

minutes

MEETING HELD ON **TUESDAY, 11 DECEMBER 2012**

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CITY OF JOONDALUP

COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY, 11 DECEMBER 2012.

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

ANNOUNCEMENT OF VISITORS

Nil.

Mayor:

TROY PICKARD

*Absent from 8.55pm to
9.05pm*

Councillors:

CR KERRY HOLLYWOOD

North Ward

CR TOM McLEAN, JP

North Ward

CR PHILIPPA TAYLOR

North-Central Ward

*Absent from 7.22pm
to 7.34pm*

CR SAM THOMAS

North-Central Ward

*Absent from 8.55pm to
9.05pm*

CR LIAM GOBBERT

Central Ward

CR GEOFF AMPHLETT, JP

Central Ward

CR CHRISTINE HAMILTON-PRIME

South-West Ward

CR MIKE NORMAN

South-West Ward – *Deputy Mayor*

CR JOHN CHESTER

South-East Ward

*Absent from 8.55pm to
9.05pm*

CR BRIAN CORR

South-East Ward

*Absent from 8.55pm to
9.05pm*

CR RUSS FISHWICK, JP

South Ward

*Absent from 8.55pm to
9.05pm*

CR TERESA RITCHIE

South Ward

*Absent from 8.55pm to
9.05pm*

Officers:

MR GARRY HUNT

Chief Executive Officer

MR MIKE TIDY

Director Corporate Services

MR JAMIE PARRY

Director Governance and Strategy

*Absent from 9.24pm
to 9.29pm*

MS DALE PAGE

Director Planning and Community

Development

from 9.22pm

MR NICO CLAASEN

Director Infrastructure Services

from 7.38pm

MR BRAD SILLENCE

Manager Governance

MR MICHAEL HAMLING

Manager Operations Services

MR GRAEME CATCHPOLE

Acting Manager Planning Services

MR MARK McCRORY

Acting Manager Marketing and Communications

MR JOHN BYRNE

Governance Coordinator

MS MELINDA BELL

Coordinator Planning Approvals

*Absent from 8.45pm
to 8.48pm*

MRS LESLEY TAYLOR

Governance Officer

MRS DEBORAH GOUGES

Governance Officer

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

PUBLIC QUESTION TIME

The following question was taken on notice at the Ordinary Council Meeting held on 20 November 2012:

Mr T Argus, Connolly:

Re: Club Facilities for Cycling, Skating and Wheeled Sports.

Q1 Part of the infrastructure program for the City of Joondalup, can I please ask how much money was set aside for wheeled sports which include cycling and skating infrastructure for club facilities and also for transport network facilities?

A1 The City has not included within its five year Capital Works Program or its 20 year Strategic Financial Plan to provide facilities for organised wheeled sports.

A skate park which can be used by skateboards, scooters and BMX bikes is currently under construction, at a cost of \$439,000, at Mirror Park, Ocean Reef. The skate park is scheduled to open on 14 December 2012.

The five year Capital Works Program 2012/13 to 2016/17 provides funding of \$2,201,900 for installation and upgrade of shared use paths and bicycle parking and end of trip facilities.

These programs are in addition to cycling facilities which have been implemented as part of large scale road upgrades, resurfacing works or local traffic management projects.

The following questions were submitted prior to the Council meeting on 11 December 2012:

Mr D Blackburn, Kingsley:

Re: CJ289-12/12 - Revised Draft Local Housing Strategy

Q1 The City provided advice and justification in support of the Draft LHS to the Department of Planning in February 2012, when did the Department of Planning respond and why has it taken until now for a potential mutually acceptable position to be reached?

A1 The Department of Planning provided additional information to the City on 27 April 2012. Since then, a number of discussions and meetings have been held with the Department of Planning with a view to obtaining the Department's support in principle for the revised approach proposed by the City. The implications of the revised approach needed to be mapped spatially and carefully considered by both the City and the Department before the City could document the revised Housing Opportunity Maps for formal consideration by Council.

Q2 Reference: The Draft LHS on the COJ Website dated February 2011 – "Section 10.3 Recommendations of the draft Local Housing Strategy". Are the Recommendations as per the above reference now final?

A2 No. Council is yet to adopt the revised draft Local Housing Strategy document and the document then still needs to be endorsed by the Western Australian Planning Commission.

- Q3 *In the Information to be sent to residents in HOAs will the development implications of the State Planning Policy 3.1, Residential Design Codes , “Part 7 – Design Elements for multiple dwellings in areas with a coding of R30 or greater and within mixed-use development and activity centres” be explained so residents are aware that multiple unit development may be facilitated in HOAs with R30 and above codings?*
- A3 Information regarding the implications of Residential Design Codes Part 7 will be provided in a set of Frequently Asked Questions to be made publicly available.
- Q4 *For a HOA R20/40 coded block of 685m², how many one bedroom units of 40 square metre plot ratio area, could be approved using the provisions of the Residential Design Codes Part 7?*
- A4 It is not possible to determine the number of multiple dwellings that may be accommodated on the site at the density of R40 as the multiple dwelling requirements are different from single and grouped dwellings.

For multiple dwellings there is no minimum or average lot size, however a plot ratio of 0.6 (at R40) is prescribed. For a development of more than 12 dwellings there is also a requirement under the Residential Design Codes to provide a mix of 1 bedroom and 2 bedroom dwellings with applicable car parking requirements. All of these elements plus the building setback and open space requirements combined result in the maximum number of dwellings.

- Q5 *For the HOAs coded R20/60 will the Council policy Height and Scale of Buildings Within Residential Areas be amended to allow three or four storey developments?*
- A5 The Height and Scale of Buildings Within Residential Areas Policy will be subject to a separate review and any changes to the policy will undergo a separate public consultation process.

Mr S Few, Woodvale:

Re: *CJ276-12/12 - Tender 021/12 – Supply, Delivery and Installation of Instant Turf*

- Q1 *How can it be considered that the “potential risk associated with the appointment of Turfmaster Facility Management, given its previous performance with the City, outweighs its lower cost” given that the tender documentation Part 1, clause 1.3 (c) states the respondent must “assume that the City has no knowledge of the respondent, experience or any previous works undertaken by the respondent for the City or any other public authority”?*
- A1 Part 1, Clause 1.3 is advice to the respondent in preparing their response to the tender request. In effect it suggests to respondents that they should provide full detailed responses to all of the requirements and not make assumptions about the existing knowledge that the City may or may not already have about the respondent. It does not suggest that the City will ignore any knowledge it may already have about the respondent.

Q2 *How can it be considered “that awarding the contract to Turfmaster Facility Management may expose the City to higher risk given its past performance history with the City”, when Turfmaster Facility Management has never been contracted to provide this tendered service to the City?*

A2 The City assesses the respondent as well as the services that are specifically proposed when considering a tender.

The following questions were submitted verbally at the Council meeting:

Mr S Turner, Burns Beach:

Re: *CJ280-12/12 - Bramston Park – Proposed Community Sporting Facility.*

Q1 *Why is Mattingleys Approach planned as the main entrance to the proposed park facility when the City of Joondalup Planning Department own assessment it that it is a low grade road unsuitable to handle traffic volumes as a thoroughfare?*

A1 The Director Corporate Services responded that more detailed information regarding access to car parking at Bramston Park will be available once the concept plan has been developed. The Chief Executive Officer added that Mattingleys Approach is capable of carrying the road volumes that are anticipated from the usage of the facility however more information will be provided once the concept plan is developed.

Q2 *What form will the community consultation take once the concept plan for Bramston Park is released?*

A2 The Chief Executive Officer advised that as yet the extent of public consultation has not been developed and would be based on the concept plan and its elements. Mayor Pickard added that the purpose of the report at this Council meeting is to authorise the administration to prepare a concept plan for Bramston Park and once the concept plan has been developed, the City’s administration will recommend to Council a consultation strategy. This consultation strategy would flag catchment areas for the extent of public consultation and Council can vary the extent of the catchment areas if it deems it necessary.

Dr C Hammersley, Warwick:

Re: *CJ264-12/12 - Proposed change of use from Single House to Consulting Rooms at Lot 263 (27) Arnisdale Road, Duncraig.*

Q1 *What is the commentary by the City’s administration or Elected Members in response to the supplementary briefing note provided by Mr Lloyd Anderson of Developptions on 7 December 2012.*

A1 The Chief Executive Officer advised that all Elected Members were provided with background information on the issues that have been raised and despite the submission, the City’s administration sees no reason to make any change to the report or the proposal before Council.

PUBLIC STATEMENT TIME

The following statement was submitted verbally at the Council meeting:

Mr S Turner, Burns Beach:

Re: CJ280-12/12 - Bramston Park – Proposed Community Sporting Facility

Mr Turner spoke against the proposed development of Bramston Park and proposed that a consultative committee be created consisting of members of the City of Joondalup Planning Department, Elected Members of Council and concerned citizens of the City of Joondalup to jointly develop a concept plan that will provide amenities acceptable to the community.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

CONFIRMATION OF MINUTES

C79-12/12 MINUTES OF COUNCIL MEETING HELD 20 NOVEMBER 2012

MOVED Cr Hamilton-Prime, SECONDED Cr Amphlett that the Minutes of the Council Meeting held on 20 November 2012 be CONFIRMED as a true and correct record.

The Motion was Put and

CARRIED (13/0)

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

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Strategic Community Plan Launch

Mayor Pickard advised that last week the City held the official launch of the City's Strategic Community Plan, *Joondalup 2022* and commented it was fantastic to see such a big turnout.

Mayor Pickard stated many sections of our community were represented, including residents and the impressive attendance demonstrated their support and interest in Joondalup's future.

Mayor Pickard was pleased that so many residents, community groups and stakeholders realised the importance of this plan to the future of Joondalup over the next decade.

Mayor Pickard believed *Joondalup 2022* clearly demonstrated how the City would continue to meet its commitment to sustainable development while also meeting the current and future needs of the community through a range of environmental, social and economic programs and services.

Mayor Pickard stated the Council was excited and confident that the vision of the community would be achievable through this new robust and transparent planning framework.

Mayor Pickard felt that with a strong emphasis on enhancing the liveability of Joondalup, improving transport and connectivity, celebrating and maintaining our natural assets, increasing local job opportunities and creating an engaged and inclusive community – Joondalup 2022 outlined a bold and exciting future for our great City.

Heathridge Carols in the Park

Mayor Pickard advised that this Sunday, 16 December 2012 one of the most popular family events of the year will be held in our City; the 2012 Heathridge Carols in the Park.

Mayor Pickard stated the City is a proud sponsor and supporter of this very popular annual carols event, which starts at 6.30pm and is organised by the Whitford Church of Christ. He encouraged people to attend this great free Christmas celebration and enjoy the festivities with family and friends.

Mayor Pickard commented that the Kingsley Community Carols Festival was held on Sunday, 9 December 2012 and there was a great turnout by local residents, who enjoyed singing classic hymns and songs that at this time of the year remind us of the real meaning of Christmas.

Mayor Pickard commented that the City also supports the Kingsley Carols Festival and it is these popular and successful community events that highlight what an engaged and connected community we enjoy in Joondalup.

DECLARATIONS OF INTEREST

Disclosures of Financial / Proximity Interest

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

Name/Position	Cr Philippa Taylor.
Item No/Subject	CJ263-12/12 – Retrospective Planning Approval – Unauthorised Security Fence Addition to Motor Industry Training Association at Lot 805 (10) Injune Way, Joondalup.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Taylor is on an industry committee with the manager of Motor Industry Training Association and held her State Campaign fundraising quiz night at Motor Industry Training Association.

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No/Subject	CJ287-12/12 – Request for Annual Leave – Chief Executive Officer.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Name/Position	Mayor Troy Pickard.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Financial Interest.
Extent of Interest	Mayor Pickard owns a residential property in a proposed Housing Opportunity Area.

Name/Position	Cr John Chester.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Chester owns two properties in a Housing Opportunity Area.

Name/Position	Cr Russ Fishwick, JP.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Fishwick owns property that will be affected by the adoption of the Local Housing Strategy.

Name/Position	Cr Sam Thomas.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Thomas lives in a Housing Opportunity Area.

Name/Position	Cr Brian Corr.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Proximity Interest.
Extent of Interest	Cr Corr lives close to a Housing Opportunity Area.

Name/Position	Cr Teresa Ritchie.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Proximity Interest.
Extent of Interest	Cr Ritchie resides next to Housing Opportunity Area 6 and husband owns property next to Housing Opportunity Area 6.

Disclosures of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Cr Tom McLean, JP.
Item No/Subject	CJ270-12/12 - 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.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean lives within 200 metres of the site.

Name/Position	Cr Mike Norman.
Item No/Subject	CJ276-12/12 - Tender 021/12 – Supply, Delivery and Installation of Instant Turf.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman is the Chairman of Joondalup Community Coast Care Forum that raised a number of concerns with the City about the tree deaths incident in 2006/07 which involved Turfmaster.

Name/Position	Mayor Troy Pickard.
Item No/Subject	CJ286-12/12 – Ocean Reef Marina – Environmental and Planning Approvals Strategy.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard is a patron of Whitford Volunteer Sea Rescue Group.

Name/Position	Cr Sam Thomas.
Item No/Subject	CJ286-12/12 – Ocean Reef Marina – Environmental and Planning Approvals Strategy.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas is a member of Whitford Volunteer Sea Rescue Group.

Name/Position	Cr John Chester.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester's son owns two properties in a Housing Opportunity Area and his daughter lives in a Housing Opportunity Area.

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

- CJ284-12/12 Confidential – Disposal of Six City Freehold Lots – Sales Strategy – [62637]
- CJ285-12/12 Confidential – Detailed Report on the Proposed Disposal of Lot 977 (15) Burlos Court, Joondalup – [62637]

The Chief Executive Officer indicated that unless there was any objection from Elected Members or that they wished to discuss certain aspects of confidentiality around the reports, the confidentiality restriction would be lifted.

No indication was received.

C80-12/12 PETITIONS**PETITION IN RELATION TO COMPLETION OF THE MARRI PARK PLAYGROUND PRECINCT AND INSTALLATION OF SHADE SAILS OVER PLAY EQUIPMENT AND BBQS – [03146, 05386]**

Cr Ritchie tabled a 101 signature petition on behalf of residents of the City of Joondalup requesting that the Council complete the Marri Park Play Ground Precinct by the installation of shade sails over the play equipment and BBQs to further enhance the area.

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

- 1 Petition in relation to upgrade of playground precinct at Marri Park, Duncraig by the installation of shade sails over the play equipment and BBQs to further enhance the area.**

The Motion was Put and

CARRIED (13/0)

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

REPORTS

CJ262-12/12 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);
- 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

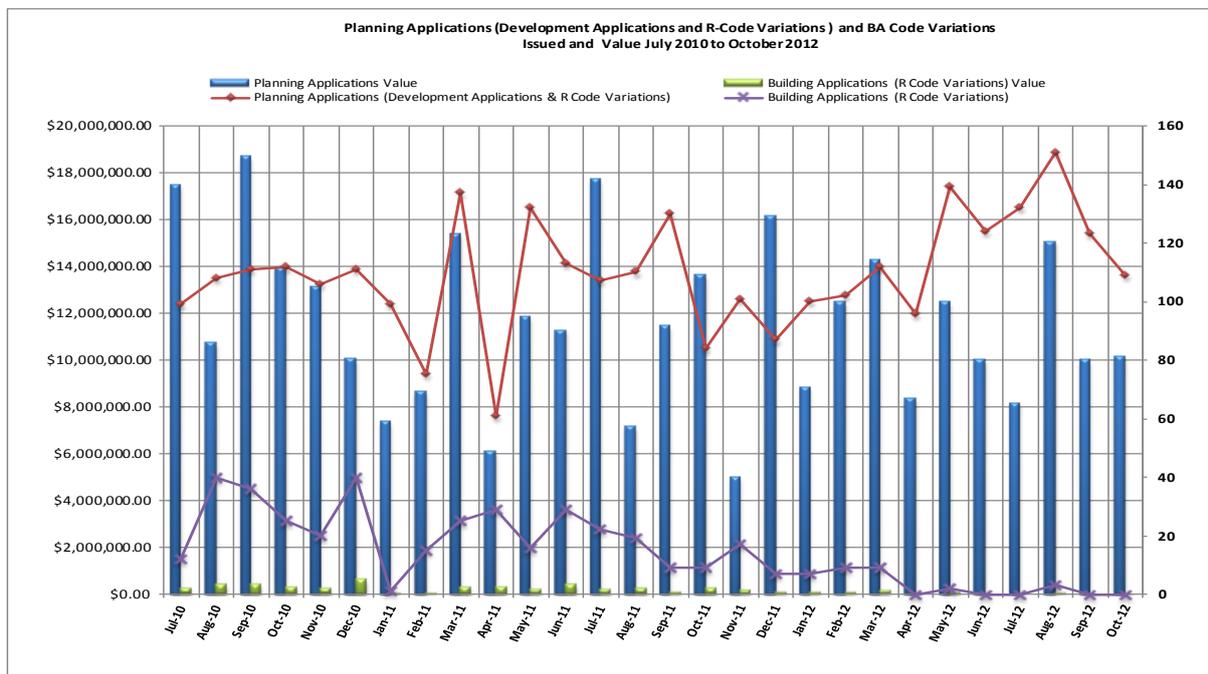
The number of applications determined under delegated authority during October 2012, is shown below:

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.

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard 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 Report CJ262-12/12 during October 2012;
- 2 Subdivision applications described in Attachment 2 to Report CJ262-12/12 during October 2012.

The Motion was Put and **CARRIED** (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 1 refers

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

Disclosure of Financial Interest

Name/Position	Cr Philippa Taylor.
Item No/Subject	CJ263-12/12 – Retrospective Planning Approval – Unauthorised Security Fence Addition to Motor Industry Training Association at Lot 805 (10) Injune Way, Joondalup.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Taylor is on an industry committee with the manager of Motor Industry Training Association and held her State Campaign fundraising quiz night at Motor Industry Training Association.

Cr Taylor left the Chamber at 7.22pm.

CJ263-12/12 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: 49,323m².
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.

OFFICER'S 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.

MOVED Cr Chester, SECONDED Cr Thomas 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;**
- 2 **NOTES** that the black galvanised steel fence does not meet the requirements of the City's 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 chain link fence on the Joondalup Drive frontage is to be removed for the extent of the Motor Industry Training Association development within 90 days from the date of this decision;**
 - 3.3 **The approved fence shall be maintained in a state of good repair at all times to the satisfaction of the City;**
- 4 **ADVISES** the applicant that the chain link fence along the Joondalup Drive frontage is not supported, as it is considered not to be of a 'high aesthetic standard' as required under the provisions of the Joondalup City Centre Development Plan and Manual (Southern Business District);
- 5 **Further to condition 3.2, and Part 4 of the recommendation above, ADVISES** the applicant that the City would support an application for the installation of a fence similar to that installed along the Injune Way frontage, along the eastern (Joondalup Drive) frontage.

The Motion was Put and

CARRIED (7/5)

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

Against the Motion: Crs Amphlett, Corr, Fishwick, McLean and Ritchie.

REASON

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which is significantly different to what the officers recommended is because the chain link fence along Joondalup Drive is not in accordance with the City's draft *Joondalup City Centre Structure Plan* and adversely affects the streetscape and southern entry of the City Centre and sets an undesirable precedent for future development of the City Centre.

Cr Taylor entered the Chamber at 7.34pm.

Appendix 2 refers

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

CJ264-12/12 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 Annisdale Road. For this reason the application is recommended for refusal.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Ritchie 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 reason:
 - 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.

The Motion was Put and

CARRIED (13/0)

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

The Director Infrastructure Services entered the Chamber at 7.38pm.

Appendix 3 refers

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

CJ265-12/12 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.

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard 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.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 4 refers

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

CJ266-12/12 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) shortfall 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) Medical Centre (5 per practitioner)		90.6	
N3 (2,530m ²)		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 12.00 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 set back 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:

City 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 set back 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.

MOVED Cr Hamilton-Prime, SECONDED Mayor Pickard 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 0 metres 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.

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 5 refers

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

**CJ267-12/12 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: 2142m².
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.

MOVED Cr Corr, SECONDED Cr Chester that Council:

- 1 EXERCISES discretion in relation to Clause 4.5.1 of the *City of Joondalup 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.

1ST AMENDMENT MOVED Mayor Pickard, SECONDED Cr Amphlett that Part 2.8 of the Motion be amended to read as follows:

“2.8 All walls of the proposed building shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;”

The Amendment was Put and

LOST (0/13)

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

2ND AMENDMENT MOVED Cr Fishwick, SECONDED Mayor Pickard that Part 2.8 of the Motion be amended to read as follows:

“2.8 All external walls of the proposed building shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;”

The Amendment was Put and

CARRIED (13/0)

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

The Original Motion as amended, being:

That Council:

1 EXERCISES discretion in relation to Clause 4.5.1 of the *City of Joondalup 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 All external walls of the proposed building shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, 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.

was Put and

CARRIED (13/0)

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

Appendix 6 refers

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

CJ268-12/12 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:

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

"P" - Use Class that is permitted.

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

"X" - Use Class that is not permitted.

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

'Beauty Parlour', 'Cinema Complex', 'Department Store', 'Hairdresser', 'Hall', 'Sports Ground', 'Theatre'.

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

USE CLASS	NUMBER OF ON-SITE PARKING BAYS (NLA = NET LETTABLE AREA)
Place of Worship	1 per 4 persons accommodated
Self Storage Facility *	1 per 100m ² NLA
Shop/Shopping Centres under 30,000m ²	7.5 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
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.

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard 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 Report CJ268-12/12 for the purposes of public advertising for a period of 42 days;**
- 2 Prior to the advertising period commencing FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 7 refers

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

CJ269-12/12 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 Plans
	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:

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.

MOVED Cr Fishwick, SECONDED Cr Ritchie 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.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8a9n111212.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Tom McLean, JP.
Item No/Subject	CJ270-12/12 - 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.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean lives within 200 metres of the site.

CJ270-12/12 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 (CJ182-09/12 refers), Council approved an application for modifications to additions to Currambine Central. 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.

MOVED Cr Hollywood, SECONDED Cr McLean 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.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 9 refers

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

CJ271-12/12 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;
- 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 the 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.

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

- 1 ADOPTS the draft Joondalup City Centre Structure Plan (as amended) as shown in Attachment 2 to Report CJ271-12/12 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.**

The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 10 refers

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

CJ272-12/12 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 Report CJ272-12/12.

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.

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard 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 Report CJ272-12/12.

The Motion was Put and **CARRIED** (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 11 refers

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

CJ273-12/12 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.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council:

- 1** the status of outstanding petitions submitted to Council during the period 28 June 2011 to 23 October 2012, forming Attachment 1 to Report CJ273-12/12;
- 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.

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

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

Appendix 12 refers

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

CJ274-12/12 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 Report CJ274-12/12, 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.

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard 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 Report CJ274-12/12, totalling \$14,656,613.49.

The Motion was Put and **CARRIED** (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 13 refers

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

CJ275-12/12 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 Report CJ275-12/12.

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.

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard that Council **NOTES** the Financial Statement for the period ended 31 October 2012 forming Attachment 1 to Report CJ275-12/12.

The Motion was Put and **CARRIED** (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 14 refers

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

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman.
Item No/Subject	CJ276-12/12 - Tender 021/12 – Supply, Delivery and Installation of Instant Turf.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman is the Chairman of Joondalup Community Coast Care Forum that raised a number of concerns with the City about the tree deaths incident in 2006/07 which involved Turfmaster.

CJ276-12/12 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.

MOVED Cr Norman, SECONDED Cr Chester 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.

The Motion was Put and

CARRIED (13/0)

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

Appendix 15 refers

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

CJ277-12/12 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.

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard 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.

The Motion was Put and **CARRIED** (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 16 refers

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

CJ278-12/12 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.

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard 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.

The Motion was Put and **CARRIED** (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 17 refers

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

CJ279-12/12 PROPOSED AMENDMENTS TO PARKING IN BARRON PARADE AND COLLIER PASS, JOONDALUP

WARD:	North
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	07190, 101515
ATTACHMENTS:	Attachment 1 Map of Existing Parking in the vicinity of the Joondalup Train Station Attachment 2 Map of Proposed Parking in the vicinity of the Joondalup Train Station

PURPOSE

For Council to consider a proposal to amend the existing free commuter parking, two hour timed parking and one hour paid parking restrictions in Barron Parade and Collier Pass, Joondalup to introduce long term paid parking which will assist in addressing the increasing requirements for commuter parking in this area.

EXECUTIVE SUMMARY

The City has for a number of years provided free commuter parking, under an agreement with the Public Transport Authority, in on-street parking bays in Barron Parade and Collier Pass, and in off street parking bays in Collier Pass Car Park No. P9. This agreement expires on 5 December 2012.

In addition the City currently provides two hour timed parking bays in Barron Parade and one hour paid parking bays in Collier Pass. These are greatly underutilised and commuters are being deprived of parking opportunities in these parking bays which are in close proximity to the Joondalup Train Station.

It is recommended 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.*

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.

MOVED Cr McLean, SECONDED Cr Hollywood 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.**

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

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

Appendix 19 refers

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

CJ280-12/12 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;*
 - 7.5 *Promotes retention of the maximum portion of the bushland on the eastern boundary of Bramston Park that the proposed infrastructure will allow;*
- 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.

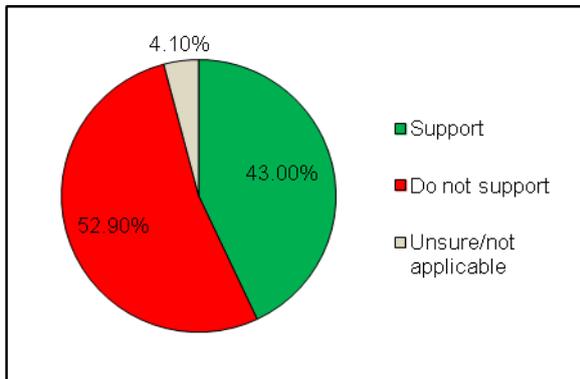
Use of Bramston Park

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.)

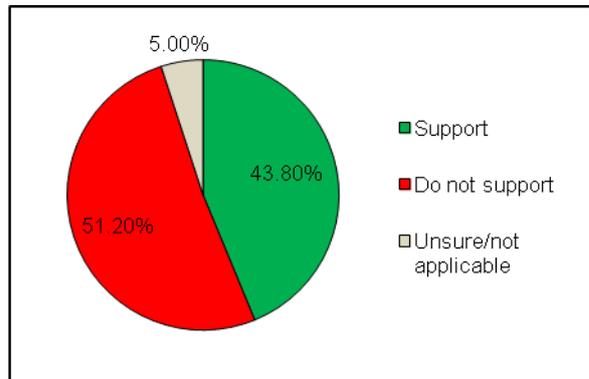
New proposed infrastructure

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%).

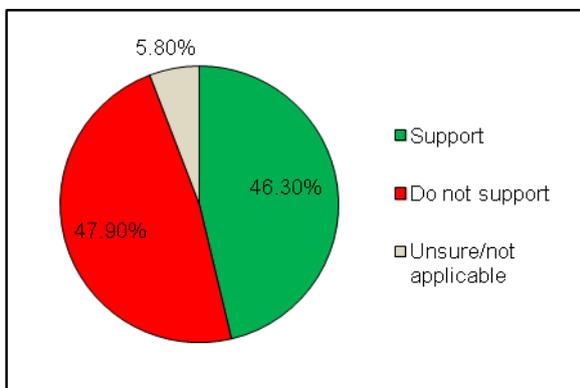
Multi-purpose community sporting facility:



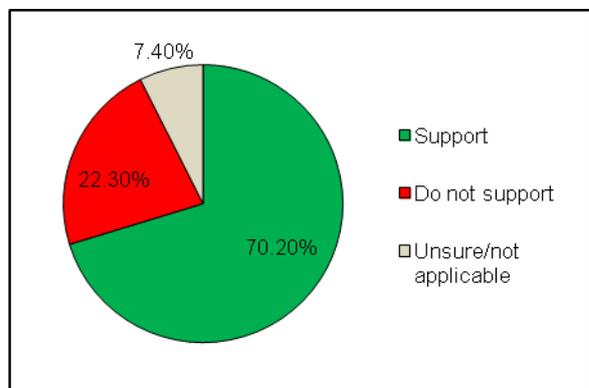
Floodlighting:



Car parking:



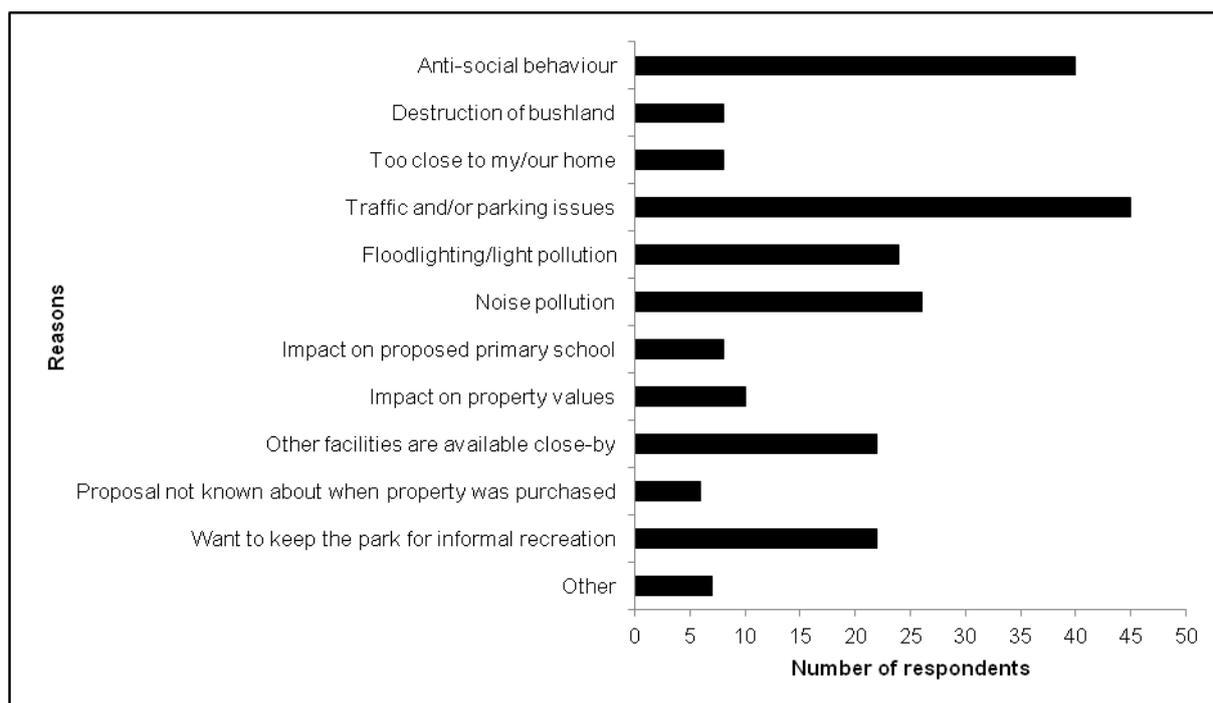
Playground:



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.

Mayor Pickard called for support from one-third of the members of Council. Support to revoke Council's resolution in relation to Item CJ280-12/12 was given by Mayor Pickard, Crs Amphlett, Hamilton-Prime, Hollywood, McLean, Norman and Thomas.

MOVED Cr McLean, SECONDED Cr Hollywood 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 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;**
 - 7.5 Promotes retention of the maximum portion of the bushland on the eastern boundary of Bramston Park that the proposed infrastructure will allow;**

- 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".***

The Motion was Put and

CARRIED (13/0)

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

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf041212.pdf](#)

CJ281-12/12 FENTON RESERVE TENNIS COURT, HILLARYS

WARD:	South-West
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Director Corporate Services
FILE NUMBER:	40328, 19860
ATTACHMENTS:	Attachment 1 Endorsed Tennis Court Hierarchy Attachment 2 Endorsed Tennis Court Decommissioning Process Attachment 3 Fenton Park Tennis Courts Aerial Map Attachment 4 Distribution of Tennis Courts in Hillarys Attachment 5 Community Consultation Frequently Asked Questions Sheet Attachment 6 Community Consultation Comment Form

PURPOSE

For Council to consider details on the current condition and usage of the Fenton Reserve Tennis Court, Hillarys.

EXECUTIVE SUMMARY

In February 2011 (CJ010-02/11 refers) Council endorsed a Tennis Court Provision and Maintenance Strategy which included a Tennis Court Hierarchy and Decommissioning Process. The purpose of the strategy is to ensure a more rigorous Facility Condition Audit Assessment is undertaken and 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.

The Fenton Reserve Tennis Court consists of a single fenced court and floodlights that have been determined to be in very poor condition. There is currently an existing budget of \$20,000 for the project. However, the current condition of the courts indicates that they require renewal/upgrade works estimated to cost up to \$35,000.

Currently the court is not used by any tennis club and on average is used for 2.5 hours per week by the community. The utilisation rate of the court is very low with it only being used by less than 0.5% of its available time. Within Hillarys there are two other tennis court facilities located in the suburb - Harbour View Park Tennis Courts which are approximately one kilometre south-west and James Cook Park Tennis Courts which are approximately 1.5 kilometres north of the site.

The extent of tennis court works required, location of other tennis facilities nearby and extremely low utilisation levels leads to the recommendation to decommission the Fenton Reserve Tennis Court, Hillarys.

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 using Attachment 5 and 6 to Report CJ281-12/12 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.*

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.

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard 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 Report CJ281-12/12 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.

The Motion was Put and **CARRIED** (13/0) by En Bloc Resolution prior to consideration of CJ287-12/12, page 198 refers.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf041212.pdf](#)

CJ282-12/12 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.

MOVED Cr Fishwick, SECONDED Cr Ritchie 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.

The Motion was Put and

CARRIED (13/0)

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

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf041212.pdf](#)

STRATEGIC FINANCIAL MANAGEMENT COMMITTEE REPORTS – 3 DECEMBER 2012**CJ283-12/12 MULTI STOREY CAR PARK BUSINESS CASE**

WARD:	North
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	102400
ATTACHMENTS:	Attachment 1 Business Case for Multi Storey Car Park

PURPOSE

For Council to consider the Business Case for a Multi Storey Car Park (MSCP).

EXECUTIVE SUMMARY

The MSCP project has been considered on several occasions at the Strategic Financial Management Committee (SFMC). The attached Business Case for Multi Storey Car Park (Attachment 1) has been revised to incorporate the results of a parking study undertaken as requested at the SFMC meeting on 24 October 2012. In addition the previous two options examined for the McLarty Avenue site have been reduced to one being only the option that includes a commercial component.

The Business Case indicates that a MSCP is viable particularly when considered as part of the overall City Centre parking options.

It is recommended that Council:

- 1 *APPROVES the Business Case for a Multi Storey Car Park as at Attachment 1 to Report CJ283-12/12;*
- 2 *AGREES to proceed to develop a Multi Storey Car Park on the Boas Avenue site;*
- 3 *REQUESTS that the Chief Executive Officer develops a project plan, detailed design and specification and a sourcing strategy for the construction of the Multi Storey Car Park on Boas Avenue.*

BACKGROUND

At its meeting on the 24 October 2012 the SFMC considered the Business Case for a Multi Storey Car Park. Three options were considered, McLarty Avenue Car Park with a commercial component, McLarty Avenue Car Park without a commercial component and Boas Avenue and Reid Promenade Car Park.

The SFMC resolved in part:

“2 *REQUESTS the Chief Executive Officer to UNDERTAKE a parking study incorporating McLarty Avenue and Boas Avenue car parks and the findings be reported to a Special Meeting of the Strategic Financial Management Committee.*”

DETAILS

A parking survey incorporating the car park locations at McLarty Avenue and Boas Avenue was undertaken in late November 2012.

Two surveys were undertaken, one focussing on individual users of the car parks at McLarty Avenue and Boas Avenue and the other focussing on the businesses identified within the target area bounded by Boas Avenue, Lakeside Drive, Shenton Avenue and McLarty Avenue.

Individuals - Parking Survey

The parking survey was undertaken by conducting in person interviews with users at the point they purchased a ticket in the car parks. The surveys took place over six working days from Wednesday 14 to Wednesday 21 November 2012. 925 Surveys were collected, 266 at Boas Avenue and 659 at McLarty Avenue.

Table 1 summarises the key questions asked of the 925 respondents, together with a summary of the responses.

Table 1 – Individual Survey – Questions, Responses and Comments

No	Question	Response	Comments
1	<u>SUBURB</u> <i>Which suburb do you live in?</i>	City of Joondalup – 381 (41%) City of Wanneroo – 343 (37%) Other – 201 (22%)	<ul style="list-style-type: none"> ○ There are more people from outside the City using the parking than from within the City of Joondalup. ○ City of Joondalup is not forecast to experience high levels of population growth in the next 20 years, however other areas, in particularly City of Wanneroo, are experiencing large growth. ○ Therefore the services that are provided within the City Centre will experience greater demand as a result. ○ This is consistent with the response from businesses, where the majority indicated a level of growth forecast in the next five years.

No	Question	Response	Comments															
2	<p><u>REASON</u> <i>What is your reason for coming into Joondalup City Centre today?</i></p>	<p>Boas - 91% (243) are in the City Centre due to work</p> <p>McLarty had varied reasons for using the car park</p> <ul style="list-style-type: none"> - 174 (26%) Medical / Dentist - 135 (20%) Other - 122 (19%) Banking / Financial - 115 (18%) Restaurant/Café/Pub - 113 (17%) Work 	<ul style="list-style-type: none"> ○ This data helps support views already held about the use of both Car Parks. ○ Boas Avenue is a commuter car park, where most of the tickets purchased are all-day tickets. ○ McLarty is a short stay car park and has a wider range of reasons for it being used. 															
3	<p><u>DISTANCE</u> <i>How far away are you from your destination?</i></p>	<p>Boas - 80 (30%) of respondents were 200 metres or less</p> <p>McLarty - 544 (83%) respondents were 200 metres or less</p>	<ul style="list-style-type: none"> ○ Commuters are willing to walk longer distances for all day parking than short-stay users, from the car park to their destination. 															
4	<p><u>CAR PARK CHOICE</u> <i>Why did you choose to park here today?</i></p>	<p>Boas Respondents</p> <ul style="list-style-type: none"> - 47 (18%) for Price - 164 (62%) Proximity - 88 (33%) Availability <p>(responses add up to more than 100% as there were multiple answers from some respondents)</p> <p>McLarty respondents</p> <ul style="list-style-type: none"> - 4 (0.6% Price - 478 (73%) Proximity 	<ul style="list-style-type: none"> ○ Proximity to destination is clearly the main driver. 															
5	<p><u>PRICE SENSITIVITY</u> <i>On a scale of 1 to 5, how significant is the cost of parking in your decision of where to park?</i></p>	<p>Responses from both car parks were broadly similar, the combined responses are (where 1 is not significant and 5 is very significant) are:-</p> <table border="0"> <tr> <td>1.</td> <td>116 (13%)</td> <td>Not significant</td> </tr> <tr> <td>2.</td> <td>124 (14%)</td> <td></td> </tr> <tr> <td>3.</td> <td>194 (21%)</td> <td></td> </tr> <tr> <td>4.</td> <td>120 (13%)</td> <td></td> </tr> <tr> <td>5.</td> <td>359 (39%)</td> <td>Significant</td> </tr> </table>	1.	116 (13%)	Not significant	2.	124 (14%)		3.	194 (21%)		4.	120 (13%)		5.	359 (39%)	Significant	<ul style="list-style-type: none"> ○ Price of car parking is a sensitive issue, with many individuals and businesses preferring not to pay for parking. ○ a large number of people (40%) state that Pricing is very significant to them.
1.	116 (13%)	Not significant																
2.	124 (14%)																	
3.	194 (21%)																	
4.	120 (13%)																	
5.	359 (39%)	Significant																
6	<p><u>Number of Visits per week</u> <i>How often do you usually come into Joondalup City Centre?</i></p>	<p>Boas responded with:-</p> <ul style="list-style-type: none"> 188 (71%) – more than 4 times 58 (22%) – 2 to 4 times a week <p>McLarty respondents:-</p> <ul style="list-style-type: none"> 140 (21%) – more than 4 times 253 (39%) – 2 to 4 times a week 128 (20%) – once a week 135 (20%) – less frequently 	<ul style="list-style-type: none"> ○ Results are consistent with other responses. 															

No	Question	Response	Comments
7	<p><u>MULTI STOREY CAR PARK</u></p> <p><i>If the City were to construct a multi-storey car park at this location, would you still park here?</i></p>	<p>Boas – 253 (96%) said YES</p> <p>McLarty – 547 (84%) said YES</p>	<ul style="list-style-type: none"> ○ Both car parks provided a very strong response to this question, a combined response of 88%. ○ Boas response is stronger than McLarty which is probably due to the nature of the car park i.e. commuters will be keen for a space, even if it means a MSCP, whereas short-term users want as much convenience as possible, and having to go into a MSCP (and use lifts, and the like) may be seen as inconvenient. ○ The Boas response is important in consideration of the income projections as the response tells us that there is more confidence / certainty in the use of Boas as a MSCP than McLarty.

A significant observation during the parking survey was that Boas Avenue car park is usually full by approximately 8.30am each day. There are some limited movements thereafter with some cars leaving and other cars filling the space. On two days of the parking survey, a count was undertaken of the number of vehicles that entered Boas Avenue car park looking for a space but were unable to find one. The count revealed that on:

- Friday 16 November – 72 vehicles entered between 9.00am and 2.00pm and did not find a space;
- Wednesday 23 November – 83 vehicles entered between 8.30am and 12.00 noon and were unable to obtain a space.

This suggests that if Boas Avenue currently had 200 bays it would be filled. The comments received in the survey also suggest many people are aware that Boas Avenue is usually full early and may not bother to look after a certain time. Potentially there is latent demand not being catered for.

Businesses - Parking Survey

The parking survey was undertaken by hand delivering hard copy surveys to local businesses. They were then personally collected from each business.

The parking survey took place over 10 working days, from Wednesday 14 to Tuesday 27 November 2012. 217 businesses were located in the target area. The City was unable to contact 17 of them, mostly due to irregular opening hours (such as nightclubs). Businesses in the target area ranged from restaurants and cafés to small retail premises, real estate agents, financial institutions, training centres, lawyers, health professionals and other general service providers.

A high response rate of 76% was achieved, this is deemed statistically sufficient to consider the response as an accurate representation of the views. Of the eight businesses in the area who employ 30 staff or more, submissions were received from all eight of them. 141 businesses responded in total. Three businesses submitted multiple survey forms, 15 between them. This was not detected until the analysis had been completed. Only one each from these three businesses should have been included meaning that 12 additional surveys for a total of 153 have been included in the analysis.

The business parking survey asked questions in three sections covering employees, customers and MSCP.

Table 2 summarises the key questions asked of the businesses together with a summary of the responses and some comments.

Table 2 – Business Survey – Key Questions, Responses & Commentary

No	Question	Response	Commentary
Employees			
1	<u>Employee Driving Habits</u> <i>What proportion of your staff would you estimate drive a motor vehicle to work?</i>	86% (129) stated that between 81-100% of their employees drive a motor vehicle to work 14% (21) stated that less than 81% drove a motor vehicle to work	<ul style="list-style-type: none"> ○ Result is as expected as the culture for people to travel to work is mostly by vehicle. ○ However the quantity of the response is very high, and provides good context for the strength of some of the other responses and need for a MSCP.
2	<u>Employee Parking Bays</u> <i>Does your company provide parking bays for staff, and if so how many?</i>	76% said they do provide bays Approx 300 bays are provided	<ul style="list-style-type: none"> ○
3	<u>Employees Sufficient Parking</u> <i>Do you believe there is sufficient car parking available?</i>	68% said no 14% said yes 18% were not applicable	<ul style="list-style-type: none"> ○ Just over 2/3 of the responses indicating that there is insufficient car parking available for their employees. ○ This issue comes out quite strongly in the comments, see table below.
Customer			
4	<u>Customer length of stay</u> <i>How long do you think is the average length of stay for customers to your business</i>	11 - Less than 15 minutes 34 – 15 to 30 minutes 44 – 30 to 60 minutes 33 – 1 to 2 hours 16 – 2 to 4 hours 4 – all day 9 – other	<ul style="list-style-type: none"> ○ Taking account of the varied mix of businesses in the Target Area (for example cafes and professionals), not surprising to see a wide ranging response.

No	Question	Response	Commentary
5	<u>Customer Parking Bays</u> <i>Does your company provide parking bays for your customers?</i>	87% said they do NOT provide bays Approx 75 bays are provided	<ul style="list-style-type: none"> ○ Very few bays provided for customers.
6	<u>Customer Sufficient Parking</u> <i>Do you believe there is sufficient car parking available?</i>	71% said no 22% said yes 7% were not applicable	<ul style="list-style-type: none"> ○ A very high number of businesses believing that there is insufficient car parking for customers. ○ A wide number of comments provided in this area also, see below.
7	<u>Customer Growth</u> <i>Do you expect the number of customers to your business to increase over the next 5 to 10 years?</i>	36 – No - Stay the same, or decrease 56 – YES, Increase by up to 20% 35 – YES, increase by up to 50% 16 – YES, increase by up to 100% 6 – YES, other	<ul style="list-style-type: none"> ○ A very positive response from businesses. ○ Using the question regarding how many customers each business has, the results can be further extrapolated to estimate that the number of customers could increase from approx 6,600 to approx 7,800.
Multi Storey Car Park			
8	<u>Location of MSCP</u> <i>In your opinion, if a multi-storey car park was constructed in either location, would this be used by your staff & customers?</i>	32 (21%) respondents said that NO it would not be used or were unsure. Of the remaining 79% that said YES, it would be used the location was split as follows:- 46 (30%) McLarty Avenue 60 (39%) Boas Avenue 15 (10%) Either	<ul style="list-style-type: none"> ○ Very strong response to this question, indicating a high likelihood that a MSCP is used. ○ This is consistent with the earlier responses regarding employees and customers. ○ A higher number of businesses stated a preference for Boas Avenue than McLarty. ○ Perhaps more important though is analysing the number of employees and customers that make up the businesses, see the next section "Further Analysis" – this brings the issue out much more strongly for Boas.
9	<u>Season Ticket (annual) Bays</u> <i>Would you consider applying for an annual use of one or more designated bays?</i>	70 (57%) said No 53 (43%) said Yes In then asking for the number of bays they would be interested in, a total response of approx 200 Bays was replied	<ul style="list-style-type: none"> ○ This question is asked without any context of price, so there would likely be a number of businesses who would change their response if further consideration was given on price i.e. the business would be charged a premium.

In regards to the question 8 above more businesses indicated Boas Avenue was preferred over McLarty Avenue, however the difference was not compelling in terms of the number of businesses. The response is further analysed by looking at the specific businesses that responded and how many customers/employees they have.

Table 3 summarises the response in regard to preferred location for a MSCP in a different way, providing a much greater difference between the two locations. It should be noted that for the purposes of this table the 12 additional surveys described above have been removed and the analysis is based on the 141 businesses who submitted surveys.

The Boas Avenue preferred location is favoured by 51 businesses (47% of total), but they employ twice as many employees as the businesses who preferred McLarty Avenue.

Table 3 – Preferred Location of MSCP – Number of Employees & Customers represented

Preferred Location, based on CURRENT Number of Employees & Customers	Qty of Businesses	Employees #1	Customers #1	Total	% of Total
a) Total Responses					
None & Unsure	31	115	1005	1120	15%
Either	13	355	690	1045	14%
McLarty	46	358	1470	1828	24%
Boas	51	708	2845	3553	47%
Total	141	1535	6010	7545	
b) Responses excluding "None" & "Unsure"					
Boas as a %	51	50%	57%	55%	
McLarty as %	46	25%	29%	28%	
Either	13	25%	14%	16%	
Responses excluding "None" & "Unsure"	110	100%	100%	100%	

#1 Employee & Customer numbers are estimates only, and NOT exact. The estimates are based on the assumption of the mid-point from the question asked e.g. if employees are between 11 and 20, then assume 15. For businesses over 30 employees assumed 100 employees for each of those 8 businesses

Surveys Summary – Why a Multi Storey Car Park is Needed

The parking survey has provided data to support the proposal to build a Multi Storey Car Park. The reasons are:

- Regional population growth in north west corridor affects Joondalup (survey shows significant usage from the region);
- Business growth would benefit from MSCP. Some businesses are being stifled (and some even relocating) due to lack of car parking availability;
- Business community wants the MSCP (85%);
- Parking survey of individual users demonstrates demand (88%);
- Employees and visitors to Joondalup are experiencing difficulty conducting their business through lack of car parking.

Revised Financial Projections

The parking survey has helped refine the assumptions underlying the financial projections. Table 4 summarises the changes, and provides further explanation. These projections are over 40 years.

Table 4 – Changes to Cash Flow Projections

Changes to Cash Flow Projections		Option 1	Option 2	Differences	
		McLarty Avenue WITH Commercial Frontage (400 bays)	Boas Avenue (393 bays)	\$000s	%
A) Previous Projection Summary Cashflows, including inflation (40 Years)		\$48,371	\$37,990	(\$10,382)	-21%
<i>Changes to Projections</i>					
Cost of Finance	Previously at 4.46%, increased to 5%	(\$1,389)	(\$823)	\$566	
Boas Season Ticket (annual) bays	Previous Projection assumed 50 by Year 5 (2019/20). Based on Parking Survey now assumed 74		\$3,739	\$3,739	
Boas Long Stay (all day) Bays	Previous Projection assumed 60 by Year 5 (2019/20). Based on Parking Survey and Boas Avenue Car Park being designated a Commuter Car Park, have now assumed 200 Long Term Bays by Year 5		\$174	\$174	
Boas Long Term (all day) Occupancy	Previous projection assumed that 80% of the Long Stay bays would be occupied by Year 5, now assumed 90% based on the Parking Survey		\$3,828	\$3,828	
Boas Short Term Occupancy	Previous projection assumed 64% by Year 5, Revised Projection assumes 60% Occupancy		(\$1,165)	(\$1,165)	
McLarty Short Term Occupancy	Previous projection assumed 80% Occupancy by Year 5, as well as high usage of the occupied bays (86%). Although growth is forecast by those businesses that would favour McLarty Avenue, the projection of 80% Occupancy is deemed overly optimistic, particularly as it would result in overall utilisation of McLarty being higher than Boas which is inconsistent with current trends	(\$6,557)		\$6,557	
B) Total Changes		(\$7,946)	\$5,752	\$13,698	
C) Revised Projections Summary Cashflows, including inflation (40 Years)		\$40,425	\$43,742	\$3,317	8%

The projection in the previous Business Case tabled at the 24 October 2012 meeting of the SFMC showed a 21% difference between the cashflows of the two options in favour of the McLarty Avenue option. The revised projections now show a difference of 8% between the two options, in favour of the Boas Avenue option.

The changes appear to suggest a large swing in favour of Boas Avenue, however, the assumptions that underpin the changes have not changed greatly. The major contributor is the cumulative effect of these changes over the 40 year life of the project.

Table 5 summarises the overall 40 year cashflow, including inflation, for both options:

Table 5 – Summary 40 Year Cash flow summary

OPTION SUMMARY <i>(40 Year Total, including Inflation)</i>		<i>Opt No</i>	Opt0	Opt1	Opt2	Diff
		<i>Option Title</i>	Do Nothing - P2 & P3 continue	McLarty Avenue WITH Commercial Frontage (400 bays)	Boas Avenue (393 bays)	Opt 2 vs Opt1
One-off Expenditure & Income						
A	Capital Expenditure & one-off	\$000s		(\$26,188)	(\$19,422)	\$6,766
B	Income one-off	\$000s				
C	Borrowings & Reserve funding	\$000s		\$25,782	\$17,994	(\$7,788)
D	Surplus (Deficit) / One-off	A+B+C \$000s		(\$406)	(\$1,429)	(\$1,023)
Recurring Expenditure & Income						
E	Funding repayments and interest	\$000s		(\$30,680)	(\$18,181)	\$12,499
F	Expenditure recurring	\$000s	(\$11,551)	(\$30,682)	(\$29,903)	\$778
G	Income recurring	\$000s	\$28,395	\$102,193	\$93,255	(\$8,938)
H	Surplus (Deficit) / Recurring	E+F+G \$000s	\$16,844	\$40,831	\$45,171	\$4,339
I	Surplus (Deficit) / Total	D+H \$000s	\$16,844	\$40,425	\$43,742	\$3,317
J	vs Option 1 Baseline	\$000s		\$23,581	\$26,898	\$3,317
Rankings Cashflows						
K	Ranking	<i>Rank</i>		2	1	
L	Difference to Number 1 option	\$000s		(\$3,317)		
M	Difference to Number 1 option	%		-12.3%		
N	Net Present Value	\$000s	\$6,968	\$7,419	\$11,133	\$3,713
N	Net Present Value vs Baseline	\$000s		\$452	\$4,165	\$3,713
O	Benefits / Cost Ratio	<i>Ratio</i>	-1.1	-1.1	-1.3	-0.1
P	Payback	<i>Yrs</i>	28.9	28.9	24.6	-4.3
Rankings (NPV)						
Q	Ranking	<i>Rank</i>		2	1	
R	Difference to Number 1 option	\$000s		(\$3,713)		
S	Difference to Number 1 option	%		-89.2%		

The key summary from the 40 year cash flows above are:

- Option 1, the 'Do Nothing' option, where projections are assumed to continue with paid parking at both locations, is estimated to generate a surplus of \$16,844,000.
- Option 2 has a higher overall benefit of \$43,742,000 compared to Option 1 \$40,425,000 due mostly to the lower capital costs.
- Each option is compared to the 'Do Nothing' option to calculate the incremental impacts of the project. For Option 2, the cash flows for the project itself are \$43,742,000, but when compared to the 'Do Nothing' option of \$16,844,000 the incremental impacts are \$26,898,000.
- It takes a considerable time (24 years) for Option 2 to pay back the initial investment and move into a cumulative surplus position. The Net Present Value (NPV) of \$4,165,000 for Option 2 is very low when compared to the overall cash flow benefits of \$31,527,000 as it takes such a long time to pay back.

Issues and options considered:

The previous Business Case tabled at the SFMC meeting on 24 October 2012 recommended that the MSCP be constructed at McLarty Avenue. The report stated that the income projections were high-level, and a parking study would help reduce the uncertainty of those projections. The parking survey has now been completed and has provided new data addressing a number of issues in regard to the possible location of a MSCP. This helps strengthen the case for a MSCP and in particular the case for the Boas Avenue option.

The issues are summarised in Table 6.

Table 6 – Issues addressed by the Parking Survey

Issue	Details
1 Boas Car Park Awareness	<ul style="list-style-type: none"> ○ The previous report indicated that an issue for the Boas Avenue Car Park is that it is not adjacent to the street, and that this potentially affects the ability to attract users. ○ This issue for Boas Avenue still exists but its impact is less than previously thought. ○ Boas Avenue Car Park is very well known to most businesses.
2 Boas Car Park – users unable to get space	<ul style="list-style-type: none"> ○ Friday 16th November – 72 vehicles entered between 9:00 and 2:00 and were unable to secure a bay as the car park was full. ○ Wednesday 23rd November – 83 vehicles entered between 8:30 and 12pm and were unable to obtain a space. ○ The above information suggests that if Boas Avenue currently had 200 bays it would be filled. ○ Comments received in the parking survey suggest that many people are aware that Boas Avenue is full early and may not bother to look after a certain time. Potentially there is latent demand not being catered for.
3 Preferred Location	<ul style="list-style-type: none"> ○ Boas Avenue is indicated more strongly than McLarty Avenue in both the individual and the business surveys ○ More importantly, the number of employees that are represented by those businesses who would use Boas Avenue is twice the number of employees of the businesses that prefer McLarty Avenue.
4 Commuter Car Park or Visitor Car Park	<ul style="list-style-type: none"> ○ The two locations are clearly separated in their usage, McLarty Avenue being mostly used for short-stay (medical appointments, other, banking), whilst Boas Avenue is a long-stay car park used by employees working within the City. ○ Providing long term parking for employees is more financially viable and also takes the pressure of short term parking that is used because long term is not available.
5 Joondalup a good place to do business	<ul style="list-style-type: none"> ○ Some of responses from the parking survey indicated that Joondalup is NOT a good place for businesses to do businesses due to availability of parking. ○ The parking survey suggests a level of stress being experienced by employees within the City due to the lack of off-street parking. Employees are coming in early to find parking and it is also suggested that employees are leaving businesses due to lack of parking.
6 Season Ticket (Annual Bays)	<ul style="list-style-type: none"> ○ An interest in an estimated 197 Season Ticket bays were indicated by the business surveys. ○ Higher number of Season Ticket bays indicated for Boas Avenue (87) than McLarty Avenue (69), with some businesses indifferent on location (51).

Issue	Details
7 Long Stay (all day) bays	<ul style="list-style-type: none"> ○ Previous projections for Boas Avenue estimated 60 long-stay bays only. ○ Based on the parking survey and counting of vehicles not obtaining a space at Boas Avenue (and those parking at Neil Hawkins), the projections of Boas Avenue are now focused more on long stay income with more certainty.
8 Utilisation comparisons to existing use	<ul style="list-style-type: none"> ○ At present there is a significant difference in the actual utilisation achieved by both Car Parks, at McLarty Avenue the Utilisation is 61% whereas at Boas Avenue it is 93%. ○ The previous projections had MSCP utilisation at McLarty Avenue of 75% and Boas Avenue at 61% i.e. the projections were assuming that McLarty Avenue would achieve higher utilisation than Boas Avenue, even though the existing usage shows that Boas Avenue is much more highly utilised. ○ The revised projections have utilisation of 65% for McLarty Avenue and 77% for Boas Avenue, therefore still maintaining that Boas Avenue will be more highly used. The parking survey has provided sufficient data to confirm that the future income projections would be of a similar trend to the existing use and it is therefore reasonable to assume that Boas Avenue would enjoy higher utilisation than McLarty Avenue as it currently does.
9 City Centre Office Development	<ul style="list-style-type: none"> ○ Announcement from WA State Finance Minister has provided greater certainty on the development of a City Centre Office Building. ○ An Office Building Development will no doubt have a quantity of car parking included in the design, but unlikely that all workers would be catered for, and therefore a further need for off-street car parking. ○ Boas Avenue is a better location for the Office Development than McLarty Avenue.
10 Financial Review & Risk	<ul style="list-style-type: none"> ○ The financial projections now favour Boas Avenue more than McLarty Avenue and are based on the review of the data from the parking survey. ○ It is considered that the risks with the Boas Avenue projections are less than the McLarty Avenue projections, more can be done to sell commuter car bays than short-term bays (for example, offering 'early bird' prices, selling season ticket bays).
11 Option Evaluation	<ul style="list-style-type: none"> ○ Business Case now includes an overall assessment, with a scoring mechanism to evaluate both options. ○ The assessment shows that Boas Avenue meets more of the requirements than McLarty Avenue.

In considering the Business Case for Multi Storey Car Park there are several options:

Option 1 - Do not to build a MSCP (either at all or at this time)

The trend of off-street car park utilisation since the inception of paid parking (reported at the SFMC on 24 October 2012) shows strong annual increases, in the case of 2011/12 to 2010/11, 19.6%. The parking survey referred to in this report also shows strong demand for increased parking both from individuals as well as businesses.

The opportunity for additional at grade parking is very limited and a MSCP is the only option for a significant increase in parking bays. A MSCP is a significant construction project requiring a long lead time of approximately two years. This needs to be considered when determining the point at which a MSCP is justified.

This option is not recommended.

Option 2 - Build a MSCP at McLarty Avenue

The previous Business Case tabled at the 24 October 2012 meeting of the SFMC recommended a MSCP at McLarty Avenue. It is clear that the market for the McLarty Avenue option is very much focussed on short term parking and is quite different to the long term parking use of the Boas Avenue option.

The parking survey has helped to demonstrate that it is the long term parking market that has the greatest demand. While feedback in the survey does highlight issues with short term parking the utilisation statistics demonstrate that there is unused capacity at McLarty. This would suggest that rather than adding to the parking capacity at McLarty, at this point greater value could be achieved by better marketing of the this parking availability.

This option is not recommended.

Option 3 - Build a MSCP at Boas Avenue

The utilisation statistics have previously demonstrated that the Boas Avenue car park is very well utilised, 94.7% for 2011/12. The Business Case tabled at the 24 October 2012 meeting of the SFMC showed the Boas Avenue option was not as good a financial option as McLarty Avenue. The assumptions used in that Business Case however included a short term parking element in the Boas Avenue option despite it being acknowledged as a significant long term car park. The results of the parking survey have demonstrated strong demand for long term parking. This supports a change in the assumptions in the model for Boas Avenue, which have been summarised in Table 5 above, to significantly decrease the short term parking component in preference for long term parking and to increase the utilisation projections.

As a result of the revised assumptions for Boas Avenue the projections which in the previous Business Case showed a 21% difference between the cashflows of the two options in favour of the McLarty Avenue option now show a difference of 8% between the two options, this time in favour of the Boas Avenue option.

This option is recommended.

Legislation/Strategic Community Plan/Policy Implications

Legislation: Section 3.59 of the Local Government Act 1995

Part 3 of the *Local Government (Function and General) Regulations 1996*.

Strategic Community Plan:

Key Theme: Financial Sustainability.
Quality Urban Environment.
Economic Prosperity, Vibrancy and Growth.

Objective: Financial diversity.
Major project delivery.
City Centre development.
Business capacity.
Destination City.

Policy:

The following plans and policies have implications for the Business Case for Multi Storey Car Park:

- Joondalup City Centre Structure Plan;
- Environmentally Sustainable Design for City Buildings Policy;
- Dedicated Car Parking for Seniors & Parents with Prams Policy;
- Parking Schemes Policy;
- Setting Fees and Charges;
- Access and Equity Policy;
- Borrowing Strategy.

Risk Management Considerations:

A risk assessment has been undertaken in accordance with the City's Risk Management Framework and a Risk Register compiled as part of the Business Case. The risk assessment is addressed in section 6.3 and the Risk Register is at Appendix 7 in the Business Case for Multi Storey Car Park. The most significant risks relate to the utilisation assumptions. If these aren't achieved then the financial viability of the project is severely impacted.

Financial/Budget Implications:

The project proposes the construction of a five storey car park in Boas Avenue, providing facilities which are accessible, safe and affordable. The construction cost of the MSCP is estimated at \$19,422,000 (including inflation). This is funded partly from the Parking Reserve, \$6,665,000, with the remainder borrowed. Income would initially be expected to be low with a 46% utilisation and a starting rate of \$1.00 per hour. It is assumed that utilisation will increase to 77% by 2019/20. The price is assumed to increase by \$0.20 each year, so that by 2019/20 the rate per hour is \$1.80. Private parking bays would be encouraged where bays could be sold as a season ticket, providing exclusive annual use, and guaranteed income to the City.

On this basis the MSCP would generate an operating surplus each year (excluding the repayment of finance). By the fifth year of its opening (2019/20) an operating surplus of \$734,000 is estimated. However there would be finance costs of \$909,000, therefore resulting in an overall net loss in 2019/20 of (\$175,000). Paid parking in the rest of the City Centre in 2019/20, however, is expected to generate a surplus of over \$1.2m, more than sufficient to cover the finance costs of the MSCP.

The finance costs are spread over 20 years, with the final loan payment in 2033/34. Up until 2022/23, the net cash position each year would be a deficit. From 2023/24 to 2033/34 a small surplus is generated. From 2034/35 onwards, when there are no longer any finance costs to pay off, the project delivers a much larger annual surplus. It takes until 2036/37 (24 years) to generate adequate surpluses to pay back the investment costs and break even.

The project has been modelled over 40 years, and by 2052/53, the cumulative net cash flow benefits are estimated at \$43,742,000. The 'Do Nothing' option has also been modelled i.e. continue with the existing at-grade car park at both the sites considered, and this would provide benefits of \$16,844,000 by 2052/53. The recommended option is therefore providing incremental benefits of \$26,898,000 when compared to the 'Do Nothing' option.

Table below summarises the overall one-off costs with a comparison to the estimates currently included in the 20 Year Strategic Financial Plan. Both options are currently estimated to be above the 20 Year Strategic Financial Plan estimates.

Table 27 – Options vs Budget (20 Year Plan)

One-off costs (incl Inflation) \$m	Option 1 McLarty Avenue	Option 2 Boas Avenue
One off costs (\$m)	(\$26.1m)	(\$19.4m)
SFP	(\$17.5m)	(\$17.5m)
Variance	(\$8.6m)	(\$1.9m)
Within budget	No	No

The Boas Avenue option is \$1.9m higher than the \$17.5m in the 20 Year Strategic Financial Plan. Initial assessment of the 20 Year Strategic Financial Plan has been carried out; this additional cost can be afforded within the next update of the 20 Year Strategic Financial Plan without adverse impacts on other key ratios.

It is therefore recommended that the 20 Year Strategic Financial Plan be amended at the next update (2013) to reflect all of the cashflows of the Business Case.

Regional Significance:

The development of a MSCP facility within the Joondalup City Centre has the potential to enhance its infrastructure and assist its development as a major regional centre in the Perth Metropolitan area.

The results of the parking survey demonstrated the regional significance of the Joondalup City Centre with 544 of the 925 individual car park survey respondents from outside the City of Joondalup.

Sustainability Implications:

Development of multi storey car parks may be seen as encouraging the use of cars for transport with possible negative environmental implications.

Consultation:

There has been extensive consultation with relevant officers in relation to the various elements of the Business Case for Multi Storey Car Park. Officers have made site visits to the City of Perth and City of Fremantle. The SFMC has also considered the proposal on several occasions the last at its meeting on 24 October 2012.

COMMENT

The information from the parking survey has enabled the City to consider in more depth the main differences in parking use and demand between the McLarty Avenue option and the Boas Avenue option.

As a result of the outcomes of the parking survey the assumptions which underpin the financial assessment of the Boas Avenue option have been revised to reduce the short term parking elements in favour of more long term parking in this model.

The projection in the previous Business Case tabled at the SFMC meeting of 24 October 2012 showed a 21% difference between the cashflows of the two options, over the 40 year life of the project, in favour of the McLarty Avenue option. The revised projections now show a difference of 8% between the two options, in favour of the Boas Avenue option. The Boas Avenue option for the site of a MSCP is the revised recommended option.

This does not mean to say that at some future point a MSCP should not be built at McLarty Avenue. The parking survey and the historical car park utilisation data demonstrates the growth in parking demand in the City Centre and a MSCP at McLarty Avenue will be viable the future.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ283-12/12 (as detailed below) was resolved by the Strategic Financial Management Committee at its meeting held on 3 December 2012.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 APPROVES the Business Case for a Multi Storey Car Park as at Attachment 1 to Report CJ283-12/12;**
- 2 AGREES to proceed to develop a Multi Storey Car Park on the Boas Avenue site;**
- 3 REQUESTS that the Chief Executive Officer develops a project plan, detailed design and specification and a sourcing strategy for the construction of the Multi Storey Car Park on Boas Avenue.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23agn111212.pdf](#)

CJ284-12/12 DISPOSAL OF SIX CITY FREEHOLD LOTS - SALES STRATEGY

WARD:	All	
RESPONSIBLE DIRECTOR:	Garry Hunt Office of the Chief Executive Officer	
FILE NUMBER:	62637, 101515	
ATTACHMENTS:	Attachment 1	Lot 200 (18) Quilter Drive, Duncraig and Lot 766 (167) Dampier Avenue, Kallaroo
	Attachment 2	Lot 202 (20) Kanangra Crescent Greenwood and Lot 147 (25) Millport Drive, Warwick
	Attachment 3	Lot 613 (11) Pacific Way, Beldon and Lot 671 (178) Camberwarra Drive, Craigie
	Attachment 4	Summary – Property West Real Estate
	Attachment 5	Summary – Ray White Commercial (Perth)
	Attachment 6	Summary – Raine & Horne/Seniors Own Real Estate
	Attachment 7	Summary – Real Estate Agents' Recommended Sales Method

PURPOSE

For Council to be provided with a status report on the six freehold properties detailed in Attachments 1 to 3 of this Report that are currently available for disposal.

EXECUTIVE SUMMARY

A number of reports have been submitted to the Strategic Financial Management Committee (SFMC) that originally identified 14 properties for potential disposal. One of the properties, Lot 181 (4) Rowan Place, Mullaloo was withdrawn by Council at its meeting held on 15 May 2012 (CJ096-05/12 refers).

Properties detailed in Attachments 1 and 2 were subject to the public advertising of Business Plans and the results of the advertising period were submitted to Council at its meeting held on 24 July 2012. Council resolved by absolute majority (CJ139-142-07/12 refers) in all four cases to proceed with the disposal of the land and noted that the proceeds from each sale were to be transferred into the Joondalup Performing Arts and Cultural Facility Reserve Fund, with the lots being designated for the use of Aged Persons' Dwellings.

Lot 613 (11) Pacific Way, Beldon and Lot 671 (178) Camberwarra Drive, Craigie have both been rezoned to Residential/R20 and suitable conditions on the contracts of sale will restrict the land to be used only for Aged Persons' Dwellings.

The City requested quotations from real estate professionals on a suitable sales strategy in order that the timing of their disposal achieves the highest commercial gain. The City also requested the companies to provide information on their capability and pricing structure with regard to auctioning development sites for Aged Persons' Dwellings. This information was to include timeframes and associated estimated costs with the overall property sale process

and at the time of writing this report, three submissions have been received with one other submission expected.

Summarised information from the three submissions received is detailed in Attachments 4 to 6 of this Report. Attachment 7 is a summary of the information provided by the real estate agents on their recommended method of disposal.

Of the submissions received, two of the real estate agents have detailed their proposed marketing strategies for auctioning the six sites (Attachments 4 and 5 refer); the third submission, which is a joint venture, advises that tendering the sale of the sites is the best course of action (Attachment 6 refers).

In the submissions there are arguments for both methods of disposal and it needs to be noted that there is the potential that the collective sale of the six sites, with the rates of commission being quoted, may take the commission payable to being in excess of \$100,000 and should this be the case, it will impact on the City's formal tender process.

There may be some argument that selling all six properties at the same time could be counterproductive to the City obtaining the best overall value for the six lots, and therefore a phased approach may be more suitable. A phased approach may enable the City not only to test the market but the chosen method of disposal. It should be noted, however, that all three real estate agents have provided reasonable justification for a collective sale. With both the auction and tender methods, once updated market valuations have been undertaken, the City can set its terms and conditions of sale with the chosen real estate agent.

It is recommended that Council:

- 1 *NOTES the contents of this Report;*
- 2 *AUTHORISES the Chief Executive Officer to progress the sale by auction of the following six freehold properties with Ray White Commercial (Perth) based on the submission received on 23 October 2012:*
 - 2.1 *Lot 200 (18) Quilter Drive, Duncraig;*
 - 2.2 *Lot 766 (167) Dampier Avenue, Kallaroo;*
 - 2.3 *Lot 202 (20) Kanangra Crescent, Greenwood;*
 - 2.4 *Lot 147 (25) Millport Drive, Warwick;*
 - 2.5 *Lot 613 (11) Pacific Way, Beldon;*
 - 2.6 *Lot 671 (178) Camberwarra Drive, Craigie;*
- 3 *NOTES that the auction date will take place in February 2013; and*
- 4 *NOTES that the reserve price for each property will be determined once updated market valuations have been undertaken.*

BACKGROUND

In 2010 the City began examining its freehold property portfolio and commenced with assessing the potential for disposal of nine properties. At its meeting held on 21 September 2010 (CJ163-09/10 refers), Council resolved to support the disposal of the four lots detailed in Attachments 1 and 2 of this report, subject to the preparation and advertising of Business Plans in accordance with Section 3.59 of the *Local Government Act 1995* (LGA). Council also resolved that the future use of the four lots was to be restricted to Aged Persons' Dwellings by the inclusion of a relevant condition in the sales contracts.

As part of the same resolution, Council supported the initiation of amendments to *District Planning Scheme No. 2* (DPS2) to rezone Lot 613 (11) Pacific Way, Beldon from 'Local Reserve Public Use' to 'Residential/R20' (Amendment No. 54) and to rezone Lot 671 (178) Camberwarra Drive, Craigie from 'Civic and Cultural' 'Residential/R20' (Amendment No. 55). These amendments to DPS2 were gazetted on 20 April 2012 and 15 June 2012 respectively.

At its meeting held on 16 August 2011 (CJ136-08/11 refers), when considering the submissions received during the public advertising period for Amendment No. 54, Council noted that the future use of Lot 613 (11) Pacific Way, Beldon should also be restricted to Aged Persons' Dwellings by a relevant condition in the contract of sale.

Item 7 of Council's resolution CJ136-08/11 with regard to Lot 613 detailed that, *"the Chief Executive Officer to engage with the Beldon Primary School regarding parking and traffic management adjacent to and on the school site, including consideration of kiss and ride facilities."*

At its meeting held on 16 August 2011 with regard to Lot 671 (178) Camberwarra Drive, Craigie (CJ137-08/11 refers) related to Amendment No. 55, Council noted that the future use of Lot 613 should also be restricted to Aged Persons' Dwellings by a relevant condition in the contract of sale.

With regard to all six lots, Council has endorsed that the proceeds from the disposals are to be transferred to the Performing Arts and Cultural Facility Reserve Fund and these six properties are now ready for disposal.

DETAILS

On 24 May 2010, the City obtained market valuations for the properties involved in this disposal project on the understanding that these valuations would need to be updated immediately prior to the properties being released to market; this is the stage the project is at for these six properties. As part of re-examining the land valuations, it was decided that professional real estate advice was also necessary and a number of property professionals were asked to provide the City with a submission on what they considered to be the best sales strategy in order to achieve the highest commercial gain.

The City also advised the real estate professionals that their submission on the sales strategy was an opportunity to provide the City with information on their capability and pricing structure with regard to auctioning development sites for Aged Persons' Dwellings. Information on the timeframes and associated costs for the overall property sales process was also requested.

An effort was made to locate real estate agencies with development experience with regard to Aged Persons' Dwellings, and at the time of writing this report, three submissions of four requested have been received. The real estate agents were all provided with the same request initially, with some thereafter seeking further information or clarification.

Issues and options considered:

Three submissions have been received and a comparative summary is detailed on Attachments 4, 5 and 6 to this Report. The details shown on these attachments are taken from the proposals provided by the real estate companies except for the column headed 'Officer's Comments.' Attachment 7 is a summary of the information provided by the real estate agents on their recommended method of disposal.

As can be seen from the attachments, two real estate agents have provided information on auctioning the sites and one recommends a tender process. The merits of tender over auction are commented on in the submission supporting this method.

One of the submissions is from a local real estate company (Attachment 4 refers) and advice received is that the agency does have experience in the acquisition and disposal of sites for Aged Persons' Dwellings. The submission is limited in detail in comparison to the two other submissions and has \$9,900 included in its marketing budget for formal valuations. This marketing strategy appears to be less aggressive than that of the two other submissions received.

The submission that is detailed in Attachment 5 indicates a commission rate of 1.5% inclusive of GST making this the lowest requested commission rate. The submission advises that the company has a high profile internet site and provides information on website browsing statistics. A high level photographic presentation appears to play a key part in the marketing strategy for this real estate agent. The profile information detailed in Attachment 5 indicates that the in-house auctioneer has considerable real estate experience.

The submission as detailed in Attachment 6 is a joint venture, therefore this submission has the added benefit of specialists in both commercial real estate and the development of Aged Persons' Dwellings. The commission rate detailed in this submission is the highest requested at 1.85% and the recommendation is for a tender process to sell all six sites. The submission is well developed and detailed.

All three real estate agents recommend the collective disposal of the six sites, however, phasing the sales of the sites is another potential option. This could be considered as a test of the market and allow the City to undertake an analysis of the disposal outcome and chosen sales method.

Legislation/Strategic Community Plan/Policy Implications:

Legislation Sections 3.58 and 3.59 of the *Local Government Act 1995* together with the *Local Government (Functions and General) Regulations 1996* (Regulations) determine how a local government may dispose of property and once the terms and conditions of the proposed method of sale have been determined, the relevant sections of the Act and Regulations will need to be adhered to.

Strategic Community Plan

Key Theme: Financial Sustainability.

Objective: Financial diversity.

Key Theme: Quality Urban Environment.

Objective: Quality built outcomes.

Policy:

City Policy – Asset Management.

To ensure the organisation undertakes a structured and coordinated approach to asset management that will promote sustainable infrastructure for the City of Joondalup.

City Policy – Sustainability.

To establish the City's position on its responsibility towards developing, achieving and maintaining a sustainable community.

Risk Management Considerations:

Once the land is revalued prior to disposal, it is possible that the full valuation may not be realised and the City needs to determine a reserve price below which it will not sell.

The lots shown in Attachment 3 to this report are zoned Residential Development/R20 and the City wishes to restrict the use of these lots to this use by a relevant condition on the contract of sale. Adherence to the requirements of the LGA and its relevant Regulations concerning the disposition of land is a requirement.

Financial/Budget Implications:

Due to level of estimation involved in the valuations for these properties, further valuations will be required prior to each property's disposal. Listed in the table below are the highest and best valuations dated 24 May 2010. All figures quoted in this report are exclusive of GST.

Property Address	Highest and Best Value
<i>Lot 200 (18) Quilter Drive, Duncraig</i>	<i>\$ 1,300,000</i>
<i>Lot 766 (167) Dampier Avenue, Kallaroo</i>	<i>\$ 1,300,000</i>
<i>Lot 202 (2) Kanangra Crescent, Greenwood</i>	<i>\$ 1,000,000</i>
<i>Lot 147 (25) Millport Drive, Warwick</i>	<i>\$ 1,300,000</i>
<i>Lot 613 (11) Pacific Way, Beldon</i>	<i>\$ 900,000</i>
<i>Lot 671 (178) Camberwarra Drive, Craigie</i>	<i>\$ 850,000</i>
Total	\$ 6,650,000

The proceeds from the sales would be transferred to the Performing Arts and Cultural Facility Reserve Fund.

Regional Significance:

Not Applicable.

Sustainability Implications:

The disposal of City freehold land that has been set aside for community use should not be disposed of without there being a nominated purpose.

Consultation:

Due to advertising Business Plans for the four properties detailed on Attachments 1 and 2 and the public advertising as part of the rezoning process for the two properties detailed on Attachment 3, the City has received numerous submissions from the community on the above properties being considered for disposal.

COMMENT

One of the submissions detailed that due to the limited availability of genuine development opportunities catering for over 55's development in the northern suburbs, there is a strong demand for such properties.

Receipt of the submissions has indicated that real estate professionals consider that two methods of disposal – auction and tender – have merit. Marketing strategies differ mainly in cost by the fact that one submission has allowed for formal valuations to be included, however, they also differ in the level of intensity. Real estate commissions have been detailed as being 1.5% and 1.85% excluding GST and 1.5% including GST. All three proposals recommend disposing of the sites collectively.

Receipt of the submissions from the real estate professionals places the City in a more informed position. It now needs to decide which method is considered the most suitable to dispose of the properties. Should the City choose a phased sales approach and therefore dispose of, for example, two designated sites, this could be considered a test of the market and enable an analysis of the success rate of the selected method.

From a marketing perspective, disposing by auction of the six sites collectively at one location has the potential to create a high profile, high energy selling environment that could attract larger development companies.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report was resolved by the Strategic Financial Management Committee at its meeting held on 3 December 2012.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 **NOTES** the contents of Report CJ284-12/12;
- 2 **AUTHORISES** the Chief Executive Officer to progress the sale by auction of the following six freehold properties with Ray White Commercial (Perth) based on the submission received on 23 October 2012:
 - 2.1 Lot 200 (18) Quilter Drive, Duncraig;
 - 2.2 Lot 766 (167) Dampier Avenue, Kallaroo;
 - 2.3 Lot 202 (20) Kanangra Crescent, Greenwood;
 - 2.4 Lot 147 (25) Millport Drive, Warwick;
 - 2.5 Lot 613 (11) Pacific Way, Beldon;
 - 2.6 Lot 671 (178) Camberwarra Drive, Craigie;
- 3 **NOTES** that the auction date will take place in February 2013;
- 4 **NOTES** that the reserve price for each property will be determined once updated market valuations have been undertaken.

It was requested that Part 2.4 of the Motion be voted upon separately.

Cr Fishwick indicated he had a further question to raise, but Mayor Pickard advised he had already invited Cr Amphlett to close debate and that he would not take further questions.

C82-12/12 **PROCEDURAL MOTION – RULING BY THE PRESIDING PERSON BE DISAGREED WITH – [02154, 08122]**

MOVED Cr Fishwick, SECONDED Cr Corr that in accordance with Clause 58(g) of the City's *Standing Orders Local Law 2005* the ruling by the Presiding Person be DISAGREED WITH.

The Procedural Motion was Put and

CARRIED (7/6)

In favour of the Procedural Motion: Crs Chester, Corr, Fishwick, McLean, Norman, Ritchie and Taylor.

Against the Procedural Motion: Mayor Pickard, Crs Amphlett, Gobbert, Hamilton-Prime, Hollywood and Thomas.

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 NOTES the contents of Report CJ284-12/12;**
- 2 AUTHORISES the Chief Executive Officer to progress the sale by auction of the following five freehold properties with Ray White Commercial (Perth) based on the submission received on 23 October 2012:**
 - 2.1 Lot 200 (18) Quilter Drive, Duncraig;**
 - 2.2 Lot 766 (167) Dampier Avenue, Kallaroo;**
 - 2.3 Lot 202 (20) Kanangra Crescent, Greenwood;**
 - 2.5 Lot 613 (11) Pacific Way, Beldon;**
 - 2.6 Lot 671 (178) Camberwarra Drive, Craigie.**
- 3 NOTES that the auction date will take place in February 2013;**
- 4 NOTES that the reserve price for each property will be determined once updated market valuations have been undertaken.**

The Motion was Put and

CARRIED (11/2)

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

Against the Motion: Crs Corr and Ritchie.

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 2 AUTHORISES the Chief Executive Officer to progress the sale by auction of the following freehold property with Ray White Commercial (Perth) based on the submission received on 23 October 2012:**
 - 2.4 Lot 147 (25) Millport Drive, Warwick;**

The Motion was Put and

CARRIED (9/4)

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

Against the Motion: Crs Chester, Corr, Fishwick and Ritchie.

Appendix 27 refers

To access this attachment on electronic document, click here: [Attach27min111212.pdf](#)

CJ285-12/12 DETAILED REPORT ON THE PROPOSED DISPOSAL OF LOT 977 (15) BURLOS COURT, JOONDALUP

WARD:	North
RESPONSIBLE DIRECTOR:	Garry Hunt Office of the Chief Executive Officer
FILE NUMBER:	63627, 101515
ATTACHMENTS:	Attachment 1 Location Plan of Lot 977 (15) Burlos Court, Joondalup Attachment 2 Conditionally Approved Subdivision Plan for Lot 977 (15) Burlos Court, Joondalup Attachment 3 Legal Deed Plan

PURPOSE

For Council to be provided with an updated status report on the City's progress on the proposed disposal of Lot 977 (15) Burlos Court, Joondalup.

EXECUTIVE SUMMARY

The City's freehold Lot 977 is bounded by low density residential housing to the north and north-east, Candlewood Village Shopping Centre to the south-east and the Pat Giles Centre (PGC) to the west, which is owned by the Department of Housing (DOH). A cul-de-sac head and the driveway into the PGC is on Lot 977's southern boundary and on the eastern area of Lot 977 itself, there is a telecommunications site that the City leases to two telecommunication carriers (Attachment 1 refers).

Council endorsed the initiation of an amendment to *District Planning Scheme No. 2 (DPS2)* at its meeting held on 15 February 2011 (CJ003-02/11 refers) to rezone Lot 977 from 'Civic and Cultural' to 'Residential/R60 (Restricted Use – Aged Persons' Dwellings)' also allowing for the subdivision from Lot 977 of the land used for the telecommunications facility. As there is a reciprocal access and car parking agreement on Lots 976 and 977 negotiations between the City, the DOH and the PGC were required to take place. These negotiations have culminated in the DOH offering \$30,000 (exclusive of GST) to acquire the driveway on Lot 977 from the City for the PGC's exclusive use in addition to constructing car parking bays on Lot 976 which is the City's obligation under the legal agreement.

The City instructed a land surveyor to commence the process of subdividing the telecommunications site from Lot 977, an area of 25m² on Lot 977's northern boundary to allow for the continuation of pedestrian movement at that location and the amalgamation of the driveway area in to Lot 976. The Western Australian Planning Commission (WAPC) provided its comments to the City on the subdivision and the proposed rezoning, after which it also provided its conditional subdivision approval. This approval does not support the subdivision of the telecommunications site from Lot 977.

Due to the planning issues with regard to this site, it is considered that the most appropriate course of action is to continue with the next stage of the conditional WAPC subdivision approval No. 146500, dated 27 July 2012. At the end of this process, an application can be made to rezone the main site (which will still include the telecommunications site).

Rezoning the main site from 'Civic and Cultural' to 'Residential/R60,' is required. This action is necessary as the WAPC will not support a lot accommodating a telecommunications facility that has a restriction to this use. Once the rezoning is finalised, the telecommunications site can be subdivided out of the main site, which will then be free for disposal.

It is recommended that Council:

- 1 *REQUESTS the Chief Executive Officer to commence negotiations with the Department of Housing on the basis:*
 - 1.1 *The City accepts the conditional offer of \$30,000 (exclusive of GST) from the Department of Housing for the sale of 684m² of land (the driveway to the Pat Giles Centre) which is subject to the approval of the Minister for Housing;*
 - 1.2 *The City constructs a parking area on existing Lot 976 in line in part with the existing legal agreement between the City and Department of Housing (former State Housing Commission) at an estimated cost of \$25,000;*
 - 1.3 *The parties to the deed agree to the deed being terminated upon the conclusion of the negotiations for the disposal of the land and that the City will be released from any further obligations under the conditions of the legal deed dated 26 August 1996;*
- 2 *ENDORSES the following town planning processes:*
 - 2.1 *Subdivision of Lot 976 and 977 into three new lots:*
 - 2.1.1 *a 25m² lot on the northern boundary which is to be amalgamated with the existing public access way running along the northern boundary of Lot 977;*
 - 2.1.2 *a 684m² portion of Lot 977 (being the driveway) to be amalgamated into Lot 976 (11) Burlos Court, Joondalup; and*
 - 2.1.3 *the remaining portion of Lot 977 (including the land upon which the existing telecommunications infrastructure is located);*
 - 2.2 *Rezone the remaining portion of Lot 977 from "Civic and Cultural" to "Residential R60.";*

- 2.3 *On finalisation of the rezoning, subdivide the remaining portion of Lot 977 into two new lots:*
- 2.3.1 *a 284m² lot to accommodate the existing telecommunications infrastructure;*
- 2.3.2 *a new lot which will be disposed of for the development of Aged Persons' Dwellings;*
- 3 *ENDORSES the approach whereby the use of the new lot for Aged Persons' Dwellings is not controlled by restricting the use of the land under District Planning Scheme No. 2, but by restricting the use of the land using a legal mechanism;*
- 4 *NOTES that investigations are continuing towards defining the optimum disposal strategy for the disposal of the remainder of Lot 977 and that a further report will be put to the Strategic Financial Management Committee on the proposed disposal strategy.*

BACKGROUND

Suburb/Location: Lot 977 (15) Burlos Court, Joondalup
Owner: City of Joondalup freehold land
Zoning: **DPS:** Civic and Cultural
MRS: Urban
Site Area: Approximately 5,125m²
Structure Plan: N/A

A number of reports relating to the disposal potential of Lot 977 have been submitted to SFMC meetings both as part of the Status Report on this project and separate detailed reports. Reports to SFMC have been to meetings held on 8 March 2011, 20 April 2011, 13 June 2011, 8 August 2011, 20 February 2012, 16 April 2012, 9 July 2012 and 24 October 2012. Recommendations of the SFMC at these meetings were considered by Council on 15 March 2011 (CJ051-03/1 refers), 17 May 2011 (CJ091-05/11 refers), 19 July 2011 (CJ127-07/11 refers), 20 September 2011 (CJ171-09/11 refers), 20 March 2012 (CJ034-03/12 refers), 15 May 2012 (CJ096-05/12 refers) and 24 July 2012 (CJ143-07/12 refers).

At its meeting held on of 20 September 2011, Council supported the initiation of an amendment to DPS2 to rezone Lot 977 (15) Burlos Court, Joondalup from 'Civic and Cultural' to 'Residential/R60 (Restricted Use – Aged Persons' Dwellings).

Council endorsed the initiation of an amendment to DPS2 at its meeting held on 15 February 2011 (CJ003-02/11 refers) and with regard to Lot 977 the following was resolved:

- "1 *pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate the Amendment to the City of Joondalup District Planning Scheme No. 2 to:*
- 1.5 *Rezone Lot 977 (15) Burlos Court, Joondalup from 'Civic and Cultural' to 'Residential', excluding the area accommodating an existing telecommunication facility, and recode from R20 to R60;*

1.6 *Rezone the area accommodating an existing telecommunication facility from Lot 977 (15) Burlos Court, Joondalup from 'Civic and Cultural' to 'Public Purpose';*

1.7 *Include Lot 977 (15) Burlos Court, Joondalup in Schedule 2 –Section 2 – Restricted Uses – Aged Persons' Dwelling;*

for the purpose of public advertising for a period of 42 days;

2 *NOTES that the area accommodating an existing telecommunication facility on Lot 977 (15) Burlos Court, Joondalup will be required to be subdivided into a separate lot. This will be undertaken as a separate process."*

The City has not formally applied to the WAPC to amend DPS2, as there were a number of issues that needed to be resolved prior to the application. In an endeavour to progress one aspect of this proposal, the City instructed a land surveyor to undertake the first stage of the subdivision process. This application alerted the WAPC that a rezoning of the site was also proposed and based on the City's overall planning proposals for Lot 977, the WAPC advised the City of what it considered to be the best overall approach with both the proposed rezoning and subdivision.

Legal Deed – Parking and Driveway

On 23 August 1996, the City entered into a reciprocal access and car parking agreement with the DOH [formerly the State Housing Commission] and the operators of the women's refuge known as the PGC. The legal deed details that the City is to construct a driveway for reciprocal use on Lot 977 and car parking bays on both Lot 976 and Lot 977 (Attachment 3 refers). Additionally, the City's further obligation in the agreement as owner of Lot 977 is the ongoing maintenance of the driveway and the parking areas on both lots. To-date car parking construction on Lot 976 and Lot 977 has not taken place, only the construction of the driveway.

As the legal agreement states that the parties to the agreement must approve any proposed changes to Lot 976 and/or Lot 977 such as sale, leasing or encumbering the lots, the DOH and the PGC were approached to obtain their approval of the proposed sale and change of use from a community purpose site. No objections were raised with regard to the future of Lot 977 being for Aged Persons' Dwellings, however, the PGC did raise a concern related to the driveway and parking area that its clients/staff currently use.

The PGC advised that as a high level of security is required for its use as a women's refuge, its preference was to have exclusive rights to the driveway rather than it be shared with the new owners of Lot 977. The PGC therefore submitted a business case to the DOH requesting the driveway be acquired from the City for the PGC's exclusive use.

On 4 October 2012, the City received a conditional offer of \$30,000 (exclusive of GST) from the DOH. The offer detailed that as the land cannot be developed and can only be used as a driveway it has no commercial advantage to the DOH, or the PGC. The offer is subject to the Minister for Housing's approval and the City constructing car parking on Lot 976 (Attachment 1 refers) to align in part with the existing legal agreement. The City's estimated cost to construct the necessary car parking bays on Lot 976 is \$25,000.

DETAILS

As indicated in Item 2 in the above resolution, land on the eastern side of Lot 977 accommodates a mobile telecommunication facility. This land is leased to two telecommunication carriers by the City. As part of the disposal proposal, this land is required to be subdivided out of Lot 977 and have a zoning that the WAPC considers suitable for its existing use.

Linking into the north-western area of Lot 977 is a pathway in two parts, being Reserve 42290 (31F) Moondarra Way, Joondalup (part of Water Tower Park) and Lot 11 (15L) Burlos Court, Joondalup; Lot 11 remains in freehold ownership by the original developer of the area (Attachment 1 refers). This 'pedestrian access way' (PAW) facilitates a link, not only to the PAW into Burley Griffin Mews, but also to a pathway that was constructed on the northern boundary of Lot 977. As indicated by tracks across Lot 977, however, informal direct access has been created by local residents to Candlewood Village Shopping Centre.

As confirmed by a condition in the WAPC's subdivision approval, in order to maintain pedestrian movement on the northern boundary, 25m² of Lot 977 needs to be ceded to the Crown as part of the proposed subdivision of the site. This land is identified as 'Proposed New Lot 3' on Attachment 2.

The DOH signed the Form1A '*Application for Approval of Freehold or Survey Strata Subdivision*' as part of the subdivision/amalgamation process and therefore its understanding is that if its offer is acceptable, the driveway will be amalgamated into Lot 976.

Issues and options considered:

Department of Housing's Offer

Acceptance of the DOH's conditional offer needs to be considered and the market value of the 684m² driveway is possibly in the region of \$85,000 – the City has not undertaken its own valuation. The City could take exception to an offer of \$30,000 from the Department of Housing for the purchase of the driveway given that it is well below market value. Additionally, there are car parking construction costs to take into account on Lot 976 of \$25,000, however, these construction works are a City obligation that should have been met 16 years ago, together with their ongoing maintenance.

Under the legal agreement, the City should have constructed car parking bays on Lot 976 and Lot 977 (Attachment 3 refers). If the City was not proposing to dispose of Lot 977, it would now have to construct car parking bays on both lots as per the details of the deed and this cost is likely to be in the region of \$45,000; car bays on Lot 977 will no longer be required if the City sells this land to the Department of Housing.

Should the DOH's offer be considered acceptable, the City's formal response should be subject to the termination of the legal deed dated 23 August 1996, thus releasing the City from any further maintenance obligations.

A peppercorn lease for the driveway is not an option, as this approach has been previously rejected by the DOH.

Subdivision of Lot 977

The City applied to subdivide Lot 977 in order to accommodate a site for the existing telecommunications facility, to deal with the driveway used by the PGC and therefore achieve an unencumbered site to be sold for Aged Persons' Dwellings and also to provide for the continuation of the PAW on the northern boundary.

The WAPC contacted the City via the land surveyor and provided its comments on the subdivision and the proposed rezoning, eventuating in a conditional subdivision approval. The WAPC rejected the subdivision of the telecommunications site – referred to as 'Proposed new Lot 4' on Attachment 2. The reason provided was that the proposed site to be used for the telecommunications facility was only 284m² in size and for a lot of this size to be zoned 'Civic and Cultural' is inappropriate. Therefore, for the time being, the telecommunications site will remain as part of Lot 977 – referred to as 'Proposed new Lot 2' on Attachment 2.

The WAPC's conditional subdivision approval also provided for the driveway to be amalgamated into Lot 976 - referred to as 'Proposed new Lot 1' in Attachment 2, conditional upon the ceding of 25m² to the Crown to maintain a PAW link on the northern boundary and in theory, the City could now proceed with the next stage of the subdivision process.

At the end of the subdivision approval process, the City could then apply to rezone what will be Lot 2, from 'Civic and Cultural' to 'Residential/R60' however, not as Council has previously resolved, which was to include a restricted use to Aged Persons' Dwellings under DPS2; the WAPC would not support a lot accommodating a telecommunications facility with a zoning that included this restriction. The WAPC is unlikely to take issue with a land area of 284m² being zoned 'Residential/R60' to be used for telecommunications infrastructure. The City could restrict the use of the main lot to Aged Persons' Dwellings by a legal mechanism.

At the finalisation of the amendment process, the subdivision of proposed new Lot 4 (the telecommunications site) can be applied for.

Legislation/Strategic Community Plan/Policy Implications:

Legislation Sections 3.58 and 3.59 of the *Local Government Act 1995* (LGA), together with the *Local Government (Functions and General Regulations 1996* (Regulations) determine how a local government may dispose of property.

Should the DOH's offer of \$30,000 (exclusive of GST) be acceptable, the City's adherence to Section 3.58 (3) will not apply, as the proposed disposition of land is excluded under Regulation 30(2)(c)(ii).

Policy:

City Policy – Asset Management.

City Policy – Sustainability.

Strategic Community Plan

Key Theme: Financial Sustainability.

Objective: Financial diversity.

Key Theme: Quality Urban Environment.

Objective: Quality built outcomes.

Risk Management Considerations:

Once the land to be sold as Aged Persons' Dwellings is revalued prior to disposal, it is possible that the full valuation may not be realised and the City needs to determine a reserve price below which it will not sell.

Consultation with the local community on the proposed disposal of this land has not yet taken place and community awareness regarding this proposal will be via the advertising period as part of the amendment process. There is a pathway on the north-western boundary that connects to the City's Lot 977 that has been used by local residents to access Candlewood Village Shopping Centre. Disposal of Lot 977 will mean the loss of this informal direct access to the shopping centre for local residents and this is likely to cause some negative reaction.

Financial/Budget Implications:

Issues have arisen with regard to the development potential of this site that has potentially incurred additional costs to the City in addition to reducing its value. The latest valuation the City has for this land is \$2,000,000 dated 24 May 2010 and this will need to be reviewed.

Construction costs for the driveway have been included in the 2012/2013 budget.

Regional Significance:

Not Applicable.

Sustainability implications:

The disposal of City freehold land that has been set aside for community use should not be disposed of without there being a nominated purpose. Council has determined that Aged Persons' Dwellings on Lot 977 is the most suitable use.

Consultation:

Consultation has occurred with the Department of Housing, the Pat Giles Centre, the telecommunication carriers that lease part of Lot 977, valuers, property consultants and City officers.

The proposed rezoning amendment to DPS2 involves an advertising period of 42 days which includes a sign on site, notices in The West Australian and local newspaper and letters to surrounding landowners. The amendment documentation is displayed on the City's website and made available for inspection at the City's administration office.

COMMENT

All matters being considered, accepting the DOH's conditional offer of \$30,000 and constructing the car parking bays on Lot 976 is considered a good outcome. This is provided that the City is released from the deed once the car bay construction takes place and the driveway is subdivided from Lot 977 and owned by the DOH.

The deed remaining in place and therefore being passed on to the proposed new owners of Lot 977 would be an encumbrance to an extent that could discourage prospective purchasers. It has been indicated by the WAPC's conditional subdivision approval that the City has no option but to cede 25m² of Lot 977 to facilitate the proposed subdivision of Lot 977.

The DOH has countersigned the application form for the subdivision/amalgamation process which has indicated that the driveway land will be amalgamated into Lot 976 should the City accept the DOH's offer. The fact that the WAPC has provided its conditional approval of the amalgamation of the driveway into Lot 975 appears to indicate that a dual zoning on the site is not considered an issue (Lot 976 is zoned Residential/R20 and the driveway land will be zoned Civic and Cultural).

Car parking construction should take place as soon as practical on Lot 976 and negotiations should continue with regard to the offer made by the DOH.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report was resolved by the Strategic Financial Management Committee at its meeting held on 3 December 2012.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 **REQUESTS the Chief Executive Officer to commence negotiations with the Department of Housing on the basis:**
 - 1.1 **The City accepts the conditional offer of \$30,000 (exclusive of GST) from the Department of Housing for the sale of 684m² of land (the driveway to the Pat Giles Centre) which is subject to the approval of the Minister for Housing;**
 - 1.2 **The City constructs a parking area on existing Lot 976 in line in part with the existing legal agreement between the City and Department of Housing (former State Housing Commission) at an estimated cost of \$25,000;**

- 1.3 The parties to the deed agree to the deed being terminated upon the conclusion of the negotiations for the disposal of the land and that the City will be released from any further obligations under the conditions of the legal deed dated 23 August 1996;
- 2 ENDORSES the following town planning processes:
 - 2.1 Subdivision of Lot 976 and 977 into three new lots:
 - 2.1.1 a 25m² lot on the northern boundary which is to be amalgamated with the existing public access way running along the northern boundary of Lot 977;
 - 2.1.2 a 684m² portion of Lot 977 (being the driveway) to be amalgamated into Lot 976 (11) Burlos Court, Joondalup; and
 - 2.1.3 the remaining portion of Lot 977 (including the land upon which the existing telecommunications infrastructure is located);
 - 2.2 Rezone the remaining portion of Lot 977 from “Civic and Cultural” to “Residential R60.”;
 - 2.3 On finalisation of the rezoning, subdivide the remaining portion of Lot 977 into two new lots:
 - 2.3.1 a 284m² lot to accommodate the existing telecommunications infrastructure; and
 - 2.3.2 a new lot which will be disposed of for the development of Aged Persons’ Dwellings;
- 3 ENDORSES the approach whereby the use of the new lot for Aged Persons’ Dwellings is not controlled by restricting the use of the land under District Planning Scheme No. 2, but by restricting the use of the land using a legal mechanism;
- 4 NOTES that investigations are continuing towards defining the optimum disposal strategy for the disposal of the remainder of Lot 977 and that a further report will be put to the Strategic Financial Management Committee on the proposed disposal strategy.

The Motion was Put and

CARRIED (11/2)

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

Against the Motion: Crs Corr and Ritchie.

Appendix 28 refers

To access this attachment on electronic document, click here: [Attach28min111212.pdf](#)

OCEAN REEF MARINA COMMITTEE REPORTS – 5 DECEMBER 2012**Disclosure of interest affecting impartiality**

Name/Position	Mayor Troy Pickard.
Item No/Subject	CJ286-12/12 – Ocean Reef Marina – Environmental and Planning Approvals Strategy.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard is a patron of Whitford Volunteer Sea Rescue Group.

Name/Position	Cr Sam Thomas.
Item No/Subject	CJ286-12/12 – Ocean Reef Marina – Environmental and Planning Approvals Strategy.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas is a member of Whitford Volunteer Sea Rescue Group.

CJ286-12/12 OCEAN REEF MARINA - ENVIRONMENTAL AND PLANNING APPROVALS STRATEGY

WARD: North-Central

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the Chief Executive Officer

FILE NUMBER: 04171, 101515

ATTACHMENTS: Attachment 1 The Integrated Approvals Strategy vs the Endorsed Strategy

PURPOSE

For Council to be informed of the outcomes of the negotiations with State Government departments/agencies in relation to obtaining environmental and planning approval for the development. Options for progressing an Environmental and Planning Approval Strategy are also presented for consideration.

EXECUTIVE SUMMARYGlossary of Terms

DoP	Department of Planning
WAPC	Western Australian Planning Commission
EPA	Environmental Protection Authority
OEPA	Office of the Environmental Protection Authority
DEC	Department of Environment and Conservation
EP Act	<i>Environmental Protection Act 1986</i> (State)
EPBC	<i>Environmental Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
DSEWPC	Department of Sustainability, Environment, Water, Population and Communities (Commonwealth)
MRS	Metropolitan Region Scheme

DPS2 *District Planning Scheme No. 2*
MOU The Ocean Reef Marina Memorandum of Understanding between the City
 and State Government (formally signed February 2012)

At its meeting held on 10 October 2011 (C52-10/11 refers), Council resolved inter alia, that it:

- “4 *ENDORSES obtaining strategic advice from the Environmental Protection Authority via a Section 16 (Environmental Protection Act 1986) submission;*
- 5 *NOTES the actions to be taken pursuant to the obtaining of strategic advice from the Environmental Protection Authority via a Section 16 (Environmental Protection Act 1986) submission:*
- 5.1 *Undertake a gap analysis of available environmental information to identify further work required to support the provision of definitive Section 16 strategic advice from the Environmental Protection Authority;*
- 5.2 *Prepare a scope of work for the preparation of documentation to support provision of Section 16 strategic advice by the Environmental Protection Authority;*
- 5.3 *Undertake discussions with the Environmental Protection Authority to reach agreement on the scope and timing of the Section 16 process;*
- 5.4 *Continue discussions and negotiations with relevant State Government agencies with respect to the resolution of issues associated with the Bush Forever site and Marmion Marine Park;*
- 5.5 *Continue a dialogue with Commonwealth Department of Sustainability, Environment, Water, Population and Communities with a view to engaging their involvement at a strategic level to confirm requirement in relation to the Environmental Protection and Biodiversity Act 1999.”*

Developed in consultation with the City's project team and state government departments/agencies, Phase 1 of the Environmental and Planning Approvals strategy was to seek advice from the Environmental Protection Authority (EPA) via a Section 16 *Environmental Protection Act 1986* (EP Act) submission.

A Section 16 process was initially seen as a the most appropriate method for gaining upfront advice on the key environmental and approval risks of the project against the identified environmental constraints ahead of a formal submission via Section 38 or 48A of the EP Act. The Section 16 process precedes the Metropolitan Region Scheme (MRS) planning process leaving the issue of realignment of the Marmion Marine Park boundary to be considered only in the context of the environmental issues.

Discussions with the Office of the Environmental Protection Authority (OEPA) have indicated that this agency would prefer to proceed directly to a Section 38 and/or Section 48A formal assessment if it is known that the issues (such as Marmion Marine Park) can be adequately addressed.

Through discussions with the various agencies, including the Department of Planning (DoP) and the OPEA it has become more apparent that a Section 38 or 48A process may be more appropriate because the adjustment to the marine park boundary to accommodate the development should occur as part of the overall MRS Amendment process. This ensures

that the merits of the project, adjustments, offsets, sustainability and access issues are considered holistically. Impact upon and adjustment to the marine park should be considered in light of the overall project rather than in isolation as a single issue. As a major amendment to the MRS, the project would go before both houses of Parliament and the project benefits and disbenefits weighed against each other.

The Ocean Reef Marina Development requires environmental approvals from both the State, pursuant to the *Environmental Protection Act 1986* (EP Act) and the Commonwealth, under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

It is recommended that:

- 1 *Council ENDORSES an integrated Environmental and Planning Approvals Strategy for the Ocean Reef Marina development and the preparation of a request for a major MRS Amendment and corresponding Section 48A Environmental Protection Act 1986 assessment;*
- 2 *Council NOTES the following actions to be undertaken to progress Part 1 above:*
 - 2.1 *Confirmation of the validity of previous technical advice and update as required. This information will inform the MRS Amendment request report, the project feasibility study and the local structure plan preparation;*
 - 2.2 *Undertake detailed discussions with the Department of Planning and the Office of the Environmental Protection Authority on the format, scope and content of the documentation required for an MRS Amendment and correspondent Section 48A Environmental Protection Act 1986 assessment;*
 - 2.3 *Undertake pre-referral liaison with state and commonwealth agencies relating to the Marmion Marine Park, Bush Forever, Carnaby's Cockatoo and Graceful Sun Moth;*
 - 2.4 *Development of a Local Structure Plan to support the MRS Amendment and potential City of Joondalup District Planning Scheme No. 2 Amendment;*
- 3 *Council NOTES that an updated project plan will be prepared to align with Parts 1 and 2 above and referred to Council for endorsement;*
- 4 *the Ocean Reef Marina – Environmental and Planning Approvals Strategy Report be uploaded to the City's public website at the conclusion of this meeting.*

BACKGROUND

In September 2011 an Environmental and Planning Approvals workshop was convened between the City and representatives of relevant state government departments/agencies. The purpose of the workshop was to interrogate the information gathered to date and formulate a preferred strategy for achieving environmental and planning approval for the Ocean Reef Marina development.

The workshop was attended by representatives from:

- Department of Environment and Conversation (DEC);
- Office of the Environmental Protection Authority (OEPA);

- Department of Planning (DoP);
- Taylor Burrell Barnett (TBB) – town planning consultants;
- Strategen – environmental consultants;
- M P Rogers & Associates – marine engineering consultants;
- City of Joondalup.

Based on an assessment of the available background material, the following key environmental issues and key risks informed the preparation of the strategy:

- Planning issues:
 - Concept Plan;
 - Proponency;
 - Policy Framework;
 - Land Assembly.
- Environmental issues:
 - Bush Forever;
 - Carnaby's Black Cockatoo;
 - Graceful Sun Moth;
 - Marmion Marine Park and marine impacts;
 - Coastal Processes and marina water quality.

In formulating the Environmental and Planning Approvals Strategy the following approval processes were considered and interrogated:

Section 16 EP Act	Section 38 EP Act	Section 48A EP Act
Environmental Protection Authority (EPA) provides strategic advice to the Minister (and the public) on environmental aspects of proposals in a non-statutory framework with statutory assessment to follow.	Once Section 16 in place, EPA conducts an environmental assessment of the full proposal with Metropolitan Region Scheme (MRS) to follow.	Proposal assessed through the MRS rezoning process pursuant to Section 48A of the EP Act. Process also enables the Marine Park boundary to be considered in full context.

The recommended approach, arising from the workshop held in September 2011, was that the strategy be undertaken in two phases:

Phase 1 – Section 16

Phase 1 recommended that the City approach the EPA to request strategic advice via a Section 16 submission. Through this submission the City would obtain up-front advice on the likely environmental acceptability of the project and the management of the key environmental issues.

This process was seen as particularly advantageous in clarifying project risks and providing certainty to the City and potential development partners on project design and future environmental and planning approvals processes.

It was also felt that the advice obtained via a Section 16 submission would be valuable in identifying outcomes on key issues involving Bush Forever and the Marmion Marine Park.

To support a request to the EPA to provide Section 16 advice, the consulting team recommended the following actions:

- Undertake a gap analysis of available environmental information to identify further work required to support the provision of definitive Section 16 strategic advice from the EPA;
- Prepare a scope of work for the preparation of documentation to support provision of Section 16 strategic advice by the EPA;
- Undertake discussions with the OEPA to reach agreement on the scope and timing of the Section 16 process;
- Continue discussions and negotiations with relevant State government agencies with respect to the resolution of issues associated with:
 - Bush Forever;
 - Marmion Marine Park;
 - Carnaby's Cockatoo;
 - Graceful Sun Moth.

The outcome of discussions regarding the above issues is contained within the report to the Committee titled *Ocean Reef Marina – Project Status Report*.

- Continue a dialogue with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) with a view to engaging their involvement at a strategic level to confirm requirements in relation to the EPBC Act.

Phase 2 – Ongoing Approvals

Depending on the outcome/recommendations of the Section 16 processes, it was determined that the next formal processes required to gain environmental and planning approval would involve either:

- Proceeding to a Section 38 Environmental Approval; and/or
- Proceeding straight to an amendment to the MRS and assessment Section 48A of the EP Act.

At its meeting held on 10 October 2011, the Ocean Reef Marina Committee *inter alia* recommended that Council endorse the obtaining of strategic advice from the Environmental Protection Authority via a Section 16 (*Environmental Protection Act 1986*) submission.

The recommendation was subsequently endorsed by Council at its meeting held on 11 October 2011 (C52-10/11 refers).

DETAILS

In response to Council endorsement to obtain strategic advice from the EPA via a Section 16 submission, consultants TBB and Strategen were engaged to undertake the activities as outlined in the Environmental and Planning Approvals Strategy.

Of significant importance to the strategy was the signing of the Memorandum of Understanding (MOU) in February 2012. The parameters of the MOU enabled the State Government to identify those departments/agencies with a vested interest in the project and further enabled the identification of the project as a level 1 lead agency project. As nominated lead agency for the project, the DoP is charged with providing advice and coordinating approvals across government agencies.

Details of the activities undertaken pursuant to the Environmental and Planning Approvals Strategy are outlined in the report to the Committee titled *Ocean Reef Marina – Project Status Report*.

The above activities included extensive negotiations with the OEPA and DoP on the merits of proceeding with the Section 16 submission under the EP Act.

During these negotiations it became apparent that the issues of concern with the Ocean Reef Marina development are not isolated environmental issues but rather extend across both planning and environmental considerations.

Given the level of complexity involved, it has been identified that moving straight to a Section 38 or 48A assessment approach under the EP Act could provide a more timely and certain outcome for the City over a Section 16 assessment. Not only would this reduce the overall assessment timeframe, these assessment approaches would also allow for the concurrent consideration of planning and environmental issues.

Should the City decide to continue with a Section 16 assessment process, then proceed to a standard Section 38 process, a separate MRS amendment would still be required. Advice received indicates this process could take approximately four to five years.

The two potential assessment options are clarified as follows:

- A Section 38 assessment is a standard assessment of the full proposal in relation to Section 38 of the EP Act. With a clear procedural process, a Section 38 assessment provides certainty in terms of outcome approved. The MRS process can be run concurrently with the environmental assessment (to a point), followed by a Reserves Bill to amend the marine park boundaries.
- Alternatively, a Section 48A assessment allows for the project to be assessed through the MRS rezoning process in relation to Section 48A of the EP Act. This allows for concurrent consideration of the planning and environmental aspects through one assessment process and is again then followed by a Reserves Bill to amend the marine park boundaries.

Under this strategy it would be possible to run the required amendments to the Marmion Marine Park Boundary, which triggers legislative changes under the Reserves Bill, in parallel with the Parliamentary process required for the major MRS Amendment. This has the benefit that the marine park boundary changes would be considered in the context of the social and economic amenity outcomes of the project.

It is now considered that a Section 48A environmental assessment under the MRS rezoning would be the most appropriate process for the Ocean Reef Marina development. As described above, the strategy will also enable the MOU to be tested and will harness the facilitation powers of the DoP as lead agency to streamline the approval process.

The proposed strategy has been discussed with OEPA and DoP who have given their in-principle support for the integrated process.

It would also be possible and prudent to advance any required related amendments to the City's *District Planning Scheme No. 2* (DPS2) and update the relevant references in the City's Local Planning Strategy in parallel with the MRS Amendment.

Risks and Benefits of the integrated strategy

Benefits:

- **Timeline:** A comparison of the integrated strategy against the endorsed Environmental and Planning Approvals Strategy indicates that the process could potentially be completed in a significantly shorter time frame (Attachment 1 refers).
- **Costs:** The data and analysis used for the Section 48A process would utilise the existing environmental and planning work carried out to date under the preliminary Section 16 process.

However additional work will be required to prepare the necessary detailed environmental impact assessment documentation. The overall project budget has provisioned for this expenditure.

- **Control:** Strong alignment with planning decision making process, links to public equity, community vision and local planning.
- **Flexibility:** The integrated strategy generally allows for less detail to be provided up front in terms of design and also allows for multiple proponentcy.

Risks

- A Section 48A process may result in conditions being attached to the Western Australian Planning Commission (WAPC) rather than the proponent. However mechanisms may exist through which the implications of this on the WAPC could be minimised.
- The process does not allow for concurrent approval/assessment through the Commonwealth EPCB Act relating to Carnaby's Cockatoo and Graceful Sun Moth.
- The level of assessment is high and therefore requires additional costs with preparation of the environmental review documentation up front as outlined above.

Recommended Next Steps

Through an assessment of advice received from the City's consultants and the relevant state government departments/agencies, the optimum Environmental and Planning Approvals Strategy is the preparation of a request for a Major MRS Amendment for the Ocean Reef Marina project with a corresponding Section 48A EP Act environmental appraisal. The

process would be supported by documentation in the form of a final Concept Plan and Structure Plan.

The suggested preparatory steps for the recommended process are:

- Confirmation of the validity of previous technical advice and update as required. This information will inform the MRS Amendment request report, the project feasibility study and the local structure plan preparation.
- Detailed discussions to be held with DoP and the OEPA on the format, scope and content of the required documentation.
- Pre-referral liaison with state and commonwealth agencies relating to the Marmion Marine Park, Bush Forever, Carnaby's Cockatoo and Graceful Sun Moth.

It should be noted that the Graceful Sun Moth has been removed from the State EP Act endangered species list. The species remains on the Commonwealth EPBC Act endangered species list however advice received indicates this is likely to change sometime in 2013.

- Lodgement by the City of a Request for MRS Amendment Report with DoP early in 2013.
- Development of a Local Structure Plan to support the MRS Amendment and potential DPS2 Amendment.

It should be noted that although the preferred approach is through a Section 48A environmental assessment approach, the ultimate decision will be made by the OEPA once the proposal is referred by the WAPC, following lodgement of the MRS Amendment request by the City. Should the OEPA disagree and select a Section 38 assessment approach instead, all documentation provided for the Section 48A would be completely transferable

Issues and options considered:

Not Applicable.

Legislation/Strategic Community Plan/Policy Implications

Legislation: The City is governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

Other applicable legislation includes:

- *Planning and Development Act 2005*;
- *Environmental Protection Act 1986*;
- *Environmental Protection, Biodiversity and Conservation Act 1999*.

Strategic Community Plan:

Key Theme: Economic Prosperity, Vibrancy and Growth.

Objective: Destination City.

Policy:

Recognition that the project will conform to City governance framework and is aligned with the Project Philosophy and Parameters Report as endorsed by Council (JSC5-05/09 refers).

Risk Management Considerations:

A comprehensive Risk Assessment Report has been prepared and is reviewed and updated as required.

Financial/Budget Implications:

As part of the preparation of a scope of works for the recommended Environmental and Planning Approvals Strategy, a full assessment of the estimate cost of undertaking the strategy will be conducted. It is anticipated that this assessment will be completed within the timeframes of the City's Mid Year Budget review process.

Account No:	C1001
Budget Item:	N/A
Budget Amount:	\$1,386,603
Amount Spent To Date:	\$ 59,963
Proposed Cost:	TBC
Balance:	\$1,326,640

All figures quoted in this report are exclusive of GST.

Regional Significance:

The development of the Ocean Reef Marina will become a significant tourist/visitor destination and a key focal point within the northern Perth corridor.

Sustainability Implications:

Progression of the structure planning process will facilitate a number of studies/reports that address key issues pertaining to sustainability, for example economic feasibility and environmental sustainability. The undertaking of these studies is aligned with the Project Philosophy and Parameters Report as endorsed by Council (JSC5-05/09 refers).

Consultation:

In preparing the Environmental and Planning Approvals Strategy the City has undertaken extensive consultation and liaison with a number of state government departments and agencies including:

- Office of the Environmental Protection Authority;
- Department of Planning;
- Department of Environment and Conservation;
- Department of Transport;
- Department of Fisheries;
- Marine Parks Reserves Authority;
- Western Australian Planning Commission.

COMMENT

In light of the prevailing circumstances concerning obtained strategic advice via a Section 16 submission, it is considered that a request for a Major MRS Amendment for the Ocean Reef Marina project with a corresponding Section 48A EP Act environmental assessment is the most appropriate process.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for Report CJ286-12/12 (as detailed below) was resolved by the Ocean Reef Marina Committee at its meeting held on 5 December 2012.

The original recommendation as presented by City officers to the Committee is as follows:

“That Council:

- 1 *ENDORSES an integrated Environmental and Planning Approvals Strategy for the Ocean Reef Marina development and the preparation of a request for a major MRS Amendment and corresponding Section 48A Environmental Protection Act 1986 assessment;*
- 2 *NOTES the following actions to be undertaken to progress Part 1 above:*
 - 2.1 *Confirmation of the validity of previous technical advice and update as required. This information will inform the MRS Amendment request report, the project feasibility study and the local structure plan preparation;*
 - 2.2 *Undertake detailed discussions with the Department of Planning and the Office of the Environmental Protection Authority on the format, scope and content of the documentation required for an MRS Amendment and correspondent Section 48A Environmental Protection Act 1986 assessment;*
 - 2.3 *Undertake pre-referral liaison with state and commonwealth agencies relating to the Marmion Marine Park, Bush Forever, Carnaby’s Cockatoo and Graceful Sun Moth;*
 - 2.4 *Development of a Local Structure Plan to support the MRS Amendment and potential City of Joondalup District Planning Scheme No. 2 Amendment.”*

The Committee's subsequent recommendation to the Council is as follows (changes identified):

"That:

- 1 *Council ENDORSES an integrated Environmental and Planning Approvals Strategy for the Ocean Reef Marina development and the preparation of a request for a major MRS Amendment and corresponding Section 48A Environmental Protection Act 1986 assessment;*
- 2 *Council NOTES the following actions to be undertaken to progress Part 1 above:*
 - 2.1 *Confirmation of the validity of previous technical advice and update as required. This information will inform the MRS Amendment request report, the project feasibility study and the local structure plan preparation;*
 - 2.2 *Undertake detailed discussions with the Department of Planning and the Office of the Environmental Protection Authority on the format, scope and content of the documentation required for an MRS Amendment and correspondent Section 48A Environmental Protection Act 1986 assessment;*
 - 2.3 *Undertake pre-referral liaison with state and commonwealth agencies relating to the Marmion Marine Park, Bush Forever, Carnaby's Cockatoo and Graceful Sun Moth;*
 - 2.4 *Development of a Local Structure Plan to support the MRS Amendment and potential City of Joondalup District Planning Scheme No. 2 Amendment;*
- 3 *Council NOTES that an updated project plan will be prepared to align with Parts 1 and 2 above and referred to Council for endorsement;*
- 4 *the Ocean Reef Marina – Environmental and Planning Approvals Strategy Report be uploaded to the City's public website at the conclusion of this meeting."*

The Coordinator Planning Approvals left the Chamber at 8.45pm and returned at 8.48pm.

MOVED Mayor Pickard, SECONDED Cr Gobbert that:

- 1 Council ENDORSES an integrated Environmental and Planning Approvals Strategy for the Ocean Reef Marina development and the preparation of a request for a major MRS Amendment and corresponding Section 48A Environmental Protection Act 1986 assessment;**
- 2 Council NOTES the following actions to be undertaken to progress Part 1 above:**
 - 2.1 Confirmation of the validity of previous technical advice and update as required. This information will inform the MRS Amendment request report, the project feasibility study and the local structure plan preparation;**
 - 2.2 Undertake detailed discussions with the Department of Planning and the Office of the Environmental Protection Authority on the format, scope and content of the documentation required for an MRS Amendment and correspondent Section 48A Environmental Protection Act 1986 assessment;**
 - 2.3 Undertake pre-referral liaison with state and commonwealth agencies relating to the Marmion Marine Park, Bush Forever, Carnaby's Cockatoo and Graceful Sun Moth;**
 - 2.4 Development of a Local Structure Plan to support the MRS Amendment and potential City of Joondalup District Planning Scheme No. 2 Amendment;**
- 3 Council NOTES that an updated project plan will be prepared to align with Parts 1 and 2 above and referred to Council for endorsement;**
- 4 the Ocean Reef Marina – Environmental and Planning Approvals Strategy Report be uploaded to the City's public website at the conclusion of this meeting.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24agn111212.pdf](#)

C81-12/12

COUNCIL DECISION – EN BLOC RESOLUTION - [02154, 08122]

MOVED Cr Hamilton-Prime, **SECONDED** Mayor Pickard that pursuant to the Standing Orders Local Law 2005 – **CLAUSE 48 – Adoption of Recommendations En Bloc**, Council **ADOPTS** the following items:

CJ262-12/12, CJ265-12/12, CJ266-12/12, CJ268-12/12, CJ271-12/12, CJ272-12/12, CJ274-12/12, CJ275-12/12, CJ277-12/12, CJ278-12/12 and CJ281-12/12.

The Motion was Put and

CARRIED (13/0)

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

REPORT OF THE CHIEF EXECUTIVE OFFICER**Disclosure of Financial Interest**

Name/Position	Mr Garry Hunt – Chief Executive Officer.
Item No/Subject	CJ287-12/12 – Request for Annual Leave – Chief Executive Officer.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

CJ287-12/12 REQUEST FOR ANNUAL LEAVE - CHIEF EXECUTIVE OFFICER**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Mike Tidy
Corporate Services**FILE NUMBER:** 98384, 93894B, 101515**ATTACHMENTS:** Nil.**PURPOSE**

For Council to give consideration to the request for annual leave submitted by the Chief Executive Officer.

EXECUTIVE SUMMARY

The Chief Executive Officer (CEO) has requested annual leave for the period 1 March to 5 March 2013 inclusive. In the period 25 February to 28 February 2013 the CEO and several other Local Government CEO's will be visiting local government in the northern island of New Zealand to research and observe new reform activities in that jurisdiction, predominantly the City of Auckland. The period of 6 March to 8 March 2013 inclusive will involve attendance at the Local Government Chief Officers' Group (LGCOG) meeting in Whangarei, New Zealand.

BACKGROUND

The Chief Executive Officer commenced his employment with the City of Joondalup on 31 January 2005.

DETAILS

The Chief Executive Officer (CEO) has requested leave from duties for the period 1 March to 5 March 2013 inclusive for annual leave followed by attendance at the Local Government Chief Officers' Group meeting for the period 6 March to 8 March 2013 inclusive. The CEO

has delegated authority to appoint an Acting CEO for periods where he is absent from work while on leave, where such periods are for less than 35 days.

The LGCOG meets three times a year in different locations. The next meeting of the LGCOG is in New Zealand. Attendance at the meeting will be self funded.

The Chief Executive Officer has been a member of the LGCOG since November 2008. Membership is limited to Chief Executives of Australian and New Zealand Councils that have a corporate structure. The objectives of the group are:

- 1 To act as a forum for the exchange of experience and information between Chief Officers to benefit their Councils in particular and local government in general;
- 2 To utilise the experience and knowledge of Chief Officers at various government and organisational levels;
- 3 To facilitate the professional development and training of Chief Officers.

Issues and options considered:

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

The CEO, in accordance with his employment contract, is entitled to 25 days leave per annum.

Legislation/Strategic Community Plan/Policy Implications

Legislation: Not Applicable.

Strategic Community Plan:

Key Theme: Governance and Leadership.

Objective: Corporate Capacity.

Policy:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Provision included in Budget for 2012/13.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, **SECONDED** Cr Amphlett that Council **APPROVES** the request from the Chief Executive Officer for annual leave for the period 1 March to 5 March 2013 inclusive and **NOTES** the proposed attendance at the Local Government Chief Officer's Group meeting for the period of 6 March to 8 March 2013 inclusive.

The Motion was Put and

CARRIED (13/0)

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

**CJ288-12/12 2012/13 SPORTS DEVELOPMENT PROGRAM -
ROUND ONE – SECOND SUBMISSION**

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Director Corporate Services

FILE NUMBER: 58536

ATTACHMENTS: Nil.

PURPOSE

For Council to reconsider a funding application as part of the City's 2012/13 Sports Development Program – Round One.

EXECUTIVE SUMMARY

A report was submitted to Council in November 2012 (CJ239-11/12 refers) recommending that a Sports Development Program application for the Joondalup District Cricket Club (JDCC) be refused due to a lack of supporting information. In considering the item, Council made the following resolution:

“That Council REQUESTS the Joondalup District Cricket Club resubmit its application for the City's 2012/13 Sports Development Program – Round One, noting the additional information sought by the City officers, for re-assessment by the City's assessment panel and consideration by Council at its meeting on 11 December 2012.”

Further information was received from the JDCC and assessed by City officers who are now satisfied that the application meets the requirement for the program.

It is recommended that Council APPROVES a grant of \$20,000 to the Joondalup District Cricket Club for Round one of the 2012/13 Sports Development Program.

BACKGROUND

In June 2002 (CJ136-06/02 refers), Council resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to district level clubs in lieu of individual sponsorship support.

The agreed aim of the Sports Development Program is to assist local not for profit, district level sporting clubs that play at, or are aspiring towards the highest level of competition in their chosen sport. Eligible clubs must be located within the City of Joondalup and be represented at both junior and senior levels. Clubs can apply for support every second year following a successful application.

DETAILS

The City received one application for 2012/13 Sports Development Program Round One. The application was from the Joondalup District Cricket Club.

Joondalup District Cricket Club

The Joondalup District Cricket Club submitted an application that sought support to create an academy style training program for their junior and senior athletes. The proposed Academy would provide one to one coaching sessions for selected athletes with development coaches from the club. The program would be conducted over one season, December 2012 to April 2013.

City officers prepared a report (CJ239-11/12 refers) for the 20 November 2012 Council meeting recommending the JDCC's application be refused due to the application not addressing key criteria including a project plan, selection criteria and measureable outcomes and objectives. Council resolved that the JDCC be requested to resubmit their application, addressing the missing information, for re-assessment in time to be considered at the 11 December 2012 Council meeting.

City officers met with the JDCC president, who subsequently provided further information addressing the missing criteria. City officers have re-assessed the application and recommend it be approved for consideration by Council.

	Amount Requested from the City	Amount Recommended by the City
The costs of the program are		
Coach payments	\$ 20,000	\$20,000
Total Cost	\$ 20,000	\$20,000

Issues and options considered:

Not Applicable.

Legislation/Strategic Community Plan/Policy Implications

Legislation: Not Applicable.

Strategic Community Plan:

Key Theme: Community Wellbeing.

Objective: Community spirit.

Policy:

The Sports Development Program is conducted in line with City Policy - Community Funding.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Account No:	1.443.A4409.3293.4023.
Budget Item:	Sponsorship.
Budget Amount:	\$90,000.
Amount Spent To Date:	Nil.
Proposed Cost:	\$20,000.
Balance:	\$70,000.

Regional Significance:

Not Applicable.

Sustainability Implications:

The Sports Development Program provides for a positive affect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to sport, leisure and recreational services.

Consultation:

City officers met with JDCC's president on 27 November 2012 to discuss the additional information required for the application. The additional information was subsequently provided on Thursday 29 November 2012.

COMMENT

The additional information provided by JDCC included more detail about the number of athletes selected, selection methods, timing and location of coaching sessions, coaching plans and criteria regarding the assessment of the project's success. After reviewing the additional information, it is the City officers' assessment that the application now contains sufficient detail to meet the criteria of the Sports Development Program. Therefore, it is recommended that the funding application be approved.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, SECONDED Cr McLean that Council APPROVES a grant of \$20,000 to the Joondalup District Cricket Club for Round One of the 2012/13 Sports Development Program.

The Motion was Put and

CARRIED (13/0)

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

Disclosures of Financial Interest

Name/Position	Mayor Troy Pickard.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Financial Interest.
Extent of Interest	Mayor Pickard owns a residential property in a proposed Housing Opportunity Area.

Name/Position	Cr John Chester.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Chester owns two properties in a Housing Opportunity Area.

Name/Position	Cr Russ Fishwick, JP.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Fishwick owns property that will be affected by the adoption of the Local Housing Strategy.

Name/Position	Cr Sam Thomas.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Thomas lives in a Housing Opportunity Area.

Disclosures of Proximity Interest

Name/Position	Cr Brian Corr.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Proximity Interest.
Extent of Interest	Cr Corr lives close to a Housing Opportunity Area.

Name/Position	Cr Teresa Ritchie.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Proximity Interest.
Extent of Interest	Cr Ritchie resides next to Housing Opportunity Area 6 and husband owns property next to Housing Opportunity Area 6.

Disclosures of interest affecting impartiality

Name/Position	Cr John Chester.
Item No/Subject	CJ289-12/12 - Revised Draft Local Housing Strategy.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester's son owns two properties in a Housing Opportunity Area and his daughter lives in a Housing Opportunity Area.

Mayor Pickard, Crs Chester, Corr, Fishwick, Ritchie and Thomas left the Chamber at 8.55pm.

Cr Norman assumed the Chair.

EXPLANATION – DISCLOSURES OF INTEREST

The Chief Executive Officer provided an overview of legal advice obtained today in relation to the situation of individual Elected Members who have properties inside a Housing Opportunity Area or those who are external to those areas. As a result of the advice received, declarations have been made by certain Elected Members.

There is opportunity for the Council in accordance with section 5.68 of the *Local Government Act 1995* that having considered the extent of those Elected Members who have made declarations under section 5.65 of the *Local Government Act 1995* in relation to this item and to resolve that the interests in each case are trivial or insignificant as to allow those Elected Members to return to the Chamber and participate in any debate.

C83-12/12 DISCLOSURES OF INTEREST – APPROVAL TO PARTICIPATE IN MEETING – [02154]

MOVED Cr Gobbert, SECONDED Cr Hollywood that Council:

- 1 acting in accordance with section 5.68 of the *Local Government Act 1995*;**
- 2 having considered the extent of the interest of Mayor Troy Pickard, Cr John Chester, Cr Brian Corr, Cr Russ Fishwick, Cr Teresa Ritchie and Cr Sam Thomas who have made disclosures under section 5.65 of the *Local Government Act 1995* in relation to Item CJ289-12/12;**
- 3 being satisfied that the interest in each case is so trivial or insignificant as to be unlikely to influence Mayor Troy Pickard, Cr John Chester, Cr Brian Corr, Cr Russ Fishwick, Cr Teresa Ritchie and Cr Sam Thomas conduct in relation to the matters being considered for Item CJ289-12/12,**

RESOLVES to allow Mayor Troy Pickard, Cr John Chester, Cr Brian Corr, Cr Russ Fishwick, Cr Teresa Ritchie and Cr Sam Thomas to be present and to participate fully in the discussion and decision-making procedures relating to Item CJ289-12/12.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Crs Amphlett, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor.

Mayor Pickard, Crs Chester, Corr, Fishwick, Ritchie and Thomas entered the Chamber at 9.05pm.

Mayor Pickard resumed the Chair.

CJ289-12/12 REVISED DRAFT LOCAL HOUSING STRATEGY

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	30622, 101515
ATTACHMENTS:	Attachment 1 Housing Opportunity Area maps

PURPOSE

For Council to endorse changes to the boundaries and densities of certain of the Housing Opportunity Areas proposed in the City's draft Local Housing Strategy, for the purposes of communicating these changes to the community.

EXECUTIVE SUMMARY

The purpose of the Local Housing Strategy (LHS) is to provide a firm rationale for determining future housing needs within the City of Joondalup. The Local Housing Strategy will provide a context for the preparation of the new Local Planning Scheme in respect of the residential development and density provisions to be contained in the new scheme and associated policies.

A principal recommendation of the draft Local Housing Strategy is to introduce Housing Opportunity Areas (HOAs) as areas suitable for higher residential densities.

The draft Local Housing Strategy was extensively advertised in 2010 with approximately 7,000 submissions being received.

Council considered the public submissions received and, at its meeting held on 15 February 2011 (CJ006-02/11 refers), resolved to adopt the strategy with the minor expansion of two HOAs. The document was then forwarded to the Western Australian Planning Commission (WAPC), via the Department of Planning, for endorsement.

The Department of Planning has requested the City to amend the draft LHS to respond more strongly to state planning documents and policies, specifically by increasing the number and size of HOAs and by quite significantly increasing the densities within the HOAs.

Consequently, certain changes are proposed to the draft LHS and this report outlines the changes proposed to the boundaries and densities of certain of the HOAs, for the purposes of communicating the proposed changes to the community.

Following communication of changes to the community and once the draft LHS document itself has been amended, the document will be forwarded to the WAPC for endorsement. Once endorsed the LHS recommendations, including any changes to densities within HOAs, will be implemented through a new Local Planning Scheme and a range of supporting local planning policies.

BACKGROUND

The City is undertaking a review of its current *District Planning Scheme No. 2* (DPS2) with a view to putting in place a new Local Planning Scheme. Before the new scheme can be finalised, the City needs to develop a number of supporting documents that will inform the new scheme, including a Local Planning Strategy (LPS), a Local Housing Strategy (LHS) and a Local Commercial Strategy (LCS).

The purpose of the LHS is to provide a firm rationale for determining future housing needs within the City of Joondalup. The LHS will provide a context for the preparation of the new Local Planning Scheme in respect of the residential development and density provisions to be contained in the new scheme and associated policies.

As a precursor to the development of the draft LHS, a Housing Intentions Community Survey was conducted in April and May 2009. Around 2,200 surveys were mailed to randomly selected residents across the City to ascertain the housing needs and requirements of local residents both at that time, and into the future. An online version of the survey and a downloadable version of the survey were also made available on the City's website.

Feedback received from the Housing Intentions Community Survey was used to inform the development of the draft LHS.

A principal recommendation of the draft Local Housing Strategy is to introduce Housing Opportunity Areas (HOAs) as areas suitable for higher residential densities.

The original HOA boundaries were established utilising the following broad selection criteria:

- 800 metre catchment around Currambine, Joondalup, Edgewater, Whitfords, Greenwood and Warwick railway stations;
- 800 metre catchment around the Joondalup City Centre and the regional centres of Whitford and Warwick;
- 400 metre catchment around the district centres of Woodvale, Greenwood and Currambine;
- 400 metre catchment around neighbourhood centres close to high frequency public transport services;
- 400 metre catchment around high frequency bus routes;
- suburbs which would benefit from revitalisation;
- land abutting Right of Ways (laneways).

The boundaries of the original HOAs were generally drawn along road centre lines, rather than between properties or at the rear of properties.

Council at its meeting held on 16 March 2010 (CJ032-03/10 refers), resolved to advertise the draft LHS for public comment for a period of 60 days.

Public consultation on the draft LHS was undertaken from 3 June 2010 to 16 August 2010 in the following manner:

- 63,685 letters and brochures, incorporating a survey with a reply paid envelope, were mailed out to residents and owners of the 58,087 residential properties in the City;
- Owners of commercial and mixed-use properties outside the City Centre received a letter advising them of the recommendation to change the residential density of their properties;

- Two public information sessions were held on Thursday, 17 June 2010 and Saturday, 19 June 2010 and were very well attended (100+ people at each session);
- A dedicated web page was created on the City's website and a dedicated telephone line enabled enquiries to be answered promptly;
- Numerous notices and newspaper articles also appeared in the local newspapers;
- City staff received numerous enquiries regarding the draft LHS both by phone and in person at the City's administration building.

A total of 6,926 valid surveys were returned. Separate to the survey, 88 written submissions and a number of multi-signature letters were also received.

Council considered the public submissions received, and at its meeting held on 15 February 2011 (CJ006-02/11 refers), resolved to adopt the strategy with the minor expansion of two HOAs.

The document was then forwarded to the WAPC (via the Department of Planning) for endorsement.

In January 2012, the City received advice from the Department of Planning which stated the draft LHS could respond more strongly to state planning documents and policies. The Department requested that the City provide further justification for its approach in identifying the Housing Opportunity Areas (HOAs) and applying the proposed residential densities.

The City provided further formal advice and justification in support of the draft LHS to the Department of Planning in February 2012.

The Department of Planning then advised the City that it was not prepared to support the draft LHS until the document responded more strongly to state planning documents and policies, specifically by increasing the number and size of HOAs and by quite significantly increasing the densities within the HOAs.

The Department then provided formal feedback regarding suggested changes to the draft LHS.

DETAILS

In summary, the requirements of the Department of Planning include:

- Significantly increasing the proposed densities for each HOA;
- Expanding the boundaries of the HOAs to include all properties within walkable catchments;
- Creating new HOAs around all neighbourhood centres, the Currambine District Centre and Sorrento Quay;
- Creating/expanding HOAs around high frequency bus routes.

The spatial implications of the above are significant, particularly the creation of HOAs around all neighbourhood centres and around high frequency bus routes, given that the majority of the City of Joondalup would then be subject to significant density increases if the above requirements were implemented.

The City discussed its concerns about the approach proposed by the Department of Planning with departmental officers and advised the City would investigate possible changes to the LHS but would not be prepared to entertain all the changes suggested.

In order to respond to the Department of Planning's requirements, the following general principles have been discussed with the Department and have formed the basis of proposed changes to the draft LHS:

- Maintain the existing number of HOAs, with no new HOAs proposed;
- Increase the size of the existing HOAs around train stations to ensure that all properties within a walkable distance of 800m are included;
- Increase the size of the existing HOAs around Greenwood and Woodvale centres to ensure that all properties within a walkable distance of 400m are included;
- Use common sense in drawing these boundaries by not drawing the boundary part of the way through a street block between two properties, but instead trying to align boundaries with streets. This may result in extra properties being included in HOAs that are not within the walkable catchment;
- Increase the density in close proximity to train stations from R20/40 to R20/60 and increase the density of the rest of the properties within these HOAs to R20/40 to act as a buffer between the R60 properties and surrounding R20 properties;
- Increase the density in close proximity to the Secondary Centres of Whitford and Warwick from R20/40 to R20/60 and increase the density of the rest of the properties within these HOAs to R20/40 to act as a buffer between the R60 properties and surrounding R20 properties;
- With the exception of HOA 3 and 9, increase the density of all other properties in other HOAs to R20/40;
- HOA 8 has been expanded to include additional lots which are proposed to be increased from R20 to R20/30.

The Department of Planning's specific advice for each HOA, and the City's proposed response, is outlined below:

HOA 1:

Department of Planning advice

- Expand the HOA to include properties on the eastern side of the Mitchell Freeway that are within the 800m of the Warwick train station.
- Increase the density code around the Warwick train station to at least R40, preferably much higher.
- Increase the density code of properties with the 400m catchment of Warwick shopping centre to at least R50, desirable R70.
- Increase the density area around Carine Glades shopping centre to at least R30, desirable R50.

City's response (see Page 1 of Attachment 1):

- Expand the HOA to include properties on the eastern side of the Mitchell Freeway that are within the 800m of the Warwick train station.
- Increase the density code generally to R20/40 and introduced R20/60 adjacent to the Warwick train station and Warwick shopping centre.

HOA 2:*Department of Planning advice*

- Expand the HOA to include areas within 400m catchment of Greenwood Village, specifically south of Warwick Road.
- Increase the density code to at least R40, desirable R60, within 400m catchment of Greenwood shopping centre.

City's response (see Page 2 of Attachment 1):

- Expand the HOA to include areas within 400m catchment of Greenwood Village, specifically south of Warwick Road.
- Increase the density code generally within the HOA to R20/40.

HOA 3:*Department of Planning advice*

- No issues with this HOA.
- No objections to the inclusion of Syree Court and part of Arkwell Way.

City's response (see Page 3 of Attachment 1):

- No change.

HOA 4:*Department of Planning advice*

- Expand the HOA to include all properties within the 800m catchment of the Greenwood train station (Greenwood, Kingsley, Duncraig).
- Increase the density code to at least R40, preferably much higher around the station.
- Expand the HOA to include residential properties in Duncraig which are located within 400m of a bus stop.

City's response (See Page 4 of Attachment 1)

- Increase the density code to R20/40, and introduce R20/60 adjacent to the Greenwood train station.

HOA 5:*Department of Planning advice*

- Increase the density code within the 400m catchment of Whitfords shopping centre to at least R50, desirable R70.
- Expand the HOA to include properties within a 400m catchment to the west of Craigie Plaza, and be coded at least R30, desirable R50.
- Expand the HOA to include properties in Craigie and Kallaroo with 400m of bus route on Whitfords and Marmion Ave respectively.

City's response (see Page 5 of Attachment 1)

- Increase the density code generally to R20/40, and introduced R20/60 within the 400m catchment to the south of Whitfords shopping centre.

HOA 6:

Department of Planning advice

- Expand the HOA to include all properties within the 800m catchment of Whitfords train station, particularly north of Whitfords Avenue in Woodvale.
- Increase the density code around the Whitfords station to be a minimum of R40, preferably much higher.
- Expand the HOA to include all land within 400m of Woodvale shopping centre, and increase density within this area to be at least R40.
- Expand the HOA to include properties in Woodvale within 400m of bus route on Whitfords Avenue.

City's response (see Page 6 of Attachment 1)

- Increase the density code generally to R20/40, and introduce R20/60 around the Whitfords train station.
- Expand the HOA to include all land within a walkable 400m catchment of Woodvale shopping centre.

HOA 7:

Department of Planning advice

- Expand the HOA to include all properties within the 800m catchment of the Edgewater train station, specifically properties in Beldon.
- Increase the density code to be a minimum of R40, preferably much higher around the station.
- Expand the HOA to include all properties within 200m of Belridge City shopping centre.

City's response (see Page 7 of Attachment 1)

- Increase the density code generally to be R20/40, and introduce R20/60 adjacent to Edgewater train station.
- Expand the HOA to include all properties within a walkable 200m of catchment Belridge City shopping centre.

HOA 8:

Department of Planning advice

- Increase densities around the Edgewater train station to at least R40, preferably much higher.
- Expand the HOA to include the existing R20 area south of Ocean Reef Road, east of Trappers Drive.
- Expand the HOA to include more properties surrounding the Woodvale shopping centre.

City's response (see Page 8 of Attachment 1)

- Increase the density code generally to be R20/40.
- Expand the HOA to include the existing R20 area south of Ocean Reef Road, east of Trappers Drive, and code R20/30.

HOA 9:

Department of Planning advice

- Expand the HOA to include properties within Connolly and Ocean Reef that are within 400m of a bus stop.

City's response (see Page 9 of Attachment 1)

- No change to this area.

HOA 10:

Department of Planning advice

- Expand the HOA to include all properties within 800m of the Currambine train station (excluding existing R80 coded land).
- Increase the density code within the area to at least R40, preferably much higher.
- Increase the density code within the existing R40 coded area of Kinross.

City's response (see Page 10 of Attachment 1)

- Expand the HOA to include all properties within a walkable 800m catchment of the Currambine train station (excluding existing R80 coded land).
- Increase the density code adjacent to the Currambine train station to R20/60.

The HOA maps have been modified to reflect these changes.

Issues and options considered:

Making changes

Council has the option of resolving not to make any changes suggested by the Department of Planning. Instead the City could ask the WAPC to make a determination on the draft LHS as previously submitted to the WAPC. In this case the WAPC is likely to refuse to endorse the LHS and the City will not be able to finalise its new Local Planning Scheme until a LHS is in place.

The City could make all the changes suggested by the Department of Planning. This would result in an almost carte blanche and uncoordinated approach to densification, which has subsequently been acknowledged in part by departmental officers.

Alternatively, the City could opt to make some of the common sense changes suggested by the Department, specifically increasing density around train stations and larger centres and basing the boundaries of HOAs on walkable catchments from centres and stations. The City could also take a more moderate and targeted approach to densification. The Department of

Planning has indicated that this approach could be supported by the Department, provided the City provides clear explanation and strong justification for the moderated approach.

Communicating changes to the community with or without the LHS document

The Council has the following options to consider:

1. The Council could endorse the changes to the HOAs at this meeting and communicate, with the public sooner rather than later (as early as January 2013) regarding the proposed changes. The City could then work concurrently on finalising the LHS document and any feedback from the public could be reported back to the Council at the same time the Council is asked to finally adopt the document and refer it on to the WAPC (possibly April 2013).

Advantages: The community is eager to see progression of the LHS and is becoming impatient with the protracted process. This option would enable early information flow to the City's residents so that they are updated on where the City is headed with the LHS.

Disadvantages: The LHS will not be finalised when the changes to the HOAs are communicated to the public. As such there will be limited supporting information to provide to the community which would provide the rationale and likely implications of proposed density changes. This may result in a large load being placed on City officers who could potentially field hundreds of phone calls from residents seeking explanation of the changes.

2. The Council could decide to wait until the LHS document is finalised in February or March 2013 before communicating changes to the HOAs.

Advantages: This approach would assist in providing all residents with all the background and explanatory information they need to understand the implications of the changes. Whilst this would not eliminate queries from the public, it would assist in reducing the workload of City officers and ensuring consistency of information received by the public.

Disadvantages: The community is impatient and eager to see progress on the LHS. This option would not allow for early release of proposed density changes to the public and could potentially result in a delay in finalising the LHS and sending it to the WAPC for endorsement (possibly only July 2013).

Consultation versus information

A number of options to communicate the revised HOAs to affected landowners are available, including:

1. ***Consultation:*** The City could refer/advertise proposed changes to residents and actively seek their comments and feedback on the proposals.

Advantages: The community would feel that they have had input on a strategy that affects them directly and the future development of the City. Consulting with the community and then actually responding to valid concerns raised by making further changes to the LHS would ensure the community takes ownership of the strategy and the proposed density increases, which will minimise delays to the finalisation of the new Local Planning Scheme.

Disadvantages: Given the feedback and direction from the Department of Planning, there is likely to be limited scope to make further changes to the revised HOAs as a result of any community concerns. If the Council decides to consult with the residents and then doesn't make any changes in response to concerns expressed, the consultation process could be viewed by the community as a token exercise only and this could result in dissatisfaction on behalf of certain residents and cause cynicism about future consultation processes.

2. ***Information:*** The City could inform or notify residents of the proposed changes to the HOAs and, although any feedback from the residents could be used to make minor changes to the LHS before final adoption, the community could be advised up front that any further significant changes are unlikely.

Advantages: The residents will receive early information about what is happening with the draft LHS and, if the City's reasons for simply notifying residents (instead of consulting) are made clear, this may help in managing the expectations of the community about any other significant changes to the HOAs and this in turn may assist in reducing officer workload in having to explain this to individual residents.

Disadvantages: The community may feel dissatisfied at not being able to further influence the outcomes of the draft LHS.

3. ***Consultation and information:*** Council has the option of consulting with certain residents who it feels are most affected by the proposed changes (those newly included in a HOA) and notifying all other residents:

- those who are already in a HOA but affected by a density change;
- those just outside of a new HOA boundary; and
- all other residents of the City.

Advantages: Residents newly included in a HOA would have further input on a strategy that affects them directly.

Disadvantages: All other residents may feel dissatisfied at not being able to further influence the outcomes of the draft LHS.

Those already in a HOA may feel they're being negatively impacted by a proposed further increase in density. Those who weren't opposite a HOA before but will be opposite or adjacent to a HOA now as a result of a boundary amendment may feel they're being negatively impacted. Other residents outside HOAs may feel that they are being deprived of an opportunity to develop their properties when others are now being given an opportunity.

These residents, who believe they are also impacted (or deprived of opportunity) by proposed changes to the HOAs, may feel it is unfair that certain residents are given an opportunity for input and they are not.

Timing of consultation

Council's Community Consultation and Engagement Policy states that:

"Consultations are not to be conducted during the summer break (between the last Ordinary Meeting of Council in December to the first Ordinary Meeting of Council in February), unless otherwise stipulated by Council. Consultations to meet statutory planning requirements may

be conducted during the summer break, as they are approved by the Chief Executive Officer.”

Council could choose not to refer and/or advertise the proposed changes to the HOAs until late February, in strict accordance with the requirements of the policy. This would mean that the proposed changes would not be brought to the community's attention until late February.

If however Council considered that it was important to bring the proposed changes to HOAs to the community's attention earlier rather than later, letters could be posted and advertisements could be placed in newspapers and on the City's website during the summer break.

Legislation/Strategic Community Plan/Policy Implications

Strategic Community Plan:

Key Theme: Quality Urban Environment.

Objective: Quality built outcome.

Policy:

The draft LHS recommendations include the development of policy and design provisions to ensure high quality development occurs in the HOAs.

Risk Management Considerations:

If changes are not made to the draft LHS, it is unlikely the document will receive the support of the Department of Planning and the endorsement of the WAPC. This will prevent the City from finalising its new Local Planning Scheme.

Releasing the proposed changes to the HOAs to the community in absence of the supporting documentation of the LHS could result in confusion in the community and a burden being placed on City officers, having to spend time explaining the justifications for and implications of the changes on individual residents. Although a set of Frequently Asked Questions could be placed on the website and provided to residents upon request or accompanying any referral letters, these would only answer certain questions residents may have and will not cover off property specific questions.

If the City does not consult on the changes to the HOAs, the community could feel they weren't able to have a say on an issue that affects many residents directly. If however, the City consults with the community, knowing it cannot and will not make any further significant changes to the LHS, this could create false expectations and lead to dissatisfaction in the community.

If the community is informed of changes to the HOAs and their feedback is not actively sought, they may be dissatisfied at not being able to further influence the outcomes of the draft LHS. This could result in negative feedback when zoning and density changes are again advertised during the process of finalising the new Local Planning Scheme.

Consulting with some residents and simply informing others may result in dissatisfaction from certain sectors of the community. They may feel they are being negatively impacted or deprived of development opportunity as a result of changes to HOAs and are not being given an opportunity to influence the outcome, whilst others are.

Communicating proposed changes to residents during the summer break could create cynicism in the community. Some residents may feel that the City is trying to take advantage of the fact that many people are away during school holidays so as to minimise community opposition to the proposed changes.

Financial/Budget Implications:

There are no direct financial implications to the City as a result of this report, other than the cost of advertising changes to the proposed HOAs. The cost of placing a notice in the local newspaper is approximately \$300.

Regional Significance:

The draft LHS does not have any direct impact on adjoining local authorities.

Sustainability Implications:

The increase in the range residential densities (up to R60) within the City of Joondalup will provide a greater choice of house and land sizes which can cater for a greater range of household types from single person to large families. This provision of varied lot and dwelling sizes can also offer an increase in affordable housing choices. This will also improve social sustainability as it can assist residents to stay in their community, while changing housing choice to meet their needs throughout their lifecycle.

The expansion of HOAs to ensure properties within appropriate walkable catchments are included will assist in reducing dependency on the private vehicle and encourage alternative modes of transport such as walking and cycling. This has potential health (social) and energy consumption (environmental) benefits.

Consultation:

Regular consultation has occurred with the Department of Planning during the formulation of proposed changes to the HOAs.

Referral/advertisement of the revised HOA boundaries and density codes could be undertaken as follows:

- At the end of January, the City will write to all landowners who were not previously included within a HOA but will now be included as a result of a boundary change (approximately 910 landowners).

The City will request feedback from these owners by the third week in February but will also clarify in the letter that the City has limited scope to make further significant changes to the HOAs and draft LHS. A map of each HOA and a sheet of Frequently Asked Questions will accompany the letter.

- For the benefit of all other residents, the City will place a notice in the local newspaper and on the City's website advertising the proposed changes to the HOAs. The advertisement or notice will make it clear that the City has limited scope to make further significant changes to the HOAs and draft LHS. Frequently Asked Questions will also be placed on the website.
- Any feedback received from the community will be collated and reported back to Council at the same time the Council is requested to endorse the final LHS document.

- The document and any feedback received will then be sent to the Department of Planning for consideration and the WAPC's endorsement.

It is considered that writing to landowners in late January and allowing them 21 days to provide feedback will provide adequate time for landowners to consider their position and communicate their views back to the City, given these landowners have already been consulted on the draft LHS.

COMMENT

The Department of Planning has made it clear that changes are needed to the draft LHS before a positive recommendation can be made to the WAPC. The draft HOAs have been reviewed with the densities within the majority of HOAs increased, and the boundaries of six HOAs expanded to ensure the inclusion of properties within the appropriate walkable catchment.

In addition to the changes to the HOA maps, the Department of Planning has also requested that additional justification be provided in regard to the constraints and opportunities for each HOA. This information will be included in the final LHS document. The data relating to the projected lot yield based on the proposed densities will also need to be recalculated and included into the LHS document prior to Council's adoption of the final revised document.

Further to this, as it has now been some time since the draft LHS document was prepared, the City will also need to update the census information in the document.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Norman that Council:

- 1 ADOPTS the revised Local Housing Strategy Housing Opportunity Area maps as detailed in Attachment 1 to Report CJ289-12/12, for the purposes of:**
 - 1.1 consultation with landowners newly included within a Housing Opportunity Area to allow these owners to provide feedback on the proposed changes in boundaries and densities within the Housing Opportunity Areas;**
 - 1.2 informing all other landowners and residents of the proposed changes in boundaries and densities in the Housing Opportunity Areas;**
- 2 ENDORSES the following approach to consultation with landowners newly included within a Housing Opportunity Area detailed in Part 1.1 above:**
 - 2.1 At the end of January, letters will be sent to all landowners who were not previously included within a HOA but will now be included as a result of a boundary change;**
 - 2.2 The letter will clarify that the City has limited scope to make further significant changes to the Housing Opportunity Areas;**
 - 2.3 A map of each Housing Opportunity Area and a sheet of Frequently Asked Questions will accompany the letter;**
 - 2.4 Landowners will be requested to provide feedback by 22 February 2013;**
- 3 ENDORSES the following approach to informing all other landowners and residents of the proposed changes in boundaries and densities in the Housing Opportunity Areas detailed in Part 1.2 above:**
 - 3.1 Advertisements will be placed in the local newspaper and notices and Frequently Asked Questions will be placed on the City's website for the benefit of all other landowners and residents;**
- 4 NOTES that any feedback received from the community will be reported back to Council at the same time Council's endorsement of the final revised Local Housing Strategy document is sought.**

AMENDMENT MOVED Cr Corr, SECONDED Cr Ritchie that the motion be amended as follows:

- 1 The addition of a new Part 1.2 to read:
 - “1.2 consultation with landowners within a Housing Opportunity Area where the proposed residential density code has changed;”;
- 2 Previous Part 1.2 to be renumbered 1.3;
- 3 Parts 2 and 2.1 to be amended to read:
 - “2 ENDORSES the following approach to consultation with landowners detailed in Part 1.1 and 1.2 above:
 - 2.1 at the end of January, letters will be sent to all landowners who were not previously included within a HOA but will now be included as a result of a boundary change, or where the proposed residential density code has changed;”;
- 4 Part 3 to be amended to read:
 - “3 ENDORSES the following approach to informing all other landowners and residents of the proposed changes in boundaries and densities in the Housing Opportunity Areas detailed in Part 1.3 above;”.

The Amendment was Put and

LOST (4/9)

In favour of the Amendment: Crs Chester, Corr, Fishwick and Ritchie.

Against the Amendment: Mayor Pickard, Crs Amphlett, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Thomas.

The Director Planning and Community Development entered the Chamber at 9.22pm.

The Director Governance and Strategy left the Chamber at 9.24pm and returned at 9.29pm.

C84-12/12 PROCEDURAL MOTION – THE MOTION BE NOW PUT – [02154, 08122]

MOVED Cr Gobbert, SECONDED Cr Hamilton-Prime that in accordance with Clause 58 (d) of the City's *Standing Orders Local Law 2005* the MOTION BE NOW PUT.

The Procedural Motion was Put and

CARRIED (10/3)

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

Against the Procedural Motion: Crs Corr, Norman and Ritchie.

The Motion as Moved by Cr Amphlett, and Seconded by Cr Norman was Put and

CARRIED (10/3)

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

Against the Motion: Crs Chester, Corr and Ritchie.

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25agn111212.pdf](#)

CJ290-12/12 PROPOSED AMENDMENT NO 66 TO DISTRICT PLANNING SCHEME NO. 2 AS A RESULT OF SECTION 76 ORDER – CONSIDERATION FOLLOWING ADVERTISING

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	102594, 101515
ATTACHMENTS:	Attachment 1 Proposed Amendment No 66 (changes tracked) Attachment 2 Schedule of Submissions

PURPOSE

For Council to consider submissions received in relation to proposed Amendment to No. 66 to *District Planning Scheme No. 2* (DPS2) that was prepared in response to an order issued by the Minister for Planning under section 76 of the *Planning and Development Act 2005* and to consider adopting the scheme amendment as final.

EXECUTIVE SUMMARY

At its meeting held on 21 August 2012 (CJ173-08/12 refers), Council resolved to advertise Scheme Amendment No. 66 that had been prepared in response to the Minister for Planning's order issued under section 76 of the *Planning and Development Act 2005*.

The proposed scheme amendment will:

- remove various clauses and a schedule from DPS2 to remove the maximum retail floor space allocations or "caps" that currently apply to commercial centres, in line with the requirements of the state's policy on Activity Centres for Perth and Peel (SPP4.2);
- insert provisions into DPS2 to enable owners of land to prepare a structure plan;
- insert provisions to align DPS2 with SPP4.2, specifically in regard to the need for approval of an Activity Centre Structure Plan prior to any major development on shopping centre sites; and
- insert provisions relating to Detailed Area Plans.

The proposed scheme amendment was advertised for a period of 42 days. Four submissions were received, with three of the submissions requesting changes to the wording of the scheme amendment. It is considered appropriate to make some of the changes requested and it is therefore recommended that Council adopts Scheme Amendment No. 66, with modifications, in accordance with the section 76 order.

BACKGROUND

On 22 December 2010, a draft Activity Centre Structure Plan for the Whitford shopping centre and surrounds was submitted to the City by a planning consultant on behalf of Westfield Management Ltd. The Council, at its meeting held on 17 May 2011, resolved not to endorse the draft Activity Centre Structure Plan for a number of reasons as detailed in report CJ080-05/11.

The applicant subsequently lodged an application for review of Council's decision with the State Administrative Tribunal (SAT) in June 2011. Based on a previous SAT case, the City challenged the applicant's right of review given that, as per the current provisions of clause 9.1.1 of DPS2, a landowner cannot lodge a structure plan for approval, without the Council formally requesting or requiring the lodgement of the structure plan. Given the Council had not requested the preparation of the structure plan, the City was of the view this nullified the applicant's right of review with the SAT. The applicant subsequently withdrew from the SAT proceedings.

On 6 September 2011, a letter was received from the applicant requesting that the City initiate a scheme amendment to DPS2 to:

- Delete clauses 3.7.2, 3.7.3, 3.11.4 and 3.11.5 from DPS2;
- Delete Schedule 3 in DPS2;
- Insert new Detailed Area Plan provisions in DPS2.

The proposed scheme amendment effectively sought to remove the existing maximum retail floor space caps for the various commercial centres from DPS2, and to also insert provisions regarding Detailed Area Plans.

At that stage, the City was only in the initial stages of preparing its Local Commercial Strategy. The City was concerned that amending DPS2 in the manner proposed, without a Local Commercial Strategy in place to guide decision-making, had the potential to undermine the existing hierarchy of centres in the City and in SPP4.2.

The hierarchy of centres in SPP4.2 and the City's draft Local Commercial Strategy was established through the state's strategy for the future development of the metropolitan area (*Directions 2031 and Beyond*). A centre's place in the hierarchy is derived not only from the size of the centre, but also from its function, the diversity of the centre and from the catchment it serves.

The City was also concerned that the proposal could allow the ad hoc development of centres which would have the potential to impact on the economic health and potential of other centres in the City, especially the Joondalup Strategic Metropolitan Centre. Therefore, at its meeting held on 22 November 2011 (CJ206-11/11 refers), Council resolved not to initiate the proposed scheme amendment.

The City then received correspondence from the Department of Planning on 21 March 2012, advising that the applicant had submitted a representation, under section 76 of the *Planning and Development Act 2005*, to the Minister for Planning to the effect that the City had failed to take requisite steps to amend its planning scheme where an amendment ought to be made. A formal section 76 order has the legal result of allowing the Minister to direct a local government, within such time as specified in the order, to prepare and submit for the approval of the Minister a local planning scheme or an amendment to a local planning scheme, or to consent to any modifications or conditions imposed. The City was asked to comment on the proposal before the Minister made his decision on whether or not to issue the section 76 order.

The City considered that amending the planning scheme in line with Westfield's request is inevitable. However, as it is important to retain control over development on the Whitford site, the Council at its meeting of 17 April 2012 decided it would agree to amend the DPS2 as per the Westfield request but also to include extra provisions to align the DPS2 with SPP4.2, specifically the need for approval of an Activity Centre Structure Plan as a precursor to major development on larger shopping centre sites.

On 16 July 2012, correspondence was received from the Minister for Planning advising that the Minister had decided to deliver an order under section 76 to the City to initiate an amendment to DPS2, as per the Westfield proposal, subject to the proposal being further modified to ensure alignment between DPS2 and SPP4.2. The Minister advised that the modifications would require, inter alia, the inclusion of provisions for the preparation of activity centre structure plans and submission of a retail sustainability assessment as a precursor to development. The Minister also advised that modifications of existing Scheme provisions (clause 9.1.1) to allow for a structure plan to be prepared by either the local government or an owner of land would also be required.

The Minister advised that the City had until the end of August to comply with the section 76 order. Council, at its meeting held on 21 August 2012 (CJ173-08/12 refers), resolved to advertise the proposed scheme amendment for a period of 42 days.

DETAILS

The Minister for Planning has, under section 76 of the *Planning and Development Act 2005* directed the City to initiate the amendment to DPS2 as requested by Roberts Day (planning consultants) on behalf of Westfield Management Ltd and to include any necessary provisions to align DPS2 with SPP4.2.

In order to comply with the section 76 order, and following discussion with officers from the Department of Planning regarding the content, the wording of the scheme amendment that was originally proposed and that was advertised for public comment intended to:

- Delete existing clause 3.7.2 (requirement for all land in the Commercial zone to have a retail floor space "cap") and insert a new clause 3.7.2 that requires an activity centre structure plan to be prepared and approved for the centres of Whitford, Warwick, Currambine, Greenwood and Woodvale before any major development can be undertaken;
- Delete existing clause 3.7.3 (need to adhere to floor space "caps" in Schedule 3 unless varied by an Agreed Structure Plan);
- Insert a new clause 3.7.3 that specifies that the requirement for an activity centre structure plan in clauses 3.7.2 is not subject to clause 4.5.1 (Council's ability to approve an application that does not comply with Scheme requirements);
- Delete clauses 3.11.4 and 3.11.5 (requirement for all land in the Centre zone to have a retail floor space "cap" and need to adhere to floor space "caps" in Schedule 3 unless varied by an Agreed Structure Plan);
- Insert new clause 3.11.4 that requires that any major development (as defined under State Planning Policy 4.2 *Activity Centres for Perth and Peel*) in the Centre zone, which

is wholly or partly within the Joondalup Activity Centre, shall not be approved unless an activity centre structure plan has been prepared and adopted;

- Insert a new clause 3.11.5 that specifies that the requirement for an activity centre structure plan in clause 3.11.4 is not subject to clause 4.5.1 (Council's ability to approve an application that does not comply with scheme requirements);
- Amend clause 4.5.1 (Council's ability to approve an application that does not comply with scheme requirements) by deleting the words '*and the requirements set out in Clauses 3.7.3 and 3.11.5*';
- Insert new clause 9.1.3 that allows the Council or the owner of land within an activity centre to prepare and submit an activity centre structure plan; and requires that activity centre structure plans are prepared in accordance with both State Planning Policy 4.2 – Activity Centres for Perth and Peel and Part 9 of the Scheme;
- Amend clause 9.2 to refer to clause 9.1.1 instead of clause 9.1. This will confine the need for Council to determine the boundary of a structure plan using the criteria specified in clause 9.2 to cases where the Council requires a normal structure plan under 9.1.1 and not where an activity centre structure plan is required. The reasons for this are that the requirements and criteria for the definition of an activity centre boundary are specifically covered by the provisions of State Planning Policy 4.2 – Activity Centres for Perth and Peel.
- Insert provisions for Detailed Area Plans (new clause 9.12) after clause 9.11;
- Amend clause 9.13.3 (previously clause 9.12.3) to insert 'or detailed area plan' after 'Structure Plan' in both instances where it appears in the clause.
- Amend Schedule 1 to include or amend definitions for:
 - (a) Activity Centre;
 - (b) Agreed Structure Plan;
 - (c) Major Development;
 - (d) Net Lettable Area;
 - (e) State Planning Policy 4.2: Activity Centres for Perth and Peel.
- Delete Schedule 3 – Commercial and Centre Zones.
- Renumber certain clauses due to inclusion of new clauses and cross-referencing of scheme clauses.

Of the four submissions received in response to the advertising of the amendment, three of the submissions requested changes to the amendment. It is considered appropriate to accept some of the changes requested.

Issues and options considered:

Scheme amendment wording

The wording of the initial scheme amendment that was advertised for public comment was discussed with the Department of Planning. The wording has also been reviewed and further amended by the City's planning lawyers to ensure the City's interests are protected.

In regard to the proposed scheme amendment, Council can:

- Adopt the proposed scheme amendment as final;
- Adopt the proposed scheme amendment as final, with modifications;
- Refuse to adopt the proposed scheme amendment.

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

Legislation/Strategic Community Plan/Policy Implications

Legislation:

Section 76 of the *Planning and Development Act 2005*

76. Minister may order local government to prepare or adopt scheme or amendment

(1) *If the Minister is satisfied on any representation that a local government —*

(a) *has failed to take the requisite steps for having a satisfactory local planning scheme or an amendment to a local planning scheme prepared and approved in a case where a local planning scheme or an amendment to a local planning scheme ought to be made; or*

(b) *has failed to adopt a local planning scheme or an amendment to a local planning scheme proposed by owners of any land, in a case where a local planning scheme or an amendment to a local planning scheme ought to be adopted; or*

(c) *has refused to consent to any modifications or conditions imposed by the Minister,*

(d) *the Minister may order the local government, within such time as is specified in the order, to prepare and submit for the approval of the Minister a local planning scheme, or an amendment to a local planning scheme or to adopt a local planning scheme, or an amendment to a local planning scheme or to consent to the modifications or conditions imposed.*

(2) *If the representation under subsection (1) is that a local government has failed to adopt a local planning scheme or an amendment to a local planning scheme, the Minister, in lieu of making an order to adopt the scheme or amendment, may approve of the proposed scheme or amendment subject to such modifications and conditions, if any, as the Minister thinks fit.*

(3) *A local planning scheme or an amendment approved under subsection (2) has effect as if it had been adopted by the local government and approved by the Minister under this Part.*

(4) *The Minister must ensure that written reasons for making an order under subsection (1) are provided with the order.*

(5) *The Minister must, as soon as is practicable after an order is given to the local government under subsection (1), cause to be laid before each House of Parliament or dealt with under section 268A —*

- (a) a copy of the order; and
- (b) a copy of the reasons for making the order.

Part 5 of the *Planning and Development Act 2005*

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. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting held on 21 August 2012. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Now that the advertising period has closed, Council is required to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or resolve not to adopt the amendment. The decision will then be forwarded to the WAPC which will make a recommendation to the Minister for Planning. The Minister will then either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

State Planning Policy

Reference is made in the Minister's order to the need to align the Scheme with State Planning Policy 4.2 – Activity centres for Perth and Peel (SPP4.2). The wording of the proposed amendment specifically refers to this policy.

State planning policies are developed and approved in accordance with Part 3 of the *Planning and Development Act 2005*. Part 3 provides that State planning policies can be amended by the WAPC, with the approval or at the direction of the Minister for Planning. Such amendments need to be approved by the Governor and must be published in the Government Gazette.

In the event that any amendments are made to SPP4.2, a further amendment to the Scheme would be needed, unless changes to SPP4.2 are minor and do not affect the relevant Scheme clauses.

Strategic Community Plan

Key Theme: Quality Urban Environment.

Objective: Quality built outcomes.

Key Theme: Economic Prosperity, Vibrancy and Growth.

Objective: Activity Centre development.

Policy:

Centres Strategy.

Although not addressed in the section 76 order, in the event that the scheme amendment is approved, it is considered appropriate that the City's Centres Strategy also be revoked, given its non-alignment with the Activity Centres Policy and given the recent adoption by Council of the draft Local Commercial Strategy for the purposes of public advertising.

Risk Management Considerations:

Upon gazettal of the amendment, the current floor space caps in the scheme will be removed. This paves the way for shopping centre owners/developers to lodge development applications that propose large expansions to certain centres that could upset the hierarchy of centres under SPP4.2 and the City's draft Local Commercial Strategy. These development applications would likely be determined by the Development Assessment Panel (DAP) and not the Council.

Owners/developers of shopping centres may be able to successfully argue to the DAP that exceptional circumstances exist that negate the need for them to have a structure plan in place before they can undertake a major extension to their centre (as per clause 6.4(2) of SPP4.2). They could then potentially be able to secure development approval for a major expansion to a shopping centre, without a structure plan in place, and this poses a risk in that the City will have limited control over the outcomes.

If the DAP considered that "exceptional circumstances" were not present, or had other concerns about any such development proposal, and refused the development application, the applicant could lodge a review of the DAP's decision to the State Administrative Tribunal (SAT).

The proposed scheme amendment has been worded to address the requirements of the Section 76 order, but also to protect the City's interests in ensuring orderly and proper planning and development of each of its centres and orderly and proper development of centres in relation to each other and in relation to the hierarchy of centres established under both the City's draft local Commercial Strategy and the State's Activity Centres Policy.

Care has been taken during initial formulation of the amendment and during consideration of submissions received to ensure the wording of the amendment does not unduly prejudice or favour one centre over another. This does not however ensure that all centres and/or submitters will be satisfied with the wording of the final amendment.

Financial/Budget Implications:

The total costs associated with advertising and finalising the scheme amendment will be \$1,325. Additional costs of \$8,352 have been incurred for legal advice on the proposed wording of the amendment.

Regional Significance:

The removal of the maximum retail floor areas specified under DPS2, without the final adoption of a Local Commercial Strategy has the potential to result in an oversupply of retail floor space in certain centres within the City of Joondalup and adjoining local government authorities. It could also result in the undermining of the centres hierarchy as established in the Activity Centres Policy. However, as per the comments in the Risk Management Considerations section above, having the ability under the Scheme to require Activity Centre Structure Plans for the larger centres as a precursor to major development will at least control the impact of these bigger centres on each other, on the smaller centres in their vicinity and on the primacy of the Joondalup City Centre.

Sustainability Implications:

Should Council resolve to initiate the amendment to delete Schedule 3 of DPS2 and the associated clauses prior to the Scheme review and the financial adoption of a Local Commercial Strategy, any proposed expansion of retail floor space in the interim may result in a disproportionate allocation of floor space, impacting on the sustainability of particularly some of the smaller commercial centres.

Consultation:

Public advertising of the scheme amendment was undertaken for a period of 42 days, closing on 7 November 2012, as follows:

- Letters were sent to commercial centre landowners/managers;
- A notice was placed in the local and The West Australian newspapers;
- A notice and documents were placed on the City's website.

Four submissions were received on the proposed scheme amendment and are summarised at Attachment 2.

COMMENTRequested modifications to the proposed Amendment No. 66

A submission from Urbis, on behalf of Westfield Management, offers support for the scheme amendment; however, requests modifications as follows:

- Amend the wording to align with the recent scheme amendment proposal (CJ199-10/12 refers) to rezone the Whitford Activity Centre to 'Centre'.

Comment – Currently, the Whitford Activity Centre is referred to within the scheme amendment as being within the 'Commercial' zone. Council at its October 2012 meeting initiated a scheme amendment to zone the Whitford Activity Centre 'Centre'.

A similar issue is raised in the Flint Moharich submission (below), and it is considered appropriate to amend new clause 3.11.4 to encompass any activity centre that may become zoned 'Centre' as follows:

'Any major development on land in the Centre Zone which is wholly or partly within an activity centre, shall not be approved unless an activity centre structure plan has been prepared in accordance with the requirements of State Planning Policy 4.2: Activity Centres for Perth and Peel and Part 9 of this Scheme and adopted by the Council and the Commission'.

An amended definition of 'activity centre' is also proposed as follows:

'Activity centre means an activity centre identified in the activity centre's hierarchy of State Planning Policy 4.2: Activity Centres for Perth and Peel as set out on page 4145 of the Government Gazette dated 31 August 2010 and which is located (wholly or partly) within the Scheme area.'

- Remove or amend wording that requires an activity centre structure plan to be prepared and adopted prior to any major development as this is inconsistent with SPP4.2 which allows consideration of major development without an activity centre structure plan in exceptional circumstances.

Comment – There is significant difficulty with incorporating a scheme provision that reflects this aspect of SPP4.2 given that there is no indication or guidance about what constitutes an exceptional circumstance. This would create uncertainty and the potential for disputes between the City and proponents as to what constitutes exceptional circumstances. It is therefore not proposed to change the proposed scheme amendment in this respect.

The submission from Flint Moharich, lawyers acting on behalf of Lend Lease, requests the following modifications:

- Amendment to the wording of proposed clauses 3.7.3 and 3.11.5 by including a reference to clause 9.11 to ensure that Council does not have discretion to consider an application for major development within an activity centre without a structure plan being in place.

Comment – The inclusion of a reference to clause 9.11 in clauses 3.7.3 and 3.11.5 would put any issue regarding Council's discretion to approve development in the absence of a structure plan beyond doubt, and is considered acceptable.

- Amendment to the wording of clause 3.11.4 to accommodate any land which is subsequently zoned to 'Centre' and is identified as an activity centre under SPP4.2, and not just the Joondalup Activity Centre as currently worded.

Comment – SPP4.2 envisages different zonings for activity centres depending on the classification of the centre. It is therefore likely in the City's new local planning scheme that the zoning 'Centre' will not be used for activity centres. However, given the adoption of a new local planning scheme is at least a couple of years away, it is considered appropriate to modify the scheme amendment to encompass other activity centres that may be zoned 'Centre' (see proposed wording above).

- Insert a new clause that specifically allows major development within the Joondalup Activity Centre without the need for an Activity Centre Structure Plan on the basis that a structure plan already exists.

Comment – The existing Joondalup City Centre Development Plan and Manual is outdated. It was first developed in 1990 and was last modified in 2008. The draft Joondalup City Centre Structure Plan has not yet been finalised.

It is therefore considered that the suggested change by Flint Moharich should not be included in the amendment.

Following consultation with the City's legal advisors, it is instead proposed that the amendment be reworded requiring that an activity centre structure plan be approved ahead of "major development" to a centre, irrespective of whether or not a previously approved agreed structure plan is already in place.

The only centres currently the subject of an agreed structure plan are Joondalup and Currambine (adopted in 2006). It is considered that the proposed change is unlikely to unduly affect these centres in that "major development" is defined under SPP4.2

as development of new shop retail buildings which exceed 10,000m² of shop retail net lettable area (NLA) or shop retail extensions which exceed 5,000m² NLA.

It is unlikely that more major shop retail development as defined by SPP4.2 will be proposed in Joondalup before the Joondalup Activity Centre Structure is finalised. It is also unlikely that new shop retail buildings of more than 10,000m² or shop retail extensions of more than 5,000m² will be proposed in the Currambine district centre in the future. Therefore landowners within the city centre and within the Currambine centre should not be unduly prejudiced by the proposed changes which ensure equity between all centres affected by SPP4.2 within the City of Joondalup.

In conclusion, it is recommended that Amendment No 66 be adopted as final, with the modifications as outlined above and as detailed in Attachment 1.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Thomas that Council:

- 1 **NOTES** the submissions received as detailed in Attachment 2 to Report CJ290-12/12 and advises the submitters of Council's decision;
- 2 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967* **ADOPTS** Amendment No. 66 to the *City of Joondalup District Planning Scheme No. 2*, with modifications, as detailed in Attachment 1 to Report CJ290-12/12;
- 3 **AUTHORISES** the affixation of the Common Seal and endorses the signing of the amendment documents;
- 4 **REFERS** Scheme Amendment No. 66 and Council's decision to the Western Australian Planning Commission for determination;
- 5 **NOTES** that in the event that the Minister for Planning gives final approval to Amendment No. 66, a further report will be prepared for Council to revoke the *City's Centres Strategy Policy*.

Mayor Pickard advised that he wished to move an amendment to Scheme Amendment No. 66 by the inclusion of a new Clause 9.14 as follows:

“Insert new clause 9.14 as follows:

‘If under this Scheme an activity centre structure plan is required to be adopted before approval is granted for major development:

(a) *the activity centre structure plan shall not be required as a precursor to major development where another structure plan already applies to the site of the proposed major development under:*

- (i) *a previous town planning scheme; or*
- (ii) *this Scheme.*

~~(b) the adopted activity centre structure plan shall apply to the major development and the other structure plan shall not apply."~~

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Chester that Part 2 of the Motion be amended to read:

"2 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967* ADOPTS Amendment No. 66 to the *City of Joondalup District Planning Scheme No. 2*, with modifications, as detailed in Attachment 1 to Report CJ290-12/12 (as amended and circulated);"

The Amendment was Put and

CARRIED (13/0)

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

The Original Motion as amended, being:

That Council:

- 1 NOTES the submissions received as detailed in Attachment 2 to Report CJ290-12/12 and advises the submitters of Council's decision;**
- 2 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967* ADOPTS Amendment No. 66 to the *City of Joondalup District Planning Scheme No. 2*, with modifications, as detailed in Attachment 1 to Report CJ290-12/12 (as amended and circulated);**
- 3 AUTHORISES the affixation of the Common Seal and endorses the signing of the amendment documents;**
- 4 REFERS Scheme Amendment No. 66 and Council's decision to the Western Australian Planning Commission for determination;**
- 5 NOTES that in the event that the Minister for Planning gives final approval to Amendment No. 66, a further report will be prepared for Council to revoke the *City's Centres Strategy Policy*.**

was Put and

CARRIED (13/0)

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

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26min111212.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C85-12/12 NOTICE OF MOTION – CR BRIAN CORR – DEVELOPMENT ASSESSMENT PANEL (DAP) – [09886]**

In accordance with Clause 26 of *Standing Orders Local Law 2005*, Cr Corr gave notice of his intention to move the following motion at the Council Meeting to be held on 11 December 2012:

“That Council REQUESTS the Chief Executive Officer to prepare a report on the operation/performance of the Development Assessment Panel (DAP) for the northern suburbs, to include the option of having the two Ward Councillors (relevant to each development being assessed) as the Council’s two representatives. This report to be submitted to Council at the February or March 2013 Council Meeting.”

Reason for Motion:

I have concerns about the Development Assessment Panels (DAPs) after reading the article ‘Harmony in Development’ (Joondalup Times, 6 November). When an application for a bottle shop in Duncraig went before the Panel, rather than Council, the hair stood on the back of my neck. How local is a bottle shop!

Projects valued over \$7M must go to the DAP. The developer decides where to go (DAP or Council?) for projects between \$3M and \$7M (The City of Perth has different figures). In the world of developments, these are not big amounts.

The Panel consists of three members appointed by the State government and two by Council, effectively removing the decision from local Elected Members. This is an erosion of our democratic rights.

Neither Council, nor the community, has a right to appeal against a DAP decision. The developer has this right. Another erosion of local democratic rights!

Council is responsible for how its community functions in regard to issues such as traffic, noise, increased residential density, and the like. However, any problems that might result from a DAP decision must be solved by the local Council using ratepayers’ money. Hardly fair! Ratepayers and Councillors are being by-passed.

City planning officers (at ratepayers’ expense) make submissions to the DAP. Council is not allowed to influence the officer’s submissions. Another erosion of local democratic rights!

DAPs have nothing to do with quicker, or better, or cheaper, planning decisions. I argue that DAPs aid and abet the activities of developers and strip Council of the opportunity to control the destiny of our own communities. The voice of the developer lobby-group carries far greater weight than the voice of local councils and communities.

In theory, no street, no park, and no public land, is safe. Projects like the re-development of the East Greenwood Primary School site will, most likely, be decided by the DAP, thus side-stepping Council and the Ward Councillors. What about local democracy, transparency, and accountability? Gone!

I want local Councillors making local decisions - being held accountable at local elections. So, as getting rid of the DAP is not something this Council can do, having the local Ward Councillors involved would be an improvement.

Officer's Comment

A report can be prepared.

MOVED Cr Corr, SECONDED Cr Ritchie that Council REQUESTS the Chief Executive Officer to prepare a report on the operation/performance of the Development Assessment Panel (DAP) for the northern suburbs, to include the option of having the two Ward Councillors (relevant to each development being assessed) as the Council's two representatives. This report to be submitted to Council at the February or March 2013 Council Meeting.

The Motion was Put and

LOST (6/7)

In favour of the Motion: Crs Corr, McLean, Norman, Ritchie, Taylor and Thomas.

Against the Motion: Mayor Pickard, Crs Amphlett, Chester, Fishwick, Gobbert, Hamilton-Prime and Hollywood.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

APPRECIATION OF SUPPORT

Mayor Pickard took the opportunity to thank his fellow Elected Members, City Chief Executive Officer Garry Hunt and his capable team of staff, and all City residents and businesses for their support during the year.

Mayor Pickard stated the City remained committed to making Joondalup a great place to live, learn, work and visit and looks forward to the community continuing its contributions and enthusiasm as we strive towards this goal.

On behalf of the Council, Mayor Pickard wished those in attendance and their families a very happy Christmas and a prosperous New Year.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 9.58pm the following Elected Members being present at that time:

MAYOR TROY PICKARD
CR KERRY HOLLYWOOD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR SAM THOMAS
CR LIAM GOBBERT
CR GEOFF AMPHLETT, JP
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR BRIAN CORR
CR RUSS FISHWICK, JP
CR TERESA RITCHIE