of barbed wire with three strands of straight wire. It is considered that this change may enhance the aesthetics of the fence while still affording security to the site.

It is proposed that Council in this instance support two conditions of approval requiring that the three strands of barbed wire be replaced with three strands of straight wire for the fencing fronting Joondalup Drive as suggested by the applicant and a subsequent condition requiring that both fences be maintained in a state of good repair to the satisfaction of the City. Assuming there is ongoing compliance with these conditions, the City is satisfied that this fence will meet the stipulated fencing provisions of both the JCCDPM and the draft JCCSP.

Conclusion

Having regard to the above it is recommended that the application be approved.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion in relation to Clause 4.5 of the *City's District Planning Scheme No. 2*, and determines that the following is appropriate in this instance:**
 - 1.1 Black galvanised steel fence to a maximum height of 2.2 metres as measured from natural ground level;**
 - 1.2 Black chain mesh fencing to a maximum height of 2.2 metres as measured from natural ground level;**
- 2 NOTES that the proposal does not meet the requirements of the City's Joondalup City Centre Development Plan and Manual and the draft Joondalup City Centre Structure Plan in relation to the maximum "permitted" fence height;**
- 3 APPROVES the application for planning approval, dated 3 April 2012 submitted by the Motor Industry Training Association WA (Inc) as the applicant and owner, for retrospective security fence addition at Lot 805 (10) Injune Way, Joondalup, subject to the following conditions:**
 - 3.1 All construction works shall be contained within the property boundary;**
 - 3.2 The three strands of barbed wire to the black chain mesh fence fronting Joondalup Drive shall be replaced with three strands of straight wire within 28 days from the date of this approval;**
 - 3.3 The fences shall be maintained in a state of good repair at all times to the satisfaction of the City.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf041212.pdf](#)

ITEM 3 PROPOSED CHANGE OF USE FROM SINGLE HOUSE TO CONSULTING ROOMS AT LOT 263 (27) ARNISDALE ROAD, DUNCRAIG

WARD:	South
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	83050, 101515
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Development Plans Attachment 3 Proposed Management Plan Attachment 4 Map of Submitters

PURPOSE

For Council to determine an application for a change of use from a Single House to Consulting Rooms at Lot 263 (27) Arnisdale Road, Duncraig.

EXECUTIVE SUMMARY

An application for planning approval has been received for a change of use from Single House to Consulting Rooms at Lot 263 Arnisdale Road, Duncraig (Attachment 1 refers). The site is zoned 'Urban' under the Metropolitan Region Scheme and 'Residential' under the *City's District Planning Scheme No. 2 (DPS2)*.

The site of the proposed change of use is located towards the eastern end of Arnisdale Road, east of the Glengarry Hospital. The area immediately adjoining and surrounding the site is characterised by predominantly residential uses and a residential appearance. While there are existing consulting rooms in the locality, these are further along Arnisdale Road, generally limited to the western section closer to Glengarry Hospital. (Attachment 1 refers).

The applicant's proposal seeks relaxation of the parking standards set out in DPS2 with a two bay (40%) shortfall indicated. While it is acknowledged that the applicant's current proposal is limited in its scope, the approved use of the land does not expire should the property change hands. Future use of the site by consultants in a more intensive manner may result in significant detrimental impact on the predominantly residential properties that adjoin the subject site.

Further to this, approval of this change of use could set an undesirable precedent for the area and lead to an incremental progression of non residential land uses into what is intended to be a primarily residential area.

The application is therefore recommended for refusal.

BACKGROUND

Suburb/Location:	Lot 263 (27) Arnisdale Road, Duncraig.
Applicant:	Sophie & Chris Hammersley.
Owner:	Corvida Pty Ltd.
Zoning:	DPS: Residential.
	MRS: Urban.
Site Area:	691m ² .
Structure Plan:	Not Applicable.

The subject site is located towards the eastern end of Arnisdale Road, Duncraig. The site is generally surrounded by other residential dwellings, and is situated towards a cul-de-sac head that adjoins the Mitchell Freeway reserve (Attachment 1 refers).

The subject site is located in a predominantly residential part of Arnisdale Road, with numerous consulting rooms currently operating from the western end adjoining Glengarry Hospital. In October 2008 a petition requesting the protection of residential amenity of the road was received. This raised concerns relating to the intrusion of non residential land uses such as consulting rooms into residential areas.

Following consideration of the options available, at its meeting held on 17 February 2009 (CJ023-02/09 refers), Council resolved to initiate advertising of Scheme Amendment No. 44. The amendment proposed to insert Lots 256 to 277, 369, 372 and 374 to 376 Arnisdale Road, Lot 255 (1) Grenfell Avenue, Duncraig and Lot 264 (3) Dinroy Street (refer below) into Section 2 of Schedule 2 within DPS2. This would have the effect of restricting the use of these properties to residential and home business uses only, thereby excluding the ability for them to be used as consulting rooms.



At its meeting held on 16 June 2009 (CJ139-06/09 refers), Council adopted Scheme Amendment No. 44 and the matter was referred to the Western Australian Planning Commission (WAPC). Although adopted by Council, the WAPC did not support this decision as the scheme amendment was considered to be unduly restrictive.

DETAILS

The applicant proposes to change the use of the property at 27 Arnisdale Road from Single House to Consulting Rooms. The details pertaining to the operation of the proposed consulting rooms are outlined below:

- The consultant is a medico-legal practitioner who investigates and addresses work related injuries.
- One consultant to be on the premises at any one time.
- All consultations are by appointment only with hours of operation between 8.30am and 3.30pm.

- A maximum of two clients per day, with appointments of 2-3 hours in duration.
- The house is to retain a residential appearance with three parking spaces provided at the front of the dwelling; no commercial signage is proposed.

The development plans are provided as Attachment 2.

Car Parking

The car parking standard for consulting rooms under DPS2 is five bays per practitioner. The applicant's proposal provides three parking bays on site. This results in a two bay shortfall, equating to 40% of the required amount.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Legislation/Strategic Community Plan/Policy Implications

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

In considering this application Council shall determine whether the amount of parking proposed is acceptable for the proposed use as set out in Clause 4.8.2 of DPS2 detailed below:

4.8 *Car Parking Standards*

4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.

4.8.2 The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.

In addition, in considering this 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.*

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

The proposal results in minimal change to the building itself. However, the non-residential nature of the land use, and the manner in which the building will be used also contributes to the Urban Environment. As such, the key theme and objective of the Strategic Community Plan are deemed not to be fully satisfied by this proposal.

Policy:

Draft Consulting Rooms Policy.

At its meeting held on 20 November 2012 (CJ259-11/12 refers), Council resolved to adopt the draft consulting rooms policy for the purposes of public consultation. This policy sets out 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 policy applies to 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.

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 \$278 (excluding GST) for the assessment of the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

It is considered there are no sustainability implications as a result of the change of use as the change of use does not alter the external appearance of the development, nor does it propose any structural changes to the building.

Consultation:

The proposed land use "Consulting Rooms" is a Discretionary (D) use within the Residential Zone under DPS2. As such, and given the potential for the proposed land use to impact on the amenity of surrounding landowners, the proposal was advertised to eight adjoining and nearby owners for comment. During this time the City received five responses, being two letters setting out no objections to the proposal and three objections. In addition to formal consultation undertaken by the City, nine additional submissions objecting to the proposal were received from landowners who were not directly consulted.

Keys issues arising from this consultation included:

- Potential impact of on street parking for consulting room client vehicles, and the impact that additional vehicle traffic in the area will have.

City response: The applicant's proposal seeks approval for a single client and consultant at the premises at any one time. The parking provided on site as proposed is likely to meet the needs of the applicant. However the proposal is two bays short of DPS2 requirements. While the current proposal is relatively low in its impact on the area, the subject site could potentially be on-sold with a replacement consulting room of greater impact taking its place. In the event this was to occur parking at this consulting room could be an issue.

- Potential for thieves and antisocial element of society to target the consulting rooms resulting in a greater risk of crime to the surrounding residential properties.

City response: The proposed visiting hours for clients are Monday to Friday 8.30am until 3.30pm. While passive surveillance of the street will be greater during the day, it is noted there will be a lack of human presence after hours and also on weekends.

- Incremental progression of non residential land uses into what is currently a predominantly residential area in nature, and the potential for a greater intensity consulting room to operate in the premises should a change of use be granted.

City response: The concerns of the submitters regarding the incremental progression of non-residential land uses into a residential area are shared by the City. While consulting rooms currently operate along Arnisdale Road they are generally limited to the western end of the road. The approval of a consulting room in this location could set an undesirable precedent for additional applications on adjoining and nearby sites. The non residential nature of consulting rooms has the potential to change the residential amenity of the area and alter the established streetscape.

COMMENT

The application is for a change of use from Single House to Consulting Rooms. The land use 'Consulting Rooms' is a discretionary (D) use within the Residential Zone under DPS2.

Land use

The proposal is considered to meet the definition of "Consulting Rooms" which is defined in DPS2 as "...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".

The extent of the applicant's proposal is limited in nature given the number of clients and appointment timeframes that are proposed. However, the approved use of the land does not expire should the property be on-sold. Future use of the site by different consultants may result in a significant increase in the number of clients and hours of operation for the site.

It may be possible to limit the extent of the use of such premises through various conditions of approval. However, as with any condition imposed on a planning approval, the basis for these conditions should be requirements or restrictions set out in DPS2 or a Local Planning Policy. It is also noted that conditions restricting the number of patients, hours of operation and the like would not address the City's more general concerns regarding the incremental progression of non residential land uses along Arnisdale Road. However, if Council were of a mind to approve the use it would be appropriate to limit the use to one practitioner as per scheme requirements.

In addition to the use of the premises the location also is of concern given the predominantly residential nature of the surrounding properties. Existing consulting rooms already operate near the Glengarry Hospital, west of the subject site. The properties that immediately adjoin the subject site are residential in nature; and the approval of a non residential land use in this location may lead to an incremental progression of consulting rooms further into what is currently a residential area with high amenity values.

This concern is also expressed in the City's draft Consulting Rooms Policy which deals with the issue of incremental progression of non residential land uses into predominantly residential areas.

Draft Consulting Rooms Policy

The draft Consulting Rooms Policy is intended to guide the establishment of consulting rooms within residential areas, ensuring they do not have an adverse impact on the existing residential amenity of an area. Specifically, guidelines set out in the policy cover aspects of consulting rooms which have the potential to adversely impact adjoining properties. This includes location, car parking design, building design and landscaping of consulting rooms.

The draft Consulting Rooms Policy provides a consistent framework for the development of consulting rooms ensuring that decisions are not made in an ad hoc basis but rather in the interests of orderly and properly planning.

Car parking

Car parking for the proposed development has been assessed in accordance with both clause 4.8.2 of DPS2 and Table 2 of DPS2 for the land use “Consulting Room”. A parking standard of five bays per practitioner is required. The applicant has elected to only provide three bays on site in an effort to maintain the residential appearance of the property.

Justification for the parking shortfall on site is provided on the basis that if full parking requirements (five bays) were provided on site the majority of the property frontage would be dedicated as car parking which would exacerbate the non residential appearance of the development. Additionally, due to the nature of the consulting room proposed, the applicant will not require the use of five parking bays.

Other options in respect to car parking proposed by the applicant include the potential to enter into reciprocal parking arrangements with nearby consulting rooms. Further details as to how this would be arranged have not been provided and would be subject to separate arrangements by the applicant. The restrictions on client parking proposed have been incorporated into a proposed management plan for the site (Attachment 3 refers).

While acknowledging the consulting room proposed by the applicant is relatively limited in its impact, being a single client and consultant on site at any given time, with only two clients a day, there is concern about the impact of this land use on the amenity of the area particularly the potential for the intensity of the use to increase in the future.

On this basis the reduction in parking standards as required under DPS2 is not considered appropriate.

Conclusion

Taking into account the details outlined above it is considered that the proposed land use does not meet the requirements of DPS2 with respect to the car parking provided on site, the locating of non-residential land uses in an established residential area, and the interests of orderly and properly planning.

The approval of this change of use would lead to an undesirable precedent, and incremental progression of consulting rooms into what is a predominantly residential area in Arnisdale Road. For this reason the application is recommended for refusal.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **REFUSES** the application for planning approval dated 11 July 2012 submitted by Sophie & Chris Hammersley, on behalf of the owner, Corvida Pty Ltd, for a change of use from Single House to Consulting Rooms, at Lot 263 (27) Arnisdale Road, Duncraig for the following reasons:
 - 1.1 The proposed land use is not considered to satisfy the objectives of the Residential Zone as described in the *City of Joondalup District Planning Scheme No. 2* as the proposed land use does not assist in maintaining the predominantly single residential character and amenity of this established residential area, and will encourage the incremental progression of non-residential land uses further into this residential area;
- 2 **NOTES** that the shortfall in car parking has been proposed in an effort to reduce the non-residential appearance of the use while providing adequate parking for the proposal; this level of car parking would likely not be adequate for any future and more intensive consulting rooms use in the future.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf041212.pdf](#)

ITEM 4 PROPOSED CHANGE OF USE FROM SHOWROOM TO HARDWARE STORE AT LOT 1 (UNIT 1/209) WINTON ROAD, JOONDALUP

WARD:	North	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development	
FILE NUMBER:	26106, 101515	
ATTACHMENTS:	Attachment 1	Location Plan
	Attachment 2	Development Plans

PURPOSE

For Council to determine an application for a change of use from a Showroom to a Hardware Store at Lot 1 (Unit 1/209) Winton Road, Joondalup.

EXECUTIVE SUMMARY

An application for planning approval has been received for a proposed change of use from a Showroom to a Hardware Store at Lot 1 (Unit 1/209) Winton Road, Joondalup.

The site of the proposed change of use is zoned 'Urban' under the Metropolitan Region Scheme and 'Service Industrial' under the *City's District Planning Scheme No. 2* (DPS2). The site is also located within the draft Joondalup City Centre Structure Plan area (JCCSP).

The subject site is bound by Joondalup Drive to the east, Winton Road to the west and Aston Street to the south. The site contains seven units approved as showrooms in 1990. In 1997 a change of use from Showroom to Public Amusement (Dance Studio) was approved under delegated authority for unit five. In 2009 a change of use from Showroom to Vehicle Repairs was approved under delegated authority for unit six.

The proposed use, "Hardware Store", is a Discretionary (D) use within the Service Industrial zone under DPS2 and a Permitted (P) use under the draft JCCSP. Council is required to determine this application as DPS2 does not stipulate a car parking standard for Hardware Stores. It is recommended that Council endorses the application of a car parking ratio of one car parking bay per 30m² of NLA as per previous decisions, including two recent decisions of the Metropolitan North-West Joint Development Assessment Panel (JDAP) for two hardware store developments fronting Joondalup Drive. The proposal complies with all other requirements of DPS2 and the draft JCCSP.

The application is recommended for approval subject to conditions.

BACKGROUND

Suburb/Location:	Lot 1 (Unit 1/209) Winton Road, Joondalup.
Applicant:	Ozki Nominees Pty Ltd.
Owner:	Iustini Holdings Pty Ltd.
Zoning:	DPS: Service Industrial.
	MRS: Urban.
Site Area:	7,427m ² .
Structure Plan:	Draft Joondalup City Centre Structure Plan.

The subject site is bound by Joondalup Drive to the east, Winton Road to the west and Aston Street to the south. The site contains seven units approved as showrooms in 1990. In 1997 a change of use from Showroom to Public Amusement (Dance Studio) was approved under delegated authority for unit five. In 2009 a change of use from Showroom to Vehicle Repairs was approved under delegated authority for Unit 6.

The subject site is located within the draft JCCSP area. At its meeting held on 17 April 2012 (CJ051-04/12 refers), Council adopted the revised draft JCCSP for the purposes of public consultation. This plan is considered to be a 'seriously entertained planning proposal' and has been given due regard in the assessment of this application. Under the draft JCCSP the site is located within the "Business Boulevard" district.

Council has previously considered applications for hardware stores where a standard of one car parking bay per 30m² of NLA has been applied. More recently, the Metropolitan North-West JDAP has approved two hardware store developments fronting Joondalup Drive, utilising this standard.

DETAILS

The applicant proposes to change the use of unit one from Showroom to a Hardware Store.

The operating details of the hardware store are summarised below:

- Approximately two staff will be on-site at any one time;
- Hours of operation will be 8.00am to 5.00pm Monday to Friday and 8.00am to 1.00pm Saturday, with the possibility of extending trading hours on weekends;
- The business includes the sale of outdoor power equipment, including but not limited to chainsaws, lawnmowers, ride on mowers, and leaf blowers, to both domestic and commercial customers.

No signage or external changes to the facade are proposed as part of this application. Future signage will be subject to a separate development application.

The development plans are provided in Attachment 2.

Car Parking

As the proposed use Hardware Store does not have a car parking standard under Table 2 of DPS2, Council must determine an appropriate car parking standard. It is recommended that a car parking standard of one car bay per 30m² be applied as discussed further in the Comment section of this report.

As the car parking standard previously applied in the approval of the showrooms was also one car parking bay per 30m² of NLA the change of use does not require any additional car bays to be provided.

The following table sets out the car parking requirements for the site:

	Car Parking Required
Total car parking required for the site as per DPS2 (Subject tenancy calculated at one car parking bay per 30m ² NLA)	75
Total car parking required for the site as per draft JCCSP (all tenancies converted to the standard of one car parking bay per 30m ² NLA)	80
Total car parking provided on site	83

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approved the application with conditions; or
- Refuse the application.

Legislation/Strategic Community Plan/Policy Implications

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

In considering this application Council shall determine an appropriate car parking standard as set out in Clause 4.8.2 of DPS2 detailed below:

4.8 Car Parking Standards

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

In addition, in considering this 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.*

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

Policy:

Not Applicable.

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 \$278 (excluding GST) for the assessment of the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Public consultation was not undertaken as the proposal results in only minimal changes to the manner in which the tenancy is used. It is considered that the proposal will not result in any adverse impacts on surrounding landowners.

COMMENTLand use

The proposed use is deemed to comply with the definition of Hardware Store as per Schedule 1 of DPS2 and set out below:

Hardware Store: means a shop in which tools, building materials, paint, garden improvements products and plants are for sale.

The proposed land use, "Hardware Store", is a Discretionary (D) land use under DPS2 and a Permitted (P) use under the draft JCCSP. The proposed change of use is considered to be consistent with the objectives of both the "Service Industrial" zone as per DPS2 and the "Business Boulevard" district as per the draft JCCSP.

Car parking

Car parking for the proposed development has been assessed in accordance with both clause 4.8.2 of DPS2 and the draft JCCSP.

As no car parking standard is specified in Table 2 of DPS2 for the land use "Hardware Store" Council is required to determine an appropriate standard of car parking. Council, and more recently the Metropolitan North-West JDAP, has previously applied the showroom car parking standard of one car bay per 30m² Net Lettable Area (NLA) for developments of this nature and is deemed appropriate in this circumstance given that the hardware store would generate similar patron numbers to a showroom.

Should Council agree to utilise this standard no additional car parking bays will be required to be provided on site as a result of the change of use. This is because the same car parking standard was applied to the tenancy when the development was originally approved as a showroom in 1990. As such a surplus of eight car bays will remain across the site with 75 car parking bays being required and 83 car parking bays being provided.

As per the draft JCCSP, the car parking standard for commercial development within the "Business Boulevard" district is one car parking bay per 30m² NLA. The proposed car parking standard for the change of use is consistent with these requirements and if applied across the site to all tenancies 80 car parking bays will be required to be provided on site resulting in a surplus of three car parking bays.

In conclusion, the proposed change of use is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES** discretion under clause 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking standard for the use “Hardware Store” shall be one car parking bay per 30m² Net Lettable Area;
- 2 APPROVES** the application for planning approval, dated 18 October 2012 submitted by Ozki Nominees Pty Ltd on behalf of the owner, Iustini Holdings Pty Ltd, for Hardware Store (Change of use from showroom) at Lot 1 (Unit 1/209) Winton Road, Joondalup, subject to the following condition:
 - 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.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf041212.pdf](#)

ITEM 5 PROPOSED SINGLE STOREY SHOWROOM WITH UNDERCROFT CAR PARKING AREA – LOT 13 (57) JOONDALUP DRIVE, EDGEWATER

WARD: North-Central

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Community Development

FILE NUMBER: 102787

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Development Plans
Attachment 3 Environmentally Sustainable Design Checklist
Attachment 4 Notes from the Joondalup Design Reference Panel Meeting

PURPOSE

For Council to determine an application for a proposed showroom development at Lot 13 (57) Joondalup Drive, Edgewater.

EXECUTIVE SUMMARY

The applicant proposes development of a showroom with 3,384m² Net Lettable Area (NLA), undercroft car parking and storage areas at the southern end of the lot. Additional open-air car parking is also proposed to the immediate west of the showroom. An identical application was approved by Council at its meeting held on 16 February 2010 (CJ002-02/10 refers) but this approval has since lapsed.

The site adjoins Joondalup Drive to the East, the Edgewater Train Station car park to the West, George Grey Place to the north and a Western Power substation to the south. The subject lot forms part of a large business-zoned area known as 'Joondalup Gate'.

The development is required to be assessed against the requirements of the City of Joondalup *District Planning Scheme No. 2* (DPS2), with regard also to be given to the draft Joondalup City Centre Structure Plan (JCCSP) as a 'seriously entertained planning proposal'. Under the draft JCCSP the site is located within 'The Gateway' district. Under the draft JCCSP the provisions specific to the district are the same as those for the 'Business' zone under DPS2.

The development is considered to meet all requirements of DPS2 with the exception of a minimum street setback variation of nil in lieu of six metres, and a shortfall of 38 car parking bays (an increased overall shortfall for the site of 222 bays). These variations are considered to be appropriate in this instance and without significant adverse effect. For these reasons the proposal was not advertised for public comment. The development is also considered to meet the additional objectives applying to the structure plan area as set out under the draft JCCSP.

The proposal was also reviewed by the Joondalup Design Reference Panel (JDRP) at its 14 November 2012 meeting. The panel was generally satisfied with the building design and appearance. Notes from this meeting are provided in Attachment 4.

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

BACKGROUND

Suburb/Location: Lot 13 (57) Joondalup Drive, Edgewater.
Applicant: TPG Town Planning, Urban Design and Heritage.
Owner: Joondalup Gate Pty Ltd.
Zoning: **DPS:** Business.
MRS: Urban.
Site Area: 15, 231m².
Structure Plan: Draft Joondalup City Centre Structure Plan (JCCSP).

The subject site adjoins Joondalup Drive to the east, the Mitchell Freeway to the west, George Grey Place to the north and a Western Power sub-station to the South. It forms part of a large business-zoned area known as 'Joondalup Gate' that extends from the south of Okely Park to Ocean Reef Road. The subject tenancy is located to the east of the Edgewater Train Station car park. The surrounding tenancies are predominantly showrooms.

An archaeological and ethnographic survey undertaken in 1989 identified an Aboriginal Place of Significance located within and adjacent to Lot 13 (57) Joondalup Drive. Commemoration works were undertaken in 1995 to develop and define the boundaries of a landscaped Aboriginal Heritage Area. This site, located just north of the proposed development, has since been registered with the Department of Indigenous Affairs and is identified in the City of Joondalup Municipal Heritage Inventory as being a 'burial site'.

The entire Joondalup Gate site (Lot 13) comprises various buildings identified as C1 (proposed showroom) C2, C3, C8, N1, N2 and N3. These buildings vary in size and contain predominantly multiple showroom tenancies (Attachment 1 refers).

In June 2003 a reduced car parking requirement for the addition of buildings C3 and C4 of one bay per 50m² was approved under Delegated Authority. This equated to a shortfall of 107 spaces for the total development.

In September 2005 (CJ201-09/05 refers), Council approved minor extensions to buildings C4 and N1 of 96m², with no further requirement for car parking. This resulted in an increased shortfall of 111 bays for the site.

In October 2008 the City approved a change of use application for the site for a Showroom and Takeaway Food Outlet (change of use from Showroom). This resulted in an approved shortfall of an additional three bays, increasing the overall shortfall for the site to 114 bays.

In February 2010 (CJ002-02/10 refers), Council approved a single storey showroom development, identical to the proposed development the subject of this report. Notwithstanding the additional car parking provided, this development resulted in an overall shortfall for the site of 152 bays. Council in determining that application was satisfied that the provision of 666 bays was adequate. It is noted that the development approved by Council in February 2010 was not constructed, and the approval has subsequently lapsed.

In March 2010 (CJ033-03/10 refers), Council approved a change of use at building N2 for a Liquor Store. Council in determining the application were satisfied that a shortfall of 163 bays was appropriate. It is noted that the development approved by Council in March 2010 was not constructed, and the approval subsequently lapsed. A new approval was subsequently issued as discussed below.

In June 2010 (CJ085-06/10 refers), Council approved a change of use to Medical Centre (Blood Donor Centre), which is currently operating from the site. As the Liquor Store and single storey showroom development had recently been approved and had not commenced operating from the site, the car parking calculations were only based on land uses operating at that time. This resulted in a shortfall of 115 bays across the site. Council also noted that in the event that the liquor store and single storey showroom development commenced operating from the site that the car parking provided on-site would still be adequate.

In May 2012 the City approved a change of use for a Liquor Store at building N2. The new application included a slight reduction in the NLA compared to the proposal approved by Council in March 2010. As the car parking shortfall was less than a car parking shortfall previously approved by Council (shortfall of 163 bays was supported for the original Liquor Store application), this application was approved under Delegated Authority in June 2012, with a shortfall of 161 bays considered appropriate.

An application for planning approval at building C4 was presented to Council on 20 November 2012 (CJ222-11/12 refers), for building alterations and a change of use from Showroom to Restaurant and Take Away Food Outlet at Joondalup Gate, Lot 13 (57) Joondalup Drive, Edgewater. That approval resulted in a car parking shortfall of 184 bays on site, being a shortfall of an additional 21 bays to that previously approved by Council for the site.

In the past, developments were not factored into car parking calculations until construction had commenced, with car parking determined based only on current land uses and subject applications. However, for ease of comparison, car parking calculations for this application are inclusive of the above application at building C4.

The current application if approved, will result in an increase of the existing (approved) short fall by 38 bays, bringing the overall shortfall for the site to 222 bays (24.7% of the required amount).

The Joondalup Design Reference Panel (JDRP) reviewed the proposal at its meeting held on 14 November 2012, and the panel were generally satisfied with the design and siting of the proposed development. The notes of the meeting are provided as Attachment 4.

DETAILS

The proposed development incorporates the following features:

- A new showroom building (C1) of 3,384m² NLA;
- An undercroft car parking area comprised 40 car parking bays and three storage areas totalling 425m²;
- A bin store and outdoor car parking area comprised of 42 car parking bays;
- Minor reconfiguration of the existing car parking area fronting Joondalup Drive resulting in 97 car parking bays being provided (a net loss of seven bays for this car parking area).

The proposal has been assessed against the requirements of DPS2 and the draft JCCSP. The development satisfies these requirements except where set out below.

Car Parking

Car parking for the site has been calculated in accordance with Table 2 of DPS2. The table below sets out the car parking requirements for the site:

	Building Number (NLA)	Land Use	Car Bays Required by DPS 2
Currently On-Site	C2 (3,436m ²)	Showroom (1:30m ² NLA)	114.53
	C3 (1,750m ²)	Showroom (1:30m ² NLA)	58.33
	C4 (1,552m ²)	Showroom (1:30m ² NLA) (1,146m ²)	38.2
		Restaurant (greater of 1:5m ² dining room or 1 per 4 guests) (160m ² dining room or 128 seats)	32
		Take Away Food Outlet (1 per 4 guests in seated area plus 7 per 100m ² NLA) (60m ² seated area and 12 seats)	7.2
	C8 (5,537m ²)	Showroom (1:30m ² NLA)	184.57
	N1 (2,857m ²)	Showroom (1:30m ² NLA) (1,915m ²)	95.23
	N2 (3,209m ²)	Liquor Store (7:100m ² NLA) (1,294m ²)	63.8
		Showroom (1:30m ² NLA) (2,052m ²)	90.6
N3 (2,530m ²)	Medical Centre (5 per practitioner)	68.4	
			30
This Proposal	C1 (3,384m ²)	Showroom (1:30m ² NLA)	112.8
TOTAL bays required (including development of C1)			895.66 (896)
TOTAL bays provided			674
Shortfall			221.66 (24.7%)

The most recent parking survey for the site was completed by Uloth & Associates – Traffic Engineering and Transport Planning Consultants – on 10 October 2009. This assessment included a review of a detailed assessment provided to the City in 2006, with a site visit completed during the peak time of 12 noon on a Saturday. The survey identified a total parking demand within the Central (C2, C3, C4, and C8) and North (N1, N2, and N3) precincts of 179 spaces, compared to the 215 vehicles surveyed at a similar time in December 2006, and a total on-site parking supply of 598 spaces for the same area. This is discussed further in the comments section of this report.

Building setback

DPS2 requires the development to be setback six metres from the north eastern boundary, however a nil setback is proposed. In support of the variation, the applicant has stated that the development is consistent with the objectives of the City's 'Business' Zone and draft JCCSP, and has provided the following justification relating to the location and design of the development:

- *The proposed land uses will assist in activating street frontages and providing passive surveillance to Joondalup drive;*
- *Will contribute to an attractive streetscape that promotes pedestrian activity.*

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Legislation/Strategic Community Plan/Policy Implications

Legislation: *City of Joondalup District Planning Scheme No. 2 (DPS2)
Metropolitan Region Scheme (MRS)*

Showroom is a Permitted ('P') use within the Business Zone. A 'P' use means:

"A Use Class this is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval."

Clause 4.5 of DPS2 allows for the development standards to be varied:

4.5 Variations to Site and Development Standards and Requirements

4.5.1 Except for development in respect of which the Residential Design 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.*

4.8 Car Parking Standards

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

In exercising discretion under Clause 4.5, the matters listed under Clauses 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.*

Clause 6.8 must be read in conjunction with Clause 6.9 which sets out the power to determine applications for planning approval.

6.9 Power to determine applications for planning approval

6.9.2 *Without limiting the generality of the foregoing, the Council may, where it deems appropriate, grant a Planning Approval which:*

- (a) *if not commenced, substantially commenced, or completed as the case may be within the period of time specified in the Approval shall cease to be valid.*

A similar provision to the above is contained within Clause 30 of the MRS.

30 (3) *The Commission or a local authority may in respect of any such application limit the time for which the approval granted on the application, remains valid.*

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

Policy: Environmentally Sustainable Design Policy.

Risk Management Considerations:

The proponent has the 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 a fee of \$7,770, excluding GST, to cover all costs associated with the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The completed checklist is provided as Attachment 3.

As set out in the checklist the applicant is proposing to provide ten bicycle parking spaces in the south east corner of the undercroft parking area. It is proposed to include a shower in each of the two unisex toilets provided, with one shower available for the exclusive use of Tenancy 25 and one shower available for the exclusive use of Tenancy 30.

The applicant has also provided the following information in regard to sustainable building design:

“The proposed showroom development will be designed to meet both industry best-practise and BCA energy-efficiency requirements. Consisting of high mass concrete walling and insulated metal-deck roof construction, the energy efficiency performance of the building is expected to meet all required benchmarks.

The concealed roof below the concrete walling will be white in colour to reflect substantial heat load and reduce cooling costs. It is intended that all main entrances to retail areas will be provided with protective awnings and the like to reduce the loss of conditioned air and wide portico's over any significant windows and commercial grade solar glazing to windows without portico protection. West and South facing windows are excluded in the design to help control heat gain and loss.

With the addition of evaporative cooling type air-conditioning the building's energy consumption is expected to be exceptionally low especially when compared to a similar building utilising full conventional refrigerated air-conditioning, whilst not using any environmentally harmful refrigerant gases. Additionally, all external concrete walling will be lined with insulation and plasterboard on the internal face to also improve the building's energy performance. Keeping in line with the current building maintenance program for the Joondalup Gate complex, low emission paints are currently used in all new works.

Lighting to the showroom areas will consist of low energy use/high performance fittings throughout, specifically low wattage 36W fluorescent tubing. Movement sensors will be fitted to all amenity areas with auto switching ON/OFF to reduce running times. All exit signs and emergency lights are now high performance LED construction fittings used in the centre. Time-switching will also be active to all carpark lighting and also to individual tenant illuminated signage boxes.”

Consultation:

Public comments were not sought as it was considered that the proposal would not result in any significant adverse effect on surrounding landowners. This is primarily on the basis that the nearest residential property is approximately 70 metres away and is separated from the development site by Joondalup Drive.

Due to its proximity to the recognised Aboriginal Heritage Site on the property, the proposal was referred to the Department of Indigenous Affairs for comment. The response from the Department advised that the applicant and landowner may be required to meet certain obligations under the *Aboriginal Heritage Act 1972* (AHA). This may include consultation with Aboriginal people including an Aboriginal heritage survey, and consideration for a section 16 or 18 application under the AHA where necessary.

COMMENT

The proposed development is generally considered to satisfy the requirements and objectives of DPS2 and the draft JCCSP. Specific development requirements and areas of non compliance are discussed further below.

Reduced Building Front Setback

DPS2 requires the addition to be setback six metres from the north eastern boundary, however a nil setback is proposed. The draft JCCSP requires all development to be in accordance with the objectives and provisions of the Business Zone as set out in the scheme.

It is noted that Clause 3.6.2(a) of DPS2 states that a lesser setback to the street boundary may be encouraged where location and design issues would make this appropriate. In this instance, the proposed reduced setback is considered appropriate as it occurs for a small portion of the site's frontage only, and the effect of the reduced setback is mitigated by the adjoining area of vegetation encompassing the landscaped Aboriginal Heritage Area. The building does not include awnings or porticos that overhang into the road reserve and will not encroach on the boundaries of the Aboriginal Heritage Area.

The proposal was reviewed by the JDRP at its meeting of 14 November 2012 where it was generally agreed that the reduced setback to the street boundary is a positive element of the design.

Building Design and Height

The proposed building is identical in architectural design to the existing adjacent showroom to the North (C2), and is complementary to all existing showroom buildings on site. The wall height of the proposed showroom is 8.4 metres, with a roof ridge height of 13.4 metres. It is noted that no height limit applies to the subject site; however, the proposed height is similar in scale to existing buildings on site.

Car Parking

In accordance with DPS2 a total of 896 bays are required for the site, with 674 bays provided including the additional bays proposed as part of this application. Thus, there is an increased overall shortfall for the site of 222 bays.

Council is required to determine whether the 674 bays on-site are sufficient to service the proposed development. The options available to Council are:

- 1 Determine that the provision of 674 car parking bays is appropriate;
- 2 Determine that the provision of 674 car parking bays is not appropriate; or
- 3 Determine that a cash-in-lieu payment of \$25,929 per bay is required for the shortfall in parking. This would equate to \$985,302 for the 38 bay increase in the existing shortfall as a result of this development.

It is considered that the applicant has adequately demonstrated that the proposed supply of car parking bays will be adequate to cater for the various uses across the site. The parking survey provided in 2009 indicates an underutilisation of the car parking on the site. This survey indicated that at 12.00 noon on Saturday 10 October 2009 a total of 179 vehicles were on the site, which is considered to be one of the peak trading times for showrooms. Nearmap aerial photography from various dates throughout 2012 also indicates a similar underutilisation of car parking.

It is noted that currently an area of car parking immediately to the north of building C4 is often occupied by commuters accessing the Edgewater Train Station. That issue was addressed in a report presented to Council at its 20 November 2012 meeting relating to the change of use of some tenancies in that building. That issue is not considered to impact on this proposal.

It is noted that the majority of businesses located on site constitute large showroom developments that provide for the display and storage of large bulky goods. This type and style of business is not considered to result in a high level of traffic generation. Council in determining previous applications for the site has considered that a car parking standard of one bay per 50m² is appropriate for some of the showroom land uses on the site. This was on the grounds of parking surveys, the large lot size and reciprocity of land uses. Applying the standard of one bay per 50m² to all showroom components of the site and maintaining the car parking standards for other land uses would result in a surplus of car parking rather than a shortfall.

Furthermore, it is noted that if the standards set out in the proposed Omnibus Amendment to DPS2, which is the subject of a separate report on this agenda, were to be applied the site would require 573 parking bays. This would cause there to be a 101 bay surplus for the site.

Approval Period

Due to various circumstances the applicant, as part of their submission, has requested that a five year approval period be granted rather than the normal two year period. Given that this is the third time Council has considered the same development, and that it is generally in line with DPS2 and the draft JCCSP, this is considered appropriate.

Conclusion

The proposed car parking shortfall and building setback variation are considered to be appropriate in this instance and will not have a significant adverse impact on the operations of the Joondalup Gate development or Joondalup Drive. The proposed development will assist in meeting key objectives of the City's Strategic Community Plan and the objectives of DPS2 for development within the Business Zone.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clauses 4.5 and 4.8 of the *City of Joondalup District Planning Scheme No. 2* and determines that the:**
 - 1.1 Car parking provision of 674 bays in lieu of 896 bays;**
 - 1.2 Minimum building street setback of 0m in lieu of 6 metres,****are appropriate in this instance;**

- 2 **NOTES** that the proposal results in a shortfall of 222 bays for the subject site as a whole, with the showroom development specifically proposed by this application seeking a shortfall of 38 bays only;
- 3 **ADVISES** the applicant and landowner(s) that this approval is for the purposes of the *City of Joondalup District Planning Scheme No. 2/Planning and Development Act 2005* only. By granting this approval the City does not warrant that other consents or approvals are unnecessary;
- 4 **ADVISES** the applicant and landowner(s) that further to the above, further approvals or consent may be required pursuant to the Aboriginal Heritage Act 1972. The applicant and/or landowner(s) are advised to consult with the Department of Indigenous Affairs in this regard;
- 5 **APPROVES** the application for planning approval dated 11 October 2012 submitted by TPG Town Planning, Urban Design and Heritage, the applicant, on behalf of the owner, Joondalup Gate Pty Ltd, for Showroom Additions at 57 Joondalup Drive, Edgewater, subject to the following conditions:
 - 5.1 This decision constitutes planning approval only and is valid for a period of five years from the date of this letter. If the subject development is not substantially commenced within the five year period, the approval shall lapse and be of no further effect;
 - 5.2 The parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
 - 5.3 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;
 - 5.4 The open air car parking area 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;
 - 5.5 Boundary walls shall be of a clean finish and made good to the satisfaction of the City;
 - 5.6 Any bicycle parking facilities provided shall be designed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993). If the development is to include bicycle parking, details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of construction;
 - 5.7 A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence. The management plan shall detail how it is proposed to manage:

- 5.7.1 the delivery of materials and equipment to the site;
 - 5.7.2 the storage of materials and equipment on the site;
 - 5.7.3 the parking arrangements for the contractors and subcontractors;
 - 5.7.4 other matters likely to impact on the surrounding properties;
- 5.8 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval prior to the issue of the relevant building licence;
- 5.9 A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence, and approved by the City, prior to the development first being occupied;
- 5.10 A full schedule of colours and materials for all exterior parts to the building shall be provided as part of the Building Licence Application, for approval by, and to the satisfaction of the City;
- 6 **STRONGLY ENCOURAGES** the applicant to consider the need for the provision of suitable amounts of shaded, secure, bicycle parking areas and end-of-trip facilities in conjunction with this development.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf041212.pdf](#)

ITEM 6 PROPOSED INDUSTRY - LIGHT AND LUNCH BAR DEVELOPMENT AT LOT 432 (28) CANHAM WAY, GREENWOOD

WARD:	South-East	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development	
FILE NUMBER:	62534, 101515	
ATTACHMENTS:	Attachment 1	Locality Plan
	Attachment 2	Zoning Plan
	Attachment 3	Development Plans

PURPOSE

For Council to determine an application for a proposed Light Industrial and Lunch Bar development at Lot 432 (28) Canham Way, Greenwood.

EXECUTIVE SUMMARY

An application for planning approval has been received for a single storey development to be used for the purposes of a lunch bar and light industry at Lot 432 (28) Canham Way, Greenwood.

The proposed development is bound to the north by a tyre retail store, to the east by Canham Way, to the south by a site containing a vehicle hire premises, showroom/warehouse, party hire premises and tattoo studio, and to the west by residential development. The proposal incorporates 892m² of Industry – Light and 85m² of lunch bar net lettable area (NLA).

The site is zoned 'Service Industrial' under the *City's District Planning Scheme No. 2 (DPS2)*. The land use 'Industry – Light' is a permitted or 'P' use and 'Lunch Bar' is a discretionary or 'D' use within the 'Service Industrial' zone.

The proposed development does not meet the requirements of DPS2 with respect to landscaping, and the height of the screen wall around the service yard.

The proposed variations to the requirements of DPS2 are not considered to adversely impact on the locality, and as such it is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location:	Lot 432 (28) Canham Way, Greenwood.	
Applicant:	Christopher Senior & Associates.	
Owner:	Solento Pty Ltd.	
Zoning:	DPS:	Service Industrial.
	MRS:	Urban.
Site Area:	2142m ² .	
Structure Plan:	Not Applicable.	

The subject site is located on Canham Way, a small area of Service Industrial zoned land in the north-eastern part of Greenwood. The subject site has two street frontages, being Canham Way and Corrigan Way. To the south-west of the site is an established residential area (Attachment 2 refers).

The proposed development is bound to the north by a tyre retail store, to the east by Canham Way, to the south by a site containing a vehicle hire premises, showroom/warehouse, party hire premises and tattoo studio, and to the west by residential development. The proposal incorporates 892m² of Industry – Light and 85m² of lunch bar net lettable area (NLA).

The site is currently occupied by a factory and office building which was approved in 1976. The remainder of the site surrounding the building has been cleared.

DETAILS

The proposed development incorporates the following:

- A single storey building approximately six metres in height which incorporates six tenancies for the purposes of Industry - Light and a Lunch Bar;
- 85m² of Lunch Bar NLA and 892m² of Industry - Light NLA;
- 26 car bays on the southern portion of the site.

The development plans are provided in Attachment 3.

The proposal meets the development standards of DPS2 with the exception of the following:

- Landscaping strip with a minimum width of 1.1 metres in lieu of three metres to the Canham Way boundary;
- Proposed screen wall with a maximum height of two metres in lieu of 1.8 metres.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Legislation/Strategic Community Plan/Policy Implications

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

Clause 4.5 of DPS2 allows for the development standards to be varied:

- 4.5.1 Except for development in respect of which the Residential Design 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.*

Clause 6.6 of DPS2 gives Council the discretion to determine whether the proposed land use 'Lunch Bar' is appropriate:

6.6.2 *“D” Uses – The Council in exercising its discretion as to the approval or refusal of an application for Planning Approval, shall have regard to the provisions of clause 6.8.*

If in any particular case Council considers that it would be appropriate to consult with the public generally or with the owners or occupiers of properties adjoining or in the vicinity of a site the subject of an application for Planning Approval involving a “D” use, the Council may direct that the provisions of clause 6.7 shall apply to that application.

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) *Interest of proper and orderly 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 and wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by 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.*

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

Policy

Not Applicable.

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 \$2,600 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

Should Council approve the proposal, an advice note will be included on the decision letters advising the applicant of their obligations to comply with all relevant legislative requirements. These requirements include the *Environmental Protection Act 1986*, the *Environmental Protection (Noise) Regulations 1997* and *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.

Consultation:

The proposal was not advertised as the land use 'Industry – Light' is a permitted use in the Service Industrial zone and the proposal generally complies with the requirements of DPS2. It is noted that a large wall of the development is proposed to adjoin existing residential development; however this aspect of the development complies with the requirements of DPS2. The variations to the requirements of DPS2 are generally considered minor and those of the development are unlikely to adversely impact the adjoining landowners or the locality in an adverse manner.

COMMENT

The application has been assessed against DPS2 and the following outlines the aspects of the development which require Council to exercise its discretion and determine whether the development is appropriate.

Land use

The proposed Lunch Bar land use is a discretionary or 'D' use in the 'Service Industrial' zone. The objectives of the Service Industrial zone are to:

- accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;
- ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.

It is considered that the proposed Lunch Bar is a complementary business to the existing uses located within the Greenwood Service Industrial area. The Lunch Bar tenancy is located to the front (east) of the building and presents an attractive street facade. As such, the lunch bar use is considered appropriate in this instance as it is not considered to detrimentally affect the amenity of surrounding uses.

The proposed Industry – Light land use is a permitted or 'P' use in the 'Service Industrial' zone.

Car parking

The proposed land use 'Lunch Bar' does not have a car parking standard set out in Table 2 of DPS2. However, as a lunch bar is specifically defined as a "premises used as a take away food outlet but within the hours of 9.00am to 3.00pm only" the parking standard for Take Away Food Outlet applies, and Council is not required to determine an appropriate standard in this instance. The proposed development requires and provides a total of 26 car bays, therefore meeting the requirements of DPS2 in this regard.

Landscaping

DPS2 requires that a landscaping area no less than three metres wide be provided where a car parking area abuts a street. The subject proposal includes landscaping widths of six metres, 4.8 metres and 1.1 metres adjacent to the Canham Way boundary. Due to the varying landscaping widths incorporated in the development to this boundary, the average landscaping width proposed is 3.1 metres. It is noted that seven shade trees have been provided and 8% of the site overall will be landscaped in accordance with DPS2 requirements. Given the above, and that the verge will be landscaped with lawn, it is considered that sufficient landscaped areas have been provided to the Canham Way boundary so as to soften the impact of the development as viewed from the street.

Screen wall

The proposal incorporates a 1.1 metre extension to the existing brick screen wall to the north-west corner of the site. The proposed screen wall extension is two metres high and will be finished to match the existing wall. The purpose of the wall is to provide screening to a storage yard. DPS2 sets out that screen walls should be a maximum height of 1.8 metres. Given that the wall is a maximum of 0.2 metres higher than permitted under DPS2, it is not considered that the screen wall will result in a significant adverse impact on the adjoining residential site.

It is therefore recommended that the application be approved subject to the conditions set out below.

VOTING REQUIREMENTS

Simply Majority.

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion in relation to Clause 4.5.1 of the *City's District Planning Scheme No. 2*, and determines that the:
 - 1.1 Minimum landscaping depth of 1.1 metres between the Canham Way street boundary and the carpark in lieu of three metres;
 - 1.2 Screen wall maximum height of 2 metres in lieu of 1.8 metres to the north-west of the site,are appropriate in this instance;
- 2 **APPROVES** the application for planning approval dated 12 November 2012, submitted by Christopher Senior and Associates, on behalf of the owner, Solento Pty Ltd, for proposed industrial and lunch bar development at Lot 432 (28) Canham Way, Greenwood, 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 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 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 construction;
 - 2.3 Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site, prior to the occupation of the building(s) to the satisfaction of the City;
 - 2.4 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004 as amended) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009 as amended). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City;
 - 2.5 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of construction. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:

- 2.5.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 2.5.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - 2.5.3 Show spot levels and/or contours of the site;
 - 2.5.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - 2.5.5 Be based on water sensitive urban design principles to the satisfaction of the City;
 - 2.5.6 Be based on Designing out Crime principles to the satisfaction of the City;
 - 2.5.7 Show all irrigation design details;
- 2.6 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;
- 2.7 All construction works shall be contained within the property boundary;
- 2.8 Boundary walls shall be of a clean finish and made good to the satisfaction of the City;
- 2.9 A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:
- 2.9.1 all forward works for the site;
 - 2.9.2 the delivery of materials and equipment to the site;
 - 2.9.3 the storage of materials and equipment on the site;
 - 2.9.4 the parking arrangements for the contractors and subcontractors;
 - 2.9.5 the management of dust during the construction process;
 - 2.9.6 other matters likely to impact on the surrounding properties;
- 2.10 A Refuse Management Plan indicating the method of rubbish collection is to be submitted to and approved by the City, prior to the commencement of construction;
- 2.11 Bicycle parking facilities shall be provided in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of construction.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf041212.pdf](#)

ITEM 7 INITIATION OF PROPOSED OMNIBUS AMENDMENT TO DISTRICT PLANNING SCHEME NO. 2 FOR THE PURPOSE OF PUBLIC ADVERTISING

WARD:	All	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development	
FILE NUMBER:	102568, 101515	
ATTACHMENTS:	Attachment 1	Omnibus Amendment
	Attachment 2	Scheme Amendment Process Flowchart

PURPOSE

For Council to consent to initiate the proposed Omnibus Amendment (Amendment No. 65) to *District Planning Scheme No. 2 (DPS2)* for the purposes of public advertising.

EXECUTIVE SUMMARY

DPS2 controls how land may be utilised within the City of Joondalup, and commenced operation on 28 November 2000. The City is currently undertaking a thorough strategic and operational review of DPS2, which will still take at least two years to finalise. In the interim an omnibus amendment to the current scheme is proposed to correct minor deficiencies and anomalies in the current scheme and to introduce certain provisions which will provide more clarity and certainty for applicants and decision makers alike and will assist in improving efficiency in planning decision-making. It will also better align the scheme with the Model Scheme Text, this being the current standard wording used for local planning schemes.

The scheme amendment proposes the following modifications to DPS2:

- Clarify references to local government in DPS2;
- Update the list of proposals that do not require planning approval;
- Update the use classes included in DPS2 by adding, deleting and modifying use classes in the zoning table and their associated definitions;
- Update the car parking standards;
- Clarify that the landowner is responsible for landscaping the verge adjacent to a development prior to the occupation of the building or the commencement of the land use.

These changes primarily seek to improve the operation of DPS2. It is not intended to review the strategic direction of DPS2 as part of this amendment or introduce any proposals of a strategic nature.

It is recommended that Council initiate proposed Amendment No. 65 to DPS2 for the purposes of public advertising for a period of 42 days.

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 to address existing issues and improve the functionality of DPS2.

DETAILS

The proposed modifications to DPS2 clauses and an explanation of the proposals are listed 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.

Intent of modification

The terms “Council” and “local government” are used within DPS2, however, currently only “Council” is defined to mean the Council of the City of Joondalup. Legal advice has recommended including “local government” to also mean the Council of the City of Joondalup.

Proposal 2 – Application for Planning Approval

Clause 6.1.3 lists development that does not require planning approval. It is proposed to update this list and include the following as exempt development:

- 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; and
 - (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; or

- (ii) is constructed in accordance with the *Dividing Fences Act 1961*; and
- (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 Modifications

The proposed additions to this clause are to clearly outline under what circumstances an application for planning approval is not required and to bring the wording in line with that of the Model Scheme Text, where possible.

Development that is currently exempt from requiring planning approval in the existing DPS2 is retained.

Compliant additions to grouped dwellings will no longer need planning approval, together with outbuildings to single houses with walls to two boundaries (where they do not exceed 10m² or a wall height of 2.4 metres) and some patios that are located 500 millimetres off the boundary. These are applications where there is minimal impact on neighbouring properties, and planning assessment is not considered to be necessary. In addition, this will streamline the planning process and allow staff resources to be directed to more complex applications.

In addition, signage that is in accordance with the provisions of the Signs Policy will no longer need planning approval, this being how the policy was intended to operate.

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.

An analysis of development applications determined between January 2011 and November 2012 was undertaken to give an indication of the likely impact of the proposed omnibus amendment on the number of development applications that will no longer be dealt with by the City; the likely loss in revenue as a result of reduced application fees; the likely savings as a result of not having to spend time processing and determining these applications; and the positive effect on processing times of other applications in the system.

The analysis indicated that at least 213 applications or 8% of the total number of development applications received would not have required development approval if the proposed amendment was already in place.

Although this would have reduced revenue by approximately \$30,832, it is estimated that the processing cost for these applications would be \$45,475 and would have taken a processing time of approximately 64.5 days. The figures indicate that if the proposed amendment was already in place this would have resulted in savings of \$14,643 and given the ability for staff resources to be allocated to more complex applications or to processing other applications in a more timely manner.

It is noted that the figures above do not include Building Codes Variations (some minor applications made under the Residential Design Codes processed by Building Surveyors), of which a proportion of these would also not be required to be submitted due to the amendments to DPS2. This would result in further time saved for the Building Approvals team.

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	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREATION	SERVICE INDUSTRIAL	SPECIAL RESIDENTIAL	RURAL
USE CLASSES									
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’.

The Use Class ‘Cinema’ is proposed to be amended to ‘Cinema/Theatre’.

Intent of Modifications

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 the scheme for this form of development. It is therefore proposed to include these use classes within Table 1, and to outline the permissibility of those uses in various zones 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 considered appropriate to include the use class 'Industry – Service' within Table 1 and allocate a 'P' use within the Service Industrial zone and an 'X' use within all remaining zones.

The Department of Planning's 'Planning Bulletin 85' (September 2007) introduced the new use class 'Small Bar'. It is therefore considered appropriate to include this use class in DPS2 and allocate a 'P' use within the Commercial and Private Clubs/Recreation zones, a 'D' use in the Business and Mixed Use zones and an 'X' use in all remaining zones.

The modifications to the use classes 'Cinema Complex' and 'Theatre' to merge these into one use class 'Cinema/Theatre' will align with the Model Scheme Text.

The use classes 'Beauty Parlour' 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.

The use classes 'Hall', 'Hairdresser' 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, Shop 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
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 50m ² NLA
Place of Assembly	1 per 4 persons accommodated
Place of Worship	1 per 4 persons accommodated
Self Storage Facility *	1 per 100m ² NLA
Shop/Shopping Centres under 30,000m ²	≥ 5 per 100m ² NLA
Shopping Centres from 30,000 to 50,000m ²	1500 bays for the first 30,000m ² NLA plus 4.5 per 100m ² NLA thereafter
Shopping Centres greater than 50,000m ²	2400 bays for the first 50,000m ² NLA plus 4 per 100m ² NLA thereafter

USE CLASS	NUMBER OF ON-SITE PARKING BAYS (NLA = NET LETTABLE AREA)
Showrooms	1 per 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 Modifications

The proposed modifications seek to resolve issues that have been identified where some common types of development have no corresponding car parking standards in DPS2 and also to provide standards for new uses included in the scheme.

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. Council has previously approved a car parking standard of one per 30m² NLA for Betting Agency as the operation of the land use was akin to Office and Bank land uses. As it is proposed that the Office standard be modified to one per 50m² NLA it is considered appropriate that this new standard also be applied to Betting Agency.

Some of the parking standards such as Educational Establishment and Shop have parking standards for specific uses, such as High School and Shopping Centre, but not a parking standard for the general use.

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. Therefore, the proposed standard will more adequately cater for visitors.

The changes to the existing parking standards for Office, Shop, Shopping Centres 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 not considered that this will have a negative impact on parking provision given the relatively high standards currently.

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’.
- Modifying 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 Modifications

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 DPS2.

The proposed modifications to the definitions of ‘Shop’ and ‘Showroom’ will provide further clarification as to what should be classified as a shop and a showroom and therefore assist in the determination of development applications for these land uses. The modifications will also bring the definitions in line with those of the Model Scheme Text and SPP 4.2.

Proposed modifications to the definition of ‘home business – category 1’ will allow a greater area of the house to be used for the business (30m² instead of 20m²). Currently the definition allows for 20m² of the house to be used for the business if only one resident is involved in the business or 30m² of the house to be used if more than one resident of the house is involved. The involvement of an extra resident in the home business and an increase in the permitted area of the business by 10m² will not result in any extra traffic to the site and will not affect the external appearance of the dwelling. It will however, increase the flexibility for business owners wanting to run a small scale business from home.

The definitions proposed to be deleted are definitions for land uses that are proposed to be deleted from the scheme.

Proposal 6 – Landscaping Requirements for Non Residential Buildings

It is proposed to reword clause 4.12.1 of DPS2 to clarify 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 building or commencement of the land use.

Issues and Options Considered:

Issues:

The issues associated with the proposed amendment include:

- The suitability of the proposed provisions.

Options:

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

- Support the initiation of the proposed amendment for the purpose of public advertising;

- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

Legislation/Strategic Community Plan/Policy Implications

Legislation

Part 5 of the *Planning and Development Act 2005* enables local government to amend their local planning schemes and sets out the process to be followed (Attachment 2 refers).

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

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 Western Australian Planning Commission (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.

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

Policy

Not Applicable.

Risk Management Considerations:

The amendment is proposed to improve functionality of DPS2 and address existing issues identified in the scheme review. The following risks that potentially lead to poor development outcomes are proposed to be addressed:

- The current wording of DPS2 exempts any fencing from requiring development approval, regardless of whether it complies with a Local Planning Policy. This allows solid fencing to be constructed whereby a Local Planning Policy would encourage visually permeable fencing; and
- The current wording for verge landscaping (clause 4.12.1) exposes the City to the possibility of developers or landowners challenging the legal ability of the City to impose the condition on planning approvals and thereby to significant costs in landscaping verges adjoining private developments throughout the City.

Financial/Budget Implications:

The City, as the applicant, will be 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, is estimated to be approximately \$810. Additional costs of approximately \$6,700 have been incurred for legal advice on the proposed scheme amendment.

Although the proposed omnibus amendment is likely to reduce revenue received by the City, it is estimated that the time saved by not having to process and determine the applications will result in more savings that will more than compensate for any loss in revenue.

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:

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days by way of:

- A notice placed in the local and The West Australian newspapers;
- A notice placed on the notice board at the City's administration building; and
- A notice and documents placed on the City's website.

COMMENT

It is considered that the proposed amendment will improve the functionality of DPS2 and will address a number of existing issues identified in the scheme review. It is recommended that these technical changes be implemented now to improve the operation of the scheme, 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 modify the strategic direction of DPS2, but rather improve the operation of the scheme while the new scheme is being prepared.

It is recommended that Council initiate proposed Amendment No. 65 to DPS2 for the purposes of public advertising for a period of 42 days.

An analysis of development applications determined between January 2011 and November 2012 was undertaken to give an indication of the likely impact of the proposed omnibus amendment on the number of development applications that will no longer be dealt with by the City; the likely loss in revenue as a result of reduced application fees; the likely savings as a result of not having to spend time processing and determining these applications; and the positive effect on processing times of other applications in the system.

The analysis indicated that at least 213 applications or 8% of the total number of development applications received would not have required development approval if the proposed amendment was already in place.

Although this would have reduced revenue by approximately \$30,832, it is estimated that the processing cost for these applications would be \$45,475 and would have taken a processing time of approximately 64.5 days. The figures indicate that if the proposed amendment was already in place this would have resulted in savings of \$14,643 and given the ability for staff resources to be allocated to more complex applications or to processing other applications in a more timely manner.

It is noted that the figures above do not include Building Codes Variations (some minor applications made under the Residential Design Codes processed by Building Surveyors), of which a proportion of these would also not be required to be submitted due to the amendments to DPS2. This would result in further time saved for the Building Approvals team.

Of the applications determined by the Council (as opposed to those determined under Delegated Authority by the Administration) over the same period, the omnibus amendment would also have resulted in six of these applications being determined under Delegated Authority. This is as a result of car parking standards and land uses being listed within DPS2, or the car parking shortfall for a site being less than 10% as a result of the change in car parking standards.

VOTING REQUIREMENTS

Simply Majority.

RECOMMENDATION

That Council:

- 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 this Report 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.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf041212.pdf](#)

ITEM 8 REQUEST FOR CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN CHURTON CRESCENT AND DORCHESTER AVENUE, WARWICK

WARD:	South	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development	
FILE NUMBER:	102161, 101515	
ATTACHMENTS:	Attachment 1	Location Plan
	Attachment 2	Photographs of Pedestrian Accessway
	Attachment 3	Summary of Questionnaires Results
	Attachment 4	Closure of Pedestrian Accessway Policy

PURPOSE

For Council to consider a request to close the pedestrian accessway (PAW) between Churton Crescent and Dorchester Avenue, Warwick.

EXECUTIVE SUMMARY

An application has been received requesting the closure of the pedestrian accessway (PAW) located between Churton Crescent and Dorchester Avenue, Warwick, on the grounds of antisocial behaviour, property damage and security issues associated with the PAW. The request was advertised for public comment and as part of the advertising process, questionnaires were forwarded to local residents seeking their views on the possible closure of the PAW.

Council's Closure of Pedestrian Accessway Policy requires evaluation of the request for closure against Urban Design, Nuisance Impact, and Community Impact criteria.

Based on the public consultation results and assessment against the above criteria, it is recommended that Council does not support the closure between Churton Crescent and Dorchester Avenue, Warwick.

BACKGROUND

Suburb/Location:	Pedestrian Accessway between Churton Crescent and Dorchester Avenue, Warwick.	
Applicant:	Mr R Sommerford.	
Owner:	Crown land.	
Zoning:	DPS:	Residential.
	MRS:	Urban.
Site Area:	Not Applicable.	
Structure Plan:	Not Applicable.	

The PAW, located between Churton Crescent and Dorchester Avenue, is approximately three metres in width and 75 metres in length (see location plan at Attachment 1). In the event that the PAW is closed and the land is apportioned to the adjoining lots, the lots adjoining the PAW would not gain any development potential. However, the lots are located within a Housing Opportunity Area (HOA) in accordance with the draft Local Housing Strategy which would provide development potential for all lots adjoining the PAW.

A site inspection of the PAW confirmed the fencing to be in fair condition with minimal evidence of graffiti or damage within the PAW (refer photos at Attachment 2). The path along the PAW is in good condition, having recently been upgraded in the 2010-11 financial year. A street light is located adjacent to the Churton Crescent entry to the PAW, while the Dorchester Avenue entry does not have lighting immediately adjacent to the entry.

It is noted that the applicant for this closure is owner or part owner of three of the four properties which adjoin the PAW, and is willing to purchase the PAW land if the closure proceeds, as is the remaining owner.

DETAILS

Applicant's justification

In support of the closure request, the applicant states:

"...In support of this application I have the full support of the adjacent landowners and enclose my cheque in payment of the application fee.

My request for closure is based on a number of antisocial, property damage and security issues that have been a feature of the PAW for a number of years. There has been significant fence damage, with the whole of the PAW fence at 27 Dorchester being broken down earlier this year, broken windows and fence damage at 16 Churton, intruders and general nuisance with late night drunks at 14 Churton and general graffiti as well as burglaries and an unauthorised entry on private property reported to the police at 29 Dorchester.

All of these activities are facilitated by the lack of open view of the PAW, particularly at night, and general public access afforded to anyone who has a desire to commit offences with little or no probability of being observed.

There is alternative public access between Dorchester Avenue and Churton Crescent via Barnsbury Road, which is a short distance away and is nearer to the shops and public transport..."

Closure Process

Landowners whose properties adjoin a PAW can make a request to the City for closure of a PAW. Council's Closure of Pedestrian Accessway Policy assists to guide the process of evaluation. From the outset, the City must have an indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW, pay all the associated costs, and meet any necessary conditions or requirements from the service authorities.

As part of the assessment process, comments are sought from service authorities regarding any services or assets that may be within the PAW that would be affected by the proposed closure.

In the event that Council supports the closure, the request is referred to the Department of Planning for determination. If Council and the Department of Planning support an application to close the PAW, Landgate will arrange a land valuation and commence formal closure actions, including the carrying out of any requirements of the service authorities, and the purchase and amalgamation of the land into the adjoining properties.

Issues and options considered:

Service Authority Requirements

All service authorities have advised that they have no objection to the proposed PAW closure. In this instance, should the proposal for closure be supported, the Water Corporation has advised that there are two sewer manholes within the PAW that may be affected. Depending on the final land sharing arrangements with the owners, the new boundaries/fences cannot be located directly over these manholes.

Options

Council has the following options when considering this request:

- Support the closure of the PAW and forward the decision to the Department of Planning for determination;
- Not support the request to close the PAW.

Legislation/Strategic Community Plan/Policy Implications:

Legislation: The procedure for dealing with the closure of a PAW is based on section 87 of the *Land Administration Act 1997*. The City must agree to support the PAW closure in order for the proposal to progress. If the request for closure is supported, the recommendation is forwarded to the Department of Planning for determination.

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The applicant has paid fees of \$3,020 to cover the cost of assessing and advertising the PAW closure request.

Policy Implications:

The PAW closure request is assessed in accordance with the Closure of Pedestrian Accessway Policy.

Regional Significance:

Not Applicable.

Sustainability Implications:

The provision of PAWs has the ability to support and enhance the wellbeing of the community by providing access to community facilities, public transport, shops and schools. However, PAWs are sometimes linked to antisocial behaviour and criminal activity.

Consultation:

Public advertising of the closure request was undertaken for a period of 35 days, closing on 9 August 2012, as follows:

- Signs were placed at either end of the PAW;
- Letters and a questionnaire were sent to residents within 400 metres of the PAW (379 letters sent);
- A notice was placed on the City's website.

The questionnaire requested information from residents on various matters relating to the use of the PAW. Forty four responses were received. Attachment 3 summarises the returned responses.

COMMENT

When the closure of a PAW is requested, formal evaluation of the application is conducted in accordance with the Closure of Pedestrian Accessway Policy. Formal evaluation is composed of three parts; Urban Design, Nuisance Impact and Community Impact. Each part is then rated 'high', 'medium' or 'low'. These rating combinations are then used to make a recommendation whether to support the closure or not using a template within the policy (Attachment 4 refers, page 7).

Urban Design Assessment

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact the closure would have on homes that are accessible within 400 metres of local community assets.

The urban design assessment is rated as 'medium' in accordance with the criteria outlined in the Closure of Pedestrian Accessways Policy, as follows:

Medium

- *PAW Pedestrian accessway provides a route to community facilities, but not directly.*

The PAW provides a route to the Warwick Shopping Centre, however, alternative routes via Barnsbury Road also exist. The PAW route provides one possible method of access to bus routes on Dorchester Avenue.

- *An alternative route exists but is some inconvenience.*

Churton Crescent is linked to Dorchester Avenue by Barnsbury Avenue, approximately 160 metres south east of this PAW. The additional distance walked via Barnsbury Road is not significant, however, may be an inconvenience to some pedestrians.

- *Pedestrian accessway is not of a continuous pedestrian accessway or a key pedestrian network.*

This PAW does provide a link with other PAWs in the vicinity. The PAW does not form part of a 'Safe Routes to School' programme or part of the City's 'Bike Plan'. Feedback received from the Principal of Warwick Senior High School did however indicate that students from the school may be inconvenienced if the PAW was closed.

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating reported anti-social behaviour, based on evidence from the applicant, police and City records.

The landowner's justification for closure is that the PAW is subject to frequent antisocial behaviour resulting in damage to property and various other security based issues. Upon contacting the Warwick police station the following details for the four properties adjoining the PAW were provided:

- 14 Churton Crescent - Burglary offence November 2003. No reports of crime since.
- 16 Churton Crescent - No reports.
- 27 Dorchester Avenue - Fence damage October 2011.
- 29 Dorchester Avenue - Trespass offence August 2011 and a burglary May 2012.

Police records regarding instances attended by police that did not result in a crime being reported, such as anti social behaviour, could not be provided.

A summary of nuisance events recorded by the City include:

- 14 Churton Crescent - City Watch observed flashing security lights whilst conducting routine patrols, May 2010.
- 16 Churton Crescent - Graffiti report December 2001 and City Watch request regarding antisocial behaviour observed, May 2008.
- 27 Dorchester Avenue - Graffiti report, December 2001.
- 29 Dorchester Avenue - Graffiti report, December 2001 and October 2012.

The Nuisance Impact Assessment has elements of both low and medium ratings:

Low

- *Occurrence of criminal or nuisance behaviour is similar to elsewhere in the suburb.*

While evidence of antisocial and criminal activity has been recorded and can be attributed to the PAW, the frequency of these events is sporadic and no greater than would otherwise be expected in locations elsewhere in the suburb.

- *The severity of nuisance behaviour is similar to elsewhere in the suburb.*

The applicant outlines in his submission for closure that antisocial activity and damage to property occurs on a frequent basis. City records tend to suggest a less frequent occurrence of detrimental activities occurring or associated with the PAW. The most recent Council records regarding antisocial behaviour are over a range from 2012 back until 2001.

Medium

- *There are several different types of occurrences of nuisance behaviour that are directly related to the pedestrian accessway.*

Nuisance, burglary, trespass and graffiti have been reported and may be related to the PAW.

Community Impact Assessment

The Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW's level of use.

Attachment 3 indicates the reasons for and frequency of use for those who use the PAW. From the 44 people who responded to the questionnaire, 22 respondents indicated that they use the PAW and 22 people indicated that they did not use the PAW. The Community Impact Assessment is rated 'medium' in accordance with the criteria outlined in the Closure of Pedestrian Accessways Policy, as follows:

Medium

- *A medium portion of respondents not in favour of closure (over 30%).*

36% of respondents are not in favour of closure.

- *A medium portion of households use the pedestrian accessway regularly.*

Of the 44 respondents, 22 (50%) use the PAW on a regular basis with the majority of these users indicating an objection to the closure.

- *A medium portion of users will be inconvenienced by closure (30–50%).*

Of the 22 people who have indicated they use the PAW, 81% or 18 respondents have indicated that they would be inconvenienced by the PAW closure. The majority of the respondents indicating an inconvenience to the closure are objectors, who use the PAW regularly.

Final Assessment

The result of each assessment is detailed below:

- Urban Design – Medium.
- Nuisance Impact – Low/Medium.
- Community Impact – Medium.

The above results indicate that the closure is not supported where Urban Design assessment of the PAW is considered of medium importance, Nuisance Impact is considered medium (or low) and Community Impact is medium.

Urban Design	Nuisance	Community Impact	Supported/ Not Supported
High	High, Medium or Low	High, Medium or Low	Not supported
Medium	Low	Low	Not supported
Medium	High or Medium	Low	Supported
Medium	High	Medium	Supported
Medium	Low	Low	Not supported
Medium	Medium or Low	Medium	Not supported
Low	High, Medium or Low	Low or Medium	Supported
Low	High, Medium or Low	High	Not supported

It is therefore recommended that the application for closure of the PAW between Churton Crescent and Dorchester Avenue not be supported.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **In accordance with assessment against the Closure of Pedestrian Accessway Policy, does NOT SUPPORT the closure of the pedestrian accessway between Churton Crescent and Dorchester Avenue, Warwick;**
- 2 **ADVISES the applicant and submitters accordingly.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf041212.pdf](#)

ITEM 9 PROPOSED CHANGE OF USE FROM SHOWROOM TO VEHICLE REPAIRS, AND FACADE MODIFICATIONS AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE – RECONSIDERATION FOLLOWING STATE ADMINISTRATIVE TRIBUNAL MEDIATION

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Community Development

FILE NUMBER: 03494, 101515

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Development Plans
Attachment 3 Previously Refused Plans

PURPOSE

For Council to reconsider and determine an application for a change of use from Showroom to Vehicle Repairs and facade modifications at Lot 929 (1244) Marmion Avenue, Currambine in accordance with orders made by the State Administrative Tribunal (SAT).

EXECUTIVE SUMMARY

An application for planning approval has been received for a proposed change of use within an existing building at the Currambine Central shopping centre site. The application also includes the insertion of a glazed retractable door and pedestrian door on the eastern facade, a glazed retractable door on the southern facade of the building, two new driveways and the deletion of five car bays. The initial application was refused by Council at its meeting held on 26 June 2012 (CJ100-06/12 refers). The proponent sought review of the City's decision and the SAT has invited Council to reconsider its decision in light of amended plans, received during the SAT mediation process. The amended plans indicate that the width of the glazed retractable door on the eastern facade has been reduced and a pedestrian access door has been inserted immediately south of the retractable door on the eastern elevation of the building.

The previous report to Council for this proposal in June of this year noted a car parking shortfall of 181 car bays. At its meeting of September this year, Council considered an application for modification to additions at the subject site. Through this application, Council adopted a car parking standard of five car bays per 100m² of net lettable area (NLA) for the site. As a result, the car parking provided on site is now considered sufficient to service the existing and proposed land uses.

The site of the proposed development is zoned 'Urban' under the Metropolitan Region Scheme, and 'Business' under the *City's District Planning Scheme No. 2* (DPS2). In addition, the site is located within the Currambine District Centre Structure Plan (CDCSP) area. Under DPS2, vehicle repairs is a 'D' or discretionary use in the Business Zone.

The amended proposal is not considered to meet the Business Zone objectives of DPS2 or the Business Zone objectives of the CDCSP as the proposed land use and facade modifications are considered not to contribute to an attractive main street facade. As such, it is recommended that the application be refused.

BACKGROUND

Suburb/Location: Lot 929 (1244) Marmion Avenue, Currambine.
Applicant: TPG Town Planning and Urban Design.
Owner: Davidson Pty Ltd.
Zoning: **DPS:** Business.
MRS: Urban.
Site Area: 7.5ha.
Structure Plan: Currambine District Centre Structure Plan (CDCSP).

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 (Attachment 1 refers).

The Currambine Central shopping centre and cinema complex is located on the southern portion of the subject site, and was approved by Council in two stages in 1995 and 1998. In 2003 a kiosk addition was approved under delegated authority. A total of 562 car bays were considered appropriate to service the shopping centre and cinema complex at that time.

A number of development applications have subsequently been approved for the site, with the construction of some of these developments now complete or underway. These include a freestanding development comprising two buildings to the north west of the cinema complex approved by Council on 19 October 2010 (CJ168-10/10 refers). The building which is the subject of this application is one of these buildings and was approved as a showroom. It is located directly east of the approved liquor store on the north-western portion of the site. The other building is located to the south east of the Liquor Store and was approved for the use of shops, take away food outlets and convenience store.

At its June 2012 meeting, Council refused (CJ100-06/12 refers) the initial application for change of use from showroom to vehicle repairs, and facade modifications for the following reasons:

- The proposed land use is not considered to satisfy the objectives of the Business Zone set out in the Currambine District Centre Structure Plan as:
 - The proposed land use is not considered compatible with surrounding business, and the nearby residential area;
 - The proposal is not considered to constitute high standards of main street built form and an attractive facade to vehicle and pedestrian routes as a result of the modification of the facades to install glazed tilt doors and the like;
 - The proposal does not contribute to efficient vehicle access and circulation and detracts from the pedestrian priority in this locality.

The applicant sought review of the City's decision and the amended plans obtained through the SAT mediation process are the subject of this report.

At its meeting held on 18 September 2012, Council approved an application for modifications to additions to Currambine Central (CJ182-09/12 refers). The following conditions were imposed on the approval with regard to car parking:

- Car parking shall be provided on site at a ratio of five bays per 100m² of net lettable area;
- No tenancies shall be occupied where it will cause the number of car parking bays provided on-site to be less than five bays per 100m² of net lettable area at any given time.

DETAILS

The applicant proposes to change the use of an existing building from Showroom to Vehicle Repairs.

The proposed operational details of the business are as follows:

- Monday to Friday from 8.00am to 5.30pm and Saturday from 8.00am to 12.00 noon;
- A maximum of five vehicles are likely to be accommodated within the workshop for repairs or servicing at any one time.

The application incorporates modifications to the building facade including the insertion of a glazed retractable door and pedestrian door on the eastern facade, a glazed retractable door on the southern facade of the building, two new driveways and the deletion of five car bays. No signage is included as part of this application. The amended plans provided to the City as a result of the SAT process include the following modifications:

- The glazed retractable door on the eastern elevation has been reduced in width from 8.6 metres to 7.2 metres;
- A pedestrian access door has been inserted immediately south of the retractable door on the eastern facade.

As indicated in the previous report, five car bays were proposed to be removed to accommodate the new driveways. The only modifications to the plans are outlined above and the amended plans do not propose to delete any further car bays.

The proposed development plans are provided in Attachment 2 and the previously refused plans are provided in Attachment 3.

Based on the proposed net lettable area (NLA) of the site, 721 bays are required. At present, 734 on-site car bays are provided. As such, the on-site car parking provided is considered to be sufficient to meet the needs of the land uses on site.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions;
- Refuse the application.

Legislation/Strategic Community Plan/Policy Implications

Legislation *City of Joondalup District Planning Scheme No. 2 (DPS2).*
State Administrative Tribunal Act 2004.

In determining whether this 'D' use is appropriate for the locality, Council should consider the objectives of the Business Zone set out in DPS2.

3.6 *The Business Zone*

The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.

The objectives of the Business Zone are:

- (a) Provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services; and*
- (b) Ensure that development within this zone creates an attractive facade to the street for the visual amenity of surrounding areas.*

Clause 4.8 of DPS2 sets out that car parking is to be provided at a particular rate:

4.8 *Car Parking Standards*

4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council; and

4.8.2 The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.

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 the 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 to 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.*

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a 'D' or 'A' use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and sitting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers.*

Under the provisions of the *State Administrative Tribunal Act 2004*, the SAT may invite the original decision maker to reconsider its previous decision:

s. 31 Tribunal may invite decision-maker to reconsider decision

- (1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may —*
 - (a) *affirm the decision; or*
 - (b) *vary the decision; or*
 - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.*

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

Policy:

State Administrative Tribunal Applications for Review Policy.

The purpose of this policy is to ensure that development matters that are brought before the State Administrative Tribunal and involve the City of Joondalup, are dealt with in an open and accountable manner.

The policy sets out that where permitted by the SAT, public comment should be obtained on amended plans or modified proposals, if the changes result in the development being likely to impact nearby landowners and affected stakeholders. The initial proposal was not advertised for public comment as the proposed variations to the CDCSP were not considered to directly impact the surrounding landowners. Given that only minor modifications have been made to the original plans, it is considered that the amended plans will not impact nearby landowners or stakeholders. As such, no consultation has been undertaken with regard to the amended plans.

Risk Management Considerations:

The proponents are currently exercising their right of review against Council's decision of June 2012 in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. Should Council resolve to refuse the current proposal, or to approve it subject to conditions that are not satisfactory to the applicant, the proposal will continue to proceed through the SAT process.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Should Council decide to approve the proposal, an advice note will be included on the decision letters advising the applicant of their obligations to comply with all relevant legislative requirements. These requirements include the *Environmental Protection Act 1986*, *Environmental Protection (Unauthorised Discharges) Regulations 2004* and *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.

Consultation:

The initial proposal was not advertised for public comment as the proposed variations to the CDCSP were not considered to directly impact the surrounding landowners. As such, no consultation was undertaken with regard to the amended plans, provided through the SAT process.

COMMENT

The application is for a change of use from Showroom to Vehicle Repairs, associated facade modifications and the deletion of car parking to accommodate two new driveways. The land use, Vehicle Repairs, is a discretionary use under DPS2. As such, Council is required to consider the proposed use having regard to the Business Zone objectives under DPS2 and the CDCSP.

Land use and facade design

The objectives of the Business Zone under DPS2 are:

- (a) *Provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services; and*
- (b) *Ensure that development within this zone creates an attractive facade to the street for the visual amenity of surrounding areas.*

In addition, the CDCSP which guides development within this area sets out the following additional objectives for the Business Zone:

- *To create an active focus for the community with a diversity of non-retail main street uses that generate day and evening activity;*
- *To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community;*
- *Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;*
- *Provide efficient vehicle access and circulation with pedestrian priority; and*
- *Encourage a high level of passive surveillance of public and private spaces.*

The subject tenancy has its frontage to Chesapeake Way, therefore forming part of the main street under the CDCSP. The CDCSP requires that the proposal should achieve a high standard of main street built form which presents an attractive facade. Due to the nature of the proposed land use, modifications to the eastern and southern facades are required to accommodate the needs of the business. These modifications include two new retractable doors to the eastern and southern facades of the building. Both doors are glazed, and the door on the eastern elevation has been reduced in width to accommodate a new pedestrian access door immediately south of the glazed retractable door. Whilst this provides some interaction with the main street, it is considered that the abovementioned modifications do not sufficiently address the CDCSP requirements. Further, the mechanical workshop including vehicle hoists and the like will be visible from the main street and therefore the proposal is not considered to contribute to an attractive facade which is encouraged for the main street.

Vehicular and pedestrian access

The applicant proposes to remove three car bays to the east of the building, two car bays to the south of the building and the necessary portions of the footpath to accommodate two new driveways. The driveways will provide access to the proposed glazed retractable doors on each elevation.

Efficient vehicle access and circulation with pedestrian priority is an objective of CDCSP. The proposal incorporates two new driveways to the eastern and southern facades of the building which will mean that portions of the existing pedestrian path will be removed and that pedestrian movements will no longer be a priority. It is considered that whilst pedestrians will be able to walk across the driveway and that a door has been inserted to the east of the building, the safety and ease of walkability in the area for pedestrians will be reduced.

The CDCSP indicates that urban edges and non-urban edges may include breaks for vehicular access of up to 15 metres however these should be no closer than 40 metres apart. At present there is a 40 metre separation distance between the driveway abutting the tenancy to the north and driveway adjoining the tenancy to the south. The proposed driveway to the east of the tenancy will result in a separation distance of 16 metres from the new driveway to the vehicle entry and exit to the car park to the south. As such, it is considered that the proposal does not meet the CDCSP with regard to pedestrian and vehicular access, circulation and priority in the vicinity.

Conclusion

As outlined above, it is considered that the proposed land use and facade modifications are considered not to contribute to an attractive main street facade. As such, the proposal is considered not to meet the objectives of DPS2 or CDCSP and the application is recommended for refusal.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council REFUSES the application for planning approval dated 11 April 2012 submitted by TPG Town Planning and Urban Design, on behalf of the owner, Davidson Pty Ltd, for a change of use from Showroom to Vehicle Repairs, and facade modifications at Lot 929 (1244) Marmion Avenue, Currambine for the following reasons:

- 1 The proposal is not considered to satisfy the objectives of the Business Zone set out in the Currambine District Centre Structure Plan as:
 - 1.1 The proposal is not considered to constitute high standards of main street built form and an attractive facade to vehicle and pedestrian routes as a result of the modification of the facades to install glazed tilt doors and the like;
 - 1.2 The proposal does not contribute to efficient vehicle access and circulation and detracts from the pedestrian priority in this locality.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf041212.pdf](#)

ITEM 10 JOONDALUP CITY CENTRE STRUCTURE PLAN AND SCHEME AMENDMENT NO. 64 – CONSIDERATION FOLLOWING ADVERTISING

WARD: North/North-Central

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Community Development

FILE NUMBER: 33624, 102020, 101515

ATTACHMENTS: Attachment 1 Schedule of submissions
Attachment 2 Draft Joondalup City Centre Structure Plan
(as modified with changes highlighted)

PURPOSE

For Council to consider submissions received during the public advertising of the revised draft Joondalup City Centre Structure Plan (JCCSP) and associated Scheme Amendment No. 64, and to decide whether to adopt these documents as final.

EXECUTIVE SUMMARY

At its meeting held on 17 April 2012 (CJ051-04/12 refers), Council resolved to advertise the revised draft JCCSP and Scheme Amendment No. 64 for a period of 42 days. Advertising closed on 29 August 2012. A total of nine responses were received (including one late submission). Submissions indicated general support for the changes to the draft structure plan and also made suggestions for further changes relating to particular landholdings within the City Centre.

This report presents an overview of the submissions and main changes proposed to the structure plan as a result of the submissions. The changes are considered to be relatively minor as they predominantly provide clarification and make the structure plan easier to use. It is therefore recommended that the revised draft JCCSP and Scheme Amendment No. 64 be adopted with modification.

BACKGROUND

The current Joondalup City Centre Development Plan and Manual (JCCDPM) last had a major revision in 1995. Since then, significant development has occurred within the City Centre. A review of the 1995 JCCDPM was initiated to create a planning framework that reflects the current needs and aspirations for the City Centre regarding land use and built form.

At its meeting held on 17 February 2009 (CJ037-02/09 refers), Council resolved to advertise the draft JCCSP and associated scheme amendment for a period of 60 days. Advertising closed on 6 July 2009. A total of 48 responses were received (including late submissions). Submissions indicated general support for the draft structure plan and the direction proposed for development of the City Centre.

Following consideration of submissions, at its meeting held on 25 May 2010 (CJ073-05/10 refers), Council resolved to adopt the draft JCCSP and Scheme Amendment No. 42. The JCCSP and Amendment were submitted to the Department of Planning for consideration and the endorsement of the WAPC.

In August 2010, the WAPC released the Activity Centres Policy, which, amongst other matters, requires that an Activity Centre Structure Plan be prepared for Strategic Metropolitan Centres (for example Joondalup) within three years of the adoption of the policy. In addition, in August 2011, the WAPC released the draft Structure Plan Preparation Guidelines.

Correspondence was received from the Department of Planning in August 2011 indicating the draft JCCSP in its current form did not constitute an Activity Centre Structure Plan, nor did it conform to the draft Structure Plan Preparation Guidelines. The draft JCCSP was reformatted to conform to the draft Structure Plan Preparation Guidelines and will be progressed as an interim structure plan while an Activity Centre Structure Plan is being prepared for the City Centre.

At its meeting held on 17 April 2012 (CJ051-04/12 refers), Council resolved to advertise the revised draft JCCSP and a new scheme amendment for a period of 42 days. Advertising closed on 29 August 2012.

DETAILS

The purpose of the structure plan is to provide a guiding framework for the growth and evolution of the Joondalup City Centre in a form that enables it to perform and sustain its role as the Strategic Metropolitan Centre of the northern corridor of the Perth Metropolitan region.

Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the revised draft JCCSP and scheme amendment;
- Adopt the revised draft JCCSP and scheme amendment, with modification; or
- Not adopt the revised draft JCCSP and scheme amendment.

Legislation/Strategic Community Plan/Policy Implications

Legislation:

Structure Plan

Clause 9.7 of *District Planning Scheme No. 2* (DPS2) enables Council to amend and revoke any agreed structure plan within the scheme area. Should Council determine the revised draft structure plan is satisfactory and of a significant nature, advertising is required in accordance with clause 9.5 of DPS2.

Upon the completion of public advertising, Council is required to consider all submissions within 60 days and proceed to either adopt or refuse to adopt the structure plan, with or without modifications. Council's decision is then referred to the WAPC for determination.

Scheme Amendment

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. The proposed amendment was referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or refuse to adopt 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 to grant approval for the amendment.

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Built Outcomes.

Objective: City Centre Development.

Key Theme: Economic prosperity, Vibrancy and Growth.

Objective: Activity Centre Development.

Policy:

Not Applicable.

Risk Management Considerations:

If the WAPC/Minister decides not to adopt the revised draft structure plan and new scheme amendment, the existing JCCDPM will prevail which does not reflect the City's current aspirations for the City Centre and may stifle development or investment in the City Centre.

Financial/Budget Implications:

The revision of the draft JCCSP has been prepared with in-house resources. Costs associated with public consultation were approximately \$990 (excluding GST).

Regional Significance:

The adoption of the JCCSP will assist the desired future economic and social development that will reinforce Joondalup City Centre as the major Strategic Metropolitan Centre of the north-west region.

Sustainability implications:

The draft JCCSP proposes to encourage the intensification of development in close proximity to the train station by removing plot ratio, introducing minimum building height and reducing parking requirements. These factors will contribute to more environmentally sustainable development by promoting a more efficient use of City Centre land, a reduction in private vehicle usage, encouraging Joondalup as an employment hub to assist in reducing the journey to work, and increasing employment self sufficiency in the North West corridor. In addition, specific development standards within the Structure Plan such as the protection of north, east and west facing windows from direct summer sun will also contribute to the development of more environmentally sustainable buildings.

Consultation:

The revised draft JCCSP and new scheme amendment were advertised for a period of 42 days, closing on the 29 August 2012, as follows:

- Letters sent to previous submitters and key stakeholders in the City Centre;
- A notice placed in the local newspaper for two consecutive weeks;
- A notice and documents placed at the City's libraries and customer service centres;
- A notice and documents placed on the City's website.

At the close of advertising eight submissions had been received with one late submission being received after the close of advertising. The submissions comprised: two letters of support, two stating no objections and five letters providing comments on the structure plan and scheme amendment.

The following have been identified as some of the key issues raised in the submissions:

- Clarification of some of the detail in the structure plan;
- Car parking standards in The Gateway are too high and should be reduced to one per 30m² for shop and one per 50m² for showroom;
- The JCCSP should be modified to allow a greater range of land uses in The Gateway, in particular 'shop' as a 'P' use;
- Edith Cowan University (ECU) seek to be able to vary height and street setbacks under clause 4.5.1 of DPS2 as this does not allow for campus style buildings in the centre of the site; and
- The eastern edge of the Arena district should be included in the Business Boulevard district as was shown on the original advertised structure plan (but not the adopted version).

A schedule of submissions forms Attachment 1 of this Report.

COMMENT

As a result of the submissions and on advice from the Department of Planning, a number of changes have been made to the draft JCCSP. Also, changes are proposed to some land uses under the structure plan to reflect a proposed omnibus amendment to DPS2 being considered by Council as part of a separate report on this agenda. The changes are highlighted in yellow in the draft JCCSP included as Attachment 2. The changes are considered to be relatively minor as they predominantly provide clarification and make the structure plan easier to use.

Wording changes are also proposed to Scheme Amendment No. 64 to provide clarification on the exemption of development approval for change of land use from a permitted use to another permitted use within the same district.

The main changes to the JCCSP are discussed below.

Figure 3 – Building Height Plan

The Building Height Plan contained within the draft JCCSP adopted by Council in May 2010 (CJ073-05/10 refers) allowed a maximum of eight storeys in the City Fringe district. However, a previous version of the Building Height Plan was inadvertently included in the revised draft JCCSP presented to Council in April 2012 which allows a maximum of 16 storeys in the City Fringe district. The document was advertised with this previous version of the Building Height Plan. This was an error and it is the City's preference that the maximum building height in the City Fringe be eight storeys to allow a gradual increase in height towards the Central Core.

It is not envisaged that this will be a major issue considering that no comments were made regarding the maximum building height and the structure plan was previously adopted with the eight storey height limit.

Legal advice was sought on this error and it has been advised that Council can make a decision on the matter under clause 9.6.1 of DPS2 as to whether they would prefer the 16 storey or eight storey height limit.

The Gateway district

Several landowners within the Gateway district submitted the same comments regarding the revised draft JCCSP. The main issue they raised is the desire for shops to be permitted in this area to allow the ability for the approval of direct factory outlets to be considered. However, shops are only permitted in this district in accordance with the Business Zone and the restrictions of clause 3.6.3 of DPS2 which allows a maximum retail NLA of 200m². Shops are not considered appropriate in this district as the main retail focus should be located within the Central Core. The Gateway is on the edge of the structure plan area and as such is considered to be an appropriate location for fringe activities such as bulky goods retail. It is considered that in the future this area will be developed as a compact transit orientated village, however this will require more detailed planning and a re-examination of land use permissibility at that stage.

The parking standards for the Gateway, which are in accordance with the Business Zone of DPS2, are proposed to be amended in a separate omnibus scheme amendment to bring them into line with SPP 4.2 which recommends four to five bays per 100m² for shops and one bay per 50m² for offices and showrooms.

Edith Cowan University site

Edith Cowan University (ECU) requested that the height and street setbacks applicable to the City Fringe district be allowed to be varied under clause 4.5.1 of DPS2. This was not considered appropriate as it could result in development that is undesirable in that district. However, it is considered appropriate that only buildings located adjacent to a street be built up to the street. Therefore, the structure plan is proposed to be amended so that only buildings within 30 metres of a street alignment must have a maximum setback of three metres to the street alignment. This will allow flexibility for buildings to be developed in the centre of these large sites whilst still requiring a strong urban edge and street front activation. The minimum height of two storeys has not been changed, however, the structure plan is proposed to be amended to exclude incidental structures such as patios and outbuildings.

Arena district

Venues West requested that the eastern edge of the Arena district be included in the Business Boulevard district as was shown on the original advertised structure plan. The Business Boulevard was removed from the Arena district prior to the structure plan being adopted in 2010 as it had an arbitrary boundary that did not follow actual lot boundaries or topography. In addition, the Business Boulevard was removed from the Arena and Quadrangle sites to ensure that development is focussed on the Central Core district. This is still considered appropriate. It is noted that the structure plan allows offices which are related to sport and recreational activities to be developed within the Arena district.

Department of Planning

Comments from the Department of Planning were received in relation to the revised draft JCCSP. In response to these comments, the following modifications were made to the Structure Plan:

- Removal of duplicated provisions relating to land uses;
- The inclusion of notes and foot notes as provisions where appropriate;
- Additional detail requiring development of 'Public Use' and 'Civic and Cultural' zones, and 'Parks and Recreation' reserve to be in accordance with DPS2;
- Deletion of definitions which are not necessary to the Structure Plan (definitions already provided in DPS2 or the R-Codes);
- Additional detail added in Part 2 justifying design provisions which are not in accordance with DPS2 or the R-Codes;
- Additional detail added in Part 2 as to the draft JCCSP being an interim structure plan whilst an Activity Centre Structure Plan is prepared for the City Centre.

Other minor changes

Throughout the document, a range of minor modifications have also been made. These modifications do not change the intent of the Structure Plan, but rather provide additional information and clarity.

These minor changes include:

- Reformatting of the Structure Plan text in accordance with the Structure Plan Preparation Guidelines, released in August 2012;
- Minor text changes to improve clarity and address issues identified in the submissions;
- Modification to land use permissibility to reflect the range of land uses currently included in DPS2, where appropriate;
- Inclusion of land uses and modification to some land uses to reflect the proposed omnibus amendment to DPS2 which is to be considered by Council as part of a separate report on this agenda;
- Amending the wording of the structure plan to reflect the proposed modification to Amendment No. 66 which is to be considered by Council as part of a separate report on this agenda. The amended wording clarifies that the provisions of the structure plan prevail over the DPS2 in the event of any inconsistency;
- Removing reference to the Strategic Plan 2008-2011, and adding in Strategic Community Plan 2022 themes and objectives.

Conclusion

The modifications to the structure plan are considered appropriate as they address a number of issues raised in the submissions and by the Department of Planning. They do not alter the intent of the structure plan. However, the more strategic issues raised in a number of submissions are more appropriately addressed in the development of the Joondalup Activity Centre Structure Plan.

It is recommended that Council support the proposed modifications to the Structure Plan and adopts the revised draft Joondalup City Centre Structure Plan and Scheme Amendment No. 64.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ADOPTS the draft Joondalup City Centre Structure Plan (as amended) as shown in Attachment 2 to this Report and submits to the Western Australian Planning Commission for final adoption and certification;**
- 2 Subject to certification by the Western Australian Planning Commission, ADOPTS the Joondalup City Centre Structure Plan and proposed modifications as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the structure plan document;**
- 3 Pursuant to Regulation 17 (2) of the *Town Planning Regulations 1967* ADOPTS Amendment No. 64 to the *City of Joondalup District Planning Scheme No. 2*, as follows:**
 - 3.1 Rezone land bounded by Mitchell Freeway, Ocean Reef Road, Joondalup Drive and Eddystone Avenue, Edgewater from Business Zone, Local Reserve – Public Use and Local Reserve – Public Recreation to Centre zone;**
 - 3.2 Rezone land bounded by Mitchell Freeway, Hodges Drive, Joondalup Drive and Shenton Avenue, Joondalup from Service Industrial Zone, Local Reserve – Public Use and Local Reserve – Public Recreation to Centre zone;**
 - 3.3 Inserting the following clause immediately after Clause 3.11.5:**

“3.11.6 Where provisions are specified in the Joondalup City Centre Structure Plan as not being able to be varied, those provisions are not standards or requirements for the purpose of clause 4.5.1.”;

3.4 Adding a new paragraph after paragraph (m) of Clause 6.1.3 as follows:

“(n) 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 required provision of car parking for the site.”;

4 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;

5 ADVISES the Western Australian Planning Commission and submitters of Council’s decision;

6 REFERS Scheme Amendment No. 64 and Council’s decision to the Western Australian Planning Commission for determination.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf041212.pdf](#)

ITEM 11 EXECUTION OF DOCUMENTS

WARD:	All		
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy		
FILE NUMBER:	15876, 101515		
ATTACHMENTS:	Attachment 1	Documents executed by affixing the Common Seal for the period 2 November 2012 to 13 November 2012	

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 2 November 2012 to 13 November 2012 (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 the Council for information on a regular basis.

It is recommended that Council NOTES the Schedule of Documents covering the period 2 November 2012 to 13 November 2012, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

DETAILS

During the period 2 November 2012 to 13 November 2012, five documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	3
Withdrawal of Caveat	1
Agreement	1

Issues and options considered:

Not Applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents covering the period 2 November 2012 to 13 November 2012, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf041212.pdf](#)

ITEM 12 STATUS OF PETITIONS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	05386, 101515
ATTACHMENTS:	Attachment 1 Status of Petitions – 28 June 2011 to 23 October 2012

PURPOSE

For Council to note the status of outstanding petitions.

BACKGROUND

Quarterly reports on outstanding petitions are to be presented to Council.

DETAILS

Issues and options considered:

Attachment 1 provides a list of all outstanding petitions, which were received during the period 28 June 2011 to 23 October 2012, 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.

Policy Implications:

Individual petitions may impact on the 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 petitions are presented to Council for information on the actions taken, along with those outstanding.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES:

- 1 the status of outstanding petitions submitted to Council during the period 28 June 2011 to 23 October 2012, forming Attachment 1 to this Report;
- 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 the parking of a caravan on a verge at 2 Defoe Court, Kingsley was presented to Council at its meeting held on 18 September 2012 (CJ191-09/12 refers);
- 4 that a report on the community consultation undertaken for the proposed clubrooms / community facility at Bramston Park is proposed to be presented to Council at its meeting to be held on 11 December 2012. This report will deal with the issues raised in the petition with regard to the removal of existing bushland vegetation on the eastern boundary of Bramston Park, Burns Beach;
- 5 that a report in relation to the petition requesting an upgrade of the playground at Glengarry Park within the next 12 months (from August 2012), including the installation of exercise equipment and drinking water fountains similar to those in other recreational spaces is proposed to be presented to Council at its meeting to be held on 11 December 2012;
- 6 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 is proposed to be presented to Council at its meeting to be held on 19 March 2013.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf041212.pdf](#)

ITEM 13 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2012

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	09882
ATTACHMENTS:	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of October 2012
	Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of October 2012
	Attachment 3 Municipal and Trust Fund Vouchers for the month of October 2012

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of October 2012.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of October 2012 totalling \$14,656,613.49.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for October 2012 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 this Report, totalling \$14,656,613.49.

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 October 2012. 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 93953 - 94174 & EF027286 – EF027850 Net of cancelled payments	\$9,035,297.64
	Vouchers 1038A-1042A & 1044A – 1048A	\$5,575,509.36
Trust Account	Trust Cheques 205218-205260 Net of cancelled payments	\$45,806.49
Total		\$14,656,613.49

Issues and options considered:

The list of payments report was recently amended to include contract numbers where payments were made under approved contracts. Following the June end of year roll over, the contract numbers have not been able to be included. Until this is rectified, the earlier version is being produced instead.

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 Themes: Financial Sustainability.

Objective: Effective Management.

Policy:

All expenditure included in the list of payments is drawn from the City's accounting records.

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.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for October 2012 paid under Delegated Authority in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$14,656,613.49.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf041212.pdf](#)

ITEM 14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2012

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	07882, 101515
ATTACHMENTS:	Attachment 1 Financial Activity Statement for the Period Ended 31 October 2012

PURPOSE

For Council to note the Financial Activity Statement for the period ended 31 October 2012.

EXECUTIVE SUMMARY

At its Special meeting held on 10 July 2012 (JSC04-07/12 refers), Council adopted the Annual Budget for the 2012/13 Financial Year. The figures in this report are compared to the Adopted Budget figures.

The October 2012 Financial Activity Statement Report shows an overall favourable variance from operations and capital of \$5,136,216 for the period when compared to the 2012/13 Adopted Budget.

The variance can be summarised as follows:

The Operating Surplus is \$1,844,972 above budget, made up of higher revenue of \$1,222,067 and lower operating expenditure of \$622,905.

Higher Operating revenues have been driven by higher Fees and Charges \$511,327, Investment Earnings \$601,344, Contributions, Reimbursements and Donations \$126,065 and Grants and Subsidies \$65,342. Revenue is below budget on Rates \$103,172. Additional revenue came primarily from Sports and Recreation Fees, Building and Development Fees, Sale of Recyclables and Investment income.

Operating Expenditure is below budget on Materials and Contracts \$522,214, Employee Costs \$104,422, Utilities \$94,303 and Insurance \$66,227. Expenditure is over budget on Depreciation \$194,674.

The favourable variance on Materials and Contracts is spread across several areas, particularly Professional Fees and Charges \$203,638, Furniture, Equipment and Artworks \$198,191, Other Materials \$157,273, Contributions and Donations \$132,114 and Public Relations, Advertising and Promotions \$131,801. These are partially offset by an unfavourable variance for Waste Management Services of \$330,920.

The Capital Revenue and Expenditure is \$3,147,517 below budget due to lower expenditure on Capital Projects of \$881,290, Capital Works of \$1,911,640 and Motor Vehicle Replacements of \$372,830.

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

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2012 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 31 October 2012 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 Themes: Financial Sustainability.

Objective: Effective Management.

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 Adopted Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 October 2012 forming Attachment 1 to this Report.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf041212.pdf](#)

ITEM 15 TENDER 021/12 - SUPPLY, DELIVERY AND INSTALLATION OF INSTANT TURF

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services	
FILE NUMBER:	102556, 101515	
ATTACHMENTS:	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions

PURPOSE

For Council to accept the tenders submitted by Carabooda Pty Limited T/as Carabooda Roll-On Instant Lawn, The Trustee for Hackshaw Family Trust and Trustee for HJS Trust T/as Allwest Turfing and The Trustee for Trainor Family Trust T/as A & S Lawn Supplies for the supply, delivery and installation of instant turf.

EXECUTIVE SUMMARY

Tenders were advertised on 22 August 2012 through state-wide public notice for the supply, delivery and installation of instant turf for a period of three years. Tenders closed on 6 September 2012. Four submissions were received from:

- The Trustee for Turfmaster Unit Trust T/as Turfmaster Facility Management;
- The Trustee for Hackshaw Family Trust and Trustee for HJS Trust T/as Allwest Turfing;
- Carabooda Pty Limited T/as Carabooda Roll-On Instant Lawn;
- The Trustee for Trainor Family Trust T/as A & S Lawn Supplies.

The submissions from Carabooda Roll-On Instant Lawn, Allwest Turfing and A & S Lawn Supplies represent the lowest contractual risk to the City. Each organisation has sufficient resources and demonstrated a satisfactory understanding of the requirements. All have completed turf installation projects for local government clients including the Cities of Belmont, Perth, Stirling, Canning, Wanneroo, Vincent, Fremantle, Bayswater and the Towns of Cambridge and Victoria Park.

That Council ACCEPTS the tenders submitted by Carabooda Pty Limited T/as Carabooda Roll-On Instant Lawn, The Trustee for Hackshaw Family Trust and Trustee for HJS Trust T/as Allwest Turfing and The Trustee for Trainor Family Trust T/as A & S Lawn Supplies for the supply, delivery and installation of instant turf for a period of three years for requirements as specified in Tender 021/12 at the submitted schedules of rates, and with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

BACKGROUND

This requirement is for the supply, delivery and installation of high quality instant turf inclusive of preparation and soil amendments to streetscapes and parks within the City.

The City currently has a panel contract for the supply, delivery and installation of instant turf with A & S Lawn Supplies and Allwest Turfing which expired on the 9 November 2012. A & S Lawn Supplies provided a good quality service and Allwest Turfing a satisfactory service throughout the term of the contract.

DETAILS

Tenders were advertised on 22 August 2012 through state-wide public notice for the supply, delivery and installation of instant turf for a period of three years. The tender period was for two weeks and tenders closed on 6 September 2012.

Tender Submissions

Four submissions were received from:

- The Trustee for Turfmaster Unit Trust T/as Turfmaster Facility Management;
- The Trustee for Hackshaw Family Trust and Trustee for HJS Trust T/as Allwest Turfing;
- Carabooda Pty Limited T/as Carabooda Roll-On Instant Lawn;
- The Trustee for Trainor Family Trust T/as A & S Lawn Supplies.

The schedule of items as listed in the tender is provided in Attachment 1.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2.

Evaluation Panel

The Evaluation Panel comprised of three members:

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

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

Compliance Assessment

The following offers were assessed as fully compliant:

- Turfmaster Facility Management;
- Allwest Turfing;
- A & S Lawn Supplies.

The offer from Carabooda Roll-On Instant Turf was assessed as partially compliant. The company is not able to supply nine items that are a 16m² sized roll of turf. Although not fully compliant with the specification, it was included for further assessment on the basis that the large rolls of turf form a minor component of expenditure and the contract is intended to be a panel of suppliers and the other panel member(s) could supply the required 16m² rolls of turf.

Qualitative Assessment

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

Qualitative Criteria		Weighting
1	Demonstrated understanding of the required tasks	35%
2	Demonstrated experience in providing similar services	30%
3	Capacity	30%
4	Social and economic effects on the local community	5%

A & S Lawn Supplies scored 56.1% and was ranked fourth in the qualitative assessment. It is one of the City's current contractors for the supply and installation of turf and has completed turf installations for the City of Swan, the Ellenbrook Estate, Evermore Heights Estate and other landscape companies. The organisation demonstrated a satisfactory understanding of the requirements. A & S Lawn Supplies has the smallest capacity of the tenderers in terms of personnel. Its submission did not provide sufficient information supporting its safety policy and procedures.

Carabooda Roll-On Instant Lawn scored 58.7% and was ranked third in the qualitative assessment. Carabooda Roll-On Instant Lawn demonstrated a satisfactory understanding of the requirements. It has the capacity to install 1m² rolls of turf only. The company demonstrated experience in the supply and laying of turf to local governments and private organisations. These include the Cities of Swan, Rockingham, Bayswater, Vincent, Fremantle, Town of Victoria Park and Shire of Peppermint Grove.

Allwest Turfing scored 63.8% and was ranked second in the qualitative assessment. It is one of the City's current contractors for the supply and installation of turf and has also completed turf installations for landscape development companies and the Cities of Stirling and Canning. Allwest Turfing demonstrated a satisfactory understanding of the requirements and has sufficient capacity to fulfil the City's turf program.

Turfmaster Facility Management scored 65.3% and was ranked first in the qualitative assessment. It demonstrated a satisfactory understanding of the requirements. The company has the largest capacity of the tenderers in terms of personnel and equipment. It demonstrated considerable experience in large-scale turf installation projects for local government and private organisations. Its local government clients include the Cities of Vincent, Belmont, Perth, Stirling, Wanneroo and the Towns of Cambridge and Port Hedland.

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.

To provide an estimated expenditure over a 12 month period, the 20 most commonly used items and their typical usage based on historical data have been used. The following table provides a comparison of the estimated expenditure based on the rates offered by each tenderer. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. As Carabooda Roll-On Lawn Instant Lawn does not supply 16m² sized rolls of turf, these items were excluded from the price assessment.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) Index for the preceding year. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Turfmaster Facility Management	\$221,660	\$228,310	\$235,159	\$685,129
Carabooda Roll-On Instant Lawn	\$228,879	\$235,745	\$242,817	\$707,441
Allwest Turfing	\$275,790	\$284,064	\$292,586	\$852,439
A & S Lawn Supplies	\$283,240	\$291,738	\$300,490	\$875,468

During the last financial year 2011/12, the City incurred \$253,565 for the supply, delivery and installation of instant turf and is expected to incur in the order of \$750,000 over the three year Contract period.

Evaluation Summary

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

Tenderer	Estimated Contract Price Year 1	Estimated Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
Turfmaster Facility Management	\$221,660	\$685,129	1	65.3%	1
Allwest Turfing	\$275,790	\$852,439	3	63.8%	2
Carabooda Roll-On Instant Lawn	\$228,879	\$707,441	2	58.7%	3
A & S Lawn Supplies	\$283,240	\$875,468	4	56.1%	4

Based on the evaluation result the panel proposed the appointment of Turfmaster Facility Management and Carabooda Roll-On Instant Lawn.

However, the Chief Executive Officer considers that the potential risk associated with the appointment of Turfmaster Facility Management, given its previous performance with the City, outweighs its lower cost. It is therefore recommended to accept the Offers from Carabooda Roll-On Instant Lawn, Allwest Turfing and A & S Lawn Supplies to form a panel of three contractors for the supply, delivery and installation of instant turf.

Issues and options considered:

The supply and installation of instant turf is required to maintain the playing surface of the City's parks and open spaces. The City does not have the internal resources to supply the required services and as such requires a panel of appropriately experienced contractors. A panel of contractors is required to ensure works are completed in accordance with the City's turf installation schedule in peak seasonal periods.

Legislation/Strategic Community Plan/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with clause 11(1) of Part 4 of the *Local Government (Functions & 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.

Local Government (Functions & General) Regulations 1996 Part 4 states:

Clause 18(4) Tenders that have not been rejected under sub regulation (1), (2) or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it would be most advantageous to the local government to accept.

Clause 18(5) The local government may decline to accept any tender.

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality Open Spaces.

Policy:

Not Applicable.

Risk Management Considerations:

Although Turfmaster Facility Management was ranked first in both the qualitative score and price, it is considered that awarding the contract to Turfmaster Facility Management may expose the City to higher risk given its past performance history with the City.

The recommended tenderers are well-established organisations with significant industry experience and the capacity as a panel of contractors to provide the services for the volumes of turf and timeframes required at a lower risk to the City.

Should the contract not proceed, the risk to the City will be moderate as the City will not be able to maintain its turfed areas to the standards required for use by sporting groups.

Financial/Budget Implications:

Account No:	3359 External Contractor
Budget Item:	Turf renovation and new installations for various parks
Budget Amount:	\$232,500
Amount Spent To Date:	\$100,516
Proposed Cost:	\$131,984
Balance:	\$0

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

The provision of instant turf enhances the appearance of the City's streetscapes, parks and open spaces and ensures playing surfaces meet the safety standards required of sporting groups.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the submissions in accordance with the Qualitative Criteria in a fair and equitable manner and proposed the appointment of Turfmaster Facility Management and Carabooda Roll-On Instant Lawn.

However, the City administration considers that the potential risk associated with the appointment of Turfmaster Facility Management, given its previous performance with the City, outweighs its relatively lower cost. It is therefore recommended to accept the offers from Carabooda Roll-On Instant Lawn, Allwest Turfing and A & S Lawn Supplies.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the Tenders submitted by Carabooda Pty Limited T/as Carabooda Roll-On Instant Lawn, The Trustee for Hackshaw Family Trust and Trustee for HJS Trust T/as Allwest Turfing and The Trustee for Trainor Family Trust T/as A & S Lawn Supplies for the supply, delivery and installation of instant turf for a period of three years for requirements as specified in Tender 021/12 at the submitted schedule of rates, and with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf041212.pdf](#)

ITEM 16 TENDER 025/12 - SUPPLY AND INSTALLATION OF CONCRETE PATHS, DUAL USE PATHS AND CROSSOVERS

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services	
FILE NUMBER:	102585, 101515	
ATTACHMENTS:	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions

PURPOSE

To seek the approval of Council to accept the tender submitted by Techsand Pty Ltd for the supply and installation of concrete paths, dual use paths and crossovers.

EXECUTIVE SUMMARY

Tenders were advertised on 29 September 2012 through state-wide public notice for the supply and installation of concrete paths, dual use paths and crossovers for a period of three years. Tenders closed on 16 October 2012. Four submissions were received from:

- Techsand Pty Ltd;
- CQ & JM Dowsing ATF The Dowsing Family Trust T/as Dowsing Concrete;
- HAS Group (WA) Pty Ltd T/as HAS Earthmoving;
- Nextside Pty Ltd.

The submission from Techsand Pty Ltd represents best value to the City. Techsand demonstrated a thorough understanding of the requirements. The company has significant industry experience and proven capacity to undertake the works for the City. It has successfully completed similar works for various local governments including the Town of Cambridge, the Cities of Stirling, Nedlands, Belmont and Gosnells. Techsand is the City's current contractor for the supply and installation of concrete paths, dual use paths and crossovers and has provided quality service.

It is recommended that Council ACCEPTS the tender submitted by Techsand Pty Ltd for the supply and installation of concrete paths, dual use paths and crossovers as specified in Tender 025/12 for a period of three years 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 for the supply and installation of concrete paths, dual use paths and crossovers within the City. The work involves the removal of existing concrete, asphalt and slab footpaths and crossovers, the construction of cast in-situ footpaths, dual use paths and vehicle crossovers.

The City currently has a single contract for the service with Techsand Pty Ltd, which will expire on 31 December 2012.

Techsand has consistently completed the works on time and met the City's requirements throughout the term of its contract.

DETAILS

The tender for the supply and installation of concrete paths, dual use paths and crossovers was advertised through state-wide public notice on 29 September 2012. The tender period was for two weeks and tenders closed on 16 October 2012.

Tender Submissions

Four submissions were received from:

- Techsand Pty Ltd;
- CQ & JM Dowsing ATF The Dowsing Family Trust T/as Dowsing Concrete;
- HAS Group (WA) Pty Ltd T/as HAS Earthmoving;
- Nextside Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2.

Evaluation Panel

The Evaluation Panel comprised of four members:

- one with tender and contract preparation skills;
- one with financial analytical skills;
- two with the appropriate technical expertise and involvement in supervising the Contract.

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Techsand Pty Ltd;
- HAS Earthmoving.

The following offers were assessed as partially compliant:

- Dowsing Concrete;
- Nextside Pty Ltd.

Dowsing Concrete included critical assumptions relating to provision of service locators, depth of excavation of grass and stencil paving, which are departures from the City's requirements.

Nextside stated it operates with its own quality management system but did not provide sufficient information on its quality control system and procedures that will allow the company to meet the requirements of the Contract.

Both Submissions were included for further assessment on the basis that clarification could be sought, should either of the two offers represent best value to the City.

Qualitative Assessment

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in completing similar projects	30%
3	Demonstrated understanding of the required tasks	15%
4	Social and economic effects on the local community	5%

Nextside Pty Ltd scored 52.3% and was ranked fourth in the qualitative assessment. Nextside demonstrated a good understanding of the required tasks. The company has personnel capable of providing the services, however the submission did not address the ability to provide additional resources or its safety record. Also, the company's recent history of experience is limited. It provided three examples of works carried out for its clients but did not include specific period and dates of contracts. Nextside stated these works were carried out under recent contracts for Winchester Industries, Shire of Carnamah and City of Armadale.

HAS Earthmoving scored 66.8% and was ranked third in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It demonstrated some experience completing similar projects and has the capacity to undertake the works. Its submission included numerous examples of works carried out for various clients but most were drainage projects and plant hire. HAS Earthmoving is currently undertaking similar works for the Town of Claremont.

Dowsing Concrete scored 80% and was ranked second in the qualitative assessment. The company has extensive experience completing similar projects. It is currently undertaking similar works for numerous local governments including the Cities of Gosnells, Swan, Belmont, Wanneroo and Melville. Dowsing Concrete demonstrated a thorough understanding of the required tasks.

Techsand Pty Ltd scored 82.8% and was ranked first in the qualitative assessment. Techsand demonstrated a thorough understanding of the required tasks and has the proven capacity to undertake the works for the City. The company has extensive experience completing similar works for various local governments including the Town of Cambridge, the Cities of Stirling, Nedlands, Belmont, Gosnells and is the City's current contractor.

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.

To provide an estimated expenditure over a 12 month period the 15 most commonly used items and their typical usage based on historical data have been used. The table below provides a comparison of the estimated expenditure based on tendered rate. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) Index for the preceding year. For estimation purposes, a 3% CPI increase in years two and three was applied to the tendered rates.

Tenderer	Year 1	Year 2	Year 3	Total
Nextside Pty Ltd	\$453,903	\$467,520	\$481,546	\$1,402,969
Techsand Pty Ltd	\$530,967	\$546,896	\$563,303	\$1,641,166
CQ & JM Dowsing ATF The Dowsing Family Trust T/as Dowsing Concrete	\$541,654	\$557,904	\$574,641	\$1,674,198
HAS Group (WA) Pty Ltd T/as HAS Earthmoving	\$607,901	\$626,138	\$644,922	\$1,878,961

During the last financial year 2011/12, the City incurred \$503,692 for the supply and installation of concrete paths, dual use paths and crossovers and is expected to incur in the order of \$1,641,200 over the three year contract period.

Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price	Estimated Total Contract Price	Price Ranking	Weighted Percentage Score	Qualitative Ranking
Techsand Pty Ltd	\$530,967	\$1,641,166	2	82.8%	1
CQ & JM Dowsing ATF The Dowsing Family Trust T/as Dowsing Concrete	\$541,654	\$1,674,198	3	80.0%	2
HAS Group (WA) Pty Ltd T/as HAS Earthmoving	\$607,901	\$1,878,961	4	66.8%	3
Nextside Pty Ltd	\$453,903	\$1,402,969	1	52.3%	4

Based on the evaluation result the panel concluded that the tender from Techsand Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered:

The City has a requirement for the supply and installation of concrete paths, dual use paths and crossovers within the City. The City does not have the internal resources to provide the required goods and services and requires an appropriate external contractor to undertake the works.

Legislation/Strategic Community Plan/Policy Implications

Legislation A state-wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & 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: Quality Urban Environment.

Objective: Integrated Spaces.

Policy

Not Applicable.

Risk Management Considerations:

Should the contract not proceed, the risk to the City will be high as a contract for these services is an essential component of the capital works program.

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

Financial/Budget Implications:

Account No:	Various Capital Works accounts
Budget Item:	Concrete paths, dual use paths and crossovers
Estimated Budget Amount:	\$560,000
Amount Spent To Date:	\$151,074
Proposed Cost:	\$265,484
Balance:	\$143,442

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the Offer submitted by Techsand Pty Ltd represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Techsand Pty Ltd for the supply and installation of concrete paths, dual use paths and crossovers as specified in Tender 025/12 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf041212.pdf](#)

ITEM 17 TENDER 029/12 - SWEEPING OF URBAN AND ARTERIAL ROADS, CAR PARKS, PAVEMENTS AND PATHWAYS WITHIN THE CITY OF JOONDALUP

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services	
FILE NUMBER:	102639, 101515	
ATTACHMENTS:	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions

PURPOSE

For Council to accept the tender submitted by E C & S E Wheeler trading as Austra Sweep for sweeping of urban and arterial roads, car parks, pavements and pathways within the City of Joondalup.

EXECUTIVE SUMMARY

Tenders were advertised on 29 September 2012 through state-wide public notice for sweeping of urban and arterial roads, car parks, pavements and pathways within the City of Joondalup for a period of three years. Tenders closed on 16 October 2012. Five submissions were received from:

- EC & SE Wheeler trading as Austra Sweep;
- The Trustee For The Jusuf Family Trust trading as Coastal Sweeping Services;
- Cleansweep (WA) Pty Ltd trading as Clean Industry Environmental Solutions;
- Environmental Wastewater Catchment Services Pty Ltd ATF EWCS Unit Trust trading as Enviro Sweep;
- Specialized Sweeping Services Pty Ltd.

The submission from EC & SE Wheeler trading as Austra Sweep represents best value to the City. Austra Sweep demonstrated a thorough understanding of the requirements and has the appropriate level of resources and experience to meet the City's requirements. It demonstrated experience providing similar services to local governments and private organisations, which include the Cities of Kwinana and Canning and Downer EDI. Austra Sweep has been the City's current Contractor for sweeping of urban and arterial roads, car parks, pavements and pathways for last five years and the service provided has been satisfactory.

It is recommended that Council ACCEPTS the tender submitted by EC & SE Wheeler trading as Austra Sweep for the sweeping of urban and arterial roads, car parks, pavements and pathways within the City of Joondalup for a period of three years for requirements as specified in Tender 029/12 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 for the sweeping of urban and arterial roads, car parks, pavements and pathways within the City of Joondalup.

The City currently has a single Contract for the service with EC & SE Wheeler trading as Austra Sweep which will expire on 13 January 2013. Austra Sweep has provided satisfactory sweeping services to the City throughout the term of its contract.

DETAILS

The tender for the sweeping of urban and arterial roads, car parks, pavements and pathways within the City of Joondalup was advertised through state-wide public notice on 29 September 2012. The tender period was for two weeks and tenders closed on 16 October 2012.

Tender Submissions

Five submissions were received from:

- EC & SE Wheeler trading as Austra Sweep;
- The Trustee For The Jusuf Family Trust trading as Coastal Sweeping Services;
- Cleansweep (WA) Pty Ltd trading as Clean Industry Environmental Solutions;
- Environmental Wastewater Catchment Services Pty Ltd ATF EWCS Unit Trust trading as Enviro Sweep;
- Specialized Sweeping Services Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2.

Evaluation Panel

The Evaluation Panel comprised of three members:

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

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

Compliance Assessment

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

Qualitative Assessment

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in providing similar services	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

Coastal Sweeping scored 8.7% and was ranked fifth in the qualitative assessment. The company did not demonstrate its understanding of the required tasks and provided insufficient information demonstrating its capacity and experience in providing similar services.

Specialized Sweeping scored 37.8% and was ranked fourth in the qualitative assessment. The company demonstrated some understanding of the required tasks. It demonstrated experience providing site based sweeping services to private organisations. It did not demonstrate any prior experience providing area based sweeping to local governments.

Enviro Sweep scored 38.6% and was ranked third in the qualitative assessment. It demonstrated a general understanding of the requirements, however a specific methodology addressing the scope of works was not provided. Enviro Sweep has current contracts with Town of East Fremantle and Shire of Peppermint Grove, which are small local governments in comparison to the City. It has not demonstrated sufficient experience providing sweeping services of a similar frequency and volume to the City's work.

Clean Sweep scored 61.6% and was ranked second in the qualitative assessment. The company demonstrated a good understanding of the required tasks and has the capacity to provide the services to the City. It demonstrated considerable experience in providing similar services to the City's requirement. It has ongoing contracts with Cities of Perth, South Perth, Rockingham and Wanneroo, however the period and dates of the contracts were not provided.

Austra Sweep scored 70.1% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the requirements and has the capacity to provide the services to the City. It demonstrated considerable experience providing similar services to local governments and private organisations, which include the Cities of Kwinana and Canning and Downer EDI. It has been the City's contractor for sweeping of urban and arterial roads, car parks, pavements and pathways for the past five years.

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.

To provide an estimated expenditure over a 12 month period, the frequencies of sweeping for car parks, dual use paths, urban and arterial roads have been used. The following table summarises the estimated expenditure of each tenderer. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) Index for the preceding year. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Enviro Sweep	\$418,786	\$431,350	\$444,291	\$1,294,427
Austra Sweep	\$445,984	\$459,364	\$473,144	\$1,378,492
Specialized Sweeping	\$478,160	\$492,505	\$507,280	\$1,477,945
Coastal Sweeping	\$596,045	\$613,926	\$632,344	\$1,842,315
Clean Sweep	\$1,011,571	\$1,041,918	\$1,073,176	\$3,126,665

During the last financial year 2011/12, the City incurred \$375,333 for the sweeping of urban and arterial roads, car parks, pavements and pathways within the City of Joondalup and is expected to incur in the order of \$1,400,000 over the three year Contract period.

Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price	Estimated Total Contract Price	Price Ranking	Weighted Percentage Score	Qualitative Ranking
Austra Sweep	\$445,984	\$1,378,492	2	70.1%	1
Clean Sweep	\$1,011,571	\$3,126,665	5	61.6%	2
Enviro Sweep	\$418,786	\$1,294,427	1	38.6%	3
Specialized Sweeping	\$478,160	\$1,477,945	3	37.8%	4
Coastal Sweeping	\$596,045	\$1,842,315	4	8.7%	5

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

Issues and options considered:

The sweeping of urban and arterial roads, car parks, pavements and pathways is required to keep City's roads and access ways clear of rubbish and litter. There has been a reduction in the sweeping of the arterial roads component in this tender from the current Contract as some of the arterial roads are now swept by City owned sweepers.

The City does not have sufficient internal resources to provide the remaining sweeping services and requires an appropriate external contractor to undertake the services.

Legislation/Strategic Community Plan/Policy Implications

Legislation

A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & 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: Quality Urban Environment.

Objective: Quality Open Spaces.

Policy:

Not Applicable.

Risk Management Considerations:

Should the contract not proceed, the risk to the City will be high as the services are required to keep roads and access ways clear of rubbish and litter throughout the City.

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

Financial/Budget Implications:

Account No:	3359 External Contractor
Budget Item:	Sweeping of urban and arterial roads
Budget Amount:	\$488,813
Amount Spent To Date:	\$130,900
Proposed Cost:	\$325,875
Balance:	\$32,038

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

The provision of sweeping enhances the appearance of the City's roads, car parks, pavements and pathways.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer submitted by EC & SE Wheeler trading as Austra Sweep represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by EC & SE Wheeler trading as Austra Sweep for the sweeping of urban and arterial roads, car parks, pavements and pathways within the City of Joondalup for a period of three years for requirements as specified in Tender 029/12 at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf041212.pdf](#)

ITEM 18 REVIEW OF LOCAL LAWS - PARKING LOCAL LAW

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	24185, 101515
ATTACHMENTS:	Attachment 1 Proposed Parking Local Law 2013

PURPOSE

For Council to consider the proposed *City of Joondalup Parking Local Law 2013* for the purpose of public advertising.

EXECUTIVE SUMMARY

The first part of the local law-making process is for the Council to resolve that the proposed local law be advertised for public consultation. At that meeting, it is necessary for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law.

The purpose of the proposed City of Joondalup Parking Local Law 2013 is to:

- Provide for the regulation, control and management of parking within the district of the City of Joondalup.

The effect of the proposed City of Joondalup Parking Local Law 2013 is to:

- To control parking throughout the district and ensure the safe, fair and equitable use of parking facilities under the care and control of the City of Joondalup.

It is recommended that Council:

- 1 *SUPPORTS the proposed City of Joondalup Parking Local Law 2013 as detailed in Attachment 1 to this Report;*
- 2 *ADVERTISES the proposed City of Joondalup Parking Local Law 2013 in accordance with s. 3.12 (3)(a) of the Local Government Act 1995;*
- 3 *FORWARDS a copy of the proposed City of Joondalup Parking Local Law 2013 to the Minister for Local Government in accordance with s. 3.12 (3)(b) of the Local Government Act 1995;*
- 4 *REQUESTS the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.*

BACKGROUND

The City as part of its local law review process and in accordance with the requirements of section 3.16 of the *Local Government Act 1995* that local laws be reviewed at least every eight years, initiated a review of the *Parking Local Law 1998*. A number of issues were identified as requiring amendments to bring the local law up to date and to address shortcomings including terms that weren't defined, provisions related to ACROD permits and strengthening the paid parking provisions.

As part of the review it was further identified that the *Parking Local Law 1998* is not in keeping with the modern form of a parking local law. The current benchmark for a parking local law is the Western Australian Local Government Association (WALGA) Parking and Parking Facilities Model Local Law 2010. It was felt that a parking local law that followed as closely as possible the model local law would be more readily approved by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation. It was determined therefore that rather than modifying the *Parking Local 1998* that the City should instead develop a new parking local law based on the WALGA Parking and Parking Facilities Model Local Law 2010 with modifications to suit the specific needs of the City.

DETAILS

The procedure for making local laws is detailed in the Act and is a specific process that must be adhered to in order for the local law to be accepted by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Section 3.12 (2) of the Act states that the first action in the process of adopting a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this can be achieved by ensuring that:

- “(a) *the purpose and effect of the proposed local law is included in the agenda for that meeting;*
- “(b) *the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*”

Section 3.12 (3) of the *Local Government Act 1995* then requires that the City advertise the proposal to make a new Parking Local Law 2013 by state-wide public notice, make copies available for inspection and invite submissions on the proposed local law.

It is anticipated that the local law-making process will take approximately four months, enabling the operation of the proposed City of Joondalup Parking Local Law 2013 to commence in mid 2013.

The City conducted a thorough process to review the current *Parking Local Law 1998* and the WALGA Parking and Parking Facilities Model Local Law 2010. Necessary amendments were made to the WALGA Parking and Parking Facilities Model Local Law 2010 to suit the specific needs of the City. This ensured that those elements from the existing *Parking Local Law 1998* that were required to be retained were included as well as any new requirements identified from the original review of the shortcomings of the *Parking Local Law 1998*.

At attachment 1 is the proposed *City of Joondalup Parking Local Law 2013*. Detailed below are the key changes incorporated into the proposed *City of Joondalup Parking Local Law 2013* when compared to the current *Parking Local Law 1998*.

Key Changes

- The following additions have been made to the definitions in clause 1.4, Interpretation:
 - “Local public notice” – to clarify its meaning contained within the *Local Government Act 1995*;
 - “Parents with prams sign”, “Pram” and “Young child” – to complement provisions regarding special parking requirements for parents with young children;
 - “Parking permit” – to complement provisions specific to the City’s current permit parking arrangements;
 - “Permissive parking sign” – to reflect the current direction provided within the *Road Traffic Code 2000*;
 - “Right of way” – to clarify its meaning within the context of the local law.

- The presumption in the current *Parking Local Law 1998* (because it is silent on the subject) that it is permitted to park vehicles on public verges such as around parks and reserves has been removed. New Clause 6.9(1) states “*A driver shall not stop a vehicle (other than a bicycle) so that any portion of it is on a verge*”. Sub clause 6.9(1)(c) allows for signs to be put in place that permit parking as defined on the signs. This change reflects the more modern style of the WALGA Parking and Parking Facilities Model Local Law 2010 where both residential and public verges are protected from degradation by vehicles unless specific permission exists to allow vehicle parking.

In practical terms it is proposed that there be no change to how parking enforcement on public verges is applied. Where verge parking already occurs without restriction the City can simply continue to allow the parking. Where the City wishes to prohibit parking on public verges the prohibition would be demonstrated by appropriate signage as is the current practice.

- The insertion of clause 2.4 Parking where fees are payable, to explicitly reflect the application of paid parking within the City. While the WALGA Parking and Parking Facilities Model Local Law 2010 does contain generic clauses that could capture the application of paid parking, it is considered more appropriate that the City include explicit clauses to ensure that its most frequently infringed offences are clearly captured. This is similar to provisions included in other recently adopted parking local laws such as the Cities of Perth and Canning.

- The inclusion of parking offences related to ACROD parking in the Local Law rather than relying on the *Local Government (Parking for Disabled Persons) Regulations 1988* as is the current practice. This ensures all of the parking offences are captured in a single local law.

- There are no proposed changes to the current level of minimum and maximum penalties for infringements.

Issues and options considered:Option 1

That the proposed *City of Joondalup Parking Local Law 2013* as detailed in Attachment 1 be supported and approved for advertising seeking public submissions.

This option is recommended.

Option 2

That the proposed *City of Joondalup Parking Local Law 2013* as detailed in Attachment 1 be supported with amendments and approved for advertising seeking public submissions.

This option is not recommended as the proposed *City of Joondalup Parking Local Law 2013* is considered to adequately provide for parking control within the City of Joondalup.

Option 3

That the proposed *City of Joondalup Parking Local Law 2013* as detailed in Attachment 1, is not supported.

This option is not recommended as the current *Parking Local Law 1998* although amended on several occasions since its original adoption is now not in keeping with the modern form of a parking local law as well as requiring some specific amendments to address shortcomings such as terms that are not defined.

Legislation/Strategic Community Plan/Policy Implications

Legislation Sections 3.12 to 3.15 of the *Local Government Act 1995*.

Strategic Community Plan

Theme: Governance and Leadership.

Objective: Corporate Capacity.

Policy:

Council Policy - Community Consultation and Engagement

Risk Management Considerations:

There is a risk that the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation may request amendments or even disallow the proposed *Parking Local Law 2013*. This risk has been mitigated by using the WALGA Parking and Parking Facilities Model Local Law 2010, as the basis for the City's proposed *Parking Local Law 2013*.

Financial/Budget Implications:

The cost associated with the local law-making process is approximately \$4,000, being public advertising and gazettal costs. Funds are available in the 2012/13 budget for statutory advertising.

Regional Significance:

Not Applicable.

Sustainability Implications:

Well regulated parking promotes optimum use of parking resources and minimises the number of wasteful parking bay search journeys undertaken by motorists.

Consultation:

Should the proposed *Parking Local Law 2013* be supported the City is required to advertise the proposal to make a new *Parking Local Law 2013* by state-wide public notice, make copies available for inspection and invite submissions on the proposed local law. The submission period is required to be at least six weeks in compliance with Section 3.12(3) of the *Local Government Act 1995*.

The Council Policy for Community Consultation and Engagement identifies that community consultations are not to be conducted during the summer break. In keeping with these provisions the placement of the statutory advertisement seeking submissions on the proposed Parking Local Law would not commence until February 2013.

COMMENT

The proposed *Parking Local Law 2013* addresses the issues identified in the review of the current *Parking Local Law 1998* as requiring amendments to bring the local law up to date and to address shortcomings including terms that weren't defined, provisions related to ACROD permits and strengthening the paid parking provisions.

Clause 6.9, does represent a change in principle by the removal of the presumption in the current *Parking Local Law 1998* that it is permitted to park vehicles on public verges such as around parks and reserves unless specifically prohibited. The clause now provides that parking is prohibited unless otherwise permitted in the same manner that applies to verges adjacent to private property. The reason for this change is to maintain alignment with the WALGA Parking and Parking Facilities Model Local Law 2010.

In terms of the practical application of clause 6.9 it is proposed that there would be no change to current practice. That is to say parking on public verges would be permitted unless there was specific signage to prohibit parking.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 SUPPORTS the proposed City of Joondalup Parking Local Law 2013 as detailed in Attachment 1 to this Report;**
- 2 ADVERTISES the proposed City of Joondalup Parking Local Law 2013 in accordance with s. 3.12 (3) (a) of the *Local Government Act 1995*;**
- 3 FORWARDS a copy of the proposed City of Joondalup Parking Local Law 2013 to the Minister for Local Government in accordance with s. 3.12 (3) (b) of the *Local Government Act 1995*;**
- 4 REQUESTS the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.**

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf041212.pdf](#)

- 4 *By ABSOLUTE MAJORITY ADOPTS parking fees of 70c per hour, \$3.50 per day and \$17.50 per week for the times and days referred to in Parts 1, 2 and 3 above, effective from 1 January 2013;*
- 5 *APPROVES the inclusion of the new paid parking areas in Barron Parade and Collier Pass, Joondalup in parking related information provided by the City;*
- 6 *APPROVES the advertising and promotion of the parking changes as shown in Parts 1, 2, 3 and 4 above.*

BACKGROUND

At its meeting held on 12 February 2002 (CJ021-02/02 refers) Council approved a part funding contribution from what is now known as the Public Transport Authority (PTA), towards the construction of the dual carriageway in Collier Pass. Under the agreement a total 211 commuter parking bays were to be provided for free use in a combination of both on-street and off-street parking in exchange for the contribution. The term of the agreement is ten years and expires on 5 December 2012.

The original agreement identified that the commuter parking bays would be located in Collier Pass Car Park No. P9, Collier Pass, Barron Parade and Clarke Crescent. In 2010 the realignment of Collier Pass, required as part of the redevelopment of the Lakeside Joondalup Shopping Centre, removed the central median strip parking bays from Collier Pass. Lakeside Joondalup Shopping Centre replaced the parking bays removed by creating additional free commuter parking bays in a section of the shopping centre car park immediately north of the existing Collier Pass Car Park No. P9.

Lakeside Joondalup Shopping Centre is not required to continue to provide these bays after the expiry of the existing agreement. However recent discussions with Lakeside Joondalup Shopping Centre Management have identified that they will continue to provide this commuter parking, and a number of additional free commuter parking bays, for the duration of the current redevelopment of the shopping centre that is expected to be completed by 2014.

DETAILS

It is proposed that the current provision of free commuter parking in the City controlled parking bays cease with the expiry of the agreement with the PTA. These bays would become paid long term parking bays that is still available for commuter use. This would make these bays consistent with the City's current practice of applying parking fees in other parts of the City Centre.

In addition to the current free commuter parking it is also proposed to consider amendments to the other current short term parking bays in this area. This is to ensure that available parking bay stock is used to its maximum advantage. The amendments proposed are detailed below.

Amend Existing Two Hour Timed Parking in Barron Parade

There are currently three two hour timed parking bays in Barron Parade, near the south east end of the cul-de-sac. These arrangements were implemented in September 2009 as a result of a request from tenants, which previously occupied the adjacent building, as there was insufficient short term parking for visitors. The remaining bays in Barron Parade are commuter parking bays.

The occupancy has now changed and these premises are now used by Edith Cowan University (ECU) who has significantly increased their on-site parking which is available for use by staff and visitors. There is now no requirement for the time limited on-street parking bays in this area. Recent observations have indicated that these bays are often vacant and as such could be better utilised by giving commuters access to them. The only other business in this area, the RAC Call Centre, also has ample on-site parking available for use by visitors.

It is recommended that the two hour timed parking be amended to long term paid parking in order to address the increasing requirements for commuter parking in this area.

Amend Existing One Hour Paid Parking in Collier Pass

There are nine paid parking bays on the south side of Collier Pass, directly opposite the Joondalup Train Station, which have a maximum one hour parking time limit. This short-term parking was provided to allow access for visitors to the nearby retail premises but has been greatly underutilised since its introduction with current occupancy levels of only 2.44%. The current redevelopment of Lakeside Joondalup Shopping Centre will result in the removal of five of the existing free commuter parking bays from the north side of Collier Pass, directly opposite these short term parking bays, due to the increased traffic flow in this area.

There are 17 one hour paid parking bays in Wise Street, which are provided to service the nearby businesses. These bays currently have an occupancy rate of 24.41% and could easily accommodate any additional usage that may occur from the proposed displacement of the short term paid parking bays in Collier Pass. It is proposed to retain the parking bays in Wise Street as one hour paid parking.

It is recommended that the one hour paid parking bays in Collier Pass be amended to long term paid parking in order to address the increasing requirements for commuter parking in this area.

Issues and options considered:

Option 1: Retain the Current Free Commuter Parking

The use of other long term commuter parking bays within the City Centre currently is on a 'user pays' basis. The continued provision of free commuter parking bays would be inconsistent with the City's current practice of applying fees in this area and in other parts of the City Centre.

This option is not recommended.

Option 2: Replace the Existing Commuter Parking with Long Term Paid Parking.

The use of this area by drivers requiring long term parking is consistent with the City's objective of encouraging long term parking near the perimeter of the City Centre. It is also the City's current practice to apply fees for long term parking bays.

This option is recommended.

Legislation/Strategic Community Plan/Policy Implications

Legislation Section 6.16 of the *Local Government Act 1995* provides for the adoption of fees and charges.

Parts 2 and 3 of the *Parking Local Law 1998* provide for the establishment and variation of parking conditions in metered and ticket zones and parking stations.

Strategic Community Plan

Key Theme: Governance and Leadership.

Objective: Corporate Capacity.

Policy:

The proposed amendments to the existing parking scheme are consistent with the City's Parking Strategy and the Parking Schemes Policy.

Risk Management Considerations:

It is considered likely that the introduction of paid parking will result in a level of dissatisfaction from drivers that currently use the free commuter parking bays. It is proposed to address these concerns, by the advance promotion and advertising of the new parking conditions, as a means of informing the public of the impending changes in order to avert this impact.

It is also possible that some drivers would elect to leave the area rather than pay the parking fees. Some may opt to use the Lakeside Joondalup Shopping Centre car parks, travel to other suburban train stations to use the free PTA commuter parking or use the on-street parking adjacent to the commercial properties in Winton Road.

The City has a Parking Enforcement Agreement in place with Lakeside Joondalup Shopping Centre to apply the four hour parking time limit restrictions in its car parks. There are also a range of parking schemes in place near suburban train stations in the City to ensure that long term commuter parking does not adversely affect the use of the on-street parking in these areas for residents and their visitors. The City will monitor parking demand in the Winton Road area and consider amendments to parking schemes in this area should this be necessary.

Financial/Budget Implications:

Council approved, as part of the 2012-13 Budget, Capital Expenditure of \$106,000 to meet the cost of implementing paid parking in this area. All costs shown are exclusive of GST.

Account No:	344 C1090 6232 0000
Budget Item:	Installation of paid parking Collier Pass
Budget Amount:	\$106,000
Amount Spent To Date:	\$0
Proposed Cost:	\$105,960
Balance:	\$40

The proposal will create a total of 168 paid parking bays as shown on Attachment 2. The City currently has other all day paid parking in this area which attracts fees of 70c per hour, \$3.50 per day and \$17.50 per week. The estimated potential gross revenue in a full year based on the same fees and an occupancy rate of 80% is \$117,250.

Regional Significance:

The City of Joondalup is developing as the major regional centre outside the Perth CBD. It is vital for development that effective parking is developed that meets the needs of residents, businesses and visitors alike.

Sustainability Implications:

Not Applicable.

Consultation:

Public consultation has not been undertaken although feedback was sought from ECU and the RAC on the use of parking bays in Barron Parade.

The City will advise the nearby businesses of the introduction of the long term paid parking, once approval has been granted, and provide advice regarding the alternative short term parking options which will still be available in this area for use by their customers.

The City will also provide information regarding the introduction of paid parking to the key stakeholders including commuters who use the Joondalup Train Station, Lakeside Joondalup Shopping Centre, the RAC Call Centre and the nearby retail businesses.

COMMENT

The proposed changes are considered to be the most appropriate to manage the requirement for additional long term parking bays in this area. The City will monitor the changes in parking demand and the impact of the proposed changes.

It is proposed that although the agreement with the PTA expires on the 5 December 2012 paid parking would not apply until 1 January 2013.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION**That Council:**

- 1 APPROVES the implementation of paid parking in the existing commuter parking bays in Barron Parade and Collier Pass, Joondalup between the hours of 8.00am to 5.30pm Monday to Friday and 8.00am to 12.00noon on Saturday;**
- 2 APPROVES the implementation of paid parking in the existing commuter parking bays in Collier Pass Car Park No. P9 between the hours of 8.00am to 6.00pm Monday to Friday and 8.00am to 12.00noon on Saturday;**
- 3 APPROVES the replacement of the existing two hour timed parking in Barron Parade and one hour paid parking in Collier Pass, Joondalup with long term paid parking between the hours of 8.00am to 5.30pm Monday to Friday and 8.00am to 12.00noon on Saturday;**
- 4 BY ABSOLUTE MAJORITY ADOPTS parking fees of 70c per hour, \$3.50 per day and \$17.50 per week for the times and days referred to in Parts 1, 2 and 3 above, effective from 1 January 2013;**
- 5 APPROVES the inclusion of the new paid parking areas in Barron Parade and Collier Pass, Joondalup in parking related information provided by the City;**
- 6 APPROVES the advertising and promotion of the parking changes as shown in Parts 1, 2, 3 and 4 above.**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf041212.pdf](#)

ITEM 20 BRAMSTON PARK – PROPOSED COMMUNITY SPORTING FACILITY

WARD: North

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 87611

ATTACHMENTS: Attachment 1 Bramston Park Aerial Map
Attachment 2 City's Endorsed Master Planning Process
Attachment 3 Community Consultation Results Analysis Report
Attachment 4 Bush Forever Site 322

PURPOSE

For Council to consider the results of the community consultation undertaken for the proposed Community Sporting Facility and associated infrastructure at Bramston Park, Burns Beach and endorse proceeding to the concept design stage of the project.

EXECUTIVE SUMMARY

Bramston Park is 3.93 hectares and is located on Bramston Vista Burns Beach. The park is classified as Crown Land currently managed by the developer (Peet Limited) and is due for handover to the City in July 2014 however; there are some preliminary discussions for a handover in July 2013. There are currently no facilities or floodlights at the park.

The City is currently preparing a master plan for the broader Burns Beach area, which will serve as a cohesive planning strategy for the development, provision of facilities and management of the Burns Beach area. Ahead of finalisation of the master plan however, it is necessary to progress planning of a multi-purpose community and sporting facility at Bramston Park in order to be able to construct the facility in 2014/15 as per the City's Five Year Capital Works Program and to meet the Department of Sport and Recreation's Community Sport Recreation Facilities Fund (CSRFF) application deadlines.

At its meeting held on 24 July 2012 (CJ137-07/12 refers), Council considered the Bramston Park project and resolved that it:

- 1 *NOTES the timeline proposed for the Bramston Park Clubroom/Community Facility Project;*
- 2 *NOTES the listing of \$1,750,000 within the 2014/15 of the City's 5 Year Capital Works Budget for construction of the proposed clubroom/community facility and additional infrastructure;*
- 3 *REQUESTS the Chief Executive Officer to arrange for Community Consultation as detailed in the report for the Bramston Park Clubroom/Community Facility Project to be conducted in August 2012;*

- 4 *NOTES that a further report will be presented to Council in December 2012 detailing the results of the Community Consultation for consideration and endorsement to progress the Bramston Park Clubroom/Community Facility Project;*
- 5 *REQUESTS the Chief Executive Officer to initiate discussion with the Department of Education on:*
 - 5.1 *the anticipated construction date of the proposed Primary School at Lot 954 Bramston Vista, Burns Beach;*
 - 5.2 *the possibility of temporarily developing active playing surfaces on Lot 954 Bramston Vista, Burns Beach, prior to the site being developed as a Primary School;*
- 6 *REQUESTS that when preparing the design of the Bramston Park Clubroom/Community facility, that access and egress is to be from Burns Beach Road.*

In 2011, a review of the City's active reserves was conducted and after reviewing the allocation of reserves in the northern corridor for sports, it is proposed that given the dimensions of Bramston Park, it be allocated to a rectangle sport for winter and a suitable summer sporting group. For a club to use this park successfully, infrastructure such as a Community Sporting Facility and floodlighting is required. It is proposed that the clubroom/community facility would not only cater for the sporting groups located at the site but also be available to the wider local community for meetings and activities. Other infrastructure proposed for the site includes a carpark and playground.

Community consultation with residents, potential oval and facility user groups and the Burns Beach Resident's Association was conducted in August 2012 outlining the proposed facilities, usage and management. The City received 121 valid responses of which 101 were from residents living within a 200 metre radius of the site, which is a response rate of 39.4%. There were also 17 submissions made by people living outside the 200 metre radius of the site. The Burns Beach Residents Association and two potential oval/facility user groups also submitted consultation comment forms. The high level of responses from people living close to the park indicates the importance of the site to the local and nearby residents and a strong level of interest in the outcome of the development of the area.

Just under 50% of respondents do not oppose the development of a Community Sporting Facility and sports floodlighting at the site. Just over 50% of respondents do not oppose the car parking and there was strong support for the construction of a playground at Bramston Park. Given that the number of respondents in support and opposition to the proposed development is so close it is recommended that the Bramston Park project proceed to the next stage of the City's endorsed Master Planning process which is Concept Design. This will give the community another opportunity to make comment on the project with more detailed information such as site layout, basic facility design and proposed usage and management.

If supported, draft concept plans and associated estimated costings will be developed and presented to Council for feedback before taking these designs to the community for public comment.

It is recommended that Council:

- 1 *NOTES the findings of the Community Consultation process undertaken for the Bramston Park project;*
- 2 *DOES NOT SUPPORT retaining all the bushland on the eastern boundary of Bramston Park;*
- 3 *DOES NOT SUPPORT the reclassification of the Bramston Park bushland as Bush Forever;*
- 4 *NOTES approximately half of the original Burns Beach Development site has been incorporated into Bush Forever Site 322 to the north;*
- 5 *NOTES Huxley Park located adjacent to Bramston Park is a 1.4 hectare bushland site which contains the same vegetation type as Bramston Park;*
- 6 *REQUESTS the City inform the lead petitioner who requested Council stop the removal of the remnant bushland at Bramston Park, of the Council's decision;*
- 7 *REQUESTS the Chief Executive Officer to arrange for the development of Concept Plans for the Bramston Park site with the inclusion of the following:*
 - 7.1 *Multipurpose Community Sporting Facility;*
 - 7.2 *Sports floodlights;*
 - 7.3 *Car parking;*
 - 7.4 *Playground.*
- 8 *NOTES the Concept Plan will not include a temporary active playing surface on Lot 954 Bramston Vista, Burns Beach (proposed Primary School site);*
- 9 *NOTES the Concept Plan will be developed with consideration given to:*
 - 9.1 *reducing antisocial behaviour and noise impact to residents residing in close proximity to Bramston Park;*
 - 9.2 *environmental sustainability design features, Access and Inclusion principles, Landscape Master Plan principles and 'Designing out Crime' planning guidelines;*
- 10 *BY AN ABSOLUTE MAJORITY, REVOKES Part 6 of its decision of 24 July 2012 (CJ137-07/12 refers) as follows:*
 - "6 *REQUESTS that when preparing the design of the Bramston Park Clubroom/Community facility, that access and egress is to be from Burns Beach Road".*

BACKGROUND

Bramston Park is 3.93 hectares (Lot 955 Bramston Vista) and is located on Bramston Vista, Burns Beach (Attachment 1 refers). The park is classified as Crown Land currently managed by the developer (Peet Limited) and is due for handover to the City in July 2014 however; there are some preliminary discussions for a handover in July 2013. There are currently no facilities or floodlights at the park. Within the City's existing Parks and Public Open Spaces Classification Framework, Bramston Park would be considered a Local Park.

There is a remnant bushland area within Bramston Park which covers an area of approximately 6,000m² (0.6 hectares) running parallel to Mattingley's Approach on the eastern boundary of the park. The vegetation within this area is of the Spearwood Dune Vegetation Complex, specifically the Cottesloe Complex North. The vegetation type is known as Spearwood Banksia attenuata - Eucalyptus Woodlands. The bushland area is characterised by all levels of vegetation (over, middle and understorey) being intact and there is minimal weed invasion.

Adjacent to Bramston Park on the east is Huxley Park, which is located on Mattingley's Approach, on the corner of Burns Beach Road and Marmion Avenue. It is a 1.4 hectare bushland area which contains vegetation of the same type and condition as Bramston Park. Huxley Park is crown land vested with the City and has a post and rail fence around its perimeter for the protection of the bushland.

Located adjacent to Bramston Park to the west is a 3.49 hectares site (Lot 954 Bramston Vista) that has been identified as a potential future primary school as part of the Peet Limited Burns Beach Estate Overall Development Plan.

The City is currently preparing a master plan for the broader Burns Beach area, which will serve as a cohesive planning strategy for the development, provision of facilities and management of the Burns Beach area.

Ahead of finalisation of the master plan however, it is necessary to progress planning of a multi-purpose community and sporting facility at Bramston Park in order to be able to construct the facility in 2014/15 as per the City's Five Year Capital Works Program and to meet the Department of Sport and Recreation's Community Sport Recreation Facilities Fund (CSRFF) application deadlines.

At its meeting held on 24 July 2012 (CJ137-07/12 refers), Council considered the Bramston Park project and resolved the following:

- “1 NOTES the timeline proposed for the Bramston Park Clubroom/Community Facility Project;
- 2 NOTES the listing of \$1,750,000 within the 2014/15 of the City's 5 Year Capital Works Budget for construction of the proposed clubroom/community facility and additional infrastructure;
- 3 REQUESTS the Chief Executive Officer to arrange for Community Consultation as detailed in the report for the Bramston Park Clubroom/Community Facility Project to be conducted in August 2012;
- 4 NOTES that a further report will be presented to Council in December 2012 detailing the results of the Community Consultation for consideration and endorsement to progress the Bramston Park Clubroom/Community Facility Project;

- 5 *REQUESTS the Chief Executive Officer to initiate discussion with the Department of Education on:*
- 5.1 *the anticipated construction date of the proposed Primary School at Lot 954 Bramston Vista, Burns Beach;*
- 5.2 *the possibility of temporarily developing active playing surfaces on Lot 954 Bramston Vista, Burns Beach, prior to the site being developed as a Primary School; and*
- 6 *REQUESTS that when preparing the design of the Bramston Park Clubroom/Community facility, that access and egress is to be from Burns Beach Road.”*

DETAILS

In 2011, a operational review of the City's Active Reserves was conducted and after reviewing the allocation of reserves in the northern corridor for sports, it is proposed that given the dimensions of Bramston Park, it be allocated to a rectangle sport for winter (for example soccer, rugby) and a suitable summer sporting group. For a club to use this park successfully, infrastructure such as a clubroom and floodlighting (four poles) to Australian Standards (large ball sports – training) is required.

In order to maximise the active playing surface on the site, it is proposed that the development may require the removal of minimal bushland vegetation at the eastern end of the site. This area was identified as the site for future facilities when the park was developed by Peet Limited. The vegetation is not listed in the Perth Biodiversity Project, as a Bush Forever site, in the District Planning Scheme Schedule 5 or as having any heritage values. The vegetation is considered in similar condition to that across the road at Huxley Park. The design of the facilities will retain as much of the vegetation as possible.

It is proposed for the Community Sporting Facility to include the following (similar in size to that recently built at Forrest Park):

- Toilet/change rooms;
- Clubroom (meeting room);
- Kitchen/Kiosk;
- Furniture storeroom (tables and chairs for the meeting room);
- Storage – Sporting Club and Community Group.

It is proposed that the Community Sporting Facility would not only cater for the sporting groups located at the site but also be available to the wider local community for meetings and activities. Other infrastructure proposed for the site includes a carpark and playground.

The project is being managed by the City and conducted in accordance with the City's endorsed master planning process (Attachment 2 refers):

- 1 Project Initiation and Planning;
- 2 Site and Needs Analysis;
- 3 Concept Design;
- 4 Feasibility Analysis;
- 5 Funding and Approvals;
- 6 Construction;
- 7 Operations and Review.

It has been identified that this project would be suitable for consideration as part of the Department of Sport and Recreation's Community Sport Recreation Facilities Fund (CSRFF) program. In order to construct the facilities in 2014/15 as per the City's Five Year Capital Works Program (and to meet CSRFF application deadlines), the project has commenced. Project timelines are outlined in the table below.

Phase	Task	Timeline
Stage 1 – Project Initiation and Planning		
1	Seek Council endorsement to commence project	Completed
Stage 2 – Site and Needs Analysis		
2	Conduct Initial Stakeholder and Community Consultation	Completed
3	Update Council on results of Consultation	December 2012
Stage 3 – Concept Design		
5	Complete Scope of Works	December 2012
6	Develop Concept Plan	March 2013
Stage 4 – Feasibility Analysis		
7	Complete Detailed Cost Estimate	March 2013
8	Seek Council endorsement to undertake Community Consultation on Concept Plan	May 2013
9	Conduct Community Consultation on Concept Plan	July 2013
10	Update Council on results of Community Consultation and seek endorsement to proceed project	October 2013
Stage	Task	Timeline
Stage 5 – Funding and Approvals (if project supported)		
11	Complete CSRFF Council report	October 2013
12	Submit CSRFF application	October 2013
13	Funding notification from DSR	March 2014
Stage 6 – Construction (if project supported)		
14	Complete Detailed Design and Tender Process	June 2014
15	Construction	2014/15

The project timeline would allow the City to seek grant funding through the Department of Sport and Recreation's CSRFF program.

Adjacent Site – Proposed Primary School

Currently the adjacent lot identified as a potential primary school (Lot 954 Bramston Vista) is still managed by the developer Peet Limited. They are currently in the process of handover to the Department of Education, however this process could take a number of years to complete.

As requested by Council in July 2012, preliminary discussions regarding the site have been held with the Department of Education. In regard to the requested information, the following responses have been provided by the Department of Education:

- The Department of Education is not considering the construction of a primary school at the site before 2016;
- The Department of Education is opposed to the proposal to develop active playing surfaces on the site prior to a decision being made on the proposed primary school.

As the lot is still managed by Peet Limited, preliminary discussions were also held with them in regards to site. The response from Peet Limited is that they are also opposed to the proposal to develop active playing surfaces on the site prior to a decision being made on the proposed primary school.

Access to Bramston Park

As requested by Council in July 2012, preliminary investigations have been undertaken in regard to the possibility of access and egress to the park from Burns Beach Road. Discussions have indicated that gaining access to the site from Burns Beach Road using the existing roundabout (Delgado Parade) would be possible however further investigation would be required to determine overall costs for civil works, earthworks, drainage modifications and impacts on underground services such as water, sewer and gas. The main issue of concern is the existing drainage swale adjacent to the roundabout on the southern boundary of the site which would either need to be redirected or built over – both would be costly solutions.

Access to the site from Burns Beach road into Mattingley's Approach while travelling west is currently not possible with the existing road system. In general, four way intersections on local distributor and district distributor roads are controlled by traffic signals or roundabouts. In the case of Mattingley Approach and access to Burns Beach Road, the existing left in/left out arrangement provides safe access/egress at this location. Options to allow non controlled access which includes right turn manoeuvres are not recommended on road safety grounds given the high risk of crashes. This is consistent with the latest Safe Systems Approach in road design.

An alternate option is for a single lane roundabout at this location. This option would impact the residents living on the corner of this section of road given the limited size of the corner truncations on the two southern properties at the intersection of Cardiff Gate. The truncations have not been designed for roundabout configuration and therefore have a reduced distance from the road carriageway to the houses. The single lane roundabout option would also have an impact on Burns Beach Road due to the close proximity to the traffic signals on Marmion Avenue and the reduction in traffic lanes at this location from four to two.

It is also important to note that Mattingley's Approach is a low order road designed to carry low traffic volumes. On this basis, increases in traffic volumes by modifying the road layout would have an impact on the performance of the surrounding road network and on resident's amenity.

Legislation/Strategic Community Plan/Policy Implications

Legislation Not Applicable.

Strategic Community Plan

Key Theme: Community Wellbeing.

Objective: Quality Facilities.

Policy

Not Applicable.

Risk Management Considerations:

If the City does not develop a Community Sporting Facility and floodlighting at the park, it will be unable to cater for the needs of the sporting groups that will be located at this site.

The City's Five year Capital Works Program lists the total project cost. The financial risk to the City if CSRFF is not secured is that it will have to realise the total cost of the project.

Financial/Budget Implications:

Currently the following is proposed for the project within the City's Five Year Capital Works Program:

- 2012/13 - \$100,000 (consultation, concept design, cost estimates);
- 2013/14 - \$150,000 (consultation, detailed design, tender documentation);
- 2014/15 - \$1,750,000 (construction).

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

Environmental

The developer of Burns Beach has set aside approximately half of the original 291 hectare development site as Bush Forever. The 144 hectare Bush Forever zone is located to the north of Burns Beach and has been incorporated into Bush Forever Site 322.

Any developments at Bramston Park will consider and minimise impact to important flora and fauna in the area. Facilities will be planned to reduce the impact of the carbon footprint and consider environmental sustainability design features.

Social

The project will include consultation with residents and potential user groups of the oval and clubroom facility 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.

Economic

One of the main principles of the City's Master Planning Framework is the development of 'shared' and 'multipurpose' facilities to avoid duplication of facilities and reduce the ongoing maintenance and future capital expenditure requirements.

Consultation:

Consultation for this project was conducted in accordance with the City's approved Community Consultation and Engagement Policy and Protocol.

Community consultation with residents living within a 200 metre radius from the site (256 households), potential oval and facility user groups and the Burns Beach Resident's Association was conducted for 21 days from Monday, 13 August 2012 to Monday, 3 September 2012. The consultation outlined the proposed facilities, usage and management. His Worship the Mayor, Cr Hollywood, Cr McLean and City officers also attended a meeting of the Burns Beach Residential Association on 28 August 2012 to discuss the proposed development.

The consultation was advertised through the following methods:

- Direct mail out - cover letter, information sheet, frequently asked question sheet and comment form was sent to all stakeholders;
- Site signage - two signs were placed at Bramston Park during the community consultation period;
- Website - information and comment form added to the 'community consultation' section of City's website during the community consultation period;
- A3 poster - displayed at Jack Kikeros Hall and the Recreation Services Bookings Office during the consultation period.

Council received a 36 signature petition from residents at the 18 September 2012 meeting (C63-09/12 refers) requesting Council stop the removal of the remnant bushland at Bramston Park. The wording of the petition was as follows:

"That the Council:

- 1 *Stop the removal of any existing bushland vegetation on the eastern boundary of Bramston Park; and*
- 2 *Reclassify this area as 'Bushland Forever'."*

Part of an urban planning solution negotiated with the State Government when Burns Beach was developed included that 144 hectares of the original Burns Beach development site was to be incorporated into Bush Forever Site 322 that extends from Burns Beach Estate north to Mindarie and west to Marmion Avenue (Attachment 4 refers). Bush Forever Site 322 is a total of 408 hectares and the vegetation type found at Bramston Park can be found within this site.

The Bush Forever Report (2000) is a long running initiative to identify and protect areas of regionally significant bushland and associated wetlands on the Swan Coastal Plain in the Perth Metropolitan Region. It aimed to develop a strategic plan for the conservation of representative bushland and wetlands of the Swan Coastal Plain. The bushland area within Bramston Park would not satisfy the criteria to be considered a Bush Forever site primarily due to the size of the site.

Results of Consultation

The full results of the community consultation are included as Attachment 3. The City received 121 valid responses of which 101 were from residents living within a 200 metre radius of the site, which is a response rate of 39.4%. There were also 17 submissions made by people living outside the 200 metre radius of the site. The Burns Beach Residents Association and two potential oval/facility user groups also submitted consultation comment forms. A summary of the results is included below.

Demographics

Of the responses received, over a third of these were completed by people aged between 35 and 44 and over a third were completed by people aged between 45 and 54 years of age.

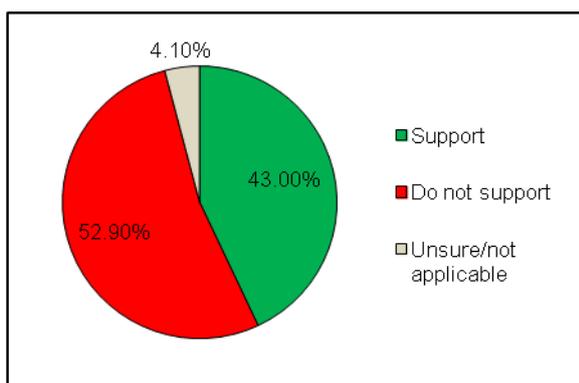
Use of Bramston Park

The majority of respondents (87.6%) use Bramston Park for informal recreation. Five respondents or 4.1% use the park for organised sport or recreation with 12.4% of respondents indicated that they do not currently use Bramston Park. As the oval is not currently managed by the City, low usage for organised sport or recreation was expected. (Note: the percentage of total responses is greater than 100% as respondents were permitted to select more than one response.)

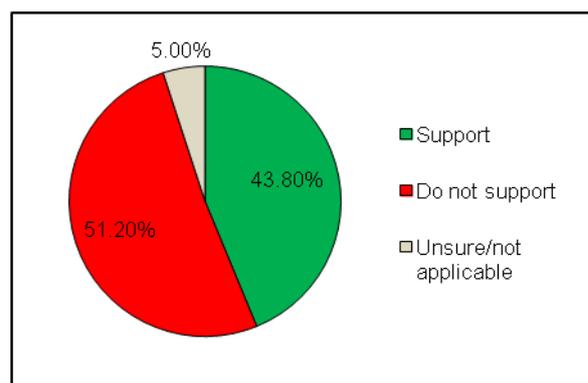
New proposed infrastructure

Respondents were asked to indicate if they supported the development of a multi-purpose Community Sporting Facility, sports floodlighting, car parking and playground. Of the overall responses received, just over half did not support the construction of a multi-purpose Community Sporting Facility (52.9%). Similarly, just over half did not support the installation of sports floodlighting (51.2%). The construction of a car park was split almost equally between support/opposition with 47.9% in opposition and 46.3% in support. There was however, strong support for the construction of a playground at Bramston Park (70.2%).

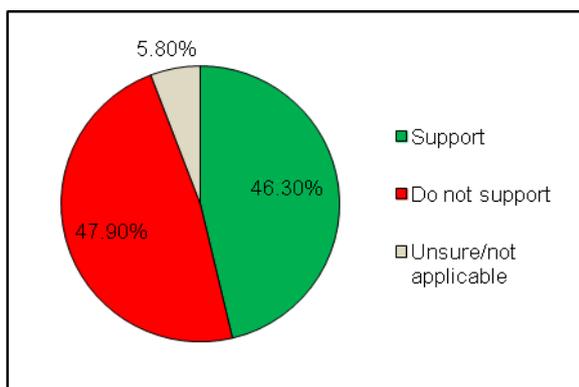
Multi-purpose community sporting facility:



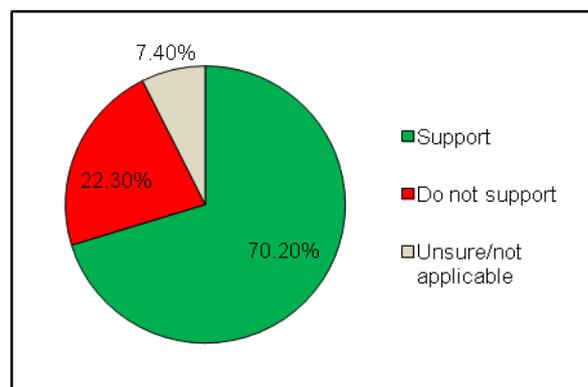
Floodlighting:



Car parking:



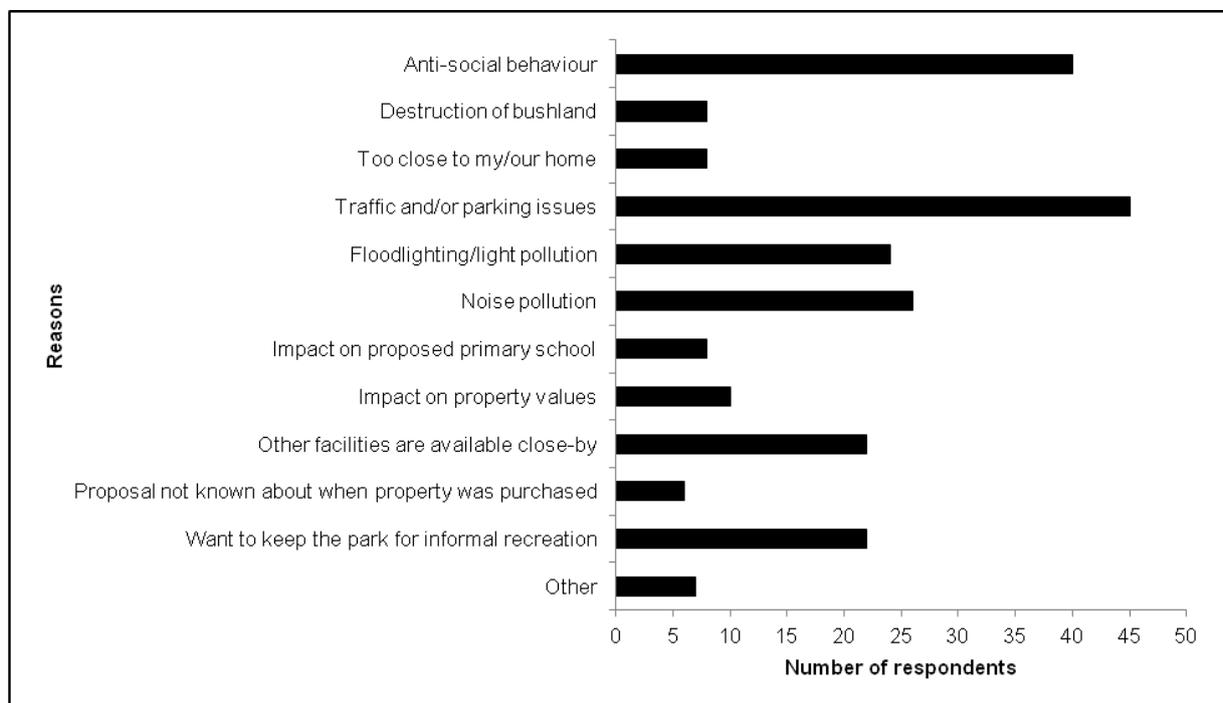
Playground:



Respondents living within a 200 metre radius of the site represented over 80% of all those received. The feedback from those residents reflected those from the overall response summary with just over half not supporting the construction of a multi-purpose Community Sporting Facility (55.4%). Similarly, just over half did not support the installation of sports floodlighting (52.5%). The construction of a car park was split almost equally between support/opposition with 49.5% in opposition and 44.6% in support. Again there was strong support for the construction of a playground at Bramston Park (73.3%).

It should be noted that while some respondents supported the construction/installation of all of the proposed infrastructure elements, they commented that that the facility would need to be well-managed and maintained, particularly in relation to anti-social behaviour, car parking and traffic. Other supportive respondents also commented that they would like the City to ensure that Bramston Park was still accessible to residents wanting to engage in informal recreation (especially dog-walking).

Respondents that did not support the construction/installation of the proposed infrastructure were asked to provide their reasons why which are outlined in Table 8 and Chart 8 of Attachment 3. Approximately 60% of respondents opposed at least one element of the proposal. The major reasons for opposition were concerns about traffic and parking and concerns about anti-social behaviour (such as loitering, graffiti, littering, alcohol-related issues, and the like.). A summary of the number of respondents and reasons are outlined below.



Following the close of the community consultation, the City received a further six comment forms from the community with an equal split between those in support and those opposed to the development.

If the project is endorsed to proceed to Concept Design Stage, further community consultation will be conducted once a proposed concept plan has been developed and approved by Council for public comment.

COMMENT

The City received a good response rate (39.4%) from the community consultation undertaken for the Bramston Park project. The high level of responses from people living within 200 metres of the park indicates the importance of the site to the local and nearby residents and a strong level of interest in the outcome of the development of the area.

Just under 50% of respondents do not oppose the development of a Community Sporting Facility and sports floodlighting at the site. Just over 50% of respondents do not oppose the car parking and there was strong support for the construction of a playground at Bramston Park. Given that the number of respondents in support and opposition to the proposed development is so close it is recommended that the Bramston Park project proceed to the next stage of the City's endorsed Master Planning process which is concept design. This will give the community another opportunity to make comment on the project with more detailed information such as site layout, basic facility design and proposed usage and management.

Draft concept plans will consider the development of a Community Sporting Facility, sports floodlighting, car parking and playground. The concept plans will also consider environmental sustainability design features and Access and Inclusion principles. The City's Landscape Master Plan principles, 'Designing out Crime' planning guidelines and reducing antisocial behaviour, traffic and noise impact to residents residing in close proximity to Bramston Park will also be considered.

The bushland at Bramston Park does not meet the criteria of a Bush Forever site and is of the same vegetation type as at Huxley Park ensuring that in the event of any clearing of remnant bushland at Bramston Park, the vegetation type would still be locally represented. It is also important to note that 144 hectares of the original Burns Beach development site was incorporated into Bush Forever Site 322 that extends from Burns Beach Estate north to Mindarie and west to Marmion Avenue and the vegetation type found at Bramston Park can be found within this site.

As the Department of Education and Peet Limited do not support the City temporarily utilising the adjacent proposed Primary School site as part of the project, the draft concept plans will be developed for the Bramston Park site only.

Gaining access to the site from Burns Beach Road using the existing roundabout (Delgado Parade) would require the existing drainage swale on the southern boundary of the site to be redirected or built over. Given the likely cost impact of either solution, it is recommended that access to the proposed facilities is from Mattingley's Approach. To reduce the impact of traffic on local residents, the concept plan could consider locating the entrance to the carpark as close to Burns Beach Road as allowable.

Given that Mattingley's Approach is a low order road; and to create a safe four way intersection would require a single lane roundabout which would encroach on residential lots of those living at the intersection of Cardiff Gate - it is recommended that the existing road layout (left in/left out) remain.

If supported, draft Concept Plans and associated estimated costings will be developed and presented to Council for feedback before taking these designs to the community for public comment.

VOTING REQUIREMENTS

Absolute Majority.

Call for One-Third Support

The *Local Government Act 1995*, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of offices (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Elected Members are required to give the support of one-third of their members (being five Elected members) and such support is to be recorded in the Minutes of this meeting.

RECOMMENDATION

That Council:

- 1 NOTES the findings of the Community Consultation process undertaken for the Bramston Park project;**
- 2 DOES NOT SUPPORT retaining the bushland on the eastern boundary of Bramston Park;**
- 3 DOES NOT SUPPORT the reclassification of the Bramston Park bushland as Bush Forever;**
- 4 NOTES approximately half of the original Burns Beach Development site has been incorporated into Bush Forever Site 322 to the north;**
- 5 NOTES Huxley Park located adjacent to Bramston Park is a 1.4 hectare bushland site which contains the same vegetation type as Bramston Park;**
- 6 REQUESTS the City inform the lead petitioner of the Council's decision;**
- 7 REQUESTS the Chief Executive Officer to arrange for the development of Concept Plans for the Bramston Park site with the inclusion of the following:**
 - 7.1 Multipurpose Community Sporting Facility;**
 - 7.2 Sports floodlights;**
 - 7.3 Car parking;**
 - 7.4 Playground;**
- 8 NOTES the Concept Plan will not include a temporary active playing surface on Lot 954 Bramston Vista, Burns Beach (proposed Primary School site);**

- 9** **NOTES the Concept Plan will be developed with consideration given to:**
- 9.1** **reducing antisocial behaviour and noise impact to residents residing in close proximity to Bramston Park;**
 - 9.2** **environmental sustainability design features, Access and Inclusion principles, Landscape Master Plan principles and ‘Designing out Crime’ planning guidelines;**
- 10** **BY AN ABSOLUTE MAJORITY, REVOKES Part 6 of its decision of 24 July 2012 (CJ137-07/12 refers) as follows:**
- “6** ***REQUESTS that when preparing the design of the Bramston Park Clubroom/Community facility, that access and egress is to be from Burns Beach Road”.***

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf041212.pdf](#)

It is recommended that Council:

- 1 *AGREES to decommission the single tennis court located at Fenton Reserve, Hillarys;*
- 2 *NOTES that community consultation will be undertaken in line with the City's Community Consultation and Engagement Policy and Protocol seeking feedback from the local residents on possible replacement infrastructure and the results to be presented to a future Council meeting.*

BACKGROUND

In February 2011 Council endorsed a Tennis Court Provision and Maintenance Strategy (CJ010-02/11 refers) which included a Tennis Court Hierarchy and Decommissioning Process (Attachments 1 and 2 refer).

The purpose of the strategy is to ensure a more rigorous Facility Condition Audit Assessment is undertaken by including into the process the utilisation rates, the number of years since previous restorative works have been undertaken, and whether the time elapsed since previous restorative works exceeds the minimum review period for each facility type as defined in the Tennis Court Facility Hierarchy. Through this review process, all City-owned tennis court facilities with high-utilisation rates, and which have not recently received restorative works will be prioritised over those used rarely and those which have recently received restorative works.

In addition, tennis courts which have reached the end of their life, and have continued low utilisation rates, will be subject to the decommissioning process which may result in the tennis courts being decommissioned and if applicable replaced with an appropriate alternative facility. As part of this process the location of nearby alternative tennis facilities (both City owned and otherwise) will be assessed. If alternative facilities nearby are not City owned then shared use arrangements can be explored.

Fenton Reserve is located on Fenton Way, Hillarys (Attachment 3 refers), is 0.46 hectares and is considered a Local Open Space Passive Reserve as part of the City's Parks and Public Open Spaces Classification Framework. At the site is a single plexi-pave court with two floodlights and a fenced perimeter. The court was built in 1978 with the last resurfacing works undertaken in 1994. Also located at the reserve is a swing set and picnic table.

The resurfacing of the Fenton Reserve Tennis Court was a planned project for 2007/08 with budget of \$20,000 (carried forward to the 2012/13 Budget).

DETAILS

Currently the Fenton Reserve Tennis Court, Hillarys is not used by any tennis club and is available for hire by the community. There is currently on average 2.5 hours booked by casual community members on the courts per week. The utilisation rate of the court is very low with it only being used by less than 0.5% of its available time.

A detailed assessment of the court was undertaken that determined the condition to be of a very poor standard and indicated that the works required were beyond the budgeted resurfacing works. The work includes resurfacing, re-fencing, and work to the adjacent turf and reticulation to improve court drainage which has been estimated to cost up to \$35,000.

Hillarys has a number of other tennis court facilities located in the suburb (Attachment 4 refers). Harbour View Park has two tennis courts and is approximately one kilometre south-west of Fenton Reserve. James Cook Park also has two courts and is approximately 1.5 kilometres north of Fenton Reserve.

Issues and options considered:

There are two options available to the City for the future management of the Fenton Park Tennis Court. These options and associated advantages and disadvantages are discussed below.

Option 1

Renewal/upgrade: Undertake identified required works at the tennis court.

Advantages	Disadvantages
No change to service levels of tennis courts from the community's perspective (for example the same number of courts are provided and maintained).	City funds are used to resurface a court that has extremely low community usage.

Option 2

Decommission: Remove tennis court and replace with alternative infrastructure.

Advantages	Disadvantages
The provision of future maintenance and renewal expenditure for the court would not be required.	Service levels of tennis courts from the community's perspective is reduced (for example the number of courts provided and maintained is reduced).
Community is engaged in decommissioning process – provision of alternative facilities.	

Alternative Infrastructure Options

Given the size of Fenton Reserve and its classification as a Local Open Space Passive Reserve as part of the City's Parks and Public Open Spaces Classification Framework, it is recommended that limited infrastructure is considered to replace the tennis court.

One option is to replace the court with grass. Given the court is in the middle of Fenton Reserve and is surrounded by grass, this would be in keeping with the surrounding area and give the local community more grass for informal recreation and play. To decommission the court and to install grass in the old court area has been estimated at approximately \$15,000. This includes the removal of the court, fencing, lighting and supply of irrigation, sand, grass seed and temporary fencing and signage during the works.

Another option is to develop some passive recreational infrastructure at the reserve such as additional planting of native vegetation, grass and a park bench. This has been estimated in the vicinity of \$20,000 - \$25,000 depending on design which includes the removal of the court.

Legislation/Strategic Community Plan/Policy Implications

Legislation: Not Applicable.

Strategic Community Plan:

Key Theme: Community Wellbeing.

Objective: Quality Facilities.

Policy:

Not Applicable.

Risk Management Considerations:

Decommissioning the tennis court increases the risk of negative community perception regarding provision of tennis court facilities. It is proposed that the impact to the community's access to tennis courts in the area be addressed by undertaking an effective community consultation campaign prior to any decommissioning works.

The risk of renewing the tennis court would be the continued duplication of facilities within close proximity to other facilities within the suburb and the utilisation of City funds to resurface a court that has minimal community usage.

Financial/Budget Implications:

Account No:	W1100
Budget Item:	Fenton Park Tennis Court
Budget Amount:	\$20,000
Amount Spent To Date:	\$0

The cost to undertake renewal works on Fenton Park Tennis Court is estimated at \$35,000 which includes resurfacing, re-fencing, and work to the adjacent turf and reticulation to improve court drainage.

To decommission the court and to install grass in the old court area has been estimated at approximately \$15,000. This includes the removal of the court, fencing, lighting and supply of irrigation, sand, grass seed and temporary fencing and signage during the works.

The cost to decommission the court and to install additional planting of native vegetation, grass and a park bench is anticipated to cost approximately \$20,000 - \$25,000 depending on design.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability implications:Environmental

If Option 2 is endorsed then the decommissioned tennis court could be replaced with grass and/or native vegetation which would enhance the natural amenity of the public space.

Social

If Option 2 is endorsed then the decommissioned tennis court could be replaced with alternative infrastructure. This alternative infrastructure would be determined through consultation with the community to ensure that they enhance the amenity of the public space and generate greater usage.

Economic

The decommissioning of tennis courts with low utilisation rates will reduce the City's ongoing tennis court maintenance and resurfacing expenditure. The ongoing maintenance of the replacement infrastructure is dependent on the type of and extent of infrastructure provision.

Consultation:

As part of the endorsed Tennis Court Provision and Maintenance Strategy, any tennis court that is identified for decommissioning is put through a rigorous decommissioning process. This process involves community consultation in line with the City's Community Consultation and Engagement Policy and Protocol. It is proposed that this consultation would provide the community with an opportunity to indicate a preference for the alternative infrastructure for consideration at the site.

It is proposed to undertake consultation with residents living within a 200 metre radius from the site for 21 days and advertised through the following methods:

- Direct mail out - Cover letter, Information sheet, Frequently Asked Question sheet and Comment Form to be sent to all stakeholders;
- Site signage – one sign to be placed at Fenton Reserve, Hillarys during the community consultation period;
- Website - Information and survey added to the “community consultation” section of City's website during the community consultation period.

A copy of the proposed Frequently Asked Questions sheet and Comment Form for the direct mail out are included as Attachments 5 and 6.

The feedback received as part of the community consultation will be collated and included a further report to Council for consideration.

COMMENT

The Fenton Reserve Tennis Court is not used by any tennis club and is currently utilised less than 0.5% of the time it is available for hire (approximately 2.5 hours a week). The proximity of Fenton Reserve Tennis Court to the Harbour View Park Tennis Courts (one kilometre away) and James Cook Park Tennis Courts (1.5 kilometres away) means that there is a duplication of tennis facilities in the area. As the court now requires renewal/upgrade works a decision is required on whether the existing court is renewed or decommissioned and alternative facilities provided.

It is recommended that the Fenton Reserve Tennis Court be decommissioned. To determine the replacement infrastructure for the court, community consultation would be undertaken. Following this consultation, a further report would be presented to Council outlining the results of the community consultation and recommended replacement infrastructure for the court area.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **AGREES to decommission the single tennis court located at Fenton Reserve, Hillarys;**
- 2 **NOTES that community consultation will be undertaken in line with the City's Community Consultation and Engagement Policy and Protocol using Attachment 5 and 6 to this Report to seek feedback from the local residents on possible replacement infrastructure for the site and the results to be presented to a future Council meeting.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf041212.pdf](#)

ITEM 22 PETITION REQUESTING AN UPGRADE OF PLAY EQUIPMENT AND INSTALLATION OF EXERCISE EQUIPMENT AND WATER FOUNTAINS IN GLENGARRY PARK, DUNCRAIG

WARD: South

RESPONSIBLE DIRECTOR: Mr Nico Claassen
Infrastructure Services

FILE NUMBER: 101515, 10053

ATTACHMENTS: Attachment 1 Location Map of Glengarry Park, Duncraig
Attachment 2 Current Play Equipment

PURPOSE

For Council to consider a petition requesting the upgrade of the playground equipment and the installation of outdoor exercise equipment and drinking fountains at Glengarry Park, Duncraig.

EXECUTIVE SUMMARY

At the ordinary meeting of Council held on 18 September 2012 (C63-09/12 refers), a 144 signature petition from residents of the City of Joondalup was tabled requesting the City upgrade Glengarry 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 upgrade the playground at Glengarry Park within the next twelve months (from August 2012). This upgrade is currently listed in the Capital Works document as approved for playground equipment replacement under project code PEP2587 and is scheduled for 2015/16.

We also request Council to consider installation of exercise equipment and drinking fountains as can be found in parks and recreational spaces in the City of Stirling such as Abbett Park and Carine Open Space.”

Glengarry Park, Duncraig is classified as an Active Local Park in the City’s Parks and Public Open Spaces Classification Framework (PPOSCF).

A site inspection confirmed that the existing play equipment at Glengarry Park consists of a medium size combo unit and swing set and meets Australian Standards. While there is some discolouration to the play equipment due to its age and some surface rust the structural integrity of the play equipment is not affected.

A condition survey of all playground equipment has recently been completed and is currently being reviewed to inform the prioritisation of the play equipment replacement program for the future Capital Works Program.

A review of the City's Parks and Public Open Spaces Classification Framework (PPOSCF) is currently underway which will assist in determining parks in which outdoor exercise equipment will be installed.

It is recommended that Council:

- 1 *NOTES subject to the presentation of the results of the play equipment condition survey to Council and prioritisation of the play equipment replacement program, the replacement of the equipment in Glengarry Park will be listed for consideration in the Capital Works Program;*
- 2 *NOTES following the review of the City's Parks and Public Open Spaces Classification Framework (PPOSCF), installation of outdoor exercise equipment at Glengarry Park will be considered and listed in the Capital Works Program accordingly;*
- 3 *SUPPORTS listing of a drinking fountain in the five year Capital Works Program;*
- 4 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

A petition of Electors, including 144 eligible signatures, was received by Council at its meeting held on 18 September 2012 (C63-09/12 refers). The petition requested that the City consider the following for Glengarry Park, Duncraig:

- Upgrade the existing play equipment within the next twelve months from August 2012;
- Install outdoor exercise equipment;
- Install drinking fountains.

The City's Parks and Public Open Spaces Classification Framework (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. Glengarry Park is classified as an Active Local Park and as such can include the following assets:

- Minor sporting infrastructure (for example basketball ring, tennis hit-up wall, BMX track);
- Floodlighting to facilities sports participation;
- Change rooms and toilet facilities;
- Capacity for 50 cars to park within or around the perimeter of the park grounds;
- Play equipment;
- Bench seating.

Glengarry Park currently contains:

- Play equipment;
- Bench seating;
- Picnic shelters;
- External path network;
- Cricket practise wickets;
- Main cricket wicket;
- Change rooms and toilet facilities;
- Tennis courts.

The following works for Glengarry Park are currently listed in the five year Capital Works Program:

- 2013/14 Sump redevelopment;
- 2014/15 Football goal post replacement;
- 2015/16 Replacement of carpet on main cricket wicket;
- 2016/17 Playground replacement.

Recent Capital Works projects in Glengarry Park include:

- 2009/10 Resurfacing of two tennis courts;
- 2010/11 Replacement of picnic table;
- 2011/12 Replacement of bench;
- 2011/12 New park sign;
- 2011/12 New swing gate and concrete pad;
- 2011/12 Irrigation pump, column, bore, cabinet, flow meter and headworks.

DETAILS

A site inspection of the play equipment in Glengarry Park determined that the play equipment meets Australian Standards. Due to general wear and tear and over-spray of the irrigation system some elements of the play equipment have discoloured making the equipment look old and tired. There are also some superficial surface rust points on the equipment that do not affect the structural integrity; the equipment is reviewed for maintenance every six weeks. The equipment consists of a medium size combo unit and a swing set with sand soft fall under surfacing (Attachment 2 refers). The play equipment is well shaded by existing mature trees and there is a bench seat and picnic shelter next to the play equipment.

The upgrade of the play equipment at Glengarry Park is currently listed on the 2016/17 Capital Works Program. A condition survey of all playground equipment has recently been completed and is currently being reviewed to inform the prioritisation of the play equipment replacement program for the future Capital Works Program. The results of the playground equipment survey and a new play equipment replacement program will be presented to Council in early 2013. It is recommended that the replacement of the playground at Glengarry Park be listed for consideration in the 2015/16 Capital Works Program subject to the prioritisation established from the condition survey.

The upgrade was deferred from the 2015/16 Capital Works Program so the works coincided with the relocation of floodlights to Glengarry Park. However at the ordinary meeting of Council held on 18 May 2011 (CJ083-05/11 refers), Council in part revoked the decision to relocate the floodlights to Glengarry Park as follows:

“2 *BY AN ABSOLUTE MAJORITY, REVOKES its decision of 21 September 2010 (CJ151-09/10 refers) as follows:*

“as part of the decommissioning of the tennis courts in part 1 above and subject to suitability, AGREES to relocate the floodlight towers to the tennis courts located at Glengarry Park, Duncraig;”

There are currently no drinking fountains at Glengarry Park. As the park is classified as an Active Local Park it is recommended that at least one drinking fountain be installed to the park. The inclusion of a drinking fountain would enhance the use of the park and help facilitate healthy lifestyles.

There is no outdoor exercise equipment currently installed at Glengarry Park. A review of the PPOSCF is currently underway which will include guidance on the classifications of parks which will be considered for the installation of outdoor exercise equipment. The review of the PPOSCF will be presented to Elected Members in the third quarter of 2012/13. The installation of the outdoor exercise equipment at Glengarry Park will be considered in accordance with the revised PPOSCF.

Legislation/Strategic Community Plan/Policy Implications

Legislation

The applicable Australian Standards for play equipment are:

- AS 4685 -2004;
- AS/NZS 4422 1996;
- AS/NZS 4486.1-1997;
- AS 1657 -1992;
- AS/NZS 4360-2004.

The legislation is not retrospective but will apply to new equipment that is supplied and installed.

Strategic Community Plan

Key Themes: Community Wellbeing.

Objective: Quality Facilities.

Policy

Not Applicable.

Risk Management Considerations:

The current playground equipment complies with Australian Standards.

Financial/Budget Implications:

Cost estimate for an upgrade of Glengarry Park as requested by the petition organisers:

Item	Budget	Estimate
Playground Equipment	\$102,000	
Exercise Equipment:		\$50,000
Drinking Fountain:		\$8,000
Total Estimated Cost:		\$160,000

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The play equipment in Glengarry Park is in a safe and good condition although there is some bore water staining on the equipment causing discolouration. The spray of the park's irrigation will be adjusted to minimise bore staining to the equipment. The replacement of the play equipment will be scheduled according to the prioritisation established following the review of the playground equipment condition survey which is currently in progress.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES subject to the presentation of the results of the play equipment condition survey to Council and prioritisation of the playground equipment replacement program, the replacement of the equipment in Glengarry Park will be considered for listing in the Capital Works Program;**
- 2 NOTES following the review of the City's Parks and Public Open Spaces Classification Framework (PPOSCF), installation of outdoor exercise equipment at Glengarry Park will be considered and listed in the Capital Works Program accordingly;**
- 3 SUPPORTS listing of a drinking fountain in the Five Year Capital Works Program;**
- 4 ADVISES the lead petitioner of Council's decision.**

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf041212.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER
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Name/ Position	
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**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

